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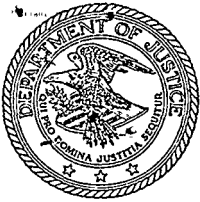
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Serial Scope:

1243 thru 1245, 1249, 1250x1 thru 1253, 1255,

1st NR 1255, 2nd NR 1255, 1255x, 1255x1 thru 1258,

1261, 1262



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M.E.

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 8, 1976

Attached is a letter from the SSC dated January 8, 1976. Please arrange for an appropriate response to Items 1-8.

Senetudy - 75

ST. 115

REC-14

62-110395-1262

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5 JAN 15 1976

7 ENCLOSURE

62-110395

[Handwritten signature]



JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 8, 1976

Attached is a letter from the SSC dated January 8, 1976. Please arrange for an appropriate response to Items 1-8.

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CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 8, 1976

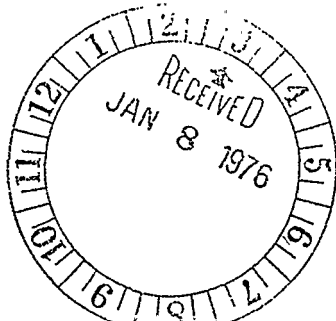
Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear Mike:

~~ALL INFORMATION CONTAINED
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One of the subjects which the Committee will be addressing in preparing its legislative recommendations involves the adequacy of the FBI's inspection procedures for handling allegations of misconduct and abuse. In this regard we are forwarding herewith a list of several such allegations which have been made during the past few years and concerning each of which we would appreciate your supplying us with the following information:

- 1.. How did FBI Headquarters first become aware of the allegation?
2. Was an investigation or inspection conducted? If not, was any other action taken?
3. How was the decision made to conduct (or not to conduct) an inspection or investigation, or to take (or not to take) other action?
4. Which Division, or operating level (headquarters or field), conducted the inspection or investigation?
5. How was the decision made as to which Division or operating level was to conduct the inspection or investigation?
6. Was the original allegation reported to the Attorney General or any other Department of Justice official?



ENCLOSURE

62-116395-1262

Michael E. Shaheen, Jr.
Page 2

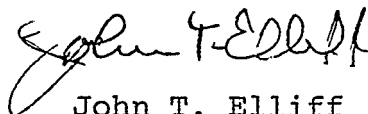
January 8, 1976

7. Were the results of the inspection or investigation reported to the Attorney General or any other Department of Justice official?
8. Was prosecution or administrative action (e.g., suspension or dismissal) considered or taken?
9. If any of the allegations on the attached list were made today, would they be handled by the newly-created office of Professional Responsibility? In what manner would they be handled? If an investigation were deemed warranted, which agency's personnel would do the investigating. In this regard, please also advise concerning which agency's personnel will be investigating recently-reported allegations that agents of the FBI "attempted to coerce" a House Select Committee on Intelligence witness "into repudiating his testimony before the select panel."

Answers to questions 1 - 7 should be accompanied by full back-up documentation, including memoranda, inspection or investigative reports, 302's, personnel reports, and communications to and from the field.

Your continued cooperation is appreciated.

Yours very truly,



John T. Elliff
Director
Domestic Intelligence Task Force

LEVI ASKS INQUIRY IN ATTACK ON F.B.I.

Special to The New York Times

WASHINGTON, Jan. 6—Attorney General Edward H. Levi has asked the Justice Department's new internal inspection unit to investigate an assertion by the House Select Committee on Intelligence that the Federal Bureau of Investigation attempted to coerce a committee witness into repudiating his testimony before the select panel.

A Justice Department spokesman said that Mr. Levi, responding to a request for information about the incident from A. Searle Field, the committee's staff director, had assigned the matter for investigation to the department's newly created Office of Professional Responsibility.

In a letter to Mr. Levi last week, Mr. Field reported that the witness, Martin L. Kaiser, had disavowed part of his committee testimony after a six-hour interrogation by F.B.I. agents.

Mr. Kaiser heads a Maryland company that makes electronic eavesdropping equipment for the F.B.I. and other Federal law enforcement agencies.

His testimony before the House Committee in October raised the possibility that some F.B.I. agents had received kickbacks when another electronics company sold to the F.B.I. material it had acquired from Mr. Kaiser's concern.

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62-111373-12162

LIST OF ALLEGATIONS

1. The March 20, 1975 edition of the New York Times reported that "the Federal Bureau of Investigation has carried out kidnappings of a number of persons in the United States that it believed to be clandestine agents of foreign intelligence services, according to two former FBI agents."

