

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : FBI
RECORD NUMBER : 124-10187-10136

RECORDS SERIES :

BS

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

AGENCY FILE NUMBER : 66-4117-1 THRU 43

DOCUMENT INFORMATION

ORIGINATOR :
FROM :
TO :

TITLE :

DATE : 00/00/00
PAGES : 0

SUBJECTS :

NAR

DOCUMENT TYPE :
CLASSIFICATION : U
RESTRICTIONS : NOT ASSASSINATION RELATED
CURRENT STATUS : P
DATE OF LAST REVIEW : 07/27/94

OPENING CRITERIA :
INDEFINITE

COMMENTS :

[R] - ITEM IS RESTRICTED

Date: August 2, 2021

From: National Archives and Records Administration

Subject: Reconstructed FBI File BS 66-4117, Serials 1-43

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.

Several years prior to the 2017 re-review and transfer of the NBR/NAR material to the National Archives, the FBI destroyed a few files with NAR designations according to an authorized records disposition schedule in effect at the time.

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 BS 66-4117, Serials 1 through 43.

RIF Number	FBI File Number	List of Serials From Inventory Sheet	List of Identified Serials at NARA	Reconstructed Status (None, Partial, Complete)
124-10187-10136	BS 66-4117	1-43	1-3, 5, 7, 9-24, 28-30, 32, 39-43	Partial

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

124 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):

66-4117-1 thru 43

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

JFK Inventory Sheet
(Committees Files)

File #: BS 66-4117 - - Section #: 1 Re: CHURCH COMM.

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agcy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref	Duplicate	Location	Postponements
1	03/24/75	TT	HQ	ALL SACS		1		1	0							NAR
2	03/25/75	TT	BS	HQ		1		1	0							NAR
3	05/02/75	TT	HQ	ALL SACS		2	2	4	0							NAR
4	05/05/75	MEMO	NEWPHR	ALL EMPLOY		1		1	0							NAR
5	05/20/75	TT	HQ	ALL SACS		1	1	2	0							NAR
6	05/20/75	MEMO	JOHNSON	ALL EMPLOY		1		1	0							NAR
7	05/28/75	MEMO	HQ	ALL EMPLOY		8		8	0							NAR
8	06/13/75	MEMO	BATES	JOHNSON		1		1	0							NAR
9	06/18/75	TT	HQ	NY		3		-3	0							NAR
10	06/18/75	TT	HQ	NY		3		3	0							NAR
11	06/20/75	TT	BS	HQ		2	2	4	0							NAR
12	07/24/75	TT	BS	HQ		2	2	4	0							NAR
13	09/04/75	TT	HQ	ALL SACS		3	3	6	0							NAR
14	09/03/75	TT	HQ	BS		2	1	3	0							NAR
15	09/04/75	TT	BS	HQ		2	2	4	0							NAR
16	09/05/75	TT	BS	HQ		2	2	4	0							NAR

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agcy	Other	Direct Dupes	ACTUAL PERT.	Rev.	Rel.	With- held	FBI Ref 3rd Agcy	Duplicate Location	Postponements
17	09/05/75	TT	HQ	AX		7	7	14	0					NAR
18	09/08/75	TT	BS	HQ		1	1	2	0					NAR
19	09/17/75	TT	HQ	AX		6	6	12	0					NAR
20	09/18/75	TT	AX	HQ		1	1	2	0					NAR
21	09/18/75	TT	BS	HQ		1	1	2	0					NAR
22	09/23/75	TT	NY	HQ		1	1	2	0					NAR
23	09/24/75	TT	BS	HQ		1	2	3	0					NAR
24	09/26/75	TT	HQ	ALL SACS		1	1	1	0					NAR
25	09/29/75	MEMO	BATES	ALL AGENTS		1	1	1	0					NAR
26	10/10/75	MEMO	BATES	ALL EMPLOY		1	1	1	0					NAR
27	11/17/75	SS	BS			1	1	1	0					NAR
28	11/17/75	TT	HQ	NY		1	1	1	0					NAR
29	11/18/75	TT	BS	HQ		1	1	2	0					NAR
30	11/20/75	NEWS ARTIC	NY			1	1	1	0					NAR
31	11/21/75	RS	HQ	BS		1	1	1	0					NAR
32	12/10/75	TT	HQ	ALL SACS		4	4	8	0					NAR
33	12/12/75	NEWS ARTIC	BS			1	1	1	0					NAR
34	12/16/75	NEWS ARTIC	BS			2	2	2	0					NAR

