

DEPARTMENT OF JUSTICE
ODAG EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: WELD, WILLIAM F., AAG, CRM
To: AG.

Date Received: 11-26-86 Date Due: 12-01-86 Control #: 6112616431

Subject & Date

11-25-86 MEMO RE DELEGATION OF AUTHORITY TO APPROVE
EXEMPTIONS FOR DEA UNDERCOVER OPERATIONS UNDERTAKEN
PURSUANT TO INVESTIGATIONS. FOR AG'S SIGNATURE ON
ORDER PREPARED IN OLC DELEGATING TO THE AAG/CRM, THE
AUTHORITY OF THE AG TO APPROVE EXEMPTIONS FOR DEA
UNDERCOVER OPERATIONS. W/ATTACHMENTS.

Referred To:	Date:	Referred To:	Date:	FILE:
(1) AAG;TROTT	11-26-86	(5)		
(2)		(6)		
(3)		(7)		PRTY
(4)		(8)		1
INTERIM BY:		DATE:		OPR:
Sig. For: AG.		Date Released:		HED

Remarks

(1) FOR CONCURRENCE & RETURN TO EXEC. SEC., ROOM 4410.

Other Remarks:

FILE:

THIS DOCUMENT MUST BE DISPOSED OF BY SHREDDING

CRM

98701/1.50

Memorandum



Typed: 11/19/86

Subject

Delegation of Authority to Approve
Exemptions for DEA Undercover Operations
Undertaken Pursuant to Investigations

Date

NOV 25 1986

WFW:JCK:emc

870001146

To The Attorney General

From William F. Weld /s/ WFW by JCK
Assistant Attorney General
Criminal Division

Attached is a proposed delegation to the Assistant Attorney General, Criminal Division, with respect to the authority of the Attorney General to approve exemptions for Drug Enforcement Administration (DEA) undercover operations. The proposed delegation has been prepared by the Office of Legal Counsel. If you approve, I plan to redelegate this authority to the Chief of the Narcotic and Dangerous Drug Section and to one of the Deputy Chiefs of the Organized Crime and Racketeering Section. A similar authority with respect to FBI exemptions has also been delegated here in the Criminal Division.

Attachments

cc: Records

Keeney

Weld

Exec. Sec. ✓



U.S. Department of Justice
Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

NOV 17 1986

TO: John C. Keeney
Deputy Assistant Attorney General
Criminal Division

FROM: Samuel A. Alito, Jr. *SEA*
Deputy Assistant Attorney General
Office of Legal Counsel

In accordance with your memo of November 7, 1986, we have redrafted the amendment of the Department's rules regarding exemptions for Drug Enforcement Agency undercover activities. Under the new draft, the Attorney General would delegate his authority to the Assistant Attorney General in charge of the Criminal Division, who would in turn be authorized to "delegate this authority to such members of his staff as he may designate in writing."

If this draft meets with the approval of your Division, you should propose it to the Attorney General. If we can be of any further assistance, please let me know.

Attachment

*Det
11/18/86
100*

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

28 C.F.R. Part 0

Order No. _____

Delegation of Authority to Approve Exemptions for DEA
Undercover Operations Undertaken Pursuant to Investigations

AGENCY: Department of Justice

ACTION: Final rule

SUMMARY: This order delegates authority from the Attorney General to the Assistant Attorney General in charge of the Criminal Division to review and approve exemptions from certain laws for Drug Enforcement Administration undercover operations. The Attorney General's authority to approve such exemptions has been included in the yearly Department of Justice appropriations authorization act since 1984. See, e.g., Pub. L. 99-500, 100 Stat. 1783 (1986). The delegation of authority by the Attorney General is necessary to expedite and facilitate review of exemption requests.

EFFECTIVE DATE: (Insert date of publication in Federal Register).

FOR FURTHER INFORMATION CONTACT: [Criminal Division].

SUPPLEMENTARY INFORMATION: This order concerns delegation of authority by the Attorney General to the Assistant Attorney General in charge of the Criminal Division so that approval of exemptions for Drug Enforcement Administration undercover operations can be considered as expeditiously as possible. Although this delegation involves a matter of internal management, it is being published to provide the public with an accurate statement of Department of Justice organization. This order will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). It is not a major rule within the meaning of Exec. Order No. 12291.

INDEX TERMS: Authority delegations (Government Agencies).

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Title 28 of the Code of Federal Regulations, Part 0, Subpart Y, is amended as follows:

1. The authority citation for Part 0 is amended to read as follows:

AUTHORITY: 5 U.S.C. 301, 2303; 8 U.S.C. 1103, 1427(g); 15 U.S.C. 644(k); 18 U.S.C. 4201 et seq., 6003(b); 21 U.S.C. 871, 881(d), 904; 22 U.S.C. 263a, 1621-1645o, 1622 note; 28 U.S.C. 509, 510, 524, 542, 543, 552, 552a, 569; 31 U.S.C. 1108; 50 U.S.C. App. 2001-2017p; Pub. L. No. 91-513, sec. 501; EO 11919; EO 11267; EO 11300.

2. Section 0.64-4 is added to read as follows:

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise any power or authority vested in the Attorney General by statute to review and approve exemptions from statutory restrictions on undercover operations conducted by the Drug Enforcement Administration. The Assistant Attorney General in charge of the Criminal Division may delegate this authority to such members of his staff as he may designate in writing.

Date: _____

EDWIN MEESE III
Attorney General