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Before the Committee on Appropriations

International Criminal Police Organization (INTERPOL)

Fiscal Year 1976

94th CONGRESS, FIRST SESSION

Review of United States
Participation in INTERPOL

35132

**INTERNATIONAL CRIMINAL POLICE
ORGANIZATION (INTERPOL)**

HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
NINETY-FOURTH CONGRESS
FIRST SESSION

Printed for the use of the Committee on Appropriations
**REVIEW OF UNITED STATES PARTICIPATION
IN INTERPOL**

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**TREASURY, POSTAL SERVICE, AND GENERAL
GOVERNMENT APPROPRIATIONS FOR FISCAL
YEAR 1976**

TUESDAY, MAY 6, 1975

U.S. SENATE
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS
Washington, D.C.

The subcommittee met at 10 a.m., in room 1224, Everett McKinley Dirksen Office Building, Hon. Joseph M. Montoya (chairman) presiding.

Present: Senators Montoya and Bellmon.

DEPARTMENT OF THE TREASURY

ENFORCEMENT, OPERATIONS, AND TARIFF CONTROL

INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

STATEMENT OF HON. DAVID R. MACDONALD, ASSISTANT SECRETARY FOR ENFORCEMENT, OPERATIONS, AND TARIFF AFFAIRS

ACCOMPANIED BY:

JAMES B. CLAWSON, DEPUTY ASSISTANT SECRETARY, OPERATIONS

JAMES J. FEATHERSTONE, DEPUTY ASSISTANT SECRETARY, ENFORCEMENT

LOUIS B. SIMS, CHIEF, NATIONAL CENTRAL BUREAU

Senator MONTOKA. The subcommittee will come to order.

This morning we will receive testimony from David R. Macdonald, the Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs, in support of the fiscal year 1976 budget request for the U.S. membership in the International Criminal Police Organization (INTERPOL).

I understand the function of this organization is to provide the communications capability for the various law enforcement agencies of a member government, having a foreign investigative requirement, to transmit that requirement to appropriate foreign law enforcement agencies.

I further understand the Treasury Department since 1958 has been designated by the Attorney General to represent the United States in its relations with INTERPOL. The current dues per year for the U.S. membership is 354,000 Swiss francs, or approximately \$138,000

at current exchange rates. Funding for payment of these dues is included in the Office of the Secretary appropriation.

In our hearings today, we will consider questions which have been brought to the attention of this subcommittee concerning the operations of INTERPOL and how those operations may infringe upon the rights of privacy of individual American citizens.

I want to make it clear at the outset that this hearing is not intended to be accusatory in nature or to indicate that any member of the subcommittee has doubts about either the integrity or dedication of Treasury personnel who perform duties associated with the U.S. participation in this organization.

Our prime interest is to assure that viable protections are provided concerning the safeguards and accuracy of personal information about U.S. citizens which may be available from the various computerized data systems to which INTERPOL has access.

One of the most difficult problems of our electronic age is drawing the line between the value of the efficiency provided us by the computer in storing and communicating information, and the need to protect individuals against inaccurate or inappropriate information which may be part of a computerized data system.

Unfortunately, we have had ample evidence that within both private and public information systems, it is possible for inaccurate information to be transmitted widely without correction. We can all give testimony about personal experiences with inaccurate computerized information about ourselves which has been input into a computer and is seemingly impossible to eradicate. Usually, this is only the misspelling of a name or an incorrect charge on a credit card.

However, the very fact that we have all had this personal kind of experience with computerized information systems creates an uneasiness about the safeguards for computerized information concerning our personal lives. When an agency of the U.S. Government is authorized to transmit information about its citizens to a foreign government, that uneasiness is even more pronounced.

In our hearings this morning, we will attempt to clear up some of this uneasiness, and to clarify for the Congress and the public the protections and safeguards which the Treasury Department uses to insure that our rights are secure.

Mr. Macdonald, I understand you have a prepared statement. Would you please identify your associates and you may proceed to present your testimony.

Mr. MACDONALD. Thank you, Mr. Chairman.

I would like to say that I particularly appreciate your opening statement. We would like to cooperate with the long-standing objectives of you in particular, and of the committee, as expressed in that statement.

PREPARED STATEMENT

I am David Macdonald, Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs. On my left is Louis B. Sims, Chief of the National Central Bureau of INTERPOL and a Secret Service agent. On my right is James Featherstone, Deputy Assistant Secretary for Enforcement. On his right is James Clawson, Deputy Assistant Secretary for Operations.

By statute (22 U.S.C. 263(a)), the Office of the Attorney General, U.S. Department of Justice, is the "office of responsibility" for INTERPOL in the United States. In 1958, the Attorney General designated the Department of the Treasury the official liaison with INTERPOL.

There are currently 10 full-time positions assigned to INTERPOL. One of these positions is presently located at the headquarters of INTERPOL in France, and the remaining nine are located in the Main Treasury Building in Washington, D.C.

These positions are funded as follows: Two by the Department of Justice; two by the Office of the Secretary, U.S. Treasury Department; two by the U.S. Secret Service; three by the U.S. Customs Service; and one by the Bureau of Alcohol, Tobacco and Firearms.

The fiscal year 1975 Department of the Treasury salaries and expenses appropriation for the Office of the Secretary, in addition to the two permanent positions, contains resources for travel and communication costs and for \$80,000 for the INTERPOL annual dues. The fiscal year 1976 budget request for this appropriation does not reflect any increase over the 1975 level.

Public Law 93-468, approved October 24, 1974, increased the limit on INTERPOL dues from \$80,000 to \$120,000. We are anticipating an additional funding requirement of approximately \$120,000 in fiscal year 1977.

In September of 1974, the INTERPOL 43d general assembly voted an increase in the INTERPOL annual dues from 4,850 Swiss francs per budget unit to 5,900 Swiss francs per budget unit. The United States, Germany, Italy, United Kingdom, and France pay 60 budget units each, or the equivalent of 354,000 Swiss francs. Other member countries pay correspondingly less.

In addition to the increased budget unit, currency fluctuations have increased the dollar equivalent of the budget unit as expressed in Swiss francs. For this reason, annual dues have ranged in value from \$117,420 in October 1974, to \$147,000 in February 1975. They are now valued at approximately \$138,000. The current U.S. dues represent 5.8 percent of the overall budget of 5,919,520 Swiss francs.

FOREIGN ASSISTANCE FUNDS CONTRIBUTION

In 1974-75, the United States made a one-time, nonrecurring, voluntary contribution of \$135,000 from foreign assistance funds for International Narcotics Control administered by the Agency for International Development, Department of State. In accordance with normal practice in the case of foreign assistance funds, Senator Inouye and Congressman Passman, chairman of the Foreign Operations Subcommittees of the Senate and House Appropriations Committees, were advised of this contribution at the time.

The U.S. contribution is used to support an INTERPOL liaison office for illegal drug traffic for Southeast Asia and Latin America. This same program as set up in Europe has been so successful in combatting drug traffic that the number of liaison offices in Europe has been increased this year from three to five. The European program is funded by contributions from European countries.

Senator MONTROYA. May I ask a question at this point? How much has been obtained during this fiscal year from the foreign assistance program for these particular offices or any liaison office connected with INTERPOL.

Mr. MACDONALD. I don't believe anything. I am certain this is the only contribution of the foreign assistance program into anything that is related to INTERPOL.

Senator MONTROYA. Is this \$135,000 the only instance of a contribution?

Mr. SIMS. Yes, sir, Mr. Chairman; it is. It was a one-time, nonrecurring contribution.

Senator MONTROYA. Do you have still similar offices in Europe?

Mr. SIMS. Yes, sir. There are five liaison officers.

Senator MONTROYA. Who is paying their salaries?

Mr. SIMS. The European countries have made voluntary contributions. It does not come out of the annual dues; it is a voluntary contribution.

Senator MONTROYA. They are paying the salary of the Treasury representative in Paris?

Mr. SIMS. No, sir. Not for our man in Paris. The narcotic liaison officer programs—these are liaison officers in Europe where the program started—that go to another country, they are not at the Secretary General's headquarters. They are located in various countries. They coordinate the narcotics liaison activity with the police forces of those countries.

INTERPOL saw a need to increase this program in other areas. The U.S. contribution is to assist in the increase to the Far East and to Latin America. They have appointed an officer in Bangkok. He will work directly with the police, and very closely with INTERPOL headquarters to coordinate the suppression of narcotic traffic.

Senator MONTROYA. What I am trying to uncover here is how much is the United States paying for this particular service and towards the salaries of any personnel in those countries?

Mr. SIMS. Yes, sir. The only thing we are paying is the \$135,000. This was a one-time, nonrecurring payment. That is all there is to support the officers in the Far East—the one in Bangkok, and the one in Latin America. That is all, sir.

Senator MONTROYA. In Latin America you have four personnel, and in Asia you have four personnel. Then you have travel allowance in the INTERPOL budget for the INTERPOL regional narcotic offices. Is that correct? I am reading from the Regional Narcotic Office budgets. I am trying to find out whether the subscription contributed by the United States goes into an overall budget for INTERPOL and whether INTERPOL then hires people for regional offices in coping with the drug traffic.

Mr. SIMS. Yes, sir. The \$135,000 contribution went to INTERPOL headquarters to hire a liaison officer in the Far East and one in South America; and I believe, it took an additional one or two staff people. The \$135,000 was for that.

Senator MONTROYA. One more question. There are no foreign assistance funds going into these offices or for personnel connected with these offices at the present time?

Mr. SIMS. No, sir.

Senator MONTROYA. The \$135,000 from the foreign assistance program was in calendar year 1974?

Mr. SIMS. Yes, sir.

Senator MONTROYA. And it has not recurred during the current fiscal year and there is no intention that it will recur during the next fiscal year?

Mr. SIMS. That is absolutely right. I am not sure in what month that \$135,000 was paid. It may have been paid in December; it may have been in January.

Senator MONTROYA. I have no objection to it. I just want the record to be clear. Please continue.

INTERPOL HISTORY

Mr. MACDONALD. Our research indicates the following to be accurate with respect to the history of international cooperation by national police organizations. An organization called the International Criminal Police Commission (ICPC) was organized in 1923 and was located in Vienna, Austria. The constitution of that organization at that time required that the head of the Austrian police be, by virtue of his office, automatically the secretary general of ICPC.

At the time of the Anschluss in 1938, Nazi forces which occupied Austria deposed the Austrian police chief, took a Nazi literally from the jails of Vienna and installed him as the new chief of the Austrian police. The Nazis then claimed that by virtue of the ICPC constitution, this same man automatically assumed a position as head of the ICPC.

As a result, cooperation with the ICPC by the free world steadily disappeared and by 1939, when World War II began, the activities of the ICPC outside Nazi-controlled areas virtually ceased. In 1942, the headquarters of the ICPC were transferred to Berlin under unknown circumstances. Whatever was left of the ICPC died with the death of the Third Reich.

In 1946, under the leadership of Sweden and other free world countries, several of the countries which had resigned from the ICPC before or during World War II met and determined to form a new organization, headquartered in Paris, France.

This time the member countries were smarter. They drafted and elected directors, in order to avoid the outside seizure of the organization as had occurred in 1938. This organization came to be known as INTERPOL. In 1952, the German Federal Republic was allowed to join INTERPOL.

INTERPOL presently consists of 120 member countries with the general secretariat located in St. Cloud, France, outside of Paris. The Secretary General is a French citizen named Jean Nepote. The current president of INTERPOL is Mr. William L. Higgitt, recently retired commissioner of the Royal Canadian Mounted Police, and presently head of the Canadian Safety Council. He was elected in 1972 by the general assembly.

Mr. Jean Nepote, the current Secretary General of INTERPOL, was elected by the general assembly in 1963, and was reelected in 1968 and 1973. Mr. Nepote is a commissaire divisionnaire of the French Surete Nationale, a chevalier in the French Legion of Honour, and has been decorated by a number of other countries.

INTERPOL is an intergovernmental organization composed of member countries represented by their law enforcement officials. This normally is the head of the national police. In the United States, with no national police, the designated representative is the Assistant Secretary of the Treasury who is responsible for law enforcement.

The national central bureau of each country maintains its sovereignty by operating within its country's laws. In the United States, the National Central Bureau operates by statute, and answers to the Assistant Secretary of the Treasury and to the Congress.

INTERPOL's function is to provide the communications mechanism for law enforcement agencies—local, State, or Federal—having a foreign investigative requirement, to transmit that requirement to other appropriate foreign agencies.

Television drama to the contrary notwithstanding, INTERPOL has no investigative force of its own and carries on no investigations. It has no control over its constituent countries' police forces, so it is unable to do anything other than transmit information or requests for action by one country's police to another country's police. These requests will be complied with if the recipient country sees fit to do so.

The requests for information or action which are handled by INTERPOL normally range from a criminal history record check to a full investigation, leading to the subsequent arrest and extradition of an international criminal.

The U.S. National Central Bureau (NCB) activities and efforts are directed toward (1) arranging for prompt assistance by foreign police to law enforcement agencies in the United States—local, State, and Federal—in their investigative requirements; (2) arranging for prompt assistance to a foreign investigative requirement in the United States, provided it concerns a criminal investigation and is in accord with U.S. law; (3) increasing State and local law enforcement's awareness of the assistance available through INTERPOL in the event they have foreign investigative requirements.

In consonance with its function of acting as the medium of communication between foreign and U.S. law enforcement agencies, the U.S. NCB does not arrange for assistance to law enforcement agencies in the United States regarding their domestic investigative requirements.

FBI NCIC COMPUTER

The FBI has granted the U.S. NCB access to the FBI's National Crime Information Center (NCIC). This access is granted pursuant to the guidelines established by the FBI for the protection of individual's rights and covers only those records containing information on: stolen securities; stolen motor vehicles; wanted persons (warrants outstanding); stolen, missing, or recovered guns; stolen boats; stolen license plates; and computerized criminal histories.

Director Clarence M. Kelley of the FBI has stated:

The NCIC is not, as some have alleged, a secret intelligence gathering network filled with loosely managed and frivolously gathered information concerning anyone coming to the attention of the police. It has indexed only the names of individuals for whom arrest warrants are outstanding or persons who have had substantial involvement, supported by fingerprint records, with the criminal police system.

Member countries of INTERPOL, U.S. law enforcement agencies or any other organization, person, et cetera, with whom the United States may come into contact within the course of carrying out its responsibilities, have no direct access to criminal records in the United States.

Requests from law enforcement agencies for information contained in the United States are evaluated individually by Federal agents assigned to the U.S. NCB and arrest or other information is provided as approved (1) by the agency from which the information is obtained and (2) by the responsible agent in the U.S. NCB. This is known as the "third agency rule", and applies to all exchanges of information between enforcement agencies.

The procedure within INTERPOL requires the requesting country to state the nature of its investigative request, which includes identifying its investigation and the reason for the request. If this is not stated along with the request, the receiving country will make a request for that information prior to transmitting the request. The request must be in accord with the laws of the country receiving the request, as well as being related to a criminal offense in both countries.

CONSTITUTION

Furthermore, the request must not be in conflict with article III of the INTERPOL constitution which reads, "It is strictly forbidden for the organization to undertake any intervention or activities of a political, military, religious, or racial character." This article, of course, does not prohibit a criminal inquiry concerning a political activist, for example, who commits generally recognized criminal activity, such as bank robbery.

A typical request would concern a case in an INTERPOL member country where John Doe, U.S. citizen, has become the subject of a criminal investigation. Upon receipt of this information, the U.S. NCB queries NCIC; that is, National Criminal Information Center, and determines, for example, that there is a warrant out for the arrest of the subject by the Los Angeles Police Department.

The Los Angeles police are immediately notified of the subject's present location and situation so they can initiate extradition papers through diplomatic channels or commence any other action they deem advisable in the case. The foreign country is notified that the subject is wanted by authorities in the United States and advised of the charge against the subject as well as his criminal history.

Through INTERPOL we can locate a U.S. wanted person and frequently this results in the apprehension and prosecution of an international criminal. The same situation commonly exists when the subject is a foreign national and is wanted in the United States.

If INTERPOL did not exist, the same international inquiries and investigative requests would be made by both U.S. and foreign enforcement agencies in a much more haphazard and costly fashion. The same information would be given out by the receiving agencies on a unilateral basis and without the additional filtering protection provided by the constitution and long-standing practices of INTERPOL.

By the nature of its function, INTERPOL does not add or subtract any substantive dimension to the law enforcement investigative process. The protection of rights in connection with this process is and must be the responsibility of the law enforcement agencies who approve the transmission of information. INTERPOL is a useful communications tool used by national enforcement agencies.

This concludes my statement and we will try to answer any questions that you have, Mr. Chairman.

NATIONAL CRIME INFORMATION CENTER

Senator MONTROYA. It would be proper to insert at this point into the record a letter which I have received from Mr. Clarence M. Kelley, Director of the Federal Bureau of Investigation, which explains the role of the National Crime Information Center, and confirms what you have said, Mr. Secretary.

Mr. MACDONALD. Thank you, Mr. Chairman.

Senator MONTROYA. We will submit the letter for the record at this point.

[The letter follows:]

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 5, 1975

Honorable Joseph M. Montoya
United States Senate
Washington, D. C. 20510

Dear Senator Montoya:

I am writing you in response to a request by Mr. Fred Rhodes of the Senate Appropriations Committee Staff that the FBI furnish a signed statement regarding the types of information being made available to the International Criminal Police Organization, known as "Interpol," through the FBI's National Crime Information Center (NCIC).

First of all, I should like to point out that Interpol does not have direct access to information in the NCIC. The Treasury Department, under the authority of Title 22, United States Code, Section 263(a), operates the National Central Bureau, which is the American arm of Interpol. That Bureau has a terminal connected to the Treasury Enforcement Communications System (TECS) which in turn is connected to the NCIC. Therefore, the information in the NCIC is only available indirectly to Interpol through the National Central Bureau and TECS linkage to the NCIC.

Secondly, I wish to emphasize that the information available in the NCIC is restricted to documented public record information on stolen property, wanted persons, and individuals arrested for serious crimes. The NCIC neither contains nor is linked to the FBI's internal investigative or intelligence files. The following is a brief description of the NCIC system and the types of information it contains:

The NCIC is a computerized information system established in 1967 as a service to all levels of the criminal justice community - Federal, state and local. Its objective is to improve the effectiveness of law enforcement through the more efficient handling and exchange of documented police, court, and penal information. The NCIC accomplishes this by providing a computerized national index of such information with instant on-line entry and inquiry capabilities by the participating law enforcement agencies.

The basic authority for the NCIC program is derived from Title 28, United States Code, Section 534, which authorizes the Attorney General to acquire, collect, classify and preserve identification, criminal identification, crime and other records and exchange these records with and for the official use of authorized officials of the Federal Government, the states, cities, penal and other institutions. The Attorney General has delegated his authority under this statute to the Director of the FBI.

There are eight categories, or files, of information in the NCIC. Six deal with stolen property, i.e., motor vehicles, license plates, guns, serialized articles, securities, and boats. Two deal with persons, i.e., wanted persons and criminal histories.

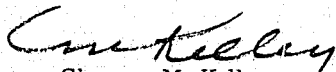
A typical stolen property record contains information describing the property (e.g., type, model, color, and serial number), the date of the theft, and the identity of the agency which holds the theft report and which should be contacted if the property is recovered.

A wanted person record contains information on an individual who has committed, or has been identified with, an offense which is classified as a felony or serious misdemeanor and a warrant has been issued for the individual regarding that offense. The record usually includes information about: the identity of the agency which holds the warrant and which should be contacted if the individual is located; the name and physical description (e.g., height, weight, date of birth, fingerprint classification, etc.) of the individual; identifying numbers such as automobile operator's permit and military service numbers; the offense he allegedly committed; and the date of the warrant.

The most recent type of record included in the NCIC system involves the criminal histories of individuals. The FBI has for over 50 years acted as the Nation's clearinghouse and repository for criminal fingerprint records. These criminal records document the processing of persons through the criminal justice system, from initial arrest through final disposition. Starting in 1971, the records of individuals arrested for serious or significant offenses were made eligible for inclusion in the NCIC. A criminal history record provides for the inclusion of the following information: identifying data on the subject of the record, such as name, height, weight, date of birth, fingerprint classification, and identifying numbers such as automobile operator's permit and military service numbers; arrest data such as type, place, and date of offenses; disposition of offenses by police and courts; and custody and supervision action following conviction.

I hope that the above information satisfies the needs of your inquiry. If it does not, I shall be pleased to furnish additional information upon your request.

Sincerely yours,


Clarence M. Kelley
Director

PREPARED STATEMENT

Senator MONTOYA. The representative of the National Commission on Law Enforcement and Social Justice appeared before this committee on April 24, 1975, and presented a review of their research report on INTERPOL. I understand you have been provided a copy of that statement. Would you comment on the allegations contained in this report?

Mr. MACDONALD. We have a responding statement which it might be good to insert in the record, Mr. Chairman.

Mr. SIMS. Mr. Chairman, I will be glad to elaborate on any question whatever that you would like.

Senator MONTOYA. We will have some questions on this later on. We will insert the facts with regard to the study by the National Commission on Law Enforcement and Social Justice in the record at this point as well as the statement of Vaughn Young, Director of Research of the Commission. The statement will precede the inclusion of your responding statement.

[The statement follows:]

I AM SURE THAT I AM NOT THE ONLY ONE WHO FINDS 1
DISTURBING THAT AS THIS COUNTRY PREPARES FOR ITS
BICENTENNIAL CELEBRATION, WE ARE LEARNING OF THE
DISTASTEFUL SECRET TACTICS TAKEN BY SECTIONS OF OUR
GOVERNMENT AGAINST PRIVATE CITIZENS AND GROUPS.

FROM F.B.I. "DIRTY TRICKS" TO I.R.S. "ENEMIES LISTS",
THE SCOPE OF SUCH ACTIVITIES AND ABUSES CHALLENGES NOT
ONLY THE IMAGINATION BUT THE BASIC PRECEPTS ON WHICH THIS
GREAT NATION WAS FOUNDED.

IT IS NEVER A PLEASANT TASK FOR A CITIZEN OR PUBLIC
OFFICIAL TO INDICATE QUESTIONABLE OR DISHONEST ACTIVITIES
WITHIN HIS GOVERNMENT. HOWEVER, IN THE END, THAT IS
THE STRENGTH OF THIS NATION BECAUSE WE CAN LEARN AND REFORM.

THUS, IT IS MY DUTY TODAY TO BRING TO YOUR ATTENTION
THE NATURE AND ACTIVITIES OF THE INTERNATIONAL CRIMINAL
POLICE ORGANIZATION, BETTER KNOWN AS "INTERPOL".

FIRST, I SHOULD MENTION, FOR THE RECORD, HOW I, AS A PRIVATE CITIZEN, BECAME SO FAMILIAR WITH A GROUP THAT IS PRACTICALLY UNKNOWN AND QUITE MISUNDERSTOOD.

FOR OVER A YEAR, I HAVE BEEN DIRECTING THE RESEARCH FOR THE CHURCH OF SCIENTOLOGY'S NATIONAL COMMISSION ON LAW ENFORCEMENT AND SOCIAL JUSTICE. THE COMMISSION WAS FORMED LAST YEAR BECAUSE OF OUR BASIC AIMS WHICH ARE BEST SUMMARIZED IN ONE SENTENCE BY OUR FOUNDER, L. RON HUBBARD:

A CIVILIZATION WITHOUT INSANITY, WITHOUT CRIMINALS AND WITHOUT WAR, WHERE THE ABLE CAN PROSPER AND HONEST BEINGS CAN HAVE RIGHTS, AND WHERE MAN IS FREE TO RISE TO GREATER HEIGHTS, ARE THE AIMS OF SCIENTOLOGY.

WHEN, LIKE MANY OTHERS, WE WERE EXPOSED TO THE-ENDS-JUSTIFY-THE-MEANS PHILOSOPHY BEING EXERCISED BY GOVERNMENTS AROUND THE WORLD, WE FORMED THE COMMISSION TO STUDY THE METHODS AND EFFECTS OF LAW ENFORCEMENT AGENCIES SECRETLY KEEPING, TRANSMITTING AND EVEN CREATING FALSE REPORTS ON PRIVATE CITIZENS AND GROUPS.

THAT'S HOW WE FOUND INTERPOL AND, EVIDENTLY, ARE THE FIRST TO DO SO.

WE STUDIED THOUSANDS OF BOOKS, STORIES AND ARTICLES THAT DELVED INTO THE INTELLIGENCE AND INFORMATION COLLECTION SYSTEMS OF UNITED STATES AGENCIES AND NEVER FOUND INTERPOL MENTIONED, LET ALONE DISCUSSED. INTERPOL HAD ESCAPED THE ATTENTION OF THE MEDIA DESPITE THE FACT THEIR SINGLE AND SOLITARY FUNCTION IS TO SERVE AS AN INTERNATIONAL PARA-INTELLIGENCE NETWORK.

THERE ARE MANY FACETS TO INTERPOL WHICH DESERVE ATTENTION. RECENTLY THE BALTIMORE NEWS-AMERICAN RAN A FRONT-PAGE, THREE-PART SERIES ON INTERPOL'S NAZI HISTORY, THE ROLE OF J. EDGAR HOOVER AND THE COOPERATION OF THE LOCAL POLICE DEPARTMENT WITH THIS GROUP. SO THAT I MAY CONCENTRATE ON JUST ONE ASPECT OF INTERPOL, I WOULD ASK AT THIS TIME THAT THE INFORMATION BE MADE AVAILABLE BY INSERTION IN THE RECORD

WHILE OUR RESEARCH CONTINUED, THE INITIAL FINDINGS WERE BROUGHT TO THE ATTENTION OF SENATOR JOSEPH MONTOYA TWO MONTHS AGO. BECAUSE OF HIS CONCERN FOR BASIC HUMAN RIGHTS, FOR WHICH HE IS WELL KNOWN, HE IMMEDIATELY RESPONDED. I WANT TO THANK HIM PUBLICALLY FOR THAT CONCERN.

