

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

-----  
AGENCY INFORMATION

AGENCY : FBI  
RECORD NUMBER : 124-10185-10199  
RECORDS SERIES :  
SV  
AGENCY FILE NUMBER : 66-1480-1ST NR THRU 9TH NR

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DOCUMENT INFORMATION

ORIGINATOR :  
FROM :  
TO :

TITLE :

DATE : 00/00/00  
PAGES : 0

SUBJECTS :

NAR

Released under the John F. Kennedy  
Assassination Records Collection Act of  
1992 (44 USC 2107 Note). Case#:NW  
65994 Date: 11-01-2021

DOCUMENT TYPE :  
CLASSIFICATION : U  
RESTRICTIONS : NOT ASSASSINATION RELATED  
CURRENT STATUS : P  
DATE OF LAST REVIEW : 07/29/94

OPENING CRITERIA :  
INDEFINITE

COMMENTS :

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[R] - ITEM IS RESTRICTED

Date: August 2, 2021

From: National Archives and Records Administration

Subject: Reconstructed FBI File SV 66-1480, 1st NR-9th NR

To: The File

This memorandum briefly summarizes the status of missing original Federal Bureau of Investigation (FBI) case files or portions of case files in the President John F. Kennedy Assassination Records Collection (JFK Collection) and documents the National Archives and Records Administration's (NARA) efforts to reconstruct these records, where possible, from duplicate copies of documents located in other FBI files.

As the JFK Collection was first compiled and reviewed in the 1990s, the Assassination Records Review Board and the FBI designated some records as "not believed relevant" (NBR) or "not assassination related" (NAR). The FBI retained custody of the NBR/NAR records and postponed their transfer to NARA until a later date. Every document or group of documents ("serials"), however, received an indexed Record Identification Form (RIF) and FBI inventory sheet for insertion into the JFK Collection.

In September 2011, several years prior to the 2017 re-review and transfer of the NBR/NAR material to the National Archives, a flood severely damaged thousands of feet of records at the FBI's Alexandria Records Center in Alexandria, Virginia. In June 2012, NARA approved the FBI's request for emergency destruction of 10,000 cubic feet of records that posed significant airborne health hazards. Among the damaged records were FBI field office files that contained postponed JFK Collection material designated as "pertaining to a matter unrelated to the JFK Assassination Investigation" or "not assassination related."

This compilation represents NARA's efforts to reconstruct the original file or portions of the file, as completely as possible, with duplicate copies of documents located in the FBI field office and headquarters files within the JFK Collection. Each reconstructed file or compilation contains a Record Identification Form, an explanatory cover memo, existing administrative documents available within the JFK Collection, and copies of identified duplicate documents. The table below summarizes the status of FBI file SV 66-1480, 1st NR through 9th NR.

RIF Number	FBI File Number	List of Serials From Inventory Sheet	List of Identified Serials at NARA	Reconstructed Status (None, Partial, Complete)
124-10185-10199	SV 66-1480	1st NR-9th NR	1st NR-7th NR, 9th NR	Partial

FEDERAL BUREAU OF INVESTIGATION  
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

37

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- Subsection 1A (intelligence agent's identity)
- Subsection 1B (intelligence source or method)
- Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- Subsection 2 (living person who provided confidential information)
- Subsection 3 (unwarranted invasion of privacy)
- Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- Subsection 5 (security or protective procedure, currently or expected to be utilized)

Information pertained to a matter unrelated to the JFK Assassination investigation.

For your information: \_\_\_\_\_

The following number is to be used for reference regarding this page (these pages):

SV 66-1480

XXXXXXXXXX  
XXXXXXXXXX  
XXXXXXXXXX

XXXXXXXXXX  
XXXXXXXXXX  
XXXXXXXXXX

JFK Inventory Sheet  
(COMMITTEE FILES)

File #: SV 66-1480 - - Section #: 1 Re: CHURCH COMM.

