

EXHIBIT 40

The Attorney General

July 27, 1970

Director, FBI

INTERAGENCY COMMITTEE ON INTELLIGENCE

There is enclosed a copy of a letter dated July 23, 1970, with attachment, addressed to me from Mr. Tom Charles Huston, White House Presidential Assistant.

For your information, on June 5, 1970, the President established an ad hoc interagency committee on intelligence chaired by me and also including the directors of the Central Intelligence Agency, the Defense Intelligence Agency, and the National Security Agency. Mr. Huston served in a liaison capacity with the committee. This committee was requested by the President to submit a report assessing the current internal security threat, providing an evaluation of intelligence collection procedures, identifying gaps in our present collection efforts with recommended measures to close such gaps, and reviewing current procedures for interagency coordination with recommended steps to improve such procedures.

The final report of this committee was completed on June 25, 1970, and delivered to the President. This report set forth eight specific areas (corresponding to the eight numbered paragraphs in the attached letter from Mr. Huston) which had been reviewed by the committee. The first six related to current restraints on intelligence collection procedures; the seventh was concerned with budget and manpower needs in the event the various restraints were removed; and the eighth area dealt with the possible establishment of a permanent interagency committee on domestic intelligence. In each area the report of the committee was presented to show the advantages and disadvantages of any changes in current policies and also to allow the President to indicate his desires.

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MR. RDC:slw/ekn

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FBI

The Attorney General

As set out in the attached letter from Mr. [redacted] it is noted that the President has directed the relaxation of [redacted] investigative restraints directly affecting the responsibilities of the FBI. These include:

1. Intensified use of electronic surveillance and penetrations to effect coverage of individuals and groups in the United States who pose a major threat to the internal security.

I made it clear the FBI's opposition to the relaxation of our present [redacted] of selected coverage on major internal security threats through the use of this technique. I pointed out that the FBI believes electronic surveillance coverage is adequate at this time, but that we would not object to other agencies seeking the authority of the Attorney General for any coverage required by them and thereafter instituting such coverage themselves.

2. Removal of instructions on legal mail coverage and relaxation of covert mail coverage to permit use of this [redacted] on selected targets of priority foreign intelligence and internal interest. In this connection, in the report of June 25, 1970, I made clear the FBI's strong objection to implementing any covert mail. It is the FBI's position that if covert mail coverage is implemented, it is likely that information would leak out of the post office to the press and that serious damage would be done to the intelligence community because of the very nature of this coverage. We have no objection to legal mail coverage, provided it is used on a carefully controlled and selective basis in both criminal and security mat-

3. The removal of restraints on the use of surreptitious entry and against other urgent and high priority targets.

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The Attorney General

4. An increase in coverage of violence-prone campus and student-related groups and the removal of all restraints which limit such coverage. In the report of June 25, 1970, the FBI specifically objected to removing any of the present controls and restrictions relating to the development of campus sources. It was pointed out that to relax these restrictions would severely jeopardize our investigations and could result in leaks to the press which would be damaging and which could lead to charges that investigative agencies are interfering with academic freedom.

In connection with the proposed establishment of a permanent interagency committee on domestic intelligence, in the report of June 25, 1970, I specifically made clear my opposition to such a committee while pointing out that the FBI would approve of preparing periodic domestic intelligence estimates.

Despite my clear-cut and specific opposition to the lifting of the various investigative restraints referred to above and to the creation of a permanent interagency committee on domestic intelligence, the FBI is prepared to implement the instructions of the White House at your direction. Of course, we would continue to seek your specific authorization, where appropriate, to utilize the various sensitive-investigative techniques involved in individual cases.

The Attorney General

I would appreciate a prompt expression of your views concerning the matter, noting the request set forth in Mr. Huston's letter that an interagency committee be constituted by August 1, 1970. We are taking no action to implement the instructions contained in Mr. Huston's letter pending your reply.

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