

Mr. J. H. Geer

12/3/86

J. C. Johnson

**PUBLIC SOURCE INFORMATION ON FBI POLICY RE DEFECTORS
REQUESTED BY THE OFFICE OF CONGRESSIONAL AND PUBLIC
AFFAIRS**

PURPOSE:

To provide public source information on FBI policy concerning defectors as requested by the Special Productions Unit, Public Affairs Section, Office of Congressional and Public Affairs. This information is to be used as the basis for a radio script to be written by the Special Productions Unit for use on the AEC Radio Program "FBI, Washington."

RECOMMENDATION:

None, for information only.

- 1 - Mr. J. H. Geer
- 1 - Mr. W. M. Baker
(Attn: S. A. Nelson)
- 1 - Mr. J. C. Johnson
(Attn: T. E. Burns)
- 1 - Mrs. M. F. Grenke

MFG:skp (5)

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Memorandum from J. C. Johnson to Mr. J. H. Geer
Re: Public Source Information On FBI Policy Re Defectors
Requested By The Office Of Congressional And Public
Affairs

DETAILS:

Although the Central Intelligence Agency (CIA) has overall responsibility for defectors, the FBI has primary responsibility for defections within the United States, its territories and its possessions. This authority stems from Section 102 of the National Security Act, as well as various National Security Council and CIA directives. In many instances, responsibilities of the FBI and the CIA concerning defectors overlap; therefore, a close working relationship between the two agencies is needed in order to obtain the most benefits for all involved.

Before going into FBI policy on defectors, a definition of a defector is needed in order to differentiate between a defector and a person who is seeking asylum. Someone seeking asylum wants to remain in the United States because of persecution or a well-founded fear of persecution in his native country due to his race religion, nationality, political opinion, or membership in a particular social group. This individual, however, is of no special interest to the U.S. Government. Asylum status is decided upon by the Immigration and Naturalization Service (INS) and may not be granted in each case. However, a person whose request for asylum has been rejected by the INS may be allowed to remain in the United States in another capacity.

A defector is a person of any nationality (usually from a country whose interests are hostile to the United States) who has escaped from the control of his home country, is unwilling to return, and is of special interest or value to the U.S. Government, especially its intelligence agencies. The defector status is granted by the Interagency Defector Committee, a group of officials representing various U.S. intelligence agencies, including the FBI.

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In many cases, a person who is granted defector status is an intelligence officer or someone who has some knowledge of the workings of his country's intelligence service. For example, VITALIY YURCHENKO was a high-ranking KGB officer when he defected in July of 1985. (Unfortunately, he redefected three months later.) However, YELENA MITROKHINA was the wife of a diplomat assigned to the Soviet Embassy in Washington, D.C., when she defected in 1978. Neither she nor her husband were affiliated with the KGB, but through her associations with people at the Embassy, she knew of individuals who were connected to the KGB.

The FBI has primary responsibility for defections which occur in the United States because of the Bureau's counterintelligence responsibility. A defector may have vital information which would assist the FBI in doing its job. However, the FBI is required by law to notify the CIA concerning actual or potential defector cases. But, the Bureau maintains complete jurisdiction over a particular case until it completes its questioning of the individual, unless it is jointly determined with the CIA that other interests should be given precedence. On the other hand, the CIA is required to notify the FBI of defector or potential defector situations within the United States and also briefs the FBI from time to time on defector cases which occur outside of the United States.

When faced with a potential defector situation, the FBI must determine whether the individual is simply seeking asylum or if he can be considered for defector status. Cases involving individuals who do not appear to meet the requirements for defector status are immediately referred to the INS. True defector situations are handled by both the FBI and CIA. Once the FBI completes its role, the CIA takes over and attempts to obtain any information the defector possesses on intelligence matters outside of the United States. The CIA is also responsible, by law, for the secure handling, adequate care, maintenance, rehabilitation, and resettlement of defectors and their families in order to ensure personal safety, encourage other defections, and discourage redefections.