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agy	Direct Dupes	ACTUAL PERT.	Rev.	Rel.	With- held	FBI Ref	Duplicate	Location	Postponements
	03/24/75	TT	HQ	ALL SACS	1	1	0						NAR	
	03/25/75	TT	SV	HQ	1	1	0						NAR	
	05/02/75	TT	HQ	ALL SACS	2	2	0						NAR	
	05/20/75	TT	HQ	ALL SACS	1	1	0						NAR	
	05/28/75	MEMO	HQ	ALL EMPLOY	8	8	0						NAR	
	09/04/75	TT	HQ	ALL SACS	3	3	6	0					NAR	
	09/05/75	TT	HQ	AX	7	7	14	0					NAR	
	09/07/75	TT	SV	HQ	1	1	2	0					NAR	
	10/09/75	TT	HQ	ALL SACS	2	2	0						NAR	
	10/21/75	STATEMENT	HQ		22	22	22	22	22	22			NONE	
	11/21/75	RS	HQ	SV	1	1	0						NAR	
	11/20/75	NEWS ARTIC	NY		1	1	0						NAR	
	12/05/75	RS	HQ	SV	1	1	0						NAR	
	12/02/75	TRANSCRIPT	CHURCH COM		61	61	0						NAR	
	12/04/75	RS	HQ	SV	1	1	0						NAR	
	12/02/75	TESTIMONY	CHURCH COM		14	14	0						NAR	

Serial Number	Document Date	Document Type	Document From	Document To	3rd AGY	Direct Dupes	ACTUAL PERT.	Rev.	Rel.	With- held	FBI Ref 3rd AGY	Duplicate Location	Postponements
	12/10/75	TT	HQ	ALL SACS		4	4	0					NAR
	12/05/75	RS	HQ	SV		1	1	0					NAR
	12/09/75	NEWS ARTIC	SV			1	1	0					NAR
	12/06/75	NEWS ARTIC	SV			1	1	0					NAR
	12/30/75	RS	HQ	SV		1	1	0					NAR
	12/10/75	TRANSCRIPT	CHURCH COM			77	77	0					NAR
	12/05/75	LET	THIRD PART	ALL SACS		1	1	0					NAR
	12/05/75	LET	THIRD PART			8	8	0					NAR

Page: 2

Grand Totals.....

End of Report.....

0	221	11	232	22	22	0
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NR046 WA CODE

8:48PM NITEL 3-24-75 DEB

TO ALL SACS

FROM DIRECTOR

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

SENATOR FRANK CHURCH, CHAIRMAN OF THE SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES HAS MADE AN INITIAL REQUEST FOR INFORMATION FROM THE FBI. AMONG THE ITEMS REQUESTED IS A BREAKDOWN OF FIELD AGENT PERSONNEL ASSIGNED TO INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS.

ACCORDINGLY, WITHIN FOUR EIGHT HOURS EACH SAC SHOULD SUTEL TO FBIHQ, ATTENTION: BUDGET AND ACCOUNTING SECTION, SETTING FORTH SEPARATELY THE NUMBER OF SACS, ASACS, SUPERVISORS AND AGENTS ASSIGNED TO INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS. PERCENTAGES OF AN AGENTS TIME, WHEN NOT ASSIGNED FULL-TIME TO THESE ACTIVITIES, SHOULD BE USED IF APPROPRIATE, PARTICULARLY IN THE SUPERVISORY CATEGORIES. THIS INFORMATION SHOULD BE BROKEN DOWN SEPARATELY BETWEEN INTERNAL SECURITY AND COUNTERINTELLIGENCE. YOUR RESPONSE SHOULD BE LIMITED TO AGENT PERSONNEL ONLY.

END

*rec  
dest.  
rec*

*done  
rec  
Open  
66 bad  
re info matters  
JJD*

62-2368-1

~~66-2885~~

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1975	
FBI - ALBANY	
Stamps	JJD

55

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NRO02 SV CODE

715 PM NITEL 3/25/75 PNR

TO DIRECTOR

FROM SAVANNAH

ATTN: BUDGET AND ACCOUNTING SECTION

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES.

REBUNITEL ALL SACS MARCH 24, 1975.

IN RESPONSE TO RENITEL, THE FOLLOWING BREAKDOWN IN PERSONNEL  
ASSIGNED INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS IS BEING  
SET FORTH:

	INTERNAL SECURITY	COUNTERINTELLIGENCE
1 SAC	0	0
1 ASAC	0	0
1 SUPERVISOR	40 PERCENT	10 PERCENT
1 AGENT	90 "	0
1 AGENT	50 "	10 PERCENT
1 AGENT	10 "	0
1 AGENT	0	30 PERCENT

ALL OTHER AGENTS' ACCUMULATIVE TOTAL OF TIME WOULD EQUAL 10 PER-  
CENT FOR INTERNAL SECURITY AND 0 FOR COUNTERINTELLIGENCE FOR ONE  
AGENT.

