Description of document:	**Federal Bureau of Investigation (FBI) File Number 66-HQ-18953, War Plans – Emergency Relocation Plans for the Department of Justice (DOJ), 1954 – 1956, 1966**
Released date:	22-October-2010
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Date/date range of document:	05-March-1954 – 03-December-1956, 1966
Source of document:	Federal Bureau of Investigation Attn: FOI/PA Request Record/Information Dissemination Section 170 Marcel Drive Winchester, VA 22602-4843 Fax: (540) 868-4995/4996/4997 E-mail: foiparequest@ic.fbi.gov

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 22, 2010

Subject: FILE NUMBER 66-HQ-18953

FOIPA No. 1145592- 000

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552		Section 552a
☐(b)(1)	☐(b)(7)(A)	☐(d)(5)
☐(b)(2)	☐(b)(7)(B)	☐(j)(2)
☐(b)(3)_____	☒(b)(7)(C)	☐(k)(1)
_____	☒(b)(7)(D)	☐(k)(2)
_____	☐(b)(7)(E)	☐(k)(3)
_____	☐(b)(7)(F)	☐(k)(4)
☐(b)(4)	☐(b)(8)	☐(k)(5)
☐(b)(5)	☐(b)(9)	☐(k)(6)
☒(b)(6)		☐(k)(7)

1195 pages were reviewed and **638 pages** are being released.

☒ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☒ referred to the OGA for review and direct response to you.
- ☒ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice,1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

The enclosed CD contains sections one through four of FBI Headquarters file 66-18953, as well as Enclosures 157, 158, 162, 303, 311, 314, 317, and 322. Additional responsive material is being processed for release to you at a future date.

The cost per CD is $15.00. Please submit a check or money order in the amount of $15.00 to the following address:

FBI Records Management Division
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Federal Bureau of Investigation (FBI)
File Number1145592-000 - 66-HQ-18953
Section 1

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Harbo

DATE: 3/5/54

FROM : E. D. Mason

SUBJECT: WAR PLANS
EMERGENCY RELOCATION PLAN
FOR THE DEPARTMENT OF JUSTICE

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Mohr
Mr. Trotter
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

BACKGROUND

On 12/17/53 the Director informed the Attorney General that accomodations could be made available for the Attorney General, the Deputy Attorney General, and 8 other persons in the Department of Justice in the Bureau's relocation site to be used in the event of an emergency. This conversation was confirmed by a letter to the Attorney General on 12/17/53. On 1/11/54 Mr. Ladd directed a memorandum to the Director stating that Mr. Thomas Donegan of the Department had contacted Mr. Ladd and informed that the Attorney General desired to know whether the Bureau would be able to assign a stenographer to him for any necessary dictation at the relocation site, whether it would be possible for the Bureau to arrange transportation for the 10 departmental personnel to the relocation site, and whether the Bureau could get the necessary supplies to the relocation site for the Attorney General. Mr. Ladd's memorandum stated that in accordance with the instructions from the Director, Donegan was advised that the Bureau would be able to make a stenographer available to take any necessary dictation for the Attorney General but not for other members of the departmental staff; the Bureau would not be able to arrange transportation; and that if Donegan would get necessary stationery supplies together and make them available to the Bureau, they would be stored for delivery to the relocation site.

On 1/25/54 Donegan contacted Inspector Callahan and indicated that he had been designated by the Attorney General to draw up a short brief for transmission to the White House, with a copy to the Bureau, of the instructions and plans which would be furnished to the Attorney General and 9 other departmental officials concerning departmental officials going to the Bureau relocation site. Mr. Donegan also mentioned the matter of office supplies for the Attorney General. These have now been obtained from the Department and are stored for transportation to the relocation site.

RECORDED-34 66-18953-2
21 APR 27 1954

FHS:GLC
cc: Mr. Glavin

Memo Glavin to Tolson
Confirming
3-10-54 WRL

51 MAY 6 1954

ANALYSIS OF DEPARTMENT'S PLAN:

On 3/2/54 Mr. Ben Willis, Assistant to Mr. Donegan, delivered to Mr. Mason 2 copies of Instructions for Phase 1 of the Emergency Relocation Plan for the Department of Justice, which has been classified Top Secret, and a cover letter from Donegan to the Director concerning these instructions. Mr. Willis stated that Mr. Donegan would appreciate receiving a reply from the Director as to whether the instructions were proper.

The instructions and the cover letter have been analyzed and the following points have been noted:

(1) Page 1, paragraph 2, states the FBI will provide working space for 10 departmental officials at the emergency relocation headquarters. The Bureau has previously agreed to this.

(2) Page 1, paragraph 3, of the instructions stated that the FBI will make available all necessary files and records on subversive individuals. In this regard the Bureau plans to move to the relocation site files on subjects on the Security Index, files on subjects of pending cases in the Espionage Section, and files on security informants. Whether these files can be moved will depend entirely on the conditions existing at the time we will be ordered to the relocation site, should this ever become necessary. It is not the plan to remove files on all individuals on whom we have some subversive information. The Bureau has never in the past made available files to the Department but only made available certain information concerning the subject of the file.

(3) Page 1, paragraph 3, also provides that the FBI will provide communications so that the Attorney General can communicate with U. S. Attorneys, other governmental agencies, and the main Justice Building. In regard to this, our communication plans do provide for contact with main Justice Building and certain other governmental agencies through existing land communications and microwave. We have never planned for contact with U. S. Attorneys.

(4) Page 1, paragraph 3, also provides that the FBI will furnish necessary typewriters, files, desks, and other equipment and will furnish one stenographer. In this regard, we have advised the Attorney General that facilities will be made available for 10 officials of the Department, but the Bureau agreed to furnish a stenographer for the use of the Attorney General only.

(5) Page 1, paragraph 4, states that stationery and supplies have been placed in the custody of the FBI. This has been done.

(6) Page 3, paragraph 1, states that the plan will go into effect, meaning move to the relocation site, upon the receipt of a "yellow alert." In this regard the Bureau has never been informed that we will move on the receipt of a "yellow alert." The Department's plan also states that in the absence of either a directive from the President or a "yellow alert" we will move to the relocation site immediately following an actual attack. In this regard the Bureau has notified the White House that we do not plan to move to the relocation site until directed to do so by the President. The instructions do not specifically state as to whether actual attack means an attack on Washington or some other spot in the U. S. or the extent of such an attack.

(7) Page 3, item B, provides that when information is received that the FBI should move to its relocation site, then the FBI will immediately notify the following officials in the order listed: The Attorney General; Deputy Attorney General; Assistant Attorney General, Criminal Division; Assistant Attorney General, Civil Division; Legal Counsel. It also provides that the FBI will notify the officials of the exact location of the emergency relocation headquarters and as to whether the emergency headquarters is to be activated. This would place an unnecessary burden on the Bureau to notify all of these individuals.

(8) Page 4, last paragraph, states in effect that if during working hours the Attorney General is satisfied that the conditions for moving to the emergency relocation site exist and that the emergency relocation site is to be activated, he will instruct the FBI to inform departmental officials that Phase 1 of the department's plan has been placed into effect. This would create a burden on the Bureau when our facilities would be heavily taxed. Our planning has been based on moving to the relocation site on orders from the President. In the event the President was killed our decision to move would probably be governed somewhat by the action taken by military agencies in moving to their relocation sites. Our planning has not been based on moving on the instructions of an official of the Department. Of course, we would probably abide by the

decision of the Attorney General as to whether to move, but these instructions are so written that in the event the Attorney General is not available for that decision then it will pass to the Deputy Attorney General; Assistant Attorney General, Criminal Division; Assistant Attorney General, Civil Division; and the Legal Counsel.

(9) Page 4, paragraph 2, provides that upon receipt of reliable information that this plan is to be placed into effect (move to the relocation site) the Department official in the chain of authority will be contacted by the FBI, and if possible, such official will be furnished with 1 copy of the instructions which are in the possession of the FBI. The person notified would then perform the functions mentioned in the instructions. This places a duty on the FBI which appears should be handled by the Department. The Department should be able to work out a plan where the officials in their chain of authority would know what action should be taken.

(10) Instructions provide that if the time to move to the emergency site happens during nonworking hours that the Attorney General's Briefcase #2 will be delivered to the Attorney General at the emergency headquarters by the FBI. This briefcase will contain Copy #2 of a duplication action plan of the Emergency Detention Plan and other emergency war plans. This would require the Bureau to keep the Attorney General's Emergency Briefcase and have the responsibility of delivering it to him. In this regard the cover letter to the instructions stated that Emergency Briefcase #2 is now being prepared, and asked the question that if an emergency should occur during nonworking hours before this briefcase is delivered to the Bureau, whether it would be possible for a copy of the Portfolio, which is in the possession of the FBI, be delivered to the emergency headquarters. In this regard the Portfolio and Briefcase #2 are not the same thing. It would appear the Portfolio is included in Briefcase #2. With regard to the Portfolio for the Emergency Detention Program in the possession of the Bureau, it will be delivered to the relocation site if conditions permit. As you know, a duplicate copy of the Portfolio itself is maintained in our Little Rock Office, and if because of emergency conditions the Bureau's copy cannot be delivered to the relocation site, the copy retained at Little Rock will be delivered to the site by the most expeditious means.

(11) Page 11, paragraph 2, states in regard to general instructions that persons in the chain of command of the Department who are not scheduled for relocation shall take no action regarding the Emergency Detention Program or the Diplomatic Detention

Program unless they have exhausted all reasonable means of communicating with the Attorney General or the first 4 persons in the chain of command, and further states that urgent communications for the relocated officials shall be routed through the FBI. The intent of the instruction is not clear because by memorandum dated 8/27/53 the Attorney General advised the Director that in the event of a major surprise attack on Washington, D. C. it must be contemplated that communications will be disrupted and many officials killed or disabled. He stated that in such event and if it appears that the national security requires its implementation, and a communication of authority from either the President or the Attorney General cannot be obtained within the time necessary for action to be begun, the Director should implement the apprehension and search and seizure provisions of the Emergency Detention Program. It appears that the 2 documents are in conflict unless further clarified.

RECOMMENDATION:

It is recommended that this matter be considered at the Executives Conference, and following such consideration our views concerning documents should be discussed with Mr. Donegan or in his absence, Mr. Willis.

RD

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: March 10, 1954

FROM : THE EXECUTIVES CONFERENCE

SUBJECT: WAR PLANS

Tolson, Ladd, Nichols, Belmont, Clegg, Glavin, Harbo, Rosen, Tracy, Laughlin, Mohr, Winterrowd, Tele. Rm., Holloman, Gandy

The Executives Conference of March 9, 1954, consisting of Messrs. Tolson, Nichols, Holloman, Harbo, Rosen, Boardman, Belmont, Mohr, Quinn Tamm, Tracy, and Glavin, considered a copy of the instructions for Phase I of the Emergency Relocation Plan for the U. S. Department of Justice furnished to the Bureau by Mr. Thomas J. Donegan, Special Assistant to the Attorney General, under date of March 2, 1954.

The Conference was advised that included in the instructions for Phase I of the Emergency Relocation Plan for the Department of Justice were a number of items listed for Bureau handling which it was felt should not be handled by this Bureau.

BACKGROUND OF AGREEMENT WITH THE ATTORNEY GENERAL CONCERNING EMERGENCY RELOCATION PLAN

Briefly, on December 17, 1953, the Director informed the Attorney General that accommodations could be made available for the Attorney General, the Deputy Attorney General, and eight other persons in the Department of Justice in the Bureau's relocation site to be used in the event of an emergency. This conversation was confirmed by letter to the Attorney General on the same date.

On January 11, 1954, Mr. Ladd advised the Director by memorandum that Mr. Donegan of the Department had contacted him, Ladd, and advised that the Attorney General desired to know whether the Bureau would be able to assign a stenographer to him for any necessary dictation at the relocation site; whether it would be possible for the Bureau to arrange transportation for the ten Departmental personnel to the relocation site; and whether the Bureau could get the necessary supplies to the relocation site for the Attorney General.

In accordance with the Director's instructions, Mr. Ladd informed Donegan that the Bureau would be able to make available a stenographer to take any necessary dictation for the Attorney General but we would not be able to have stenographic employees available

RECORDED-34 66-18953-3

9 APR 27 1954

RECORDED COPY FILED IN 66-2554-11797

cc - Mr. Harbo
Mr. Mohr
Attachment
WRG:jmr

BOARDMAN

51 MAY 13 1954

for other members of the Departmental staff; that the Bureau would not be able to arrange transportation; and that if Donegan would get the necessary stationery and supplies together and make them available to the Bureau, they would be stored for delivery to the relocation site.

The necessary supplies have been delivered to the Bureau and are properly packed and included in our supplies which will go to the relocation site in the event it is necessary to evacuate our quarters at Washington.

DATA INCLUDED IN INSTRUCTIONS FOR PHASE I OF EMERGENCY RELOCATION PLAN DOCUMENT FOR U. S. DEPARTMENT OF JUSTICE AFFECTING BUREAU

(1) Page 1, Paragraph 3, of the instructions, a copy of which is attached hereto, states that the FBI will make available all necessary files and records on subversive individuals.

It will be recalled that the Bureau plans to move to the relocation site files on subjects in the Security Index and files on subjects of pending cases in the Espionage Section as well as files on security informants. Whether or not these files can be moved will depend entirely on conditions existing at the time we will be ordered to the relocation site. All files reflecting information on individuals of a subversive nature will not be moved, only the most important as above-mentioned being considered for moving.

Recommendation of the Executives Conference

It is the recommendation of the Conference that Mr. Donegan be advised that in connection with this particular matter, we would make available information to the Department contained in such files as we have available to us at the relocation site; that the files themselves will remain in personal custody of the Bureau.

(2) Page 1, Paragraph 3, provides that the FBI will provide communications so that the Attorney General can communicate with U. S. Attorneys, other governmental agencies, and the main Justice Building.

Recommendation of the Executives Conference

The Conference recommends that Mr. Donegan be advised that land and radio communications will be available to the Attorney General and the group of Departmental officials who will occupy space in our relocation quarters to the extent that such facilities are available.

(3) Page 1, Paragraph 3, also provides that the FBI will furnish necessary typewriters, files, desks, and other equipment and will furnish one stenographer.

Comment of the Executives Conference

The Executives Conference wishes to point out that the Bureau has previously advised the Attorney General that the services of one stenographer would be available to the Attorney General at our relocation headquarters.

Recommendation of the Executives Conference

It is recommended that Mr. Donegan be advised that insofar as this particular matter is concerned, the services of a stenographer will be made available for the Attorney General; that insofar as specialized equipment such as typewriters, files, and other equipment, which is not more clearly defined in the instructions, is concerned, it should be made available by the Administrative Division of the Department of Justice and that if such typewriters are boxed and other specialized equipment made available, it can be transported to our relocation site in the event the move is necessary.

(4) Page 3, Paragraph 1, states that the plan will go into effect, that is, the move to the relocation site, upon the receipt of a "yellow alert." The yellow alert will be sounded when an attack by hostile aircraft is probable.

The instructions go on to state that in the absence of either a directive from the President or a yellow alert, the Department will move to the relocation site immediately following an actual attack.

Comment of the Executives Conference

It will be recalled that the Bureau has previously advised the White House that we do not plan to move to the relocation site until directed to do so by the President.

Recommendation of the Executives Conference

The Conference recommends that Mr. Donegan be advised that under our present plans, it is not anticipated that we will move until so instructed by the President.

(5) Page 3, Item B, of the instructions provides that when information is received that the FBI should move to its relocation site, then the FBI will immediately notify the following officials in the order listed: Attorney General; Deputy Attorney General; Assistant Attorney General, Criminal Division; Assistant Attorney General, Civil Division; and the Legal Counsel. It provides that the FBI will notify the officials of the exact location of the emergency relocation headquarters and as to whether the emergency headquarters are to be activated.

Recommendation of the Executives Conference

It is not felt by the Conference that it should be the responsibility of the Bureau to notify the Departmental officials in question. The Conference recommends that Mr. Donegan be advised that the Bureau feels this is the responsibility of the Security Officer of the Department.

(6) Page 4, last paragraph, states in effect that if during working hours the Attorney General is satisfied that the conditions for moving to the emergency relocation site exist and that the site is to be activated, he will instruct the FBI to inform Departmental officials that Phase I of the Department Plan has been placed into effect.

Recommendation of the Executives Conference

The Executives Conference recommends that Mr. Donegan be advised that this notification should be the responsibility of the Security Officer of the Department.

(7) Page 4, Paragraph 2, provides that upon the receipt of reliable information that this plan is to be placed in effect (move to relocation site), the Departmental official in the chain of authority will be contacted by the FBI and, if possible, such official will be furnished with one copy of the instructions which are in the possession of the FBI. The person notified will then perform the functions mentioned in the instructions.

Recommendation of the Executives Conference

This paragraph undoubtedly refers to pickup instructions. The Conference feels that the issuing of appropriate instructions to the Departmental official in the chain of authority should be done through the Security Officer of the Department.

(8) The instructions provide that if the time to move to the emergency site occurs during nonworking hours, the Attorney General's Briefcase Number 2 will be delivered to the Attorney General at the emergency headquarters by the FBI. This briefcase will contain Copy Number 2 of a duplication action plan of the Emergency Detention Plan and other emergency war plans.

Comment of the Executives Conference

Should this instruction prevail, the Bureau would have the responsibility of keeping the Number 2 Briefcase of the Attorney General and it would be our responsibility to see that it got to the relocation site.

Recommendation of the Executives Conference

The Conference is of the unanimous opinion that it should be the responsibility of the Security Officer of the Department to see that Briefcase Number 2 is delivered to the appropriate official for transportation to the relocation site.

In further regard to this particular item, the cover memorandum submitted with the copy of instructions by Mr. Donegan points out that the Emergency Briefcase Number 2 is now being prepared. The question was asked that if an emergency should occur during nonworking hours before the briefcase was delivered to the Bureau, whether it would be possible for the copy of the portfolio which is in the possession of the FBI be delivered to the emergency headquarters. The portfolio and Briefcase Number 2 are not identical. The copy of the Attorney General's portfolio is in the possession of the Domestic Intelligence Division of the Bureau and would, of course, be taken to the relocation site by the Bureau. This portfolio concerns the Emergency Detention Plan.

(9) Page 11, Paragraph 2, of the instructions states that in regard to general instructions that persons in the chain of command of the Department who are not scheduled for relocation shall take no action regarding the Emergency Detention Program or the Diplomatic Detention Program unless they have exhausted all reasonable means of communicating with the Attorney General or the first four persons in the chain of command. It states that urgent communications for relocated officials shall be routed through the FBI.

Comment of the Executives Conference

The intention of this instruction is not clear. It is noted that by memorandum dated ~~August~~ April 27, 1953, the Attorney General advised the Director that in the event of a major surprise attack on Washington, D. C., it must be contemplated that communications will be disrupted and many officials killed and disabled. He stated that in such event and if it appears that the national security requires its implementation and a communication of authority from either the President or Attorney General cannot be obtained within the time necessary for action to be begun, the Director should implement the apprehension and search and seizure provisions of the Emergency Detention Program. It is felt that there may be a conflict of instructions in view of the instructions contained in the attached document insofar as this matter is concerned and it is felt that this particular matter should be clarified.

Recommendation of the Executives Conference

The Conference recommends that the communication of the Attorney General of ~~August~~ April 27, 1953, be brought to Mr. Donegan's attention in order that this particular matter can be clarified.

OVER-ALL RECOMMENDATION OF THE CONFERENCE

Should the Director agree with the recommendations heretofore made in connection with this entire matter, it is respectfully recommended that the coordinator of war plans for the Bureau, Mr. Mason, personally discuss this matter with Mr. Donegan so that there will be no misunderstanding as to the responsibility of the Department in connection with the move to the relocation site and the implementation of any Emergency Detention Plan.

Done 3/15/54 with Williams as part of this entire matter

Received in mail room Hand to Tolson 3/15/54 M

OK

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

FROM : R. T. Harbo

DATE: 3/15/54

SUBJECT: WARPLANS
EMERGENCY RELOCATION PLAN FOR THE DEPARTMENT OF JUSTICE

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Nease
Winterrowd
Tele. Room
Holloman
Miss Gandy

11-1
3-1
9-1
8-1
5-1

In the absence from the city of Mr. Thomas J. Donegan, his alternate Mr. Bennett Willis of the Department was contacted on March 15, 1954 by Inspectors Mason and Strong.

The points covered in the Executives Conference memo of March 10, 1954, concerning the Department's emergency relocation plan were taken up with Mr. Willis and he agreed with the Bureau's comments concerning various items in the plan. Mr. Willis informed that the necessary revisions will be made in the plan; the matter would be discussed in a meeting on March 16, 1954 with the Attorney General and various officials in the Department; and then any other necessary changes in the plan would be made. Mr. Willis informed that the Bureau will be furnished copies of the revised plan.

RECOMMENDATION

It appears that no further action is necessary at this time, and when the new plan for the Department is received, it will be analyzed.

FHS:dmb

RECORDED-34 66-18953-4

9 APR 27 1954

54 MAY 10 1954

STANDARD FORM NO. 64 SECURITY INFORMATION - ~~TOP SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON DATE: April 29, 1954

FROM : THE EXECUTIVES CONFERENCE

Downgrade to ~~Secret~~ per COD 324 uc bhm/sale 4/22/10

SUBJECT: WARPLANS EMERGENCY RELOCATION PLAN FOR U.S. DEPARTMENT OF JUSTICE

Tolson, Ladd, Nichols, Belmont, Clegg, Glavin, Harbo, Rosen, Tracy, Mohr, Trotter, Winterrowd, Tele. Room, Holloman, Miss Gandy

The Executives Conference of April 29, 1954, consisting of Messrs. Boardman, Tracy, Belmont, Holloman, McGuire, Rosen, Tamm, Mohr, Harbo, and Glavin, was advised of the receipt of the attached copy of a communication addressed to the Attorney General by Thomas J. Donegan, Special Assistant to the Attorney General, concerning the Emergency Relocation Plan.

Briefly, this communication, dated April 28, 1954, reports the results of a conference held on April 27, 1954, by Lieutenant General Willard S. Paul of the Office of Defense Mobilization (ODM) concerning the program for testing the Emergency Relocation Plan. Representatives of participating Departments were present. The discussion was preliminary to consideration of the same problem at the Cabinet meeting on April 30.

The test will be tied in with a nationwide Federal Civil Defense Agency (FCDA) on June 14, 1954.

Mr. Donegan reported to the Attorney General that after the meeting an ODM representative requested the Department of Justice to select a site within the counties of Morgan, Jefferson, or Berkley, in West Virginia, or within the southern half of Frederick County in Maryland. Mr. Donegan pointed out that the FBI relocation site is in Jefferson County, West Virginia. He also reported that he will make every effort to insure that the Department will have selected a permanent relocation site by June 1, 1954.

Mr. Donegan also reported that this test will be similar to the Civil Defense exercise previously held except that it will be the first nationwide test. It will be used partly as a "cover" to test the Emergency Relocation Plan and the Interim Assembly Plan. Mr. Donegan stated that Mr. Olney of the Department and he, Donegan, have requested Mr. Andretta to report to the FCDA, in reply to their memorandum, the extent to which the Department desires to participate in "Operation Alert".

Suggested Participation

Mr. Donegan reported that it was suggested that, as a minimum, members of the Emergency Relocation Planning Committee of each Department proceed to its relocation site upon receipt of warning Yellow at

Attachment 4-30-54 66-18953-10

WRG:mfs
cc: Mr. Harbo

RECORDED - 107 MAY 6 1954

SECURITY INFORMATION - ~~TOP SECRET~~

Copy filed in 66-2954-1

Memorandum to Mr. Tolson from Executives Conference April 29, 1954

Re: Emergency Relocation Plan

9:16 A.M. (Daylight Saving Time) on June 14, 1954. After the group arrives at the site it should communicate with the head of the Agency, or his representative, who, in the meantime, will have proceeded to "High Point" (located at Bluemont, Virginia - this is classified information). At "High Point" headquarters communications facilities tied into worldwide commercial and military networks are available.

Mr. Donegan reported that it is contemplated that top officials of key mobilization agencies will assemble at this point as soon as an attack becomes imminent. He further reported that each Department, including the Department of Justice, had been requested to be represented at "High Point" by the head of the Agency or one of his top assistants, who is authorized to represent the Department in developing coordinated policy decisions concerning defense mobilization. The identity of such representative (two if preferred), and his official title, should be reported to ODM not later than May 15, 1954.

Mr. Donegan further reported that the need for the highest possible official to travel to "High Point" was stressed and that at the assembly the Defense Mobilizer of ODM will furnish very vital information to Department representatives. It was urged that all participants remain at the site for the full twenty-four hour test period, sleeping and eating accommodations being provided.

Comments of Mr. Donegan

Mr. Donegan stated he sincerely questions the advisability of having one or more representatives of each of thirty-one agencies proceed to "High Point" during the operation, which will receive advance publicity. This would enable subversives to arrange to follow official, or even private, cars from sensitive agencies, thereby ascertaining the exact location of the center of all mobilization operations ("High Point") and also the exact location of emergency relocation sites of individual sensitive agencies. He pointed out he felt any agency important enough to relocate is also important enough to have its relocation site guarded very carefully. He further pointed out it might be possible to use different sites than would be used in the event of an actual emergency.

Mr. Donegan further stated that a question was asked as to whether those agencies which do not plan to relocate on receipt of the "Yellow Alert" (the FBI and the Department of Defense) will also participate in the test on June 14, 1954, and that General Paul, in reply, had stated that the ODM will do everything possible to induce them to participate.

Memorandum to Mr. Tolson from Executives Conference April 29, 1954

Re: Emergency Relocation Plan

Mr. Donegan suggested that recipients of copies of his memorandum furnish to the Attorney General their comments and suggestions prior to the Cabinet Meeting on Friday, April 30, 1954.

For the Director's information, it is anticipated that the Bureau will not evacuate its headquarters at Washington until it becomes necessary to evacuate the city or upon instructions from the President. At the present time it is estimated that the period of warning for the "Yellow Alert" would be fifteen minutes before actual bombing would occur, although it is anticipated that in the immediate future it will be possible to give one hour's warning to cities on the East Coast before a strike is made.

RECOMMENDATION:

The Conference recommended that since this is a trial run for heads of agencies to get to the assembly point at "High Point", and since the Bureau does not intend to relocate on the "Yellow Alert", the Attorney General be advised that the Bureau does not anticipate participating in this trial run.

The Conference pointed out individually, and collectively, that it is felt Mr. Donegan's comments concerning the possibility of subversives ascertaining the location of all relocation sites and the assembly point are well taken.

Should the Director agree with the recommendation of the Conference the attached communication should go forward to the Attorney General at this time.

OK, H. ✓

The Attorney General April 30, 1954

Director, FBI

DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE DATE 4/9/2010

OWIK PLANS
Emergency Relocation Plan
For U.S. Department of Justice

TOP SECRET

Reference is made to the memorandum of Mr. Thomas J. Donegan, Special Assistant to the Attorney General, addressed to you under date of April 28, 1954, concerning the above-mentioned matter.

Since it is not the intention of the Federal Bureau of Investigation to evacuate its headquarters in Washington on the "Yellow Alert", it is not felt that representatives of this Bureau should participate in the program for testing the Emergency Relocation Plan to be held on a nationwide basis June 14, 1954.

As you know, this Bureau's relocation headquarters have been set up for a considerable period of time. Alternate routes have been designated by which to reach this site.

The staff to be assigned to our relocation headquarters can, and will, proceed to the relocation site in the event it becomes necessary to evacuate its headquarters in this city since all have previously been alerted as to their responsibilities under such an emergency.

WRG:mfs

EX. - 106
RECORDED - 73
66-18953-

Delivered by Special messenger to Mr. Metzner's office at 9:44AM by Mail room 4-30-54

APR 30 10 18 AM '54
U.S. DEPT. OF JUSTICE
RECEIVED - DIRECTOR

MAY 7 1954

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Geary
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

COMM - FBI
APR 30 1954
MAILED 31

TOP SECRET

51 MAY 13 1954

May 10, 1954

MEMORANDUM TO MR. TOLSON
MR. NICHOLS
MR. BOARDMAN
MR. GLAVIN
MR. ROSEN
MR. TRACY
MR. HARBO
MR. BELMONT
MR. TAMM
MR. HOLLOMAN
MR. MOHR

WAR PLANS EMERGENCY
Protection Plan For Dept. of Just.

The Attorney General by Order Number 43-54 dated March 29, 1954, Classified Secret, in providing for continuity of operations in the Department of Justice designated the following to serve during an emergency as Acting Attorney General in the absence or incapacity of those preceding:

Deputy Attorney General;
Assistant Attorney General in Charge of the Criminal Division;
Assistant Attorney General in Charge of the Civil Division;
Legal Counsel;
Assistant Attorney General in Charge of the Antitrust Division;
Assistant Attorney General in Charge of the Tax Division;
Assistant Attorney General in Charge of Office of Alien Property;
Assistant Attorney General in Charge of the Lands Division;
Solicitor General;
First Assistant to the Deputy Attorney General;
First Assistant to the Assistant Attorney General in Charge of the Criminal Division;
First Assistant to the Assistant Attorney General in Charge of the Civil Division;
First Assistant to the Legal Counsel;
First Assistant to the Assistant Attorney General in Charge of the Antitrust Division;
First Assistant to the Assistant Attorney General in Charge of the Tax Division;

RECEIVED - DIRECTOR
U.S. DEPT. OF JUSTICE
MAY 10 9 54 AM '54

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MAY 11 1954
COMM-FBI

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Tele. Room
Holloman
Miss Gandy

WJEM:mew

56-18953-
MAY 12 1954
132

FX-112

Deputy Director, Office of Alien Property;
First Assistant to the Assistant Attorney General
in Charge of the Lands Division;
First Assistant to the Solicitor General;
United States Attorney - District of Maryland
United States Attorney - District of Northern Illinois
United States Attorney - District of Colorado

The Attorney General has further directed the following Chain of Authority in the respective Divisions:

Office of the Solicitor General
First Assistant to the Solicitor General
Office of the Deputy Attorney General
First Assistant
Special Assistant for Personnel
Chief, Legislative and Legal Section
Antitrust Division
First Assistant
Second Assistant
Tax Division
First Assistant
Civil Division
First Assistant
Second Assistant
Third Assistant
Lands Division
First Assistant
Criminal Division
First Assistant
Executive Assistant
Chief, Internal Security Section
Office of Legal Counsel
First Assistant
Office of Alien Property
Deputy Director

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Harbo

DATE: 5/24/54

FROM : E. D. Mason

SUBJECT: TEST OF EMERGENCY RELOCATION Plan For U.S. Department of Justice PLANS ON 6/14-15/54 (CIVIL DEFENSE)

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

Reference is made to the memorandum from Mr. Edgar M. Ford and Mr. Bennett Willis, Jr., to Mr. Warren Olney, III, Chairman, Attorney General's Emergency Relocation Committee dated 5/17/54, a copy of which was directed to the Director, FBI for information.

Mr. Edgar M. Ford has telephonically advised an Agent of the Training & Inspection Division that a copy of this memorandum was designated for the Director of the FBI for information only, and that it was not anticipated that action or answer by the FBI was required.

JEM:GLC

RECORDED-21 66-18953

13 MAY 26 1954

EX-123

51 JUN 4 1954

UNRECORDED COPY FILED IN 66-17387

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Harbo

DATE: 5/25/54

FROM : E. D. Mason

SUBJECT: RELOCATION SITE - DEPARTMENT OF JUSTICE

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

The most recent information available on the Department's efforts to locate a relocation site indicates that they have tentatively selected the Veterans Administration Hospital at Martinsburg, West Virginia. Mr. Bennett Willis of the Department has advised that there is apparantly some provision in the Geneva Conference Articles of War which would prohibit the use of the Veterans Administration Hospital as a relocation site for an agency involved in the war, and would therefore make the hospital vulnerable to enemy attack.

Mr. Willis has advised that he has presented the above problem to the Legal Counsel of the Department and he had not received an opinion to date. This matter will be closely followed with Mr. Willis.

JEM:GLC
cc - Mr. Glavin

RECORDED 66-18953-15
EX-118
13 MAY 28 1954

79 JUN 8-1954

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 6/3/54

FROM : R. T. Harbo

SUBJECT: INSTRUCTIONS FOR PHASE 1 EMERGENCY RELOCATION PLAN U.S. DEPARTMENT OF JUSTICE

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Mohr
Trotter
Winterrowd
Tele. Room
Holloman
Miss Gandy

The above entitled plan is the evacuation plan of the U. S. Department of Justice. The Justice Department has classified the plan "Top Secret." The Bureau file copy of the plan is Bufile 66-18953 and is presently maintained in the general Bureau files in the Identification Building. It is believed that this document should be more readily available than it is at present inasmuch as any action in connection with these plans should be instantaneous. It is proposed, therefore, that this file be moved from the Identification Building to the confidential room (7231) in the Justice Building where Bureau war plans files and certain security type files are maintained.

Recommendation:

That the Records Section be permitted to maintain Bufile 66-18953, above-captioned, in the confidential room of the Justice Building.

cc: NICHOLS

JEM:GLC

RECORDED-53
66-18953-13
1 JUN 8 1954

File Placed in Confidential Room 6-10-54 WSD

Maintain in Open File Room WSD 5-9-67

51 JUN 15 1954

UNRECORDED COPY FILED IN 66-17404

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 4/12/54

FROM : R. T. Harbo

SUBJECT: INSTRUCTIONS FOR PHASE I EMERGENCY RELOCATION PLANS U. S. DEPARTMENT OF JUSTICE

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Mohr
Trotter
Winterrowd
Tele. Room
Holloman
Miss Gandy

You will recall that the Director on 12/17/53 advised the Attorney General that accommodations could be made for the Attorney General, the Deputy Attorney General and eight other persons in the Department of Justice at the Bureau's emergency relocation site.

There are here attached copies 11 and 12 of captioned instructions which the Department has classified ~~top secret~~. Three additional copies have been informally requested from Mr. Willis of the Department, who advised that he would check this matter and try to supply them. If received, they will be disseminated as follows - 1 copy to Mr. Glavin, Evacuation Coordinator; 1 copy to the War Plans Coordinator, Training and Inspection Division; and 1 copy to the Records Section. It is anticipated that copy #11 will be retained in the Director's office and that copy #12 will be given to Mr. Belmont so he will be conversant with the duties imposed upon the Bureau to notify various Departmental officials if the Bureau relocation site is to be activated. It is anticipated that there will be amended pages to copies 11 and 12 to conform with the suggestions of the Director's memorandum to Mr. Thomas J. Donegan of the Department dated April 5, 1954.

Copy #11 retained in Director's office 4/12/54

Copy #12 delivered to Mr. Belmont 4/30/54

The duties imposed are:

1. That the Bureau notify the Attorney General and the first two available Departmental officials in the chain of authority, which is set out at Part 6 in captioned plans, upon receipt of information causing the Bureau to activate its emergency relocation site and at that time advise all contacted the exact location of the site and indicate as nearly as possible the time of the expected attack.

2. Deliver the Attorney General's Portfolio #2 (the Portfolio contains the basic instructions which sets forth the policies and instructions concerning the emergency detention program)

cc: Mr. Glavin
Mr. Belmont
Mr. Nichols
Mr. Boardman

EX-123

RECORDED - 9 66-13953-14

memo to Boardman from Belmont 4-21-54 JWB

JUN 9

JEM:mew 1534 F 219

to him at the relocation site if notice to activate the site comes during nonworking hours. The Portfolio #2 is now in the possession of the Domestic Intelligence Division.

3. If a person who is to be relocated to the emergency relocation site in the Department believes it urgently necessary to communicate his whereabouts to the Department or urgently needs instructions from the Attorney General and it is impossible to reach the Department by telephone, captioned plans instruct him to call the Director's office, the office of Assistant Director Glavin, any available Assistant Director or any Special Agent in the office of an Assistant Director and if he is unsuccessful in his efforts to locate the foregoing he should make contact with the Baltimore or Richmond FBI Offices and these individuals or offices will through the FBI communications network attempt to convey the message in question to the Attorney General.

Captioned plans also change the Attorney General's memorandum to the Director dated 4/27/53 authorizing the Director to implement the detention of Communists program if he is unable to obtain authority from the President or the Attorney General to provide that the Director can now act on his own initiative only after he has been unable to communicate with the President, the Attorney General or one of the first four in the chain of authority in the Department. The first four in the chain of authority after the Attorney General are:

Deputy Attorney General William P. Rogers
Office, room 4109, Departmental extension 3
Home, 7007 Glenbrook Road, Bethesda
Phone, Oliver 45770

Assistant Attorney General in Charge of
Criminal Division Warren Olney III
Office, room 2105, Departmental extension 6
Home, 5201 Klingle Street, N. W.,
Phone Kellogg 71662

Assistant Attorney General, Civil Division
Warren E. Burger
Office, room 3143, Departmental extension 7
Home, 4309 Van Ness Street, N. W.
Phone, Emerson 26253

Assistant Attorney General, Office of Legal Counsel
J. Lee Rankin
Office, room 5131, Departmental extension 9
Home, 600 Juniper Lane, Falls Church
Phone, Jefferson 40363

RECOMMENDATIONS:

1. *That copy 11 of captioned instructions be retained by the Director's office; that copy 12 be retained by Mr. Belmont.*

2. *That the three additional copies of captioned plans which have been informally requested from Mr. Willis of the Department, if received, be disseminated - 1 copy to Mr. Glavin, Evacuation Coordinator; 1 copy to the War Plans Coordinator, Training and Inspection Division; and 1 copy to Records Section. If the three copies are not received, copy 12 be photostated to provide copies as set forth.*

Rec'd from Dept April 16, '54
Orig cc to Parsons copy 14
one cc to Rosen copy 15
one cc McArdle copy 16.
JWB 9/9/54.

I agree
+13

Thomas J. Donegan
Special Assistant to the
Attorney General

4/19/54

Director, FBI

INSTRUCTIONS FOR PHASE ONE OF EMERGENCY RELOCATION
PLAN FOR U. S. DEPARTMENT OF JUSTICE WAR PLANS
YOUR FILE 144-3-1-4

This will acknowledge receipt of copies 14, 15, and 16 of captioned instructions on April 16, 1954.

I am indeed grateful for these additional copies.

Copy #11 of captioned instructions previously submitted is being retained in the Director's Office. Copy #12 previously submitted is being retained in the Office of Assistant Director Belmont. Copy #14 is being designated for Assistant Director Glavin. Copy #15 is being designated for files and Copy #16 will be retained on the Desk of the Bureau War Plans Co-ordinator in the Training and Inspection Division.

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

CC:

WLEM:db

66-18953-144

RECORDED - 90

APR 21 1954

107

COMM - FBI
APR 20 1954
MAILED 31

Mr. Glavin with copy of letter sent separately to Mr. Belmont

50 APR 26 1954

All copies returned to Appl & Security 2-14-55

This will acknowledge receipt of Copies 11, 12, 14, 15, and 16 of "Instructions for Phase 1, Emergency Relocation Plan, U. S. Department of Justice."

Archie D. Simpson

Date 2/16/[illegible]

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

Tolson
Boardman
Nichols
Belmont
Glavin
Harbo
Rosen
Tamm
Tracy
Mohr
Winterrowd
Tele. Room
Holloman
Miss Gandy

TO : MR. L. V. BOARDMAN

DATE: April 21, 1954

FROM : MR. A. H. BELMONT

SUBJECT: INSTRUCTIONS FOR PHASE I EMERGENCY RELOCATION PLANS U. S. DEPARTMENT OF JUSTICE

Reference is made to Assistant Director Harbo's memorandum to Mr. Tolson dated April 12, 1954, wherein an analysis with comments had been made of the instructions for Phase I of the Department's emergency relocation plans. Under special comments on the duties of the FBI in connection with the Department's plans, Item 1 indicates that the Bureau shall notify the Attorney General and the first two available Departmental officials in the chain of authority upon receipt of information causing the Bureau to activate its emergency relocation site.

In this connection, it is believed advisable that specific responsibility should be made for this notification. In view of the fact that Mr. Glavin is the Assistant Director in charge of evacuation, it is recommended that Mr. Glavin be designated to notify the Attorney General and the first two available Departmental officials as set forth above.

In connection with Item 2 as set forth in the referenced memorandum, the FBI is to deliver the Attorney General's Portfolio #2 (the Portfolio contains the basic instructions which sets forth the policies and instructions concerning the emergency detention program) to him at the relocation site if notice to activate the site comes during nonworking hours. Portfolio #2 is in the possession of the Domestic Intelligence Division.

This duty is imposed apparently with the view in mind that if the activation of the emergency site takes place during nonworking hours the Attorney General would not obtain his complete Portfolio from his office. However, the Portfolio now in the possession of the Domestic Intelligence Division would be urgently needed by the Division to carry out its Detcom Program. An arrangement whereby the Division would of necessity be obligated to furnish the Portfolio to the Attorney General would create considerable

1 - Mr. Glavin
1 - Mr. Nichols
1 - Mr. Harbo
2 - Mr. McArdle

RECORDED - 9
66-18953-15
EX-123
13 JUN 9 1954

7 JUN 21 1954

Memo to Mr. Boardman
from Mr. Belmont

RE: INSTRUCTIONS FOR PHASE I
EMERGENCY RELOCATION PLANS
U. S. DEPARTMENT OF JUSTICE

hardship as detailed instructions are contained therein. It is my understanding that a request has been made of the Department to provide an additional Portfolio which would be then retained with other supplies for the Attorney General and would be transported to the emergency headquarters upon its activation. It is recommended that every possible effort be made to secure an additional Portfolio from the Department to be retained with the other mentioned supplies, which Portfolio could be furnished to the Attorney General as prescribed. I am opposed to making our copy of the portfolio available to the Attorney General as it will be absolutely essential to us under such emergency conditions for operational reasons.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Mohr
Trotter
Winterrowd
Tele. Room
Holloman
Miss Gandy

TO: Mr. Harbo

DATE: 4/23/54

FROM: E. D. Mason

SUBJECT: INSTRUCTIONS FOR PHASE 1 EMERGENCY RELOCATION PLANS U. S. DEPARTMENT OF JUSTICE

Reference is made to the memorandum from Assistant Director Belmont to Mr. Boardman dated 4/21/54, where Mr. Belmont is opposed to making available the Bureau copy of the Portfolio to the Attorney General at the relocation site. The Portfolio contains the basic instructions setting forth the policies and instructions concerning the emergency detention program. The Bureau's copy of the Portfolio is to be made available to the Attorney General at the relocation site only if the Attorney General has not been able to avail himself of the original which he now maintains.

Mr. Bennett Willis, Jr. of the Department, today advised that there is now available a fourth copy of the Portfolio; however, the Department at this time has no provision for maintenance of the Portfolio outside the Washington target area.

Mr. Willis advised that the Department contemplates that the Office of Defense Mobilization will within the next two weeks have assigned the Department a Sector outside Washington within which the Department is to find a relocation site. Mr. Willis further advised that within two weeks after the assignment of the Sector by the Office of Defense Mobilization, he contemplates that the Department will have found a suitable relocation site and that the Attorney General's copy of the Portfolio will then be lodged at the Departmental relocation site for safekeeping and will thus be available to the Attorney General should it be needed in the event of an emergency.

From the foregoing, it is apparent that the present arrangement whereby the Bureau will make available to the Attorney General at the evacuation site Portfolio #2, now in possession of the Domestic Intelligence Division, is a temporary measure. It is further pointed out that if the present Departmental plans

cc: Messrs. Glavin
Nichols
Belmont

JEM:dmb

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68 JUN 18 1954 EX-123

18 JUN

APR 27 8 26 AM '54 U.S. DEPT. OF JUSTICE

GLAVIN

MR

do not crystalize within the next month and it should become necessary for the Bureau to make available to the Department its copy of the Portfolio. The Bureau could as a last resort call in Copy #3 of the Portfolio from the Little Rock Office where it is now deposited as a security measure.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 5/13/54

FROM : Executives Conference

SUBJECT: INSTRUCTIONS FOR PHASE 1
EMERGENCY RELOCATION PLANS
U.S. DEPARTMENT OF JUSTICE -
NOTIFICATION TO DEPARTMENTAL OFFICIALS

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Mohr
Trotter
Winterrowd
Tele. Room
Holloman
Miss Gandy

Copy filed in 66-2554

You will recall that the Director on 12/17/53 advised the Attorney General that accomodations could be made for the Attorney General, the Deputy Attorney General, and 8 other persons in the Department of Justice at the Bureau's emergency relocation site.

Departmental plans as they are now constituted impose the duty on the Bureau of notifying the Attorney General and the first two available Departmental officials in their Chain of Authority upon receipt of information causing the Bureau to activate its emergency relocation site.

Arrangements have been perfected with the Air Defense Command, which organization operates the Coastal Radar System, to notify the Bureau (Assistant Director Belmont's office) should they receive any air defense warnings, and to facilitate this, there is a direct line from the Air Force operations office to the Bureau. The Bureau switchboard has been instructed to route any calls to Mr. Belmont's office. The person taking the call in Mr. Belmont's office will immediately notify ~~Mr. Belmont who will in turn notify~~ the Director and Mr. Tolson. ~~Following notification to Mr. Boardman~~, the person taking the call will notify Bureau officials in the following order: Mr. Boardman, Mr. Belmont, Mr. Nichols, Mr. Glavin, Mr. Tamm, Mr. Tracy, Mr. Rosen, and Mr. Harbo, Mr. Holloman and Mr. Mohr.

Normally under these circumstances it would follow that Mr. Belmont's office would give appropriate notification to the Attorney General and the first two persons located in the Departmental Chain of Command. However, Mr. Belmont is of the opinion that should notification to evacuate the Seat of Government be received, the Domestic Intelligence Division and all personnel connected therewith will be completely and thoroughly engaged in setting into operation the various detention programs which are now planned, and notification to the Departmental officials should be by Mr. Glavin, who has been designated as Evacuation Coordinator by the Director. It must be

RECORDED - 9

66-18753-17

JEM:GLC
cc: Mr. Harbo
Mr. Mohr

EX-123

13 JUN 1954

THREE

68 JUN 18 1954

pointed out that there is no assurance that evacuation and institution of the detention programs will be synonymous, and that placing the responsibility of notification in two divisions will undoubtedly add to the confusion. Mr. Glavin has objected to Mr. Belmont's suggestion, and points out: (1) There is an agent on duty in Mr. Belmont's office at all times, this is not true of Mr. Glavin's office; (2) He will depart for the relocation site at first notification to ready it for operating condition on the arrival of the Director.

EXECUTIVES CONFERENCE ACTION: RTH:cs

The Conference of 5/12/54, composed of Messrs. Boardman, Nichols, Glavin, Tamm, Hennrich, Mohr, Winterrowd, Holloman, Tracy and Harbo, was unanimously of the opinion that the responsibility for seeing that appropriate notification is given to the Attorney General and the first two persons following in the Departmental chain of command in the event evacuation is ordered should be fixed with Mr. Belmont for the reason that there is an Agent on duty in his office 24 hours a day, 7 days a week. The Conference noted that in event of evacuation the Bureau will not move to emergency headquarters until the Director has instructed such action be taken and that under most circumstances the Director would probably personally notify the Attorney General of such decision. However, in view of the possibility that such decision might be made outside normal working hours, the responsibility for seeing that appropriate notification is sent to the Department should be fixed in a Bureau division which has an Agent on duty at all times.

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

To: COMMUNICATIONS SECTION. May 28, 1954 AIR-TEL

Transmit the following message to: [illegible]

[illegible] GEORGE WASHINGTON HOTEL, WINCHESTER, VIRGINIA, INFO CONCERNING. AIRTEL ATTENTION LIAISON SECTION INFORMATION AVAILABLE TO YOUR OFFICE RE RELIABILITY OF EUGENE R. [illegible], MANAGER OF HOTEL. ALSO ASCERTAIN NAME OF OWNER AND IF A CORPORATION OBTAIN NAMES OF OFFICERS TOGETHER WITH ANY INFORMATION AVAILABLE CONCERNING THEM. TOP SECRET NATURE OF THIS MATTER REQUIRES UTMOST CARE IN HANDLING. Emergency Relocation Plan For U.S. Department of Justice

66-18953-18 Enc

EX-123 RECORDED-59 JUN 1 1954
INDEXED-59 132

JWB:mnm

(Note: In memorandum to the Director from Warren Olney III, Assistant Attorney General, Criminal Division, dated May 26, 1954, it was indicated the Department was considering the George Washington Hotel, Winchester, Virginia, as a possible emergency relocation site. Mr. Olney requested that the Bureau advise him of any information we had concerning Eugene R. Branch, Manager of the Hotel and for us to ascertain the identity of the owner and if owned by a corporation, the identities of the officers of the corporation. It was further indicated that dependent upon the information furnished by the Bureau the Department may make a firm decision concerning the use of the George Washington Hotel in which event he would request an investigation concerning Mr. Branch. He requested that the Bureau furnish any comments we may wish to offer concerning the suitability of this facility, particularly in relation to the matter of distance from Bureau's relocation site. This memo was classified "Top Secret."

MAILED 11
MAY 28 1954
COMM-FBI

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Pelo. Ad.
Holloman
Sandy

No record in Bureau files.

SENT VIA _____ M Per _____

51 JUN 1 1954

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

0-9a

TELETYPE

To: COMMUNICATIONS SECTION. JUNE 3, 1954 URGENT

Transmit the following message to: SAC, RICHMOND

GEORGE WASHINGTON HOTEL, WINCHESTER, VIRGINIA, INFORMATION CONCERNING. REBUAIR-TEL MAY TWENTY EIGHT, NINETEEN FIFTYFOUR. REPLY IMMEDIATELY.

HOOVER

Emergency Relocation Plan For U. S. Department of Justice

JWB:fjb

RECEIVED
JUN 3 2 12 PM '54
FBI

EX-123
RECORDED-59

66-18753-19
JUN 4 1954

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 3 1954

TELETYPE

Tolson
Ladd
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Tracy
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Tele. Rm.
Holloman
Gandy

51 JUN 15 1954 SENT VIA TELETYPE M Per

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 3 1954

TELETYPE

FBI WASH DC 6-3-54 3-06 PM PC

SAC RICHMOND U R G E N T

GEORGE WASHINGTON HOTEL, WINCHESTER, VIRGINIA, INFORMATION CONCERNING. REBUAIR-TEL MAY TWENTY EIGHT, NINETEEN FIFTYFOUR. REPLY IMMEDIATELY.

HOOVER

END ACK PLS

OK FBI RH VLC

[redacted] - ~~TOP SECRET~~ -

Assistant Attorney General
Warren Olney III

June 8, 1954

Director, FBI

Downgrade to Secret
per 60324 uc Baw/Sab
4/22/10

66-1895-3-20

RECORDED-14

EMERGENCY RELOCATION PLAN FOR
DEPARTMENT OF JUSTICE - PHASE II

EX-123

Reference is made to your memorandum of May 26, 1954, your number 44-3-1-4, WO:BW:am, captioned as above.

In accordance with your request, a review of our files was made concerning Eugene R. Branch, Manager of the George Washington Hotel, Winchester, Virginia. This review reflected that the FBI has not conducted an investigation concerning Branch nor do our files contain any derogatory information concerning him.

As our files contained no information revealing the identity of the ownership of the George Washington Hotel, a discreet inquiry was made at Winchester, Virginia, which revealed that the Hotel is owned by the George Washington Hotel Corporation, which, according to the records of the Clerk of the Winchester Corporation Court, was incorporated February 7, 1922, the original officers being Lewis F. Cooper, President; W. A. Baker, Vice President; H. D. Fuller, Treasurer, and William G. Hardy, Secretary, all of whom are deceased. The present officers were ascertained to be Harry K. Benham, President, who is an attorney and member of the firm of Harrison, Benham and Thoma of Winchester, Virginia; Clifford D. Grim, Vice President, recently deceased, who was the owner of the Hansborough and Carter Investment and Insurance Company, and J. Victor Arthur, Secretary and Treasurer. Arthur is the owner of the J. Victor Arthur Insurance Agency. Our files reflect no derogatory information concerning any of the above-listed officers of the Corporation.

For your information, Winchester, Virginia, is located approximately thirty-six miles from this Bureau's proposed relocation site.

BWB:fjb

Tolson
Boardman
Nichols
Belmont
Glavin
Harbo
Rosen
Tamm
Tracy
Mohr
Winterrowd
Tele. Room
Holloman
Miss Gandy

MAILED 7
JUN 8 1954
COMM-FBI

JUN 25 1954

~~TOP SECRET~~ - [redacted]

EP DO 5-26-54 5-26

Warren Olney, Asst AG

Emergency Relocation Plan for Dept of Justice Department has, with concurrence of ODM, been considering use of George Washington Hotel in Winchester.

NUMEROUS REFERENCE 4-22c

SEARCH SLIP

Supervisor_____ Room_____

Subj:_____

____Exact Spelling
____All References
____Subversive Ref.
____Mail File
____Restricted to Locality of

Searchers Initial_____
Date_____

FILE NUMBER SERIALS

EUGENE R. BRANCH
GEO. WASHINGTON HOTEL
WINCHESTER, VA.

N.P. 87-3011-3
N.P. 43-7069-1
R.
N.P. 62-75147-41-30 cor 83
N.P. 47-29481-2
RICHARD
N.P. 47-19514-10 cor
E. R.
N. R.

Initialed

FD-36

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

WHP:GTC
Transmit the following Teletype message to:

FBI RICHMOND 6-3-54 AIRTEL

DIRECTOR, FBI (REGULAR MAIL) ATTENTION: LIAISON SECTION

GEORGE WASHINGTON HOTEL, WINCHESTER, VIRGINIA, INFORMATION CONCERNING. REBUAIRTEL 5-28-54. EUGENE R. BRANCH, MANAGER INSTANT HOTEL, HAS HELD THIS POSITION APPROXIMATELY EIGHTEEN TO TWENTY YEARS, IS COOPERATIVE AND RELIABLE ACCORDING TO INFORMATION AVAILABLE THIS OFFICE. MARRIED TO CORA MCD. BRANCH AND BOTH RESIDE AT HOTEL. NO CHILDREN. HOTEL OWNED BY GEORGE WASHINGTON HOTEL CORPORATION, WHICH, ACCORDING TO RECORD PEYTON J. MARSHALL, CLERK OF WINCHESTER CORPORATION COURT, WAS INCORPORATED FEBRUARY 7, 1922 WITH MAXIMUM CAPITAL STOCK $250,000, CUMULATIVE PREFERRED STOCK VALUED $100 PER SHARE AND ONE THOUSAND SHARES OF COMMON STOCK WITHOUT PAR VALUE. ORIGINAL OFFICERS, ALL OF WHOM NOW DEAD ACCORDING TO MARSHALL, WERE LEWIS F. COOPER, PRESIDENT, W. A. BAKER, VICE-PRESIDENT, H. D. FULLER, TREASURER AND WILLIAM G. HARDY, SECRETARY. ALL ORIGINAL DIRECTORS ALSO DECEASED. PRESENT OFFICERS ARE HARRY K. BENHAM, PRESIDENT, WHO IS ATTORNEY AND MEMBER OF FIRM OF HARRISON, BENHAM AND THOMA, WINCHESTER AND BURR P. HARRISON, CONGRESSMAN FROM WINCHESTER, IS HIS PARTNER; CLIFFORD D. GRIM, VICE-PRESIDENT, RECENTLY DECEASED, WHO WAS OWNER HANSBOROUGH AND CARTER INVESTMENT AND INSURANCE FIRM; J. VICTOR ARTHUR, SECRETARY AND TREASURER. ARTHUR IS ALSO OWNER J. VICTOR ARTHUR INSURANCE AGENCY, RESIDES 200 WEST FAIRFAX LANE AND WIFE IS ELIZABETH S. ARTHUR. BROTHERS OF ARTHUR ARE J. PINCKNEY ARTHUR, MANAGER SHENANDOAH VALLEY APPLE, CIDER AND

RECORDED-14 66-1895-82
INDEXED-14
EX-123

Mr. Belmont
Approved: 6 1954
Special Agent in Charge

Sent M

Emergency Release Plan For U.S. Department of Justice

FD-36

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

Transmit the following Teletype message to:

PAGE TWO

VINEGAR COMPANY, WINCHESTER, AND BENJAMIN F. ARTHUR, SECRETARY, TREASURER, VIRGINIA GLASS SAND CORPORATION, RESIDING AT 520 S. STEWART STREET, WINCHESTER. BENJAMIN F. ARTHUR IS ALSO DIRECTOR OF INSTANT HOTEL CORPORATION. MARSHALL STATES CORPORATION IS REQUIRED BY CITY LAW TO FILE NAMES OF CURRENT OFFICERS AND DIRECTORS, BUT THAT LAW NOT ADHERED TO AND INSTANT CORPORATION HAS NEVER FILED SAME WITH HIS OFFICE. NAMES BELIEVED LISTED WITH STATE CORPORATION COMMISSION, RICHMOND, VIRGINIA. INDICES THIS OFFICE CONTAIN NO DEROGATORY INFORMATION ON ALL CURRENT OFFICERS AND ARTHUR FAMILY. RUC.

POTTER

62-1083

cc: Mr. Brown
7637

Approved:_____ **Sent**_____**M** **Per**_____

Special Agent in Charge

OO

NUMEROUS REFERENCE 4-22c

SEARCH SLIP

Supervisor_____ Room_____

Subj:_____

____Exact Spelling
____All References
____Subversive Ref.
____Mail File
____Restricted to Locality of

Searchers
Initial_____
Date_____

FILE NUMBER	SERIALS
N.I. VICTOR ARTHUR	
100-344753-3993-7	
	415-27E
J. V. ARTHUR	
N.I. 62-75147	-41-48-106
HARRIS BENHAM	
N.I. 56-287-319	

Initialed

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Harbo

DATE: 6/10/54

FROM : E. D. Mason

SUBJECT: EVACUATION PLANS For U.S. DEPARTMENT OF JUSTICE

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Mohr
Trotter
Winterrowd
Tele. Room
Holloman
Miss Gandy

This is to advise that it was ascertained from Mr. Bennett Willis who is assisting Mr. Donegan of the Department in formulating Departmental war plans that the Department is considering using the George Washington Hotel at Winchester, Virginia, as its relocation site.

Mr. Willis advised that they had requested an indices check on the Manager of the Hotel and that there is a possibility that the Department may request an investigation of the Manager prior to making any direct approach to him for use of the Hotel as a relocation site.

RECOMMENDATION:

None. This is for your information.

memo to Olney 6/8/54 answered

RECORDED - 6 66-18953-

EX-123

13 JUN 15 1954

LJEM:db

51 JUN 23 1954

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Mason

DATE: 7/12/54

FROM : J. E. McArdle

SUBJECT: WAR PLANS
DEPARTMENT OF JUSTICE
(EVACUATION)

MR TOLSON

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Miss Gandy

This will record a phone call from Mr. Bennett Willis of the Department at 9:20 a.m., 7/12/54. Mr. Willis advised that insofar as relocation headquarters is concerned he and Mr. Ford of the Department met with the president of the corporation which owns the George Washington Hotel at Winchester, Virginia, relative to using that place of business as a relocation site for the Department. Mr. Willis advised that the president of the corporation seemed favorably disposed but that he was having a meeting of the Executive Board of the corporation this week and would thereafter advise the Department.

With reference to the emergency detention program portfolio, Mr. Willis corrected his previous statement that there was four copies of the portfolio available and he stated there are three copies available now and the fourth copy is being revised. Two copies of the portfolio were in possession of the Bureau and the third copy in possession of the Department and that the copy which is being revised would in the near future be submitted to the Bureau for its comments and suggestions.

Mr. Willis advised that it was his suggestion that the Bureau place the copy of the portfolio, now in a western office of the FBI, at "High Point" where there is a 24-hour guard force; that the portfolio itself would be placed in a safe and the combination of the safe to be known only to officials of the Department and certain members of the FBI. The safe wherein he proposes to locate the portfolio would be in turn placed in a vault, the combination of course be known to certain individuals at "High Point." Mr. Willis further advised that by having the portfolio at "High Point," it would be immediately available to the Bureau or officials of the Department if it were needed rather than to await its being brought in from a western office during the period of an emergency.

RECOMMENDATION:

None...For information only.

cc: Mr. P. L. Cox

JEM:dmb

RECORDED - 84

64-18953-23

EX-123

51 JUL 21 1954

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

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Holloman
Miss Gandy

TO : Mr. Mason

DATE: 7/28/54

FROM : J. E. McArdle

SUBJECT: EMERGENCY RELOCATION PLAN-
U.S. DEPARTMENT OF JUSTICE

Reference is made to Director's memorandum to Mr. Thomas J. Donegan of the Department dated 4/19/54 where on the yellow and tickler copies was set forth the disposition of the five copies of captioned plans in the Bureau. There has been a relocation of these copies:

copy #11 - retained in the Director's Office

copy #12 - retained in the office of Assistant Director Belmont

copy #14 - in the possession of Supervisor Paul Cox, Security Index Desk

copy #15 - designated for files

copy #16 - retained on the desk of the war plans coordinator - Training and Inspection Division

Copy #14 obtained from Cox 2-2-55 and transmitted to Sac Quantico for repository. 2-2-55 JEMc.

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66-18953-24

EX-123

13 JUL 30 1954

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67 AUG 10 1954

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

FROM : R. T. Harbo

DATE: 7/29/54

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Miss Gandy

WAR PLANS

SUBJECT: ESSENTIAL WARTIME FUNCTIONS OF THE DEPARTMENT OF JUSTICE

By memorandum 7/26/54 J. Lee Rankin, Assistant Attorney General, Office of Legal Counsel, requested information concerning the essential wartime functions of the FBI, which data will be included by him in an over-all document to be made available to the Office of Defense Mobilization concerning wartime functions of the Department of Justice. Rankin enclosed with his memorandum general instructions which were made available to him by the Office of Defense Mobilization. He stated in addition there was a classified attachment retained in his office which would be available for review. The classified attachment was obtained by Mr. Mason, photostated and is attached hereto. It sets forth criteria governing certain phases of essential wartime Federal Government functions.

It might be noted that this project is being coordinated by Mr. F. W. Ford, who is Rankin's No. One Man. Ford advised Mason 7/29/54 that he is frankly confused and does not clearly understand what it is that the Office of Defense Mobilization wants. He noted that the Office of Defense Mobilization suggested that any thoughts which could be made available be submitted in rough draft form and that the Office of Defense Mobilization would review the rough draft and thereafter furnish suggestions or possibly request additional information. Ford will prepare the rough draft for the entire Department of Justice.

Ford was hopeful that the Bureau would not furnish him a document involving some data which could be released and some which could not be released and he felt that a general presentation would be quite adequate. Ford is well aware that the FBI has already submitted full details of its war planning to the Office of Defense Mobilization. Ford is further aware that the Office of Defense Mobilization supervises for the White House the war planning of certain critical agencies, such as the Atomic Energy Commission, Central Intelligence Agency, State Department and the FBI. He is further aware that the Department

Attachment
cc - Mr. Nichols
Mr. Boardman
Mr. Mohr
EEM:cs

66-18953-25

RECORDED - 162

EX-130

13 AUG 6 1954

53 AUG 17 1954

of Justice (except for the FBI) is considered a nonsensitive agency and that war planning for nonsensitive agencies is in the initial stages.

There has been prepared for dispatch to Assistant Attorney General J. Lee Rankin a rather general statement along the lines of that desired by Mr. Ford.

RECOMMENDATION:

That the attached memorandum go forth to Mr. Rankin.

7/31

Assistant Attorney General
J. Lee Rankin
Office of Legal Counsel
Director, FBI

Aug. 3, 1954

66-18953-26

ESSENTIAL WARTIME FUNCTIONS
OF THE DEPARTMENT OF JUSTICE

RECORDED - 162

The Federal Bureau of Investigation is charged with the responsibility of investigation of certain Federal Statutes. A number of these relate to criminal violations whereas others pertain to work clearly in the security field. Under Statutes and Executive Orders the FBI is responsible for investigations relating to espionage, sabotage, and the detection of subversive activities within the United States. Based on the experience of World War II it may be safely concluded that an outbreak of war would result in a tremendous increase in FBI responsibilities, particularly in the security field. A major portion of the FBI's work at this time is devoted to investigations relating to the internal security of the United States and such investigations are a necessary prelude to proper preparation for any emergency which might later arise.

There is no conceivable way in which a reliable estimate could be provided as to the increase in case load of the FBI in an emergency period. Any increase in case load would necessitate increased personnel.

MAILED 8
AUG 3 1954
1
COMM-FBI

It should be noted that the Federal Bureau of Investigation is considered a sensitive agency and appropriate details of its war planning have been made available on prior occasions to the Office of Defense Mobilization. The White House is cognizant of essential aspects of FBI war planning.

It is not contemplated that the FBI will assume the responsibility for investigation of violations of additional Federal Statutes in wartime; however, work under existing statutes would increase tremendously but the exact extent cannot be estimated at this time.

With regard to the June 7, 1954, attachment to your memorandum of July 26, 1954, column 1 calls for a description of broad program activities and supporting essential functions. Our investigative responsibilities in wartime will be, for all practical purposes, identical with the responsibilities of today except in increased measure. All functions are considered essential to the welfare of the United States.

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EDM:cc

AUG 13 1954

With regard to the information desired for column 2 it is believed that the above paragraph will suffice.

With regard to data desired under column 3 you are advised there are at present 9,100 field employees and 5,650 Seat of Government employees. As you know, there are fifty-two field divisions of the FBI, of which forty-nine are located within the continental limits of the United States. There is an office at Anchorage, Alaska, another at San Juan, Puerto Rico, and one at Honolulu, Hawaii. The FBI has certain training facilities at Quantico, Virginia, on the Marine Base. The Seat of Government serves in a supervisory capacity with regard to investigative operations, administrative responsibilities and provides supporting services such as the FBI Laboratory and the Identification Division, the activities of which are designed to assist and enhance investigative operations in both the criminal and security fields.

The Office of Defense Mobilization has already been advised that the FBI has arrangements for the continuity of essential functions; has established a relocation site outside of Washington, D. C., from which supervision will be given to FBI field offices. Detailed plans have been drawn up to assure the continuity of essential Seat of Government functions and each field establishment has additional plans which will permit operation and continuity of functions despite attack in the locality of that office. Planning has included the establishment of emergency communications facilities. Due consideration has been given to providing for the location of vital records outside Washington. It is planned that the Attorney General and selected members of his staff will be located with the FBI at emergency headquarters during any war period if evacuation becomes necessary, thus assuring continuity of relationships with other parts of the Department of Justice. An appropriate chain of command has been set up and the Office of Defense Mobilization has been advised of this and all other pertinent aspects of FBI war planning.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Harbo

DATE: 8/13/54

FROM : E. D. Mohon

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SUBJECT: WAR PLANS EMERGENCY Relocation PLAN FOR U.S.

Mr. Ben Willis, a former Agent, who is in charge of war plans for the Department of Justice telephoned 8/11/54. He stated that he had just returned from leave and had seen a memorandum from the Director to the Attorney General to the effect that the FBI was exploring the possibility of using Quantico as emergency relocation headquarters. Willis wanted to know if anything definite now existed. I told him that our status was still exploratory and that there was a tremendous amount of engineering work necessary in the communications line before any definite commitment could be made.

Willis stated he was interested because the Department of Justice has been seeking a relocation site at Winchester, Virginia, and planned within the next week to draw up a contract with a hotel owner in Winchester so the Department could use the hotel facilities if necessary. He stated that he would "go slow" in closing the deal because if the FBI moved to Quantico the Department might very well want to move to Richmond in order to be somewhere near the FBI. I told Willis we had no recommendation to make at all as to any action by the Department. He stated that he would like to know of the ultimate outcome and I assured him that the Attorney General will be informed of any development of significance within the meantime. Our evacuation site remains the same: Shepherd College, Shepherdstown, West Virginia.

RECOMMENDATION:

None . . . Informative.

66-18953-
NOT RECORDED
176 AUG 20 1954

INITIALED ON ORIGINAL

58 AUG 26 1954

EDM:db

ORIGINAL FILED IN 66-17381-349

Assistant Attorney General
J. Lee Rankin
Office of Legal Counsel

September 7, 1954

RECORDED - 9

Director, FBI

66-18953-97

ESSENTIAL WARTIME FUNCTIONS OF THE DEPARTMENT OF JUSTICE

117

Reference is made to your memorandum of September 2, 1954, captioned as above requesting the list of essential functions previously furnished by this Bureau to the Office of Defense Mobilization.

The Office of Defense Mobilization has been furnished the following information:

"The essential functions of the FBI are the investigative matters pertaining to the internal security of the country; co-ordinating of internal security matters; investigation of violations of Federal statutes over which this Bureau has primary jurisdiction." By Presidential Directive dated July 24, 1950, the Bureau is charged with receiving and correlating information relating to the above-entitled matters, and referring matters to any other Federal agency with responsibilities in the field, involving information relating to their responsibilities. By virtue of this, the Bureau's files are constantly checked by the other agencies for information, predicated on which they take action relating to national security. "Under these investigative responsibilities this Bureau investigates violations of internal security matters such as sabotage, espionage, treason and other subversive activities; under the criminal investigative jurisdiction, it has the responsibility of investigating alleged violations of more than 100 Federal statutes, among which are included bank robbery, kidnaping, extortion, unlawful flight to avoid prosecution and many other statutes." The Federal Bureau of Investigation maintains an international fingerprint file containing more than 131 million sets of fingerprints which are exchanged not only between law enforcement officials of this country but other countries. The fingerprint files of the Bureau are also utilized as the depository of fingerprint records of Government employees, all members of the armed services, and civilian fingerprints, and other miscellaneous fingerprint records.

COMM - FBI
SEP 8 1954
MAILED 31

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FEM:wc

SEP 21 1954

Under the President's Federal Employees Security Program, this Bureau has the responsibility of checking its investigative files and technical fingerprint records insofar as all employees of the Executive Branch of the Government are concerned. It has the responsibility of conducting all investigations of employees of the Executive Branch of the Government against whom allegations of disloyalty have been made.

In addition, pursuant to provisions of Executive Order 10422, this Bureau has the responsibility of searching the names and conducting full field investigations on certain United States citizens employed by the Secretariat of the United Nations and other Public International Organizations of which the United States is a member.

The Bureau has the responsibility of conducting large numbers of investigations of individuals who are being considered for sensitive positions in the Executive Branch of the Government and with the Atomic Energy Commission. Also, the responsibility of conducting full field investigations of applicants for Government employment under Public Law #298 - 82nd Congress in those cases referred to this Bureau by the Civil Service Commission because of questionable loyalty on the part of applicant.

The foregoing information was furnished to Mr. A. Russell Ash, Chairman Ad Hoc Committee of Alert Planning, Office of Defense Mobilization, Executive Office of the President, on July 22, 1953, and was originally furnished to the Office of Defense Mobilization on October 8, 1951.

JEM:wc

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Gandy

FEDERAL BUREAU OF INVESTIGATION 2-4

10/14, 1954

___Director	___Mr. Mason
___Mr. Tolson	___Mr. Brown, B.C.
___Mr. Boardman	___Mr. Fults
___Mr. Nichols	___Mr. Gibbons
___Mr. Belmont	___Mr. Gilliland
___Mr. Harbo	___Mr. McArdle
___Mr. Mohr	___Mr. Meyer, A.L.
___Mr. Parsons	___Mr. Nugent
___Mr. Rosen	___Mr. Scovell
___Mr. Tamm	___Mr. Stein
___Mr. Holloman	___Mr. Strong
___Miss Gandy	___Mr. Van Pelt
___Mr. Sizoo	___Mr. Williams, J.H.
___Mr. H.L. Edwards	
___Mr. Jones, M.A.	___Mr. Gearty
___Records Section	___Mr. Rogers, J.S.
___Mail Room	___Mr. Donelan
___Mechanical Section	___Miss Doohan
___Personnel Files	___Mr. Francisco
___Washington Field	___Mr. Haynes
___Information Desk	___Mr. Meyers, H.A.
___Chief Clerk's Off.	___Mr. Rumans
___O.P.O. Bldg.	___Miss Scruggs
___Ident. Bldg.	___Mr. Stoddard
___Quantico	___Mr. Watson
___Room	
___Justice Bldg.	___Mr. Sloan
	___M
___Send Rm.	___Miss Dunaway
___Record	___Mrs. Buchanan
___Phone Me	___Mrs. Fuselier
___Note & Return	___Miss Gilliam
___Please Handle	___Miss Gray
___File or	___Mr. Harden
___See Me	___Mr. Hedrick
___Miss Rung	___Mrs. Krupa
___Miss Scarborough	___Miss Kunz
___Miss Slusher	___Miss Leese
___Miss Smith	___Miss Mueller
___Miss Steele	___Mrs. Norman
___Miss Varley	___Mrs. Pollock
___Mrs. Whitley	___Miss Preston
___Miss Worley	___Miss Rowan

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

Pl. charge your copy & the Dept. War Plans to show that Asst A.G. in charge & Sec. Div. follows the Deputy A.G. in Chain of Command - amended program will be submitted soon they say -

J. E. MOURDLE
Training & Inspection Div.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 11-15-54

FROM : R. T. Harbo

Tolson
Boardman
Nichols
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SUBJECT: WAR PLANS - EMERGENCY RELOCATION PLAN FOR DEPARTMENT OF JUSTICE

SYNOPSIS:

By memorandum dated November 12, 1954, the Attorney General requested the Bureau designate a representative to meet with representatives of Immigration and Naturalization Service (INS) and Internal Security Division of the Department for the purpose of ascertaining whether the FBI could turn over to INS the FBI reserve relocation site at Shepherdstown, West Virginia. If we had to evacuate today we would go to Shepherdstown because communications facilities are installed there; communications facilities are only partially complete at Quantico and will not be fully completed until early January, 1955. FBI cannot turn over Shepherd College to Department for use of INS because Washington Field Office is scheduled to evacuate to the college and Bureau is holding Shepherdstown as a reserve relocation site for use in event Quantico becomes untenantable. Office of Defense Mobilization (ODM) by letter September 22, 1954, instructed FBI not release Shepherd College until it is apparent that our relocation plans "would not under any circumstances require its (Shepherd College) use". Therefore, FBI must hold Shepherd College. Relations with Department as to relocation site set out in detail. Proposed memorandum to Attorney General attached, advising Shepherd College cannot be released because of ODM instruction and because site needed by Washington Field Office.

RECOMMENDATION:

It is recommended that the attached memorandum go forward to the Attorney General, with carbon copies to Deputy

Attachment Leil 11-17-54

EDM:mfs

cc: Mr. Nichols
Mr. Boardman
Mr. Mohr
Mr. Parsons

RECORDED 13 66-18953-30

EX-109

71 NOV 23 1954

UNRECORDED COPY FILED IN 66-17581-

Attorney General William P. Rogers and Assistant Attorney General William F. Tompkins.

DETAILS:

By memorandum dated November 12, 1954, the Attorney General requested the Bureau designate a representative to meet with representatives of the Immigration and Naturalization Service (INS) and the Internal Security Division of the Department to explore the possibility of turning over to INS our reserve relocation site at Shepherd College, Shepherdstown, West Virginia. INS has been unable to find suitable relocation site; remainder of the Department of Justice (excluding the Attorney General and nine top officials, who will evacuate with FBI) is now scheduled to evacuate to Winchester, Virginia.

WHY WE CANNOT TURN SHEPHERD COLLEGE OVER TO INS

(1) Mr. Arthur S. Flemming, Director of the Office of Defense Mobilization (ODM), by letter September 22, 1954, approved FBI changing its relocation site from Shepherd College to Quantico, Virginia; instructed FBI retain college facilities at Shepherdstown until such time as it is apparent our relocation plans would not under any circumstances require the use of Shepherd College.

(2) The Washington Field Office has been instructed to use Shepherd College as its relocation site. If Quantico becomes untenantable Shepherd College will also be used as an alternate evacuation site for Seat of Government operations.

RELATIONS WITH THE DEPARTMENT AS TO RELOCATION PLANS

(1) On October 17, 1952, a memorandum was sent to the Attorney General advising that the West Virginia State Board of Education had approved the use of Shepherd College by the FBI;

President of College had been empowered by Board to work with FBI; and arrangements made with owners of nearby location for setting up of microwave and radio station adjacent to Shepherd College, in conformance with White House instructions.

(2) On October 8, 1953, the Attorney General requested the Director to brief ranking staff of the Department on FBI War Plans. This was done on October 13, 1953. Deputy Attorney General Rogers appointed a committee to coordinate War Plans for remainder of Department.

(3) On October 28, 1953, the Director made available to the Attorney General and Deputy Attorney General instructions by FBI to field and Seat of Government concerning preparation of War Plans.

(4) On December 17, 1953, the Attorney General requested the Bureau accommodate at FBI relocation site the Attorney General and nine top members of his staff; Director agreed in memorandum to Attorney General dated December 17, 1953.

(5) On January 11, 1954, in response to Mr. Donegan's request to former Assistant to the Director D. M. Ladd, the Department was notified that the Bureau would make available one Stenographer foruse of the Attorney General at the relocation site.

(6) On July 26, 1954, a memorandum to the Attorney General advised that Shepherd College as a relocation site posed certain practical problems and we were contemplating requesting ODM authority to use the FBI Academy at Quantico as our relocation site; Attorney General would be notified of our findings.

(7) On September 13, 1954, a memorandum to the Attorney General advised we had completed inquiries as to the possibility of setting up communications at Quantico and that ODM was being advised of the Bureau's decision to use Quantico as our relocation site if ODM would approve.

(8) On September 22, 1954, ODM approved Quantico as our emergency relocation site but suggested we retain Shepherd College until such time as it is apparent that our "relocation plans would not under any circumstances require its (Shepherd College) use".

(9) On September 24, 1954, the Attorney General was advised by memorandum that Quantico would be our new emergency relocation site and that we were retaining Shepherd College as an alternate relocation site although the communications facilities at Shepherd College would be transferred to Quantico.

(10) On November 12, 1954, the Attorney General requested the FBI to designate a representative to meet with representatives of the INS and Internal Security Division of the Department to explore the possibility of turning Shepherd College over to INS.

POSITION OF OFFICE OF DEFENSE MOBILIZATION (ODM)

ODM supervises War Plans of key Federal Agencies; FBI is a key Agency.

RELOCATION PLANS OF WASHINGTON FIELD OFFICE (WFO)

After months of unsuccessful efforts to find a suitable relocation site, On October 13, 1954, the Bureau instructed the Washington Field Office to plan to use Shepherd College; Special Agent in Charge L. L. Laughlin was introduced to Dr. Ikenberry, President of Shepherd College; this ends WFO's problems with regard to a relocation site.

STATUS OF COMMUNICATIONS EQUIPMENT AT SHEPHERDSTOWN

(1) Telephone and teletype equipment is still installed pending completion of installation of such facilities at Quantico, anticipated by December 1, 1954; thereafter, to be removed from Shepherdstown.

(2) 450 watt code radio station, for use in contacting Clinton-Waldorf and other field offices, is still intact at Shepherdstown; meanwhile, another station is being built at Quantico; Shepherdstown station, currently located in a building which also houses the microwave station, will be removed to Shepherd College for storage and ultimate use by WFO.

(3) The microwave station is intact at Shepherdstown; Laboratory estimates the Motorola people can dismantle the station at Shepherdstown and rebuild it at Quantico for $10,000 (original installation cost approximately $50,000 and to build a new one at Quantico would cost roughly $50,000 and take about nine months to obtain materials).

MORE ...

The Department of Justice Administrative Division feels that specific authorization should be obtained from the General Services Administration if we are going to negotiate directly with the Motorola people rather than solicit bids. The Bureau's position is that initial authority to purchase and install microwave equipment continues and the transfer from Shepherdstown to Quantico is merely a move of the installation originally authorized; decision from General Accounting Office is being secured; will take ten days to dismantle microwave station and four more weeks to rebuild it.

WHERE DO WE EVACUATE?

If we had to evacuate today we would evacuate to Shepherdstown because communications facilities are intact. By early December, 1954, we would be able to evacuate to Quantico, with the exception of the microwave equipment; should an evacuation then be necessary we would simply have to do without the microwave equipment. Confidential records and office supplies are already at Quantico.

CONCLUSIONS:

(1) The Office of Defense Mobilization has instructed that we retain Shepherd College until we are sure that we will not under any circumstances require its use; Washington Field Office will definitely require use of Shepherd College if evacuation from Washington becomes necessary; and Bureau may have to use Shepherdstown in addition to Quantico.

(2) We had extreme difficulties in negotiating a lease with the owners of the Potts Estate. After much negotiating and personal salesmanship, a Laboratory man was able to get the heirs to agree to a lease for the use of certain land by the FBI for a microwave antenna. No provision exists in lease for turning it over to another Agency; lease can be terminated by Potts heirs if they wish on 30 days' notice.

(3) It appears that the Administrative Division of the Department of Justice (Mr. Andretta's organization) has resisted our efforts to deal directly with the Motorola Corporation concerning the moving of the microwave station from

Shepherdstown to Quantico, and that his interest in this matter could have been what initiated a desire to turn over Shepherd College to INS.

(4) Motorola equipment was used originally by the Bureau to be compatible with equipment used by other Agencies involved in the microwave network. We have dealt with Motorola relative to the transfer of this equipment from Shepherdstown to Quantico because they are most familiar with their own equipment; they are already cognizant of this ~~Top Secret~~ network; and it was deemed inadvisable to bring other companies into the picture.

Since the cost of moving the microwave station exceeded $500, which under regulations requires the solicitation of bids, it was deemed advisable, in view of the confidential nature of the project, to seek authority to negotiate with Motorola to handle this relocation. Under the Property Management Act the Administrator of the General Services Administration is empowered to authorize heads of agencies to negotiate where circumstances merit.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

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TO : Mr. Tolson DATE: 1-7-55

FROM : Mr. R. T. Harbo

SUBJECT: EMERGENCY RELOCATION PLAN - CONTINUATION OF ESSENTIAL WARTIME FUNCTIONS OF THE DEPARTMENT OF JUSTICE

DEPARTMENTAL REQUEST: RECEIVED AT BUREAU 1/6/55 AT 3:47PM

The Attorney General by memo to Heads of Divisions, Bureaus and Offices 12-27-54 instructed "that you submit to Assistant Attorney General William F. Tompkins by January 30 a detailed plan for accomplishment of the essentialwartime functions which you recently submitted to the office of Legal Counsel." This instruction states that the plan should cover every important action which would be required after notification of existence of a Civil Defense emergency and sets forth that it will not be necessary for the FBI to submit lists of official personnel, records requirements and communications requirements.

Mr. Bennett Willis, Jr., Relocation Officer, Internal Security Division of the Department, on 1-7-55 advised that he had hoped for fairly detailed plans of Bureau operations in that he felt it was the Department's obligation to correlate the emergency functions of all bureaus and agencies within the Department and that many of the agencies within the Department did not have war plans, that the memo of 12-27-54 was designed to force them into making such plans and that he was desirous of making sure that the plans of each bureau or agency dove-tailed and did not overlap.

INFORMATION PREVIOUSLY GIVEN THE DEPARTMENT:

1. On 9-7-54 Assistant Attorney General J. Lee Rankin was given the list of essential functions of the FBI which had been previously reported to the Ad Hoc Committee on Alert Planning and the Office of Defense Mobilization. This list set forth that the essential functions of the FBI are the investigative matters pertaining to the Internal Security of the country; coordinating of Internal Security matters; investigation of violations of Federal Statutes over which the FBI has primary jurisdiction. Under the President's Federal Employees Security Program this Bureau has the responsibility of conducting all investigations of employees of the Executive Branch of the Government against whom allegations of disloyalty have been made, that under Executive Order 10422 the FBI has the responsibility of searching names and conducting full field investigations on certain U. S. citizens employed by the Secretariat of the United Nations and other public international organizations of which the United States is a member, as well as the responsibility of conducting investigations of individuals being considered for sensitive positions in the Executive Branch of the Government, the Atomic Energy Commission, as well as those cases referred to the FBI by the Civil Service Commission in accordance with Public Law 298 - 82nd Congress.

RECORDED - 8 66-18953-33
EX-101 JAN 11 1955

JEM:jaw (6)
Attachments

cc: Mr. Boardman
Mr. Belmont

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Recd 1-11-55

Among the other essential functions, the Department was advised the FBI maintains an international fingerprint file which is also utilized as the depository of fingerprint records of government employees, members of the armed services and civilian fingerprints. (Copy memo to Mr. Rankin 9-7-54 attached)

2. On 10-13-53 the Director and Mr. Tolson attended a conference in the Attorney General's office, at which were present various high officials of the branches of the Department of Justice, at which the war plans for the Department of Justice were discussed.

3. Mr. Clegg attended a meeting in Assistant Attorney General Olney's office on 10-15-53 in connection with war plans for the Department and the relocation of the Department of Justice in the event of necessity. Mr. Clegg in reporting his attendance at this meeting stated that it was the concensus of those in attendance that the "primary purpose for the Department of Justice to continue to function in the event Washington was destroyed and evacuation was necessary, was to serve as legal advisor to the FBI."

4. On 10-16-54 Mr. E. D. Mason of the Training and Inspection Division met with Walt Yeagley of the Department who had requested the meeting to consult with the Bureau in an effort to get Departmental war planning straightened out. Mr. Mason in reporting this conference stated that the principal purpose appeared to be the Department was not sure of what its planning should be, how or when it will do it and what may be expected of the Department other than providing legal advice to the FBI and assisting in connection with the detention program.

5. On 10-28-53 a copy of a communication to FBI field offices concerning war plans dated 10-26-53 (SAC Letter 53-71) was directed to the Attorney General and Deputy Attorney General William P. Rogers.

6. On 12-17-53 the Attorney General was advised that by redistribution of space at the Bureau relocation site, Shepherdstown, West Va., we would be able to accommodate himself, the Deputy Attorney General and eight others.

7. More recently the Department has been advised that the Bureau will occupy the FBI Academy at Quantico, Va., as the Bureau relocation site but that we were retaining Shepherd College, Shepherdstown, West Va., as the relocation site of the Washington Field Office and as a reserve relocation site for the Bureau.

CONCLUSIONS:

FBI war plans are prepared on divisional basis (both field and SOG) and contain much information discussed within the Bureau only on a strict need-to-know basis; even our SACs have not been advised of the Bureau relocation site or chain of command. The plans cover our emergency operations for the protection of the entire Internal Security of the United States. Permitting this information to fall into unauthorized hands would make the plans ineffectual and would jeopardize the security of the country.

The war plans of the FBI have not been reduced to one volume; Divisional plans are assembled in one place only in the confidential file room in the Records Section and the Training and Inspection Division. Should a copy of these plans get outside the Bureau, we would have no control as to the security afforded them or into whose hands they might fall. I strongly feel that these plans should not be sent outside the Bureau.

RECOMMENDATION:

That the attached memo from the Director to Assistant Attorney General William F. Tompkins go forth, stating only in general terms the nature of our war plans.

Assistant Attorney General January 10, 1955
William F. Tompkins

Director, FBI 66-1853-34 ~~TOP SECRET~~

RECORDED - 24

EMERGENCY RELOCATION PLAN - CONTINUATION
OF ESSENTIAL WARTIME FUNCTIONS OF THE DEPARTMENT

Reference is made to the request set forth in memorandum from the Attorney General to Heads of Divisions, Bureaus and Offices entitled as above, dated 12-27-54.

Bureau war planning has been in effect since July, 1948. It is made available to Bureau personnel on a need-to-know basis only. This planning includes provision for the receipt of Civil Defense alerts, both at the Seat of Government and in our fifty-two field offices. Plans have been perfected for appropriate notification to Departmental and Bureau officials and to Bureau personnel scheduled for evacuation. Provision has been made for transportation through use of Bureau vehicles and personally owned cars to the Bureau relocation site at Quantico, Virginia. There is now pending in the White House a request for the Military to make available a helicopter and a boat as a supplemental means of evacuation in an emergency.

Communications facilities have been installed; records, emergency equipment and supplies have been sent to the Bureau relocation site.

The essential wartime functions of the FBI, as outlined in my memorandum to Assistant Attorney General J. Lee Rankin on 9-7-54, are not materially different from the normal functions of the FBI except that, of course, additional stress will be placed on security work; plans have been perfected, both at the Seat of Government and at the field level, to carry out the instructions in connection with emergency detention program as set forth in the Attorney General's portfolio. Provision has been made to maintain liaison with the Immigration and Naturalization Service, as well as other sensitive agencies in the Executive Branch of the Government.

Federal Civil Defense Administration has assured us that all FBI credentials and identification cards will be honored any place in the United States during periods of emergency.

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MAILED 20

~~TOP SECRET~~

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: 1/12/55

FROM : MR. R. T. HARBO

SUBJECT: EMERGENCY RELOCATION
(Department of Justice)
WAR PLANS

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BACKGROUND:

The Department of Justice submitted its Emergency Relocation Plans (War Plans) to the Bureau 3/19/54. By memorandum to the Director 1/13/55, Assistant Attorney General William F. Tompkins submitted proposed revised emergency relocation plans for the Department of Justice. Tompkins states he would appreciate receiving the Director's comments and suggestions before he makes the revised draft available to the Attorney General. FBI policy has been to let the Department make its own war plans and offer comments only with reference to any item which might be objectionable to the FBI or conflict with our previously prepared FBI plans.

NOTABLE CHANGES IN THE NEW PLANS:

1. Up until now the Attorney General and nine other Departmental officials have been designated for evacuation to the FBI relocation site. The new plans propose that the total number will be eight and this group will consist of the Attorney General, Assistant Attorney General Tompkins of the Security Division and four of his assistants, a representative from the office of the Legal Counsel and the Commissioner of Immigration and Naturalization Service. (Notice that Deputy Attorney General Rogers is no longer designated for evacuation with the FBI.)

2. Tompkins has in mind that the Commissioner of Immigration and Naturalization Service should evacuate to the FBI site, at least until July 1, 1955, by which date it is expected that the radio facilities of the Immigration and Naturalization Service will be installed at the Departmental relocation site at Winchester, Virginia; thereafter the matter of Commissioner of Immigration and Naturalization Service relocating with the FBI will be re-examined.

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3. The White House Army Signal Agency has assumed responsibility for communications between the Department's site and the command post at High Point, as well as the sites of other agencies; Assistant Attorney General Tompkins points out that

62 JAN 20 1955

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cc-Messrs. Nichols
Boardman
Belmont

EDM:DMG (7)

attachment sent 1-19-55

these communications will not be completed for a matter of years.

4. Tompkins indicates that the interests of internal security would be served by having the Commissioner of Immigration and Naturalization Service near the Attorney General so that the Attorney General and the FBI might have the benefit of his advice concerning matters within his jurisdiction. Tompkins indicates that possibly the Commissioner would be able to use our radio communications when not in use by the FBI; we presume that our radio communications will be in demand twenty-four hours a day and in the attached memorandum to Tompkins this is pointed out.

5. Page 1, Part (a) of the proposed revised Departmental plans states that the FBI will notify the Department of any "civil defense emergency" and we feel it desirable to take issue with this term because of its general nature. Heretofore we have contemplated notifying the Department of "yellow alert" signifying possibility of air attack or invasion.

6. Page 3 of the proposed revised Departmental plans states that the Attorney General will order relocation ... this is new and heretofore we have been relying on White House advice. It may be that loose wording has been used, or an actual change in policy not previously communicated to the FBI, may be contemplated.

7. Item 3, page 17 of the proposed revised Departmental plans encourages Departmental personnel to take their families with them to the relocation site so that the families can be lodged in nearby motels, hotels, or tourist homes ... no families of FBI personnel will accompany FBI personnel being relocated and this should be made clear to the Department. Personnel at our relocation site will be extremely busy; maximum physical security will be used and the presence of families will constitute an undesirable burden.

8. Item g, page 9 relates to the program for the detention of Communists in an emergency. Up to now the Director of the FBI has had authority to put the Detention Program into effect on his own initiative if unable to contact: President, Attorney General, Deputy Attorney General, Assistant Attorney General of the Criminal Division, Assistant Attorney General of Civil Division, or Assistant Attorney General of Office of Legal Counsel. The new plans insert Assistant Attorney General Tompkins of the Internal Security Division between the Deputy Attorney General and the Assistant Attorney General of the Criminal Division. Other listing remains the same.

Memorandum to Mr. Tolson

There are a few other points involving only phraseology which are mentioned in the proposed memorandum to Tompkins.

Inasmuch as the Department needs to know how to get in touch with our Relocation site and our telephone and teletype lines are installed, the last page of the memorandum to Tompkins sets out the telephone and teletype numbers.

RECOMMENDATION

That the attached memorandum go forth to Assistant Attorney General Tompkins.

Attachment

Assistant Attorney General
William F. Tompkins

1-19-55

Director, FBI 66-12953-36

TOP SECRET

RECORDED - 15

EMERGENCY RELOCATION

Reference is made to your memorandum January 13, 1955, enclosing a revised Emergency Relocation Plan for the Department of Justice and requesting comments and suggestions regarding it from the Bureau.

Suggestions and comments are being offered as to only those matters relating to the FBI:

(1) Page 1, Part a, states that "upon receipt of information indicating that a Civil Defense emergency is or may be imminent, the FBI will immediately notify the Attorney General . . ."

The Emergency Relocation Plan submitted by the Department on 3/19/54 reflects that the FBI will notify the Attorney General and the first two available in the Departmental chain of command upon receipt of information causing the FBI to activate its relocation site. The term Civil Defense emergency is vague and indefinite. We will notify the Attorney General and the first two available persons in the chain of command upon receipt of information causing the FBI to activate its relocation site. We will notify the Attorney General or person acting for him of any Civil Defense "yellow alert."

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(2) Page 3 states that if the Attorney General is satisfied that conditions for the implementation of the Relocation Plans exist, he will furnish the FBI instructions he deems necessary in connection with the Emergency Detention Program, the Diplomatic Program, any Alien Control Program believed necessary and any other emergency programs believed to require immediate action.

The above phraseology raises two points.

A) It would appear that the Attorney General will institute the Relocation Plan for both the FBI and the Department. Heretofore, it has been

TOP SECRET

See memo to Tolson from Harbo dated 1-17-55 re Emergency Relocation (Department of Justice) War Plans. JEM:dmg

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(7)

the FBI's plan to evacuate Washington and activate our relocation site on instructions of the President. If it is your intention to institute the Relocation Plan on other than Presidential Directive, please advise; meanwhile we will adhere to our initial plans.

B) We will appreciate advice as to what you have in mind in your reference to Alien Control Programs. We are, of course, aware of the Emergency Detention Program, Internment of Diplomatic Personnel of Enemy Nations Program, the Handling of Dangerous Nonenemy Aliens Attached to International Organizations, and certain responsibilities under the Alien Enemy Control Program after it has been instituted. It is my understanding that on instructions from the Attorney General, the Commissioner of the Immigration and Naturalization Service will be responsible for taking immediate steps to register Alien Enemies and issue Certificates of Identification.

(3) Item 3, Page 17, (Families) sets forth that personnel are encouraged to take their families with them when they relocate and to make arrangements for them at hotels, motels or tourist homes in the vicinity of the relocation site.

FBI personnel scheduled for evacuation have been instructed not to take their families even temporarily to the relocation site. There is neither room nor accommodations for families. These individuals have been advised there is no objection to their making prior plans for the safety and well-being of their families should they be called upon to evacuate. In addition, nonevacuees have been assigned to care for the families of those employees scheduled for evacuation. The FBI facilities at Quantico are limited and there are no accommodations for the families of any personnel being evacuated.

(4) Page 9, Item g, explains that the Director of the FBI is authorized to implement the Emergency Detention Program only if he is unable to communicate with the President, the Attorney General or one of the first five persons in the Departmental chain of command.

In this change the Bureau is in complete accord.

(5) Page 15, Item 3, points out that the microwave radio station will connect the FBI relocation site with certain other sensitive agencies in the government.

You have been previously advised the FBI microwave radio station must first be dismantled at Shepherdstown, West Virginia, and rebuilt at Quantico before it will be available for use there. It is not believed that this facility will be available for use prior to March 1, 1955.

(6) Page 15 also reflects that the FBI will transport to the relocation site certain items of equipment and supplies to be used by the Attorney General and his staff at the relocation site.

All items of equipment and supplies previously made available to the FBI by the Department were transported to Quantico where they are now stored. You may wish to modify your draft to show that the necessary action has been taken.

It is believed that a clarification of points 1, 2, 3, 5, and 6 is desirable.

(7) Your memorandum of January 13, 1955, reflects that the interests of internal security would be served by providing for the Commissioner of INS to be near the Attorney General so that the Attorney General and the FBI might have the benefit of the Commissioner's advice concerning matters within his jurisdiction. You felt the Commissioner could be more effective even with access to radio communications only when they would not be in use by the FBI.

As the Department has been previously advised, FBI communications facilities at our relocation site are designed to handle only the most essential Bureau communications even when operated at full capacity on a 24-hour basis. It does not appear that there will be any period during which FBI radio communications will be available for use by the Commissioner of the Immigration and Naturalization Service. The Bureau will, of course, provide such communications facilities as it can for the Attorney General.

TOP SECRET

The Attorney General has recently been advised that the land-line communications facilities are completely installed at Quantico. For your information and for insertion in your Emergency Relocation Plans, if you so desire, the FBI relocation site can be contacted as follows:

1. Telephone number TRojan 5-0055 through Triangle, Virginia, telephone exchange.

2. Through the Fredericksburg, Virginia, exchange, telephone numbers ESsex 3-0501 through ESsex 3-0505.

3. Through the Fredericksburg, Virginia, telephone exchange, long distance trunks 20 through 24.

4. There are two teletype circuits connecting the FBI Academy at Quantico to the teletype exchange in Richmond, Virginia. These circuits are Richmond 220 and Richmond 466.

Each of the items above will be activated when we arrive at the relocation site; these lines are not attended at the present time.

TOP ~~SECRET~~

William F. Tompkins
Assistant Attorney General
Internal Security Division

2/7/55

Director, FBI 66-13753-37

RECORDED - 6

EMERGENCY RELOCATION

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 4/9/2010

Item two of your memorandum of February 4, 1955, concerning relocation states that the plan as presently drafted by the Department would permit me to institute relocation for the FBI whenever I think necessary and would permit the Attorney General to activate the Department's relocation plan including the FBI, whenever he determines it to be necessary, without specific instructions from the President.

As you know, we have previously advised the White House that the FBI will evacuate only on White House instructions. Your proposed plan to the effect that an evacuation can be ordered by the Attorney General, without White House clearance, or by me will change our previous commitment in the event your proposal is ultimately approved. In the event your proposal is approved, I should appreciate advice as to whether I am authorized to order an evacuation whenever conditions seem to warrant or whether it will first be necessary to secure White House approval or the approval of the Attorney General.

An early reply will be appreciated. Meanwhile we are evacuating only on White House instructions.

5/31/55
Per Mr. Belmont instructions no further follow-up is necessary at this time - per N.S.C. instructions we will continue the F.B.I. liaison/jm

ENCLOSURE (11)

(Cover memo R.T. Harbo to Mr. Tolson 2/7/55 re Departmental Emergency Relocation Plan -- Meeting Which Director will Attend in Attorney General's Office 3PM, 2/7/55 - - Justice Dept. Plans in the Event of Formosan Open Hostilities)

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William F. Tompkins
Assistant Attorney General
Internal Security Division

2/3/55

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Director, FBI

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EMERGENCY RELOCATION

In response to your memorandum of February 1, 1955 and enclosure #56472, which was a draft of a memorandum to division and office heads, it is noted that the Commissioner of Immigration and Naturalization Service has been instructed to proceed to the FBI relocation site in an emergency. Our previous position of being unable to provide communications facilities for the Commissioner of Immigration and Naturalization Service remains unchanged.

With regard to the last paragraph of the attachment I am desirous of having the record clearly reflect your intent and will appreciate your confirmation by memorandum of an interpretation received through Mr. Bennett Willis, Jr. of the Department. Mr. Willis conferred with Mr. W. Barrett McDonnell who stated that the last paragraph was not intended to require that the FBI provide instructions as to the emergency functions of the Attorney General in order that these duties could be performed by any member of the chain of command in the event persons above him in the chain of command were incapacitated. The FBI is not in a position to describe all of the duties which will befall any person who may have to serve in the absence of the Attorney General. According to Mr. Willis, it was the intent of Mr. McDonnell that this paragraph convey two precise points:

(1) There would be available at the FBI relocation site for the use of any pertinent member of the chain of command one copy of the Department's "Instructions for Phase One of the Emergency Relocation Plan For The U. S. Department of Justice." This document is commonly referred to as the Department's instructions for key personnel. Copy #14 is available at the relocation site.

(2) Pertinent data contained in the portfolio relating to the Emergency Detention Program is available at the FBI relocation site. Copy #3 of the portfolio is already at Quantico.

I am very anxious to have Departmental records reflect the correct intent of the Attorney General and would appreciate confirmation of the above interpretation as soon as possible.

EDM:DMG
(8)

(Based on cover memo R.T. Harbo to Mr. Tolson 2/2/55 re Emergency Relocation - War Plans EDM:DMG)

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR

DATE: 2/7/55

FROM : Clyde Tolson

SUBJECT:

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In the memorandum prepared for your discussion at 3 P. M. today under Section (I) concerning the Department of Justice Emergency Relocation Plan a memorandum dated February 4th was received from Tompkins which answers some of the questions raised by the Bureau in its memorandum to Tompkins dated January 19th.

1. Tompkins clarified the term "Civil Defense Emergency" to state that upon receipt of a yellow alert the FBI would notify the Attorney General.

2. We inquired whether the FBI should activate to Quantico Relocation Site on Presidential instructions as previously planned or whether the Department was changing its instructions. Tompkins says he has proposed to the Attorney General that the Attorney General will order an evacuation without clearing with the White House and will further permit the Director of the FBI to order an evacuation. He does not state whether the Director must first clear with the White House or the Attorney General.

This point is still not clarified.

3. We requested clarification as to what the Department had in mind in its plan which stated the Attorney General upon receiving advice that the relocation plan should be put into effect would notify the FBI of any instructions in connection with the "Alien Control Program" believed necessary.

Tompkins clarified this by indicating that the term "Alien Control Programs" was intended to cover in general terms all of the measures which will be set forth in part 2 of the Attorney General's portfolio as finally drafted by the Legal Counsel's Office which is now studying the matter.

4. Tompkins stated it was not intended to indicate that families of Departmental personnel would be housed in the FBI Relocation Site.

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Tompkins further indicated that he recognized the FBI Microwave Radio Station would not be available for use prior to March 1, 1955.

EX-112

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51 FEB 15 1955

The foregoing is submitted to clarify Section (I) of the brief which was prepared for you late Friday.

A memorandum is going forward to Tompkins asking whether it will be necessary for you to secure White House approval of the Attorney General's approval to order an evacuation.

V.

X.

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Assistant Attorney General
William F. Tompkins

February 8, 1955

Director, FBI

RECORDED - 25 56-18953-40

EMERGENCY RELOCATION
DEPARTMENT OF JUSTICE

Reference is made to your memorandum of February 3, 1955, wherein you requested that this Bureau conduct name checks on three members of the Executive Committee of the Corporation which owns the George Washington Hotel, Winchester, Virginia, namely: Mr. J. V. Arthur; Mr. Fred L. Glaize; and Mr. John Von Gneidern of New York.

The FBI has conducted no investigation of, and our files contain no information pertinent to your inquiry concerning Messrs. Arthur, Glaize, and Von Gneidern.

It is noted that in referenced memorandum you also requested the FBI to ascertain the identity of, and conduct name checks on the manager and the owner or owners of the Shenandoah Hotel, Martinsburg, West Virginia. I am having our Pittsburgh Field Office obtain this information and it will be furnished to you upon receipt.

The foregoing information is furnished to you as a result of your request for an FBI file check and is not to be construed as a clearance of the individuals involved.

EJT:sam
(5)

FBI

RECEIVED READING ROOM
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U.S. DEPT. OF JUSTICE

NOTE ON YELLOW: Classified "Secret" in accordance with incoming. Letter sent SAC at Pittsburgh 2/7/55.

SENT FROM D. O.
TIME 4:53 PM
DATE 2/9/55
BY Pat

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SAC, Pittsburgh

February 7, 1955

Director, FBI

RECORDED - 25

EMERGENCY RELOCATION
DEPARTMENT OF JUSTICE

Mr. William F. Tompkins, Assistant Attorney General, Internal Security Division, Department of Justice, requested the Bureau by memorandum dated February 3, 1955, to ascertain the following information concerning the Shenandoah Hotel, Martinsburg, West Virginia, which is being considered as an assembly point for the families of relocated personnel of the Department and as an information clearing house regarding the location of not only the families of relocated employees, but also non-relocated employees and their families:

1) the name of the Manager of the hotel;

2) the identity of the owner, or in the event the hotel is owned by a corporation, the identity and addresses of the principal officers thereof;

3) whether the indices of the Bureau contain any derogatory information regarding the Manager or owners of the hotel.

Relative to the foregoing request, you should conduct a discreet inquiry to secure the desired information. Under no circumstances should the purpose for which the information is being obtained be revealed. It is noted that you should conduct only that investigation which is necessary to determine the identity of the Manager and the owner or owners of the hotel. Upon ascertaining that information, you should then conduct name checks on those individuals and furnish the results thereof to the Bureau, attention Liaison Section, within five days of the receipt of this letter.

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CC'd - FBI
FEB 8 - 1955
MAILED 23

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: J. V. ARTHUR

Supervisor [redacted] Room 7631

R# Date 9/4/55 Searcher Initial

FILE NUMBER SERIAL

NP 62-75147-41-48, 106

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NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: [redacted]

Supervisor [redacted] Room 7631

Researcher

R# Date 2/4/85 Initial JW

FILE NUMBER	SERIAL
	FRED L. GLAIZE
ND	26-45425-1
	FRED GLAIZE
ND	26-82283-1
	5-8 JW

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NUMEROUS REFERENCE O 4-22a

SEARCH SLIP

Subj: [redacted]

Supervisor [redacted] Room 7631

R# Date 7/15/55 Researcher Initial JW

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FILE NUMBER	SERIAL
	JOHN VON SNEIDERN
	N.R.
	JOHN SNEIDERN
	N.R.
	J. VON SNEIDERN
NI	15-595-4
	5-6

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: 2/2/55

FROM : MR. R. T. HARBO

SUBJECT: EMERGENCY RELOCATION - WAR PLANS

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Background

By memorandum of 2/1/55, Assistant Attorney General William F. Tompkins, Internal Security Division, advised that he had on 2/1/55, addressed to each division or office head of the Department of Justice scheduled for relocation an appropriate memorandum. He further advised that the Commissioner of Immigration and Naturalization Service was instructed to proceed to the FBI relocation site (Quantico) and Assistant Attorney General Rankin has been scheduled to proceed to High Point (the Civil Defense command point).

