



September 27, 2019

MR. JOHN GREENEWALD JR.
SUITE 1203
27305 WEST LIVE OAK ROAD
CASTAIC, CA 91384

FOIPA Request No.: 1429639-000
Subject: FITZGERALD, ARTHUR ERNEST

Dear Mr. Greenewald:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

- | Section 552 | | Section 552a | |
|--|---|---------------------------------|--|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) | |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) | |
| <input type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) | |
| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) | |
| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) | |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) | |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) | |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) | |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) | |

11 pages were reviewed and 11 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records on individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us."

The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

The enclosed documents represent the final release of information responsive to your Freedom of Information/Privacy Acts (FOIPA) request.

This material is being provided to you at no charge.

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: <http://www.theblackvault.com>

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum includes information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes additional standard responses that apply to all requests for records on individuals. Part 3 includes general information about FBI records. For questions regarding Parts 1, 2, or 3, visit the www.fbi.gov/foia website under "Contact Us." Previously mentioned appeal and dispute resolution services are also available at the web address.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIA [5 U.S.C. § 552(c) (2006 & Supp. IV (2010))]. FBI responses are limited to those records subject to the requirements of the FOIA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **National Security/Intelligence Records.** The FBI can neither confirm nor deny the existence of national security and foreign intelligence records pursuant to FOIA exemptions (b)(1), (b)(3), and PA exemption (j)(2) as applicable to requests for records about individuals [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2); 50 U.S.C § 3024(i)(1)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that national security or foreign intelligence records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching those systems or locations where responsive records would reasonably be found. A reasonable search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled and maintained by the FBI in the course of fulfilling law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization and encompasses the records of FBI Headquarters (FBIHQ), FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide and includes Electronic Surveillance (ELSUR) records. For additional information about our record searches visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheets. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **The National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

Memorandum



- Exec AD Adm. _____
- Exec AD Inv. _____
- Exec AD LES _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Off. Cong. & Public Affs. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Telephone Rm. _____
- Director's Sec'y _____

To : THE DIRECTOR

From : JOHN E. OTTO

Subject : ARTHUR ERNEST FITZGERALD

Date 4/16/82

Also have contacted + coordinate plans for interviews with him. L & D should be involved. TJA

PURPOSE:

To obtain your approval to permit Agents [redacted] WFO, and [redacted] Kansas City, to be interviewed by staff members of Senator Orrin G. Hatch (R-Utah).

DETAILS:

At 3:45 p.m., April 16, 1982, [redacted] Special Assistant to the Associate Attorney General, telephonically advised that [redacted] and [redacted] Assistant Attorney General, Office of Legislative Affairs, consented to a request from Senator Hatch to permit staff members of his to interview DOJ and FBI personnel who investigated Arthur Ernest Fitzgerald. [redacted] explained Fitzgerald worked for the Department of Defense during the Vietnam war. He made allegations concerning substantial intentional cost overruns in defense contracts. Supposedly, he was fired at the instructions of President Nixon. Apparently, significant investigation was conducted by the FBI but no prosecution occurred. Senator Hatch has been furnished with records of this investigation by DOJ. He now wants his staff members to interview [redacted] former Chief of the Public Integrity Section, DOJ; AUSA [redacted] Washington, D.C.; SA [redacted] WFO; and SA [redacted] Kansas City. [redacted] did not have information regarding the objectives for the interviews of the Agents but speculated, however, that it would be to find some form of fault with DOJ for ~~not having~~ initiated prosecution. [redacted] said the interviews would probably occur the week beginning April 19, 1982.

JUN 16 1982

I have discussed this request with Mr. Mintz who says that traditionally we have preferred not to permit our investigators to be interviewed in this manner; however, we have little choice when DOJ has already consented to have it done. He said we would

- JEO:pmd (6)
- 1 - Mr. Monroe
 - 1 - Mr. Helterhoff
 - 1 - Mr. Mintz
 - 1 - Mr. Young

Off. of Cong. and Pub. Affs.

LEGAL COUNSEL
JEM/MA

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Memorandum to the Director from J. E. Otto
Re: Arthur Ernest Fitzgerald

want the two Agents brought in to Headquarters and counseled by a member of the Legal Counsel Division, as well as CID, prior to being interviewed. Representatives of LCD and CID would also be with the Agents during the interview by Senator Hatch's staffers.

