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**DO NOT
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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

STATEMENT OF
CLARENCE M. KELLEY
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BEFORE THE
SENATE SELECT COMMITTEE ON INTELLIGENCE
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FBI - SAN JUAN



Today marks my first appearance before the Senate Select Committee on Intelligence. I want to assure you that I sincerely welcome the opportunity to work with you.

I believe that we can and must develop a clear base of understanding between the Executive and Legislative Branches on the proper role of the FBI in the discharge of its complex national security responsibilities.

As the Supreme Court so aptly observed in its Keith Decision in 1972, "Unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered."

Yet the maintenance of national security is a hollow victory unless it can be achieved with the least possible intrusion into the rights and privacy of our citizens. Balancing these imperatives will require the greatest study and serious thought.

Together, I feel we can reach a meaningful understanding which will best serve our country.

Since I became Director in 1973, there has been a continuous examination of all major aspects of the FBI's operations. One such study, initiated in 1974, established that a quality, rather than a caseload quantity, approach in the assignment of our manpower and other resources would produce better results.

Originally, this quality approach was tried on an experimental basis in four of our 59 field divisions. It proved so successful that we implemented it field-wide in 1975.

Today, the quality approach is being applied to all areas of jurisdiction, including those in the foreign intelligence and domestic security fields that are of prime interest to this Committee.

In July, 1973, we had 21,414 domestic security cases. By March 31, 1976, before the Attorney General's guidelines took effect, we had--through application of the quality approach--reduced this caseload to 4,868 investigative matters, a 78 percent reduction. As of September 20, 1976, this figure has been further reduced to 626. This includes investigations of 78 organizations and 548 individuals.

This reduction has been made possible largely because we have discontinued investigations of rank and file members. We are confident that the FBI can meet its responsibilities by focusing our investigations on the activities of organizations and on individuals who are in a policy-making position in those organizations or who have engaged in activities which indicate they are likely to use force or violence in violation of Federal law.

In effecting this reduction, we have kept these vital principles in mind:

First, there must be no sacrifice or compromise of the essential security needs of the United States.

Second, there must be the least possible intrusion on the rights and privacy of our citizens, including their sacred right of legitimate dissent.

Third, although domestic security cases differ in some respects from ordinary criminal investigations, these cases should be tied as closely as possible to actual or potential violations of Federal law. In furtherance of this objective, last month I transferred the supervision of all domestic security cases from our Intelligence Division to our General Investigative Division, which has responsibility over criminal matters.

In an effort to insure uniform adherence to the guidelines and laws applicable to these and all other areas of our jurisdiction, I have combined the Office of Planning and Evaluation and the Inspection Division. In this new Division I have created a Professional Responsibility Section. It will report directly to me.

I have also expanded the role of the Legal Counsel Division in reviewing all areas of FBI policies and operations. Legal Counsel will report directly to me and to the Associate Director.

The investigations transferred include those involving domestic organizations oriented toward violence and individuals affiliated with such groups, as well as civil unrest and demonstration matters and basic revolutionary groups dedicated to the overthrow of the Government. The General Investigative Division will also be responsible for several categories of criminal investigations formerly administered by the Intelligence Division. These are bombing matters, sabotage, passport and visa violations, and protection of foreign officials and official guests of the United States.

The guidelines which the Attorney General issued last March set forth standards and procedures for domestic security investigations. But, the FBI regards these to be minimum standards. FBI Headquarters has imposed stringent criteria to insure we use our manpower resources in the most productive manner.

There are a number of reasons why we have been able to bring about a major reduction in our domestic security caseload.

The decade of the 1960's was marked by protests, often violent, on our Nation's streets and campuses.

We entered the 1970s still engaged in an undeclared conflict in Vietnam which was unpopular with some segments of our population. Not in recent history had this country been so divided over an issue, and this division was not limited to rhetoric but included demonstrations that often erupted into violence.

There were deliberate criminal acts, including bombings and sabotage, by persons opposed to our involvement in Vietnam. The role of the FBI in this confrontation was clearly to thwart the efforts of those who resorted to violence as an expression of their opposition.

With the cessation of the Vietnam War in early 1973, a major cause for divisiveness in this country was eliminated, and the potential for violence was lessened, but not eliminated.

The FBI began closing thousands of investigations at that time as determinations were made that certain groups and individuals no longer were engaged in activities that were likely to involve violations of Federal law.

The FBI met the unusual challenges of the 1960s and early 1970s. The Senate Select Committee has examined these and other problems in the intelligence field which led

to the creation of this Oversight Committee; and as the Committee is aware, the FBI fully cooperated in that review.

You have my absolute assurance that your Committee will receive the same full cooperation in carrying out its responsibilities under Senate Resolution 400.

One of the tasks confronting this Committee is the formulation of a legislative charter defining the FBI's jurisdiction in the domestic security and intelligence fields. This will be a most precise and demanding undertaking.

As I remarked to Senator Church's Committee, the legislative charter must be sufficiently flexible that it does not stifle the FBI's effectiveness in combating the high incidence of crime and violence across the United States. The charter must clearly address the demonstrated problems of the past; yet, it must amply recognize the fact that times change and so also do the nature and thrust of our criminal and subversive challenges.

The fact that the Department of Justice has undertaken the formulation of operational guidelines governing this area of our activities does not in any manner diminish the need for legislation. The responsibility for conferring jurisdiction resides with the Congress.