With regard to the Commissioner of Immigration and Naturalization Service being evacuated in an emergency to the FBI relocation site, it will be recalled that the Department of Justice has plans to evacuate to Winchester, Virginia. Ten top officials of the Department of Justice have been scheduled for evacuation to Quantico with the FBI, but under revised plans of the Department not yet issued this number is being cut to eight.

By memorandum of 1/19/55, the Director advised Assistant Attorney General Tompkins that even though the Department felt that the Commissioner of Immigration and Naturalization Service should be at Quantico, FBI communications facilities are designed to handle only the most essential FBI communications traffic and we will be unable to provide communications facilities for the Commissioner of Immigration and Naturalization Service. It is the Department's plan to schedule the Commissioner of Immigration and Naturalization Service for relocation with the FBI group at Quantico until such time as the Departmental evacuation site at Winchester, Virginia, is fully prepared and thereafter the Department contemplates reconsidering whether the Commissioner of Immigration and Naturalization Service should go to the Department's site. This information comes from Mr. Bennett Willis, who is Relocation Officer, Internal Security Division, Department of Justice.

cc-Messrs. Nichols
Boardman
Belmont

EDM:DMG

Attachment

(7)

RECORDED-27 66-18953-

EX-113

55 FEB 18 1955

13 FEB 15 1955

Memorandum to Mr. Tolson

Re: Emergency Relocation-
War Plans

Current Event

As previously mentioned, Tompkins' memorandum of 2/1/55, to key Departmental officials carried with it an attachment. The attachment was a separate memorandum and was adjusted in wordage according to whether the individual had essential wartime functions to perform or would carry out only his routine duties at the evacuation site.

One portion of the attachment stated: "You have received a copy of Order No. 59-54, of the Attorney General, dated September 28, 1954, providing for the chain of authority within the Department. In the event that all of those in the chain of command above you are unable to serve, you will be advised by the FBI of the relocation site to which you are to proceed, and there you will receive from the FBI instructions for the performance of the emergency functions of the Attorney General."

In connection with the above paragraph, the Director inquired "What does this mean?"

Mr. Bennett Willis of the Internal Security Division conferred with Mr. W. Barrett McDonnell. McDonnell was the author of the 2/1/55 memorandum to the Director and the attachment. Willis and McDonnell agree that the paragraph questioned by the Director is badly worded and is not clear. Mason pointed out to Willis that, as currently worded, the paragraph binds the FBI to provide full and complete instructions as to all functions which would befall any member of the chain of command who might have to act as Attorney General if the Attorney General were incapacitated. Willis agrees that the FBI is not in a position to provide such instructions. Willis states that the memorandum was prepared in a hurry on 2/1/55 under great pressure and was intended only as a stopgap measure. However, he agrees with Mason's view that the memorandum does not state specifically that it is a stopgap memorandum until such time as the Departmental plans are perfected and disseminated in writing. Willis agrees that it is undesirable to have any such instruction as the one questioned by the Director appearing permanently on the record.

Willis and McDonnell intended through the instruction which the Director questioned to get across only two points:

(1) A copy of the Department's instructions to key personnel will be available at the FBI relocation site at Quantico. (This is true).

(2) Certain documents for the Attorney General or Acting Attorney General relating to the Emergency Detention Program of Communists will be available in the portfolio at Quantico. (This is true).

Tompkins' memorandum states that the Attorney General is currently considering the lack of communications facilities for the Commissioner of Immigration and Naturalization Service at the FBI relocation site. For the Director's information, we simply do not have any spare communications facilities. In the event the Attorney General should mention the matter of telephones or teletypes for Immigration and Naturalization Service it should be noted there are no spare telephone wires between the Marine switchboard and the FBI Academy and we understand there are no spare wires from the Triangle, Virginia telephone office to the Marine Base at Quantico. The FBI has adequate telephone and teletype service but not excessive coverage and it will be an exceedingly difficult and expensive process to get telephone or teletype service for Immigration and Naturalization Service.

RECOMMENDATION

That the attached memorandum go forth to Assistant Attorney General William F. Tompkins, requesting that he clarify in writing the attachment to his memorandum of 2/1/55. The proposed memorandum to Tompkins sets forth the oral clarification of Mr. Willis, as mentioned above, and requests written confirmation from the Department.

Right. We want no part of responsibility even as a "stalk gap" measure. H.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 2/8/55

FROM : R. T. Harbo

SUBJECT: WAR PLANS
INSTRUCTIONS FOR KEY PERSONNEL OF DEPARTMENT OF JUSTICE IN EVENT OF A CIVIL DEFENSE EMERGENCY

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Assistant Attorney General William F. Tompkins by memorandum to recipients of above-entitled document dated 2/7/55 submitted 5 copies of the above-captioned document to the FBI and requested "comments or suggestions for changes which would improve the effectiveness of the instructions."

These instructions are substantially the same as those received from the Department on 1/13/55 and as commented on in the Director's memorandum to Mr. Tompkins 1/19/55.

Page 3 of the instructions states that if the Attorney General is satisfied that conditions for implementation of the relocation plan exist, he will then furnish to the FBI whatever instructions he deems immediately necessary in connection with the Emergency Detention Program, the Diplomatic Program, any Alien Control Program believed necessary, and any other emergency programs believed to require immediate action.

With reference to that portion of the above statement pertaining to "Alien Control Programs," Mr. Tompkins by memorandum 2/4/55 advised that this paragraph was intended to cover in general terms all measures which will be set forth in part 2 of the Attorney General's Portfolio as finally drafted by the Office of Legal Counsel which is now engaged in the problem. Mr. Belmont has no objection to the phraseology as it relates to Alien Control Programs.

Clarification of that portion of the instructions relating to the Attorney General instituting the relocation program for the Department and the FBI was again requested in memorandum from the Director to Mr. Tompkins 2/7/55.

There are a few other points involving only phraseology which are mentioned in the proposed memorandum to Mr. Tompkins.

Attachment

cc - Mr. Boardman
Mr. Nichols
Mr. Belmont

JEM:cs
(7)

RECORDED-27 66-18953-

2 FEB 14 1955

EX-117

51 FEB 23 1955

RECOMMENDATION:

That the attached memorandum go forth to Assistant Attorney General Tompkins.

SAC, Baltimore

2/14/55

Director, FBI (66-17331)

~~TOP SECRET~~

REGISTERED MAIL

WAR PLANS - RELOCATION

For your information and the information of those in your office who need to know only, you are advised that the top secret instructions for Key Personnel of the Department of Justice in the event of a Civil Defense Emergency reflect that if the Department Relocation Officer receives an alert from a source other than the FBI and if for any reason he cannot relay the message to the Bureau in Washington, he will call the Baltimore or Richmond FBI field office and request that they relay the message to the Bureau. Similarly, if a Departmental representative is unable to contact the FBI Relocation Site directly after a relocation has been ordered and there is need for urgent communication therewith, you may be requested to relay the message to the Bureau at its relocation site.

Should you receive a call relative to an alert it will more than likely come from Mr. Edgar M. Ford, the Departmental Relocation Officer or from Mr. S. A. Andretta, Assistant Attorney General in the Administrative Division or Mr. Bernard F. Schmid, also of the Department. It must be pointed out, however, that the call asking for you to relay a message to someone at the FBI Relocation Site could come from any one of the following individuals, all of whom have received a copy of the Departmental instructions above mentioned:

Mr. Herbert Brownell, Jr.
Mr. William P. Rogers
Mr. William F. Tompkins
Mr. Warren Olney III
Mr. Warren E. Burger
Mr. J. Lee Rankin
Mr. Stanley F. Barnes
Mr. James V. Bennett

66-18953-1
NOT RECORDED
176 FEB 21 1955

ORIGINAL FILED IN 66-17331-C

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

cc - SAC, Richmond
cc - Mr. Belmont
cc - Bufile 66-18953
JEM:gsr/cs
(7)

YELLOW DUPLICATE
1
MAILED

7-189
51 FEB 22 1955

Mr. C. Frederick Mullen
Mr. Robert W. Minor
Mr. J. Walter Yeagley
Mr. Frederick Ford
Mr. Gillian E. Foley
Mr. John F. Doherty
Mr. T. Garrett McDonnell
Mr. Bennett Willis, Jr.
Mr. Allan F. Corthell
Mr. Clifford J. Nelson
Mr. Bernard F. Schmid
Mr. Edgar H. Ford
Mr. S. A. Andretta
Mr. E. Brian Holland
Mr. Dallas S. Townsend
Mr. John V. Lindsay
Mr. Perry W. Morton
General Joseph M. Swing, Commissioner of Immigration and Naturalization Service
Mr. Arthur S. Flemming, Director, Office of Defense Mobilization

The George Washington Hotel at Winchester, Virginia, is the relocation site of the Department of Justice. The telephone number is 2-0301 in care of Mr. Branch, Manager, George Washington Hotel.

The FBI Academy at Quantico is the Bureau relocation site. In addition to the key individuals at the Seat of Government scheduled for evacuation, the Attorney General and seven Departmental representatives will also be at the FBI Academy should a relocation be necessary.

Telephone, teletype and radio communications equipment have been installed at Quantico. If you find it necessary to relay a message from a Departmental representative to the Bureau Relocation Site it will be possible for you to contact the FBI Academy through one of the following means:

1. Telephone
   (a) Through the Triangle, Virginia, telephone exchange, telephone Trojan 5-8355.
   (b) Through the Fredericksburg, Virginia, telephone exchange, telephone numbers Essex 3-8561 through Essex 3-8565.

(c) The Fredericksburg, Virginia, telephone exchange, long-distance trunks 20 through 24.

(d) There is a direct line from the Bureau switchboard in the Justice Building to the FBI Academy at Quantico.

2. Teletype

(a) There are two teletype circuits connecting the FBI Academy at Quantico to the teletype exchange at Richmond, Virginia: Richmond 220 and Richmond 466.

(b) There is a direct teletype circuit from the Bureau teletype room in the Justice Building to the FBI Academy at Quantico.

3. Radio

(a) A 450-watt CW (code) field office-type radio station has been installed at Quantico. Time permitting, this station will monitor those radio frequencies normally used by our east coast offices.

(b) An FM radio station which is designed to communicate with the automotive equipment assigned at Quantico and the 250-watt FM radio station of the Washington Field Office, has also been installed at Quantico.

If you are requested by an individual representing himself as a member of the Department of Justice to relay a message to a member of the FBI or the Department of Justice at the Bureau Relocation Site, it is the Bureau's desire that you first assure yourself that you have sufficient identifying information on the individual contacting your office; secondly, that you clearly understand the message he wishes to have you convey, and, thirdly, in relaying the message to the Bureau you do so expeditiously and include therein the name of the individual who requested that you relay the message. You should bear in mind that the request to relay a message may come from any one of the individuals listed herein and could conceivably come from any portion of the United States but will more than likely come from the Washington area or Winchester, Virginia.

The foregoing information should be made a part of your master war plans and retained therewith in your office safe.

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. C. A. TOLSON

DATE: February 16, 1955

FROM : MR. R. T. HARBO

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: INSTRUCTIONS FOR KEY PERSONNEL OF DEPARTMENT OF JUSTICE IN EVENT OF A CIVIL DEFENSE EMERGENCY

By memorandum of February 7, 1955, Assistant Attorney General William F. Tompkins made available to the Bureau five copies of captioned plans. We previously had five copies of "Instructions for Phase 1, Emergency Relocation Plan, U. S. Department of Justice," which are being called in by the Security Officer of the Department. These copies had been in the possession of Mr. Holloman; Mr. Belmont; the War Plans Desk, Training and Inspection Division; one copy was in the Records Repository at Quantico; and one copy was maintained in the confidential file room of the Records Section.

It is believed desirable to allocate the present copies in similar manner.

RECOMMENDATION:

It is recommended the five copies of "Instructions for Key Personnel of Department of Justice in Event of a Civil Defense Emergency" be allocated as follows:

Copy #161 be retained on the War Plans Desk, Training and Inspection Division; (retained 2/8/55);
Copy #162 be retained by Assistant Director Belmont; (retained in Mr. Belmont's office 2/8/55);
Copy #163 be retained by Mr. Holloman in the Director's Office;
Copy #164 be retained in the confidential file room of the Records Section (Bureau file 66-18953); and
Copy #165 be designated for the Records Repository at Quantico.

JEM:mpm
(6)
1 - Mr. Belmont
1 - Mr. Holloman
1 - Mr. Sloan

RECORDED - 6 66-18953-43
EX-103
24 FEB 21 1955

7-189
51 FEB 24 1955

~~TOP SECRET~~

Assistant Attorney General
William F. Tompkins

February 8, 1955

Director, FBI

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 4/9/2010

OWAR PLANS
INSTRUCTIONS FOR KEY PERSONNEL OF DEPARTMENT OF JUSTICE IN EVENT OF A CIVIL DEFENSE EMERGENCY

Reference is made to your memorandum of February 7, 1955, addressed to Recipients of Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency requesting comments or suggestions for changes which would improve the effectiveness of the instructions.

In my memorandum to you of February 7, 1955, I again requested a clarification of that portion of the instructions set forth on page 3 of the above-captioned document as it pertains to the instituting of the relocation plan for the FBI. An early reply to that inquiry will be appreciated.

Item IA, page 2 at line 8 states that when the FBI notifies Departmental people who will go to Quantico that the evacuation program is being instituted...FBI will advise them how to communicate with Quantico.

Inasmuch as proposed evacuees have a copy of Departmental evacuation plans showing the Quantico telephone and teletype numbers, the above provision seems superfluous.

The footnote on page 10a reflects that it will not be necessary for Departmental personnel to notify Messrs. Brownell, Rogers and Tompkins of information regarding a yellow alert or data causing the FBI to activate its relocation site, since they will be called by the FBI or building guard.

Page 2 of the same instructions requires the FBI to notify the Attorney General and the first two available officials who are listed in the Departmental Chain of Authority. It is possible that Mr. Rogers and Mr. Tompkins could not be reached immediately and the FBI official charged with the responsibility of notifying Departmental officials would continue

RECEIVED - FBI
FEB 8 5 12 PM '55

MAILED 2
FEB 9 1955
FBI

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

cc - Mr. Boardman
Mr. Nichols
Mr. Belmont

JEM:cs/med
(8)

RECORDED - 6 66-18953-
24 FEB 21 1955

Based on memo Harbo to Tolson dated 2/8/55; JEM:cs

~~TOP SECRET~~

MCIRCLE

51 FEB 23 1955

on down the Departmental Chain of Authority until two members were notified. Thus, Messrs. Rogers and Tompkins would not have been alerted by the FBI. I have instructed the FBI official who will contact the Departmental Chain of Authority that time will be of the essence and therefore he must use the most expeditious means of contacting the first two available members of the Chain of Authority of the Department.

You may wish to clarify your instructions as to the points listed above.

~~TOP SECRET~~

RECIPIENTS OF INSTRUCTIONS FOR KEY PERSONNEL OF THE DEPARTMENT OF JUSTICE IN EVENT OF A CIVIL DEFENSE EMERGENCY

February 7, 1955

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

William F. Tompkins
Assistant Attorney General
Internal Security Division

~~TOP SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 4/9/2010

The attached Top Secret Instructions are being issued at the request of the Attorney General. It is of utmost importance that they be studied at once. I should appreciate receiving any comments or suggestions for changes which would improve the effectiveness of the Instructions.

After the attachment has been removed this transmittal memorandum becomes unclassified.

10/29/56 Copy # T-332-c of "Instructions for Key Personnel of the Dept. of Justice in Event of a Civil Defense emergency" pulled for return to Dept. of Justice per AAG Tompkins memo of 10/18/56 / jm.

Copy #161 retained Training & Inspection Div. Copy # 164 assigned Mr. Belmont 2-8-55 / jm.

~~Copy #164~~

Dept. Instructions 2-7-55 were revised 2/23/55 & rec'd from Dept. by memo 3/8/55 - Copy #164 of 2-7-55 plans replaced with revised copy T-332-c - 3/11/55 / jm. Copy 164 returned to Dept / jm

Memo to Tolson 2/8/55

McCandle

~~TOP SECRET~~

66-18953-44

COPY
hmb (1)

DO-7

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

Mr. Tolson	( )
Mr. Boardman	( )
Mr. Nichols	( )
Mr. Belmont	( )
Mr. Harbo	( )
Mr. Mohr	( )
Mr. Parsons	( )
Mr. Rosen	( )
Mr. Tamm	( )
Mr. Sizoo	( )
Mr. Winterrowd	( )
Mr. Holloman	( )
Miss Gandy	( )
	( )

See Me	( )
Note and Return	( )
Prepare Reply	( )
For Your Recommendation	( )
What are the facts?	( )

Remarks:

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: February 11, 1955

FROM : SAC, PITTSBURGH

ATTENTION: LIAISON SECTION

SUBJECT: EMERGENCY RELOCATION
DEPARTMENT OF JUSTICE

ReBulet, 2-7-55.

The following information was obtained at Martinsburg, West Virginia, on February 10, 1955, by SA [redacted] from personal knowledge, files of the "Martinsburg Journal" and pretext inquiry from PAUL B. MARTIN, former Mayor, and ALLEN R. EMMERT, Jr., who are personal friends of SA [redacted].

b6
b7C

The Shenandoah Hotel, 200 North Queen Street, Martinsburg, is owned and operated by the Martinsburg Hotel Corporation and is affiliated with the American Hotel Association.

WILLIAM F. STANDLEY is the Resident Manager of this hotel and resides at this hotel with his wife, MILDRED Standley

The following named persons are the present officers and stockholders of the Martinsburg Hotel Corporation for the year 1955, having been re-elected in January, 1955, to these same positions previously held by them for the past five years or more.

ALLEN R. EMMERT, SR., President
Residence: 417 South Queen Street
Owner of Frank S. Emmert and Sons Company

WILLIAM R. CASKEY, Vice President
Residence: 518 South Queen Street
President, Merchants and Farmers Bank, and President-Treasurer of the Caskey Baking Company, Inc.

EDGAR C. TROUT, Secretary
Residence: 112 South Maple Avenue
Vice President and Cashier, The Citizens National Bank

BOND ARTHUR POLAND, Treasurer and General Manager
Residence: 612 South Queen Street
President, The Union Sales Company

The above-named officers and Doctor WILLIAM A. WALLACE, M.D., 123 South Maple Avenue, make up the Board of Directors of this corporation.

FH/MMJ

RECORDED-27

INDEXED-27

10 FEB 1955

5(3) FEB 25 1955

To: DIRECTOR, FBI
From: SAC, Pittsburgh

Re: EMERGENCY RELOCATION
DEPARTMENT OF JUSTICE

The indices of the Pittsburgh Office are negative as to all of the above named persons.

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 72
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Page 175 ~ Referral/Direct

Federal Bureau of Investigation (FBI)
File Number1145592-000 - 66-HQ-18953
Section 2

RECEIVED-HARBO
FEB 11 7 15 PM '55

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W. C. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy
McGRADLE

REC'D BELMONT
FBI - JUSTICE
FEB 11 6 53 PM '55

RECEIVED-DIRECTOR
F B I
U.S DEPT. OF JUSTICE
FEB 11 1 46 PM '55

FEB 11 1 25 PM '55

RECEIVED-NICHOLS
F B I
FEB 11 4 13 PM '55

RECEIVED-TOLSON
F B I
FEB 11 5 33 PM '55
DEPT OF JUSTICE

RECEIVED-COMM. FBI
FEB 11 4 12 PM '55

FEB 11 1955

13 rep
4-22a

NUMEROUS REFERENCE

SEARCH SLIP

Subj: Wm. F. Standley

Supervisor [redacted] Room 7631

Searcher

R# Date 2/14/63 Initial HJL

b6
b7C

	FILE NUMBER	SERIAL
NI	✓ 25-29817	
NI	✓ 25-29817	8
—	William S Standley	
NR	✓ 70-14556	0
NI	✓ 99-350-1	1 see attached
NF	✓ 31-68437	107
NR	✓ 32-59	1697
NR	✓ 94-1-150	961 Serial
NR	✓ 64-4568	29
NR	✓ 61-7374	155
NR	✓ 100-64700	1
NR	✓ 64-4518	35
NR	✓ 40-51023	7
NR	✓ 105-34951	2
	W. F.	5-CM
	NR	

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: Bill Stanley

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

FILE NUMBER	SERIAL
NR 43-10213	
Bill F. Stanley NR	
Billie, Billy Stanley	
Billie F. Billy F NR	
B. F. Stanley NR	

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: Mildred Standley

Supervisor _____ Room 8

Searcher

R# _____ Date _____ Initial _____

FILE NUMBER	SERIAL
NR	

NUMEROUS REFERENCE

6 ref
4-22a

SEARCH SLIP

Subj: Allen R. Emmert Sr.

Supervisor [redacted] Room 7631

R# _____ Date 7/14/55 Researcher Initial BOL

	FILE NUMBER	SERIAL
N.D.	108-1014	2
—	Allen Emmert	
—	N R	
—	A R. Emmert	
N.D	99-2190	2
—	One Emmert	
N R	V64-2808-A-49	
N R	V15-35:49	2
N R	64-175-232-433 V104	
N R		433 P20
N R		433 P107
N.R.	64-2808-A-	49
N R	V46-3023	76
—	A. Emmert	
	N R	5,6

b6
b7C

NUMEROUS REFERENCE 12 Nov 4-22a

SEARCH SLIP

Subj: William R. Caskey

Supervisor [redacted] Room 7631

R# _____ Date 2/14/55 Searcher Initial KJL

	FILE NUMBER	SERIAL
	NR	
	William Caskey	
NR	mm 7-2768	d
—	W. R. Caskey	
NI	62-75147-38	22 P35
NI	✓	21 P205
—	W Caskey	
—	NR d	5, 6
—	One Caskey	
NR	✓77-14830	
NR	✓62-88217-1455	NR NR 319 325
NI	✓100-138213	36
NR	✓15-28754	1
NR	✓62-88217-1463	NR NR NR 129, 75, 50
NI	✓65-40979	521
NI	✓61-5381	246

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: One Caskey

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

	FILE NUMBER	SERIAL
NR	98-4784	2
	Bill Caskey	
NR	98-2366	116
	Billy Caskey	
	NR	C
	Bill R Caskey	
	Billy R. Caskey	
	B.R. Caskey	
	N.R.	C
	William Caskey	
	William R Caskey	
	W.R. Caskey	C
	NR	C

4 ref. 4-92a

NUMEROUS REFERENCE

SEARCH SLIP

Subj: Edgar C. Trout

Supervisor [redacted] Room 1631

R# ____ Date 2/14/55 Searcher Initial AJL

b6
b7C

	FILE NUMBER	SERIAL
	NR	
—	Ed Trout	
NR	V 25-123992	
NF	V 66-3579	1387
NI	V 100-6877	264
—	Edgar Trout	
—	NR	
—	E. C. Trout	
—	E. Trout	
—	NR	5 EJ
—	E die Trout	
NR	V100-143320	1
—	Edward R Trout	
—	NR	
—	Edward Trout	
[illegible]	[illegible]	
NR	[illegible]	

ST Carrollton no Trout

NUMEROUS REFERENCE 6 ref 4-22a

SEARCH SLIP

Subj: Bond Arthur Poland

Supervisor [redacted] Room 7631

R# Date 1/14/55 Searcher Initial AJL

	FILE NUMBER	SERIAL
	NR	
	Bond A. Poland	
	Bond Poland	
	NR	
L.H.	Bonds Poland	
NR	✓ 100-29099	1
—	B.A. Poland	
—	NR	
—	B. Poland	
NR	✓ 100-101371	
—	Arthur Poland	69
NR	✓ 25-45773	5 69
NR	✓ 66-2549-1-11	79
NR	✓ 116-382064	11
NR	✓ 100-150757	1
NR	✓ 116-382064	11
	So Cards Bond & Poland	

b6
b7C

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: Born Arthur Poland

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

FILE NUMBER	SERIAL
NR	
Born A Poland	
NR	

62-xx

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: William A. Wallace

Supervisor [redacted] Room 7631

Searcher

R# Date 2/15/55 Initial EJ

b6
b7C

	FILE NUMBER	SERIAL
NR	100-381206	
NI	44-696	
NR	79-12786	
NR	26-69647	1 & 1
NR	116-228282	see
NR	62-88217 analytical search of	350
NI	61-7582	1298 & 610
NR	100-1426	17 encl p 19
NR	100-1426	17 encl p 50
NR	100-7660	24
NI	46-6892	7X
NR	62-88217	642
NR	100-73514	121
NI	100-97377	32
NI	100-11462	10
NR	61-7347	190 p 2 (1)

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

	FILE NUMBER	SERIAL
NI	✓32 - 1953	281
NR	✓49 - 11303	7
NR	✓62 - 88217 - 455	encl p# C
—	W. A. Wallace	
NI	✓67 - 185633	(see William Andrews
NR	✓116 - 401389	
NR	✓87 - 19637	
NR	✓100 - 88143	NR 570, NR 569
NI	✓100 - 61362	12
NI	✓62 - 26225 - 13	16
NR	✓100 - 88143	NR 561, NR 653
NR	✓100 - 88143	NR 239, NR 575
NR	✓	NR 545, NR 665
NR	✓100 - 135 - 15	181
NI	✓100 - 278484	7
NI	✓62 - 23912	44 (2)

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: 100-68845-346

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

	FILE NUMBER	SERIAL
NI	✓ 94-2	5267
→	William Wallace	ltl
NR	✓ 100-375774	
NI	✓ 9-24510	
NI	✓ 60-1721	
NI	✓ 25-77512	
NI	✓ 61-7341-39-	196
NR	100-26912 - 2918	encl p 4
NI	✓ 100-268462	30
NI	✓ 91-2181	25
NI	✓ 100-68844	739
NI	✓ 100-68844	NI 720
NI	✓ 61-7341-39	241 encl p 6
NI	✓ 100-68844	NI NI 735, 837
NI	✓ 61-7341-39	290 encl p 3
NI	✓ 121-0	1871 (8)

NUMEROUS REFERENCE 4-22a

SEARCH SLIP

Subj: _____

Supervisor _____ Room _____

R# _____ Date _____ Searcher Initial _____

	FILE NUMBER	SERIAL
NI	✓100-68844	774
NI	✓100-347990	1
NI	✓118-964	3
NR	✓100-372336	27 29
NI	✓100-68844	818 ACT, 819 NI
NI	✓100-201967	1
NI	✓100-26912	187
NI	✓61-9155	2
NR	✓100-3-94	1277
NI	100-68845	246

(4)

SECRET

2 - Orig. & dupl.
1 - Fellow
1 - Section tickler
1 - [redacted]

Assistant Attorney General
William F. Tompkins

February 17, 1955

Director, FBI

b6
b7C

EMERGENCY RELOCATION
DEPARTMENT OF JUSTICE

Reference is made to my memorandum to you dated February 8, 1955, which advised that I was having our Pittsburgh Field Office obtain the information you requested by memorandum dated February 3, 1955, as to the identity of the manager and owner or owners of the Shenandoah Hotel, Martinsburg, West Virginia.

The Shenandoah Hotel, 200 North Queen Street, Martinsburg, is owned and operated by the Martinsburg Hotel Corporation and is affiliated with the American Hotel Association. William F. Standley is the Resident Manager of this hotel. He resides at the hotel with his wife, Mildred.

The following named persons are the present officers and stockholders of the Martinsburg Hotel Corporation for the year 1955, having been re-elected in January, 1955, to the same positions which have been previously held by them for the past five years or more.

Allen R. Emmert, Sr., President
Residence: 417 South Queen Street
Owner of Frank S. Emmert and Sons Company

William R. Caskey, Vice President
Residence: 516 South Queen Street
President, Merchants and Farmers Bank, and
President-Treasurer of the Caskey Baking
Company, Inc.

Edgar C. Trout, Secretary
Residence: 112 South Maple Avenue
Vice President and Cashier, The Citizens
National Bank

Bonn Arthur Poland, Treasurer and General Manager
Residence: 612 South Queen Street
President, The Union Sales Company

RECEIVED READING ROOM
FBI
FEB 17 4 06 PM '55

Tolson
Boardman
Nichols
J. Pont
Harbo
Mohr
Parsons
Rosen
Tamm
Trotter
Tele. Room
Holloman
Sandy

66-18953
NOTE: (Classified Secret in accordance with incoming.)
EJT:pvp (3)

EX-112 RECORDED-32 66-18953-47

FEB 1 1955

SECRET COMM-FBI

31 MAR 2 1955

The above-named officers and Dr. William A. Wallace, M.D., 123 South Maple Avenue, make up the Board of Directors of this corporation.

The FBI has conducted no investigation of, and our files reflect no derogatory information identifiable with Mr. Standley or any of the present officers of the Martinsburg Hotel Corporation.

The foregoing information is furnished to you as a result of your request for an FBI file check and is not to be construed as a clearance of the individuals involved.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

FROM : R. T. Harbo

DATE: 2/15/55

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: EMERGENCY RELOCATION - DEPARTMENT OF JUSTICE

Memorandum from Assistant Attorney General Tompkins to the Director dated 2/10/55, entitled as above, requires no answer.

Referenced memorandum advised that the Attorney General has approved the relocation of the Commissioner of the Immigration and Naturalization Service with other Departmental personnel to the FBI relocation site, and that it will be unnecessary for the FBI to furnish any instructions relative to the emergency functions of the Attorney General to members of the Departmental chain of command since these essential functions will be set forth in the Attorney General's Portfolio and the Instructions to Key Personnel of the Department of Justice in Event of a Civil Defense Emergency; a copy of each of the above will be at the Bureau relocation site and will be made available to Departmental officials there as needed.

All emergency supplies and equipment needed by the Departmenthave already been sent to Quantico according to Bennett Willis, Jr., Relocation Officer, Internal Security Division, Department of Justice.

RECOMMENDATION:

None.....Informative

66-18953-48

RECORDED-85

FEB 23 1955

JEM:jla (3)

MAR 3 1955

184

UNRECORDED COPY FILED IN 66-17391-

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. NICHOLS

DATE: 2/23/55

FROM : MR. R. T. HARBO

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: MATTERS PENDING WITH THE DEPARTMENT OF JUSTICE

For your use in the preparation of your monthly memorandum to the Director as to matters pending with the Department of Justice, we know of two items:

1. In connection with FBI War Plans, the question has arisen as to whether the FBI staff should evacuate upon White House instructions or upon the Director's instructions or upon the instructions of the Attorney General. For several years we had planned to evacuate whenever necessary on White House instructions. The Department has a tentative plan for the Bureau to evacuate on Attorney General's instructions. By memorandum 2/17/55, Assistant Attorney General William F. Tompkins advised that he has referred the matter of whose authority is necessary for evacuation to the Office of Legal Counsel of the Department for an opinion. Tompkins will advise the Bureau when an opinion has been rendered.

2. The matter of procuring a helicopter and a naval boat for use in evacuating any Bureau employees in an emergency is being handled by Mr. Belmont with Assistant Attorney General Tompkins. Tompkins is endeavoring to secure a commitment from the Army. This matter is being followed closely and weekly reports are being made available to Mr. Tolson as to the status.

No follow-up of this matter seems advisable at this time.

RECOMMENDATION

For your use in preparing your monthly memorandum for the Director.

EDM:JLA&dmg
(4)

RECORDED-27 66-18953-49

13 MAR 2 1955

50 MAR 8 1955

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

FROM : R. T. Harbo

DATE: 2/28/55

Tolson ✓
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: JUSTICE DEPARTMENT PLANS IN EVENT OF FORMOSAN OPEN HOSTILITIES

Reference is made to the memorandum from the Attorney General to Messrs. Rogers, Hoover, Tompkins, Rankin, Olney, Swing, and Yeagley dated 2/25/55, advising them of a conference in his office at 3:00 p.m. on 3/14/55 for discussion of progress reports of a list of items set forth in the memorandum.

There is attached for the Director's use at this conference a discussion of the Department of Justice Relocation Plan, pointing out the problem which remains unsolved insofar as the ordering of an evacuation of the FBI is concerned.

RECOMMENDATION:

That the attached memorandum be made available to Mr. Belmont for insertion in the brief which the Domestic Intelligence Division is preparing for the Director's use at the Attorney General's conference on 3/14/55.

Attachment detached & included in over-all memo to Director from Boardman 3-4-55 JEM:hmm

JEM:jla (5)

66-18953-51

9 MAR 8 1955

RECORDED-85

INDEXED-85

55 MAR 11 1955

EX-117

66-1738-1

UNRECORDED COPY FILED IN

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: February 7, 1955

FROM : A. H. BELMONT

SUBJECT: JUSTICE DEPARTMENT PLANS IN THE EVENT OF FORMOSAN OPEN HOSTILITIES

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Relocation Plans for Department of Justice

This memorandum is for record purposes in connection with the conference held in the Attorney General's office starting at 3:00 pm, February 7, 1955, relative to the Justice Department's plans in the event of Formosan open hostilities. In addition to the Attorney General and the Director, the following were present:

From the Department - Deputy Attorney General Rogers, Legal Counsel Rankin, Walter Yeagley, William Foley and Frederick Ford, office of Legal Counsel;

From Immigration & Naturalization Service - General Swing and General Howard;

From FBI - Belmont.

The Attorney General followed the agenda set forth in his memorandum to Rogers dated February 3, 1955:

A. Supervision of the Activities of Alien Chinese in this Country, Particularly Alien Chinese Scientists and Students

General Swing stated there were about 15,000 non immigrant Chinese in this country, of which approximately 5,000 are students. He said there were about 30,000 other Chinese who are permanent residents, or a total of about 45,000 Chinese aliens in the United States. (Ray Farrell, of Immigration and Naturalization Service, advised us on February 4, 1955, that there were about 49,000 Chinese aliens. We are checking as to the difference in these figures.)

The Director pointed out that of the 131 Chinese students and scientists who have been temporarily restrained from leaving this country, 5 are on our Security Index, and therefore, it would be very desirable that I&NS furnish us

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117 MAR 15 1955

MAR 15 1955

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EFB:AMB:lc (7)

cc - Mr. Boardman
Mr. Belmont
Mr. Keay
Mr. Branigan
Mr. Baumgardner
Mr. Hennrich

51 MAR 18 1955

with a list of the 5,000 students in order that they could be checked out as to dangerousness. General Swing stated that the cards on these 5,000 students are mixed in with the 15,000 cards on nonimmigrant Chinese at Central Headquarters but that he could pick the cards out in about 24 hours in the event of an emergency. The Director pointed out that we should not wait until a "shooting war" has hit us, but that this information should be available now. General Swing said he would start a project to get the names to us. The Director pointed out this should not be delayed in order that we would have a chance to do our checking in advance of any emergency.

The Director further pointed out that under the revised Portfolio the arrest of dangerous aliens and a number of other functions performed during World War II by the United States Attorneys and the FBI have been placed under the jurisdiction of I&NS. The Attorney General questioned the advisability of this and after discussion made the ruling that the apprehension of any dangerous individuals under an emergency program should be the function of the FBI and the Portfolio is to so state.

B. Chinese on Security Index

The Director stated that there are 101 persons of Chinese national extraction in this country on our Security Index, 37 of whom are aliens and 64 United States citizens. The Director pointed out that as to the aliens, there was no problem, inasmuch as in an emergency they could be picked up on deportation warrants. As to the citizens, he pointed out that they could not be arrested unless the writ of habeas corpus was suspended but that the FBI could intensify its coverage of these 64 in the event of an emergency which was short of implementing the entire Security Index program.

After discussion, the Attorney General agreed that in the event of a Formosan emergency, the 37 aliens would be picked up by the FBI on deportation warrants; that the FBI would see that the warrants were prepared for the Attorney General's * signature and that we would intensify the coverage on the citizens. The Director pointed out we had located all of the aliens mentioned above within the last 48 hours.

*We are checking with the Department as to the form of these warrants.

C. Chinese at the United Nations

The Director stated that of the Chinese employed at the UN, our investigations have reflected 11 to be dangerous and that the Department of State advised us on February 1, 1955, that the Chinese employed by the UN Secretariat should be considered as natives of a friendly power and each case would be considered on its merits. Therefore, as these individuals cannot be arrested, if an emergency occurs, we will intensify our coverage of them and immediately take their cases up with Assistant Attorney General Tompkins, who can discuss them with the Department of State.

The Attorney General agreed with the above procedure.

D. Non-Chinese on the Security Index Who Are Sympathetic to Communist China

The Director stated that there are 34 individuals on our Security Index who are not Chinese but who are strongly sympathetic to Communist China. The Director pointed out that logically these would be treated in the same manner as the American citizens of Chinese extraction and, therefore, the FBI would increase and intensify its coverage on them in the event of an emergency.

The Attorney General agreed.

E. Status of Portfolio

Mr. Ford explained that the Legal Counsel's office is working on the Portfolio and is re-working the revised Portfolio in line with the comments made by the FBI. He said it would be necessary to take the matter up again with I&NS. General Swing stated that as the question of apprehensions has been settled by the Attorney General, he saw no need to have a long discussion with I&NS. The Attorney General asked Ford when this would be completed. Ford said that Part I was practically finished, but that Part II would take longer to get into focus and he would try to complete the Portfolio by February 28. Meanwhile, the Attorney General stated that the Portfolio as it stood prior to the revisions would be operative in the event of an emergency.

The Director pointed out that the revised Portfolio contains a number of fundamental changes as to who would make

arrests and as to decisions and control of the Alien Enemy Program; that unlike during the last war, these functions were being shifted over to I&NS, rather than remaining with the United States Attorneys and the FBI. The Director pointed out we had questioned this procedure in our comments to the Department. Ford again said that this was being worked out in accordance with the FBI comments and in accordance with the Attorney General's decision that arrests should be made by the FBI. The Director pointed out that the Portfolio should also contain instructions to the United States Attorneys, the United States Marshals and others who would be involved.

The Director pointed out that it was of the utmost importance to resolve this matter of the Portfolio so that responsibilities in an emergency could be clearly understood and carried out.

The Attorney General asked where the copies of the Portfolio are located. Ford advised him that as to the original Portfolio, Rankin has one copy; the FBI has a copy; and a third copy is at Quantico. The Director verified this. As to the Portfolio being revised, Ford said that Rankin's office has two copies, the Internal Security Division of the Department has one copy, and the FBI has one copy. (I have verified the above, in so far as the FBI copies are concerned.)

F. Executive Order To Place Partial Security Index Operations into Effect in the Absence of Martial Law

The Attorney General advised that this was academic in view of the decisions which have been made above.

G. Executive Order Freezing Prices, etc., in Absence of Martial Law

The Attorney General, Rogers and Rankin discussed this.

Rankin said it could not be done under the present law. However, the Attorney General stated that an Executive Order should be made ready to be used in the event the President desires an order to immediately hold the line on prices, wages, etc., in the event of an emergency. Rankin said he would prepare this.

MEMORANDUM FOR THE DIRECTOR

H. Result of I&NS Talks with Army as to Guarding of Borders

General Swing discussed this to the effect that nothing had been done. The Attorney General wanted to know the risk involved in our borders in the event of an emergency. Swing said he would have to check with CIA and the Army. The Director pointed out that it stands to reason that care must be taken with respect to our borders in the event of an emergency; that there is a definite peril and this is primarily a civilian problem, rather than an Army problem and, therefore, the border patrol should be augmented.

The Attorney General asked Swing to make a study as to whose responsibility this was. Rogers pointed out it might be possible to set up road blocks north of our borders with Canada to cut off persons coming down from Alaska.

On the Attorney General's instruction, General Swing is to develop a plan in connection with border coverage in an emergency.

We are preparing a memorandum for the Director's information which we will send to the Attorney General, if approved, pointing out the sabotage and espionage potential at our Canadian and Mexican borders.

I. Discussion of Department of Justice Emergency Relocation Plan

Copies of a memorandum dated February 7, 1955, were made available concerning Relocation Plans of the Department. It was pointed out that no one had had an opportunity to study these. Therefore, the Attorney General requested that they be studied and comments be sent to him concerning them.

This is being done in conjunction with the Training and Inspection Division.

General Swing inquired whether he should take steps to set up his Central Radio Control outside of Washington to permit I&NS to be in touch with its border stations and ports. The Attorney General said he thought Swing should move this out of Washington. The Attorney General asked whether I&NS would be able to utilize FBI radio set-up in an emergency. The Director pointed out that FBI traffic would be such that it would utilize the entire capacity of our radio set-up.

MEMORANDUM FOR THE DIRECTOR

J. Request for Heliocopter

The Attorney General said that the Army has promised to give an answer today or tomorrow concerning this. We will follow to see that the Department advises us in this regard.

K. Draft of Announcement by President or Attorney General to Alert Citizens to Danger of Sabotage or Espionage, etc.

The Attorney General said that Fred Mullen had prepared an appropriate statement. The Director advised that we had looked it over and it was satisfactory as far as we were concerned. The Attorney General said it appeared satisfactory.

ACTION:

(1) The Department's Relocation Plan will be reviewed and a memorandum sent to the Attorney General.

(2) A memorandum will be prepared showing the potential of espionage and sabotage at our borders.

(3) The Department will be followed regarding the heliocopter unless advice is received promptly.

(4) We are checking with I&NS as to the difference in the number of alien Chinese in this country, as reflected by General Swing and Ray Farrell, of I&NS.

(5) We are checking with the Department as to the form of the warrant to be used in the event alien Chinese are picked up and the warrants will be prepared.

Expedite all pending matters

CONFIDENTIAL

The Attorney General

March 3, 1955

Director, FBI

EVACUATION OF KEY EMPLOYEES

Department of Justice Relocation Plan

In view of the discussion held at the National Security Council Meeting this morning relative to evacuation, I wanted to bring to your attention the fact that there is one question still unresolved relating to any proposed evacuation of the FBI.

Initially, it was the intention of the FBI to evacuate upon White House instructions. In January 1955 in connection with proposed modifications prepared for Departmental instructions to key employees, a new provision was inserted which seemed to indicate that a change was contemplated and that evacuation might be effected without waiting for White House instructions.

By memorandum of February 7, 1955, to Assistant Attorney General William F. Tompkins, I inquired as to whether your concurrence, or that of the President, would be necessary prior to ordering an evacuation.

Assistant Attorney General Tompkins, by memorandum of February 17, 1955, stated that this question had been referred to the Office of Legal Counsel for an opinion and that Mr. Tompkins would advise me as soon as a decision has been reached.

We have not yet been informed of the outcome of consideration given to this matter.

I think it will be well to immediately resolve this question.

cc: Mr. Nichols
Mr. Boardman
Mr. Belmont
cc-William F. Tompkins, Assistant Attorney General
NOTE: Based upon the Director's memorandum of instructions March 3, 1955, to Messrs. Tolson, Boardman and Belmont that a memorandum such as this be prepared to the Attorney General.

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117 MAR 8 1955

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51 MAR 14 1955

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~~TOP SECRET~~

SAC, BALTIMORE

3/11/55

DIRECTOR, FBI (66-18953)

Downgrade to Secret per EO 324 UC BAW/Sue 4/22/00

INSTRUCTIONS FOR KEY PERSONNEL
OF THE DEPARTMENT OF JUSTICE
IN THE EVENT OF CIVIL DEFENSE EMERGENCY

The above-captioned document constitutes the war plans of the Department of Justice. As you know, the FBI has separate war plans for the Seat of Government. Certain phases of Departmental war plans interlock with the Seat of Government.

Emergency Relocation Plan for U.S.

A chain of command has been established in the Department of Justice so that certain named individuals can succeed in specified order to the position of Acting Attorney General in the event emergency conditions so necessitate.

At the request of the Department one copy of the document entitled "Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency" is being transmitted herewith to the Baltimore Office. One copy is being sent to Denver and another copy to Chicago. These documents are to be held in your office under maximum security until such time as a request is received from the appropriate United States Attorney and you may then after securing a receipt make the document available to him. You will note that the United States Attorneys for the Districts of Maryland, Northern Illinois and Colorado are listed in the chain of command in the order named. The availability of the document shall not be discussed with any employee of your office other than those listed in your field division chain of command; there shall be no discussion with the United States Attorneys at this time.

It is not your responsibility to advise the United States Attorneys when they shall succeed to the position of Acting Attorney General and your function consists solely of making amendments to the document in the future whenever amended pages are furnished to you and retaining the document for ultimate use by the appropriate United States Attorney in the event he requests it be made available during any period of emergency.

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Holloman
Gandy

RECORDED - 43
INDEXED - 43
66-18953-5

Enclosure (No. T-332-H)
cc-Denver (Enclosure - No. T-332-F)
Chicago (Enclosure - No. T-332-G)

24 MAR 15 1955

JEM/EDM:DMG

COMM - FBI
MAR 11 1955
MAILED 31

Belmont copies

~~TOP SECRET~~

(See Note on Page Two)

MAR 15 1955

HARBO

NORMALLY WE DO NOT CLASSIFY DOCUMENTS TO FIELD OFFICES; DESIREABLE TO CLASSIFY IN THIS INSTANCE AS AN ALERTING MEDIUM.

Letter to SAC, Baltimore 3/11/55
cc-Denver & Chicago

~~TOP SECRET~~

RE: INSTRUCTIONS FOR KEY PERSONNEL
OF THE DEPARTMENT OF JUSTICE
IN THE EVENT OF CIVIL DEFENSE EMERGENCY

(NOTE: Bureau by letter to Assistant Attorney General Tompkins 2/25/55 indicated at the request of the Dept. we are already storing copies of the Presidential warrants of arrest and Presidential search warrant in our field offices for delivery to U. S. Attorneys at the time of an emergency and stated that a sealed envelope containing a copy of the Attorney General's "Instructions to United States Attorneys" as well as his initial instructions to the U. S. Marshals and hearing officers can also be forwarded to the SAC in each of our field offices if he so desired.)

~~TOP SECRET~~

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Harbo

DATE: 3/15/55

FROM : E. D. Mason

SUBJECT: WAR PLANS Department of Justice INSTRUCTIONS FOR KEY PERSONNEL OF THE DEPARTMENT OF JUSTICE IN EVENT OF A CIVIL DEFENSE EMERGENCY

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By memorandum 3/8/55 Assistant Attorney General Tompkins submitted 8 revised copies of the above instructions with instructions to return those copies previously made available to the Bureau and to disseminate three of the above 8 copies to the SACs at Baltimore, Chicago and Denver to be retained by them for use of the U. S. Attorneys in their respective districts if and when those U. S. Attorneys succeeded to the position of Acting Attorney General in the Departmental chain of authority.

Attached is a receipt signed by Mr. Archie Simpson, Security Aide, Internal Security Division, for the receipt of 5 copies of above instructions dated 2/7/55.

The above instructions received 3/8/55 have been distributed as follows:

Copy No. T-332-A - Mr. Holloman
Copy No. T-332-B - Assistant Director Belmont
Copy No. T-332-C - Confidential File Room, Records Section (66-18953)
Copy No. T-332-D - Records repository, Quantico
Copy No. T-332-E - War Plans Desk, Training & Inspection Div.
Copy No. T-332-F - SAC, Denver
Copy No. T-332-G - SAC, Chicago
Copy No. T-332-H - SAC, Baltimore

RECOMMENDATION:

None . . . informative.

66-18953-53

Attachment
EJEM:cs
(3)

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EX-110
24 MAR 17 1955

Bufile 66-18953

Mr. Hennrich has approved for Domestic Intelligence Div.

66 MAR 23 1955

2-RH

ENCLOSURE

66-18953-53

This will acknowledge receipt of Copies 161, 162, 163, 164 and 165 of Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency dated February 7, 1955.

3/15/55
Date

Charlie D. Simpson
Security Asst, Internal Security Div

TOP SECRET

Assistant Attorney General
William F. Tompkins

Downgrade to Secret
per WCS/SW/sms
60324 4/13/11/55

RECORDED-41
Director, FBI 66-18953-54

EX-101

INSTRUCTIONS FOR KEY PERSONNEL
OF DEPARTMENT OF JUSTICE IN EVENT
OF CIVIL DEFENSE EMERGENCY

In response to your memorandum of March 8, 1955, copies of the above-captioned document have been made available to the Special Agents in Charge of our offices at Baltimore, Denver and Chicago for retention until such time as the appropriate United States Attorneys in the districts named by you request these copies be made available.

(Bureau by letter to AAG Tompkins 2/25/55 indicated at the request of the Dept. we are already storing copies of the Presidential warrants of arrest and Presidential search warrant in our field offices for delivery to U.S. Attys. at the time of an emergency and stated that a sealed envelope containing a copy of the Attorney General's "Instructions to United States Attorneys" as well as his initial instructions to the U.S. Marshals and hearing officers can also be forwarded to the SAC in each of our field offices if deemed desired.)

DOR

MAR 14 1955
COMM-FBI

Tolson
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TOP SECRET

UNRECORDED COPY FILED IN 66-17822-1

March 29, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

In conference with the Attorney General last Friday, March 25, he stated he was thinking of initiating a test run as to the evacuation of key officials in the Department and would shortly be in touch with me about this. We should, of course, be giving careful thought to this matter so in any participation we may have we at least will function properly and our operations at Quantico will do likewise.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

RECORDED 13

INDEXED - 13

66-18953-56

24 MAR 31 1955

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JEH:mpd

SENT FROM D. O.
TIME 7:20 PM
DATE 3/29/55
BY

57 APR 4 1955

UNRECORDED COPY FILED IN 66-17387

"Relocation Plans for U.S. Dept. of Justice"

March 29, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

In conference with the Attorney General last Friday he referred to the vagueness as to the manner in which the Department would be alerted as to evacuation. I told the Attorney General he would recall that at a recent meeting of the National Security Council, I was designated on a Committee headed by Commander Beach, Naval Aide to the President, to serve in working out the appropriate warning signals. The Attorney General is desirous of having this matter resolved as quickly as possible and since Mr. Sanders has been designated to represent me on this Committee I would like to have him press the matter to a decision.

For Evacuation

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

SENT FROM D. O.
TIME 7:27 P.M.
DATE 3/29/55
BY Taylor

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Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

JEH:mpd

RECORDED 13

62-18953-56

INDEXED - 13

57 APR 29 1955

Evacuation Plan For Dept. of Justice

~~SECRET~~

1 - Boardman
1 - Belmont
1 - Mr. McArdle
1 - yellow
1 - Sect. Tick.

THE ATTORNEY GENERAL

March 23, 1955

DIRECTOR, FBI

RECORDED-32

EMERGENCY RELOCATION

46-18753-58

EX-121

Reference is made to the memorandum of Mr. Tompkins to you dated March 24, 1955, pointing out that the only attack warning which will come to either the FBI or the Department is that furnished by Federal Civil Defense Administration representatives through local Civil Defense key points.

You will recall that during your conference on March 14, 1955, Mr. Belmont advised that we do have arrangements made to be notified of alerts. Arrangements have been in existence for some time whereby the United States Air Force Command Post in the Pentagon will notify the Bureau of approaching hostile aircraft. To facilitate this arrangement there is a direct line from the Air Force Command Post in the Pentagon to the Bureau switchboard. Any calls coming over this line are routed directly to the office of Assistant Director Belmont of the Domestic Intelligence Division.

There is also a direct telephone line backed up by an FM radio connecting the FBI switchboard with the White House, which line and radio system is used exclusively for alerting purposes.

You will recall that the FBI is a member of the Watch Committee and in addition thereto, we will receive information of indications of hostilities from the National Indications Center which is engaged in a daily study of indications of hostilities.

MAILED 2
MAR 23 1955
COMM-FBI

1 - Assistant Attorney General
William F. Tompkins

JEM:mlp:bpk
(8)

NOTE ON YELLOW: The Attorney General has not been previously advised of the direct line from the Command Post in the Pentagon to the FBI switchboard. However, Departmental War Plans reflect that the FBI upon receipt of a "yellow alert" or information causing the FBI to activate its relocation site will immediately notify the Attorney General and the first two available officials in the Departmental chain of authority.

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copy lad

~~TOP SECRET~~

1 - Sect. [redacted]
2 - [redacted] g& dupl
1- [redacted] ckl- M. A. Boardman
1- Mr. Belmont
1- Mr. McArdl
1- Mr. Brown

THE ATTORNEY GENERAL

March 28, 1955

Director, FBI

Downgrade to Secret
per 60524 uc 6Aug/Sub
9/22/10

66-189532

WAR PLANS-EVACUATION

On March 21, 1955, Commander Edward L. Beach, Naval Aide to the President, advised a representative of this Bureau that the present White House plans call for the President and his staff to evacuate to their alternate headquarters on the receipt of a yellow alert. The President will be evacuated by helicopter or whatever means is best and available at the time. Commander Beach indicated that it was his understanding that all key Government agencies will evacuate to their location sites upon receiving a yellow laert. He stated that no special orders will be given by the President to key Government agencies. He pointed out that it is not considered advisable for key government officials to plan to evacuate by helicopter inasmuch as it is possible that the Air Force may find it necessary to ground all aircraft except pursuit planes in the event of an enemy attack. It was suggested that key Government officials should plan to evacuate b boat, car, or some means other than helicopter.

You will recall that the FBI has planned to evacuate on Instructions from the President. The Office of Defense Mobilization has been so advised. As the President does not intend to give special instructions to key Government agencies, it would appear that the Office of Defense Mobilization should clarify this situation. You may be desirous of suggesting to Dr. Flemming, Director, Office of Defense Mobilization that he may wish to clarify the situation as to when an evacuation is take place.

1 - Mr. William P. Rogers
Deputy Attorney General

1 - Assistant Attorney General
William F. Tompkins

JWB:lw/saw
(10)

59 APR 7 1955

~~TOP SECRET~~

ORIGINAL COPY FILED IN 66-189532

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: March 23, 1955

FROM : MR. R. R. ROACH

SUBJECT: BUREAU WAR PLANS
EVACUATION

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In a conversation with Commander Edward L. Beach, Naval Aide to the President, at the White House on March 21, 1955, he advised Mr. Philcox of the Liaison Section that the present White House plans call for the President and his staff to evacuate on a yellow alert. The President will be evacuated by helicopter or whatever means is best and available at the time. He stated that it is the general understanding that all key Government agencies will evacuate to their relocation sites upon receiving a yellow alert. He stated that no special orders will be given by the President to key Government agencies. He pointed out that it is not considered advisable for key Government officials to plan to evacuate by helicopter inasmuch as it is possible that the Air Force may find it necessary to ground all aircraft except pursuit planes in the event of an enemy attack. He suggested that key Government agencies should plan to evacuate by boat, car or some other means other than helicopter, if possible.

Commander Beach noted that the Bureau has advised the Office of Defense Mobilization (ODM) that the key officials of the Bureau did not intend to evacuate to its relocation site unless specific orders were received from the President. He said it appears that ODM should have clarified this inasmuch as it is the general understanding at the present time that all key Government agencies will evacuate on receiving a yellow alert. He stated that a subcommittee under the National Security Council is presently studying the alert warning system and that specific instructions should be furnished by ODM to all Government agencies in the near future.

ACTION:

This is being followed by Liaison with ODM for clarification.

NWP:fjb
(7)
1 - Mr. Belmont
1 - Mr. J. W. Brown
1 - Mr. McArdle
1 - Mr. W. F. Woods
1 - Liaison Section
1 - Mr. Philcox

66-18953-
NOT RECORDED
145 APR 6 1955

ORIGINAL COPY FILED IN 66-17281-1

Emergency Relocation Plan for U.S. Dept of Justice

~~TOP SECRET~~

cc - Mr. Nichols
Mr. Boardman
Mr. Belmont
Liaison Section
Mr. McArdle

THE ATTORNEY GENERAL

April 4, 1955

Director, FBI

Downgrade to Secret
Per 60324 uc bAus/sae
4/22/10

WAR PLANS - EMERGENCY/RELOCATION

Reference is made to your memorandum dated March 28, 1955, suggesting a one-day test of the relocation plans, which pertain to the Department, sometime during May and the preparation of problems involving the use of the Portfolio and related documents.

A representative of this Bureau will contact Assistant Attorney General Tompkins in the near future to work out plans for a one-day test of our relocation planning. We will at that time set a date and discuss the identities of Departmental officials who might find it profitable to take part in the test exercise.

The matter of a test evacuation exercise will be given careful and considered study by the Bureau to insure a smooth and efficient relocation operation. You will be kept advised.

2cc - Assistant Attorney General
William F. Tompkins

JEM:lfj
(10)

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EX 126

66-18953-61

24 APR 11 1955

MAILED 2
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COMM-FBI

APR 4 10 57 AM '55
RECEIVED READING ROOM
F B I
U.S. DEPT. OF JUSTICE

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Winterrowd
Tele. Room
Miss Holloman
Miss [illegible]

Cover memo Belmont to Boardman, 4-2-55.

~~TOP SECRET~~

59 APR 14 1955

Emergency Relocation Plans For U.S. Dept. of Justice

UNRECORDED COPY FILED IN 66-17381

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: April 2, 1955

FROM : A. H. BELMONT

SUBJECT: WAR PLANS - EMERGENCY RELOCATION

Tolson
Boardman
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Reference is made to the Attorney General's memorandum 3/28/55, suggesting a one-day test run of the relocation plans which pertain to the Department some time during May; that a set of problems involving the use of the Portfolio and related documents be worked out with Mr. Tompkins and that a specific date be set. The Attorney General also requested advice as to the Departmental officials who should be included in the test. There is attached a memorandum to the Attorney General stating that a Bureau representative will contact Mr. Tompkins early next week to work out the details for this test exercise and to set a date as well as discuss the identity of the Departmental officials who should participate in this exercise.

For the Director's information, there are attached (1) an order of the Office of Defense Mobilization dated 3/17/55, which requests key mobilization agencies to provide a skeleton staff for their relocation site for the period May 1 through June 17, 1955; (2) a Joint Office of Defense Mobilization - Federal Civil Defense Administration Order dated 3/22/55, which provides for a national civil defense exercise and emergency relocation test under the joint supervision of these agencies on June 15, 16, and 17, 1955. This exercise is to test the operational capability of civil defense and the operational readiness of the Federal agencies to carry on essential wartime functions from their relocation sites. So far as the Bureau is concerned this exercise will undoubtedly effect many of our field offices. Each agency is expected to participate with the maximum number of personnel scheduled for relocation, the number to be determined by the head of the agency.

With reference to the staffing of the relocation sites from May 1 to June 17, 1955, the Bureau relocation site is staffed and operational at all times. Therefore, it should not be necessary for the Bureau to send additional personnel to our relocation site.

Attachments

RECORDED - 80 66-18953-62

EX-125

24 APR 11 1955

cc - Mr. Nichols
Mr. Boardman
Mr. Harbo
Mr. Belmont
Mr. McArdle
Liaison Section Tickler
1 yellow

59 APR 15 1955

JEM:bmm (8)

Emergency Relocation Plan for U.S. Department of Justice

UNRECORDED COPY FILED IN 66-17381

To insure a smooth and efficient Bureau operation during a test exercise of Bureau relocation planning suggested by the Attorney General will take careful planning to carry out the exercise for both the Seat of Government and field level. To insure adequate planning, I am setting up a small temporary group in the Liaison Section to concentrate on this planning problem until we have completed and perfected a smooth and efficient workable plan. This is being done because it will take most careful preparation to insure Bureau participation goes off smoothly. It will be given my careful and continued attention.

If the Director agrees, we will call on key officials of the Training and Inspection Division, especially Mr. E. D. Mason, to assist in the handling of this planning. We will also call on key officials of other Divisions on specific problems as they arise.

If it is agreeable with the Director, I will personally contact Assistant Attorney General Tompkins early next week to advise that we are working on this plan and suggest that he might designate someone from the Department to work on their phase of the exercise. I will, of course, not go into detail with Mr. Tompkins as to our plans at this time.

RECOMMENDATION:

1. That the attached memorandum to the Attorney General, copy to Mr. Tompkins, go forth pointing out that a Bureau representative will contact Mr. Tompkins early next week in an effort to work out the details of the relocation exercise.

2. If the Director agrees, we will immediately take up the planning procedure outlined above.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: April 7, 1955

FROM : L. V. Boardman

SUBJECT: JUSTICE DEPARTMENT PLANS IN THE EVENT OF FORMOSAN OPEN HOSTILITIES

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You instructed that Commander Beach, Naval Aide to the President, be recontacted through Liaison to determine whether it is advisable for key officials to plan evacuation by helicopter.

Beach was contacted by Special Agent [redacted] today (4-7-55) and Beach advised that the Air Force will ground all aircraft in event of an enemy attack, except two helicopters which will be allowed to fly in to pick up the President. After these two have cleared the area, another small group may be allowed to enter to take out the President's top aides. Beach advised that these arrangements are highly classified and he feels that the Office of Defense Mobilization is not as yet aware of these plans. He stated that he hopes discussions concerning helicopters will be opened in the near future inasmuch as it appears to be a logical way to remove key Government officials.

b6
b7C

ACTION:

For your information.

ESS:lw
(7)

1-Mr. Boardman
1-Mr. Belmont
1-Mr. Sanders
1-Mr. Philcox
1-Mr. McArdle
1-Liaison Section Tickler

66-18253-63

RECORDED-32

24 APR 12 1955

59 APR 14 1955

Released in Part for U.S. Dept of Justice

UNRECORDED COPY FILED IN 66-17381-

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: April 1, 1955

FROM : L. V. BOARDMAN

SUBJECT: ATTACK WARNING CHANNELS AND PROCEDURES FOR CIVILIANS

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Special Agent [redacted] attended a meeting on April 1, 1955, in the office of Commander Edward L. Beach, Naval Aide to the President. This meeting was of the NSC Subcommittee designated to coordinate the implementation of the actions approved by the NSC in connection with the attack warning channels and procedures for civilians. Others in attendance were: Mr. Ralph Stohl, for the Secretary of Defense; Mr. Huntington Sheldon, for the Director of CIA; Mr. Ralph Spears, for the Director of the Federal Civil Defense Administration; and Mr. Jack Hurley, for the Director of the Office of Defense Mobilization.

Commander Beach noted that there are presently three items to be considered by this Subcommittee as follows:

1. Methods by which realistic drills and tests of procedures for civilians under conditions of emergency may be conducted in order that the American people may be better prepared for such procedures in the event of an emergency.

2. Recommendation No. 5 of the "Killian Report" which recommended that a mechanism be established within the Executive Office of the President for promoting and monitoring the planning and execution of readiness tests. A report in this regard is due in the National Security Council by May 15, 1955.

3. Federal Civil Defense Advisory Bulletins No. 182 and No. 183 concerning alerts; it was noted that, according to these bulletins, the population would take shelter upon an alert but no "All Clear" would be sounded.

Commander Beach noted that, in coordinating the implementation of the attack warning channels and procedures for civilians, it probably would be necessary to at least review these attack warning channels. He pointed out that

Attachment

ESS:hke (5)

1-Mr. Boardman
1-Mr. Belmont
1-Mr. Sanders
1-Section Tickler

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117 APR 11 1955

59 APR 1

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it is not intended to interfere with or change the military portion of these matters, but that it would be necessary to be well-acquainted with the procedures.

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Special Agent [redacted] pointed out the concern of the Bureau and of the Department of Justice concerning the present vagueness as to who is to instruct evacuation of the appropriate people in the Department of Justice and under what conditions. [redacted] further noted that the Bureau has a very acute "need to know" concerning information relating to possible attacks inasmuch as the Bureau has the responsibility for the apprehension of individuals under such conditions who might possibly commit sabotage to the extent of utilizing nuclear and thermonuclear weapons reaching into the megaton range. It was agreed that the two points made by [redacted] will receive very early consideration in order that no doubt will be left in connection with these two items.

It was further agreed that the recommendation made in the "Killian Report," and referred to above, will also receive immediate consideration inasmuch as a report is due by May 15, 1955, concerning a mechanism to be established within the Executive Office of the President for promoting and monitoring the planning and execution of readiness tests. This contemplates the establishment of a mechanism which would insure that the President receives the information regarding possible attacks and that provision is made, day or night, for him to have the assistance he will need in determining the action to be taken. Commander Beach indicated that this might mean the quiet re-establishment of a "War Room" at the White House. Beach confidentially advised he is personally concerned at this time as to the adequacy of arrangements presently in effect at the White House in the event of an alert or emergency at odd times, such as during the night or when the President is away from the White House.

ACTION:

The foregoing is the outline of the work facing the NSC Subcommittee concerned with attack warning channels

and procedures for civilians. The committee agreed that these matters must be diligently pursued to a logical conclusion at an early date. Attached is a suggested memorandum to the Attorney General in this connection.

1 - Mr. Belmont
1 - Mr. Sanders
1 - Section Tickler

April 4, 1955

The Attorney General

Director, FBI

Downgraded to Secret
per 60324 uc BAW/sis
4/22/10

ATTACK WARNING CHANNELS AND PROCEDURES FOR CIVILIANS

The National Security Council Subcommittee designated to coordinate the implementation of the actions approved by the NSC in connection with attack warning channels and procedures for civilians held its first meeting on April 1, 1955, in the office of Commander Edward L. Beach, Naval Aide to the President.

It was noted there are presently three items to be considered by the Subcommittee, which are as follows:

1. Methods by which realistic drills and tests of procedures for civilians under conditions of emergency may be conducted in order that the American people may be better prepared for such procedures in the event of an emergency.

2. Recommendation No. 5 of the "Killian Report" which recommended that a mechanism be established within the Executive Office of the President for promoting and monitoring the planning and execution of readiness tests.

3. Federal Civil Defense Advisory Bulletins No. 182 and No. 183 concerning alerts. It was noted that, according to these bulletins, the population would take shelter upon an alert but no "All Clear" would be sounded.

[redacted], who represents the IIC members on this Subcommittee, called the attention of the Subcommittee to the fact that there is concern on the part of the Department of Justice concerning the existing vagueness as to the manner in which the Department is to be alerted in connection with an evacuation. The Subcommittee was further advised of the very acute interest on the part of the Department in connection with early receipt of complete information in connection with any probable or imminent attacks upon the United States in view

(Attached to cover memo from Mr. Boardman to the Director, 4/1/55)

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145 APR 6 1955

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of our responsibility for the apprehension of individuals who might commit sabotage and possibly with the clandestine use of nuclear and thermonuclear weapons. The Subcommittee agreed that these two points would receive very early consideration to remove any vagueness which now exists.

The Subcommittee agreed that immediate consideration must also be given to the "Killian Report" recommendation concerning the establishment of a mechanism within the Executive Office of the President for promoting and monitoring the planning and execution of readiness tests. A report in this connection is due by May 15, 1955. This mechanism must insure that the President receives the information regarding possible attacks and that provision is made, day or night, for him to have the assistance he will need in determining the action to be taken. Commander Beach indicated that this might mean the quiet re-establishment of a "War Room" at the White House. Beach confidentially advised he is personally concerned at this time as to the adequacy of arrangements presently in effect at the White House in the event of an alert or emergency at odd times, such as during the night or when the President is away from the White House.

You will be kept informed of developments in this matter.

cc-Mr. Boardman
Mr. Nichols
Mr. Branigan
Mr. F. X. Sullivan
Mr. W. C. Sullivan
Mr. Horstrom

The Attorney General (orig. & 1)

March 18, 1955

Director, FBI 66-11952-

JUSTICE DEPARTMENT PLANS IN EVENT OF FORMOSAN OPEN HOSTILITIES

Downgrade to Secret per 65324 uc/sbs/sub 9/22/10

Reference is made to your memorandum under the above caption dated March 15, 1955, addressed to Messrs. Rogers, Tompkins, Swing, Rankin, Yeagley, and me in which you commented upon the status of the Departmental program and requested advice concerning any inaccuracies or omissions noted therein. I am setting forth my comments regarding the program under the headings utilized in your memorandum:

1. Status of Portfolio

Revised pages to Part I of the revised Portfolio and a new Part III were transmitted to me by memorandum from Assistant Attorney General J. Lee Rankin dated March 3, 1955. My comments and suggestions in reply to that communication were forwarded to Mr. Rankin in a memorandum dated March 11, 1955.

On March 10, 1955, I received additional revised pages to Part I and Part III and a completely revised Part II for the revised Portfolio from Mr. Rankin. My comments and suggestions on that material have been made the subject of a separate communication addressed to Mr. Rankin under the caption "Program for Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States; Attorney General's Portfolio for Use in Case of Emergency."

MAILED 2 MAR 21 1955 COMM-FBI

At the present time, two copies of the original Portfolio for the Emergency Detention Program are in our possession. We are retaining one of the copies here and the other copy is stored for safekeeping at Quantico, Virginia. As soon as an additional copy of the Portfolio is received, it will be forwarded for safekeeping to the Special Agent in Charge of our office at Little Rock, Arkansas.

2. Interagency Committee on National Censorship Planning

As you know, a Bureau representative has been designated as the representative for the Department of Justice on the Watch List Subcommittee. A chairman for the Watch List Subcommittee has not as yet been designated. Our representative discussed

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WRW:kfc:AJM:jmr
(14)

CAP SECRET

(Cover memo on above subject prepared by WRW:kfc from [illegible] dated 3-17-55.)

67 APR 8 [illegible]

ORIGINAL COPY FILED IN

The Attorney General March 18, 1955

the matter of the designation of a chairman with Lieutenant General Willard S. Paul, United States Army (Retired), who is Chairman of the Interagency Committee on National Censorship Planning, on March 17, 1955. General Paul has advised that a meeting of this Committee has not been held due to the extended illness of Mrs. Mary Harrison, Office of Defense Mobilization, who is Executive Secretary of the Interagency Committee. This Bureau will follow this matter and advise you of further developments.

3. Status of Plans on the Following

(a) Alien Chinese Scientists and Students

Your memorandum of reference pointed out that the Federal Bureau of Investigation was to advise as to whether microfilm information received from the Immigration and Naturalization Service on a reported 5,000 Chinese students in this country was sufficient for the purposes of "obtaining information necessary to intensify coverage of such persons."

The microfilm information was received from the Immigration and Naturalization Service on March 15, 1955. A preliminary review of the microfilm itself has indicated that for the most part the information provided on each individual concerned in this program should be sufficient to enable this Bureau to check the individual's name through our files. It is believed that in some instances it may be necessary to request additional background or identifying data from the Immigration and Naturalization Service to enable us to make this file check. When such instances arise, we will contact the Immigration and Naturalization Service for the purpose of resolving this.

I should like to note that this Bureau does not contemplate intensifying coverage on all of the reported 5,000 Chinese students in this country. If, during a search of the names through our files, we discover information of a subversive derogatory nature requiring investigative attention, we will institute the investigation and furnish the results thereof to the Records Administration Branch and to the Immigration and Naturalization Service. In addition to this, if, during our file search, information is developed indicating that a student may be employed in a vital defense facility or

research installation, we will conduct such investigation as is necessary to determine whether he is a potential security risk. The results of our inquiry will be furnished to the responsible defense agency and to the Records Administration Branch, as well as the Immigration and Naturalization Service.

In connection with this program on alien Chinese students, I have noted that in your memorandum of reference you indicated that the Federal Bureau of Investigation, after analysis of Immigration and Naturalization Service information, is to advise as to the steps which could be taken to prevent the departure from this country of certain of these persons.

On December 2, 1954, Assistant Attorney General William F. Tompkins, Internal Security Division, addressed a memorandum to me concerning the prevention of departure of aliens with scientific or technical training. Mr. Tompkins commented upon the program of denial of departure to certain scientifically trained foreign nationals which was instituted in 1951. Under that program you issued denial orders in some 124 cases of alien Chinese who met certain criteria which justified preventing their departure on the ground that their return to the Chinese mainland would not be in the interest of the national security of the United States. Mr. Tompkins said that as of December 2, 1954, this entire program was under review by the Interdepartmental Committee on Internal Security with a view to revision of the criteria which prior to that date had been applied in such cases by the Immigration and Naturalization Service. I have had no further notification as to the status of this matter to date from Mr. Tompkins.

It would appear that the consideration of steps which might be taken to prevent departure from this country of any alien Chinese students might well be resolved as a part of the program concerning the prevention of departure of aliens with scientific or technical training. I do not feel that it is within the province of the Federal Bureau of Investigation to propose what steps might be taken in this connection. You, therefore, may desire to refer this particular matter either to the Interdepartmental Committee on Internal Security or to the Immigration and Naturalization Service.

(b) Chinese on Security Index

In your communication of reference, you noted that Immigration warrants signed by Mr. William P. Rogers, Deputy Attorney General, are in the custody of this Bureau and that all instructions to this Bureau as to steps to be taken in the event of an emergency have been issued.

At our conference on March 14, last, General Edwin B. Howard, Special Assistant to the Commissioner, Immigration and Naturalization Service, furnished you with a memorandum in which the Immigration and Naturalization Service had raised a question as to the legality of the warrants now in the possession of this Bureau covering 36 alien Chinese on the Security Index.

You will recall that I advised you at that time that this Bureau is ready to proceed with this program in accordance with instructions previously received and that if an emergency should occur the next day, this Bureau would go ahead and arrest the 36 aliens based upon the warrants now outstanding. I noted the fact that the question of the type of warrant to be used is one to be resolved by Departmental Attorneys who have had the opportunity in the past to review our information on these aliens. I urge most strongly that any questions existing with respect to the legality of these warrants be resolved at the earliest possible date and that this Bureau be advised in the event it is necessary to change the plans which presently exist.

With regard to the United States citizens of Chinese racial origin who are on the Security Index, I should like to advise you that cases on these individuals are receiving this Bureau's current attention. Since it is not contemplated that these United States citizens will be taken into custody short of an over-all emergency, intensified coverage of these cases will be instituted in the event of Formosan open hostilities.

(c) Chinese at United Nations

At our conference on March 14, 1955, you requested that this Bureau follow with the State Department for the purpose of determining the evaluation procedures to be instituted by that Department in connection with alien Chinese at the United

Nations. This has been done. The results of our inquiries in this connection have been made the subject of a separate communication which is being forwarded to you under the caption "United Nations Organization Chinese Personnel, Internal Security - CH."

Our cases on these alien Chinese at the United Nations are currently receiving this Bureau's attention and in the event of Formosan open hostilities, our coverage will be intensified.

(d) Non-Chinese on the Security Index Who Are Sympathetic to Communist China

At our afore-mentioned conference on March 14, last, I advised you that a list of 13 non-Chinese on the Security Index who are sympathetic to Communist China had been compiled. This list is being maintained in a current status and names are being added to or deleted from it as developments and circumstances require. In the event of Formosan open hostilities, I will immediately furnish the then current list to you and will at that time intensify our coverage of these subjects.

4. Executive Order Freezing Prices, et cetera

I have no comment to make at this time with regard to this particular phase of the program.

5. Result of INS Talks With Army as to Guarding of the Borders

Since this is an Immigration and Naturalization Service matter, I have no comment to make with regard to this phase of the program.

6. Department of Justice Relocation Plans

At this time I have no comment to offer with respect to this phase of the program.

7. Status of Request for Helicopter and Boat Service for Exclusive Use of Department of Justice

At this time I have no comment to make with respect to this phase of the program.

TOP SECRET

~~TOP SECRET~~

The Attorney General March 16, 1955

8. Draft of Announcement by President Alerting Citizens to Dangers of Sabotage, et cetera

The draft of the announcement by the President alerting citizens to the dangers of sabotage, et cetera, will be inserted into the Portfolio for the Emergency Detention Program as soon as the material is received from Mr. Rankin.

9. Implementation of the Emergency Detention Program in the Event of a Surprise Attack on Washington, D. C.

In your memorandum to me dated April 27, 1953, you authorized me to implement the apprehension and search and seizure provisions of the Emergency Detention Program immediately upon ascertaining that a major surprise attack upon Washington, D. C., had occurred if it appears that the national security requires its implementation and that a communication of authority from either the President or the Attorney General cannot be obtained within the time necessary for action to be taken.

In a memorandum from Assistant Attorney General Rankin dated March 3, 1955, he advised that your memorandum dated April 27, 1953, was still in effect as modified by paragraph g, Section 3, Part II, of Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency dated February 7, 1955. The modification provides that I am authorized to implement this program under the conditions outlined above when a communication of authority from the President, the Attorney Gensral, or the first five persons in the Chain of Authority of the Department of Justice cannot be obtained within the time necessary for action to be taken.

It is suggested that amended instructions in accordance with the above-mentioned modification to your memorandum dated April 27, 1953, be prepared for insertion into Part I of the Portfolio under Item 3, "Instructions to the Director of the Federal Bureau of Investigation."

100-40

1 cc - Mr. William P. Rogers
Deputy Attorney General
1 cc - Assistant Attorney General
William F. Tompkins
1 cc - Assistant Attorney General
J. Lee Rankin
1 cc - Lieutenant General Joseph M. Swing
Commissioner, Immigration and Naturalization Service
1 cc - Mr. J. Walter Yeagley
Chairman

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: March 14, 1955

FROM : A. H. BELMONT

SUBJECT: JUSTICE DEPARTMENT PLANS IN THE EVENT OF FORMOSAN OPEN HOSTILITIES

Tolson
Boardman
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Belmont
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Tele. Room
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Gandy

This memorandum is to record the results of the conference held at the Attorney General's office starting at 3:00 p.m., March 14, 1955, relative to the Justice Department's plans in the event of Formosan open hostilities. In addition to the Attorney General and the Director, the following were present:

From the Department - Legal Counsel Rankin, Walter Yeagley, William Foley, Frederick Ford, Office of Legal Counsel, Barrett McDonnell and John Lindsay;

From Immigration & Naturalization Service - General Howard and General Partridge;

From FBI - Belmont.

The Attorney General followed the agenda set forth in his memorandum to Rogers, et al, dated February 25, 1955:

1. Report on Status of Portfolio

Mr. Ford stated that Parts I and 3 of the Portfolio had been revised and furnished to the Bureau and that the Bureau's reply had been received setting forth additional suggestions. He said that Part 2 was completed on March 10, 1955, and was sent to the Bureau and the Bureau would not have had a chance to reply as yet. He said there were only a few minor details to be ironed out after which the Department of Defense would be contacted to secure agreement relative to those portions pertaining to that Department. He said that the Immigration and Naturalization Service (INS) is working up the details as to the administrative handling of aliens under Part 2 as this is primarily within the jurisdiction of INS. He said a copy of INS plans would be sent to the FBI after the Internal Security Division of the Department had gone over those plans. The

AHB:dmm
(7)
cc - Mr. Boardman
Mr. Belmont
Mr. Keay
Mr. Brantigan
Mr. Baumgardner

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Emergency Relocation Plans for U.S. Department of Justice

Attorney General asked if there were any serious disagreements between the Department and the Bureau regarding the Portfolio. The Director called attention to certain items which we had recommended in our most recent letter to the Department but it was agreed that these details could be worked out.

The Attorney General said it was most important that the Portfolio be completed promptly as the foreign situation is still very critical and we must be ready to implement the program.

Ford said an Alien Enemy Control Unit is being set up in the Department and Yeagley is to draft an order to transfer men into the Internal Security Division for this purpose.

Ford said there are presently four copies of the Portfolio - one to be kept in the Attorney General's safe, one for Ford to work on, one to be kept in Quantico and one at the Bureau. Rankin raised a question as to whether an additional copy should be prepared to be kept in the Midwest. It was agreed that a fifth copy would be prepared and furnished the Bureau to be sent to our Little Rock office (We will send this as soon as Ford makes it available to us.).

2. Discussion of Inter-Agency Committee on National Censorship Planning, Also Report as to Activities of The Watch List Subcommittee

The question was raised by the Attorney General as to who should represent the Department on the Inter-Agency Censorship Committee, stating he thought it was a legal and constitutional question to be handled in the Internal Security Division. Yeagley proposed that a representative come from the FBI, Fred Mullen's office or Mr. Rankin's office. In reply to the Attorney General's question, the Director stated that as we had a representative on the Watch List Subcommittee it was not necessary for us to be represented on the Inter-Agency Committee. The Attorney General designated Mr. Rankin's office as the Justice Department representative.

Thereafter the Director explained the status of the Watch List Subcommittee which was to the effect that the FBI was ready and had been ready to function with the Committee but that the Committee had not met due to illness of a Subcommittee member. He made it clear that we are ready to proceed at any time.

3. Report on Status of Plans Relating to (a) Alien Chinese Scientists and Students

The Director pointed out that INS had furnished the Bureau information on a number of these persons but the information was insufficient; that INS had offered to make available the original files on these persons but this was an undesirable procedure and we had proposed that INS microfilm the files and that we would develop the microfilm. General Howard stated that all the microfilming has been completed and will be sent to the Bureau today. The Attorney General asked what action would be taken relative to these individuals. The Director advised him that we would check our files on these persons and intensify coverage wherever the information indicated that it was necessary. (We will give immediate attention to these names as soon as the microfilm is received.)

(b) Chinese on Security Index

The Director outlined the procedure we will follow relative to the thirty-six aliens on the Security Index, pointing out that Deputy Attorney General Rogers had signed deportation warrants regarding all thirty-six and that these warrants are now in our field offices ready for service. He pointed out that the Department is studying further whether there is a legal question as to the effectiveness of these warrants in those instances where INS already had deportation warrants concerning six of the subjects.

General Howard raised the question as to whether the evidence against these aliens is sufficient to hold them before the court except in those cases where deportation had already been authorized under INS procedures. After discussion,

the Attorney General instructed that Mr. Rankin check the procedure as to the legality of the warrants signed by Deputy Attorney General Rogers and that Yeagley check the individual cases as to whether the subjects could be held under the deportation warrants.

General Howard furnished the Attorney General an INS memorandum dated February 14, 1955, regarding INS views. The Director pointed out that we had not been furnished with a copy of this memorandum.

The Director further pointed out to the Attorney General that we are ready to proceed and that if an emergency should occur tomorrow, we would go ahead and arrest these thirty-six aliens based on the warrants in our possession, further that the question of the type of warrant used is for the Department to decide as the Departmental Attorneys had gone over the cases and had drawn up the warrants. (If you agree, we will have Liaison get a copy of the INS memorandum of 2/14/55, mentioned above. It is noted also that some of these thirty-six aliens may be taken off the Security Index if the Department approves the change in our standards now pending at the Department.)

Covered Memo Roach to Belmont 3-17-55 DJS.

(c) Chinese at The United Nations

The Director gave the status of these cases pointing out that we have given the Department up-to-date reports in fifty-six of these fifty-nine cases. The Director pointed out that the State Department has recommended that each of these cases affecting United Nations personnel be handled on a case by case basis. The Attorney General requested that we follow with the State Department as to their evaluation procedures. (If this has not been thoroughly clarified, we will follow immediately via Liaison. If an official decision has been rendered, we will notify the Attorney General of the State Department's decision.)

(d) Non-Chinese on The Security Index Who Are Sympathetic to Communist China

The Director stated that this list is now composed of thirteen individuals and in the event of an emergency we would immediately furnish the names to the Department. As these thirteen are all United States citizens, in an emergency we would intensify our coverage of them but would not, of course, make arrests. Mr. Rankin raised the question as to the danger of Russian officials who would, of course, be sympathetic to the Chinese in the event of a Formosan emergency. The Director pointed out that the only action we could take there would be in intensifying our coverage of them which we would do.

4. Executive Order Freezing Prices, etc., in Absence of National Law.

Mr. Rankin stated a proclamation has been drafted but he does not think it has a sound legal basis. The Attorney General stated that the Defense Production Act going before Congress would give legality to the procedure. He instructed that a copy of the draft be placed in the Portfolio.

5. Result of INS Talks with Army as to Guarding of The Borders

General Howard said that the talks with the Army had not been fruitful, that the Army was opposed to taking on the protection of the borders. General Partridge said that INS is going ahead with its plans and has three possible plans: (1) re enforcement force which would utilize 6,000 personnel on the border patrol; (2) maximum force which would require 15,000 men; (3) use of troops (in a dire emergency, INS would recommend this to the President).

The Attorney General asked that copies of these plans be furnished to him and stated that two copies should be given to the FBI also. INS will furnish the Department four copies of which two will come to the FBI. General Partridge said that INS would have to recruit to get the additional personnel

for either plan I or 2; that the maximum personnel INS could make available for additional border coverage now would be 500.

General Partridge said that INS is meeting with CIA next week with a view to seeing what advance information CIA can furnish on the possibility of subversives coming through the Mexican border (We will have Liaison follow with CIA to get the results of this meeting.).

The Director stressed the importance of proper coverage on the Mexican border particularly. He suggested that if adequate coverage was not possible due to manpower shortage, that ICIS present a factual picture to the National Security Council so that the exact situation will be realized on a high level.

6. Discussion of Department of Justice Relocation Plan

Walter Yeagley went over the relocation plans of the Department, much of which have not been resolved. The Attorney General stated that Deputy Attorney General Rogers should go to Quantico when evacuation occurs. (Rogers is being added to our list of Departmental personnel to be at Quantico)

Yeagley said that the Department is figuring on additional land telephone lines to Quantico. He said that INS will have portable radio equipment at the Winchester site by this coming June.

Yeagley said that during office hours an alert would be sounded by the Captain of the Guard in the Justice Building. In the event of an imminent alert there will be a series of ten second buzzers. For a yellow alert there will be a series of two ten second buzzers followed by a pause. On off duty hours the alert, according to Yeagley, will come through Conelrad.

The Director pointed out that it would be desirable to look into any system which requires the alert to be sounded by the Captain of the Guard who is not even a Justice Department employee. The Attorney General instructed Yeagley to check into this as to who the Captain of the Guard gets his warning from and upon whose authority he sounds a warning. The Attorney General further instructed Yeagley to check into the matter of an automobile for the Attorney General and Tompkins.

The Attorney General was advised that the FBI, of course, has appropriate liaison to receive an alert and the Attorney General will be immediately notified in the event of an alert.

7. Status of Request for Helicopter

Walter Yeagley said this was not yet settled. The Attorney General told him to get it settled. The Director pointed out that a small helicopter seating three persons was not sufficient. The working level should be evacuated. The Director stressed the desirability of having evacuation by boat. The Attorney General told Yeagley to follow through on this.

8. Draft Announcement by President or Attorney General alerting Citizens to Danger of Sabotage, etc.

Mr. Rankin said that copies of the draft prepared by Mullen and by Rankin have been included in the Portfolio.

ACTION:

1. We will send the fifth copy of the Portfolio to Little Rock as soon as the Department furnishes it to us.

COVERED MEMO BANNIGAN TO BELMONT 3/23/55 HEW

2. We will review the cases of the thirty-six Chinese aliens on the basis of the revised standards so that they who do not meet the standards will be removed if the Attorney General approves the revised standards.

Covered Memo-Belmont-Winterrowd 3/23/55 HEW

3. Liaison will follow with CIA to get the results of the meeting between INS and CIA next week.

Covered Memo Belmont to Boardman 3-17-55 HEW

4. We will resolve with the State Department their procedure of evaluation of the Chinese at the United Nations and thereafter send a letter to the Attorney General.

Covered -Memo Belmont to Boardman 3-17-55 HEW

and Memo Roach to Belmont 3-17-55 D.J.S.

5. As soon asthe microfilm is received from INS, we will start an immediate check of our files and take appropriate action based on the results of that check as it pertains to the Chinese scientists and students.

UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: April 6, 1955

FROM : MR. A. H. BELMONT

SUBJECT: JUSTICE DEPARTMENT PLANS IN THE EVENT OF FORMOSAN OPEN HOSTILITIES

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At 5:15 p.m. on April 6, 1955, Messrs. Walter Yeagley and William Foley of the Department came to see me. They advised that following the Attorney General's Conference on Monday, April 4, the Attorney General requested the Internal Security Division to ascertain how many individuals are on the Priority List in the Security Index to be arrested in an emergency. The Attorney General also asked that a sampling of these Priority cases be made to determine the type of individuals listed for Priority pickup.

I pointed out to Yeagley that if the revised criteria for the Security Index are approved by the Department, the number of persons on the Index will be considerably reduced and the number on the Priority List will also be reduced. I told Yeagley that as a matter of fact we are currently reducing the number of persons on the list for Priority pickup and consequently, the number we would furnish him as of now will be considerably changed in the near future.

For your information, as of December 15, 1954, there were 11,115 persons listed for Priority pickup. As of March 15, 1955, this had been reduced to 8,768. The Statistical Section is running off a list as of today, and if you agree, we will furnish this figure to Yeagley on April 7, 1955.

Yeagley requested that we furnish the names of four or five persons on the Priority List so that the Internal Security Division can review the cases. If you agree, we will orally furnish to Yeagley the names of five individuals, such as Communist leaders in the underground, at the same time we furnish him the figure on the number of persons on the Priority List.

AHB:sbmm
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cc - Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. McArdle
Mr. Cox

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Emergency Release from files for U.S. Department of Justice

CRIM FILE # 100-16

Yeagley commented further on one of the items listed in the Attorney General's forthcoming Conference next Monday, namely Rankin's comments on the legal aspects of the revised criteria. Yeagley said that Mr. Ford of Rankin's office feels that Rankin's comments will be restricted as to whether the revised criteria come within the provisions of the proposed Presidential proclamation which is contained in the Portfolio. The provisions of the proclamation are very broad and there appears to be no question but that the revised criteria come within them. We will comment on this in the brief being prepared for you.

Yeagley further commented that he had talked with General Paul of the Office of Defense Mobilization relative to securing a helicopter. Paul told Yeagley that ODM does not contemplate that aircraft will be grounded in an emergency. This is contrary to the information given Liaison by Commander Beach, Naval Aid to the President, who stated on March 21, 1955, that it was not considered advisable for key officials to plan evacuation by helicopter as it is possible the Air Force may ground all aircraft in event of an enemy attack. We advised the Attorney General of Beach's comments by memorandum of March 28, 1955. I told Yeagley that he ought to get General Paul and Commander Beach together on this. He said he would follow up. Yeagley said he had not yet been able to settle the question of a Naval boat.

ACTION:

If you agree, I will orally advise Yeagley on April 7 of the number of persons on the Priority Pickup List, again stressing that this list will be further reduced when the Department approves the revised standards. I will also furnish him with the names of five individuals carried on the Priority List.

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: April 4, 1955

FROM : A. H. Belmont

SUBJECT: JUSTICE DEPARTMENT PLANS IN EVENT OF FORMOSAN OPEN HOSTILITIES

Tolson
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A conference was held in the Attorney General's Office on 4/4/55, relative to further developments in the planning of the Justice Department to meet possible Formosan open hostilities. Present, in addition to the Attorney General and the Director, were Deputy Attorney General Rogers; Assistant Attorney General Rankin; Walter Yeagley, William Foley, Barrett McDonnell and Ed Ford, of the Department; Generals Swing, Partridge and Howard, of Immigration and Naturalization Service; and Mr. Belmont of the Bureau.

1. STATUS OF PORTFOLIO

Mr. Ford stated that the review of the Bureau's suggestions regarding the portfolio had been completed and had been sent to the Bureau on 4/1/55, and that this morning the Bureau's comments came back. Ford stated the only two items of any consequence, mentioned by the Bureau, were the following:

a. The question of whether forms to be used to register alien enemies should be distributed to the Post Office Department at this time. The Director remarked that we were raising this question from the standpoint of security. Rankin suggested that they be distributed to the FBI offices, but the Director felt this was undesirable, and it was decided that the forms would be distributed by central headquarters of INS to their local offices, in order that they could be distributed from those points to the post offices, in an emergency.

b. The question as to whether the Attorney General should designate subversive organizations with which an alien enemy cannot be affiliated, rather than having such designation made by both the Attorney General and the Secretary of Defense. The Director pointed out that confusion would exist if two different persons designated such a list. Mr. Ford said the only question involved was whether the Attorney General would have information on local subversive

AHB:CSH (8)
cc Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Branigan
Mr. Donahoe
Mr. Cox
Mr. McArdle

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Relocation Plans for U.S. Dept of Justice

organizations in the outlying areas outside the jurisdiction of the Attorney General, whereas Defense might have this information. It was pointed out that such information could be secured from Defense, and that only one list should be drawn up, and that should be done by the Attorney General.

The Attorney General instructed that the portfolio be left in his safe overnight, starting tonight. Mr. Ford said that he would make a check in the immediate future with INS for their agreement as to the functions assigned to them, and with the Defense Department for their agreement.

2. *DRAFT OF INTER-AGENCY COMMITTEE ON NATIONAL CENSORSHIP PLANNING, AND THE WATCHLIST SUBCOMMITTEE*

The Director noted that there had been a meeting of the Watch Committee in March. The Director stated that hereafter any information having to do with the Watchlist Committee or the Inter-Agency Committee would be sent to the Attorney General, Mr. Rogers, Mr. Rankin, and the Internal Security Division of the Department.

3. *(A) ALIEN CHINESE SCIENTISTS AND STUDENTS*

The Director pointed out that we are searching the 5,000 names through our files and instituting investigations where warranted, and the investigations will be completed by the end of June.

The Attorney General raised the question of the 76 students now being allowed to go back to China. The Director pointed out that these cases should be carefully scrutinized, as some of them may be trained scientists whose knowledge would benefit China.

After a discussion, the Attorney General said that if the Defense and State Departments, which originally requested that these students not be allowed to depart the country, had withdrawn their objections, the Attorney General could not very well oppose. The Director pointed out that it should be clearly established that the departure of these individuals is not the responsibility of the Department of Justice, and the Department should have written clearance from State and/or Defense as the question may come up later.

General Swing said he would get a written release from State and/or Defense. The Attorney General instructed that

General Swing and Mr. Rankin prepare a memorandum as to whether there would be any "kickback" on the Department if these individuals are allowed to depart.

The Director pointed out that 5 of these 76 students are among the 35 Chinese aliens on the Security Index. We will check to be sure that State Department and Defense Department have received information on these 5 individuals.

Be certain this is promptly done. H.

3. (B) CHINESE ON SECURITY INDEX

Mr. Rankin advised that he and the Internal Security Division of the Department had made a study of the 35 Chinese aliens on the Security Index, on whom warrants have been issued, and he has concluded that the warrants signed by Deputy Attorney General Rogers and presently outstanding are not applicable except as to those individuals presently considered deportable by INS.

Mr. Yeagley said that the Internal Security Division is going over these 35 cases carefully to consider the amount of evidence that is available.

The Director pointed out that the Internal Security Division had gone over the cases before the warrants were drawn up. Yeagley said that this was done on a "crash" basis and the Department is again going over the cases. The Attorney General stated that the warrants should not be cancelled, pending the review of the cases by the Internal Security Division of the Department, and should an emergency happen tomorrow, we would make the arrests of these 35 persons.

Deputy Attorney General Rogers requested the Internal Security Division of the Department to consider any other applicable statutes or methods whereby these 35 subjects could be detained in a limited emergency.

We are reviewing these 35 cases in light of the proposed revised standards, and if you agree we will point out to the Department those who would not be held under the revised standards.

This should be given top priority. H.

3. (C) CHINESE AT UNITED NATIONS

The Director gave the status of this matter, pointing out we would have reports on all 59 to the Department by the end of April. He also advised of the position of the State Department, as learned through our liaison, namely that upon receipt of investigative reports from the Bureau, the Justice Department prepares a

memorandum which, after being checked by the Bureau to insure that the information will not jeopardize our responsibilities, is sent to the Secretary of State, who submits it to the American Ambassador to the United Nations, for transmittal to the Secretary General. The State Department's position is that Justice will have to go one step further and recommend whether or not the individual should be treated as an enemy alien in the event of open hostilities.

After discussion, the Attorney General ruled that the Internal Security Division of the Department should follow this procedure, including the recommendation.

Mr. William Foley requested that we send investigative reports on these individuals direct to him or Yeagley, so that they could be handled on a special basis. He was informed that we would do this. He also requested that we advise him when the reports were sent to the Department on the 7 individuals on whom investigation has been completed. He was advised that this would be done.

Give this expedite attention. H.

3. (D) NON-CHINESE ON THE SECURITY INDEX WHO ARE SYMPATHETIC TO COMMUNIST CHINA

The Director noted the status of these 13 cases, and stated in the event of hostilities we would intensify our coverage.

4. EXECUTIVE ORDER FREEZING PRICES

No comment was made as to this.

5. RESULTS OF IMMIGRATION AND NATURALIZATION SERVICE TALKS WITH ARMY AS TO GUARDING OF BORDERS

The INS representatives stated they had submitted a border plan today. Yeagley said the Department had just received it today. (We received a copy today and are analyzing it.)

Expedite. H.

General Swing said the picture at the border is not as bad as it has been painted. He said INS has better control on the Mexican border than the Canadian border; that foreigners, other than Mexicans, cannot enter the border towns in Mexico without INS knowing about it, as they have developed better coverage. He said that INS has developed

Discreetly advise Commissioner of FBI I want to know if comes that with intensified coverage along the Canadian border in Mexican sites we have no additional justification the statement are made. H.

and is having as an informant [redacted] and thus knows the names of Communist Party members in that area.

Strong said that he is less optimistic about the Canadian border, as many displaced persons come into Canada and can more readily come through the Canadian border; that INS is going to try to get the same type of control over the Canadian border as it feels it has on the Mexican border. b7D

The Director stated that the FBI is not so optimistic about the Mexican border. He pointed out the Mexican espionage potential and mentioned the case of our informant who has been in touch with the Russian Embassy in Mexico and was given an assignment of [redacted] The Director pointed out the size of the Soviet Embassy in Mexico. (See "Action" - we are preparing a memorandum regarding this.

6. DEPARTMENT OF JUSTICE RELOCATION PLAN

Rankin said he had a memorandum prepared for the Attorney General as to whether instructions to the Bureau to relocate should come from the President or the Attorney General. He said he would submit it to the Attorney General.

Relative to the question of the system of alerts, the Director pointed out that the National Security Council subcommittee headed by Commander Beach had met and was considering clarification of the method whereby the Department should be alerted in connection with an evacuation. The Director pointed out that the alert system now in effect between the Bureau, the White House and the Air Command Post at the Pentagon would give the Bureau notice in advance of civil defense notification.

Yeagley said that he had been in touch with General Paul relative to securing a boat to move personnel in an emergency, but this has not been resolved. He said the Navy's position is that the Potomac channel may not be navigable at night. General Paul is trying to straighten this out, and Yeagley will follow it.

The Director mentioned that he would like to negotiate separately for a boat for FBI personnel in an emergency. This question was not answered, but Yeagley will follow with General Paul concerning the question of a boat.

A discussion was held as to the proposed test relocations, per Office of Defense Mobilization plans. Yeagley said he would like to avoid compliance with the requirement that a nucleus staff be in operation, starting May 1, 1955, at the relocation site. For the June 15th test, scheduled by ODM, Yeagley said this would require 85 attorneys and their clerical staffs to report to the Department's relocation site.

Belmont L Boardman 4/15/55 BB

The question of compliance with these test runs, and with the Attorney General's suggestion of a test run in May, was left up in the air, pending further study. In accordance with our recent memorandum to the Attorney General, Belmont will confer with Tompkins relative to this. However, the Department will have to make up its mind as to the extent it is going to comply, and the Bureau will restrict itself to its functions under such conditions.

Yeagley stated he would recommend to the Attorney General that the Captain of the Guard not sound a yellow alert in the Justice Building unless he first checks with the Attorney General or someone designated by the Attorney General. The Attorney General said he would consider Yeagley's memorandum in this respect.

Yeagley said that General Ewing of INS, and Messrs. Barrett McDonnell and Lindsay of the Department, reside closest to the Attorney General and would provide a car for the Attorney General. He is giving further study to this.

7. STATUS OF REQUEST FOR HELICOPTER AND BOAT SERVICE
& 8. DRAFT OF ANNOUNCEMENT BY PRESIDENT ALERTING CITIZENS TO DANGERS OF SABOTAGE, ET CETERA

No further comment was made on these matters, except to state that it is not feasible to use a helicopter in view of air force regulations which would ground airplanes in event of an emergency.

9. IMPLEMENTATION OF NEW SECURITY INDEX EMERGENCY DETENTION PROGRAM
& 10. This was discussed in some detail. The Director strongly recommended that revised Security Index standards be adopted, even perhaps stronger than those which the Bureau had suggested, in view of the fact that the Department questions whether the 35 Chinese aliens on the Security Index can be arrested on deportation warrants. The

Attorney General agreed that the criteria should be strengthened. The Attorney General instructed that Rankin and Yeagley study these criteria promptly and come up with a recommendation.

Press for action. N.

The Director read the proposed changes in the Security Index standards, and the Attorney General indicated they sounded logical to him.

11. TEST EVACUATION

This was not discussed further than as mentioned above, relative to Yeagley's comments.

The Attorney General stated that he felt all of these matters should be given urgent attention. Rogers stated that there have now been three meetings and no decisions are being made, and decisions should be made. The Attorney General said he would get out an order immediately to the Department to give top priority to all matters connected with the subject of this conference. The Director pointed out that these matters have been given top priority by the FBI, and will continue to be given such priority.

The next meeting was set by the Attorney General for Tuesday, April 12, 1955.

It has been changed to 10 a.m. April 11. H.

ACTION:

1. The Attorney General, Rogers, Rankin and Tompkins will be given copies of any information pertaining to the Inter-Agency Committee on National Censorship Planning, or the Watchlist Subcommittee.

2. We are checking to be sure that we have given the Defense Department and the State Department information on the 5 individuals who are on the Security Index, and who are part of the 76 students to be allowed to depart the country.

(Action: continued)

3. We are checking immediately the cases of the 35 alien Chinese on the Security Index under the new criteria, and will furnish you a memorandum reflecting those who will come off the index and those who will stay on, on a case basis.

We are also checking the 67 Chinese citizens on the Security Index and will give you the figures as to those who will come off and those who will stay on. This memorandum will also reflect whether we furnished reports in the 35 cases to Tompkins and Swing.

4. Instructions have been issued that reports dealing with Chinese at the United Nations be sent directly to Foley or Yeagley in the Department. Foley has been advised as to the date when the reports on the 7 cases already completed were sent to the Department.

5. A memorandum is being prepared giving a factual picture as to possible hazards along the Mexican border, including information coming from our Legal Attache, our Mexican border coverage program, and setting forth the extent of our border coverage and where our informants are located. Attached to this memorandum will be a copy of the memorandum we sent to the Department previously, reflecting our concern about coverage on the Mexican and Canadian borders. I want this today. W. 4/7/55

Inasmuch as General Partridge of INS indicated he was going to visit his offices along the Mexican border in the immediate future, we are alerting our border offices to his visit. See that our Yeagley offices promptly advise us of any contact with them by Partridge. A. 4/7

6. For the Director's information a memorandum is being prepared showing the set-up that we have on the question of yellow alerts, for the purpose of pointing out that we have 24-hour coverage on this. We are also checking to see whether our civil defense automobile tags will allow us to go wherever necessary in an emergency, inasmuch as Yeagley stated that civil defense plans to throw up road blocks which will permit travel in only one direction.

(Action: continued)

7. When Yeagley resolves the question of the boat with General Paul, we will consider renewing our request to negotiate separately for a boat for FBI personnel.

8. In connection with the 59 cases involving Chinese at the United Nations, we are checking to be sure that we give information on all these cases to the Department of Justice and the Department of State.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. BOARDMAN

DATE: April 18, 1955

FROM : A. H. BELMONT

SUBJECT: DEPARTMENT OF JUSTICE RELOCATION PLANS

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Boardman
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Holloman
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Mr. John Airhart, Relocation Coordinator for the Department, called at 10:00 am today to advise that a meeting is being held at 3:00 pm this afternoon in the Attorney General's outer office to be attended by the various Relocation Officers of the divisions of the Department for the purpose of distributing and discussing relocation plans which Airhart has drawn up for Department officials. These instructions pertain to the Department's participation in the relocation test run. Airhart said the Attorney General will speak briefly to the assembled representatives and thereafter the instructions will be passed out and the questions will be answered by Airhart in the absence of the Attorney General. Airhart wanted to know if the Bureau would like to have a representative present.

I inquired as to how these instructions apply to the Bureau. He said they did not apply to the Bureau but that some questions might arise affecting the Bureau. He said a copy of the instructions is being sent to the Director for the Bureau's information and should reach the Bureau sometime this morning. I told Airhart we would look over the instructions upon receipt. I told him that if these plans do not directly affect the Bureau, it would not appear necessary for us to have someone present. However, I left the matter open so that if we want someone there, we can attend.

Relocation Plan for U.S. Department of Justice

Not Received Yet 11:45 Am 4-18

RECOMMENDATION:

If you agree, we will look over a copy of the Department's instructions and unless there is something directly affecting the Bureau, we will not have a representative present at the meeting.

RECORDED-74 66-18953-65

INDEXED-74

APR 19 1955

AHB:tlc
(5)
CC - Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. McArdle

59 APR 25 1955

EX-124

UNRECORDED COPY FILED IN 66-18981

~~TOP SECRET~~ 2 - orig. & dupl.
1 - yellow
1 - J.E.McArdle
1 - sect. tick.

RECORDED - 28

SAC, Baltimore
Director, FBI

April 14, 1955

Downgrade to Secret per Letter 4/22/10

INSTRUCTIONS FOR KEY PERSONNEL OF THE DEPARTMENT OF JUSTICE IN EVENT OF A CIVIL DEFENSE EMERGENCY

Reference is made to Bureau letter 3-11-55 transmitting a copy of the above-entitled document to each SAC receiving a copy of this communication.

The Attorney General has instructed that Deputy Attorney General Rogers and Assistant Attorney General John V. Lindsay, now scheduled to go to the Department relocation site, go to the FBI relocation site in the event the emergency plans are activated. Page 13 of the above-entitled plans should be corrected in ink accordingly. It is anticipated that amended pages will be received from the Department in the near future.

