

File #:

80-JN-662

Serial Scope:

1-26

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- _____

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
 - SECRET
 - CONFIDENTIAL
 - UNCLAS E F T O
 - UNCLAS
- Date 12-24-86

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FM JACKSON (80-662) ROUTINE

TO DIRECTOR, FBI ROUTINE

(ATTENTION: DENNIS MILLER, ROOM 5129)

BT

UNCLAS

SENATE SELECT COMMITTEE ON INTELLIGENCE

RE BUREAU TELETYPE TO ALL OFFICES DECEMBER 17, 1986.

AN IMMEDIATE REVIEW OF JACKSON'S GENERAL, ELSUR AND CONFIDENTIAL INDICES FAILED TO REVEAL ANY REFERENCE TO ALBERT HAKIM OR RICHARD V. SECORD.

GENERAL INDICES WERE CHECKED BY ELIZABETH A. QUARLES, ELSUR INDICES BY VERNA A. LEE AND CONFIDENTIAL INDICES BY PEGGY D. BRUMFIELD.

BT

358/0002

① - Jackson

WEW/kbn

(1)

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80-662-26

Searched *[initials]* X
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Approved: *RTC*

Transmitted 358

(Number)

0200 Per *[initials]*

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DO NOT DESTROY ~~RE~~

See 199-0-92

FORMS.TEXT HAS 1 DOCUMENT

OUTBOX.1 (#68)

TEXT:

JNO 0002 3590200Z

RR HQ

DE JN

R 242330Z DEC 86

FM JACKSON (80-662) ROUTINE

TO DIRECTOR, FBI ROUTINE

(ATTENTION: DENNIS MILLER, ROOM 5129)

BT

UNCLAS

SENATE SELECT COMMITTEE ON INTELLIGENCE

RE BUREAU TELETYPE TO ALL OFFICES DECEMBER 17, 1986.

AN IMMEDIATE REVIEW OF JACKSON'S GENERAL, ELSUR AND

CONFIDENTIAL INDICES FAILED TO REVEAL ANY REFERENCE TO ALBERT

HAKIM OR RICHARD V. SECORD.

GENERAL INDICES WERE CHECKED BY ELIZABETH A. QUARLES,

ELSUR INDICES BY VERNA A. LEE AND CONFIDENTIAL INDICES BY

PEGGY D. BRUMFIELD.

BT

358/0002

NNNN

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80-662-26

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Date 12/18/86
Social Security Account #

TO: OFFICE SERVICES MANAGER

Subject ALBERT HAKIMO

Aliases

Address Birth Date Birthplace Race Sex
 Male
 Female

- Exact Spelling
- All References
- Main Security Case Files Only
- Security References Only
- Main Criminal Case Files Only
- Criminal References Only
- Main Security (If no Main, list all Security References)
- Main Criminal (If no Main, list all Criminal References)
- Restrict Locality of

File & Serial Number	Remarks	File & Serial Number	Remarks
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SPECIAL
FBI/DOJ

DO NOT DESTROY

See 199-0-92

Requested by ASAC William Paul Whalen Squad 2 Extension File No. 80-662-25

General Indices: B. Whales 12/18/86
Searched by _____ Date _____

Confidential Indices: Negative p 12/19/86
Searched by _____ Date _____

ELSUR Indices: Negative vae 12/19/86
Searched by _____ Date _____

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OCIS: _____
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IIS: _____
Searched by _____ Date _____

Consolidated by _____ Date _____
Reviewed by _____ Date _____

File Review Symbols

I - Identical ? - Not identifiable
NI - Not identical U - Unavailable reference

SEARCHED INDEXED
SERIALIZED FILED
DEC 18 1986
FBI - JACKSON

(Handwritten mark)

Date 12/18/86
Social Security Account # _____

TO: OFFICE SERVICES MANAGER

Subject RICHARD V. SECORD

Aliases _____

Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

- Exact Spelling
- All References
- Main Security Case Files Only
- Security References Only
- Main Criminal Case Files Only
- Criminal References Only
- Main Security (If no Main, list all Security References)
- Main Criminal (If no Main, list all Criminal References)
- Restrict Locality of _____

File & Serial Number	Remarks	File & Serial Number	Remarks
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S P E C I A L

FBI/DOJ

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See 199-0-92

Requested by ASAC William Earl Whaley Squad 2 Extension _____ File No. _____

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80-662-24

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File Review Symbols

I - Identical ? - Not identifiable
NI - Not identical U - Unavailable reference

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INBOX.1 (#380)

