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FILE TITLE/NUMBER/VOLUME: DELIMITATIONS AGREEMENT

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B. AGREEMENTS

1. Delimitations Agreement

The following agreement was approved and signed on 2-23-49 by the Directors of the Federal Bureau of Investigation; Intelligence Division of the Army; Office of Special Investigations, Air Force; and the Chief of Naval Intelligence:

"Subject: Delimitation of Investigative Duties of the Federal Bureau of Investigation, the Office of Naval Intelligence, the Intelligence Division of the Army, and the Office of Special Investigations, Inspector General, U. S. Air Force.

The Agreement for Coordination of the Federal Bureau of Investigation, Office of Naval Intelligence, Intelligence Division of the Army, and the Office of Special Investigations, Inspector General, U. S. Air Force.

"I. The undersigned have reviewed the directive contained in the President's Memorandum of June 26, 1939, as augmented by his Directive of September 6, 1939, the Delimitations Agreement of February 9, 1942, and the Presidential Directive of October 30, 1947. In addition, cognizance has been taken of the provisions of the Atomic Energy Act of 1946, and the specific application of that Act is set forth in Section II hereof. All other provisions of this Agreement are apart from and have no relation to the stated requirements of the Atomic Energy Act. In view of the above, it is now agreed that responsibility for the investigation of all activities coming under the categories of espionage, counterespionage, subversion and sabotage (hereinafter referred to as 'these categories') will be delimited as indicated hereinafter. The responsibility assumed by one organization in a given field carries with it the obligation to exchange freely and directly with the other subscribing organizations all information of mutual interest. When the organization with primary operating responsibility is unable for any reason to produce material in that field desired by the subscribing agencies, such special arrangements as may be legal or desirable will be worked out through negotiation at the national level prior to activity by one agency in another agency's field. It is recognized by the subscribers hereto that the Headquarters Department of the Army has decentralized such functions to its major subordinate commanders. When the major subordinate commanders of the Department of the Army cannot effect satisfactory special arrangements, the matter will be referred to the Director of Intelligence of the Army for further negotiations at the national level. Close cooperation and coordination between the four subscribing organizations is a mutually recognized necessity.

These Categories Defined

***II. FBI will be responsible for:**

*1. All investigations of cases in these categories involving civilians and foreign nationals of all classes in the continental United States, Puerto Rico, the Virgin Islands, [the State of Hawaii**], and the State of Alaska except as specifically described hereinafter in Paragraph V, Section 5.

*2. All investigations of violations of the Atomic Energy Act of 1946. There are no territorial or personnel limitations on this provision.

*3. The coordination of the investigative activities of civilian agencies in the United States, Puerto Rico, the Virgin Islands, and the State of Alaska except as specifically described hereinafter in Paragraph V, Section 5, which provide information regarding subversive movements and activities in these categories.

*4. Keeping the other subscribing organizations advised of important developments in these categories within its cognizance, particularly:

*a. Activities of inactive reserves of the armed service, including the National Guard.

*b. Developments affecting plants engaged in armed forces contracts.

*c. Developments concerning the strength, composition, and intentions of civilian groups within its cognizance which are classed as subversive and whose activities are a potential danger to the security of the United States.

*d. Developments affecting those vital facilities and vital utilities which have been designated by the Secretary of Defense.

*e. Developments affecting critical points of transportation and communications systems which have been designated by the Secretary of Defense.

*(For b, d, and e above no protective coverage is contemplated.)

***III. ID, Army will be responsible for:**

*1. The investigation and disposal of all cases in these categories involving active and retired military personnel of the Army.

*2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Army in the United States, Puerto Rico, and the Virgin Islands.

*3. The investigation and disposal of all cases in these categories involving civilian employees of the Army stationed in areas other than the United States, Puerto Rico, and the Virgin Islands.

*Editorial revision of this Agreement to reflect the statehood of Alaska was approved by the IIC on January 7, 1959.

[**Revision to reflect the statehood of Hawaii was approved by the IIC on September 9, 1959.]

except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

"4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Army Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands.

"5. Informing the other subscribing organizations of any important developments.

"6. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Army contracts.

"IV. ONI will be responsible for:

"1. The investigation and disposal of all cases in these categories involving active and retired naval personnel of the Navy.

"2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Navy in the United States, Puerto Rico, and the Virgin Islands.

"3. The investigation and disposal of all cases in these categories involving civilian employees of the Navy stationed in areas other than the United States, Puerto Rico, and the Virgin Islands, except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

"4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Navy Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands, and [i] the State of Alaska except as described in Section 5, below.