1 - SAC, Denver

1 - SAC, Chicago

JEM:mlp
(7)

COMM - FBI
APR 14 1955
MAILED 19

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Gandy

~~TOP SECRET~~

APR 22 1955

5:00 PM

April 18, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS
MR. HARBO

Mr. John B. Lindsay, Executive Assistant to the Attorney General, called. He stated that since his office has the responsibility of keeping us advised of the whereabouts of the Attorney General and his family he would like to know who in my office should be kept informed. I told him that Mr. Belmont was in charge of the picking up of the Attorney General and his family in event of evacuation and that Mr. Belmont should properly receive this information.

O War Plans For U.S. Department of Justice

Very truly yours,

/S/ J. E. H.

John Edgar Hoover
Director

RECORDED - 28 66-18953-67

cc-Mr. Holloman

JEH:EH (6)

24 APR 21 1955

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SENT FROM D. O.
TIME 5:32 PM
DATE 4-18-55
BY

5 APR 22 1955

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2 orig and dupl
1 yellow
1 Mr. Boardman
1 Mr. Belmont
1 Mr. Nichols
1 Section Tickler
1 Mr. McArdle

April 14, 1955

Mr. S. A. Andretta
Administrative Assistant Attorney General
Director, FBI

RECORDED - 25 62-117553-68

WAR PLANS - CIVIL DEFENSE WARNINGS

Reference is made to your memorandum April 8, 1955, and your memorandum to Mr. Donahue, Captain of the Building Guard, dated April 6, 1955.

Should the Captain of the Building Guard, prior to the sounding of a yellow alert, find it necessary to contact me and I am not available, it is my desire that he contact Mr. A. H. Belmont, Assistant Director, FBI, and if it is during nonduty hours and Mr. Belmont is not available the night duty supervisor in Mr. Belmont's office is authorized to take the call. Mr. Belmont's emergency extension in the Justice Building is 9; his home telephone number is Jefferson 3-3939. The night duty supervisor in Mr. Belmont's office may also be reached on extension 9.

For your information it has been ascertained that the Justice Building is one of the Government buildings wired for Civil Defense alerts and that at present there is no provision for the sounding of a yellow alert in this building or any other Government building in metropolitan Washington. However, by June 15, 1955, it is expected that provision will be made for the alerting system in the Justice Building to be set off automatically on a yellow alert as well as the red alert from the District of Columbia air raid warning centers.

If this plan materializes, it would appear that the Captain of the Guard would have little or no control over whether or not the yellow alert was sounded in the Justice Building.

JEM:mlp,mnm
(8)

(Enclosure to memo Belmont to Boardman dated 4-14-55 captioned "War Plans - Alerts" JEM:mlp,mnm)

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COMM-FBI
APR 15 1955
MAILED 20

57 APR 22 1955

APR 15 9 51 AM '55
FBI

Delivered to Mr. Belmont's office by messenger from Mr. Ford's office in Department.

L. Lewis

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: April 18, 1955

FROM : MR. A. H. BELMONT

Tolson
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SUBJECT: BUREAU WAR PLANS For U. S. Department of Justice
(Travel of Attorney General)

The office of Mr. John V. Lindsey, Executive Assistant to the Attorney General, called at 5:05 p.m. today (April 18) to state that Mr. Lindsey desired to advise me of the whereabouts of the Attorney General and his family, in accordance with arrangements made by the Department to keep the Bureau informed.

I was advised that Mrs. Brownell has left by air for the home of Mrs. Rudolph Nelson, of Waco, Texas, where she will be until Friday, April 22, when she will join the Attorney General at Dallas, Texas. The Attorney General is flying to Dallas on the morning of April 22, leaving at 8:55 a.m. by Eastern Airlines. The Brownells will stay at the Adolphus Hotel in Dallas until Saturday morning, April 23, when both will go to Governor Shivers' ranch, where they will stay until Monday morning, April 25, when they will come to Houston and fly back to Washington, D. C., leaving at 3:30 p.m., April 25, and arriving that night at 9:30.

A special folder is being set up and maintained in my desk. Copies of this and subsequent memoranda reflecting the whereabouts of the Attorney General will be maintained in that folder for immediate consultation in connection with War Plans.

AHB:LL
(5)
cc--Mr. Boardman
cc--Mr. McArdle
cc--Mr. L. H. Martin
cc--Mr. Belmont

INDEXED - 28
66-18953-69
RECORDED - 28
24 APR 20 1955
EX-124

57 APR 22 1955

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-05-2010

~~TOP SECRET~~

1 Mr. McArdle
1 yellow
1 Section Tickler
1 dupl with orig

THE ATTORNEY GENERAL

Downgrade to Secret per 60324 UC BAW/Sub 4/22/10

April 20, 1955

66-18953

DIRECTOR, FBI

JUSTICE DEPARTMENT PLANS IN EVENT OF FORMOSAN OPEN HOSTILITIES

Reference is made to your memorandum under the above caption dated April 15, 1955, addressed to Messrs. Rogers, Tompkins, Swing, Rankin, Yeagley and me in which you commented upon the status of the Departmental Program. I am setting forth my comments regarding the matters mentioned in your memorandum which relate to this Bureau.

In connection with the Portfolio for the Emergency Detention Program I have submitted my comments and suggestions on all proposed revisions or additions to the Portfolio which have been received to date from Assistant Attorney General J. Lee Rankin. In that connection there is no difference of opinion on the proposed revisions between the Office of Legal Counsel and this Bureau, although we have not been advised as yet relative to our comments dated April 11, 1955.

In my memorandum to Assistant Attorney General William F. Tompkins dated April 14, 1955, I commented on the proposed draft of the revised Joint Agreement between the Secretary of Defense and yourself under which the Department of Defense will provide temporary detention facilities to house detainees apprehended under the Emergency Detention Program in certain specified areas. I pointed out that certain clauses proposed by the Department of Defense as additions to the Joint Agreement are objectionable and it is my conviction that the terms of the Joint Agreement must be unequivocal and spell out specifically the obligations of the Department of Defense.

For your information, the revised criteria for the Security Index have been furnished to all field offices of this Bureau and a review is in progress to re-evaluate the subversive information available concerning each person whose name is included in the Security Index. This review is receiving expeditious attention.

RECEIVED APR 21 1955

JEM:mnm
(9)

NOTE: A copy of this memo is not being sent to General Swing since it contains nothing of direct interest to Immigration and Naturalization Service.

19 MAY 1955

~~TOP SECRET~~

TOP SECRET

Separate memoranda have been submitted to Assistant Attorney General Tompkins in each of twenty-three special cases on individuals prominent in the business and professional fields in which Mr. Tompkins has approved the names for the Security Index under the previous Security Index criteria. In each instance we advised whether or not in our opinion the subversive activities of the subject are such as to warrant retention in the Security Index under the revised criteria and requested his views in the matters. The names of two of the thirty-two prominent individuals have been disapproved previously by the Department. As a result, there remain seven cases in this category in which the Internal Security Division of the Department had not furnished us with an opinion prior to the adoption of the new criteria. Mr. Tompkins advised at the conference in your office on April 11, 1955, that the Internal Security Division would go over the cases the Department had not passed on and would furnish us with memoranda at once. To date we have not received any advice from Mr. Tompkins in these cases.

A review has been conducted of the cases on the thirty-five subjects who are aliens of Chinese extraction and were included in the Security Index. This review was conducted in the light of the new criteria for placing and maintaining names in the Security Index. At the completion of the review, ten of the thirty-five names were retained in the Security Index and twenty-five were removed.

This information, along with a list of the names of those subjects affected, was supplied to the Attorney General, Mr. William P. Rogers, Deputy Attorney General, and Assistant Attorney General William F. Tompkins by memorandum dated April 11, 1955.

1 - Mr. William P. Rogers
Deputy Attorney General

1 - Assistant Attorney General
William F. Tompkins

1 - Assistant Attorney General J. Lee Rankin
Office of Legal Counsel

1 - Mr. J. Walter Yeagley
Criminal Division

TOP SECRET

SECRET

2 Orig and Dupl
1 Mr. Boardman
1 Mr. Belmont
1 Section Tickler
1 Mr. McArdle
1 yellow

THE ATTORNEY GENERAL

April 19, 1955

DIRECTOR, FBI

66-18953-

WAR PLANS - CIVIL DEFENSE WARNINGS

In another communication I have advised Mr. Andretta that if the Captain of the Building Guard, prior to sounding a yellow alert in the building, finds it necessary to contact me and I am not available, it is my desire that he contact Mr. A. H. Belmont, Assistant Director, FBI, and if the occasion arises during nonduty hours and Mr. Belmont is not available the night duty supervisor in Mr. Belmont's office is authorized to take the call. Mr. Belmont's extension through the FBI switchboard is 2121; his home telephone number is JEfferson 3-3939. The night duty supervisor in Mr. Belmont's office may also be reached on extension 2121.

For your information it has been ascertained that the Justice Building is one of the Government buildings wired for Civil Defense alerts and that at present there is no provision for the sounding of a yellow alert in this building or any other Government building in metropolitan Washington. However, by June 15 of this year it is expected that provision will be made for the alerting system in the Justice Building to be set off automatically on a yellow alert as well as the red alert from the District of Columbia air raid warning centers.

If and when this plan materializes, it would appear that the Captain of the Guard would have little or no control over whether or not the yellow alert was sounded in the Justice Building.

1 - Mr. William P. Rogers
Deputy Attorney General

1 - Assistant Attorney General
William F. Tompkins

JEM:mlp/plp/mnm
(9)

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COMM - FBI
APR 3 0 1955
MAILED 31

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59 MAY 9 1955

ORIGINAL COPY FILED IN 66-17387-

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: April 14, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS - ALERTS

Tolson
Boardman
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Winterrowd
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Holloman
Gandy

Reference is made to the memorandum from Mr. Andretta to the Director dated April 8, 1955, attaching a memorandum from Mr. Andretta to Mr. Donahue, Captain of the Building Guard, dated April 6, 1955.

Mr. Andretta has instructed Mr. Donahue that if a yellow alert is received in his office on the bell and light system that he should contact the Attorney General or in his absence the Deputy Attorney General or the Director of the FBI, or someone designated by his office, in that order, before activating the building alarm. Mr. Andretta pointed out that these instructions did not apply to tests or to the so-called red alert.

It has been ascertained from the Air Raid Warning Section of General Services Administration that the interior alerting system in the Justice Building is directly connected to the District of Columbia air raid alerting network and that there is, at this time, no provision for a yellow alert being sounded in the Justice Building. General Services Administration anticipates that before June 15 provisions will be made for the automatic sounding of a yellow alert in the Justice Building in which event the Captain of the Guard would have no control over whether the yellow alert sounded or not and he, therefore, would have no opportunity to get prior permission to sound the alert from the Attorney General or others.

The instructions from Mr. Andretta to Mr. Donahue reflect that the Director should designate someone to act in his absence. Since it is possible that Mr. Tolson may be absent at the same time the Director would be, it is suggested that the person to act in the Director's absence would be Mr. Belmont or the night supervisor in off-duty hours.

66-18953
NOT RECORDED
24 MAY 3 1955 MAY 4 1955

RECOMMENDATIONS:

(1) That Mr. Belmont, or night duty supervisor, be designated as the individual for the Captain of the Guard to contact

Enclosure sent 4-15-55 HH

JEM:mlp,mnm
(6) 1 Mr. Nichols
1 Mr. Boardman
1 Mr. Belmont
1 Section Tickler
1 Mr. McArdle

RECEIVED - DOCUMENTS

ORIGINAL COPY FILED IN 66-17387-17

in the absence of the Director prior to sounding a yellow alert in the building.

OK. H.

(2) That the enclosed memorandum go forth to Mr. Andretta naming Mr. Belmont, or the night duty supervisor, during off-duty hours, as the individual to be notified in the Director's absence and pointing out the information the Bureau has obtained from General Services Administration.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : L. V. Boardman

DATE: April 14, 1955

FROM : A. H. Belmont

SUBJECT: JUSTICE DEPARTMENT PLANS IN THE EVENT OF FORMOSAN OPEN HOSTILITIES

Tolson
Boardman
Nichols
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In my memorandum of April 11, 1955, it was pointed out that Mr. Tompkins of the Internal Security Division of the Department had proposed that the Bureau be responsible for the Attorney General's family and for getting the Attorney General to the relocation site. It was stated that if you agree we will discuss this further with Mr. Tompkins and require that he work out the manner in which the FBI will be kept advised of the Attorney General's whereabouts and what action the Department desires relative to the Attorney General's family.

Mr. Tompkins has been out of the city since Tuesday, April 12, 1955, and is not expected to return until Tuesday, April 19, 1955. Mr. Yeagley, Tompkins' assistant, is also out of the city. Bill Foley is acting in charge of the Division.

RECOMMENDATION:

It is recommended that this matter be taken up with Tompkins personally upon his return since he is familiar with the problem and made the original proposal.

cc - Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. McArdle
Mr. Hennrich

CEH:eeg
(6)

Re Interdepartmental Plan for U.S. Department of Justice

ORIGINAL COPY FILED IN 100-40-4?

64-12953

NOT RECORDED
145 APR 27 1955

No. Let me work it out myself. Tompkins & Yeagley won't take with you are talking about.

24 APR 27 1955

3 MAY 1 1955

Ticklers - Ardle
Belmont
Boardman
Roach

THE ATTORNEY GENERAL (Original and one) April 20, 1955

DIRECTOR, FBI
66- 18953
RELOCATION PROGRAM

Reference is made to your memorandum dated April 14, 1955, designating Mr. John V. Lindsay as the individual to be responsible for providing advance information as to your location and the location of your family at all times.

As you indicate in your memorandum, it is understood that you and members of your family will immediately get in touch with the nearest Bureau office in the event it is necessary to put relocation plans into operation. This, of course, is most necessary and all our field offices will be instructed to render every service and assistance possible under the circumstances.

There remain, however, certain details to be worked out and I am having Mr. Lindsay contacted to work out these details.

cc - 1 - Mr. John V. Lindsay
Executive Assistant to the Attorney General

NOTE:

A cover memorandum from Belmont to Boardman was prepared by JEH:bmm on 4-19-55 in connection with this outgoing mail.

APR 20 10 27 AM '55
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JEH:jaa
(8)

COMM - FBI
APR 20 1955
MAILED 31

MAY 4 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. BOARDMAN

DATE: April 11, 1955

FROM : A. H. BELMONT

CC - Mr. Norstron

SUBJECT: JUSTICE DEPARTMENT PLANS IN THE EVENT OF COMSOAN OPEN HOSTILITIES

Tolson
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The fourth conference dealing with the above subject matter was held in the Attorney General's office at 10:00 a.m., April 11, 1955. In addition to the Attorney General and the Director the following were present:

From Immigration and Naturalization Service:

General Edwin Howard
Mario Noto
Harlon B. Carter, (Border Patrol)

From Department:

Deputy Attorney General Rogers
Assistant Attorney General Tompkins
J. Walter Yeagley
William Foley
John Airhart
Barrett McDonnell
Fred Ford

From FBI:

A. H. Belmont

1. Legal Basis for the Revised Criteria for the Security Index

Mr. Ford advised that the Legal Counsel's office had gone over the criteria and found that they came within the Presidential Proclamation which would go into effect in the event of an emergency. Ford said that item (d) in our proposed revised criteria is not worded exactly the same as the Presidential Proclamation relative to "acts inimical to the security of the country in time of emergency" although to his mind it means the same thing. The Director stated that we had no objection to having the wording changed exactly as set forth in the Presidential Proclamation. The Attorney General instructed

59 MAY 2 1955

AHB:tlc
(8)
CC - Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Donahue
Mr. Cox
Mr. Holmes

66-18953-

NOT RECORDED
145 APR 28 1955

NOT RECORDED
145 APR 28 1955

INITIALS ON ORIGINAL

ORIGINAL COPY FILED IN 100-442415

Relocation Plan for U.S. Dept. of Justice

Rec'd 4/11

Mr. Tompkins to get up a memorandum this afternoon for the Attorney General's signature approving the revised criteria and incorporating this change in wording. (This change in wording will have no effect on the criteria.)

The Attorney General asked whether Mr. Tompkins would again go over the list of prominent persons which the Department has been reviewing to see whether they should go on the Index. Tompkins said the Internal Security Division would go over the list of those which the Department has not passed on and will furnish the Bureau with memoranda at once. (Relative to those on the Prominent Persons List which the Department has already passed on, we are reviewing these files under the revised criteria and will advise the Department of our findings. However, we will require the Department to specifically comment on each one of these cases as to whether they should or should not be retained on the Index.)

2. Report of the Portfolio

The Attorney General stated that he had signed an order this morning authorizing the Director to go ahead and initiate the Emergency Detention Program in the event it was not possible to reach the first five people in the Departmental chain of command. You will recall that we have been after the Department to bring this instruction up to current status in order that it may be inserted in the Portfolio. Presumably, Mr. Ford will furnish us this by memorandum and will arrange to see that it goes into the Portfolio supplanting the outdated instructions. If this is not done promptly, we will follow up with Ford.

We have also been following the Department for some time to resolve certain questions with the Department of Defense relative to the temporary retention and custody of Security Index subjects picked up in time of emergency. Ford said that the Defense Department agreement has been received. Mr. Tompkins is to go over this carefully. Tompkins said that there are still a couple of points of disagreement. He stated he would get a copy of this to the Bureau this afternoon in order that we could look it over.

MEMORANDUM FOR MR. BOARDMAN

Relative to the proposal that the list of subversive organizations to which aliens may not belong should be drawn up by the Attorney General and agreed to by the Secretary of Defense, the Attorney General authorized Mr. Ford to contact the Department of Defense to get their agreement to this procedure. Mr. Tompkins stated there is a question in the minds of the Internal Security Division as to whether this list of subversive organizations should include all of the organizations listed by the Attorney General under Executive Order 10450. He pointed out that the current list includes Japanese and Italian organizations and many which had gone out of existence. He said the Internal Security Division would like to go over this list to eliminate those which should not be included by the Attorney General for purposes of the Emergency Detention Program. The Attorney General said this was worth exploring and the Internal Security Division is going over this list. This is essentially a Departmental problem and not a problem of the Bureau.

Mr. Ford raised the question as to whether the Attorney General, in an emergency, should not go direct to the President in order that the President could sign the Proclamation putting into effect the Emergency Detention Program. The Attorney General said this was a question that the President would have to resolve as he would be under instructions from the President. It was pointed out to the Attorney General that whatever was worked out in this respect should be worked out in advance in order that there would be no holding up of the Emergency Detention Program pending a conference between the Attorney General and the President; that conditions could well be such that the Attorney General would not be able to reach the President. The Director pointed out that the Attorney General should have an airplane at his disposal in Quantico in order that he could, if necessary, fly to the President from the relocation site. This must necessarily be worked out through the Office of Defense Mobilization (ODM) and the Attorney General instructed that Tompkins should do this. As this is essentially a Departmental problem, we will not contact ODM on this, as the Attorney General instructed Tompkins to do so.

3. Review of the Immigration and Naturalization Plan for Guarding of the Borders

In reply to the Attorney General's question, Mr. Tompkins said he is getting up a memorandum today on his review

of the proposed plan of I&NS to cover the borders. Tompkins said his memorandum may raise a question regarding advanced security screening of the recruits whom I&NS will use on border coverage. Yeagley said that he has referred the I&NS proposed program to the ICIS as this Committee studied this problem in 1951 and made a number of recommendations which, however, were not carried out because of budgetary problems. Yeagley further said that the proposed I&NS plan does not appear to cover "D-Day" or shortly before which would be a most important period. He said that ICIS would review the I&NS program and suggest any weaknesses in connection therewith.

General Howard said that if an emergency arose on short notice, 1112 I&NS officers now engaged on other I&NS work would be flown to the borders. The Attorney General stated he wanted I&NS to certify to him that I&NS would be able to do this and that I&NS should contact the Department of Defense to be sure that the necessary priorities would be granted.

The Attorney General asked if CIA has given information to I&NS which would be helpful to the border coverage. General Howard said CIA has given everything it has; that I&NS needs further intelligence information from CIA and that CIA has a list of the items that I&NS needs in the way of information.

The Attorney General furnished to General Howard our memorandum dated April 8, 1955, in which we pointed out additional specific facts reflecting potential security weaknesses on the Mexican border. The Attorney General stated that this memorandum should be very helpful to General Swing.

4. Implementation of the Department of Justice Relocation Plan

Mr. John Airhart, newly-appointed Relocation Coordinator of the Department, stated that there is a need to "organize the organizers" within the Department on relocation planning. He asked that relocation officers be set up in each of the Divisions of the Department and requested that Bernard Schmid be made available as a budget officer. He said the Department would also need a paymaster. He pointed out that during relocation tests the Bureau of the Budget would probably have observers sent out to the various relocation sites.

MEMORANDUM FOR MR. BOARDMAN

Relative to ODM instructions that nucleus personnel staff the relocation sites from May 1 until the test run, June 15, 16 and 17, Airhart said that a maximum of five people from each division in the Department would serve on a rotation basis at the Department's relocation site in Winchester and that the Department would ask that I&NS keep one man at Winchester throughout this period for communications purposes. As the Department's relocation site is in a commercial hotel, Airhart is going to explore whether some other space can be obtained for the test purposes.

The Director pointed out that there is a conflict of dates between the ODM test runs, June 15, 16 and 17, and Secretary Wilson's Defense Department conference at Quantico from June 16 to 19, 1955. The Director noted that this has been brought to the attention of Secretary Wilson.

Mr. Tompkins said that the Departmental test run on relocation has been tentatively set for May 25. The Attorney General said that this may not be necessary in view of the nucleus force to be set up at Winchester from May 1 through June 17. Mr. Airhart proposed that the FBI be kept advised of the whereabouts of the Attorney General and his family in order that they could be taken care of in an emergency and the Attorney General could be taken immediately to the relocation site. Airhart said that the Department did not have the facilities to handle this competently. The Attorney General said this was all right with him if it could be worked out with the Bureau. (See "Action")

Mr. Tompkins said that he is trying to reduce the problems relative to relocation and relative to test runs to the simplest terms so that everyone will know what he is supposed to do. The Attorney General observed that there are a lot of problems and Mr. Tompkins was made responsible to see that they are worked out. Yeagley said that ODM has not crystallized its planning on relocation as yet and consequently he has been unable to get a commitment for a boat. At Yeagley's request, ODM is again exploring whether the Potomac River channel can be used at night in an emergency.

5. Status of the Warrants for the 36 Chinese Aliens on the Security Index

Mr. Noto, of I&NS, pointed out that there are now only 35 aliens, as one has died. He said that of the 35, 5 are under deportation now and I&NS is trying to get them out of the country. He said that 15 additional appear to be open to deportation on the basis that they are illegally in the country and not in connection with subversive activities and that 9 of these are to be served with deportation warrants this week. He said that relative to certain of the others, the FBI was being requested on a local level to furnish the identities of informants or witnesses who could testify. (We have received requests on certain cases from New York and we submitted a memorandum on this on April 9. Liaison is getting from Noto the exact status of their planning on these 35 cases so that we can see just where we stand. A memorandum will be submitted as to this.)

The Attorney General stated that the 35 warrants in possession of the FBI should be maintained for action by the FBI until I&NS has worked out these cases.

6. Chinese at the United Nations

Mr. Tompkins stated that the Department has received full reports on 11 of these subjects and 6 have been reviewed. He said that in certain of these cases there was insufficient derogatory information to prepare summaries to be delivered to the State Department for delivery to the United Nations. He said in the other cases summaries are being prepared and will be submitted to the FBI prior to being sent to the State Department. (This is a problem of evaluation by the Department. We work the cases and furnish the information, and the determination as to whether summaries should be sent to the State Department rests with the Department of Justice.)

7. Chinese Students in the United States

Mr. Noto, of I&NS, stated that I&NS is going to attempt to deport Chinese students who are illegally in this country. He said that General Swing had changed I&NS policy so that those students who have previously been in the country under the China Student Aid Act should now be removed from the country. I&NS is

checking individually on these cases. These, according to Mr. Noto, are included among the 5,000 names sent to the FBI dealing with alien Chinese students and scientists now in this country. We are checking the files on these individuals on a special project basis to be completed by May 1, 1955, and investigations will be conducted where the information warrants. This is receiving special handling.

ACTION:

(1) We are reviewing the cases of the Prominent Individuals whom the Department has already approved for the Security Index under the old standards. We will submit our findings by individual memorandum to the Department with the request that the Department advise in each case whether the subject should or should not be included on the Index.

(2) As soon as the Attorney General's memorandum is received approving the revised criteria, an SAC Letter will be sent at once to the field instructing that these criteria be applied to the Security Index and that the review of the Security Index cases be reinstituted. We will set the same deadlines as we had on the previous review, namely, 60 days for all offices having less than 1,000 subjects; 90 days for those over 1,000, except New York which will be given 6 months. We will stress that the reviews should be completed prior to these deadlines, if possible. However, as the field will have to again go over all Security Index cases, based on the new criteria, it is believed that we will have to give them this much time.

4/11/55 AG's memo recd - SAC letter prepared 4/11 Q

(3) We will go over the revised agreement between the Defense Department and the Attorney General to make sure that it meets our requirements as soon as the Department sends it to us.

(4) Inasmuch as the proposal that the Bureau be responsible for the Attorney General's family and for getting the Attorney General to the relocation site arises from the Internal Security Division of the Department, if you agree, we will discuss this further with Mr. Tompkins and requi-

that he work out the manner in which the FBI will be kept advised of the Attorney General's whereabouts and what action the Department desires relative to the Attorney General's family. When this has been crystallized, we will confirm it in writing to the Department.

(5) Liaison is contacting Mr. Noto, of I&NS, to get the exact status of the 35 Chinese aliens, and a memorandum will be submitted.

(6) We are going ahead with our planning for a one-day relocation test at Quantico for May 25, 1955, to insure that the matter runs smoothly and that our communications, space, materials, etc., are in condition to be utilized immediately in the event of an emergency.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: April 4, 1955

FROM : MR. A. H. BELMONT

SUBJECT: JUSTICE DEPARTMENT PLANS IN EVENT OF FORMOSAN OPEN HOSTILITIES -- ATTORNEY GENERAL'S CONFERENCE April 4, 1955

Tolson
Boardman
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In response to the Director's inquiry this morning concerning various points in the Brief submitted for his use at the Attorney General's conference on Justice Department plans in event of Formosan open hostilities, the following points are noted:

(1) Page 19, last paragraph, reflects we have submitted seven closing reports on alien Chinese at the United Nations, of this group. 4 subjects have departed for China, one is no longer attached to the United Nations at New York, one the allegations have been resolved as being unfounded, one has been closed and with State Department approval we are attempting to develop the subject as a Potential Security Informant or a Confidential source. There are still under investigation 52 of the original 59 subjects among the Chinese at the United Nations. These cases will be completed by June 4, 1955, unless it develops that some of them will need continuous investigation in which case this will be done. Pending reports received in all but 2 cases + have gone or will go to Dept.

(2) Page 28, opening sentence at the top of the page reflects that the Bureau, upon receipt of alert information, will immediately notify the Attorney General and the first two available in his Chain of Command. There are 23 individuals in the Departmental Chain of Command, the first five are as follows:

(a) Deputy Attorney General William P. Rogers
(b) Assistant Attorney General, Internal Security Division, William F. Tompkins
(c) Assistant Attorney General, Criminal Division, Warren Olney III
(d) Assistant Attorney General, Civil Division, Warren E. Burger
(e) Assistant Attorney General, Office of Legal Counsel, J. Lee Rankin

Attachments (4)
JEM:pnm
(9)
1 Mr. Boardman
1 Mr. Belmont
1 Mr. McArdle
1 Mr. Nichols
1 Mr. Cox
1 Mr. Donahue
1 Section Tickler

1 ENCLOSURE

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Relocation Plan For U.S. Dept. of Justice

(3) Page 28, first full paragraph reflects "Building guards have been instructed that if a warning is received during nonwork hours they are to get personal notification to the Attorney General, Director of the FBI, the Deputy Attorney General and others in the Department." The others, according to Departmental War Plans, are: Assistant Attorney General, Internal Security Division, William F. Tompkins; the Department's Civil Defense Officer (Mr. Harvey Donaldson, Administrative Division); the Department Relocation Officer (Mr. Edgar M. Ford, Administrative Division).

(4) There is attached hereto the Attorney General's memorandum to Messrs. Rogers, Hoover, Tompkins, Swing, Rankin and Yeagley dated March 15, 1955, setting forth the agenda for the Third Conference on Justice Department Plans in Event of Formosan Open Hostilities, together with the Director's reply to the Attorney General dated March 18, 1955. 7 100-40-

(5) Page 57, the opening sentence refers to a memorandum from Mr. Tompkins to the Attorney General, copy to the Director, dated March 16, 1955. This should have been a memorandum from the Attorney General to Mr. Tompkins, copy to the Director, dated March 16, 1955. A copy of this memorandum is attached.

(6) Attached is a copy of the old criteria for the Security Index.

RECOMMENDATION:

The foregoing is for your use at the Attorney General's Conference on Justice Department Plans in Event of Formosan Open Hostilities, April 4, 1955.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : L. V. Boardman

FROM : A. H. Belmont

DATE: April 29, 1955

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. McArdle

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SUBJECT: BUREAU WAR PLANS For U. S. Department of Justice
TRAVEL OF THE ATTORNEY GENERAL

The office of Mr. John V. Lindsay, Executive Assistant to the Attorney General, called at 2:55 P.M., today to state that Mr. Lindsay desired to advise of the whereabouts of the Attorney General in accordance with arrangements made by the Department to keep the Bureau informed.

Mr. Lindsay's office said that Mr. Brownell was leaving for Charlottesville, Virginia, at 3:00 P.M., 4-29-55, by a Department automobile. He intends to give a speech tonight at the University of Virginia and will probably return to Washington around 10:00 P.M.

AHB:plb (4)

66-18953-70
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EX - 113
24 MAY 3 1955

FBI

63 MAY 5 1955

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cc - Messrs. Boardman
Belmont
Harbo
McArdle
Ellis
Roach

THE ATTORNEY GENERAL

April 22, 1955

DIRECTOR, FBI

RECORDED - 15 RELOCATION PROGRAM TEST
66-18953-72

EX-112

Reference is made to your memorandum dated April 18, 1955, attaching a copy of the instructions issued to the Department with respect to the May 1 - June 17 Relocation Program test.

If the Immigration and Naturalization Service and the Bureau of Prisons do have their radio stations in operation during the relocation test, we will arrange to test the radio equipment at the Bureau relocation site with that maintained by the Immigration and Naturalization Service and the Bureau of Prisons.

As you have been previously advised, the FBI emergency relocation site is staffed at all times, therefore, I do not plan an additional staffing from Washington, D. C., during the relocation test.

Information was received from the Office of the Secretary of Defense on April 15, 1955, that the Secretary of Defense's Conference will be held this year from Thursday afternoon, June 16, to Sunday afternoon, June 19, 1955. According to information from Secretary Wilson's office, it is anticipated that 140 to 150 people are to be invited. The President is tentatively scheduled to attend from 2:00 P.M., Friday, June 17, and it is expected that he will remain until Sunday afternoon, June 19, 1955.

You may recall that this conflict in dates was brought up at your Conference on April 11, 1955, when it was anticipated that Secretary Wilson and Dr. Flemming would work out a compromise. As it now stands plans for

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Cover memo Belmont to Boardman re DEPARTMENTAL RELOCATION PLANS - AHB:bmm 4/21/55.

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59 MAY 13 1955

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the Secretary of Defense's conference call for use of the FBI Academy at Quantico which will, of course, not permit the Bureau to use the same facilities during the test evacuation planned for June 15, 16 and 17, 1955, by the Office of Defense Mobilization.

In view of the fact that FBI equipment, supplies, records and communications for an emergency are located at our Academy in Quantico, I would appreciate your advice as to whether we should attempt to comply with the scheduled relocation test on June 15, 16 and 17, 1955.

1 - Mr. William P. Rogers
Deputy Attorney General

1 - Assistant Attorney General
William F. Tompkins

- 2 -

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25 JUN 22

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: May 5, 1955

FROM : MR. A. H. BELMONT

SUBJECT: BUREAU WAR PLANS
TRAVEL OF THE ATTORNEY GENERAL

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In accordance with arrangements made by the Department to keep the Bureau informed of the whereabouts of the Attorney General, the office of Mr. John V. Lindsay, Executive Assistant to the Attorney General, called on the morning of May 5, 1955, and advised that the Attorney General and Mrs. Brownell will be leaving Washington, D. C., by car, shortly before noon on Friday, May 6, for The Homestead (Hotel), Hot Springs, Virginia. The Brownells will be returning Sunday evening, May 8, by car.

LLewis
(4)

cc--Mr. Boardman
cc--Mr. Belmont
cc--Mr. McArdle

RECORDED - 15 66-18953-73

INDEXED - 15

29 MAY 10 1955

54 MAY 13 1955

Emergency Relocation Plans for U. S. Department of Justice

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2 Orig and dupl
1 Section Tickler
1 Mr. McArdle
1 yellow

THE ATTORNEY GENERAL

April 26, 1955

DIRECTOR, FBI

WAR PLANS - COMMUNICATIONS

RECORDED-11 66-18953-74

On April 21, 1955, Mr. John Airhart, Relocation Coordinator for the Department, inquired as to the possibility of the Resident Agent assigned at Martinsburg, West Virginia, making periodic tests of the radio equipment which the Department plans to place in that community.

The Bureau employee at Martinsburg, West Virginia, is not qualified to conduct a test operation with radio equipment and the Bureau is, therefore, unable to comply with the request.

1 - Mr. William P. Rogers
Deputy Attorney General

1 - Assistant Attorney General
William F. Tompkins

JEM:mnm
(7)

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : L. V. Boardman

DATE: April 21, 1955

FROM : A. H. BELMONT

SUBJECT: DEPARTMENTAL RELOCATION PLANS
Justice Department

Tolson
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This afternoon John Airhart, Relocation Coordinator for the Department, talked to Supervisor McArdle and me in my office regarding progress in Department relocation plans. He had talked to the Attorney General this morning, and he stated that the Attorney General approved of the following developments:

(1) The 10 Departmental officials, including the Attorney General and General Swing of I&NS will not go to Quantico with the Bureau in an emergency. Instead they will go to space in the United States Court House in Martinsburg, West Virginia, which space Airhart has already arranged for.

(2) Airhart said the Office of Defense Mobilization contemplates issuing a directive next week which will require the Cabinet Officers to join the President in an emergency, probably at High Point, Virginia. In such event the Attorney General, of course, would not go to Martinsburg.

(3) Up to now, Department plans have called for the working force to be at Winchester, Virginia, and the rest of the Department employees and their families to be at Martinsburg, West Virginia. This is changed. The workers and their families will be at Martinsburg and the employees not being relocated and their families will rendezvous at Winchester, Virginia.

(4) Airhart has secured from I&NS via the Army Signal Corps two ten wheel trucks carrying identical sets of radio equipment, also a trailor carrying an emergency generator. He has arranged for these trucks to be stored at the Veterans Hospital at Martinsburg where eventually one set of the equipment will be permanently installed while the other will remain mobile.

AHB:bmm (5)

cc - Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. McArdle

Enclosure

RECORDED-47
EX-126
66-18953-74

12 MAY 17 1955

LIAISON

UNRECORDED COPY FILED IN 66-17385-1

This equipment is on a one year loan to I&NS but Airhart plans to effect permanent retention of it. The I&NS radio engineer, Hoy Walls, is in touch with our Laboratory concerning this equipment. Airhart requested that when the equipment is finally installed in Martinsburg, arrangements be made, if possible, for the Resident Agent at Martinsburg to run a test on the equipment about once every two weeks to insure that it was in order. I made him no promises but told him we would consider whether this is feasible.

(5) Airhart said that during the test run from May 1 to June 17, 1955, Departmental Attorneys would occupy space in Winchester with the exception of June 15, 16, and 17 when the Department would attempt to occupy the Martinsburg space. While the Department is at Winchester the mobile radio equipment will be kept there and/I&NS operator will operate it for test purposes. Airhart said the radio would be tested through communications with the FBI at Quantico and possibly with the Bureau of Prisons. Airhart has cut down the number of personnel to be relocated from the Department from the previous figure of 400 to about 200.

(6) Airhart raised the question whether our liaison man to go with the Department during an emergency would go to Winchester during the test. I told him this did not appear necessary, that if the Department had problems requiring our liaison man to be there we should be notified.

(7) In the letter from the Attorney General dated April 18, 1955, entitled, "Relocation Program Test," we were furnished a copy of the Department's plans for this test. The final paragraph stated, "I will appreciate interim reports on the Bureau's test as well as a final report." As Airhart dictated the Attorney General's letter I asked him what this meant. He said the various Divisions of the Department at Winchester during the test will advise the Attorney General of the work they are doing and he assumed that the Attorney General would want to know what the Bureau's

test reflected. I pointed out that our Quantico headquarters is staffed at all times and that all of our vital records are at Quantico and that we do not contemplate sending people down to Quantico therefor on a rotating basis. I did not mention our contemplated test run of one day in May.

(8) Airhart said that he would confirm the above information in writing but that he wanted us to know of the developments as they occur and these developments have been concurred in by the Attorney General.

RECOMMENDATION:

(1) Recommended that the Laboratory ascertain from Hoy Walls exactly what radio equipment has been secured and the feasibility of training our Resident Agent at Martinsburg to test this equipment each two weeks after it is installed in Martinsburg. We should not take any responsibility for the maintenance of this equipment.

I don't think we should do this. I suggest we advise him we don't have anyone qualified for this at Martinsburg.

(2) We are making no changes in our written war plans until we receive confirmation in writing of these changes from the Department.

(3) Attached is a letter to the Attorney General replying to his letter of April 18, 1955. You will note that we again point out the conflict between the Secretary of Defense's Conference at Quantico and the Office of Defense Mobilization test run during the middle of June, 1955. We are not mentioning our poposed one day test during May at Quantico.

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: May 6, 1955

FROM : L. V. BOARDMAN

SUBJECT: ATTACK WARNING CHANNELS AND PROCEDURES FOR CIVILIANS

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Special Agent [redacted] as a representative for the IIC, attended a meeting on May 5, 1955, of the NSC Subcommittee Concerning Attack Warning Channels and Procedures for Civilians. He conferred personally on May 6, 1955, with the President's Naval Aide, who is Chairman of the Subcommittee. Also present at the meeting on May 5, 1955, were representatives from CIA and Defense. The representatives from the Federal Civil Defense Administration and the Office of Defense Mobilization were not present.

Pursuant to a memorandum from the Attorney General dated April 26, 1955, [redacted] advised the Subcommittee that the Immigration and Naturalization Service program for controlling alien enemies in the event of a national emergency must be "triggered" by the President. The Subcommittee was further advised, in line with the Attorney General's memorandum, that the appropriate documents for the President to sign in initiating the program of arrest and detention of potentially dangerous individuals and for the alien enemy control program could be made available for retention in the White House to prevent delays in obtaining the President's signature in the event of a sudden emergency during other than regular working hours.

The Subcommittee is to submit to the National Security Council by May 15, 1955, if possible, a report concerning the technical, procedural, and personal links by which early warnings are translated into responsive national action. The report is in the drafting stage, but the following points are to be covered:

1. The mechanisms and links within each of the responsible agencies by which matters of urgency are brought to the attention of the President are satisfactory during the "pre-attack" phase although security varies with the method of contact used.

ESS:hkg
(7)

Attachment

1-Mr. Boardman
1-Mr. Belmont
1-Mr. Hennrich
1-Mr. Baumgardner
1-Mr. Sanders
1-Section Tickler

MAY 13 1955

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2. Additional communications facilities available or being installed between the President and his principal subordinates and advisers, both at their primary stations and at their relocation points, will provide the basic essentials of the mechanical links required and will be adequate before attack.

3. All mechanisms and links between the President and his principal subordinates are susceptible to dislocation under conditions of extreme emergency, and in case of such dislocation there might be an urgent requirement for the office of the President to function promptly and decisively in certain areas.

4. Provisions should be made to enable the President to take substantive action as required despite maximum dislocation or emergency.

The report will point out that it seems desirable that the various agencies take the following actions:

1. Deposit in the office of the President appropriate documents prepared in final form for Presidential approval with written guidance for handling attached. This relates to actions to be taken by the agencies immediately in an emergency but which must be "triggered" by the President. It is contemplated that a copy of these documents would be retained in the White House, at the White House relocation center, and one copy available to the President regardless of his location. In all instances the copies would be under maximum security measures.

   These various programs are to be listed in a chart attached to the Subcommittee's report to the National Security Council, but the documents referred to are not to be furnished to the office of the President until after this report is approved by the NSC and the President. Justice Department documents would be the proclamation under which dangerous subversives could be arrested and detained. It is believed that the Attorney General may desire to list the alien enemy control program under the next program below.

2. Submit to the office of the President a list of actions which must be approved by the President in the initial phases of an emergency, but the urgency of which is not as pressing as those listed in Item No. 1 above. It is not contemplated that this list would be prepared until

after the Subcommittee's report is approved by the NSC and the President.

3. Submit to the office of the President a summary list of major actions which the agency will take on its own responsibility and authority upon the outbreak of an emergency. This list would be for the information of the President and would provide him with a "picture" of the actions being taken in the event of an emergency. This list would be submitted only after the Subcommittee's report is approved by the National Security Council.

The Subcommittee noted that, as now planned, the various agencies would deposit in the office of the President, for his immediate signature in the event of a sudden emergency, the necessary documents under which a limited number of programs requiring immediate implementation could be initiated. It was noted that the President could, for example, sign these documents at any time, but it might not be possible to place the documents in the hands of the appropriate agencies for a matter of hours or possibly days. It was noted, however, he could have the agencies notified that the documents were signed and instruct them to proceed with the programs. The question was raised whether, to be technically legal, the agencies would have to have the documents in their possession before proceeding. It was generally agreed they would have the authority to proceed after being notified the documents had been signed. Special Agent [redacted] was requested, however, for the sake of the record, to obtain a legal ruling in this connection. b6 b7C

Attached is a suggested memorandum to the Attorney General, with copies for Mr. Rogers and Mr. Tompkins, which will bring them up to date on the deliberations of this NSC Subcommittee. The memorandum requests information as to whether the alien enemy control program to be handled by the Immigration and Naturalization Service should be listed as a program requiring immediate authorization by the President in the event of an emergency regardless of the time of day or whether it is a program which should be listed in Category 2 requiring Presidential approval at an early but more practicable time such as a few hours later. The memorandum also requests an opinion concerning the legality of the various agencies

proceeding with their programs after being advised that the necessary documents have been signed by the President but prior to actual receipt of the documents by the agencies.

ACTION:

The foregoing is for your information, and it is suggested that the attached memorandum bringing the Attorney General up to date in connection with this matter be forwarded. Copies of the memorandum have been designated for Mr. Rogers and Mr. Tamplins.

Relocation Plans For U.S. Department of Justice

1

2 - Orig. & dupl.
1 - Yellow
1 - Sect. tick.
1 - J.E.McArdle

SAC, Pittsburgh

May 12, 1955

Director, FBI

PERSONAL AND CONFIDENTIAL

WAR PLANS - DEPARTMENT OF JUSTICE RELOCATION

The Bureau has recently been orally advised that the Department of Justice has selected space in the Court House at Martinsburg, West Virginia, as its relocation site and that all Departmental personnel having essential wartime functions will be relocated to Martinsburg, and the dependents of these evacuees will headquarter at the Shenandoah Hotel.

The Bureau has also been given the responsibility of evacuating the Attorney General and his family in a period of emergency. You may be called upon to render some unusual service for the Attorney General or members of his family during an emergency. You should use every means at your disposal to provide for the safety and security of the Attorney General and his family should you be called upon to assist in their evacuation or relocation. In this connection, as soon as the Attorney General makes available to the Bureau specific information as to his desires and any plans he may have for his family, appropriate instructions will be issued to all offices.

EX-117 RECORDED - 17 66-18953-95

The foregoing is for your confidential information and should be made available to the personnel of your office on a need-to-know basis.

JEM:mlp
(5)

MAY 20 1955

NOTE ON YELLOW: Mr. John Airhart, on 5-10-55, advised that the Department has firmly decided on the change of Departmental relocation site from Winchester, Virginia, to Martinsburg, West Virginia, and that this change will be made in their written emergency plans as soon as the space they contemplate using in the Court House at Martinsburg has been confirmed by the appropriate authorities. Mr. Airhart was advised, when he originally informed us, that no change in Bureau planning as it relates to the Department would be made until such time as we had received written confirmation as to the changes in their emergency plans which he had given orally at the time. We still do not have written change in the Department emergency plans.

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MAY 13 1955
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63 MAY 20 1955

~~TOP SECRET~~ & 1 - A.G.
1 - Yellow
1 - Mr. Boardman
1- Mr. Belmont
1 - Mr. Hennrich
1 - Mr. Baumgardner
1 - Mr. Sanders
1 - Section Tickler

May 10, 1955

The Attorney General

Director, FBI

ATTACK WARNING CHANNELS AND PROCEDURES FOR CIVILIANS

Pursuant to your memorandum of April 28, 1955, the IIC Representative advised, on May 5, 1955, the ESC Subcommittee Concerning Attack Warning Channels and Procedures for Civilians that the Immigration and Naturalization Service program for controlling enemy aliens in the event of a national emergency must be "triggered" by the President. The Subcommittee was further advised that the appropriate documents for the President to sign in initiating the program of arrest and detention of potentially dangerous individuals and for the alien enemy control program could be made available for retention in the White House to prevent delays in obtaining the President's signature in the event of a sudden emergency during other than regular working hours.

For your personal information at this time, the Subcommittee is to submit to the National Security Council by May 15, 1955, if possible, a report concerning the technical, procedural, and personal links by which early warnings are translated into responsive national action. The report is in the drafting stage, but the following points are to be covered:

1. The mechanisms and links within each of the responsible agencies by which matters of urgency are brought to the attention of the President are satisfactory during the "preattack" phase although security varies with the method of contact used.

2. Additional communications facilities available or being installed between the President and his principal subordinates and advisers, both at their primary stations and at their relocation points, will provide the basic essentials of the mechanical links required and will be adequate before attack.

3. All mechanisms and links between the President and his principal subordinates are susceptible to dislocation under conditions of extreme emergency, and in case of such dislocation there might be an urgent requirement for the office of the President to function promptly and decisively in certain areas.

Downgrade to Secret per 10/24 uc SAC/Lab 4/22/10

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(Attached to cover memorandum from Mr. Boardman to The Director, 5/10/55.)

~~TOP SECRET~~

MAY 27 1955

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4. Provisions should be made to enable the President to take substantive action as required despite maximum dislocation or emergency.

The report will point out that it seems desirable that the various agencies take the following actions:

1. Deposit in the office of the President appropriate documents prepared in final form for Presidential approval with written guidance for handling attached. This relates to actions to be taken by the agencies immediately in an emergency but which must be "triggered" by the President. It is contemplated that a copy of these documents would be retained in the White House, another at the White House relocation center, and a third copy available to the President regardless of his location. In all three instances the copies would be under maximum security measures.

   These various programs are to be listed in a chart attached to the Subcommittee's report to the National Security Council, but the documents referred to are not to be furnished to the office of the President until after this report is approved by the NSC and the President. Justice Department documents would include the proclamation under which dangerous subversives could be arrested and detained. The alien enemy control program may fall under this category or may properly be included under Item No. 2 below.

2. Submit to the office of the President a list of actions which must be approved by the President in the initial phases of an emergency, the urgency of which is not, however, as pressing as those listed in Item No. 1 above. It is not contemplated that this list would be prepared until after the Subcommittee's report is approved by the NSC and the President.

3. Submit to the office of the President a summary list of <u>major</u> actions which the agency will take on its own responsibility and authority upon the outbreak of an emergency. This list would be for the information of the President and would provide him with a "picture" of the actions being taken in the event of an emergency. This list would be submitted only after the Subcommittee's report is approved by the National Security Council.

SECRET

The Subcommittee noted that, as now planned, the various agencies would deposit in the office of the President, for his immediate signature in the event of a sudden emergency, the necessary documents under which a limited number of programs requiring immediate implementation could be initiated. It was noted that the President could, for example, sign these documents at any time, but it might not be possible to place the documents in the hands of the appropriate agencies for a matter of hours or possibly days. It was noted, however, he could have the agencies notified that the documents were signed and instruct them to proceed with the programs. The question was raised whether, to be technically legal, the agencies would have to have the documents in their possession before proceeding. It was generally agreed they would have the authority to proceed after being notified the documents had been signed. The IIC Representative was requested, for the sake of the record, to obtain a legal ruling in this connection.

It will be appreciated if you will advise whether the alien enemy control program should be considered in the first category which would require the President to sign the necessary documents regardless of the time of day or night that an emergency arose or whether it should be placed in the second category which would require Presidential action but at a slightly later hour. It will also be appreciated if you will advise whether it would be legal for the various agencies to proceed with their urgent programs after being advised that the necessary documents have been signed by the President but prior to actual delivery of the documents to the agencies. Your observations on these matters at your earliest convenience will be appreciated in view of the fact that the ESC Subcommittee is now drafting its report to the National Security Council in connection with this phase of its deliberations.

cc - Mr. William P. Rogers
Deputy Attorney General

cc - Assistant Attorney General
William F. Tompkins

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: 5/16/55

Tolson
Boardman
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FROM : J. P. MOHR

SUBJECT: RESIDENT AGENCY
Martinsburg, West Virginia

While discussing other matters with Eddie Ford, the Space Officer in the Administrative Division of the Justice Department, he told me that the Department had selected Martinsburg, West Virginia, as their relocation center. He stated that clearance had been obtained to secure the Federal Building in Martinsburg and that the Department planned to use two floors of the building in connection with any relocation exercises. He wondered whether he could have the room in which our Resident Agency was located in Martinsburg, particularly for the exercise to be held in June.

I told Mr. Ford that it seemed to me the Resident Agent should stay where he was and that we were going to have liaison with the Department and the liaison representative of the Bureau could use the space of the Resident Agent. He said this seemed to be a good idea. I told him in order to avoid any misunderstanding about this, he should confirm this to the Bureau in writing. He said he would.

The foregoing is submitted for your information and for record purposes.

JPM:mmm/ep/dw
(3)
CC - Mr. Belmont

66-18953-76

RECORDED - 17
INDEXED-17
EX-118

24 MAY 25 1955

59 JUN 1 1955

EMERGENCY RELOCATION PLAN FOR U.S. DEPARTMENT OF JUSTICE

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: May 20, 1955

FROM : SAC, Pittsburgh (67-248)

CONFIDENTIAL

SUBJECT: WAR PLANS
"EMERGENCY RELOCATION PLAN FOR U.S. DEPARTMENT OF JUSTICE

For information, on May 18, 1955, EDWARD FORD, employee of the Department of Justice, Washington, D. C., in company of MARLIN ECKERD, Postmaster, U. S. Post Office and Federal Building, Martinsburg, W. Va., appeared at the Martinsburg Resident Agency which occupies Room 7 located on the second floor of this building.

Mr. FORD advised that he was making a routine inspection of the Federal Building relative to available space and accommodations in preparation for the alert to be held June 15, 16, and 17, 1955. He indicated that during the alert the Department of Justice would have representatives at Martinsburg and would occupy the second and third floor of the Federal Building. Mr. FORD indicated, however, that the employees of the Justice Department would not bother the operations of the Martinsburg Resident Agency.

EX-106

MARLIN ECKERD, Postmaster, commented that the Justice Department would utilize space in this building during the three day alert.

WJK/jep

RECORDED - 17

66-018953-77

REGISTERED MAIL

59 MAY 31 1955

EX-113

MAY 26 1955

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. HARBO

DATE: May 11, 1955

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

FROM : H. L. SLOAN

SUBJECT: DEPARTMENT RELOCATION PLANS

Reference is made to Mr. Belmont's memorandum to Mr. Boardman, dated May 6, 1955, in which the writer was instructed to explore air travel possibilities at Quantico, Virginia, if needed.

The writer contacted Lieutenant Colonel Joseph W. Mackin, Executive Officer, Marine Corps Air Station, Quantico, Virginia, who advised, after checking his records, that the airport at Martinsburg, West Virginia, will accommodate the Beechcraft, twin motor plane which they use for shuttle service at Quantico. This is a four passenger cabin plane and one of the safest used by the Marine Corps Air Wing.

Colonel Mackin advised that any plane at Quantico, not previously committed by the Department of Defense, would be available for the Director's use, however, that on "M" day, or during an air alert, their planes are committed by the Department of Defense for other functions. He advised that arrangements for a stand-by plane at Quantico should be made at Departmental level to insure that a plane was available at Quantico, Virginia, when needed by the FBI.

ACTION: This memorandum should be forwarded to the War Plans Desk of the Domestic Intelligence Division.

HLS:lpg
(7)

cc: Mr. J. A. McArdle

Ex-122

RECORDED-31 66-18953-18

24 MAY 24 1955

59 MAY 31 1955

Relocation Plan For U.S. Department of Justice

Transfer to 66-17281

Authority for UNRECORDED COPY FILED IN 66-17281

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: May 6, 1955

FROM : A. H. BELMONT

SUBJECT: DEPARTMENT RELOCATION PLANS

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

This memorandum is being prepared as a result of an inquiry from Mr. Tolson's office and is based on receipt of information that the Attorney General and other Departmental officials will not accompany the FBI to our relocation site. John Airhart, Department relocation coordinator, on 4/21/55 advised that all Departmental officials including the Attorney General would go to the Departmental relocation site at Martinsburg, West Virginia, where they would occupy quarters in the courthouse.

Mr. Airhart advised that essential personnel of the Department and their families would occupy the Shenandoah Hotel at Martinsburg, and that the nonessential Departmental personnel and their families would occupy the George Washington Hotel at Winchester, Virginia. He further advised that the Attorney General would probably accompany the President with other Cabinet members to the President's relocation site.

There is no way of knowing how much time the Attorney General will spend at Martinsburg or with the President at his relocation site. It is possible, however, that the Attorney General will call the Director to Martinsburg for conferences in which event it may be necessary for the Director to remain overnight. At this time we have no information as to what accommodations will be available for the Director at Martinsburg.

It has been informally determined that while the Department is planning to house its essential personnel and their families at the Shenandoah Hotel in Martinsburg they have no arrangement for exclusive occupancy of the hotel; therefore, it is possible that accommodations could be made at this hotel if the Director found it necessary to remain overnight in Martinsburg. Under emergency conditions we should not rely on this.

Shepherds College, Shepherdstown, West Virginia, the relocation site of Washington Field Office is 9 miles east of Martinsburg, West Virginia, on Highway 45. There are no known hotel accommodations in Shepherdstown, however, the Washington Field Office will have access

JEM:mlp
(5)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. McArdle
1 - sect. tick

RECORDED-31 66-17253-79

MAY 9 1955

59 JUN 7 1955

Relocation Plan For U.S. Department of Justice

66-17381-53

66-17380-53

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to all the college facilities including a modern dormitory. Shepherds College is also the reserve relocation site for the Seat of Government.

Martinsburg, West Virginia, is approximately 65 miles from Washington, D. C., over Highway 7 to Leesburg, Virginia, and Highway 9 from Leesburg to Martinsburg. It is an estimated 102 miles from Quantico to Martinsburg, West Virginia, over Highway 234 from Triangle, Virginia, to the junction of Highways 234 and 15, thence north on Highway 15 to Gilbert's Corner and the junction of Highways 15 and 50. From Gilbert's Corner to Winchester, Virginia, on Highway 50, and Highway 11 from Winchester, Virginia, to Martinsburg, West Virginia.

Martinsburg, West Virginia, is on the main line of the Baltimore and Ohio Railroad. Martinsburg has an airport. In the event that highway or railroad transportation is not available it might be possible to take a light plane from Quantico to Martinsburg, thus reducing travel time. It will more than likely be possible to arrange with the Marine Corps at Quantico to have a plane available should this become necessary.

RECOMMENDATIONS:

(1) If you agree Washington Field Office will be instructed to set up quarters for the Director at Shepherds College at such time as they take occupancy. This will be included in Washington Field Office war plans. OK - I am getting more details as to the exact quarters. OK. D.

(2) John Airhart, Departmental relocation coordinator, has orally suggested that if Bureau personnel were called to Martinsburg, West Virginia, during an emergency the Department would arrange sleeping accommodations for them. This you can count on knowing how Dept functions. L.

(3) That Mr. Sloan be instructed to explore what air travel will be available at Quantico if needed.

OK
5-8

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

FROM : MR. A. H. BELMONT

DATE: May 12, 1955

SUBJECT: DEPARTMENTAL RELOCATION PLANS

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Mr. John Airhart, Relocation Coordinator for the Department of Justice, called me at 11:00 a.m. today (May 12) and referred to a previous discussion (May 5 - see my memorandum dated May 5, 1955) wherein he advised that he had requested the Office of Defense Mobilization (ODM) to confirm the fact the Defense Department Conference scheduled for Quantico in June had been set back to July in order that it would not conflict with the relocation tests scheduled for June 15 - 17, 1955. Airhart said he had received confirmation from ODM that the Defense Department Conference had been set back. He wanted to know if we desired confirmation from the Department, inasmuch as the Attorney General had sent us a copy of his letter to ODM, at the time the conflict of dates was still present, advising ODM that the Bureau would not participate in the June relocation tests.

I told Mr. Airhart it would be helpful to us if the Department would send us a memorandum. Airhart said he would do this and would include in the memorandum cognizance of the fact that this conflict of dates may have impeded the Bureau's planning insofar as the June relocation tests are concerned. I told him that this, of course, was true but that we would go ahead to the best of our ability.

ACTION:

None. The Department will send the memorandum over and we are, of course, going ahead with our plans.

AHB:LL
(5)
cc--Mr. Boardman
cc--Mr. Belmont
cc--Mr. Roach
cc--Mr. McArdle

66-18955-80

RECORDED - 8

24 MAY 25 1955

59 JUN 1 1955

LIAISON

UNRECORDED COPY FILED IN

SECRET

2-Orig & dupl. 1-Sect. Tick.
1-Mr. Nichols 1-Mr. McArdle
1-Mr. Boardman
1-Mr. Belmont
1-Mr. Hennrich
1-Yellow

May 19, 1955

Mr. John V. Lindsay
Executive Assistant to the Attorney General

DIRECTOR, FBI

RECORDED - 15
INDEXED - 15

PLANS FOR EVACUATION OF THE ATTORNEY GENERAL

66-18953-81

Reference is made to the conversation between you and representatives of this Bureau on April 22, 1955, wherein it was pointed out to you that before the Bureau could make the detailed plans for the relocation of the Attorney General and his family, it would be necessary to receive certain information relative to the Attorney General's plans for his family in an emergency. In order that these plans may be perfected, your early response to the questions posed April 22, 1955, will be most appreciated.

(Cover Memo, Belmont to Boardman, 5/18/55, JEM:pyp
RE: BUREAU WAR PLANS - SUMMARY)

JEM:pyp
(9)

Tolson
Boardman
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Winterrowd
Tele. Room
Holloman
Gandy

59 JUN 7 1955

MAILED 11
MAY 19 1955
COMM-FBI

SECRET

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: May 5, 1955

FROM : MR. A. H. BELMONT

SUBJECT: BUREAU WAR PLANS
"Relocation Plan For U.S. Department of Justice"

Tolson
Boardman
Nichols
Belmont
Harbo
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Parsons
Rosen
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Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Mr. John Airhart, Relocation Coordinator of the Department, came to see me late this afternoon to advise of certain developments.

(1) Airhart said that he has a commitment on a low level of the Office of Defense Mobilization (ODM) to provide a helicopter to remove the Attorney General from the Justice Building in an emergency. This helicopter is supposed to arrive within 15 minutes of an alert and will come to rest in the center court of the Justice Building. It is supposed to be a three-passenger helicopter and would take the Attorney General and whoever he designates to the Justice Department relocation site at Martinsburg, West Virginia. Airhart said that ODM would not tell him where the helicopter is coming from and Airhart is not relying on this helicopter. He said he is writing to ODM for further details and requesting that he be given the name of the person to contact to get the helicopter in order that he can have a test run between now and June 16, 1955. Airhart said he thinks this helicopter is part of the planning to remove Cabinet officers in an emergency.

Memo Belmont to Boardman 5/19/55

Observation:

As you are aware, we previously made contact with ODM relative to the availability of a helicopter and it was indicated that aircraft would be grounded in an emergency and could not be counted upon. We are having Liaison again contact ODM to ascertain the current status of this situation with reference to the practicality and availability of helicopter service for essential Bureau personnel. You will be advised of the results of this contact.

(2) Airhart said that because of the conflict in the dates for the Secretary of Defense Conference at Quantico and the relocation exercise planned for mid June, the Department had sent a letter to ODM stating the FBI would not participate in the relocation exercise in mid June; that this letter, a copy of which was sent to the Bureau, crossed in the mails with a letter from the Bureau advising that the Defense Conference was being set back until July, 1955. Airhart said that the

AHB:lmm (5)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Roach
1 - Mr. McArdle

RECORDED - 15 66-18953-81

EX. - 113

24 MAY 27 1955

LIAISON

Memo has been received & memo submitted to Deputy 5/18/55/jm

Department will send a letter to us stating that now that the conflict of dates has been resolved, the Bureau should feel free to participate in the relocation exercise in mid June. He is attaching thereto a copy of the ODM program for the relocation exercise in July, for our information. Airhart has notified ODM that he understands this problem has now been resolved and has asked for verification from ODM.

Observation:

We will, of course, plan to participate in the relocation exercise in mid June.

(3) Airhart said ODM has set aside four counties in Virginia and West Virginia for the relocation of Department of Justice personnel. These counties are around Winchester, Virginia. Airhart said that the Department plans for its essential personnel and their families to relocate at Martinsburg, West Virginia, while the nonessential personnel and their families will relocate in the vicinity of Winchester, Virginia. He wanted to know whether the Bureau's nonessential personnel would likewise be relocating in these four counties around Winchester. He said that the Department of Justice and Immigration and Naturalization Service personnel, numbering about 9,000, would be relocated there and he assumed we would have about 9,000 in the Bureau, thus making a total of 18,000 to be considered for relocation in these four counties. He said the planning is not complete and before he goes ahead he would like to know if the Bureau personnel would be sent to this area. I told him we were considering the matter at this time and we would let him know.

Observation:

Separate memo - Belmont to Boardman 5/18/55/jm

As you know, we have proposed that we set up a central point to which Bureau personnel not being relocated at Quantico could proceed in an emergency. Inasmuch as ODM, according to Airhart, has designated these four counties for Department of Justice personnel, it would be well to study whether our central point should be located in this area. Presumably under the ODM planning the area is capable of ~~assembling~~ assimilating the additional persons designated for the area in an emergency. Airhart is sending me the map which sets forth these four counties. If you agree we will explore this through the ODM for full details in connection with our planning and thereafter will advise Airhart whether we will or will not propose to have our nonessential personnel and their families report to that area if they so desire. We will, of course, make no

commitments as to as yet unformulated Department plans for housing personnel in this area, in other words, we will find out exactly what ODM plans are and furnish you with another memorandum with recommendations.

(4) Mr. Airhart said he has been needling Mr. Lindsay to furnish to the Bureau information concerning the Attorney General's desires relative to relocation of the Attorney General's family in an emergency. You will recall that we contacted Mr. Lindsay on April 22, and he promised to furnish us this information. Airhart said he is pushing Lindsay regarding this.

memo to Lindsay 5/19/55 ffm.

OK

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: May 18, 1955

FROM : A. H. BELMONT

SUBJECT: BUREAU WAR PLANS SUMMARY

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

By memorandum 5/5/55 I set forth the results of a conversation with Mr. John Airhart, Relocation Coordinator of the Department.

Among the points discussed by Airhart was that relative to the possibility of a helicopter being made available to remove the Attorney General and the other individuals to be named by him from the Justice Building in an emergency.

You will recall that we previously learned from Commander Beach at the White House that helicopters would be made available only for the evacuation of the President and his immediate White House staff.

On 5/9/55 Colonel Edward H. Lahti, Department of Defense, advised Liaison Agent Woods that arrangements were being perfected to provide evacuation helicopter service for 45 key officials in the Executive Branch of the Government. Three helicopters capable of carrying 15 persons each were to be made available. The 45 officials have as yet been unnamed, but it is understood that the Attorney General, the Director and Assistant Attorney General Tompkins are definitely included at this planning stage. Colonel Lahti also advised that while it will be possible to bring helicopters into the district, the landing space has as yet been undetermined but that this space will be utilized with respect to the individuals which are to be evacuated.

Mr. Ed Cox, Office of Defense Mobilization (ODM), on this same day advised Liaison Agent Woods that the Director, Attorney General and Assistant Attorney General Tompkins will be evacuated separately by helicopter as originally planned. This, of course, is pending the completion of the plans for the evacuation of the 45 individuals above mentioned.

Enclosure four 5-19-55

JFEM:pyp
(7)

66-18953-82

RECORDED-35

MAY 20 1955

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Nichols
1 - Mr. Hennrich
1 - Section Tickler
1 - Mr. McArdle

59 JUN 1 1955

McArdle

LIAISON

Relocation Plan For U. S. Department of Justice

MEMO BELMONT TO BOARDMAN

From the foregoing it is apparent that the question of the use of the helicopter in an emergency evacuation is still somewhat at a state of flux. Liaison is following.

Mr. Airhart on 5/5/55 stated that he was needling Mr. Lindsay to furnish the Bureau information concerning the Attorney General's desires relative to the relocation of Mr. Brownell's family in an emergency. To date no response has been received from Mr. Lindsay. There is attached a communication to Mr. Lindsay referring to the contact with him by Messrs. Roach and McArdle on 4/22/55 at which time he promised to furnish the necessary information at an early date.

RECOMMENDATIONS:

1. That the attached memorandum go forth to Mr. Lindsay reminding him that it would be impossible to prepare plans for the safe delivery of the Attorney General and his family in a period of emergency until such time as we are informed relative to the Attorney General's desires for the relocation of his family.

2. That Liaison closely follow the developments of the Defense Department's plans for the utilization of helicopters for emergency evacuation.

OK. but I assume they understand that A.G. & Jos. Jenkins will go to Martinsburg & Marshall go to Quantico.

K.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: April 19, 1955

FROM : A. H. BELMONT

SUBJECT: RELOCATION OF ATTORNEY GENERAL AND FAMILY

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Reference is made to the Attorney General's memorandum dated 4/14/55, designating Mr. John V. Lindsay as the individual responsible for providing advance information as to the location of the Attorney General and his family at all times. Department of Justice emergency plans provide that the Attorney General, upon receipt of information calling for the implementation of the relocation plan, will furnish necessary instructions to the FBI and, thereafter, will drive his personally owned car or make alternate arrangements to get to the FBI relocation site. Departmental relocation plans also provide that the Shenandoah Hotel, Martinsburg, West Virginia, will be the rendezvous point for all nonrelocated employees of the Department, their families, and for the families of relocated employees. The plans provide that all employees should notify their family of the above situation and in addition thereto, Departmental personnel who have been assigned essential functions at other than the Departmental relocation site, should take their families with them when they relocate and make arrangements for them in the vicinity from which they are to operate. If this is not feasible, their families should be instructed to proceed to the Shenandoah Hotel, Martinsburg, independently and, thereafter, contact the Departmental employee at his site of assignment.

From the foregoing, it would appear that the Departmental plans are complete in so far as Departmental employees generally are concerned.

In so far as the Bureau is concerned, we are charged with the responsibility of getting the Attorney General to the relocation site and providing for the needs of his family in an emergency. However, there is certain information which we will need in order to make concrete plans, namely: (1) Where would

Enclosures sent 4-20-55

JJEM:bmm (5)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. McArdle
1 - Section tickler

66-19853-83

INDEXED-16

EX-100

57 JUN 13 1955

LIAISON

o Relocations Plans For U.S. Department of Justice

the Attorney General want his family in the event of an emergency; (2) Where are the Attorney General's children located and what plans, if any, does he have for them in an emergency; (3) What instructions, if any, has the Attorney General given his family.

If the Director agrees, Liaison will contact Mr. Lindsay and obtain the answers to the above questions. Thereafter, we will formulate concrete plans for delivery of the Attorney General to the relocation site should he be in or near Washington when an evacuation is ordered. We will prepare an SAC letter advising the field of the Bureau's responsibility in this matter and of the fact that the Attorney General may contact them for assistance in an emergency.

We will not advise the field of the Attorney General's itinerary since he has advised that he would contact the nearest Bureau office in an emergency.

ACTION:

(1) With the Director's permission, Liaison will contact Mr. Lindsay and ascertain the answers to the questions set forth above. Thereafter, concrete plans will be prepared for the Seat of Government and an appropriate SAC letter will be issued to the field.

OK.

(2) That the attached memorandum go forth to the Attorney General.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: April 22, 1955

FROM : R. R. ROACH

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: RELOCATION OF ATTORNEY GENERAL AND FAMILY

Reference is made to your memorandum to Mr. Boardman, April 19, 1955, on which the Director O.K.'d liaison contact with Mr. Lindsay of the Department. At 10 A. M., this day, SA McArdle and I met with Mr. Lindsay in his office. Mr. John Airhart, Departmental relocation coordinator, was present. The questions posed in your memorandum of April 19, together with other pertinent questions were posed to Mr. Lindsay who had no answers.

Mr. Lindsay advised that he would make appropriate inquiry and would submit the answers to all questions posed in a memorandum.

In the meantime, we are going ahead with our planning for the evacuation of the Attorney General and his family.

ACTION:

Upon receipt of Mr. Lindsay's memorandum detailed plans will be submitted and appropriate instructions sent to the field.

RJEM:pyp:bpk (4)

1 - Mr. Belmont
1 - Section Tickler
1 - Mr. McArdle

RECORDED-16 66-18953-84

INDEXED-16

57 JUN 13 1955

JUN 7 1955

LIAISON

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: May 26, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS - DEPARTMENT OF JUSTICE RELOCATION

Tolson, Boardman, Nichols, Belmont, Harbo, Mohr, Parsons, Rosen, Tamm, Sizoo, Winterrowd, Tele. Room, Holloman, Gandy

In my memorandum of April 21, 1955, wherein I recorded a conversation in my office with Mr. John Airhart, Relocation Coordinator of the Department, Mr. Airhart advised that the Attorney General and other members of the Department previously scheduled for relocation at Quantico would be going to the Departmental relocation site at Martinsburg, West Virginia.

On May 25, 1955, Mr. Airhart advised Messrs. Roach and McArdle, Liaison Section, that pending instructions from the President as to where the Attorney General should go, he (the Attorney General) would accompany the FBI to our Quantico relocation site in an emergency relocation. The FBI has the responsibility to get the Attorney General to Quantico. All other members of the Attorney General's staff will go to the Departmental relocation site at Martinsburg, West Virginia, where the Immigration and Naturalization Service will also relocate.

In light of Mr. Airhart's most recent pronouncement, there will be no change in the space originally allocated to the Attorney General at Quantico. The Counselor's Room at Quantico will be retained for use by the Attorney General, a secretary which the Bureau is to provide for him, and will be used as sleeping quarters for the Attorney General.

RECORDED-16 66-18953-86

RECOMMENDATION:

For information.

EX-100 JUN 7 1955

LIAISON

JEM:mnm

(7) 1 Mr. Nichols
1 Mr. Boardman
1 Mr. Belmont
1 Mr. Harbo - Attn: Sloan
1 Section Tickler
1 Mr. McArdle

5 7 JUN 13 1955

Relocation Plan for U.S. Department of Justice

Memo to Boardman 5-31-55

Memo Belmont to Boardman 6/7/55

1. We should try & ascertain where A.G. wants his family taken.
2. We should continue to survey locations near Martinsburg as the travel between Quantico & Martinsburg is going to be ...

Memo Belmont to Boardman 6/7/55

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 7, 1955

FROM : MR. L. H. MARTIN

SUBJECT: BUREAU WAR PLANS
TRAVEL OF THE ATTORNEY GENERAL

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Mr. Holloman's office advised at 5:25 p.m., June 7, 1955, that the Attorney General may leave hereon Friday, June 10, 1955, for Lincoln, Nebraska, and return Sunday, June 12, 1955.

RECORDED - 24 66-18953-87

1 JUN 8 1955

EX-100

cc - Mr. Belmont
Mr. McArdle
Mr. Martin

LHM:jdd
(4)

59 JUN 10 1955

5-Letterhead Plans For U.S. Dept. of Justice

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: June 1, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS
OPERATION ALERT, 1955
Relocation Plan For U.S. Dept of Justice

A Washington City News Service release of 5/31/55 indicated that, while the President and top Government officials will leave Washington for the full three-day test beginning at noon June 15, 1955, and closing 6 p.m. June 17, 1955, no Cabinet members will be with the President, but they will go to their own particular relocation sites and that while this national test is underway there will be Civil Defense tests in 50 other American cities.

Mr. John Airhart, relocation co-ordinator of the Department, on 6/1/55 advised that he has recently learned that the National Security Council is planning to hold a Cabinet level meeting at High Point (Bluemont, Virginia) during the early stages of the relocation test and that under these circumstances Mr. Airhart will propose to the Attorney General that he, the Attorney General, go directly to High Point and thereafter proceed to the Departmental relocation site at Martinsburg, West Virginia. Mr. Airhart advised that to that end he has arranged a private office for the Attorney General at the Martinsburg site.

Mr. Airhart further advised that for purposes of the June 15 test, the Attorney General will provide his own transportation to the relocation site and that no guard or protective staff of the FBI will be necessary. Mr. Airhart also stated that the Attorney General has set aside the three days, June 15, 16, and 17, for his participation in Operation Alert, 1955, and that it is quite likely that he may visit the FBI relocation site at some time during the three-day period.

Mr. Airhart stated the foregoing has not as yet been approved by the Attorney General but he is certain that Mr. Brownell will go along with his thinking and that he will confirm these plans to the FBI as soon as the Attorney General has agreed.

Mr. Airhart further advised that he has learned from the Office of Defense Mobilization (ODM) that two ODM inspectors have been assigned to the Department of Justice for purposes of this test. One will accompany the Department and the other will accompany the FBI to their respective relocation sites.

With reference to the Civil Defense tests in 50 other American cities, Federal Civil Defense Administration advised a Bureau Liaison Agent this date that some of the cities have not been and will not be advised that they are to take part in

JEM:dje
(8)
1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - Section tickler
1 - Mr. McArdle
Enclosure

12 JUN 13 1955

INITIALS OF PERSONNEL

ORIGINAL COPY FILED IN 66-17387-209

66-17953

NOT RECORDED
145 JUN 15 1955

memo from Belmont to Boardman

this test exercise, that in their instances it will be strictly a surprise operation and that in any and all cities who do participate in the exercise, the extent of the participation will be a matter to be determined by the State and Local Civil Defense Director.

There is enclosed an Airtel to each Bureau office requesting them to reply immediately as to what, if any, plans are being made in each headquarters city and what will be expected of the office by way of participation in the exercise planned.

RECOMMENDATION:

(1) that the enclosed Airtel to each SAC go forth

(2) that Liaison continue to maintain close contact with Mr. John Airhart, relocation co-ordinator of the Department, to determine what specific plans the Attorney General has approved for his own participation in Operation Alert, 1955.

PERSONAL AND CONFIDENTIAL
NO NUMBER SAC LETTER 55-K

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

June 2, 1955 WASHINGTON 25, D.C.

RE: WAR PLANS - RELOCATION OF
ATTORNEY GENERAL AND FAMILY

In the event of an emergency the Attorney General or individual members of his family may contact your office for assistance. In the event this happens, you should render all assistance possible under the circumstances.

For your information, the Attorney General and Mrs. Brownell reside at 4355 Forest Lane, N. W., Washington, D. C. The members of their family are as follows:

[redacted], born [redacted]
attending Dickinson College, Carlisle, Pennsylvania

[redacted], born [redacted]
attending Quarter Circle V Bar Ranch School, Mayer, Arizona

[redacted], born [redacted]
attending Sidwell Friends School, 3901 Wisconsin Avenue, N. W., Washington, D. C.

[redacted], born [redacted]
attending Sidwell Friends School, 3901 Wisconsin Avenue, N. W., Washington, D. C.

Very truly yours,

John Edgar Hoover

Director

66-18953-
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145 JUN 9 1955

57 JUN 13 1955

"Emergency Relocation Plan For U. S. Department of Justice"

ORIGINAL COPY FILED IN 66-0-2231

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. CALLAHAN

FROM : A. M. NEWMAN

SUBJECT: WAR PLANS - Dept. of Justice

DATE: 6-10-55

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
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Rosen
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Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

The five boxes which were at Quantico for the use of the Attorney General were returned to Mr. Groves in Mr. Ford's office today.

This is for record purposes.

AMN:lkl
2

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EX.-113

12 JUN 13 1955

5-g

124

53 JUN 20 1955

Office of Legal Counsel Plans re U.S. Dept of Justice

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: June 7, 1955

FROM : MR. A. H. BELMONT

SUBJECT: RELOCATION TESTS
JUNE 15, 16 and 17, 1955

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Mr. John Airhart, Relocation Coordinator of the Department, advised on the afternoon of June 7, 1955, that Mr. Tompkins will preside over a meeting of Assistant Attorney Generals in Room 2515, Justice Building, at 11:00 A.M. on June 8, 1955, for the purpose of explaining the Department's plans in connection with the relocation tests to be conducted June 15, 16 and 17. Mr. Airhart advised that a Bureau representative would be welcome.

Inasmuch as Liaison Agent Daunt will accompany the Department to the relocation site during the June tests, I have instructed that he be present during this meeting for the purpose of listening and advising the Bureau of any developments which may be pertinent to our activities.

cc - Mr. Boardman
Mr. Belmont
Mr. McArdle
Mr. Roach

AHB:ejf
(5)

RECORDED - 87 66-18955-90
EX-116
12 JUN 21 1955

LIAISON

Memo to Belmont from Roach 6-9-55 JJD

124

65 JUN 27 1955

Emergency Relocation For U.S. Department of Justice

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 9, 1955

FROM : MR. R. R. ROACH

SUBJECT: RELOCATION PLANNING
DEPARTMENT OF JUSTICE

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On June 8, 1955, Liaison Agent Daunt attended a relocation planning conference with Department of Justice officials. Daunt will handle liaison with the Immigration and Naturalization Service (INS) at Martinsburg, West Virginia, during the June, 1955, relocation test. John Airhart of the Department requested that the FBI Liaison at Martinsburg attend this conference.

The conference was led by Airhart and attended by Assistant Attorney General Tompkins and representatives from the Bureau of Prisons and INS. The conference was completely informative in nature held for the purpose of advising the Department representation at Martinsburg what they could expect in the way of facilities at the site. Airhart pointed out that all the essential Department people would be at Martinsburg and the unessential group for record purposes only would be located at Winchester, Virginia. No unessential people are being moved to Winchester for the June test. Airhart pointed out that the space at Martinsburg Courthouse was certainly not adequate in size to handle the 60 to 100 people who were scheduled for relocation. It was pointed out that those scheduled for relocation should depart for the site by 12:05 P.M., on June 15, 1955, and that the test would be completed at 12:05 P.M., June 17, 1955. Airhart suggested that those going to the site may wish to schedule an earlier departure than 12:05 P.M. in view of the Federal Civil Defense Administration test during the same day. Although no actual time was set for departure by Airhart, many of those at the conference indicated they intended to take advantage of the earlier departure. The Department will have courier service from Washington, D.C., to Martinsburg, one round trip leave Washington at 10:00 A.M. and to leave Martinsburg at 2:00 P.M.

Airhart warned that the Office of Defense Mobilization would probably take a close look at the Justice operation since they were the nearest to the High Point area and particularly warned that the security at the relocation site should be very tight. According to Airhart, the Attorney General now plans to be at Martinsburg Wednesday afternoon and Thursday morning (June 15 and 16) and is presently considering as a relocation problem the attendance at a National Security Council meeting on Thursday afternoon (June 16).

JJD:fjb
(5)

66-18953-9

RECORDED - 87
62-116 12 JUN 21 1955

1 - Mr. Belmont
1 - Mr. Jones
1 - Liaison Section
1 - Mr. Daunt

Re: Emergency Relocation Plan for U.S. Department of Justice

Memo to Mr. Belmont
from Mr. Roach

RE: RELOCATION PLANNING
DEPARTMENT OF JUSTICE

Deputy Attorney General Rogers is now scheduled to be at the relocation site at Martinsburg during the entire test period.

ACTION:

None. For your information.

COPY PM

Mr. Tolson

June 15, 1955

L. B. Nichols

For record purposes, at 11:45 a.m. today, Jack Adams of the Associated Press advised Mr. McGuire that Fred Mullen, Director of Information in the Justice Department, had confirmed that the Attorney General was leaving Washington with his top aides in connection with Operation Alert.

Adams inquired as to whether the Director was leaving the city and going to a relocation site. Adams was advised that the FBI was participating in Operation Alert and beyond that we could make no comment whatsoever. Adams stated he understood.

CC: Mr. Holloman
CC: Mr. Boardman
CC: Mr. Belmont

JJM:imz
(5)

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145 JUN 21 1955

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Date: June 15, 1955

TO : MR. BOARDMAN

FROM : A.H. BELMONT

CC- Mr. Boardman
Mr. Belmont
Mr. Nichols
Mr. McArdle
Mr. Roach

SUBJECT: WAR PLANS-OPERATION ALERT 1955
(June 15, 16, 17)

In my memorandum of June 14, captioned as above, I pointed out that the question of a code system between the FBI and the Department of Justice had been raised with John Airhart, Relocation Coordinator of the Department, on several occasions during the past six weeks. The Director noted, "Did we ever put in writing to the Department the need for a code? H."

The question of the need of a code for confidential communications between the FBI and the Department was not put in writing to the Department. Mr Airhart advised on each occasion this question was brought up that their information was that the National Security Agency was preparting a code system which would enable them to code messages as needed and that it was expected shortly. Mr. Airhart further advised that insofar as he was concerned there would be no need for a codebetween the FBI and the Department for any test operation since he had no intention of permitting any message to be sent over the communications network during a test operation which would require coding. He felt that security was a paramount importance and that there should be nothing put over a communication system which could in any way be interpreted to constituet a security risk.

Mr. Airhart further advised that if some situation did arise which would indicate the need for a coded message during a test operation, this would be taken care of by direct courier service between the agencies. As recently as June 14, 1955, Mr. Airhart was questioned as to when the Department was going to have a code system which would permit coded communications between the two agencies. He replied that the National Security Agency was supposed to supply the cryptographic system for the Department.

Referenced memorandum also stated that coded messages could be sent between the FBI and the Department by sending the coded message to High Point where the message would be decoded and recorded in the cryptographic system known to the Department. The Director noted, "This isn't clear to me. Why should they be breaking a code in order to get proper messages intended for us? H."

Attachment
JEM:amc;tlc (6)

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59 JUL 27 1955

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MEMORANDUM FOR MR. BOARDMAN June 15, 1955

Re: War Plans - Operation Alert 1955
(June 15, 16, 17)

The code pad which the Department now has for the purposes of this test exercise is for operations between the Department and High Point only. This means that the Department can communicate with High Point only and with no other agency, including the FBI. If the Department wishes to communicate with another agency, such as the FBI, the message must first be sent to High Point, where it is decoded and then re-encoded in a system held by that other agency. The FBI code, on the other hand, can be used for communications not only with High Point, but with all other agencies which have AFSAM 7 code machines. The Department does not have AFSAM 7.

The Cryptographic Section of the Laboratory Division has advised that if the Department can obtain AFSAM 7 machines from the National Security Agency, the Bureau could prepare unique rotors and key lists which would permit the FBI to communicate directly with the Department, much as we now do with our field offices, in a secure system so that no one else would be able to read our messages.

There is attached a memorandum to the Attorney General with a copy for Deputy Attorney General Rogers and Assistant Attorney General Tompkins, setting forth the need for a cryptographic system between the FBI and the Department of Justice.

In response to Mr. Nichols' inquiry as to delay in receipt of Annex 3, Part B of Office of Defense Mobilization (ODM) instruction dated April 28, 1955, referenced memoranda pointed out this annex was transmitted to the Department by cover memorandum dated 6/9/55. The date of 4/28/55 refers to the basic release of ODM. The exact date Annex 3 was prepared is unknown. Mr. Tolson inquired, "But why didn't our liaison know about it? T." The Director noted, "I would like to know. Our liaison at ODM seems to be dismally ineffective. H."

Justice has always represented the entire Department and its component agencies at all meetings covering the plans in question. The ODM Inter-Agency Committee is made up of the heads of 31 agencies or their designated representatives.

"This should have been done orginally. I have again and again asked that matters with Department be placed in writing so Bureau may be on record. H."

MEMORANDUM FOR MR. BOARDMAN

Re: War Plans *Operation Alert 1955
(June 15, 16, 17)

Justice represents the FBI. Many of the ODM documents we have ultimately received concerning Operation Alert 1955 have been received by the Bureau only after Liaison has determined through contacts that they exist and as a result has made special arrangements to receive them from ODM direct. Frequently the documents we havebeen able to obtain by this special request and off-the record, have been documents previously furnished to the Department two or three weeks prior to the time of the Bureau request. In only a few instances has Justice indicated the documents were in their possession. The ODM communications manual after a special request was made for this document. The Bureau had no knowledge that such a document existed until Liaison had ascertained from ODM through contacts that there existed a communications manual to be used for Operation Alert 1955.

RECOMMENDATION:

That the attached memorandum to the Attorney General, with copies for Messrs. Rogers and Tompkins, go forth.

"What Steps do you suggest we take so as to be kept properly and promptly advised? It is obvious that Department will not do it. H."

June 15, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

In line with the Attorney General's memorandum of June 9, I attended a meeting in the Attorney General's office at 2:30 PM on June 14, at which were present the Attorney General, the Deputy Attorney General, Mr. Rogers; Assistant Attorneys General Rankin and Tompkins; the Director of the Bureau of Prisons; the Commissioner of Immigration and Naturalization; Mr. Airhart and Mr. Yeagley, of Mr. Tompkins' Division; and one of the Generals from the Immigration and Naturalization Service.

The Attorney General opened the meeting by stating that he wanted to go over the proposed set-up to be followed by the various participants in the 1955 Alert which was to start on June 15.

Mr. Airhart advised the Attorney General that 86 persons would be evacuated from the Department to the evacuation headquarters of the Department at Martinsburg, West Virginia. Sixteen of these 86 were representatives of the Immigration and Naturalization Service. The Attorney General was further advised that 69 of the personnel of the FBI would be evacuated to the FBI evacuation headquarters at Quantico, Virginia.

The Attorney General was advised that as regards the personnel journeying to Martinsburg, each individual would have a Civil Defense Identification Card with the individual photograph of the employee thereon. In addition, all automobiles to be used would have available a Civil Defense Identification Card. The Attorney General raised the question as to the time for departure, as he understood that it was set for 12:05 PM and he questioned the desirability of leaving prior thereto. I informed the Attorney General that in so far as the FBI was concerned, some of our personnel were leaving for our evacuation headquarters on the evening of June 14 and that the remainder

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Attachment

JEH:tlc

56 JUN 29 1955

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DATE
BY

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would leave at 10:00 AM on June 15, and we anticipated that our evacuation headquarters would be completely ready for operation shortly after 11:00 AM on June 15. After some discussion, it was agreed that there was no restriction imposed by ODM or the Civil Defense Administration as to the exact time when personnel should leave. I pointed out the fact that we had been advised that ODM would start sending messages early on the morning of June 15, and that this meant it was necessary for us to be in operational status so as to be able to receive the messages and act thereupon.

I reminded the Attorney General that it was imperative that immediately upon his arrival at High Point to attend the meeting called by the President, he should immediately communicate with the Department of Justice headquarters at Martinsburg, authorizing the FBI to initiate the pick-up of the persons on the Security Index and the foreign diplomats coming within the Diplomatic Program. I stated that until the FBI received instructions from the Department of Justice headquarters at Martinsburg, it would not be able to initiate these two programs. It was agreed that Mr. Rogers would proceed to Martinsburg to be in charge of the Department of Justice staff there and that the Attorney General would leave Washington at 12:05 PM to go with Assistant Attorney General Rankin and proceed to High Point where the first meeting was to be held and that upon arrival at High Point, he would take steps to give clearance to Mr. Rogers at Martinsburg for the initiation of the necessary programs by the FBI.

The discussion brought out the fact that there was no code that had been developed for use by the Immigration and Naturalization Service and by the Prison Bureau at Martinsburg so that they therefore would not be able to participate in activities that might require the testing out of the sending of classified information over communication lines. It also developed that there was no coding machine at Martinsburg which would enable the Department of Justice agencies there to code or decode messages. Since the telephone cannot be used for any classified information, the most that the Department of Justice could do at Martinsburg would be to communicate with High Point through a code arrangement and High Point, in turn, would decode the message and then recode it for transmission to the FBI headquarters at Quantico. It was recognized that this would be a long delaying process, but it was the best that could be done.

I advised the Attorney General that we had stationed at each of the evacuation sites of the various Government agencies a Liaison representative and that there would be such a representative at the Department of Justice headquarters in Martinsburg. I informed the Attorney General that in view of the fact that there was no arrangement to code messages, we had worked out a very simple code with our Liaison representative at Martinsburg so that he could by telephone to our headquarters at Quantico indicate the authority to initiate the various projects that would be necessary to the carrying out of our programs.

Mr. Airhart presented certain information taken from an ODM mimeographed memorandum setting forth the time of the various exercises which were to be carried out during the three-day period but which really theoretically covered a thirty-day period of operation. On my return from this conference, I asked Mr. Belmont to let me have a copy of this memorandum because I had not seen the same.

Mr. Airhart also had a copy of a memorandum of the various problems that would be initiated by the various branches of the Department of Justice at Martinsburg, which memorandum would be made available to the employees upon arrival at Martinsburg. Mr. Airhart stated in answer to a query of mine that we had been furnished a copy of this memorandum. I have asked Mr. Belmont to let me have a copy of the same because I do not recall seeing it. Mr. Airhart also advised the Attorney General that there had been furnished to ODM ten copies of all the problems which were to be participated in by the various branches of the Department of Justice, including the FBI. I have asked Mr. Belmont for a copy of this document because I have not seen the same.

Mr. Airhart stated that there had been some confusion incident to a number of sealed envelopes sent out by the Federal Civil Defense Administration; that these envelopes should have been received by the FBI several days ago but were not delivered until the Fourteenth. I have asked Mr. Belmont to find out for me the reason for this delay and why we did not have better liaison coverage at the Federal Civil Defense Administration so as to have procured these envelopes earlier.

It was indicated also to the Attorney General by Mr. Airhart that it would be entirely possible that ODM might send certain fictitious messages with faked signatures so as to test out the security of the various agencies and that all branches of the Department of Justice should be alert and make certain that any messages or instructions received have actually emanated from the person purporting to sign the same who has the authority to issue such instructions.

Assistant Attorney General Tompkins advised the Attorney General that at the meeting at High Point on the afternoon of June 15, he, the Attorney General, would be expected to brief the President and the other officials attending that meeting as to the status of Operation Alert on the presumption that three days had passed since the yellow alert had been given. Mr. Tompkins presented to the Attorney General the attached memorandum of suggestions which the Attorney General might desire to use at this briefing.

Mr. Tompkins advised the Attorney General that there had been a previous memorandum prepared and it had been submitted to the FBI, but that the FBI had raised certain objections to the same and that I might be able to better explain the Bureau's views concerning the first memorandum which had been prepared. I advised the Attorney General that the first memorandum set forth a number of fictitious instances which were supposed to have taken place, such as the actual commission of sabotage by Communists in the United States and the finding of evidence indicating atomic weapons having been secreted within the United States, as well as the inability of the FBI to make effective apprehensions of large numbers of persons on the Security Index. I told the Attorney General that I thought it would be best for him to confine this statement to what had been set up and accomplished by the various branches of the Department of Justice in a dignified and objective manner. The memorandum which was handed to the Attorney General by Mr. Tompkins largely adhered to this idea. .

Before the meeting closed, I also suggested to the Attorney General that I thought that one of the first things that should be listed for attention was the preparation of a code for the Immigration and Naturalization Service and the Prison Bureau so that there might be proper communication between all branches of the Department of Justice with proper security.

The Attorney General inquired as to whether this Bureau could handle any messages in time of an emergency carrying instructions to the United States Attorneys. I stated that the FBI would be glad to handle such messages through our local field offices which, in turn, would communicate them to the United States Attorneys.

There was some inquiry made as to whether we could handle any additional messages for the Immigration and Naturalization Service and I indicated that we could not. I stated that our circuits would be heavily loaded as it was and it would be impossible for us to take on any additional duties other than that of handling messages to the United States Attorneys.

I reminded the Attorney General that in addition to what had already been stated, he was scheduled to attend a meeting of the National Security Council to be held at Fort Ritchie at 10:00 AM on June 16 and which was to be preceded by a general briefing at Fort Ritchie at 9:30 AM on June 16. The Attorney General apparently had not been advised of this and had no material pertaining to the same. He requested that Mr. Tompkins' Division be certain to see that he was furnished with the necessary material so that he could take it along with him when he planned to leave Washington at noon on June 15.

Very truly yours,

S/ J. E. H.

John Edgar Hoover
Director

I can report that the Departmental Relocation Site at Martinsburg and the FBI Relocation Site became operational from the sounding of the yellow alert since each site is a permanent installation with a nucleus staff. Each has radio, teletype, and telephone installations. The Bureau of Prisons and the Immigration and Naturalization Service have also activated their relocation sites.

Upon the signing of the necessary documents by the President authorizing the programs for the detention of dangerous persons and for the internment of enemy diplomatic and consular personnel and the personnel of international organizations in this country, the FBI immediately went into action and I can report that progress is being made in all areas except in those areas which have suffered heavy personnel casualties.

As we have been repeatedly warned by the FBI, the Communist strategy called for acts of sabotage by Communists upon the outbreak of hostilities. I can report that every Bureau office in the country has been flooded with reports of alleged sabotage, some of which may be due to a feeling of panic and hysteria that had been anticipated, but others are undoubtedly acts of sabotage resulting from Communist strategy. Some of the rumors are undoubtedly also the result of Communist efforts to incite panic and generally disrupt relocation of civilian personnel and restoration of civilian morale.

TOP SECRET

This ... is ... of 1 pages

No. 2 of 3 Copies.

ENCLOSURE

62-189275-1

ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: June 14, 1955

FROM : A. H. Belmont

SUBJECT: WAR PLANS - OPERATION ALERT 1955

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Read

Attached hereto for the Director's information is a copy of the instructions of the Department to their personnel who will relocate at Martinsburg. The designation "Queen Eleven" opposite FBI, page 2, pertains to our Liaison Agent Jerome Daunt who will be at Martinsburg with the Department.

We are not using the log form shown as Exhibit A. We are, however, keeping an accurate account of all calls showing the times. Each problem handled is being set up in a separate folder for information from the time it is started until it is finished.

Pages 5, 6, and 7 reflect the time table for the exercise for the problems at the Department's relocation site.

There is attached also a Photostat of the problems furnished by the Department to the Office of Defense Mobilization for the various divisions and agencies of the Department, except the FBI. A copy of the FBI problems as furnished to the Department is also attached. The FBI problems were sent to the Office of Defense Mobilization by the Department together with the problems of the Department and its agencies according to Mr. Airhart.

You will note that the problems of the Department call for use of the FBI radio network by the Department to contact U. S. Attorneys on several occasions. In accordance with the Director's instructions this afternoon, we will make a provision in our War Plans for this after Operation Alert 1955 is over. Also the problems of the Immigration

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Enclosures
AHB:fjm
(6)
cc - Mr. Boardman
Mr. Belmont
Mr. Nichols
Mr. Roach
Mr. McArdle

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and Naturalization Service call for contact with our field offices on problems of mutual interest. I checked with Mr. Airhart tonight. He said that the messages set out in the Department problems and INS problems will not actually be sent, therefore, there will be no use of FBI radio network, and INS will not contact our field offices during Operation Alert 1955. These problems are all being simulated, and, according to Mr. Airhart, will not result in contact with the FBI by the Department or INS.

Be certain to analyze these problems carefully in so far as any of them or involve the FBI & similarly certain that procedures are correct as pertaining to us.

H.

July 13, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. DELMONT
MR. NICHOLS

With regard to the attached memorandum of July 11, 1955, from Mr. Boardman to me, transmitting a copy of the brief for my use at the conference called by the Attorney General regarding Department of Justice War Plans to be held on July 13, 1955, I cannot refrain from observing that this brief was grossly inadequate and contained therein some utterly undesirable recommendations for me to follow.

In the first place, we have completely failed to make any headway whatsoever toward locating a permanent relocation headquarters of the Department of Justice. You have advanced to me certain suggestions regarding this which are impractical and untenable. The original suggestion for the purchase of land near Camp Ritchie was ridiculous because we do not have the authority to make such a purchase in the first place and the area near the underground Pentagon, which is adjacent to Camp Ritchie, is to be listed as a critical area.

The suggestion that I go along with the formation of a committee to handle the War Plans in the Department is directly contrary to my fundamental views concerning committees.

EX-123 RECORDED-52 66- [illegible] -93

The suggestionsmade as to the Departmental cryptograph system are equally undesirable and untenable. We are not responsible for the setting up of such a system in the Department, and at least until we can handle our own operations with the degree of efficiency that is necessary, we should not be taking on the problems and projects of other agencies, even though they be a part of the Department of Justice.

11 JUL 15 1955

The brief as a whole was not concise and it became necessary for me to direct Mr. Tolson to have Mr. Boardman prepare

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59 JUL 25 1955

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DATE 7-14-55
BY [illegible]

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for me a summary memorandum changing the recommendations contained in the original brief to those which I could, with good conscience, support.

I have previously called your attention to my displeasure with the manner in which briefs have been prepared for me for use at important meetings and conferences. There has been no improvement whatsoever. I desire that Mr. Boardman immediately take steps to correct this deplorable condition so that I may procure the necessary information and in the proper form when I need it.

Very truly yours,

John Edgar Hoover
Director

Attachment

JEH:tlc
(7)

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: June 21, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS

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At 2:30 p.m. June 20, 1955, Mr. John Airhart, Relocation Coordinator of the Department, telephonically requested SA McArdle to come to his office for a few remarks which he wanted to make relative to the Departmental war planning. After clearing with me, McArdle proceeded to Mr. Airhart's office.

Mr. Airhart advised that during the recent Operation Alert 1955 the Department had utilized the services of one Captain Turner who will very shortly complete his course of training at the Army Signal School at Fort Monmouth. Airhart advised that Captain Turner had handled the Department's communications system during the recent test and added that he is recommending to the Attorney General that the Department make an effort to obtain the services of Captain Turner as soon as he has completed his current training course.

Airhart advised that if they are successful in getting Captain Turner they will utilize his services to set up a solid communications system within the Department of Justice and train communications personnel. Airhart was advised that the Bureau had directed a letter under date of June 16 to the Attorney General strongly urging a secure communications system. Airhart advised that he was glad that such a communication was forthcoming and that he was certain that the Department would make efforts to obtain coding machines. Airhart was requested to keep the Bureau advised as to their progress in obtaining a secure communications system.

Mr. Airhart advised that he had been informed by the Attorney General that the Director had indicated to the Attorney General the desirability of a joint FBI-Department of Justice relocation site. According to Airhart the Attorney General was very favorably impressed with the Director's suggestion along this line and while the Attorney General has issued no instructions to Mr. Airhart to proceed in the location of a joint relocation site Mr. Airhart advised that his impression of such a site would be one located on a Government reservation utilizing quonset huts or similar-type metal buildings which he felt could be obtained from the military; would be reasonably suitable and could be set up to meet the convenience of both the FBI and the Department. In this connection Airhart said there was approximately two hundred acres in the Veterans Administration Hospital Reservation

JEM:mnm
(8)

1 Mr. Nichols
1 Mr. Boardman
1 Mr. Belmont
1 Mr. Mohr
1 Mr. Harbo
1 Section Tickler
1 Mr. McArdle

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at Martinsburg, West Virginia, of which the Veterans Administration was using less than half. He added that they have their own emergency electrical system and an independent water system, both of which would be available to anyone coming into the reservation. Airhart is taking no action. We will keep this in mind in the event we have to build.

In accordance with the Director's prior instructions we are checking Carlisle Barracks and other sites in the Fort Ritchie area with the view of locating a place capable of accommodating the FBI and the Department under emergency conditions. Airhart indicated he was desirous of establishing a joint or common budget allocation for relocation purposes to include both the Department of Justice and the FBI. He stated he felt that a better appropriation could thus be obtained and a more adequate and fully equipped relocation site set up.

It is believed that as soon as an appropriate relocation site is found that financial arrangements can be worked out with the Department and that we should urge the Department to take the initiative to secure the necessary funds to develop and set up the relocation site. However, once such a site is set up it is believed that a separate budget should be set up for the FBI thus again leaving the FBI reasonably independent in the operation of their relocation site.

RECOMMENDATION:

For information.

We must establish the location of a suitable site.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 20, 1955

FROM : R. R. ROACH

SUBJECT: WAR PLANS - OPERATION ALERT
JUNE 15, 16, 17, 1955;
BUREAU LIAISON WITH JUSTICE

Tolson
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Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
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SYNOPSIS:

Department relocation site was located in Federal Building Martinsburg, West Virginia. This is an old building without fire escape presenting a definite fire hazard. Attorney General at Martinsburg 6:00 p.m. 6-15-55 to 4:50 p.m. 6-16-55. Deputy Attorney General Rogers 12:35 p.m. 6-15-55 until 7:00 p.m. 6-16-55. Assistant Attorney General Tompkins arrived at Martinsburg during the evening of 6-14-55 and remained until 1:15 p.m. 6-17-55. Department almost exclusively worked on its own internally prepared problems. Test problems prepared by Office of Defense Mobilization (ODM) for the Department were evidently handled by Rankin at the ODM relocation site at High Point. Department test problems were simple in nature, and primarily communications checks. Deputy Attorney General Rogers commented favorably re FBI alertness in requesting Department opinion on declaration of martial law. Rogers expressed the opinion that the Department portfolio re "Essential Wartime Functions" not widely enough studied by responsible Department personnel. ODM observers report on Department operation generally favorable, major objection being Rankin's presence at High Point resulting in blocking ODM problems for the Department. John Airhart, Department Relocation Officer, critical of operation from standpoint of carrying out divisional responsibilities realistically. Airhart advised the ODM observer that for the purpose of the test it made little difference whether problems for the Department were handled by Rankin at High Point or at Martinsburg.

ACTION:

None. For your information.

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DETAILS:

The Department of Justice site is located in the Federal Building, Martinsburg, West Virginia, occupying the second, third, and fourth floors. This is an old building, the absence of a fire escape making it a definite fire hazard. The possibility of a fire

JJD:mlp
(5)
1 - Mr. Belmont
1 - Mr. Stich
1 - Mr. McArdle
1 - Mr. Daunt

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was a major concern of Deputy Attorney General William Rogers during this three-day exercise. Office space was adequate but left a lot to be desired. Living accommodations were made available at the Shenandoah Hotel, Martinsburg, several blocks from the Federal Building.

Bureau liaison representative arrived at the Department site at 10:30 a.m. 6-15-55, Assistant Attorney General Tompkins was then at the site having arrived on the evening of 6-14-55. Tompkins remained at Martinsburg until 1:15 p.m. on 6-17-55. Deputy Attorney General Rogers arrived 12:35 p.m. 6-15-55 and left Martinsburg on the evening of 6-16-55. The Attorney General arrived at Martinsburg 6:00 p.m. 6-15-55 and left the site for Washington, D. C., on 6-16-55 at 4:50 p.m. after returning from a meeting at Fort Ritchie. On Thursday evening, 6-16-55, Department personnel was reduced by 50% and returned to Washington. The site closed down except for a communications operator and administrative personnel loading furniture and files for return to Washington, D. C., at 1:30 p.m. 6-17-55.

Test Problems

The Department almost exclusively worked on their own test problems planned by the Civil, Legal, and Internal Security Divisions, the Bureau of Prisons, and Immigration and Naturalization Service. They had a total of 70 odd problems, 53 of which were completed at the conclusion of the exercise. Primarily these were communications checks utilizing radio, teletype, and telephone. Included in the Department's exercise was a moot court session concerning suspension of a Writ of Habeas Corpus. The Civil Division of the Department made several requests of the FBI for information to be obtained by our field offices. The completion of these requests was simulated by contact with our FBI liaison at Martinsburg.

Except for the communications people, the personnel at the Department relocation site were not engaged in test problems except for a few hours on the first day of the test. Their own prepared problems were simple in nature and no problems were received from ODM at High Point as had been anticipated. The latter was due to Assistant Attorney General Rankin's presence at High Point having handled ODM exercises for the Department at that Point.

On 6-16-55 at 9:15 a.m. Deputy Attorney General William Rogers called for a division heads conference which was attended by the Bureau liaison representative. The purpose of the conference was to

report on the status of problems being worked at that time. Rogers was furnished a general briefing concerning FBI progress. During this meeting Rogers commented on the alertness of the FBI in promptly referring the martial law inquiry to the Department for an opinion. In addition, he commented that the Department's portfolio re "Essential Wartime Functions" for the purpose of future tests and certainly in anticipation of any emergency should be more widely studied by essential Department personnel. He pointed out that such was lacking for this test.

At 10:30 p.m. on the same date Rogers called a meeting of all personnel for the purpose of briefing them on conditions such as bomb damage at that time. This, according to Rogers, would be necessary in a real emergency in view of the natural and intense curiosity that relocated personnel would have.

Observations

The Department's Message Center which was set up to control all incoming and outgoing messages, both to route incoming and approve outgoing, did not function as well as expected. Experience proved that information obtained via telephone by high level Department officials was not always routed to the Message Center and in other cases, when made available, was considerably delayed. In addition, single copies of incoming communications from teletype and radio proved a problem since they were routed through the Attorney General and Deputy Attorney General for information and finally to the Action Officer. Often a considerable delay was involved here.

There was little dictation. Most intra-Department messages and outgoing messages by teletype and radio were written in longhand. Only one switchboard operator was brought to the site and she proved to be slow and confused. Encoding and decoding of messages caused great delay due to inexperienced personnel.