I have requested Hal Helterhoff, Section Chief, White Collar Crime Section, through Mr. Monroe, to obtain all background information concerning this case.

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RECOMMENDATIONS:

1. That you approve the interviews of Agents [redacted] and [redacted] by Senator Hatch's staffers. (Upon approval I will so notify [redacted])

APPROVED: *WJW*
Director _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Off. of Cong. & Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____

2. If Recommendation #1 approved, that Mr. Helterhoff have Agents [redacted] and [redacted] report to FBIHQ for consultation with members of CID, LCD, and DOJ prior to their interviews.

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APPROVED: *WJW*
Director _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Off. of Cong. & Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____

SEE ADDENDUM, PAGE 3 (OVER)

Please try to obtain an agreement from DOJ now to commit us on this without checking back in in future. Other reason for DOJ return of DOJ. 4/19/82 Per Director's instructions.

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Memorandum to the Director from J. E. Otto
Re: Arthur Ernest Fitzgerald

ADDENDUM:

At 4:40 p.m., April 16, 1982, [] called again, saying he had developed further background information. The specific interest Senator Hatch has in interviewing SAs [] and [] stems from a previous interview of them by his staff. Apparently, in an earlier interview these Agents, according to Hatch staffers, said they believed that Fitzgerald's former boss at the Pentagon, General Driesnak, furnished a perjurious affidavit concerning Fitzgerald. [] said SAs [] and [] had investigated the perjury aspects of this matter. [] further stated Senator Hatch wants to hold hearings because of his belief that since 1968 every presidential administration has been involved in a continuing conspiracy to harm Fitzgerald. He said Tom Henderson was previously interviewed by Hatch's staffers at DOJ and may not need to be reinterviewed.

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Memorandum



Exec AD Adm. _____
 Exec AD Inv. _____
 Exec AD LES _____
 Asst. Dir.:

- Adm. Servs. _____
- Crim. Inv. cm
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Off. Cong. & Public Affs. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Telephone Rm. _____
- Director's Sec'y _____

To : Mr. Monroe cm

Date April 30, 1982

From : H. N. Helterhoff HN

Subject: ARTHUR ERNEST FITZGERALD

*Miscellaneous Inquiry
62 C -*

PURPOSE: To advise of the results of meetings held on 4/21/82 and 4/23/82, with representatives of the U. S. Department of Justice (DOJ) and staff members for U. S. Senator Orrin Hatch.

ATTACHMENT: SA [redacted] memo to SAC, WFO, 6/11/80. ✓

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RECOMMENDATION: None. For information only.

APPROVED: Woon

Director _____	Adm. Servs. _____	Laboratory _____
Exec. AD-Adm. _____	Crim. Inv. <u>cm</u>	Legal Coun. <u>cm</u>
Exec. AD-Inv _____	Ident. _____	Off. of Cong. & Public Affs. _____
Exec AD-LES _____	Insp. _____	Rec. Mgnt. _____
	Intell. _____	Tech. Servs. _____
	Lab. _____	Training _____

DETAILS: On 4/21/82 at 1:30 p.m. a meeting was held in the office of White-Collar Crime Section Chief Hal N. Helterhoff to discuss the proposed interview of SAs [redacted] and [redacted] by staff members of U. S. Senator Orrin G. Hatch. The interviews were authorized by the Director on 4/16/82. The staff members desired to interview the Agents based on their handling of a perjury investigation entitled Hans H. Driessnack, Major General, United States Air Force. The complainant Arthur Ernest Fitzgerald, has alleged that General Driessnack and others have been engaged in a systematic conspiracy against him because of his "whistleblower" activities against the Department of Defense.