"5. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations and with the exception of civilian employees of the Executive Branch of the Government on Kodiak and Afognak Islands adjacent to the Alaska Peninsula and Adak Island in the Aleutian Chain."

"6. Informing the other subscribing organizations of any important developments.

"7. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Navy contracts.

[*This paragraph added. See IIC Working Committee Minutes of September 15, 1954, and June 8, 1955.]

"V. The Office of Special Investigations, Inspector General, U. S. Air Force will be responsible for:

"1. The investigation and disposal of all cases in these categories involving active and retired military personnel of the Air Force.

"2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Air Force in the United States, Puerto Rico, and the Virgin Islands.

"3. The investigation and disposal of all cases in these categories involving civilian employees of the Air Force stationed in areas other than the United States, Puerto Rico, and the Virgin Islands; except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

"4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Air Force Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands. The investigation of the same cases described above in that portion of Alaska described in Section 5, below, with the exception of civilian employees of the Executive Branch of the Government.

"5. The investigation of all cases in these categories involving civilians, except as described hereinabove, (1) in that part of the Alaska Peninsula which is separated by a line drawn from Iliamna Bay northwest to the town of Old Iliamna and thence following the south shore of Lake Iliamna to the Kvichak River to the Kvichak Bay; (2) in the islands adjacent to the Alaska Peninsula excluding Kodiak and Afognak Islands which are the responsibility of the Office of Naval Intelligence; (3) in the Aleutian Islands excluding Adak Island which is the responsibility of the Office of Naval Intelligence; and (4) in the Pribilof Islands."

"6. Informing the other subscribing organizations of any important developments.

"7. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Air Force contracts.

"VI. 1. Where Sections III, IV, and V involve general territorial coverage, responsibility for such coverage will pass from one element of the armed forces to another automatically when a change of command responsibility ensues. This provision is subject to modification by direct agreement between the interested elements of the armed forces.

"2. While investigative jurisdiction over the civilian populace in former enemy territories occupied by the armed forces has been provided for in Sections III, IV, and V above, these provisions are subject to direct adjustment with the Department of State if and when that Department

[*Original paragraph changed. See IIC Working Committee Minutes of September 15, 1954, and June 8, 1955.]

assumes governmental direction in such areas of occupation.

"VII. From time to time it may be desirable in the light of changing conditions to modify or amend this Delimitations Agreement. Subject to the exceptions already provided for above, general amendments or modifications involving all of the four subscribing organizations shall be issued in the form of a revised Delimitations Agreement and not as separate instructions.

"VIII. During periods of martial law, or periods of predominant armed forces interest not involving martial law, when agreed upon by the subscribing agencies, the provisions of Appendix A or B, hereto attached, will additionally apply.

"IX. All agreements of a continuing nature and applicable to two or more of the subscribing agencies to the Delimitations Agreement which affect the basic jurisdiction thereof which are now or hereafter mutually entered into by any of the subscribers thereto will be reduced to writing; will thereafter become supplements to the Delimitations Agreement, and distributed only to the extent agreed upon by the co-signers.

"APPENDIX A

PERIOD OF MARTIAL LAW

"I. It is further agreed that when a state of martial law has been declared by the President, the armed forces commander will assume responsibilities for coverage in these categories. His authority to direct and control the subscribing agencies of the armed forces will be limited only by such instructions as he may receive from the Secretary of Defense. He will have authority to coordinate the intelligence activities of the subscribing agencies in his area of responsibility, within the limits of their available personnel and facilities, by the assignment of missions, the designation of objectives, and the exercise of such coordinating control as he deems necessary. He is not authorized to control the administration, or discipline of the subscribing agencies in the area of his responsibility, nor to issue instructions to them beyond those necessary for the purposes stated above.

"II. Personnel of the subscribing agencies in the area of responsibility of the armed forces commander will still send reports to and be under the continued supervision of their respective headquarters. They will render such aid and assistance to the armed forces commander and his designated representatives as are possible and practicable. They will furnish all pertinent information, data, and other material that are or may be necessary or desirable to the armed forces commander by the most expeditious means and methods possible consistent with requisite security. Each headquarters of the subscribing agencies will promptly be advised by its agencies of all information and data appropriately identified as having been furnished to the armed forces commander.