INTERPOL IS AN INTERNATIONAL ORGANIZATION WITH OFFICES IN OVER 100 COUNTRIES. ITS HEADQUARTERS IS JUST OUTSIDE PARIS AND THE U.S. OFFICE IS LOCATED IN AND FUNDED BY THE TREASURY DEPARTMENT. MEMBERSHIP IS HELD BY THE ATTORNEY GENERAL AND WAS FIRST APPROVED BY THE CONGRESS IN 1938 ON THE URGING OF J. EDGAR HOOVER. BUT I DID NOT COME HERE TO DETAIL THEIR HISTORY. IT HAS ALREADY BEEN FULLY DOCUMENTED AND PRESENTED TO SOME MEMBERS OF CONGRESS.

INSTEAD, LET'S TURN TO THE ISSUES THAT PROMPT OUR CONCERN AND APPEARANCE HERE TODAY.

FIRST, INTERPOL IS A PRIVATE ORGANIZATION. THIS POINT CANNOT BE OVEREMPHASIZED. IT HAS NEVER BEEN ESTABLISHED BY ANY INTERNATIONAL CHARTER OR TREATY. ITS CONSTITUTION AND BYLAWS, WHICH ARE BINDING ON THEIR U.S. OFFICE, HAVE

NEVER BEEN SUBMITTED TO THE CONGRESS, LET ALONE APPROVED. IT HAS BEEN FROM ITS BIRTH IN 1923 A PRIVATE, INTERNATIONAL POLICE CLUB THAT HAS, ESPECIALLY IN THE LAST 15 YEARS, BEEN MASQUERADING AS A BONA FIDE, INTERGOVERNMENTAL ORGANIZATION AND A "WORLD POLICE". THEY ARE NEITHER.

THERE ARE NUMEROUS PRIVATE ASSOCIATIONS AND CLUBS FOR PROFESSIONALS SUCH AS POLICE, LAWYERS, TEACHERS, MAYORS AND GOVERNORS. ONLY INTERPOL, HOWEVER, HAS MANAGED TO PASS ITSELF OFF, WITH THE HELP OF THE F.B.I. AND TREASURY, AS PART OF THE U.S. GOVERNMENT. AND QUITE SUCCESSFULLY, I MIGHT ADD. THEY ARE PRESENTLY ENJOYING ALL THE COMFORTS OF A U.S. AGENCY WITH NONE OF THE RESPONSIBILITIES.

THE PAST TWO MONTHS, HOWEVER, HAVE BEEN SOMEWHAT ROUGH. INTERPOL HAS NEVER BEEN CALLED UPON TO EXPLAIN ITS RELATIONSHIP TO THE UNITED STATES. SINCE 1938, WHEN THE UNITED STATES FIRST JOINED, INTERPOL HAS SPENT A SUM TOTAL OF 63 MINUTES ANSWERING QUESTIONS IN CONGRESSIONAL HEARINGS. THAT COMES OUT TO LESS THAN 2 MINUTES A YEAR. NOW, EVEN AS WE SIT HERE, THE GENERAL ACCOUNTING OFFICE IS CONDUCTING ITS OWN INVESTIGATION AT THE REQUEST OF REPRESENTATIVE EDWARD BEARD OF RHODE ISLAND.

SO THE TREASURY DEPARTMENT IS SEEKING TO PROVE THERE IS NOTHING AMISS, NOTHING TO BE WORRIED ABOUT, THAT INTERPOL IS ALL VERY LEGAL, ETC. ONE TREASURY OFFICIAL, EAGER TO END THE MATTER, MADE THE EMBARRASSING STATEMENT THAT INTERPOL WAS PART OF THE UNITED NATIONS, WHICH IT IS NOT. ONE MIGHT DISMISS SUCH AN ERROR EXCEPT THAT HE IS THE HEAD OF THE U.S.

INTERPOL IS NOT PART OF THE UNITED NATIONS AND HAS NEVER BEEN GIVEN ANY STATUS BY THE GENERAL ASSEMBLY. INTERPOL WAS GIVEN A CONSULTATIVE STATUS IN 1971 BY THE ECONOMIC AND SOCIAL COUNCIL OF THE U.N., NOT UNLIKE THAT GRANTED SEVERAL ORGANIZATIONS. ONE YEAR BEFORE, INTERPOL WAS GIVEN THE SAME CLASSIFICATION AS B'NAI B'RITH, AN IRONY WHEN YOU KNOW INTERPOL'S HISTORY, AS A NON GOVERNMENTAL ORGANIZATION. AS THE NEW YORK TIMES REPORTED ON MAY 28, 1970:

INTERPOL APPLIED FOR CONSULTATIVE STATUS IN 1967 AND HAS BEEN ON A KIND OF PROBATION SINCE THEN. IT IS MADE UP OF POLICE OFFICIALS FROM MANY COUNTRIES, BUT IT MAINTAINS THAT IT IS NOT A GOVERNMENTAL ORGANIZATION BECAUSE IT WAS ESTABLISHED AND IS NOT GOVERNED BY AN INTER-GOVERNMENTAL AGREEMENT.

AS INTERPOL'S STRUCTURE HAS NOT CHANGED SINCE 1970, WE CAN ONLY ASSUME THEY FELT THE NEED FOR A NEW CERTIFICATE OF LEGITIMACY. THEY WERE IN TREASURY THEN AS A PRIVATE ORGANIZATION AND, I PROPOSE, ARE STILL.

NOW INTERPOL IS USING THE UNITED NATIONS AS A REFERENCE TO PROVE IT IS OK TO BE IN THE TREASURY DEPARTMENT. WHILE SUCH BEHAVIOR COULD BE SEEN AS PATHETIC, IT INDICATES HOW IMPORTANT IT IS TO INTERPOL THAT THEIR STATUS BE ACCEPTED AND UNQUESTIONED.

NEXT, INTERPOL IS THE ONLY PARA-INTELLIGENCE NETWORK IN THE UNITED STATES AND ACTUALLY QUITE UNIQUE IN THE WORLD. I CALL IT "PARA-INTELLIGENCE" IN THAT THEY DO NOT CONDUCT ANY INVESTIGATIONS THEMSELVES BUT SERVE AS A

"GO-BETWEEN" OR "MIDDLE MAN" COMMON TO ALL INTELLIGENCE SYSTEMS. THIS MAY EXPLAIN WHY THEY HAVE NEVER BEEN NOTICED.

THE DIFFERENCE WITH INTERPOL IS THAT THEY ARE BETWEEN AMERICAN AGENCIES, DOWN TO A LOCAL POLICE DEPARTMENT, AND FOREIGN POLICE, MANY OF THEM TOTALITARIAN BY ANY STANDARD.

TO OBTAIN INFORMATION, A POLICE DEPARTMENT ASKS INTERPOL WHO, IN TURN, ASKS THE LOCAL POLICE. ONE HIGH RANKING INTERPOL OFFICIAL, JEAN-JACQUES MARC, FROM THEIR WORLD HEADQUARTERS, EXPLAINED IT IN AN ARTICLE IN WORLD SURVEY (SEPTEMBER 1971):

ASKED TO CHECK WHETHER MR. X DID INDEED STAY AT THE BEACH HOTEL FROM 5TH TO 9TH JANUARY, THE LOW-RANKING DETECTIVE IN PIZAGUA (CHILE) OR THE CONSTABLE IN DUNEDIN (NEW ZEALAND) IS PERHAPS UNAWARE THAT HE IS ACTING AS A GENUINE "INTERPOL AGENT."

A GENUINE INTERPOL AGENT AND UNAWARE AT THAT. THE CITIES MIGHT WELL BE NEW YORK, LOS ANGELES OR YOUR OWN HOME TOWN.

NOW WHAT IF THE POLICE IN PIZAGUA OR YOUR HOME TOWN TELLS INTERPOL THAT THEY DO NOT CARE TO COOPERATE WITH THEM? THAT THEY PREFER TO PROTECT THE CONFIDENTIALITY OF THEIR RECORDS BY NOT SHARING THEM WITH A PRIVATE ASSOCIATION?

I WOULD LIKE TO QUOTE FROM THE POLICY FOR INTERPOL'S NATIONAL CENTRAL BUREAUX (N.C.B.'S) SUCH AS THE ONE IN THE TREASURY DEPARTMENT. IT WAS PRINTED, IN PART, IN THE INTERNATIONAL CRIMINAL POLICE REVIEW, (DECEMBER 1965). I SHOULD MENTION THAT IT IS NOW PART OF INTERPOL'S CONSTITUTION AND BINDING ON THE U.S. OFFICE. I QUOTE:

IF THE POLICE BRANCHES NORMALLY CONCERNED ARE NOTORIOUSLY INADEQUATE AND FAIL TO PROVIDE AN N.C.B. WITH CONSTANT, DILIGENT COOPERATION, IT IS CONCEIVABLE THAT THE INTERPOL TEAM SHOULD TAKE DIRECT ACTION IN OTHER CIRCUMSTANCES, THE DEFINITION OF WHICH MUST BE LEFT TO EACH COUNTRY.

PERHAPS THE TREASURY DEPARTMENT OR INTERPOL WOULD LIKE TO DEFINE FOR THE CONGRESS WHAT "DIRECT ACTION" THEIR "INTERPOL TEAM" WOULD TAKE IF OUR POLICE ARE "NOTORIOUSLY INADEQUATE" AND FAIL TO PROVIDE THEM WITH "CONSTANT, DILIGENT COOPERATION."

I THINK YOU CAN BEGIN TO GET THE IMAGE INTERPOL HAS OF ITSELF: A CENTRAL, PRIVATE HEADQUARTERS OPERATING FIELD OFFICES AS "FOOTHOLDS" IN THE POLICE OF EACH COUNTRY. ("FOOTHOLDS" IS INTERPOL'S TERM, WHICH THEY USE TO DESCRIBE FIELD OFFICES OR N.C.B.'S. IT IS NOT MINE.)

THIS DREAM OF BECOMING THE WORLD POLICE FORCE IS BORNE OUT BY INTERPOL'S CLAIM, IN THE APRIL-MAY (1965) ISSUE OF THE INTERNATIONAL CRIMINAL POLICE REVIEW, WHICH IS MARKED "STRICTLY CONFIDENTIAL", THAT EACH N.C.B.,

INCLUDING THE ONE IN THE TREASURY DEPARTMENT, IS "EMPOWERED" BY INTERPOL

...TO REQUEST ASSISTANCE FROM THE POLICE OF OTHER COUNTRIES (EXCHANGES OF INFORMATION, SEARCHES, IDENTIFICATION, QUESTIONING, ARRESTS); CONVERSELY, THEY CAN INITIATE WITHIN THEIR OWN COUNTRY, IN ACCORDANCE WITH THEIR NATIONAL LAWS, ANY POLICE OPERATION ON BEHALF OF ANOTHER COUNTRY.

IT MAY COME AS A SURPRISE TO THE CONGRESS THAT A SELF-APPOINTED, SELF-PROCLAIMED, PRIVATE POLICE FORCE HAS TAKEN UP RESIDENCE IN THE TREASURY DEPARTMENT AND AUTHORIZED ITSELF TO TAKE "DIRECT ACTION" AND INITIATE, IN THE UNITED STATES, "ANY POLICE OPERATION ON BEHALF OF ANOTHER COUNTRY," BUT INTERPOL HAS THE ARROGANCE TO DO JUST THAT...AND MORE.

NEXT, INTERPOL WILL CONDUCT INTELLIGENCE OPERATIONS (THEY CALL THEM "INVESTIGATIVE REQUIREMENTS", A LESS OFFENSIVE PHRASE) FOR PRIVATE GROUPS AND INDIVIDUALS.

THIS SERVICE WAS ANNOUNCED BY ARNOLD SAGALYN, THEN THE HEAD OF THE US INTERPOL DELEGATION AND THE DIRECTOR OF LAW ENFORCEMENT COORDINATION. SAGALYN WAS RESPONSIBLE FOR DIRECTING TREASURY'S INTELLIGENCE ACTIVITIES IN THE BUREAU OF NARCOTICS, SECRET SERVICE, CUSTOMS, COAST GUARD AND IRS. HERE IS WHAT HE SAID IN POLICE CHIEF MAGAZINE, DECEMBER, 1965:

AS A RULE, ALL REQUESTS FOR INTERPOL ASSISTANCE MUST COME THROUGH A RECOGNIZED LAW

ENFORCEMENT AGENCY. ANY INDIVIDUALS OR PRIVATE ORGANIZATIONS SEEKING THE AID OF INTERPOL ARE ADVISED TO COMMUNICATE WITH THEIR LOCAL LAW ENFORCEMENT AGENCY. IF THE ENFORCEMENT OFFICIAL CONCERNED BELIEVES IT TO BE A PROPER CRIMINAL INVESTIGATIVE MATTER, HE CAN TRANSMIT THE CASE TO TREASURY'S INTERPOL BUREAU.

THIS POLICY HAS NEVER BEEN RESCINDED AND, AS FAR AS WE CAN DETERMINE, IS STILL A SERVICE OFFERED BY INTERPOL.

IT WOULD CERTAINLY EXPLAIN 30% OF INTERPOL'S DOMESTIC INTELLIGENCE OPERATIONS ("INVESTIGATIVE REQUIREMENTS") CONDUCTED IN FISCAL YEAR 1973 WHICH ARE UNACCOUNTED FOR. (WE WERE NOT ABLE TO GET THE 1974 FIGURES.)

INTERPOL REPORTED THAT FOR FISCAL YEAR 1973 IT CONDUCTED 1,098 "INVESTIGATIVE REQUIREMENTS". THESE CONSISTED OF 559 FOR FEDERAL AGENCIES AND 214 FOR STATE, COUNTY AND LOCAL AGENCIES. THIS LEAVES 325, ABOUT 30%, UNACCOUNTED FOR. IF THEY ARE NOT FEDERAL, STATE, COUNTY OR LOCAL, FOR WHOM WERE THEY DONE? PERHAPS THIS COMMITTEE CAN FIND OUT IN LIGHT OF INTERPOL'S OFFER TO PRIVATE GROUPS AND INDIVIDUALS.

NEXT, INTERPOL'S RESOURCES FOR SUCH SERVICES ARE QUITE IMPRESSIVE. WHILE IT IS NOT KNOWN WHAT GOVERNMENT FILES THEY HAVE USED IN THEIR "INVESTIGATIVE REQUIREMENTS" FOR PRIVATE GROUPS AND FOREIGN GOVERNMENTS, THE FILES OF THE F.B.I. HAVE BEEN SOUGHT BY INTERPOL FOR YEARS. IN 1959, ONE YEAR AFTER THE TREASURY DEPARTMENT TOOK INTERPOL IN,

CONGRESS WAS TOLD (AND I AM QUOTING FROM "THE REPORT OF A SPECIAL SUBCOMMITTEE ON THE INTERNATIONAL COURT OF JUSTICE AND THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION", APRIL 1959)

INTERPOL IS INTERESTED IN THE F.B.I.'S PARTICIPATION BECAUSE OF ITS TREMENDOUS FILES FROM WHICH, UPON PROPER REQUEST, INFORMATION COULD BE MADE AVAILABLE TO INTERPOL.

NEEDLESS TO SAY, THERE ARE MANY FOREIGN GOVERNMENTS AND THEIR POLICE AGENCIES WHO HAVE TRIED TO GAIN ACCESS TO THE FILES OF THE F.B.I. BUT INTERPOL HAS. THEY HAVE ACCESS TO THE NATIONAL CRIME INFORMATION CENTER (THE N.C.I.C.) AND ARE QUICK TO ADVERTISE IT TO FOREIGN POLICE AS ANOTHER SERVICE OF INTERPOL.

THUS, IF YOU CAN'T GET INTO THE F.B.I. FILES DIRECTLY, YOUR ANNUAL DUES TO INTERPOL WILL LET YOU IN. A MAGNIFICENT SELLING POINT FOR ANY ORGANIZATION. NO OTHER PRIVATE GROUP CAN MAKE THAT CLAIM.

PERHAPS IT WOULD BE APPROPRIATE HERE TO REMIND THE COMMITTEE THAT INTERPOL COUNTS IN ITS MEMBERSHIP THREE COMMUNIST COUNTRIES (NOT TWO, AS TREASURY CLAIMS) WHICH ARE YUGOSLAVIA, RUMANIA AND CUBA. SYRIA, KNOWN FOR HARBORING TERRORISTS, IS A MEMBER, AS WELL AS VIETNAM, BRAZIL, CHILE, LAOS, AND 100 MORE. THE LIST IS PUBLISHED IN EACH ISSUE OF THEIR MAGAZINE.

IF THAT IS NOT ENOUGH, THE FORMER CHIEF OF THE U.S. INTERPOL OFFICE ADMITTED THAT "THE U.S. N.C.B. HAS EVEN MADE CRIMINAL CASES IN COOPERATION WITH N.C.B.'S OF NATIONS WITH WHICH THE UNITED STATES DOES NOT HAVE FORMAL DIPLOMATIC RELATIONS."

THUS INTERPOL IS EVIDENTLY CONDUCTING ITS OWN FOREIGN RELATIONS FROM THE TREASURY DEPARTMENT.

SINCE THE TREASURY DEPARTMENT HAS ADMITTED THAT INTERPOL DOES SEND INFORMATION, SUCH AS COMPUTERIZED CRIMINAL HISTORIES, FROM THE N.C.I.C. TO FOREIGN POLICE AGENCIES, IT MIGHT BE APPROPRIATE TO READ FROM THE POLICY REGULATIONS FOR THE N.C.I.C. WHICH WERE ESTABLISHED ON JUNE 11, 1974. I AM QUOTING SECTION V C IN FULL:

SHOULD ANY INFORMATION BE VERIFIED THAT ANY AGENCY HAS RECEIVED CRIMINAL HISTORY INFORMATION AND HAS DISCLOSED THAT INFORMATION TO AN UNAUTHORIZED SOURCE, IMMEDIATE ACTION WILL BE TAKEN BY N.C.I.C. TO DISCONTINUE CRIMINAL HISTORY SERVICE TO THAT AGENCY, THROUGH THE CONTROL TERMINAL IF APPROPRIATE, UNTIL THE SITUATION IS CORRECTED.

WHILE I DO NOT CARE TO LESSEN THE IMPLICATIONS OF THIS SITUATION, IT HAS TO BE VIEWED IN LIGHT OF EVEN MORE BASIC ISSUES. FIRST, SHOULD INTERPOL BE ALLOWED ACCESS TO THE N.C.I.C. AND OTHER GOVERNMENT FILES AND INFORMATION? SECOND, SHOULD THEY BE HOUSED IN THE TREASURY DEPARTMENT AS IF THEY WERE AN OFFICIAL U.S. AGENCY?

THE FACT THAT INTERPOL IS BEING SO TREATED IS WHY THEY ARE ABLE TODAY TO SHARE IN CONFIDENTIAL INFORMATION NO PRIVATE CITIZEN COULD SEE IF HE ASKED AND YET 120 FOREIGN COUNTRIES, FROM RUMANIA TO VIETNAM, ARE ABLE TO SHARE IT VIA AN OFFICE IN THE TREASURY BUILDING.

IN THIS RESPECT, WE FEEL THAT INTERPOL SHOULD DISCLOSE HOW MANY SYSTEMS, COMPUTERIZED OR MANUAL, THAT THEY HAVE DRAWN INFORMATION FROM AND FOR WHOM. AT THE SAME TIME, WE SHOULD NOT FORGET THAT HE WHO HAS ACCESS TO A FILE CAN NOT ONLY TAKE FROM IT BUT PUT THINGS IN AS WELL. TOO OFTEN WE FORGET THIS. WE CANNOT ASSUME THAT 120 FOREIGN COUNTRIES, ESPECIALLY LOOKING AT THE MEMBERSHIP LIST OF INTERPOL, WOULD NOT SEIZE UPON THE CHANCE TO INSERT FALSE OR MISLEADING INFORMATION VIA SUCH AN OPEN CONDUIT IF THE CHANCES WERE PRESENTED. WE SUGGEST THAT THIS MIGHT BE AS IMPORTANT TO INVESTIGATE AS WHAT INFORMATION LEFT THIS COUNTRY.

FINALLY, LET'S TURN TO INTERPOL'S FINANCES.

THE ANNUAL DUES FOR U.S. MEMBERSHIP IS PRESENTLY SET BY THE CONGRESS AT \$118,000 A YEAR. TREASURY HAS BEEN QUICK TO POINT OUT THAT THIS AMOUNTS TO ONLY 5.8% OF INTERPOL'S TOTAL ANNUAL BUDGET. BUT, LIKE OTHER REPORTS ON INTERPOL, TREASURY HAS NOT TOLD ALL.

INTERPOL REQUESTED AND RECEIVED AN ADDITIONAL \$135,000 FROM THE STATE DEPARTMENT IN SEPTEMBER, 1974. THE FUNDS WERE ADMINISTERED BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT BECAUSE, ACCORDING TO ONE STATE DEPARTMENT OFFICIAL I SPOKE WITH, THE TREASURY DEPARTMENT DIDN'T KNOW HOW TO HANDLE THE REALLOCATION OF THE FUNDS. HE FOUND THIS ODD AND I DO TOO.

I LATER CONFIRMED THE GIFT WITH SHELDON VANCE OF THE STATE DEPARTMENT AS IT WAS HE WHO APPROVED THE REALLOCATION.

THUS, IF THIS COMMITTEE IS GOING TO INVESTIGATE INTERPOL'S FUNDS, I WOULD RESPECTIVELY SUGGEST THAT INTERPOL ACCOUNT FOR ALL MONIES FROM ALL SOURCES, NOT MERELY THE ANNUAL DUES.

THE WORLD HEADQUARTERS OUTSIDE PARIS COULD PROVIDE A COMPLETE BREAKDOWN AND ALLOW THE CONGRESS TO SEE WHERE THE MONEY WAS COMING FROM. BUT I SHOULD MENTION THAT INTERPOL DOES NOT LIKE TO HAVE WHAT THEY CALL "OUTSIDERS" POKING AROUND THEIR FINANCIAL RECORDS AND HAVE SAID SO. **

SHOULD SUCH A BREAKDOWN OF SOURCES OF INCOME BE MADE AVAILABLE, IT WOULD PROVE TO BE A FIRST. IN ONE MAGAZINE ARTICLE, MEMBERS WERE COMPLAINING THAT EVEN THEY WERE BEING KEPT IN THE DARK AS TO INTERPOL'S FINANCIAL RESOURCES. MYSELF, I AM STILL CURIOUS ABOUT WHAT INTERPOL CALLED "EXCEPTIONAL CONTRIBUTIONS" WHICH WERE MADE BY VENEZUALA, BRAZIL AND SWITZERLAND IN 1968 AND 1969 TO A SPECIALLY CREATED BUILDING FUND. **

AS YOU CAN SEE, AS ONE BEGINS TO PROBE INTO THIS MOST UNUSUAL ORGANIZATION, MORE QUESTIONS ARISE THAN ONE HAS ANSWERS.

** "Financial Matters", International Criminal Police Review, regarding the 38th Session of October, 1968

** "Financial Matters", International Criminal Police Review, regarding the 39th Session of October, 1969

SO LET ME SUMMARIZE WHAT I HAVE COVERED:

1. INTERPOL IS A PRIVATE ORGANIZATION WHICH HAS MASQUERADED AS AN OFFICIAL INTERGOVERNMENTAL BODY.
2. IN THE UNITED STATES, IT IS HOUSED, FUNDED AND STAFFED BY THE TREASURY DEPARTMENT.
3. ITS PRIMARY AND SINGLE FUNCTION IS TO SERVE AS A PARA-INTELLIGENCE "MIDDLE-MAN" BETWEEN U.S. AND FOREIGN POLICE, MANY OF WHICH ARE COMMUNIST, FASCIST AND EVEN TERRORIST.
4. INTERPOL CONSIDERS ITSELF AS AUTHORIZED TO TAKE DIRECT ACTION WHEN LOCAL POLICE FAIL TO COOPERATE WITH IT FULLY.
5. INTERPOL CONSIDERS ITS U.S. OFFICE AN EXTENSION OF OVER 100 FOREIGN MEMBERS AND URGES ACTION ON THEIR BEHALF.
6. INTERPOL ENJOYS ALL THE PRIVILEGES OF A U.S. AGENCY AND NONE OF THE RESPONSIBILITIES.
7. INTERPOL IS NOT UNDER THE CONTROL OF ANY GOVERNMENT INCLUDING THE UNITED NATIONS.
8. INTERPOL HAS ACCESS TO THE N.C.I.C. FILES AND SHARES N.C.I.C. DATA WITH FOREIGN GOVERNMENTS. HOW MANY OTHER DATA SYSTEMS INTERPOL HAS USED AND FOR WHOM IS NOT KNOWN.
9. TREASURY HAS ANNOUNCED THAT INTERPOL WILL CONDUCT INVESTIGATIONS FOR PRIVATE GROUPS AND INDIVIDUALS.

10. THE COMPLETE SOURCE OF INTERPOL'S FUNDS IS NOT KNOWN.

WHAT WE HAVE IS A SELF-PROCLAIMED, SELF-STYLED, PRIVATE POLICE FORCE THAT WOULD BE A PATHETIC JOKE IF IT WERE NOT FOR THE POSITION THEY HAVE MANAGED TO OBTAIN IN OUR GOVERNMENT WITHOUT THE KNOWLEDGE OF THE CONGRESS.

FACTS WITH REGARD TO REV. VAUGHN YOUNG'S STATEMENT OF 4-24-75

The following information concerning INTERPOL addresses the testimony given by Rev. Vaughn Young, Church of Scientology, before the Subcommittee on Treasury, Postal Service and General Government, Senate Committee on Appropriations on April 24, 1975.