Robert Hailey of Civil Service Commission, who is assigned as the ODM observer at the site, advised that his report on the Department's operation would be generally favorable, that his biggest objection would be the presence of Rankin at High Point which resulted in the cutting out of ODM problems for the Department at Martinsburg. In addition, Hailey was well aware of the failure of the Message Center to function properly and thus the lack of a single center to coordinate all activity. Hailey felt that the number of completed problems proved a sound test of the Department's communications at Martinsburg.

Memo Roach to Belmont

John Airhart, Relocation Officer, Department of Justice, advised after receiving Hailey's oral report on 6-17-55 that Hailey's remarks had been generally favorable and that he himself, Airhart, would have been much more critical of the Department operation. Airhart's disappointment stemmed from the fact that many of those with assigned responsibilities carelessly handled same or did so unrealistically that beyond the overall Department planning there was very little Divisional planning. He pointed out that although all Divisions had been notified several times of the necessity of a final report on the status of problems prior to leaving the site the Legal and Civil Divisions of the Department failed to make such reports prior to their departure. He commented that the Message Center was never fully cognizant with the status of all problems as it was intended it should be. He stated that Hailey, the ODM observer, was very interested in Rankin's assigned duties at High Point and discussed this with Hailey at some length. According to Airhart, he told Hailey that it made little difference from the standpoint of this test whether ODM problems for the Department were handled by Rankin at High Point or the Department at Martinsburg.

July 13, 1955

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MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

Today I attended a conference in the Attorney General's office at which were present the Attorney General; the Deputy Attorney General; Assistant Attorney General Tompkins; Mr. Yeagley, of Mr. Tompkins' Division; a representative from Mr. Rankin's Division; General Swing, Commissioner of Immigration and Naturalization; and, General Howard, assistant to General Swing.

The Attorney General took up for discussion the matters which he had outlined in his memorandum of July 7, 1955, calling the conference.

As to the first item, which raised the question as to where the permanent relocation headquarters of the Department of Justice would be located, the Attorney General inquired of me as to whether we had made any progress in locating a desirable place. I told the Attorney General that a survey had been in progress ever since "Operation Alert." I stated that we had looked at a number of places in Maryland, West Virginia and Pennsylvania and had not been able to find any place which would be suitable for a relocation headquarters for the entire Department of Justice, including the FBI.

The Attorney General then inquired of General Swing whether he had any suggestions to make and General Swing stated that he had located a United States Army General Depot known as the New Cumberland General Depot, seven miles south of Harrisburg, Pennsylvania. He stated that the old General Administrative Building on this Army Post would be entirely suitable for the use of the Department of Justice. He indicated that there was adjacent to the old General Administrative Building a warehouse which by certain alterations and the cutting of windows and doors could house additional personnel. General Swing had had General Howard view this particular place and General Howard stated that it was quite adequate for the use desired

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TIME 1:55 AM
DATE 7-14-55
BY

by the Department of Justice. General Swing indicated that while the ranking officials of the Department might be able to be housed on this Army Base, the clerical personnel could live in Harrisburg, which is seven miles away and in which there are hotels and motels suitable for living accommodations.

General Swing stated he had checked with ODM and that the site suggested was not a critical area.

The Attorney General suggested that I have someone from the FBI look at this set-up to see whether it would be suitable for the FBI also. Assistant Attorney General Tompkins stated he would like to have someone likewise look at it from the Internal Security Division. General Howard, who is apparently spearheading this project, stated that he would be very glad to take representatives from the Internal Security Division and from the FBI to the New Cumberland General Depot any time that representatives are desirous of going. I have instructed Mr. Boardman to arrange for Mr. Belmont and Mr. Nease to immediately make an inspection of this new place. I have asked Mr. Boardman to get in touch with General Howard and advise General Howard that we are ready to inspect this at once and would prefer to do so this week so that the situation may be resolved.

I cannot help but observe what a complete and colossal failure was made by Messrs. Boardman and Belmont in surveying the areas for a relocation headquarters. It certainly seems to me that if the Immigration and Naturalization Service was able to locate this New Cumberland General Depot, the FBI could have likewise done so long ago which would have given us the advantage of having something to say about the set-up, if it be the decision of the Attorney General that the FBI and the Department of Justice relocate at the New Cumberland General Depot.

As regards the second question raised by the Attorney General in his memorandum of July 7, 1955, dealing with the setting up of an advisory committee and the supervision of the relocation problems by the Deputy Attorney General's office, it was the view of the Deputy Attorney General that this should not be assigned to his division, but should remain in the Internal Security Division. Assistant Attorney General Tompkins vigorously opposed this. I stated to the Attorney General that while this particular question did not involve the

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FBI, I thought he would be interested in knowing what the experience in the Bureau had been. I told him that we had originally had the matter dealing with relocation operations assigned to the Training and Inspection Division, which largely deals with administrative matters, but that I had found it to be better to transfer the responsibility for this work to the Domestic Intelligence Division since so many aspects of security were involved and that he might want to keep this in mind in making the decision as to whether the Internal Security Division of the Department should continue handling the matters dealing with relocation. The Attorney General stated that he would make the decision himself in a few days.

I took occasion to also observe my general disapproval of the formation of a committee, in that I believed that more delays occurred when committees were set up to handle a matter than when it was assigned to a particular individual to take charge of it.

The next question raised in the Attorney General's memorandum of July 7, 1955, No. 3, dealt with the establishment of a Departmental cryptograph system. General Swing had apparently had a survey made as to procuring scrambling machines which could be leased on the A. T. & T. Company.

I pointed out to the Attorney General what the system was within the Bureau and that the "AFSAM 7 Machine" was procured by the Bureau from the National Security Agency which has the authority for the supplying of this equipment. I advised the Attorney General that all of our field offices, as well as our relocation center at Quantico, and the Seat of Government were already equipped with this machine and that the Department might desire to consider procuring the same from the National Security Agency. I also pointed out that that Agency would train personnel in the operation of these machines. The Attorney General indicated that he desired to utilize the same system as the Bureau and would take steps to have the same procured from the National Security Agency.

No. 4 of the Attorney General's memorandum of July 7, 1955, was then taken up and dealt with the enlargement of the Portfolio. It was the opinion of all that the Portfolio should include additional matters that had been discussed. I made the suggestion

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that the Portfolio be divided into two volumes, the first volume to contain Parts 1, 2 and 3, and the second volume to contain the new matters which are being added and which do not directly pertain to Parts 1, 2 and 3. This suggestion was adopted.

It was also suggested by the Deputy Attorney General that the Chain of Command be briefed as to the contents of the Portfolio and this suggestion was adopted and will be handled by Mr. Rankin's Division.

Question 5 of the Attorney General's memorandum of July 7, 1955, was then taken up, and I briefed the Attorney General upon the status of this problem, as reflected in the brief transmitted to me by Mr. Boardman under date of July 11, 1955, and the memorandum dated July 13, 1955.

Question 6, of the Attorney General's memorandum of July 7, 1955, dealing with the matter of martial law was then taken up, and I made the observation that I hoped that the various problems incident thereto would be resolved before any real emergency arose. I pointed out the possibility of delays unless proper decisions were made in advance of the emergency. The Attorney General agreed with this and Mr. Rankin's Division will apparently handle the same.

No. 7 of the Attorney General's memorandum of July 7, 1955, was then taken up, dealing with the matter of the Security Index. I advised the Attorney General of the progress we had made in applying the new criteria to the Index. I also had occasion to urge the necessity for some review of the Index by Departmental personnel. Assistant Attorney General Tompkins stated that there were no attorneys or funds available for this to be done. I pointed out the imperative necessity for some action being taken along this line. The Attorney General directed that Assistant Attorney General Tompkins should assign one attorney who would "sample" the cases of persons in the Security Index. I would like to be advised not later than August 15, whether we receive any word from Mr. Tompkins' Division indicating initiation of this action.

I also called the Attorney General's attention to the fact that there were a number of questions which we had raised, such as

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whether the Defense Department would provide detention facilities in certain areas; whether the Defense Department would administer regulations in United States territory other than the Continental United States; and whether the suggestions made by the Bureau upon the control regulations affecting non-dangerous alien enemies to be enforced by the Immigration and Naturalization Service had been accepted. The Attorney General asked the representative of Mr. Rankin's Division to look into this matter.

No. 8 of the Attorney General's memorandum of July 7, 1955, was then taken up which dealt with the Mexican Border Plan.

General Swing stated he had a letter drafted which he handed to the Attorney General for the Attorney General to send to the Secretary of Defense, requesting the use of the Army to establish proper control along the border in case of emergency. This request calls for 15,000 troops for a period not to exceed sixty days. These troops will be under the direction of the Border Patrol should the Army accede to the request.

General Swing then advised that he had recently, indicating it was last week, sent some representatives of the Immigration and Naturalization Service to Mexico City to inquire into the situation in Mexico as regards the Mexican Communist Party. General Swing stated that he had procured the names of the two officials of the Mexican Foreign Office who had married two Russian women and had learned that one of these officials had indicated to his wife that unless she became naturalized as a Mexican citizen, she could go back to Russia.

Referral/Consult

General Swing also stated that at the present time the Communist Party is not on the ballot in Mexico because they cannot procure enough signatures of Communist Party members to entitle them to be represented on the ballot.

General Swing stated that the State Department has informed him that they have been most favorably impressed with the efforts of the present Mexican Government in toughening up in handling the Communist problem in Mexico.

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Messrs. Tolson, Boardman, Belmont, Nichols July 13, 1955

[redacted] Referral/Consult

I cannot help but observe that the information which General Swing has been able to procure concerning conditions in Mexico dealing with security and subversive activities is contrary to the information with which I have been supplied by this Bureau. He seems to have more up-to-date and current information on these problems than we do here.

The last item on the Attorney General's memorandum of July 7, 1955, was then taken up and was approved by the Attorney General.

Very truly yours,

/s/ J. E. H

John Edgar Hoover
Director

JEH:tlc
(7)

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: July 13, 1955

FROM : L. V. BOARDMAN

Tolson ✓
Boardman ✓
Nichols ✓
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: ATTACK WARNING CHANNELS AND PROCEDURES FOR CIVILIANS

In connection with the brief prepared for your use for a discussion with the Attorney General today on Department war plans, you inquired concerning the methods of notification of the various alerts.

1-8-55

Commander Beach, the Naval Aide to the President, has advised that, if the President desires the departments and agencies to relocate prior to an "attack probable" (Yellow Alert), the departments and agencies will be notified by the President's Staff in the most practical manner under the existing circumstances. Beach stated no further details are available at this time.

In the event of an "attack probable" (Yellow Alert), the relocation plans will be automatically activated. Relocation will be automatically activated by the buzzer and siren system which will sound a steady three-minute blast. In the case of Washington, D. C., this will also automatically set off evacuation of the city. (Approved in NSC 5513/1)

In the event of "attack imminent" (Red Alert), the buzzer and siren system will sound in a rising and falling manner and the entire city is expected to take immediate cover. (Approved in NSC 5513/1)

The Bureau is tied in with the Air Force Command Post in the Pentagon and should receive the Yellow and Red Alerts a very few minutes before they are sounded generally. Upon receiving this notification from the Air Force Command Post, either Mr. Belmont or the official acting for him will notify you, Mr. Tolson, the Attorney General, me, and Mr. Hennrich. From Mr. Hennrich, the information will be disseminated down

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(6)
1-Mr. Boardman
1-Mr. Belmont
1-Mr. Sanders
1-Mr. McArdle
1-Section Tickler

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EX-104

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Emergency Relocation Plans for U.S. Department of Justice

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the chain of command within the Bureau. Mr. Keay, upon receipt of the information from Mr. Hennrich, will advise the first two of the following individuals who are available in the Department: Messrs. Rogers, Tompkins, Olney, Burger, Rankin, Barnes, Holland, Townsend, Morton, and Sobeloff. In addition to the telephonic notification to the Attorney General of the receipt of a Yellow Alert, two Bureau Agents have been designated to relocate the Attorney General if he so desires.

ACTION:

The foregoing is for your information.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

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TO : MR. L. V. BOARDMAN

DATE: May 31, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS - RELOCATION OF ATTORNEY GENERAL AND FAMILY

A memorandum from Mr. Roach to Mr. Belmont dated 4/22/55 recorded a contact with Mr. John Lindsay, Executive Assistant to the Attorney General, relative to obtaining of necessary details regarding the Attorney General's family which were necessary before plans could be made by this Bureau to care for the Attorney General and his family in a period of emergency. This assignment was agreed to by the Bureau.

On 5/25/55 I had Mr. Roach and Mr. McArdle of the Liaison Section contact, at his request, Mr. Airhart, Relocation Coordinator of the Department. Mr. Airhart advised that the Attorney General did not desire memoranda being sent back and forth between the Department and the Bureau relative to the services which the FBI would render to his family in a period of emergency, the Attorney General preferring that such matters be handled on an oral basis. Further, that it was the Attorney General's request that the Bureau provide assistance to his wife and 4 children only if Mrs. Brownell, any of the children or himself made a specific request for assistance during a period of emergency. Mr. Airhart wanted to know if such an arrangement would be satisfactory with the Bureau, it being his personal feeling as well as the Attorney General's that the Bureau should not be given the responsibility except under the above circumstances. Mr. Airhart supplied the following previously requested information.

The Attorney General and Mrs. Brownell reside at 4355 Forest Lane, N. W.; home telephone, EMerson 2-5892. They have 4 children:

[redacted], born [redacted] attending Dickinson College, Carlisle, Pennsylvania

[redacted], born [redacted] attending Quarter Circle V Bar Ranch School, Mayer, Arizona

[redacted], born [redacted] attending Sidwell Friends School, 3901 Wisconsin Avenue, N. W., Washington, D. C.

[redacted] born [redacted] attending Sidwell Friends School, 3901 Wisconsin Avenue, N. W., Washington, D.C.

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27 JUL 19 1955

Enclosure
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(5)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Section Tickler
1 - Mr. McArdle

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Suit 6-1-55

Emergency Relocation Plan for U.S. Department of Justice

Upon inquiry Mr. Airhart stated that he did not know what instructions, if any, the Attorney General had given to his family regarding their safety during an emergency but presumed that the Attorney General would advise his family to contact the nearest FBI office for necessary assistance during an emergency. With reference to the relocation of the Attorney General, Mr. Airhart stated that the Attorney General was looking to the FBI to get him to the Bureau's relocation site at Quantico or at such relocation site as the Attorney General may designate. (You will recall that there has been some discussion that the Attorney General may go with the President as a member of his Cabinet.) Mr. Airhart stated that the Attorney General advised that if he is not in Washington when an emergency occurs, he will contact the nearest FBI office for assistance. My memorandum dated 5/26/55 sets forth information that the Attorney General now intends to at least temporarily relocate at the Bureau's site at Quantico during an emergency. The Director commented, "1. We should try to ascertain where A.G. wants his family taken." Although we are not now charged with handling the Attorney General's family except on specific request, we will, of course, attempt to obtain from Mr. Airhart where the Attorney General would want his family delivered if an emergency arose.

RECOMMENDATIONS:

(1) If you approve, we will advise Mr. Airhart that we will abide by the Attorney General's desires with reference to the handling of his family during an emergency; that we will render assistance only when requested by Mrs. Brownell, the children or the Attorney General himself. Further, we will inquire of Mr. Airhart the desires of the Attorney General as to where he wants them taken should they contact us for assistance.

OK. K

(2) That the attached SAC letter go forth to all field offices advising them of the Attorney General's request to this Bureau for assistance in a period of emergency and instructing each field office to make appropriate plans to handle this matter. Should the Attorney General make known his specific desires for the care of his family during an emergency, additional instructions will be issued to the field.

OK K

(3) The Attorney General resides at 4355 Forest Lane, N. W., Washington, D. C. Efforts are being made to locate responsible Bureau personnel residing in the area who might be called upon to deliver the Attorney General to the relocation site desired should the emergency occur during nonwork hours. If responsible Seat of Government personnel cannot be located, WFO will be called upon to perform this function. Should a relocation be ordered during normal work hours, provision will be made for the Attorney General to accompany a Bureau official to Quantico; however, if the Attorney General desires to go to a site other than Quantico, WFO personnel will be requested to perform this service. This matter will be given continuous attention and memoranda submitted in near future setting forth a specific plan for the relocation of the Attorney General.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: June 2, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS - RELOCATION OF ATTORNEY GENERAL AND FAMILY

Tolson
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Pursuant to the Director's O.K. of a recommendation in my memorandum of May 31, 1955, that we advise Mr. Airhart that the Bureau will abide by the Attorney General's desires with reference to the handling of his family during an emergency, and that the Bureau would render assistance only upon specific request by Mrs. Brownell, the children, or the Attorney General, Mr. John Airhart, Relocation Coordinator of the Department, was so advised orally by Supervisor McArdle of the Liaison Section on 6/2/55.

Mr. Airhart advised that insofar as he and Mr. John Lindsay, Executive Assistant to the Attorney General, are aware Mr. Brownell has made no plans for the members of his family in an emergency, has not indicated where he would like them to be taken, and probably will not discuss the matter with members of his family until the international situation becomes extremely critical. It was Mr. Airhart's suggestion that if a Bureau office is called upon to assist a member of the Attorney General's family that they take that member or members of the family to the nearest safe place until communication can be established with the Attorney General.

RECOMMENDATION:

For information. In light of the foregoing no additional instructions to the field appear to be necessary at this time.

JEM:lmm
(5)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Section Tickler
1 - Mr. McArdle

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Emergency Relocation Plan For U.S. Department of Justice

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: June 14, 1955

FROM : MR. A. H. BELMONT

SUBJECT: BUREAU WAR PLANS - RELOCATION OF ATTORNEY GENERAL

Tolson
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You will recall that the Attorney General has previously requested that the Bureau arrange for his relocation in a period of emergency. The Office of Defense Mobilization has recently indicated that they are planning to use three 15-passenger helicopters to relocate 45 key members of the Executive Branch of the Government, among those 45 are the Attorney General, the Director, and Assistant Attorney General Tompkins. If that program is put into effect it may not be necessary for the FBI to relocate the Attorney General. The following plan for Bureau relocation of the Attorney General is being set up in the event he is not relocated by helicopter or some other means of which we have no knowledge at this time:

When the Attorney General is notified of the alert it will be the responsibility of the individual so advising him (Belmont) that a car is available for his relocation.

Normal Workday

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If the relocation is ordered during a normal workday and the Attorney General is in Washington, it will be the responsibility of Special Agent [redacted] of the Administrative Division, Bureau extension 875, with Special Agent [redacted] of the Administrative Division, Bureau extension 881, as his alternate, to immediately secure a Bureau car in the basement or court and with it stand ready to take the Attorney General wherever he wants to go. The car should be placed near the basement entrance to the Attorney General's elevator. Assistant Director Mohr will notify SA's [redacted] and Cavanaugh.

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If the Attorney General is out of the building but in Washington during a normal workday, this same car and the above-mentioned individuals will pick him up wherever he may be and deliver him to whichever relocation site he indicates.

INDEXED-52

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JEM:mlp/lmm/saw
(7)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Mohr, attention: [redacted]
1 - [redacted]
1 - Lia. Sect. tick.
1 - Mr. McArdle

EX-125

59 JUL 22 1955

Emergency Relocation Plan For U.S. Department of Justice

Memorandum from Belmont to Boardman

During Nonduty Hours

If an alert is received during other than normal working hours and the Attorney General is in Washington the following plan has been devised:

The Attorney General resides at 4355 Forest Lane, N.W., Special Agent [redacted] resides at [redacted] home phone number EMerson 2-4220. Special Agent [redacted] resides at [redacted], home phone number EMerson 3-6958.

In addition to the foregoing, SAC Laughlin of Washington Field Office has advised that the following Agents, who are responsible individuals and familiar with the location of the Attorney General's residence, can also assist in this operation if necessary. They are: [redacted], home phone number EMerson 2-8450 and Bernard E. Buscher, 224 Longfellow Street, N.W., home phone number TUckerman 2-1478. b6 b7C

When the Attorney General is notified of the alert, he will be informed that a Bureau representative will pick him up at his home and take him where he wants to go.

If none of the 4 above-mentioned are available SAC Laughlin advises that there is Agent personnel assigned to a "lookout post" in Apartment 502 at 2651 16th Street, N. W., from 8:00 a.m. to midnight 7 days a week. The telephone number is ADams 4-7388. SAC Laughlin advised that from this point Bureau cars normally on surveillance in the area could be dispatched to the Attorney General's residence, and on week ends when there are frequently fewer surveillance cars on the street than under normal circumstances the Agent on duty at the lookout will have a Bureau car available in which he himself could proceed to the Attorney General's residence for his relocation. Assistant Director Mohr will be responsible for notification of one of the above individuals.

Any Agent called upon to relocate the Attorney General should be armed and, of course, will identify himself to the Attorney General.

If the Attorney General is not in Washington

All field offices by no number SAC Letter 55-K, June 2, 1955, were advised that if the Attorney General or individual

members of his family contact a Bureau field office for assistance they should be given all help and assistance possible under the circumstances.

RECOMMENDATIONS:

(1) That the foregoing plan for relocation of the Attorney General in an emergency be adopted.

(2) That Mr. John Airhart, Relocation Coordinator of the Department, be orally advised of this plan. (The Attorney General has requested that we refrain from a series of communications between the Bureau and the Department on this procedure.)

(3) That Assistant Director Mohr be instructed to brief the interested personnel in his division who may be called upon to assist in the relocation of the Attorney General.

(4) That SAC Laughlin be instructed to brief the interested personnel from his office who may be called upon to assist in the relocation of the Attorney General.

Have read + will handle
6/24/55 L

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. BOARDMAN

DATE: 6/28/55

FROM : J. P. MOHR

SUBJECT: BUREAU WAR PLANS
RELOCATION OF ATTORNEY GENERAL

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Teler. Room
Holloman
Gandy

Reference is made to the attached memorandum dated June 14, 1955, from Mr. Belmont, which sets forth arrangements for the relocation of the Attorney General in the event of an emergency. It is noted that Special Agent Supervisor [redacted] of the Administrative Division, with Special Agent Supervisor [redacted] of the Administrative Division as alternate, has the responsibility in the event the Attorney General is in the city of picking him up wherever he is and driving him to whatever relocation site he desires.

The memorandum states that I have the responsibility of notifying [redacted] or [redacted] but the memorandum does not state how I will be advised as to the whereabouts of the Attorney General. I would appreciate having this point clarified.

66-18953-99

RECORDED-52

27 JUL 18 1955

JPM:DW

59 JUL 20 1955

To Emergency Relocation Plans For U.S. Dept. of Justice

b6
b7C

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Baker

DATE: 6/29/55

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

FROM : H. L. SLOAN

SUBJECT: EMERGENCY AIR TRANSPORTATION
USMC AIR STATION
QUANTICO, VIRGINIA
WAR PLANS

Emergency Relocation Plan For U.S. Department of Justice

Lieutenant Colonel J. W. Mackin, Executive Officer, Marine Corps Air Station, Quantico, Virginia; turned over to the writer a copy of a letter addressed to the Attorney General and signed by J. H. Smith, Jr., Assistant Secretary of the Navy (Air), Washington 25, D. C., in which he advised that air craft is available at such time as may be needed at the Marine Corps Air Station, Quantico, Virginia.

It is to be noted that Mr. Smith advises that in consideration of the long-standing close relationships between the Marines and the FBI at Quantico, he surgests that direct arrangements be made with the Commanding Officer, Marine Corps Air Station, Quantico for use of an airplane.

It is interesting to note that the Assistant Secretary of Navy (Air) J. H. Smith, Jr. was a guest of the Academy during the Secretaries' of Defense Conference in June 1954.

ACTION:

The attached copy of the letter to the Attorney General should be forwarded to the War Plans Desk of the Domestic Intelligence Division.

HLS:lpg
(3)

Enclosure: ENCL

66-18953-
NOT RECORDED
145 JUL 19 1955

1 ENCL
Filed with orig

11 JUL 15 1955

7/5/55:
AC Blom advised arrangements have been made with Col. Mackin to have the airplane available 7/8/55.

ORIGINAL COPY FILED IN

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN 7-13-55

DATE: July 1, 1955

FROM : MR. A. H. BELMONT

SUBJECT: BUREAU WAR PLANS -
RELOCATION OF ATTORNEY GENERAL

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

In a memorandum to Mr. Boardman 6-28-55 Mr. Mohr raised the question as to the manner in which he would be advised of the whereabouts of the Attorney General at time of relocation so that he could adequately pass that information on to Supervisors [redacted] and [redacted] both of the Administrative Division. SA's [redacted] and [redacted] reside in the near vicinity of the Attorney General and have the responsibility of relocating him.

I will advise Mr. Mohr as to the whereabouts of the Attorney General at the time the relocation is ordered just as soon as I have ascertained the Attorney General's whereabouts at that time. Mr. W. C. Sullivan will be responsible for giving initial notice of a relocation to Mr. Mohr. Mr. Mohr can at that time alert Messrs. [redacted] and [redacted] to prepare to relocate the Attorney General.

RECOMMENDATION:

RECORDED-52 66-18953-100

That the above outlined procedure be approved.

JUL 18 1955

JEM:mlp
(7)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Mohr
1 - Mr. Brown
1 - sect. tick.
1 - Mr. McArdle

59 JUL 20 1955

Emergency Relocation Plan - For U.S. Department of Justice

Form No. G-1B
(Ed. 2-16-55).

FROM
EXECUTIVE ASSISTANT TO THE ATTORNEY GENERAL
TO
Official indicated below by check mark

Mr. Tolson	
Mr. Boardman	
Mr. Nichols	
Mr. Belmont	
Mr. Harbo	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Sizoo	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

MEMORANDUM

Attorney General	
Solicitor General	
Deputy Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Office of Legal Counsel	
Assistant Attorney General, Internal Security	✓
Administrative Assistant Attorney General	
Accounts Branch	
Records Branch	✓
Procurement and Supply Section	
Director, FBI	✓
Director of Prisons	
Asst. Attorney General, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	
Director of Public Information	
Mr. Russo	
Miss McCarthy	

2. Mr. Tompkins

3. Mr. Hoover

Reactions
7-5
Bureau copies

SECRET

1 - yellow
2 - orig & dupl
1 - Mr. McArdle
1 - Mr. Boardman
1 - Mr. Belmont
1 - sect. tick.
July 7, 1955

THE ATTORNEY GENERAL

DIRECTOR, FBI

RECORDED - 46-18953-102

EMERGENCY RELOCATION

EX-104

Reference is made to your memorandum of July 1, 1955, and the memorandum from Mr. J. H. Smith, Jr., Assistant Secretary of the Navy (Air) dated June 23, 1955, wherein he advised that the desired aircraft is available at such time as it may be required at the Marine Corps Air Station, Quantico, Virginia.

Lieutenant Colonel J. W. Lackin, Executive Officer, Marine Corps Air Station, Quantico, Virginia, has advised that there will be available at Quantico as needed a Beechcraft, twin-motored four passenger airplane for such emergency use as the Department of Justice or the FBI may require. Colonel Lackin advised that there are ten such planes at the Marine Corps Air Station with sufficient crews to man them at all times and while there will not be an individual plane earmarked for the Department of Justice or the FBI that such plane will be available at Quantico as needed. These arrangements were perfected by Mr. Henry L. Sloan, the Special Agent in Charge of the FBI Academy at Quantico, on June 23, 1955.

1 - Mr. William P. Rogers
Deputy Attorney General

1 - Assistant Attorney General
William F. Tompkins

JEM:saw
(9)

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SLOAN
CLEARY

JUL 7 6 46 PM '55
RECEIVED READING ROOM
U.S. DEPT. OF JUSTICE
FBI

JUL 1 15 30 PM '55

JUL - 1955
COMM-FBI

SECRET

UNRECORDED COPY FILED IN

cc Mr. Holloman
Mr. Boardman
Mr. Belmont

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: July 12, 1955

FROM : L. V. Boardman LVB

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: WAR PLANS

Set forth below is a summary of the brief prepared for a conference on war plans, to be held in the office of the Attorney General at 2:30 p.m., Wednesday, 7/13/55. The Attorney General has posed a series of questions, which are answered below:

1. "Where should the permanent relocation headquarters of the Department of Justice be located?"

The Bureau has surveyed military and civilian government installations, as well as schools, warehouses and hotels, in the area covering a 75-mile radius from Fort Ritchie, thus far with negative results. This survey continues, with the primary objective of locating an existing facility which could serve for test operations as well as headquarters in time of actual emergency.

2. "Which individual or Division of the Department should have charge of our war plans (including relocation plans), and should there be an Advisory Committee made up of the various units of the Department which are involved, i.e., Office of the Deputy, Office of Legal Counsel, Administrative Division, Civil Division, Internal Security Division, FBI, INS, and Prison Bureau?"

Rankin, by memorandum to AG 7/5/55, concludes, "Complete responsibility should be assigned to one Division of the Department, to be assisted for purposes of coordination by a committee composed of members from each of 8 divisions concerned with war plans." Tompkins has presented memorandum to AG suggesting he be relieved of responsibility of Departmental war plans and same be given to Deputy AG Rogers. John Airhart, temporary coordinator of Department relocation plans, has been relieved of assignment by AG

RECORDED 30 66-18953-103

The Bureau should not handle or assist in the formulation of Departmental war plans, but should accept membership on an advisory committee for primary purpose of making certain that plans formulated by Department do not conflict or interfere with our objectives. Bureau could more effectively deal with one division head of Department than with several different divisions, so Rankin's suggestion has merit to that extent as far as Bureau is concerned.

27 JUL 19 1955

Referral/Consult

LVB:CSH (5) 12½ hours Messrs Tolson Boardman Belmont + Nichols 7-13-55 CSH:fe

59 JUL 27 1955

LIAISON

Re Location of Plan for U.S. Department of Justice

Referral/Consult

4. "Shall the portfolio be enlarged to include, in addition to Justice Department matters, additional matters in which the White House or other agencies will need legal advice from the Department of Justice in the event of an emergency."

AG's portfolio originally consisted of 3 parts. Part 1 contains instructions for arrest and/or search of dangerous persons, citizens and aliens alike. Part 2 pertains to control of non-dangerous alien enemies, plus instructions regarding registration, travel, entering restricted areas, and related matters. Part 3 pertains to arrest of dangerous alien enemies, for use in limited emergency, not warranting operation of Part 1. Part 4, recently added, contains 4 documents unrelated to

Parts 1, 2 and 3, and pertaining to Presidential proclamations proclaiming existence of state of civil defense emergency in case of (a) attack, (b) anticipated attack, can executive order providing for utilization of materials, facilities and services of Federal agencies during civil defense emergency, and Presidential proclamation freezing prices, wages, rentals and the like. If additional documents are to be added, said documents, together with documents presently comprising Part 4, should be consolidated into Volume II* of AG's portfolio. The reason for suggesting Volume II is to separate unrelated matters. It is felt we should not object to inclusion in portfolio of matters unrelated to Parts 1, 2, and 3, since such proclamations, orders and documents might indirectly affect Bureau's operation. By having knowledge of them at time of their inclusion, Bureau could make observations concerning matters adversely affecting Bureau's interests.

5. "What is the status of 'attack warning channels and procedures for civilians?'"

On 3/5/55 National Security Council (NSC) and President approved NSC Document #5513/1, which is a large chart depicting attack warning channels and procedures for civilians. A special committee, approved by President, is studying this chart. Commander Edward L. Beach, Naval Aide to President, is Chairman. Special Agent Edward S. Sanders represents IIC on those matters falling within IIC field. Most of committee's deliberations thus far concern reviewing chart to remove "rough spots," none of which affect Bureau, Department or IIC. On 3/24/55 NSC requested committee study and submit report to NSC concerning General Recommendation #5 of Killian report, which requests examination of technical, procedural and personal links by which early warnings are translated to responsive national action. Killian report further recommends mechanism within executive office of President for promoting and monitoring the planning and execution of readiness tests.

Since 3 essential programs of Department of Justice--1, Detention of enemy diplomats (FBI); 2, Arrest and detention of subversives (FBI); and 3, The Alien Enemy Control Program (INS)--are initiated by the President who, in addition, must sign certain pertinent documents, specific arrangements must be perfected whereby these programs can be initiated and papers signed without delay. The Beach committee, in its preliminary report, has recognized this necessity and has recommended that the documents involved (not only for Justice but for all other Government agencies) should be prepared in final form, suitable for Presidential approval and signature, and should be available to him at all times. Pat Coyne, on 7/9/55, stated that it will be some time before the Planning Board of the NSC considers the portion of the Killian report regarding the documents to be in the possession of the President.

*Volume I would consist of Parts 1, 2 and 3.

6. "Discussion of martial law problems."

During Operation Alert, 1955, the President simulated the declaration of limited martial law. The FBI immediately posed to the Department the effect such declaration had upon FBI jurisdiction. The Department replied that FBI and all civil agencies would be required to give full effect to the proclamation declaring martial law, and all orders and regulations issued thereunder; that where conflict existed between martial law regulations and Justice's instructions, this Bureau should obey military commander and inform AG of facts, whereupon Department would advise the Defense Department of any conflict and resolve the matter in order that the objectives of civil authorities could be accomplished under the framework of martial law.

This conclusion could result in delays which would adversely affect our responsibilities. Therefore, on 6/23/55, by memorandum to the Attorney General, we pointed out the problems raised by declaration of martial law and urged problems be resolved in advance of real emergency so that there will be no interruption in this Bureau's work, especially in making the arrests and/or searches contemplated under the emergency detention program. We requested advice as to whether the procedures and documents outlined in the AG's portfolio will be used as planned in the event the President declares martial law during a real emergency. To date we have received no reply.

There is no question but what the Bureau is in the best position to make the apprehensions under the emergency detention program, and it is believed that there should be a definite understanding with the Department of Defense that arrests should proceed as planned under the AG's portfolio, even though martial law is declared. In addition, all of our investigative operations and responsibilities could be affected, and those problems should, from legal standpoint, be resolved by the Department of Justice and, where necessary, by mutual agreement and understanding with the Department of Defense, in advance of real emergency, so that we could continue our vital functioning without delay even though martial law was declared.

7. Discussion of Security Index problems.

We have not been able to learn what specifically the AG has in mind. We are, therefore, setting forth below certain matters which may be raised.

The AG approved, on 4/11/55, revised Security Index criteria, and the following day the field was instructed to review files on the 26,328 persons included in the Security Index. As of 7/8/55, 14,630

18,123

reviews had been finally completed by the Bureau, with 7,963 persons being removed from Security Index (approximately 54% of those reviewed). The Security Index as of 7/8/55 contains 18,597 names. The review is scheduled for completion 10/12/55 and is presently on schedule. The Department completed its review of the files of 30 individuals who are prominent in business and professional fields as of 6/9/55, and agreed that 7 should remain on the Index.

The Office of Legal Counsel has reviewed and revised AG's portfolio. Suggested revisions submitted to Bureau and there are presently no points of disagreement between Bureau and Department. Certain pertinent items still pending are: (1) We have not been advised that Secretary of Defense has finally approved revisions clarifying and bringing up to date joint agreement between offices of AG and Secretary of Defense under which the military will provide temporary detention facilities for detainees in New York, Los Angeles, San Francisco, Chicago, Baltimore, Honolulu and San Juan. (2) The Secretary of Defense will administer regulations concerning dangerous persons and alien enemies in U. S. territory other than continental U. S., Puerto Rico and the Virgin Islands. Documents accomplishing this have not yet been approved by Secretary of Defense. (3) The control regulations affecting non-dangerous alien enemies (Part 2, AG's portfolio) will be administered by INS. Detailed plans of INS have been reviewed by the Bureau and our comments and suggestions were furnished to Rankin. Rankin has not yet advised that these plans are completed. Though we have no responsibility for these plans, we are interested in seeing that the plans do not interfere with our programs.

During Operation Alert 1955, Department's first instructions were to pick up dangerous alien enemies. Conditions existing at the time clearly warranted institution of emergency detention program against citizens and aliens alike. It was not until D-day plus 3 (12 noon 6/15/55 until 6:10 p.m. 6/15/55) under telescoped time table that authority was given to apprehend citizens on the Security Index, who constitute 97% of the Index. Therefore, by memorandum to the AG dated 6/20/55, we emphasized the absolute necessity for setting up an infallible system whereby decisions may be reached immediately and results furnished at once to the FBI, so that the programs can be implemented.

8. Mexican Border plan - INS and Army.

The INS 3-part border patrol program, for guarding the Canadian and Mexican Borders, plus the Florida and Gulf Coast Lines, against surreptitious entry of aliens, subversives and possible spies and saboteurs, as of 5/18/55, is noted below:

Plan A - Total force of 8,136 patrol officers, and 756 auxiliary employees, as compared with present force of 1,536 patrol officers and 240 other employees. Increase to be obtained by reassignment of INS personnel, plus personnel from other U.S. agencies to be determined by Office of Defense Mobilization, and by recruitment.

Plan B - will operate if Plan A inadequate, and calls for 16,000 patrol officers and 1,000 auxiliary employees, personnel to be obtained in same manner as under Plan A.

Plan C - placed in effect if Plan B is inadequate. The AG would recommend to President use of Army troops.

General provisions - Draft deferments for officers of Border Patrol have been requested. Liaison with Air Force, Coast Guard, Civil Air Patrol, CIA and other Federal agencies has been established, so INS can keep abreast of international situation. A Border Patrol intelligence organization has been established to furnish information regarding smuggling and illegal entry of aliens. All plans visualize large-scale increase in use of road blocks close to border and coastal areas, utilizing assistance of local and state police officers, plus increased use of a special mobile force of Border Patrol. Additional border fences opposite populated areas, with patrol roads and radio-equipped watch towers, to be erected on Mexican Border.

If proper INS plan is not put into immediate effect in time of emergency, resultant delay would obviously result in inadequate border coverage.

9. The AG quotes a memorandum from Tompkins and asks comments on said memorandum. The gist of Tompkins' memorandum is that he is in agreement with the AG's direction that the caption "War Plans" will replace the caption formerly used "Justice Department plans in event of Formosan open hostilities." He observes, however, that there should be sub-files to the main war plans file, said sub-files to contain material relating to specific subject matters under war plans, for example, emergency relocation plans; emergency detention program, and portfolio. Said sub-files will enable more ready location of material. Single memoranda discussing broad policy matters as well as specific individual programs should have copies designated for each appropriate sub-file.

We have no direct interest in Department filing system, except Bureau correspondence in Department file should have maximum security. FBI maintains three basic files on war plans, with sub-files in each. All field office war plans and Divisional war plans at Seat of Government are filed in Bureau file 66-17380, with sub for each office or Division at Seat of Government. Actual war plans are maintained in separate section of individual sub-file and correspondence pertaining thereto is maintained in sub-file itself.

Memorandum for the Director

All information re evacuation or relocation of Seat of Government is maintained in Bureau file 66-17381. Department war plans and correspondence relating thereto are maintained in Bureau file 66-18953. Where a memorandum contains several items of interest to various phases of war plans and/or Bureau emergency programs, sufficient copies are made for each of the pertinent files. Bureau procedure now followed is in line with Tompkins' suggestion.

V

LEANGARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: July 14, 1955

FROM : MR. L. V. BOARDMAN

SUBJECT: RELOCATION SITE FOR THE DEPARTMENT OF JUSTICE

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Pursuant to your request, contact was made at the office of Major General K. L. Hastings, Quartermaster General, Department of the Army, today (7-14-55) to determine whether the previously described space at the Army General Depot at New Cumberland, Pennsylvania, was available for relocation purposes. Colonel O.C. Harvey, Chief of the Field Service Division of the Quartermaster Corps, advised that even the Quartermaster General in Washington does not have authority to allocate space to other Government agencies. Allocation of space is never made on a local command or installation basis. Colonel Harvey stated that the Quartermaster General must follow a definite procedure in allocating and making space available for uses other than by the Army. The proper procedure is that a letter must be directed by the interested agency to the Department of the Army in Washington setting forth the facilities needed, space desired, etc. This letter is then handled by the Department of Logistics in the Army which controls all Army facilities. The Army District Engineer in the area in question will be consulted by Army headquarters during the course of the operation and a recommendation will be made to the Secretary of the Army to make any facilities available.

From the foregoing, it is quite obvious that the local Commander at the Army General Depot at New Cumberland does not have the authority to allocate space on his post and is something that must be taken up at the Pentagon level.

There was mention a question about this.

For your information, it was learned at General Hastings' office that the installation at New Cumberland is a fairly large facility used by (1) the Quartermaster Corps (2) the Ordnance Corps (3) the Recruiting Service as well as (4) housing a disciplinary barracks (prison). According to Colonel Harvey, the Depot is being used almost to capacity. There is one building called Warehouse #1 a portion of which has been converted to

Relocation Plan For U.S. Department of Justice

PRR:fjb (7)

66-18953-104

RECORDED-45

INDEXED-45

12 JUL 22 1955

59 JUL 19 1955

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. McArdle
1 - Mr. Fipp
1 - Liaison Section
1 - Mr. J.F. Sullivan

administrative offices. The first floor of this two-story building has been converted for use as a commissary. A part of the upstairs portion is used as recruiting offices. The second floor is comprised of only 16,000 square feet which would handle desk space for only 150 people.

According to Colonel Harvey, the Quartermaster Corps has constructed a new warehouse building in the area, one part of which has been constructed for administrative purposes and is not being used at the present. It is apparently this new administrative area that General Swing was referring to in his conversation with the Attorney General.

I understood him to say it was the old administration bldg as a new one had replaced it. H.

ACTION:

For information. More detailed information regarding the installation will be forthcoming at the conclusion of the survey which Messrs. Belmont and Nease are making today (7-14-55).

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. BOARDMAN

FROM : C. E. Hennrich

DATE: July 19, 1955

SUBJECT: WAR PLANS -
Proposed Relocation Site,
New Cumberland, Pa.

Tolson
Boardman
Nichols
Belmont
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

The Director inquired whether Mr. Yeagley of the Department had written a memorandum regarding his views, after examination of the proposed relocation site at New Cumberland, Pennsylvania.

Mr. Belmont has advised that he talked with Yeagley on Friday, 7/15/55. Yeagley said he was sending a memorandum which he had prepared to Mr. Tompkins, in which he expressed his views regarding the site, along the same lines as Mr. Belmont's views.

I talked with Mr. Yeagley on 7/19/55, and he informed me that his memorandum had been returned to him from Mr. Lindsay of the Attorney General's office. He said that he had recommended against this relocation site at this time in the hope that something better could be found. Yeagley said in talking with Tompkins, Tompkins had indicated he had discussed the matter with the AG and that Tompkins gained the impression that no further consideration was being given to the New Cumberland site at this time, and that the AG had indicated that further efforts should be made to line up some other site.

ACTION:

For your information.

CEH:CSH (4)

NOT RECORDED
145 JUL 27 1955

LIAISON

ORIGINAL COPY FILED IN

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: July 14, 1955

FROM : L. V. Boardman

SUBJECT: RELOCATION SITE

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

At 5:30 p.m., 7/13/55, Walter Yeagley of the Department called relative to going to New Cumberland to examine the proposed relocation site, at 9 a.m., 7/14/55, and stated he had been examining material in his office and ascertained the Olmsted Airforce Base (AFB) is right across the river from Harrisburg, Pennsylvania. He stated it was his recollection the Olmsted AFB is considered to be a target area and, if so, the US Army General Depot, at New Cumberland, which is only 7 miles from Harrisburg, would also be in the target area. He stated he, therefore, was wondering about the feasibility of considering General Swing's proposed relocation. I asked Yeagley whether he had any positive knowledge that the Olmsted AFB was designated as a target area and he stated he did not but that he was going to check further.

I apprised you of the above conversation, at which time you stated it was desirable for Belmont and Nease to go with General Howard to the relocation site, notwithstanding the above information. I so instructed Belmont.

Yeagley again called later and stated he had mentioned his information to the AG and Assistant AG Tompkins, who had stated it might be worthwhile to postpone a trip to New Cumberland until a determination was made as to whether the proposed relocation site was in a target area. I told Yeagley that I had mentioned his conversation to you and that I had nevertheless instructed Belmont and Nease to go with General Howard to New Cumberland for the purpose of looking over the site, irrespective of the possibility that it might be in a target area. Yeagley stated that since Belmont and Nease were going he might also decide to go. I told Yeagley that I would not presume to recommend that he go or not go, since that was a matter for him to decide. This morning I ascertained that Yeagley plans to go.

We are making checks relative to the Olmsted AFB and the question as to whether the proposed relocation site might be in a target area, and as soon as information is received in this regard you will be advised.

LVB:CSH (3)

66-18912-
NOT RECORDED
145 JUL 27 1955

ORIGINAL COPY FILED IN 66-17831-1052

Do so. Also check with Pentagon as to availability of any space at New Cumberland

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: June 15, 1955

FROM : A. H. BELMONT

SUBJECT: OPERATION ALERT 1955

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
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Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Liaison Agent Daunt called from Martinsburg at 3:58 p.m. today (June 15) to advise that Deputy Attorney General Rogers had received a call from Rankin at High Point and that the Attorney General had authorized No. 4 (this means, according to our code with Daunt, the apprehension of dangerous aliens on the Security Index). In addition, Immigration and Naturalization Service has received authority to institute the Alien Enemy Control Program on nondangerous enemy aliens.

At 3:59 p.m. Liaison Agent Woods called from High Point to advise that Rankin had received word from the Attorney General on our Programs and that Rogers had been advised by Rankin.

While talking to Daunt, I told him to go back to Mr. Rogers at once and make sure that the authority for the apprehensions of dangerous persons was limited to aliens and not citizens. I told him to point out to Mr. Rogers that there are less than 500 aliens on the list.

I told Daunt to also ascertain whether the Attorney General had authorized our proceeding on No. 2 (Protective Custody of Enemy Diplomats).

Mr. Daunt called back immediately and advised that he had checked with Rogers, who stated it was clear that authority for apprehensions on our Security Index list had been authorized only as far as aliens were concerned at this time.

Daunt also stated that Rogers had said authority was given for No. 2 (Protective Custody of Enemy Diplomats).

I talked to Liaison Agent Woods at High Point at 4:20 p.m. and he put Mr. Rankin on the phone, at my request, as I wanted to check and be sure there was no mistake. We talked in double talk. Rankin stated that Parts 2 and 3 of the Portfolio had been authorized by the Attorney General. Part 2 pertains to the control of nondangerous alien enemies, such as registration, travel, etc. This is handled by Immigration and Naturalization Service unless there is a violation of the regulations, in which case the the matter is referred to the FBI. Part 3 of the Attorney General's Portfolio pertains to the apprehension of dangerous alien enemies. This is a function of the FBI. Rankin said that Part 1 of the Portfolio (this

AHB:LL
(5)
cc—Mr. Belmont
cc—Mr. Baumgardner
cc—Mr. Branigan
cc—Mr. Roach

JUL 28 1955

66-1895-
NOT RECORDED
117 JUL 22 1955

INITIALS ON ORIGINAL

ORIGINAL COPY FILED IN 66-1728-1041

Memo to Director from Mr. Belmont June 15, 1955

Re: OPERATION ALERT 1955

pertains to everyone on the Security Index, including United States citizens) is not in effect at this time. He said he did not know if it would be put into effect. I asked that he notify Agent Woods immediately if it was. I asked Rankin whether the aliens to be apprehended would pertain to the Soviet bloc nations. He affirmed this. (This was necessary as we have not been advised just who attacked us.)

The simulated instructions to the field by teletype, radio, and telephone call are being sent out at once.

3:58 p.m. would be D-Day to D-Day Plus 2, according to the telescoped timetable for this alert, as D-Day to D-Day Plus 2 runs from 11:05 a.m. to 4:00 p.m., June 15, Eastern Standard Time.

ADDENDUM - AHB:LL - June 15, 1955

At 4:40 p.m., Liaison Agent Woods advised that the meeting had ended. The President departed about 4:35 p.m., apparently for Camp David; the Attorney General is getting ready to leave, apparently for Martinsburg; and Rankin will stay at High Point. This is significant, because it means that authority will not be granted to proceed against citizens on the Security Index, thus leaving thousands of dangerous persons free to commit sabotage and to disburse so that the FBI cannot locate them.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: July 14, 1955

FROM : Mr. A. H. Belmont

SUBJECT: WAR PLANS - SURVEY NEW RELOCATION SITE

In my memorandum to you dated July 13, 1955, wherein reference was made to a suggestion by the Immigration and Naturalization Service that the U. S. Army Supply Depot, New Cumberland, Pennsylvania, be used as a relocation site for the Department of Justice, it was pointed out that SAC McCabe had personally viewed all of the possible sites in the area and that his recollection of the Army Depot at New Cumberland was that it consisted of old wooden buildings which did not appear suitable for our use. It was recommended and approved that Mr. Belmont, et al, survey this area on July 14, 1955. It was also indicated that the Office of Defense Mobilization (ODM) would be contacted to determine ODM's estimate on the fall-out in the New Cumberland area, as well as their thinking on agencies relocating in a secondary target area.

On July 14, 1955, in the absence of General Willard S. Paul, Assistant Director, ODM, Mr. Edward Cox, ODM's Relocation Officer, was contacted. Mr. Cox advised that Harrisburg, Pennsylvania, is considered in OMD's planning a secondary target area. He stated that it has been considered as such since May, 1955, when revised estimates of alert planning indicated a large concentration of industry in Harrisburg and vicinity. Cox stated that in addition, Harrisburg will, in an emergency, be a hub for communications to and from agencies' relocation sites. Cox advised that a "disbursal group" in the Commerce Department consider any area within 15 miles of a target area vulnerable to the effects of damage inflicted by the bursting of a bomb. For purposes of planning, the center of Harrisburg is considered zero miles and it is noted New Cumberland is therefore within the 15 mile radius, it being approximately seven miles from Harrisburg. Harrisburg, however, according to ODM's estimates of "Operation Alert-1955" was just short of the fall-out area only because of the wind direction and velocity during the three day test. Mr. Cox noted that in connection with the test a simulated bomb was not dropped on Harrisburg. He advised that had this been the case New Cumberland would very definitely have been in the fall-out area as well as the blast area.

WFW:jlf
(7)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Keay
1 - Mr. Fipp
1 - Liaison Section
1 - Mr. Woods

66-18953-
NOT RECORDED
117 JUL 26 1955

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Memorandum for Mr. Boardman

Mr. Cox advised that although ODM has no objection to the Bureau's looking for a site in the Harrisburg area, he recommends strongly against it in view of the above.

ACTION:

A separate memorandum is being submitted regarding the survey conducted by Mr. Belmont.

See that essence is included in memo to A.G. re New Cumberland site.

Done

memo to AG
7-15-55
+ cover memo
Belmont to Boardman
7-14-55
AHB/ddb

GRAMERCY FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 13, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS - SURVEY
NEW RELOCATION SITE

Boardman
Belmont
Harbo
Mohr
Parsons
Rosen
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Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Reference is made to the suggestion by the Immigration and Naturalization Service that the U. S. Army Supply Depot, New Cumberland, Pennsylvania, be used as a relocation site for the Department of Justice. Between June 25 and 30 SAC McCabe of the Philadelphia Office on instructions of the Bureau personally made a survey together with Senior Resident Agent, Harrisburg, Pennsylvania, William Higgins, of the entire area around Harrisburg including New Cumberland, Pennsylvania. In an airtel to the Bureau dated July 1 reporting on various possible sites for relocation, SAC McCabe stated that among the sites considered was "the U. S. Army Quartermaster Supply Depot, New Cumberland, Pennsylvania." With reference to this installation he stated in the airtel that it was principally a warehouse area and presently fully occupied and there was not much likelihood of the site being available for a relocation center. In view of the suggestion of Immigration and Naturalization Service, SAC McCabe was telephonically contacted on July 13 relating to this site. McCabe stated that he personally viewed all of the possible sites in the area and that his recollection of the Army depot at New Cumberland was that it consisted of old wooden buildings which did not appear suitable for our use. He stated that he drove through the area but did not enter into the buildings or make specific inquiry of anyone at the site. He advised that his information relating to the site being fully occupied came from Senior Resident Agent Higgins who is well acquainted with the area and in a position to know the facts regarding these installations. Higgins is presently on extended leave out of town and thus, therefore, not possible to contact him immediately.

With reference to Mr. Walter Yeagley's observation that the New Cumberland installation was just across the river from Olmstead Air Force Base at Middletown, Pennsylvania, it is to be noted that the Net Capability Subcommittee of the Radford Committee had previously designated Olmstead Air Force Base as an A-2 target area. (This is an evaluation made for study purposes only of the base as a target in the event of war. The A indicates the type of base and the 2 the rating as a target on a 1-2-3 scale.)

cc - Mr. Boardman
Mr. Belmont
Mr. Keay
Mr. Roach
Mr. McArdle
Mr. Fipp

VPK:RRR:jdd (7)

57 JUL

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JUL 26 1955

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Memorandum for Mr. Boardman

With reference to the Harrisburg, Pennsylvania, area which includes New Cumberland, Olmstead and so forth, the Office of Defense Mobilization (ODM) has advised Liaison that they have recently classified this as a secondary target area. Under ODM planning, the designation of an area as a secondary target does not preclude an agency from relocating within that described area, it being left to the discretion of the agency in question if they should or should not relocate there. More specific data are this being obtained by ODM.

On July 13 General Willard S. Paul, Assistant Director ODM, advised Liaison that the Indiantown Gap area, only 22 miles from the Harrisburg area, had been found to be in a fall-out area based on estimates of the evacuation test in June, 1955. He stated that in view of this he did not feel it desirable to seek a relocation site in the Indiantown Gap area. Since New Cumberland is approximately 20 miles from Indiantown Gap, we will further check tomorrow with ODM as to whether New Cumberland also is considered within a heavy fall-out area.

ACTION:

(1) With reference to SAC McCabe's comments as to the suitability and evaluation of the Army depot at New Cumberland, as soon as full facts, particularly the results of the survey on July 14, 1955, by Mr. Belmont, et al, we will determine if McCabe was in error and take appropriate action.

(2) We will also follow up to determine the ODM estimate on fall-out in the New Cumberland area as well as ODM thinking on agencies relocating in a secondary target area.

~~TOP SECRET~~

Mr. Boardman
Mr. Belmont
Mr. Mease
Mr. Roach

The Attorney General (orig. & 1)

July 15, 1955

Director, FBI

DEPARTMENT RELOCATION SITE

Following your conference on July 13, 1955, representatives of this Bureau accompanied General Howard of Immigration and Naturalization Service and Mr. Walter Yeagley of the Internal Security Division to the United States Army New Cumberland General Depot, New Cumberland, Pennsylvania, on July 14, 1955, for the purpose of looking at space which was indicated as suitable for the Department relocation site.

From the examination of the Depot, it appears transportation facilities would be adequate. While communications facilities are not presently adequate, it appears they could be established. Inasmuch as this is an Army installation it appears that security factors would be adequate. The location of the Depot, seven miles from Harrisburg, would be adequate, dependent, of course, on the stability of current plans of other Government agencies near which you may desire to relocate.

Bearing in mind the necessary cost to establish appropriate communications and to set up relocation quarters that would serve the Department on a permanent basis, there are several factors connected with the Depot which I feel I should mention to you.

The space in question consists of approximately 33,000 square feet in a two-story, World War I brick building, formerly used as administration headquarters at the Depot, 22,000 square feet being on the second floor and 11,000 square feet on the first floor now occupied by Air Force Recruiting Service. The other half of the first floor is occupied by the base commissary. The building is attached to the end of one of the warehouses containing supplies and shops. The second floor is reached by two wooden stairways, one at each end of the building. The interior of the building is wooden construction

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Gandy

AHB:em
(8)

RECORDED - 76
INDEXED - 76
27 JUL 27 1955

See cover memorandum Belmont to Boardman, dated 7/14/55, captioned "Relocation Site," AHB:FJB

59 AUG 2 1955

and the building is posted, as are the other warehouse buildings, prohibiting smoking within fifty feet of the building. There is a sprinkler system on the ceiling on both floors to reduce the fire hazard. There appears to be adequate lighting through fluorescent lights fed by wiring carried in ducts on the ceiling.

Except for eight temporarily partitioned offices along the walls, a classroom with capacity of about seventy-five, and inadequate sanitary facilities, the space is entirely open. It would require partitioning which may pose a ventilation problem. The wooden floors, covered by linoleum, were noted to tremble, however, the Post Engineer states the floor is capable of holding seventy-five pounds per square foot weight.

The 11,000 square feet occupied by the Air Force is partitioned for Air Force needs and would require repartitioning. It was noted that while the first floor was hot, there was better ventilation through the use of fans.

For permanent relocation quarters the Department should consider a minimum of five hundred persons. When this 33,000 feet is appropriately partitioned, it is questionable whether there would be sufficient space, particularly when filing space, corridors and aisles are considered.

According to the Commanding Officer, there is one vacant warehouse, constructed during World War I, consisting of 200,000 square feet of space. This is a typical warehouse, unheated, with no windows other than skylights, and unsuitable for office space.

The Depot contains a disciplinary barracks housing 1300 prisoners. The old administration building is heated from central heating; however, all power comes from outside the Depot which is not self-sustaining in this respect.

The Commanding Officer stated he is able to house on the Depot only twenty-five of the eighty officers assigned to the Depot; consequently, any housing of Department personnel on the Depot would require displacing officer personnel. Department personnel, generally, would be required

~~TOP SECRET~~

Memorandum for the Attorney General

to reside in Harrisburg. The Commanding Officer stated that with twelve hours' notice he could set up makeshift provisions for mess hall service.

Office of Defense Mobilization has advised that the Harrisburg area is considered a secondary target area. Office of Defense Mobilization does not preclude relocating within the Harrisburg area; however, on July 14 an official of ODM recommended against it.

The Commanding Officer advised that he considered this installation a key depot which would be utilized to full capacity in an emergency. He stated it currently supplies 80% of the quartermaster stores to the European area. This, of course, would be an area of intense activity in an emergency. He further stated that in the event Philadelphia is bombed, Army Procurement would be relocated at this Depot.

In view of the above, it is the considered judgment of the FBI that in so far as this agency is concerned it should maintain its relocation site at Quantico until a more desirable location can be found.

I thought you would like to have the above observations in connection with your consideration of the New Cumberland General Depot as a relocation site.

CC: 1 - Mr. William P. Rogers
Deputy Attorney General

~~TOP SECRET~~

~~TOP SECRET~~

Downgrade to Secret per LED324 UC baw/sab 4/22/10

Memorandum for the Attorney General

to reside in Harrisburg. The Commanding Officer stated that with twelve hours' notice he could set up makeshift provisions for mess hall service.

Office of Defense Mobilization has advised that the Harrisburg area is considered a secondary target area. Office of Defense Mobilization does not preclude relocating within the Harrisburg area, however, on July 14 an official of ODM recommended against it.

The Commanding Officer advised that he considered this installation a key depot which would be utilized to full capacity in an emergency. He stated it currently supplies 80% of the quartermaster stores to the European area. This, of course, would be an area of intense activity in an emergency. He further stated that in the event Philadelphia is bombed, Army Procurement would be relocated at this Depot.

I thought you would like to have the above observations in connection with your consideration of New Cumberland General Depot as a relocation site.

CC: 1 - Mr. William P. Rogers
Deputy Attorney General

RECORDED - 76 66-18953-105
SURE

27 JUL 27 1955

Insert: In view of the above, it is the considered judgment of the FBI that in so far as this agency is concerned it should maintain its relocation site at Quantico until a more desirable location can be found.

TOP SECRET

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: July 22, 1955

FROM : MR. V. P. KEAY

Tolson
Boardman
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SUBJECT: WAR PLANS
~~RELOCATION SITE~~

Justice

Walter Yeagley of the Department telephonically advised that at Tompkins instructions he had talked to Ralph Stoll of the Department of Defense concerning possible relocation sites for the Department. Stoll's office told Yeagley that the information they had had been furnished to Liaison Agent John Sullivan of the Bureau. Yeagley was informed it was assumed that the Department did not want duplicate information. Yeagley called in order to confirm that we had obtained the information and that we were running down any leads based on it.

Yeagley was informed that we did obtain the information Defense had, consisting chiefly of a list of defense establishments in the area being considered for relocation. Yeagley was also advised that we were utilizing the material in our own survey for a relocation site.

Yeagley mentioned that he personally did not think that a military establishment would be very desirable for relocation. He pointed out that in the event of war it would be most likely that there would be many restrictions laid down by the military as to the use of their establishment and it would be possible that we might be "pushed off" the military reservation. Yeagley stated that would be particularly true in the event of martial law. Yeagley asked me if the Bureau had considered colleges at Emmitsburg, Maryland, (Mt. St. Mary's and St. Joseph's Colleges) and at Chambersburg, Pennsylvania, (Wilson and Penn Hall Colleges). I said we had along with many other sites. I pointed out to him that the Department would be advised in the event we were successful in locating a site.

Yeagley mentioned that consideration was given by the Department to facilities belonging to the Bureau of Prisons and the Immigration and Naturalization Service but none of them appeared to be suitable. He stated that some thought had been given to the Women's Prison at Alderson, West Virginia, in the event the Congress should go to White Sulphur Springs, West Virginia. He stated, however, this site did not appear to be desirable.

ACTION: For your information

RECORDED - 76 66-18253-106
INDEXED - 76 JUL 26 1955

VPK:mn
cc - Mr. Belmont
Mr. Keay
Mr. Roach

64 AUG 2 1955

LIAISON

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STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : THE DIRECTOR

FROM : L. V. BOARDMAN

SUBJECT: WAR PLANS

DATE: July 11, 1955

1 - Mr. Tolson
1 - Mr. Holloman
1 - Mr. Boardman
1 - Mr. Belmont
1 - Section Tick.
1 - Mr. Fipp

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Tele. Room
Holloman
Gandy

A copy of a memorandum from the Attorney General to you, Messrs. Rogers, Swing, Tompkins, Rankin and Yeagley, dated July 7, 1955, requests your attendance at a conference on the above subject in his office on Wednesday, July 13, 1955, at 2:30 P.M. The purpose of this conference is to discuss the various items set forth in the Attorney General's memorandum of July 7, 1955. (See Exhibit No. IV in brief.)

These items include the relocation headquarters of the Department; which individual or Division of the Department should have charge of the War Plans; the establishment of a departmental cryptograph system; the portfolio; attack warning channels and procedures for civilians; martial law; Security Index; Mexican Border plan; as well as a discussion relating to the manner in which the Department's Records Administration Branch should record and file data relating to the War Plans.

Assistant Attorney General Rankin furnished the Bureau a copy of a letter to the Attorney General dated July 5, 1955, in which he set forth his observations concerning the relocation headquarters, the Department's organization for the development of war plans and the Portfolio. Assistant Attorney General Rankin's letter is attached to this brief in the Appendix as Exhibit No. III. Comments by the Bureau are set out where pertinent in the brief relating to Assistant Attorney General Rankin's observations.

ENCLOSURE BEHIND FILE

In addition to Rankin's letter there is also attached in the Appendix under Exhibit No. I a relocation map and as Exhibit No. II the Security Index criteria. The relocation map is based on an area forming a 75-mile radius from Fort Ritchie.

The attached brief contains individual memoranda on each of the nine items listed above.

The table of contents in the brief represents the agenda of the conference. Material on each point may be referred to by number tab.

RECORDED - 64 66-18953-109

ACTION:

EX-104

27 JUL 27 1955

The attached brief is for your use.

59 AUG 4 1955

Enclosure
ABF:bpk/saw (7)

Memos Tolson, Belmont, Boardman dictated 7-13-55

July 21, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

In discussion with the Attorney General last Tuesday about relocation areas for the Department of Justice and the FBI, I left with the Attorney General the latest copy of the map which has been prepared showing the various relocation centers and some which are under study at the present time. I told the Attorney General that we were endeavoring to locate a suitable relocation center for the entire Department and the FBI and one which would be nearer to where the President may be located, but that to date we had not been able to find such a location but would continue our efforts.

The Attorney General indicated that no further consideration was being given by him to the suggested relocation center at the New Cumberland Base in Pennsylvania, near Harrisburg.

The Attorney General indicated that he had received word that there would be another alert test sometime in the Fall, which test will come without warning. I think that we should be thoroughly prepared to meet such a test and have no unnecessary delays in responding to the same and setting up our operations at Quantico, if we are still using Quantico as the relocation center at the time the next alert is sounded. Of course, if some other location has, in the meantime, been selected, we should take prompt steps to have arrangements made so that we might immediately implement the occupation of the same upon the giving of the surprise alert.

Very truly yours,

1s1 JEH

John Edgar Hoover
Director

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JUL 29 1955

SENT FROM D. O.
TIME 11:15 AM
DATE 7-27-55
BY

Delegation Plan For U.S. Dept. of Justice

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Federal Bureau of Investigation (FBI)
File Number1145592-000 - 66-HQ-18953
Section 3

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: September 29, 1955

FROM : A. H. BELMONT

Tolson
Boardman
Nichols
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Harbo
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Tele. Room
Holloman
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SUBJECT: BUREAU WAR PLANS - RELOCATION OF ATTORNEY GENERAL

Plan for U.S. Dept of Justice

Reference is made to my memorandum captioned as above dated 6/14/55, wherein SAC Laughlin had designated SAs Bernard E. Buscher and [redacted] as the WFO Agents who might be called upon during nonduty hours to relocate the Attorney General or members of his family. b6 b7C

SAC Laughlin on 9/27/55 advised that SA [redacted] has moved from his prior address at [redacted] and it is, therefore, necessary for Mr. Laughlin to substitute the name of SA [redacted] who resides in apartment [redacted], telephone Emerson 2-1842.

SA [redacted] entered on duty as a clerk typist 8/22/49 and received Bureau Agent's appointment on 12/18/50. He has been assigned to WFO since 1/20/54 having previously served in Cleveland, Seattle and Honolulu in that order. SA [redacted] completed the Bureau Russian Language School 12/17/54 where he received a final grade of very good.

SA [redacted] a veteran, is not on probation; his record has been satisfactory.

SA [redacted] will replace SA [redacted] as one of two representatives from WFO to carry out the relocation of the Attorney General during nonduty hours if that should become necessary.

ACTION:

For your information. The necessary war plans have been corrected.

66-18953
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105 OCT 5 1955

JJEM:mlp:pyp
(6)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Mohr
Attn: C. Q. Smith and J. [illegible] Cavanagh
1 - Section Tickler
519 U.S. E. McArdle

1 OCT 3 1955

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: September 27, 1955

FROM : R. R. ROACH

SUBJECT: WAR PLANS - RELOCATION OF ATTORNEY GENERAL AND FAMILY

Tolson
Boardman
Nichols
Belmont
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Reference is made to SAC Letter 55-K dated 6-2-55 setting forth the home address and schools being attended by members of the Attorney General's family.

On 9-23-55 Mr. John Lindsay, Administrative Assistant to the Attorney General, telephonically advised Supervisor McArdle of the War Plans Desk that there is no change in the home address of the Brownell family or the schools being attended by the children. Mr. Lindsay advised further that there has been no change in the Attorney General's thinking in that the FBI will not be required to voluntarily render assistance to members of the Attorney General's family but rather, we will render such assistance as is possible only by request of a member of the Attorney General's family.

RECOMMENDATION:

For information.

JEM:mnm
(5)
1 Mr. Boardman
1 Mr. Belmont
1 Mr. McArdle
1 Mr. Roach

66-18953
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145 OCT 5 1955

FBI

OCT 4 1955

FBI - JUSTICE

59 OCT 10

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: September 12, 1955

FROM : Mr. A. H. Belmont

SUBJECT: WAR PLANS - RELOCATION SITE - COMMUNICATIONS

Tolson
Boardman
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In accordance with Mr. Roach's memorandum to me dated September 2, I called Mr. Yeagley of the Department on September 7 and advised him that the Bureau will continue to use the FBI Academy at Quantico as our relocation site, and as soon as the Department decides on its relocation site the Bureau will get together with the appropriate Departmental representative relative to a secure communications system between the two relocation sites. (In accordance with instructions, when such a conference does take place we will look after FBI interests first and let INS think out their own problems.)

Mr. Yeagley asked whether this means that we are not any longer looking for a joint relocation site for the Department and the FBI. I told him we are not currently looking for such a site. He wondered if the Attorney General knew this, as Yeagley thought the Attorney General understood the FBI was looking for such a site. I pointed out that by letter dated July 15, 1955, we had informed the Department that the FBI Academy at Quantico would be our site. I was reiterating this now in view of Yeagley's call to me of August 31, 1955, inquiring as to any developments. Mr. Yeagley wanted to know if we had run across any site that might be suitable for the Department during a survey for a joint relocation site, and particularly whether we had picked up any information from the Defense Department, as he knew we had checked at the Defense Department. I told him we had not come across a satisfactory joint relocation site. In answer to his request, I told him we would make available to the Department any information we had received from the Defense Department.

On September 9, Mr. John Airhart called to advise that he had received a note from Mr. Yeagley relative to my conversation with Yeagley. I reiterated that we are considering our Quantico Academy as our relocation site. He said he would

AHB:bmm (5)

66-18953
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45 SEP 30 1955

cc - Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. McArdle

59 OCT

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O Relocation Plans For U.S. Dept. of Justice

Memorandum for Mr. Boardman

go ahead and look for a Departmental site. He wanted to know whether we had come across a site during our survey that would suit the needs of the Department. I told him Mr. Yeagley had inquired as to any information furnished us by the Department of Defense and that we would make such information available to Mr. Airhart, if he desired. He said he would like to have this.

Mr. Airhart advised that he understood we had established direct liaison with the Office of Defense Mobilization. I told him this was correct, in order that we would receive promptly any information pertinent to the FBI. I pointed out, however, we are interested in receiving from the Department any information having a bearing on relocation tests, Civil Defense planning, et cetera, which comes to the attention of the Department and which would be of interest to us.

It was apparent from the conversation that neither Mr. Yeagley nor Mr. Airhart relish the thought of having to locate a relocation site for the Department. In the meanwhile, Martinsburg will continue to serve as a relocation site for the Department. Neither Mr. Airhart nor Mr. Yeagley was questioning the Bureau decision in this matter, however.

RECOMMENDATION:

Yeagley requested any information concerning possible relocation sites which the Defense Department gave to the Bureau. When the Department checked at the Defense Department some months ago, they were advised that the FBI had secured such information. I think we should furnish such information to Airhart as the Defense Department gave to us, and we will do this unless advised to the contrary.

O.K. Hoover don't want to go any further at this time. We are not going to do the "homework" for the Defense Department.

We did survey Shepherds College and found that it can be used. However, the Washington Field Office is considering Shepherds College as its relocation site. Therefore, we will not furnish information regarding the college to the Department.

- 2 -

Copy/dpg

August 31, 1955

TO: MR. L. V. BOARDMAN

FROM: A. H. BELMONT

SUBJECT: WAR PLANS - RELOCATION SITE

On 8/30/55 John Airhart, who advised that he has been instructed by Mr. John Lindsay of the Department that he is to resume the position of relocation coordinator, made available the attached folder on "Dunn View", which property has recently been placed on the market.

Airhart advised that "Dunn View" was built as the personal home of Mr. Dunn who until recently operated knitting mills at Martinsburg, West Virginia. The home was built in 1948, is of reinforced concrete construction, contains 14 rooms plus baths, has a living room 24 x 40 feet, two spacious recreation rooms, and generally is designed for luxurious living. "Dunn View" is five miles south of Martinsburg, West Virginia, and slightly west of Highway 9 which runs from Charlestown to Martinsburg. The home is situated on an 8-acre plot on the edge of a 250-foot cliff. There is also a caretaker's cottage on the site. Mr. Airhart advised that Mr. Dunn is asking $95,000.00 for the property but was of the opinion that it could be purchased for between 80 and $85,000.00.

Airhart advised that he is going to approach the Attorney General on the purchase of "Dunn View" for an emergency relocation site; that while the residence will not hold both the Bureau and the Department in a relocation operation, it will afford space for a complete communications center, offices, and more than likely living accommodations for the Departmental and Bureau officials. Airhart stated that if the Attorney General was agreeable, it was his thought that temporary buildings such as Quonset Huts or Butler Buildings could be erected on the balance of the 8-acre track to provide office space and sleeping and dining accommodations for the rank and file employees of the Department and the Bureau.

Mr. Airhart advised that he was in no position to comment on what the Attorney General's attitude might be on the acquisition of "Dunn View" and that he was most desirous of finding a relocation site away from a military reservation. It would appear that the erection of Quonset Huts leaves much to be desired for efficient office operations.

JEM:djc (6)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Parsons
1 - Section Tickler
1 - J. A. McArdle

Enclosure

1 ENCL REC'D (Filed with orig)

66-18753-1
NOT RECORDED
145 SEP 11 1955

ORIGINAL COPY FILED IN 5, Dept. of Justice

66-17375-1

Memorandum from Belmont to Boardman

During the course of this conversation on relocation sites, Airhart, in a confidential manner, commented that there was some possibility of the Immigration and Naturalization Service seeking a relocation site which would accommodate that agency only. No comment was made to Airhart on this point; however, it is believed that this is a point which might be nurtured.

ACTION:

For information.

copy/dpg

Sept. 1, 1955

TO: MR. L. V. BOARDMAN

FROM: A. H. BELMONT

SUBJECT: WAR PLANS - RELOCATION SITE

Re my memorandum August 31, 1955. John Airhart Approximately 2:30 P.M., September 1, 1955, telephonically advised the writer that he plans to send up a memorandum to the Attorney General recommending a relocation site similar to "Dunn View." Airhart advised that he believes a location such as "Dunn View" wherein there is a building large enough to supply office and living accommodations for the various officials as well as a good communications center and has available land for expansion to care for the other so-called essential personnel of the Department is most desirable.

Airhart stated that it may not be necessary for the Department, Bureau and INS to share an individual relocation site. However, it is quite essential insofar as he is concerned, that they are all located in the near proximity of each other. Airhart mentioned five miles as being the maximum distance between the three agencies, but that of course the best situation would be wherein they are all togehter, thus avoiding a communications problem and all would be immediately available for consultation and close cooperation in an emergency.

Mr. Airhart advised that Mr. Yeagley is flatly opposed to his recommending "Dunn View" or similar properties but has given no reason for his views. Airhart added that he is going to make this recommendation in an effort to get the Attorney General's views on what type of relocation site would be acceptable to him and at the same time is hoping that he will be able to settle the relocation problem for the Department.

ACTION:

For your information.

JEMpyp (6)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Parsons
1 - Section Tickler
1 - Mr. McArdle

66-18953-
NOT RECORDED
145 SEP 11 1955

57 SEP 14 1955

Relocation Plans for U. S. Dept of Justice

ORIGINAL COPY FILED IN 66-17321-11

2 - orig & dupl
1 - yellow
1 - sectionticklet
1 - Mr. Doucherty
1 - Mr. McArdle
1 - Mr. W. F. Woods

August 10, 1955

Assistant Attorney General
William F. Tompkins

Director, FBI

66- 18953

Precedence Systems for Communications;
Bureau War Plans - Communications Priorities
for Telephone and Teletype Service

Reference is made to your memorandum dated August 5, 1955, requesting comment concerning the applicability of "Priority One" to telecommunications of the Department of Justice relating to danger of espionage and sabotage as a result of the presence of the enemy or his agents.

It is our understanding that such priority applies to the Department of Justice. You may desire to confirm such understanding by a letter directed to the Office of Defense Mobilization.

PFD:saw (7)

NOTE ON YELLOW - Mr. Alexander, Deputy Assistant Director for Telecommunications, ODM, confirmed the above.

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman

COMM - FBI
AUG 11 1955

59 AUG 23 1955

ORIGINAL COPY FILED IN

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: July 1, 1955

FROM : R. R. ROACH

SUBJECT: BORDER PATROL
EMERGENCY PLANS

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

My memorandum dated April 8, 1955, (attached) set out that the Border Patrol Branch of the Immigration and Naturalization Service (INS) had submitted a plan for protecting United States borders in the event of an emergency. That plan consisted of three parts:

Plan A provided for an increase of total force to 8,136 Patrol Officers and 756 auxiliary employees.

Plan B called for an increase to 16,000 officers and 1,000 auxiliary employees if Plan A was found to be inadequate.

Plan C provided that the Attorney General would recommend the use of Army troops if Plan B was inadequate and called for an Executive Order and stand-by legislation, if necessary, authorizing the President to close the borders.

The Department of Justice has forwarded a revised page three of that plan. The following changes were noted on the revised page:

The original plan called for an Executive Order and stand-by legislation, if necessary, authorizing the President to close the borders, granting the Department of Justice authority to use all force necessary to accomplish this. The revised plan simply states that the Attorney General will recommend to the President use of troops if Plan B has been effected and found to be inadequate.

Item E stated that draft deferments for officers of the Border Patrol would be requested. The revised plan states that draft deferments have been requested.

Item VII stated that in order to increase the degree

BAW:ajej:hke
(6)
1-Mr. Belmont
1-Mr. Ferris
1-Mr. Donnelle
1-Mr. Rogers
1-Section Tickler

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NOT RECORDED
145 JUL 14 1955

ORIGINAL COPY FILED IN

Emergency Relocation Plans for U.S. Civil of Justice

of control on the Mexican border, additional border fences and radio-equipped watchtowers will be erected. The revised plan states that additional border fences opposite populated areas with patrol roads and radio-equipped watchtowers will be erected.

The revised plan also adds a paragraph stating that the plans are being implemented on a continuous basis in the field and that the Department would receive revisions from time to time.

The revised page, which has been inserted in the plan, did not reflect any information requiring Bureau action.

ACTION:

None. For your information.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: April 8, 1955

FROM : R. R. Roach

SUBJECT: BORDER PATROL EMERGENCY PLANS

Tolson
Boardman
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Tele. Room
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At the conference held in the Attorney General's office on April 4, 1955, representatives of the Immigration and Naturalization Service (INS) stated that they had submitted on that same date a plan for protecting U. S. borders in the event of an emergency. The Bureau also received copies of this same plan on April 4, 1955. One copy is attached hereto. The Border Patrol Branch of INS has, in the attached INS memorandum, presented three alternate emergency plans for guarding our borders. The plans in themselves do not reflect any infringement upon the Bureau's jurisdiction and nothing therein would apparently interfere with the Bureau's work. The plans are based on the premise that the Border Patrol has primary jurisdiction for guarding the Canadian and Mexican borders, plus the Florida and Gulf Coast lines against surreptitious entry of aliens, subversives, and possible spies and saboteurs.

The plans in brief are as follows:

PLAN A

1. A total force of 8,136 Patrol Officers and 756 auxiliary employees as compared to present force of 1,538 Patrol Officers and 240 other employees.

2. This increased force to be obtained by reassignment of INS personnel, by assignment of personnel from other Government agencies to be determined by the Office of Defense Mobilization and by recruitment.

PLAN B

This calls for a force of 16,000 Patrol Officers and 1,000 auxiliary employees. This plan would be put into effect in the event Plan A is tried and found to be inadequate. Personnel for this plan to be obtained in same manner as under Plan A.

2 ENCLS
DJS:lw/lmm
(5)
Attachment

66-18953-V
NOT RECORDED
145 JUL 14 1955

RECORDED - 25
INDEXED - 25

24 APR 21 1955

1-Mr. Belmont
1-Mr. McArdle
1-Mr. DJ Sullivan
1-Liaison Section Tickler

51 JUL 19 1955

ORIGINAL COPY FILED IN

PLAN C

Under this plan the Attorney General would recommend to the President the use of Army troops. The plan calls for an Executive Order and standby-legislation, if necessary, authorizing the President to close the borders; granting to Department of Justice authority to use all force necessary to accomplish this. It is suggested that standby-legislation should include safeguards for Department of Justice personnel against criminal and civil actions resulting from exercise of these emergency powers. Bureau liaison has ascertained from the Border Patrol that this latter is being proposed so that in the event an individual not a subversive should be killed or injured by the Border Patrol while illegally crossing the border, no action could ensue against the Border Patrol. Under Plan C, as a last resort, the Attorney General would recommend to the President that Army troops be used.

Under the above three plans draft deferments for all Border Patrol personnel are to be requested. It is stated liaison with Air Force, Coast Guard, Civil Air Patrol, Central Intelligence Agency and other Federal agencies has been established so INS can keep abreast of the international situation. The liaison with the Air Force, Coast Guard and Civil Air Patrol is to be maintained for more effective control of illegal entries by airplane. It is further stated that a Border Patrol Intelligence Organization has been established to furnish information re smuggling and illegal entry. All of the enumerated plans visualize a large-scale increase in the use of road blocks close to the borders and coastal areas utilizing the assistance and cooperation of state and local police officers and the increased use of a special mobile force of the Border Patrol itself. The plans submitted to the Attorney General also included equipment requirements for Plan A.

It would appear that under either Plan A or Plan B the border coverage would be greatly enhanced. Without a detailed survey of the exact conditions along the border where these programs would be applied, it would not be possible to say accurately how effective they would be.

Unless otherwise authorized, the recruitment and training of proposed additional personnel is not to start until an emergency has been declared. If INS implements the plans after war starts, there

would probably be a critical period during which the contemplated coverage would not be applied due to the time necessary for implementation. By memorandum dated 2/8/55 we pointed out to the Department and INS that the Mexican and Canadian borders presented definite problems to the security of this country, and by separate memorandum today to the Attorney General and INS this matter is being reiterated. The responsibility to implement this coverage to reduce or elimipate the risk along the border lies, of course, with INS. With this during [illegible] ...

In view of the fact that the above-referred-to plans do not appear to infringe upon or touch upon the Bureau's jurisdiction, no memorandum concerning them is being forwarded to the Attorney General.

ACTION:

The above is submitted for your information.

Included in brief for Director for AG's Conference on 4/11/55

2 - orig. & dupli.
1 - yellow
1 - sect. tick.
1 - Mr. McArdle

Assistant Attorney General
William F. Tompkins

October 4, 1955

Director, FBI

INSTRUCTIONS FOR KEY PERSONNEL OF THE DEPARTMENT OF JUSTICE IN THE EVENT OF A CIVIL DEFENSE EMERGENCY

By memorandum dated March 8, 1955, you submitted eight revised copies of the above-captioned instructions and requested that three of the eight copies be made available to the Baltimore, Chicago, and Denver offices of this Bureau to be retained by them for use of the United States Attorneys in their respective districts, if and when these United States Attorneys succeed to the position of Acting Attorney General in the Department chain of authority.

By memorandum dated June 7, 1955, the Attorney General advised that after Operation Alert the above-named instructions would be revised to reflect changes in emergency planning. For your information revised pages to captioned document have not been received to date.

JEM:lmm:mer
(5)

NOTE: Departmental war plans as they are now constituted reflect that the Departmental relocation site is the George Washington Hotel, Winchester, Virginia, whereas other information obtained from the Department reflects it is the Post Office Building, Martinsburg, West Virginia. Other information in the Departmental plans reflect the FBI will provide working space for the Attorney General and 9 Departmental officials at its emergency headquarters whereas other communications reflect that we need provide space only for the Attorney General if he should decide to come to the relocation site. This is the type of information which would be of interest to the Department chain of command who are not stationed in Washington, D. C. A clarification of the Departmental war plans would be highly desirable from the Bureau's standpoint. Hence the foregoing letter.

Tolson
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Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

MAILED 6
OCT 4 1955
COMM-FBI

RECORDED-35
INDEXED-35

66-18953-111

17 OCT 6 1955

5 OCT 12 1955

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : R. R. ROACH

SECRET

DATE: October 19, 1955

Tolson
Boardman
Nichols
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Harbo
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Parsons
Rosen
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Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
DATE 1-18-82 BY SP6Lp/sr

SUBJECT: WAR PLANS - RELOCATION TEST, NOVEMBER 15, 1955 - FEBRUARY 15, 1955

John Airhart, Relocation Coordinator of the Department, advised SA McArdle 10/18/55 that he, Airhart, has recommended to the Attorney General that the Departmental relocation test to be held in November, 1955, should consist of: (1) A thorough communications test of Departmental equipment and to familiarize communications personnel with the equipment and the communications procedures involved; (2) That key personnel of the Department and the heads of various bureaus and agencies within the Department spend their entire 8-hour stay at the relocation site (the relocation site of the Department at Martinsburg, West Virginia) in a discussion of the Attorney General's portfolio. Airhart pointed out that Assistant Attorney General Rankin has heretofore looked upon the portfolio as absolutely top secret and not to be discussed with anyone. However, it is Airhart's opinion, and he feels that of the Attorney General as well, that the contents of the portfolio should be made known to top personnel in the Department. Hence, his recommendation for this discussion at Martinsburg. Mr. Airhart indicated that if the Attorney General approves his recommendation, the Director and one Bureau official will be invited to participate in the briefing or discussions of the portfolio at Martinsburg on the day of the relocation test. (5)

Mr. Airhart's attention was called to annex 1 of the cabinet paper, which outlines the fall-winter relocation test. Annex 1 sets forth assumptions to be used as needed in fall and winter tests, 55-56. These assumptions pertain to attack conditions, casualties, fall-out, survival requirements, and so forth. Mr. Airhart advised that this appendix of assumptions was attached thereto for the use and benefit of those agencies who deemed it necessary and desirable to carry out actual problems during the fall-winter relocation test. (5)

RECOMMENDATION:

INDEXED - 87
RECORDED - 87
66-18953-112
EX-124

I see no purpose in a discussion of the portfolio as proposed by Airhart. The portfolio and its provisions have been held in top secret classification and have been restricted to those who need to know the provisions. Those who need to know are now acquainted with the provisions. It has been withheld from such persons as U. S. Attorneys

JEM:dje:jdd (6)
cc - Mr. Nichols
Mr. Boardman
Mr. Belmont
Section tickler
Mr. McArdle

16 NOV 2 1955

1-15-82
Class. & Ext. By SP6Lp/sr
Reason-FCIM II, 1-2.4.2 2,3
Date of Review 1-15-92

SECRET

Relocation Plans For U. S. Department of Justice

UNRECORDED COPY FILED IN 100-358062-

~~SECRET~~

and U. S. Marshals and others in the Department as publicity on some of the provisions, such as suspension of the writ of habeas corpus, would cause adverse publicity at this time. The portfolio is complicated and would be over the heads of many Department officials. For example, I see no need for General Swing to know of all the provisions.

If you agree, we will express these sentiments to Mr. Airhart informally.

I don't see that it is any of our business. There is no need to express any views. It is w/p & O.K. V.

K.

~~SECRET~~

b6
b7C

TOP SECRET

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Rushing

THE ATTORNEY GENERAL

November 2, 1955

Director, FBI

PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
FBI File 100-356062

Reference is made to my memorandum dated June 23, 1955, commenting upon the simulation by the President of a declaration of martial law during Operation Alert - 1955.

In my memorandum, I requested to be advised as to what action you intend to take in a real emergency if martial law is declared in a particular area or throughout the nation. I further requested advise as to whether the procedures and documents outlined in the Attorney General's Portfolio will be used as planned in the event martial law should be declared in a real emergency. It is noted that this matter was a subject of discussion at a conference held in your office on July 13, 1955.

In order that definite plans can be made by this Bureau in the event such a situation should arise, I would appreciate being advised as to the decision in this matter.

2cc - Mr. William P. Rogers
Deputy Attorney General

2cc - Assistant Attorney General
William F. Tompkins

TDR:pjm/mlp
(10)

Please see page 2.

INITIAL ORIGINAL

Declassify 8-27-76 E7b

66-18953
NOT RECORDED
15 NOV 2 1955

59 NOV 9 1955

Previously released by the U.S. Dept. of Justice

ORIGINAL COPY FILED IN

Previously released by HS 8-27-76 E7b/b)(6)

copy/bjb

Memorandum for the Attorney General

NOTE ON YELLOW:

The Director's memo of July 13, 1955, noted that the above problem was discussed at a conference in Attorney General's office that date and that Mr. Rankin's Division was apparently handling the matter.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: November 1, 1955

FROM : A. H. BELMONT

1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Mohr
1 - Section tickler
1 - Mr. McArdle

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
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Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: WAR PLANS - EMERGENCY RELOCATION OF THE ATTORNEY GENERAL

SYNOPSIS:

By memorandum to Director 10/25/55 the Attorney General indicated that arrangements for a boat and/or helicopter relocation of key personnel should be a matter of direct negotiation by Bureau with the Office of Defense Mobilization (ODM). The Department had arranged with ODM for a 3-passenger helicopter to relocate the Attorney General in an emergency. This arrangement superseded by ODM helicopter plan which the Attorney General has decided to use.

ODM on 10/3/55 advised they had no objection to Bureau making arrangements with Defense Department for a boat or helicopter. Liaison ascertained 10/13/55 that Assistant Secretary of Defense Carter Burgess is to be out of the United States until early November. John Fanning, Director, Office of Domestic Programs, Office of Secretary of Defense (OSD) has recently taken over duties which encompass the Bureau problem. Mr. Fanning requested time to study the problems and familiarize himself with his new section and on 10/25/55 Mr. Fanning advised he was unable to give a definite answer but would arrange a conference in the immediate future. He did state that from early observations he did not believe there was a sufficient number of helicopters available to handle the key staff and that all available equipment has apparently been committed. This matter is being followed closely.

Upon receipt of an alert during working hours a Bureau Supervisor will have a Bureau car available for Attorney General at basement entrance of his elevator. Two Supervisors, Administrative Division, have been given this assignment. These same Supervisors reside in vicinity of the Attorney General's home and if the alert is given during nonduty hours they will proceed in personal cars to Attorney General's residence and carry out his relocation. Arrangements have also been made with Washington Field Office (WFO) to have two Agents who live in vicinity of Attorney General's residence use their personal cars to carry out his relocation if that should become necessary. In addition there is an Agent manning a WFO "lookout" near the Attorney General's residence who could be called upon at any time between 8 a.m. and 12 midnight 7 days a week. It can be reasonably assumed that at least one of the four Agents mentioned above will always be available after midnight and therefore it would be unnecessary to have an extra Agent assigned to the "lookout" after midnight. If Attorney General uses ODM helicopter, an Agent will accompany him to helicopter on the Mall and Resident Agent at Winchester, Va., will meet Attorney General at High Point and take him to desired destination.

Enclosure

JEM:lmm/djeg (7)

RECORDED 15 NOV 8 1955

EX-9 NOV 18 1955

What is this "lookout"?

H.

Re: Location Plans for U.S. Department of Justice

UNRECORDED COPY FILED IN 94-1-17381

Memorandum Belmont to Boardman

RECOMMENDATIONS:

(1) Attached memorandum to SAC, Richmond, setting forth instructions for relocation of the Attorney General go forth.

DETAILS:

The Attorney General by memorandum 10/25/55 advised the Director that he would use the ODM helicopter evacuation plan if the relocation or evacuation is ordered during daylight hours and suggested that the Bureau enter into direct negotiations with the Office of Defense Mobilization (ODM) for a boat and/or helicopter to carry out the relocation of key Bureau personnel. The Bureau has the responsibility of relocating the Attorney General and, of course, if arrangements can be perfected for a boat and/or helicopter for relocation of Bureau key personnel, the Attorney General will be included therein. The boat and/or helicopter plan would be a "back up" system for the relocation of Bureau personnel inasmuch as our primary evacuation-relocation plan will use automotive transportation.

On 10/3/55 ODM authorized the Bureau to carry out direct negotiations with the Department of Defense for the boat and/or helicopter with which to evacuate key Bureau personnel. Available information reflects that a boat and/or helicopter will be available only during daylight hours. On 10/13/55 it was ascertained that Assistant Secretary of Defense Carter Burgess would be out of the United States until early in November. Mr. John Fanning, Director, Office of Domestic Programs, OSD, in the Department of Defense, now handles the section of the Department of Defense wherein this boat

and/or helicopter problem would be handled. Mr. Fanning requested time to study the problems and familiarize himself with his new section and on 10/25/55 Mr. Fanning advised he was unable to give a definite answer but did arrange a conference for 10/28/55, which he was unable to keep. Efforts are being made to schedule a conference in the immediate future. He did state that from early observations he did not believe there was a sufficient number of helicopters available to handle the key staff and that all available equipment has apparently been committed. This matter is being followed closely.

The Director has previously approved of the following evacuation plan for the Attorney General:

Normal Working Hours:

If the relocation is ordered during normal working hours and the Attorney General is in Washington, SA Supervisor [redacted], Administrative Division, with SA Supervisor [redacted] as his alternate will immediately secure a Bureau car from the basement of Justice Building and with it at the basement entrance to Attorney General's elevator stand ready to take Attorney General wherever he wants to go. If the Attorney General is out of the building either of these same Agents using a Bureau car will pick him up wherever he may be and deliver him to his desired destination. If the Attorney General desires to use the ODM helicopter evacuation plan, either of these Agents will accompany him to the military helicopter which will be parked between 4th and 7th Streets, N.W., on the Mall. In any emergency evacuation the SAC at Richmond will dispatch the agent nearest Bluemont, Va., to High Point to meet the Attorney General and take him to his desired destination.

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b7C

Nonduty Hours:

If an alert is received during other than normal working hours and the Attorney General is in Washington (Attorney General resides 4355 Forest Lane, N.W.) SA Supervisor [redacted] who resides at [redacted], or SA Supervisor [redacted] who resides at [redacted], will be dispatched by Assistant Director Mohr in their personally owned cars to relocate the Attorney General to his desired destination.

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If SA's [redacted] and [redacted] are not available, Assistant Director Mohr will instruct SAC Laughlin of Washington Field Office to dispatch one of the following Agents to carry out the evacuation of the Attorney General. Mr. Mohr may call either or both of these Agents direct. The Agents are Bernard E. Buscher, 224 Longfellow Street, N.W., or [redacted] In addition, SAC Laughlin could if necessary dispatch an Agent from a "lookout post" at 2651 16th Street, N.W., to carry out the evacuation of the Attorney General. There is an Agent at this "lookout" between 8 a.m. and 12 midnight 7 days a week. It can be reasonably assumed that at least one of the four Agents mentioned above will always be available after midnight and therefore it would be unnecessary to have an extra Agent assigned to the "lookout" after midnight.

If the Attorney General Is Not in Washington:

All field offices by no number SAC Letter 55-K (June 2, 1955) were advised that if the Attorney General or individual members of his family contact a Bureau office for assistance in a period of emergency they should be given all help and assistance possible under the circumstances.

November 14, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

On November 10, 1955, at 2:30 PM, I attended a conference in the Attorney General's Office at which were present the Attorney General, Assistant Attorney General Rankin, a representative of Mr. Rankin's office and myself.

There was a general discussion relative to the revised Portfolio. The representative accompanying Mr. Rankin outlined to the Attorney General some of the items in the Portfolio which had not yet been resolved. The Attorney General directed that these items be resolved at an early date. I pointed out the imperative necessity of the revised Portfolio being supplied to the interested agencies of the Department in order that it would be readily available for study and guidance.

The Attorney General inquired of Mr. Rankin as to what progress had been made toward resolving questions raised by the FBI should martial law be declared in a time of national emergency. Mr. Rankin indicated that this had not yet been resolved, as he had but just received the various memorandums from his own staff upon the subject. I pointed out the imperative necessity of having a distinct understanding with the Department of Defense as to exactly what would or would not be done by that Department in interfering or directing the responsibilities of other agencies, particularly the FBI in its "pick-up" program. The Attorney General directed Mr. Rankin to meet with the Department of Defense representatives and endeavor to reach as early a decision as possible upon this matter.

Very truly yours,

/s/ J. Edgar Hoover

John Edgar Hoover
Director

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Boardman
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Relocation Plans For U.S. Dept. of Justice

ORIGINAL COPY FILED IN 100-356042-157-76

66-18953
NOT RECORDED
145 DEC 8 1955

DEC 7 1955

SENT FROM D. C.
TIME 9:45 AM
DATE 12-15-55
BY

39 DEC 12 1955

Copy - Mhg

ATTORNEY GENERAL

November 17, 1955

66-189534

DIRECTOR, FBI

I have received your memorandum of November 16, 1955 advising that the conferenoe to discuss the portfolio and martial law to be held in your office has been changed from November 21, 1955 to November 29, 1955 at 4:00 P. M.

It will be necessary for me to be in New York City on November 28th and 29th. Unless you advise to the contrary, I will not plan to be in attendance at the November 29th meeting.

It is noted that from prior conferences no matters are pending which are undecided, so far as the FBI's interest is concerned, with regard to the subject matters of the November 29th conference.

CT:DSS

57 DEC 15 1955

ORIGINAL COPY FILED IN 66-3576062-

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman
DATE: November 5, 1955

FROM : Mr. A. H. Belmont

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
FBI File 100-356062

Tolson, Boardman, Nichols, Belmont, Harbo, Mohr, Parsons, Rosen, Tamm, Sizoo, Winterrowd, Tele. Room, Holloman, Gandy

By memorandum dated November 3, 1955, the Attorney General advised that he was holding a conference with Mr. Rankin at 2:30 P.M. on November 10 in the Attorney General's office concerning the effect on Bureau operations in the event martial law is declared in an emergency in a particular area or throughout the nation and concerning other problems relating to the Attorney General's Portfolio. He indicated that it would be very helpful if the Director could be present.

The Director requested that he be furnished with the material he might need for such a conference.

The attached material points out the necessity that the Department reach an agreement in advance of a real emergency with Department of Defense whereby the Emergency Detention Program can be carried on without delay in the event martial law is invoked. No unresolved matters regarding procedures to be followed by Bureau under Portfolio. Certain matters remain to be resolved by Department with Immigration and Naturalization Service and Defense Department on functions latter two agencies will perform. Material also attached concerning these matters.

ACTION:

This is submitted in accordance with the Director's request.

66-18953
NOT RECORDED
145 DEC 8 1955

DEC 7 1955

2 ENCL.

Enclosures

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Henry
cc - Mr. Rushing

59 DEC 12 1955
(5)

Relocation Plan for U.S. Dept. of Justice

ORIGINAL COPY FILED IN 100-356062-1571

November 5, 1955

DECLARATION OF MARTIAL LAW
IN TIME OF EMERGENCY AND ITS
EFFECT UPON THE BUREAU'S OPERATIONS

The Delimitations Agreement entered into by the Federal Bureau of Investigation and the intelligence agencies of the Armed Forces on February 23, 1949, provides that during periods of martial law the Armed Forces commander will have authority to assign missions, designate objectives and exercise such coordinating control of the intelligence agencies as he deems necessary. Administrative and disciplinary control remains with the respective agencies. The problem presented by the declaration of martial law was given prominence when such declaration was simulated by the President during Operation Alert - 1955. This problem was thereupon submitted to the Department and advice was requested as to the jurisdiction of the FBI under martial law and the extent to which control and authority had passed from the Department of Justice to the military as it pertained to the operations of this Bureau.

The Department advised that all civil agencies would be required to give full effect to the proclamation declaring martial law and all orders and regulations issued thereunder; that where conflict existed between martial law regulations and Justice instructions this Bureau should obey the military commander and advise the Attorney General of the facts and that, where necessary, the Department of Justice would advise the Defense Department of any conflict and resolve the matter in order that the objectives of civil authorities could be accomplished within the framework of martial law.

This might well compel the abandonment of the entire Emergency Detention Program and, at best, would cause delay in putting it into effect while Defense Department clearance was being obtained. This matter was brought to the attention

ENCLOSURE

ENCLOSURE
66-14953-1

of the Attorney General by our letter of June 23, 1955. Our letter noted that the situation presented during the exercises pointed out the necessity of resolving this problem in advance of a real emergency in order that there would be no interruption in the Bureau's work, especially in making arrests and/or searches contemplated under the Emergency Detention Program.

We requested advice as to what action the Attorney General intended to take in a real emergency if martial law is declared. We also requested advice as to whether the procedures and documents outlined in the Attorney General's Portfolio will be used as planned in the event martial law should be declared during a real emergency.

This is essentially a Departmental problem. However, the Attorney General's memorandum of November 3, 1955, indicates the desire that the Director participate in the discussion of the martial law problem. We think it necessary that the Department reach an agreement with the Department of Defense, well in advance of a real emergency, so that there will be no interruption or delay in the immediate carrying out of the Emergency Detention Program should martial law be invoked during an emergency.

November 5, 1955

ATTORNEY GENERAL'S PORTFOLIO
FOR THE
EMERGENCY DETENTION PROGRAM

For your information, at the present time, the revised Portfolio is divided into four parts. Part I provides for the suspension of the privilege of the writ of habeas corpus and the apprehension and/or search of all dangerous persons, citizens and aliens alike. Part II contains a control program for nondangerous alien enemies who will not be apprehended and generally consists of requirements for registration, regulations concerning travel, prohibitions against the possession of specifically named articles of contraband, and prohibition against entering restricted areas. Part II can be used with either Part I or Part III. Part III is similar to Part I except that it will be used in a limited emergency and provides for the apprehension of alien enemies only. The privilege of the writ of habeas corpus will not be suspended under Part III. Part III will not be used if Part I becomes operative first. Part IV consists of miscellaneous proclamations and executive orders.

The status of the revisions to the Attorney General's Portfolio has been the subject matter of past discussions at conferences held in the Attorney General's office. At this time, there are no matters unresolved regarding the procedures to be followed by this Bureau in handling its responsibilities under Parts I, II and III of the revised Portfolio. There are, however, certain matters and agreements in connection therewith which are being worked out by the Department with the Immigration and Naturalization Service and the Department of Defense. Of course, until these matters are resolved, the Portfolio is not in final form.

The following matters in connection with the revised Portfolio are pending.

ENCLOSURE

ENCLOSURE
66-18953

(1) Assumption by the Secretary of Defense of Responsibilities for Areas Other Than the Continental United States, Puerto Rico, and the Virgin Islands

Under the revised Portfolio, the Attorney General will administer all phases of the Program in the continental United States, Puerto Rico, and the Virgin Islands, and the Secretary of Defense will administer the Program in all other territories and areas under the jurisdiction of the United States or committed to its control.

As of November 4, 1955, we have not been advised as to whether the Secretary of Defense has approved the procedures for which he will be responsible under the revised Portfolio.

(2) Joint Agreement Between the Secretary of Defense and the Attorney General

The Joint Agreement was entered into on February 11, 1949, between the offices of the Secretary of Defense and the Attorney General, under which the Department of Defense will provide temporary detention facilities to house detainees in areas in which local detention facilities are inadequate. Provisions regarding the Joint Agreement are included under Part I of the Portfolio. The New York, Los Angeles, San Francisco, Chicago, Baltimore, San Juan and Honolulu* areas are presently included under the Agreement.

In order to clarify the Agreement and bring it up to date, the Department submitted a proposed revised Joint Agreement to the Secretary of Defense by memorandum dated October 12, 1953. Since that time, representatives of the Department and Department of Defense have been going over the proposed revisions and we have submitted our comments on the various issues. The points of disagreement are objectionable clauses inserted into the Agreement by the Secretary of Defense, namely, that nothing in the Agreement shall obligate the funds of the Department of Defense or

* Until acceptance of jurisdiction by Defense under revised Portfolio, Justice has responsibility in Hawaii.

its designated agent prior to the implementation of the Agreement and that the highest priority, consistent with the performance of the mobilization or emergency missions of the Department of Defense, will be given to planning for and implementing the Agreement. We have pointed out to the Department that the terms of the Joint Agreement must be unequivocal and spell out specifically the obligations of the Department of Defense and that any clause permitting discretion on the part of the military as to its obligation to comply with the Agreement serves to place the Emergency Detention Program in jeopardy in those areas covered by the Agreement.

(3) Immigration and Naturalization Service Plans Relating to Control Regulations for Nondangerous Alien Enemies at the Time of an Emergency

Part II of the Portfolio sets forth control regulations for nondangerous alien enemies not considered for apprehension, a function of the Immigration and Naturalization Service.

Certain forms to be used by the Immigration and Naturalization Service for the registration and control of nondangerous alien enemies under Part II of the revised Portfolio have not been placed in that Part in final form. The preparation of these forms and the detailed planning of the Immigration and Naturalization Service are matters to be worked out between the Department and that Service.

(4) Copies of the Portfolio in the Bureau's Possession

At the present time, we have two copies of the original Portfolio, one stored for safekeeping at Quantico, Virginia, and one maintained at the Bureau.

At the conference held in the Attorney General's office on March 14, 1955, it was decided that we should receive a total of three copies of the revised Portfolio when it is finally approved. One copy is to be retained

at the Bureau; another is to be stored at the relocation site, Quantico, Virginia, and the third copy is to be forwarded to the SAC at Little Rock, Arkansas, for safekeeping.

At this time, we have one copy of the revised Portfolio. When it is finally approved, we should receive two additional copies of the revised Portfolio for handling as indicated above.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: November 5, 1955

FROM : A. H. BELMONT

SUBJECT: WAR PLANS - EMERGENCY RELOCATION OF THE ATTORNEY GENERAL

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Reference is made to my memorandum of November 1, 1955, captioned as above, wherein it was pointed out that there is an Agent manning a Washington Field Office "lookout" near the Attorney General's residence who could be called upon at any time between 8 a.m. and 12 midnight seven days a week. The Director noted "What is this 'lookout'? H."

The "lookout" in question is Apartment 504 at 2651 16th Street, Northwest. This apartment is rented by the Washington Field Office as an observation point from which Agents of that office can observe individuals entering and leaving the Polish Embassy. This is the "lookout" closest to the residence of the Attorney General from which a man could be sent to evacuate the Attorney General if that became necessary. It is believed that the Attorney General's residence could be reached from this point in approximately 10 minutes.

ACTION:

For information.

JEM:saw/lmm (6)

1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. McArdle
1 - Section Tickler

RECORDED - 75 66-18953-114

16 NOV 8 1955

59 NOV 14 1955

1. Relocation Plan For U.S. Department of Justice

66-1738-1

INDEXED

November 14, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

On November 9, 1955, at 11:30 AM, I attended a conference in the Attorney General's office at which were present the Attorney General, Deputy Attorney General Rogers, Assistant Attorney General Tompkins, Mr. Yeagley, of Mr. Tompkins' Division, and myself.

I am attaching hereto a copy of a memorandum addressed by Mr. Yeagley to the Attorney General dated November 7, 1955, which Mr. Yeagley handed to me just before I went into this conference with the Attorney General.

The Attorney General was advised that the memorandum referred to above had been sent to him from Mr. Tompkins' Division and I also advised the Attorney General that a memorandum had been sent to him from the Bureau dealing with some of the questions which he had raised to be discussed at this particular meeting. The Attorney General indicated that he had not yet had an opportunity to read either of the two memorandums and for that reason felt that he would have to familiarize himself with them and would call a meeting on November 21, to discuss in detail some of these problems.