2. The August 11, 1975 issue of Time Magazine reported the discovery of "Bureau manuals, documents and reports" in the apartment of a KGB "operative" who was described as the "mistress" of an FBI agent.

3. The August 11, 1975 issue of Time Magazine also reported that in 1961 a Bureau agent was "suspected of giving FBI reports to the Soviets."

4. The March 29, 1975 edition of the Washington Post reported allegations that an FBI agent had been "bribed by a member of the Mafia."

5. A recent edition of Time Magazine reported that "sensitive" FBI documents "were carried off in an FBI truck to West Virginia's Blue Mountain Ridge Club, a Shenandoah Mountain Hideaway used by innermost FBI officials for regular poker games with CIA and other cronies. The papers were burned in the Club's large fireplace."

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102-116395-1262

3/20/75 My Team

2 Former Agents Say

By JOHN M. CREWDSON

Special to The New York Times

WASHINGTON, March 19—

The Federal Bureau of Investigation has carried out kidnappings of a number of persons in the United States that it believed to be clandestine agents of foreign intelligence services, according to two former F.B.I. agents with direct knowledge of such operations.

One of the former agents placed the number of such kidnappings over the years at "fewer than 10" and said that, as far as he knew, the technique had not been employed by the bureau since the mid-nineteen-sixties.

He said that its use had been occasioned by such cold war incidents as the Cuban missile crisis "when things were pretty rough," and that he was "certain that this is no longer going on."

A spokesman for the bureau said only that the bureau would adopt "a no-comment posture" with respect to the kidnapping allegations.

A Pattern in Targets

Both of the agents said that, with one possible exception, the targets selected by the F.B.I. for kidnapping were suspected intelligence operatives from Communist countries who had entered the United States illegally with forged American passports and other identity documents.

The use of the kidnapping technique was also confirmed, although not in detail, by two other former F.B.I. agents.

In separate interviews, the two former agents who described the alleged kidnappings left open the possibility that in one instance the bureau had erred in kidnapping a person who proved not to be a deep-cover spy but a legitimate American citizen.

One of the agents conceded, however, that in every case the practice was "completely wrong—completely in violation of civil liberties. No question about it," he added.

But he said, "In the business of intelligence, you're faced with the concept of expediency. That oftentimes leads you into extra-legal activities."

charged with a crime, to habeas corpus and to the assistance of counsel, among others.

Kidnapping, the former agent said, was a last resort used when no alternative means could be quickly found to interrogate a suspected subversive, or to "turn" him into a double agent willing to report to the F.B.I. on the activities of his own intelligence service.

It was, he said, "the type of thing that's never done lightly."

Both men denied that physical torture was ever employed in such cases, although one said that, when a suspect had been located, "You'd pick him up and take him somewhere and work him over."

The victims were often threatened with death as punishment for noncooperation, he added, although neither official recalled any instance in which a hostage had been murdered.

One of the former agents maintained, however, that mental duress was an important part of such interrogations, and he described one case in which a person was seized and detained in an F.B.I. "safe house" for "several weeks."

Absence Not Noticed

Because the man was not operating under diplomatic cover, as many foreign espionage agents do, and was not otherwise an official personage, his extended absence went publicly unnoticed, the former agent said.

The spy, he said, knew his captors only as "U.S. intelligence agents," at least one of whom was with him constantly.

"Someone slept in the same bed with him. We even went with him to the bathroom," he said.

After weeks of intense interrogation the man broke and agreed to become a double agent and was told, in the former agent's words:

"You are a free man. Do you know what that means? If you leave here and do not keep your promises we will do nothing further to you. But you have made a commitment and we will take you at your word."

The man did keep his word, the former agent said, and appeared at an appointed meeting with an F.B.I. intelligence agent a week later.

But the former agent acknowledged that the technique contained a critical flaw: The F.B.I. had no way of knowing whether the man, or others like him, reported their experiences to their own government, and thus became triple agents.

'Playing for Keeps'

The use of kidnapping, one of the former agents emphasized, "was a tough game. That was when you're playing for keeps," he said.

He said that, to his knowledge, it was never employed against the domestic left or

Alleged Violations

Several lawyers, including representatives of the American Civil Liberties Union, pointed out that an alien illegally in this country is by law afforded many of the same guarantees of due process as American citizens.

The bureau's only legal alternatives in such cases, one lawyer said, were to turn such individuals over to the Immigration and Naturalization Service for a deportation hearing or to charge them with illegal entry or espionage.