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agcy	Other	Direct Dupes	ACTUAL PERT.	Rev.	Rel.	With- held	FBI Ref	Duplicate Location	Postponements
35	12/16/75	NEWS ARTIC	BS			1	1	2	0					NAR
36	01/05/75	NEWS ARTIC	BS			2		2	0					NAR
37	12/31/75	NEWS ARTIC	BS			1		1	0					NAR
38	01/05/76	LET	THIRD PART	BS		1		1	0					NAR
39	01/08/76	TT	BS	HQ		1	1	2	0					NAR
40	02/23/76	TT	HQ	BS		1	1	2	0					NAR
41	03/02/75	LHM	BS	HQ		5		5	0					NAR
42	03/02/76	AT	BS	HQ		1		1	0					NAR
43	03/18/76	RS	HQ	BS		1		1	0					NAR
44	04/09/76	MEMO	BATES	PALMER		2	1	3	3	3	3			NONE
45	04/10/76	TT	BS	HQ		1	1	2	2	2	2			NONE
46	06/01/76	TT	HQ	ALL SACS		1		1	0					NAR
47	06/02/76	MEMO	BATES	ALL SUPERV		1		1	0					NAR
48	08/31/76	TT	HQ	ALL SACS		1	1	2	0					NAR
49	09/06/76	TT	BS	HQ		1	1	2	0					NAR
50	09/22/76	STATEMENT	CHURCH COM		7			7	0					NAR
51	10/19/76	AT	HQ	AL		1		1	0					NAR

7 90 46 143 5 5 5 0

Grand Totals.....

End of Report.....

CODE

TELETYPE

NITEL

3-24-75

TO ALL SACS

FROM DIRECTOR FBI

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 INFORMA-
TION 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 COUNTERINTELLI-
GENCE MATTERS. PERCENTAGES OF AN AGENT'S TIME, WHEN NOT
ASSIGNED FULL-TIME TO THESE ACTIVITIES, SHOULD BE USED IF APPRO-
PRIATE, PARTICULARLY IN THE SUPERVISORY CATEGORIES. THIS
INFORMATION SHOULD BE BROKEN DOWN SEPARATELY BETWEEN INTERNAL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/17/2000 BY SP2 am/jmf
MAR-16

TELETYPE TO ALL SACS

RE: SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

SECURITY AND COUNTERINTELLIGENCE. YOUR RESPONSE SHOULD
BE LIMITED TO AGENT PERSONNEL ONLY.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

3

NR017 BS CODE

MAR 25 1975

6:58 PM NITEL MARCH 25, 1975 MCC

TO DIRECTOR
FROM BOSTON (66-82)
ATTN/ BUDGET AND ACCOUNTING SECTION

✓ Budget
6058

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

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	_____

REBUNITEL 3/24/75.

BOSTON HAS TWO SUPERVISORS AND TWENTY-ONE AGENTS, ALL ASSIGNED FULL TIME, TO INTERNAL SECURITY MATTERS. IN ADDITION, TWELVE RESIDENT AGENTS ARE WORKING THE EQUIVALENT OF THREE AND ONE-HALF AGENTS FULL TIME TO INTERNAL SECURITY MATTERS.

BOSTON HAS ONE SUPERVISOR AND TEN AGENTS ASSIGNED COUNTERINTELLIGENCE MATTERS FULL TIME. IN ADDITION, ELEVEN RESIDENT AGENTS ARE WORKING THE EQUIVALENT OF ONE AND ONE-HALF AGENTS FULL TIME ON COUNTERINTELLIGENCE MATTERS.

BUREAU SHOULD NOTE THAT THE SAME RESIDENT AGENTS, WITH ONE EXCEPTION, WHO ARE ASSIGNED INTERNAL SECURITY MATTERS, ARE ALSO ASSIGNED COUNTERINTELLIGENCE MATTERS.

END

#MOR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-17-01 BY SP2ALM/ATK

116395-56

3/10

CODE

TELETYPE

NITEL

TO SACS ALL OFFICES

- 1 - Mr. T.J. Jenkins 5/2/75
- 1 - Mr. J. B. Adams
- 1 - Each Assistant Director

FROM DIRECTOR FBI (62-116395)

- 1 - Mr. W. O. Gregar
- 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

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11/19/01 BY SP-2 RAN/STG

UNRECORDED COPY FILED IN

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD 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 _____

FEDERAL BUREAU OF INVESTIGATION
 COMMUNICATIONS SECTION

MAY 02 1975

TELETYPE

MAIL ROOM TELETYPE UNIT

REC-16

SEE NOTE PAGE 15 1975

XEROX

MAY 11 1975

TELETYPE TO ALL OFFICES
RE: SENSTUDY 75
62-116395

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.

NOTE: Teletype prepared for all offices to alert SACs to the possibility former employees may contact their offices seeking guidance.

The Office of Legal Counsel in response to requests from former employees will utilize the briefing paper prepared by the Intelligence Community Staff of the Director of Central Intelligence and concurred in by Assistant Attorney General Antonino Scalia.

NR036 WA CODE

4:13PM NITEL 5-20-75 PAW

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 1970.

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

62-2854-5

SEARCHED

MAY 20 1975

FBI - ATLANTA



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
62-2376-2
SEARCHED _____ INDEXED _____
SERIALIZED PO FILED PO
Clarence M. Kelley
Director JUN 18 1975
FBI-ALBANY



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.

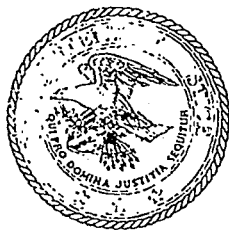
(Signature)

(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;