APPENDIX B

PERIODS OF PREDOMINANT MILITARY
INTERESTS, NOT INVOLVING MARTIAL LAW

"I. In time of war certain areas will come into prominence as potential theaters of operation. When an armed forces commander of such a potential theater is designated, he definitely has interest in, though not control of, the civilian life within the area. In order that the armed forces commander may prepare himself for the discharge of the possible responsibility which may affix to him, the following procedure is agreed upon:

"1. Agents of the FBI; of ONI; ID, Army; and the OSI, IG, U.S. Air Force will continue to function in accordance with the provisions of Sections II, III, IV, and V.

"2. In addition thereto, the armed forces commander may take steps to analyze the facilities existing and to explore the manner in which complete coverage will be obtained if martial law is declared. Adequate liaison with the other subscribing agencies will insure that the armed forces commander will have the benefit of the experience, judgment and knowledge of the representatives of the other agencies.

"3. The armed forces commander is authorized to request and receive such information from the other three agencies as he may desire and they may be able to furnish.

"II. The analysis and exploration referred to above will show the coverage furnished by each of the subscribing agencies and any additional coverage each subscribing agency can undertake. When the commander feels that more complete coverage is required, it is recognized that he is authorized to augment the coverage with such elements of the subscribing agencies as are under his jurisdiction. Prior to any invasion of the spheres normally coming under the cognizance of the other subscribing agencies, the armed forces commander should obtain the necessary authority from the Secretary of Defense.

"III. Irrespective of the fact that the preceding recommendations have placed the initiative in the hands of the armed forces commander, whenever any of the other services feel that such a survey to determine adequacy of coverage should be undertaken, it should be so recommended."

(1) Instructions

The major differences between the foregoing Delimitations Agreement and previous versions are as follows:

The Director, OSI, USAF, is a party thereto.

The Bureau has jurisdiction over all civilians insofar as espionage, counterespionage, subversion and sabotage are concerned, regardless of employment.

2. Supplemental Agreements to the Delimitations Agreement
 On 6-2-49, five supplemental agreements to the Delimitations Agreement were approved by the members of the Interdepartmental Intelligence Conference, and they are set out below. Instructions, where necessary, concerning each of the supplements will be found at the end of that supplement:

a. Supplemental Agreement No. [I] to the Delimitations Agreement:

**"COOPERATION AND COORDINATION BETWEEN
 THE FEDERAL BUREAU OF INVESTIGATION
 THE INTELLIGENCE DIVISION OF THE ARMY
 THE OFFICE OF NAVAL INTELLIGENCE AND
 THE OFFICE OF SPECIAL INVESTIGATIONS, INSPECTOR GENERAL, U. S. AIR FORCE**

"The Director of Intelligence, U. S. Army, the Director of the Federal Bureau of Investigation, the Director of Naval Intelligence and the Director of the Office of Special Investigations, Inspector General, U. S. Air Force, with a view to promoting the closest possible cooperation and coordination between the Field Services of these agencies agree that the following recommendations will be transmitted to their field installations:

"(a) Special Agents in Charge of the Federal Bureau of Investigation Divisional Offices, Military Intelligence Officers of the pertinent Armies, District Officers of the Office of Special Investigations, Inspector General, U. S. Air Force, and Naval District Intelligence Officers will maintain close personal liaison between these offices and their representatives, including a meeting of representatives of the four agencies, preferably the officers in charge, at least twice per month, for the purpose of discussing pending and contemplated investigative activities, and any other subject necessary to insure that there is proper coordination of their investigative work.

"(b) The close personal liaison to be maintained between representatives of the four agencies at all times should insure that there is no duplication of effort in any field, and that a proper coverage of the whole investigative field is maintained. Particular attention should be paid to avoiding any duplication in connection with the use of informers.

"(c) A distinction should be recognized between the investigative interest of individual agencies and the coverage interest. It is believed that all four agencies should study, from time to time, the coverage of the investigative field in order to insure that all channels of interest and avenues of information are adequately covered by at least one of the participating agencies.

"(d) Where there is doubt as to whether or not one of the other agencies is interested in information collected, it should be transmitted to the other agency.

"(e) Consideration should be given to the fact that certain classes of information are of general interest to the Military, Naval, and

Air Force intelligence services in connection with background and knowledge of espionage and sabotage organizations, even though the military, Naval, and Air Force intelligence services may have no apparent direct investigative interest.

"(f) Should differences of opinion of a minor nature occur, the directors of the four intelligence agencies feel that with proper personal liaison, such differences can be satisfactorily adjusted locally by the officials in charge of the various divisional organizations."