- A. RE: Page 3 and 7 of Young's statement concerning INTERPOL being an international para-intelligence network, and page 8 of his statement concerning the INTERPOL team taking "Direct Action".

INTERPOL's mission is to assist in the suppression of international crime and trafficking of contraband by providing the machinery whereby law enforcement agencies (local, state and Federal) having a foreign investigative requirement, can communicate that requirement.

INTERPOL NCB in the different countries is usually an office within the National Police and is staffed by active police officials. In certain countries, such as the United Kingdom, officers of Scotland Yard are assigned to INTERPOL to conduct investigations as any other officer would, in accordance with their own laws. The U.S. NCB is staffed by active Federal agents, who, as a matter of policy, do not conduct investigations, but who are authorized to conduct investigations within the jurisdiction of their own agency should the necessity arise. Since INTERPOL is not an intelligence gathering organization, it would appear that the term "para-intelligence" has no relevance to INTERPOL.

- B. RE: Page 4, 5 and 6 of Young's statement concerning INTERPOL as a private organization, and page 5 of Young's statement asserting that INTERPOL enjoys the comforts of a U.S. agency with none of the responsibilities.

INTERPOL is an international organization with 120 member countries, each of which is represented by their law enforcement officials and their NCB office is a division within their official law enforcement bureau or police department. The U.S., of course, is no exception to this: the NCB is in the Office of the Secretary of the Treasury, under the Assistant Secretary for law enforcement and is staffed by Federal agents. Each country maintains its own sovereignty with regard to the operations and activities of its NCB. As such, it is answerable to the same authorities as the law enforcement agency running the INTERPOL NCB in any given country. In the case

of the U.S. for example, the NCB is and will continue to be responsible not only to the Secretary of the Treasury, but also to Congress and must operate within the U.S. laws. It would appear that the way INTERPOL operates speaks for itself, whether it is termed a private or intergovernmental agency. An alternative to INTERPOL, as it now exists, might be to have U.S. officials only operate INTERPOL on a worldwide basis. This would not be a viable solution since it is imperative that if one is to combat international crime, law enforcement agencies throughout the world must continually closely coordinate their activities. I might also add that in 1971, the United Nations recognized INTERPOL as an intergovernmental organization.

C. RE: Page 9 and 10 of Young's statement that INTERPOL has a "foothold" in the police of each country and his statement that INTERPOL can initiate any police operation within their own country on behalf of another country.

As previously stated, the INTERPOL representatives of member countries are heads of their national/Federal police. In the U.S. the INTERPOL representative is the Assistant Secretary of the Treasury responsible for law enforcement. The NCB is staffed by law enforcement officers and is an office within the police.

The U.S. NCB and all other NCB's are under no obligation to act on a foreign investigative request that is not in accordance with their national laws. In INTERPOL it is an everyday occurrence to advise another NCB that part or all of their request cannot be conducted for reasons of national laws, court decisions, ect.

D. RE: Page 10 and 11 of Young's statement concerning requests to INTERPOL from private groups or individuals.

The U.S. NCB, like any police agency, assists private citizens, either through their Congressman, local police or directly in some instances where a member of the family has disappeared abroad, has been arrested abroad, was traveling and their luggage was misrouted, confiscated or impounded by police abroad. Interpol assistance might also involve persons in this country defrauded while abroad or from abroad, in schemes ranging from the sale of fraudulent stocks to automobiles, etc., or to persons who want to report crime and in effect make a complaint to the foreign police. There are cases where a person has witnessed a crime or was the victim of a crime abroad and the foreign police would like them to appear as witnesses, etc. Other examples are the notification to families of the death or injury, etc. to U.S. citizens while abroad. Moreover, financial institutions are frequently the victims of large frauds or swindles in foreign nations. One such case recently involved a loss of half a million dollars through counterfeit letters of credit. Others have involved counterfeit or forged travelers checks, fraudulent transfer of funds, etc.

E. RE: Page 11 of Young's statement that the U.S. NCB did not account for 325 investigative requirements in FY 1973. He went on to state that of the 1089 investigative requirements, 599 were for Federal agencies and 214 were for state, county and local agencies, leaving the 325 unaccounted for.

The correct figures, with regard to investigative requests, for 1973 as taken from the statistical sheet are as follows:

Local/State/Federal Agencies	3924
Other (Congressional, Private Citizens, Financial Institutions, Commercial Firms, etc.)	446
FY 1973 TOTAL	4470

F. RE: Page 11 and 12 of Young's statement concerning access to FBI records and in particular NCIC.

The U.S. NCB has access to the National Crime Information Center (NCIC). In this regard, it is important to identify the types of records contained in NCIC:

1. Stolen Securities
2. Stolen Motor Vehicles
3. Wanted Persons (Warrants Outstanding)
4. Stolen, Missing or Recovered Guns
5. Stolen Boats
6. Stolen License Plates
7. Computerized Criminal Histories

In a typical request, the U.S. NCB might receive information that John Doe, a U.S. citizen, has been taken into custody, is the subject of a criminal investigation, has arrived in a foreign country with an altered passport or with no passport at all, that he was in possession of a contraband item, etc. The U.S. NCB queries NCIC and determines, for example, the subject is wanted (by virtue of a warrant) by the Los Angeles Police Department. The Los Angeles Police are immediately notified of the subject's present whereabouts and situation so they can initiate extradition papers through diplomatic channels or begin whatever action they deem advisable in the case. The foreign police are then notified that the subject is wanted in the U.S. so that they can act accordingly.

This process can locate a person wanted in the U.S. and often results in the apprehension and prosecution of an international criminal.

In obtaining information from the FBI or any agency, the U.S. NCB operates under the "Third Agency Rule" concept wherein one agency's report is not released to another agency, ect. without the original agency's authorization.

G. RE: Page 12 of Young's statement that Cuba is a member of Interpol, as are Rumania and Yugoslavia.

CUBA is not an active member.

Rumania and Yugoslavia are members and the U.S. NCB has some exchange with each. Such cases concern the arrest of a U.S. citizen in Yugoslavia or Rumania, counterfeit U.S. currency or travelers checks, altered U.S. passports in the possession of a criminal, etc. These exchanges might also relate to a Rumanian/Yugoslav who is arrested or under investigation in the U.S. It is our policy to make a request to the subject's home country, both to determine if he has a criminal history

and to make them aware of their citizen's situation in the U.S.

H. RE: Page 14 of Young's statement concerning foreign police inserting false or misleading information in U.S. NCB files.

Specifics of investigations, arrests, etc. are normally provided to the U.S. NCB. If not, these specifics, which usually include fingerprints, charges, disposition, etc. are requested. Every effort is made to obtain complete and accurate information.

I. RE: Page 15 of Young's statement concerning INTERPOL's finances.

The 1975 INTERPOL annual dues for the U.S. are 354,000 Swiss francs, which, at the current exchange rate, is about \$138,000 or 5.8 percent of the overall INTERPOL budget. Four other countries pay the same dues as the U.S. INTERPOL's income is derived mainly from annual dues. The total 1975 budget of 5,919,520 Swiss francs was made up of 5,515,520 Swiss francs in dues and 404,000 Swiss francs obtained from miscellaneous sources. Miscellaneous income includes publications, such as the International Police Review magazine, bank interest, bond interest, property income, taxes reimbursed and Systemen Keesing payment (copy of Draft Budget for INTERPOL, 1975, previously provided to Committee staff).

The U.S. in 1974-1975 made a one-time, non-recurring voluntary contribution of \$135,000 from Foreign Assistance Funds for International Narcotics Control administered by AID, Department of State. The U.S. contribution is being used to support an INTERPOL liaison officer in both Southeast Asia and Latin America. The program in Europe had been so successful in combatting drug traffic that this year it was increased from three to five officers for Europe. The program in Europe has been funded by contributions from European countries.

Senator MONTROYA. Can you provide the total annual cost to the Treasury for maintenance of the U.S. membership in INTERPOL? I would like to include: personnel salaries, data processing costs, communications, and lease charges. You can supply it for the record, if you don't have it readily available.

[The information follows:]

Summary of Estimated Costs
that will be incurred by the
U.S. Government with regard
to the operation of INTERPOL
during FY 75

<u>COST ELEMENT (Appendix Ref. No.)</u>	<u>Estimated Dollar Cost</u>
Salaries (1)	196,920
Travel (2)	9,755
Dues (3)	140,000
SEPAT Contribution (3)	135,000
Communication (4)	42,842
Prepaid items (5)	475
Outside Services (5)	1,500
Office Supplies (6)	<u>2,000</u>
Total Estimated Dollar Cost for FY 75:	<u>528,492</u>

For schedule of other resources utilized by INTERPOL for which there are no specific dollars payable by the U.S. Government, see Appendix No. 7.

Appendix No. 1

SALARIES

INTERPOL currently employs a total of 10 employees.

<u>GRADE - Step</u>	<u>Dollar Cost (Salary)</u>	<u>No. of Persons At Grade-Step</u>	<u>Total Dollar Cost</u>
15 5	\$33,794	2	67,588
15 2	30,812	1	30,812
12 1	18,463	1	18,463
11 2	15,997	1	15,997
7 2	10,871	1	10,871
6 6	11,053	1	11,053
6 4	10,421	1	10,421
5 2	8,783	1	8,783
5 1	8,500	1	8,500
Total Salary Cost:			\$182,488
Personnel Benefits computed at 8-1/2% of base salary at each grade level			
Dollar Value (Personnel Benefits):			14,432
Total Personnel Costs:			\$196,920

Appendix No. 2: Travel

<u>Traveler</u>	<u>Place</u>	<u>Actual Purpose</u>	<u>Total FY 75</u>			
			<u>Cost</u>	<u>Estimated for balance of FY 75 Place</u>	<u>Purpose</u>	<u>Cost</u>
Holmes, James	Kingston, Jamaica	INTERPOL Conference	\$430			
Sims, Louis	Cannes, France	General Assembly	\$1340	Miami, Florida	Fed. Crim. Invest Conf.	\$200
	Paris, France	Symposium	\$890	Memphis, Tenn.	Nat'l Sheriffs Assoc. Conf.	\$400
	Orlando, Florida	IACP	\$195			
Stankey, Robert	Paris, France	Internat'l Fraud	\$750			
Giannoules, Kenneth	Cannes, France	General Assembly	\$1400			
Macdonald, David	Cannes, France	General Assembly	\$2000			
Clawson, James	Paris, France	Internat'l Fraud	\$750			
	Paris, France	Hostage Symposium	\$900			
Owens, Beatrice	San Diego, Calif.	TECS Course	\$500			
Totals			\$9155			\$600

Appendix No. 3

INTERPOL DUES

Amount due: 354,000 Swiss Francs

Approximate conversion at \$.40 per Swiss Franc
equals \$140,000 U.S. dollars

For additional information, see testimony of INTERPOL Chief, Louis Sims, and Assistant Treasury Secretary David Macdonald before the Senate Subcommittee on Appropriations on 6 May 1975.

SEPAT CONTRIBUTION

Represents contribution of \$135,000 for INTERPOL narcotic liaison program for South America and the Far East during 1975 and 1976.

Appendix No. 4

COMMUNICATIONS

<u>ITEM</u>	<u>COST</u>
Total Cost of INTERPOL's Western Union International Machine - Telex and Cable	\$ 6,074.02
Total Cost of the Data Services Machine - Rent	903.00
Total Cost of TECS Terminal - Rent	1,116.00
Total Cost of TECS Printer - Rent	966.00

ITEMCOST

INTERPOL's Pro-rata Share of all other OS Communications Costs - User/Services	33,038.87
Cost of Commercial Long Distance Telephone Calls - User Costs	<u>744.02</u>
Total	<u>\$42,841.91</u>

Appendix No. 5

PREPAYMENTS

Payment of \$475 for INTERPOL's participation in the International Association of Chiefs of Police (IACP) Conference.

Amount invoiced and paid for in FY 75. Event is to occur during FY 76.

OUTSIDE SERVICES

Represents use of translator for all languages other than French and Spanish. FY 75 contract estimated at \$1,500.

Appendix No. 6

OFFICE SUPPLIES, PRINTING, AND ETC.

Applied using a constant factor of \$200 per person per year.

Thus,

Interpol employees x \$200 = Estimated Cost
 10 x \$200 = \$2000

Appendix No. 7

SPACE RENTAL

No charge.

INTERPOL is housed in the Treasury Department Building. This building is owned by the Department and no rental charge is associated with its use.

INTERPOL currently occupies:

Six (6) rooms
 One (1) reception area

OFFICE FACILITIES

<u>Item</u>	<u>Approx. No. of Units</u>
Desks	9
Typewriters	6
Filing Cabinets	10
Safe	2
Sofa	1
Chairs	23
Assorted Tables and Lamps	--

Senator MONTROYA. With regard to INTERPOL in which the United States is represented by the Treasury Department, what is the exact total dollar cost to the United States for its total annual dues?

Mr. MACDONALD. The value of it is \$138,000. Mr. Sims, is that what we actually paid last year?

Mr. SIMS. No; it has been paid in increments of \$40,000 in one month and \$40,000 in another month. Some was paid in January and another payment was made, I believe in about March and it was based upon a total budget of \$137,000.

Senator MONTROYA. On an annualized basis?

Mr. SIMS. Yes, sir; and a \$40,000 payment was made in January toward that. Another payment of \$40,000 was made toward that, in March, I believe, sir. The March payment—at that time the Swiss franc was worth about 137,000—so therefore, it has fluctuated.

Senator MONTROYA. But more or less \$140,000?

Mr. SIMS. \$140,000 would be an approximate figure. It has ranged from \$117,000 to \$147,000.

INTERPOL BUDGET

Senator MONTROYA. What percentage does the \$140,000 represent of the overall INTERPOL budget?

Mr. MACDONALD. 5.8 percent.

Senator MONTROYA. From what account is this money drawn and how is it sent to INTERPOL?

Mr. MACDONALD. It is drawn from appropriated funds.

Mr. SIMS. Yes, sir. It is drawn from the funds of the Office of the Secretary, salaries and expenses. It is not a listed item in the budget.

Senator MONTROYA. I understand. How does INTERPOL account for the expenditure of its budgeted funds? Does the United States receive a report on this matter?

Mr. MACDONALD. Yes; we do. At the annual meeting, there is a balance sheet.

Mr. SIMS. Yes; I have the 1975 INTERPOL budget, if you would like that for the record.

Senator MONTROYA. Yes; you may submit it.

[The information follows:]

The present report on the draft budget for 1975 has been approved unanimously by the Executive Committee.

When, at its 41st session in 1972, the General Assembly voted to raise the value of the budget unit to 4,850 Swiss francs, the increased value was intended to remain constant for three years, in accordance with Article 7 of the Financial Regulations, which states:

"During each three-year period the value of the budget unit should not, as far as possible, be altered".

Unfortunately, circumstances have made premature revision of the budget unit necessary, if the Organization is to be able to cope with the new situation created by changing economic conditions.

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At its 42nd session in 1973, the General Assembly adopted the draft budget for 1974, in which income and expenditure were balanced.

Certain inflationary trends were taken into consideration (at the rate of about 8%), as well as a certain amount of expanded activity (an inevitable result of increases in the number of cases to be handled, in the number of member countries, in co-operation, in the volume of radio traffic, etc.).

During the latter part of 1973 and into 1974, economic and financial conditions changed suddenly and drastically; it was in no way possible to forecast this.

The prices for very many items rose unexpectedly; there have been sharp increases in the cost of energy, services, travel and all kinds of supplies. For example, office cleaning services cost 5,013 French francs per month in December 1972, while the same services in February 1974 cost 7,656 French francs.

Naturally, the salaries of the personnel have also increased.

It has therefore proved necessary to revise the estimated expenditure for 1974. The new figures for 1974 are given in Column 2 of the "Expenditure" table (enclosed); they have been approved unanimously by the Executive Committee.

These figures indicate that the new expenditure will result in a slight deficit at the end of 1974, which will be covered by the Organization's cash reserves.

This situation is not dramatic for the year 1974. However, if it continues - or gets worse - this would be extremely serious.

There is no reason to suppose that inflationary trends will be reversed in 1975. It is not necessary to be a financial expert to conclude that price increases - and the resulting salary increases - will continue throughout 1975.

We estimate that for 1975 expenditure will increase by at least 12% for costs of materials, equipment, services, travel, etc. In that percentage is included a certain amount of expanded activity which is in fact quite modest. With regard to personnel, we estimate that the rate of salary increases and

related expenses will be about 16%, including not only raises in basic salaries but also the normal salary increments and the expenses involved in hiring a few more employees.

Column 3 of the enclosed "Expenditure" table lists estimated expenditure for 1975. The total involved is 5,919,520 Swiss francs.

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It is essential, therefore, that the Organization's total income should cover the total estimated expenditure indicated above, i.e. 5,919,520 Swiss francs.

The Organization's income is derived mainly from national contributions and, to a lesser extent, from miscellaneous sources.

We estimate that these miscellaneous sources, which are listed in the enclosed document, will yield 404,000 Swiss francs for the year 1975.

There thus remains a total of 5,515,520 Swiss francs to be covered by national contributions (5,919,520 - 404,000 Swiss francs).

At the present time, the total number of budget units contributed by member countries is theoretically 1,033. Past experience, however, has taught us to anticipate payment of fewer budget units (in 1973, only 878 budget units were actually paid).

In our opinion, a realistic estimate would be based on the actual payment of about 965 budget units.

On that basis, the budget unit can be calculated as follows:

$$\frac{5,515,520}{965} = 5,715 \text{ Swiss francs}$$

Furthermore, the economic situation is so unstable that we must allow ourselves about a 3% margin of security. Consequently, it is proposed that the rate of the budget unit should be established at 5,900 Swiss francs, effective on 1st January 1975.

This represents an increase of 21% over the value of the budget unit as fixed in 1972, and corresponds to the average rate of increase in costs and prices throughout the world between 1972 and 1975.

The uncertainties of the world economic situation and of the fluctuations in prices and currency exchange rates, force us to be very cautious; the proposed increase in the budget unit is in no way excessive, in relation to the general development of that situation.

It is to be hoped that during 1975 a clearer picture of the developing economic situation will emerge and that future conditions can be forecast more accurately. It is only on the basis of the conditions prevailing at that time that serious estimates can be made for 1976 and subsequent years.

Meanwhile, the I.C.P.O.-INTERPOL will have protected itself from a serious crisis affecting its finances and its activities - a crisis that the Organization's cash reserves are too small to counteract.

DRAFT BUDGET FOR 1975

INCOME

Contributions :	
5.900Sw. fr. = 965 budget units	5,693,500
International Criminal Police Review	22,000
Publications	15,000
Systemen KEESING payment	150,000
Bank interest	10,000
Interest on bonds	10,000
Income from property	17,000
Taxes reimbursed	180,000

6,097,500

DRAFT BUDGET FOR 1975

EXPENDITURE

	Sums allocated for 1974 (Draft Budget)	Revised Budget for 1974	Draft Budget for 1975
ASSETS SUBJECT TO DEPRECIATION :			
Vehicles	17,000	17,000	19,040
Telecommunications equipment	300,000	300,000	306,000
Printing and photographic equipment	25,000	40,000	44,800
Other technical equipment	5,000	10,000	11,200
Furniture and office equipment	40,000	40,000	44,800
Improvements to premises	75,000	85,000	85,200
SUB-TOTAL ..	462,000	492,000	551,040
OPERATING COSTS :			
I - SALARIES, SOCIAL INSURANCE, ETC.			
Salaries of employees under direct contract	1,960,000	1,960,000	2,273,600
Allowances to seconded police officers and civil servants	450,000	450,000	522,000
Other allowances	20,000	20,000	23,200
Insurance and pension contributions	480,000	588,000	688,080
SUB-TOTAL ..	2,910,000	3,018,000	3,506,880
J - REPAIRS			
10,000	14,000	15,680	
K - REPAIRS, SUPPLIES AND EXTERNAL SERVICES			
Hire of equipment	60,000	70,000	78,400
Maintenance of premises (land and buildings)	65,000	75,000	84,000
Maintenance of equipment, furniture and vehicles, maintenance supplies	10,000	15,000	16,800
Telecommunications maintenance	30,000	50,000	56,000
Office cleaning	65,000	78,000	87,360
Translations	12,000	12,000	13,440
Miscellaneous equipment (purchase of)	1,000	1,000	1,120
Heat and power (electricity, gas, heating, etc.)	90,000	130,000	145,600
Technical reference material (library)	4,000	4,000	4,480
Expert's fees	50,000	80,000	87,200
Insurance	16,000	16,000	17,920
SUB-TOTAL ..	403,000	511,000	572,320
L - TRANSPORT AND TRAVEL EXPENSES			
Paris-St. Cloud transport allowances	13,000	12,000	13,440
Travel, maintenance and accommodation expenses (official missions)	130,000	130,000	145,600
Freight and document transport costs	10,000	10,000	11,200
SUB-TOTAL ..	153,000	152,000	170,240
M - TRAVEL AND TECHNICAL ASSISTANCE			
International Criminal Police Review	130,000	140,000	156,800
Technical assistance and symposia	85,000	90,000	100,800
Audio-Visual teaching material	10,000	10,000	11,200
Miscellaneous publications	40,000	45,000	50,400
SUB-TOTAL ..	265,000	285,000	319,200
N - MISCELLANEOUS MANAGEMENT COSTS			
Official hospitality and entertainment	12,000	12,000	13,440
Office supplies	75,000	75,000	84,000
Photographic and printing workshop	70,000	70,000	78,400
General reference material	1,000	1,000	1,120
Postal, telephone and telegram charges	125,000	128,000	143,360
Subscriptions and other payments	500	1,000	1,120
Executive Committee	50,000	55,000	61,600
General Assembly	150,000	150,000	168,000
Advertisements, exhibitions, medals	1,000	1,000	1,120
SUB-TOTAL ..	484,500	493,000	552,160
O - FINANCIAL COSTS AND LOANS			
C.D.C. loan	244,000	232,000	232,000
Bank charges	5,000	6,000	6,000
SUB-TOTAL ..	249,000	238,000	238,000
P - SAFETY AND RESERVE FUNDS			
177,980			
TOTAL ..		5,203,000	6,097,500

Senator MONTOYA. Are there any other funds supplied to INTERPOL's world headquarters or to the regional narcotic services other than those included in the annual dues and other than those which you mentioned for 1974-75 through the foreign assistance program?

Mr. MACDONALD. No, sir; other than those described.

Senator MONTOYA. There are no other funds? What about the Federal Drug Enforcement Agency, do they contribute any funds?

Mr. MACDONALD. No, sir, they don't contribute any funds. They have two people paid from their regular budget that are assigned to INTERPOL.

WASHINGTON PERSONNEL

Senator MONTOYA. Through what Federal department or agency are personnel made available? I think I have the list here, so perhaps you could include the allocation by the different agencies, Secret Service, Office of the Secretary, and so forth.

Mr. MACDONALD. Yes; two from the Department of Justice. That is DEA. Two from the Office of the Secretary, U.S. Treasury Department. Those are two secretaries. Two from the U.S. Secret Service; three from the U.S. Customs Service; and one from the Bureau of Alcohol, Tobacco, and Firearms.

Senator MONTOYA. What about the draft budget for 1975, for INTERPOL, has there been any revision of this budget? We have one here. It is specified as number 4-A. Are you aware of it?

Mr. SIMS. Yes, sir. That is the latest that we have.

Senator MONTOYA. There have been no revisions of this budget?

Mr. SIMS. No, sir, there have not. Not to our knowledge.

Senator MONTOYA. Do you have any personnel assigned to the Paris INTERPOL?

Mr. MACDONALD. Yes; we have one DEA agent rated GS-12, sir. He has been there since February 1974.

Senator MONTOYA. How many Drug Enforcement Agency personnel from the Justice Department work with INTERPOL and with what agreements, other than the ones you outlined a while ago?

Mr. MACDONALD. One in Washington and one in Paris.

Senator MONTOYA. That is all?

Mr. SIMS. Yes, sir, that is all. There are no formal agreements with DEA, Secret Service, or the local police agencies. Each is handled on an individual basis.

Senator MONTOYA. Are there persons working for INTERPOL in the United States, other than those in the Treasury Building office?

Mr. SIMS. No, sir.

Senator MONTOYA. How are the requests from INTERPOL directed by Treasury to the National Crime Information Center computer?

Mr. SIMS. In the U.S. National Central Bureau, located in the Treasury, we have a computer terminal that is called a Treasury Enforcement Communications Systems terminal (TECS).

Senator MONTOYA. Will you explain what data that computer contains?

TECS

Mr. SIMS. That computer contains—now, sir; are you referring to the Treasury Enforcement Communications Systems terminal?

Senator MONTOYA. Yes.

Mr. SIMS. TECS contains information of a criminal enforcement nature placed there by the U.S. Customs Service; Bureau of Alcohol, Tobacco, and Firearms; and INTERPOL.

Senator MONTOYA. Is there data that Internal Revenue Service collects?

Mr. SIMS. Yes, sir. They have some but it is, compared to others, very little. It concerns their fugitives and someone they are looking for.

Senator MONTOYA. What about their delinquent accounts?

Mr. SIMS. I have no knowledge of that, sir.

Mr. MACDONALD. No, sir, they do not do that.

Senator MONTOYA. What sort of people would Internal Revenue be looking for?

Mr. SIMS. This could be an individual they have a warrant outstanding for. For example, if there has been a bench warrant resulting from a grand jury indictment. This would be the only thing.

Senator MONTOYA. Are you sure that that is the only input from Internal Revenue?

Mr. SIMS. It is my understanding that they do put selective criminal type investigations in there, where the individual perhaps isn't the subject of an arrest warrant yet, but they are seeking that individual for the purpose of investigation.

Senator MONTOYA. What about people under investigation for criminal fraud on their income tax return, do they appear in this TECS?

Mr. SIMS. I could not answer that question.

Senator MONTOYA. Perhaps you can obtain the answer for the record.

Mr. MACDONALD. I am told that the IRS does not do that, however, we will check it completely and get you a definitive answer.