To have held such an individual incommunicado for more than a day, the lawyer added, would have violated his rights to be formally arrested and

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F. B. I. Has Kidnapped Suspected Foreign Spies in U.S.

organized crime figures, but was reserved for operatives of the Soviet K.G.B., or secret police, or representatives of other Soviet bloc intelligence services.

The technique was particularly useful, he explained, when the F.B.I. feared that it was about to lose track of a suspected agent posing as an American citizen.

"You'd identify your man and follow him to develop who he was contacting here," the former agent said, "but you always ran the risk of losing him in 200 million people."

One instance in which that concern played an important part was described by the two former agents.

In the early nineteen-sixties, they recalled, a man walked casually into the recorder's office in a rural Middle West county seat near the Canadian border and asked for a copy of his birth certificate.

The man explained to the clerk that he had left the region

when he was a small child and was now seeking to document his family history. The name he gave was that of a former resident of the county, someone whom the records clerk and others there remembered had suffered a permanent pelvic injury as a youth.

The inquiring man appeared to walk perfectly, however, and the townspeople, their suspicions piqued, notified the local office of the F.B.I.

"Thank God the resident agent was on the ball," one of the sources said, "and went over and checked the matter out."

Linked to Soviet

The F.B.I., he said, placed the mysterious stranger under surveillance and eventually became convinced that he was a Soviet intelligence agent who had penetrated the United States illegally.

When the local F.B.I. agents became concerned that they would lose the suspect, the source recounted, a decision was made "to hit him."

After receiving authorization directly from J. Edgar Hoover, the late F.B.I. director, a specially picked team of agents seized the suspect and rushed him to a secluded "safe house" of the bureau for interrogation, the two sources said.

One of the former agents described the interrogation as a "stern" one, and the other added that "this was rough business," though neither provided specific details of the ordeal to which the man was subjected.

Both sources described the operation as a success but declined to elaborate on its precise disposition of the subject's present whereabouts.

One of the former agents maintained, however, that none of the suspected espionage agents involved in these operations had ever died as a direct result of the kidnapping or interrogation, or while attempting to escape.

The former agent said that although the bureau never

operated a formalized "kidnaping squad," at one time there was a coterie of agents who "could and would" carry out illegal high-risk operations such as burglaries and kidnappings. But by the mid-nineteen-sixties, he said, these men had become convinced that Mr. Hoover would no longer back them and they refused to undertake such work without "paper" or written authorizations, which Mr. Hoover was unwilling to give.

Too Dangerous to Accept

"You'd call a guy up and ask him to do something," the source recalled, "and he'd remind you that he had two kids in college and he could see his retirement down the road."

"This work was exceedingly dangerous," the second former F.B.I. man said. "You could get shot, you could get arrested."

The first former agent confirmed these points, adding that no mention of kidnapping was

ever made in writing and that consequently no record of it exists within the bureau's files.

Knowledge of the kidnapping operations was "very, very closely held," he said, being limited to Mr. Hoover, who personally approved each of them; a handful of top officials, and the agents in the field who carried them out.

"Nobody will admit a damn thing," he said, pointing out that the crime of kidnapping carries no statute of limitations.

The lawyers interviewed in connection with the legality of these operations said, however, that Federal and state kidnapping statutes had probably not been violated by the agents who carried out the abductions, since no ransom was extracted.

Because "the best interests of the country would not be served by pursuing that investigation," the man declined to identify either the F.B.I. agents or the suspected subversives involved in the kidnappings.

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TIME 1106 1109, 11, 1975

FBI

Seduced by the KGB

P. 19

While concentrating its efforts upon the CIA, Senator Frank Church's special committee that is investigating U.S. intelligence programs has also been accumulating data on the FBI. Last week TIME learned that the committee has heard some startling reports of misdeeds, break-ins and cover-ups, including the story of an agent whose mistress was linked to the Soviet KGB.

The affair was discovered in 1968 when a CIA source in Moscow reported that KGB officials were jubilant about getting one of their operatives in bed with an FBI agent. To check out the CIA's report, the FBI broke into the apartment of the woman, a middle-aged waitress, and discovered bureau manuals, documents and reports. Some FBI officials urged prosecution, but J. Edgar Hoover's palace guard of deputies stopped the inquiry to avoid embarrassing the bureau and its boss. The agent was simply allowed to resign. The KGB also appears to have penetrated the FBI in 1961. In this case, the agent suspected of giving FBI reports to the Soviets (a polygraph test on him was inconclusive) was fired on a minor technicality.