TEXT:
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FM DIRECTOR, FBI

TO ALL FBI FIELD OFFICES

ALL LEGAL ATTACHES

BT

UNCLAS

SENATE SELECT COMMITTEE ON INTELLIGENCE. ✓

*80-662
66-667*

THE SENATE SELECT COMMITTEE ON INTELLIGENCE SENT A LETTER TO THE ATTORNEY GENERAL WHICH READS IN PERTINENT PART AS FOLLOWS: "TO ASSIST IT IN ITS CURRENT INVESTIGATION, THE COMMITTEE REQUIRES THE DOCUMENTS DESCRIBED BELOW:

"-- ANY AND ALL MATERIAL WHICH ARE IN POSSESSION OF THE DEPARTMENT, AS A RESULT OF PREVIOUS INVESTIGATIONS OR OTHER ACTIVITIES, WHICH RELATE TO FINANCIAL ARRANGEMENTS INVOLVING ALBERT HAKIM WHICH INCLUDE USE OF BANK ACCOUNTS IN SWITZERLAND;

"-- ANY AND ALL MATERIALS WHICH ARE IN POSSESSION OF THE

DO NOT DESTROY
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80-662-23

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DEPARTMENT, AS A RESULT OF PREVIOUS INVESTIGATIONS OR OTHER
ACTIVITIES, WHICH RELATE TO TRANSACTIONS INVOLVING RICHARD V.
SECORD IN WHICH IT IS BELIEVED THAT ILLEGAL PROFITS ~~MIGHT HAVE~~
BEEN MADE DUE TO THE SALE OR DELIVERY OF U. S. ARMS,
MUNITIONS, OR MILITARY OR DUAL-USE EQUIPMENT OR SERVICES TO
FOREIGN NATIONS, GROUPS, ORGANIZATIONS OR INDIVIDUALS."

ALL OFFICES AND LEGATS IMMEDIATELY REVIEW THOROUGHLY ALL
FILES AND THEREAFTER MAKE PHOTOCOPIES OF ALL DOCUMENTS
RESPONSIVE TO THE COMMITTEE'S REQUEST, SEND THESE PHOTOCOPIES
TO FBIHQ, ATTENTION DENNIS MILLER, ROOM 5129. THIS REQUEST
SHOULD RECEIVE TOP PRIORITY, A PROMPT AND THOROUGH RESPONSE
IS ANTICIPATED.

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INBOX.1 (#380)

TEXT:
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DE HQ #0052 3510053

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FM DIRECTOR, FBI

TO ALL FBI FIELD OFFICES

ALL LEGAL ATTACHES

BT

UNCLAS

SENATE SELECT COMMITTEE ON INTELLIGENCE.

THE SENATE SELECT COMMITTEE ON INTELLIGENCE SENT A LETTER TO THE ATTORNEY GENERAL WHICH READS IN PERTINENT PART AS FOLLOWS: "TO ASSIST IT IN ITS CURRENT INVESTIGATION, THE COMMITTEE REQUIRES THE DOCUMENTS DESCRIBED BELOW:

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"-- ANY AND ALL MATERIALS WHICH ARE IN POSSESSION OF THE

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See 149-0-72

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DEPARTMENT, AS A RESULT OF PREVIOUS INVESTIGATIONS OR OTHER ACTIVITIES, WHICH RELATE TO TRANSACTIONS INVOLVING RICHARD V. SECORD IN WHICH IT IS BELIEVED THAT ILLEGAL PROFITS MIGHT HAVE BEEN MADE DUE TO THE SALE OR DELIVERY OF U. S. ARMS, MUNITIONS, OR MILITARY OR DUAL-USE EQUIPMENT OR SERVICES TO FOREIGN NATIONS, GROUPS, ORGANIZATIONS OR INDIVIDUALS."

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BT

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80-662-23

211 316

Handwritten signature

Post Office Box 1450
Jackson, Mississippi 39205
December 22, 1977

Senator Carroll Ingram
30th District
307 West Pine Street
Hattiesburg, Mississippi 39401

Dear Senator Ingram:

In regard to your letter of December 16, 1977, wherein you invited me to testify before your Committee in order to discuss the operation of the FBI within this state, it will be impossible for me to appear with only two days' notice as the schedule of the supervisors in this office is generally defined many weeks in advance of those dates.

Should you be able to inform us of a permanent date and time with a minimum of four weeks' notice, we would be delighted to attend and testify as to the FBI's role in the Federal enforcement area within the State of Mississippi.