[The information follows:]

At the present time, only the Inspection Service and the Intelligence Division of the Internal Revenue Service have direct input to, or access to, TECS.

TECS entries made by the Inspection Service must meet the following criteria:

1. Fugitives—The subject must presently be a fugitive from justice and the subject of an outstanding warrant. These entries are made by the National Office only.

2. Arrest—The subject must have been arrested or indicted in:

- a. a threat or assault case or,
- b. a bribery or attempted bribery case.

TECS entries made by the Intelligence Division must meet the following criteria:

1. Fugitives—The subject must presently be a fugitive and/or the subject of an outstanding warrant. These entries are made by the National Office only.

2. Current Investigations—Entries in this category are limited to:

- a. Narcotics Traffickers Program
- b. Special Enforcement Program

3. Major Racketeers—Entries in this category are limited to those major racketeers whose tax affairs are of continuing interest to the Internal Revenue Service.

With the exception of fugitive entries, data input is restricted to the identifying elements of name, date of birth, known addresses, and social security number. In the case of fugitives any applicable public information from the wanted circular may be entered.

FACTSHEET

Senator MONTOYA. Well, I have a factsheet here. I will submit it for inclusion in the record at this point.

[The fact sheet follows:]

FACTSHEET

TECS is the acronym for the Treasury Enforcement Communications System which is a system of telecommunication terminals located in law enforcement facilities of the Department of the Treasury throughout the United States and connected to a Computer Center in San Diego, California.

TECS users include the U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, IRS Intelligence Division, IRS Inspection Service, and INTERPOL Washington.

TECS provides to the Treasury law enforcement community:

A computer-based index to files of common interest to Treasury enforcement agencies.

On-line access to the Federal Bureau of Investigations' National Crime Information Center (NCIC).

Immediate message-switching capability point-to-point and broadcast among Headquarters and Treasury enforcement field levels.

An interface with the National Law Enforcement Telecommunications System (NLETS) which provides:

(a) An administrative message-switching capability between TECS and the enforcement agencies in the fifty (50) states.

(b) Vehicle registration inquiries.

(c) Driver's license inquiries.

The computer-based network, which was originally conceived as CADPIN (Customs Automatic Data Processing Intelligence Network), began operation in April 1970 with a total of 20 terminals, all located at the Customs port of entry in San Ysidro, California.

Currently the network consists of more than 500 terminals located at land-border crossings along the Canadian and Mexican Borders, key ports of entry at seaports and international airports, field offices of the Customs Office of Investigations, as well as offices of the Bureau of ATF, IRS Inspection Service, and IRS Intelligence Division.

These terminals have immediate access to records in the TECS data base containing information on known or suspected* violators of Customs laws. These records contain information on individuals, business, vehicles, aircraft and vessels as well as active records in NCIC contained in eight separate files on wanted persons, vehicles, license plates, articles, guns, securities, boats and criminal history records.

TECS host computers are duplexed Burroughs 5500's located at the U.S. Customs Service, Law Enforcement Systems Division at San Diego, California.

During FY 1974 through the on-line access to the NCIC, Customs officers intercepted and turned over 593 felony fugitives to state, local and other federal law enforcement agencies.

Senator MONTROYA. This factsheet indicates that TECS serves the IRS intelligence division. I am assuming that the IRS intelligence division provides some input into TECS?

Mr. SIMS. Yes, sir.

Senator MONTROYA. The kind of input is what I am trying to find out.

Mr. SIMS. There are different access codes, like the material that INTERPOL inputs. About 2 percent have access to all Treasury Enforcement Communications Systems terminal. These are the wanted types, the all points bulletin types. With IRS, it is the same way. They have access codes. The only items we have access to are the fugitives, the wanted, this sort of person.

Senator MONTROYA. But you can use it, if you make a request?

Mr. SIMS. No, sir, not with regard to Internal Revenue. It would have to go from the National Central Bureau to the IRS, person to person. Namely, it would have to go from me to an Internal Revenue Service person for him to evaluate the request.

Senator MONTROYA. Do you do that once in a while?

*Suspected individuals are those with a prior criminal history or of current investigative interest.

Mr. SIMS. Since I have been there, September 1, 1974, we have had two requests from Internal Revenue Service. I do not recall any requests to the Internal Revenue Service. They were seeking an individual that had fled to a foreign country and INTERPOL was used to locate that individual.

Senator MONTROYA. Does the U.S. office of INTERPOL obtain information from the FBI by other means than the NCIC and if so, what sort of data and for what purpose and agency?

Mr. SIMS. Yes, sir, on occasion we do. Let me give you an example. There is interstate transportation of stolen motor vehicles, between Germany and the United States; Spain and the United States and Mexico.

If there is a car ring operating in one of those countries and we receive information from that country that it is operating and perhaps some U.S. citizens are involved, trafficking to or from the United States, we provide that information. In this instance, it would be the FBI. The FBI in that instance would come back with a report.

This report would more than likely state, "Yes; we have an investigation that we are conducting with regard to the same individuals, the same trafficking of those motor vehicles."

It might be a trafficking in firearms or a different agency, depending on the jurisdiction and the type of crime. FBI would come back with that information, saying that, "Yes; we have an investigation ongoing. We know the cars are coming in. We have made three arrests. These are the names of the people that have been arrested and we would like to coordinate the investigation closer." Yes, sir, that type of information is provided by FBI.

Senator MONTROYA. So that information is supplied to you not through the NCIC but through their own intelligence files?

Mr. SIMS. Yes, sir.

Senator MONTROYA. Or criminal investigation files?

Mr. SIMS. We actually go from my office to their headquarters liaison office.

Senator MONTROYA. Do you do that quite often?

Mr. SIMS. Not too often.

Senator MONTROYA. You almost have to do it in every case where NCIC just furnishes you a person's arrest record and you want to find out more about that individual. Don't you make a request at that time?

Mr. SIMS. Not necessarily. For example, if a foreign police organization has arrested a U.S. citizen abroad it might be for the traffic in vehicles, it might be for drugs or smuggling. They would like to know what similar crimes in the United States that individual has been involved in. If so, is it connected with the crime he has just committed. We then go to the FBI identification division which has the arrest records on people, both U.S. citizens and other citizens. This is simply a record that says he was arrested on a certain date in a certain city for a certain crime and the disposition was 2 years imprisonment, probation, whatever it might be.

This is the type record that normally we are seeking which is outside of NCIC. That is the purpose for which we are seeking it, because there is a criminal investigation where normally the person has been arrested.

Senator MONTROYA. So if John Jones is arrested but not convicted for a certain crime then you transmit that information?

Mr. SIMS. If he was arrested here and had no convictions he would not be in the record. We would not transmit the record abroad.

Senator MONTROYA. Have you had requests for just the arrest records?

Mr. SIMS. Yes, sir.

Senator MONTROYA. Have you turned them down?

Mr. SIMS. If we had a request that indicated the information was required in connection with an arrest or a criminal investigation abroad?

Senator MONTROYA. That is what I mean.

Mr. SIMS. If they met that criteria, sir; we would provide it. If they didn't, we would not.

Senator MONTROYA. All right. What kind of arrest records would you transmit to them; drunken driving?

Mr. SIMS. No, sir. We transmit to them the felony convictions.

Senator MONTROYA. What if they asked you for a complete arrest record? Would you provide them records for misdemeanors, for felonies, or both?

Mr. SIMS. We would give them the felonies.

Senator MONTROYA. What would you say with respect to the misdemeanors?

Mr. SIMS. We would say in our correspondence to them that the individual had these felony convictions.

Senator MONTROYA. What if they had asked you for all arrest records?

Mr. SIMS. Usually they come in and say all criminal history.

Senator MONTROYA. Do you mean to tell me that you separate the part dealing with misdemeanors?

Mr. SIMS. There are instances when we don't. For example; an individual has, say, one misdemeanor arrest record. We do not normally transmit that to a foreign country.

Senator MONTROYA. What if they request it?

Mr. SIMS. They may have requested the criminal history. In many instances, we don't.

Senator MONTROYA. In some instances you do?

Mr. SIMS. If it was for drunk driving; no, sir. If it is for petty theft, yes.

Senator MONTROYA. What I am trying to find out Mr. Sims, is, are there instances where, upon request or otherwise, you do transmit the history of an individual dealing with an arrest for a misdemeanor or for a conviction for a misdemeanor?

Mr. SIMS. Yes, sir.

Senator MONTROYA. Are there frequent instances?

Mr. SIMS. No, sir, they are not. Normally, when we transmit that type of information there are several felonies on the same sheet.

Senator MONTROYA. Do you transmit records of an individual dealing with income tax evasion?

Mr. SIMS. I have not seen, since my time there, any records go out with regard to income tax evasion.

Senator MONTROYA. Do you transmit the record of an individual where he was charged by a local police department with a number of misdemeanors?

Mr. SIMS. Yes, sir, we do transmit some. If an individual had an arrest record which we received from the FBI and he has several misdemeanors but no felonies. However, there is a definite pattern. This is an individual that keeps being arrested for a petty theft or different misdemeanor charges. Yes, sir, we do.

Senator MONTROYA. That would include situations where there was an arrest record, but no conviction?

Mr. SIMS. No, sir, not if it is a clear-cut dismissal, or if that was the only charge.

Senator MONTROYA. What if one of the dismissals is among other arrests and convictions?

Mr. SIMS. Then it would be transmitted, in most instances, with the notation that it was a dismissal.

Senator MONTROYA. But the arrest record is there?

Mr. SIMS. Yes, sir, the rest of the arrest record is there. It is self-explanatory.

REGULATIONS FOR TRANSMISSION OF INFORMATION

Senator MONTROYA. Are the regulations governing the transmission of information from the National Crime Information Center to INTERPOL the same as those concerned with providing information from State and local government enforcement agencies or are the standards different?

Mr. SIMS. No, sir, I would say that the standards are uniform with regard to—if I understand you right, your question refers to the transmission of information received from NCIC, and transmission of information received from local and State police. We screen both types of information.

Let me describe to you the screening of both. With regard to local and State agencies if we go to them with a request for investigation we give them the benefit of the same information we have; namely, what is the reason for the request, what type of investigation are they conducting abroad, have they arrested the individual, what are they seeking in this country.

Let's say the department is the Baltimore Police Department, that department screens the request. They make their own decision as to what they will provide. We state right in our transmittal, who is requesting the information and why it comes to us when they have completed their investigation. We then determine if the information is the type information requested first of all. I have seen instances like this where the police department provided a full paragraph and only one line was needed to answer their question. So it goes through another screening process. In that instance I simply take out the one line and put in my transmittal to the foreign requesting country indicating the results of the investigation and that answers their inquiry.

Senator MONTROYA. Do you act as an interchange of information between two domestic police departments?

Mr. SIMS. No, sir.

Senator MONTROYA. You don't exchange information?

Mr. SIMS. No, sir. If we get a request from one agency and it requires us to go to another State agency or to a Federal agency, we tell them to go themselves.

SOVIET BLOC COUNTRIES

Senator MONTOYA. In Secretary Simon's letter and report to me of March 10, 1975, it is stated that, "INTERPOL presently consists of 120 member countries, two of which are Soviet bloc countries, Rumania and Yugoslavia." At this point I shall insert this letter and report for further reference during this hearing.

[The information follows:]

THE SECRETARY OF THE TREASURY
WASHINGTON 20220

MAR 10 1975

Dear Mr. Chairman:

This letter is in response to your letter of February 6, 1975, which concerned accusations directed at INTERPOL by an organization known as the "Church of Scientology". Your letter requested a detailed explanation of INTERPOL and the role of the Treasury Department as the United States representative.

Your letter also expressed your particular interest in being advised of the types of information contained in the National Crime Information Center, regulations which govern the exchange of this information with foreign recipients and the type of information concerning United States citizens which is forwarded to foreign members of INTERPOL.

Enclosed for your information is a report concerning INTERPOL, which I believe is responsive to your questions.

Further responding to your letter of February 24, I certainly regret any misunderstanding which may have taken place regarding the publicizing of the charges made by the "Church of Scientology" against INTERPOL. We at Treasury are keenly aware of your interest in civil rights, as evidenced by your annual thorough review of Treasury employment practices and operations. We anticipate another such review this year, and I look forward to my appearance before your Subcommittee.

Sincerely yours,



William E. Simon

The Honorable
Joseph M. Montoya, Chairman
Subcommittee on Treasury, Postal
Service and General Government
Committee on Appropriations
United States Senate
Washington, D. C. 20510

FACTS CONCERNING INTERPOLMembership and Dues

INTERPOL presently consists of 120 member countries, two of which are Soviet Bloc countries, Rumania and Yugoslavia. Each member country fixes the amount of its annual dues, which ranges on the scale from one budget unit to 60 budget units per year. The amount of dues paid by each country usually reflects the size and state of development of the country. The annual dues are set and approved by the member countries' vote at the annual General Assembly. The dues were last increased in September of 1974 from 4850 Swiss francs (SF) per budget unit to 5900 SF per budget unit.

Enclosed as Exhibit I is a list of member countries and a breakdown of dues paid by each country. The U.S. dues currently represent approximately 5.8 percent of the Annual Budget.

United Nations Recognition

In June of 1971, the United Nations Economic and Social Council adopted a Resolution, previously drawn up and agreed upon by both INTERPOL and the U.N., recognizing INTERPOL as a legitimate inter-governmental organization. This special arrangement gives both organizations broad opportunities to take part in discussions on matters of common interest.

Its provisions include: the United Nations' taking note of matters of concern to INTERPOL, exchange of information and documentation, consultation and technical cooperation, representations by observers, submission of written statements on matters of common interest to meetings of bodies of the other organization, and proposal of agenda items for meetings. Attached as Exhibit II is the United Nations Economic and Social Council Resolution dated June 3, 1971.

The President and The Secretary General

The current President of INTERPOL, elected by the INTERPOL General Assembly in September of 1972 (4-year term), is Mr. William L. Higgitt, Commissioner of the Royal Canadian Mounted Police until his retirement in April of 1974. The President presides at the annual General Assembly and is chairman of the Executive Committee. The President also stays in close contact with the Secretary General in the operational activities of INTERPOL.

The current Secretary General of INTERPOL is Mr. Jean Nepote, elected by the INTERPOL General Assembly in 1963 and re-elected in 1968 and 1973 (5-year term). Mr. Nepote received a degree of law at the University of Lyons and entered the French Government Service in 1935. In 1941 he was appointed as Commissaire and assigned to the General Headquarters of the French Surete Nationale. In 1946, when INTERPOL was reconstituted in Paris following World War II, he was assigned to the Secretary General of INTERPOL and acted as his closest assistant. In this position, he supervised the working of the various departments at the General Secretariat, directed implementation of the organization's main prospects, and

frequently represented INTERPOL at meetings of international organizations and assisted in establishing liaison among the police forces of different countries.

In 1955, he was promoted to the rank of "Commissaire Divisionnaire" of the French Surete Nationale; he is a "Chevalier" in the French Legion of Honour and has been decorated by a number of other countries.

Purpose

INTERPOL's function is to provide the mechanism whereby law enforcement (local, state or Federal), having a foreign investigative requirement, can communicate that requirement. The request may range from a criminal history record check to a full investigation, leading to the subsequent arrest and extradition of an international criminal. The United States National Central Bureau (NCB) activities and efforts are directed toward:

1. Prompt assistance to law enforcement agencies in the United States (local, state and Federal) in their investigative requirements.
2. Prompt assistance to a foreign investigative requirement in the United States, provided it concerns a criminal investigation and is in accord with United States law.
3. Increasing state and local law enforcement's awareness of the assistance available through INTERPOL in the event they have foreign investigative requirements.

Cases Handled by the United States NCB

The following brief summaries of cases are representative of the type of requests handled by the United States NCB:

A. SYNOPSIS OF U.S. INVESTIGATIVE REQUESTS

In February of 1973, the Bowling Green, Kentucky Police Department requested INTERPOL Washington's assistance in locating a Greek national who had shot his wife and was believed to have fled from the United States. INTERPOL Athens was contacted and subsequently located and arrested the suspect. Since the subject and victim were both Greek nationals, INTERPOL Athens claimed extraterritorial jurisdiction, and the subject was tried and convicted in Greece in June of 1974 for the attempted murder which had occurred in Kentucky. He is currently serving a 12-year prison term.

The San Francisco Police Department requested INTERPOL's assistance in locating a double homicide fugitive on March 22, 1974. As a result of cable traffic with Far East Asian countries, the subject was located in Singapore. He was arrested, and at this time, is undergoing extradition proceedings to be returned to the United States.

INTERPOL Bangkok routinely requested information concerning an American citizen who was arrested on rape charges. Inquiry with U.S. postal authorities revealed that the subject was wanted for mail fraud. Upon completion of his sentence in Thailand, he was deported to the United States and was met by postal inspectors to stand trial for his offense.

On March 17, 1973, INTERPOL New Delhi informed this Bureau of the arrest and conviction of a U.S. national for possession of hashish. This information was entered into the Treasury Enforcement Communications System (TECS). On May 15, 1974, the subject arrived on an international flight at O'Hare Airport in Chicago, and he was thoroughly searched by a Customs Inspector as a result of the TECS entry. The Inspector discovered 9.212 pounds of hashish concealed in the false top and bottom of his suitcase.

On September 14, 1973, INTERPOL Stockholm advised this Bureau of the deportation of a U.S. national from Sweden to Switzerland. NCIC inquiry by INTERPOL Washington revealed that the subject was wanted by the Los Angeles County Sheriff's Department for armed robbery. As a result of communication with INTERPOL Stockholm and INTERPOL Berne, the subject was deported from Sweden to Los Angeles, California on September 25, 1974.

The Los Angeles Police Department requested the assistance of INTERPOL in locating a major fraud violator in December of 1972. Inquiry was initiated with numerous INTERPOL Bureaus throughout the world, and the subject was finally discovered in Canada. He was deported to the United States and met by local authorities upon his arrival.

INTERPOL Santiago, Chile informed INTERPOL Washington of the arrest of a U.S. citizen for possession of cocaine. Appropriate inquiry revealed that the subject was wanted by the Los Angeles County Sheriff's Department for narcotic violations. When INTERPOL Santiago advised of the subject's departure from Chile enroute to the United States, he was arrested on his arrival by the FBI and returned to California.

In December of 1972, the New York City Police Department requested the assistance of INTERPOL Washington in locating a Dominican Republic national who had committed murder. After 23 months of cooperation, INTERPOL Santo Domingo advised that the Government, claiming extraterritorial

jurisdiction, had convicted the subject of the crime which had occurred in New York City.

The New York City Police Department requested the assistance of INTERPOL in the location of a homicide suspect in September of 1972. On July 26, 1973, INTERPOL Paris advised that the suspect had been provisionally arrested and extradited to the United States.

On June 26, 1973, this National Central Bureau issued an unidentified deceased notice on behalf of the Palm Beach, Florida Sheriff's Office on the body of a white female found in that area. The fingerprints and photograph of the deceased subject were ultimately matched by the Royal Canadian Mounted Police, who identified her as a resident of Montreal, Canada.

At the request of the Florida Department of Law Enforcement and as a result of evidence collected by INTERPOL The Hague against a Canadian citizen, a suspect was charged with a capital sex offense in Orlando, Florida. The subject was located in London, and extradition proceedings are in progress to return him to the United States.

The U.S. Secret Service requested information regarding a subject suspected of counterfeiting. The files of INTERPOL Washington contain an International Wanted Notice published by INTERPOL Headquarters on the subject indicating that he is wanted for murder in Italy. This Wanted Notice assisted the U.S. Federal Court in determining the subject's bond. He is currently on trial in Chicago, and the Italian authorities are filing for his extradition upon the conclusion of judicial and penal action in this country.

When a U.S. national returning from abroad appeared nervous as he claimed a vehicle he had shipped from overseas, a TECS query was conducted and revealed he had been reported by INTERPOL Rabat, Morocco as having been arrested for possession of marijuana. A search of his vehicle resulted in the seizure of 100 pounds of hashish.

B. SYNOPSIS OF FOREIGN INVESTIGATIVE REQUESTS

INTERPOL Melbourne requested prior criminal history and identification data on a U.S. citizen who had entered Australia with an expired U.S. passport. An inquiry was initiated, and it was revealed that the subject was wanted for mail fraud, assaulting a Federal officer, and interstate flight to avoid prosecution. With the cooperation of the

Australian authorities and the Fiji police, the subject was returned and taken into custody upon his arrival in the United States.

INTERPOL Stockholm requested information concerning a Swedish national who had been in prison for bank robbery and had escaped. The Immigration and Naturalization Service located the subject in Honolulu, and he was deported from Hawaii under escort of Swedish police.

In January of 1973, INTERPOL The Hague furnished information concerning the arrest of a British national involved in illicit international narcotic trafficking. Based on information from his pocket diary and investigations by U.S. Customs, eleven people were indicted for narcotic conspiracy violations in the United States.

INTERPOL Copenhagen requested an investigation on a U.S. citizen in New York who was suspected of counterfeiting Danish bank notes. Investigations initiated by the U.S. Secret Service resulted in the seizure of 2.2 million counterfeit Danish notes.

INTERPOL Wiesbaden requested information concerning U.S. stock issues. NCIC inquiry revealed that the stock shares had been stolen in the United States. As a result, one suspect was arrested in Germany.

On September 28, 1973, INTERPOL Wiesbaden radioed INTERPOL Washington concerning a telephone call received by a German citizen from his sister in New York, who had taken some pills with the intent of committing suicide. This information was related immediately by telephone to the appropriate New York City Police authorities. After forcibly gaining entry, the Police found the subject near death. Immediate first-aid was administered, and the subject regained consciousness. After necessary hospitalization, she was released in good condition.

INTERPOL Damascus, Syria advised INTERPOL Washington of the theft and smuggling out of that country of mosaic stone pieces. At this time, the U.S. did not have diplomatic relations with Syria. The artifacts were discovered in an East coast museum, and with State Department intervention and assistance, they were returned to the Syrian authorities.

On May 7, 1973, INTERPOL Wiesbaden advised that the suspect of a jewel robbery in Munich was believed to currently be in New York City. NCIC inquiry revealed that the subject was wanted in New York

for fraud and forgery. This information was immediately related to the New York City Police Department, and on the same date, they located and apprehended the subject recovering the stolen jewelry which was returned to the victim.

Information Exchange and the NCIC

The United States NCB provides no assistance to any law enforcement agency in the United States with regard to domestic investigative requirements. Should they require NCIC inquiry, passport check, FBI arrest record check, etc., they are advised to conduct it themselves, since the United States NCB assists domestic units only in their investigative requirements abroad.

The United States NCB has access to the National Crime Information Center (NCIC). In this regard, it is important to identify the types of records which are contained in NCIC:

1. Stolen Securities
2. Stolen Motor Vehicles
3. Wanted Persons (Warrants Outstanding)
4. Stolen, Missing or Recovered Guns
5. Stolen Boats
6. Stolen License Plates
7. Computerized Criminal Histories

A typical request would operate in this manner. The United States NCB receives information from one of the INTERPOL member countries that John Doe, United States citizen, is either in custody, the subject of a criminal investigation, has arrived in their country with an altered passport or with no passport, or was in possession of certain contraband, etc. Upon receipt of this information, the United States NCB queries NCIC and determines, for example, that the subject is wanted (warrant) by the Los Angeles Police Department. The Los Angeles Police are immediately notified of the subject's present location and situation so they can initiate extradition papers through diplomatic channels or commence any other action they deem advisable in the case. The foreign country is then notified that the subject is wanted by authorities in the United States and advised of the charge against the subject as well as his criminal history or lack of a criminal history.

This process locates a United States wanted person; and on many occasions, results in apprehension and prosecution of an international criminal. The same situation could exist with the subject being other than a United States citizen but wanted in the United States. The criminal history of the individual may consist of an FBI arrest record, local or state law enforcement arrest record, or a computerized criminal history, which is the same arrest record computerized for rapid retrieval. An example of a computerized criminal history (or FBI, state or local law enforcement arrest record) provided to a law enforcement agency abroad would be "John Doe, arrested February 1, 1973, by Chicago Police Department and charged with homicide, for which he received two years incarceration and one year probation". The information may also include name, aliases, date and place of birth, physical description and passport number, if known.

Attached as Exhibit IV is a pamphlet entitled "National Crime Information Center" wherein Director Clarence M. Kelley writes, "The NCIC is not, as some have alleged, a secret intelligence-gathering network filled with loosely managed and frivolously gathered information concerning anyone coming to the attention of the Police." He further writes, "It has indexed only the names of individuals for whom arrest warrants are outstanding or persons who have had substantial involvement, supported by fingerprint records, with the criminal justice system." Exhibit V is entitled "Breakdown of Records in NCIC Computer"; Exhibit VI is entitled "NCIC Network"; Exhibit VII is a copy of Section 534, Title 28, United States Code; Exhibit VIII is entitled "National Crime Information Center Computerized Criminal History Program Background, Concept and Policy as Approved by NCIC Advisory Police Board"; and Exhibit IX is entitled "The NCIC and You".

Access to United States NCB Records

Member countries of INTERPOL, United States law enforcement agencies or any other organization, person, etc. with whom the United States may come into contact within the course of carrying out its responsibilities, have NO direct access to the United States NCB records, NCIC link, Treasury Enforcement Communications System terminal or any other files, records, papers, etc. in the United States NCB at any time. Requests from law enforcement agencies for information contained in United States NCB records are evaluated individually by Federal Agents assigned to the United States NCB and certain information is provided as approved by the Chief of the United States NCB.

Nature of Investigative Requests

The procedure within INTERPOL calls for the requesting country to state the nature of its investigative request, which includes identifying its investigation and the reason for its request. If this is not stated along with the investigative request, the receiving country will normally make a request for that information prior to initiating the requested investigation.