The Church committee has also turned up evidence of a variety of extra-legal activities practiced by the FBI. The bureau is said to have maintained special schools to train agents in the techniques of the "bag job," a euphemism for breaking and entering. The graduates—lockpickers, burglars and a few safecrackers—managed to steal some code books from foreign embassies. For this they received "incentive awards" ranging from \$250 to \$500.

The Senators would like to know more about the private files Hoover kept on public officials and what use he made of them. John Mohr, a former top FBI official, has told TIME that he had been questioned three times by the committee about the dossiers assembled by Hoover on scores of people. Just what happened to some of the files after Hoover's death in 1972 is still a mystery.

62-116395-1202

FBI Bid to Kill Probe Charged

By Ronald Kessler

Washington Post Staff Writer

Shortly after he became director of the FBI, Clarence M. Kelley twice made unsuccessful attempts to stop a Justice Department investigation of an allegation that an FBI agent had been bribed by a member of the Mafia, according to an informed source.

The charge was leveled against New York FBI agent Joseph Stabile by two fellow New York agents. One said Stabile had admitted to him that he took the bribe.

An investigation was closed when it turned up no evidence against Stabile. But the two agents who made the accusation told the Justice Department's organized crime strike force in Brooklyn that the FBI investigation had been a "cover-up," the source said.

This triggered a Justice Department investigation, which is continuing, the source said.

Despite the origin of the Justice Department investigation, the source said, Kelley asked high-ranking department officials in 1973 to call the Brooklyn prosecutors off the case on the grounds the FBI had found no violations of law.

In addition, the source said, Kelley complained that the Justice investigation was hurting FBI morale.

During the ensuing dispute, he said, Henry E. Petersen, then chief of the Criminal Division of Justice, informed the Brooklyn prosecutors of Kelley's attempts and told Kelley the investigation would continue.

Another source said Petersen later cited the New York incident to show the need for an inspector general within the Justice Department to police the FBI.

Petersen, who has since left the Justice Department, confirmed recently that Kelley wanted the investigation stopped but could not recall how he had made his views known. Petersen said he would not dispute that it was in the form of a request.

"There was a difference of opinion, and ultimately the opinion of the Criminal Division prevailed, and the FBI acquiesced in that opinion," he said.

The informed source said Kelley's requests, which were known to only a few FBI and department officials amounted to "pressure" and an "attempt to suppress it [the investigation]."

The FBI, the former prosecutors said, is a fact-finding agency that normally does not express opinions on whether an investigation started by Justice should be continued.

Another former federal prosecutor said the FBI, on rare occasions, has expressed such an opinion based on manpower considerations. But FBI intervention when it is a target of the investigation would be "improper," the former Justice Department official said.

Sources familiar with the bribe allegation attributed Kelley's action to a feeling long held by FBI leaders that any hint of corruption would irreparably damage the bureau's image and effectiveness.

Although Kelley's attempts were unsuccessful, the Justice investigation had been ham-

pered by the FBI's handling of the case before Kelley became director in July, 1973, one source said.

Chief among these problems — which were confirmed by a second source — was the fact that the FBI immediately confronted Stabile with the bribe allegation before attempting to gather evidence against him.

In doing so, the source said, the FBI agent gave the agent treatment it would not give others suspected of criminal behavior.

In addition, the source said, at that same time the FBI violated its own procedures by failing to inform the Justice Department that it was conducting an investigation of the bribe allegation.

An FBI spokesman said Kelley cannot comment on the bribe allegation because many of the same issues will be raised in a Brooklyn perjury trial scheduled to begin April 14.

The trial, to be held in u.s. district Court, is of John Caputo, who is identified by the

FBI as a member of the Luchese New York Mafia family.

Caputo is alleged to have bribed Stabile.

The trial, however, centers on the question of whether Caputo lied when he told a grand jury he had not admitted to FBI agents that he paid off New York city policemen.

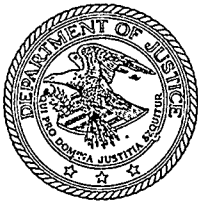
Reached at his Hawley, Pa., country home Caputo, 71, said of the charge he paid off an FBI agent, "I got nothing to do with this."

Asked if he is a member of the mafia, Caputo said, "come on. I have nice children. My kids went to nice Catholic schools. They say you're with this, with that."

Many of the essential facts surrounding the bribe allegation — including the identity of the accused agent, Stabile — were revealed in pre-trial testimony taken last month for Caputo's pending perjury trial.