(1) Instructions

This supplement recommends meetings at least twice monthly of the interested agencies. Where desirable or necessary, these meetings may be held more often than twice per month and in certain areas, because of the travel distances involved or other factors, meetings are being held once per month by special agreement. It is not necessary that the Bureau be advised of the business discussed at these meetings, unless there is a particular matter of which the Bureau should be cognizant. The Bureau should be promptly informed of any change in the scheduling of these meetings or of any agreement to commence or discontinue meetings in a field office area.

- b. Supplemental Agreement No. II to the Delimitations Agreement: [Rescinded.]
c. Supplemental Agreement No. III to the Delimitations Agreement:

**"INVESTIGATIVE JURISDICTION ON VESSELS
OF MILITARY SEA TRANSPORTATION SERVICE**

"1. The investigative jurisdiction of all activities under the categories of espionage, counterespionage, subversion and sabotage on vessels of the Military Sea Transportation Service is as follows:

"a. Investigative jurisdiction on vessels purchased by the Navy will be the responsibility of the Office of Naval Intelligence.

"b. Vessels obtained by the Navy through a 'bare boat charter' will be under the investigative jurisdiction of the Office of Naval Intelligence.

"c. Vessels allocated to the Military Sea Transportation Service which are manned and supervised by their private owners are under the investigative jurisdiction of the FBI.

"2. When personnel who are subjects of an investigation under a or b above reach a U. S. port or a port where the FBI has a field agency, or prior to reaching such port, if practicable, the Department of the Navy will promptly furnish the FBI all pertinent information concerning the investigation. If personnel who are subjects of an investigation as above remove themselves from the vessel upon arrival of the vessel in port and further surveillance is considered necessary, the Navy will continue surveillance until notified by the FBI at local level that the FBI has taken over full responsibility for the case. However, both the Navy and FBI will make every effort to transfer responsibility upon arrival of the vessel at the port.

"3. When the FBI opens an investigation under c above or when an FBI investigation in progress develops or is believed about to develop ramifications under a, b, or c above, the FBI will promptly furnish all pertinent information to the Navy and will thereafter coordinate its actions with the Navy whenever and wherever deemed necessary to insure proper pursuit of the case."

d. Supplemental Agreement No. [IV] to the Delimitations Agreement:

"INVESTIGATION OF PRIVATE CONTRACTORS OF THE ARMED FORCES

"It is agreed by the subscribers of the Delimitations Agreement (hereinafter referred to as subscribers) that with reference investigations of civilian employees, applicants for employment, directors and key personnel of privately owned plants and facilities, working or bidding on contracts important to the Army, Navy, or Air Force (hereinafter referred to as the Armed Forces) procurement, the following will be followed insofar as practicable. Exceptions thereto will be adjusted by mutual agreement between the subscribers concerned.

"(a) The Armed Forces will conduct background investigations of such persons unless there is a particular reason for requesting that an investigation be conducted by the FBI or the FBI has a special interest in a particular case and has notified the Armed Forces of such interest.

"(b) The FBI will conduct complaint investigation of such personnel upon specific request in each case by one or more of the Armed Forces. If one of the Armed Forces has no further need for an investigation requested, but not completed, prompt notification will be made to the FBI.

"(c) Investigations conducted by the Armed Forces under (a) above will be terminated and all information passed to the FBI when credible derogatory information of a loyalty nature is uncovered. Upon receipt of such a case, the FBI will proceed as under (b) above if one of the Armed Forces so requests.

"(d) When one of the subscribers is aware that another is conducting an investigation on a person or firm identical or closely connected with a person or firm it contemplates investigating, no investigation will be undertaken without the consent of the subscriber which has an investigation in progress. The investigation agency will make available to the other interested agency copies of the reports of the investigation made.

"(e) Normally, identity of confidential informants will not be communicated from one subscriber to another; however, when such communication occurs, the receiving subscriber will employ the highest possible safeguards to insure that such informants are not compromised. No transmittal of information concerning confidential informants to a third subscriber or to another agency is authorized except by specific consent of the originator.

"(f) A subscriber who receives a report of investigation from another subscriber may freely transmit copies of such reports to a third subscriber except as provided in (e) above.

"(g) A report of completed investigation received by the Armed Forces from the FBI will not be reopened without the approval of the FBI except to obtain additional background information. In such case, the FBI will be furnished copies of all information obtained. Other information required by the Armed Forces will be requested of the FBI.