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Attached to this memo is a memorandum prepared by SA [redacted] on 6/11/80, at the request of SAC, WFO, explaining his actions in two investigations handled by him. In this memorandum SA [redacted] makes a number of statements which are based solely on his opinions. SA [redacted] and SA [redacted] were advised during the meeting on 4/21/82, that any statement they make to the Senate staffers would be based solely on fact. Both indicated that they understood and would answer questions based on the facts of the investigation. Present at this meeting were the following:

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NFD:cmh (8)

CONTINUED - OVER

- 1 - Mr. Otto
- 1 - Mr. Monroe
- 1 - Mr. Mintz
- (Attn: [redacted])

- 1 - [redacted]
- 1 - Mr. Helterhoff
- 1 - Mr. Divers
- 1 - [redacted]

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PERS. REC. UNIT

Helterhoff to Mr. Monroe Memorandum
Re: ARTHUR ERNEST FITZGERALD

Hal N. Helterhoff, Criminal Investigative Division, FBIHQ
Neil F. Divers, Criminal Investigative Division, FBIHQ
[redacted] Legal Counsel Division, FBIHQ
[redacted] FBI, Washington Field
[redacted] FBI, Kansas City

On 4/21/82 at 3:00 p.m. a meeting was held in the office of [redacted] Special Assistant to the Associate Attorney General, DOJ. Present at this meeting were: b6
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Hal N. Helterhoff, Criminal Investigative Division, FBIHQ
Neil F. Divers, Criminal Investigative Division, FBIHQ
[redacted] Legal Counsel Division, FBIHQ
[redacted] FBI, Washington Field
[redacted] FBI, Kansas City
[redacted] DOJ
[redacted] Deputy Assistant Attorney General,
Office of Legislative Affairs
[redacted] Deputy Assistant Attorney General,
Office of Legislative Affairs

At this meeting the basic facts of the perjury investigation were discussed in preparation for a meeting on 4/23/82 with the Senate staff members. [redacted] was provided with a copy of documents pertaining to the perjury case which were formerly made available to Senator Max Baucus, in response to his request to the Director. b6
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On 4/23/82 at 10:00 a.m. a meeting was held at the DOJ. Present at this meeting were:

Hal N. Helterhoff, Criminal Investigative Division, FBIHQ
Neil F. Divers, Criminal Investigative Division, FBIHQ
[redacted] Legal Counsel Division, FBIHQ
[redacted] FBI, Washington Field
[redacted] FBI, Kansas City
[redacted] DOJ
[redacted] DOJ
[redacted] Professional Staff Member,
Majority Staff, Committee on
Labor and Human Resources
[redacted] Staff Member, Committee on Labor and
Human Resources b6
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At this meeting [redacted] interviewed SAs [redacted] and [redacted] concerning the facts of the perjury investigation. In reply to questions by [redacted] both SAs based their answers strictly on the facts recorded previously by them. At one point, [redacted] attempted to elicit opinions from the Agents concerning their thoughts regarding a "conspiracy" against the complainant, Fitzgerald. [redacted] was precluded from following this line of questioning, as was previously agreed to. The interviews terminated at 11:15 a.m. b6
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UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : SAC, WFO

DATE: 6/11/80

FROM : SA

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SUBJECT: UNSUB;
CIVIL SERVICE EMPLOYEE'S CONCEALMENT,
REMOVAL OR MUTILATION OF RECORDS
OR REPORTS
DESTRUCTION OF GOVERNMENT PROPERTY (B)
(OO:WFO)
WFO File 52-17493

HANS H. DRIESSNACK, Major General,
United States Air Force
PERJURY
(OO:WFO)
WFO File 74-303

On 7/19/77, the above-mentioned Civil Service investigation was opened per request of the Public Integrity Section of the Department of Justice (DOJ). It came to DOJ's attention, through an investigation conducted by the House Committee on the Post Office and Civil Service in late 1973 and early 1974, that this House Committee convened to investigate allegations of abuses within the Merit System. This House Committee began by investigating other Government agencies, namely, General Services Administration (GSA), Small Business Administration (SBA), Housing and Urban Development (HUD) and Health, Education and Welfare (HEW), by subpoenaing files within these agencies. Rumors circulating at that time indicated that these agencies were operating a political patronage system whereby they attempted to fill vacancies within their agencies with people loyal to the current Administration. Coordinating with CSC, they would place these political appointees with jobs ahead of others awaiting their turn to be appointed for Government jobs. CSC would designate these appointees with a pink tag to indicate preferential treatment.

3 - WFO
(1 - 52-17493)
(1 - 74-303)

RJG:MCP
(3)



62-119790-2
74-263-

ENCLOSURE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

ENCLOSURE

WFO 52-17493
74-303

Files obtained from these Government agencies, particularly GSA, indicated this patronage system had been going on since the middle 1950s and CSC was heavily involved. In response, the House Committee requested files from CSC who voluntarily responded. However, after a careful inspection by this Committee of these CSC files, they came to the determination that officials of CSC destroyed Government documents from within these files.