Sincerely,

Patrick W. Murray
Acting Special
Agent in Charge

1 - Addressee
1 - Jackson
PWM/cmb
(2)

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80-662-22

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COMMITTEE ASSIGNMENTS:

Judiciary En Banc, Chairman
Judiciary "A", Chairman
Banks
Executive Contingent Fund
Finance
Interstate and Federal Cooperation
Labor
Public Utilities

SENATOR CARROLL INGRAM

30th District
Forrest - Lamar - Stone Counties
307 W. Pine St., Hattiesburg 39401

Off. 545-2211
Res. 544-3319

December 16, 1977

Mr. Pat Murray
Acting Special Agent in Charge
Federal Bureau of Investigation
Post Office Box 1450
Jackson, Mississippi 39205

Dear Mr. Murray:

The Judiciary Committee of the Mississippi State Senate will conduct hearings on the criminal law enforcement agencies and the courts in the State of Mississippi during the 1978 Regular Session. Generally, the committee would like to undertake a comprehensive review of the officials and agencies within the criminal justice system.

The committee realizes that the role played by the various criminal law enforcement agencies of the federal government in the state of Mississippi is a significant one. The committee would appreciate you or your representative appearing before the committee and discussing the operation of your agency within the state. The committee would be particularly interested in the ways in which Mississippi courts and law enforcement agencies may better cooperate with your office.

These hearings are not being directed toward the enactment of any particular legislation; rather, they are being conducted for the committee's information. However, the hearings may result in future criminal justice legislation.

The committee hopes that these hearings can begin during the second week of the session, January 9-13. Due to the hectic and variable legislative schedules, we cannot, at this time, give you an exact date and time when we would like for you to appear. However, we will telephone you as soon as we have an opening for the scheduling of hearings. Unfortunately, we may be able to give you only two days' notice, but we will make every effort to arrange your interview with the committee at a time that is convenient for you.

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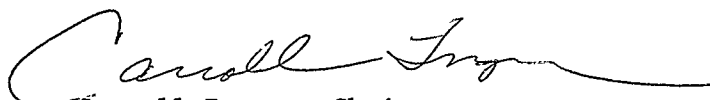
DEC 22 1977

FBI-JACKSON

Mr. Murray
Page Two
December 16, 1977

The committee respectfully requests your participation on these important hearings. If you have any questions, please contact either Ken Raigins of the Senate Legislative Services Office in Jackson (354-7128) or me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carroll Ingram". The signature is written in dark ink and is positioned above the typed name.

Carroll Ingram, Chairman
Judiciary En Banc Committee

CI/gb

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(B) ~~FBI PROFESSIONAL LIABILITY INSURANCE PLAN~~ -- The first anniversary of the implementation of the SAPI Professional Liability Insurance Plan will occur on April 1, 1977. This insurance provides protection for Agents and other Bureau personnel in the event their official actions result in a law suit for actual damages which are not covered by the Federal Tort Claims Act or punitive damages. Payment of legal fees is also included among the provisions of the plan.

Renewal notices will be mailed to current subscribers during the first week of March, 1977. This advance reminder should allow members ample time to make certain this important coverage does not lapse between payment of premiums.

The plan itself is unique in the insurance industry and was created specifically for personnel of the FBI. It is to be noted that in view of the highly successful claim experience during the first year of operation, the underwriters of the program have agreed to increase the limit of liability for all participants from the current \$50,000 to \$60,000 effective April 1, 1977, and at no additional premium charge. This is realistic and worthwhile protection and in view of the trend to sue individuals engaged in law enforcement activities I encourage all employees and more particularly investigative personnel to thoroughly examine the provisions of the policy for possible application to themselves and their official responsibilities.

Employees having this coverage are reminded that it is their personal responsibility to directly notify the carrier as to the receipt of process in a suit directed against them for an act taking place after the effective date of coverage. A supply of applications and specimen policies will be furnished, under separate cover, to all FBI Field Offices and Headquarters Divisions.

3-1-77

MEMORANDUM 9-77

- 2 -

80-662-00

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Transmit the following in CLEAR
(Type in plaintext or code)

Via TELETYPE ROUTINE
(Precedence)

FM JACKSON (80-662)
TO DIRECTOR ROUTINE 0503Z

BT

CLEAR

TESTIMONY BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
SENATE GOVERNMENT OPERATIONS SUBCOMMITTEE.

RE BUREAU TELETYPE AUGUST 31, 1976.

REVIEW OF JACKSON FILE REFLECTS NO FUGITIVES IN
CATEGORIES DESCRIBED IN REFERENCED TELETYPE.

BT

① - JACKSON
CS/SF
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SHEPPARD
[Signature]

Approved: *[Signature]*
Special Agent in Charge

Sent 12⁰³/A M Per *[Signature]*

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2 Desk - No

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DE HQ

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FM DIRECTOR

TO ALL SAC'S ROUTINE

BT

CLEAR

TESTIMONY BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
SENATE GOVERNMENT OPERATIONS SUBCOMMITTEE.