END

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-17-01 BY SP-2ALM/116

3/11/75

NR074 WA CODE

1936((((((((((((((((((PM NITEL 5-2-75 MSE

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUESTS FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.

RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED THAT MANY MORE SUCH PERSONNEL WILL BE CONTACTED.

THE FBI HAS PLEDGED FULL COOPERATION WITH THE COMMITTEE AND WE WISH TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY

*cc destroyed  
5/1/75*

*Done  
62-DEAD  
R/C*

62-2368-1B

SEARCHED <i>[initials]</i>	INDEXED <i>[initials]</i>
SERIALIZED <i>[initials]</i>	FILED <i>[initials]</i>
MAY - 1 1975	
FBI - ALBANY	

*STOOPS*

*ADVISE ALL EMPLOYEES  
Put on weekly memo for 5/8/75*



PAGE TWO

PROTECTED. SHOULD ANY FORMER EMPLOYEE CONTACT YOUR OFFICE AND HAVE ANY QUESTION REGARDING HIS OBLIGATION NOT TO DIVULGE INFORMATION OBTAINED BY VIRTUE OF HIS PAST FBI EMPLOYMENT, HE SHOULD BE INSTRUCTED TO CONTACT LEGAL COUNSEL, FBIHQ, BY COLLECT CALL. YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.

THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD BE HANDLED THROUGH THE SAC. //

END

HOLD

URGENT LA 303E

4:10PM NITEL 5-28-75 PAV

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY - 75.

REBUTEL MAY 2, 1975.

IN CONNECTION WITH WORK OF THE SENATE AND HOUSE SELECT COMMITTEES, ITS REPRESENTATIVES MAY CONTACT YOUR OFFICE FOR INFORMATION.

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1973.

IN HANDLING SUCH INQUIRIES INSURE ESTABLISHING BONA FIDES OF REPRESENTATIVE BY SHOW OF CREDENTIALS ON PERSONAL CONTACT OR, IF TELEPHONIC CONTACT, BY TELEPHONING BACK TO COMMITTEE. UNLESS INFORMATION IS OF A PUBLIC NATURE! AS IN THE INSTANCE CITED ABOVE, OBTAIN FBIHQ CLEARANCE PRIOR TO SUPPLYING ANY INFORMATION. FBIHQ MUST BE EXPEDITIOUSLY ADVISED OF ALL INFORMATION FURNISHED.

END

*Interpreted into Shubs memo. 5/20/75 mlw*

*1 cc desk kee*

*62-2368-2A*

SEARCHED	INDEXED
SERIALIZED <i>RL</i>	FILED <i>RL</i>
MAY 20 1975	
FBI - ALBANY	

*[Signature]*



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 28, 1975

MEMORANDUM TO ALL EMPLOYEES

RE: INTERVIEWS OF FBI EMPLOYEES

All employees are advised that Congress is conducting an inquiry into activities of the Federal Bureau of Investigation. Congressional staff members are conducting interviews of former and current FBI employees. This Bureau has pledged its cooperation with the Congress.

You are reminded of the FBI Employment Agreement (copy attached) with which you agreed to comply during your employment in the FBI and following termination of such employment.

Also, you are reminded of Title 28, Code of Federal Regulations, Section 16.22 (copy attached), which reads as follows:

"No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with Section 16.24."

Also, you are reminded of Department of Justice Order Number 116-56, dated May 15, 1956, (copy attached) which, among other things, requires an employee upon the completion of his testimony to prepare a memorandum outlining his testimony.

Our cooperative efforts, of course, must be consistent with the above cited authority. Therefore, if you are contacted for purpose of interview or testimony you are to request approval as required by the Employment Agreement and await authorization before furnishing information, testimony, or record material.