At this time, 1974-1975, CSC convinced the House Committee to allow an independent investigation to be conducted of CSC for merit abuses. Thus, the Milton Sharon Commission was formed. According to the House Committee, this Commission did not cover the issues adequately. However, the Sharon Commission did establish there were criminal violations, i.e. file destruction, and in 1976 the House Committee referred this file destruction matter to DOJ. For reasons unknown to the Washington Field Office of the FBI, DOJ did not refer this case to the FBI until over one year later.

The FBI investigation revealed that the destruction of Government documents within CSC did occur in the Washington Area Office (WAO) in January, 1973, at the time of the House Committee's investigation, and the order to destroy these documents originated from Ziv Remez, Director of the Bureau of Recruiting and Examining (BRE), through Bill Irvin, Area Manager of WAO, to Gordon Wright, Section Chief, to Mr. Wright's Chief Examiner, Jim King. This FBI investigation disclosed that the order to destroy these files did not occur at a higher level of the chain of command of CSC.

On 1/16/78, a No True Bill Indictment was returned from the Grand Jury in this Civil Service matter because of the difficulty to prove intent against the three possible subjects, Ziv Remez, Bill Irvin and Gordon Wright. The decision not to indict came from Thomas Henderson, Chief of the Public Integrity Unit, DOJ, and was confirmed by other attorneys in the office of [redacted] the then Assistant Attorney General of the Criminal Division, DOJ. For your information, [redacted] would have made the final decision in this matter but he was in Korea involved

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WFO 52-17493
74-303

with the Tong-Sun Park matter.

It was the opinion of myself, [redacted] and [redacted] all attorneys for the Public Integrity Section of DOJ, and who were actively involved in this Civil Service case, that indictments should have been returned on the above-mentioned subjects because intent was clearly established. However, in my opinion, this Civil Service matter carried a tremendous amount of political pressure, and this pressure was put to bear on the Justice Department. Prosecuting these above-mentioned three subjects at CSC could have possibly opened up a "can of worms," regarding the immorality of our merit system, that conceivably could have brought down the entire Personnel Section at CSC. The Department of Justice was aware of this above-mentioned problem through its liaison with Allen Campbell, the then and current Director of Civil Service Commission, now called OPM.

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One question concerned me during my investigation. This CSC investigation was referred to the Justice Department in 1976 by the House Committee on the Post Office and Civil Service. Why did it take over a year for Justice Department to refer it to the FBI? This caused me extreme difficulties in pursuing my investigation because it only allowed me approximately seven months to actively investigate this matter when I probably needed at least a year or a year and a half.

Shortly after the decision occurred from DOJ to close this matter, and the statute of limitations had ended, I received an anonymous phone call from a person identifying himself as a Department of Justice official. This male unsub told me that my Civil Service investigation should never have been terminated and the decision reached at the Department of Justice was entirely a political decision to close this matter. The conversation was then terminated.

The Hans Driessnack perjury matter was predicated upon a complaint received by me in March, 1978. For your information, this matter was brought to me by Mr. A. Ernest Fitzgerald. In October of 1968, Mr. Fitzgerald was labeled

WFO 52-17493
74-303

as a "whistle blower" while employed at the Department of the Air Force since 1965. In 1968, Fitzgerald's biggest complaint had to do with the building of the Air Force's C-5A cargo plane by Lockheed Corporation. In this Pentagon weapons contract involving Lockheed Corporation, the C-5A had developed huge cost overruns in the amount of 3.4 billion dollars. According to the contract between the Pentagon and Lockheed, if overruns did occur it would be paid for by Lockheed, not the taxpayer. However, Fitzgerald found that these overruns were in fact paid by the taxpayers, and brought this to the attention of Senator William Proxmire. Proxmire asked Fitzgerald to testify before his subcommittee to bring this information to the attention of this Congressional hearing in 1968.

