

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408

1. FROM (Agency or establishment)
Department of Justice

2. MAJOR SUBDIVISION
Criminal Division

3. MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER
*Kirby Heller, Special Counsel,
Attorney General's Review
Committee on Capital Cases*

5. TELEPHONE
202-514-4582

LEAVE BLANK (NARA use only)

JOB NUMBER *N1-60-98-4*

DATE RECEIVED *4-3-98*

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

DATE *5-4-98* ARCHIVIST OF THE UNITED STATES
J. W. Paul

6. AGENCY CERTIFICATION

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached 1 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE *03-30-98* SIGNATURE OF AGENCY REPRESENTATIVE *Bernard W. Berglund* TITLE **Records Officer**

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
1.	<p><u>Death Penalty Recommendation Records</u></p> <p>The death penalty for Federal prosecutions shall not be sought without the prior written authorization of the Attorney General. Records are maintained by the Assistant Attorney General, Criminal Division, in all cases in which the United States Attorney (USA) intends to charge a defendant with an offense subject to the death penalty. Procedures to obtain authorization are contained in the United States Attorneys' Manual, Title 9 (9-10.000).</p> <p><u>Case Files of Recommendations to Seek/Not to Seek, the Death Penalty.</u> Files consist of the "Death Penalty Evaluation" form and a prosecution memorandum from the USA, together with a copy of the indictment, exhibits, and any written material submitted by counsel for defendant; relevant grand jury information; Executive Summary and memorandum prepared for the Attorney General by the Attorney General's Review Committee</p>		

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	<p>on Capital Cases; and the decision by the Attorney General to the USA. Case files are maintained alphabetically and are closed upon the issuance of the decision by the Attorney General or other final action to the file. Annual accumulation approximately six cubic feet.</p> <p>a. Case files of Attorney General decisions <u>not</u> to seek the death penalty.</p> <p><u>Disposition:</u> PERMANENT. Transfer to the Washington National Records Center three years after the Attorney General's decision. Transfer to the National Archives 30 years after the Attorney General's decision.</p> <p>b. Case files of Attorney General decisions <u>seeking</u> the death penalty.</p> <p><u>Disposition:</u> PERMANENT. Transfer to the Washington National Records Center five years after the Attorney General's decision, or final action is placed in the case file, whichever is later. Transfer to the National Archives 30 years after the Attorney General's decision or final action is placed in the case file..</p>		