These investigations may include interviews with associates, suspects, witnesses, etc.; obtaining of court records, determining if certain property (securities, motor vehicles, artifacts, etc.) are stolen or missing, attempting to locate a suspect, or other usual criminal inquiries which are conducted by law enforcement agencies country-wide. The requested investigation must be in accord with the laws of the country receiving the request, as well as being related to a criminal offense in both countries. To insure privacy of information in INTERPOL channels, a Privacy of Information Resolution was adopted by the 1974 INTERPOL General Assembly (Exhibit III).

Furthermore, the investigative request must not be in conflict with Article III of the INTERPOL Constitution (Exhibit X) which reads, "It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character". This Article does not prohibit INTERPOL from becoming actively involved in a criminal inquiry should organizations or individuals who may fall within the construction of Article III become involved in generally recognized criminal activity.

J. Edgar Hoover's Association with INTERPOL

Accusations have been made concerning J. Edgar Hoover's association with INTERPOL. From 1938, when the U.S. commenced participation in INTERPOL until it went out of existence during World War II, the FBI and the Justice Department represented the U.S. in INTERPOL. In 1946, the FBI and Justice Department again represented the U.S. in INTERPOL; and Director J. Edgar Hoover was elected Vice President, the post he held until December of 1950, at which time he resigned. During his tenure as Vice President, Hoover attended no INTERPOL meetings abroad and according to the FBI, Hoover resigned when an incident occurred where Czechoslovakian refugees escaped Czechoslovakia by hijacking an airplane which resulted in INTERPOL's circularizing those persons as wanted criminals. Director Hoover reportedly disagreed with this and considered it to be in violation of the INTERPOL Constitution. Initially, hijackings were sensitive issues with INTERPOL because many were politically motivated and INTERPOL's Constitution, Article III, prohibits INTERPOL's involvement in political matters. It soon became clear that hijackings invariably involved crimes against people and property, and thus INTERPOL has assisted law enforcement units of the different countries in hijacking cases just as it does in any other criminal offense.

According to the FBI, Mr. Hoover also gave as reasons for his resignation, that the time and expenditures by the United States were not commensurate with the benefits to the United States and that he disagreed with the General Secretariat's hiring of two technical consultants from the United States without consulting the United States INTERPOL Representative.

Treasury Participation

In 1951, Treasury law enforcement agencies had a dire need for international cooperation as it concerned trafficking in narcotics and other contraband; and they, thus, represented the United States in INTERPOL on an informal basis until 1958. In 1958, the Attorney General wrote a letter to the Secretary of the Treasury, designating the Treasury Department to represent the U.S. in INTERPOL. Treasury has continued to represent the U.S. in INTERPOL to the present. The U.S. participation in INTERPOL is set forth in Section 263a, Title 22, U.S. Code, a copy of which is attached as Exhibit XI.

Allegations of Nazi Associations

Certain allegations have been made that INTERPOL was part of the Nazi Gestapo during World War II. The International Criminal Police Commission commenced operation in 1923, and was located in Vienna, Austria until 1942, under Austrian Minister Dressler as Secretary General. INTERPOL's normal activities continued from 1923 - 1938, at which time German forces occupied Austria. From that moment other countries ceased cooperating, and INTERPOL activities rapidly became non-existent. In 1942, the Headquarters was transferred to Berlin under unknown circumstances; however, cooperation had been discontinued. In 1946, several of the countries which had resigned from INTERPOL before or during World War II met, and INTERPOL was reconstituted in Paris. The General Secretariat has remained there with the present location being Saint Cloud, France, a suburb of Paris.

Allegations have also been made that Mr. Paul Dickopf, the President of INTERPOL from 1968 - 1972, was a former Nazi SS Officer and that because of Nazis fleeing to South America, there had been a particularly strong connection with Latin America with large contributions being made to INTERPOL by South American countries during the period of 1968 - 1972. The INTERPOL Secretary General has advised that during the period 1968 - 1972, while Paul Dickopf was the head of the Bundeskriminalamt in Wiesbaden, Germany, and also serving as President of INTERPOL, "South American countries did NOT give special contributions in INTERPOL." The Secretary General further advises that "INTERPOL cooperation in South America developed always regularly."

As for Paul Dickopf, he received his theoretical and practical police training in Berlin and Frankfurt, principally during the years 1937 - 1939. After his appointment as Police Commissioner, he was assigned to Karlsruhe in July of 1939, with the Police Security Service of the Land Baden. Early in October of 1939, after the campaign against Poland, he was automatically enrolled in the General SS as an "SS Untersturmfuehrer" because of the Police Commissioner rank he had held. Since he refused to serve as a German Intelligence Agent in Switzerland, he severed his connection with his unit and fled to Brussels, Belgium, where he remained as a political refugee until July of 1943. At that time, in order to escape the reaches of the Gestapo, he fled to Switzerland and was granted political asylum until November of 1945.

While in Switzerland, Paul Dickopf contacted the American authorities, informed them of his situation well before the end of World War II, and cooperation with them. Attached as Exhibit XII is a copy of a letter from Mr. Paul O. Blum, of the Foreign Service of the United States, American Legation, Berne, Switzerland, dated September 6, 1945, relating to Mr. Dickopf's cooperation.

Records of the office of the Security Service of the SS, dated October 23, 1944, reflect that a warrant was issued for Paul Dickopf who had been reported missing. This classed Dickopf among the declared enemies of the Nazi SS regime.

February 1975

Exhibit I

I. C. P. O. - INTERPOL AFFILIATED COUNTRIES

COUNTRY	Number of Budget units	Remarks
!Algeria	8	
!Argentina	20	
!Australia	28	
!Austria	28	
!Bahamas	2	Joined in 1973
!Bahrain	1	Joined in 1972
!Belgium	28	
!Bolivia	3	
!Brazil	20	
!Burma	3	
!Burundi	1	
!Cameroon	1	Joined in 1970
!Canada	35	
!Central African Republic	1	
!Chad	1	
!Chile	3	
!China (Rep. of)	3	
!Colombia	13	
!Congo	1	
!Costa Rica	1	
!Cyprus	1	
!Dahomey	3	
!Denmark	13	
!Dominican Republic	1	
!Ecuador	3	
!Egypt	20	
!El Salvador	3	Paid 5 budget units until 1/1/1975
!Ethiopia	1	
!Fiji	1	Joined in 1974
!Finland	5	
!France	60	
!Gabon	1	
!Germany (Fed. Rep. of)	60	
!Ghana	5	
!Greece	8	
!Guatemala	1	
!Guinea	5	
!Guyana	3	
!Haiti	3	
!Honduras	1	
!Iceland	2	Joined in 1974
!India	20	Joined in 1971
!Indonesia	8	
!Iran	8	
!Iraq	5	
!Irish Republic	3	
!Israel	5	
!Italy	60	
!Ivory Coast	5	

! Jamaica	3	!
! Japan	35	! Paid 28 budget units until 1973
! Jordan	1	!
! Kenya	5	!
! Khmer Republic	1	!
! Korea (Rep. of)	3	!
! Kuwait	5	!
! Laos	1	!
! Lebanon	5	!
! Lesotho	1	! Joined in 1974
! Liberia	3	!
! Libya	3	!
! Liechtenstein	1	!
! Luxembourg	3	!
! Madagascar	2	! Paid 3 budget unit until 1.1.1975
! Malawi	1	!
! Malaysia	3	! Joined in 1969
! Mali	2	! Paid 3 budget unit until 1.1.1975
! Malta	1	! Joined in 1972
! Mauritania	3	!
! Mauritius	1	! Joined in 1969
! Mexico	13	!
! Monaco	3	!
! Morocco	5	!
! Nauru	1	! Joined in 1971
! Nepal	1	!
! Netherlands	40	!
! Netherlands Antilles	1	!
! New Zealand	3	!
! Nicaragua	3	!
! Niger	2	! Paid 3 budget unit until 1.1.1975
! Nigeria	5	!
! Norway	8	!
! Oman	1	! Joined in 1972
! Pakistan	5	! Paid 8 budget units until 1.1.1975
! Panama	1	!
! Peru	3	!
! Philippines	3	!
! Portugal	20	!
! Qatar	2	!
! Romania	8	! Joined in 1973
! Rwanda	1	! Joined in 1974
! Saudi Arabia	5	!
! Senegal	5	!
! Sierra Leone	3	!
! Singapore	1	!
! Spain	28	!
! Sri Lanka	1	!
! Sudan	3	!
! Surinam	3	!
! Sweden	20	!
! Switzerland	20	!
! Syria	1	!
! Tanzania	3	!
! Thailand	3	! Paid 13 budget units until 1.1.1975
! Togo	1	!
! Trinidad and Tobago	3	!
! Tunisia	3	!
! Turkey	20	!
! Uganda	3	!

! Union of Arab Emirates	5	! Joined in 1973
! United States of America	60	!
! United Kingdom of Great Britain ! and Northern Ireland	60	!
! Upper Volta	2	! Paid 3 budget units until 1.1.1975
! Uruguay	3	!
! Venezuela	8	!
! Vietnam (Rep. of)	1	! Joined in 1970
! Yugoslavia	13	!
! Zaire	8	!
! Zambia	8	! Paid 13 budget units until 1.1.1975

BERMUDA, BRUNEI, GIBRALTAR and HONG KONG each pay half (1/2) a budget unit.

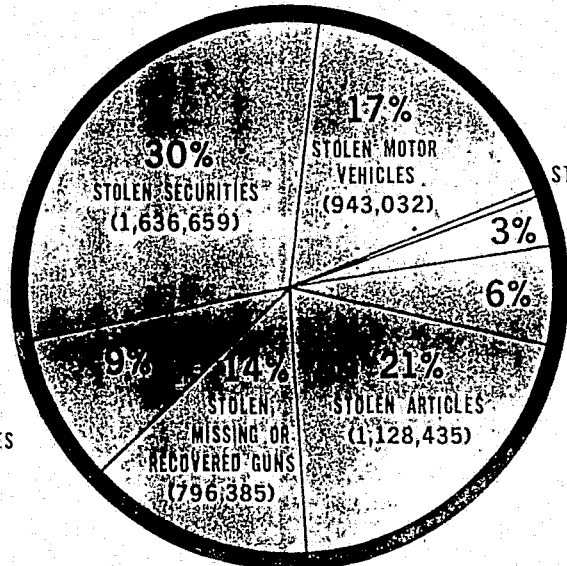
YEARS	VALUE OF BUDGET UNIT (in Swiss francs)
1969	2,730
1970	3,500
1971	3,500
1972	3,500
1973	4,850
1974	4,850
1975	5,900



FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

BREAKDOWN OF RECORDS IN NCIC COMPUTER

TOTAL
5,494,622



**COMPUTERIZED
CRIMINAL HISTORIES**
(497,168)

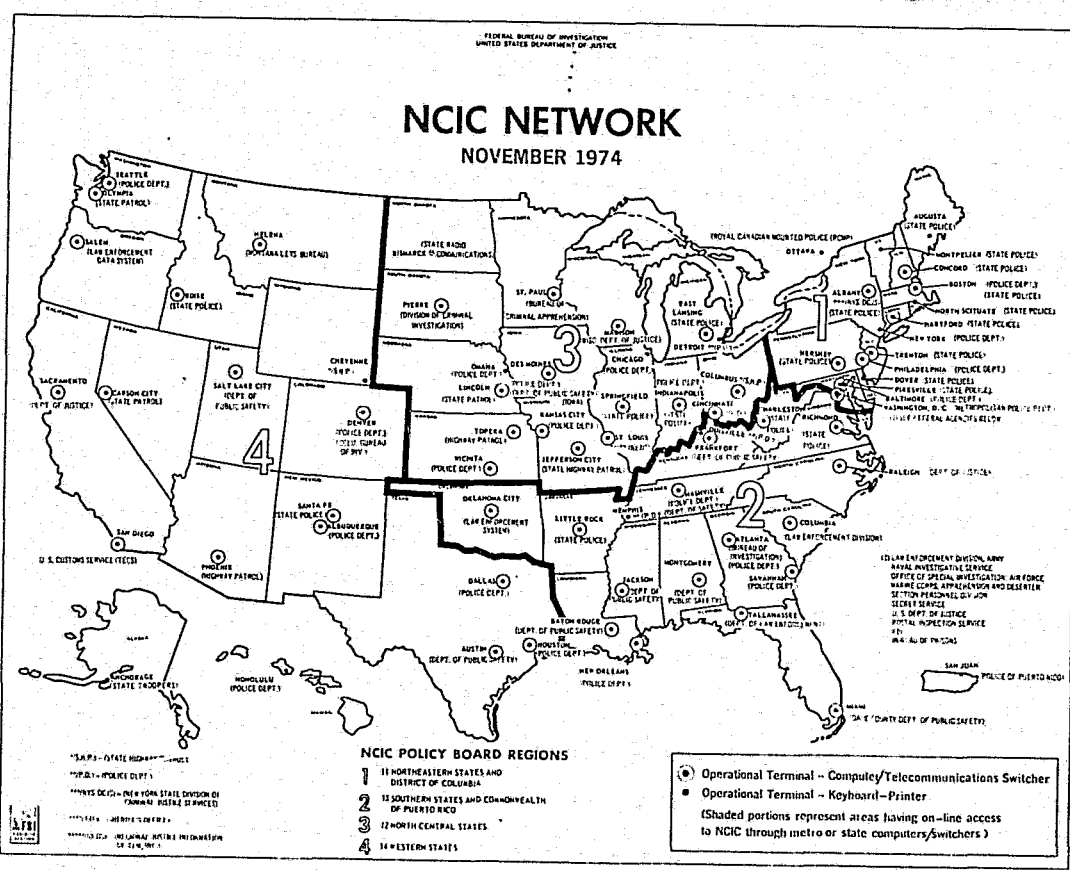
STOLEN BOATS (11,089)
WANTED PERSONS
(152,126)

STOLEN LICENSE PLATES
(329,728)

AS OF NOVEMBER 1, 1974



60



61

63-477 O-75-5

CUBA MEMBERSHIP

Senator MONTOYA. Is Cuba also a member?

Mr. SIMS. Cuba joined INTERPOL in 1952. In 1959, they had not paid their dues and they were not cooperating in any way. The executive committee acted in accordance with article 53 of the INTERPOL constitution and revoked all of Cuba's rights as a member. The only way they could be reconsidered for membership would be to take the case to the general assembly which meets annually.

Senator MONTOYA. Have you received any requests from INTERPOL Cuba?

Mr. SIMS. Absolutely none. I have not made any to them.

Senator MONTOYA. We have the INTERPOL magazine for March. They list Cuba as a member. I will insert this page for the record at this point.

[The page follows:]



ORGANISATION INTERNATIONALE DE POLICE CRIMINELLE INTERPOL

Président :

M. W. L. HIGGITT (Canada)

Vice-Présidents :

MM. F. V. ARUL (Inde)

J. BENOIT (Suisse)

M. MESSAID (Algérie)

Délégués auprès du Comité Exécutif :

MM. W. BUDIDARMO (Indonésie)

J. DAHROUGE (Liban)

J. DE GRUYSE (Belgique)

J. M. ECHEVERRIA (Vénézuéla)

A. FARIELLO (Italie)

KASSAYE MANDEFROH (Ethiopie)

H. S. KNIGHT (U.S.A.)

P. OCHIENG (Kenya)

C. P. J. WOODS (Royaume-Uni)

Secrétaire Général : M. J. NEPOTE

PAYS AFFILIÉS

Algérie, Allemagne fédérale, Antilles Néerlandaises, Arabie Saoudite, Argentine, Australie, Autriche, Bahamas, Bahrein, Belgique, Birmanie, Bolivie, Brésil, Burundi, Cameroun, Canada, République Centrafricaine, Chili, Chine, Chypre, Colombie, Congo-Brazzaville, Corée, Costa-Rica, Côte d'Ivoire, Cuba, Dahomey, Danemark, République Dominicaine, République Arabe d'Egypte, El Salvador, Equateur, Espagne, Etats-Unis d'Amérique, Ethiopie, Fidji (Iles), Finlande, France, Gabon, Ghana, Grèce, Guatemala, Guinée, Guyana, Haïti, Haute-Volta, Honduras, Inde, Indonésie, Irak, Iran, Irlande, Islande, Israël, Italie, Jamaïque, Japon, Jordanie, Kenya, République Khmère, Koweït, Laos, Lesotho, Liban, Libéria,

Libye, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaisie, Mali (République du), Malte, Maroc, Maurice (Ile), Mauritanie, Mexique, Monaco, Nauru, Népal, Nicaragua, Niger (République du), Nigéria, Norvège, Nouvelle-Zélande, Oman, Ouganda, Pakistan, Panama, Pays-Bas, Pérou, Philippines, Portugal, Qatar, Roumanie, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Ruanda, Sénégal, Sierra Leone, Singapour, Soudan, Sri Lanka, Suède, Suisse, Surinam, Syrie, Tanzanie, Tchad, Thaïlande, Togo, Trinidad et Tobago, Tunisie, Turquie, Union des Emirats arabes, Uruguay, Vénézuéla, Vietnam, Yougoslavie, Zaïre, Zambie.

Mr. SIMS. As an affiliated country, yes, sir. That is exactly right. When they invoked article 53, it does not say they must take the name off. But for all intents and purposes they have none of the privileges of a member; no voting privileges. They cannot attend general assemblies. But the article 53 does not call for striking the name.

VIETNAM STATUS

Senator MONTROYA. What is the status of Cambodia and Vietnam?

Mr. SIMS. I have sent a memo to all of our people in the U.S. Bureau that we would cease operation with those countries until further notice. This means until the situation stabilizes.

Senator MONTROYA. What if an inquiry came in with respect to some of the Vietnam refugees, say, from Bucharest or Yugoslavia?

Mr. SIMS. At this point in time we would not respond to any inquiries from Cambodia or Vietnam. However, if it were a legitimate inquiry relating to a criminal investigation concerning persons of these countries in Rumania or Yugoslavia, we would respond.

Senator MONTROYA. How do you watch out for laundered requests?

Mr. SIMS. This is a constant vigil I keep watching for these type requests. For instance, a request coming from Cuba through another country, a request coming from the Soviet Union through another country. Whenever you get all the particulars that are required before you initiate an investigation then you are pretty well satisfied—I am not saying it could not be counterfeited. I think if you want to enough, it could be done. But I constantly watch for those. If they provide you the information that, for example, he was arrested in Costa Rica, they give you the city, the place, the charge, a set of fingerprints, whatever; then, yes, I would act on the Costa Rica request.

We closely observe requests from Yugoslavia and Rumania. Right after I took over the National Central Bureau—September 1974—I made it a project to go through all the requests in the last year from those countries and to those countries.

I was satisfied with every request. I went through every folder that was concerned with a criminal matter. As an example, the U.S. citizen is over there. He gets arrested for an altered passport. Another instance, a U.S. citizen's passport is found in that country which has been stolen elsewhere and is being utilized for some type fraud.

In another instance there was a train wreck in Yugoslavia. They were trying to identify bodies. We assisted. These are examples of the type of requests that I found in each and every instance.

Senator MONTROYA. Tell us about the service which you render with respect to Americans who may need some help overseas.

Mr. SIMS. Yes, sir. Now I believe your question would refer to private individuals, private organizations in some instances?

Senator MONTROYA. Yes.

CONGRESSIONAL REQUESTS

Mr. SIMS. As any police agency we do get requests, sometimes through Congressmen and Senators. We get requests from an individual, a family member is abroad and they suspect foul play. They have not heard from them. They were on a certain trip. They cannot

make contact with them. They get word there has been some type foul play. They would like for us to contact the foreign police.

We would ask questions concerning arrival, are they in custody? Has there been an accident? These are examples of questions we would ask. I had one just last week. And another one I had, I just as soon not get involved in. But, again, as police agents you get involved in them. This came through a congressional office. An individual and his wife. The latter a heart patient. They were going to Latin America; San Salvador. They caught a plane from Buffalo. They were going to Miami. Their luggage went astray and was routed to Santo Domingo. They understood that INTERPOL had impounded their luggage there. This had been about 3 weeks. They had tried all other channels and none had been successful.

I got a description of the luggage, a description of the oxygen inhaler and the instruments that were in her luggage. The police responded immediately. This was because the police recognized another INTERPOL member. They could see there was no criminal element involved.

This is a humanitarian type request that you get involved in handling. We were able to provide assistance to the congressional office but more to the individual. And even to that INTERPOL office in the foreign country that had the luggage impounded and maybe didn't know what they had.

PRIVATE PROTECTIVE AGENCIES

Senator MONTROYA. What about requests from private protective agencies or banks?

Mr. SIMS. Let me talk about protective agencies. I just recently had one where the individual was a private detective operating a protective service-type agency. His client was going to Rome. He was going to be carrying a weapon and he was going to be protecting her in Rome.

He came to me and said, "Could you tell me who in Rome that I should talk to as soon as I get there to tell them my purpose and I am carrying a weapon." This is to prevent any problems.

So that is the kind of problem also that I had just as soon not be involved in. But again I assisted. I transmitted it to Rome so that the police would know he was coming, that he was going to be armed and this was the purpose of his trip. They could get the liaison started.

We do not act as a character reference for him or anything like that. The other requests concerning financial institutions. This is not unusual at all. I will give you an example. There is a large bank—an international bank in California—that in approximately September or October of this past year, letters of credit from that bank was counterfeited in the amount of \$500,000. These were cashed in several European countries in a 4-day period.

Well, the bank went to the Los Angeles Police Department. But they also came directly to INTERPOL in this instance. All the offenses occurred overseas. They provided us with the information as to the original letter of credit, when it was purchased, who purchased it, when it was negotiated. The counterfeiter had used that as a sample

to make the counterfeits from. They also gave us drafts that had been received and had been cashed in 10 different countries in a 4-day period, passports that had been used that were noted on the back of the drafts that had been negotiated.

We transmitted these to the 10 countries almost immediately. These are the type cases we get involved with, travellers cheques counterfeited overseas; we do get involved in these type cases; yes, sir.

Senator MONTROYA. Suppose a private protective agency asks for information about a particular individual?

Mr. SIMS. No, sir, no information is provided.

Senator MONTROYA. What would prevent INTERPOL Bucharest from forwarding information obtained from the Washington National Central Bureau directly to Moscow or Hanoi? These are their friends and they are not members of INTERPOL.

Mr. SIMS. The only thing I can say to you, Mr. Chairman, is that we are constantly on the lookout for this type request. I do not know of anything that would keep them from providing the information once they received information on a certain individual's criminal history. Perhaps they provided us information of the involvement of an American citizen there. We responded to them concerning his involvement in a similar offense in this country. There would be nothing to keep them from relaying the information. No more than whenever you are dealing with the police within this country. They come to you with a request. They can manufacture the request the same as a foreign country.

They could claim that a certain individual they had under investigation had just been arrested and was charged with a given number of crimes.

The best I can answer you is that I am constantly on the lookout for suspicious requests. Constantly trying to screen anything that doesn't look right, if they cannot provide a date of arrest, place of arrest, what the specifics of the investigation are, what he is being investigated for, who is involved; this sort of thing.

Senator MONTROYA. What if a request is made of you with respect to an American here who does not have a record of crime but the request is made that the police department check into his habits and so forth, such as habits with respect to women and places that he frequents and so forth? What would you do with a request like that?

Mr. SIMS. Those are the requests that the other two agents that are in the National Central Bureau, they put a little note on it and say, "Please look at this." We would only provide a criminal history, if any. If no criminal history, but they wanted this other information. No; we would not even honor their request as far as sending it out and letting the other police department make a decision.

What we would do is to determine if they had a criminal record through the FBI arrest record from the identification division. If they did not have an arrest record then we would not honor the request.

Mr. MACDONALD. That is the local police department in the United States?

Mr. SIMS. Yes.

Senator MONTROYA. Are there instances where you have contacted local police departments for any information for a foreign government?

Mr. SIMS. Yes, sir, every day.

Senator MONTROYA. What are those instances and why do you have to contact the police departments if this arrest information or criminal record information is available through the FBI computer?

Mr. SIMS. Sir; the reason is that oftentimes the local police department—let me give you an example. The Springfield, Ill. police department has a requirement for an investigation abroad. We send it over and the foreign police conduct a certain amount of the investigation in the foreign country. Perhaps the person has committed a crime in the area of Springfield, Ill. He has fled to the United Kingdom. They want to locate him. Maybe there are witnesses.

Senator MONTROYA. Are you speaking of a request from the Springfield police?

Mr. SIMS. Yes.

Senator MONTROYA. I am speaking of a request from a foreign government which you in turn transmit to a local police department for information supplementary to the arrest record contained in the FBI computer?

Mr. SIMS. Yes, sir. For example, the inquiry from abroad requests information concerning persons or an individual that has committed a crime in their country and who is now in the United States. I can give you an example of one that required considerable investigation.

There was a Spanish diplomat's wife murdered in Oslo, Norway. And the criminal suspect was a U.S. citizen. They came to this country asking for the criminal history on the individual, that this individual and her attorney be interviewed for certain physical type evidence which they were happy to supply.

Subsequently the inspector from the Norway police wanted to come over here and actually go down and talk to the police department in that area, interview the suspect along with that police department.

While he was in the United States he wanted certain witnesses. In each instance he saw these along with the local police department in four different cities. This is a typical example of an investigation that would be forwarded to a local police department.

Senator MONTROYA. Are there instances where you have asked a police department to obtain information about certain individuals supplementary to what might appear in the FBI files or even if there is no arrest record for that individual in the FBI files?

Mr. SIMS. Normally that is not the case at all.

Senator MONTROYA. Are there exceptions to this?

Mr. SIMS. There are exceptions if the foreign country comes over here and they are after information relating to a specific crime that occurred in a specific area.

Senator MONTROYA. What if they just requested it? What if they don't come over here?

Mr. SIMS. If the foreign country requests it and it concerns a crime that only that police department can investigate with regard to an offense that an individual has committed abroad. Now he is in the area of the jurisdiction of the Chicago Police Department. They have requested that he be interviewed or the witnesses be interviewed; yes. We would send it out to the Chicago Police Department.