The Attorney General then stated that as regards the forthcoming tests for relocation headquarters, it was his plan to hold this test on December 8, and that it was proposed that the test be on December 8, and that the personnel going to the relocation headquarters would remain over that night and into December 9. The Department will be relocated at Martinsburg, as it was on the last test and the FBI will be relocated at Quantico, as it was on the last test.

The Attorney General stressed the fact that this was to be a surprise test and that the date of it should be known only to the limited number of persons necessary to direct the operation of the same.

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SENT FROM D. O.
TIME
DATE
BY

Messrs. Tolson, Boardman, Belmont, Nichols
November 14, 1955

The Attorney General indicated that at Martinsburg it was his intention to brief all key personnel of the Department as to the contents of the Portfolio. I advised the Attorney General that as regards the FBI's operations at Quantico, we had a number of problems already worked out and our program was pretty well certain as to the tests we would make.

The Attorney General inquired of me as to the desirability of having some ranking official of the Bureau at Martinsburg on this next test in view of the discussion to be held concerning the Portfolio. I told the Attorney General I thought it would be desirable to have someone able to speak for the Bureau upon this matter, as the Liaison Agent would not be so qualified. I desire that Mr. Belmont arrange to be at Martinsburg during the relocation test on December 8, to represent the Bureau in all matters that may be necessary for discussion with Departmental representatives at that time. Mr. Belmont will arrange to have someone designated to take his place at Quantico so that our operations there will move smoothly and without any difficulty.

There was some general discussion about the Burgess and Maclean case and I outlined briefly for the Attorney General's information exactly what had taken place chronologically in those cases.

There was then a discussion as to the standards of British security measures and the Attorney General asked whether these standards were adequate. I informed the Attorney General generally what our experience had been growing out of our membership on the Tripartite Conference on Atomic Energy Security Standards but suggested that it might be desirable for the ICIS to make a study of these British security measures to make certain that they were adequate. Mr. Yeagley observed that he thought probably it was a matter to be handled by the IIC, but I pointed out to him that the IIC had a rather limited membership whereas his Committee had a rather broad membership of representatives from practically all Government agencies and that his Committee was the one which should make the study. The Attorney General agreed to this.

There was then a discussion on the matter of examination of diplomatic baggage and I pointed out to the Attorney General the status

of this study insofar as the FBI was concerned and the difficulties which we experienced technically at the ports of entry in that even though the devices indicate radioactive materials, there is no basis for examination of such baggage in view of the diplomatic immunity prevailing.

I also brought up the matter of the employment in our embassies abroad of nationals of those countries in which the embassies are located and cited to the Attorney General the table of comparison between the number of nationals and aliens employed by the United States in its missions abroad and the number employed by the embassies of foreign governments here.

I also called attention to the matter of examination of property occupied by the United States abroad which almost universally prevails in the Soviet bloc countries because of our inability to buy property there and the necessity for us to lease it, either from the Soviet bloc government or private individuals. I pointed out to the Attorney General that these problems, however, were all matters involving high policy within the State Department and that he might wish to take up such matters with the Secretary of State.

Very truly yours,

John Edgar Hoover
Director

Attachment (with original)

JEH:tlc (7)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

November 8, 1955

RE: ITEMS FOR DISCUSSION WITH ATTORNEY GENERAL NOVEMBER 9, 1955

By memorandum 11-1-55 to "Messrs. Hoover, Tompkins, Yeagley," the Attorney General proposed a discussion in his office, Wednesday, November 9, at 11:30 a.m., to discuss "what steps the IIC, the ICIS or the Department of Justice can and should take to study or implement the internal security questions raised by the so-called 'Net Evaluations' Committee in its report to the National Security Council on Thursday, October 27, 1955."

Three items were raised in the Attorney General's memorandum; we raised the fourth problem - see page 6.

Problem 1:

Each operating agency is responsible for initiating any studies or actions deemed advisable as the result of the information collected and presented by the Net Evaluation Subcommittee.

Answer:

Report going forward to National Security Council contains no recommendations; Subcommittee recognizes that problems raised were receiving individual attention by appropriate agencies and committees. Draft recommendations not used were (1) U.S. improve collection of intelligence from Soviet Bloc by better communications intelligence and electronic intelligence coverage including prosecution of a "Military Reconnaissance Satellite Program," (2) U.S. develop programs to strengthen port security, frontier and seacoast patrol, control of low-flying light aircraft and local security of vital installations, (3) action be taken providing for continuity of federal executive and legislative activity in event of nuclear attack.

The IIC is not responsible for carrying out item 1. Individual IIC agencies have plans for continuity of operations in event of attack in item 3. Regarding problems raised in

Memo hours Tolson, Belmont, Boardman, Nichols, Mohr

ENCLOSURE

item 2, the introduction of clandestine nuclear weapons in diplomatic shipments has been the subject of joint study by IIC and ICIS and will be discussed in detail below. The smuggling of small atomic weapons across our seacoasts is a problem within the jurisdiction of the Coast Guard and Customs and has been the subject of study in the ICIS. Defense of industrial targets against nuclear ground attack has been the subject of study by the Office of Defense Mobilization. The use of light civilian aircraft for clandestine attack has been studied by the ICIS and the control of civilian aircraft is a responsibility of the Civil Aeronautics Board and the Civil Aeronautics Administration of the Department of Commerce. The defense of industrial installations is the responsibility of their management, although the military agencies of the IIC having security responsibilities in certain such establishments do furnish advice and guidance to management. Defense of military installations is, of course, the responsibility of the Military. There were no new problems raised by this study, although the vulnerability of certain targets was verified. The military agencies of the IIC have taken cognizance of such vulerabilities where they existed and have brought them to the attention of the appropriate commands.

Problem 2:

Has all of the information given in the Net Evaluation Subcommittee's report been considered in the forthcoming report of the ICIS and the IIC on examination of diplomatic baggage?

Answer:

The IIC did not consider the Subcommittee report in adopting its position on diplomatic shipments, and nothing in the report would cause any change in its position. We do not know what consideration has been given by ICIS.

The IIC position concurred in by the Department of Justice in the ICIS and still under consideration by Defense and Treasury is as follows:

To approach maximum security against clandestine entry of nuclear weapons or their components through diplomatic shipments, at such time as the President or such authority as he may designate considers the international situation will permit, the diplomatic pouch and shipments from Soviet Bloc countries afforded diplomatic immunity should be restricted to letter size and any shipment in excess of those dimensions should be denied entry into the United States unless surrendered for direct examination of its contents in accordance with procedures applying to nondiplomatic shipments. By letter size is meant a size sufficiently small as to render impractical the introduction by this means of sufficient fissionable material to form a critical mass. An example would be a packet not exceeding one-half inch in thickness and less than 15 inches by 15 inches in other dimensions, with a weight not to exceed nine ounces. This is determined by figures supplied by AEC which indicate that over 200 trips would be required to introduce sufficient uranium-235 to form a critical mass in pouches thus restricted.

During IIC-ICIS study, recommendation proposed that if detection devices show radioactive material and indicate presence of material on the person of Soviet Bloc diplomat, he should be challenged and if material not surrendered by him or if surrendered material proves fissionable, official will not be permitted to enter U.S. Fissionable material discovered would be seized by U.S.

The net evaluation report pointed out that no substantial increase in factual data was likely to be obtainable in the USSR by the usual means of intelligence collection. The report stressed the need for increased scientific means employed from outside the USSR such as increased communications intelligence and electronic intelligence coverage and even reconnaissance satellites which could be used for high altitude photography. This would vitiate the arguments of State and Defense in the ICIS that the U.S. must maintain a "status quo" as to the size of the diplomatic pouch since the pouch, according to those agencies, was the principal and most necessary means through which we obtained intelligence from behind the Iron Curtain. If the most important intelligence is to be collected outside the Soviet Bloc, there would be no need to maintain unlimited pouch privileges within the Soviet Bloc.

The FBI, of course, does have intelligence coverage of the Soviet Bloc establishments in this country and will have intelligence coverage of any special Soviet delegations arriving in the future. We are also giving intelligence coverage to persons known to be going behind the Iron Curtain. These factors might possibly supply information regarding Soviet intentions toward the U.S. but could not be depended on for this.

Problem 3:

Should the U.S. Government insist on employment abroad in U.S. Embassies and Legations of U.S. nationals in the manner in which foreign governments, particularly that of the USSR, do in this country? As the Attorney General put it, does there exist reciprocity between the United States and the Iron Curtain countries as to the restrictions placed upon service personnel who are employed in embassies such as waiters, housemen, cooks, charwomen, etc?

Answer:

In summary, as reflected by the tabulation on the next page, the Soviet Bloc, with the exception of the Czech (two U.S. citizens) and Polish (five U.S. citizens) Embassies in Washington, does not employ any U.S. nationals whereas the majority of service personnel in U.S. missions within the Soviet Bloc are aliens. Nevertheless, except in the case of the Soviet Embassy in Washington, U.S. missions abroad employ U.S. nationals equal to or greater than the number of Soviet Bloc nationals employed in Soviet Bloc missions in Washington. This situation arises because U.S. missions employ a far greater number of service personnel than do the Soviet Bloc missions. It would not appear, therefore, that the United States has any basis for protest. However, there appears to be no legal reason why the United States could not replace the aliens now employed in our missions abroad with U.S. citizens. Practical reasons may apply, such as difficulty of obtaining qualified personnel, shortage of housing and expense. We have not raised this specific question with the State Department pending further consideration.

It is suggested in answer to the Attorney General's question, that we advise him of the above facts and point out that undoubtedly the replacement of Soviet Bloc nationals by U.S. citizens would increase the security of our missions abroad; that we suggest he might want to point this out to the State Department; however, in the final analysis, this is a State Department problem and not an internal security problem.

Details:

The Immigration and Nationality Act, Title 8, U.S. Code, Section 1101 (a) (15) (A) (ii) and (iii) provide that persons below the rank of career diplomatic or consular officer, i.e., other officials and employees and attendants, servants, etc., attached to an embassy or legation may be granted visas "upon a basis of reciprocity."

On the basis of figures available as of 10-31-55 for U.S. missions in the Soviet Bloc and as of 11-1-55 for Bloc missions in Washington, D. C., the following comparative table regarding employees below diplomatic rank has been drawn showing nationals employed by their own mission and aliens employed by such mission and totals.

	Nationals	Aliens	Total
Czech Embassy, Washington, D. C.	7	2	9
U.S. Embassy, Prague	13	28	41
Hungarian Legation, Washington, D. C.	2	0	2
U.S. Legation, Budapest	21	33	54
Polish Embassy, Washington, D. C.	20	5	25
U.S. Embassy, Warsaw	20	36	56
Rumanian Legation, Washington, D. C.	4	0	4
U.S. Legation, Bucharest	11	14	25
Soviet Embassy, Washington, D. C.	53	0	53
U.S. Embassy, Moscow	41	48	89

In the Soviet Bloc missions in the United States, clerical and service personnel are, with few exceptions, nationals of the particular Iron Curtain country. There are two American women with Communist backgrounds who are employed as clerk-stenographers by the Czech Embassy; four women with Communist backgrounds who are employed in clerical capacities (one a telephone switchboard operator) by the Polish Embassy; one American man employed as chauffeur by Polish Embassy. Regarding this man, clearance obtained by FBI from State 9-22-52 for contacts, but because of apparent mental instability and unreliability, contacts were discontinued per WFO letter 10-8-52. Only one of the women at the Czech Embassy and one at the Polish Embassy have had sufficient Communist Party or front activities in recent years to permit their inclusion in the Security Index.

The question of U.N. delegations of Soviet Bloc does not enter into the question of reciprocity since there is no equivalent of United Nations to which U.S. is member within Bloc.

Following considerations may have prompted the Department of State in the past to hire local personnel for its establishments in Soviet Bloc:

(1) Difficulty in obtaining service and maintenance personnel with proper language and other foreign service qualifications.

(2) Ability of local personnel to handle problems involving detailed knowledge of local customs.

(3) Shortage of housing for U.S. personnel.

(4) Lack of full diplomatic immunities for persons not on the Foreign Service List.

(5) Hiring of Americans would mean additional expense for transportation, salaries, allowances, and other benefits, including food imports.

Another point has been raised by State in connection with possibilities of war. Increase in U.S. personnel in missions to Bloc countries would mean more hostages in event of war.

Under the provisions of the Foreign Service Act of 1946, "alien clerks and employees" are a statutory category of personnel in the Foreign Service of the U.S. (Title 22, U.S. Code, Section 861) They are appointed by the Secretary of State at posts abroad under such regulations as he may prescribe. (Title 22, U.S. Code, Section 946) Whether one of our missions behind Iron Curtain should employ no one but U.S. citizens is not an internal security matter but one for State to decide on basis of what would be in best interests of U.S.

Problem 4:

Is reciprocity possible in control of buildings occupied by diplomatic missions, since the degree of access by government of country in which building is located affects degree of security of building?

Answer:

In summary - We added this point for discussion because if the Soviet Bloc is able to have ready access to buildings used by U.S. missions in the Soviet Bloc, it is harder for us to maintain proper security in those buildings. For example, you will recall the resonant cavity microphone found in the Great Seal at the U.S. Embassy in Moscow. Our research on this reflects that with the exception of two properties in Washington (one an annex to the Soviet Embassy and the other an annex to the Polish Embassy, both of which are leased) the Soviet Bloc missions own the properties occupied by them. On the other hand, the U.S. missions in the Soviet Bloc lease property occupied by them with the exception of U.S. missions in Czechoslovakia and Hungary. This means that in general our leased missions abroad are subject to entry for inspection and repair under the lease provisions whereas in the U.S. the Soviet Bloc missions generally own their property and are not subject to such inspection.

It may be possible to change this situation in the interest of security to a certain extent. For example, it may be possible to purchase property housing our missions in the other satellite countries. In Moscow, the State Department advises that to its knowledge no foreign mission owns its own property and, therefore, it is presumed that such property cannot be purchased. Again we have not specifically raised this point with the State Department pending consideration of this matter.

In the event the Russians refuse permission to purchase property in Moscow, would it be possible to refuse Russians permission to purchase property in the United States? It appears any effort to divest Soviet Bloc missions of property purchased by them would involve fundamental laws regarding the right to purchase property and that, at the very least, would involve complicated legal procedures. It may be desirable to have the Department explore this possibility.

In discussing this matter with the Attorney General, it is suggested we advise the Attorney General of the above facts, pointing out there is not reciprocity at this time and suggesting that the Department may wish to check the legal possibility of restricting Soviet Bloc purchases of property in this country and the possibility of divesting them of their present holdings. Further, the Department may wish to point out to the State Department the lack of reciprocity at the present time and suggest that the State Department attempt to acquire properties in the Soviet Bloc to bring about the desired reciprocity.

Details:

This is not a simple problem. Properties within a certain country which are owned by another government and used by its diplomatic establishments are considered as extraterritorial in nature and therefore not subject to inspections incident to the enforcement of local police powers covering health and safety.

Properties within a country which are leased by another government are subject to the terms of the lease, the laws of the country in which they are located, as well as International Law.

In the United States the Bloc countries own most of their establishments outright. The only embassy property which is leased in Washington, D. C., by the Soviets is a building at 2016 Wyoming Avenue, N.W., used as office space and living quarters. This is a lease by the month from a private owner and contains no provisions relating to right of entry by owner or his agent, or for entry with respect to handling of repairs or improvements. Polish Embassy leases from a private owner property at 2132 Wyoming Avenue to be utilized as a residence and chancellery. Lease provides that Polish Embassy will allow landlord or its agent to have access to property upon appointment any reasonable time for purpose of inspection or making necessary or desirable repairs.

All of UN Delegation buildings in New York of USSR, Poland and Czechoslovakia are owned by those governments respectively. Only other leased premises in either Washington, D. C., or New York are those leased by organizations such as Amtorg and Tass. Whereas Tass in Washington has a standard lease with the Press Building, owners of Rockefeller Center in New York do not have right of access to floor on which Tass offices are located in that Center. Tass in New York subleases from the Associated Press.

U.S. missions in Czechoslovakia and Hungary own their offices as well as residences of chiefs of mission. They do not have any officially leased space except garage space in Budapest. U.S.-owned premises in Czechoslovakia and Hungary are considered as extraterritorial in nature and, therefore, are not subject to inspections incident to enforcement of local police powers covering health and safety.

U.S. Government leases its Embassy in Moscow as well as Ambassador's residence from a Soviet Government agency known as the Administration for Services to the Diplomatic Corps. In Moscow the lessor has the right to enter premises to inspect and make structural repairs. Lessor also has the right to carry out technical and fire prevention inspection, the time of such inspection to be established by arrangements of the parties. As far as the Department of State knows, no foreign missions in Moscow own their buildings. State has tried in the past to definitely verify this but has been unable to obtain pertinent information.

In Warsaw, the U.S. owns no buildings but leases five premises for offices and residence quarters. Two of these are rented from the Municipal Buildings Administration. On two other leases the lessor is shown to be a woman and no official title is shown. On the remaining property the lessor is the Ambassador of the Bulgarian People's Republic in Poland. (Note: The U.S. does not have diplomatic relations with Bulgaria.) In Warsaw, the lessors are responsible for maintenance and repair and have the right to enter the premises at reasonable times to inspect and make necessary repairs.

The U.S. Legation in Bucharest, Rumania, leases office and residence premises from the Rumanian Office for Services to the Diplomatic Corps. The lessor has the right of entry to inspect the premises periodically to insure compliance with local regulations pertaining to health, safety and fire prevention. The lessor also has the right of entry to inspect and repair structural defects but must give notice to the lessee beforehand.

According to security inspection reports of Department of State for U.S. missions in Soviet Bloc, clien employees are segregated from all classified operations in Prague, Czechoslovakia, and Bucharest, Rumania. In Budapest, Hungary, and Warsaw, Poland, alien employees are not permitted above the first floor of the mission building unless accompanied by an American employee. In Moscow, no alien employees are permitted on the ninth or tenth floors of the Embassy building unless directly supervised by American personnel and no aliens are assigned to offices on those floors.

23

1 - Yellow
1 - sect. tick.
2 - orig & dupl
1 - Mr. McArdle
1 - Administrative Div.
November 29, 1955

SAC, Richmond

Director, FBI

PERSONAL ATTENTION

WAR PLANS - EMERGENCY
RELOCATION OF THE ATTORNEY GENERAL
Department of Justice

Reference is made to Bulet November 1, 1955, captioned as above, instructing you to immediately amend your war plans to reflect that upon receipt of information indicating an evacuation of Washington you will dispatch an Agent to High Point to meet the Attorney General. These amended pages were to have reached the Bureau by November 21, 1955.

By return mail you are to submit appropriate amended pages to the war plans of your office together with explanations for your failure to have submitted these amended pages by November 21, 1955.

JEM:saw (6)

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ORIGINAL FILED IN 66-173750-41-32

Bland
Rushing

Assistant Attorney General
J. Lee Rankin

November 23, 1955

Director, FBI

ea 66-18953-

PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
FBI File 100-356062

ATTORNEY GENERAL'S PORTFOLIO
FOR USE IN CASE OF EMERGENCY
Your File 146-012-18

Reference is made to your memorandum dated November 21, 1955, with which you transmitted certain amended pages to the detailed plans of the Immigration and Naturalization Service relating to nondangerous alien enemies; revised page five, Part II, Item 3, of the Attorney General's Portfolio, and revised Immigration and Naturalization Service Forms AE-1, AE-2, AE-3, and AE-9.

The revised page relating to the Portfolio and the Forms mentioned above have been included in the Attorney General's Portfolio.

In connection with the detailed plans of the Immigration and Naturalization Service and Part II of the revised Portfolio, the following comments are submitted for your consideration.

The portion of the plans of the Immigration and Naturalization Service dealing with essential wartime functions of that Service and Part II, Item 1 of the revised Portfolio provide that, upon the declaration of an emergency, the Postmaster General will notify the Central Accounting Post Offices to distribute forms to be used in the registration of alien enemies to the post offices. It contemplates that the forms will have been printed and supplied to Central Accounting Post Offices.

See page 3 for Note on Yellow:

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ORIGINAL FILED IN 100-356062-1570

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57 DEC 1 1955

Letter to Assistant Attorney General
J. Lee Rankin

My memorandum of March 17, 1955, commented upon the security factors involved in such a procedure and, in reply, your memorandum of April 1, 1955, suggested that the desirability of distributing forms to the Post Office Department be discussed at a conference with the Attorney General on the status of the Portfolio. This matter was the subject of discussion at a conference held in the office of the Attorney General on April 4, 1955, and it was decided that the forms would be distributed by central headquarters of the Immigration and Naturalization Service to its local offices in order that the forms could be distributed from those points to the post offices in an emergency.

Referenced letter reflects that Form AE-10 has been consolidated with Form AE-9. This change requires the revision or elimination of paragraph 16, Part II, Item 1, of the Portfolio which refers to the use of Form AE-10. A reference to the use of this Form also appears in Part II, Item 3, page 6 of the Portfolio.

Part II of the Portfolio refers to the use of Form AE-5 (Receipt for Article Surrendered by Alien Enemy). However, a copy of this Form is not included in the Portfolio. If this Form is to be used, it will need to be modified to reflect that such property is to be turned over to the police departments rather than to the Post Office Department.

The plans of the Immigration and Naturalization Service refer to the use of Form AE-6 (Summary of Proclamations and Regulations) and Form AE-7 (Report of Certificates of Identification Issued). These Forms are not presently included in the Portfolio. If they are to be included, Form AE-6 should be reworded to conform with Part II of the Portfolio.

~~TOP SECRET~~

Letter to Assistant Attorney General
J. Lee Rankin

My letter of March 17, 1955, commented upon possible revisions to Form AE-8. You noted in your memorandum of April 1, 1955, that this Form was being revised to include a statement making reference to the date of the authority from the United States Attorney to change the name, address or employer. A revised Form AE-8 has not been received for inclusion in the Portfolio.

I further commented in my memorandum of April 7, 1955, upon the desirability of having a form identified as "Alien Enemy Questionnaire," consisting of 21 pages of questions to be answered by alien enemies detained included as one of the forms in the revised Portfolio. This form was included as a part of the original Portfolio. In addition, it was suggested that you consider preparing a brief notice in various languages of nations considered in the Soviet Bloc to notify alien enemies as to where they are to apply for Certificates of Identification.

I will appreciate being advised when the matters mentioned above have been resolved.

2 cc Assistant Attorney General
William F. Tompkins

YELLOW: Enclosure to memo to Boardman from Belmont dated 11-23-55 same caption, TDR:pjm.

TDR:pjm:pat:lfj
(9)

~~TOP SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

FROM : Mr. A. H. Belmont

DATE: November 23, 1955

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Boardman
Nichols
Belmont
Harbo
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Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
Bufile 100-356062

ATTORNEY GENERAL'S PORTFOLIO FOR USE IN CASE OF EMERGENCY

WAR PLANS
Department of Justice

By memorandum November 21, 1955, Mr. J. Lee Rankin, Assistant Attorney General, Office of Legal Counsel, transmitted one revised page to Part II of the Attorney General's Portfolio; four revised forms, and revised pages for the detailed plans of Immigration and Naturalization Service (INS) in the event of an emergency. The revised pages and forms have been reviewed and found to be in accordance with suggestions and comments we made in our memorandum of April 7, 1955.

The attached memorandum to Mr. Rankin points out (1) the necessity for revision of Part II, Item 1, of the revised Portfolio dealing with the distribution of INS forms at the time of an emergency; (2) a change that will be necessary to make in Part II as a result of consolidation of Forms AE-9 and AE-10; (3) comments upon the use by INS of Forms AE-6 and AE-7 (Summary of Proclamations and Regulations and Report of Certificates of Identification Issued, respectively), noting that these Forms are not contained in the Portfolio; (4) comments upon possible revision to Form AE-8 (Report on Change of Name, Address or Employer) approved by the Department but not received in revised form for inclusion in the Portfolio; (5) suggests the desirability of having a form identified as "Alien Enemy Questionnaire" included in the Portfolio, and (6) suggests consideration of preparing brief notice in various languages of nations considered in the Soviet Bloc to notify alien enemies as to where they are to apply for Certificates of Identification. The latter two items were commented upon in our letter of April 7, 1955.

166-18953-1
NOT RECORDED
176 NOV 29 1955

NOV 28 1955

57 DEC 1

INITIATED ON ORIGINAL

ORIGINAL FILED IN 100-356062-1569

Memorandum for Mr. Boardman

ACTION:

If you approve, there is attached a memorandum to Assistant Attorney General Rankin along the lines mentioned above.

Enclosure 11-25-55

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Bland
cc - Mr. Rushing

TDR:pjm
(5)

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: November 25, 1955

FROM : Mr. A. H. Belmont

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
Bufile 100-356062

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Portfolio and Martial Law

The Attorney General by memorandum 11/16/55 advised that a conference scheduled in his office for Monday, 11/21/55, was rescheduled for Tuesday, 11/29/55, at 4:00 P.M., for the purpose of discussing the Portfolio and martial law. The attached material has been prepared for the Director's use in the event he attends the conference on 11/29/55 and concerns the revised Portfolio and the martial law question. It is noted that the Director's memorandum of 11/14/55 states that a general discussion was had relative to the revised Portfolio in the office of the Attorney General on 11/10/55 and the Attorney General directed that unresolved items in connection with the Portfolio be resolved by Mr. Rankin at an early date. The martial law question was commented upon and the Attorney General directed Mr. Rankin to meet with Department of Defense representatives and endeavor to reach an early decision upon the matter.

Relocation Test

The Fall-Winter relocation test is scheduled to be held 12/8-9/55. In accordance with the Director's instructions, Mr. Belmont will go to Martinsburg to participate in the discussion concerning the Portfolio. Inspector Hennrich will go to Quantico during the alert test to supervise the Bureau's relocation activities there. We have previously submitted by memorandum 11/5/55 an outline (attached) for this forthcoming alert test. We are drawing up detailed plans and will submit them for the Director's approval prior to the test.

1 ENCL

Attorney General's Conference to be Held on 11/29/55

The Attorney General's memorandum of 11/16/55 noted that the conference of 11/29/55 at 4:00 P.M. will relate to the Portfolio and the question of martial law. It is possible that

2 ENCLS

Relocation Plan for U.S. Dept of Justice

ORIGINAL COPY FILED IN 100-356062 - 1-1-10

66-18953
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145 DEC 8 1955

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FBI - MPLS
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Memorandum for Mr. Boardman

there will be some discussion on the memorandum from Mr. Yeagley to the Attorney General dated 11/7/55, which set forth certain ICIS problems. This memorandum has been analyzed and there is attached [redacted] a memorandum from Mr. Belmont to Mr. Boardman dated 11/17/55 analyzing Mr. Yeagley's memorandum. Briefly, the matters discussed were problems highlighted during considerations by the representatives of the National Security Council, Net Evaluation Subcommittee, and with the exception of the question of limiting the size of the diplomatic pouch, the problems are primarily the responsibility of ICIS.

ACTION:

This memorandum and attachments are submitted for the Director's information in connection with the conference scheduled for 11/29/55 in the Attorney General's office.

memo was sent to AG on 11-17 stating Mr Hoover would not attend

Enclosures

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Roach
cc - Mr. Bland
cc - Mr. McArdle
cc - Mr. Rushing

TDR:pjm
(7)

Conf. & Unless we hear further there will be no Bureau representation. If at last moment A.G. requests it will attend & in any absence Mr. Belmont will go.

- 2 -

November 25, 1955

ATTORNEY GENERAL'S PORTFOLIO
FOR THE
EMERGENCY DETENTION PROGRAM

For your information, at the present time, the revised Portfolio is divided into four parts. Part I provides for the suspension of the privilege of the writ of habeas corpus and the apprehension and/or search of all dangerous persons, citizens and aliens alike. Part II contains a control program for nondangerous alien enemies who will not be apprehended and generally consists of requirements for registration, regulations concerning travel, prohibitions against the possession of specifically named articles of contraband, and prohibition against entering restricted areas. Part II can be used with either Part I or Part III. Part III is similar to Part I except that it will be used in a limited emergency and provides for the apprehension of alien enemies only. The privilege of the writ of habeas corpus will not be suspended under Part III. Part III will not be used if Part I becomes operative first. Part IV consists of miscellaneous proclamations and executive orders.

The status of the revisions to the Attorney General's Portfolio has been the subject matter of past discussions at conferences held in the Attorney General's office. At this time, there are no matters unresolved regarding the procedures to be followed by this Bureau in handling its responsibilities under Parts I, II and III of the revised Portfolio. There are, however, certain matters and agreements in connection therewith which are being worked out by the Department with the Immigration and Naturalization Service and the Department of Defense. Of course, until these matters are resolved, the Portfolio is not in final form.

The following matters in connection with the revised Portfolio are pending.

ENCLOSURE

ENCLOSURE

66- 18953

(1) *Assumption by the Secretary of Defense of Responsibilities for Areas Other Than the Continental United States, Puerto Rico, and the Virgin Islands*

Under the revised Portfolio, the Attorney General will administer all phases of the Program in the continental United States, Puerto Rico, and the Virgin Islands, and the Secretary of Defense will administer the Program in all other territories and areas under the jurisdiction of the United States or committed to its control.

As of November 4, 1955, we have not been advised as to whether the Secretary of Defense has approved the procedures for which he will be responsible under the revised Portfolio.

(2) *Joint Agreement Between the Secretary of Defense and the Attorney General*

The Joint Agreement was entered into on February 11, 1949, between the offices of the Secretary of Defense and the Attorney General, under which the Department of Defense will provide temporary detention facilities to house detainees in areas in which local detention facilities are inadequate. Provisions regarding the Joint Agreement are included under Part I of the Portfolio. The New York, Los Angeles, San Francisco, Chicago, Baltimore, San Juan and Honolulu areas are presently included under the Agreement. Until acceptance of jurisdiction by Defense under revised Portfolio, Justice has responsibility in Hawaii.

In order to clarify the Agreement and bring it up to date, the Department submitted a proposed revised Joint Agreement to the Secretary of Defense by memorandum dated October 12, 1953. Since that time, representatives of the Department and Department of Defense have been going over the proposed revisions and we have submitted our comments on the various issues. The points of disagreement are objectionable clauses inserted into the Agreement by the Secretary of Defense, namely, that nothing in the Agreement shall obligate the funds of the Department of Defense or

its designated agent prior to the implementation of the Agreement and that the highest priority, consistent with the performance of the mobilization or emergency missions of the Department of Defense, will be given to planning for and implementing the Agreement. We have pointed out to the Department that the terms of the Joint Agreement must be unequivocal and spell out specifically the obligations of the Department of Defense and that any clause permitting discretion on the part of the military as to its obligation to comply with the Agreement serves to place the Emergency Detention Program in jeopardy in those areas covered by the Agreement.

(3) Immigration and Naturalization Service Plans Relating to Control Regulations for Nondangerous Alien Enemies at the Time of an Emergency

Part II of the Portfolio sets forth control regulations for nondangerous alien enemies not considered for apprehension, a function of the Immigration and Naturalization Service.

Certain forms to be used by the Immigration and Naturalization Service for the registration and control of nondangerous alien enemies under Part II of the revised Portfolio have not been placed in that Part in final form. The preparation of these forms and the detailed planning of the Immigration and Naturalization Service are matters to be worked out between the Department and that Service.

By memorandum dated November 21, 1955, Mr. Rankin forwarded one revised page of the Portfolio relating to registration of alien enemies and four revised forms to be used in connection therewith. These revisions were made in accordance with our comments and suggestions. However, additional revisions are still pending. Our memorandum to Mr. Rankin of November 23, 1955, commented upon the additional revisions required.

(4) Copies of the Portfolio in the Bureau's Possession

At the present time, we have two copies of the original Portfolio, one stored for safekeeping at Quantico, Virginia, and one maintained at the Bureau.

At the conference held in the Attorney General's office on March 14, 1955, it was decided that we should receive a total of three copies of the revised Portfolio when it is finally approved. One copy is to be retained at the Bureau; another is to be stored at the relocation site, Quantico, Virginia, and the third copy is to be forwarded to the SAC at Little Rock, Arkansas, for safekeeping.

At this time, we have one copy of the revised Portfolio. When it is finally approved, we should receive two additional copies of the revised Portfolio for handling as indicated above.

November 25, 1955

DECLARATION OF MARTIAL LAW
IN TIME OF EMERGENCY AND ITS
EFFECT UPON THE BUREAU'S OPERATIONS

The Delimitations Agreement entered into by the Federal Bureau of Investigation and the intelligence agencies of the Armed Forces on February 23, 1949, provides that during periods of martial law the Armed Forces commander will have authority to assign missions, designate objectives and exercise such coordinating control of the intelligence agencies as he deems necessary. Administrative and disciplinary control remains with the respective agencies. The problem presented by the declaration of martial law was given prominence when such declaration was simulated by the President during Operation Alert - 1955. This problem was thereupon submitted to the Department and advice was requested as to the jurisdiction of the FBI under martial law and the extent to which control and authority had passed from the Department of Justice to the military as it pertained to the operations of this Bureau.

The Department advised that all civil agencies would be required to give full effect to the proclamation declaring martial law and all orders and regulations issued thereunder; that where conflict existed between martial law regulations and Justice instructions this Bureau should obey the military commander and advise the Attorney General of the facts and that, where necessary, the Department of Justice would advise the Defense Department of any conflict and resolve the matter in order that the objectives of civil authorities could be accomplished within the framework of martial law.

This might well compel the abandonment of the entire Emergency Detention Program and, at best, would cause delay in putting it into effect while Defense Department clearance was being obtained. This matter was brought to the attention

of the Attorney General by our letter of June 23, 1955. Our letter noted that the situation presented during the exercises pointed out the necessity of resolving this problem in advance of a real emergency in order that there would be no interruption in the Bureau's work, especially in making arrests and/or searches contemplated under the Emergency Detention Program.

We requested advice as to what action the Attorney General intended to take in a real emergency if martial law is declared. We also requested advice as to whether the procedures and documents outlined in the Attorney General's Portfolio will be used as planned in the event martial law should be declared during a real emergency.

This is essentially a Departmental problem. However, the Attorney General's memorandum of November 3, 1955, indicates the desire that the Director participate in the discussion of the martial law problem. We think it necessary that the Department reach an agreement with the Department of Defense, well in advance of a real emergency, so that there will be no interruption or delay in the immediate carrying out of the Emergency Detention Program should martial law be invoked during an emergency.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: November 16, 1955

FROM : Mr. A. H. Belmont

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
Bufile 100-356062

Tolson
Boardman
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Tele. Room
Holloman
Gandy

Portfolio and Martial Law

The Attorney General by memorandum of 11/10/55 to the Director and Messrs. Rogers, Olney, Rankin and Tompkins requested the presence of all in his office on Monday, 11/21/55, at 2:30 P.M., to further discuss the completion of the Portfolio and martial law. Memorandum to Mr. Boardman of 11/5/55, captioned as above, was prepared for the Director's use at the conference in the Attorney General's office on 11/10/55 concerning the revised Portfolio and the martial law question. It is noted from the Director's memorandum of 11/14/55 that a general discussion was had relative to the revised Portfolio and the Attorney General directed that unresolved items in connection with the Portfolio be resolved by Mr. Rankin at an early date. The martial law question was commented upon and the Attorney General directed Mr. Rankin to meet with Department of Defense representatives and endeavor to reach an early decision upon this matter.

No changes have occurred in the status of the unresolved matters relating to the Portfolio commented upon in the memorandum of 11/5/55. [redacted] This memorandum is attached for the Director's information.

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Reason-FCIM II 1-2.4.2 2,3
Date of Review 1-15-82

Relocation Test

The Director's memorandum of 11/14/55 indicated that, at another conference with the Attorney General on 11/9/55, the Attorney General advised that the Fall-Winter relocation test would be held on December 8-9, 1955. In accordance with the Director's instructions, Mr. Belmont will go to Martinsburg to participate in the discussion concerning the Portfolio. If agreeable, Mr. Paul Cox, Number One Man of the Subversive Control Section, will accompany Mr. Belmont inasmuch as

Enclosure(s)

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Roach
cc - Mr. Bland
cc - Mr. Henry
cc - Mr. McArdle

66-18953
NOT RECORDED

DEC 7 1955

JFB:

(2)

59 DEC 12 1955

I see no reason for 2 going to Martinsburg

Relocation Plan for U.S. Dept. of Justice

ORIGINAL COPY FILED IN 100-356062-15

Memorandum for Mr. Boardman

Mr. Cox is thoroughly conversant with matters relating to the Portfolio. Also, Inspector Hennrich will go to Quantico during the alert test to supervise the Bureau's relocation activities there. We have previously submitted by memorandum dated 11/5/55 an outline for this forthcoming alert test. Now that the date has been set, we will draw up detailed plans and submit them for the Director's information prior to the test.

Burgess-Maclean Matter

*Attached

It is noted that, prior to the Attorney General's conference on 11/9/55, we submitted a memorandum to the Attorney General on the Burgess-Maclean case, dated 11/7/55, the subject matter of which was discussed at the 11/9/55 conference. There was also submitted to the Attorney General on 11/8/55 a memorandum concerning Soviet and Satellite activities, a copy of which the Director has.

Attorney General's Conference to be Held on 11/21/55

The Attorney General advised at the 11/9/55 conference that he would call another meeting on Monday, 11/21/55, to discuss in detail some of the previously referred to problems. In view of the fact that some of the items were disposed of at the previous meeting, it is apparent that the Monday conference will relate primarily to the Attorney General's Portfolio and the question of martial law. It is also possible that there will be some discussion on the memorandum that Mr. Yeagley submitted to the Attorney General dated 11/7/55, which set forth certain ICIS problems. A copy of Mr. Yeagley's memorandum reached this Division on the evening of 11/15/55 and we are preparing a separate memorandum for the Director's use on any aspects of the ICIS problem which affect IIC.

ACTION:

This memorandum is submitted for the Director's information in connection with the conference scheduled for 11/21/55 in the Attorney General's office.

SECRET

Mr. John Airhart
Relocation Coordinator
Department of Justice

November 25, 1955

Director, FBI

VIA LIAISON

WAR PLANS - SECURE COMMUNICATION
BETWEEN DEPARTMENT AND BUREAU
RELOCATION SITES

Attached is a sealed envelope containing two copies, No. 2 and No. 3, of a special AFSAM 7 key list, "Practice Month #1," for encryption of messages between the Department and the FBI during the forthcoming Department-wide Fall-Winter Relocation Test.

This material should be placed in the custody and control of the Department's Cryptographic Custodian. Physical security requirements and operating instructions are identical with those prescribed in attachment to FBI memorandum dated November 17, 1955, forwarding emergency reserve key lists to you.

Receipt should be acknowledged promptly in writing, listing serial numbers of each key list received.

Upon completion of the Fall-Winter Relocation Test, these two key lists are to be burned by cryptocleared personnel and the FBI notified of this destruction.

Enclosures - 2

ADDENDUM FOR YELLOW:

Attached copies of key list supplement the three months' supply of AFSAM 7 key lists furnished the Department 11/17/55. They will be used for practice transmissions during forthcoming Department-wide Fall-Winter Relocation Test, thereby reserving key lists furnished 11/17/55 for actual emergency needs.

Upon approval, this memorandum and attachment, for security reasons, should be delivered personally to Mr. JOHN AIRHART.

Two copies of attached key list also forwarded separately to Mr. SLOAN, Quantico, and one copy to Mr. WHERRY, SOG Code Room.

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146 DEC 2 1955
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ORIGINAL COPY FILED IN 66-17381-12

O Relocation - Plans For U.S. Dept of Justice

Copy - Mhg

TO: Mr. Tolson Date: November 28, 1955

FROM: L. B. Nichols

At 4:43 p.m. today Bob Minor of the Department called my office referring to the memorandum written by the Director to the Attorney General dated November 17th concerning the conference to be held in the Attorney General's Office on Martial Law at 4:00 p.m. November 29th. In this memorandum the Director advised that he would not be in attendance at the conference as he expected to be in New York and that there were no matters undecided which affected the FBI in connection with Martial Law.

Minor advised that the AG was sending a memorandum through tonight asking the Director to designate someone to represent him at this conference tomorrow afternoon in order to discuss the Portfolio. This will, of course, tie in with the discussion of the Portfolio which will be taken up at the relocation exercises early in December. Mr. Belmont has been designated by the Director to represent the Bureau during the relocation exercises wherein the Portfolio will be discussed. After checking with Mr. Belmont, Mr. Minor was advised that Mr. Belmont would represent the Bureau in the meeting to be held in the Attorney General's Office at 4:00 p.m. tomorrow.

cc - Mr. Boardman

cc - Mr. Belmont

JJM:ptm
(4)

66-18953

59 DEC 12 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN ~~SECRET~~

FROM : MR. A. H. BELMONT

DATE: November 29, 1955

Classified by 2940
Exempt from GDS, Category 2 3
Date of Declassification Indefinite
8-27-76

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SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
Bufile 100-356062

CLASS. & EXT. BY Sp 6 Gpl/Pab
REASON-FCIM II, 1-2.4.2 2.3
DATE OF REVIEW 1/15/92

In accordance with instructions, I attended the Attorney General's conference at 4:00 p.m., November 29, 1955, to consider completion of the Attorney General's Portfolio and the question of what action should be taken if martial law were declared during an emergency. Present, in addition to the Attorney General, were Mr. Rankin, Mr. Ford, Mr. Luce of the Criminal Division, Mr. Airhart, Relocation Officer, and Mr. Foley of the Internal Security Division.

At the Attorney General's request, Mr. Airhart discussed plans for the relocation test of December 8 and 9, 1955. The instructions remain the same as those already furnished to us by the Department. Airhart said that OIM has been contacted to furnish observers and, while the Department does not know who the observer will be for Martinsburg, Mr. Boleyn, the same observer we had during the June test, will probably accompany the Bureau to Quantico. The Attorney General appointed John Lindsay to prepare a report for him on the test at Martinsburg.

The Attorney General indicated that he would be at Camp David for two National Security Council meetings on December 8 - one in the morning and one in the afternoon; therefore, he would not come to Martinsburg until dinnertime on December 8. The Attorney General indicated that notification to the Bureau of the test would be made by Deputy Attorney General Rogers in his absence.

Airhart advised that inasmuch as the Director had indicated he would not make use of the OIM helicopter set aside for the Attorney General in an emergency, it might be well for the Attorney General to designate someone else to accompany him in the helicopter. The Attorney General stated that Assistant Attorney General Tompkins and Mr. Rankin would accompany him, as it would not be desirable for the Attorney General and the Deputy Attorney General to be in the same helicopter. This pertains to an emergency and not the relocation test, as the Attorney General will use his car for the latter.

Relocation Plans for U.S. Dept. of Justice

ORIGINAL COPY FILED IN

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~~SECRET~~

DEC 7 1955

Memorandum to Mr. Boardman from Mr. Belmont

Mr. Airhart stated that changes are being made in the chain of command within the Department, inasmuch as persons capable of acting for the Attorney General are restricted by statute to Presidential appointments. I told Mr. Airhart we would have Liaison get a copy of these changes from him, although Airhart stated it would not make any difference to the Bureau as the same first 4 officials are listed below the Attorney General, and beyond that number, in an emergency the Director is empowered to proceed with the Emergency Detention Program without additional authority from the Attorney General.

Airhart stated that the two 10-wheel Signal Corps trucks carrying radio equipment to be used by the Department at Martinsburg are parked at the Veterans Administration Facility just outside Martinsburg; that the Veterans Administration has declared surplus 27 acres at this Facility and he has arranged to have this land held in the event the Department desires to build a shelter for these two trucks and later build quarters for a Departmental relocation site. The Attorney General instructed that Airhart and Deputy Rogers look this over during the relocation test.

I raised the question of the two agreements pending with the Defense Department: (1.) concerning detention facilities in certain cities and the other (2.) concerning the agreement of Defense as to its jurisdiction under the Portfolio in areas other than the Continental United States, Puerto Rico and the Virgin Islands. Mr. Foley advised that Defense has not as yet given an answer regarding point No. 1. Mr. Ford advised that he had been pushing Defense on point No. 2, but Defense has not as yet come to an agreement. I pointed out the need to have these matters settled so that Defense Department could not duck from under responsibility in an emergency. The Attorney General agreed.

Mr. Ford advised that an additional copy of the revised Portfolio is being prepared in order that the Bureau may keep a copy at its relocation site. The Attorney General instructed that this be done before December 8. Ford advised, and the Attorney General agreed, that the additional copy of

SECRET

Memorandum to Mr. Boardman from Mr. Belmont

the Portfolio to be kept at our Little Rock Office will not be prepared until after the relocation test, in order that there will be complete agreement on the Portfolio before the extra copy is prepared. I pointed out that we have but one copy now and, if an emergency happened tomorrow and the Washington copy was destroyed, we would be operating under the old Portfolio. The Attorney General reiterated that the copy for Quantico should be ready before December 6.

The Attorney General stated that the briefing at the relocation site would be to acquaint the essential personnel on the various branches of the Department with their functions during an emergency. Mr. Ford will conduct the briefing.

The Attorney General asked if the martial law question had been settled. Mr. Rankin said he had been in touch with OEM and was trying to set up a conference, unsuccessfully, but would try to have the conference next week.

For your information.

AHB:LL
(6)
cc--Mr. Boardman
cc--Mr. Belmont
cc--Mr. Rannrich
cc--Mr. Cox
cc--Mr. McArdle

SECRET

~~TOP SECRET~~

cc - Mr. Belmont
Mr. Boardman
Mr. Hennrich
Mr. McArdle
Section

The Attorney General

November 28, 1955

Director, FBI

66-19873-119

RECORDED - 22

WAR PLANS
EMERGENCY RELOCATION

Reference is made to your memorandum dated November 18, 1955, setting forth the plan for the December, 1955, relocation test.

The Federal Bureau of Investigation will, of course, take part in this test and handle such communications as are transmitted to our relocation site by the Department. We plan to contact the Department relocation site on at least two occasions in addition to contacting all our field offices during the two-day period.

Immediately upon receipt of your simulated alert the Federal Bureau of Investigation alerting procedures will be placed into operation and selected Bureau personnel will proceed to our relocation site. However, since the alert will stem from you or your designated representative, we do not plan to alert Departmental officials as we would in an actual emergency.

Assistant Director A. H. Belmont will represent the Federal Bureau of Investigation at the Portfolio briefing session and Liaison Agent Jerome J. Daunt will also proceed to your relocation site, where he will represent this Bureau in a Liaison capacity during this test just as he will in an actual emergency.

cc - Mr. John Airhart
Relocation Coordinator
Department of Justice

COMM — FBI
NOV 30 1955
MAILED 26

NOTE ON YELLOW:

The Department relocation plan has been incorporated in the Bureau plan for the Fall-Winter relocation test.

Substance of A.G.'s memo put in relocation test brief.

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JEM:prh
(8)

FOR APPROVAL
SENT DIRECTOR
1955

~~TOP SECRET~~

SECRET

Mr. John Airhart
Relocation Coordinator
Department of Justice

December 1, 1955

Director, FBI

VIA LIAISON

WAR PLANS - SECURE COMMUNICATION BETWEEN DEPARTMENT AND BUREAU RELOCATION SITES

The FBI is providing you with ten one-time cipher pads as follows: Deciphering, 05501-05600, 05601-05700, 05701-05800, 05801-05900, 05901-06000; enciphering, 09201-09300, 05101-05200, 05201-05300, 05301-05400, 05401-05500. Two copies of operating instructions and ten alphabet charts accompany the pads.

These pads are intended for use as an emergency back-up system only in the event of AFSAM 7 breakdown in encryption of messages between relocation sites of the Department and the FBI.

This material should be placed in the custody and control of the Department's Cryptographic Custodian and afforded physical security previously prescribed for secure storage and handling of cryptomaterial. Used sheets must be burned by cryptocleared personnel. Any indication of surreptitious entry into a pad or physical compromise of this material in any form should immediately be brought to the attention of the FBI.

Receipt should be acknowledged in writing, listing all items received and indicating type and serial number of each pad received.

When a cipher pad becomes exhausted by use, the shell should be returned to the FBI promptly.

ADDENDUM FOR YELLOW:

1. Copy of instructions attached, two copies being forwarded separately with ten reciprocal pads to Mr. SLOAN, Quantico and one copy to Mr. WHERRY, SOG Code Room. INDEXED - 77 66-18953-120
2. Cipher pads, instructions and charts will be supplied to Supervisor J. E. McARDLE for personal delivery to the Department upon approval this letter.
3. Instructions for this system do not include provisions for message serial numbers, group counts, date and time groups. This is in accord with CAPCOMM operating instructions issued by NSA for emergency cryptosystems. It appears desirable to keep these emergency systems as simple as possible when planning for cryptosystems to be used by operators having a minimum of cryptoexperience. If actual emergency conditions eventually require introduction of additional indicators, etc. they can be incorporated at that time.

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

IWN:jen (6)

RECORDED - 77

59 DEC 19 1955

SECRET

O Relocation Plan For U.S. Dept of Justice

Delivered personally to John Airhart at 2:50 pm 12/1/55 JFM

66-17385
66-17385-1

Duplicate UNRECORDED COPY FILED IN

OPERATING INSTRUCTIONS FOR ONE-TIME LITERAL PADS

TO ENCIPHER

1. Write the plain text letters above the literal key, beginning with the second group on the first completely unused line of literal key immediately following the last line used to encipher the previous message or message part. Any unused literal key remaining on the last used line will be disregarded.

2. Locate the plain text letter in the vertical alphabet at the left-hand side of the chart.

3. Proceed along the horizontal row determined by the plain text letter and find the key letter associated with it in the black standard alphabet.

4. The cipher text letter is immediately below this key letter in the red, reverse standard alphabet, in the same rectangle.

5. For example, using the chart:

Plain text A enciphered by key I gives cipher text R.

Plain text T enciphered by key A gives cipher text G.

6. Punctuation and numbers are spelled out; odd names, etc. should be repeated for clarity.

7. Missing, illegible or non-literal key letters should be handled as a key letter "Z."

8. Never use a five-letter key group more than once for enciphering plain text.

ENCLOSURE

INDICATORS

1. The system indicator is a five-digit group appearing at the top of the pad page used to begin encipherment of the message. This five-digit group will be placed as an open (unenciphered) group at the beginning of each cipher message.

2. Immediately following the five-digit indicator there is a phoneticized five-letter message indicator group which is the first five-letter group on the first line of keys used to encipher the message. This five-letter key group is not used to encipher plain text.

3. When a message requires more than one page of cipher pad keys, additional indicator groups are not used within the body of the cipher message to show the new page, it being assumed that the following page is automatically being used.

TO DECIPHER

1. The five-digit group appearing at the beginning of a message indicates the cipher pad page being used.

2. The phoneticized five-letter group indicates first line of keys on which decipherment begins. It is the first group of the line and is not used for decipherment.

3. A message requiring more than one page of keys does not have additional indicator groups beyond the first two used at the beginning, it being assumed that succeeding pad pages automatically become valid.

4. Write the cipher text letters above the literal key, beginning on the page and second group of the line specified by the message indicator.

5. Locate the cipher text letter in the vertical alphabet at the left-hand side of the chart.

6. Proceed along the horizontal row determined by the cipher text letter and find the key letter associated with it in the black standard alphabet.

7. The plain text letter is immediately below this letter in the red, reverse standard alphabet, in the same rectangle.

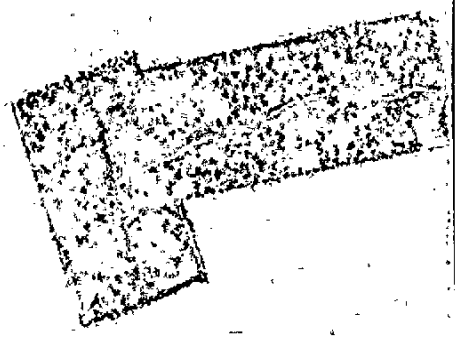
8. For example, using the chart:

Cipher text R deciphered by key I gives plain text A.

Cipher text G deciphered by key A gives plain text T

9. Missing, illegible or non-literal key letters should be handled as a key letter "Z."

10. Never use a "deciphering" pad to encipher a message.



9:28 AM

December 8, 1955

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

Deputy Attorney General Rogers called to advise they would start the relocation test now. He indicated he was sorry the plans had been changed so late but when they considered the matter they believed it best to complete the test in one day and not stay overnight. I concurred on this decision and stated we would move right ahead with our plans.

Very truly yours,

/s/ J. E. H.

John Edgar Hoover
Director

cc-Mr. Holloman

JEH:EH (7)

66-18953
NOT RECORDED
145 DEC 12 1955

INITIALS ON ORIGINAL

DEC 9 1955

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

59 DEC 15 1955

SENT FROM D. O.
TIME 7:42 AM
DATE 12-8-55

Relocation plans for U.S. Dept. of Justice

ORIGINAL COPY FILED IN 66-12981-

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: December 7, 1955

FROM : MR. A. H. BELMONT

SUBJECT: FALL-WINTER RELOCATION TEST

Tolson
Boardman
Nichols
Belmont
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

see WAR Plans

Reymemo December 6, 1955, advising that the Department is scheduling the relocation test for December 8 only and that Mr. Rogers and Mr. Tompkins would confer further on this on the morning of December 7.

Mr. Ben Willis of the Department of Justice called at 11:30 a.m. today (12/7) to confirm that the test would start about 9:30 a.m., December 8.

The Department will send approximately 57 people to Martinsburg, including communications personnel and personnel who will be briefed on the Attorney General's Portfolio. Willis estimates it will take about 2 hours to reach Martinsburg. He said the first people there will secure the keys to the courtroom on the third floor of the Court House from the postmaster and will open up the courtroom. Upon Deputy Attorney General Rogers' arrival, personnel to be briefed will gather in the courtroom, probably about 12:15 p.m. Rogers will set the stage and thereafter personnel will disband for lunch. The briefing will start after lunch, and the personnel attending the briefing will leave Martinsburg about 4:00 p.m.

Communications personnel will operate at Martinsburg until 8:00 p.m. The communications people will occupy Rooms 9 and 10 at the Court House. About half of them will be INS personnel. The Department's radio truck will be located at the Veterans Hospital about 4½ miles from Martinsburg. There is telephone communication between Martinsburg and the radio truck.

I told Willis we will keep our communications open at our relocation site until 8:00 p.m.; further, that we will communicate at once with the Department when we become operational. He said that Mr. Walls and Mr. Nelson will be at Martinsburg ahead of time and will be able to receive our initial call.

For your information.

AHB:LL
(8)
cc--Mr. Boardman
cc--Mr. Holloman
cc--Mr. Nichols
cc--Mr. Parsons
cc--Mr. Belmont
cc--Mr. Mohrlein
cc--Mr. [illegible]

66-18953-1
NOT RECORDED
176 DEC 15 1955

DEC 14 1955

LIAISON

59 DEC 21 1955

ORIGINAL FILED IN 66-1738 1/—

(H) WAR PLANS - CLASSIFIED ENCODED MESSAGES -- In the event it is necessary to transmit in encoded form material bearing a national defense classification, the classification shall be encoded within the message as follows: In a message classified SECRET or CONFIDENTIAL, the classification shall be inserted encoded and enclosed in parentheses, beginning within the first twenty-five letters of the message to be encoded. In a message classified TOP SECRET the word TOPSEC should be encoded and inserted in same manner as the lower classifications. This procedure may be necessary during an emergency when transmitting to you for delivery a message from the Attorney General to a United States Attorney or United States Marshal (Reference SAC Letter 55-44 (H) dated July 6, 1955).

In typing up the decode of such a message the classification should be removed from the text of the message and typed or stamped at the top and bottom of each page. All employees in your

Relocation Plan For U.S. Dept. of Justice

ORIGINAL FILED IN 66-04-

66-18953-
NOT RECORDED
145 DEC 19 1955

INITIALS ON ORIGINAL

27 DEC 20 1955

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office who encode and decode messages regularly or occasionally should be instructed accordingly. Further, you should review instructions in Section 8 of Executive Order 10501 pertaining to the physical preparation for delivery (wrapping and enclosing) of classified material.

12/6/55
SAC LETTER NO. 55-74

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: December 6, 1955

FROM : MR. A. H. BELMONT

SUBJECT: FALL-WINTER RELOCATION TEST

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Remymemo today (12/6) entitled "War Plans - Department of Justice," indicating Department may change the test alert now scheduled for December 8-9, 1955, to a day test only on December 8, rather than an overnight test.

Mr. Ben Willis, Acting Relocation Officer, called at 2:30 p.m. to advise that Deputy Attorney General Rogers had discussed this matter with Attorney General, and the Attorney General has approved the suggested change that this be a one-day operation to be held on December 8 (Thursday). He stated that otherwise the plans remain the same; namely, that the alert will be sounded by Deputy Attorney General Rogers and thereafter the appointed personnel will proceed at once to the relocation site, where the communications test will be held and the briefing will be held on the Attorney General's Portfolio. He advised confidentially that Mr. Rogers will sound the alert and call the Director about 9:30 Thursday morning. I inquired at what time the Department will cease operations at Martinsburg. He said about 3:30 or 4:00 Thursday afternoon. I told him I would like to be sure of this, as our operations are necessarily geared to the Department's in this test. He said that unless advised to the contrary this afternoon, the Department would not attempt to make contact with the Bureau relocation site after 4:00 p.m.; therefore, we could cease operations at Quantico any time from 4:00 p.m. on.

This changes the complexion of the test considerably. Our plans were geared to an overnight test. The instructions from ODM leave the duration of the test up to the discretion of the head of the agency but recommend a minimum of 8 hours for actual operations at the relocation site. While I did not mention this to Willis, he apparently checked the requirements, because he called me back at 4:15 p.m. and advised that as ODM requirements suggest an 8-hour test at the relocation site, the Department will probably keep communications personnel at Martinsburg until 8:00 p.m. on December 8. He indicated that the personnel attending the briefing would leave earlier.

66-18953-
NOT RECORDED
176 DEC 15 1955

READJUSTED PLANS FOR BUREAU TEST

If the alert is sounded at 9:30 a.m., we will become operational at Quantico about 10:30 a.m. or four minutes thereafter.

59 DEC 21 1955

ORIGINAL FILED IN 66-17381-1244

Memorandum to Mr. Boardman from Mr. Belmont

Our communications test must necessarily be revised. We will go through the alert and evacuation exactly as before. Upon arrival at Quantico, we will notify the Department at Martinsburg and ODM at High Point that we are operational. We will thereafter communicate with all field offices by either telephone, radio or teletype, by an innocuous message simulating launching the Emergency Detention Program and requiring a reply within 2 hours.

An "all Field Divisions radio broadcast" will be made at 12:45 p.m. Eastern Standard Time as a further communications test.

In view of the time element, we will not make the availability checks we had planned, but we will work the additional problems as time permits, including, of course, use of the microwave and communications with the Department at its relocation site.

We will be complying with ODM instructions by the extensive communications test set forth above.

PERSONNEL

We are rechecking with Records and Communications Division as to whether they can cut down on personnel in view of the time element; otherwise, there will be no change in personnel.

COMMENTS

The Bureau will be meeting its responsibilities under this test and we will, of course, be able to check completely our communications system.

It does not appear necessary to hold all our personnel at Quantico until 8:00 p.m. If we become operational shortly after 10:30 a.m., we should be able to release all but a skeleton force of personnel at 7:00 p.m., keeping only sufficient personnel to handle any communications from the Department between 7 and 8 p.m. Therefore, we will send the bus back from Quantico at 7:00 p.m., if you agree.

Mr. Willis advised that a conference is scheduled between Mr. Rogers and Mr. Tompkins on the morning of December 7; that he does not think there will be any changes in this schedule, but if there are, he will let us know at once.

RECOMMENDATION:

If you agree, we will proceed as above.

We will check with Willis again in the morning.

AHB:LL (9)
CC Messrs. Boardman
Holloman, Nichols, Parsons,
Mohr, Mason, Belmont, McArdle

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: December 13, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS - RELOCATION OF THE ATTORNEY GENERAL

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Reference is made to my memorandum entitled "Fall - Winter Relocation Test" dated December 9, 1955, wherein I set forth that there was indication that the Attorney General now plans to go directly to Martinsburg in an emergency instead of High Point.

John Airhart, Relocation Coordinator of the Department, on December 12, 1955, advised SA McArdle of the Liaison Section that if the Attorney General availed himself of the Office of Defense Mobilization (ODM) helicopter evacuation plan he (the Attorney General) would go to High Point and would take with him Assistant Attorney General Tompkins and Assistant Attorney General Rankin. Airhart advised that the Attorney General would go to High Point inasmuch as the helicopter goes to High Point only. If the Attorney General goes to High Point, an Agent of the Richmond Office would meet him at High Point to deliver him at his desired destination.

The ODM helicopter evacuation plan is a daylight operation only and if an evacuation is ordered during other than the hours in which the helicopter will operate, Bureau personnel will relocate the Attorney General. According to Airhart unless advised to the contrary by the President at the time the evacuation is ordered the Attorney General will proceed directly to Martinsburg, if the relocation is by other than helicopter.

ACTION:

None. For your information.

JEM:mlp
(5)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Sect. tick.
1 - Mr. McArdle

RECORDED-97
INDEXED - 9
EX-126

66-118953-122

10 DEC 16 1955

59 DEC 22 1955

LIAISON

Relocation Plans for U.S. Dept of Justice

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UNRECORDED COPY FILED IN 66-118953-

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: December 6, 1955

FROM : MR. A. H. BELMONT

SUBJECT: WAR PLANS
DEPARTMENT OF JUSTICE

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

On December 1, 1955, Archie Simpson, Security Control Officer of the Department of Justice, furnished us with five copies of the attached booklet entitled "Emergency Procedures - Department of Justice," dated November 28, 1955. This is the new proposed War Plans of the Department of Justice, to replace the plans we received in February, 1955. We have gone over these proposed plans and the only comment we are prepared to make is a refinement of the language on page 1 of Appendix II. As now worded, it would indicate that we should try to reach the Attorney General for a period up to thirty minutes in an emergency, before notifying other Departmental officials. I discussed this with Relocation Officer John Airhart and he agreed that this should be changed.

On the morning of December 6, we received a copy of a memorandum from Frederick W. Ford of the Department, setting forth a long chain of command within the Department to be effective in an emergency. This appears to conflict with the chain of authority set forth in Appendix IV of the above-mentioned emergency procedures - Department of Justice, dated November 28, 1955. Mr. Airhart advised me that he just received a copy of this and it will be necessary for the two Divisions of the Department to get together and iron out the apparent conflict. I also called Mr. Frederick Ford and pointed out to him there was an apparent conflict. He stated he would get together with Airhart to resolve this. I told him that meanwhile we would not comment to the Department on either of these documents. Ford said he would get in touch with us.

While I was talking to Mr. Airhart, he advised that Mr. Tompkins had just talked to Deputy Attorney General Rogers and that Tompkins had suggested to Rogers that it might be better to conduct the test alert during the day, rather than having personnel stay overnight. Airhart said this was an entirely new development; that he expected to hear from Deputy Attorney General Rogers this morning and he would let us know.

5 cc of booklet retained by mc Rogers 3-12-56

Memo Belmont to Boardman dtd 3-12-56

Memo to Mr. A. H. Belmont from Mr. L. V. Boardman dtd 3-12-56

cc Tompkins dtd 3-13-56

RECORDED-64 66-189533-123

INDEXED-64

50 MAR 13 1956

21 JAN 10 1956

JAN 9 1956

Jason

© RELOCATION PLAN FOR U.S. DEPT. OF JUSTICE

AUTOSTAT UNRECORDED COPY FILED IN 66-17391

Memorandum to Mr. Boardman from Mr. Belmont

ACTION:

1. We will follow with the Department on the resolving of the conflict between the two above-mentioned documents, in order that we will know where the Department stands before we answer these documents.

2. We will follow with Mr. Airhart this morning (December 6) to be sure we are advised at once if there is a change in the test alert scheduled for December 8-9. If this plan is restricted to the daytime of December 8, it will be necessary for us to change our plans to conform, as we have availability checks scheduled for twelve offices during the night of December 8.

Director saw copy

Enclosures
AHB:LLL
(6)

cc--Mr. Boardman
cc--Mr. Nichols
cc--Mr. Belmont
cc--Mr. Hennrich
cc--Mr. McArdle

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mason
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

MR. L. V. BOARDMAN

December 6, 1955

MR. A. H. BELMONT

WAR PLANS
DEPARTMENT OF JUSTICE

On December 1, 1955, Archie Simpson, Security Control Officer of the Department of Justice, furnished us with five copies of the attached booklet entitled "Emergency Procedures - Department of Justice," dated November 28, 1955. This is the new proposed War Plans of the Department of Justice, to replace the plans we received in February, 1955. We have gone over these proposed plans and the only comment we are prepared to make is a refinement of the language on page 1 of Appendix II. As now worded, it would indicate that we should try to reach the Attorney General for a period up to thirty minutes in an emergency, before notifying other Departmental officials. I discussed this with Relocation Officer John Airhart and he agreed that this should be changed.

On the morning of December 6, we received a copy of a memorandum from Frederick W. Ford of the Department, setting forth a long chain of command within the Department to be effective in an emergency. This appears to conflict with the chain of authority set forth in Appendix IV of the above-mentioned emergency procedures - Department of Justice, dated November 28, 1955. Mr. Airhart advised me that he just received a copy of this and it will be necessary for the two Divisions of the Department to get together and iron out the apparent conflict. I also called Mr. Frederick Ford and pointed out to him there was an apparent conflict. He stated he would get together with Airhart to resolve this. I told him that meanwhile we would not comment to the Department on either of these documents. Ford said he would get in touch with us.

While I was talking to Mr. Airhart, he advised that Mr. Tompkins had just talked to Deputy Attorney General Rogers and that Tompkins had suggested to Rogers that it might be better to conduct the test alert during the day rather than having personnel stay overnight. Airhart said this was an entirely new development; that he expected to hear from Deputy Attorney General Rogers this morning and he would let us know.

12/6/55

Memorandum to Mr. Boardman from Mr. Belmont

ACTION:

1. We will follow with the Department on the resolving of the conflict between the two above-mentioned documents, in order that we will know where the Department stands before we answer these documents.

2. We will follow with Mr. Airhart this morning (December 6) to be sure we are advised at once if there is a change in the test alert scheduled for December 6-9. If this plan is restricted to the daytime of December 8, it will be necessary for us to change our plans to conform, as we have availability checks scheduled for twelve offices during the night of December 8.

Right. Get these
rushed promptly.

Enclosures
AHJ:LE
(6)

cc--Mr. Boardman
cc--Mr. Nichols
cc--Mr. Belmont
cc--Mr. Hennrich
cc--Mr. McArdle

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: December 9, 1955

SECRET

FROM : MR. A. H. BELMONT

SUBJECT: FALL-WINTER RELOCATION TEST

DECLASSIFIED BY SP4 Alja/pab
ON 1-18-82

Tolson
Boardman
Nichols
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Winterrowd
Tele. Room
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Following the alert at 9:30 AM, December 8, 1955, Liaison Agent Daunt and I left at 9:38 AM for Martinsburg, the Department's relocation site, arriving there at 11:40 AM. Some of the Department's communications staff were there, having been sent up in advance, the remainder of Departmental personnel arrived anywhere from 11:42 AM to about 12:00 noon. Immediately upon arrival of Deputy Attorney General Rogers I advised him our relocation site had requested authority to implement the Emergency Detention Program and the program involving enemy diplomats. He gave immediate authority and Quantico was so notified.

The group to be briefed on the Attorney General's Portfolio assembled in the courtroom about 12:15 PM and Rogers dismissed them for lunch to reassemble at 1:30 PM.

The briefing by Fred Ford started at 1:30 PM, lasted until 3:15 PM, after which Ben Willis briefly discussed the instruction booklet to key Department personnel, and then the group was taken on a tour showing the communications setup, including the coding machines and the storage vault.

I was advised upon arrival that the Department had difficulty reaching our relocation center as they did not have the telephone number. I pointed out that the Department had been furnished the telephone numbers and they should have had them available at Martinsburg.

There were about 35 people at the briefing, including Rogers, Tompkins, Warren Burger, James Bennett of the Bureau of Prisons, Deputy Commissioner King of INS, Andretta, and other Departmental officials. The ODM inspector was present. Rogers asked me if it was all right for an inspector to be present. I told him it was up to the Department but, regardless, all persons present should be warned that this Program was TOP SECRET and should not be discussed outside of the group itself. Rogers did this.

66-18953-124

AHB:mn
cc - Mr. Boardman
Mr. Belmont
Mr. Hennrich
Mr. Roach
Mr. McArdle

RECORDED-35
Classified by 4121
Exempt from GDS, Category 2+3
Date of Declassification Indefinite
8-30-76 (7)

DEC JAN 10 1956

57 JAN 6 1956

(6)

SECRET

Relocation Plan for U. S. Department of Justice

Archives Copy UNRECORDED COPY FILED IN 66-17440 100-339810-62

Memorandum from Mr. Belmont to Mr. Boardman SECRET

The briefing itself consisted of going through the actual Portfolio and explaining what was in it. It is complex and I doubt that persons present understood it except the general principles. As Ford mentioned to me later, they will probably forget all of it in two weeks except that portion concerning the writ of habeas corpus which is the part they should forget, from the standpoint of secrecy.

Ford told the group that the Portfolio is ready for operation as soon as Department of Defense had agreed to its responsibility and that Defense was being pushed on this; that there were several other minor matters which are being changed but the Portfolio will be presented to the Attorney General for his approval as soon as Defense has agreed.

I volunteered no information, on the theory that this was the Department's briefing and they should take responsibility for it. It was indicated to me that the Attorney General has again changed his plans and now plans to go directly to Martinsburg in an emergency instead of High Point. We will check further on this through Airhart to resolve this.

As far as the Bureau is concerned, the only thing I noted of real consequence was uncertainty as to at what point authorization would be given to the Bureau to implement its Programs, whether this would be done prior to the signing of the proclamation by the President and the joint resolution by Congress or subsequently, and just when the President would sign the proclamation. This, of course, strikes at the very heart of our problem as we must get prompt authority and it must be on an official rather than quasi-official basis. If you agree, I will talk to Mr. Rogers regarding this and suggest that he follow through within the Department to get this crystallized and set up for immediate action in an emergency.

SECRET

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: December 12, 1955

FROM : Mr. A. H. Belmont

SUBJECT: FALL - WINTER RELOCATION TEST

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-18-82 BY

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Re my memorandum December 9 reporting on the briefing of the Attorney General's Portfolio held at Martinsburg on December 8.

I talked to Deputy Attorney General Rogers today advising him that the main thing which bothered me concerning the briefing was the need to crystallize and advance the mechanics whereby the Bureau would get prompt authority to initiate our two vital programs, namely the Emergency Detention Program and the program of taking into custody enemy diplomatic officials. I pointed out to Mr. Rogers that all of the planning for these programs, including the Attorney General's Portfolio, would go for nothing unless mechanics were set up in advance whereby the programs could be promptly initiated in an emergency; that I understood Mr. Rankin was on a committee considering this and particularly whether some of these vital documents would not be furnished to the President in advance so that he could act on them at once in an emergency.

Mr. Rogers said it was his feeling that the Portfolio should be approved and issued promptly by the Attorney General, that if there were some further changes to be made they could be made but meanwhile the revised Portfolio should be operational. He agreed further that mechanics should be set up whereby authority could be obtained immediately for the launching of these programs. He felt that the Attorney General or whoever was acting for him should be in a position to telephonically contact the President and if he could not reach the President to authorize the launching of the programs himself. I reiterated that our main concern is to get proper authority from some source immediately and it was, of course, vital to the Attorney General to know exactly where he stood in these matters. Mr. Rogers said he would follow through to see that there was action taken within the Department on this and he would let us know.

cc - Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. Bland
Mr. McArdle

AHB:jdd (6)

RECORDED-35
EX-121
59 JAN 27 1956

66-18953-125
JAN 10 1956

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Mustard

SECRET

1 - personal
2 - orig. & dupl.
1 - Mr. Boardman
1 - Mr. Belmont
1 - sect. tick.
1 - Mr. McArdle

Assistant Attorney General
William F. Tompkins

January 13, 1956

Director, FBI

WAR PLANS - EMERGENCY
EVACUATION

Reference is made to the communication from Dr. Arthur S. Flemming, Director, Office of Defense Mobilization, to the Attorney General dated 12/27/55 pointing out that if deemed desirable the Office of Defense Mobilization could reinstate me as one of the three Department of Justice representatives included in the emergency helicopter evacuation plan.

Inasmuch as the helicopter will proceed to High Point, which is a greater distance from this Bureau's relocation site than it is from Washington, D. C., to Quantico, I do not desire to be included in the personnel from the Department of Justice who will participate in this evacuation plan. We will continue our efforts to obtain emergency transportation from the Department of Defense to carry out the relocation of key Bureau personnel in an emergency.

166-18953-
NOT RECORDED
176 JAN 17 1956
INITIALS ON ORIGINAL

ORIGINAL FILED IN 66-17381-1306

JEM:bjm:mec
(7)

(Cover Memorandum to Mr. L. V. Boardman from A. H. Belmont, 1/12/56 re: War Plans - Emergency Evacuation, JEM:bjm)

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

MAILED 8
JAN 18 1956
COMM-FBI

SECRET

17 JAN 16 1956

57 JAN 19 1956

SECRET

cc - Mr. Boardman
cc - Mr. Belmont
cc - Liaison Section
cc - Mr. Bland
cc - Mr. McArdle
cc - Mr. Rushing

January 13, 1956

Assistant Attorney General
William F. Tompkins

Director, FBI

For the E.

WAR PLANS - CONTINUITY OF OPERATIONS OF THE DEPARTMENT UNDER EMERGENCY CONDITIONS OF JUSTICE

Reference is made to a Top Secret document entitled "Emergency Procedures - Department of Justice" dated November 28, 1955, and Secret memorandum from Mr. Ford to you and myself dated December 5, 1955. These documents set forth different chains of command for the Department in a period of emergency.

It is my understanding that steps are now being taken within the Department to resolve the conflicts mentioned above. Inasmuch as authority for continuity of operations for the Department of Justice in time of emergency appears to be extremely important, I would appreciate being advised when the above-mentioned variances have been resolved.

cc - Assistant Attorney General
J. Lee Rankin

NOTE ON YELLOW:

John Airhart, Department Relocation Coordinator, and Fred Ford in the Office of Legal Counsel, telephonically advised Mr. Belmont 12/6/55 that they, Airhart and Ford, would get together and resolve this chain of command conflict.

JAN 13 1956 COMM-FBI MAILED 8

JEM:lw:pjm (10)

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EX-121

62-28662-18953-126

17 JAN 16 1956

JAN 19 1956

SECRET

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-25-2010

~~TOP SECRET~~

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Rushing

Assistant Attorney General
J. Lee Rankin

January 13, 1956

Director, FBI

RECORDED - 69

EX-121

PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES

ATTORNEY GENERAL'S PORTFOLIO FOR USE IN CASE OF EMERGENCY
FBI File 100-356062

Reference is made to the memorandum from Mr. Frederick W. Ford of your office dated January 10, 1956, captioned "War Plans - Attorney General's Portfolio," in which you requested my comments concerning certain modifications to draft proclamations on the apprehension and detention of potentially dangerous persons and alien enemies suggested by the Department of Defense.

I feel that the contents of the proclamations in question are matters to be decided between the Department and the Department of Defense. However, I would like to point out that, unless firm commitments are obtained from the Department of Defense regarding its responsibilities in the areas designated, our plans for the apprehension and detention of certain individuals in Alaska and Hawaii could be seriously jeopardized in the event of an emergency.

With regard to the division of areas of authority, it is noted that the Department of Defense has suggested that you confirm that areas have been assigned to it only where such responsibilities can be most expeditiously handled by that Department. As you are aware, under an

Personally Delivered to Office of Mr Rankin 4:50 pm 1/16/56

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Enclosure

JAN 19 1956

Enclosure to memorandum to Mr. Boardman from Mr. Belmont dated 1/13/56, captioned "Emergency Detention Program, Attorney General's Portfolio,"
TDR:pjm

TDR:pjm
(6)

Declassify 2040

~~TOP SECRET~~

Letter to Assistant Attorney General
J. Lee Rankin

existing agreement between the Intelligence Division of the Army, the Office of Special Investigations of the Air Force, the Office of Naval Intelligence, and this Bureau, the responsibility for the investigation of activities coming under the categories of espionage, counterespionage, subversion and sabotage has been established. With the exception of investigations involving active and retired military, naval and Air Force personnel, this Bureau is responsible for such investigations in the continental United States, Hawaii, Puerto Rico, the Virgin Islands, and Alaska, except a part of the Alaska Peninsula and certain adjacent islands.

In view of the above, you may desire to consider the possibility of including Alaska and Hawaii within the areas in which Department of Justice regulations will have full force and effect. In so doing, this would include under the Department of Justice jurisdiction all areas in which this Bureau has investigative jurisdiction and has scheduled for apprehension individuals considered potentially dangerous to the internal security of the country in time of an emergency.

In accordance with your request, the memorandum from the Secretary of Defense, together with its enclosure, is returned herewith.

I would appreciate being advised when this matter is resolved.

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: January 13, 1956

FROM : Mr. A. H. Belmont

SUBJECT: EMERGENCY DETENTION PROGRAM
ATTORNEY GENERAL'S PORTFOLIO
Bufile 100-356062

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Emergency Detention Program calls for presidential proclamations to be issued in emergency suspending writ of habeas corpus and authorizing apprehension persons, search of premises, seizure of property, and control of alien enemies in emergency. Proclamations provide that regulations issued by Attorney General shall be effective in continental United States, Puerto Rico and Virgin Islands and regulations issued by Secretary of Defense shall be effective in all other territories and areas under United States jurisdiction or committed to its control.

Department memorandum 1/10/56 requested our comments on suggestions made by general counsel of Department of Defense concerning proposed proclamations. Suggestions of Defense Department briefly stress reluctance of Defense to be placed in position of carrying out orders or directives, or complying with regulations, of Department of Justice and suggests changes to give Defense more latitude in the matter. Defense also objects to provision in proposed proclamations that suspension of habeas corpus shall continue until President or Congress declares that attack and invasion and threat of further attack and invasion have ceased to exist and that public safety no longer requires such suspension. Defense further suggests that Justice confirm that areas have been assigned to it only where responsibilities can be most expeditiously handled by that Department.

Under the proclamations, Defense would assume jurisdiction over two areas in which we have investigative jurisdiction of espionage, counterespionage, subversion and sabotage under the Delimitations Agreement, namely, Alaska and Hawaii. We have previously pointed out this fact to the

Enclosure

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Rushing

TDR:pjm
(4)

66-18953
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ORIGINAL COPY FILED IN 100-356062

Release from U.S. Dept. of Justice

Department. We propose to point this out again to the Department in the attached letter and suggest consideration by the Department of including Hawaii and Alaska as areas in which regulations of Justice would have force and effect in order to avoid possibility of jeopardizing our plans for apprehensions under the Emergency Detention Program in those areas.

Other than the above, the Domestic Intelligence Division proposes to make no comments concerning the observations made by the military concerning the contents of the proclamations since the contents thereof and the agreement thereon are matters to be adjusted between the Department of Justice and the Department of Defense.

RECOMMENDATION:

If you agree, there is attached a proposed letter to the Department. As a matter of interest, it is noted we have 32 individuals scheduled for apprehension in Honolulu and 12 individuals in Alaska as of January 12, 1956.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: January 5, 1956

FROM : A. H. BELMONT

SUBJECT: WAR PLANS - RELOCATION OF ATTORNEY GENERAL

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Remymemos captioned as above dated 6-14-55 and 11-1-55 wherein certain Supervisors at Seat of Government and Agents of Washington Field Office were designated to carry out the relocation of the Attorney General or members of his family in a period of emergency. Supervisor [redacted] of the Administrative Division, who formerly resided in the near vicinity of the Attorney General's residence at 4355 Forest Lane, N. W., has moved to Arlington, Virginia. A survey of Seat of Government Supervisors residing in the general vicinity of the Attorney General's residence has disclosed that Supervisor [redacted] of the Records and Communications Division resides at [redacted], telephone Woodley 6-1329, Bureau ext. 788. [redacted] entered on duty on 1-6-47, is presently assigned to the Crime Records Section of the Records and Communications Division. [redacted] is not on probation. It is believed that [redacted] should replace [redacted] with the responsibility of participating in the relocation of the Attorney General and his family during other than normal duty hours and that [redacted] continue to have the responsibility of assisting and relocating the Attorney General and his family during normal duty hours.

During normal duty hours the primary responsibility for the relocation of the Attorney General and his family will be that of Seat of Government Supervisors [redacted] and [redacted]. During other than normal duty hours the primary responsibility for the relocation of the Attorney General and his family will be that of Seat of Government Supervisors [redacted] and [redacted]. If neither of the above can be located by Assistant Director Mohr, he, Mr. Mohr, will contact SAC Laughlin of WFO who will in turn dispatch 1 or both of the following Agents from WFO: Bernard E. Buscher, who resides at 224 Longfellow St., N. W., telephone Tuckerman 2-1478, or [redacted], who resides in apartment [redacted] telephone Emerson 2-1842. Mr. Mohr may call either or both of these Agents direct. In addition, SAC Laughlin could, if necessary, dispatch an Agent from a "lookout post" at 2651 16th St., N.W., to carry out the evacuation of the Attorney General. The "lookout post" is apartment 504 in the above address and is rented by the Washington Field Office as an observation point from which Agents of that office can observe individuals entering and leaving the Polish Embassy.

JEM:djm (7)
1 - Mr. Nichols (attention [redacted])
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Mohr (attention: [redacted] and [redacted])
1 - Section tickler
1 - J. E. McArdle

INDEXED - 15 RECORDED - 15

66-18953-1/2

EX-126 17 JAN 23 1956

27 1956

Relocation plans for Department of Justice

UNRECORDED COPY FILED IN 56-17381

Authorized

Memorandum for Mr. Boardman

b6
b7C

RECOMMENDATION:

That Seat of Government Supervisor [redacted] replace Supervisor [redacted] with the responsibility of carrying out the relocation of the Attorney General during other than normal duty hours.

~~TOP SECRET~~

cc - Mr. Belmont
cc - Mr. Whitson
cc - Mr. Henry

Mr. William P. Rogers
Deputy Attorney General

January 23, 1956

Director, FBI

PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
FBI File 100-356062

PLAN OF ACTION FOR INTERNING ENEMY DIPLOMATIC, CONSULAR, UNITED NATIONS AND OFFICIAL PERSONNEL
FBI File 66-17440

In my letter of June 20, 1955, to the Attorney General, concerning Operation Alert - 1955, it was pointed out that arrangements must be made to provide a method whereby a decision can be made immediately as to the launching of our Emergency Detention Program and the program involving taking enemy diplomats into protective custody. These programs require authority to the Bureau from the Attorney General and the Secretary of State, respectively. Unless appropriate authority is furnished to the Bureau immediately, the effectiveness of these programs will be drastically reduced.

During the briefing on the Attorney General's Portfolio at the Department's relocation site on December 8, 1955, it was noted that the need still existed for the making of such arrangements, including perfecting arrangements by which the Attorney General and the Secretary of State, respectively, promptly receive authority from the President to implement these programs.

I shall appreciate being advised if these matters have been worked out.

2cc - Assistant Attorney General
William F. Tompkins

2cc - Assistant Attorney General
J. Lee Rankin

JJH:pjm
(11)

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Mr. John Airhart
Relocation Coordinator
Department of Justice

January 18, 1956

Director, FBI

VIA LIAISON

WAR PLANS - SECURE COMMUNICATION
BETWEEN DEPARTMENT AND BUREAU
RELOCATION SITES

Attached are two copies, No. 2 and No. 3, of a special AFSAM 7 key list, "Practice Month #2," for encryption of messages between the Department and the FBI for use during the next Relocation Test.

This material should be placed in the custody and control of the Department's Cryptographic Custodian. Physical security requirements and operating instructions are as prescribed in attachment to FBI letter November 17, 1955, by which emergency reserve key lists were forwarded to you.

In the event the next Relocation Test begins on or near the end of one calendar month and continues into the next month, the key list "Practice Month #2" will be valid for the entire test period. Operators will proceed from the last line on the key list to the top of the sheet as the test period goes into the next calendar month. Under no circumstances, however, can rotor keys set forth on the key list for any given day be re-used on a similar numbered day in a subsequent month. Key list settings are valid for one day only.

Receipt of attached key lists should be acknowledged promptly in writing, listing serial numbers of each key list received.

Attached key lists are to be burned by cryptocleared personnel thirty days following the last date of use during the next Relocation Test and the FBI notified of this destruction.

Please advise FBI promptly of destruction by burning of key lists No. 2 and No. 3, "Practice Month #1."

Enclosures -2-

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(10)

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OVER

ORIGINAL COPY FILED IN 66-17381-1347

Letter to Mr. John Airhart
Relocation Coordinator
Department of Justice
1/18/56

ADDENDUM FOR YELLOW:

Attached key lists will provide Department and FBI with necessary keys to exchange communications during the next Relocation Test, whenever it might be called. Three months supply of AFSAM 7 key lists were furnished the Department 11/17/55 for actual emergency needs.

Upon approval, this memorandum and attachment should be delivered personally to Mr. JOHN AIRHART.

Two copies of key lists "Practice Month #2," No. 4 and No. 5, are being supplied separately to Mr. SLOAN, Quantico, and one copy, No. 6, to Mr. SHERRY, SOG Code Room.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. R. R. ROACH

DATE: January 13, 1956

FROM : MR. J. E. McARDLE

SUBJECT: BUREAU WAR PLANS
(TRAVEL OF ATTORNEY GENERAL)
January 28 - February 10, 1956

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On the afternoon of January 13, 1956, Supervisor McArdle learned from Mr. John B. Lindsay, Executive Assistant to the Attorney General, that the Attorney General and Mrs. Brownell will be traveling in the Caribbean area between January 28 and February 10, 1956. Mr. Lindsay said they do not yet have their itinerary fully scheduled, but that they expect to be in and around Puerto Rico most of the time.

RECOMMENDATION:

That this memorandum be filed in the folder maintained in the top drawer of Mr. Belmont's desk, entitled as above.

JEM:LL
(3)
cc--Mr. Roach
cc--Mr. McArdle

RECORDED-9 62-18953-134

INDEXED-9

17 JAN 30 1956

EX-124

59 FEB 6 1956

LIAISON

Relocation Plan For U.S. Department of Justice

FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: January 24, 1956

FROM : MR. R. R. ROACH

SUBJECT: BUPLANS

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On 1-18-56 John Airhart, Relocation Officer, Department of Justice, informed Supervisor McArdle of the Liaison Section that he was recommending to the Attorney General that there be formed in each of the 94 Judicial Districts a District Defense Planning Committee to be made up of components of the Department of Justice in each of the Districts. Mr. Airhart advised that his proposal would make the United States Attorney the Chairman of the Planning Committee in the District and that the United States Marshal as well as the local representative of Immigration and Naturalization Service and the Bureau of Prisons, if they had an installation within the District, would make up the committee.

The purpose of each local committee would be to prepare coordinated emergency plans (war plans) for the Department of Justice representatives in each Judicial District and to have the United States Attorney represent the Department locally insofar as regional civil defense and Office of Defense Mobilization planning is concerned. Airhart stated that his proposal to the Attorney General would also include the formation of a coordinating committee at Seat of Government made up of representatives from the same Departmental branches which would be represented in each Judicial District.

Airhart asked if the Bureau would be interested in at least sitting in on each District Committee thus assuring full knowledge of the local planning within the Department of Justice.

OBSERVATION:

It does not appear that the Bureau could be represented on any such Committee without becoming at least partially embroiled in Departmental planning, both locally and at Seat of Government.

RECOMMENDATION:

1. If you agree Airhart will be orally advised that the Bureau does not desire to be represented on any of the District or SOG defense planning committees which he is now planning.

JEM:sgw (5)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. McArdle
1 - Sec'y

Airhart advised 1/27/56 /jm

66-18953-13

17 JAN 27 1956

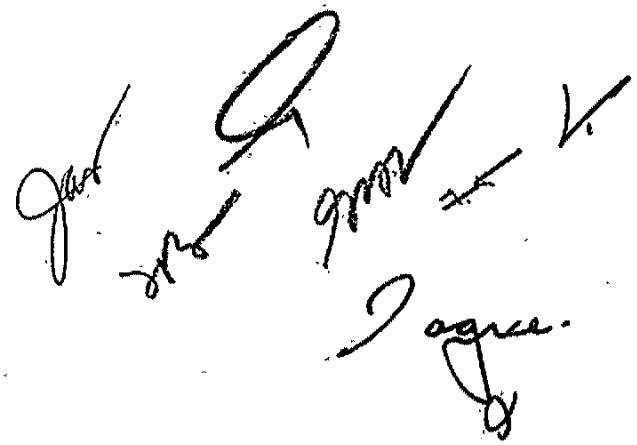
RECORDED-9

INDEXED-9

Relocation Plans for U.S. Department of Justice

Memorandum to Mr. Belmont

2. We will continue to maintain liaison in war plans matters with the Department at SOG and if Airhart's plan is approved by the Attorney General an appropriate SAC Letter will be issued instructing Bureau field offices to maintain liaison for defense planning purposes with each United States Attorney.



2 - orig. & dupl.
1 - Tolson
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Nichols
1 - Sect. tick.
1 - Mr. McArdle
1 - Mr. Mohr

January 31, 1956

SAC, Washington Field Office
(66-2233)

Director, FBI (66-18953)

BUPLANS - RELOCATION OF THE
ATTORNEY GENERAL

RECORDED - 69 66-18953-133

You are hereby authorized to inform SA [redacted] of his responsibilities in connection with the emergency relocation of the Attorney General. In this connection SA [redacted] will replace SA [redacted]. SA [redacted] should be impressed with the confidential nature of this assignment and the necessity for carrying it out in a businesslike, expeditious manner if he is called upon in a period of emergency.

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JEM:mlp
(9)

Cover memo Belmont to Boardman capt. "Buplans - Relocation of Attorney General" dated 1-30-56, JEM:mlp:mec

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

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TO : MR. L. V. BOARDMAN

DATE: January 30, 1956

FROM : MR. A. H. BELMONT

SUBJECT: WAR Plans For Department of Justice
BUPLANS - RELOCATION OF ATTORNEY GENERAL

Remymemo January 5, 1956, captioned as above setting forth the identities of the individuals responsible for the relocation of the Attorney General in a period of emergency. Among the individuals mentioned therein is SA [redacted] of the Washington Field Office.

SAC Laughlin has advised that SA [redacted] is moving from his address at [redacted] and recommended that SA [redacted], assigned to Washington Field Office and residing at [redacted], telephone EM 2-3422, replace SA [redacted] as one of the Agents from Washington Field Office who may be called upon to relocate the Attorney General.

SA [redacted] entered on duty as a Special Agent April 19, 1948. He has been assigned to the Washington Field Office since February 14, 1951; his last performance rating was satisfactory; and he is not on probation. Based on SAC Laughlin's recommendation it is believed that [redacted] can satisfactorily carry out his responsibilities on this assignment. The Washington Field Office personnel here involved will be called upon only if the SOG Supervisors now designated to carry out the relocation of the Attorney General are not available.

b6
b7C

RECOMMENDATION:

(1) That SA [redacted] replace SA [redacted] with certain responsibilities for the relocation of the Attorney General in a period of emergency.

(2) The attached memorandum to SAC, Washington Field Office go forth authorizing SA [redacted] as SA [redacted] replacement in the over-all plan for evacuation of the Attorney General.

JEM:mlp:mec (7)

1 - Mr. Boardman
1 - Mr. Nichols
1 - Mr. Belmont
1 - Mr. Mohr
1 - Section tickler
1 - Mr. McArdle

RECORDED - 69 66-18953-133

EX-107

13 FEB 1 1956

LIAISON

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: January 30, 1956

FROM : Mr. L. H. Martin

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SUBJECT: BUREAU WAR PLANS Relocation Plan For Department of Justice
(Travel of the Attorney General)

The Director's memorandum of April 18, 1955, reflected that Mr. Lindsay, Executive Assistant to the Attorney General, had the responsibility of keeping the Bureau advised of the whereabouts of the Attorney General and his family and that he would furnish this information to Mr. Belmont's office. For some weeks now the only information received concerning the Attorney General's travel has been when Miss McCarthy, the Attorney General's secretary, has notified Mr. Holloman in order that the Attorney General could be met. On January 13, 1956, Mr. Lindsay mentioned to Special Agent James E. McArdle during the course of another conversation that the Attorney General and Mrs. Brownell would be traveling in the Caribbean area between January 28 and February 10, 1956. No other information concerning this trip had been received from the Attorney General's office. We have received information concerning the Attorney General's arrival in Puerto Rico last Saturday from our New York and San Juan Offices. We have no information as to his future itinerary.

RECOMMENDATION:

None. This is for your information. The responsibility lies with the Department, and unless instructed otherwise we will not pursue this.

66-18953-734

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6 FEB 2 1956

EX-122

cc - Mr. Belmont
Mr. Holloman
Mr. McGuire
Mr. Roach
Mr. McArdle

LHM:jdd
(6)

59 FEB 6 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (66-17381) DATE: February 27, 1956

FROM : SAC, WFO (66-2233)

SUBJECT: BUPLANS--
EMERGENCY EVACUATION

b6
b7C

ReBulet January 26, 1956.

A set of the charts described in reBulet has been made available to SAs BERNARD E. BUSCHER and [redacted] who have certain responsibilities in connection with the relocation of the Attorney General.

The dissemination of these charts, in order to serve the most practical purpose, has been given careful consideration. If they are to be of the most beneficial usage in an emergency, it is believed a set of these charts should be located in each of the three Lookouts which may be called upon to assist under emergency conditions. Accordingly, Bureau authorization is requested to locate a set of these charts, realizing that two of them are "Top Secret" and the third is "Secret," in the Lookouts involved. These documents will be maintained in a locked closet when actual personnel are not working in the Lookouts. The Lookouts are presently occupied by agent personnel twenty-four hours a day, seven days a week. Should the Bureau concur with this dissemination, it is requested that WFO be furnished with an additional set of the charts.

2 - Bureau
1 - WFO
LLL:MCP
(3)

Relocation Plan for U.S. Department of Justice

Acknowledgement to liaison 3/7/56 Jfm.

Requirements for storage of classified materials discussed with SAC Laughlin 3/7/56. He advised the necessary standards could not be met and he is therefore withdrawing the above request /Jfm. 3/7/56

66-18953
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146 MAR 5 1956

2 FEB 28 1956

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EX-102

LIAISON

59 MAR 8 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (66-17381) DATE: 2-7-56

FROM : SAC, RICHMOND (66-1477)

~~TOP SECRET~~

SUBJECT: BUPLANS - EMERGENCY RELOCATION OF ATTORNEY GENERAL

DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE DATE 4/9/2010

ReBulet 1-26-56 transmitting to this office three copies of charts entitled:

(1) Route to High Point.

(2) Route to Fort Ritchie, Camp David, and the Pentagon in the Mountains.

(3) Relocation Site, Information Reflecting Routes to Shepherdstown and Quantico.

b6
b7C

In accordance with Bureau instructions, one copy of each of the above-entitled charts have been furnished to Special Agents [redacted] and WILLIAM D. TEMPLE, assigned to the Alexandria Resident Agency, who have been designated by this office to meet and transport the Attorney General in the event of an emergency. The documents have been appropriately charged out to these Agents, and they have been given instructions to maintain these charts in a safe and secure manner in the Alexandria Resident Agency.

Copies of these charts were also furnished to Special Agent [redacted] Resident Agent, Winchester, Virginia, with instructions to study the charts and make appropriate cryptic notes for his use and guidance should it be necessary to utilize him as alternate in connection with the above plans. He was also instructed to maintain these notes in his personal possession in a safe manner at all times. SA [redacted] has complied with these instructions and returned the documents supplied him to this office, and these are being maintained in the 1-A exhibit section of instant file.

In addition to the above action, SA'S [redacted], TEMPLE, and [redacted] met on February 1, 1956, at a point near Bluemont, Virginia, observed the roads in that vicinity, and familiarized themselves with same in the interest of speedy execution of this plan should an emergency arise.

2 - Director (REGISTERED MAIL)(RETURN RECEIPT REQUESTED)
1 - Richmond

WHC:SHW
(3)

66-18953
NOT RECORDED
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FEB 16 1956

FEB 8 1956

ORIGINAL COPY FILED IN 66-17381-1

2 - Orig. & dupl.
1 - Yellow
1 - Mr. Boardman
1 - Mr. Bemont
1 - Liaison Section
1 - Mr. McArdle

Assistant Attorney General
William F. Tompkins

March 5, 1956

Director, FBI

"Relocation Plan For U.S. Department of Justice

RELOCATION PLANS FOR THE FIELD

Reference is made to your memoranda dated February 27, 1956, captioned as above, relative to Bureau field relocation sites and the Departmental plan for representation on the Ten Regional Defense Mobilization Committees recently formed by the Office of Defense Mobilization, as well as the formation of a Field Relocation Committee at the Seat of Government.

With reference to Bureau field relocation sites, each Special Agent in Charge of a Bureau field office is being instructed to make known the identity of his relocation site to each U. S. Attorney in the area covered by that field office if specifically requested to do so by the U. S. Attorney.

Concerning the Departmental plan for representation on the Ten Regional Defense Mobilization Committees, I should like to advise that this Bureau has already designated a principal coordinator and liaison contact to represent the interests of this Bureau with the Dallas and San Francisco Regional Offices. Bureau representatives are also being designated to represent this Bureau in a similar capacity on each of the other Regional Defense Mobilization Committees. We will, of course, maintain liaison with the Departmental representative on the Regional Committees at field level.

With reference to the Field Relocation Committee at the Seat of Government, I am designating James E. McArdle to represent this Bureau in a liaison capacity with the Department in war plans matters. Mr. McArdle in his liaison capacity will serve as an observer on the Seat of Government Field Relocation Committee, which you propose to form.

JEM:jlf
(7)

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Cover memo Belmont to Boardman, 3-2-56, captioned "Buplans-Relocation Plans for Field Operations, U. S. Department of Justice. JEM:lmm

RECORDED-99 66-18953-135
INDEXED-99

59 MAR 9 1956

COMM — FBI
MAR 5 1956
MAILED 28

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cc
cc

Assistant Attorney General
J. Lee Rankin

March 15, 1956

Director, FBI

PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES

Burton
U.S. Department of Justice

ATTORNEY GENERAL'S PORTFOLIO FOR USE IN CASE OF EMERGENCY
Your File 146-012-18

Reference is made to the memorandum from Mr. Frederick W. Ford of your office dated January 10, 1956, captioned "War Plans - Attorney General's Portfolio," and to my memorandum in the above-captioned matter dated January 13, 1956, concerning certain modifications to draft proclamations on the apprehension and detention of potentially dangerous persons and alien enemies suggested by the Department of Defense.

I would appreciate being advised as to the status of your discussions with the Department of Defense concerning this matter.

166-18953-
NOT RECORDED
188 MAR 19 1956

Personally delivered to AG

FBI File 100-356062

YELLOW: Draft proclamations referred to provide that regulations issued by AG shall be effective in continental United States, Puerto Rico and Virgin Islands and regulations issued by Secretary of Defense shall be effective in all other territories and areas under United States jurisdiction or committed to its control in the event of a declaration of a state of emergency and institution of the Emergency Detention Program. These draft proclamations have been the subject of discussions between the Department and Defense. However, as of date of referenced communications, firm commitments concerning Defense's responsibilities thereunder had not been received.

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27 MAR 15 1956

ORIGINAL FILED IN 100-356062 - 1

3/6/56
SAC LETTER NO. 56-12

(B) BUPLANS - RELOCATION -- The Department of Justice has advised that all U. S. Attorneys have been cleared for access to information classified up to and including "Secret." If specifically requested by a U. S. Attorney, you may disclose to him the identity of your emergency relocation site and the manner in which you may be contacted at that site under emergency conditions. He should be advised that any reference to the identity of a Bureau relocation site is classified "Secret."

The Office of Defense Mobilization has instituted a nationwide program for the continuity of Government under emergency conditions and in so doing has set up Regional Defense Mobilization Committees with offices in Boston, Philadelphia, New York, Cleveland, Atlanta, Chicago, Denver, Dallas, San Francisco, and Seattle. The SAC in each of the above cities is being designated as the principal Bureau coordinator and liaison contact with the Regional Defense Mobilization Committee coordinator within the region. Each of these SAC's should establish close liaison with the Regional coordinator and represent the Bureau in all matters which would normally come within the Bureau's jurisdiction without becoming involved in the planning of any proposed regional program. The Bureau and all SAC's within the region are to be kept fully advised of all developments.

It is anticipated that within the very near future the Department will designate the U. S. Attorney or one of his assistants in each of the above-named cities to act as the Departmental coordinator in the planning activities for all Departmental agencies except the FBI within the region. It is the Bureau's desire that each SAC maintain liaison with each U. S. Attorney in his area for defense planning purposes, but you are to refrain from assisting in the relocation planning of any agency of the Department.

3/6/56
SAC LETTER NO. 56-12

66-18953-
NOT RECORDED
145 MAR 13 1956

66 MAR 14 1956

ORIGINAL FILED IN 66-04-

Re Relocation Plans For U.S. Dept. of Justice

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. Nichols

DATE: March 9, 1956

FROM : L. E. Wherry, Jr.

Tolson
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Winterrowd
Tele. Room
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SUBJECT: BUREAU WAR PLANS
COMMUNICATIONS TEST WITH DEPARTMENT OF JUSTICE

Mr. Hoy Walls, Communications Chief of INS and who is in charge of the communications for the Justice Department at the Justice relocation site called my office in my absence yesterday afternoon. He talked with Communications Supervisor Alvin C. Frank. Mr. Walls informed Mr. Frank that the Department would be testing their communications facilities at the Justice relocation site next Monday and Tuesday, March 12 and 13 next and wanted to know whether we could test with them during this time the FBI-Justice leased teletype circuit which connects the Bureau's and the Department's relocation sites and also wanted to test the Department's telephone facilities by contacting us through High Point via microwave telephone. In addition, he desired to make some tests with our CW radio station. Walls wanted to exchange some coded traffic with us via the leased teletype circuit.

We are not in a position to exchange coded traffic with the Department on their relocation test since it would render useless for further use the code practice key list which has been set up for making tests with the Department and which is being held for the June test or any joint test the Department and the Bureau may be participating in prior to that time and in addition, it would be used for any full scale test ordered by ODM prior to June.

Mr. Baker of the Laboratory has advised that our microwave circuits are being worked on at this time and any microwave telephone tests we attempted to hold with the Department now would delay the progress of the work being conducted.

RECORDED-87 66-18953-136
INDEXED-87

I explained the situation to Mr. Walls and agreed that we would test the landline teletype between the two relocation sites and hold CW radio tests with them from the Midland Station if he desired with the understanding, of course, that the landline teletype tests would be at a given specified time. I had previously discussed with Mr. Sloan the possibility of his personnel testing the landline teletype circuit and Mr. Sloan agreed that he could do this at a specified time.

cc - Mr. Bodrdman
Mr. Belmont
Mr. McArdle
Mr. Millen
Mr. Downing
Mr. Sloan - Quantico
Mr. Smyth - Midland (sent separately)

27 MAR 13 1956

LEW:dps
(9)

LIAISON

Analyst UNRECORDED COPY FILED IN 66-18953

O Relocation Plans For U.S. Department of Justice

Memorandum to Mr. Nichols March 9, 1956

Unless advised to the contrary, therfore, on Monday, March 12, 1956, Quantico personnel will test the landline teletype circuit with Justice relocation site at 3:00 P.M. and our Midland Radio Station will test the CW radio with the INS radio station at 3:00 P.M. under arrangements previously worked out and previously used on relocation tests. No coded traffic will be exchanged on these tests.

RECOMMENDATION:

None. For record purposes.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: March 8, 1956

FROM : A. H. BELMONT

SUBJECT: BORDER PATROL EMERGENCY PLANS - IMMIGRATION AND NATURALIZATION SERVICE (INS)

Tolson
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Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

Reference is made to memorandum from the Attorney General to Mr. Tompkins with copies for the Director and Mr. Rogers, 3-7-56, pointing out that Army troops are not available to augment the border patrol in the event of an emergency and that although the Attorney General is apparently charged with the responsibility of protecting the border in the event of an emergency, it now appears no facilities are available to carry out the responsibility. The Attorney General instructed Mr. Tompkins to carefully check the exact responsibility which the Attorney General has in this matter and to develop recommendations as to steps which should be taken to remedy the situation.

You will recall that INS furnished a copy of their border patrol emergency plans to the Bureau 4-4-55, which plan consists of 3 alternatives. It was reviewed and found not to infringe upon the Bureau's jurisdiction. This plan was based on the premise that the border patrol has primary jurisdiction for guarding the Canadian and Mexican borders as well as the Florida and Gulf coast lines against the surreptitious entry of aliens, subversives, and possible spies and saboteurs. Plan A for border coverage would require a total force of 8,136 patrol officers and 756 auxiliary employees. Plan B, which would go into effect if Plan A were found to be inadequate, would require a force of 16,000 patrol officers and 1,000 auxiliary employees. The 3rd alternative, Plan C, would go into effect if Plan B proved inadequate. Under this plan the Attorney General would recommend to the President that troops be utilized to meet the situation. It would appear from the Attorney General's memorandum to Mr. Tompkins above cited that Plan C is no longer a possibility.

The copy of the Attorney General's memorandum to Mr. Tompkins designated for the Director did not have a copy of the memorandum from INS. The final question appears to be how the Department of Justice and INS can get a commitment from the Department of Defense for troops. In the absence of knowledge of the steps which have already been taken by INS it is difficult to say whether anything can be worked out by the Department of Justice and the Department of Defense or whether the matter has to be carried to the National Security Council. Inasmuch as this is primarily an INS problem and any arrangements made would have to be between the Department of Justice and Department of Defense, it is suggested that we refrain from offering suggestions at this time; therefore no response is being prepared to the Attorney General.

RECOMMENDATION:

None, for information.