Enclosures (3)

*Clarence M. Kelley*  
Clarence M. Kelley  
Director

62-2368-3

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 16 1975	
FBI-ALLAN	



## EMPLOYMENT AGREEMENT

As consideration for employment in the Federal Bureau of Investigation (FBI), United States Department of Justice, and as a condition for continued employment, I hereby declare that I intend to be governed by and I will comply with the following provisions:

(1) That I am hereby advised and I understand that Federal law such as Title 18, United States Code, Sections 793, 794, and 798; Order of the President of the United States (Executive Order 11652); and regulations issued by the Attorney General of the United States (28 Code of Federal Regulations, Sections 16.21 through 16.26) prohibit loss, misuse, or unauthorized disclosure or production of national security information, other classified information and other nonclassified information in the files of the FBI;

(2) I understand that unauthorized disclosure of information in the files of the FBI or information I may acquire as an employee of the FBI could result in impairment of national security, place human life in jeopardy, or result in the denial of due process to a person or persons who are subjects of an FBI investigation, or prevent the FBI from effectively discharging its responsibilities. I understand the need for this secrecy agreement; therefore, as consideration for employment I agree that I will never divulge, publish, or reveal either by word or conduct, or by other means disclose to any unauthorized recipient without official written authorization by the Director of the FBI or his delegate, any information from the investigatory files of the FBI or any information relating to material contained in the files, or disclose any information or produce any material acquired as a part of the performance of my official duties or because of my official status. The burden is on me to determine, prior to disclosure, whether information may be disclosed and in this regard I agree to request approval of the Director of the FBI in each such instance by presenting the full text of my proposed disclosure in writing to the Director of the FBI at least thirty (30) days prior to disclosure. I understand that this agreement is not intended to apply to information which has been placed in the public domain or to prevent me from writing or speaking about the FBI but it is intended to prevent disclosure of information where disclosure would be contrary to law, regulation or public policy. I agree the Director of the FBI is in a better position than I to make that determination;

(3) I agree that all information acquired by me in connection with my official duties with the FBI and all official material to which I have access remains the property of the United States of America, and I will surrender upon demand by the Director of the FBI or his delegate, or upon separation from the FBI, any material relating to such information or property in my possession;

(4) That I understand unauthorized disclosure may be a violation of Federal law and prosecuted as a criminal offense and in addition to this agreement may be enforced by means of an injunction or other civil remedy.

I accept the above provisions as conditions for my employment and continued employment in the FBI. I agree to comply with these provisions both during my employment in the FBI and following termination of such employment.

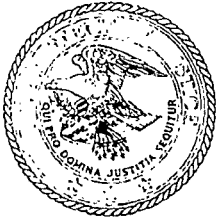
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type or print name)

Witnessed and accepted in behalf of the Director, FBI, on

\_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

\_\_\_\_\_  
(Signature)



# Office of the Attorney General

Washington, D. C. 20530

January 18, 1973

ORDER NO. 501-73

## RULES AND REGULATIONS

### Title 28—JUDICIAL ADMINISTRATION

#### Chapter I—Department of Justice

[Order 501-73]

#### PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

##### Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

This order delegates to certain Department of Justice officials the authority to approve the production or disclosure of material or information contained in Department files, or information or material acquired by a person while employed by the Department. It applies where a subpoena, order or other demand of a court or other authority, such as an administrative agency, is issued for the production or disclosure of such information.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Subpart B of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is revised, and its provisions renumbered, to read as follows:

##### Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

- Sec.
- 16.21 Purpose and scope.
- 16.22 Production or disclosure prohibited unless approved by appropriate Department official.
- 16.23 Procedure in the event of a demand for production or disclosure.
- 16.24 Final action by the appropriate Department official or the Attorney General.
- 16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.
- 16.26 Procedure in the event of an adverse ruling.

AUTHORITY: 28 U.S.C. 509, 510 and 5 U.S.C. 301.

##### Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

###### § 16.21 Purpose and scope.

(a) This subpart sets forth the procedures to be followed when a subpoena, order, or other demand (hereinafter referred to as a "demand") of a court or

other authority is issued for the production or disclosure of (1) any material contained in the files of the Department, (2) any information relating to material contained in the files of the Department, or (3) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Attorney General of the United States, including U.S. attorneys, U.S. marshals, and members of the staffs of those officials.

###### § 16.22 Production or disclosure prohibited unless approved by appropriate Department official.

No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with § 16.24.

###### § 16.23 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Department for the production of material or the disclosure of information described in § 16.21(a), he shall immediately notify the U.S. attorney for the district where the issuing authority is located. The U.S. attorney shall immediately request instructions from the appropriate Department official, as designated in paragraph (b) of this section.

(b) The Department officials authorized to approve production or disclosure under this subpart are:

(1) In the event that the case or other matter which gave rise to the demanded material or information is or, if closed, was within the cognizance of a division of the Department, the Assistant Attorney General in charge of that division. This authority may be redelegated to Deputy Assistant Attorneys General.