Senator MONTROYA. We have been talking about an individual who has been charged with a crime abroad. Let's talk now about those

who are not charged with a crime abroad, but are just there. Or an individual that might be here and is not abroad but an inquiry comes in from a foreign government or from INTERPOL, say in Paris. "We want some information on this individual. He is an American. His name is John Jones. He lives in Timbuktu. We want to know about his nocturnal habits. We want to know what places he frequents. We want to know how much money he spends." Do you service those kinds of requests?

Mr. SIMS. No, sir. However, if they want to know what his arrest record is, yes; we would provide that information.

Senator MONTROYA. Have you had those kinds of requests?

Mr. SIMS. Yes, sir.

Senator MONTROYA. Have you turned them down?

Mr. SIMS. Yes, sir.

Senator MONTROYA. On how many occasions have you received such requests, say, during the course of the last year and how many have you turned down?

Mr. SIMS. I can only speak since September, Mr. Chairman. But I can guarantee you that 100 percent were turned down and probably not more than 10 requests of this nature were received.

Senator MONTROYA. Have you instances where a man is charged with a crime abroad and similar information concerning his personal habits is requested from you?

Mr. SIMS. It wouldn't make any difference if he was charged with a crime abroad or if he was just under investigation.

Senator MONTROYA. You would not contact any police department to supplement information they might have on the individual?

Mr. SIMS. No, sir.

FOREIGN AGENCIES

Senator MONTROYA. Can INTERPOL supply a breakdown of the foreign agencies from which information was requested or supplied during fiscal years 1974 and 1975 to date?

Mr. MACDONALD. By country?

Senator MONTROYA. Yes.

Mr. SIMS. Yes, sir.

[The information follows:]

FISCAL YEAR 1974

COUNTRIES	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	TOTAL
INTERPOL SG	24	15	11	12	62
ALGERIA		1			1
ARAB REP OF EGYPT	2				2
ARGENTINA	22	46	23	17	108
AUSTRALIA	15	33	20	12	80
AUSTRIA	13	11	14	10	48
BAHAMAS					0
BAHRAIN					0
BELGIUM	13	16	25	23	77
BERMUDA				1	1
BOLIVIA			2		2
BRAZIL	8	15	13	17	53
BRUNEI					0
BURMA				1	1
BURUNDI					0
CAMEROON					0
CANADA	12	17	20	16	65
CEN AFRICAN REP	1			1	2
CHAD					0
CHILE	5	3	6	3	17
CHINA					0
COLOMBIA	4	3	6	5	18
CONGO (BRAZZ)					0
COSTA RICA		1	2	1	4
CYPRUS	1	1		1	3
DAHOMY			1		1
DENMARK	17	12	6	5	40
DOMINICAN REP	2	2	1	2	7
ECUADOR	1	2	2		5
EL SALVADOR					0
ENGLAND	68	71	87	87	313
ETHIOPIA	1		2		3
FIJI		1	1	1	3
FINLAND	2	11	8	5	26
FRANCE	25	23	18	14	80
GABUN					0
GERMANY	108	94	144	136	482
GHANA	5	5	3	2	15
GIBRALTAR	1	2		1	3
GREECE	13	20	38	32	103
GUATEMALA	7	2	5	1	15
GUINEA					0
GUYANA					0
HAITI					0
HONG KONG		2	4	11	17
ICELAND					0
INDIA	20	13	17	12	62
INDONESIA				1	1

COUNTRIES	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	TOTAL
IRAN	5	4	3	4	16
IRAQ			1		1
IRELAND	1	2	1	5	9
ISRAEL	2	3	1	2	8
ITALY	44	49	65	70	228
IVORY COAST					0
JAMAICA	5	1	2	2	10
JAPAN	27	30	13	17	87
JORDAN					0
KENYA	1		1		2
KHMER REP					0
KOREA		1	1		2
KUWAIT		1		1	2
LAOS					0
LEBANON	2	2		1	5
LESOTHO					0
LIBERIA	3	7	2	1	13
LIBYA	1		6		7
LIECHTENSTEIN					0
LUXEMBOURG	2	1	2	2	7
MADAGASCAR					0
MALAWI				1	1
MALAYSIA	1		1		2
MALI					0
MALTA			1	1	2
MAURITANIA					0
MAURITIUS				1	1
MEXICO	9	12	14	19	54
MONACO	1		2	3	6
MOROCCO	21	20	21	7	69
NAURU					0
NEPAL	2	1	1	2	6
NETHERLANDS	15	22	14	12	63
NETH ANTILLES	3	10	6	7	26
NEW ZEALAND		5	7	6	18
NICARAGUA					0
NIGER			1	1	2
NIGERIA	8	2	5	8	23
NORTH BORNEO					0
NORWAY	4	2	1	1	8
O'IAN					0
PAKISTAN				4	4
PANAMA		4	5		9
PERU	20	27	22	21	90
PHILIPPINES			2	1	3
PORTUGAL	1	1	5	2	9
RUMANIA				1	1
SAUDI ARABIA	1		1		2
PARAGUAY					1

COUNTRIES	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	TOTAL
SENEGAL			2		2
SIERRA LEONE			1		1
SINGAPORE					
SPAIN	33	41	61	88	223
SRI LANKA		1	3	2	6
SUDAN					0
SURINAM					0
SWEDEN	13	11	13	12	49
SWITZERLAND	23	14	12	16	65
SYRIA		1	1		2
TANZANIA					0
THAILAND	5	5	5	6	21
TOGO					0
TRINIDAD & TOBAGO			1	1	2
TUNISIA			1	1	2
TURKEY	18	6	6	1	31
UGANDA					0
U. ARAB EMIRATES				1	1
UPPER VOLTA					0
URUGUAY	5	2	10	4	21
VENEZUELA	4	7		6	17
VIETNAM					0
YUGOSLAVIA	8	9	2	10	29
ZAIRE REPUBLIC			1		1
ZAMBIA					
FOREIGN TOTAL	678	726	806	780	2990
UNITED STATES	326	204	218	178	926
GRAND TOTAL	1004	930	1024	958	3916

FISCAL YEAR 1975 - July - December 1974

COUNTRIES	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	TOTAL
INTERPOL SG	20	14			34
ALGERIA		1			1
ARAB REP OF EGYPT	1				1
ARGENTINA	31	19			50
AUSTRALIA	32	17			49
AUSTRIA	9	11			20
BAHAMAS					0
BAHRAIN					0
BELGIUM	13	10			23
BERMUDA					0
BOLIVIA	1				1
BRAZIL	11	12			23
BRUNEI					0
BURMA					0
BURUNDI					0
CAMEROON					0
CANADA	20	9			29
CEN AFRICAN REP	2				2
CHAD					0
CHILE	4	5			9
CHINA					0
COLOMBIA	4	4			8
CONGO (BRAZZ)					0
COSTA RICA	3	3			6
CYPRUS	2	2			4
DAHOMY					0
DENMARK	3	15			18
DOMINICAN REP		1			1
ECUADOR		1			1
EL SALVADOR					0
ENGLAND	82	57			139
ETHIOPIA	1	1			2
FIJI		1			1
FINLAND	3	5			8
FRANCE	22	27			49
GABUN	1				1
GERMANY	126	109			235
GHANA	4	3			7
GIBRALTAR					0
GREECE	19	19			38
GUATEMALA	8	4			12
GUINEA					0
GUYANA					0
HAITI					0
HONDURAS					0
HONG KONG	3	6			9
ICELAND					0
INDIA	13	11			24
INDONESIA					0

COUNTRIES	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	TOTAL
IRAN	5	4			9
IRAQ		3			3
IRELAND	2				2
ISRAEL	1	1			2
ITALY	56	51			107
IVORY COAST					0
JAMAICA		4			4
JAPAN	25	24			49
JORDAN					0
KENYA	1	1			2
KHMER REP					0
KOREA		1			1
KUWAIT	2	1			3
LAOS	1				1
LEBANON	11	5			16
LESOTHO					0
LIBERIA	11	6			17
LIBYA					0
LIECHTENSTEIN					0
LUXEMBOURG	3	1			4
MADAGASCAR					0
MALAWI					0
MALAYSIA					0
MALI					0
MALTA					0
MAURITANIA					0
MAURITIUS					0
MEXICO	5	4			9
MONACO		1			1
MOROCCO	22	14			36
NAURU					0
NEPAL	2	1			3
NETHERLANDS	14	10			24
NETH ANTILLES	5	10			15
NEW ZEALAND	7	6			13
NICARAGUA					0
NIGER					0
NIGERIA	8	3			11
NORTH BORNEO					0
NORWAY	4	6			10
OMAN					0
PAKISTAN	2	1			3
PANAMA	4	1			5
PERU	21	21			42
PHILIPPINES	1	1			2
PORTUGAL	1	2			3
QATAR					0
RUMANIA	3				3
RWANDA					0
SAUDI ARABIA					0
PARAGUAY	2				2

COUNTRIES	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	TOTAL
SENEGAL		1			1
SIERRA LEONE					0
SINGAPORE					0
SPAIN	43	45			88
SRI LANKA		3			3
SUDAN					0
SURINAM					0
SWEDEN	19	13			32
SWITZERLAND	19	17			36
SYRIA	1	2			3
TANZANIA					0
THAILAND	6	17			23
TOGO					0
TRINIDAD & TOBAGO	3	2			5
TUNISIA					0
TURKEY	3	4			7
UGANDA	1				1
U. ARAB EMIRATES					0
UPPER VOLTA					0
URUGUAY	11	9			20
VENEZUELA	7	6			13
VIETNAM					0
YUGOSLAVIA	12	3			15
ZAIRE REPUBLIC	2				2
ZAMBIA					0
FOREIGN TOTAL	784	672			1456
UNITED STATES	242	181			423
GRAND TOTAL	1026	853			1879

PRIVATE ORGANIZATIONS

Senator MONTOYA. Has INTERPOL ever sent information to or processed information from any private group or organization?

Mr. SIMS. Yes, sir.

Senator MONTOYA. Will you give me some of those instances?

Mr. SIMS. Yes, sir. The instances were the ones I just described about the financial institutions and the requests from the private citizens.

Senator MONTOYA. What about patriotic groups in a foreign country asking for information about other groups in this country?

Mr. SIMS. No, sir. That doesn't involve a criminal offense or a criminal investigation.

Senator MONTOYA. Has INTERPOL ever sent information to or processed information from a private person?

Mr. SIMS. Yes, sir.

Senator MONTOYA. Will you give me some of those instances?

Mr. SIMS. The best instances I can think of are the ones I just gave you about the luggage or about the family member that is overseas and is missing. They do not know where they are. The family member that is overseas and perhaps has been arrested.

TOTAL REQUESTS

Mr. MACDONALD. I think we can also supply the number of that kind of situation as opposed to the number that are channeled through police departments. Investigative requests through local State or Federal agencies were 3,924. Requests from congressional, private citizens, financial institutions, commercial, et cetera, were 446.

Senator MONTOYA. Your total requests in 1973 was 4,470.

Mr. MACDONALD. That is right. I am sure we have the same figures for 1974 which we will submit for the record.

[The information follows:]

FISCAL YEAR 1974

Investigative requests to Interpol through local, state or federal agencies totaled 4193. Other requests, which include congressional, private citizens, financial institutions, commercial, etc. totaled 500. This equals a total of 4693 investigative requests.

CIA REQUEST

Senator MONTOYA. Has INTERPOL ever transmitted information to or from CIA?

Mr. SIMS. Since I was assigned there in September, the dealings with CIA have been nonexistent except for one instance. This occurred when I received a telephone call, a request from the CIA, saying that in a certain Latin American country there had been a threat in an airport and some Americans might be involved and security had been tightened during this period, and did I have anything on it.

They understood INTERPOL might have some information in that country. I transmitted a request to that country and asked them if there had been a threat by Americans. Could I be of any assistance from that standpoint, was there any threat toward American carriers, American citizens, et cetera? That is the only instance.

Senator MONTROYA. Have you transmitted any information to the CIA with respect to a certain individual here in this country?

Mr. SIMS. No, sir. The CIA, though, Mr. Chairman, as you know, is not a law enforcement agency. I do not believe they make any arrests to my knowledge. They are an intelligence agency. Therefore, our paths do not cross because we are not an intelligence agency.

HEADQUARTERS EMPLOYMENT

Senator MONTROYA. How many people does INTERPOL employ directly?

Mr. SIMS. In St. Cloud, which is the headquarters, they employ approximately 140 persons. These persons come from various countries. Many of them have police officer duties like our DEA agent there. And a certain number of them are full-time staff, administrative employees. The number varies between 130 and 140.

Senator MONTROYA. Who hires these employees?

Mr. SIMS. As far as I know, the secretary general, Mr. Nepote.

Senator MONTROYA. Who investigates the background of employees for security purposes?

Mr. SIMS. I do not know.

Senator MONTROYA. Do you have any rules with respect to whether or not the employees are stepping out of bounds and acting as agents or spies for foreign countries?

Mr. SIMS. The only thing that I can state to you at this time is that I have had a number of conversations with the Secretary General and with his deputy and with his No. 3 man and that during those conversations we have discussed employees there. Our conversations included the type of employees and the type of security they have. In general conversation it appeared that he was just about as aware of this as we are here, of their criminal history, of their possibility of being an agent for another country, this type thing.

Senator MONTROYA. Do you have instances where employees have a criminal background and still are employed by INTERPOL?

Mr. SIMS. I do not know that. I do not have that information, sir. I will obtain the information from the Secretary General and submit it for the record.

Senator MONTROYA. The information will be made part of the record when received.

[The information follows:]

International Criminal Police Organization INTERPOL

Language _____ CODE _____

MAY 9, 1975

LETTER

TELEX

FROM: INTERPOL WASHINGTON NR SG W/350 1445 GMT

CABLE

TO: INTERPOL PARIS SG

RADIO

CONFIRMING THE TELEPHONE CONVERSATION WITH THE SECRETARY GENERAL ON MAY 7, 1975 CONCERNING THE U.S. SENATE COMMITTEE HEARING HELD ON MARCH 6, 1975. DIRECTOR KNIGHT WILL FULLY BRIEF THE EXECUTIVE COMMITTEE ON HEARING AND TAKE UP EXTENDING OF INVITATION TO SENATE SUBCOMMITTEE ON APPROPRIATIONS CHAIRED BY SENATOR JOSEPH MONTROYA TO VISIT THE GENERAL SECRETARIAT TO SEE ICPO IN OPERATION AND TALK TO THE SECRETARY GENERAL AND STAFF CONCERNING ICPO. QUESTIONS ASKED DURING HEARING WERE: 1/WHAT SECURITY CHECKS OR CLEARANCES ARE PERSONNEL AT GENERAL SECRETARIAT REQUIRED TO HAVE, WHO CONDUCTS THE INVESTIGATION AND WHO IS RESPONSIBLE FOR REVIEWING INVESTIGATION TO DETERMINE IF PERSON IS SUITABLE. 2/ARE ANY PERSONS EMPLOYED BY GENERAL SECRETARIAT NOW WHO HAVE CRIMINAL RECORDS AND IF SO WHAT ACCESS DO THEY HAVE TO FILES ON USA CITIZENS. 3/HAVE THERE BEEN ANY PERSONS EMPLOYED AT GENERAL SECRETARIAT AS INTELLIGENCE AGENTS FROM THEIR COUNTRY AND HOW IS THIS GUARDED AGAINST. 4/IS THERE A RECORD/FILE PURGING PLAN OR SYSTEM AT GENERAL SECRETARIAT AND IF SO, WHAT IS SCHEDULE FOR PURGING FILES. 5/ARE STATISTICS KEPT TO REFLECT THE NUMBER OF CONVICTIONS THAT RESULT FROM CASES HANDLED IN ICPO CHANNELS. 6/IF THERE ARE FILES AT GENERAL SECRETARIAT CONCERNING USA CITIZENS WHERE THE USA NCB WAS NOT PROVIDED COPIES, COULD THE US NCB BE PROVIDED WITH A COPY OF ANY INFORMATION RECEIVED BY THE GENERAL SECRETARIAT WHERE A COPY WAS NOT PROVIDED TO THE USA NCB AND IF SO, COULD THIS BECOME EFFECTIVE SOON.

Translator _____

Date _____

International Criminal Police Organization
INTERPOL

Language _____ LETTER
 FROM _____ PAGE TWO TELEX
 TO _____ RADIO

7/HOW DOES NCB KNOW REQUEST FOR INVESTIGATIONS CONCERNING A CRIMINAL OFFENSE AND IS NOT ORIGINATED FOR ONE OF FOUR AREAS PROHIBITED UNDER ACT THREE, ICPO CONSTITUTION AND WHO POLICES THIS. 8/DOES INFORMATION GO THROUGH ICPO CHANNELS CONCERNING A PERSON OR HIS FAMILY'S PERSONAL HABITS (SEX, MARITAL, POLITICAL ORGANIZATION AFFILIATIONS, ETC.) WHICH IS NOT DIRECTLY CONNECTED AND PERTINENT TO CRIMINAL OFFENSE AND WHO POLICES THIS. THE MAIN CONCERN WAS NOT THE NAZI ISSUE BUT THE PRIVACY ISSUE AND TO INSURE INFORMATION IS NOT MISUSED. IF POSSIBLE, PLEASE SEND ANSWERS AND POLICIES/PROCEDURES CONCERNING QUESTIONS 1,2,3,4,5,6,7 AND 8. THANK YOU FOR YOUR INTEREST AND ASSISTANCE IN THIS MATTER. (SIMS) END

INTERPOL WASHINGTON

Translator _____
 Date _____

Expéditeur :
 Sender
 Remittente

ORGANISATION INTERNATIONALE
 DE POLICE CRIMINELLE
 INTERPOL

SECRETARIAT GENERAL

19, rue Armengaud - 92110 St. Maurice
 FRANCE - Téléphone : 771 42 30

MESSAGE POSTALISE
 DISPATCH-LETTER
 MENSAJE POSTAL CONDENSADO

I.C.P.O.-INTERPOL

N° 216D 2 STA/60 MP

Date : 12 JAN 1975
 Date :
 Fecha :

Destinataire : INTERPOL WASHINGTON
 To :
 Destinataria :

Copie à :
 Copy to :
 Ampliación para :

Reference : Your telex n°W 350 of 9/5/1975, concerning the U.S. Senate
 Reference : Subcommittee Hearings.
 Referencia :

Texts : Further to your telex message cited in reference, the following are
 Text : the answers to your questions :
 Texto :

- 1) Most of the General Secretariat staff members are police officers either on active duty or recently retired from active duty; no security checks or clearances are required for them. The non-police personnel recruited and employed by the General Secretariat are residents of France, and we check with the French police to determine whether or not these persons have any criminal records. As Secretary General, I have ultimate responsibility for hiring General Secretariat employees.
- 2) No one employed by the General Secretariat has a criminal record; it would be inconceivable to have any such person working here.
- 3) We have never encountered this problem, and we have never had any reason whatsoever even to suspect any employee of being an intelligence agent. In addition, every non-police employee at the General Secretariat is required to sign a declaration that he (or she) will maintain professional secrecy concerning all matters that come to his knowledge in his daily work.
- 4) There is a record and file purging system at the General Secretariat, based on the following guidelines :
 - a) The records and files on persons who have died are destroyed.
 - b) The records and files on persons involved in minor cases are destroyed ten years after the date on which the last items are entered in the files.
 - c) The files on persons implicated in major cases are micro-filmed twenty years after the date on which the last items

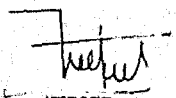
are entered in the files, and the paper files are then destroyed; only the microfilmed records are kept thereafter.

- 5) It is impossible to keep statistics on the number of convictions resulting from cases handled through INTERPOL channels. However, there are indeed statistics on arrests made for purposes of extradition; they can be found in paragraph 12 of my "Progress Report" for 1974 - (Report n°1, Cannes).
- 6) I.C.P.O.-INTERPOL general custom is that, whenever a case arises involving a national of any given country, the NCB in that person's country should be kept informed of the case. It is possible, nonetheless, that the General Secretariat's files contain some documents exchanged between N.C.B.'s and mentioning U.S. nationals, of which you may not have received copies. If there are any such cases, however, then they are exceptional. In future -- and although it would add to our workload -- the General Secretariat could systematically check the copies it receives of correspondence exchanged between N.C.B.s and send you copies of all the relevant documents. Before beginning to undertake this project, however, we should like to have your official confirmation that such a measure is necessary.
- 7) Each NCB is free to refrain from co-operating if it feels that any request it receives is in violation of Article 3 of our Constitution. As Secretary General, I do not hesitate to intervene officially, if I consider a case covered by Article 3. I have, in fact, intervened under such circumstances on various occasions and each time I have done so, the problem was satisfactorily resolved. I should like to point out that cases giving rise to contestations of this type are very rare.
- 8) Information on individuals' private lives (their sexual and marital habits) is not exchanged through INTERPOL channels, unless such information is an integral part of offenses actually committed, such as rape, child molesting, or proxenetism. Information on individuals' "political organization affiliation" is not exchanged between NCBs or between NCBs and the General Secretariat; to do so would be a violation of Article 3 of our Constitution.

ooo

To reply in general terms to your questions "7" and "8", I should like to point out that the NCBs in our affiliated countries correctly abide by the "rules of the game". A few cases do occur that are very difficult for us to evaluate -- especially in view of the fact that violence has now become a form of political expression. There may in fact be divergent interpretations of some cases but, in the final reckoning, such cases are exceptional. It is impossible to give a written definition of cases that would be covered by Article 3, and each case must be examined on its own merits.

To date, our policies have elicited neither criticism nor protest; consequently, we are justified in believing that we have always acted correctly so far. END


Jean NEPOTE
Secretary General

CRIMINAL BACKGROUNDS

Senator MONTROYA. Have you inquired as to whether or not any of the employees have criminal backgrounds?

Mr. SIMS. You mean of the 140 employees over there?

Senator MONTROYA. Yes.

Mr. SIMS. No; I have not.

Senator MONTROYA. Isn't it to your interest to do so?

Mr. SIMS. I thought that I had done so. This was in general terms without going down to individuals, Mr. Chairman.

Senator MONTROYA. I certainly would be very concerned about employees at the headquarters of INTERPOL servicing requests and transmitting them to various foreign governments. I would certainly want to know what their background was with respect to integrity.

Senator BELLMON. Mr. Chairman, I think there is some civil rights prohibition against refusing employment to an individual because of his past.

Senator MONTROYA. I didn't say refusing. I said we should be aware of their background.

Mr. MACDONALD. We will followup on that. I think that is a suggestion that deserves a lot of consideration.

Senator MONTROYA. Does the interchange of information between Washington and a foreign country go through the headquarters of INTERPOL at St. Cloud?

Mr. SIMS. Not all of it, sir. There are a lot of unilateral actions. If we have something going on with Scotland Yard, we go through them.

Senator MONTROYA. But quite a few are transmitted through the central office at St. Cloud?

Mr. SIMS. Yes, sir.

Senator MONTROYA. Who decides upon wage scales for the employees and promotions, the Secretary General?

Mr. SIMS. I would assume so.

Senator MONTROYA. Who establishes policies and guidelines for hiring of personnel?

Mr. SIMS. I would assume the Secretary General again, and the executive committee. I will obtain those answers and submit them for the record. (See page 77.)

Senator MONTROYA. Are you a member of the executive committee?

Mr. SIMS. No, sir. Director H. Stuart Knight of the Secret Service is. He was elected September 1974.

Senator MONTROYA. What is the name of the DEA representative of INTERPOL?

Mr. MACDONALD. The DEA representative to the National Central Bureau in Washington is Russ Aruslan.

Mr. SIMS. He works for Drug Enforcement Administration. He answers directly to me.

Senator MONTROYA. What level of security clearance is held by INTERPOL members in the United States?

Mr. SIMS. Top secret. That is by virtue of us all wearing two hats.

Mr. MACDONALD. That is by virtue of being enforcement agents.

Mr. SIMS. Clerical and administrative staff, the same. They are all members of the agency and Office of the Secretary.

Senator MONTOYA. Can you obtain for this committee a complete list of INTERPOL employees, officers, and staff members, together with a brief description of their professional background?

Mr. SIMS. From the Secretary General?

Senator MONTOYA. Yes.

Mr. SIMS. Yes, sir.

[The information follows:]

TRANSLATION
International Criminal Police Organization
INTERPOL

Language CODED 13 MAY 1975

FROM: INTERPOL PARIS NR 05622 W 85 13/1531 GMT

TO: INTERPOL WASHINGTON

LETTER
TELEX
CABLE
RADIO

NR 2068/S CONCERNING YOUR TELEGRAM OF 12 MAY 1975. ISRAEL APPLIED FOR INTERPOL MEMBERSHIP BY LETTER OF 20 JUNE 1949 SIGNED BY ISRAELI AMBASSADOR TO FRANCE. UNDER SEPARATE COVER I AM SENDING A TABLE SHOWING SECRETARY GENERAL STAFF STRENGTH AT 15 MAY 1975. CURRENT WORKLOAD PRECLUDES COMPILING DETAILED LIST YOU REQUESTED ON THE 154 PERSONS EMPLOYED HERE. FURTHER DETAILS WILL BE GIVEN TO SENATORS MONTOYA AND BELLMON IF THEY VISIT SECRETARY GENERAL. NEPOTE.

INTERPOL PARIS

EVALUATION OF SECRETARY GENERAL PERSONNEL BY CATEGORY

CATEGORIES	10 April 1974	15 May 1975
Agents under contract (1)	81	91 (4)
French Officials on assignment:		
-- Active Personnel	38	35
-- Administrative Personnel	6	6
Detached French Officials	2	3
Non-French Officials on assignment (2) 10		12
Non-French Officials [Detached] (3) 2		8
TOTAL	139	155

(1) Composed of: 2 Germans, 1 American, 1 Austrian, 5 British, 2 Cambodians, 1 Ceylonese, 1 Portuguese.