JEM:aje/mlp (8)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Papich
1 - Sect. tickler
1 - Mr. McArdle

57 MAR 23 1956

INDEXED 19
RECORDED 19
EX-124

20 MAR 16 1956

Concur

UNRECORDED COPY FILED IN 94-1-2731-1

66-18953-138

Assistant Attorney General
William F. Tompkins

March 16, 1956

Director, FBI

2 - orig and dupl
1 - yellow
1 - Section tickler
1 - J. E. McArdle

WAR PLANS - CONTINUITY OF OPERATIONS OF THE DEPARTMENT UNDER EMERGENCY CONDITIONS

Reference is made to my memorandum of January 13, 1956, captioned as above, requesting that this Bureau be advised when the question of the chain of command for the Department in a period of emergency has been resolved. Inasmuch as authority from the Department for certain Bureau operations in a time of emergency is extremely important, I would appreciate being advised as soon as this question has been resolved.

On December 1, 1955, five copies of a booklet entitled "Emergency Procedures - Department of Justice," dated November 28, 1955, were received by this Bureau. At the time this document was received, it was represented as the proposed new "war plans" for the Department and designed to replace the Departmental "Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency," submitted February 7, 1955, and revised February 23, 1955. I would also appreciate being advised if the document, above mentioned, dated November 28, 1955, has been approved as the Departmental emergency procedures.

RECORDED-38 66-18953-139

MAILED 11
MAR 16 1956
COMM-FBI

27 MAR 19 1956

1 - Assistant Attorney General
J. Lee Rankin

JEM:dje:mab
(6)

NOTE: This matter has been discussed informally with John Airhart, Dept. relocation officer, who has advised that he is aware that the question of the Dept. chain of command is unsettled but that he has been unable to get action from Mr. Rankin or Mr. Tompkins.

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MAR 23 1956

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: March 2, 1956

FROM : MR. A. H. BELMONT

SUBJECT: BUPLANS - RELOCATION PLANS FOR FIELD OPERATIONS
Plan For UNITED STATES DEPARTMENT OF JUSTICE

Tolson
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Reference is memoranda from Assistant Attorney General Tompkins dated 2/27/56. Mr. Tompkins states all United States Attorneys have been cleared for access to "Secret" data. He asked if this Bureau could instruct all SAC's to advise the U.S. Attorneys of field relocation sites if specifically requested to do so by the U.S. Attorneys.

The U.S. Attorneys will be the administrators of the emergency detention program in each area if this program is placed into operation; therefore, it might be desirable to have U.S. Attorneys aware of field relocation sites. There appears to be no objection to Mr. Tompkins's request.

In the second memorandum Mr. Tompkins points out that the Office of Defense Mobilization (ODM) has set up Regional Defense Mobilization Committees (RDMC) in Boston, Philadelphia, New York, Cleveland, Atlanta, Chicago, Denver, Dallas, San Francisco, and Seattle. Mr. Tompkins advised that the Department has been requested to name a person in each region to represent the Department on the RDMC and that he plans to designate the U.S. Attorney or one of his assistants in each of the above cities to coordinate the planning for all Department installations within the region. Mr. Tompkins also proposed a Field Relocation Committee at the Seat of Government to be made up of representatives of the Executive Office for U.S. Attorneys, the Administrative Division, the Internal Security Division, the FBI, the Immigration and Naturalization Service, and the Bureau of Prisons. This Committee is to provide central direction for the program.

You will recall that the SAC's in Dallas and San Francisco have been designated as the principal coordinator and liaison contact for the Bureau within their respective regions and to handle any assignments which should logically come within the Bureau's jurisdiction. They were instructed not to become involved in the planning and to keep the Bureau fully advised of developments. Since there has been no prior indication of RDMC's being formed in other areas, no instructions have been issued to other SAC's. It is believed the Bureau should have direct representation in each RDMC rather than be represented by a U.S. Attorney.

On 1/18/56 John Airhart, Department Relocation Officer, proposed a committee similar to that mentioned by Mr. Tompkins above. Pursuant to

Enclosures 66-18953-142

JEM:lmm (5)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Section Tickler
1 - Mr. McArdle

EX-125
RECORDED - 23
INDEXED - 26
57 MAR 19 1956

57 MAR 22 1956

the Director's O.K., Airhart was orally advised the Bureau did not desire to be represented on any of the regional committees or on the Seat of Government Planning Committee which he was at that time proposing. Airhart was informed that we would continue to maintain liaison in connection with war plans [illegible] at the Seat of Government and would appropriately instruct our SAC's to maintain liaison for defense planning purposes with each U.S. Attorney if the Attorney General adopted the regional defense plan idea.

The attached memorandum advises Mr. Tompkins that Special Agents in Charge will disclose their relocation sites on specific request by U.S. Attorney. Memorandum also points out the Bureau is desirous of maintaining its own representation on each of the 10 Regional Mobilization Committees; that each SAC will maintain liaison for defense planning matters with U.S. Attorneys in their district; and that Supervisor McArdle of the Liaison Section was being designated to maintain liaison with the Department in war plans matters as well as with the proposed Field Relocation Committee on which he will act as observer for the Bureau. This is consistent with what we have already told Airhart.

RECOMMENDATIONS:

(1) That the attached memorandum to Mr. Tompkins be approved.

(2) That the attached SAC letter issuing instructions as outlined above be approved.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

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Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

TO : MR. A. H. BELMONT

DATE: March 20, 1956

FROM : R. R. ROACH

SUBJECT: BUPLANS - FIELD RELOCATION COMMITTEE, DEPARTMENT OF JUSTICE

Mr. Bennett Willis of the Department telephonically advised SA McArdle of the Liaison Section on 3-19-56 that the Seat of Government Field Relocation Committee of the Department of Justice would meet at 2:00 p. m. on Thursday, 3-22-56, which meeting is to be held in room 1630, Justice Building.

You will recall that by memorandum 3-5-56 the Director advised Assistant Attorney General Tompkins that SA McArdle would serve as an observer on the Seat of Government Field Relocation Committee of the Department.

ACTION:

Unless advised to the contrary SA McArdle will attend the initial meeting of the Seat of Government Field Relocation Committee, Department of Justice at 2:00 p. m. on 3-22-56.

Plan for U.S. Department of Justice
Memo Roach to Belmont 3-20-56

EX-125

66-18953-1143

RECORDED-90

MAR 28 1956

JTEM:mlp
(4)
1 - Mr. Belmont
1 - Sect. tick.
1 - Mr. McArdle

LIAISON

52 APR 4 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: March 23, 1956

FROM : R. R. ROACH

SUBJECT: BUPLANS - FIELD RELOCATION COMMITTEE, DEPARTMENT OF JUSTICE

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Remymemo 3-20-56 captioned as above. SA McArdle attended meeting of the above committee in Room 1630, Justice Building, at 1:30 p. m. on 3-22-56. There were representatives from the Department, Immigration and Naturalization Service (INS), and Bureau of Prisons present. There had been no apparent preparation or advance notice as to what was to take place at the meeting and Departmental members present appeared to be completely confused as to what was expected of them. It was immediately apparent that the Department, INS and the Bureau of Prisons had done nothing about relocation planning at field level. The INS representative present indicated that INS is going to provide radio communications facilities for all regional and district offices of INS.

Mr. William Foley of the Internal Security Division of the Department recommended that the meeting be adjourned and that Ben Willis, Departmental representative on the ODM* Interagency Planning Committee, prepare an agenda for another meeting to be held within the next week. Willis advised that he would inform all individuals present as to the date of the next meeting after he had prepared an agenda and made additional preparation for the meeting.

ACTION:

None. For information.

RECORDED-90 EX-125

*Office of Defense Mobilization

66-18953-1444

27 MAR 27 1956

JEM:mlp
(4)
1 - Sect. tick.
1 - Mr. Belmont
1 - Mr. McArdle

59 APR 2 1956

Plan for U.S. Department of Justice

SECRET

cc
cc

Assistant Attorney General
J. Lee Rankin

March 15, 1956

Director, FBI

PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES

ATTORNEY GENERAL'S PORTFOLIO
FOR USE IN CASE OF EMERGENCY
Your File 146-012-18

Reptd. U.S. Department of Justice

Document downgraded to Secret per 60324 UC Bawlson 4/21/2010

Reference is made to the memorandum from Mr. Frederick W. Ford of your office dated January 10, 1956, captioned "War Plans - Attorney General's Portfolio," and to my memorandum in the above-captioned matter dated January 13, 1956, concerning certain modifications to draft proclamations on the apprehension and detention of potentially dangerous persons and alien enemies suggested by the Department of Defense.

I would appreciate being advised as to the status of your discussions with the Department of Defense concerning this matter.

166-[illegible]
NOT RECORDED
188 MAR 19 1956

Personally delivered 3-16-56

FBI File 100-356062

YELLOW: Draft proclamations referred to provide that regulations issued by AG shall be effective in continental United States, Puerto Rico and Virgin Islands and regulations issued by Secretary of Defense shall be effective in all other territories and areas under United States jurisdiction or committed to its control in the event of a declaration of a state of emergency and institution of the Emergency Detention Program. These draft proclamations have been the subject of discussions between the Department and Defense. However, as of date of referenced communications, firm commitments concerning Defense's responsibilities thereunder had not been received.

MDR:pfm

27 MAR 15 1956

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ORIGINAL FILED IN 100-356062

ROUTE SLIP

(Fold here)

Date 4/4/52

To Mr. J. E. Hoover

FBI Room No. 5633

- ☐ Approval
- ☐ Comment
- ☐ Necessary action
- ☐ Note and return
- ☐ Signature
- ☐ See me
- ☐ As requested
- ☐ For your information
- ☐ Per telephone conversation

(Fold here for return)

From Bennett Willis, Jr.

Division Sec. Security Room No. 1318

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mason
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Jones
Mr. Nease
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Holmes
Miss Gandy

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: April 5, 1956

FROM : A. H. BELMONT

Tolson
Boardman
Nichols
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Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: REGIONAL DEFENSE MOBILIZATION COMMITTEES
Emergency Relocation Plan for
U.S. Department of Justice

Attached is a copy of a memorandum from Assistant Attorney General Tompkins to the Director, Bureau of Prisons; Commissioner, Immigration and Naturalization Service (INS); and U.S. Attorneys at Boston, New York, Philadelphia, Cleveland, Atlanta, Chicago, Denver, Dallas, San Francisco, and Seattle, pointing out that the Office of Defense Mobilization (ODM) has set up the Regional Defense Mobilization Committees in each of the 10 cities above mentioned, and authorizing the U.S. Attorneys above mentioned to represent the Department on the Regional Defense Mobilization Committees in a coordinating capacity, and to coordinate the emergency planning of their offices, the offices of other U.S. Attorneys within the region, offices of U.S. Marshals and field offices of INS as well as Bureau of Prisons installations within the region.

You may recall that the formation of these Regional Defense Mobilization Committees and a Departmental Field Relocation Committee was discussed in my memorandum of 3-2-56 and that by memorandum 3-5-56 to Mr. Tompkins Supervisor McArdle of the Liaison Section was designated to represent the Bureau in a liaison capacity on the Seat of Government Field Relocation Committee of the Department. The Regional Defense Mobilization Committees are being set up by ODM to coordinate activities between field offices and Federal departments and agencies in an emergency and primarily for OPERATION ALERT, 1956.

Mr. Tompkins' memorandum instructs the recipients to take the necessary steps to locate appropriate relocation sites and to inquire of the SAC's of the nearest FBI office as to the identity of the relocation site chosen by that office. SAC Letter 56-12 authorized each SAC to make known his relocation site to the local U.S. Attorneys and instructed the SAC's in the 10 offices above mentioned to represent the Bureau's interest on the Regional Defense Mobilization Committees and to keep the Bureau and all other SAC's within the ODM region fully advised of all development. Mr. Tompkins' memorandum also points out that the Department can be contacted at its relocation site through FBI field offices. However, such communications should be kept to a minimum. SAC Letter 55-44 advised that in an emergency the FBI communications network would be made available for

UNRECORDED COPY FILED IN 66-17387-1

JEM:djeh (5)

RECORDED - 15 66-18953-145
INDEXED - 15
4-16
20 APR 1956

1 - Mr. Boardman
1 - Mr. Belmont
1 - Section tickler
1 - Mr. McArdle

EX-122

59 APR 25 1956

Enclosure ENCLOSURE

TOLSON

Memorandum for Mr. Boardman

Departmental instructions to the U.S. Attorneys and U.S. Marshals; that such messages would be disseminated to the U.S. Attorneys and Marshals in the field office territories. This service is not being made available to INS. The field was so advised. Mr. Tompkins' memorandum instructs recipients that after they have selected a relocation site, they should notify the Special Agent in Charge and their local employees. Mr. John Airhart, Departmental relocation officer, has advised that the Special Agent in Charge above mentioned refers to the SAC of the Bureau office.

ACTION:

For information. Mr. Tompkins' instructions in no way interfere with Bureau policy or prior Bureau instructions to SAC's.

SECRET

Mr. John Airhart
Relocation Coordinator
Department of Justice

April 20, 1956

Director, FBI

VIA LIAISON

DEFENSE PLANS - SECURE COMMUNICATIONS
BETWEEN DEPARTMENT AND BUREAU
RELOCATION SITES

Attached are two copies, No. 2 and No. 3, of a special AFSAM 7 key list for encryption of practice messages between the Department and the FBI, April 23, 24 and 25, 1956.

This material must be placed in the custody and control of the Department's Cryptographic Custodian. Physical security requirements are as prescribed in attachment to FBI letter November 17, 1955.

Attached key lists are to be burned by cryptocleared personnel thirty days after last effective date of use and the FBI notified of this destruction.

Enclosures - 2

ADDENDUM FOR YELLOW:

Attached key lists issued pursuant to request from Department and Supervisor J. E. McCardle, also memo 4/17/56, Mr. Wherry to Mr. Nichols.

Upon approval, this letter and attachment should be delivered personally to Mr. John Airhart.

Two copies of key lists, No. 4 and No. 5, are being supplied separately to Mr. L. E. Wherry, SOG, Code Room, who will take them personally to Quantico for the required use.

IWN:jen
(9)

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66-18963-151

RECORDED - 30

20 APR 24 1956

INDEXED-30

59 MAY 1 1956

SECRET

4-528

66-189 53-146, 147, 148, 149, 150

CHANGED TO

66-17380-1041, 1039, 1037, 1038, 1040

MAY 7 1956

66-18953-152
CHANGED TO
66-12380-1042

MAY 8 1956

Coe

1 - Section tickler
1 - Mr. McArdle

2 - orig & dupl
1 - yellow (66-18953)
1 - yellow (66-17380, sub 53)
1 - Mr. Nichols

SAC, Washington Field (66-2233)

May 7, 1956

Director, FBI

PERSONAL ATTENTION

BUPLANS - RELOCATION OF THE ATTORNEY GENERAL
Plans for U.S. Department of Justice

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Mohr

You are hereby authorized to inform SA Joseph A. Connors, Jr., of his responsibilities in connection with the emergency relocation of the Attorney General. In this connection SA Connors will replace SA Bernard E. Busher. SA Connors should be impressed with the confidential nature of this assignment and the necessity for carrying it out in a businesslike, expeditious manner if he is called upon in a period of emergency.

b6
b7C

JEM:dje/vec
(10)

NOTE: If the Bureau is called upon to relocate the Attorney General during normal working hours, SA Supervisors [redacted] and [redacted] of the Administrative Division will immediately secure a Bureau car to carry out this assignment. If the alert is received during other than normal working hours and the Attorney General is in Washington, SA Supervisors [redacted] of the Administrative Division and [redacted] of the Records and Communications Division will be called upon to carry out this assignment. Both SA's [redacted] and [redacted] reside in the vacinity of the Attorney General's residence. If SA's [redacted] and [redacted] are not available, Assistant Director Mohr will instruct SAC Laughlin of WFO to dispatch either SA [redacted] or SA Joseph A. Connors, Jr., to carry out the relocation of the Attorney General. Mr. Mohr may call either or both of these SA's if he so sees fit. If none of the foregoing Agents are available, SAC Laughlin could, if necessary, dispatch an Agent from "look-out post" at 2651 16th St., to carry out the evacuation of the Attorney General.

Cover memo Belmont to Boardman, 5-4-56, same re; JEM:dje/vec

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YELLOW DUPLICATE
MAY 7 - 1956
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1 66-18953 -
NOT RECORDED
188 MAY 8 1956

39 MAY 21 1956

ORIGINAL FILED IN 66-17380-53

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: May 31, 1956

FROM : R. R. ROACH

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE

Tolson
Nichols
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Tele. Room
Holloman
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You will recall that on December 1, 1955, the Department of Justice made available 5 copies of their defense plans entitled "Emergency Procedures - Department of Justice" dated November 28, 1955, containing a chain of authority consisting of only 4 individuals and that on December 5, 1955, a copy of the memorandum was received from Assistant Attorney General Rankin reflecting a chain of command in excess of 20 individuals. Upon receipt of the letter from Mr. Rankin's office, it was determined through telephonic conversation with representatives of Mr. Rankin's office and John Airhart, Relocation Officer of the Department, that this Bureau should make no comment on the above document entitled "Emergency Procedures - Department of Justice" until the discrepancy in the chain of command had been clarified.

Efforts have been made orally and through memoranda to the Department to have the Department rectify the discrepancies in their chain of command and to date the matter remains unresolved.

On 5/29/55 Mr. Airhart telephonically requested SA McArdle of the Liaison Section to return the 5 copies of "Emergency Procedures - Department of Justice" dated November 28, 1955, inasmuch as there were several portions thereof which are no longer current. Mr. Airhart was reminded that the Bureau is also in possession of a document entitled "Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency" dated February 7, 1955, and revised February 23, 1955, which appears to be obsolete in several sections. Mr. Airhart advised that this latter document should be retained by the Bureau until such time as appropriate corrections and changes were made in the document entitled "Emergency Procedures - Department of Justice" dated November 28, 1955.

ACTION:

Pursuant to Mr. Airhart's request SA McArdle has returned to him 5 copies of the document entitled "Emergency Procedures - Department of Justice" dated November 28, 1955, bearing control No. T-1460-8-9-10-11-12.

Returned to Airhart 5/29/56

66-18953-153

RECORDED - 19

EX. - 134

23 JUN 4 1956

JEM:bcg (4)

JUN 8 1956

1 - Mr. Belmont
1 - Section tickler
1 - Mr. McArdle

Relocation Plan For U. S. Department of Justice

COPY

July 12, 1956

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

In regard to the attached abstract, this afternoon in conference with the Attorney General I gave to him the original from which the abstract was prepared. It deals with the instances in which habeas corpus was sought by aliens in the last World War. I outlined the contents briefly to the Attorney General in view of the Attorney General's inquiry at the staff meeting of July 11. The Attorney General was most interested in this aspect and asked whether he could have the memorandum in order that he could study it and discuss certain phases of it with Mr. Rankin. It was for this reason I gave to him the original copy.

Very truly yours,

* J. E. H.

John Edgar Hoover
Director

ENCLOSURE

ENCLOSURE

66-18953
NOT RECORDED
188 JUL 17 1956

Attachment

COPY

JUL 16 1956

Original cannot be located and is not on record. When original is received in files (which it will be filed either with this copy or may be given a new serial.
7/16/56 HHR

ORIGINAL FILED IN 100-356062

C O P Y

Mr. L. V. Boardman July 11, 1956

Mr. A. H. Belmont

OPERATION ALERT - 1956

ATTORNEY GENERAL'S PORTFOLIO

In a conversation with you and Mr. Hennrich of my office this morning, the Director raised a question dealing with Operation Alert - 1956. He inquired concerning the arrests of alien enemies during World War II and whether any of the alien enemies sought release under writs of habeas corpus and if so, the circumstances and outcome.

The authority for the arrest of alien enemies during World War II was Section 21, Title 50, U. S. Code (Alien Enemy Control Act). That section provides that after the President makes public the proclamation of a declared war between the United States and any foreign nation or government or any invasion is attempted or threatened against the territory of the United States, all natives, citizens, denizens or subjects of the hostile nation being 14 years of age and upward shall be liable to be apprehended, restrained, secured and removed as alien enemies. The President is authorized to proclaim the conduct to be observed by alien enemies and the manner and degree of restraint to which they may be subjected.

During World War II there were numerous cases in which alien enemies were arrested and detained after which the alien enemies filed writs of habeas corpus seeking release. The courts held that the only question open to the aliens in the hearing on the writ was whether the person detained was an alien enemy and that the authority of the President to proclaim the manner and degree of restraint was not reviewable.

As an example, in the case of Ex parte Gilroy, D. C. N. Y. 1919, 257 F.110 the court held that the authority of the President under Section 21 to promulgate regulations by proclamation or public act is plenary and not reviewable,

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YHR 7/16/56 (6)

ENCLOSURE

ENCLOSURE 66-18953-1

COPY

Memorandum for Mr. Boardman

but where no hearing is provided for after the arrest of a person alleged to be an alien enemy, the question whether he is subh may be reviewed on habeas corpus. In this same case the court stated that where a person is apprehended on a presidential warrant in time of war as an alien enemy under Section 21, a court may inquire on habeas corpus whether or not he is in fact a "native, citizen, denizen or subject of a hostile nation or government" since this section provides for no preliminary hearing; but the proceeding is not further reviewable, being essentially an executive function within the discretion of the President.

ACTION:

This memorandum is submitted in accordance with the Director's request.

COPY

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: July 12, 1956

FROM : Mr. A. H. Belmont

SUBJECT: OPERATION ALERT - 1956

ATTORNEY GENERAL'S PORTFOLIO (DETCOM) -General

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Reference is made to the memorandum from the Director dated July 11, 1956, setting forth the results of the conference in the office of the Attorney General that date.

Among the items noted in the Director's memorandum was a statement by Mr. Rankin to the effect that Part I of the Portfolio dealt with the action to be taken without declaration of war, while Part II of the Portfolio dealt with the action which would be taken contingent upon the formal declaration of war.

Part I of the Portfolio provides for the apprehension and detention of all persons considered potentially dangerous to the national defense and public safety of the United States including alien enemies. Part I is designed for use in the event of (1) an attack upon the United States; (2) threatened invasion of the United States; (3) an attack on United States troops in legally occupied territory, and (4) rebellion.

Part III of the Portfolio is designed for use in the event it is desired to apprehend and detain only alien enemies deemed dangerous to the public peace and safety of the United States and may be used in the event of (1) a declared war between the United States and a foreign nation or government; (2) an invasion or predatory incursion of the territory of the United States; (3) an attempted invasion or predatory incursion of the territory of the United States and (4) a threatened invasion or predatory incursion of the United States.

Part II of the Portfolio is designed as an alien enemy control program involving nondangerous alien enemies and would be placed into effect in the event either Part I or Part III of the Portfolio should be put into effect. Part II is not designed for use alone.

The Director further noted in his memorandum that according to Mr. Rankin, the Master Warrant was not in the Portfolio, but was in the possession of Mr. William Foley in Mr. Tompkins' office.

cc - Mr. Holloman
Mr. Boardman
Mr. Belmont
Mr. McArdle
Mr. Rushing

1 66-11453 -
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188 JUL 19 1956

100-356062 -

16 JUL 17 1956

TDR (6) 50 JUL 20 1956

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Memorandum for Mr. Boardman:

The Attorney General questioned the reason why it should not be put into the main Portfolio and copies in all the others and it was agreed that this should be done. The Director noted that we will, no doubt, receive in a few days the copies of the Master Warrant which we should incorporate into the two copies of the Portfolio which we have. In this connection, it is noted that the two copies of the Portfolio now in the Bureau's possession contain copies of both the Master Warrant of Arrest and the Master Search Warrant. In addition, all of our field offices are in possession of an adequate supply of copies of the above warrants.

In a conversation with you and Mr. Hennrich of my office yesterday, the Director desired to know whether it is essential that we have in our possession the Master Warrant of Arrest signed by the Attorney General prior to the institution of our Emergency Detention Program.

To institute the Emergency Detention Program, we would need only instructions from the Attorney General to proceed with the Program and information from him as to the date of the presidential proclamation authorizing such emergency measures and the date that the Attorney General signed the Master Warrant of Arrest. We will, of course, subsequently receive the Master Warrant of Arrest inasmuch as it is addressed to the Director, instructing him and duly authorized agents to effect the apprehension of all individuals included in our Security Index.

The above would likewise apply in the case of the Master Search Warrant.

ACTION:

None. This is submitted for information.

July 3, 1956

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

On June 29, 1956, at 11:30 AM I attended a conference in the Attorney General's office at which were present the heads of the representatives of all divisions in the Department of Justice and which it was intended would be presided over by the Attorney General but he was delayed by having to attend the Cabinet meeting. The purpose of the meeting was to follow up by briefing the heads of the various divisions of the Department on the meeting which had been held the previous day in the afternoon at the White House where the Director of the Office of Defense Mobilization had briefed the heads of all Government agencies upon "Operation Alert 1956.

Mr. Airhart, the Relocation Officer of the Department, then proceeded to outline to the persons present what transpired at the meeting the previous day at the White House, following the document entitled "Briefing for Operation Alert 1956.

Mr. Airhart indicated that in addition to the problems which will be submitted by ODM at the time of "Operation Alert 1956, the Department of Justice would submit to its various branches certain problems which it would be necessary to act upon during the Alert.

Mr. Airhart indicated that it was the desire of the Attorney General to keep the number of personnel assigned to evacuate on Operation Alert to the minimum so that all persons evacuating on this occasion would be kept busy. He commented that on the previous Operation Alert, there had not been enough work for all of the personnel to perform while they were absent from Washington.

Mr. Airhart further indicated that there had been a marked improvement in the communications facilities and that these, of course, would be tested to the fullest extent.

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188 JUL 9 1956

57 JUL 12 1956

ORIGINAL FILED IN 66-18953-1

Memorandum for Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Nichols

July 3, 1956

Mr. Airhart stated that the communications facilities at the various relocation centers of the Department of Justice branches should be placed in operation on an 8-hour basis commencing July 13 and on a 24-hour basis commencing July 20 extending through the conclusion of "Operation Alert 1956" on July 26.

Mr. Airhart indicated that the sounding of the sirens would be the signal for proceeding with the Alert on July 20 and that these sirens would sound at 11:00 AM Eastern Daylight Time. He indicated that the Alert would continue through 11:00 AM Eastern Daylight Time on July 26.

Mr. Airhart further indicated that he or his representative will confer with each of the divisions of the Department as to the number of persons who will go from each of the divisions.

Mr. Airhart also referred to some so-called 'duty schedule' which will indicate those on duty at various times at Martinsburg, West Virginia, where the Department of Justice will relocate. It will, of course, be desirable to procure a copy of this schedule for our information.

Mr. Mullen indicated that there will be no interference with the releasing of information covering current matters during the Alert and that such releases will either be made from Washington or from where the Public Relations branch of the Department will be located. Control, however, of this project will be at the relocation center where Mr. Mullen or a representative of his office will be present.

Very truly yours,

John Edgar Hoover
Director

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 9, 1956

FROM : A. H. Belmont

SUBJECT: OPERATION ALERT 1956

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John Airhart, Relocation Officer for the Department, telephonically contacted Supervisor McArdle of the Liaison Section in connection with the captioned matter and incidentally mentioned that he wondered what the Director's reaction would be to a request from the Department to furnish an Agent to drive the Attorney General in the Attorney General's car from Washington to Martinsburg and from Martinsburg to such other points as the Attorney General might have to visit during Operation Alert 1956, presumably for the first two and last two days of the Alert. Airhart indicated that they had had considerable difficulty in housing the Negro chauffeur in Martinsburg during Operation Alert 1955 and that he was quite apprehensive of the response which the Negro chauffeur might get in the West Virginia area if there were motor trouble or some other difficulty other than the motor vehicle, or if it became necessary for the Attorney General to have someone perform some errand for him during the Alert.

Airhart advised that he was not making this a formal request but was interested in reaction only and based on the reaction, would or would not make the request formally. Airhart stated that he was hesitant to put this request in writing at this time as he had not discussed it with the Attorney General.

It is not believed that we should comply with this request. To do so would tie up an Agent for nearly a week and would put him in a chauffeuring, errand-running job and may subject the Bureau and the Attorney General to criticism should the press or anyone else make inquiries regarding this unusual arrangement. It is believed that it is the Department's responsibility to chauffeur the Attorney General, particularly on this occasion. We are only committed to transport him (in a Bureau car) during an actual emergency.

RECORDED - 72 66-18953-154

RECOMMENDATION: If the Director approves, Airhart will be informally advised that for the Bureau to comply with this request may subject both the Attorney General and the FBI to criticism should the press or someone outside Justice make inquiry into the matter, and for this reason, he (Airhart) might want to reconsider the matter.

JEM:lw (5)

1-Boardman 1-Belmont
1-Rosen 1-McArdle

5 JUL 24 1956

JUL 17 1956

Relocation plan for U.S. Department of Justice

STANDARD FORM NO. 64

Office Memorandum UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 13, 1956

FROM : MR. A. H. BELMONT

SUBJECT: OPERATION ALERT, 1956
(DEPARTMENTAL CHAIN OF COMMAND)

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While Mr. Hennrich was talking with John Airhart, of the Department, on the evening of July 12, 1956, Airhart advised that the Attorney General has concurred in the proposal of Mr. Rankin that the Official Chain of Command of the Department in a real emergency will be that set forth in Mr. Ford's memorandum of December 5, 1955--a copy of which is attached. Airhart said this concurrence by Attorney General will be formalized in writing.

Airhart stated that in connection with Operation Alert, 1956, the Chain of Command will be the Attorney General's Duty Schedule; in other words, the Departmental official designated as on duty will be the Acting Attorney General during his period of duty. Airhart stated that this schedule is being revised. A copy will be furnished to the Bureau when completed. We will include it in the Director's brief.

ACTION:

For your information.

Enclosure
CEH:LL
(7)
cc--Mr. Boardman
cc--Mr. Holloman
cc--Mr. Belmont
cc--Mr. Roach
cc--Mr. McArdle
cc--Mr. Rushing

66-18953-155

RECORDED-16
EX.-134

JUL 18 1956

50 JUL 26 1956

LIAISON

Relocation Plan For U.S. Department of Justice

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 13, 1956

FROM : A. H. BELMONT

SUBJECT: DEFENSE PLANS - OPERATION ALERT, 1956

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The Director's memorandum recording his presence at the Attorney General's conference, 6-29-56, mentioned that the Department of Justice would submit certain problems to its various branches, which would be necessary to act upon during the Alert. John Airhart, relocation officer of the Department, made available on 7-10-56 a copy of a memorandum to Arthur S. Flemming dated 6-14-56 setting forth the Department of Justice problems for use by component parts of the Department of Justice during OPERATION ALERT, 1956. A copy of these problems is attached.

4 problems are presented, the first of which deals with atomic weapons products produced in New Jersey and shipped both inter and intrastate. The employees of the producer threatened strike and the railroad employees are on strike. The legal problems are what steps should the Government take to keep the workers threatening to strike in the factory on the job and to effect the return of the striking workers of the railroad. The Bureau has no apparent jurisdiction in this problem. Problems 2 and 3 deal with fissionable materials being used for private research and the refusal of the person possessing same to return them to the Government on demand. The legal problems have to do with what legal steps the Government can take to compel the possessor of the fissionable materials to return them to the Government and what legal steps can be taken to compel a manufacturer to convert his peacetime facilities immediately to wartime use. Neither of these problems appear to fall within the investigative jurisdiction of the FBI.

The last problem, in addition to dealing with fissionable materials, recites a situation reflecting the shipment of radioactive waste materials to countries abroad, some of which are friendly to the enemy, and states that the Government wants these shipments stopped but the shipper is unwilling to do so. The problem further states that information has disclosed that 5 of the merchant seamen on the ship carrying the radioactive waste material are aliens suspected of being natives of the enemy, and cites that both the United States Army and the FBI seek to apprehend them. The problem is what legal steps should be taken by the Government to apprehend the suspected alien seamen and whether the Army, FBI, or INS have primary jurisdiction over the 5 aliens.

JEM:djeff (8)
1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Mohr
1 - Mr. Branigan
1 - Section tickler
1 - Mr. McArdle

Enclosure

66-18953-156

RECORDED - 15

EX-109

ENCLOSURE EX-109

10 JUL 18 1956

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Inasmuch as these individuals are suspected alien merchant seamen, it will of course be necessary for the INS to make a determination as to their alien status before any action can be taken. The problem as it is now stated is ambiguous and no specific determination can be made as to jurisdiction.

Under date of 2-28-56 ICIS sent to IIC a report on the status and disposition to be made, in a war-related emergency, of any vessel or person thereon in territorial jurisdiction of the United States dangerous to the internal security, dated 2-15-56. IIC had reviewed and commented on prior drafts of the ICIS study and further comment was not considered necessary.

The ICIS study concluded that enemy merchant vessels in the U.S. ports would be seized by the Coast Guard and enemy nationals aboard would be turned over to the Department of Defense as prisoners of war. Enemy alien seamen or passengers found on neutral or allied vessels in U.S. ports would be under the jurisdiction of the Immigration Service and accorded such treatment as prescribed by the Attorney General.

It is noted that the FBI has no jurisdiction over or responsibility for alien enemy seamen per se.

The Director's memorandum also indicated that the Department of Justice branches should place their emergency communications facilities in operation on an 8-hour basis commencing July 13. The Bureau will place its emergency communications facilities in operation on July 16, and will operate them between the hours of 10 a.m. and 4:30 p.m., July 16-19. The Office of Defense Mobilization was so advised by memorandum June 29. Mr. Airhart advised that the above arrangement would be satisfactory in so far as the Department was concerned.

With reference to releasing of information to news media relative to OPERATION ALERT, 1956, ODM instructions have been made known to the appropriate officials at Seat of Government and an SAC letter has been prepared instructing each SAC to state only that his office is participating in the exercise and that if the inquiring press representatives want additional information they should be referred to the Bureau in Washington. It is understood that all public information relative to OPERATION ALERT, 1956, will be submitted to the public information officials at High Point, who will in turn submit such stories as they desire to release to "New Point"* for release to various news agencies represented at that location.

* News distribution point at Roanoke, Virginia, during Operation Alert 1956.

Memorandum for Mr. Boardman

ACTION:

(1) For information.

(2) If the Department presents the above alien seamen problem during OPERATION ALERT, 1956, the Bureau will refer them to the above-mentioned ICIS study dated 2-15-56, and advise that the ICIS study concluded that enemy merchant vessels in U.S. ports would be seized by the Coast Guard and enemy nationals aboard turned over to Defense as prisoners of war. Alien enemy seamen or passengers on neutral or allied vessels in U.S. ports would be under jurisdiction of the Immigration Service and accorded such treatment as prescribed by the Attorney General. It will be noted the FBI has no jurisdiction over alien enemy seamen per se.

(3) Pertinent portions of the Departmental problem are being incorporated in the over-all plan for OPERATION ALERT, 1956.

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: June 25, 1956

FROM : Mr. A. H. Belmont

Tolson
Nichols
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SUBJECT: ATTORNEY GENERAL'S PORTFOLIO

OPERATION ALERT - 1956

By memorandum dated June 18, 1956, the Attorney General advised that he was holding a conference on Wednesday, July 11, 1956, at 10:00 A.M. in his office. He requested the Director's attendance and participation in the discussion, to be led by Mr. Rankin, on the Attorney General's Portfolio. He indicated that this conference will be designed to give those attending a briefing preparatory to the forthcoming Operation Alert scheduled for July 20-26, 1956.

The Director requested that he be furnished with material he might need for such a conference.

Attached is a brief for use by the Director. This brief contains a brief summary of the pertinent portions of the Attorney General's Portfolio. It is noted therein that there are no matters unresolved regarding the procedures to be followed by this Bureau in handling its responsibilities under Parts I, II and III of the revised Portfolio. We do comment, however, specifically regarding the problem raised by the declaration of martial law during Operation Alert - 1955 and the unresolved question regarding the departmental chain of command.

We have included therein a brief summary of the over-all Bureau plans for Operation Alert - 1956. A complete brief of our plans has been submitted for the Director's use in Operation Alert - 1956. We have also commented upon attack warning channels and procedures for civilians which may be a subject of discussion at the forthcoming conference.

Any changes that occur in connection with this material prior to the date of the conference will immediately be called to the Director's attention.

1 ENCLOSURE Enclosure — notation made above.

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Baumgardner
cc - Mr. McArdle
cc - Mr. Rushing

TDR:pjm (6) 10 JUL 19 1956

66-18953-158

RECORDED-85

10 JUL 19 1956

EX-122

Relocation Plan For U.S. Department of Justice

UNRECORDED COPY FILED IN 66-17281 — Authorized

Memorandum for Mr. Boardman

ACTION:

This is submitted in accordance with the Director's request.

FEDERAL BUREAU OF INVESTIGATION

_____, 1956

___Director 5633	___Mr. Hennrich 1742
___Mr. Tolson 5744	___Mr. Sizoo 1742
___Mr. Nichols 5640	___Mr. Cleveland 1742
___Mr. Belmont 1742	___Mr. Baumgardner 1511
___Mr. Mason, 5256	___Mr. Bland 1248
___Mr. Mohr 5517	___Mr. Branigan 1527
___Mr. Parsons 7621	___Mr. Roach 7641
___Mr. Rosen 5706	___Mr. W.C. Sullivan 7630A
___Mr. Tamm 4130 IB	
	___Mr. Malley 5710
___Miss Gandy 5633	___Mr. Winterrowd 5708
___Mr. Holloman 5633	
___Mr. Nease 5744	___Mr. Evans 4720
	___Mrs. Callan 4746
___Mr. Scatterday	___Mr. Price 5714
___Mr. McInturff	___Mr. Stanley 2252
___Mrs. Henley	___M_____
___Miss Lapish	___M_____
	___See Me
	___Call Me
___Records Section	___Appropriate action
___Foreign Liaison Desk	___Note & return
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___Reading Room	___Initial & Return
	___Per conversation
	___Advise Status
	___For future info.

L. V. BOARDMAN
5736

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 9, 1956

FROM : MR. A. H. BELMONT

SUBJECT: ATTORNEY GENERAL'S PORTFOLIO
OPERATION ALERT, 1956

Tolson
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On memorandum dated 7-5-56 relative to Office of Defense Mobilization (ODM) plans for the inspection of Bureau participation in OPERATION ALERT, 1956, the Director noted, "See that substance is included in memo for my use at A.G. conf. July 11. H."

Enclosed is an amended Table of Contents page adding Items D and E of Part II to the brief attached to the memorandum captioned as above dated 6-25-56.

There are also enclosed new pages 14 and 15 for the above-mentioned brief. New page 14 sets forth information relative to the inspection of OPERATION ALERT, 1956, by Office of Defense Mobilization representatives. New page 15 sets forth conferences which the Director may be invited to attend during OPERATION ALERT, 1956.

ACTION:

If the Director approves, the above-mentioned amended page and new pages 14 and 15 will be inserted in the Director's brief.

7-9-56

JEM:dje:fjb
(7)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Holloman
1 - Mr. Rushing
1 - Liaison Section
1 - Mr. McArdle

Enclosure

RECORDED-85
66-18953-159
EX-122
19 JUL 19 1956

59 JUL 26 1956

Relocation Plan For U.S. Department of Justice

1 Authorized material

UNRECORDED COPY FILED IN 66-17387

July 11, 1956

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

Relocation Plan For U.S. Department of Justice

This morning I attended a conference in the office of the Attorney General at which were present the Attorney General, the Deputy Attorney General, Mr. Rogers, and Assistant Attorneys General Rankin, Tompkins, Morton and Olney. Also present were Mr. Airhart, the Departmental representative for relocation, and representatives from the Civil and Lands Divisions.

Mr. Morton opened the conference by taking up the Attorney General's Portfolio and outlining the same in some detail.

Mr. Rankin pointed out that Part I of the Portfolio dealt with the action to be taken without declaration of war, while Part II of the Portfolio dealt with the action which would be taken contingent upon the formal declaration of war.

Mr. Rankin pointed out that Part I of the Portfolio applied to persons to be apprehended who are aliens or citizens and pose a threat to the security of the nation. Part II of the Portfolio applied to aliens who were not considered a threat to the security of the nation and Part III of the Portfolio applied to apprehension of aliens deemed dangerous to the security of the nation.

Mr. Rankin also pointed out that the Portfolio contains a detailed memorandum dealing with the writ of habeas corpus and concludes that the President has the right to suspend the writ of habeas corpus without Congressional action.

Mr. Rankin also pointed out that the Portfolio contains a memorandum dealing with the problem of the seizure of property of any kind from anybody who may pose a threat to the security of the nation.

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59 JUL 24 1956

JEH:TLC
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RECORDED-85

EX-122

66-18953-160

UNRECORDED COPY FILED IN 66-17381-1

Scattered remarks

Some question was raised by the Attorney General as to the procedure in World War II and I have asked Mr. Boardman and Mr. Hennrich to let me have a memorandum as to any instances which arose in World War II where enemy aliens who were arrested under the Presidential Proclamation later sought writs of habeas corpus, and if so, what was the disposition of such cases.

Mr. Rankin further pointed out that the Portfolio contained a memorandum dealing with the Chinese Communist problem and, in particular, with the Formosa situation.

Mr. Rankin pointed out also that the Portfolio contained a detailed study as to aspects of martial law which would henceforth be referred to as martial rule in view of the fact that this was a broader and more appropriate term. Mr. Rankin stated that in a few days there would be forwarded for inclusion in the Portfolio a new memorandum on martial rule in which there would be stressed the national necessity that would justify the establishment of martial rule, as well as the conditions under which it should be ended.

Mr. Rankin also pointed out that the Portfolio contained an outline of procedure for the apprehension of persons and property.

The Attorney General raised a question as to whether martial rule was to be utilized during the forthcoming Operation Alert and exactly what functions the Army would perform insofar as this affected the FBI. He directed Mr. Airhart and a representative from this Bureau to confer with the Office of Defense Mobilization so that the details of this might be clarified. The Attorney General also mentioned that he understood that an agreement had been entered into by the Department of Defense, the Office of Civil Defense and the Office of Defense Mobilization which, in general, dealt with this problem. I have alerted Mr. Boardman and Mr. Hennrich relative to the above and instructed that Mr. Hennrich should contact Mr. Airhart if he does not hear from him shortly so that Mr. Airhart and a representative of the Bureau may carry forth the conference which the Attorney General desires. I have also asked Mr. Boardman and Mr. Hennrich to procure for me a copy of the agreement, if it is available, which has been entered into by the Department of Defense, the Office of Civil Defense and the Office of Defense Mobilization.

Mr. Rankin pointed out that the Master Warrant was not in the Portfolio but was in the possession of Mr. William Foley in Mr. Tompkins' office. The Attorney General questioned the reason why it should not be put into the main Portfolio and copies in all the others and it was agreed that this should be done and we will, no doubt, receive in a few days the copies of the Master Warrant which we should incorporate in the two copies of the Portfolio which we have.

Mr. Airhart advised the conference in general detail of the procedures to be followed on Friday, July 20, when the alert is to be sounded at 11:00 am. In answer to a question as to whether the Chain of Command would be notified, Mr. Airhart stated it would not, but that the sounding of the sirens would be indication to start procedures incident to the evacuation. It was indicated that the Attorney General would proceed directly to Martinsburg, accompanied by Mr. Rankin, and that subsequent to his arrival at Martinsburg, he might then be called to High Point, but that he would not on this forthcoming Alert proceed directly to High Point under the present arrangements.

The Attorney General raised the question as to when the procedures outlined in the Portfolio would be implemented, namely, whether at 11:00 am or whether after arrival at the relocation centers. The Attorney General observed that to await arrival at the relocation centers was not realistic. The Attorney General asked that Mr. Airhart clarify this matter with Mr. Flemming, the Director of the Office of Defense Mobilization, and it was the Attorney General's view, at least as of this time, that the Director of the FBI would communicate with the Attorney General immediately upon the sounding of the Alert and recommend whatever section of the Portfolio which, in the judgment of the FBI, should be utilized and that then the Attorney General would communicate with the President, obtain clearance and at once notify the FBI. I have orally advised Mr. Boardman and Mr. Hennrich of this development in order that we may be properly prepared.

It was indicated at the conference that there are in the Attorney General's car two telephones, one the regular car telephone and the other a telephone which is directly connected with High Point. It was also indicated that there is in the Attorney General's car a directory of the various important numbers which he might have occasion to use in the event he wishes to contact various parties during the Alert while he is

in his car. I have asked Mr. Boardman and Mr. Hennrich to make certain there is a similar directory in my car in order that I may know the various numbers, not only of the relocation centers but of the cars such as the Attorney General's, which I might have occasion to contact.

At the conference this morning reference was made to a memorandum which had been distributed to various divisions of the Department, setting forth the duty schedule of the Attorney General and those acting in his place at Martinsburg. I have learned that I had not received this schedule, but was informed by Mr. Airhart that a copy had been delivered to Mr. Belmont's office. Upon my return to the office, I conferred with Mr. Boardman and Mr. Hennrich and ascertained to my chagrin that a copy of this memorandum was delivered to Mr. McArdle at 4:30 pm on July 9, and had not been called to the attention of Mr. Boardman or Mr. Hennrich or myself, notwithstanding it was known I was to attend a conference in the Attorney General's office at 10:00 am on July 11. I have asked for written explanations as to this marked deficiency in operations in Mr. Belmont's Division.

I brought up the question at the conference with the Attorney General that the Bureau had received but two copies of the Portfolio and that we had not received the third copy which was to be sent to our Little Rock Office to be held, as I understood the Portfolio had not been formally approved. This was a surprise to the Attorney General and he advised Mr. Rankin that he as of that moment formally approved the Portfolio. The obtaining of the third copy should in due time be followed up with Mr. Rankin so we may have it.

I also mentioned that there had not been a final determination upon the Chain of Command and the Attorney General stated that so far as the forthcoming alert was concerned, the memorandum last sent to us which, I believe, was in December, 1955, would be the one that would guide us as to the Chain of Command.

Deputy Attorney General Rogers indicated that he was not at all satisfied with the organization for the forthcoming Alert insofar as it applied to the Department, as he did not believe it was clear as to what each one would do or how the various problems would be handled. I took occasion to point out the plans of the Bureau and how we intended to proceed and apparently it was entirely satisfactory. Mr. Rogers suggested

that Mr. Rankin, Mr. Morton, Mr. Yeagley and Mr. Airhart confer tomorrow, Thursday, July 12, in the afternoon so as to try and work out some semblance of specific procedures to be followed by the Department. If there arise any aspects affecting the Bureau, or on which advice from the Bureau is desired, Mr. Rogers will communicate with me.

Very truly yours,

1S/JEH

John Edgar Hoover
Director

SENT FROM D. O.
TIME 10:02 AM
DATE 7-12-56
BY Dmm

July 19, 1956

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS
MR. MOHR

On Tuesday, July 17, Mr. John Airhart, Administrative Officer of the Criminal Division in charge of the Department of Justice planning for National Defense, called to see me. He stated he wanted to express to me his appreciation for the great assistance and magnificent cooperation which had been extended to him in his capacity as officer in charge of the plans for relocation.

Mr. Airhart stated that when he received the assignment, it had been indicated to him that it would be a difficult one and would be made even more difficult by the attitude of the FBI. I did not ask him who told him this. Mr. Airhart continued that, to the contrary, he had found that the FBI had been the most cooperative of all branches of the Department.

I told Mr. Airhart that I was very glad that he took time out to let me know this and that it was our desire in the Bureau to assist him in every way because we realized what a difficult task he had.

RECORDED-85 66-18953-161

Very truly yours,

/s/ J. E. Hoover

7 JUL 20 1956

John Edgar Hoover
Director

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

JEH:TLC
(8)

SENT FROM D. O.
TIME 1:30 pm
DATE 7-19-56
BY

59 JUL 24 1956

Relocation Plan for the U.S. Department of Justice

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: July 17, 1956

FROM : Mr. A. H. Belmont

Tolson
Nichols
Boardman
Belmont
Mason
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Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: DEFENSE PLANS - OPERATION ALERT 1956
Relocation Plan For U.S. Department of Justice

The Department of Justice has made available two documents relative to their operations at their relocation site during the exercise. The first, entitled "Instructions for Operations at Department of Justice Relocation Site," is a set of instructions for Justice personnel participating in the exercise. It is divided into four general sections:

1. General

This section instructs that logs shall be kept of all activities at the relocation site and sets forth instructions relative to preparation of daily reports.

2. Communications

This section summarizes the manner in which calls should be placed and how to acknowledge having handled a message.

3. Security Regulations at Site

This section spells out the manner in which personnel will be identified on entering the building; the control of visitors and instructions relative to handling classified material. The Department relocation site is in a public building and many of their personnel are not cleared to handle highly classified documents; thus, special security requirements relative to handling of documents are necessary.

4. Matters to be Covered by ODM Inspectors

This section reiterates the material covered in ODM communication to the heads of all agencies dated July 2, 1956, and is summarized in my memorandum of July 5, 1956.

None of the foregoing is of any direct interest to Bureau operations during the course of the exercise.

66-18953-162

cc - Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. McArdle
Liaison Section

RECORDED - 58

7 JUL 20 1956

JEM:jda
(6)

59 JUL 24 1956

ENCLOSURE BEHIND FILE EX-109

ENCLOSURE

EX-109

Memorandum for Mr. Boardman

The second document is a copy of a memorandum from the Attorney General to Dr. Flemming of ODM dated June 14, 1956, setting forth the problems the Department plans to work out during this exercise. This document was reviewed in my memorandum of July 13, 1956, and pertinent portions have been included in the over-all Bureau plans for Operation Alert 1956.

ACTION:

For information.

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 45
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Page 11 ~ Referral/Direct
Page 12 ~ Referral/Direct
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Page 186 ~ Referral/Direct

Federal Bureau of Investigation (FBI)
File Number1145592-000 - 66-HQ-18953
Section 4

July 17, 1956

Mr. Murray Snyder
Assistant Press Secretary
The White House
Washington 25, D. C.

Dear Murray:

You asked in one of the memoranda relative to Operation Alert for an indication of what might be coming from various departments and agencies during the exercise. Our material is such that we cannot put a time schedule on it because we never know definitely when a story will be breaking, so I can give you no advance appraisal.

For the purposes of the exercise, I wish you would take it clear to the various people working with you that anything relating to the Department of Justice must be handled through the Department relocation center. In other words, there should be no direct referral of inquiries to the FBI, the Bureau of Prisons, or the Immigration and Naturalization Service, which are subordinate offices and bureaus of the Department. Therefore, one should not expect either exercise or non-exercise material from these subordinate facilities of the Department.

With best wishes,

Sincerely,

GFM dj
cc:Files
FBI

G. Frederick Kullen
Director of Public Information

RECORDED - 55 62-12952-163

EX-101

2 JUL 20 1956

4-11 (Rev. 12-22-56)

FEDERAL BUREAU OF INVESTIGATION

70, 1956

TO:

✓ Director	✓ Mr. Nease, 5744
✓ Mr. Tolson, 5744	✓ Miss Gandy, 5633
___ Mr. Boardman, 5736	___ Mr. Holloman, 5633
___ Mr. Belmont, 1742	
___ Mr. Mason, 5256	___ Records Branch
___ Mr. Mohr, 5517	___ Pers. Records, 6631
___ Mr. Parsons, 7621	___ Reading Room, 5531
___ Mr. Rosen, 5706	___ Mail Room, 5533
___ Mr. Tamm, 4130 IB	___ Teletype, 5644
___ Mr. Sizoo, 1742	___ Code Room, 4642
	___ Mechanical, B-114
✓ Mr. Nichols, 5640	___ Supply Room, B-216
___ Mr. McGuire, 5642	___ Tour Room, 5226
___ Mr. Wick, 5634	
___ Mr. DeLoach, 5636	
___ Mr. Morgan, 5226	___ Miss Lurz
	___ Miss Carter
___ Mr. Jones, 4236	___ Mrs. Faber
___ Mr. Leonard, 6222 IB	___ Miss McCord
___ Mr. Waikart, 7204	___ Miss Loper
___ Mr. Eames, 7206	___ Miss Price
___ Mr. Wherry, 5537	___ Miss Gibson

___ See Me
___ For Your Info

___ For appropriate action

___ Note & Return

V

L. B. Nichols
Room 5640, Ext. 691

4:12 pm

July 18, 1956

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

"Relocation Plan For U.S. Department of Justice"

The Attorney General called this afternoon, referring to the matter of the Master Warrant which had come up in the previous conference held to discuss Operation Alert 1956. He recalled that at this conference it was stated that the Master Warrant was not in the Portfolio, but was in the possession of William Foley, of Assistant Attorney General Tompkins' office. Mr. Tompkins has now advised the Attorney General that Mr. Foley does not have the Master Warrant and the Attorney General desired to know if we could help him.

I told the Attorney General that we do not have the Master Warrant; that what we have is a copy of the Warrant. The Attorney General then asked if our copy was the one which had been signed by Deputy Attorney General Rogers. I told him it was my recollection that the copy we have is unsigned, but that I would check on this and let him know. The Attorney General was quite anxious to locate the original Master Warrant and said he would appreciate any information we could give him. I told him that it should be in the Portfolio which Assistant Attorney General Rankin has. I advised the Attorney General I would call him back relative to his inquiry.

Very truly yours,

7 JUL 20 1956

John Edgar Hoover
Director

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
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Nease
Winterrowd
Tele. Room
Holloman
Gandy

JEH:TLC (7)

7 JUL 20 1956

62-18953-
NOT RECORDED
188 JUL 23 1956

SENT FROM D. O.
TIME
DATE
BY

ORIGINAL FILED IN 100-356062 - 1107

SECRET

5:08 PM

July 18, 1956

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS

Relocation Plan for U.S. Department of Justice

The Attorney General returned my call to him concerning the location of the Master Warrant. I stated we had checked through our Portfolios here and at Quantico which merely contained a copy of the Master Search Warrant and the Master Arrest Warrant, neither of which has a signature. I indicated our recollection was that the Master Search Warrant and the Master Arrest Warrant were to be placed in the brief case to accompany him, the Attorney General, when he leaves for the relocation site. I suggested the Master Arrest Warrant may have been left in the brief case when the Portfolio was taken out for the Attorney General. The Attorney General then stated that Deputy Attorney General Rogers thought he, Rogers, may have signed the Master Arrest Warrant at the time of the Matsu-Quemoy incident and the Attorney General wondered whether this could have been sent to the White House. I told him that some of the Proclamations were sent to the White House. The Attorney General asked that we check through our material on the Matsu-Quemoy matter to see if there was any indication that the Master Arrest Warrant had been signed.

After checking our file on the Matsu-Quemoy matter I called the Attorney General to advise him that there was no indication of the Master Arrest Warrant having been signed.

5:59 After checking further into the above matter I called the Attorney General to advise him that we had found that a letter was sent to us by the Department on June 11, 1956, stating in pursuant to a request of the Director of ODM the Department had transmitted on May 14, 1956 copies of the Proclamations and various other papers in the Attorney General's brief case. I stated there was a vague possibility that the Master Arrest Warrant may have been included with this material. I stated our files did disclose that the Deputy Attorney General signed thirty-six warrants on February 11, 1955 for the Chinese; that six of the original warrants are in our files and the other thirty were acted upon and the originals returned to the Department, and there was no trace of any Master Arrest Warrant.

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Reason-FCIM II, 1-2.4.2
Date of Review 1-18-82

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[illegible] - 66 - 18953 -
NOT RECORDED
188 JUL 23 1956

SENT FROM D.O.
TIME 9:40 AM
DATE JUL 23 1956
BY [illegible]

SECRET

I told the Attorney General that I understood Ford in Rankin's Office was the one who had custody of the brief case and I had tried to reach him to see if he may have had the Master Arrest Warrant but that I had been unable to reach him, Ford.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

cc-Mr. Holloman

JEH:EH (7)

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 13, 1956

FROM : MR. A. H. BELMONT

SUBJECT: OPERATION ALERT, 1956
ATTORNEY GENERAL'S PORTFOLIO
"Relocation Plan For U.S. Department of Justice"

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

During the Director's conference with the Attorney General on July 11, 1956, the question was discussed as to whether the Director would make a recommendation to the Attorney General, immediately upon receiving the alert of notification through Civil Defense channels at 11 a.m. on July 20, 1956, regarding the placing of the provisions of the Portfolio into effect. General Paul, of the Office of Defense Mobilization (ODM), has stated that the President will automatically sign necessary documents, following which action will be directed by ODM. General Paul stated that no recommendation from the Attorney General is necessary for purposes of this test. We, therefore, recommend that as an official part of Operation Alert, 1956, the Director make no recommendation to the Attorney General, since presumably the Attorney General could take no action on such a recommendation. General Paul accented that the plans call for immediate evacuation upon the sounding of alert, and ODM has stated, according to John Airhart, that actual instructions will be sent to the relocation sites as soon as the sites are manned.

Should the President, contrary to ODM planning, desire to initiate action prior to the arrival of agencies at relocation sites, communication would be directed to the Attorney General, who could communicate with the Director through mobile telephone equipment, issuing appropriate instructions. The Director could then issue appropriate instructions to the FBI relocation site.

CEH:LL
(8)
cc--
cc--Mr. Boardman
cc--Mr. Holloman
cc--Mr. Belmont
cc--Mr. Roach
cc--Mr. McArdle
cc--Mr. Rushing

RECORDED - 78

66-18953 - 1166

7 JUL 23 1956

59 JUL 30 1956

UNRECORDED COPY FILED IN 66-1183 - 1

Memorandum to Mr. Boardman from Mr. Belmont

In an actual emergency, the Director would, of course, make recommendations to the Attorney General as soon as facts were available to him on which such action could be predicated. Such recommendations could be made either here in the building or from the Director's car or from the relocation site. They would be made immediately upon the receipt of sufficient facts justifying any recommendation. If, in a real emergency, we had the facts on which the assumptions in this particular test are based, the Director undoubtedly would make a recommendation the minute he had the facts and would, on the basis of these facts, recommend that Part I of the Portfolio be placed into effect. (This calls for the immediate apprehension of all individuals on the Security Index, both citizens and aliens, and the suspension of the writ of habeas corpus.)

ACTION:

If you agree, we will plan accordingly.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: July 14, 1956

FROM : Mr. A. H. Belmont

SUBJECT: OPERATION ALERT - 1956
Relocation Plan for U.S. Department of Justice

Tolson
Nichols
Boardman
Belmont
Mason
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Parsons
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Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

On July 13, 1956, Supervisor O. H. Bartlett of the Liaison Section received from Office of Defense Mobilization (ODM) a brochure prepared by that agency entitled "Briefing for Operation Alert 1956 (Revised)." This brochure replaces the ODM brochure of the same caption dated June 20, 1956.

This brochure has been reviewed to determine what changes have been made therein affecting Justice responsibilities during Operation Alert - 1956. Each item involving Justice is commented upon separately herein.

The revised brochure reflects on page one thereof that, for the purpose of this exercise, the departments and agencies participating should assume that authority exists to take actions outlined in Part III, "Proposed Actions," without waiting for any delegation of authority to act. General Paul of ODM previously discussed this matter with Mr. Hennrich and John Airhart, Department relocation officer, on July 11, 1956, and advised that this assumption would be made. ODM will send notification message to agencies which will be action authority. This matter was discussed in my memorandum of July 13, 1956, captioned "Operation Alert - 1956; Attorney General's Portfolio."

Item 1, page 8, Part III A

This assigns responsibility to ODM, Federal Civil Defense Administration (FCDA) and Justice for issuance of proclamations of national emergency and civil defense emergency. Justice has already prepared a proposed proclamation on this point. Such proclamation is included in Part IV of the Attorney General's Portfolio. The previous proposed action called for an additional proclamation dealing with an internal security emergency.

Item 3, page 8, Part III A

This assigns responsibility to the Department of Defense, FCDA, ODM and Justice for the issuance of a proclamation authorizing military assistance to civil authorities and prescribing conditions under which such assistance will be furnished. This encompasses the

Enclosures (2) 7-16-56

RECORDED - 78 66-1853-167

cc - Mr. Holloman
Mr. Boardman
Mr. Belmont
Mrs. Branigan

cc - Mr. Bland
Mr. McArdle
Mr. Rushing

16 JUL 23 1956

TDR:pjm:vms (8)

INDEXED - 78

field of civil-military relationship, including military assistance to civilian authorities. This is a responsibility of Justice along with the other agencies designated in drawing up such proclamations for issuance by the President. This proposed action was included in the previous brochure.

Item 8, page 8, Part III A

This provides that State and Justice will prepare a proclamation for presidential issuance giving the Secretary of State authority to control entry into and departure from the United States of all persons, both citizens and aliens, including the detention of diplomatic and official representatives. The provision for detention of enemy diplomatic and official representatives was omitted from the previous brochure and its omission was commented upon in my memorandum to you of June 28, 1956. The present item is faulty in its omission of the word "enemy" in referring to diplomatic and official representatives. A separate communication is attached calling the Department's attention to this omission.

Item 9, page 8, Part III A

This assigns to Justice the responsibility for preparation of a proclamation providing for apprehension and detention of all persons considered dangerous to the national defense and safety of the United States. Such proclamation has been prepared by Justice and is incorporated into Part I of the Attorney General's Portfolio. This proposed action reflects no change from that contained in the previous brochure.

Item 10, page 8, Part III A

This item places responsibility on Justice for issuance of a proclamation providing for the control of enemy aliens. There is no change in this item from that contained in the previous brochure. This pertains to control of nondangerous enemy aliens who will not be apprehended under item 9 above and appropriate proclamations dealing with this matter have been prepared by Justice and incorporated into the Attorney General's Portfolio.

Item 9, page 10, Part III A

This item gives to Justice the responsibility to authorize additional agencies to classify documents and issue a new executive order extending power to all. This appears to be a function of Justice. The extension of authority to classify documents, of course, will broaden greatly the field for possible espionage violations and, consequently, expand our investigations in that field. The impact of these additional cases on our other defense activity cannot be readily determined. This proposed action was contained in the previous brochure.

Item 10, page 10, Part III A

This item relates to reinstatement of the Federal Explosives Act of December 26, 1941, and assigns responsibility for reinstatement thereof to Interior and Justice. There has been no change in the wording of this proposed action. However, the responsibility has been extended to include Interior. We commented upon this proposed action in our memorandum of June 28, 1956. This Act codified as Chapter 8, Title 50, U. S. Code, is applicable in time of war or national emergency and provides penalties for unauthorized manufacture, possession and use of explosives. According to AAG Rankin on April 20, 1956, Justice would merely look over the proclamation to be sure it was legal. It should be noted that the Statute places administrative responsibility on the Department of Interior.

The following items which were contained in the brochure of June 28, 1956, the responsibility for which was assigned to Justice, and on which we commented in our memorandum of June 28, 1956, have been omitted from the revised brochure. They are:

(1) Waive the requirement for clearance of all personnel in all but most highly sensitive areas.

(2) Restrict entry to defense facilities to prevent sabotage and espionage.

In our memorandum of June 28, we pointed out that the matter of restricted areas in defense facilities and promulgation of regulations for such areas appeared to be the responsibility of the Department of Defense and not of Justice.

Memorandum for Mr. Boardman

ACTION:

A copy of this revised brochure is being included in the Director's brief for Operation Alert - 1956, together with appropriate amended pages for the brief.

There is attached a proposed letter to AAG Rankin of the Department setting forth our comments regarding the omission mentioned on page two herein under item 8, page 8.

JFB
TDR

ADDENDUM:

Steps are being taken to recall and destroy all copies of the June 20, 1956, brochure as required by ODM instructions set out in the attached brochure. detached 7-19-56 in Lesser file

TDR:pjm

OK

~~TOP SECRET~~

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Branigan (Whitson)
3cc - Mr. Roach (McArdle, Ferris, Day)
cc - Mr. Henry

July 19, 1956

Assistant Attorney General
J. Lee Rankin

Director, FBI
66-18953

~~SECRET~~

PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES

Reference is made to the memorandum dated July 17, 1956, from Mr. Frederick W. Ford of your office, captioned "Inclusion of Additional Mobilization Plans Arising Out of ICIS Projects in the Attorney General's Portfolio."

In accordance with the request in Mr. Ford's memorandum, the four mobilization plans are being included in Part I, and the proposed proclamation and proposed executive order are being included in Part IV of the two copies of the Portfolio in the Bureau's possession.

In accordance with a previous agreement, a third copy of the Portfolio is to be furnished to the Bureau for safekeeping upon formal approval by the Attorney General. I shall appreciate being furnished with this third copy when available.

I note in Mr. Ford's memorandum that your office still has the question of martial rule under study and shall likewise appreciate being advised concerning your conclusions in this matter.

FBI File 100-356062

YELLOW: Enclosure to memo to Boardman from Belmont dated 7/19/56, same caption, JJH:pjm.

JJH:pjm
(10)

Tolson
Nichols
Boardman
Belmont
Mason
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Holloman
Gandy

59 JUL 30

~~SECRET~~

RECEIVED READING ROOM DEPT OF JUSTICE FBI JUL 19 3 14 PM '56

ORIGINAL COPY FILED IN

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN SECRET DATE: July 19, 1956

SECRET

FROM : MR. A. H. BELMONT

SUBJECT: OPERATION ALERT, 1956

Relocation Plan for U.S. Department of Justice

Tolson, Nichols, Boardman, Belmont, Mason, Mohr, Parsons, Rosen, Tamm, Nease, Winterrowd, Tele. Room, Holloman, Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

John Airhart, of the Department, advised me today (July 19) that relative to authorization from the Department to institute the Emergency Detention Program during Operation Alert, 1956, the Attorney General plans to have Yeagley call Martinsburg during the National Security Council meeting tomorrow morning to authorize the institution of the Program. Martinsburg will thereafter notify us. It would thus appear that we will receive a prompt authorization for this Program.

Airhart said that Deputy Attorney General Rogers plans to be at Martinsburg by 11 a.m. tomorrow and will stay for Friday and Saturday. He said the Duty Schedule of the Attorney General and Acting Attorney General submitted to us yesterday has been changed to reflect that Rogers will not be at Martinsburg on July 22 and 23, and Olney will take his place. The schedule in the Brief has been changed.

Relative to the emergency documents submitted by ODM today (these were sent up by separate memorandum to the Director), Airhart said that these are not the true documents which would be used in an emergency, but have been drawn up solely for the purpose of this alert operation. He said that yesterday a representative of the Department requested that any reference to the Emergency Detention Program or the program involving enemy diplomats be eliminated from any proposed documents for this Alert. I pointed out to him that Document No. 3 nevertheless does mention that the writ of habeas corpus will be suspended and, if this gets out, there is a possibility of a real storm of controversy. He said that Fred Ford, of the Department, has been

DECLASSIFIED BY [signature] ON 1-18-82

UNRECORDED COPY FILED IN 100-356062

AHB:LL
(8)
cc--Mr. Boardman
cc--Mr. Nichols
cc--Mr. Holloman
cc--Mr. Belmont
bb--Mr. Bland
cc--Mr. Roach
cc--Mr. McArdle

Class. & Ext. By [signature] 1-18-82
Reason-FCIM II, 1-2.4.2 2 3
Date of Review 1-18-92

RECORDED - 73 66-18953-168

Classified by 2640 ... 243
Exempt from GDS, Category
Date of Declassification Indefinite
8-30-74

7 JUL 20 1956

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SECRET

instructed to go to High Point tomorrow and to smother any reference to legal items or decisions as far as press releases are concerned.

Airhart said there is a rumor floating around that ODM has changed the time of the attack to 2:00 p.m. tomorrow. He said the Department had contacted ODM and had been assured the time of the attack remains at 11:00 a.m. Eastern Daylight Time tomorrow. Airhart noted that the Department Relocation Site is already receiving teletype messages indicating that sneak attacks from the enemy are being experienced. I pointed out that under real circumstances that would be a notice to consider relocation at once. I checked with Quantico and was advised that no such teletypes have been received there, although some coded messages have been received and are being decoded, and the contents are not yet known.

For your information.

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

11:34AM July 20, 1956

Mr. Reynolds in the communications section of the Justice Department called to advise that he had just received word from the relocation site that Deputy Attorney General Rogers had arrived at the relocation site and was now Acting Attorney General.

Mr. Boardman has been advised.

dsw

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mason
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Jones
Mr. Nease
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Holmes
Miss Gandy

RECORDED - 84 66-18953 - 169

EX. - 134

23 JUL 24 1956

LIAISON

59 JUL 30 1956

Re/ location Plan For U.S. Department of Justice

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 13, 1956

FROM : MR. A. H. BELMONT

SUBJECT: DEFENSE PLANS - OPERATION ALERT 1956

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

Relocation Plan For U.S. Department of Justice

John Airhart from the Department advised today that in connection with Operation Alert 1956 the Department had instructed 10 United States Attorneys to designate a representative of the United States Attorney's office to go to the relocation site of the regional relocation committees to maintain liaison on behalf of the United States Attorney's office during the period of Operation Alert 1956. One of these United States Attorneys was Burke in San Francisco. Airhart stated that Burke had designated Special Agent [redacted] of the FBI as being his representative at the regional committee's relocation site. Airhart was informed that an Agent of the FBI could not represent the United States Attorney's office and make decisions for him.

Absolutely right

SAC Whalen in San Francisco was called. He informed that USA Burke had called him on July 9 and had advised that the Department had instructed that he have someone at the relocation site (Santa Rosa) and that because of court commitments, et cetera, he did not see how he could send anyone and wanted to know if the FBI would have anyone at the relocation site. Whalen told him that [redacted] would be there representing the FBI. Whalen told him that [redacted] could not represent the United States Attorney and make any decisions. Burke stated that he understood this and asked whether, if any message were given to [redacted] for the United States Attorney, would [redacted] relay the message. Whalen stated that he agreed to this.

Gathering answer of avoiding [redacted] on anyone else

John Airhart, when advised of the fact that the FBI had not agreed to represent the United States Attorney's office or make decisions at the relocation site, stated he would instruct USA Burke to designate a representative of his office and not the FBI. Whalen was told that the Department was so instructing Burke and that he should be sure that Agent [redacted] does not act in any sense for the United States Attorney's office in San Francisco at the relocation site.

66-18953-170

RECORDED - 72

ACTION:

For your information. It is understood that USA Burke is now in Washington, D. C.

CEH:mn
cc - Mr. Nichols
Mr. Boardman
Mr. McAndrew
Mr. Belmont

(5) 59 JUL 31 1956

b6
b7C

UNRECORDED COPY FILED IN

Memo Belmont to Boardman 7-12-56 (Mr. Belmont)

Memo Belmont to Boardman 7-11-56

JWB/WFW.

3/SMC

Mr. Belmont to Mr. Boardman
DEFENSE PLANS - OPERATION ALERT, 1956

RECOMMENDATION:

That SA [redacted] relocate during OPERATION ALERT, 1956, to Santa Rosa, California, and represent the Bureau in strictly liaison and observer capacity with FCDA and RDMC.

b6
b7C

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN DATE: July 13, 1956

FROM : MR. A. H. BELMONT

SUBJECT: OPERATION ALERT, 1956

Tolson
Nichols
Boardman
Belmont
Mason
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Nease
Winterrowd
Tele. Room
Holloman
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Mr. John Airhart, of the Department, advised Mr. Hennrich at 2:50 p.m. today (July 13) that at a Cabinet meeting this morning it was announced there will be a National Security Council meeting in Washington, D. C., on the morning of July 20. This will be held either shortly prior to 11:00 a.m. or at 11:00 a.m. The Attorney General will attend this National Security Council meeting and will leave following the meeting and go to the Department of Justice relocation site. He will remain there over night and on the following day (July 21) will return to Washington at the end of the day. It will then be up to the Attorney General whether he returns to the Department's relocation site on July 25 and 26.

There will be a Cabinet meeting held by the President on July 25--probably in Washington. Each of the Cabinet members is to make up his mind on July 24 whether he will go back for July 25 and 26.

Messrs. Lindsay and Airhart are recommending to the Attorney General that he not return to the Department's relocation site on July 25 and 26.

ACTION:

For your information.

66-18953
NOT RECORDED
146 JUL 24 1956

JUL 23 1956

LIAISON

CEH:LL
(7)
cc--Mr. Boardman
cc--Mr. Holloman
cc--Mr. Belmont
cc--Mr. Hennrich
cc--Mr. McArdle
cc--Mr. Roach

59 JUL 31 1956

ORIGINAL COPY FILED IN

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 16, 1956

FROM : MR. A. H. BELMONT

cc Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. McArdle

SUBJECT: DEFENSE PLANS - OPERATION ALERT

Tolson
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SLOAN

John Airhart of the Department stopped by my office at noon and talked to Mr. Hennrich. He stated there were three items which had come to his attention and which he wanted the Bureau to know about. They are as follows:

(1) In connection with the Cabinet meeting on Friday attended by the Attorney General it was stated that the Operation Alert, 1956 would be conducted with a minimum of publicity.

(2) Mr. Sims of the Department was talking with Mr. Richard Jones, Bureau of the Budget Legislative Liaison Officer, on the morning of July 16th. Jones stated that there is some indication at this time that ODM, in connection with Operation Alert, may not utilize the documents and proclamations included in the Portfolio, but may following the beginning of the Alert call for the Department to cook up supposititious proclamations, submit them and then wait for action. Airhart is attempting to obtain clarification on this point. He stated that so far as he is concerned, he feels there is sufficient justification under the briefing document prepared by ODM for the Attorney General to initiate action by authorizing the Bureau to proceed with its program and if the Department agrees with him in this position even though ODM decided to switch the ground rules at the last minute the Bureau can still proceed on authority of the Attorney General under the broad authority set forth in the briefing document.

(3) Jones indicated to the Department on the morning of July 16th that there is now being discussed a proposition that the Alert continue only from Friday, July 20th thru Monday, July 23rd. Whether this propositon is being seriously considered Airhart did not know.

ACTION: We will continue to follow on these matters and you will be kept advised.

CEH:td
(5)

59 JUL 31 1956

INITIAL ORIGINAL

66-18953

NOT RECORDED
188 JUL 24 1956

"Relocation Plan for U.S. Department of Justice"

ORIGINAL FILED IN 66-17387 - 1585

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

b6
b7C

TO : MR. L. V. BOARDMAN

DATE: July 17, 1956

FROM : MR. A. H. BELMONT

cc Mr. Boardman
Mr. Belmont
Mr. McArdle
Mr. W. W. Brown
Section Tickler
Mr. Woods

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: DEFENSE PLANS - OPERATION ALERT, 1956

Remymemo to you dated July 13, 1956, bearing the same title, in which I advised that John Airhart of the Department had been advised that an Agent of the FBI could not represent the United States Attorney's office and make decisions for him. This situation arose by reason of the fact that United States Attorney Burke, San Francisco, had asked SAC Whalen to permit Special Agent [redacted] to receive any messages which might be given for the Department at the relocation site for the Regional Defense Mobilization Committee (RDMC) in Santa Rosa, California. The Director commented as follows: "Is there any way of avoiding [redacted] or anyone else from being there. We are being used as a utility service and Whalen should never have agreed to what he did. H."

As suggested by the Director, the appearance of [redacted] or any other Agent of the San Francisco Office at the relocation site of the Federal Civil Defense Administration (FCDA) can be avoided. We could instruct San Francisco not to have an Agent in liaison with FCDA there and if the Director so desires such instructions will be issued to San Francisco. However, it now appears that since SAC Whalen has specifically instructed [redacted] to act only in a liaison and observer capacity, use of [redacted] as a utility service for the United States Attorney's office has been corrected. It also appears that acting solely in such a capacity and not participating in any policy matters, it would be to the advantage of the Bureau to have a representative with FCDA in order that the Bureau's jurisdiction and interests may be protected in any problem which may arise. San Francisco has a very active FCDA director and he has invited Bureau to maintain such liaison. [redacted] was present during OPERATION ALERT, 1955, at FCDA relocation site, and it is considered desirable to have our representative there during OPERATION ALERT, 1956.

FCDA and the RDMC occupy the same buildings in Santa Rosa, California, as their relocation sites. [redacted], of course, will be available and will act in liaison and observer capacity with RDMC, as well as FCDA.

John Airhart of the Department has already indicated to Inspector Hennrich (July 13, 1956) that he has instructed United States Attorney Burke, San Francisco, to designate a representative from his office to represent the Department at the RDMC site.

WFW:dje:td
(7)

Relocation Plan for U.S. Department of Justice

RECORDED - 72 66-18953-171
26 JUL 24 1956
EX-134

59 JUL 31 1956

UNRECORDED COPY FILED IN 66-11880-97
Material made available

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: July 21, 1956

FROM : L. B. NICHOLS

Tolson
Nichols
Boardman
Belmont
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Mohr
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Rosen
Tamm
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Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: ~~ATTORNEY GENERAL'S PORTFOLIO~~
Relocation Plan For U.S. Department of Justice

For record purposes, the Attorney General at 5:30 p.m., July 21, 1956, telephoned my office and while I was tied up on another call, talked with Wick. The Attorney General told Wick he had some papers in his office which he would like to have kept in the Bureau space over the weekend and asked that someone come around to his office to receive the papers.

Enroute to the Attorney General's office, I met him approximately half way. He handed me a large brief case filled with papers which I had Wick take to Supervisor on duty R. G. Jensen, Room 1742, at 5:55 p.m. this date. As supervisor on duty in the Domestic Intelligence Division, he was instructed by me to place a padlock on the portfolio, place it in a locked, secure place, and thereafter notify each supervisor on duty between the time he received the portfolio and Monday morning, July 23, 1956, of its presence in the office. Furthermore, he was instructed that the portfolio is to be delivered to Mr. Holloman personally, upon the latter's arrival, in the office Monday, July 23, 1956, so that Mr. Holloman may deliver it to the Attorney General the first thing that morning.

The Portefolio

D.A. 7/21

For record purposes.

Mr Belmont Advised 7/21

cc Mr. Holloman

Received And Will Be Delivered As Soon As A.G. Office Open 7/23/56

Done 9:00 A.M. 7-23-56

66-18953-172

EX 104

RECORDED - 78

INDEXED - 78

14 JUL 25 1956

59 JUL 30 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: July 25, 1956

FROM : A. H. Belmont

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: OPERATION ALERT, 1956
HEADS OF AGENCIES MEETING AT
WHITE HOUSE 2:30 P.M., JULY 25, 1956
Relocation Plan For U.S. Department of Justice

Reference is made to memorandum from Mr. Belmont to the Director dated 7-24-56 setting forth information received from some of our liaison representatives with other agencies of the probable position those agencies will take and their recommendations concerning Operation Alert, 1956, during captioned meeting. Set forth therein was information received from Liaison Agent Daunt at Justice relocation site regarding three recommendations which the Attorney General would make at captioned meeting.

Agent Daunt contacted the Bureau relocation site at 2:02 a.m. EDT, 7-25-56, stating he had an opportunity to go over the final report prepared by Tompkins, Morton and Foley for the Attorney General's use at this meeting; that the report was four pages in length and indicated that the participation of the Justice Department in Operation Alert, 1956, was considered to be "satisfactory" and a distinct improvement over its participation in Operation Alert, 1955; and that the report concluded in an actual emergency the Justice Department could carry on its essential functioning at its present relocation site.

The report pointed out there was always an Acting Attorney General in charge of the relocation site; that a communications watch officer functioned on a 24-hour basis; that communications were maintained with all bureaus of the Department including the FBI and the Bureau of Prisons, the relocation sites for which were located in localities other than the site of the Justice Department; that the security at the Justice relocation site had been rated outstanding by ODM; that all problems were handled promptly; that, just in passing, the report noted the fact that the FBI had opposed the subjection of its personnel in Alaska to the jurisdiction of an Alaskan War Council, the establishment of which was considered during the course of Operation Alert, 1956; and that the report pointed out that a simulated press release was issued requesting the public to report "suspicions" of espionage and sabotage to the FBI* and also that the FBI had been requested during the course of the operation to furnish the facts regarding sabotage reports which were mentioned in FCDA damage reports. (This was done).

RECORDED - 72 66-18953-173

cc - Mr. Holloman
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Baumgardner
Mr. Roach
Mr. McArdle
Mr. Wannall

EX-109

JUL 26 1956

59 JUL 31 1956

*We were not consulted regarding this press release. They may have simulated consulting us.

JHK:nlh
(10)

copy to Tolson

LIAISON

UNRECORDED COPY FILED IN 66-18953-173

The report of the Justice Department specifically noted the fact that liaison with the FBI worked smoothly and effectively on a round-the-clock basis.

The report took specific note of the fact that the three criticisms of the 1955 test were corrected during the 1956 operation. These were:

(1) Communications functioned efficiently and were equipped to handle a much heavier load. (Communications set up to handle 1,000 messages each day, and an average of only 300 were handled daily during the 1956 alert.);

(2) All personnel participated in the exercise in a serious manner, in keeping with the spirit of the exercise; and

(3) The office of the Acting Attorney General functioned efficiently, it being noted that an Acting Attorney General was always in charge of the operation.

The report concluded with the three recommendations set forth in Mr. Belmont's memorandum of reference, namely, (1) a composite relocation site be selected to accommodate all bureaus of the Department including the FBI; (2) that ODM have a reserve of problems available in advance "in the event of a slow down of communications"; and (3) that in each agency and department there be a land courier system.

ACTION:

The above is for your information preparatory to attending captioned meeting.

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: July 19, 1956

FROM : Mr. A. H. Belmont

SUBJECT: PROGRAM FOR APPREHENSION AND DETENTION OF PERSONS CONSIDERED POTENTIALLY DANGEROUS TO THE NATIONAL DEFENSE AND PUBLIC SAFETY OF THE UNITED STATES
Buffile 100-356062

Tolson
Boardman
Belmont
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Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

By memorandum 7/17/56, Mr. Frederick W. Ford, Acting Assistant Attorney General, Office of Legal Counsel, forwarded four mobilization plans arising out of Inter-departmental Committee on Internal Security (ICIS) projects for inclusion in the Attorney General's Portfolio. He also forwarded a proposed proclamation and a proposed executive order, likewise to be included in the Portfolio. These various documents are summarized as follows.

Plan to Assist the Department of State Internment of Enemy Diplomatic, Consular, United Nations and Official Personnel in the Event of War

This consists of detailed plans for the personnel and equipment needs of the Immigration and Naturalization Service (INS) in carrying out its functions of providing detention facilities for, and guarding of, diplomatic and other personnal named. These responsibilities by INS will follow the apprehension of such individuals by the FBI, which apprehensions will be undertaken by us upon authorization from the Department of State. Our participation ends with such apprehension and turning over of the individuals to State Department and this document merely details means for their custody and protection by INS thereafter.

Border Patrol Emergency Plans

This document outlines the plans, including manpower and equipment needs, of the border patrol in discharging its responsibilities of guarding and controlling the Canadian and Mexican land borders and the Florida and Gulf coastline

Enclosure - cut 7-19-56

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Branigan (Attention: Mr. Whitson)
3cc - Mr. Roach (Attention: Mr. McArdle, Mr. Ferris, Mr. Day)
cc - Mr. Henry

JJM:pjm (8)

66-189553
NOT RECORDED
145 JUL 24 1956

INITIALS ORIGINAL

57 AUG 1 1956

ORIGINAL COPY FILED IN 100-356062-192

Relevant plans for U.S. Dept. of Justice

in an emergency. These are the responsibilities of INS and the border patrol and do not bear upon the FBI's responsibilities. This matter was reviewed in memorandum from Mr. Belmont to Mr. Boardman dated 3/8/56 and was found not to infringe upon the Bureau's jurisdiction.

ICIS Report on Status and Disposition to be Made in Emergency of any Vessel or Person Thereon in the Territorial Jurisdiction of the United States Dangerous to the Internal Security

This document reviews the history, particularly just prior to World War II, of control of shipping of foreign nations at a time of national emergency. It shows that Coast Guard has the responsibility for protection of vessels and water-front facilities of the United States. In carrying out its responsibilities, Coast Guard is to receive from the FBI and other intelligence agencies intelligence information regarding actual or potential dangers to vessels and water-front facilities. The document further recites that the Department of Justice has prepared plans for the apprehension and detention of subversives in an emergency but does not concern itself with implementation of those plans and, thus, does not influence our operations. This document was analyzed in Mr. Branigan's memorandum to Mr. Belmont dated 12/21/55 captioned "Status of Officers and Crews of Enemy Merchant Vessels in United States Ports in Event of War" and certain language changes were suggested. The recommendations for such changes were made by the Interdepartmental Intelligence Conference (IIC) on 1/10/56, at which time that Conference stated that it was in general agreement with the report. By memorandum 2/29/56 from Mr. Belmont to Mr. Boardman, it was noted that certain language changes suggested had been incorporated in the revised document and that no further action was necessary.

ICIS Report Concerning Security Processing and Screening Mechanism for Persons Evacuated by the U. S. from Areas Threatened with Communist Invasion

This document deals at length with procedures to neutralize any threat to the internal security of the United States arising from transportation of noncombatant

evacuees to the United States upon the outbreak of a major war. It provides screening procedures for such evacuees, stressing the necessity, wherever possible, of having such screening occur prior to their embarkation for the United States. These screening procedures and the granting of entry are responsibilities of State Department. The procedures provide for obtaining name checks from FBI and other intelligence agencies and provide for FBI participation in certain instances in interviews of evacuees arriving in the United States without first having been screened abroad. By memorandum from Mr. Belmont to Mr. Boardman dated 12/20/54 captioned "Evacuation of U. S. Nationals During a War-Related Emergency Overseas and Screening Procedures in Connection Therewith," this report was reviewed and it was recommended that the Bureau's position be that a letter should be directed to ICIS by IIC stating that there was no objection to the report. Such a letter was directed to ICIS by IIC on 1/5/55.

Proposed Proclamation

The proclamation forwarded by Mr. Ford is a proclamation by the President making operative the Federal Explosives Act of December 26, 1941. The Act becomes effective only upon declaration of war or existence of a state of war and, hence, the proclamation will be necessary. The Act provides penalties for unauthorized manufacture, possession and use of explosives and administrative responsibility is placed on the Department of the Interior.

Proposed Executive Order

The executive order forwarded by Mr. Ford is an order extending the authority for classification of defense information and material to all departments and agencies of the executive branch. This authority under Executive Order 10501 at the present time is confined to certain departments only and the proposed new order recites that national security measures make it imperative that all departments and agencies have such authority.

Memorandum for Mr. Boardman

ACTION:

Attached is a proposed letter to the Office of Legal Counsel advising that the documents forwarded will be incorporated into the two copies of the Portfolio held by the Bureau. Such letter also requests that the third copy of the Portfolio to be maintained by the Bureau be forwarded as soon as possible and requests that we be advised immediately upon a final decision as to the question of martial rule presently under study by the Department.

DD-5

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mason
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Jones
Mr. Nease
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Holmes
Miss Gandy

Date July 17, 1956 Time 2:35 pm

John Airhart, Administrative Officer of the Criminal Division, in charge of Department of Justice planning for National Defense, telephoned.

Phone No. Code 197 (Justice), Ext. 357

REMARKS

Mr. Airhart said he would greatly appreciate an opportunity to come in and see Mr. Hoover for a minute at Mr. Hoover's convenience. He wishes to thank Mr. Hoover for something he has done.

He would like to be called, if and when Mr. Hoover can see him.

hwg

CC - Mr. Holloman and Telephone Room

Mr. Williams, Tolson, Belmont, Boardman, Nichols
7-19-56
Ext. Re

66-18953-161

66-18953-174

RECORDED - 91
INDEXED - 91
EX - 134

24 JUL 26 1956

59 JUL 31 1956

'Relocation Plan for U.S. Department of Justice

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: July 26, 1956

FROM : MR. R. R. ROACH

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: OPERATION ALERT - 1956
LIAISON ASSIGNMENT Emergency Relocation Plan

The Department of Justice relocation site is located in the Federal Court House, Martinsburg, West Virginia. Our Liaison Representative was at the site from 11:05 a.m., July 20, 1956, until the site closed down and personnel were released at 5:00 p.m., July 25, 1956. The Justice operation this year was greatly improved over that of 1955 from the standpoint of communications, security, physical setup, and administrative control. This year the Office of Defense Mobilization observer rated Justice "outstanding" in several categories including security and high-level participation. They received a generally good report and the Signal Corps rated them adequate in communications.

This year Justice had an Acting Attorney General at the site at all times, an executive officer and a communications officer, which greatly improved operational control over the performance of last year. William Foley of the Internal Security Division had the best knowledge of operational control and was frequently called upon by the Acting Attorney General. John Airhart, the relocation officer, was frequently called upon to answer questions involving the administration of Operation Alert.

One item of concern, in view of the possible resulting embarrassment, was the presence at the site of five border patrol officers in uniform to act as guards on a 24 hour basis at the relocation site. General Swing had been called upon to supply these guards; however, it apparently came as a surprise when it was learned that the five border patrol guards drove up to the site from Brownsville, Texas, in two INS trailers.

William Foley of the Internal Security Division advised our Liaison Representative that the Attorney General's recommendation for a new composite relocation site was the Attorney General's own recommendation and done for the purpose of being on record since a composite site appeared to be proper and reasonable.

As a matter of observation, it is well known that the Attorney General is not satisfied with the physical setup of the present Department relocation site. The Attorney General knows

JJD:jlf (5)

EX 104 RECORDED - 28 66-18953

1 - Mr. Belmont
1 - Mr. McArdle
1 - Liaison Section
1 - Mr. Daunt

16 AUG 2 1956

SENT DIRECTOR 7/27/56

57 AUG 8 1956

that the Bureau would not be satisfied with anything less than the best possible relocation facilities. During a contact by our Liaison Representative with the Attorney General and Deputy Attorney General William Rogers, it was noted that the Attorney General, while leafing through the portfolio asked several questions of Rogers, which the latter was unable to answer and attempted to locate in the portfolio. It could well be that the Attorney General desires a composite site to assure himself that he has someone with him who is well versed on the contents of the portfolio.

ACTION:

For information.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 31, 1956

FROM : A. H. BELMONT

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE CHAIN OF COMMAND
Emergency Relocation Plan For U.S. Dept. of Justice

Tolson
Nichols
Boardman
Belmont
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Mohr
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Rosen
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Nease
Winterrowd
Tele. Room
Holloman
Gandy

By memoranda to all Bureau officials and supervisors, it has been noted that Mr. Victor R. Hansen replaces Mr. Stanley M. Barnes as the Assistant Attorney General in charge of the Antitrust Division of the Department. Mr. Hansen resides in Apartment 625 at 2801 Quebec St., N. W. His home telephone number is EM. 3-3356. His office extension is 4.

Mr. Oscar H. Davis, who is Acting Solicitor General, is replacing Mr. Simon E. Sobeloff. Mr. Davis resides at 1731 New Hampshire Ave., N. W. His home telephone number is HO. 2-6151. His office extension is 33.

ACTION:

Inasmuch as Mr. Hansen and Mr. Davis are now among the first 10 in the Department Chain of Command, persons receiving a copy of this memorandum may be desirous of substituting names and changing telephone numbers and office extensions in accordance with the above. Appropriate revised pages for Highlights of Seat of Government Defense Plans for Chain of Command will be submitted in near future.

JEM:djeff
(8)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Sizoo
1 - Mr. Hennrich
1 - Mr. Holloman
1 - Section tickler
1 - Mr. McArdle

RECORDED - 91 66-18953-178
16 AUG 3 1956

63 AUG 8 - 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: July 27, 1956

FROM : MR. A. H. BELMONT

SUBJECT: DEPARTMENTAL RELOCATION SITE
Emergency Relocation Plan For U.S. Department of Justice

Tolson
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Rosen
Tamm
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Winterrowd
Tele. Room
Holloman
Gandy

Mr. John Airhart of the Department came over to see me this afternoon (July 27, 1956). He said he was going on leave and wanted us to know the recommendations he was making to the Attorney General concerning a joint relocation site for all divisions of the Department, including the Bureau.

He said that the Attorney General raised the question while he was at the relocation site. Airhart does not know how serious the Attorney General is. In Airhart's opinion, a joint relocation site for all portions of the Department is desirable. His recommendation to the Attorney General will so indicate providing 2 conditions can be met.

1) If each branch of the Department will agree to put up a certain amount of money as an original sum to establish or convert a relocation site on a permanent basis; and thereafter agree to contribute so much per year to keep it going.

2) That a relocation staff would be answerable directly to the Attorney General.

In explaining this latter, Airhart said he wants to get away from different relocation plans on the part of the divisions of the Department and centralize control in the Attorney General so that there will be uniform planning. He said he was able to accomplish this at Martinsburg to a large extent this year with the result that personnel who were working on problems and on communications were left alone with out interference from the headquarters of the division from which they had been drafted. He said he felt that the operation at Martinsburg was much more effective this year than last year.

Mr. Airhart said he wanted us to know what his recommendations were going to be in the event this matter came up during his vacation. He said he had a feeling that I might be opposed to a central relocation site. I neither affirmed nor denied this inasmuch as the matter has not been presented formally to the Bureau.

I did point out during the discussion with Airhart that the FBI must be set up to operate on an emergency basis at a moment's notice due to our emergency program and, therefore, we must, of course, be in control of our operations and communications. 66-18953-179

RECORDED - 59 AUG 9 1956

AHB:mn
cc - Mr. Boardman
Mr. Belmont
Mr. McArdle

(4) 9 AUG 17 1956

SENT DIRECTOR 7-28-56

EX-108

66-1738 - 1 enclosure

UNRECORDED COPY FILED IN

Memorandum for Mr. Boardman

Airhart felt that this could be accomplished without any difficulty and still have a common communications center at the relocation site; that it did not matter whether the FBI ran the communications site or the Department as long as it was under one head. Airhart was merely letting us know what his recommendation to the Attorney General would be. He said he did not know whether the Attorney General would pursue the matter. At any rate, I made no comment one way or another as we would not want to make any statement until the matter is formally raised.

For your information. This could be Bad VB

ppr VB

I basically am opposed to FBI getting involved in this for many reasons. We have already spent large sums for our quarters at Quantico & the radio stations & I do not propose now to merge other quarters for FBI & also a joint relocation site raises problems of morale, discipline & security with FBI getting the worst of it.

-2-

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Boardman

DATE: August 14, 1956

FROM : Mr. Belmont

SUBJECT: DEPARTMENTAL RELOCATION SITE
MARTINSBURG, WEST VIRGINIA

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

At noon on August 14, 1956, Mr. William Foley of the Department called. He said he had just met with the Attorney General. The Attorney General has decided that the Departmental Relocation Site will remain at Martinsburg. (This appears to be a reversal of his decision that the site was not satisfactory as expressed by him during Operation Alert, 1956.)

Mr. Foley said that the Attorney General is concerned about the President's instructions that the relocation sites of the various departments and agencies should be activated on a permanent basis by having representatives of the department working on a year-round basis at the relocation site. Foley said that he recognized that the Bureau has a permanent staff at its relocation site, but the Department is confronted with the problem of making at least a token compliance in this matter at Martinsburg. Foley said that heretofore the Department has been activating its relocation site once a month for purposes of checking its communication system. Emergency Relocation Plan For U.S. Dept. of Justice

Foley said the Attorney General asked him to check with the Bureau as to whether a secretary could be provided for the Resident Agent at Martinsburg, with the Department paying her salary if necessary. This secretary would occupy the room next to the Resident Agent, which is part of the Department's space. She would thus be in a position to handle any telephone calls to the Department's relocation site. Foley said he had pointed out to the Attorney General that undoubtedly our Resident Agent is not in the office much of the time and, therefore, the Resident Agent could not serve as a Departmental representative at its relocation site.

I told Mr. Foley that the Resident Agent is out of the office most of the time and that he has no need for a secretary; that if a secretary was necessary, we would have provided one before this. I pointed out further that the Resident Agent is answerable to our Pittsburgh Office and not to Washington directly. I pointed out further that under these circumstances the Bureau could not justify a secretary for the Resident Agent and she simply would not have enough to do to keep her busy.

AHB:FIL (6)

RECORDED-38

66-18953-180

cc: Mr. Boardman
Mr. Belmont
Mr. Roach
Mr. McArdle
Mr. Mohr

EX-109

AUG 16 1956

59 AUG 21 1956

Memorandum for Mr. Boardman

Mr. Foley said he had a further meeting with the Attorney General at 5:00 p.m. this afternoon, and I told him I would recontact him and furnish our observations, which would probably be as indicated above.

RECOMMENDATION:

It is recommended that I advise Mr. Foley along the above lines that it is not practical for a secretary to be attached to the Resident Agent. It appears to me that this is purely a subterfuge on the part of the Department and they can just as well arrange for someone at the Court House, permanently stationed there, to accept and relay to the Department any calls that might come to the relocation site.

As an alternate the Department might want to consider having Immigration & Naturalization Service put personnel at its relocation site inasmuch as Immigration & Naturalization Service is faced with the same problem as the Department.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN 8/22/56 DATE: August 21, 1956

FROM : MR. A. H. BELMONT

SUBJECT: DEFENSE PLANS -
DEPARTMENT OF JUSTICE
CHAIN OF COMMAND
Emergency Relocation Plan For U.S. Dept. of Justice 1200

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

Department of Justice Order 127-56 sets forth the following chain of command to act in any civil defense emergency when by reason of absence, disability, or vacancy in office, neither the Attorney General or the Deputy Attorney General is available to exercise the duties of the office of the Attorney General, the following officers of the Department of Justice shall act as Attorney General in the order of succession listed below:

The Attorney General maintains offices in 5111 Justice Building, telephone extension 20, home address - 4355 Forest Lane, N. W. - Emerson 2-5892. Deputy Attorney General William P. Rogers maintains office in 4109 Justice Building, extension 3, residence - 7007 Glenbrook Road, Bethesda, Maryland - Oliver 4-5770.

(a) Solicitor General
J. Lee Rankin - Room 5141, Ext. 2
600 Juniper Lane, Falls Church Va. - Jefferson 4-0363

(b) Assistant Attorney General in charge of the Internal Security Division
William F. Tompkins - Room 3525, Ext. 306
4000 Cathedral Ave., N.W. (Westchester Apts.) - Emerson 2-2357

(c) Assistant Attorney General in charge of the Criminal Division
Warren Olney III - Room 2105, Ext. 6
5201 Klingle St., N.W. - Kellogg 7-1662

JEM:mer
(9)
1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Hennrich
1 - Mr. Sizoo
1 - Mr. Bland
1 - Section Tickler
1 - Mr. McArdle

EX 104

RECORDED - 55 66-18953-1811

18 AUG 22 1956

LIAISON

59 AUG 29 1956

(d) Assistant Attorney General in charge of the Civil Division
George C. Doub - Room 3143, Ext. 7
~~Goves Road, Owings Mills, Md. - Hunter 6-5293~~
9-19-52 5006 Tilden St. N.W. Woodley 6-7501 -

(e) Acting Assistant Attorney General in charge of the Office of Legal Counsel
Frederick Ford - Room 5131, Ext. 9
305 Queen St., Alexandria, Va. - Overlook 3-6402

(f) Assistant Attorney General in charge of the Antitrust Division
Victor R. Hansen - Room 3107, Ext 4
2801 Quebec St., N. W., Apt. 625 - Emerson 3-3356

(g) Assistant Attorney General in charge of the Tax Division
Charles K. Rice - Room 4143, Ext 400
6516 Western Avenue, Chevy Chase, Md. - Oliver 6-8115

(h) Assistant Attorney General in charge of the Office of Alien Property
Dallas S. Townsend - Room HO 654, Ext. 331
4201 Massachusetts Ave., N. W. - Emerson 3-6330

(i) Assistant Attorney General in charge of the Lands Division
Perry W. Morton - Room 2143, Ext 8.
2333 South Nash St., Arlington, Va. - Otis 4-8769

Section 2 of the Departmental Order above mentioned pertains to the chain of command at the relocation site of the Department of Justice. Section 2 is herewith quoted.

"Section 2. (a) In any such event when, by reason of absence from the Relocation Center of the Department of Justice, disability or vacancy in office, neither the Attorney General nor the acting Attorney General, as the case may be, is present at the Relocation Center, to perform such of his functions as he would otherwise perform at the Relocation Center, the following officers and employees of the Department of Justice who may be present at the Relocation Center are authorized to perform any such functions, including, but not limited to, the issuance or regulations and the signing of warrants, except that action to place the Emergency Detention Program in effect shall be taken only upon the authorization

of the President, the Attorney General, the acting Attorney General or the Director, Federal Bureau of Investigation, in accordance with authority previously given to him, in the following order of succession:

(1) Deputy Attorney General

(2) The other officers designated in sec. 1 of this Order in the same order of succession

(3) The First Assistant or Deputy Director, as the case may be, to the Deputy Attorney General and the other officers designated in sec. 1 of this Order in the corresponding order of succession"
The First Assistants or Deputy Director above mentioned are as follows:

Acting First Assistant to Deputy Attorney General
E. Robert Seaver - Room 4208, Ext. 10
2911 Stephenson Place, N. W. - Emerson 3-0904

First Assistant to Solicitor General
Oscar H. Davis - Room 5609, Ext. 33
1731 New Hampshire Ave., N. W. - Hobart 2-6151

First Assistant to Assistant Attorney General,
Internal Security Division
J. Walter Yeagley - Room 3527, Ext. 310
4009 Forest Lane, Falls Church, Va. - Kenmore 8-4113

First Assistant to Assistant Attorney General,
Criminal Division
David Irons - Room 2107, Ext. 180
5302 Cromwell Drive, N. W. - Oliver 4-6385

First Assistant to Assistant Attorney General,
Civil Division
George S. Leonard - Room 3607, Ext. 190
9 Fort Hunt Road, Alexandria, Va. - South 8-8133

First Assistant to Assistant Attorney General,
Office of Legal Counsel
Vacant (as of 8-20-56)

First Assistant to Assistant Attorney General,
Antitrust Division
Edward A. Foote - Room 3107, Ext. 52
3115 Woodland Drive, N. W. - Emerson 3-2316

First Assistant to Assistant Attorney General,
Tax Division
John N. Stull -Room 4603, Ext. 401
4417 Lowell St., N. W. - Emerson 2-9104

Deputy Director, Office of Alien Property
Paul V. Myron - Room HO 658, Ext. 334
1615 Varnum Place, N. E. - Lawrence 6-2649

First Assistant to Assistant Attorney General,
Lands Division
J. Edward Williams - Room 2609, Ext. 113
4630 River Road, Brookdale - Oliver 2-6795

(4) United States Attorney for the District of
Maryland
Walter E. Black, Jr.
1307 Glenwood Ave., Baltimore, Md. - Hopkins 7-6579

(5) United States Attorney for the District of
Northern Illinois
Robert Tieken
Belvidere Road, RFD, Lebertyville, Illinois -
Libertyville 2-2636

(6) United States Attorney for the District of
Colorado
Donnald E. Kelley
940 S. Monroe, Denver, Colorado - Spruce 0364

(7) Special Assistant for Personnel, Office of the
Deputy Attorney General
Clive W. Palmer - Room 4212, Ext. 61
1805 North Harvard St., Arlington, Va. - Jackson 7-0892

(8) Executive Assistant, Internal Security Division
William E. Foley - Room 2523, Ext. 182
5115 Baltimore Ave., Westgate, Md. - Oliver 2-0728

Memorandum for Mr. Boardman

(9) Executive Assistant, Criminal Division
Rufus D. McLean - Room 2113, Ext. 1065
2637 North Quantico, Arlington - Jefferson 4-3468

(10) Second Assistant, Civil Division
Joseph D. Guilfoyle - Room 3607, Ext. 73
1622 Montague St., N. W. - Randolph 6-7065

(11) Second Assistant, Antitrust Division
Wallace W. Kirkpatrick - Room 3112, Ext. 55
5235 Nebraska Ave., N.W. - Woodley 6-9383

(12) Chief, Legislative and Legal Section,
Office of the Deputy Attorney General
Frank Chambers - Room 4115, Ext. 67
2905 Rittenhouse Street, N. W. - Emerson 3-9210

(13) Confidential Assistant, Internal Security Division
John F. Doherty - Room 3531, Ext. 273
4900-34th Road N., Arlington, Va. - Kenmore 8-4637

The foregoing names, home addresses and telephone numbers were made available by Mr. Bennett Willis, Jr. of the Department on 8-20-56.

ACTION:

For information. The foregoing information will be included in "Highlights of sets of Government defense plans for the chain of command."

[illegible]

This was furnished also by Dept memo which we saw
[illegible]

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : L. V. BOARDMAN

DATE: August 16, 1956

FROM : A. H. BELMONT

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: DEPARTMENTAL RELOCATION SITE
Emergency Relocation Plan For U.S. Dept. OF Justice

Remymemo August 14, 1956, reflecting conversation with Mr. William Foley of the Department, wherein Mr. Foley was advised that it would not be possible for us to place a secretary with the Resident Agent at Martinsburg to act as a permanent representative at the Department's relocation site.

Mr. Foley called me on August 15, 1956, to advise that the Attorney General agreed with our point of view and that he had talked with General Swing, who has agreed to man the Departmental relocation site with one or two people on a permanent basis.

ACTION:

For information.

AHB:FIL (4)

cc: Mr. Boardman
Mr. Belmont
Mr. McArdle

RECORDED - 78
EX-126

66-18953-18

23 AUG 22 1956

59 AUG 29 1956

SENT DIRECTOR
8-17-56

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mason
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Jones
Mr. Nease
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Holmes
Miss Gandy

ENCLOSURE

66-18953
NOT RECORDED
18 SEP 13 1956

LIAISON

1 copy sent Director 8/17/56

Emergency Relocation Plan For U.S. Dept. of Justice

59 SEP 17 1956

2 - orig & dupl
2 - yellows
2 - Section
1 - Mr. McArdle

~~TOP SECRET~~

SAC, Baltimore

September 6, 1956

Director, FBI (66-17381)

REGISTERED

DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE DATE 4/9/2010

DEFENSE PLANS--
EMERGENCY RELOCATION

Emergency Relocation Plan For U.S. Department of Justice

ReBulet dated 2/14/55 pointing out that Department of Justice Instructions for Key Personnel in the Event of a Civil Defense Emergency reflect that if a departmental representative is unable to contact the Bureau relocation site directly after relocation has been ordered, the SACs at Baltimore or Richmond may be called upon to relay a message to the Bureau at its relocation site or to a Department of Justice representative at the departmental relocation site.