(2) In instances of demands that are not covered by paragraph (b) (1) of this section:

(i) The Director of the Federal Bureau of Investigation, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau, and

(ii) The Director of the Bureau of Prisons, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau.

(3) In instances of demands that are not covered by paragraph (b) (1) or (2) of this section, the Deputy Attorney General.

(c) If oral testimony is sought by the demand, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony desired, must be furnished for submission by the U.S. attorney to the appropriate Department official.

**§ 16.24 Final action by the appropriate Department official or the Attorney General.**

(a) If the appropriate Department official, as designated in § 16.23(b), approves a demand for the production of material or disclosure of information, he shall so notify the U.S. attorney and such other persons as circumstances may warrant.

(b) If the appropriate Department official, as designated in § 16.23(b), decides not to approve a demand for the production of material or disclosure of information, he shall immediately refer the demand to the Attorney General for decision. Upon such referral, the Attorney General shall make the final decision and give notice thereof to the U.S. attorney and such other persons as circumstances may warrant.

**§ 16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.**

If response to the demand is required before the instructions from the appropriate Department official or the Attorney General are received, the U.S. attorney or other Department attorney designated for the purpose shall appear with the employee or former employee of the Department upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate Department official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

**§ 16.26 Procedure in the event of an adverse ruling.**

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 16.25 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, in accordance with § 16.24, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand. "United States ex rel Touhy v. Ragen," 340 U.S. 462.

Dated: January 11, 1973.

RICHARD G. KLEINDIENST,  
Attorney General.

[FR Doc.73-1071 Filed 1-17-73;8:45 am]

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

May 15, 1956

ORDER NO. 116-56

It is the policy of the Department of Justice to extend the fullest possible cooperation to congressional committees requesting information from departmental files, interviews with department employees, testimony of department personnel, or testimony of Federal prisoners. The following procedures are prescribed in order to effectuate this policy on a basis which will be mutually satisfactory to the congressional committees and to the Department. [This order supersedes the Deputy Attorney General's Memorandum No. 5, dated March 23, 1953, and his Memorandum No. 97, dated August 5, 1954. It formalizes the Attorney General's press release of November 5, 1953, establishing procedures to permit committees of the Congress and their authorized representatives to interview and to take sworn testimony from Federal prisoners. It supplements Order No. 3229 (Revised) dated January 13, 1953, and Order No. 3464, Supplement No. 4 (Revised) dated January 13, 1953 (with Memorandum of "Authorization Under Order No. 3464 Supplement No. 4 (Revised)" dated January 13, 1953), insofar as said orders have reference to procedures to be followed in the Department's relations with congressional committees. In support of this order, reference should be had to the President's letter dated May 17, 1954, addressed to the Secretary of Defense, and to the Attorney General's Memorandum which accompanied it.]

A. REQUESTS FOR INFORMATION FROM DEPARTMENT FILES

1. Congressional committee requests for the examination of files or other confidential information should be reduced to writing, signed by the chairman of the committee, and addressed to the Deputy Attorney General, who is responsible for the coordination of our liaison with Congress and congressional committees. The request shall state the specific information sought as well as the specific objective for which it is sought. The Deputy Attorney General will forward the request to the appropriate division where a reply will be prepared and returned for the Deputy Attorney General's signature and dispatch to the chairman of the committee.

2. If the request concerns a closed case, i. e., one in which there is no litigation or administrative action pending or contemplated, the file may be made available for review in the Department, in the presence of the official or employee having custody thereof. The following procedure shall be followed in such cases:

a. The reply letter will advise the committee that the file is available for examination and set forth the name, telephone extension number, and room number of the person who will have custody of the file to be reviewed;

b. Before making the file available to the committee representative all reports and memoranda from the FBI as well as investigative reports from any other agency, will be removed from the file and not be made available for examination; provided however that if the committee representative states that it is essential that information from the FBI reports and memoranda be made available, he will be advised that the request will be considered by the Department. Thereafter a summary of the contents of the FBI reports and memoranda involved will be prepared which will not disclose investigative techniques, the identity of confidential informants, or other matters which might jeopardize the investigative operations of the FBI. This summary will be forwarded by the division to the FBI with a request for advice as to whether the FBI has any objection to examination of such summary by the committee representative. The file will not be physically relinquished from the custody of the Department. If the committee representative desires to examine investigative reports from other government agencies, contained in the files of the Department, he will be advised to direct his request to the agency whose reports are concerned.