(2) Composed of: 1 German, 1 American, 1 Austrian, 3 British (1 Hong Kong), 1 Canadian, 1 Dane, 1 Spaniard, 1 Italian, 1 Norwegian, 1 Swede.

(3) Composed of: 1 German, 1 Argentine, 1 Austrian, 1 Spaniard, 1 Finn, 1 Swede, 1 Turk, 1 Venezuelan.

(4) Composed of 32 retired police officers and 59 civil employees.

N.B. 4 temporary employees hired for studies on the F.I.R. are not counted in these figures.

DISTRIBUTION OF PERSONNEL

Training	14
Criminal Files	20
Fingerprints	7
Narcotics	15
Thefts, Traffic, etc.	5
Offences against persons and violence	4
Swindles	5
Counterfeit	6
Studies and Police Doctrine	8
International Review	1
Telecommunications	26
Translations	8
Secretariat and mail	6
Accounting, Bookkeeping	3
Typing	8
Reproduction Workshop	6
Guards, Liaisons, Chauffeurs	7
Maintenance, Restaurant	6

TOTAL ----- 155 (as of 15 May 1975)

Senator MONTROYA. What are INTERPOL's affiliations, contacts and functional relationships that exist with the United Nations, for example, CCINC, U.N. Economic and Social Council, International Telecommunications Union, World Health Organization, (WHO), International Civil Aviation Organization (ICAO)?

Mr. SIMS. The International Civil Aviation Organization, Cabinet Committee on International Narcotic Control, the Customs Corporation Council, the U.N. Economic and Social Committee, and I am sure that I am probably leaving out some like the International Association of Chiefs of Police. Our association with these organizations is that in many instances, we attend their conferences; they attend our conferences. We do have an exchange with regard to that.

Senator MONTROYA. What kind of an exchange?

Mr. SIMS. If they attend our meetings, our conferences, our symposiums, they can take the floor and state their problems with the item being discussed, whether it is fraud, air piracy, whatever it might be. They can state the problem and some of the solutions they found, the same as countries can.

Senator MONTROYA. And they can request information from you?

Mr. SIMS. No, sir. I have had no requests from those.

Senator MONTROYA. You have had no requests from those organizations?

Mr. SIMS. No, sir. These organizations, to my knowledge, are not operationally oriented from the standpoint of handling criminal cases. We are the only international organization I know of that handles criminal cases.

Senator MONTROYA. I am thinking of requests for information on individuals.

Mr. SIMS. No, sir, they really have no reason to make that request.

Senator MONTROYA. How many Communist countries are members of these same agencies?

Mr. SIMS. I do not know.

Senator MONTROYA. The only exchange of information with these agencies is at the conference level?

Mr. SIMS. No, sir. There is exchange at other times. The Secretary General keeps in pretty close touch with the Customs Corporation Council to exchange information as to training programs that might assist the customs officers in all the member countries as well as in the Customs Corporation member countries.

The International Association of Chiefs of Police (IACP). We exchange many ideas with them, particularly with regard to training programs, with conferences. With training programs, the IACP is now involved in a hostage training program that they are doing worldwide to help the different countries with techniques when they get involved in a hostage incident.

The police get some guidelines, some training they might not get otherwise. We have somewhat assisted them in this. They did attend our last symposium of taking of hostages in February 1975.

Mr. CLAWSON. A good example of that concerns kidnapping and hostages. The International Civil Aviation Organization (ICAO), has had a continuing dialogue with the police agencies, including INTERPOL, in an attempt to tighten up security at airports.

We feel that can be prevented in the future if the various police agencies continue to give their suggestions to this international body. So that is the kind of dialogue that continues between the organizations.

Senator MONTROYA. Senator Bellmon, do you have any questions at this point?

Senator BELLMON. Mr. Chairman, I do have some questions. I appreciate your letting me intercede at this point. Mr. Secretary, could you elaborate on your statement regarding the exchange of information between the United States and foreign police agencies? If there weren't any INTERPOL, how would these exchanges take place?

Mr. MACDONALD. Well, the idea that I would like to get across almost more than any other idea is that the INTERPOL total budget is about \$2 million, in U.S. dollars, which is not very large and INTERPOL is like a sort of super telephone line.

If we didn't have INTERPOL, the Los Angeles Police Department would be calling directly to Scotland Yard if they thought an L.A. fugitive had gone to the United Kingdom. If they didn't know where the fugitive had gone, they would not have the facility for putting out an all-points bulletin. They would have to call up the countries one by one.

The point is that INTERPOL is not what it has been made out to be in the past by television programs. It is a means for international police forces to communicate with each other.

Senator BELLMON. Do you have any way of knowing whether or not the answers you get back through INTERPOL to the U.S. police departments are accurate? Is the information generally checked for its validity?

Mr. SIMS. We require certain information be provided with regard to the request which we hope will assist in making that determination. To answer your question can you make a determination that, yes, it is or no, it isn't. That may be difficult to do.

However, if you determine the charge, who is involved, the date, the place, all of this, then you begin to make your decision a little bit easier, that yes, it is authentic information.

Senator BELLMON. So you are not concerned then that they might send back inaccurate information that could damage the character of an American citizen who is falsely accused?

Mr. SIMS. I am most concerned and I am always on the watch for this. I am on the lookout for it every day of the week as are the other agents in the National Central Bureau. We try to take all the precautions that can possibly be taken.

Often, you get the criminal history back and certain information from a particular country and then the Secretary General will also transmit information that substantiates the information received from a third country.

Mr. MACDONALD. But once again, the communication problem would exist whether there was INTERPOL or not. You have to make certain assessments whether you are the INTERPOL or whether you are the New York Police Department.

Senator BELLMON. How big is the office INTERPOL maintains in St. Cloud?

Mr. SIMS. About 130 to 140 people, sir.

Senator BELLMON. Those are not investigative people?

Mr. SIMS. Yes, sir, a number of them are. The U.S. Drug Enforcement Agency has one there.

Mr. MACDONALD. What he is asking is do they carry out investigations.

Mr. SIMS. No, sir, not at the headquarters. They do not. They perform administrative type work.

Senator BELLMON. Primarily a communications center?

Mr. SIMS. And a correlation of information. Like the individual assigned there from the Drug Enforcement Agency. He is in the drug division. He, of course, looks at the information from the standpoint of all the drug information that is of interest to the United States, trafficking, possession, individuals, organized crime or whatever.

Mr. MACDONALD. He is trying to develop a pattern of drug traffic which can be conveyed to DEA here, so they can more effectively know what is happening and where the drugs are coming from.

Senator BELLMON. If this subcommittee desired to carry an investigation to the international headquarters, do you have any feeling as to whether or not we would get cooperation?

Mr. MACDONALD. I think you would get incredibly good cooperation. I think they would greet this committee or its staff with open arms.

Mr. SIMS. Recently, a Congressman visited the headquarters for the purpose of talking to the Secretary General and I think that they had such an exchange that it went on for about 4 hours or so.

Senator BELLMON. Was there any record made of this conversation, any public record? I mean is it available to the committee?

Mr. SIMS. I do not know that any record was made, sir.

Senator BELLMON. What effect has the Freedom of Information Act had on INTERPOL operations?

Mr. SIMS. Since February 19, 1975, when the amended Freedom of Information Act (FOIA) became effective, we have experienced a most significant manpower problem in view of the U.S. NCB INTERPOL receiving one or two of these each week, which require many hours and sometimes days of my personal attention and review. Of course, the administrative and clerical staff can locate and pull the pertinent files, but with regard to time and manpower involved, the locating and pulling of files is insignificant when compared to the review process that must be followed by an official, in the case of INTERPOL's small staff, by the chief. The question then raised is why must the review be done at a high level, as well as the subsequent appeal reviews? Because on the one hand you must review the material from the standpoint of the protection of the individuals' privacy and the protection of those policies, procedures, and techniques of the organization, which would, if disclosed to those without the need to know, render it ineffective or less effective. On the other hand, you must be responsive to the request and all of this must be accomplished within a 10-day period. This has often required the pursuit of the international criminal to wait until the FOIA request is processed. There is also the situation where another Federal agency or department that is in the possession of INTERPOL reports receives a FOIA request and the INTERPOL office, as originator of the document, must review all the INTERPOL material in that agency or

department's possession. The release of information under FOIA that would violate an individual's privacy or information that would render the organization ineffective or less effective is of great concern, not only within the U.S. INTERPOL office, but with all agencies or departments who have INTERPOL material and might release it under FOIA inadvertently. With only 3 months of operation under the amended FOIA, one answer, as I see it with regard to the U.S. INTERPOL office, is additional manpower which, under the present schedule of charges allowable under FOIA, will be paid for by additional appropriations and not by fees charged to the many persons making FOIA requests. If we have the same experience with the FOIA as other Federal law enforcement units, instead of receiving one or two requests per week, we may soon be receiving 20 or 30.

Senator BELLMON. Has INTERPOL ever directed its attention to the right of privacy issue?

Mr. SIMS. INTERPOL has been most aware of the privacy of the individual for many years and at the general assembly in Cannes, France in September 1974, a "Privacy of Information" resolution was passed which reads:

Noting the concern of many countries with the privacy of the individual with regard to criminal justice information, and

Noting, in addition, that the development of international crime requires an exchange of information on an international basis,

The ICPO—Interpol General Assembly, meeting in Cannes from September 19–25, 1974 at its 43d session,

Urges that in exchanging information the ICPO—Interpol NCBs and the general secretariat take into account the privacy of the individual and strictly confine the availability of the information to official law enforcement and criminal justice agencies.

Article 3 of INTERPOL's constitution also guards against collecting or passing information of a racial, religious, political, or military nature through INTERPOL channels unless it involves a specific criminal offense.

Senator BELLMON. Is Israel a member of INTERPOL?

Mr. SIMS. Yes, sir, Israel is a member and is most active in the day to day exchange of information between NCB's and during INTERPOL conferences. Israel has been a member since 1949.

Senator BELLMON. What would they find if the staff of the Senate Appropriations Subcommittee traveled to St. Cloud to visit the INTERPOL headquarters?

Mr. SIMS. The Senate Subcommittee on Appropriations would be heartily welcomed at INTERPOL headquarters by the secretary general, Mr. Jean Nepote. As during the visit by Mr. Rhodes, Mr. Levin, and Mr. VanKirk of this subcommittee staff to the U.S. NCB of INTERPOL, it would provide you with the opportunity to see for yourself INTERPOL activities and talk with those responsible and I believe satisfy any concern you may have.

Senator MONTROYA. Does INTERPOL ever receive any request for information which included, but is not limited to, technical information on political, religious, or racial agitation or activities by any U.S. citizens?

Mr. SIMS. No, sir. I have seen none. Again, I am constantly on the lookout for that type information being transmitted where there is no criminal offense involved. If there is a criminal offense involved, it does not make any difference if it is that type organization at all.

Senator MONTROYA. Have you transmitted any information to any INTERPOL office with respect to any groups here in the United States as to their activities?

Mr. SIMS. No, sir.

Senator MONTROYA. Could information on the political activities of the U.S. citizens ever be provided to INTERPOL under your charter?

Mr. SIMS. No, sir. I don't see how it could.

Senator MONTROYA. If a request came to you for such information, what would be your policy?

Mr. SIMS. My policy would be to deny it under article III of the INTERPOL constitution.

Senator MONTROYA. Would you please describe the provisions of INTERPOL's charter and what prohibitions are contained in the charter against any gathering of information which is not directly related to criminal charges in any foreign country?

Mr. SIMS. If I can just speak in general terms?

Senator MONTROYA. Yes; and I would like the pertinent information be inserted in the record.

Mr. SIMS. We will provide the INTERPOL constitution which addresses this issue quite clearly.

[The information follows:]

CONTINUED

1 OF 2

INTERNATIONAL CRIMINAL POLICE ORGANIZATION

INTERPOL



CONSTITUTION

AND

GENERAL REGULATIONS

Available in : French
English
Spanish

January 1968

The Constitution and General Regulations of the I.C.P.O. - INTERPOL were adopted by the General Assembly at its 25th session (Vienna - 1956).

Articles 35 and 36 of the Constitution and 45 and 50 of the General Regulations were modified at the 31st session (Madrid - 1962).

Articles 15, 16 and 19 of the Constitution and 41 and 58 of the General Regulations were modified at the 33rd session (Caracas - 1964).

Article 58 of the General Regulations was modified at the 36th session (Kyoto - 1967) ⁽¹⁾.

⁽¹⁾ The texts of all these Articles appear here in their amended form. This edition of the Constitution is dated 3rd October 1967.

CONSTITUTION

GENERAL PROVISIONS

Article 1

The Organization called the "INTERNATIONAL CRIMINAL POLICE COMMISSION" shall henceforth be entitled: "THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)". Its seat shall be in Paris.

Article 2

Its aims are:

- a) To ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the "Universal Declaration of Human Rights";
- b) To establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

Article 3

It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character.

Article 4

Any country may delegate as a Member to the Organization any official police body whose functions come within the framework of activities of the Organization.

The request for membership shall be submitted to the Secretary General by the appropriate governmental authority.

Membership shall be subject to approval by a two-thirds majority of the General Assembly.

STRUCTURE AND ORGANIZATION

Article 5

The International Criminal Police Organization (INTERPOL) shall comprise:

- The General Assembly,
- The Executive Committee,
- The General Secretariat,
- The National Central Bureaus,
- The Advisers.

THE GENERAL ASSEMBLY

Article 6

The General Assembly shall be the body of supreme authority in the Organization. It is composed of delegates appointed by the Members of the Organization.

Article 7

Each Member may be represented by one or several delegates; however for each country there shall be only one delegation head, appointed by the competent governmental authority of that country.

Because of the technical nature of the Organization, Members should attempt to include the following in their delegation:

- a) High officials of departments dealing with police affairs,
- b) Officials whose normal duties are connected with the activities of the Organization,
- c) Specialists in the subjects on the agenda.

Article 8

The functions of the General Assembly shall be the following:

- a) To carry out the duties laid down in the Constitution,
- b) To determine principles and lay down the general measures suitable for attaining the objectives of the Organization as given in Article 2 of the Constitution,
- c) To examine and approve the general programme of activities prepared by the Secretary General for the coming year,
- d) To determine any other regulations deemed necessary,
- e) To elect persons to perform the functions mentioned in the Constitution,
- f) To adopt resolutions and make recommendations to Members on matters with which the Organization is competent to deal,
- g) To determine the financial policy of the Organization,
- h) To examine and approve any agreements to be made with other organizations.

Article 9

Members shall do all within their power, in so far as is compatible with their own obligations, to carry out the decisions of the General Assembly.

Article 10

The General Assembly of the Organization shall meet in ordinary session every year. It may meet in extraordinary session at the request of the Executive Committee or of the majority of Members.

Article 11

The General Assembly may, when in session, set up special committees for dealing with particular matters.

Article 12

During the final meeting of each session, the General Assembly shall choose the place of meeting for the following session. The date of this meeting shall be fixed by agreement between the inviting country and the President after consultation with the Secretary General.

Article 13

Only one delegate from each country shall have the right to vote in the General Assembly.

Article 14

Decisions shall be made by a simple majority except in those cases where a two-thirds majority is required by the Constitution.

THE EXECUTIVE COMMITTEE

Article 15

The Executive Committee shall be composed of the President of the Organization, the three Vice-Presidents and nine Delegates.

The thirteen members of the Executive Committee shall belong to different countries, due weight having been given to geographical distribution.

Article 16

The General Assembly shall elect, from among the delegates, the President and three Vice-Presidents of the Organization.

A two-thirds majority shall be required for the election of the President; should this majority not be obtained after the second ballot, a simple majority shall suffice.

The President and Vice-Presidents shall be from different continents.

Article 17

The President shall be elected for four years. The Vice-Presidents shall be elected for three years and shall not be immediately eligible for re-election either to the same posts or as Delegates on the Executive Committee.

Article 18

The President of the Organization shall:

- a) Preside at meetings of the Assembly and the Executive Committee and direct the discussions,
- b) Ensure that the activities of the Organization are in conformity with the decisions of the General Assembly and the Executive Committee.
- c) Maintain as far as is possible direct and constant contact with the Secretary General of the Organization.

Article 19

The nine Delegates on the Executive Committee shall be elected by the General Assembly for a period of three years. They shall not be immediately eligible for re-election to the same posts.

Article 20

The Executive Committee shall meet at least once each year on being convened by the President of the Organization.

Article 21

In the exercise of their duties, all members of the Executive Committee shall conduct themselves as representatives of the Organization and not as representatives of their respective countries.

Article 22

The Executive Committee shall:

- a) Supervise the execution of the decisions of the General Assembly,
- b) Prepare the agenda for sessions of the General Assembly,
- c) Submit to the General Assembly any programme of work or project which it considers useful,
- d) Supervise the administration and work of the Secretary General,
- e) Exercise all the powers delegated to it by the Assembly.

Article 23

In case of resignation or death of any of the members of the Executive Committee, the General Assembly shall elect another member to replace him and whose term of office shall end on the same date as his predecessor's. No member of the Executive Committee may remain in office should he cease to be a delegate to the Organization.

Article 24

Executive Committee members shall remain in office until the end of the session of the General Assembly held in the year in which their term of office expires.

THE GENERAL SECRETARIAT

Article 25

The permanent departments of the Organization shall constitute the General Secretariat.

Article 26

The General Secretariat shall:

- a) Put into application the decisions of the General Assembly and the Executive Committee,
- b) Serve as an international centre in the fight against ordinary crime,
- c) Serve as a technical and information centre,
- d) Ensure the efficient administration of the Organization,
- e) Maintain contact with national and international authorities, whereas questions relative to the search for criminals shall be dealt with through the National Central Bureaus,
- f) Produce any publications which may be considered useful,
- g) Organize and perform secretariat work at the sessions of the General Assembly, the Executive Committee and any other body of the Organization,

- h) Draw up a draft programme of work for the coming year for the consideration and approval of the General Assembly and the Executive Committee,
- i) Maintain as far as is possible direct and constant contact with the President of the Organization.

Article 27

The General Secretariat shall consist of the Secretary General and a technical and administrative staff entrusted with the work of the Organization.

Article 28

The appointment of the Secretary General shall be proposed by the Executive Committee and approved by the General Assembly for a period of five years. He may be re-appointed for other terms but must lay down office on reaching the age of sixty-five, although he may be allowed to complete his term of office on reaching this age.

He must be chosen from among persons highly competent in police matters.

In exceptional circumstances, the Executive Committee may propose at a meeting of the General Assembly that the Secretary General be removed from office.

Article 29

The Secretary General shall engage and direct the staff, administer the budget and organize and direct the permanent departments, according to the directives decided upon by the General Assembly or Executive Committee.

He shall submit to the Executive Committee or the General Assembly any propositions or projects concerning the work of the Organization.

He shall be responsible to the Executive Committee and the General Assembly.

• He shall have the right to take part in the discussions of the General Assembly, the Executive Committee and all other dependent bodies.

In the exercise of his duties, he shall represent the Organization and not any particular country.

Article 30

In the exercise of their duties, the Secretary General and the staff shall neither solicit nor accept instructions from any government or authority outside the Organization. They shall abstain from any action which might be prejudicial to their international task.

Each Member of the Organization shall undertake to respect the exclusively international character of the duties of the Secretary General and the staff and abstain from influencing them in the discharge of their duties.

All Members of the Organization shall do their best to assist the Secretary General and the staff in the discharge of their functions.

NATIONAL CENTRAL BUREAUS

Article 31

In order to further its aims, the Organization needs the constant and active co-operation of its Members, who should do all within their power which is compatible with the legislations of their countries to participate diligently in its activities.

Article 32

In order to ensure the above co-operation, each country shall appoint a body which will serve as the National Central Bureau. It shall ensure liaison with:

- a) The various departments in the country,
- b) Those bodies in other countries serving as National Central Bureaus,
- c) The Organization's General Secretariat.

Article 33

In the case of those countries where the provisions of Art. 32 are inapplicable or do not permit of effective, centralized co-operation, the General Secretariat shall decide, with these countries, the most suitable alternative means of co-operation.

THE ADVISERS

Article 34

On scientific matters, the Organization may consult "Advisers".

Article 35

The role of Advisers shall be purely advisory.

Article 36

Advisers shall be appointed for three years by the Executive Committee. Their appointment will become definite only after notification by the General Assembly.

They shall be chosen from among those who have a world-wide reputation in some field of interest to the Organization.

Article 37

An Adviser may be removed from office by decision of the General Assembly.

BUDGET AND RESOURCES

Article 38

The Organization's resources shall be provided by:

- a) The financial contributions from Members.
- b) Gifts, bequests, subsidies, grants and other resources after these have been accepted or approved by the Executive Committee.

Article 39

The General Assembly shall establish the basis of Members' subscriptions and the maximum annual expenditure according to the estimate provided by the Secretary General.

Article 40

The draft budget of the Organization shall be prepared by the Secretary General and submitted for approval to the Executive Committee.

It will come into force after acceptance by the General Assembly.

Should the General Assembly not have had the possibility of approving the budget, the Executive Committee shall take all necessary steps according to the general outlines of the preceding budget.

RELATIONS WITH OTHER ORGANIZATIONS

Article 41

Whenever it deems fit, having regard to the aims and objects provided in the Constitution, the Organization shall establish relations and collaborate with other intergovernmental or non-governmental international organizations.

The general provisions concerning the relations with international, intergovernmental or non-governmental organizations will only be valid after their approval by the General Assembly.

The Organization may, in connection with all matters in which it is competent, take the advice of non-governmental international, governmental national or non-governmental national organizations.

With the approval of the General Assembly, the Executive Committee or, in urgent cases, the Secretary General may accept duties within the scope of its activities and competence either from other international institutions or organizations or in application of international conventions.

APPLICATION, MODIFICATION AND INTERPRETATION
OF THE CONSTITUTION

Article 42

The present Constitution may be amended on the proposal of either a Member or the Executive Committee.

Any proposal for amendment to this Constitution shall be communicated by the Secretary General to Members of the Organization at least three months before submission to the General Assembly for consideration.

All amendments to this Constitution shall be approved by a two-thirds majority of the Members of the Organization.

Article 43

The French, English and Spanish texts of this Constitution shall be regarded as authoritative.

Article 44

The application of this Constitution shall be determined by the General Assembly through the General Regulations and Appendices, whose provisions shall be adopted by a two-thirds majority.

TEMPORARY MEASURES

Article 45

All bodies representing the countries mentioned in Appendix I shall be deemed to be Members of the Organization unless they declare through the appropriate governmental authority that they cannot accept this Constitution. Such a declaration should be made within six months of the date of the coming into force of the present Constitution.

Article 46

At the first election, lots will be drawn to determine a Vice-President whose term of office will end a year later.

At the first election, lots will be drawn to determine two Delegates on the Executive Committee whose term of office will end a year later, and two others whose term of office will end two years later.

Article 47

Persons having rendered meritorious and prolonged services in the ranks of the I.C.P.C. may be awarded by the General Assembly honorary titles in corresponding ranks of the I.C.P.O.

Article 48

All property belonging to the International Criminal Police Commission are transferred to the International Criminal Police Organization.

Article 49

In the present Constitution :

- « Organization », wherever it occurs, shall mean the International Criminal Police Organization,
- « Constitution », wherever it occurs, shall mean the constitution of the International Criminal Police Organization,
- « Secretary General » shall mean the Secretary General of the International Criminal Police Organization,
- « Committee » shall mean the Executive Committee of the Organization,
- « Assembly » or « General Assembly » shall mean the General Assembly of the Organization,
- « Member » or « Members » shall mean a Member or Members of the International Criminal Police Organization as mentioned in Art. 4 of the Constitution,
- « delegate » (in the singular) or « delegates » (in the plural) shall mean a person or persons belonging to a delegation or delegations as defined in Art. 7,
- « Delegate » (in the singular) or « Delegates » (in the plural) shall mean a person or persons elected to the Executive Committee in the conditions laid down in Art. 19.

Article 50

This Constitution shall come into force on 13th June 1956.

APPENDIX I

LIST OF STATES TO WHICH THE PROVISIONS
OF ARTICLE 45 OF THE CONSTITUTION SHALL APPLY

Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, Colombia, Costa-Rica, Cuba, Denmark, Dominican Republic, Egypt, Eire, Finland, France, Federal German Republic, United Kingdom of Great Britain and Northern Ireland, Greece, Guatemala, India, Indonesia, Iran, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Netherlands, Netherlands Antilles, New Zealand, Norway, Pakistan, Philippines, Portugal, Saar, Saudi Arabia, Spain, Sudan, Surinam, Sweden, Switzerland, Syria, Thailand, Turkey, United States of America, Uruguay, Venezuela, Yugoslavia.

*

GENERAL REGULATIONS

Article 1

These General Regulations and Appendices have been adopted in accordance with Article 44 of the Constitution of the Organization.

Should there be any differences between the two, the Constitution shall prevail.

GENERAL ASSEMBLY

PLACE - DATE - CONVENING

Article 2

The General Assembly shall meet every year in ordinary session.

Article 3

Any Member may, on behalf of its country, invite the Assembly to meet on the territory of that country.

If this is impossible, the meeting shall be held at the seat of the Organization.

Article 4

Any such invitation should be sent to the President before the beginning of the debates of the Assembly.

Article 5

If the Executive Committee considers that circumstances are unfavourable to the meeting of the Assembly in the place fixed at its previous session, it may decide on another place.

Article 6

The President shall fix the date when the Assembly is to meet after consulting the authorities of the inviting country and the Secretary General.

Article 7

The date and place having been decided upon, the notices convening Members shall be sent not less than four months in advance by :

- a) The inviting country to the other countries, through diplomatic channels ;
- b) The Secretary General to the various Members of the Organization.

Article 8

The following may be invited to be present at meetings as observers :

- a) Police bodies which are not members of the Organization;
- b) International organizations.

