TO THE HEADS OF ALL DEPARTMENTS AND INDEPENDENT AGENCIES OF THE EXECUTIVE BRANCH:

In memorandum of October 7, 1947, I called attention to the fact that the Federal Bureau of Investigation has primary investigative jurisdiction of Section 9-A (61-1, Title 18, USC) of the Hatch Act. It is also pointed out that under the provisions of a presidential interpretation dated 30 October 1947 the Federal Bureau of Investigation has the responsibility of investigating all charges of disloyalty on the part of Federal employees within the Executive Branch of the Government.

The Federal Bureau of Investigation has sufficient investigative personnel under its direct supervision to carry out this responsibility in the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. However, it does not have personnel stationed in other areas of the world. Therefore, it has been necessary, in order that the Bureau may be enabled to carry out its responsibility, to arrange by agreement with the Departments and Agencies principally concerned for the delegation of the actual investigative work to certain other Departments of the Executive Branch in those areas where it has no investigative personnel.

It is recognized that there are two major classes of loyalty investigation. The first is the routine loyalty check of applicants for classified positions or of incumbents of such positions initiated in accord with Executive Order 9835. The second type is that in which doubt of loyalty of incumbents arises independently of the routine check. Procedures in regard to these two types must necessarily vary.

I. Routine loyalty checks of employees stationed overseas.

The Federal Bureau of Investigation will direct specific requests for the assistance of other agencies in handling the actual investigative work in accordance with the following principles:

A. The Department of the Army, Navy or Air Force shall be requested to utilize its own facilities for the necessary investigation of any of its own civilian personnel stationed outside the continental limits of the United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands. The Federal Bureau of Investigation will continue to have the sole responsibility of conducting such investigation as is necessary within the continental limits of the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.
involving civilian personnel of the Army, Navy or Air Force. The Federal Bureau of Investigation will refer to the appropriate agency all available material and will request investigation, and upon completion thereof, the reports should be furnished to the Federal Bureau of Investigation as provided hereafter.

B. With respect to the necessary investigation of any of the personnel of other Departments and Agencies stationed outside the continental limits of the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands—

1. Requests for such investigation of Federal civilian employees stationed in occupied areas or areas under military investigative jurisdiction shall be directed to the Department of the Army, Navy, or Air Force for transmission to the Theater Commander or Area Commanding Officer, who will utilize for this purpose any appropriate investigative facility of the United States available in his area of command.

2. Requests for such investigation of any Federal civilian employees stationed in unoccupied areas shall be directed to the State Department for transmission to its appropriate foreign office, which will utilize for this purpose any investigative authority of the United States available in that country, or, in case no competent investigative facilities are available in that country, the principal diplomatic officer shall refer the matter for investigation to the principal diplomatic officer stationed in a nearby country where investigative facilities are available.

The reports of completed investigations shall be returned to the Federal Bureau of Investigation in response to its original request for assistance through the same channels utilized in transmitting the request for investigation, for consolidation with such material as the Bureau may have available in its files, or may have developed by investigation, and for further processing in line with the procedures which have been developed for carrying out the Loyalty Program.

II. "Complaint Type" loyalty checks of employees stationed overseas.

Such inquiries normally originate in the field and must be handled with the utmost possible dispatch. The agency in which the case originates will notify the Federal Bureau of Investigation as soon as a preliminary inquiry in the field has established grounds for a full investigation. The Federal Bureau of Investigation will immediately check its files and inform the field agency
of any derogatory information which it may have on file. The
Federal Bureau of Investigation will at once upon a full field
investigation within the continental limits of the United States,
etc., when such investigation is required by the availability of
information within those areas. Completion of such investigation
will be reported to the originating agency through normal channels.

A. The Departments of Army, Navy, and Air Force
will utilize their own facilities for the necessary investiga-
tion of any of their own civilian personnel stationed out-
side the continental limits of the United States, Alaska,
Hawaii, Puerto Rico, and the Virgin Islands.

B. With respect to the necessary investigation under
Class II of any of the personnel of other Departments and
Agencies stationed outside the continental limits of the
United States, Alaska, Hawaii, Puerto Rico and the Virgin
Islands:

1. In occupied areas the Theater Commander
will have full responsibility to utilize any appro-
priate investigative facility of the United States
available in his area of command.

2. In unoccupied areas the principal diplomatic
officers will be responsible for utilizing any investi-
gative facility of the United States which is available
in the country of his jurisdiction, or, if there is no
such investigative facility available within the country
of his jurisdiction, he shall refer the matter to the
principal diplomatic officer stationed in a nearby
country in which investigative facilities are available.

The reports of completed investigation shall be forwarded to the
Federal Bureau of Investigation through normal channels.

It is understood that the declaration of emergency, or the
establishment of martial law within areas of the continental United States,
Alaska, Hawaii, Puerto Rico, or the Virgin Islands will have the effect
of making these areas "occupied territory," with the consequent appli-
cation of procedures described in sections IA and BI and IA above.

The agreement which this memorandum serves to record has to do
only with the establishing of a method of handling actual investigations in
areas where the Federal Bureau of Investigation has no investigative fa-
cilities. Furthermore, the procedures herein prescribed do not purport
to limit in any way, or delay the exercise of, the authority possessed by
certain Department and Agency heads summarily to dismiss employees where necessary in the interest of National Defense.

These loyalty investigations should be given preferential attention and prompt handling in all instances.

TOM C. CLARK
Attorney General