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62-110375-12102



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M.E. FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 12, 1976

Attached is a letter from the SSC requesting a briefing on or before January 15, 1976. Please arrange for an appropriate response.

5 - Reply 1/15

12

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5 JAN 15 1976

1 ENCLOSURE

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cc: Paul Daly
Bill Cregar

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84 JAN 20 1976

JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 12, 1976

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cc: Paul Daly
Bill Cregar

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CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 12, 1976

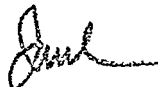
Michael E. Shaheen, Jr., Esq.
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear Mike:

The Select Committee requests that Bureau officials knowledgeable in Cuban intelligence activities in the United States, informant penetration of Cuban intelligence and Cuban groups (in the U.S., Cuba and Mexico) for the period 1960-1967, meet with and brief members of the Committee and senior staff on or before Thursday, January 15, 1976.

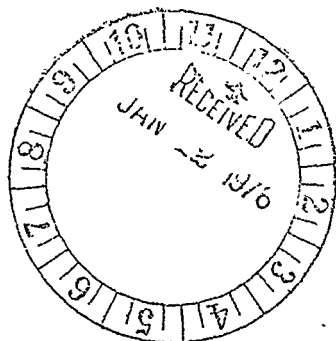
Other than the morning of Wednesday, January 14, 1976, any time would be convenient for us. I would appreciate your contacting me so that we can work out the details.

Sincerely,



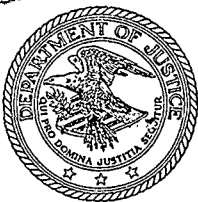
Paul G. Wallach

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OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JAN 12 1976

K
TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M.E. FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 7, 1976

Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.

(Serstudy - 75)

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5 JAN 15 1976

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62-116395



JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 7, 1976

Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.

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CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 7, 1976

Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear Mike:

I would appreciate your supplying to the Committee all memoranda and other materials pertaining to the establishment of the Office of Legal Counsel in the FBI in 1971 as well as all materials prior to that date which would reflect earlier Bureau practices and procedures for considering the legal and constitutional implications of major policy changes in FBI Domestic Intelligence Division operations. (This should include, of course, materials which pertain to the responsibilities and duties of the Office of Legal Counsel which formerly was located in the Training Division.)

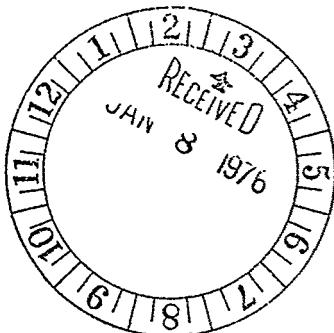
I would also appreciate your forwarding such materials as would reflect the process by which Section 87 of the FBI Manual of Instructions was changed in 1973 (i.e., from inception through final approval).

Your continued cooperation is appreciated.

Sincerely,

John T. Elliff
John T. Elliff
Director

Domestic Intelligence Task Force



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ENCLOSURE
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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR006 RS PLAIN

8:00PM NITEL JANUARY 8, 1976 MGC

TO: DIRECTOR

FROM: BOSTON

ATTN: INTD, "O. CREGAR

SENSTUDY 75.

P.V. D...

*Mr. Woods
1/06 3:37*

N

RE BUREAU TELEPHONE CALL TO BOSTON JANUARY 8, 1976.

MR. LAURENCE P. KENNAN, 6 LISA BETH DRIVE, DOVER, NEW HAMPSHIRE, 03820, TELEPHONE 603-749-0365, CONTACTED JANUARY 8, 1976 AND WAS ADVISED OF CAPTIONED GROUP'S DESIRE TO INTERVIEW HIM. KENNAN INVITED TO CONTACT FBIHQ, OFFICE OF LEGAL COUNSEL, BY COLLECT TELEPHONE CALL FOLLOWING CONTACT BY SENSTUDY TO RESOLVE ANY QUESTION OF CONFIDENTIALITY. KENNAN EXPRESSED VERY COOPERATIVE ATTITUDE AND STATED HE HAD NO OBJECTION TO SUCH AN INTERVIEW AND WOULD CALL FBIHQ IF CONTACTED.

FND.

ST. 115 REC-14 67-473513-1257

5 JAN 15 1976

5- [Signature]

[Signature]
cc 67-473513 (Keenan)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/11/00 BY 22 DMK

84 JAN 20 1976

62-116395-1256X
CHANGED TO
62-116464-282

FEB 4 1976

Cons/Trnd

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2MJP

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