The list of observers shall be drawn up by the Executive Committee and should be approved by the inviting country.

The observers mentioned in § a) shall be jointly invited by the inviting country and the Secretary General, while those mentioned in § b) only by the Secretary General, after agreement of the Executive Committee and of the inviting country.

AGENDA

Article 9

The provisional agenda of the meeting shall be drawn up by the Executive Committee and communicated to Members not less than 90 days before the opening of the session.

Article 10

The provisional agenda shall include:

- a) The report of the Secretary General on the work of the Organization,
- b) The Secretary General's financial report and the draft budget,
- c) The general programme of activities proposed by the Secretary General for the coming year,
- d) Items whose inclusion has been ordered at the previous session of the Assembly,
- e) Items proposed by Members,
- f) Items inserted by the Executive Committee or the Secretary General.

Article 11

Any Member may, thirty days before the opening of the session, request that an item be added to the agenda.

Article 12

Before the opening meeting of the Assembly, the Executive Committee shall form the provisional agenda and the supplement to the agenda into a final agenda in the order of the urgency and priority of the items. The items left over from the previous session shall be deemed to take priority over the items suggested for the coming session.

Article 13

In so far as is possible, Members shall receive, thirty days before the opening meeting of the session, the information necessary for the examination of reports and items on the agenda.

EXTRAORDINARY SESSIONS

Article 14

Extraordinary sessions shall be held, in principle, at the seat of the Organization.

An extraordinary session shall be convened, after assent has been given by the President, by the Secretary General as soon as possible and not less than thirty days and no more than ninety days after the request has been made.

Article 15

In principle, the agenda of an extraordinary session may only include the object for its convening.

DELEGATIONS AND VOTING

Article 16

Members shall notify the Secretary General as early as possible of the composition of their delegation.

Article 17

The General Assembly shall make its decisions in plenary session by means of resolutions.

Article 18

Subject to Article 53 of the General Regulations, each country represented has one vote.

Voting shall be performed by the head of the delegation or some other delegate. The representative of one Member may not vote for another Member.

Article 19

The decisions of the Assembly shall be taken by a simple majority, except where otherwise provided by the Constitution.

Article 20

The majority shall be decided by a count of those persons present and casting an affirmative or negative vote. Those who abstain may justify their attitude.

When the Constitution requires a "majority of the Members" the calculation of this majority shall be based on the total number of the Members of the Organization, whether they are represented or not at the session of the Assembly.

Article 21

Voting shall be done by single ballot, except where a two-thirds majority is required.

In the latter case, if the required majority is not obtained the first time, a second vote shall be taken.

Article 22

Voting shall be done by show of hands, record vote or secret ballot.

At any time a delegate may request a record vote to be taken except in cases where a secret ballot is required by the Constitution.

Article 23

Persons composing the Executive Committee shall be elected by secret ballot. If two candidates obtain the same number of votes, a second ballot shall be taken. If this is not decisive, lots shall be drawn to determine which shall be chosen.

Article 24

Resolutions may be voted on paragraph by paragraph on the request of any delegate. In such a case, the whole shall subsequently be put to the vote.

Only one complete resolution shall be voted on at one time.

Article 25

When an amendment to a proposal is moved, the amendment shall be voted on first.

If there are several amendments, the President shall put them to the vote separately, commencing with the ones furthest removed from the basis of the original proposal.

CONDUCT OF BUSINESS

Article 26

Meetings of the Assembly and the committees shall not be public, unless otherwise decided by the Assembly.

Article 27

The Assembly may limit the time to be allowed to each speaker.

Article 28

When a motion is under discussion, any Member may raise a point of order and this point of order shall be immediately decided by the President.

Should this be contested, any delegate may appeal to the Assembly, which shall immediately decide by a vote.

Article 29

If, during the discussions, a speaker moves the suspension or adjournment of the meeting or the debates, the matter shall immediately be put to the vote.

Article 30

A delegate may at any time move the closure of the debates. Two speakers opposed to the closure may then speak, after which the Assembly shall decide whether to accede to the motion.

Article 31

The Assembly may not vote on a draft resolution unless copies of it in all the working languages have been distributed.

Amendments and counter-proposals may be discussed immediately unless a majority of Members request that written copies of them shall be distributed first.

When a draft resolution has financial consequences, the Executive Committee shall be requested to give its opinion and the discussions postponed.

Article 32

The Secretary General or his representative may intervene in the discussions at any moment.

SECRETARIAT

Article 33

Summary records of the debates of the Assembly in the working languages shall be distributed as soon as possible.

Article 34

The Secretary General shall be responsible for the secretarial work of the Assembly; for this purpose he shall engage the necessary personnel and direct and control them.

COMMITTEES

Article 35

At each session, the Assembly shall form such committees as it deems necessary.

On the proposal of the President, it shall allocate work relative to the various items on the agenda to each committee.

Article 36

Each committee shall elect its own chairman.

Each committee member shall have the right to vote.

Meetings of the committees shall be subject to the same rules as the plenary sessions of the Assembly.

Article 37

The chairman of each committee or a reporter nominated by it shall render a verbal account of its work to the Assembly.

Article 38

Unless otherwise decided by the Assembly, any committee may be consulted between sessions.

The President, after consultation with the Secretary General, may summon a committee to meet.

THE EXECUTIVE COMMITTEE

Article 39

At the end of the ordinary session the Assembly shall fill such vacancies on the Executive Committee as exist, by election of persons chosen amongst the delegates.

Article 40

At the beginning of each session the General Assembly shall elect three heads of delegations who will form the « Election Committee ». They shall scrutinize the nominations they receive to determine whether they are valid and submit the list of these nominations in alphabetical order to the Assembly.

They shall also act as tellers.

Article 41

If, for any reason whatsoever, the President can no longer perform his duties either during or between sessions, his place shall temporarily be taken by the senior Vice-President.

Should the three Vice-Presidents be absent, the duties of President should provisionally devolve upon a Delegate of the Executive Committee designated by the other members of the Executive Committee.

GENERAL SECRETARIAT

Article 42

The Assembly shall elect a Secretary General by secret ballot for a term of office of five years.

The candidate for the post of Secretary General shall be proposed by the Executive Committee.

Article 43

The Secretary General should be or have been a police official.

He should preferably be a national of the country in which the seat of the Organization is situated.

Article 44

The Secretary General's term of office shall commence at the end of the session during which he has been elected and terminate at the end of the session held in the year when his term of office expires.

The Secretary General shall be eligible for other terms of office.

Article 45

Should the Secretary General be unable to carry out his duties, these shall be performed in the interim by the highest-ranking official in the General Secretariat provided the Executive Committee has no objection.

THE ADVISERS

Article 46

Advisers may be individually or collectively consulted on the initiative of the Assembly, the Executive Committee, the President or the Secretary General. They may make suggestions of a scientific nature to the General Secretariat or the Executive Committee.

Article 47

At the request of the General Assembly, the Executive Committee or the Secretary General, reports or papers on scientific matters may be submitted to the Assembly by Advisers.

Article 48

Advisers may be present at meetings of the General Assembly as observers and, on the invitation of the President, may take part in the discussions.

Article 49

Several Advisers may be nationals of the same country.

Article 50

The Advisers may meet when convened by the President of the Organization.

BUDGET - FINANCE

Article 51

The General Assembly shall:

- a) Establish the basis of subscriptions of Members on an equitable basis,
- b) Approve the budget according to the estimates provided by the Secretary General.

Article 52

The financial administration and the accounts of the Organization shall be checked in accordance with the procedure set forth in the Financial Regulations.

Article 53

If a Member constantly fails to fulfil its financial obligations toward the Organization, the Executive Committee may suspend its right to vote at General Assembly meetings and refuse it any other benefits it may claim, until all obligations have been settled.

The Member may appeal against such a decision to the General Assembly.

Article 54

The financial year shall begin on 1st January and end on 31st December.

Article 55

The Executive Committee may authorize a greater expenditure than that decided upon by the Assembly with the provision that this be accounted for to the latter.

Article 56

The financial administration of the Secretary General may be checked at any time by the Executive Committee.

Article 57

Should any state or Member give to the Organization permanent direct or indirect aid which is above its normal contribution, an agreement relative to such aid shall be drawn up and submitted for approval to the Executive Committee.

LANGUAGES

Article 58

The working languages of the permanent departments of the Organization shall be: French, English and Spanish.

The working languages of the General Assembly shall be: French, English and Spanish.

During General Assembly sessions, any delegate may speak in another language provided he makes arrangements for the interpretation of his speeches into one of the official languages.

Any request submitted by a group of countries for simultaneous interpretation of a language other than the official language must be sent, at least four months before the opening of the General Assembly session, to the Secretary General who will state whether such interpretation will be technically feasible.

Countries wishing to apply the special conditions in paragraphs 3 and 4 of Article 58 may do so only if they have undertaken the responsibility to provide adequate administrative facilities and to meet all expenses involved.

MODIFICATION OF THE GENERAL REGULATIONS

Article 59

These Regulations and their Appendices may be modified at the request of any Member so long as the suggested modification has been sent to the General Secretariat at least 120 days before the opening of the following session. The Secretary General shall circulate this proposal at least 90 days before the session of the General Assembly.

The Secretary General may propose a modification to the General Regulations or their Appendices by circulating his proposal to Members at least 90 days before the session of the General Assembly.

During the session, in case of urgent necessity, any modification of the Regulations or their Appendices may be placed before the Assembly, provided a written proposal to this effect be submitted jointly by three Members.

Article 60

The General Assembly shall take a decision on the proposed modification of the Regulations or their Appendices after consultation with an "ad hoc" committee composed of three delegates elected by the Assembly and two persons appointed by the Executive Committee.

This committee shall also be consulted on any proposal for the modification of the Constitution.

RESOLUTION

PRIVACY OF INFORMATION

NOTING the concern of many countries with the privacy of the individual with regard to criminal justice information, and

NOTING, in addition, that the development of international crime requires an exchange of information on an international basis,

The I.C.P.O.—Interpol General Assembly, meeting in Cannes from 19th to 25th September 1974 at its 43rd session,

URGES that in exchanging information the I.C.P.O.—Interpol NCBS and the General Secretariat take into account the privacy of the individual and strictly confine the availability of the information to official law enforcement and criminal justice agencies.

ARTICLE III

Mr. SIMS. Article III of the INTERPOL constitution prohibits any involvement in political, military, religious, or racial areas. Second, it is the policy of INTERPOL and it has been stated time and time again at general assemblies and I would assume in resolutions that whenever you make a request to another country that you include enough data in that request to show that it is clearly a criminal investigation matter. If you don't, that country should go back and ask you for it.

Believe me, if we send out a request and neglect sending enough specific information, the recipient will immediately come back to us. We, similarly would go back to the requesting country if sufficient information were not provided. That is basically the general safeguards that come to my mind immediately.

Senator MONTOYA. We have instances where international labor representatives from the United States have visited other countries. We also have instances where members of so-called dissident organizations from the United States have visited other countries. Have you received any requests with respect to these individuals?

Mr. SIMS. Yes, sir.

Senator MONTOYA. Whether it be under the umbrella of the charge of crime or otherwise?

Mr. SIMS. Under the umbrella of crime, I have, sir. Individuals that have been known to be highly involved in this country in the type activity you describe have been picked up overseas for some crime such as fraud or was under active investigation for a crime of fraud. The request had nothing to do with his political or other type activities in the United States.

Senator MONTOYA. But you have furnished information with respect to that individual's affiliation in the United States with organizations?

Mr. SIMS. No; only with regard to his criminal history.

Senator MONTOYA. Here?

Mr. SIMS. Yes.

Senator MONTOYA. That is all?

Mr. SIMS. That is all.

Senator MONTOYA. Have those charges from abroad turned out to be well-founded and were they carried through?

Mr. SIMS. Yes, sir. I make a habit also, whenever a request is initiated in the investigative stage, of asking them if they would followup on it, provide us with the conclusion of the investigation and in the event of arrest to provide fingerprints.

Senator MONTOYA. What is your batting average?

Mr. SIMS. Pretty good. I would say that probably 8 out of 10 come back with information, even if I didn't ask for it.

Senator MONTOYA. No; I am referring to the fact that a foreign police department wanted information on a certain individual and states as a premise that he was charged with a crime or is being investigated for a crime. Do you have any way of ascertaining in how many instances that individual was successfully prosecuted?

Mr. SIMS. I don't have anyway of ascertaining that other than just knowing that I see every case that goes out—at some stage.

Senator MONTOYA. You only see the case when it comes in and prior to prosecution.

Mr. MACDONALD. He means long after the information has been provided.

Mr. SIMS. When a case is at the investigative stage, we consider it to be an open case. We have a suspense system. We review the open cases on the suspense system. That is one of the reasons we have received the answer that we have asked for. If we haven't received it, we send back another letter, or message.

Senator MONTOYA. Do you require that the INTERPOL office in the foreign country notify you as to what happens to that particular individual about whom you supplied information?

Mr. SIMS. Yes, sir. We ask for that.

Senator MONTOYA. Do you keep a record here of what happens to those individuals?

Mr. SIMS. We do; but it is in each individual case file.

Senator MONTOYA. Can you give me the statistics as to how many of the individuals on whom information was supplied were successfully prosecuted?

Mr. SIMS. I have no statistics on this.

Senator MONTOYA. Then, you don't get that information?

Mr. SIMS. Yes, sir, but it is included in the individual file and there are no statistics compiled for that purpose.

Senator MONTOYA. Why don't you? Is it not a matter of great concern whether the foreign governments are really legitimately asking for information or whether they are trying to play games with you in the name of law enforcement?

Mr. SIMS. I agree with your concept completely. However, the only way the information is handled is on an individual basis. It is kept in a pending status until we are satisfied with the information. If I don't get it, I ask for it. That is the reason I do not have overall statistics.

Senator MONTOYA. It is very strange that you do get requests for information from foreign countries about American citizens and you are not keeping a statistical record on whether or not the information was actually utilized toward the final objective of pressing charges against that individual in a foreign country.

Mr. SIMS. Sir; I would say in more than 60 percent of the cases, the charges have already been pressed against the individual. He has already been arrested. We go back in many, many instances, where it is a young person arrested abroad for drugs, we go back and tell them that this person has no criminal history in this country.

Senator MONTOYA. The point I am trying to make is that you establish as a requirement that the individual be charged with a crime

or that he is under investigation for a crime. Then the foreign police agencies are of necessity going to make that a premise in asking for information about an American citizen. However, this may not necessarily be a legitimate premise. They may be using this as a key to open the door to invade the privacy of an individual.

Mr. SIMS. Yes, sir. I understand what you are saying.

Senator MONTROYA. Have you a concern for that possibility?

Mr. SIMS. I have a 100-percent concern.

Senator MONTROYA. What do you do by way of guarding our citizens against the possibility that their rights might be invaded under a false premise?

Mr. SIMS. The foreign police organization must come in with certain information before they get the criminal history of an individual here. We do keep it in a suspense status and ask for the results of their investigation which, as you say, may or may not have resulted in an arrest and conviction; but in many, many instances, I say 60 percent, the arrest occurred before they made the request.

KAPLAN CASE

Senator MONTROYA. You have heard of the Kaplan case in Mexico, have you not?

Mr. SIMS. Yes, sir.

Senator MONTROYA. About the helicopter escape from prison?

Mr. SIMS. Yes, sir, I have heard about it.

Senator MONTROYA. There was substantial evidence that this man was railroaded into the penitentiary. Did INTERPOL receive any inquiries from the government of Mexico with respect to his escape?

Mr. SIMS. I have not seen any inquiries on that particular case; no, sir.

Senator MONTROYA. Assuming that his rights had been invaded, that his constitutional rights had not been protected and he had been railroaded, what would you do if you received a request from the government of Mexico?

Mr. SIMS. I would have to get the details of the case. But the matter as you described it, I would not be responsive to their request. Each case would be evaluated on its own merits. Since I am not familiar with the merits of that case, I would have to look at them. But if what you say is the case, then I would not be responsive to their request.

Senator MONTROYA. Does INTERPOL have access to files on American organizations?

Mr. SIMS. No, sir.

Senator MONTROYA. You don't keep a file on dissident groups or organizations?

Mr. SIMS. No, sir. We have no need for that.

Senator MONTROYA. Could information on the social contacts of the U.S. citizens be provided to INTERPOL recipients?

Mr. SIMS. If it was directly involved with a crime or criminal investigation, yes. If associates were involved in the committing of the crime.

Senator MONTROYA. Are you willing to estimate the percentage of requests that are made to you under the umbrella of a criminal charge

filed against an individual in a foreign country that turn out to have been spurious?

Mr. SIMS. I would say approximately 1 percent.

Senator MONTROYA. 1 percent?

Mr. SIMS. Yes, sir. I have not seen that as being the case.

Senator MONTROYA. But you don't keep statistics?

Mr. SIMS. No, sir, but I review them case by case.

Senator MONTROYA. How can you say 1 percent, then?

Mr. SIMS. I can only state that I look at every case and I am very much aware of the potential problem.

Senator MONTROYA. I am not trying to be critical of your statistical projections. I am just very concerned that this door may be wide open. I am just trying to express a concern towards this possibility.

Mr. SIMS. I think it would be an excellent idea if we did commence to do just that. I will be delighted to do that. Also I will make inquiry at the general secretariat and attempt to secure their assistance.

Senator MONTROYA. Right now every INTERPOL office has a license to transmit a request to you for information on an individual charged with a crime in a foreign country. If we are going to take their request at face value, then we are going to transmit information on that individual which may unjustly invade his right of privacy.

Mr. SIMS. Yes, sir. I understand exactly.

Senator MONTROYA. Could information on the income tax returns of U.S. citizens ever be provided to INTERPOL?

Mr. SIMS. I would see no reason for it.

Senator MONTROYA. Have you done it?

Mr. SIMS. No, sir.

Senator MONTROYA. Have any requests been made of you to furnish such information?

Mr. SIMS. No, sir, and there is another safeguard on that.

Mr. MACDONALD. Once again, it would be up to the Internal Revenue Service. They would make their own decision on why it was being requested.

Senator MONTROYA. Does the TECS computer have information with respect to income tax returns?

Mr. SIMS. We have access to no income tax information through TECS.

Senator MONTROYA. Does any other computer system in Treasury to which you might have access have tax information on individuals?

Mr. SIMS. No, sir.

Senator MONTROYA. Could information on the family relationships of U.S. citizens ever be provided to INTERPOL?

Mr. SIMS. I can see no reason for that. Only if the information were required due to the nature of the crime that was committed. For example, where the wife and husband are both involved in a crime.

Senator MONTROYA. Could this proliferate gathering of information with respect to other members of the family?

Mr. SIMS. No, sir.

Senator MONTROYA. Is it not true that INTERPOL's charter forbids any international investigation of a political, military, religious, or racial character?

Mr. SIMS. Yes, sir.

Senator MONTROYA. Do you adhere to the edict in that charter?

Mr. SIMS. Yes, sir. I can also add that the Secretary General keeps pretty close watch on that, because I have seen instances come up where he would remind somebody of article III of the constitution.

Senator MONTROYA. There have been attempts, then?

Mr. SIMS. I wouldn't say that it was an attempt and he was watching from that standpoint. But there have been inquiries made and he has reminded several countries of article III of the constitution.

Senator MONTROYA. Who in INTERPOL is responsible for deciding whether a particular activity is a criminal activity of a political, military, or religious nature, over which INTERPOL has no authority?

Mr. SIMS. It depends on the two countries that are dealing with each other at the time on a specific case.

Senator MONTROYA. One goes into it in depth to determine whether the criteria is satisfied?

Mr. SIMS. Yes, sir, usually the receiving country.

Senator MONTROYA. Who in INTERPOL in Paris supervises and processes the request to you or to any other INTERPOL member?

Mr. SIMS. Usually, they do no processing of it at all. They get a copy of it. In many instances, they don't even get a copy.

Senator MONTROYA. Would you say you ordinarily take requests at face value?

Mr. SIMS. No, sir. I don't take any request at face value. I ask for the specifics.

Senator MONTROYA. Perhaps you can give me an example. Say a request comes in from Rumania. Give me an example of what that request contains and how you process it.

Mr. SIMS. Yes, sir. A request comes in from Rumania and they are asking assistance in determining the identity of the person that has passport number so-and-so, as they have just received this passport and have it impounded in connection with a fraud case, and the passport has been altered. They don't know its rightful owner and the circumstances of its loss, if it was lost.

We would go to the passport office, determine who the passport was registered to and the passport office, if it had been lost, would have a notation where it was lost, when it was lost and whether a replacement passport had been issued. We would go back to the requesting country, advise them of the rightful owner and where it was lost, when it was lost, and ask them for the specifics with regard to the crime that was committed with the passport. I might add here, in 1974, we have received only two requests from Rumania and 29 from Yugoslavia.

Senator MONTROYA. Have you ever refused information to those countries?

Mr. SIMS. No, sir. I cannot recall a request that required me to turn them down.

Senator MONTROYA. How closely did you check the requests?

Mr. SIMS. Very closely.

Senator MONTROYA. Were they dealing just with passports?

Mr. SIMS. No, sir.

Senator MONTROYA. Were any of the requests dealing with information on an individual in this country or his family?

Mr. SIMS. There were some requests dealing with the criminal history of an individual in this country, yes, sir.

Senator MONTROYA. What about on his family?

Mr. SIMS. No, sir. That is usually not the case anyway, regardless of the nature of the request.

Senator MONTROYA. Were the requests dealing with individuals still in this country?

Mr. SIMS. Yes, sir.

Senator MONTROYA. Why would Rumania be interested in that?

Mr. SIMS. Because there may have been an individual that hit several countries with a fraud scheme.

Senator MONTROYA. Did you make sure that that was the case?

Mr. SIMS. Yes, sir. Usually, inquiries have already been received from the other countries on this same individual. Normally, the international criminal doesn't hit one country and leave. He usually hits several.

Senator MONTROYA. Does the INTERPOL headquarters at St. Cloud retain a file depository of message traffic?

Mr. SIMS. Yes, sir they do. I would say that we provide information copies of our transmissions in about three-fourths of the cases.

COMPUTERIZATION

Senator MONTROYA. You have a computer at the St. Cloud, at the INTERPOL office, do you not?

Mr. SIMS. No, sir. It is not computerized.

Senator MONTROYA. You have quite a few files on American individuals there containing information which you have supplied?

Mr. SIMS. Yes, sir; or it may have come from another country.

Senator MONTROYA. Is there any attempt to purge these files or once information is entered into these files is it retained as a permanent record there?

Mr. SIMS. I think it remains as a permanent record.

Senator MONTROYA. Have you ever thought of the idea of purging these files?

Mr. SIMS. No, sir. I have no idea of their purging policies, but I will obtain that information.

Senator MONTROYA. Have you ever discussed this issue with other INTERPOL countries?

Mr. CLAWSON. Yes; we have discussed that. There is currently a technical committee that meets approximately twice a year that has been discussing the problem.

Unfortunately, with so many countries involved, there is very little consensus of what those standards ought to be and what ought to happen. It is a continuing process. We were very concerned with that. It is one we continue to pursue and hopefully get some general consensus and reports out of these committees. But it is of concern to us and we are attempting to develop those kind of guidelines.

Senator MONTROYA. What particular concern do you have with respect to the information in those files?

Mr. CLAWSON. That retention of the information contained therein is no longer necessary.

Senator MONTROYA. What type of information are you concerned about?

Mr. SIMS. Let's say, a criminal history information, after a certain period of time, it is obvious, as it is to our law enforcement agencies here, the person may be dead, and that ought to be removed. Also, where there are sufficient changes in the situation that the information is no longer valid, or new circumstances need to be added to it. You need some kind of review mechanism and some kind of system to review files and purge information that is no longer current or valid and should be changed.

Senator MONTROYA. Are you willing to concede that there is some information retained which deals with the personal habits of an individual?

Mr. SIMS. I don't know that. I have not seen anything like that.

Senator MONTROYA. What if you did?

Mr. SIMS. No, sir, I would doubt that it would exist, because we do not provide this information. I see no reason for that type information to go through the INTERPOL channels unless they concern criminal activities.

Senator MONTROYA. What about information which might have been transmitted by INTERPOL in a foreign country with respect to the personal habits of an American who may have visited there to the INTERPOL office in Paris? Could that happen?

Mr. SIMS. Yes, sir. We would have no control over that.

Senator MONTROYA. Shouldn't we be concerned about information on an individual which is not relevant to criminal investigation or his being charged with a crime?

Mr. SIMS. Yes, sir. If I could clarify that a little bit, if it comes from another country to the Secretary General without our knowledge, let's say because the individual was in that country.

Now, the criteria with regard to an inquiry of this nature was not established by the U.S. Central Bureau necessarily. All the bureaus are advised and go by the guidelines that a criminal matter is under investigation and they are requesting information with regard to that criminal matter. They strive to not pass other type material through the INTERPOL channels.

Senator MONTROYA. I am just trying to alert you to the concern that we have here about the loopholes that exist for gathering information on individuals. If you say that you are not doing it in this country, that is not to say that other countries are not transmitting personal information on American citizens.

Mr. SIMS. The foreign police may have information of this nature in their own files. Similarly U.S. local police departments may have this type of information. However, INTERPOL does not transmit information of this type.

Senator MONTROYA. I think we ought to be concerned since we are members of INTERPOL that Americans should not be victimized or their rights invaded under the INTERPOL umbrella.

Senator MONTROYA. Thank you very much, gentlemen. The subcommittee will make a decision as to whether or not we will schedule additional hearings on this subject and will advise you accordingly.

Mr. MACDONALD. Thank you, very much, Mr. Chairman.

Senator MONTROYA. Thank you, gentlemen.

SUBCOMMITTEE RECESS

The subcommittee will stand in recess until 10 a.m., on May 14, when we will receive testimony from the Postal Rate Commission.
[Whereupon, at 12 noon, Tuesday, May 6, the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, May 14.]

END

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