"(h) If one of the Armed Forces requests the FBI to conduct an investigation or to conduct additional investigation as provided under (g) above, and if for any reason the FBI declines or is unable to conduct such investigation or additional investigation, the Armed Force concerned may proceed with the investigation. The FBI will be furnished copies of the results thereof if the FBI so requests or if the Armed Force concerned considers the results to be of FBI interest.

"(i) Nothing above is to be construed as altering the basic Delimitations Agreement of 1949 or current agreements concerning subversive organizations."

e. Supplemental Agreement No. [V] to the Delimitations Agreement:

"INVESTIGATION OF RESERVE AND CIVILIAN COMPONENTS OF THE ARMED SERVICES

"It is agreed by the subscribers to the Delimitations Agreement that the Army, the Navy and the Air Force may conduct background investigations on members of the inactive reserve and National Guard who are anticipated being called back to active duty, or where an investigation is undertaken for the purpose of determining whether the individual should be disenrolled from his military status, or to determine whether the individual may be granted access to classified military information. The following procedures shall be pursued in each of the above circumstances:

"(1) The intelligence agencies of the Army, Navy or Air Force before undertaking such background investigation will consult the FBI to determine: (a) if the FBI has an investigation in progress; if so, no investigation will be undertaken by the intelligence agencies except as may be mutually agreeable to the Armed Force concerned and the FBI; (b) if the FBI already has made an investigation; if so, the results will be made available to the other agencies; (c) if the FBI has information on the individual even though it may not have conducted an investigation.

"(2) If, after consulting the FBI, investigation is undertaken by the other agencies, it will be pursued no further than is necessary to make the determination required by the other agencies, and all information developed pertinent to the four categories will be furnished promptly to the FBI."

This supplement has been discussed by the Interdepartmental Intelligence Conference, and it was agreed on 9-10-58 that the "consultation" requirement will be satisfied if the FBI is notified, by means of a statement included in a form request for a name check, that investigation is being initiated concerning the individual.

(f. Supplemental Agreement No. VI to the Delimitations Agreement:

**"INVESTIGATION IN AREAS NOT
SPECIFICALLY ASSIGNED**

"It is agreed by the military subscribers to the Delimitations Agreement that the references therein in paragraphs III. 4., IV. 4., and V. 4. to 'areas where the Army (Navy, Air Force) Commander has supreme jurisdiction over the armed forces stationed therein' shall be interpreted as referring to areas where the Department of the Army (Navy, Air Force) is responsible for the administrative and logistic support of the Headquarters of Commands established by the Secretary of Defense." (Approved by IIC November 4, 1959.)]

C. INVESTIGATION AND PROSECUTION OF MILITARY PERSONNEL

[1. Agreement between the Departments of Justice and Defense] The following agreement was approved and entered into by the Departments of Justice and Defense relative to the investigation and prosecution of crimes committed by individuals subject to the Uniform Code of Military Justice:

"MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF JUSTICE AND DEFENSE RELATING TO THE INVESTIGATION AND PROSECUTION OF CRIMES OVER WHICH THE TWO DEPARTMENTS HAVE CONCURRENT JURISDICTION

"Whereas, certain crimes committed by individuals subject to the Uniform Code of Military Justice may be prosecuted by military tribunals under that Code or by civilian authorities in the Federal Courts; and

"Whereas, it is recognized that although the administration and discipline of the armed services require that certain types of crimes committed by their personnel be investigated by those services and prosecuted before military tribunals, other types of crimes committed by military personnel should be investigated by civil authorities and prosecuted before civil tribunals; and

"Whereas, it is recognized that it is not feasible to impose inflexible rules to determine the respective responsibility of the civilian and military authorities as to each crime over which they may have concurrent jurisdiction and that informal arrangements and agreements may be necessary with respect to specific crimes or investigations; and

"Whereas, agreement between the Department of Justice and the Department of Defense as to the general areas in which they will investigate and prosecute crimes to which both civil and military jurisdiction attach will, nevertheless, tend to make the investigation and prosecution of crimes more expeditious and efficient and give appropriate effect to the policies of civil government and the requirements of the armed forces:

"It is hereby agreed and understood between the Department of Justice and the Department of Defense as follows:

"1. Crimes committed on military installations. Except as hereinafter indicated, all crimes committed on a military installation by individuals subject to the Uniform Code of Military Justice shall be investigated and prosecuted by the military department concerned if such department makes a determination that there is a reasonable likelihood that only individuals subject to the Uniform Code of Military Justice are involved in such crime as principals or accessories, and, except in extraordinary cases, that there is no victim other than persons who are subject to the Uniform Code of Military Justice or who are bona fide dependents or members of a household of military or civilian personnel residing on the installation. Unless such a determination is made, the military department concerned shall promptly advise the Federal Bureau of Investigation of any crime committed on a military installation if such crime is within the investigative authority of the FBI. The FBI shall investigate any serious crime of which it has been so advised for the purpose of prosecution in the civil courts unless the Department of Justice determines that investigation and prosecution may be conducted more efficiently and expeditiously by the military department concerned. Even if the determination provided for in the first sentence of this paragraph is made by the military department concerned, it shall promptly advise the FBI of any crime committed on a military installation in which there is a victim who is not subject to the Uniform Code of Military Justice or a bona fide dependent or member of the household of military or civilian personnel residing on the installation and that such department is investigating the crime because it has been determined to be extraordinary. The military department concerned

"shall promptly advise the Federal Bureau of Investigation whenever the crime, except in minor offenses, involves fraud against the government, misappropriation, robbery, or theft of government property or funds, or is of a similar nature. All such crimes shall be investigated by the military department concerned unless it receives prompt advice that the Department of Justice has determined that the crime should be investigated by the FBI and that the FBI will undertake the investigation for the purpose of prosecution in the civil courts.

"2. Crimes committed outside of military installations. Except as hereinafter indicated, all crimes committed outside of military installations, which fall within the investigative jurisdiction of the FBI and in which there is involved as a suspect an individual subject to the Uniform Code of Military Justice, shall be investigated by the FBI for the purpose of prosecution in civil courts, unless the Department of Justice determines that investigation and prosecution may be conducted more efficiently and expeditiously by other authorities. All such crimes which come first to the attention of military authorities shall be referred promptly by them to the FBI, unless relieved of this requirement by the FBI as to particular types or classes of crimes. However, whenever military personnel are engaged in scheduled military activities outside of military installations such as organized maneuvers or organized movement, the provisions of paragraph 1 above shall apply, unless persons not subject to the Uniform Code of Military Justice are involved as principals, accessories or victims.

"If, however, there is involved as a suspect or as an accused in any crime committed outside of a military installation and falling within the investigative authority of the FBI an individual who is subject to the Uniform Code of Military Justice and if the military authorities believe that the crime involves special factors relating to the administration and discipline of the armed forces which would justify investigation by them for the purpose of prosecution before a military tribunal, they shall promptly advise the FBI of the crime and indicate their views on the matter. Investigation of such a crime may be undertaken by the military authorities if the Department of Justice agrees.

"3. Transfer of investigative authority. An investigative body which has initiated an investigation pursuant to paragraphs 1 and 2 hereof shall have exclusive investigative authority and may proceed therewith to prosecution. If, however, any investigative body comes to the view that effectuation of these paragraphs requires the transfer of investigative authority over a crime, investigation of which has already been initiated by that or by any other investigative body, it shall promptly advise the other interested investigative body of its views. By agreement between the Departments of Justice and Defense, investigative authority may then be transferred.

"4. Administrative action. Exercise of exclusive investigative authority by the FBI pursuant to this agreement shall not preclude the military authorities from making inquiries for the purpose of administrative action related to the crime being investigated. The FBI will make the results of its investigations available to the military authorities for use in connection with such action.

"Whenever possible, decisions with respect to the application in particular cases of the provisions of this Memorandum of Understanding will be made at the local level, that is, between the Special Agent in Charge of the local office of the Federal Bureau of Investigation and the local military commander.

"5. Surrender of suspects. To the extent of the legal authority conferred upon them, the Department of Justice and the military authorities will each deliver to the other promptly suspects and accused individuals if authority to investigate the crimes in which such accused individuals and suspects are involved is lodged in the other by paragraphs 1 and 2 hereof.

"Nothing in this memorandum shall prevent a military department from prompt arrest and detention of any person subject to the Uniform Code of Military Justice whenever there is knowledge or reasonable basis to believe that such a person has committed an offense in violation of such code and detaining such person until he is delivered to the Federal Bureau of Investigation if such action is required pursuant to this memorandum.

"6. Exception. This agreement shall not affect investigative authority now fixed by the Delimitations Agreement between the FBI, Office of Naval Intelligence, Intelligence Division of the Army and the Office of Special Investigations, Inspector General United States Air Force.