For your information, the Department of Justice relocation site is now the U. S. Courthouse at Martinsburg, West Virginia. The telephone numbers of this site are Martinsburg 7-217, 9-991 and 9-992. The teletype number is Hagerstown 125. The Department of Justice relocation site may also be contacted through the main FBI CW (code) radio stations. As you have been previously advised, all radio contact with the Bureau relocation site should be through the central radio stations in the Washington area.

The telephone numbers of the Bureau relocation site, as set forth in referenced letter, continue to be the same. The teletype numbers connecting the FBI relocation site with the Richmond, Virginia teletype exchange are Richmond 280, Richmond 441 and Richmond 466.

If you are requested by an individual representing himself to be a member of the Department of Justice to relay a message to the FBI or the Department of Justice relocation site, it is the Bureau's desire that you first assure yourself that you have sufficient identifying information on the individual contacting your office; secondly, that you clearly understand the message he wishes to have you convey, and thirdly, in relaying the message to the Bureau or directly to the Department of Justice relocation site, if that is necessary, you do so expeditiously and include therein the name of the individual who requested that you relay the message.

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

1 - Richmond

JEM:clr (7)

cc: - Buffile 66-18953

YELLOW DUPLICATE SEP - 6 1956 MAILED

66-18953-V

NOT RECORDED
133 SEP 10 1956

~~TOP SECRET~~

FILED IN 66-17381-

Letter to SAC, Baltimore

Any call requesting you to relay a message will more than likely come from one of the following individuals:

Mr. Herbert Brownell, Jr.
Mr. William P. Rogers
Mr. J. Lee Rankin
Mr. William F. Tompkins
Mr. Warren Olney III
Mr. George C. Doub
Mr. Oscar H. Davis
Mr. David Irons
Mr. Edward A. Foote
Mr. Paul V. Myron
Mr. Walter E. Black, Jr.
Mr. Donald E. Kelley
Mr. William E. Foley
Mr. Joseph D. Guilfoyle
Mr. Frank Chambers
Mr. Frederick Ford
Mr. Victor B. Hansen
Mr. Charles K. Rice
Mr. Dallas S. Townsend
Mr. Perry W. Morton
Mr. E. Robert Seaver
Mr. J. Walter Yeagley
Mr. George S. Leonard
Mr. John N. Stull
Mr. J. Edward Williams
Mr. Robert Tieken
Mr. Clive W. Palmer
Mr. Rufus D. McLean
Mr. Wallace W. Kirkpatrick
Mr. John F. Doherty

All of the foregoing individuals hold a position in the Department of Justice Chain of Command.

In addition to the foregoing, you may be requested to relay messages by one of the following individuals:

Mr. James V. Bennett
Mr. Bennett Willis, Jr.
General Joseph M. Swing
Mr. John C. Airhart
Mr. John V. Lindsay
Mr. Arthur Flemming, Director of the Office of Defense Mobilization

This communication is being directed to the SACs at Baltimore and Richmond to comply with the instructions set forth on page 10 of the instructions for key personnel of the Department of Justice in event of a civil defense emergency as revised 2/23/55. On 8/31/56 John Airhart, Relocation Office of the Department, was reminded that the list of departmental officials supplied the Baltimore and Richmond offices in February, 1955, is now obsolete. Airhart suggested that those offices be given the identity of the individuals now in the over-all department Chain of Command and include Messrs. Bennett, Swing, Willis and himself, as well as Dr. Flemming of ODM.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

FROM : A. H. Belmont

DATE: September 6, 1956

1 - Boardman
1 - Belmont (Enclosure)
1 - Bland (Enclosure)
1 - Section
1 - McArdle (Enclosure)

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: DEFENSE PLANS
ATTORNEY GENERAL'S CONFERENCE

On 9/6/56 John Airhart, relocation coordinator of the Department, telephonically requested to see SA McArdle of the Liaison Section. McArdle, upon arriving in Airhart's office, was given a Photostat copy of a memorandum from the Attorney General to Mr. Tompkins, instructing Mr. Tompkins to review the evaluation report of the Department of Justice, except the FBI, for Operation Alert 1956; and when that had been reviewed together with the 13 items set forth in a copy of the attached memorandum, Mr. Tompkins was to call a conference with the Attorney General, Mr. Rogers, Mr. Ford and such others as Mr. Tompkins deemed desirable. Mr. Airhart indicated that there was no reason to believe that the Director would be invited to attend this meeting; however, he, Airhart, was going to suggest that Mr. Hoover be invited, since many of the items on the agenda pertained to the portfolio, and Airhart was desirous of bringing up the matter of a permanent relocation site for the entire Department of Justice; and it was his opinion that the Director should be present at any conference wherein those subjects were discussed. Emergency Relocation Plan For U.S. Dept. of Justice

You will note that the Attorney General has suggested that the conference discuss plans for permanent staffing of the Department relocation site, plans for increasing the number of communications personnel, plans to include U.S. Attorneys and Marshals in future alert operations, having a copy of the portfolio at the Department of Justice relocation site, status of proposal to reduce the number of codes used by various agencies within the Department, plans for evacuation of families in connection with alert operations, settlement of the jurisdictional question of martial law between the Department of Defense and Civil Defense, and settlement of the control of borders in event of emergency question between Department of Defense and INS.

We will review the items listed for the conference by the Attorney General for our position as to each item which pertains to the Bureau, and if the Director is invited to attend this conference, the date of which has not been set, appropriate material will be prepared for his use.

RECORDED-3
INDEXED-3
66-18953-183
16 SEP 12 1956

ACTION:

For information.

JEM:awj (6)

Enclosure

1 ENCLOSURE

EX.-132

60 SEP 24 1956

September 21 1956

CONFIDENTIAL

Honorable Arthur S. Flemming
Director, Office of Defense Mobilization
Washington 25, D. C.

Dear Dr. Flemming:

As requested in your letter of August 10, 1956, to the Attorney General, I am furnishing the plans of this Department for naming our relocation sites continuously and for furnishing key officials with standing instructions regarding emergency actions. The Federal Bureau of Investigation has furnished a separate reply in this matter.

The relocation site of the Bureau of Prisons has been established at an existing installation of that Bureau at which personnel are continuously on duty. Beginning on Monday, September 17, 1956, personnel of the Immigration and Naturalization Service will be assigned to the combined relocation site of the Immigration and Naturalization Service and the Department proper for the performance of a regular record maintenance function. These employees will be briefed on the emergency functioning of the relocation site and will participate in future communications training exercises which are conducted periodically by the Department.

Key officials of the Department and the Bureau of Prisons have been subject to standing instructions regarding emergency defense actions since 1953. In addition, other Department personnel with essential wartime functions have been instructed to proceed to the Department's relocation site automatically upon the sounding of the Alert Signal (other than during a test).

Sincerely,

J. WALTER YEAGLEY
Acting Assistant Attorney General

CONFIDENTIAL

September 11 1956

CONFIDENTIAL

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mason
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Nease
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

Honorable Arthur S. Flemming
Director, Office of Defense Mobilization
Washington 25, D. C.

Dear Dr. Flemming:

As requested in your letter of August 10, 1956, to the Attorney General, I am furnishing the plans of this Department for manning our relocation sites continuously and for furnishing key officials with standing instructions regarding emergency actions. The Federal Bureau of Investigation has furnished a separate reply in this matter.

The relocation site of the Bureau of Prisons has been established at an existing installation of that Bureau at which personnel are continuously on duty. Beginning on Monday, September 17, 1956, personnel of the Immigration and Naturalization Service and the Department proper for the performance of a regular record maintenance function. These employees will be briefed on the emergency functioning of the relocation site and will participate in future communications training exercise which are conducted periodically by the Department.

Key officials of the Department and the Bureau of Prisons have been subject to standing instructions regarding emergency defense actions since 1953. In addition, other Department personnel with essential wartime functions have been instructed to proceed to the Department's relocation site automatically upon the sounding of the Alert Signal (other than during a test).

Sincerely,

J. WALTER YEAGLEY
Acting Assistant Attorney General

CONFIDENTIAL

ENCLOSURE

SECRET

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Baumgardner
cc - Mr. Bland
cc - Mr. Branigan

Acting Assistant Attorney General
Frederick W. Ford

September 25, 1956

Director, FBI

RECORDED - 59 - 185

DEFENSE PLANS
FOUR STATE DEPARTMENT DOCUMENTS
PROPOSED FOR ISSUANCE IN THE EVENT
OF CERTAIN EMERGENCY CONDITIONS

EX-116

Reference is made to your memorandum of September 17, 1956, your reference FWF:CFS:elm, requesting this Bureau's views concerning four documents which had been referred to the Department by the Bureau of the Budget.

Three of these documents appear to be susceptible to use in an emergency. The fourth, however, which appears on stationery marked "Problem Exercise," would be suitable for use only if the international situation factually coincided with the comments therein. This document marked "Problem Exercise" appears to be one which might have been prepared by the Department of State in connection with Operation Alert - 1956.

With regard to the other three documents, the first is an authorization from the President to the Secretary of State to take enemy official personnel into protective custody in the event of an all-out nuclear attack on the United States. Since it appears to be limited to a specific contingency, it might be objectionable. Any direction to the Secretary of State to take enemy official personnel into protective custody should be effective under any war situation, not merely "an all-out nuclear attack."

The second document is an executive order conferring authority upon the Secretary of State to take control of certain diplomatic, consular and official property of enemy nations in the United States. This relates to matters outside the

LW:pjm
(8)

SEP 25 3 45 PM '56
RECEIVED READING ROOM
F B I
U.S. DEPT. OF JUSTICE

COMM-FBI
SEP 25 1956
MAILED 1

Tolson
Nichols
Boardman
Belmont
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Mohr
Parsons
Rosen
Tamm
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Winterrowd
Tele. Room
Holloman
Gandy

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SECRET

jurisdiction of this Bureau. You may recall that the Treasury Department is contemplating the issuance of certain orders seizing enemy funds in the event of war. You may wish to consider whether there is any serious conflict between the provisions of the contemplated Treasury orders and the instant item.

The third document is a proclamation relating to the control of persons departing or entering the United States under the provisions of Section 215 of the Immigration and Nationality Act. It would supersede proclamation 3004 of January 17, 1953, likewise predicated upon Section 215. The operations of such an order are the responsibility of the Department of State, the Immigration and Naturalization Service, and the Attorney General. Consequently, no comment is being made regarding this document.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: September 27, 1956

FROM : Mr. A. H. Belmont

SUBJECT: DEFENSE PLANS
DEPARTMENT OF JUSTICE

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

On 9/27/56 John Airhart, Relocation Officer of the Department, made available the enclosed Photostat of a 17-page document entitled "Emergency Procedures--Department of Justice" which he described as the proposed defense plans of the Department. Airhart advised that he plans to present this document for approval to the forthcoming Defense Plans Conference of Department officials to be called by Mr. Tompkins. According to Airhart, the date and place of this conference has not been set as of this time.

Emergency Relosation Plan For Dept. Of Justice

ACTION:

A Photostat of the enclosed document has been made and is being analyzed.

Enclosure (1) ENCLOSURE

JEM:clr
(5)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Section
1 - Mr. McArdle

10/9/56
Photostat of "Emergency Procedures - Dept. of Justice" hurried for return to Dept. per A.H. Belmont memo of 10/8/56/jm.

RECORDED - 11 66-18953-187

INDEXED - 77

11 OCT 8 1956

EX-110

59 OCT 10 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: September 28, 1956

FROM : A. H. BELMONT

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE
Emergency Relocation Plan For U.S. Dept of Justice

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

Remymemo 9-27-56 acknowledging receipt of a 17-page top secret document entitled "Emergency Procedures - Department of Justice" from John Airhart, Relocation Officer of the Department. This document was described by Airhart as the proposed defense plans of the Department of Justice designed to replace "instructions for key personnel of the Department of Justice in event of a Civil Defense emergency dated February 7, 1955, and revised February 23, 1955."

The "Emergency Procedures - Department of Justice" document is undated. This document reflects that upon receipt of an alert signal the Attorney General will insure implementation of Presidential orders relative to automatic relocation, confirm appropriate instructions to the Director of the FBI or in his absence one of his assistants and take such other action as is necessary to get the Department of Justice relocation site operative. Mr. Airhart advised that that portion of the Attorney General's action relative to confirming appropriate instructions to the Director of the FBI had to do with issuing instructions to institute the emergency detention program and taking such action as is necessary to obtain authority to institute the program calling for the detention of diplomats of enemy nations.

It is noted that if an emergency occurs during working hours, the Attorney General or his alternate, the Assistant Attorney General, Security Division and the Assistant Attorney General, Office of Legal Counsel, will proceed to High Point by helicopter and upon arrival at High Point the FBI will provide transportation to the Department relocation site. This is in line with previous arrangements with the Department and appropriate instructions have been issued to the SAC, Richmond. SAC, Richmond has alerted appropriate Agent personnel of his office of these instructions.

Item 2, Page 2 of the document provides for action by members of the Department of Justice Chain of Command, which is set forth beginning at Page 15 as Appendix 7. This authority for Department of Justice Chain of Command action is cited as Department of Justice Order No. 127-56.

It is noted that no place in the document is the Department of Justice relocation site identified. There is, however, reference in Item 7, Page 7 to Martinsburg. You will recall that the Department of Justice relocation site is the Federal Building at Martinsburg, West Virginia.

JEM:vec (5)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Section tickler
1 - Mr. Tracy

RECORDED - 166-18953-188
EX-110
memo Rosen to Belmont 10-2-56 JEM/mcn
11 OCT 4 1956
10 OCT 10 1956

Memorandum for Mr. Boardman

The secondary relocation site (message and information center and congregating point) for Department of Justice employees and their families is the George Washington Hotel, Winchester, Virginia. Department of Justice personnel other than the Attorney General, Assistant Attorney General, Internal Security Division and Assistant Attorney General, Office of Legal Counsel, are to proceed to the relocation site by privately owned automobiles and that if an emergency occurs during working hours, employees scheduled to relocate should take with them any essential documents or records which are in their offices and safes at the time an emergency occurs and that other indispensable records are now in file at the Department's relocation site.

Appendix 2, Page 10 of document in question reflects, among other things, that warning to the Department may be received from the FBI during working or nonworking hours and that the FBI upon receipt of a substantial indication of an attack on the United States will immediately give all information to the Attorney General, if he can be located after a reasonable effort, including information the FBI has as to whether the President has received such indication. This portion of the document goes on to state "if the Attorney General cannot be located after reasonable efforts (limited to 30 minutes) the FBI will furnish such information to the first two available officials who are listed in the chain of authority." Airhart advised that the 30 minute requirement above mentioned was placed in the plans because of the insistance of some individuals in the Department but that he is of the opinion that this time limitation should be removed and in its place phraseology permitting the Bureau to notify the first two available in the Department Chain of Command after reasonable efforts, depending upon circumstances existing at the time, have been made to locate the Attorney General. Airhart said that if this Bureau so desires, he will discuss this matter with the Attorney General personally and that he is of the opinion that the Attorney General will remove the time limitation if the matter is brought to his attention.

The only portion of the proposed "Emergency Procedures - Department of Justice" which is objectionable to the Bureau is the requirement that we spend 30 minutes trying to locate the Attorney General prior to notifying others in the Department Chain of Command.

RECOMMENDATION:

That Airhart be orally advised that this Bureau is of the opinion that a requirement that we spend 30 minutes attempting to locate

the Attorney General prior to notifying the first two available in the Department Chain of Command of an impending emergency is objectionable and that we would prefer instructions requiring us to make a reasonable effort to locate the Attorney General depending upon conditions existing at the time rather than a specific time limitation. Airhart indicated that he would be most receptive to such a suggestion and was of the opinion that the Attorney General is not personally interested in any time limitation.

I think we should tell Airhart this is the Department's problem but a 30 minute delay could prove disastrous in a real emergency

Right, just tell him it's his problem.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: October 2, 1956

FROM : MR. A. H. BELMONT

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE
Emergency Relocation Plan For U.S. Department of Justice

Remymemo 9-28-56 recommending that Mr. Airhart of the Department be advised that there be no specific requirements as to the amount of time which should be spent to attempt to advise other members of the Chain of Command of an impending emergency. Mr. Belmont noted for Mr. Boardman "I think we should tell Airhart this is the Department's problem but a 30 minute delay could prove disastrous in a real emergency." The Director noted "Right. Just tell Airhart it is Department's problem. H."

On 10-2-56 McArdle of the Liaison Section advised Airhart that the question whether this Bureau should spend 30 minutes to contact the Attorney General relative to an emergency situation before notifying other members to the Department Chain of Command was a Departmental problem. Upon being so advised, Airhart requested McArdle to cross out the 30 minute limitation on the Photostat copy of the proposed Department emergency plan which he had made available on 9-27-56. This has been done.

Airhart then stated that the 30 minutes requirement would be eliminated from the Departmental plan when presented to the Attorney General for his final approval and following approval of Attorney General appropriate copies would be made available to the Bureau.

ACTION:

For information.

JEM:men
(5)
1 - Mr. Boardman
1 - Mr. Belmont
1 - Section Tickler
1 - Mr. McArdle

RECORDED - 77 66-1-18953-189

EX-110

OCT 5 1956

59 OCT 10 1956

LIAISON

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: October 5, 1956

FROM : MR. A. H. BELMONT

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: DEFENSE PLANS
ATTORNEY GENERAL'S CONFERENCE
Emergency Relocation Plan For U.S Department of Justice

Re my memo 9-6-56, advising that Assistant Attorney General Tompkins had been instructed by the Attorney General to call a conference on defense plans matters at some time in the near future. You will recall that John Airhart, Relocation Officer of the Department indicated that the Director may be invited to attend this conference.

At 11:40 a. m., 10-5-56, Airhart confidentially advised that the Attorney General had called a defense plans conference for the afternoon of Friday, October 5, to discuss purely departmental defense plans problems and that the Director and General Swing were not being invited to attend.

ACTION:

For information.

JEM:bjt
(5)
1 - Mr. Belmont
1 - Mr. Bland
1 - Section Tickler
1 - Mr. McArdle

EOI XH RECORDED - 97 66-18953-190

OCT 8 1956

59 OCT 10 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: October 9, 1956

FROM : A. H. Belmont

SUBJECT: DEFENSE PLANS - ATTORNEY GENERAL'S CONFERENCE

Tolson
Nichols
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Tele. Room
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Remymemo 10/5/56, stating that the Attorney General was calling a conference for the afternoon of October 5, 1956, relative to defense plans matters. Emergency Relocation Plan For U.S. Dept. of Justice.

At approximately 4:10 p.m., October 9, 1956, John Airhart, relocation officer of the Department, telephonically advised McArdle of the Liaison Section that the Attorney General had held a 2-hour conference on defense plans matters on the afternoon of October 5, that during this conference the Attorney General had made Assistant Attorney General Tompkins completely responsible for all phases of defense planning within the Department, and that he had placed responsibility for the portfolio in Mr. Tompkins rather than in the Office of Legal Counsel. Further, he had instructed Mr. Tompkins to personally assume responsibility for the settlement of the jurisdictional question between the Department of Defense and Civil Defense as to martial law duties, including a question of whether there is approved in final form the so-called limited martial law proclamation. Mr. Tompkins was also made personally responsible for the settlement of the jurisdictional question between the Department of Defense and Immigration and Naturalization Service as to the control of borders in the event of an emergency. You will recall that General Swing of INS has proposed the use of troops to guard the border in a period of emergency, and that the Department of Defense has contended that all troops would be needed for military operations during any emergency.

In addition to the foregoing, Mr. Tompkins has been made responsible for the administrative operation of the Department's secondary relocation site at Winchester, Virginia. The Administrative Division of the Department was previously responsible for the operation of the secondary relocation site. Mr. Airhart advised that he was to continue as Departmental relocation officer and that the Department would retain its relocation site in Martinsburg, West Virginia. In connection with this Airhart advised that he was going to endeavor to obtain a "Butler Building"* and have it erected on the 18 acres of property which the Veterans Administration has turned over to the Department near Martinsburg, and that he plans to use the building for

AWEM:awj (6)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Bland
1 - Section
1 - Mr. McArdle

*"Butler Building" is a metal building of the quonset-hut type.

RECORDED - 77 66-18953-191

INDEXED - 77 14 OCT 19 1956

EX-117

59 OCT 26 1956

LIAISON

a radio station and as a storage area for items of supply and equipment which would be needed in connection with relocation activities. Airhart advised that he had also received authority to establish a quota for personnel to be trained from each division within the Department for communications operations. Airhart stated that he also intended to increase his efforts to better organize the United States attorneys for defense purposes, in that he had the Attorney General's authority to instruct them to set up relocation sites and complete their plans for emergency operations.

ACTION:

For information. Airhart assured McArdle that he would keep the Bureau fully advised of all Department developments in connection with defense plans.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: October 22, 1956

FROM : A. H. BELMONT

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE
Emergency Relocation Plan For U.S. Dept. of Justice

Tolson
Nichols
Boardman
Belmont
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Tele. Room
Holloman
Gandy

By memorandum 10-18-56 Assistant Attorney General Tompkins submitted 5 copies of a document entitled "Emergency Procedures - Department of Justice" which document is to replace all earlier versions of Departmental defense plans. This document was reviewed in my memorandum of September 28, 1956. Following the memorandum of September 28, 1956, John Airhart, Relocation Officer of the Department, eliminated the requirement which appeared in the original draft of the document requiring this Bureau to spend a minimum of 30 minutes trying to locate the Attorney General prior to advising other members of the Departmental Chain of Command of an emergency condition. The emergency procedures dated October 18, 1956, as submitted with Mr. Tompkins' memorandum do not contain the 30 minute stipulation. This document does not infringe or hinder Bureau operations in a period of emergency in any way. It is noted that Page 17 of the document entitled "Emergency Procedures - Department of Justice" shows that 8 copies have been distributed to Mr. J. Edgar Hoover, whereas only 5 copies were received per Mr. Tompkins' memorandum of 10-18-56. This discrepancy has been called to the attention of John Airhart, Relocation Officer of the Department, who has advised that an appropriate amended page will be submitted immediately reflecting only 5 copies of the document to the Director. Upon receipt of appropriate amended pages they will be distributed to holders of the document as set forth hereafter.

Mr. Tompkins' memorandum of October 18, 1956, requests the return of all previous documents purporting to be the defense plans of the Department of Justice now in possession of this Bureau. A memorandum from Mr. Mason to Mr. Harbo dated 3-15-55 entitled "War Plans - Instructions for Personnel of the Department of Justice in Event of a Civil Defense Emergency" reflected the distribution of the document above mentioned, which had been received at the Bureau on 3-8-55. The distribution was as follows:

RECORDED - 12 66-18953-192
118
14 OCT 25 1956

Copy No. T-332-A - Mr. Holloman
Copy No. T-332-B - Assistant Director Belmont
Copy No. T-332-C - Records Section, Confidential File Room (66-18953)
Copy No. T-332-D - Records Repository, Quantico
Copy No. T-332-E - Defense Plans Desk
Copy No. T-332-F - SAC, Denver

Enclosures
JEM:vec (8)

1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Holloman
1 - Mr. Tamm
1 - Section tickler
1 - Mr. McArdle

*The original draft

NOV 9 1956

Memorandum for Mr. Boardman October 22, 1956
RE: Defense Plans -
Department of Justice

Copy No. T-332-G - SAC, Chicago
Copy No. T-332-H - SAC, Baltimore

All individuals having copies of the "Departmental Instructions for Key Personnel in the Event of a Civil Defense Emergency" as set forth above, should return them immediately to the Defense Plans Desk, Liaison Section, for return to Department of Justice per Mr. Tompkins' request.

By memorandum 3-11-55 the SAC, Baltimore with copy for SAC, Denver and SAC, Chicago were each supplied a copy of the "Departmental Instructions for Key Personnel in the Event of a Civil Defense Emergency." Attached is a memorandum to the above SAC's directing that this document be returned to Seat of Government immediately.

RECOMMENDATIONS:

(1) That the attached memorandum to SAC, Baltimore, copy Denver and Chicago, go forth.

(2) That all copies of "Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency" received at the Bureau 3-8-55 be returned to the Department of Justice per Mr. Tompkins' request. If you approve, this will be done as soon as all copies have been received from those presently responsible for them. An appropriate receipt will be obtained. By DEFENSE PLANS DESK.

(3) That the document entitled "Emergency Procedures - Department of Justice" dated October 18, 1956, be distributed as follows:

Copy No. T-2662-5 - Mr. Holloman
Copy No. T-2662-6 - Assistant Director Belmont
Copy No. T-2662-7 - Records Section, Confidential File Room (6618953)
Copy No. T-2662-8 - Records Repository, Quantico
Copy No. T-2662-9 - Defense Plans Desk, Liaison Section

3

- 2 -

2 - orig & 1
1 - yellow
1 - Mr. Nichols
1 - Mr. Boardman
1 - Mr. Belmont
1 - Mr. Holloman
1 - Mr. Tamm
1 - Sec. Tick.
1 - Mr. McArdle

SAC, Baltimore

October 20, 1955

Director, FBI (CC-12059)

PERSONAL ATTENTION

DEFENSE PLANS - EMERGENCY PROCEDURES -
DEPARTMENT OF JUSTICE

RECORDED-9

By memorandum dated 9-11-55 entitled "Instructions for Key Personnel of the Department of Justice in the Event of a Civil Defense Emergency" each office receiving a copy of this communication received a top secret document for retention by you until you received an appropriate request from the United States Attorney covering your office, at which time you were to make it available to him.

By memorandum dated 10-10-55 Assistant Attorney General William F. Tompkins issued a new document entitled "Emergency Procedures - Department of Justice." This new document has been made available to the United States Attorneys at Baltimore, Chicago and Denver. Thus, it is no longer necessary for you to retain the document submitted by Bureau memorandum 9-11-55. Mr. Tompkins has requested that this document be returned to the Department.

By return mail under proper security classification you should return to the Bureau Copy No. T-222-B of the document entitled "Instructions for Key Personnel of the Department of Justice in the Event of a Civil Defense Emergency." SAC, Denver, should return Copy No. T-222-F and SAC, Chicago, should return Copy No. T-222-C.

1 - Chicago
1 - Denver

(Cover memo Belmont to Boardman, 10-22-55,
Re: Defense Plans - Department of Justice,
JEM:vec)

JEM:vec
(12)

Tolson
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Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

MAILED 9
OCT 23 1956
COMM-FBI

REC'D-READING ROOM
FBI
3 18 PM '55

NOV 3 1955

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 10-06-2010

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, F.B.I. (66-18953) DATE: Oct. 24, 1956

FROM : SAC, DENVER (66-1059E) ~~TOP SECRET~~

Emergency Relocation Plan For U.S.

SUBJECT: DEFENSE PLANS - EMERGENCY PROCEDURES
DEPARTMENT OF JUSTICE

Rebulet to Baltimore October 23, 1956.

Enclosed herewith is document entitled "Instructions For Key Personnel of The Department of Justice in the Event of A Civil Defense Emergency" copy No. T-332-F.

2 - Bureau RM (Encl. - 1)
1 - Denver
WWB:ekw
(3)

Document downgraded to Secret per 603324 UC BAW/RS on 4/21/2010

RECORDED-91 66-18953-194

ENCLOSURE

1-cc retained Liaison Enclosure for return to Dept. Justice 10/19/56

6 OCT 30 1956

LIAISON

57 NOV 9 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (66-18953) DATE: October 24, 1956

FROM : SAC, BALTIMORE (66-994)

SUBJECT: Emergency Relocation Plan For U.S.
DEFENSE PLANS - EMERGENCY PROCEDURES -
DEPARTMENT OF JUSTICE

ReBUlet 10/23/56.

There is enclosed Copy T-332-H of the document entitled "Instructions for Key Personnel of the Department of Justice in the Event of a Civil Defense Emergency."

2 - Bureau (Regis. Mail, Ret. Rec. Req.) Encl. 1
1 - Baltimore

ers
(3)

1 - cc memo dtd
Division and Encl.
Dept. Liaison for return
to Dept. 10/29/56/jm

RECORDED-9 66-18953-195

EX-

14 OCT 30 1956

57 NOV 9 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (66-18953) DATE: October 25, 1956

FROM: SAC, CHICAGO (100-22727)

SUBJECT: Emergency Relocation Plan for U.S.
DEFENSE PLANS - EMERGENCY
PROCEDURES - DEPARTMENT OF JUSTICE

Reurlet, 10/23/56.

In accordance with instructions contained in relet, enclosed herewith is Copy No. T-332-G of the document entitled "Instructions for Key Personnel of the Department of Justice in the Event of a Civil Defense Emergency."

(2) - Bureau (Encl.)(Registered)
2 - Chicago
(1 - 100-30574)

NJW:HFM
(4)

66-18953-196
~~65-1875~~

RECORDED-91

30

17

ENCLOSURE

57 NOV 9 1956

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: October 30, 1956

FROM : R. R. ROACH

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE
Emergency Relocation Plan of

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

In accordance with Assistant Attorney General Tompkins' instructions in a memorandum to the Director dated October 18, 1956, eight copies of the obsolete Departmental War Plans entitled "Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency" were returned to Miss [redacted] of the Top Secret Control Office in the Department of Justice by Supervisor McArdle of the Liaison Section on 10-29-56.

McArdle also returned to [redacted] a Photostat of an undated document entitled "Emergency Procedures - Department of Justice" which McArdle originally obtained from John Airhart, Relocation Officer of the Department, on 9-27-56.

Attached is the original of a receipt obtained by McArdle for the above-named documents.

ACTION:

For information.

ENCLOSURE

Enclosure

JEM:vec
(4)

1 - Mr. Belmont
1 - Section tickler
1 - Mr. McArdle

RECORDED - 74

66-18953-197

14 OCT 31 1956

EX-117

57 NOV 9 1956

This will acknowledge receipt of 8 copies of a document entitled, "Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency" dated 2/7/55 and revised 2/23/55. The 8 copies bear the following Control Numbers:

T-332-A
T-332-B
T-332-C
T-332-D
T-332-E
T-332-F
T-332-G
T-332-H

Also received is a Photostat of an undated document entitled, "Emergency Procedures-Department of Justice."

b6
b7C

Date 10-29-56

T.S. Central Office

66-14953-197

ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: October 30, 19[illegible]

FROM : A. H. BELMONT

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE

The now obsolete Departmental "Instructions for Key Personnel of the Department of Justice in Event of a Civil Defense Emergency" contained a provision stating that if Departmental officials were unable to contact the Department of Justice or FBI relocation site by any of the commercial means of communication it may be possible for them to relay a message to the FBI or Department of Justice through the Baltimore or Richmond offices. In conformance with these instructions Baltimore and Richmond offices were alerted by Bureau memorandum 2-14-55 setting forth the identity of officials who had received Departmental instructions above mentioned. Because of changes in Departmental personnel a revised list of Departmental officials was submitted to the Baltimore and Richmond offices on 9-6-55.

The current Departmental defense plans entitled "Emergency Procedures - Department of Justice" contained no provision for relay of messages by Baltimore and Richmond offices. This specific point was discussed with John Airhart, Relocation Officer of the Department, who advised that this specific instruction was left out intentionally but that he was of the opinion that in a real emergency any Department of Justice official may call upon an office of the FBI to relay a message to the Department of Justice if they are unable to do so through normal commercial channels. McArdle who has discussed this matter with Airhart has made no comment on this point.

SAC Letter 55-44 instructed all offices that the FBI emergency communications system had been made available to the Attorney General for instructions to the United States Attorneys and United States Marshals but not the Immigration and Naturalization Service in any period of emergency. It is not believed that additional instructions are necessary to the field at this time.

JEM:vec
(5)

1 - Mr. Boardman
1 - Mr. Belmont
1 - Section tickler
1 - Mr. McArdle

50 Nov 1 1956

1 66-18753-
NOT RECORDED
176 NOV 5 1956

14 [illegible] 1956

LIAISON

ORIGINAL FILED IN 66-17[illegible]

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: November 14, 1956

FROM : R. R. Roach

SUBJECT: DEFENSE PLANS - ANNUAL STATISTICAL REPORT
FEDERAL CIVIL DEFENSE ADMINISTRATION (FCDA)
OWAR PLANS Department of Justice

Nichols
Boardman
Belmont
Mason
Mohr
Parsons
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Winterrowd
Tele. Room
Holloman
Gandy

The FCDA Annual Statistical Report dated June 30, 1956 and received at the Bureau November 13, 1956, contains no direct reference to the FBI. It is noted, however, that beginning on page 4 of the report 34 cities wherein the Bureau has Field Offices are listed as critical target areas and on page 7 it is noted that 15 additional Field Offices are located in cities which have been declared target areas. Thus, 49 Bureau Field Offices are in critical target and target areas.

The Federal Civil Defense Act of 1950, Public Law 920, 81st Congress, authorized the FCDA Administrator to delegate certain responsibilities to departments and agencies of the Federal Government. On September 8, 1954, the Attorney General was given the responsibility for guiding the States in the protection of penal institutions and the control and utilization of prisoners and facilities during an emergency. It is noted that on page 47 of the attached document that FCDA has transferred $60,000 to the Department of Justice for fiscal year 1957 to carry out this responsibility. It is noted that on page 52 of the document that the Department of Justice has, to date, submitted no report on their progress in connection with this responsibility.

The document, as a whole, is designed primarily for the information of State and local Civil Defense Directors.

ACTION: For information.

Enclosure

WEM:tje
(3)

1 - Belmont
1 - Section Tickler
1 - McArdle

166-18953-
NOT RECORDED
176 NOV 19 1956

NOV 16 1956

1 ENCLOSURE filed with original

67 NOV 20 1956

ORIGINAL FILED 66-17387-417

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: November 15, 1956

FROM : R. R. ROACH

SUBJECT: DEFENSE PLANS - DEPARTMENT OF JUSTICE

Tolson
Nichols
Boardman
Belmont
Mason
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

You will recall that Page 17 (Appendix VIII) of the document entitled "Emergency Procedures - Department of Justice" dated October 18, 1956, reflected that the Bureau had received eight copies of this document.

Inasmuch as the Bureau received only five copies of the document in question, this discrepancy was immediately called to the attention of John Airhart, Relocation Officer of the Department. On November 9, 1956, five copies of a new Page 17 (Appendix VIII) were received from the Department reflecting that the Bureau had received only five copies of the document. These five new pages have been distributed to the individuals within the Bureau having copies of "Emergency Procedures - Department of Justice."

In accordance with the Department's Top Secret Control procedures all five copies of the old Page 17 have been returned to the Top Secret Control Office of the Department and the attached receipt obtained.

ACTION:

For information.

Enclosure

REM:tje
(4)

1 - Mr. Belmont
1 - Section Tickler
1 - Mr. McArdle

EX 104

RECORDED-31

66-18953-199

30 NOV 13 1956

57 NOV 23 1956

This will acknowledge receipt of five copies of Page 17 (Appendix VIII) of the document entitled "Emergency Procedures - Department of Justice." This page was originally attached to Department of Justice, Top Secret Control No. T-2662-5, 6, 7, 8 and 9.

[redacted]

b6
b7C

Nov 14, 1956

T.S. Control Officer
Int. Sec. Div.

Assistant Attorney General
William F. Tompkins
Internal Security Division

December 3, 1956

Director, FBI

INSTRUCTORS COURSE IN
RADIOLOGICAL MONITORING

RECORDED-31 66-1495-200

Reference is made to your memorandum of November 26, 1956, to which is attached a copy of a letter from the Federal Civil Defense Administration, which announces another "Instructors Course in Radiological Monitoring" during the week of December 17, 1956.

In view of the number of FBI personnel who are trained in radiological monitoring and the fact that an FBI Laboratory representative attended the last "Instructors Course in Radiological Monitoring," we do not feel that we wish to take advantage of the offer for a representative to attend the forthcoming course.

TDB:mlc
(4)

COMM-FBI
DEC 3 - 1956
MAILED

Tolson
Nichols
Boardman
Belmont
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Rosen
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Winterrowd
Tele. Room
Holloman
Gandy

DEC 7 1956

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 45
Page 10 ~ Referral/Direct
Page 11 ~ Referral/Direct
Page 12 ~ Referral/Direct
Page 22 ~ Referral/Direct
Page 39 ~ Referral/Direct
Page 40 ~ Referral/Direct
Page 41 ~ Referral/Direct
Page 42 ~ Referral/Direct
Page 43 ~ Referral/Direct
Page 58 ~ Referral/Direct
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Page 118 ~ Referral/Direct
Page 119 ~ Referral/Direct
Page 120 ~ Referral/Direct
Page 121 ~ Referral/Direct

Federal Bureau of Investigation (FBI)
File Number1145592-000 - 66-HQ-18953 EBF 158
Section 1

ENCLOSURE
11-1853-158

SUMMARY BRIEF

I. ATTORNEY GENERAL'S PORTFOLIO

II. OPERATION ALERT - 1956

TABLE OF CONTENTS

I. ATTORNEY GENERAL'S PORTFOLIO AND RELATED PROBLEMS

I. ATTORNEY GENERAL'S PORTFOLIO AND RELATED PROBLEMS

A. Description of Procedures Under Attorney General's Portfolio

For your information, at the present time, the revised Portfolio is divided into four parts described as follows:

Part I provides for the suspension of the privilege of the writ of habeas corpus and the apprehension and/or search of all dangerous persons, citizens and aliens alike.

Part II contains a control program for nondangerous alien enemies who will not be apprehended and generally consists of requirements for registration, regulations concerning travel, prohibitions against the possession of specifically named articles of contraband, and prohibitions against entering restricted areas. Part II may be used with either Part I or Part III. However, it is not designed to be used alone. Part II will be administered primarily by the Immigration and Naturalization Service and Bureau responsibility thereunder will arise from violations of regulations thereunder that occur.

Part III is similar to Part I except that it will be used in a limited emergency and provides for the apprehension of alien enemies only. The privilege of the writ of habeas corpus will not be suspended under Part III. Part III will not be used if Part I becomes operative first.

Part IV consists of miscellaneous proclamations and executive orders dealing with the existence of a state of civil defense emergency, price freezing, the utilization of personnel, et cetera.

Authority for arrests and/or searches under this program will stem from the Attorney General following the issuance of appropriate proclamations by the President. The Attorney General will sign the Master Warrant of Arrest and the Master Search Warrant and will instruct the Director to effect the apprehension of all individuals included in the Security Index and the search of all places listed for search under the Master Search Warrant.

B. Status of Portfolio as it Pertains to Bureau Operations

The status of the revisions to the Attorney General's Portfolio has been the subject matter of past discussions at conferences held in the Attorney General's office. At this time, there are no matters unresolved regarding the procedures to be followed by this Bureau in handling its responsibilities under Parts I, II and III of the revised Portfolio. Our responsibilities thereunder encompass all areas in which we presently have investigative jurisdiction of espionage, sabotage and subversion, that is, the continental United States, Puerto Rico, Honolulu, the Virgin Islands and Alaska, except parts of the Alaskan Peninsula and adjacent islands. The Department of Defense has accepted responsibility for the administration of the program in all other territories and areas under the jurisdiction of the United States or committed to its control.

By memorandum dated June 11, 1956, the Department advised that, except for seeking the formal approval of the Portfolio by the Attorney General and reproducing certain items contained therein, the plans for effectuating the program had been developed to their maximum extent.

C. Authority to Institute the Emergency Detention Program and the Plan of Action for Interning Enemy Diplomatic, Consular, United Nations and Official Personnel

Our letter to the Attorney General dated June 20, 1955, concerning Operation Alert - 1955, pointed out that arrangements must be made to provide a method

whereby a decision can be made immediately as to the launching of our Emergency Detention Program and the program involving taking enemy diplomats into protective custody. These programs require authority to the Bureau from the Attorney General and the Secretary of State, respectively. Unless appropriate authority is furnished to the Bureau immediately, the effectiveness of these programs will be drastically reduced.

During the briefing on the Attorney General's Portfolio at the Department's relocation site on December 8, 1955, it was noted that the need still existed for such arrangements, including perfecting arrangements by which the Attorney General and the Secretary of State, respectively, promptly receive authority from the President to implement these programs.

We have followed this matter with the Department and by memorandum dated June 11, 1956, Mr. Rankin advised that all possible steps had been taken to insure that immediate authority is obtained to institute the Emergency Detention Program. He stated that, by letter dated May 14, 1956, the Attorney General, after discussions between the Deputy Attorney General and the director of the Office of Defense Mobilization, transmitted one copy each of the proclamations and joint resolutions contained in the Attorney General's Portfolio to the office of the director of the Office of Defense Mobilization at the White House. These documents were transmitted with the understanding that the copies would be for the President's use and would not be reproduced or circulated. It was further indicated that the President would possibly desire to consult with the Attorney General with respect to the legal and factual situation as it may exist at the time of an emergency before selecting and signing any of the documents.

With regard to the Plan of Action for Interning Enemy Diplomatic, Consular, United Nations and Official Personnel, Mr. Rankin referred to our Liaison work with the Department of State with respect to this program, adding that his office had taken no action thereon other than to include the appropriate documents in the Attorney

General's Portfolio. By letter dated June 14, 1956, we advised Mr. Rankin that we would continue to press upon our regular contacts in the Department of State the urgent necessity of prompt action in the event of an emergency, pointing out that, however, efforts should be made to make certain that the President's wishes with regard to the interning of such personnel be imparted immediately to the Attorney General so that he could urge the Secretary of State to prompt action.

D. Declaration of Martial Law in Time of Emergency and its Effect on the Bureau's Operations

The Delimitations Agreement entered into by the Federal Bureau of Investigation and the intelligence agencies of the Armed Forces on February 23, 1949, provides that, during periods of martial law, the Armed Forces commander will have authority to assign missions, designate objectives and exercise such coordinating control of the intelligence agencies as he deems necessary. Administrative and disciplinary control remains with the respective agencies. The problem presented by the declaration of martial law was given prominence when such declaration was simulated by the President during Operation Alert - 1955. This problem was thereupon submitted to the Department and advice was requested as to the jurisdiction of the Federal Bureau of Investigation under martial law and the extent to which control and authority had passed from the Department of Justice to the military as it pertained to the operations of this Bureau.

The Department advised that all civil agencies would be required to give full effect to the proclamation declaring martial law and all orders and regulations issued thereunder; that, where conflict existed between martial law regulations and Justice instructions, this Bureau should obey the military commander and advise the Attorney General of the facts, and that, where necessary, the Department of Justice would advise the Department of Defense of any conflict and resolve the matter in order that the objectives of civil authorities could be accomplished within the framework of martial law.

Thus, if martial law is declared, we will advise the Department that we will continue our operations (with particular reference to the Emergency Detention Program) unless advised to the contrary by the Department and any conflicts, as set out above, will immediately be brought to the Department's attention. In addition, it should be noted that the Delimitations Agreement provides that, during periods of martial law, administrative and disciplinary control remains with the respective agencies.

While this is essentially a departmental problem, we have pursued with the Department the question as to what action the Attorney General intends to take in a real emergency if martial law is declared and requested advice as to whether procedures and documents outlined in the Attorney General's Portfolio will be used as planned should martial law be declared during a real emergency. On March 15, 1956, Mr. Rankin indicated that the Department's study regarding the problem was practically complete. He indicated further that he had conferred with representatives of the Department of Defense; Office of Defense Mobilization and Federal Civil Defense Administration. However, nothing definitive had been decided pending completion of re-examination of the entire subject of martial law. Our latest communication to the Department regarding this matter was dated May 29, 1956.

E. Departmental Chain of Command

Departmental defense plans submitted in February, 1955, contained a chain of command of some 23 individuals. On November 28, 1955, the Department submitted a set of proposed defense plans containing a chain of command of only four individuals, and on December 6, 1955, we received a memorandum from Mr. Frederick W. Ford of the Department setting forth a departmental chain of command in excess of 20 individuals. The foregoing discrepancies were immediately called to the attention of Mr. John Airhart, Department relocation officer, and Mr. Frederick W. Ford, who advised that they would resolve their differences and make known an authoritative chain of command to the Bureau in the very near future.

For your information, the departmental chain of command, as set forth in Department letter of November 28, 1955, is as follows:

(1) Deputy Attorney General

(2) Assistant Attorney General in charge of the Internal Security Division

(3) Assistant Attorney General in charge of the Civil Division

(4) Assistant Attorney General, Office of Legal Counsel

The departmental chain of command, as set forth in the December 6, 1955, communication, is as follows:

(1) Deputy Attorney General

(2) Assistant Attorney General in charge of the Internal Security Division

(3) Assistant Attorney General in charge of the Criminal Division

(4) Assistant Attorney General in charge of the Civil Division

(5) Assistant Attorney General in charge of the Office of Legal Counsel

(6) Assistant Attorney General in charge of the Antitrust Division

(7) Assistant Attorney General in charge of the Tax Division

(8) Assistant Attorney General in charge of the Office of Alien Property

(9) Assistant Attorney General in charge of the Lands Division

(10) Solicitor General

(11) The First Assistant or Deputy Director, as the case may be, to the Deputy Attorney General and the other officers designated in numbers (2) through (10) above in the corresponding order of succession

(12) United States Attorney for the District of Maryland

(13) United States Attorney for the District of Northern Illinois

(14) United States Attorney for the District of Colorado

(15) Special Assistant for Personnel, Office of the Deputy Attorney General

(16) Executive Assistant, Internal Security Division

(17) Executive Assistant, Criminal Division

(18) Second Assistant, Civil Division

(19) Second Assistant, Antitrust Division

(20) Chief, Legislative and Legal Section, Office of the Deputy Attorney General

(21) Confidential Assistant, Internal Security Division

To date, the question of an official Department chain of command remains unresolved. The matter has been followed with the Department by memorandum on several occasions, the latest being June 22, 1956.

F. Copies of the Portfolio in the Bureau's Possession

At the present time, we have two copies of the revised Portfolio, one stored for safekeeping at Quantico, Virginia, and one maintained at the Bureau.

At a conference held in the Attorney General's office on March 14, 1955, it was decided that we should receive a total of three copies of the revised Portfolio when it is approved. One copy is to be retained at the Bureau; another is to be stored at the relocation site, Quantico, Virginia, and the third copy is to be forwarded to the SAC, Little Rock, Arkansas, for safekeeping.

The Department has advised that the third copy will not be prepared until final approval of the Portfolio has been obtained. As noted previously, by memorandum dated June 11, 1956, the Department advised that the Portfolio was awaiting formal approval of the Attorney General.

II. OPERATION ALERT 1956

II. OPERATION ALERT 1956

A. Bureau Participation in Operation Alert 1956

Dates:	July 20-26, 1956;
Place:	Quantico, Virginia;
Time:	10:00 a.m., EST, 7-20-56 - receipt of alert. Start activities at the relocation site approximately 1 hr. 25 min. later. Test will terminate 11:00 a.m., EST, 7-26-56;
Personnel:	81 - 30 officials and Agents - 51 clerical employees. It is anticipated that some of these employees can be released after the first two days of the exercise. Hours - Two 12-hour shifts. Meals - Served in dining room. Sleeping - Two shifts - everyone on third floor. Corridor partition separating male and female participants;
Security:	24-hour guard by Agent personnel.
Communications:	Telephone - 11 emergency incoming lines - 1 to Triangle, Virginia, 10 to Fredericksburg, Virginia; 2 standby direct circuits - 1 to Shepherd College, 1 to New York Office. In addition there are direct lines to the Bureau's switchboard in Justice Building and to Interagency Communications Center at High Point; 1 microwave circuit to High Point; 1 microwave circuit to Central Intelligence Agency relocation site.

	The Red Line Network, a private telephone system providing direct communication between the White House relocation site and the relocation sites of seven sensitive agencies and between these agencies and the White House relocation site. This system not designed for communication between agencies. Teletype - 9 machines - 3 to Richmond, 1 to Justice Building, 1 to Midland Radio Station, 1 to Justice relocation site, 1 to High Point, 1 microwave circuit to High Point, 1 microwave circuit to CIA relocation site. Radio - Direct and relay service to 52 FBI offices and Immigration and Naturalization Service at Justice Department relocation site;
Field Offices Participating:	52. 52 for general alert 47 for special problems 18 for actual availability checks;
Test Problems:	41 problems of which 15 can be repeated using other offices than the problems now call for; 21 Liaison contacts;
Report of Test:	Summary for Director and Attorney General to be incorporated in Departmental report to ODM.

1. Alert

A simulated alert will be received at 10:00 a.m., EST, July 20, 1956. Following receipt of this alert the established notification procedure will be placed into operation (we do not plan to notify Departmental officials in connection with this simulated alert). Upon receipt of notification all employees having essential wartime functions (186) will assemble in the corridor outside room 1541 where they will be checked off. This will test the

effectiveness of our notification and assembling procedures. 81 of the people so reporting will be instructed to depart immediately for the relocation site. Personally owned cars and Bureau bus will be used. All employees reporting to the 1500 corridor not being taken to relocation site will be instructed to resume their normal duties.

2. Quantico Facilities

All space in Quantico will be set up in accordance with previous plans designed to accommodate Bureau operations under emergency conditions. This will test the effectiveness and efficiency of our space, supplies and equipment now at Quantico. Accommodations are available for the Attorney General should he come to Quantico during this exercise.

3. Security at Quantico

SAC Sloan will establish strong security measures during the course of this operation. A 24-hour guard force made up of Agent personnel will be used. Access to the relocation site will be controlled all during the test through a check-in and registration system. All individuals entering the Academy Building will be required to clearly identify themselves and appropriately register upon entering.

4. Sleeping Accommodations

As in an actual emergency only the third floor of the FBI Academy will be used for sleeping accommodations. A partition will be erected across the third floor corridor separating the male and female sleeping accommodations.

5. Meals

Meals will be served as follows:

Breakfast - 7:00 a.m. to 9:00 a.m.;
Luncheon - 12:00 noon to 2:00 p.m.;
Dinner - 6:00 p.m. to 8:00 p.m. and for night shift, midnight to 2:00 a.m.

6. Communications

All emergency communications installations at the relocation site will be given a rigid test during this entire exercise. Radio contact will be had with many Bureau offices during the period. Our standby direct telephone circuits between Quantico and New York Office avoiding Washington and Baltimore and between Quantico and Shepherdstown will be activated during the test. Telephone and teletype messages will also be directed to and from many Bureau field offices as well as to and from Bureau liaison Agents who will accompany 7 agencies in the Executive Branch of the Government to their relocation sites for this test.

7. Field Office Participation

All Bureau field offices will be contacted from the relocation site during the exercise. All offices will be contacted at their headquarters city and a representative number of offices at their emergency relocation site or nearby resident agency. Field offices will occupy relocation sites with a minimum staff for the first two days only. A minimum of 191 contacts will be made to Bureau field offices.

8. Availability of Agent Personnel in the Field

A communication will be sent from Quantico to 18 Bureau field offices after normal working hours instructing those offices to carry out an actual availability check of Agents in headquarters city. The field offices to be contacted are not being given advance notice of the availability checks. Each of the 18 offices being contacted will be instructed to complete a check and reply as soon as possible, indicating the time they received the message; the number of Agents in headquarters city and time required to contact 50% of them; time required to contact all Agents at headquarters city; number of Agents requiring more than 1 hour to contact and time first attempt to contact relocation site was made.

9. Test Problems

Test problems have been developed to cover all Bureau offices. Among the problems devised are these:

a. A simulated message to each office simulating the alert to standby to start the Emergency Detention Program. Another simulated message will be sent to all offices simulating instructions to institute the Emergency Detention Program. This second message will be sent only after appropriate authority has been received from the Attorney General.

b. Problems relative to the Security Index and the apprehension of individuals on the Index. These problems cover several different situations and include all situations which it is anticipated will arise in connection with this program in an actual emergency.

c. Problems involving the detention of diplomats of enemy nations and their dependents. These problems include a situation wherein enemy diplomats are touring the country at the time the State Department authorizes the institution of the emergency program calling for their detention.

d. Problems involving getting information to and from Bureau liaison Agents who will be stationed at the relocation site of the agencies with which they normally do business.

e. Specified problems have been developed to include reported landing of enemy Agents; involving reported sabotage of key industry, some of which require an office to contact a road or resident Agent and advise the Bureau of the time required to do so.

f. The Laboratory has developed problems involving the use of instruments designed to detect the presence of radioactive particles, the use of instruments designed to test the extent of exposure to radioactive particles as well as problems involving simulated breakdown of radio, telephone and cryptographic equipment. Other

Laboratory problems involve the operation of certain equipment at Quantico and require field offices to operate their radio equipment on emergency power.

Upon completion of this test exercise an appropriate report for submission to the Attorney General will be prepared.

B. *Department of Defense Participation in Operation Alert - 1956*

Liaison has ascertained that Secretary of Defense Wilson will relocate with the Secretaries of the various branches of the military to Fort Ritchie. The Joint Chiefs of Staff will relocate their entire staff, including clerical personnel to Fort Ritchie.

All three branches of the service, the Air Force, the Army and the Navy will participate in the relocation, with the Air Force sending approximately 250 Air Force personnel, including the "top brass," to Fort Ritchie. The Army is expected to send a slightly larger force while the Navy is participating with slightly less personnel.

The military objectives for the coming test are (1) test of ability to relocate, (2) ability to operate from the relocation site, and (3) to ascertain what assistance the military can give to civil defense.

The military anticipates that the top-level Pentagon personnel who relocate to Fort Ritchie on Friday, July 20, 1956, will return to Washington on Saturday night, July 21, 1956, or Sunday, July 22, 1956, at the latest.

According to military sources, there will be almost no military intelligence participation in the relocation test. Major General Millard Lewis, director of Air Force intelligence, will relocate to Fort Ritchie along with several of his staff. Brigadier General John Murray, Office of Special Investigations, will remain in Washington. Major General Ridgely Gaither, Assistant Chief of Staff, Intelligence (ACSI, G-2), will participate in the initial stages of the exercise at Fort Ritchie, and, if it appears necessary thereafter, he will send his assistant to represent ACSI (G-2).

Rear Admiral Laurence Hugh Frost, director, Office of Naval Intelligence, will go to Fort Ritchie. How long he remains there depends on orders yet to be received from the Joint Chiefs of Staff.

C. Attack Warning Channels and Procedures for Civilians

On May 24, 1956, the National Security Council approved a procedure for the dissemination of attack warnings to civilians which placed the responsibility for notifying the civilian population, Washington, D. C., of an impending attack in local civil defense. Heretofore, the sounding of a "yellow alert" (attack imminent) by the Air Force command post in the Pentagon indicated the automatic evacuation of the entire population of Washington, D. C. Under the present procedure, there will be no evacuation of Washington, D. C., until local civil defense so decides. The fact that the command post in the Pentagon has declared a "yellow alert" does not mean that local civil defense must issue orders to evacuate the city. It is within the discretion of local civil defense as to whether they will declare an alert (evacuation) or a take-cover signal no matter what signal is disseminated by the command post.

This new procedure will undoubtedly slow up any Bureau evacuation or emergency procedures since we can no longer move on information from the Pentagon. To do so may prove embarrassing if local civil defense should decide to declare a take-cover signal even though the Pentagon declared a "yellow alert." The President has also indicated in the past that there would be no evacuation of Government officials in advance of the evacuation of the civilian population of the District of Columbia.

There is, of course, a possibility that the President or the Attorney General may order the Bureau to relocate and to institute emergency programs in advance of a civil defense signal. The Attorney General was advised of the above situation by memorandum dated June 6, 1956, which stated that this Bureau would await the civil defense signal before taking action unless he (the Attorney General) or the President instructs us to proceed with our relocation plans prior to the civil defense signal.

D. Office of Defense Mobilization Inspection Reporting

As in the past, the Office of Defense Mobilization has assigned Mr. William A. Boleyn of the Bureau of the Budget to inspect Bureau relocation operations during the course of the exercise. According to the Office of Defense Mobilization (ODM), Mr. Boleyn has top secret security clearance on file. The inspector's travel and subsistence expenses are to be borne by the agency which he will be inspecting. Transportation to and from the relocation site is to be provided by the agency for the inspector.

In addition to Mr. Boleyn, Captain Thomas Burke will be the Signal Corps liaison officer inspecting the interagency communications system facilities at our relocation site some time during the course of the seven-day period. It would appear that this inspection should not take more than one day.

Mr. Boleyn is to become familiar with the essential wartime functions of the Bureau, Bureau problems developed for the exercise, and instructions issued to personnel participating in the exercise. Mr. Boleyn is familiar with essential wartime functions of the FBI, and he will, at his convenience, be briefed on Bureau problems developed for the exercise, as well as instructions issued to participating personnel.

Among the items of interest to the ODM inspector will be the evacuation of headquarters city and activation of the relocation site, the organization and executive direction at the relocation site, the staffing of the site, as well as the facilities available there, the effectiveness of the communications installation and the adequacy of work space, records, equipment, and supplies, as well as the security of operations. A daily report by the agency and the ODM inspector is required. These reports are to be submitted on July 20, 21, 22, 23, and 24, 1956, and are to reflect the status of the exercise as of 8 p.m. on the date in question.

A summary evaluation report is to be submitted by noon on July 25, 1956, and a final evaluation report, including an estimate of out-of-pocket expenses for the over-all operation, is to be submitted by August 31, 1956. In addition thereto, a daily communications report, wherein a tabulation of the number of telephone, teletype, both coded and plain text messages received at the relocation site and originated at the relocation site, is to be prepared. OPERATION ALERT, 1956, plans include the preparation and submission of the above-required reports.

E. Conferences During OPERATION ALERT, 1956

While attending an Office of Defense Mobilization (ODM) briefing June 28, 1956, the Director was advised that there would be a National Security Council (NSC) meeting sometime during the first day of the exercise (7-20-56). The nature of this meeting has not been disclosed, nor is it known whether the Director will be invited to attend.

A Cabinet meeting has been scheduled for Monday, July 23, 1956. A memorandum will be prepared for the Attorney General's use reflecting the progress of the Bureau's participation in the exercise.

A meeting of agency heads will be called at Raven Rock (Fort Ritchie) sometime during the forenoon of Thursday, July 26, 1956, the last day of the exercise, to brief the President on the development of the exercise. An appropriate memorandum will be prepared for the Director's use at this meeting.

Murray Snyder, Assistant Press Secretary, White House, informed the Director that he may be called upon to give a briefing to the group assembled at High Point. This briefing is to be covered by the press, television and other communicative facilities. Also, Murray Snyder, in discussing this situation with a liaison representative, made reference to the Director conducting a press conference at New Point. (New Point is the code name for the location in Roanoke, Virginia, where news stories will be released.) An outline for such a briefing has been approved, and a manuscript is being prepared.

Federal Bureau of Investigation (FBI)
File Number1145592-000 - 66-HQ-18953 EBF 158
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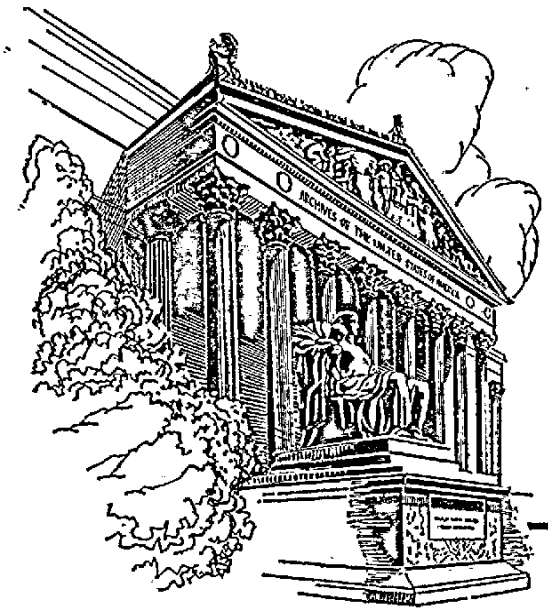

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NATIONAL FOREST PRODUCTS WEEK, 1966

By the President of the United States of America

A Proclamation

In the mighty forests of this Nation our people have an inheritance of majestic beauty which is both a material and a spiritual resource.

With the application of expanding scientific knowledge and technological advances, these forest resources—both public and private—yield a variety of products which contribute a large measure of our Nation's wealth, prosperity, and security.

Our forests

—sustain a vast complex of industries which employ a large segment of our population and contribute to the economic and social improvement of our forested rural areas.

—protect our water supply and our wildlife.

—provide unmatched opportunities for both physical recreation and spiritual uplift.

The Congress, in order to reemphasize the importance and heritage of our forest resources, has by a joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue annually a proclamation calling for the observance of that week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the people of the United States to observe the week beginning October 16, 1966, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the essential role that our forest resources play in stimulating the advancement of our rural economy and in the continued growth and prosperity of the entire Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of October in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

NICHOLAS DEB. KATZENBACH,
Acting Secretary of State.

[F.R. Doc. 66-11234; Filed, Oct. 12, 1966; 10:41 a.m.]

Executive Order 11310

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE ATTORNEY GENERAL

By virtue of the authority vested in me as President of the United States and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* (a) The Attorney General shall prepare national emergency plans and develop preparedness programs covering law-enforcement functions of concern to the executive branch of the Federal Government except to the extent that such functions are vested in other departments or agencies by statute or Executive order. Upon request, the Attorney General shall assist, as appropriate, in developing preparedness programs covering law-enforcement functions vested in other departments and agencies of the executive branch. He shall also provide, as appropriate, liaison with and guidance and assistance to the various divisions of State and local government, and maintain liaison with the Federal judicial system and the United States Congress as hereinafter set forth.

(b) These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

SEC. 2. *Basic Functions.* The Attorney General shall:

(a) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(b) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(c) *Judicial and legislative liaison.* In cooperation with the Office of Emergency Planning, maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(d) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(e) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(1) The location, restraint, or custody of alien enemies.

(2) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(3) Apprehension of deserting alien crewmen and stowaways.

(4) Investigation and control of aliens admitted as contract laborers.

(5) Control of persons entering or departing from the United States at designated ports of entry.

(6) Increased surveillance of the borders to preclude prohibited crossings by persons.

(f) *Alien property.* Develop emergency plans for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(g) *Security standards.* In consultation with the Department of Defense and with other executive agencies to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(h) *Research.* Within the framework of over-all Federal research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task-force groups, and provide advice and assistance to other agencies in planning for research in areas involving the interests of the Department of Justice.

SEC. 3. *Civil Defense.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(a) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law-enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law-enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(b) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and for the development of Federal prisoner skills to appropriately augment the total supply of manpower; advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(c) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

SEC. 4. *Interagency Cooperation.* Unless otherwise provided in this order, the Attorney General shall assume the initiative in developing joint plans for emergency preparedness functions described in this order in consultation with those departments and agencies which have responsibilities for any segment of such activities.

SEC. 5. *Presidential Coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of, functions under this order with the total national preparedness program.

SEC. 6. *Emergency Planning.* Emergency plans and programs shall be developed as an integral part of the continuing activities of the Department of Justice on the basis that it will have the responsibility for carrying out such programs during an emergency. The Attorney General shall be prepared to implement all appropriate plans developed under this order. Modifications, based on emergency conditions, will be in accordance with policy determinations by the President.

SEC. 7. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2291–2297), or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 8. *Redelegation.* The Attorney General is hereby authorized to redelegate within the Department of Justice the functions hereinabove assigned to him.

SEC. 9. *Construction.* Nothing in this order shall be deemed to derogate from any now-existing assignment of functions to any Executive agency or officer made by statute or by Executive order.

SEC. 10. *General.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 11, 1966.

[F.R. Doc. 66-11227; Filed, Oct. 11, 1966; 4:40 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Effective Date of Certain Amendments Postponed

On July 7, 1964, there were published in the FEDERAL REGISTER (29 F.R. 8456) certain amendments of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) to become effective on January 1, 1965.

In a lawsuit instituted against the Secretary of Agriculture and other officials of the Department of Agriculture in the U.S. District Court for the District of New Jersey challenging the validity of the amendments with respect to soups containing poultry ingredients, on behalf of one processor of dehydrated soups, a preliminary injunction was issued restraining enforcement of such amendments against that processor with respect to dehydrated soup mixes. In order to afford equitable treatment to all poultry soup processors in view of this preliminary injunction, the effective date of the amendments insofar as they relate to all types of soups containing poultry ingredients, was postponed on a month-to-month basis until July 1, 1966 (31 F.R. 7553).

The U.S. District Court on June 10, 1966, issued an opinion upholding the validity of the amendments but no final order was entered at that time. Pending further action by the District Court, it was necessary, in order to avoid disruption of orderly operations in the affected industry, to postpone temporarily the effective date of the amendments with respect to soups containing poultry ingredients beyond July 1, 1966, the date on which the amendments otherwise would have become effective, and such effective date was further postponed until September 1, 1966 (31 F.R. 9043 and 10311). At the time of such postponement, it was announced that the Department contemplated making the amendments effective on January 1, 1967.

On July 13, 1966, a final order was entered by the Court granting the defendants' motion for summary judgment, vacating the preliminary injunction, and dismissing the plaintiff's complaint. Accordingly an order was issued on August 25, 1966 (31 F.R. 11448), providing that the amendments would become effective with respect to soups containing poultry ingredients on January 1, 1967.

Subsequently the plaintiff in the above-mentioned law suit appealed the order of the District Court to the U.S. Court of Appeals for the Third Circuit and filed with the latter Court a motion for stay of such order pending disposition of the appeal. At the hearing on such motion in the Court of Appeals on September 26, 1966, the Court suggested that the effective date of the regulations with respect to such soups be administratively postponed until March 1, 1967. The Government acceded to the Court's suggestion and agreed to such an administrative postponement of the effective date of the regulations to obviate the necessity at that time for the Court to rule on the plaintiff's motion for stay, which remains pending in the Court of Appeals.

Therefore, the effective date of the amendments with respect to soups containing poultry ingredients is hereby postponed until March 1, 1967.

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

In view of the foregoing, under the provisions in 5 U.S.C., section 553, it is found for good cause that notice of rulemaking and other public procedure with respect to this action are impracticable and unnecessary. This postponement action shall become effective on January 1, 1967, when the amendments would otherwise become effective.

Done at Washington, D.C., this 10th day of October 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11168; Filed, Oct. 12, 1966; 8:50 a.m.]

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 110—CANNED FOOD WAREHOUSES

PART 112—COLD-PACK FRUIT WAREHOUSES

PART 113—SEEDS WAREHOUSES

Revocation of Regulations

On September 2, 1966, there was published in the FEDERAL REGISTER (31 F.R. 11614) a notice of proposed revocations of the regulations relating to Canned Food Warehouses (7 CFR, Part 110); the regulations relating to Cold-Pack Fruit Warehouses (7 CFR, Part 112); and the regulations relating to Seeds Warehouses (7 CFR, Part 113) under the U.S. Warehouse Act, as amended (7 U.S.C. 241 et seq.). After due consideration of all relevant matters and under authority of section 28 of said act (7 U.S.C. 268), said regulations are hereby revoked.

The regulations relating to Canned Food Warehouses were originally promulgated under the act on August 11, 1926, as Service and Regulatory Announcement No. 101. There has been no appreciable activity in this commodity since 1930 when the total number of licenses reached 73. There have been few requests for new licenses since and none in the last 10 years. The last license terminated during fiscal year 1965 because the warehouseman's bond had expired.

The regulations relating to Cold-Pack Fruit Warehouses were originally promulgated under the act on May 26, 1928, as Service and Regulatory Announcement No. 111. There have never been more than five licensed Cold-Pack Fruit Warehouses at one time. There have been no new licenses issued since 1934. Only one warehouse was under license from 1941 until 1965 when this license was not renewed on the bond renewable date due to failure by the warehouseman to furnish bond.

The regulations relating to Seeds Warehouses were originally promulgated under the act on November 21, 1930, as Service and Regulatory Announcement No. 122. The maximum number of warehouses licensed at one time under these regulations was 14 in 1932 soon after the regulations were promulgated. There have been no new applications since 1957 and the last license terminated at the request of the warehouseman in 1964.

These three sets of regulations are being revoked because of their limited use, and apparent lack of future interest by warehousemen in them.

The foregoing revocations shall become effective 30 days following the date of publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of October 1966.

ROY W. LENNARTSON,
Acting Deputy Administrator,
Regulatory Programs, Consumer and Marketing Service.

[F.R. Doc. 66-11169; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966, as amended March 19,

1966, April 23, 1966, June 9, 1966, July 15, 1966, and August 25, 1966 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11213), prescribing the commuted travel time that shall be included in each period of overtime duty, are hereby amended by adding to the "list" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

TWO HOURS

Melbourne, Fla. (served from Port Canaveral, Fla.).

* * * * *

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

This amendment shall become effective October 13, 1966.

Done at Hyattsville, Md., this 10th day of October 1966.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 66-11167; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Preservation of Cropland and Allotment Acreage

Basis and purpose. This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), section 203(g) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. A. 203), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g-q). This amendment further implements section 602(g) of the Food and Agriculture Act of 1965 (79 Stat. 1208; 7 U.S.C. 1838(g)).

The amendment to the Regulations for Reconstitution of Farms, Allotments, and Bases includes the following:

(a) Amends § 719.2(f) to provide that cropland acreage planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year.

(b) Amends § 719.10 to extend provision for preserving cropland acreage and allotment history to cropland acreage established and maintained in vegetative cover (excluding trees) under the Regional Conservation Program, Agricultural Conservation Program and to comparable practices carried out without Federal cost sharing. This amendment also provides for preservation of cropland acreage and allotment history for acreage diverted under the Cropland Adjustment Program.

Since the determination of history acreage for allotment crops is impending, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

The Regulations Governing the Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370), as amended, are amended as follows:

1. Subparagraph (5) of paragraph (f) of § 719.2 of the regulations as amended, is amended to read as follows:

§ 719.2 Definitions.

* * * * *

(f) *Cropland.* * * *

(5) Is preserved as cropland under § 719.10. Land classified as cropland shall be removed from such classification upon a determination by the county committee that (i) the land is removed from agricultural production; (ii) is no longer suitable for production of crops; (iii) is devoted to trees (other than orchards or one-row shelter belt plantings) which were planted in the preceding year except that land planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year; or (iv) is no longer preserved as cropland under the provisions of § 719.10 and does not meet the conditions in subparagraphs (1) through (4) of this paragraph.

* * * * *

2. Section 719.10 of the regulations is amended to read as follows:

§ 719.10 Preservation of cropland and allotment acreage.

(a) *Definitions.* Notwithstanding the definitions in § 719.2, for the purposes of this section, the following terms shall have the following meanings:

(1) *Final acreage.* The actual crop acreage, plus any additional acreage considered planted to the crop under applicable commodity regulations.

(2) *Underplanted acreage.* The acreage by which the allotment for a commodity exceeds the final acreage of the commodity.

(b) *Preservation of cropland and acreage available for diversion credit—(1) CRP, GPCP, CCP, CAP, and RCP.* Cropland acreage established and maintained in vegetative cover under the Conservation Reserve Program, Great Plains Conservation Program, Cropland Conversion Program, Cropland Adjustment Program, and Regional Conservation Program, shall retain its cropland classification for the period of the contract or agreement plus an equal period thereafter (not to exceed 10 years for the Conservation Reserve Program unless the land was approved tree cover) plus an additional 5 years if requested in writing by the producer and the vegetative cover is maintained in accordance with good farming practices. Such acreage shall be available for allotment diversion credit to the extent of the underplanted acreage of an allotment crop where needed to fully protect the allotment history for such crop.

(2) *ACP and comparable practices carried out without Federal cost sharing.* Cropland acreage established and maintained in vegetative cover (excluding trees) under the Agricultural Conservation Program or comparable practices carried out without Federal cost sharing shall retain its cropland classification for the life span of the practice not to exceed 5 years unless an additional equal period is requested in writing and approved by the county committee. Such acreage shall be available for allotment diversion credit to the extent of the underplanted acreage of an allotment crop where needed to fully protect the allotment history for such crop. To qualify for cropland classification and allotment diversion credit under this subparagraph (2), the following conditions shall be met:

(i) Acreage must be in excess of the sum of the conserving base and diverted acreage requirements under other adjustment programs.

(ii) The producer must notify the county committee in the year in which the cover is established of his intent to establish such cover and divert acreage from an allotment crop except that the producer may notify the county committee in the year following the year in which the cover is established in the case of diversion of winter wheat.

(iii) A request for preserving cropland and allotment acreage must be made in writing and must be approved by the county committee.

(iv) The practice must be carried out in accordance with good farming practices.

(c) *Termination of allotment diversion credit.* Acreage shall cease to be available for allotment diversion credit when:

(1) The contract or agreement for a given land area is canceled or terminated prior to the expiration date of the contract or agreement.

(2) The permanent vegetation is destroyed or not properly maintained.

(3) The period of extended protection expires.

(d) *Diversion credit for divided farms.* When a parent farm is reconstituted by division, future allotment diversion credit shall accrue to the farm or tract on which the vegetative cover is physically located.

(e) *Use of diversion credit.* The diversion credit determined under the provisions of this section for each underplanted allotment crop shall be considered as acreage devoted to the crop and shall be utilized in establishment of future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended.

(Sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 124, 70 Stat. 198, as amended, 7 U.S.C. 1812; sec. 203(g), 79 Stat. 12, 40 U.S.C. App. A. 203; sec. 602(g), 79 Stat. 1208, 7 U.S.C. 1838(g))

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11165; Filed, Oct. 12, 1966; 8:50 a.m.]

[Amdt. 8]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is as follows:

(1) To provide for computation of 1967 farm domestic allotments; and

(2) To provide for 1967 export market acreage allocations.

Since the county committees are now establishing farm domestic allotments and producers are making plans for the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Section 722.429 of the regulations is amended by adding a new paragraph (b) at the end thereof to read as follows:

§ 722.429 Farm domestic allotments.

* * * * *

(b) *For 1967.* Section 350 of the act provides for the establishment of farm domestic acreage allotments for upland cotton of the 1967 crop. The farm domestic acreage allotment percentage of 65 percent was established for 1967 under § 722.467(d) (31 F.R. 11965). The county committee shall establish a farm domestic acreage allotment for each farm for 1967 by multiplying the farm allotment established under section 344 of the act, as revised by transfers under section 344a of the act, by 65 percent.

2. A new § 722.451 is added to the regulations after § 722.450 to read as follows:

§ 722.451 Export market acreage for 1967.

(a) *National export market acreage reserve.* A national export market acreage reserve for 1967 of 250,000 acres was established by § 722.468 (31 F.R. 11965), pursuant to section 346(e) of the act.

(b) *Applications for export market acreage*—(1) *Persons eligible to file applications.* The farm operator for 1967 of a farm for which a farm allotment for 1967 is established and which had an upland cotton allotment in 1965 and which he operated in 1965, may apply for export market acreage for the 1967 crop. If such farm operator in 1965 is deceased, his heir who is the farm operator for 1967, may apply for export market acreage for the 1967 crop. No farm shall be eligible for export market acreage for 1967 if a transfer by sale under section 344a of the act is approved from such farm for 1967 or was approved for 1966. No farm shall be eligible for export market acreage for 1967 if a transfer by lease under section 344a of the act is approved from such farm for 1967 or was approved for 1966 where the lease term also covers 1967.

(2) *Where application is to be filed.* Applications for export market acreage shall be filed with the county committee of the county in which the farm is located.

(3) *Closing date for filing applications.* Applications for export market acreage for the 1967 crop shall be filed on or before a date to be announced later.

(4) *Form of application.* The form of application for export market acreage shall be prescribed by the deputy administrator and shall provide that the applicant elects to forego price support for the 1967 crop of upland cotton on the farm for which application is made and on any other farm in which he has a controlling or substantial interest. No application shall be made for a greater acreage than is available on the farm for the production of upland cotton.

(5) *Closing date for withdrawal of applications.* The applicant may withdraw an application at any time (i) prior to apportionment of export market acreage to the farm, or (ii) within 15 days after notice of the original apportionment of export market acreage to the farm is mailed to the applicant or March 1, 1967, whichever is later, by filing a written request for such withdrawal with the county committee. Such timely withdrawal shall also cancel the agreement of applicant to forego price support.

(6) *Closing date for furnishing bond or other undertaking.* The bond or other undertaking required to be furnished under this section shall be furnished to the county committee on or before the later of (i) 15 days after notice of the original apportionment to the farm is mailed to the applicant, or (ii) March 1, 1967.

(c) *Procedure for apportioning export market acreage to farms*—(1) *Initial apportionment.* The county committee shall determine the maximum acreage for which eligible applicants have filed applications by the closing date. Such maximum acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall tabulate the total of all applications and if not in excess of the national export market acreage reserve shall notify the respective State ASCS offices that the applications from each county are approved. If the total of all applications is in excess of the national export market acreage reserve, the deputy administrator shall establish a pro rata factor and notify the respective State ASCS offices that the applications from each county are approved subject to the reduction determined by applying the pro rata factor to each application. The county committee shall issue a notice to the applicant showing the export market acreage approved for the farm.

(2) *Supplemental apportionment.* If a supplemental apportionment is required, the county committee shall tabulate the export market acreage recovered from farms for which applications are timely withdrawn and notify the State ASCS office of the amount. Such recovered acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall apportion such recovered export market acreage to the remaining farms for which applications were approved and not withdrawn in amounts determined to be fair and reasonable taking into account the applications filed for such farms, but the total export market acreage so apportioned shall not exceed the acreage requested in the application for any farm. The county committee shall issue a notice showing the total export market acreage approved for a farm receiving a supplemental apportionment.

(3) *Finding as to amount of acreage requested for 1967.* This subparagraph will be amended after the closing date for filing applications to make a finding whether the applications for apportionment to farms are within the 250,000-acre national export market acreage reserve.

(d) *No acreage history.* Acreage planted to cotton in excess of the farm allotment established under section 344 of the act shall not be taken into account in establishing future State, county, and farm allotments.

(e) *Requirement of exportation of cotton.* The operator of any farm to which export market acreage is appor-

tioned, or the purchaser of cotton produced on such farm, shall furnish a bond or other undertaking providing for the exportation of all cotton produced on such farm without benefit of any Government cotton export subsidy, and for the payment of liquidated damages upon failure to comply with such bond or other undertaking.

(f) *Bond or other undertaking.*—(1) *Bond.* The deputy administrator shall prescribe the form of bond for exportation of cotton. The farm operator shall execute such bond as principal and furnish it to the county committee duly executed by the principal and a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. A person who has agreed to purchase all the cotton produced on the farm may execute the bond as principal in lieu of the farm operator.

(2) *Other undertaking.* In lieu of a bond under subparagraph (1) of this paragraph, the county committee may accept an undertaking from the farm operator or the purchaser of all the cotton produced on the farm providing for the exportation of all cotton produced on the farm and for deposit with the county committee of an amount to secure the payment of liquidated damages for failure to fulfill terms and conditions of such undertaking. The amount of such deposit shall be equal to the maximum obligation for the payment of liquidated damages determined under paragraph (g) of this section. Such deposit shall be refundable to the extent that it exceeds such maximum obligation or such undertaking for the exportation of cotton is satisfied. The deputy administrator shall prescribe the form of the undertaking to be furnished.

(g) *Liquidated damages*—(1) *Determination of amount.* The county committee shall determine the estimated liquidated damages under each bond or other undertaking furnished under this section at the time so furnished. Such estimated liquidated damages shall be the number of dollars and cents obtained by multiplying the acreage permitted to be planted on the farm (farm allotment plus export market acreage) by the projected farm yield, and multiplying the result thereof by 21.3 cents. Such estimated liquidated damages shall be adjusted when the cotton crop has been harvested so that the adjusted liquidated damages shall be the number of dollars and cents obtained by multiplying the actual production of lint cotton on the farm in net weight pounds by the marketing quota penalty rate for the 1967 crop of upland cotton determined under section 346(a) of the act. In case of exportation of only part of the cotton produced on the farm, the adjusted liquidated damages shall be reduced accordingly.

(2) *Due date.* Liquidated damages shall be due and payable 15 days after the date of mailing notice of the amount of adjusted liquidated damages to the principal and surety on any bond, or to the person furnishing any other undertaking in lieu of such bond. The county committee shall mail such notice by certified mail upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section. The principal and surety on any bond of indemnity shall be deemed to waive actual notice of any adjustments in the amount of liquidated damages.

(3) *Liability for liquidated damages.* The principal and surety on any bond of indemnity furnished under this section shall be jointly and severally liable for the payment of liquidated damages to the United States of America in accordance with the terms and conditions of the bond and the provisions of this section. Where an undertaking in lieu of a bond of indemnity is furnished, the person executing such undertaking shall be liable for liquidated damages to the United States of America in accordance with the terms and conditions of the undertaking and the provisions of this section and any such person shall authorize payment of the liquidated damages out of any deposit made with the county committee and shall pay any outstanding balance not covered by such deposit within 15 days from the date of mailing of notice of such balance by certified mail to the farm operator and to such person. The county committee shall collect such liquidated damages from the deposit so made and give notice of the balance due, if any, upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section.

(h) *Determination of cotton to be exported.* The county committee shall determine the actual production of lint cotton of the 1967 crop on the farm on the basis of evidence of production furnished by the operator. If the evidence of production is not satisfactory or none is furnished, the county committee shall appraise the actual production on the basis of the projected farm yield and such other information as is available. The actual production, or the appraised actual production, as determined under this paragraph of 1967 crop lint cotton on the farm shall be exported and the cotton so required to be exported is referred to as export cotton for the farm.

(i) *Evidence of exportation.* The county committee shall be furnished with evidence of exportation of export cotton for each farm in terms of bales of cotton of the 1967 crop which shall total at least the number of pounds of lint cotton net weight determined as the export cotton for the farm. The county committee shall review the evidence of exportation furnished for each farm which shall be deemed satisfactory if it meets the following requirements:

(1) There shall be submitted a listing showing the name of the farm operator, farm number, gin, or compress bale number or mark, and gross weight of each bale, bill of lading number and date, total quantity (pounds) of export cotton included on bill of lading, carrier, vessel, or car number, destination and date and place of lading, on rail and truck exports the number and date of the lading certificate. Such listing shall be certified by the exporter as true and correct and the farm operator shall also certify that each bale so listed was produced in the United States from the 1967 crop on the farm so designated.

(2) The exporter shall also certify that no cotton export subsidy for the exportation of the cotton so listed has been received from the Government and that no claim for any cotton export subsidy for the exportation of such cotton has been or will be filed by such exporter with the Government and the evidence of exportation of cotton furnished under this section has not and will not be used to satisfy the obligation to export cotton which such exporter or any other person may have under the cotton equalization program under section 348 of the act, or any other program for the exportation of cotton which may now be or later become effective under the statutes of the United States. However, exportation of export cotton under programs pursuant to Title I—Sales for Foreign Currency and Title IV—Long-Term Supply Contracts of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, 83d Cong.; 7 U.S.C. 1701–9, 1731–6) shall not be deemed to involve a Government cotton export subsidy within the meaning of section 346(e) of the act (7 U.S.C. 1346(e)). Accordingly, evidence of such exportation of export cotton may also be furnished to satisfy the obligation of the exporter under such programs if the applicable purchase authorization under such programs permits the exportation of export cotton.

(3) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the county committee, State committee, or deputy administrator and make his records available for inspection concerning the records for any farm for which he has provided proof of export.

(j) *Time limit for export and submission of evidence of exportation.* The export cotton for a farm shall be exported on or before July 31, 1968, and evidence of such exportation satisfactory to the county committee shall be furnished within 60 days after the date of exportation. The State committee, upon recommendation by the county committee may extend the date for exportation and the date for furnishing evidence of exportation upon a showing of good cause and the furnishing of an appropriate extension of the bond or other undertaking. Unless evidence of exportation within the time specified under this paragraph is furnished, liability for liquidated damages shall accrue.

(k) *Amounts collected as liquidated damages.* All amounts collected as liquidated damages shall be remitted to the Commodity Credit Corporation.

(l) *Records and reports.* The provisions of section 373 of the act are applicable to the export market acreage program.

(m) *Appeals.* The Appeal Regulations in Part 780 of this chapter (29 F.R. 8200) shall be applicable to determinations under this section.

(n) *Failure to furnish a bond or other undertaking.* No application for export market acreage shall be approved unless a bond or other undertaking is furnished in accordance with this section.

(o) *Acreage planted to cotton exceeds farm allotment and export market acreage.* If the acreage planted to cotton on a farm receiving export market acreage exceeds the sum of the farm allotment and the export market acreage for the farm, the acreage planted to cotton in excess of the farm allotment shall be regarded as excess acreage for purposes of determining the farm marketing excess and marketing quota penalty under sections 345 and 346 of the act. The obligation to export cotton under the bond or other undertaking and the provisions of this section is not reduced or modified by reason of excess acreage plantings established under this paragraph.

(Secs. 346(e), 350, 375, 79 Stat. 1192, 1193, 52 Stat. 66, as amended; 7 U.S.C. 1346(e), 1350, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11164; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations

PURCHASE AND INSPECTION; CORRECTION

F.R. Doc. 66-9156, published at page 11141 in the issue dated August 23, 1966, is corrected by changing item 2 to read as follows:

2. The last sentence of paragraph (e) of § 1446.1643 *Period of offering—size of lots—grading* is corrected to read:

(e) * * * Nothing in this subpart shall preclude the sheller or CCC from applying for an appeal inspection under the regulations governing inspection or fresh fruits, vegetables and other products, §§ 51.1-51.67 of this title.

Signed at Washington, D.C., October 10, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-11163; Filed, Oct. 12, 1966; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 9, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9423) stating that the Federal Aviation Agency proposed to designate controlled airspace at Sturgeon Bay, Wis.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the following transition area is added:

STURGEON BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Door County-Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 2 miles each side of the 195° bearing from Door County-Cherryland Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 015° and 195° bearings from Door County-Cherryland Airport extending from 6 miles N to 14 miles S of the airport; and within 5 miles each side of the 015° bearing from Door County-Cherryland Airport extending from 6 to 12 miles N of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11110; Filed, Oct. 12, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area and Alteration of Adjacent Control Zone

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10419) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Chesterfield, Mo., terminal area, and to alter the controlled airspace in the St. Louis, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The two comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 December 8, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065) the following is added:

CHESTERFIELD, MO.

Within a 5-mile radius of the Spirit of St. Louis Airport, Chesterfield, Mo. (latitude 38°39'35" N., longitude 90°38'45" W.); within 2 miles each side of the Maryland Heights 243° radial extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the Maryland Heights 310° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (31 F.R. 2149) the following transition area is added:

CHESTERFIELD, MO.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Maryland Heights, Mo. VORTAC 243° radial extending from 7 miles SW of the VORTAC to 10.5 miles SW of the VORTAC.

(3) In § 71.171 (31 F.R. 2065) the St. Louis, Mo., control zone is amended to read:

ST. LOUIS, MO.

Within a 5-mile radius of the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 2 miles SE and 3 miles NW of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer SW course extending from the 5-mile radius zone to 12 miles SW of the Lake RBN, within 2 miles each side of the St. Louis VORTAC 142° radial, extending from the 5-mile radius zone to 7 miles NW of the NW end of the Lambert-St. Louis Municipal Airport Runway 12R, within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer NW course extending from the 5-mile radius zone to the Runway 12R OM and within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the Runway 12R localizer, excluding that area which overlies the Spirit of St. Louis control zone during the hours it is in effect.

Initially, the Chesterfield, Mo., control zone will be effective from 0700 to 2200 hours local time daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11111; Filed, Oct. 12, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 6, 1966, a notice of proposed rule making was published in the FEDERAL

REGISTER (31 F.R. 10580) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Battle Creek, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065) the Battle Creek, Mich., control zone is amended to read:

BATTLE CREEK, MICH.

Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'55" W.), within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials, extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

(2) In § 71.181 (31 F.R. 2149) the Battle Creek, Mich., transition area is amended to read:

BATTLE CREEK, MICH.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course, extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41°57'30" N., longitude 85°35'30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°38'00" N., on the E by longitude 84°50'00" W., on the S by latitude 41°40'00" N., on the SW by V-277, and on the W by longitude 86°00'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11112; Filed, Oct. 12, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1114]

PART 13—PROHIBITED TRADE PRACTICES

Fredericks Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-45 Fictitious marking. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Fredericks Furs, Inc., et al., Surfside, Fla., Docket C-1114, Sept. 19, 1966]

In the Matter of Fredericks Furs, Inc., a Corporation, and Jerry Lindenbaum and Sidney Gelfand, Individually and as Officers of Said Corporation

Consent order requiring a Surfside, Fla., furrier to cease misbranding, falsely invoicing, and advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Fredericks Furs, Inc., a corporation, and its officers, and Jerry Lindenbaum and Sidney Gelfand, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

4. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to each such fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Uses the word "was" or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents in the recent regular course of their business, or otherwise misrepresents the prices at which such merchandise has been sold, or offered for sale by respondents.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11134; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. 8635]

PART 13—PROHIBITED TRADE PRACTICES

Merck & Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties or product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Quinton Co. et al., Rahway, N.J., Docket 8635, July 20, 1966]

In the Matter of Merck & Co., Inc., a Corporation, Trading as Quinton Co., and Doherty, Clifford, Steers & Shenfield, Inc., a Corporation

Order modifying a final order dated April 8, 1966, 31 F.R. 7059, requiring a New Jersey drug manufacturer and its advertising agency to cease its deceptive television advertising of throat lozenges, by substituting as co-respondent a successor advertising agency.

The modified order to cease and desist, is as follows:

It is ordered, That this proceeding be, and it hereby is, reopened;

It is further ordered, That the Commission's final order of April 8, 1966, be, and it hereby is, modified by striking therefrom the preamble on page 4 of such order and substituting therefor the following:

It is further ordered, That respondent Doherty, Clifford, Steers & Shenfield, Inc., a corporation, and Needham, Harper & Steers, Inc., a corporation, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of throat lozenges or any similar preparation, do forthwith cease and desist from, directly or indirectly: * * *

Issued: July 20, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11135; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. C-1115]

PART 13—PROHIBITED TRADE PRACTICES

Pageant Press, Inc., and Simon A. Halpern

Subpart—Advertising falsely or misleadingly: § 13.160 *Promotional sales plans.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Pageant Press, Inc., et al., New York, N.Y., Docket C-1115, Sept. 23, 1966]

Consent order requiring a New York City subsidy publisher to cease misrepresenting in its advertising the profits which authors may make, the sales promotion it gives its books, and making other false claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Pageant Press, Inc., a corporation, and its officers, and Simon A. Halpern, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of contracts for the publication of books or other printed matter for authors and prospective authors and in the promotion, sale, or distribution of books of authors who have engaged respondents' services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That under their plan of publication the contracting authors will recover all or substantially all of their entire investment in the publication of their books: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that any represented number or proportion of authors have recovered the represented portion or amount of their investment.

2. Misrepresenting, in any manner, the amount of return on investment, profits or gains derived or which may be derived by persons who have engaged respondents' services.

3. That books or other printed matter published by respondents are purchased in large numbers or quantities in the regular course of business by bookstores, department stores, wholesalers, libraries, colleges and universities; or misrepresenting, in any manner, the kind or number of purchasers of said books or the number of such books purchased by such organizations or others.

4. That the contracting author's book will be nationally advertised; or misrepresenting in any manner, the kind, manner or extent of the advertising, publicizing or promoting accorded said books or other printed matter.

5. That their advertising, publicity, or sales promotion campaign assures success of the sale or distribution of books or other printed matter published by them.

6. That they print or bind all or a portion of the copies listed in the contract of the first edition of an author's book: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said books are printed or bound as represented.

7. That books published by respondents are reviewed by critics or columnists; or in newspapers, magazines, radio, TV or other reviewing media: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder to establish that the said books have been reviewed as represented.

8. That respondents offer and enter into contracts or agreements with authors of manuscripts, whether or not determined by them to have unusual possibilities of success or for any other reason, whereby respondents agree to assume all or a portion of the publication, promotion or distribution costs or to compensate the author on the basis of the number of books sold: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they make such offers and enter into contracts or agreements as represented and that a bona fide effort is made to make such offers and enter into such contracts with each of the authors responding to such advertising representations.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11136; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. 6702]

PART 13—PROHIBITED TRADE PRACTICES

Royal Oil Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed, or reused product being new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed, or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Royal Oil Corp. et al., Baltimore, Md., Docket 6702, Sept. 19, 1966]

In the Matter of Royal Oil Corp., a Corporation, and Alden C. Jocelyn, Joseph A. Inciardi, and Irving H. Weil, Individually and as Officers of Royal Oil Corp.

Order reopening and modifying an earlier order, 23 F.R. 3298, dated April 7, 1958, requiring a marketer of lubricating oil to cease advertising its product without disclosing that the oil is refined or reprocessed, by affirmatively ordering that such disclosure be made on the front panel or panels of the container.

The modified order to cease and desist, is as follows:

It is ordered, That the proceeding herein be, and it hereby is, reopened and the Commission's order of April 7, 1958,

be, and it hereby is, modified by substituting the following paragraph for paragraph (1) contained in that order:

(1) Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels of the container.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11137; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Cooperative Advertising Program Must Be Made Available to All Competing Customers

§ 15.92 Cooperative advertising program must be made available to all competing customers.

(a) The Commission was requested to furnish an advisory opinion concerning a proposal by an advertising agency to solicit suppliers of products sold in drug stores to permit the agency to place some of their money for advertising in one trade area. Suppliers were to be charged at the rate of $3 per each store which agrees to participate. The agency will notify all drug stores in the area that, for example, supplier A wants to participate in the plan and ask each store to mark a self-addressed card as to whether they either displayed the item and/or if they would purchase additional products either for the display or in anticipation of the advertising campaign of that product. If 700 stores return the card as evidence of their in-store cooperation, the supplier would then pay the agency $2,100 at the rate of $3 per store. The agency will then take this sum and place the money in an advertising campaign for the supplier. In return for the pharmacists' cooperation, the agency will tag each supplier's advertising with "this product available at your local pharmacy." No specific names will be mentioned.

(b) Although each supplier's advertising will be run separately and there will be no joint advertising, each will be able to buy advertising under discounts earned from collective buying of space under the contract for all participating suppliers. There will be no payment to any individual druggist or association of druggists. Payments to the agency will be by the media in the form of agency commissions. Further, none of the advertisements to be published will contain selling prices for any of the products featured therein.

(c) The plan was subsequently amended so that the offer would be extended to all competing retailers of the products advertised instead of just to drug stores. However, the agency advised that it had already received negative answers from a number of food chains and other retailers and, consequently, it proposed to leave the tag reading as above, but that if any of the others subsequently indicated they would like to participate, the tag would be amended to read "available at your local pharmacy and grocery store" or "variety store" as the case may be. All of these stores will continue to be notified periodically.

(d) The Commission advised that while no specific customer will be named in the proposed advertisements, the fact that a class of customers will be specified, namely, pharmacies, means that the principles of section 2(e) of the Robinson-Patman Act apply and each supplier would owe a duty to make this proposal available on proportionally equal terms to all of their competing customers. The Commission further advised that it appeared the agency proposed to operate the plan in such manner as to meet the test of that section, assuming, of course, that all competing retailers will be notified of the availability of the plan and offered an opportunity to participate and that the tag will be changed in an appropriate manner if other than pharmacies evidence an interest.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 12, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11132; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Newspapers Right To Reject Advertising

§ 15.93 Newspapers right to reject advertising.

(a) The Commission was requested to render an advisory opinion with respect to the right of a newspaper to reject advertising which it regarded as false and misleading. While the question propounded involved the right of the paper to reject an advertisement by an automobile dealer which impliedly represented that a used car in its stock was a repossession when it was not, the Commission noted that the question presented went far beyond the fate of the particular advertisement and involved the basic question of whether or not a newspaper has the right under the antitrust laws to reject advertisements which are submitted to it for publication.

(b) The Commission further noted the fact that the newspaper, which is in open competition with other newspapers in the same area, is acting in accord with the exercise of its own independent judgment and not in concert with others in proposing to reject the particular advertisement.

(c) Under these circumstances, the Commission advised that it could see no objection to the exercise by the newspaper of its right to refuse to accept the advertisement.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 12, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11133; Filed, Oct. 12, 1966; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endrin

A petition (PP 5F0424) was submitted to the Food and Drug Administration by Shell Chemical Co., 110 West 51st Street, New York, N.Y. 10020, requesting the establishment of a tolerance of 0.1 part per million for residues of the insecticide endrin in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, and cauliflower.

The petition was found to be inadequate for filing because of deficiencies in the toxicological data; however, the petitioner requested that the petition be filed as submitted, as provided in § 120.7 (d), and it was filed.

The Secretary of Agriculture has certified that endrin is useful for the purposes for which the tolerances were requested.

After consideration of the data submitted, and other relevant material, scientists of the Food and Drug Administration concluded that endrin residues should not be tolerated on food crops by reason of the aforementioned deficiencies in the petition.

The Shell Chemical Co. asked that the petition be referred to an advisory committee, as provided by sections 408 (d) and (g) of the Federal Food, Drug, and Cosmetic Act, with the request that it make a report and recommendation thereon. The petition was referred to an advisory committee, and it has unanimously recommended that the petition be denied. Copies of the report and recommendations of the committee are on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201.

The available information shows that it is proper to continue the present tolerance of zero for endrin in or on cabbage and to establish a tolerance of zero for

endrin in or on broccoli, brussels sprouts, and cauliflower.

Therefore, based on consideration of all the data and the report and recommendations of the advisory committee, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(3)(A), 68 Stat. 513, 21 U.S.C. 346a(d)(3)(A)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.120; 31 F.R. 3008), § 120.131 is revised to read as follows:

§ 120.131 Endrin; tolerances for residues.

A tolerance of zero is established for residues of the insecticide endrin in or on each of the following raw agricultural commodities: Broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, cucumbers, eggplant, peppers, potatoes, sugarbeets, sugarbeet tops, summer squash, and tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(3)(A), 68 Stat. 513, 21 U.S.C. 346a(d)(3)(A))

Dated: October 10, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11204; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 512—REVIEW COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Under authority provided in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1960 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), 29 CFR Part 512 is hereby revised in order to adapt the procedures set forth therein to the provisions in the Fair Labor Standards Amendments of 1966 (P.L. 89-601) for minimum wage increases to become effective during 1967 in industries operating in Puerto Rico and the Virgin Islands.

As these regulations are rules of agency procedure, no provision for public participation in their formulation is required by the Administrative Procedure Act. As they must be effective immediately in order to accomplish their purpose, good cause is hereby found, and they shall be, effective on publication in the FEDERAL REGISTER.

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AUTHORITY: The provisions of this Part 512 issued under 52 Stat. 1060, as amended (P.L. 89-601); 29 U.S.C. 201.

§ 512.1 Scope and application.

Section 6(c)(2)(A) of the Fair Labor Standards Act of 1938, as amended, requires, with respect to employees in Puerto Rico and the Virgin Islands, that the rate or rates applicable to them under the latest industry wage order issued prior to February 1, 1967, be increased by 12 per centum, unless such rate or rates are superseded by a rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee appointed under section 6(c)(2)(C). The regulations in this part provide the procedure for applications for the appointment of such review committees, as well as the procedure to be observed by such committees in the conduct of investigations and hearings and in formulating their recommendations, and the procedure for the promulgation of wage orders giving effect to their recommendations.

§ 512.2 Statutory requirements prerequisite for appointment of review committees.

Under the terms of the governing statute, authority to appoint a review committee for the purpose provided in § 512.1, arises only where application is made to the Secretary of Labor in writing, by any employer or group of employers employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, for the appointment of a review committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates resulting from the percentage increase described in § 512.1. Such application shall be filed not later than November 22, 1966. Appointment of a review committee pursuant to such application is authorized only if the Secretary of Labor has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with the increase of 12 per centum referred to in § 512.1 will substantially curtail employment in such industry. The governing statute provides that the Secretary's decision on such application shall be final.

§ 512.3 Industry.

Only one application for each industry shall be received. The definition of each industry shall conform to one of the definitions under the first section, entitled "Definition," in Parts 601 to 699, both inclusive, and Part 720 of this chapter excluding, however, Parts 694, 695, and 697 of this chapter. In the case of industries in the Virgin Islands, the definition of an industry shall conform to one of the lettered paragraphs of § 694.1 of this chapter. Every employer who joins a group of employers in filing an application must sign it. Signers on behalf of business organizations should be the employer's chief executive officer in charge of all its operations in the industry in Puerto Rico or the Virgin Islands, as the case may be, or an officer with supervisory authority over such chief executive. Each such application should be complete in one document. Where, however, substantial reason compels a particular employer to join a group of employers in filing an application by a separate document and if it meets the requirements provided in §§ 512.3 to 512.9, it will be received, considered, together with the presentation of the other employers in the group, and the employer will be accorded status as an applicant under § 512.13.

§ 512.4 Confidentiality.

Each application and the financial and other information contained therein shall, if the application is granted, become a matter of public record at the time the application is granted. Such documents will, upon appointment of the review committee, be referred to it in accordance with section 5(d) of the Fair Labor Standards Act. Prior to the granting of any such application, and both prior to and after the denial of any such application, access to such documents will be restricted, and the contents thereof will be revealed only to the Secretary and officers and employees of the Department of Labor whose duties require the examination of such application.

§ 512.5 Identification and filing date.

Each application shall separately state for each employer participating in it, his name and address (in Puerto Rico or the Virgin Islands as the case may be), the products produced and services rendered by the employees to whom the application relates, and the applicable wage order and any classification or classifications applicable to such employees, all as defined in Parts 601 through 699, both inclusive, and Part 720 of this chapter. The application

shall be filed during the period prescribed by § 512.2. No clarification, supplemental, or additional data filed outside the period prescribed by § 512.2 may be considered. If the application is sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the period prescribed by § 512.2. The original and two copies of the application shall be filed at the Office of the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, and one copy shall be filed at the Office of the Regional Director of the Wage and Hour Division, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R. 00908.

§ 512.6 Majority of employees in the industry.

In order to provide the information necessary to determine whether the employer or employers applying for appointment of a review committee employ a majority of the employees in the industry, the application shall show the number of employees subject to the wage order for such industry who are employed by each such employer for the payroll week which includes September 12, 1966. In addition to this information, such information on employment during another specific payroll week may be submitted if the application shows that employers employing a majority of the employees in the industry and participating in the application agree upon such week as the most recent payroll week considered to be normal, and if the application presents facts which establish that employment during such other week is, because of factors such as seasonality or temporary abnormal conditions, more representative than the employment during the week which includes September 12, 1966. The name and address of each employing establishment in the industry which has not joined in the application shall also be stated, together with the estimated number of employees employed by it in the workweek which includes September 12, 1966, and such other week as may be selected for counting employees of employers joining in the application. Employers filing information on employment in establishments operated by other employers in their industry who have not joined in the application shall supply the best information they are able to discover on this question and identify its source.

§ 512.7 Financial information.

(a) The application shall set forth separately for each employer participating in such application the financial and other information with respect to his operations which he relies upon to establish reasonable cause for believing that compliance with the minimum wage rate or rates resulting from the percentage increase referred to in § 512.1 will substantially curtail employment in the industry. If such information is not set forth in such pertinent detail as will permit the Secretary to conclude that there is reasonable cause to believe that such curtailment of employment will result, he is not authorized to appoint a review committee. It is therefore recommended that each application contain information in at least the detail required by Part 511 of this chapter as a prerequisite to becoming a party to a proceeding before a special industry committee.

(b) With respect to financial information, each application shall provide pertinent, unabridged profit and loss statements and balance sheets for a representative period of years (not less than three) covering the operations of each employer in the industry joining in such application, and include the most recent year or fraction thereof for which such data are available. Such financial statements (except those relating to the most recent fiscal period that are for less than a full fiscal year and those that are for a year ending less than 90 days prior to the filing of the application) shall be certified by an independent certified public accountant, or verified by the employer to whom they relate, as conforming to, and being consistent with, the corresponding income tax returns covering the same years, so that the application presents all the detail in such returns that is pertinent to the question of whether the 12 per centum increase referred to in § 512.1 will substantially curtail employment in the industry. The names of individuals or business organizations with whom transactions were accomplished, and minor details which are not pertinent to the appointment of a review committee, need not be revealed.

§ 512.8 Payroll and employment data.

Each applicant shall present separately for each participating employer payroll data for the week or weeks identified in § 512.6 showing the following information for all employees employed by him in the industry in classifications subject to the 12 per centum increase referred to in § 512.1: (a) For employees other than learners and apprentices working under special minimum wage certificates and homeworkers—(1) the number of employees paid minimum wages and (2) the number of employees in each interval of straight-time earnings (the intervals should be 2½ cents and the lowest interval should begin with and include the lowest appropriate multiple of 5 cents); (b) for learners and apprentices—the number of employees in each straight-time interval of earnings; and (c) for homeworkers—(1) the number of homeworkers and (2) the total amount of wages paid to homeworkers. In addition to the foregoing, there shall be submitted for each participating employer for every worker employed by him, on one of the copies to be filed with the Administrator pursuant to § 512.5, the following: The wage rate at which the worker is employed, his hours worked in the workweek, his total earnings, and his straight-time hourly earnings as computed from the weekly straight-time earnings and hours of work. In reporting payroll data on homeworkers, only the number of homeworkers and the total amount paid to each need be shown. Those employees who are learners or apprentices working under special certificates shall be identified as such in the data. In addition to the foregoing payroll data, there should be stated for each participating employer (i) the number of employees other than learners and apprentices and homeworkers, (ii) the number of learners and apprentices, and (iii) the number of homeworkers employed by him in the workweeks which included the following dates: August 12, 1964, November 12, 1964, February 12, 1965, May 12, 1965, August 12, 1965, November 12, 1965, February 12, 1966, May 12, 1966, August 12, 1966, and September 12, 1966.

§ 512.9 Other information.

Other information which the participants in the application deem necessary or appropriate for consideration on the question of whether the 12 per centum wage increase referred to in § 512.1 will substantially curtail employment in the industry shall be supplied in the application. Among the types of data which may be considered pertinent, are those revealing (a) employment and labor conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, particularly after the effective date of the most recent applicable wage order, including such items as present and past employment, present wage rates, perquisites, and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates and similar factors; (b) market conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, and similar marketing factors; (c) comparative production costs in Puerto Rico or the Virgin Islands, as the case may be, with such costs on mainland and in foreign countries, together with the conditions responsible for the differences.

§ 512.10 Action on application.