TO AID FBIHQ IN RESPONDING TO QUESTIONS RAISED BY
CAPTIONED SUBCOMMITTEE, SUTEL BY SEPTEMBER 7, 1976, ATTENTION
SPECIAL INVESTIGATIVE DIVISION THE FOLLOWING: THE TOTAL
NUMBER OF INDIVIDUALS BEING SOUGHT CURRENTLY AS FUGITIVES
BECAUSE OF THEIR FAILURE TO APPEAR OR WHO OTHERWISE DEFAULTED
ON THE TERMS OF THEIR PRETRIAL RELEASE IN THOSE CRIMES OVER
WHICH THE FBI HAS PRIMARY INVESTIGATIVE JURISDICTION.

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TAB



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

August 24, 1976

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE:

*80-662
80-490*

(A) DISCOVERY IN CIVIL LITIGATION -- Present and former Bureau employees, as well as the United States Government, are defendants in numerous civil suits, and a number of FBI employees have expressed concern regarding the extent to which courts are requiring us to produce documents in these suits. Questions have been raised regarding the scope of discovery in civil litigation, the means by which discovery can be resisted, and the extent to which executive privilege can be invoked.

For your information, Rule 26 (b) (1), Federal Rules of Civil Procedure, provides as follows regarding the scope of discovery:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

This rule "apparently envisions generally unrestrictive access to sources of information, and the courts have so interpreted it." Horizons Titanium Corp. v. Norton Co., 290 F.2d 421, 425; Harris v. Nelson, 394 U. S. 286, 297.

To understand the reason for the wide scope of discovery permitted by the Federal rules, it should be kept in mind that a clear distinction is made between the right to obtain information by discovery and the right to use it at the trial. Rule 26 (b) allows great freedom in discovery. Rules 32 (a), 33 (b), and the rules of evidence generally limit what may be used at the trial.

8-24-76

MEMORANDUM 36-76

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The Supreme Court spoke of the proper scope of the discovery rules in Hickman v. Taylor, 329 U. S. 495:

We agree, of course, that the deposition-discovery rules are to be accorded a broad and liberal treatment. No longer can the time-honored cry of "fishing expedition" serve to preclude a party from inquiring into the facts underlying his opponent's case. Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation. To that end, either party may compel the other to disgorge whatever facts he has in his possession. The deposition-discovery procedure simply advances the stage at which the disclosure can be compelled from the time of trial to the period preceding it, thus reducing the possibility of surprise. Id. at 507-508.

The discovery rules apply to the United States just as fully as they apply to any other person. U. S. v. Procter & Gamble Co., 356 U. S. 677, 681. It is also true that, like other litigants and witnesses, the United States--and other Governmental units--frequently resists discovery. There are more grounds on which to do so than when discovery is sought against private persons. The United States has, or has claimed, among others: (1) a privilege not to disclose the identity of informers; (2) a privilege for military or state secrets; and (3) a qualified constitutional privilege to refuse to disclose whatever the executive chooses to keep secret. Privilege may be invoked only by the head of the Executive agency, i. e., the Attorney General.

What is usually referred to as the informer's privilege is in reality the Government's privilege to withhold from disclosure the identity of persons who furnish information of violations of law to officers charged with enforcement of that law. Roviaro v. U. S., 353 U. S. 53, 59. Such a privilege is well recognized. "The privilege for communications by informers to the Government is well established and its soundness cannot be questioned." Mitchell v. Roma, 265 F.2d 633, 635. Indeed, it has been extended beyond those who give information to law enforcement officers to include others who render assistance that is necessary to effective law enforcement. Black v. Sheraton Corp. of America, 47 F.R.D. 263, 265.

8-24-76

MEMORANDUM 36-76

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The privilege is a qualified one, however, and requires balancing the public interest in protecting the flow of information and assistance to the enforcement authorities against a party's right to prepare his case. Roviaro v. U. S., 353 U. S. at 62.

It is only the identity of the informer that is protected. The contents of his communication are not privileged (Roviaro v. U. S., 353 U. S. at 50; Foltz v. Moore-McCormack Lines, Inc., 189 F.2d 537, 539-540, certiorari denied 342 U. S. 871) unless they would tend to reveal his identity. Wirtz v. Robinson and Stephens, Inc., 368 F.2d 114; Black v. Sheraton Corp. of America, 47 F. R. D. at 269. The privilege belongs to the Government, but it is waived if either the informer or the Government has disclosed his identity (emphasis added). Mitchell v. Bass, 252 F.2d 513.