"Approved:

/s/ Herbert Brownell, Jr.
Herbert Brownell, Jr.
Attorney General

/s/ C. E. Wilson.
Charles E. Wilson
Secretary of Defense

Date July 15, 1955

July 19, 1955

a. Jurisdiction demarcation .

The following is a summary of the investigative demarcation between the Bureau and the military:

(1) Crimes on military installations

(a) FBI jurisdiction

- I. All serious crimes in which military make determination persons other than those subject to Uniform Code of Military Justice are involved as principals or accessories
- II. All serious crimes except extraordinary cases wherein victim is a civilian and not a dependent or member of the household of military or civilian personnel residing on the military installation
- III. With the exception of minor offenses, all fraud against the Government, misappropriation, robbery or theft of Government property or funds, or offenses of a similar nature and where the Department of Justice determines the FBI should make the investigation

(b) Military jurisdiction

- I. Crimes involving persons subject to Uniform Code of Military Justice as principals, accessories, or victims exclusively
- II. Crimes involving persons subject to Uniform Code of Military Justice as principals or accessories exclusively and no victim other than person who is bona fide dependent or a member of a household of military or civilian personnel residing on military installation
- III. Crimes involving persons subject to Uniform Code of Military Justice as principals or accessories exclusively and victim is civilian in extraordinary cases, although military must advise FBI of such a case
- IV. Minor offenses involving fraud against the Government, robbery, or theft of Government property or funds, and similar-type offenses

(2) Crimes committed outside of military installation

The FBI will handle all crimes within its jurisdiction regardless of who is involved unless:

- (a) Military personnel are engaged in scheduled military activities, such as organized maneuvers, and only military persons are involved as principals, accessories, or victims; or
 - (b) The crime involves "special factors relating to the administration and discipline of the armed forces."
- b. Close liaison must be maintained on all military installations to immediately and thoroughly investigate those crimes within our jurisdiction pursuant to this agreement. The bureau cannot allow any situation to occur wherein there is a delay on our part in instituting such an investigation.
 - c. When presenting cases to the USA or AUSA within the provisions of the agreement, it must be specifically pointed out that the case is covered by the agreement.
 - d. If any problems arise in your contacts with the various USAs or military officials relative to this agreement, the Bureau must be immediately advised.

2. Agreement between the Departments of Justice and Transportation

The following agreement was approved and entered into between the Departments of Justice and Transportation relative to the investigation and prosecution of crimes committed by members of the U. S. Coast Guard subject to the Uniform Code of Military Justice:

"MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF JUSTICE AND TRANSPORTATION (COAST GUARD) RELATING TO THE INVESTIGATION AND PROSECUTION OF CRIMES OVER WHICH THE TWO DEPARTMENTS HAVE CONCURRENT JURISDICTION"

"Whereas, certain crimes committed by Coast Guard personnel subject to the Uniform Code of Military Justice may be prosecuted by Coast Guard tribunals under that Code or by civilian authorities in the Federal Courts; and

"Whereas, it is recognized that although the administration and discipline of the Coast Guard requires that certain types of crimes committed by its personnel be investigated by that service and prosecuted before Coast Guard military tribunals other types of crimes committed by such military personnel should be investigated by civil authorities and prosecuted before civil tribunals; and

"Whereas, it is recognized that it is not feasible to impose inflexible rules to determine the respective responsibility of the civilian and Coast Guard military authorities as to each crime over which they may have concurrent jurisdiction and that informal arrangements and agreements may be necessary with respect to specific crimes or investigations; and

"Whereas, agreement between the Department of Justice and the Department of Transportation (Coast Guard) as to the general areas in which they will investigate and prosecute crimes to which both civil and military jurisdiction attach will, nevertheless, tend to make the investigation and prosecution of crimes more expeditious and efficient and give appropriate effect to the policies of civil government and the requirements of the United States Coast Guard;

"It is hereby agreed and understood between the Department of Justice and the Department of Transportation (Coast Guard) as follows:

