

June 21, 1949

Re: DEFLECTION OF FOREIGN OFFICIALS IN THE
UNITED STATES

(1) It is recognized that the FBI has primary interest in potential or actual defectors from official foreign establishments within the United States by reason of its domestic intelligence jurisdiction. It is recognized that CIA representing other agencies of the National Defense Establishment has primary interest in the foreign intelligence potential of these individuals.

(2) That upon receipt of information by other government departments and agencies from any source concerning the defection or possible defection of foreign officials within the United States, such information should be and shall be immediately communicated to the FBI. The Bureau will thereupon, through its established domestic intelligence facilities, determine in so far as possible whether such defection appears to be legitimate and also the following conditions: (a) whether the individual's determination to defect is not as yet known to his government, or; (b) whether the individual's defection is known to his government.

In category (a) the FBI will determine whether such individual is in a position to be utilized in a possible confidential capacity by continuing in his official position. In category (b) if he has not already made a public announcement of his defection, the FBI will insist, where desirable, that such public announcement or its equivalent be made before any further action is initiated.

(3) That upon receipt of such information, the FBI will immediately advise the Attorney General and the State Department of the identity of the individual concerned and his official connection with a foreign government, as well as his status with respect to categories (a) and (b) cited above. The FBI at the same time will solicit from the State Department any comments or observations concerning the situation which may be dictated by the then existing foreign relations. The FBI, at the same time, will advise the Central Intelligence Agency and the other intelligence agencies and other interested governmental agencies of the defection, the identity of the individual, and the fact that contact has been established with him by the FBI.

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(4) Upon determining the efficacy of exploiting such defecting officials, the Bureau will assume such responsibility as is necessary and proper for his custody and maintenance during the period of exploitation for domestic intelligence requirements. The FBI will make available any information of pertinent importance of an intelligence nature to all interested agencies and departments of the government as soon as possible. Where information is received indicating the desirability of immediate interview of the defector for foreign intelligence requirements prior to the full exhaustion of domestic intelligence requirements, provisions will be made for the interview of such individual by the intelligence agency concerned. If for operational reasons it is not possible for the FBI to immediately fulfill foreign intelligence requirements of the other agencies, such notice will be provided to the CIA.

(5) Upon the completion of domestic intelligence exploitation, the FBI will advise all interested intelligence agencies. Arrangements will then be made that the defector thereafter be transferred to the jurisdiction of the agency having primary interest in him for purposes of foreign intelligence exploitation. The agency to which the defector is so transferred will assume responsibility for such custody and maintenance as is properly necessary during the period required to exhaust their intelligence interest.

One of the primary considerations involved in the program is a statement of policy on the question of asylum. The following statement has been adopted and approved and will be utilized by the FBI as a statement of policy on this question:

(1) It has been the historic policy of the United States Government to afford the protection of its laws and freedom from interference and persecution by their governments to those persons within its territorial jurisdiction whose defections are found to be legitimate and genuine;

(2) That the FBI, dependent upon the degree of cooperation, in fact, rendered by the persons seeking asylum, will make known immediately to the proper governmental authorities the fact of such cooperation and the degree thereof.