There is also a privilege for state secrets that protects information not officially disclosed to the public concerning the national defense or the international relations of the United States. McCormick, Evidence, 1954, Section 144. U. S. v. Reynolds, 345 U. S. 1. The Supreme Court in Reynolds, supra, rejected contentions that the decision of the Executive is final as to the existence of this privilege. A court itself must determine whether the circumstances are appropriate for the claim.

In each case, the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. A fortiori, where necessity is dubious, a formal claim of privilege, made under the circumstances of this case, will have to prevail. Id. at 11.

There was also the contention, until United States v. Nixon, 418 U. S. 683 (1974) was decided, that by virtue of the separation of powers in the Federal Government the Executive has an absolute privilege to withhold from Congress or the courts any information that the executive branch

8-24-76

MEMORANDUM 36-76

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deems confidential. This contention goes back as far as Marbury v. Madison, 1803, 1 Cranch (5 U. S.) 137, 144, and the trial of Aaron Burr. U. S. v. Burr, 25 Fed. Cas. 187, 190, No. 14, 694.

Recent lower court cases, as well as the Nixon case, recognized a qualified executive privilege, well-described in the following passage:

In asserting the privilege, the Government cites no authority to establish the privilege as an absolute one. In fact, the cases make it clear that the privilege is a discretionary one that depends upon ad hoc considerations of competing policy claims, the policy of free and open discovery juxtaposed to the need for secrecy to insure candid expression of opinions by Government employees in the formulation of Government policy. * * * Thus, when the privilege is claimed, it is necessary to balance interests to determine whether disclosure would be more injurious to the consultative functions of Government than non-disclosure would be to the private litigant's defense. U. S. v. 30 Jars, More or Less, of "Ahead Hair Restorer for New Hair Growth," 43 F. R. D. 181, 190.

Applying a process of this kind, courts in many cases have sustained claims of executive privilege. In cases in which the litigant's need for the information has seemed to outweigh the Government's interest in secrecy, however, the claim of privilege has been overruled, and disclosure has been ordered.

A discovery order, not being a "final" order, is not appealable, but a party may attempt to obtain relief by applying to the court of appeals for a writ of mandamus. To obtain such a writ, however, the petitioner must show that the trial court has substantially abused its discretion. Because Rule 26 (b) (1) envisions generally unrestrictive access to information and because a trial court has extremely broad discretion in this area, such a writ is extremely difficult to obtain.

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Refusal of a Government officer to comply with a court order overruling a claim of executive privilege and ordering disclosure could lead to conviction for contempt. If the Government is a party, the court may penalize it for its failure to comply with a discovery order by invoking any of the sanctions set forth in Rule 37 (b) (2), Federal Rules of Civil Procedure. The court may, for example, prohibit the disobedient party from introducing designated matters in evidence, or it may enter a judgment by default against the disobedient party.

(Security pages attached)

8-24-76
MEMORANDUM 36-76

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TO: SAC:

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- Springfield
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- Caracas
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- Madrid
- Manila
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- Ottawa
- Paris
- Rome
- Singapore
- Tel Aviv
- Tokyo

RE:

Date 12/30/75

DIRECTORS APPEARANCE BEFORE SENATE SELECT
COMMITTEE ON INTELLIGENCE ACTIVITIES,
DECEMBER 10, 1975

- Retention For appropriate
- For information optional action Surep, by _____
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- Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

80-662-16

ReButel to all SACs and Legats, 12/10/75.

Enclosed for each Office and Legat is one copy of the transcript of questions which were asked Mr. Kelley during captioned appearance, along with Mr. Kelley's answers to those questions.

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JAN 3 1976	
FBI - JACKSON	

SAC

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TO: SAC:

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RE: DIRECTOR'S APPEARANCE
BEFORE SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES
DECEMBER 10, 1975

Date 1/5/76

- ASAC** **BONINO** **SA** **DR** **(LBS)**
- For information optional For appropriate action Surep. by _____
 - The enclosed information is for information. If used in future report, _____ all sources, _____ phrase contents.
 - Enclosed are corrected pages from report of _____ dated _____

Remarks: By routing slip dated 12/30/75 and captioned as above, all SACs and Legats were furnished a copy of the transcript of Mr. Kelley's 12/10/75 appearance before the Senate Select Committee on Intelligence Activities. Although the data contained in the transcript may be made available to news media representatives, used in answering questions received from citizens, and otherwise treated as being of a public-source nature, the transcript itself should not be reproduced for, or given to, anyone outside the FBI.

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