"1. Crimes committed on military installations (including aircraft and vessels). Except as hereinafter indicated, all crimes committed on a military installation by Coast Guard personnel subject to the Uniform Code of Military Justice shall be investigated and prosecuted by the Coast Guard if the Coast Guard makes a determination that there is a reasonable likelihood that only Coast Guard personnel subject to the Uniform Code of Military Justice are involved in such crime as principals or accessories, and, except in extraordinary cases, that there is no victim other than persons who are subject to the Uniform Code of Military Justice or who are bona fide dependents or members of a household of military or civilian personnel residing on the installation. Unless such a determination is made, the Coast Guard shall promptly advise the Federal Bureau of Investigation of any crime committed on a military installation if such crime is within the investigative authority of the Federal Bureau of Investigation. The Federal Bureau of Investigation shall investigate any serious crime of which it has been so advised for the purpose of prosecution in the civil courts unless the Department of Justice determines that investigation and prosecution may be conducted more efficiently and expeditiously by the Coast Guard. Even if the determination provided for in the first sentence of this paragraph is made by the Coast Guard, it shall promptly advise the Federal Bureau of Investigation of any crime committed on a military installation in which there is a victim who is not subject to the Uniform Code of Military Justice or a bona fide dependent or member of the household of military or civilian personnel residing on the installation and that the Coast Guard is investigating the crime because it has been determined to be extraordinary. The Coast Guard shall promptly advise the Federal Bureau of Investigation whenever the crime, except in minor offenses, involves fraud against the government, misappropriation, robbery, or theft of government property or funds, or is of a similar nature. All such crimes shall be investigated by the Coast Guard unless it receives prompt advice that the Department of Justice has determined that the crime should be investigated by the Federal Bureau of Investigation and that the Federal Bureau of Investigation will undertake the investigation for the purpose of prosecution in the civil courts.

"2. Crimes committed outside of military installations. Except as hereinafter indicated, all crimes committed outside of military installations, which fall within the investigative jurisdiction of the Federal Bureau of Investigation and in which there is involved as a suspect an individual subject to the Uniform Code of Military Justice, shall be investigated by the Federal Bureau of Investigation for the purpose of prosecution in civil courts, unless the Department of Justice determines that investigation and prosecution may be conducted more efficiently and expeditiously by other authorities. All such crimes which come first to the attention of Coast Guard authorities shall be referred promptly by them to the Federal Bureau of Investigation, unless relieved of this requirement by the Federal Bureau of Investigation as to particular types or classes of crime. However, whenever Coast Guard military personnel are engaged in scheduled military activities outside of military installations such as organized maneuvers or organized movement, the provisions of paragraph 1 above shall apply, unless persons not subject to the Uniform Code of Military Justice are involved as principals, accessories or victims.

"If, however, there is involved as a suspect or as an accused in any crime committed outside of a military installation and falling within the investigative authority of the Federal Bureau of Investigation an individual who is subject to the Uniform Code of Military Justice and if the Coast Guard authorities believe that the crime involves special factors relating to the administration and discipline of the Coast Guard which would justify investigation by them for the purpose of prosecution before a Coast Guard military tribunal, they shall promptly advise the Federal Bureau of Investigation of the crime and indicate their views on the matter. Investigation of such a crime may be undertaken by the Coast Guard military authorities if the Department of Justice agrees.

"3. Transfer of investigative authority. An investigative body of the Coast Guard which has initiated an investigation pursuant to paragraphs 1 and 2 hereof shall have exclusive investigative authority and may proceed therewith to prosecution. If, however, any Coast Guard investigative body comes to the view that effectuation of those paragraphs requires the transfer of investigative authority over a crime, investigation of which has already been initiated by that or by any other investigative body, it shall promptly advise the other interested investigative body of its views. By agreement between the Departments of Justice and Transportation (Coast Guard), investigative authority may then be transferred.

"4. Administrative action. Exercise of exclusive investigative authority by the Federal Bureau of Investigation pursuant to this agreement shall not preclude Coast Guard military authorities from making inquiries for the purpose of administrative action related to the crime being investigated. The Federal Bureau of Investigation will make the results of its investigations available to Coast Guard military authorities for use in connection with such action.

"Whenever possible, decisions with respect to the application in particular cases of the provisions of this Memorandum of Understanding will be made at the local level, that is, between the Special Agent in Charge of the local office of the Federal Bureau of Investigation and the local Coast Guard military commander.

"5. Surrender of suspects. To the extent of the legal authority conferred upon them, the Department of Justice and Coast Guard military authorities will each deliver to the other promptly suspects and accused individuals if authority to investigate the crimes in which such accused individuals and suspects are involved is lodged in the other by paragraphs 1 and 2 hereof.

"Nothing in this memorandum shall prevent the Coast Guard from prompt arrest and detention of any person subject to the Uniform Code of Military Justice whenever there is knowledge or reasonable basis to believe that such a person has committed an offense in violation of such code and detaining such person until he is delivered to the Federal Bureau of Investigation if such action is required pursuant to this memorandum.