3. If the request concerns an open case, i. e., one which litigation or administrative action is pending or contemplated, the file may not be made available for examination by the committee's representative. The following procedure shall be followed:

a. The reply letter should advise the committee that its request concerns a case in which litigation or administrative action is pending or contemplated, and state that the file cannot be made available until the case is completed; and

b. Should briefly set forth the status of the case in as much detail as is practicable and prudent without jeopardizing the pending contemplated litigation or administrative action.

**B. REQUESTS FOR INTERVIEWS WITH DEPARTMENTAL PERSONNEL**

1. Requests for interviews with departmental personnel regarding any official matters within the Department should be reduced to writing, signed by the chairman of the committee, and addressed to the Deputy Attorney General. When the approval of the Deputy Attorney General is given, the employee is expected to discuss such matters freely and cooperatively with the representative, subject to the limitations prescribed in A respecting open cases and data in investigative reports;



2. Upon the completion of the interview with the committee representative the employee will prepare a summary of it for the file, with a copy routed to his division head and a copy routed to the Deputy Attorney General.

C. EMPLOYEES TESTIFYING BEFORE CONGRESSIONAL COMMITTEES

1. When an employee is requested to testify before a congressional committee regarding official matters within the Department the Deputy Attorney General shall be promptly informed. When the Deputy Attorney General's approval is given the employee is expected to testify freely subject to limitations prescribed in A respecting open cases and data in investigative reports;

2. An employee subpoenaed to testify before a congressional committee on official matters within the Department shall promptly notify the Deputy Attorney General. In general he shall be guided in testifying by Order 3229 (Revised) and the President's letter of May 17, 1954, cited at the beginning of this Order.

3. Upon the completion of his testimony the employee will prepare a memorandum outlining his testimony with a copy routed to his division head and a copy routed to the Deputy Attorney General.

D. REQUESTS OF CONGRESSIONAL COMMITTEES FOR THE TESTIMONY OF FEDERAL PRISONERS

Because of the custodial hazards involved and the extent to which their public testimony may affect the discipline and well-being of the institution, it is the policy of the Department not to deliver Federal prisoners outside the penal institution in which they are incarcerated for the purpose of being interviewed or examined under oath by congressional committees. However, when it appears that no pending investigation or legal proceeding will be adversely affected thereby and that the public interest will not be otherwise adversely affected, Federal prisoners may be interviewed or examined under oath by congressional committees in the institution in which they are incarcerated under the following procedures, and with the specific advance approval of the Deputy Attorney General.

1. Arrangements for interviewing and taking of sworn testimony from a Federal prisoner by a committee of the Congress or the authorized representatives of such a committee shall be made in the form of a written request by the chairman of the committee to the Deputy Attorney General.

2. Such written request shall be made at least ten (10) days prior to the requested date for the interview and the taking of testimony and shall be accompanied by written evidence that authorization for the interview or the taking of sworn testimony was approved by vote of the committee. Such request shall contain a statement of the purpose and the subjects upon which the prisoner will be interrogated as well as the names of all persons other than the representatives of the Department of Justice who will be present.

3. A member of the interested committee of the Congress shall be present during the entire time of the interrogation.

4. The warden of the penal institution in which the Federal prisoner is incarcerated shall, at least forty-eight (48) hours prior to the time at which the interview takes place, advise the Federal prisoner concerned of the proposed interview or taking of sworn testimony; and shall further advise that he is under the same, but no greater obligation to answer than any other witness who is not a prisoner.

5. The warden of the penal institution shall have complete authority in conformity with the requirements of security and the maintenance of discipline to limit the number of persons who will be present at the interview and taking of testimony.

6. The warden or his authorized representative shall be present at the interview and at the taking of testimony and the Department of Justice shall have the right to have one of its representatives present throughout the interview and taking of testimony.

7. The committee shall arrange to have a stenographic transcript made of the entire proceedings at committee expense and shall furnish a copy of the transcript to the Department of Justice.

E. OBSERVERS IN ATTENDANCE AT COMMITTEE HEARINGS

In order that the Department may be kept currently advised in matters within its responsibility, and in order that the Deputy Attorney General may properly coordinate the Department's liaison with Congress and its committees, each division that has an observer in attendance at a congressional hearing, will have the observer prepare a written summary of the proceeding which should be sent to the division head and a copy routed to the Deputy Attorney General.

/s/ Herbert Brownell, Jr.

Attorney General