As a result of Fitzgerald's testimony in late 1969, and after his name was out of the headlines, the Air Force fired him. Also, Fitzgerald found out that he was blacklisted by the Air Force and was unable to get a job in the private sector. In 1973, after a series of administrative appeals and lawsuits, the CSC ordered the Air Force to reinstate Fitzgerald but, according to Fitzgerald, his career with the Air Force is at a dead end. Fitzgerald is currently suing to collect damages from the individuals who prevented his reinstatement to the Air Force in good standing and, also, for restoration to his old job or its equivalent. Civil Action Number 74-178, A. Ernest Fitzgerald, Plaintiff, versus Robert C. Seamans, Jr., Et Al, Defendants, is a current civil action that Fitzgerald has against those currently and formerly in the Air Force. Fitzgerald is suing these individuals in their capacity as Government employees for the Air Force.

In April, 1974, then Lieutenant Colonel Hans H. Driessnack, named also as a defendant in this civil action by Fitzgerald, produced a sworn affidavit dated and signed 4/18/74. Through discovery in this civil action, Fitzgerald's attorneys were able to produce an unsigned affidavit by Driessnack with numerous corrections that eventually became his sworn affidavit of 4/18/74.

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At that time, it was the opinion of WFO that Driessnack, by altering his unsigned affidavit into its present form of 4/18/74, appeared to have perjured himself. This matter was discussed with AUSA [redacted] Major Crimes, Washington, D. C., who advised the facts warranted a preliminary investigation and this was confirmed by FBI Headquarters.

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After a cursory investigation was conducted by FBI WFO, the results were presented to Earl J. Silbert, the then United States Attorney, Washington, D. C., who indicated that no evidence of the signed affidavit by Driessnack represented a conscious or willful attempt on his part to mislead or make false statements.

I was also in agreement with Mr. Silbert and felt that General Driessnack's intent was not to perjure himself but, as a result of this investigation, one question focused in my mind. Was there a conspiracy involving the superiors of then Lieutenant Colonel Driessnack extending to the Secretary of the Air Force all the way to the Office of the Presidency to discredit Fitzgerald and force him out of his job and, in a sense, violate Mr. Fitzgerald's civil rights?

In July, 1978, Senator William Proxmire wrote a letter to the Department of Justice requesting the Public Integrity Section to further investigate the Driessnack matter. I presented all the facts of this matter to an unnamed attorney in Thomas Henderson's office, Public Affairs Section, and I advised him that I strongly felt a full field investigation should be initiated by the FBI WFO to resolve the possible conspiracy element of Ernest Fitzgerald. On September 20, 1978, I received a letter from this unnamed attorney in the Public Integrity Section, written by [redacted] Special Assistant to the Attorney General, Criminal Division, Department of Justice, who briefly advised that after a review of all the facts in this matter no further investigation was warranted.

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At that time, I expressed my complaints to my SAC, who at that time was Mr. Nick F. Stames, as well as to other attorneys in the Public Integrity Section, as I felt this investigation should not have been terminated.

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Approximately two months ago, in April, 1980, about the time of the initiation of the Senate confirmation hearings concerning Thomas Henderson, Public Integrity Chief, Department of Justice, I received a phone call from [redacted] an aide to Senator Oren Hatch, who was in charge of these hearings. [redacted] told me that he knew I was the Case Agent in subject matter, and asked me if I would be willing to testify concerning how DOJ handled these cases. Briefly, I related to [redacted] that I disapproved of the way DOJ handled these cases, and I stated I would testify, but to notify me when the date to testify would be near so I could advise persons within the FBI. Subsequently, I received several follow-up phone calls from [redacted] however, no specific date was established until he called me on approximately May 20, 1980. These follow-up calls were merely updates on the status of the Henderson hearing on the Hill.

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During the May 20, 1980, phone call, [redacted] indicated that my appearance would be needed on June 10, 1980, and informed me that either a subpoena or letter could be issued requesting my appearance. I advised [redacted] that I would have to discuss this matter with my superiors and, at that time, I contacted a personal friend and classmate of mine, SA [redacted] who is a Supervisor in the Congressional Affairs Unit, FBI Headquarters. I explained to SA [redacted] the facts surrounding this issue, and he advised me at that time to recontact [redacted] and advise him that he could submit a letter request through FBI Congressional Affairs Unit. At that time, approximately May 23, 1980, I recontacted [redacted] with this information, and since that time I have received one follow-up phone call, at which time [redacted] advised me that the June 10 hearings had been postponed to either the end of June, 1980, or the first week in July, 1980.

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All future communications between myself and [redacted] will be directly reported to [redacted] or [redacted] Squad C-1 Supervisor.

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