Each application under this part will be considered promptly after receipt, and decisions thereon will be promptly communicated to employers participating in the application. On approval of any such application, an order of appointment of a review committee for the industry to which it relates will be published in the FEDERAL REGISTER. Approval of an application shall not, in proceedings before a review committee, be considered as evidence that any specific rate or rates which may be applicable or may be made applicable under any provision of the Act to employees in the industry concerned will or will not cause substantial curtailment of employment therein.

§ 512.11 Review committee procedure.

The provisions of sections 5 and 8 of the Fair Labor Standards Act of 1938 relating to special industry committees are applicable to review committees appointed pursuant to this part. Part 511 of this chapter, entitled "Wage Order Procedure for Puerto Rico, the Virgin Islands, and American Samoa" shall govern the procedure of review committees and the general method for issuance of wage orders pursuant to their recommendations, except insofar as Part 511 of this chapter may be inconsistent with this part or the Fair Labor Standards Amendments of 1966 (Public Law 89-601).

§ 512.12 Effective period of the 12 per centum increase or the review committee wage order.

Except as provided in § 512.13, the 12 per centum increase in minimum wage rates or the superseding minimum rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee, as referred to in § 512.1, shall be effective April 2, 1967, and shall remain in effect for 1 year unless superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of $1.40 per hour) hereafter issued by the Secretary of Labor pursuant to the recommendations of a special industry committee. However, no special industry committee shall hold any hearing within 1 year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary by a review committee to be paid in lieu of the 12 per centum referred to in § 512.1. Section 6(c)(2)(B) of the Fair Labor Standards Act of 1938 gives the conditions under which the minimum wage rates referred to in § 512.1 are to be increased by an additional 16 per centum on April 2, 1968.

§ 512.13 Surety undertaking.

(a) *Eligibility for relief.* In the event a review committee has been appointed as provided in § 512.10 and its deliberations have not resulted in a wage order effective on or before the effective date referred to in § 512.12, the 12 per centum increase shall go into effect on the effective date prescribed in that section, except with respect to the employees of an employer who filed a timely application under § 512.5 to the extent that he qualifies for relief under paragraph (b) of this section.

(b) *Conditions of relief.* Each employer eligible for relief as provided in paragraph (a) of this section is hereby relieved, subject to the following conditions, from the obligation to pay the 12 per centum wage increase referred to in § 512.1 until the effective date of the wage order for his industry recommended by the review committee appointed under § 512.10. Such relief shall begin when, and continue as long as, the following conditions are complied with:

(1) He shall file with the Secretary of Labor a bond enforceable by the Secretary of Labor in the district court of the United States for the District of Columbia or for the district of Puerto Rico by service of process on a public officer in the District of Columbia or in Puerto Rico who is, by irrevocable appointment in the undertaking, authorized to receive service of process on the employer's behalf in any judicial proceeding to enforce the bond. The condition of the bond shall be such that liability for the amount of the undertaking may be avoided only if there is payment to each of his employees of an amount equal to the difference between the wages they actually receive and the wages provided in the wage order made on recommendation of the review committee.

(2) The liability in such a bond shall be fully joined by a corporate surety identified currently by the Secretary of the Treasury under sections 6 through 13 of Title 6 of the United States Code as an acceptable surety on Federal bonds who is licensed to transact a surety business and has a process agent, both in the District of Columbia and in Puerto Rico.

(3) The employer shall file with the Secretary of Labor a weekly report showing the cumulative difference between the total amount of wages he has paid to his employees through the end of the preceding workweek and the total wages his employees will be entitled to receive if the review committee recommends an increase of 12 per centum.

(4) The relief shall not be effective for any period after the cumulative difference reported under subparagraph (3) of this paragraph exceeds 75 per centum of the amount of the undertaking, nor after the Secretary of Labor advises the employer that in his opinion the amount of the undertaking is inadequate to give satisfactory assurance that the employees whose wages are affected by the relief will ultimately receive the total compensation for their work to which they will be entitled.

(5) The condition of the bond shall also require that sums due employees who cannot be located within 3 years after the effective date of the wage order recommended by the review committee shall be payable to the Secretary of Labor to be covered into the Treasury of the United States as miscellaneous receipts.

§ 512.14 Information previously submitted.

Where financial information required to be included in a petition has previously been submitted to the Wage and Hour and Public Contracts Divisions in the form required by § 512.7, the petitioner may request that it be permitted to exclude such information, setting forth the date and circumstances of such prior submission. Such request, however, must be made and granted before a petition omitting the required information may be filed, and will not authorize a petition subsequent to November 22, 1966.

Signed at Washington, D.C., this 10th day of October 1966.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 66-11179; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

1. Subpart B is revised to read as follows:

Subpart B—Definition of Terms

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314.

Subpart B—Definition of Terms

§ 1001.201 Definitions.

§ 1001.201-7 Head of procuring activity.

See § 1001.456.

§ 1001.201-55 Base procurement.

Any AF installation engaged in local purchase is a base procurement activity. Except as authorized by §§ 1003.607-2, 1004.2102(a), and 1004.2103 of this subchapter, the local purchase (and sales contracting) function will be consolidated under one office at AF installations. The base procurement office is the centralized purchasing office engaged in local purchase at an AF installation.

§ 1001.201-57 Central procurement.

The purchasing of consolidated AF requirements (supplies or services) by certain designated agencies, such as AFLC, AFSC, MAC, ACIC, ATC, AFCS, Department of the Army or Navy, and DSA.

§ 1001.201-59 Foreign central procurement activity.

Any AFLC/AFSC installation that is engaged in central procurement and is located outside the United States, its possessions, or Puerto Rico.

§ 1001.201-60 Oversea commands.

Major commands located in possessions of the United States, and in Puerto Rico, Alaska, and Hawaii, as well as those in foreign countries.

2. Section 1001.366 is deleted, and a new § 1001.367 is added as follows:

§ 1001.366 Allegations concerning the competitive procurement program. [Deleted]

§ 1001.367 Contracts for food of animal origin.

Contracts for food of animal origin will only be placed with those sources

which are approved with respect to sanitation according to the standards and procedures prescribed in AFR 160-48 (Veterinary Food Inspection). In this respect, contracting officers will solicit the cooperation of the director of base medical services, base, veterinarian, or other duly authorized persons in determining the acceptability of food sources of supply. Further, the contracting officer will take necessary action to insure that his activity receives distribution or has access to all lists of approved sources of food (see AFR 160-48). These lists of approved sources are not to be used for the purpose of limiting consideration to a group of selected suppliers, but may be used only to suggest potential sources. Sources who wish to bid on food of animal origin requirements, but who have not been inspected, will be advised to apply in writing to the procurement activity concerned requesting a sanitary inspection.

3. Section 1001.402 is amended by revising the title, paragraph (a), subparagraphs (1) and (3) of paragraph (b), and paragraph (f). As amended, §1001.402 reads as follows:

§ 1001.402 Authority of contracting officers.

(a) The authority to enter into contracts applies only to contracting officers appointed under § 1001.405. The acts of a contracting officer must be within the scope of the written orders designating him a contracting officer. Unless otherwise specifically provided, the words "the contracting officer" also mean his duly designated successor. (Also see §1.201-3 of this title.)

(b) * * *

(1) Imprest fund purchases made according to § 3.607 of this title and § 1003.607 of this subchapter.

* * * * *

(3) Emergency purchases of medical supplies and equipment made according to paragraph 11, Chapter 16, Volume V, AFM 67-1 (USAF Supply Manual), followed by the issuance of a confirmatory purchase order by the base procurement officer or a cash purchase receipt by a cash purchasing officer.

* * * * *

(f) The responsibility of contracting office or a cash purchase receipt by a forth in Chapter 11, Volume VI, AFM 67-1.

* * * * *

4. Sections 1001.405, 1001.405-1, 1001.405-2, 1001.405-50, and 1001.405-51 are added; and §§ 1001.451 and 1001.452 are deleted as follows:

§ 1001.405 Selection, appointment, and termination of appointment of contracting officers.

Contracting officers and their representatives, as defined in § 1.201-3 of this title, will be those designated by the persons listed below, or by persons who are authorized in writing by the persons listed below to designate contracting officers within the meaning of that term as used throughout Chapter I of this title and this subchapter: Secretary of the Air Force (as defined in § 1.201-15 of this title; Deputy Chief of Staff, Systems and Logistics; Director of Procurement Policy, Office of the Deputy Chief of Staff, Systems and Logistics; and heads of procuring activities (Commanders, AFLC and AFSC).

(a) *AFLC authority to designate contracting officers and their representatives.* Pursuant to § 1001.456, this authority has been redelegated by Director of Procurement and Production, HQ AFLC, to activities cited in § 1001.455(b).

(b) *AFSC authority to designate contracting officers and their representatives.* This authority has been redelegated by the Deputy Chief of Staff, Procurement and Production, HQ AFSC.

§ 1001.405-1 Selection.

In addition to the requirements contained in § 1.405-1 of this title, contracting officer appointments will be limited to the following categories of personnel and subject to the requirements and limitations stated, except that the requirement pertaining to AFSCs in paragraph (a)(1) of this section may be waived by appointing authorities in AFLC and AFSC when the individual to be appointed has a level of procurement experience commensurate with the complexity of the procurement actions to be assigned the individual.

(a) *Considerations.* (1) Commissioned officers and NCOs (Grades E-6, E-7, E-8, and E-9) who have been awarded AFSC 6516, 6534, 65190, or 65170; or civilian personnel occupying a manning position listed under these AFSCs. Personnel must have successfully completed the OBR 6531 or AAR 65170 courses of instruction, previously held a contracting officer warrant, or had 2 or more years of procurement experience.

(2) Commissioned officers who have more than 1 year procurement experience with authority limited to blanket purchase agreements, delivery orders, purchase orders and modifications thereto.

(3) NCOs in grade E-5 who have completed the AAR 65170 course of instruction or equivalent OJT with authority limited to blanket purchase agreements, delivery orders, purchase orders and modifications thereto.

(b) [Not implemented]

§ 1001.405-2 Appointment.

(a)(1) The commander or deputy commander of a base, division, wing, etc., and, in the case of AFLC activities, the Director of Procurement and Production will review and sign the request for designation of a contracting officer. In AFSC the request will be reviewed and signed by the officer (or civilian) immediately subordinate to the designating authority. The request will include:

(i) A résumé of his qualifications signed by the applicant.

(ii) A statement by the person signing the request that the qualifications contained in the résumé were verified against the applicant's personnel file.

(iii) If the designee is already an employee of the requesting activity and his qualifications are known, a statement that the designee is qualified.

(iv) If the designee is not an employee of the requesting activity and his qualifications are not known, a summary of an interview of the designee by the chief or deputy chief of the procurement activity. The summary will include a statement that the designee is qualified. If the designee is located at a distance which makes it impractical and uneconomical to conduct an interview, this requirement will be waived. Justification for not having an interview will be included. However, the statement that the designee is qualified must still be made.

(2) Request for designation of a representative of a contracting officer will be handled the same as in subparagraph (1) of this paragraph, except that:

(i) Unless it is impractical, the contracting officer desiring a representative will initiate the request, sign the statements, and conduct the interview instead of the chief or deputy chief of the procurement activity.

(ii) If the contracting officer takes the action in subdivision (i) of this subparagraph, the chief or deputy chief of the procurement activity will review the request prior to transmittal.

(iii) The approval of the designee's commander will be obtained when the designee is not under the jurisdiction of the designating authority (see authority under § 1001.405 (a) and (b)).

(3) Requests for designation will be sent through channels to the appropriate designating authority (see authority under § 1001.405 (a) and (b)). Requests for designation of personnel as contracting officer, who do not meet the full criteria in § 1001.405-1, together with the following additional information, may be submitted by the appropriate designating authority to AFLC (MCPP), or AFSC (SCKPR) (for AFSC activities), for review and approval.

(i) Complete justification for the proposed appointment.

(ii) Action taken to preclude recurrence of a situation where other than qualified personnel are recommended for appointment as a contracting officer.

(iii) A list of persons in the same office who are qualified for appointment, their present duties, and whether they are now appointed contracting officer.

(4) Designations and terminations of representatives of contracting officers will be in letter form.

(b) [Not implemented]

§§ 1001.405-3—1001.405-49 [Not implemented]

§ 1001.405-50 Distribution of designation and termination of appointment instruments.

Each designating authority will promptly distribute copies of instruments of designation and termination as follows:

(a) *Designation of contracting officers.* (1) Original to the individual designated.

(2) One true copy to the individual designated (to be furnished by that individual to the accounting and finance officer if requested by the latter).

(3) In the case of military personnel, one true copy to the activity having custody of the military field personnel records for permanent retention in the individual's personnel file.

(b) *Termination of contracting officer.* Distribution as provided in paragraph (a) of this section, except paragraph (a)(2) of this section. The accounting and finance officer will be sent a copy of each termination letter so he can cancel out the DD Form 577, Signature Card, on file in his office.

(c) *Designation of representatives.* (1) Original to the individual designated.

(2) One true copy to the contracting officer whom the representative serves.

(d) *Termination of representatives.* Distribution as provided in paragraph (c) of this section.

§ 1001.405–51 Representatives of contracting officers.

(a) The appointment of representatives of contracting officers will not be made unless it is determined that the duties of the individual cannot be performed by appointment as a limited contracting officer or designation of a Government agency or position in the contractual document as authorized by paragraph (c) of this section.

(b) The designating authority (see authority under § 1001.405) may designate according to § 1001.405–2(a)(2), any officer, warrant officer, civilian, or noncommissioned officer to act as representative of a contracting officer or his duly designated successor. The written designation will contain specific instructions as to the extent to which the representatives may take action for the contracting officer but will not contain authority to sign contractual documents.

(c) A Government agency or position (by title but not an individual by name) may be designated in the contractual document to perform specific functions under the contract. Such functions may include inspection, approval of shop drawings, testing, approval of samples, scheduling and signing work orders or equipment orders, determining number of hours for a job, and other functions of a technical nature not involving a change to the scope, price, terms, or conditions of the basic contract or order. The responsibilities and limitations of the agency or position will be set forth in the contract or in a separate letter. If a letter is used a copy will be furnished the contractor. The contracting officer will monitor the actions of the designated agency or position to insure that they do not exceed assigned functions. The functions assigned will not violate policies (e.g., base procurement centralization policy prescribed in §§ 1001.402, 1001.201–55, and 1003.608–6 of this subchapter) which reserve certain actions or authorities to contracting officers or which require approval prior to placing the authority or procedure in effect.

(d) A person assigned to and performing his primary duty within a procurement office, and who is under the supervision of a contracting officer, does not require designation as a representative nor designation in a contractual document to perform his assigned duties. Such a person is considered to be an employee of the contracting officer, acting in his behalf and as such has the inherent authority to perform acts as assigned by the contracting officer. The contracting officer cannot authorize his employees to sign any contractual document or letter where the signature of a contracting officer is required.

§ 1001.451 Representatives of contracting officers. [Deleted]

§ 1001.452 Designation of contracting officers (See § 1001.454). [Deleted]

5. Section 1001.453 is amended by revising the introductory paragraph, paragraph (f), the introductory paragraph and subparagraphs (1) and (4) of paragraph (j), and paragraph (m)(3). As amended § 1001.453 reads as follows:

§ 1001.453 Delegations of authority.

Certain specific delegation of authority instructions with respect to procurement are referenced in subsequent paragraphs of this subpart. In addition to limitations and conditions applicable to individual delegations and included therewith, the provisions of the paragraphs set forth in this section apply to all delegations of procurement authority and are published in this section to eliminate their repetition.

* * * * *

(f) Procurement authorities vested in commanders, oversea commands are likewise vested in the Commander, Military Airlift Command, and the Commander-in-Chief; Strategic Air Command, with respect to areas outside the continental United States and not within the jurisdiction of a major command.

* * * * *

(j) Ratification authority: In the event that a person acts without the requisite authority, his action may, under certain circumstances, be later ratified.

(1) For purchases involving $2,500 or less, made by persons to whom requisite authority has not been delegated, the individuals designated below are authorized to ratify such a transaction in the case of persons under the jurisdiction of: (i) The major commands (other than AFLC and AFSC) by the commander of the respective major command with power of redelegation to the DCS/materiel or comparable office within the major command headquarters, and (ii) AFLC and AFSC by the commanders of the first echelon of command immediately subordinate to HQ AFLC and AFSC. In no event will such authority be redelegated to contracting officers at any level. Each such transaction will be submitted for review and possible ratification according to the following procedures:

* * * * *

(4) Contracting officers do not have the authority to ratify unauthorized acts (subparagraph (1) of this paragraph).

* * * * *

(m) * * *

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 3.409–2 of this title), indefinite quantity contracts (§ 3.409–3 of this title), or call procurement arrangements (§ 1003.409–50 of this subchapter), except as provided in § 1001.405–1(a).

* * * * *

6. Section 1001.454 is deleted; §§ 1001.455 and 1001.456 are revised; and §§ 1001.457, 1001.458 and 1001.459 are deleted, as follows:

§ 1001.454 Authority to designate contracting officers and their representatives. [Deleted]

§ 1001.455 General procurement authority.

The delegation referenced in this section is a general one, and all other existing or future delegations, regulations, or directives issued by competent authority, to the extent to which they would, expressly or by reasonable implication, limit the scope of or impose conditions or restrictions upon the exercise of the general authorities cited in delegation instruments, will be controlling over it. This includes authority to enter into, execute and approve contracts.

(a) [No implementation]

(b) *AFLC authority.* This authority has been redelegated by Commander of AFLC to the Director, Deputy Director, and Assistant to the Director of Procurement and Production, HQ AFLC, and to all commanders of major commands (only base procurement for AFSC), air materiel areas, procurement regions, 2750 Air Base Wing, 2802 Inertial Guidance and Calibration Group, USAF Air Attaches, and USAF Missions.

(c) *AFSC authority.* This authority has been redelegated by the Commander, HQ AFSC, to the Deputy Chief of Staff, Procurement and Production, and the Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC, and further redelegated to commanders and vice commanders of AFSC divisions, centers, and the Office of Aerospace Research with power of redelegation.

§ 1001.456 Designation of heads of procuring activities.

Commanders of AFLC and AFSC are each designated as "a head of a procuring activity" within the Department of the Air Force. The Director of Procurement and Production, HQ AFLC, and the DCS/Procurement and Production, Hq AFSC, have been authorized to act for their respective commanders in exercising Chapter I of this title prescribed responsibilities vested only in the "head of a procuring activity." This authority is not applicable to Part 17, Subchapter A of this title, Extraordinary Contractual Actions to Facilitate the National Defense.

§ 1001.457 Authority to enter into, execute and approve contracts. [Deleted]

§ 1001.458 Manual approval of contracts for services of experts and consultants. [Deleted]

§ 1001.459 Architect-engineer contracts. [Deleted]

7. Section 1001.461 is amended by revising the note following paragraph (a)(4); § 1001.462 is deleted; a new § 1001.464 is added; and § 1001.465 is deleted as follows:

§ 1001.461 Contracts for public utility services extending beyond current fiscal year.

(a) * * *
(4) * * *

NOTE: Indefinite term utility service contracts as contemplated in Subpart KK, Part 1007 of this chapter (which are in effect until terminated) do not impose any obligation on the Government except as the service is actually used and therefore, do not come within the purview of this section. Such contracts will be approved pursuant to §§ 1001.455 and 1007.3706 of this chapter and will cite only 10 U.S.C. 2304(a)(10) as statutory authority.

* * * * *

§ 1001.462 Approval of certain PRs and MIPRs. [Deleted]

§ 1001.464 Delegation to Commander, Air Training Command.

Authority for procurement of services for primary pilot training has been delegated to the Commander, ATC, by Director of Procurement and Production, HQ AMC (redesignated AFLC).

§ 1001.465 Release of program data and procurement information. [Deleted]

8. Section 1001.801-2 is revised; § 1001.804-1 is added; and Subpart J is revised as follows:

§ 1001.801-2 Area trends in employment and unemployment.

"Area Trends in Employment and Unemployment," which establishes the boundaries of each labor market area and lists communities included in each area, is distributed by the Department of Labor directly to AF purchasing activities. Hq AFLC (MCP-5) and HQ AFSC (SCK-4) will periodically assure that distribution is adequate and that the contents of the publication are fully understood and correctly used by cognizant personnel.

§ 1001.804-1 General.

(a) (1) [Not implemented.]

(2) If the set-aside portion is 50 percent or less, unit price difference attributable to the division of a procurement into two portions does not constitute a price differential.

Subpart J—Publicizing Procurement Actions

Sec.
1001.1002 Dissemination of information relating to invitations for bids and requests for proposals.
1001.1002-6 Paid advertisements in newspapers and trade journals.
1001.1003-9 Preparation and transmittal.
1001.1005-1 Synopsis of contract awards.
1001.1007-2 Application.
1001.1007-3 Conditions.

AUTHORITY: The provisions of this Subpart J issued under sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 8012, 2301-2314.

§ 1001.1002 Dissemination of information relating to invitations for bids and requests for proposals.

In addition to the requirements of §§ 1.1002 and 2.203 of this title:

(a) AFLC/AFSC central procurement activities will mail or otherwise provide one copy of each unclassified synopsized (§ 1.1003 of this title) Invitation for Bids and Request for Proposals to each Small Business office of the following activities for use in furnishing information to potential bidders, to firms interested in subcontracting opportunities and for public display or other management uses.

(1) ASD (ASK-10), Wright-Patterson AFB, Ohio 45433.

(2) DCASR, Atlanta, 3100 Maple Drive NE, Atlanta, Ga. 30305.

(3) DCASD, Orlando, Orlando AFB, Orlando, Fla. 32813.

(4) DCASR, Boston, 666 Summer Street, Boston, Mass. 02210.

(5) DCASR, Chicago, O'Hare International Airport, Post Office Box 8758, Chicago, Ill. 60666.

(6) DCASR, Cleveland, 1367 East Sixth Street, Cleveland, Ohio 44114.

(7) DCASR, Dallas, 500 South Ervay Street, Dallas, Tex. 75201.

(8) DCASR, Detroit, 1580 East Grand Boulevard, Detroit, Mich. 48211.

(9) DCASR, Los Angeles, 11099 South La Cienega Boulevard, Los Angeles, Calif. 90045.

(10) DCASR, New York, 770 Broadway, New York, N.Y. 10003.

(11) DCASR, Philadelphia, 2800 South 20th Street, Philadelphia, Pa. 19101.

(12) DCASR, St. Louis, 1136 Washington Avenue, St. Louis, Mo. 63120.

(13) DCASR, San Francisco, 866 Malcolm Road, Burlingame, Calif. 94010.

(b) Central procurement activities other than AFLC and AFSC, and Base Procurement Activities (Air Force-wide) will distribute one copy of each unclassified synopsized Invitation for Bids and Request for Proposals to the DCASR office listed in paragraph (a) of this section which is located in, or closest to, that trade area which the procurement activity conducts the majority of its business.

(c) Upon request, or if required by other directives, additional distribution may be made, on an individual or recurring basis, to any Small Business Administration Regional Office or any other Government office including AFSC divisions, AFLC AMAs, or a DCASD office.

§ 1001.1002-6 Paid advertisements in newspapers and trade journals.

(a) through (b) [No implementation]

(c) *General.* Paid advertisements in newspapers, in connection with the disposition of disposable property by sale, will be used according to paragraph 4, Chapter II, Volume VI, AFM 67-1 (USAF Supply Manual).

(d) [No implementation]

(e) *Authority and delegation.* (1) Authority to approve the publication of paid advertisements for proposed procurements or surplus sales has been delegated by the Secretary to:

(i) AFLC.

(a) Commander, AFLC.

(b) Director and Deputy Director of Procurement and Production, HQ AFLC.

(c) Commander and director of procurement and production, AMAs.

(d) Commander, 2750th Air Base Wing.

(e) Commander, The Headquarters, The Military Aircraft and Storage Disposition Center.

(f) Commander, 2802d Inertial Guidance and Calibration Group.

(g) Commander, Air Procurement Region European and Air Procurement Region Far East.

(ii) AFSC.

(a) Commander, AFSC.

(b) Deputy Chief of Staff, Procurement and Production, Hq AFSC.

(c) Director and Deputy Director of Procurement, Hq AFSC.

(d) Commander and chief of procurement and production office of AFSC divisions.

(e) Commander and director of procurement office of AFSC centers.

(f) Commander and director of procurement office of AFSC ranges.

(iii) Major Command (other than AFLC and AFSC). Commander and vice commander, and while so acting, to the person acting for the time being in any of the foregoing capacities. The above authority will not be redelegated.

(2) Authority to authorize the publication of paid advertisements for purposes of recruiting civilian employees has been delegated by the Secretary to the Secretary of the Air Staff, HQ USAF; commanders of major commands; and each base commander of an activity maintaining a central civilian personnel office. The above authority will not be redelegated. Use of paid advertisements will be according to paragraph 7, section 3131, AFM 40-1 (Air Force Civilian Personnel Manual).

(f) (1) [Not implemented]

(2) Requests for authority to place advertisements for the purpose of recruiting civilian employees will be submitted to the official named in paragraph (e)(2) of this section for approval.

§ 1001.1003-9 Preparation and transmittal.

RCS: AF-XDC-N-1 is assigned to this report.

§ 1001.1005-1 Synopsis of contract awards.

RCS: AF-XDC-N-2 is assigned to this report.

§ 1001.1007-2 Application.

Responsibility for approval of public releases is assigned as follows:

(a) Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC.

(b) Commanders of AFSC divisions, centers or ranges, with authority for redelegation no lower than the chief, procurement and production.

(c) Director and Deputy Director of Procurement and Production, HQ AFLC.

(d) Commanders of AFLC AMAs with authority for redelegation to the director of procurement and production. The responsibility is limited to estimates of supplies and services for which the AMA has been assigned procurement responsibility.

(e) Commanders of major commands other than AFSC/AFLC with authority for redelegation.

§ 1001.1007–3 Conditions.

(a) through (h) [No implementation]

(i) Responsibility for the determination of the need for, and the preparation of, public announcements is the same as the assignments in § 1001.1007–2.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

9. Section 1002.201 is revised to read as follows:

§ 1002.201 Preparation of invitation for bids.

(a) (1) through (16) [No implementation]

(17) *Special provisions*—(i) *DO ratings.* See § 1001.460.

(ii) *Classified information.* Classified information in invitations for bids will be handled according to AFR 205–4, Armed Forces Industrial Security Regulation, and regulation issued by each major command.

(iii) *Percentage of subcontracting.* When a Pre-Award Survey is contemplated as prescribed in § 1.905–4 of this title the IFB will contain the following provision except that this provision will not be inserted when the clause contained on § 7.603–15 of this title is used:

Bidder represents that the estimated percentage of subcontracting contemplated on this procurement is _____ percent (December 1954).

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractor's selling price. "Subcontracting" means only contracts for the production of or work upon an item, component, or assembly and does not include (a) any purchase of a standard commercial or catalog item, (b) any purchase of a basic raw material (c) any purchase of supplies or services for the general operation of the contractor's plant, or (d) any purchase from a parent, subsidiary, or affiliate of the contractor.

(18) *General provisions or conditions*—(i) *Special maintenance tools and test equipment.* Where a requirement for special maintenance tools and test equipment exists, a separate item in the schedule will be established similar to the following sample:

The contractor agrees to furnish special maintenance tools and test equipment for items _____ above, to be selected in accordance with _____ dated _____ incorporated herein by reference.

(ii) The following provision will be included in all Invitation for Bids calling for the purchase of milk or milk products:

STATE MINIMUM DISTRIBUTOR PRICE REGULATION NOT APPLICABLE (MARCH 1963)

This Procurement is financed by Appropriated Funds and is made under the authority of Chapter 137, Title 10, U.S.C., and the Armed Services Procurement Regulation. Pursuant to *Paul vs. United States*, decided by the Supreme Court of the United States on January 14, 1963, State minimum distributor price regulations with respect to milk or milk products are not applicable to this procurement.

PART 1003—PROCUREMENT BY NEGOTIATION

10. Subpart E is revised; the title of § 1003.607 and paragraph (a) of § 1003.607–4 are revised; and § 1003.608–4 is deleted as follows:

Subpart E—Solicitations of Proposals and Quotations

§ 1003.501 Preparation of request for proposals or request for quotations.

(a) [No implementation]

(b) (1) through (43) [No implementation]

(44) The provisions in § 1002.201(a)(18)(ii) of this subchapter in all Request for Proposals or Requests for Quotations calling for the purchase of milk or milk products.

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314)

§ 1003.607 Imprest fund method.

§ 1003.607–4 Procedures.

(a) (1) COD orders may be placed on DD Form 1155, without obtaining prior verbal or written quotations, subject to the following conditions:

(i) The order is endorsed: "Payment to be made from Imprest Fund."

(ii) The order specifies that shipment can be made only if: (*a*) Item strictly conforms to the purchase description, (*b*) the total price of the item does not exceed the ceiling price stated in the order, and (*c*) delivery can be made COD within 30 days from date of order. A statement will be placed in the order instructing the contractor to withhold shipment if all the foregoing conditions cannot be met and requesting the contractor to advise of nonshipment and any counter-offer concerning substitute item, price, or delivery date.

(iii) For reporting purposes, only actual prices paid for the item will be reported. When the order is placed, the ceiling price will be entered by pencil in the AFPI Form 3E, Imprest Fund Register. When delivered, the ceiling price will be erased from the register and replaced by the actual price.

(2) [No implementation]

* * * * * *

§ 1003.608–4 Use of DD Form 1155s with the DD Form 1155. [Deleted]

11. In § 1003.608–6 paragraph (a), the introductory text of (c), and (c)(4) are revised. As amended § 1003.608–6 reads as follows:

§ 1003.608–6 Use of DD Form 1155 as a delivery order.

(a) DD Form 1155 will be used as a delivery order under basic ordering agreements (§ 3.410–2 of this title).

* * * * *

(c) The above type of delivery orders against indefinite delivery contracts will be issued monthly or prior to the beginning of each fiscal quarter, except for commissary stock fund requirements, which may be issued at the beginning of each fiscal year.

* * * * *

(4) On the last day of the month/the requiring activity will prepare a consolidated receiving report (by line item of the contract) for all deliveries made during the monthly period. Obligations will be recorded and reported in the reporting month (as opposed to calendar month) in which they are incurred. One copy of each consolidated receiving report prepared will be furnished to complete the files in the base procurement office.

* * * * *

12. In § 1003.651–2, paragraph (d) and the last sentence of paragraph (i) are revised as follows:

§ 1003.651–2 General.

* * * * *

(d) Whenever a purchase is made against a credit card, the individual making the purchase will sign and enter the vehicle tag number on the delivery ticket, obtain a copy of the delivery ticket from the service station attendant and, immediately upon return from a trip, will turn in the copy of the delivery ticket to the officer responsible for the credit card.

* * * * *

(i) * * * A duplicate copy of each delivery ticket will be forwarded to the transportation officer immediately after processing the invoice for payment. The transportation officer will extract from these duplicate copies information needed to report vehicle operation and maintenance costs.

* * * * *

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

13. Section 1004.214–4 is corrected; new §§ 1004.2100 and 1004.2101 are added; and § 1004.2102 is revised as follows:

F.R. Doc. 66–1529, appearing at pages 2681–2689 of the issue for Saturday, February 12, 1966, is corrected in the following respect:

In § 1004.214–4, paragraph (c)(1) "No implementation" is corrected to read as follows:

§ 1004.214–4 Transfer of title to equipment to nonprofit educational or research institutions.

* * * * *

(c) *Transfer of title.* (1) No implementation.

* * * * *

§ 1004.2100 *Scope of subpart.*

This subpart contains instructions for the preparation of and the procedure for handling commercial storage requirements and other related services for military and civilian personnel.

§ 1004.2101 *Applicability of subpart.*

This subpart applies to all AF procuring activities within the continental United States.

§ 1004.2102 *Department of Defense commercial warehousing and related services for household goods of military and civilian personnel.*

The procedure for processing commercial storage requirements for household goods of military and civilian personnel is set forth in AFR 67-61 (Commercial Warehousing and Related Services for Household Goods of Military Personnel).

(a) *Policy.* The execution and administration of service orders (DD Form 1164, Service Order for Household Goods) against basic agreements (DD Form 1162) will be performed in the base transportation office. Since this duty is fundamentally a procurement responsibility, the individual in the base transportation office performing these duties must be a duly appointed contracting officer according to § 1001.452 of this subchapter. In the appointment of base transportation personnel as AF contracting officers, care must be exercised to insure that such individuals' qualification and experience meets the minimum standards established by § 1001.452(a) (1), (3), (4), (5), (6), and (7) of this subchapter.

(b) *General.* To achieve maximum uniformity and desired efficiency in performing this function, the duties of the contracting officer located in the transportation activity and procedures to be used are as follows:

(1) Obtain the following, from the transportation officer, on each individual request for services:

(i) Completed DD Form 1099, Application for Non-Temporary Storage of Household Goods (Chapter 2, AFM 75-4 (Movement of Personnel and Personal Property)).

(ii) Completed DD Form 1299, Application for Shipment of Household Goods, and power of attorney or informal letter of authorization is required only when for some reason the DD Form 1099 cannot be accomplished.

(iii) Sufficient copies of individual travel orders necessary for required distribution.

(iv) A statement to the effect that commercial storage has been determined to be more economical than Government storage.

(2) Determine the order of preference for selecting the basic agreement to be used for each individual requirement. The cost of the service will be the sole determining factor. In the event of identical rates under two or more basic agreements, the requirements should be distributed according to AF policy concerning award of equal low bids.

(3) Obtain either oral or written offers, as appropriate, from commercial storage firms according to the basic agreement.

PART 1007—CONTRACT CLAUSES

14. Section 1007.105-51 is revised; § 1007.105-52 is deleted; new § 1007.4014 is added; § 1007.4033 is deleted; paragraph (d) of the clause in § 1007.4048(a) is revised; and § 1007.4058 is deleted as follows:

§ 1007.105-51 *Correction of deficiencies.*

The following clause is an example of a warranty clause which is authorized for insertion in fixed-price type supplies and services contracts for systems and equipment where performance specifications and/or design are of major importance.

CORRECTION OF DEFICIENCIES (AUGUST 1965)

(a) *Definitions.* As used in this clause: (1) The word "deficiency" shall mean: Any condition or characteristic in any supplies (which term shall include related services and technical data) furnished or to be furnished hereunder, which is not in compliance with the requirements of this contract.

(2) The word "corrections" shall mean: Any and all actions necessary to eliminate any and all deficiencies.

(b) *General.* (1) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(2) This clause shall apply only to those deficiencies discovered by either the Government or the Contractor within _____ (Insert a specific period of time after delivery or after the occurence of a specified event.)

(c) *Discovery, notice and recommendation for correction of deficiencies.* (1) If it is determined by the Contracting Officer (CO) that a deficiency exists in any of the supplies accepted by the Government under this contract, he shall notify the Contractor of the deficiency, in writing, within _____ (Insert specific period of time) of the discovery of the deficiency. Upon timely notification of the existence of such deficiency, the Contractor shall promptly submit to the Contracting Officer its recommendation for corrective action. The information shall be in sufficient detail for the Contracting Officer to determine what corrective action, if any, should be undertaken.

(2) If the contractor shall become aware that a deficiency exists in any supplies, either tendered to the Government for acceptance but not yet accepted or not yet tendered to the Government for acceptance hereunder, or that a deficiency exists in any accepted supplies, the contractor shall promptly correct such deficiency, or if it elects to invoke the procedures set forth in paragraphs (d) and (e) hereof, it shall promptly communicate such information, in writing, to the Contracting Officer, together with its detailed recommendation for corrective action.

(d) *Notice to Contractor.* (1) The Contracting Officer, at his sole discretion, may direct the contractor to correct, within a reasonable time and at _____ (Insert the location or locations where correction may be directed) any and all deficiencies in such supplies and the contractor shall take necessary action to bring the supplies into compliance with the requirements of this contract at no increase in the total contract price.

(2) The Contracting Officer may: (i) Choose not to direct any correction; or (ii) choose to direct only partial correction of an actual or potential deficiency; in such an event, he shall give written notice to the Contractor of the choice made.

(3) Written notice to the Contractor to correct, partially correct, or not to correct, as appropriate, an actual or potential deficiency must be issued by the Contracting Officer within _____ (Indicate a period of time) after receipt of the contractor's recommendations for corrective action and adequate supporting information.

(e) *Adjustment for and correction of deficiencies.* (1) In the event of timely notice of a decision not to correct or only to partially correct, the Contractor shall promptly submit a technical and cost proposal to amend the contract to permit acceptance of the affected supplies to the revised requirements and an equitable reduction in total contract price shall be promptly negotiated by the parties and reflected in a supplemental agreement to this contract.

(2) The Contractor shall promptly comply with any timely written direction by the Contracting Officer to correct a deficiency.

(3) The Contractor shall prepare and furnish to the Government data and reports applicable to correction required under this provision inclusive of revising and updating all other affected data called for under this contract, at no increase in total contract price.

(f) *Limitation on contract modifications.* (1) The Government shall not, in any event, be responsible for extensions or delays in the scheduled deliveries or period(s) of performance of this contract as a result of the Contractor's obligations to accomplish corrections of deficiencies, nor shall there be any adjustment of contract terms as a result of such correction of deficiencies.

(2) It is hereby specifically recognized and agreed by the parties hereto that these provisions shall not be construed as obligating the Government to increase the total contract price of this contract.

(g) *Transportation charges.* When return, correction, or replacement is required, the Contracting Officer shall return the supplies, and transportation charges to and from the Contractor, and responsibility for such supplies while in transit shall be borne by the Contractor. However, the Contractor's liability for such transportation charges shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the designated destination point under this contract and the Contractor's plant and return.

(h) *Failure to correct.* If the Contractor fails or refuses to (1) Present a detailed recommendation for corrective action in accordance with paragraph (c) above; (2) correct deficiencies in accordance with (c)(2) above; or (3) prepare and furnish data and reports in accordance with paragraph (e)(3) above, the Contracting Officer shall give the Contractor written notice specifying the failure or refusal and setting a period within which it must be cured. If the failure or refusal is not cured within the specified period after receipt of such notice from the Contracting Officer, the Contracting Officer may by contract or otherwise, as required:

(i) Obtain such detailed recommendations;

(ii) Correct or replace them with similar supplies or services, and/or;

(iii) Obtain data and reports applicable to the correction, and charge to the Contrac-

tor the cost occasioned to the Government thereby. In addition, if the Contractor fails to furnish timely disposition instructions, the Contracting Officer may dispose of the nonconforming supplies for the Contractor's account in a reasonable manner, in which case the Government is entitled to reimbursement from the Contractor or from the proceeds for the reasonable expenses of the care and disposition of the nonconforming supplies, as well as for excess costs incurred or to be incurred.

(i) *Correction of deficient replacements and reperformances.* Any services reperformed or supplies or parts thereof corrected or furnished in replacement pursuant to this clause shall also be subject to all the provisions of the clause to the same extent as supplies initially delivered.

(j) *Disagreements.* Failure to agree upon any determination to be made under these provisions shall be deemed to be a dispute within the meaning of the clause of this contract entitled "Disputes."

§ 1007.4033 Contractual contents. [Deleted]

§ 1007.4014 Certificate of conformance.

The following clause may be inserted in the contractual documents per § 14.204 serted in base procurement documents of this title, except that it will not be inspecifying delivery to the same CONUS base where the base procurement activity is located. When the clause is inserted in base procurement documents, the Certificate of Conformance (COC) will be attached to or entered on the invoice. When the clause is incorporated into a DD Form 1155, either central or base procurement, the portion of the clause inclosed in brackets will be omitted. Omission of the portion in brackets is required because the DD Form 1155 does not include either of the clauses mentioned therein. When the clause is inserted in central procurement documents the COC will be attached to or entered on the DD Form 250 or DD Form 1155.

CERTIFICATE OF CONFORMANCE (JUNE 1966)

(a) Notwithstanding any clauses of the contract concerning inspection the Government will accept any of the supplies or services to be furnished hereunder upon receipt of a Certificate of Conformance by the Contractor attached to a (DD Form 1155 or DD Form 250 or invoice as applicable), reading substantially as follows:

"I hereby certify that I did, on the (date) of (month) 19 ---, ship via (Name of Carrier) on (Bill of Lading No., Receipt, etc.), in accordance with shipping instructions issued by the Contracting Officer, the supplies called for by Contract Number (insert contract number), that such supplies were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications, or (complete the services called for by Contract Number (insert contract number), item (insert item number) and that such services were in the quantity and of the quality called for, and were in all respects in accord with the applicable specifications). This statement is furnished to support payment of the attached invoice."

(b) Notwithstanding any provisions of the certificate above referred to, and [notwithstanding the provisions of paragraph (c) of the clause hereof, entitled, "Inspection" or "Inspection of Supplies and Correction of Defects" as the case may be], the liability of the Contractor with respect to supplies accepted by the Government under the provisions of paragraph (a) above will, after inspection by the Government or after the expiration of a reasonable time following delivery to the Government within which inspection may be made, whichever occurs first, be limited, except as to supplies rejected upon inspection, to liability for latent defects, fraud, or such gross mistakes as amount to fraud.

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * * *

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL-STDs 129D, to the extent called out by MIL-L-9931, 130B to the extent called out by MIL-L-9931, 444 and 709; MIL-STD-1167, MIL-STD-1168 and MIL-L-9931; AF TO 11A-1-47; ICC Regulations T. C. George's Tariff No. 15; Freund's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including ATB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

* * * * *

§ 1007.4058 Current reimbursement. [Deleted]

PART 1010—BONDS AND INSURANCE

15. Part 1010 is deleted.

PART 1013—GOVERNMENT PROPERTY

16. In § 1013.102–3, subdivision (viii) of paragraph (a)(10) is revised, subdivision (ix) of paragraph (a)(10) is deleted, the last sentence of subparagraph (a)(15) is revised, the parenthetical references in paragraph (b) are deleted, the first sentence of paragraph (c) is revised, and subparagraph (2) is added. As amended § 1013.102–3 reads as follows:

§ 1013.102–3 Facilities.

(a) * * *

(10) * * *

(viii) General purpose production equipment: Neither general purpose production equipment nor funds to procure them will be provided to contractors by the Air Force except when determination is made that such action is clearly in the best interest of the Government. Such determination may be made if the contractor's proposal is supported by a "Make or Buy" evaluation for each general operation involved, together with supporting justification in the form of acceptable reasons why the contractor is unwilling or financially incapable of providing general purpose machinery and equipment, and is in other respects fully documented. Determination of exceptions will be by the chief of the industrial facilities organization of the cognizant AFSC division. All determinations of exceptions will be fully documented and reported according to AFR 78–16. Report submitted will contain the following information:

(a) Number of contracts on which exceptions to policy stated above were authorized.

(b) Number and dollar acquisition cost of new general purpose items procured as a result of such exceptions.

(c) Number and dollar acquisition cost of Department of Defense owned general purpose items provided as a result of such exceptions.

The information necessary to prepare and submit the required report will be furnished by the Commander, AFSC divisions to AFSC (SCKM), who will submit the report according to AFR 78–16.

(ix) [Deleted]

* * * * * *

(15) Government bills of lading: Facilities acquired under facilities contracts will be shipped on Government bills of lading where the Government takes title at the point or origin of shipment. Such facilities, to which the Government has taken title, will not be shipped on commercial bills of lading collect, or otherwise for conversion, unless specifically authorized by the transportation officer-in-charge.

* * * * * *

(b) Each procurement contract, facilities contract, lease or other agreement which provides Government-owned facilities, will contain clauses or provisions stating whether the facilities may be used on a charge or no-charge basis. A facilities contract, lease, or agreement under which facilities are held by a contractor will require the periodic payment of a use-charge unless such use-charge is not required according to terms of prime procurement contracts and subcontracts. Where facilities are used without charge, the contract file of the facilities contract, lease, or agreement under which facilities are provided will be documented, by the administering office, to indicate the procurement contracts, subcontracts, or other basis that authorize no-charge use of Government facilities.

(c) Project approval as required under § 13.302(c) of this title will be made as follows:

Project cost $1,000,000 or more, Office of Secretary of Defense.
Over $500,000 to $1,000,000, Hq USAF (DCS (S&L)).
$500,000 or less, Hq AFSC DCS (P&P); Commander/Vice Commander AFSC Division (ASD/BSD/SSD/ESD/RTD).
$100,000 or less, Commander Aerospace Medical Division (AMD).

The approval authority for purchase of industrial facilities will not be redelegated below the levels indicated above. The exercise of this authority as well as any other action with regard to the expansion of industrial facilities will be subject to the following conditions and limitations:

* * * * * *

(2) See § 13.307(a)(3) of this title relative to the location of nonseverable industrial facilities on land not owned by the Government.

* * * * * *

17. Subpart C—Special Tooling is deleted.

18. Section 1013.401 is amended by inserting a date following the colon after the word "contract" in paragraph (a), correcting the word "expected" in the note in paragraph (a), and correcting section reference 13.407 in subparagraph (a)(1). As amended § 1013.401 reads as follows:

§ 1013.401 Award of procurement contracts.

* * * * *

(a) *Procurement contracts requiring the provision of additional facilities under separate facilities contracts.* When a procurement contract, supplement, or change is negotiated on the basis that additional facilities will be provided to the contractor under a separate facilities contract (either directly by the Government or by contractor acquisition at Government expense), the following clause will be inserted into the procurement contract: (February 1958)

* * * * *

NOTE: If the procurement contract does not already contain the clause set forth in § 1007.4052 of this chapter, "Use of Government Facilities on No-Charge Basis," insert the following in lieu of the last sentence of paragraph (a) of the clause above: "Such facilities shall be provided on a no-charge basis, and at the time that the facilities contract is executed this contract shall be amended to include the clause set forth in § 1007.4052 of this chapter, entitled: 'Use of Government Facilities on No-Charge Basis.'"

* * * * *

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

19. A new Subpart D is added as follows:

Subpart D—Records of Requests and Dispositions

§ 1017.403 Sample format for preliminary and final records.

The sample format in § 17.403 of this title has been established as AFPI Form 48, Record of Request for Adjustment, Public Law 85-804. AFPI Form 48 will be used by AF activities for the preparation and maintenance of prescribed records.

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 8012, 2301-2314)

PART 1018—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

20. Section 1018.108-1 is revised as follows:

§ 1018.108-1 Construction contracts.

Both the detailed estimate and the purchase request will be designated "For Official Use Only."

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

21. Part IX of § 1030.5 is deleted as follows:

§ 1030.5 Appendix E—Contract Financing.

* * * * *

Part IX—Assignment of Claims Arising Under Government Contracts [Deleted]

PART 1053—CONTRACTS; GENERAL

22. Sections 1053.405 through 1053.405-3 are deleted; § 1053.407-3 is revised; and §§ 1053.407-4 through 1053.407-9 are deleted as follows:

§ 1053.405 Certification of invoices by vendors. [Deleted]

§ 1053.405-1 General. [Deleted]

§ 1053.405-2 Exceptions. [Deleted]

§ 1053.405-3 Responsibility of vendors. [Deleted]

§ 1053.407-3 Dating signatures.

The term "purchase order" as used in paragraph 7c, AFR 170-8, applies to any unilateral signature contractual document, requiring only the signature of the contracting officer to effect a binding agreement upon issuance and delivery to the contractor. Such documents do not require a date beside the signature if the date of the document appears elsewhere. This includes all contractual forms listed in ASPR 20-101(b). The signature of any contractual document need not be dated if the document does not obligate funds.

§ 1053.407-4 Contracts with individuals. [Deleted]

§ 1053.407-5 Contracts with an individual trading as a firm. [Deleted]

§ 1053.407-6 Contracts with partnerships. [Deleted]

§ 1053.407-7 Contracts with corporations. [Deleted]

§ 1053.407-8 Contract with joint venturers. [Deleted]

§ 1053.407-9 Contracts for food of animal origin. [Deleted]

PART 1054—CONTRACT ADMINISTRATION

23. Section 1054.302 is revised, and § 1054.303 is amended by adding a new subparagraph (5) to paragraph (a) and revising the first sentence of paragraph (c) as follows:

§ 1054.302 Definition.

A Master Serial Number is a number assigned by the contract distribution office of the issuing activity, for keeping a record of CCNs in consecutive order as issued.

§ 1054.303 Use of CCNs.

(a) * * *

(5) Is necessary to prevent loss of savings which would accrue to the Government as a result of an approved cost reduction proposal submitted pursuant to the value engineering clause of the contract.

* * * * *

(c) CCNs will not be issued to effect changes in the following instances:

* * * * *

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314) [AFPI Revisions No. 66, May 31, 1966; No. 67, June 29, 1966; No. 68, July 27, 1966; No. 69, Aug. 31, 1966. AF Procurement Circulars No. 25, Aug. 20, 1965; No. 12, May 27, 1966; No. 17, June 30, 1966; and No. 21, Aug. 17, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66-11109; Filed, Oct. 12, 1966; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Part 170 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of the Higher Education Facilities Act of 1963, Public Law 88-204 (77 Stat. 364, 20 U.S.C. 711), as amended, is revised to read as set forth below.

Section 170.15 as published finally herein reflects comment received in connection with a proposed draft thereof published in the FEDERAL REGISTER on June 18, 1966 (31 F.R. 8544), pursuant to section 4 of the Administrative Procedures Act. Inasmuch as the formulation and submission of revised State plans for Title I of the Higher Education Facilities Act, pursuant to paragraph (c) of § 170.17 of these regulations, is dependent upon these sections becoming effective and inasmuch as their becoming effective immediately would in no wise adversely affect the States or institutions within the States who may wish to participate under Title I of the Act, it is deemed to be in the public interest that § 170.15, together with the other sections published herein be made, and it is hereby made, effective immediately.

Grants and loans made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Subpart A—General Provisions

AUTHORITY: The provisions of this Part 170 issued under secs. 101–111, 301–407; 77 Stat. 364–370, 372–379; 20 U.S.C. 711–721, 741–757, except as otherwise noted.

Subpart A—General Provisions

§ 170.1 Definitions.

(a) "Act" means Public Law 88-204, the Higher Education Facilities Act of 1963, as amended. Unless otherwise indicated, title references are to titles of the Act. All terms defined in the Act shall have the same meaning as given them in the Act. All references to sections are to sections of this part, unless otherwise indicated.

(b) "Academic facilities," as defined in the Act, are further defined and subdivided into the following categories:

(1) "Instructional and library facilities" means all rooms or areas used regularly for instruction of students, for faculty offices, or for library purposes, and service areas (such as storage closets, projection booths, balance rooms, dark rooms, locker and shower rooms, and private toilets) which adjoin and are used in conjunction with such rooms or areas. A room intended and equipped for any such purposes should be counted in the appropriate category regardless of the building (e.g., administration building, library building, or classroom building) in which it is located.

(2) "Instruction-related facilities" means all rooms or areas (other than instructional and library facilities) which are used for purposes related to the instruction of students, research, or for the general administration of the educational or research programs of an institution of higher education, and service areas (such as storage rooms, private toilets, or control rooms) which adjoin and are used in conjunction with such rooms or areas.

(3) "Related supporting facilities" means all other areas and facilities which are necessary for the utilization, operation and maintenance of "instructional and library facilities" or "instruction-related facilities," as defined above. This term includes building service areas and circulation areas, and central maintenance and utility facilities which serve more than one building, to the degree that such central facilities are designed and used to serve academic facilities of the two aforementioned categories rather than other, nonacademic, facilities such as dormitories, chapels, or stadiums, or facilities which are excluded from the definition of eligible academic facilities because they are used by ineligible schools or departments.

(c) "Advisory Committee on Graduate Education" means that committee established by section 203 of the Act.

(d) "Assignable area" means square feet of area in facilities which are designed and available for assignment to specific functional purposes (such as instruction, research, and administration, and including noneligible purposes such as student sleeping rooms, apartments, or chapel rooms). Areas used for general circulation within the building, for public washrooms, for building maintenance and custodial services, or in central maintenance and utility facilities which exist only to support the operation and utilization of other structures on the campus and which are not available for assignment to other specific functional purposes, as illustrated above, shall be classified as nonassignable area.

(e) "Branch campus" means a campus of an institution of higher education which is located in a community different from that in which its parent institution is located. A campus shall not be considered to be located in a community different from that of its parent institution unless it is located beyond a reasonable commuting distance from the parent institution.

(f) "Capacity/enrollment ratio" means the ratio of (1) the square feet of assignable area of instructional and library facilities as defined in paragraph (b)(1) of this section to (2) the total student clock-hour enrollment, at a particular campus of an institution. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students enrolled for credit courses on the campus) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment."

(g) "Commissioner" means the U.S. Commissioner of Education or his designee.

(h) "Equipment" means manufactured items which have an extended useful life and are not consumed in use and which have an identity and function which are not lost through incorporation into a different or more complex unit or substance. For purposes of construction applications under the act, equipment is further subdivided into three categories: built-in building service systems, other built-in equipment, and initial movable equipment.

(1) "Built-in building service systems" means utilities and other machinery necessary for the effective functioning of a building or uniformly distributed through all portions of the building, such as heating and air conditioning systems and machinery, automatic fire-control systems, public address, time and communication systems.

(2) "Other built-in equipment" means all items other than "built-in building service systems," which are permanently fastened to the building or the grounds, such as: laboratory tables connected permanently to plumbing, and other built-in specialized laboratory equipment; built-in audiovisual systems in individual classrooms; chalkboards, bulletin boards, and display cabinets fixed to walls; built-in library stacks and counters; carpeting installed in lieu of other finished flooring; and draperies installed in lieu of other light control devices.

(3) "Initial movable equipment" means all items of initial equipment other than built-in equipment, which are necessary and appropriate for the functioning of a particular academic facility for its specific purpose, and will be used solely or primarily in the rooms or areas covered by an application under the Act (as distinguished from items which are appropriate for academic purposes but are not to be used principally within the rooms included in the project). The term does not include books, curricular or program materials, carpets or drapes, or any items of current operating expense such as fuel, supplies, component items such as vacuum tubes which have no function apart from other items in which they are to be incorporated, or manufactured items which are consumed in use or have a short useful life.

(i) "Full-time equivalent number of students" means:

(1) For purposes of determining State allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable towards a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the number of students enrolled in programs which are not chiefly transferable towards a

bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purposes of this computation shall be those contained in the most recent Office of Education survey containing data on opening fall enrollments in higher education.

(2) For purposes of reporting undergraduate enrollment trends and projections in connection with applications for financial assistance for individual institutions under Title I of the Act, the "full-time equivalent number of students" may be defined for each State by the State commission by specific State plan provision. In the absence of such a definition in the applicable State plan, "full-time equivalent number of students" for application purposes shall be the total number of full-time students plus one-third of the number of part-time students. For the purposes of this definition, full-time students are those carrying at least 75 percent of a normal student-hour load.

(j) "Institution of higher education," or "institution," means an educational institution in any State which meets the requirements set forth in section 401(f) of the Act. The term "educational institution" limits the scope of this definition to establishments at which teaching is conducted.

(k) "Project" means the facilities (all or a portion of one or more structures) which are eligible for grant or loan assistance under a particular title of the Act, and for which grant or loan assistance is requested in a specific grant or loan application. Only facilities located on the same campus and for which the basic construction contracts are to be awarded at approximately the same time may be included in the same project application.

(l) "State commission" means the State agency designated or established in each State pursuant to section 105(a) of the Act.

(m) "State plan" means the document submitted by a State commission and approved by the Commissioner, which sets forth the standards, methods, and administrative procedures whereby the State commission shall review projects proposed by applicants in the State for Federal assistance under Title I of the Act, and shall determine and recommend the relative priority of each such project and the Federal share of the costs eligible for Federal financial participation for each such project.

§ 170.2 Requirement for compliance with labor standards and equal employment opportunity requirements in all construction contracts.

The Commissioner shall not approve any application for a grant or loan under the Act except upon adequate assurance that:

(a) Construction contracts for the construction covered by the application will provide that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and will receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581), unless a waiver is granted by the Commissioner pursuant to section 403(a) of the Act; and

(b) All applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application, and all other requirements, imposed by or pursuant to that Executive order, will be complied with.

§ 170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.

(a) All contracting for new construction, and all orders for the acquisition and installation of built-in equipment not covered by general construction contracts, shall be on a fixed price basis. Contracts for new construction and for acquisition and installation of built-in equipment shall be awarded on the basis of competitive bidding obtained by public advertising (*Provided, however,* That for applications approved prior to the publication of these regulations, the competitive bidding requirement may be satisfied by obtaining three or more bids).

(b) Except where the Commissioner specifically approves alternative contracting procedures due to special problems or conditions, all contracting for rehabilitation, renovation, remodeling, conversion, or improvement of existing structures shall be undertaken in accordance with the provisions of paragraph (a) of this section.

(c) The concurrence of the Commissioner (including concurrence in any provision for prequalification of bidders) shall be obtained before advertising for bids and before awarding any contract for construction or for acquisition and installation of built-in equipment for which grant or loan assistance under the Act is requested.

§ 170.4 Requirement for economical methods of purchase of movable equipment.

All movable initial equipment, the cost of which is to be charged to a project covered by a grant or loan application under the Act, shall be procured in an economical manner consistent with sound business practice, in accordance with such instructions as the Commissioner may from time to time prescribe.

§ 170.5 Fiscal control and fund accounting procedures.

(a) *State commissions.* Each State plan shall contain specific information regarding fiscal control and fund accounting procedures, as required by the Commissioner to insure proper disbursement of and accounting for Federal funds which may be paid to the State commission for expenses for the proper and efficient administration of the State plan.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* Applicants and, where applicable, their building agencies, shall maintain adequate and separate accounting and fiscal records and accounts of all funds provided from any source to pay the cost of construction (including necessary site acquisition and equipment) covered by the grant or loan application, and audit or inspection of such records by authorized representatives of the Federal Government shall be permitted and facilitated by applicants at any reasonable time.

§ 170.6 Retention of records.

(a) *State commissions.* (1) Accounts and documents supporting expenditures for expenses of State commissions shall be maintained until the State commission is notified of completion of Federal audits for the Federal fiscal year concerned.

(2) Where the State commission purchases equipment items costing $50 or more per unit, for use in the administration of the State plan, inventories and other records supporting accountability for such items shall be maintained until the State commission is notified of the completion of the review and audit by the Department of Health, Education, and Welfare covering the disposition of such equipment.

(3) State commissions shall establish a complete case file on each Title I application received; inform applicants of official actions and determinations, by letter or similar type of correspondence, and shall retain records regarding each case for at least 2 years after final action with respect to the application is taken by the State commission. In addition, each State commission shall maintain a full record of all hearings on appeals pursuant to section 105(a)(5) of the Act, and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered as of each specified closing date and shall retain such records for at least 3 years.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* All accounting records relating to approved projects, including bank deposit slips, cancelled checks and other supporting documents, purchase orders and contract awards (or microfilm copies thereof), shall be retained intact by the applicant and, where applicable, by the applicant's building agency, for audit or inspection by authorized representatives of the Federal Government for a period of 3 years after completion of the project or until the applicant is notified of completion of the Government's audit, whichever is later.

§ 170.7 Determination of costs eligible for Federal participation.

Determination of costs eligible for Federal participation will be based for each individual project, whether application is made under Title I, II, or III of the Act, upon: (1) The date on which a

given cost item was incurred or contracted for; (2) whether the cost is an allowable "development cost," as defined in section 401(c) of the Act, and has been incurred in accordance with the requirements set forth in these regulations; (3) the portion of the proposed facility which is eligible under the type of assistance for which the application is submitted; and (4) the amount of any financial assistance under any other Federal program which the applicant has obtained or is assured of obtaining for the project.

(a) In connection with a Title I grant for an institution other than a public community college or a public technical institute, awarded prior to July 1, 1966, for structures, or portions thereof, which are not especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library—any cost which was incurred before, or under a contract entered into before, November 8, 1965, shall be excluded from the eligible development cost.

(b) For a project for which an application was filed for the first time (under any title of the Act) on or after April 1, 1965, and prior to July 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost for movable equipment incurred before the date of receipt by either the Office of Education or a State commission of an application covering the project; and

(2) Any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which did not, when let, meet the requirements set forth in sections 170.2 and 170.3.

(c) For a project for which an application is filed for the first time (under any title of the Act) on or after July 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost for movable equipment incurred before the date of receipt by either the Office of Education or a State commission of an application covering the project; and

(2) Any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which was entered into before the date of concurrence by the Commissioner in the award of such contract. While such concurrence normally will be given only after a grant or loan for a project has been approved, circumstances occasionally may warrant the beginning of construction in advance of grant or loan approval in order to meet scheduled needs for expansion of enrollment capacity. In any such case, where an application for a project has been filed and the applicant can justify the necessity of beginning construction in advance of the award of the grant or approval of the loan, the Commissioner may, after an appropriate review of the bidding documents, authorize bidding and concur in the award of the contract. However, such concurrence shall in no way provide any advantage for the project in priority determinations by a State commission under Title I and shall in no way commit the Commissioner subsequently to approve a grant or loan under any Title for any such application.

Subpart B—Grants for Construction of Academic Facilities

§ 170.11 Institutional eligibility for grants under section 103 of the Act.

To qualify for a grant from funds allotted pursuant to section 103 of the Act, an institution or a branch campus of an institution shall meet the requirements specified in sections 401(f) and 401(g) of the Act.

(a) An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 401(f) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than two years prior to the date of filing of the application for a grant) that the institution meets requirements set forth in subsection 401 (f) (5) of the Act.

(b) An institution or a branch campus of an institution shall be determined to be organized and administered principally to provide a 2-year program as specified in section 401(g) of the Act, if:

(1) More than 50 percent of the full-time equivalent student enrollment at the institution or branch campus is in 2-year programs of the types specified in section 401(g) of the Act; and

(2) The application for a grant pursuant to section 103 of the Act contains a statement that the institution or branch campus is organized and administered principally to provide such programs, and such statement is supported by information available to or obtained by the State commission.

§ 170.12 Institutional eligibility for grants under section 104 of the Act.

To qualify for a grant from funds allotted pursuant to section 104 of the Act, an institution shall meet requirements specified in section 401(f) of the Act. An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 401(f) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than 2 years prior to the date of filing of the application for a grant) that the institution meets requirements set forth in subsection 401(f) (5) of the Act.

§ 170.13 Conditions for grant approval.

(a) An application for a grant under Title I of the Act shall be approved only if: (1) The Commissioner is satisfied, on the basis of information submitted with the application, that (i) the facilities included in the Title I project are intended for use predominantly in undergraduate instruction and/or extension and continuing education programs; and that (ii) the requirements of section 106 of the Act will be met; and (2) the application meets all requirements of section 108(b) of the Act; and (3) the application contains or is supported by: (i) Satisfactory assurances that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant; and (ii) satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of the application.

(b) In determining whether a project, either alone or together with other construction to be undertaken within a reasonable time, will result in an urgently needed substantial expansion or creation of student enrollment capacity or capacity to carry out on-campus extension and continuing education programs, consideration will be given to statewide and institutional planning data, projected undergraduate enrollment increases and increases in on-campus extension and continuing education programs, any serious deficiencies in the quality of existing undergraduate instruction programs because of inadequacies in existing academic facilities, and the contribution of the project in providing for new or increased enrollments or remedying existing deficiencies.

§ 170.14 Submission and processing of Title I applications.

(a) *Closing dates for filing of applications.* Closing dates by which applications may be filed with and accepted by the State commission shall be established in the State plan. For each category of applications (i.e., applications for public community colleges and public technical institutes; and applications for institutions of higher education other than public community colleges and public technical institutes) the State plan shall provide at least two closing dates for any Federal fiscal year, and all such closing dates shall be between July 31 and February 15. Each State plan may provide for apportionment of the State allotments under section 103 and section 104 of the Act, so that specified portions of either or both allotments become available for grants as of specified closing dates, but such apportionment shall not be required, and in the absence of such a provision in the State plan, the total of each allotment shall be available as of the first applicable closing date in each Federal fiscal year.

(b) *Submission of project applications.* Applications for grants under Title I of the Act shall be submitted on forms supplied by the Commissioner, and shall contain such assurances as are required pursuant to the Act and the regulations in this part. Applications shall be submitted directly to the appropriate State commission, together with any supplemental information which may be required by the State commission. The State commission shall accept all applications for grants under Title I for institutions of higher education in the State, provided such applications are

submitted on forms provided by the Commissioner, and shall officially record the date of receipt of each application by the State commission.

(c) *Verification of application data and institutional and project eligibility.* Before determining the relative priority or Federal share for any application for grant assistance under Title I of the Act, the State commission shall satisfy itself that the data contained in the application appear to be valid, and that the institution and the project appear to meet basic eligibility requirements set forth in the Act and the regulations governing the administration of the Act. In any case where in the opinion of the State commission a question may be raised as to the eligibility of an institution or of a project, the State commission shall promptly forward a copy of the application to the Office of Education for a clarification of such eligibility. In any such case, the State commission shall continue to process and rank such application as if it were eligible, but shall delay final action on all applications under the same category considered as of the same closing date until receipt of notification by the Office of Education of the disposition of the eligibility question.

(d) *Determination of relative priorities and Federal shares.* All eligible applications received by each specified closing date shall be considered by the State commission together with others of the same category (i.e., applications for public community colleges and public technical institutes for funds allotted under section 103 of the Act; and applications for all other institutions of higher education for funds allotted under section 104 of the Act) and assigned relative priorities and recommended Federal shares in accordance with the provisions of the State plan.

(e) *Procedures where funds are insufficient to provide full Federal shares for all eligible projects.* (1) In any case where the funds available in a State allotment for projects considered as of a particular closing date are insufficient to cover all eligible applications, the State commission shall nevertheless determine the full Federal share, calculated according to the State plan, for all projects in their order of relative priority, until the remaining available funds are insufficient to provide the full Federal share as calculated for the next project in order of priority.

(2) If the State plan provides for apportionment of the State allotment among closing dates, the State plan may provide also that sufficient funds will be made available immediately, from such funds as were apportioned to later closing dates in the same fiscal year, so that the full Federal share as initially calculated will be available for the first project for which only a part of the Federal share would otherwise have been available. In any case where the State allotment is apportioned among closing dates and no such provision is included in the State plan, all projects for which the full Federal share, as calculated, cannot be provided for by the available funds shall be carried over to any subsequent closing dates in the same fiscal year.

(3) If the State allotment is not apportioned among closing dates, or in the case of the last closing date in the fiscal year, the amount of the remaining funds shall be offered as a partial Federal share for the first project in order of relative priority for which less than the full Federal share as calculated is available. The offer and acceptance of such a lesser Federal share shall in no way be deemed to diminish the scope of the project. An applicant which agrees to accept such a partial Federal share shall in all cases have the option to submit a supplemental application as provided in paragraph (l) of this section. If the applicant offered such a partial Federal share declines to accept it, the remaining funds and the application for which the partial Federal share was declined shall be carried over to the next closing date, if any, in the same fiscal year.

(f) *Recommendation by State commissions.* Promptly upon completing its consideration of applications as of each closing date, and no later than March 31 of each Federal fiscal year, each State commission will forward to the Commissioner: (1) A current project report, on forms supplied by the Commissioner, for the pertinent category of applications, listing each application received or carried over from the previous closing date, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and Federal share determined according to the State plan for each project considered; (2) the application form and exhibits in the number of copies requested by the Commissioner, for each project assigned a priority high enough to qualify for a Federal grant within the amount of funds available in the allotment for the State; and (3) copies of correspondence documenting the offering and either acceptance or rejection of partial Federal shares pursuant to paragraph (e) of this section.

(g) *Notification to applicants.* The State commission shall promptly notify each applicant of the results of all determinations regarding its application as of each closing date, and any applicant shall, upon request in accordance with such orderly procedures as are established by the State commission, be furnished access to the records of official State commission proceedings on the basis of which relative priorities and Federal shares of all applications were determined.

(h) *Disposition of applications which are not recommended for grants.* Applications which are not recommended for a grant within the fiscal year in which they are filed, shall be retained by the State commission until notified that there are no longer any funds available in the State allotments for the fiscal year. New applications shall be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent year. In addition, whenever any application is carried over from one closing date to the next within a fiscal year, and the fall term opened between such closing dates, those portions of the application containing data as of the most recent opening fall term shall be revised to show the most recent data on enrollments and available instructional and library facilities. Any applications which are still on file with State commissions after the completion of approvals for fiscal year 1966 shall be refiled on new application forms to be supplied by the Commissioner, if the applicant desires to have such applications considered by the State commission during fiscal year 1967.

(i) *Grant award.* For a Title I project application which meets all eligibility requirements the Commissioner will approve the application and reserve Federal funds from the appropriate State allotment and will prepare and send to the applicant a grant award, which sets forth the pertinent terms and conditions of the grant.

(j) *Amendment of project applications.* Any time prior to a closing date for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission. After any such closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission.

(k) *Project changes.* After a project has been forwarded to the Commissioner by the State commission, no substantial changes in the nature or scope of the project shall be approved by the Commissioner without first verifying that such changes would not have affected the State commission's original recommendation of the project for a grant.

(l) *Supplemental applications.* Any time after an application has been forwarded to the Commissioner by the State commission with a recommendation for a Federal grant, an applicant desiring to apply: (1) For an increase in the amount of the Federal share on the basis of an increase in development cost; and/or (2) for the balance of the original eligible grant amount when a partial Federal share was recommended pursuant to paragraph (e) of this section, shall submit a supplemental application on forms supplied by the Commissioner together with any additional information which may be required by the State commission. Supplemental applications shall be considered for the assignment of relative priority together with all other applications eligible for consideration as of the next applicable closing date. Supplemental applications which are assigned sufficiently high priorities to be recommended for additional grant funds shall, unless otherwise provided in the applicable State plan, be recommended for the balance of the Federal share for which the project would have qualified pursuant to Federal share criteria in effect for the closing date for which the project originally was recommended, or for the balance of the Federal share calculated according to State plan provisions in effect as of the current closing date, whichever is the lesser. In no

event shall a supplemental application be considered by a State commission or approved by the Commissioner after final settlement has been made on the completed project.

§ 170.15 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) The State plan shall set forth separately the standards and methods for determining the relative priorities of eligible projects for the construction of academic facilities (1) for public community colleges and public technical institutes and (2) for institutions of higher education other than public community colleges and public technical institutes. The standards and methods set forth for each of the two categories of eligible projects shall provide separately for new institutions or new branch campuses and for established institutions or campuses. Unless otherwise defined in the State plan, a new institution or branch campus (as distinguished from an established institution or branch campus) shall be one which was not in operation and admitting students as of the fourth fall term preceding the date of application for assistance under Title I.

(b) The standards for determining relative priorities for established institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for established institutions or branch campuses:

(1) One or more standards dealing with the planned for and reasonably expected numerical and/or percentage increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed; between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth term thereafter (at least 20 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(2) One or more standards dealing with the amount and/or percentage by which the construction of the project for which a Title I grant is requested will increase the square feet of assignable area in instructional and library facilities at the campus at which the facilities are to be constructed (at least 10 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(3) One or more standards designed to favor projects for institutions or branch campuses which are most effectively utilizing their existing academic facilities (at least 10 percent of total weight).

(c) The standards for determining relative priorities for new institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for new institutions or branch campuses:

(1) A standard dealing with the planned for and reasonably expected numerical increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed, between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth fall term thereafter (at least 30 percent of total weight, with priority advantage given to higher numerical increases).

(2) A standard dealing with the amount by which the construction of the project for which a Title I grant is requested will increase the square feet of assignable area in instructional and library facilities at the campus at which the facilities are to be constructed (at least 10 percent of total weight, with priority advantage given to higher numerical increases).

(d) The State plan may include additional standards for determining relative priorities which are not inconsistent with the standards set forth in paragraphs (b) and (c) of this section and which will carry out the purposes of the Act.

(e) The methods for application of the standards for determining relative priorities shall provide for the assignment of point scores for each standard applied, such that the potential total score for each project will be the same whether the project is for a new institution or branch campus or for an established institution or branch campus. The assignment of points for each standard may be by any one of the following methods or by similar objective methods, a different one of which may be used in connection with each standard:

(1) Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank (e.g., 10 points for placement in the highest 10 percent, 9 points for placement in the second highest 10 percent, 8 points for placement in the third highest 10 percent, etc.).

(2) Applications may be compared to a scoring table for the standard, and assigned points accordingly (e.g., for numerical increase in full-time equivalent undergraduate enrollment, a scoring table might provide for 10 points for an increase of 1,000 or more, 8 points for an increase of 800–999, 6 points for an increase of 600–799, etc.).

(3) Applications may be compared to a fixed requirement for the standard, and assigned points if they meet the requirement or denied points if they do not. This type of scoring should be used where comparison against the standard involves a "yes"—"no" decision (e.g., Is the proposed project located in a geographic area of the State in which an unfilled need for creation or expansion of undergraduate enrollment capacity has been documented in a statewide study? If "yes," award 5 points, if "no," award 0 points).

(f) The methods for application of the standards shall provide for determination of relative priorities on the basis of the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores.

(g) The standards and methods for determining relative priorities must be developed on the basis of information which is to be submitted on the application form prescribed by the Commissioner, or required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in published reports or publications readily available to the State commission and to all institutions within the State. Whenever supplemental forms or definitions or data in published reports or publications are to be used in connection with optional State plan standards, the State plan shall include a section setting forth such definitions and supplementary data sources and an appendix illustrating the supplemental State forms.

(h) In no event shall an institution's readiness to admit out-of-State students be considered as a priority factor adverse to such institution and in no event may the nature of the control or sponsorship of the institution, or the fact that construction of the project has commenced, or that part of the cost of a project has been incurred before or under a contract entered into prior to the date of the application, be considered as a priority factor either in favor of, or adverse to, an institution.

§ 170.16 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) Unless the Federal share is specified in the State plan as a uniform percentage of the costs eligible for Federal financial participation, the State plan shall prescribe the standards and methods in accordance with which the State commission shall determine the Federal share of such costs, but in no event may the Federal share of a project exceed the percentage of the eligible project development cost specified by the Act.

(b) Standards and methods for determining the Federal share pursuant to paragraph (a) of this section: (1) Must be objective and simple to apply; (2) may involve the use only of data which are to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in reports or publications readily available to the State commission and the institutions of higher education in the State; (3) must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the minimum Federal share of the estimated eligible project development cost which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with criteria published by the Commissioner with re-

spect to the determination of relative priorities among projects and be promotive of the purposes of the Act.

§ 170.17 State plans.

(a) The Commissioner shall approve a State plan only after he has received satisfactory assurance and explanation regarding the basis on which the State commission submitting the plan meets the requirements of section 105(a) of the Act. A new or revised State plan submitted in accordance with section 105 of the Act shall be submitted on forms or in a format supplied by the Commissioner and shall contain all provisions required by the Commissioner pursuant to section 105 of the Act and other sections of the regulations in this part, together with such additional organizational and administrative information as the Commissioner may request.

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendments as a part of the State plan: *Provided, however,* That amendments which are required by amendments of the Act or of these regulations or are designed to implement promptly amendments of the Act or of these regulations may be made effective immediately upon their approval by the Commissioner.

(c) State plan amendments conforming to the provisions in these regulations regarding closing dates and determination of priorities shall be submitted and approved prior to State commission actions on any Title I applications for closing dates later than December 31, 1966.

§ 170.18 Adjustments in amount of Federal share.

For all Title I grants approved after July 1, 1966, the following procedures shall apply:

(a) In any case where the costs eligible for Federal participation, as determined by the final audit, exceed those provided for in the grant agreement for the project, the Federal share entitlement of the applicant shall be limited to that provided by the grant award.

(b) In any case where the costs eligible for Federal participation, as determined by the final audit, are less than those provided for in the grant award, the Commissioner shall redetermine the amount of the Federal share which would have been recommended for the project, based on the lesser eligible cost, under State plan provisions in effect at the time the project was recommended for a grant, if sufficient funds had been available in the State allotment at that time to provide the maximum Federal share provided for by the plan. If such redetermined Federal share entitlement is less than the maximum amount authorized by the grant award the grant shall be reduced accordingly, and any overpayment of Federal funds shall immediately be due to the Government of the United States. If such redetermined Federal share is equal to or greater than the maximum amount of the Federal share authorized by the grant award, the final settlement shall be based on the Federal share amount authorized by the grant award.

(c) The Commissioner may from time to time, after award of the grant and prior to final settlement, adjust the grant amount to take into account any reductions of eligible project development cost which occur or are identified subsequent to the award of the grant.

§ 170.19 Payment of grant funds on approved projects.

The commissioner shall provide for payment of grant funds for approved projects pursuant to such methods as he determines will best make the funds available as needed and eliminate unnecessary expense to the Federal Government.

Subpart C—Grants for Construction of Graduate Academic Facilities

§ 170.41 Eligibility for grants.

Grants for construction of academic facilities from funds appropriated under Title II of the Act may be made only to assist institutions of higher education and cooperative graduate center boards in the construction of such academic facilities, including facilities essential to their operation, as will be dedicated to the provision of graduate education.

§ 170.42 Submission of applications.

Applications covered by this subpart may be submitted by institutions of higher education or by cooperative graduate center boards as defined in section 401 (i) of the Act. Such applications shall be submitted at such time and in such manner as may be prescribed by the Commissioner and will be processed by the staff of the Office of Education in the order of their receipt. Upon the completion of such processing as is appropriate, each application will be submitted to the advisory committee at its next meeting.

§ 170.43 Advisory Committee.

The advisory committee on graduate education established pursuant to section 203 of the Act shall review all applications submitted in the light of the criteria set forth in § 170.44 and shall make recommendations to the Commissioner for the approval or disapproval, in whole or in part, of each such application.

§ 170.44 Criteria for evaluating applications.

In determining whether, to what extent and in what order to approve applications consideration shall be given, but not limited to, the following factors which are not necessarily listed in the order of their importance:

(a) The extent to which the program or programs to be assisted by the proposed construction will contribute toward the establishment or development of a graduate school or cooperative graduate center of excellence, or the extent to which such program or programs will contribute toward the improvement of an existing graduate school or cooperative graduate center.

(b) The extent to which the proposed construction will increase the capacity of the institution to supply highly qualified personnel critically needed by the community, industry, government, research, and teaching.

(c) The extent to which the proposed construction will assist in attaining a wider distribution throughout the United States of graduate schools and cooperative graduate centers.

(d) The capability of the applicant to give full financial support to its programs generally, and specifically to the program or programs of graduate education to be assisted by the proposed construction.

(e) The extent to which the program or programs to be assisted by the proposed construction are likely to draw to the institution both graduate students and faculty of a high level of competence.

(f) The adequacy of applicant's existing academic facilities with respect to the present demands made on them and the demands that can reasonably be expected to be made on them in the foreseeable future, with particular reference to the adequacy of those facilities, if any, available for the conduct of the program or programs to be assisted by the proposed construction.

(g) The extent to which the proposed construction would contribute significantly to the increase in both or either the quantity or quality of graduate education in a relatively wide geographical area.

§ 170.45 Special terms and conditions.

Before approving a Title II grant the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of application.

(b) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant.

Subpart D—Loans for Construction of Academic Facilities

§ 170.51 Eligibility for loans.

Loans may be made only for construction of academic facilities for institutions of higher education or for cooperative graduate centers.

§ 170.52 Submission of applications.

Each institution, cooperative graduate center board or higher education building agency desiring a loan for the construction of academic facilities shall submit an application for such assistance, in the manner and containing the information specified by the Commissioner.

§ 170.53 Special terms and conditions.

Before approving a loan the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of application.

(b) Satisfactory evidence of the ability of the applicant to comply with the appropriate terms and conditions for repayment of the loan.

(c) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to pledge or mortgage any assets or revenues to be given as security for the proposed loan.

(d) Satisfactory assurances that the project for which the loan is requested is related to a plan for development of the institution, branch campus or cooperative graduate center for which it will be constructed, and is associated with either a planned increase in student enrollment or a planned improvement in the instructional programs offered by the institution, branch campus or cooperative graduate center.

(e) Satisfactory assurance that the applicant will not mortgage to others the facility to be constructed with the assistance of the loan during the life of the loan.

§ 170.54 Determination of nonavailability of equally as favorable terms and conditions.

No loan will be made unless the Commissioner finds that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part. For the purpose of making such determination, the applicant shall be required to comply with such procedures as the Commissioner may establish, including, where deemed necessary, public advertising for bids from other sources.

§ 170.55 Forms of evidence of indebtedness.

The evidences of indebtedness shall be in such form as may be prescribed by the Commissioner.

§ 170.56 Security for loans.

All loans shall be secured in a manner which the Commissioner finds sufficient to reasonably assure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facilities and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Commissioner.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Commissioner.

(d) A pledge of a specified portion of annual general or special revenues of the institution, acceptable to the Commissioner.

(e) Full faith and credit (tax supported) obligations of a State or local public body.

(f) Such other types of security as the Commissioner may find acceptable in specific instances.

§ 170.57 Length and maturity of loans.

(a) The maximum repayment period for loans under Title III of the Act shall be 30 years, except where the Commissioner finds that a longer repayment period is required in order for the loan to be feasible.

(b) Substantially level total annual installments of principal and interest, sufficient to amortize the loan from the third year through the final year of the life of the loan, will be required unless otherwise authorized by the Commissioner.

(c) Loans maturing in less than 30 years, or loans which do not mature serially, may be considered by the Commissioner in order to fit the loan into an applicant's total financial plan.

(d) In no case shall a loan repayment period exceed the estimated useful life of the facilities to be constructed with the assistance of the loan.

§ 170.58 Bond counsel opinion.

At appropriate stages in the loan application and development procedure, a legal memorandum or opinion of bond counsel will be required with respect to the legality of the proposed bond or note issue, the legal authority to offer the issue and secure it by the proposed collateral, and the legality of the issue upon delivery. "Bond Counsel" means either a law firm or individual lawyer, thoroughly experienced in the financing of construction projects by the issuance of bonds, and whose approving opinions have previously been accepted by purchasers of bonds offered at public sales. In addition, where the borrower is a public institution or agency, the proposed bond counsel shall be a recognized bond counsel in the municipal field. The legal memorandum or opinion to be provided by such an acceptable bond counsel in each case generally shall be as follows:

(a) A memorandum by bond counsel, submitted with the loan application, stating that there is or will be authority to finance, construct, maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the loan, citing the basis for such authority.

(b) A preliminary approving opinion of bond counsel, submitted at the time the applicant proposes to advertise for construction bids for the project, to the effect that when the bonds or notes described in the loan agreement are sold and delivered they will comply with the applicable provisions of the loan agreement and will be valid and binding obligations of the issuer and will be payable in accordance with their terms.

(c) The final approving opinion of bond counsel, delivered at the same time as the delivery of the bonds or notes, stating that the bonds or notes (1) are those described in the loan agreement and the authorizing proceedings, (2) have been duly authorized, sold, and delivered to the Commissioner, and (3) constitute the valid and binding obligations of the issuer payable in accordance with their terms.

§ 170.59 Determination of priorities for loan approvals.

Loan applications shall be processed in such order and according to such standards and methods as the Commissioner may determine. Such standards and methods shall be developed as may be necessary and appropriate to encourage distribution of the available loan funds in accordance with actual needs and may include establishment of closing dates for consideration of applications and for determination of priorities.

§ 170.60 Loan agreement.

For project applications which meet all requirements of the Act and of the regulations governing the administration of the Act, and upon approval by the Commissioner together with a reservation of Federal funds, a loan offer will be prepared by the Commissioner and sent to the applicant. The loan offer will set forth the pertinent terms and conditions for the loan, and will be conditioned upon the fulfillment of these terms and conditions. The accepted loan offer will constitute the Loan Agreement between the Commissioner and the applicant for the partial financing of the construction of the approved project.

§ 170.61 Loan closing.

Loan closing shall be accomplished at such time as may be determined by the Commissioner.

§ 170.62 Interim financing.

If necessary, the applicant shall arrange for interim financing, subject to the approval of the Commissioner, to cover the cost of construction pending the loan closing. Where the Commissioner finds that an applicant is unable to secure necessary interim financing on

reasonable terms, he may provide for advances against the approved loan.

§ 170.63 Construction fund.

The proceeds of the sale of the bonds or notes, any interim advances against the approved loans, and all other moneys to be used in paying for the construction of which the project is a part, shall be deposited into a separate bank account to be maintained in a bank of the applicant's choice and to be known as the Construction Fund. All expenditures for the construction shall be made from this fund. Accounting for this fund shall be in accordance with generally accepted accounting principles. When necessary and appropriate, the Commissioner may approve other arrangements for the deposit of construction funds and the construction fund accounting, provided such arrangements provide adequate accountability for the total construction receipts and expenditures.

§ 170.64 Investment of idle construction funds.

Where the moneys on deposit in the construction fund exceed the estimated disbursements for the project for the next 90 days, the borrower shall, if permitted by State or local law, direct the depository bank to invest such excess funds in direct obligations of the U.S. Government, or obligations the principal of and interest on which are guaranteed by the U.S. Government, which shall mature not later than eighteen (18) months from the date of such investment.

§ 170.65 Disposal of balance remaining in the construction fund.

The balance of moneys remaining in the construction fund at the completion of construction shall be disposed of in accordance with the provisions of the loan agreement.

Dated: August 23, 1966.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: October 4, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-11177; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13961; FCC 66-903]

PART 1—PRACTICE AND PROCEDURE

Report and Order; Television Program Form

In the matter of amendment of Section IV; Statement of Program Service of Broadcast Application Forms 301, 303, 314, and 315.

1. The Commission has before it for consideration the fourth notice of further proposed rule making released April 24, 1964, in the above-captioned matter, proposing a new television program reporting form for use in place of the present section IV as part of broadcast applications for renewal, assignment and transfer of control, and new stations and major changes in facilities (FCC 64-385), together with more than 60 comments filed in response thereto[1] and the testimony of 19 witnesses consuming some 454 pages of testimony.

2. We have also adopted today a report and order in Docket 14187 amending our rules so as to require television stations to log the information they will need to complete section IV with which we are here concerned.

3. These proceedings were instituted by the Commission on February 21, 1961, with issuance of a notice of proposed rule making looking toward adoption of a new program reporting form for television and radio broadcast applicants.

4. After extensive comments and informal conferences with industry representatives and other interested parties, on July 7, 1961, the Commission issued a notice of further proposed rule making proposing separate forms for television and for radio. By a second notice of further proposed rule making released December 20, 1963 we invited comments on another section IV for television.[2] Before the date set in the second notice for oral and written presentations concerning the new form, objections to the proposal were raised informally, chiefly by broadcasters, the NAB and members of the Communications Bar.

5. Subsequently, an ad hoc committee was formed consisting of members of the Communications Bar, broadcasters, a representative of the NAB and Commission staff members to recommend clarification and simplification of the form to the extent practicable. The Commission found that the committee's proposals represented in a number of respects an improvement over the proposal contained in the second notice.

6. On April 24, 1964, the Commission released its fourth notice of further proposed rule making incorporating many of the committee's recommendations. Therein it was proposed to have two forms: One for renewal and the other for all other applications. On June 1, 1964, an en banc oral proceeding was held by the Commission to provide opportunity for direct presentation of views and comments. Nineteen witnesses appeared, including representatives of broadcast stations, religious organizations, and other interested parties.[3]

7. A number of comments included extensive constitutional, legal and philosophical arguments concerning the role of this Commission and its duty, or lack of authority, in the field of programing. That these matters are serious and basic is evident. The Commission's views in the matter, however, have been set forth in some detail in its "Report and Statement of Policy Re: Commission En Banc Program Inquiry" (FCC 60-970, 25 F.R. 7291, 20 RR 1902, released July 29, 1960). Many of the arguments presented have been disposed of in that report and other Commission pronouncements in this area. Suffice it to say here that the Commission finds the form adopted herein to be in accordance with its statutory duties and authority and warranted in the public interest.

8. The Commission, throughout this proceeding, has made every effort to accede to reasonable suggestions. It has been our intention to seek only information we deem necessary in fulfilling our statutory function and do it with the least expense, inconvenience and burden to licensees and applicants. The form adopted herein represents a substantial reduction in the information called for in the fourth notice. Some of the questions to which major objections were directed have been deleted or revised. Programing and commercial information need only be supplied for one composite week, as compared with 3 composite weeks proposed in the fourth notice.

9. We do not propose to prolong this report by discussing the positions taken and the suggestions made by the numerous parties who have participated in this proceeding. All have been considered and many of the objections contained in the comments and presented at the en banc oral proceeding and the informal meetings were found to have some merit and we have adopted many of the suggestions presented. We shall, however, discuss briefly some matters which we believe are essential to a thorough understanding of the form adopted herein.

[1] The total number of individuals who have expressed views in this matter, since its inception in 1961, far exceeds this number.

[2] On Jan. 28, 1964, a third notice was issued herein proposing a new radio program form and subsequently, on June 2, 1964, a fifth notice was issued proposing another version of the radio form. On Aug. 12, 1965, the Commission released a report and order (FCC 65-686) adopting a revised program form (sec. IV-A) for AM and FM applicants.

[3] The parties appearing at the en banc oral proceeding were as follows:
National Association of Broadcasters.
National Council of Churches of Christ.
Television, Radio & Film Commission of the Methodist Church.
United Churches of Christ.
American Federation of Musicians, AFL-CIO.
Texas Association of Broadcasters.
Station KWTV (Oklahoma City, Okla.).
Frank U. Fletcher, Esq., for various licensees.
Storer Broadcasting Co.
Harry M. Plotkin, Esq., behalf of Station Representatives Association.
Thomas W. Wilson, Esq., behalf of FCBA.
Harold E. Yourkman, Columbus, Ohio, on behalf of various Columbus residents.
Joseph M. Kittner, Esq., behalf of American Broadcasting Co.
W. Theodore Pearson, Esq., on behalf of Community Broadcasting Co. (WTOL-TV), Toledo, Ohio, et al.
Paul Dobin, Esq.
Ben C. Fisher, Esq., behalf of Bi-States Co. (KHOL-TV), Kearney-Holdridge, Nebr., et al.
William J. Potts, Esq., behalf of Meredith Broadcasting Co.

10. At the outset, we note that as a matter of procedural convenience and administrative judgment, we have abandoned the contemplated adoption of two forms, one for renewal and another for all other applications. Study revealed that two separate forms would result in needless duplication. One form will be used for all television station applicants, with the instructions indicating which questions should be answered by each of the various types of applicants.

11. Applicants are also instructed that replies which relate to proposed future programing and commercial operation constitute representations on which the Commission relies. Such representations are not, of course, exact detailed statements of proposed day-to-day operations, and literal adherence to them in that respect would neither be possible not necessarily desirable. Because the proposals as to programing and commercial matter are representations relied upon by the Commission in determining whether grant of an application is in the public interest, licensees are given the responsibility for advising the Commission whenever substantial changes occur. It is not possible to define what would constitute a substantial change so that it may be applied in every case. This is a judgment to be made by the licensee in the exercise of sound discretion. It does not require that every departure from programing and commercial proposals is to be reported to the Commission. Obvious examples of program format alterations which would be reported are changing from a diversified format to emphasis on feature films or sports; or from English-language programs to a foreign language format. Examples of the type of changes in commercial practices which should be reported are a station deciding as a matter of policy to increase the maximum percentage of commercial matter which it proposes to allow, or if the station determines that it is exceeding these proposed maximums approximately 10 percent of the time. If the type of change raises serious public interest questions, the licensee will be so advised and an inquiry may be made in order to ascertain complete details. However, silence on the part of the Commission is not to be construed as indicating that the Commission has passed on the matter. The station's performance in the public interest will be evaluated in any event at the time of next renewal.

12. To avoid any confusion resulting from the adoption of one form for all television applicants, it should be understood that applicants for major changes need not file this section IV unless a substantial change in programing is proposed. Where an applicant for major change indicates that no substantial change in programing is proposed, the Commission at the time such application is reached for processing will determine whether the filing of program information is necessary and will request it in appropriate cases. To assist us in making the necessary public interest finding in assignments and transfer proceedings, we are requiring certain information from assignors and transferors as well as from assignees and transferees. It should be noted, however, that assignors and transferors need not answer any portion of section IV if the information required of such applicants has been filed with the Commission within 18 months prior to the filing of the application and it is referenced and identified.

13. The Commission recognizes that there is wide disagreement over the details that should be required of an applicant in reporting on ascertainment of community needs and interests. There is general agreement, however, that an awareness of and a response to such needs is essential. Realistically, a question seeking such information can be phrased only in somewhat general terms. We believe that the question in the form (Question No. 1), reasonably interpreted, can be readily answered, provided good faith efforts have been made to ascertain needs; and that the question imposes no great burden.[4] While the ultimate decision with regard to the presentation of programs is that of the licensee, the Commission expects broadcast permittees and licensees to make a positive, diligent and continuing effort to provide a program schedule designed to serve the needs and interests of the public in areas served by the station. The efforts must include consultation with the general listening public, and with leaders in community life and professional and eleemosynary organizations. Report and Statement of Policy Re: Commission En Banc Programing Inquiry (FCC 60-970, 25 F.R. 7291, 20 RR 1902, released July 29, 1960). The Commission's experience with the radio form has shown that some applicants are not providing full answers to the questions on ascertainment of community needs (Question No. 1). The Commission cautions applicants to study this question and to supply a complete and responsive answer to each part thereof. The question is designed to elicit full information as to:

(a) The steps that an applicant has taken to become informed of the real needs and interests of the area served and to provide programing which constitutes a diligent effort to provide for such needs and interests;

(b) Any suggestions that may have been made as to how the station could help meet the needs and interests of the community from the viewpoint of those consulted;

(c) The applicant's evaluation of the relative importance of all such suggestions and the consideration given them in formulating the station's over-all program structure; and

(d) The programing that applicant proposes, either generally or specifically, to meet the needs and interests of the community as he has evaluated them.

14. A question-by-question comparison between the form proposed in the fourth notice and the one adopted herein is not practicable. Some of the differences have already been touched upon (paragraph 9) and two others are particularly worthy of mention. The requirement to supply information as to the extent of interruptions of program continuity by commercial and other matter has been deleted, and the proposed program source category of exchange has also been deleted.

15. Questions 3-A and 12 of the new form (relating to past and future programing, respectively) ask for the amount of time devoted to news, public affairs, and all other programs exclusive of entertainment and sports, and the percentage of total time on the air represented by each category. It has been suggested that, to make computation easier, the gross amount of time (including commercial material) should be used. However, on further analysis we are persuaded that the opposite is true, and that the amount of time should be computed excluding such material. This is necessary if a true picture of station operation is to be presented. We note, for example, that many newscasts contain a large amount of commercial material, and for a station to show the gross figure including such material would be for it to overstate the extent of its news coverage. Therefore Questions 3-A and 12 provide for computation only of time devoted to the subject of the program, excluding commercial matter. Further, to alleviate some apparent confusion,[5] the base to be used in computing the percentage of total time on the air called for in these questions, is the gross amount of time that the station was on the air during the composite week. Thus commercial matter is not excluded from the figure used as a base in computing the percentage.

16. Questions 5 and 13 (relating to past and future programing, respectively) ask for the amount of program time by source. It should be noted that commercial matter is not to be excluded from programs in computing the time devoted to the source categories.

17. In defining programs by type, the form divides programs basically into eight categories ("A" through "H"), not greatly different from those formerly used except that—in response to numerous requests—a category of "instructional" programs has been adopted, including programs of an instructional nature, whether or not they are presented by or in cooperation with an educational institution (the requirement of the former "Educational" category). In addition, three subcategories of programs are listed ("I" through "K") which fall within the first eight categories but which we believe should be further identified separately. These are "Editorials," "Political" programs (which are subcategories of the "Public Affairs" category) and "Educational Institution" programs (which could be a subcategory of any of the first eight categories "A" through "H", exclusive of "Sports"). The "Educational Institution" program

[4] Records to support needs and interests representations shall be kept available for inspection by the Commission for 3 years. (Note to Question 1.)

[5] Based on questions that have been asked by radio applicants in connection with the same question in the AM and FM form (sec. IV-A, Questions 3-A and 14).

category is generally similar to the former "Educational" program classification. We wish to reemphasize, as we have in the past, that these program classifications have never been intended as a rigid mold or fixed formula for station operation. The ascertainment of the broadcast matter to be provided by a particular applicant for the audience he is licensed to serve remains the responsibility of the licensee. The Commission recognizes that the form does not contain questions which require information as to all program definition categories. Nevertheless we have decided to require all programs to be classified, as it will facilitate examination of composite week logs by providing a record which can be readily analyzed.

18. It should also be noted that a "Local" program (Instruction, General Information and Definitions, paragraph 10-a), is limited to those programs which the station originates, produces or for the production of which the station is primarily responsible and employing live talent for more than 50 percent of the time. It would only pertain where the station is actively involved in producing or originating the program; i.e., its studio or other facilities are used. Thus the definition would not include programs in which the station's sole relationship; i.e., one of financial support. Further, if two or more stations jointly participate in the production of a program, all of them may classify it as local. The one exception is that all nonnetwork news programs are to be classified as local. It may be of assistance in understanding this category if it is thought of in terms of station participation rather than program content.

19. There is included in the form an optional question (3-B) which permits an applicant to supply certain programming information for a representative period during the year preceding the filing of the application. The Commission recognizes that applicants may not have complete information for network programs carried during such a period of time, and it is not expected that the networks will supply it to affiliates. Accordingly, if a response is made to this question, it should clearly note the network programs for which the applicant is unable to supply the required information.

20. Question 26-A of the form adopted herein requires an applicant to state his policy on broadcasting certain programs even if sponsorship is not available or appropriate. It should be made clear that this question is intended to determine whether an applicant has retained flexibility to accommodate public needs, and does not indicate any modification of the Commission's position pertaining to sustaining versus commercially sponsored programs. This position was fully expressed in the July 29, 1960, report and statement of policy as follows:

> Our own observations and the testimony in this inquiry have persuaded us that there is no public interest basis for distinguishing between sustaining and commercially sponsored programs in evaluating station performance. However, this does not relieve the station from responsibility for retaining the flexibility to accommodate public needs.
>
> Sponsorship of public affairs, and other similar programs, may very well encourage broadcasters to greater efforts in these vital areas. This is borne out by statements made in this proceeding in which it was pointed out that under modern conditions sponsorship fosters rather than diminishes the availability of important public affairs and "cultural" broadcast programing. There is some convincing evidence, for instance, that at the network level there is a direct relation between commercial sponsorship and "clearance" of public affairs and other "cultural" programs. Agency executives have testified that there is unused advertising support for public affairs-type programing. The networks and some stations have scheduled these types of programs during "prime time."

21. We have decided in Docket 14187 to make the effective date of the new logging requirements December 1, 1966, to give licensees time to prepare new forms and train staff in their use. It is recognized that a transition period will necessarily exist between adoption of the new section IV-B and its actual use. The problem is caused quite simply by the requirement of additional information in the new section IV-B not heretofore required, and for which there was previously no logging requirement. We have decided to make section IV-B effective as to any application filed on or after December 1, 1966, for a new television station and/or assignees and transferees. The section IV-B adopted herein will be used by assignors and transferors beginning December 1, 1967. Applicants for renewal of license whose applications are due to be filed on or after Janaury 1, 1967, but prior to November 1, 1967, shall be required to answer Parts I, III, V, VI, and VII of section IV-B and questions 1(a), 2(a), 3(a), 4(a), 5 (a) and (b), and 10 of section IV. All applicants for renewal of television licenses which are due to be filed on or after November 1, 1967, shall use the revised form in its entirety.

22. Authority for adoption of the changes herein is contained in section (4) (i) and 303 and 307(d) of the Communications Act of 1934, as amended.

23. In view of the foregoing: *It is ordered*, That section IV of FCC Forms 301, 303, 314, and 315 is revised for television applications as set forth in the appendix hereto.*

24. *It is further ordered*, That the above revised form shall be used for applications for new television facilities (or major changes in television facilities when required) filed on or after December 1, 1966.

25. *It is further ordered*, That the above revised form shall be used for applications for assignment and transfer filed on or after December 1, 1966, by assignees and transferees and/or those filed on or after December 1, 1967, by assignors and transferors.

26. *It is further ordered*, That applications for renewal of television licenses which expire on or after November 1, 1967, shall use the above revised form in its entirety.

27. *It is further ordered*, That applications for renewal of television licenses which are due to be filed on or after January 1, 1967, but prior to November 1, 1967, shall use Parts I, III, V, VI, and VII of the above revised Form and Questions 1(a), 2(a), 3(a), 4(a), 5 (a), and (b), and 10 of the present form.

28. *It is further ordered*, That this proceeding is terminated.

Adopted: October 7, 1966.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11173; Filed, Oct. 12, 1966; 8:51 a.m.]

* Appendix filed as part of original document.

[1] Concurring statement of Chairman Hyde and Commissioners Cox and Loevinger filed as part of original document; Commissioner Johnson absent.

[Docket No. 16106; FCC 66-891]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

PART 99—DISASTER COMMUNICATIONS SERVICE

Miscellaneous Amendments

In the matter of amendment of Parts 2, 91, and 99 of the Commission's rules insofar as they relate to the Industrial Radiolocation Service, RM-139.

1. On July 16, 1965, the Commission released a notice of proposed rule making (FCC 65-625, 30 F.R. 9109) proposing to establish the Industrial Radiolocation Service on a regular basis. The service, which provides for the use of radio to determine speed, direction, position and distance for purposes other than radionavigation and primarily in connection with geographical, geophysical and geological activities, has been on a developmental basis since 1951. The Commission proposed to amend the rules so as to clarify the eligibility provisions of the service; to incorporate appropriate frequency availability and other changes occasioned by the Geneva Radio Regulations (1959) and the adoption of certain Commission orders; and to amend the Disaster Communications Service Rules in regard to control of interference in the 1750–1800 kc/s band, which is shared between the Industrial Radiolocation Service and the Disaster Communications Service. The notice invited interested parties to file comments on or before November 15, 1965, and reply comments on or before December 15, 1965. An errata was released on August 4, 1965 (30 F.R. 9885). By virtue of our order in this document, the Commission's objectives in the rule making proceeding are accomplished.

2. Comments were received from the following parties:

Board of Water Supply and the Department of Public Works, city and county of Honolulu.
Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee).
Hastings-Raydist, Inc. (Hastings).
Lorac Service Corp. (LSC).
Offshore Navigation, Inc., and Offshore Raydist, Inc. (Offshore).
Washington State Highway Commission, Department of Highways.

Reply comments were filed by Hastings and Offshore Raydist, Inc.

3. In general, everyone who participated in the proceedings voiced approval of our proposal. Certain modifications were, however, suggested by a number of parties.

4. LSC suggested that our proposed frequency separation of 5 kc/s between stations of different systems in the 1750–1800 kc/s band be reduced to 3 kc/s and be between stations of different licensees. Between stations of the same licensee, however, LSC would maintain the proposed 5 kc/s spacing in order to provide licensees with assignment flexibility. In reply comments, both Hastings and Offshore-Raydist, Inc., addressed themselves to the LSC "3 kc/s" frequency separation proposal and generally endorsed it. Hastings, however, qualified its endorsement by noting that a 3 kc/s separation is acceptable only if adjacent systems employ continuous unmodulated carrier or carrier modulated with tones of 1500 kc/s or less. Both Hastings and Offshore-Raydist, Inc., agree that if a reduction to 3 kc/s is ordered by the Commission, licensees should be afforded a reasonable period of time within which to conform to the new spacing arrangement; a 12-month period was suggested.

5. We had specified in our proposal in the text of § 91.604(b)(9) that 3 kc/s would be the maximum bandwidth authorized for stations operating in the 1605–1800 kc/s band. Based upon its experience, LSC indicated that a maximum bandwidth of 1.5 kc/s, or half that proposed, is within the present state of the art and adequate for radiolocation service. In reply comments, Offshore Raydist, Inc., concurred with LSC in the suggestion that bandwidths should be reduced from the proposed 3 kc/s but believed that halving the proposed 3 kc/s is beyond the present state of the art. As an alternative or compromise, Offshore Raydist, Inc., suggested a maximum bandwidth of 2 kc/s.

6. Sections 91.604(b)(9) and (14) (the latter is now § 91.606) have been changed to specify a maximum bandwidth of 2 kc/s and frequency separation of 3 kc/s, respectively, with the latter figure to become effective on October 1, 1967. The geographical separation and frequency separation in § 91.606 is now applied to stations of different licensees rather than different radiolocation systems. This should provide additional flexibility in the selection of frequencies to be used in systems of the same licensee. These modifications were suggested by LSC and Offshore Raydist, Inc. They should serve to make clear that the separation provision applied to stations of different licensees and will provide flexibility in systems authorized to the same licensee as pointed out by LSC. Increased utilization of the available frequency spectrum will be possible. While the 2.0 kc/s bandwith is not as restrictive as proposed by LSC, the figure does represent a material reduction in bandwidth and appears to be satisfactory to Offshore Raydist, Inc.

7. Central Committee commented that licensees in the Petroleum Radio Service have had access to the frequencies 1614, 1628, 1652, 1676, and 1700 kc/s for a number of years. As the Industrial Radiolocation Service will share frequencies in the 1605–1715 kc/s band with other radio services, including the Petroleum Radio Service, Central Committee has suggested that a footnote be added to the rule governing the assignment of frequencies in the 1605–1715 kc/s band pointing out the "extensive use" being made of frequencies in the band by petroleum users and the necessity for close coordination between petroleum and radiolocation users in some areas. In reply comments Offshore-Raydist, Inc., expressed no objection to the footnote suggestion made by Central Committee.

8. We believe that the status of stations sharing frequencies in the 1605–1715 kc/s band is made clear by the notes appended to the frequency tables in the various radio services having access to frequencies within this band. We are, however, adding suitable language to point out the nature of assignments within this band, as well as the bands 1715–1750 kc/s, 1750–1800 kc/s, and 3250–3400 kc/s. This is appropriate inasmuch as all frequencies below 25 Mc/s are available on a case-by-case basis and individual frequencies are not, in every case, available for assignment or assignment without restricted conditions of operations. This has been reflected in section 91.604(b)(16) relating to frequencies available for assignment in the Industrial Radiolocation Service.

9. It also should be pointed out that frequency requirements are increasing by services to which the 225–400 Mc/s band is allocated on a primary basis. Discussions with appropriate Government agencies has indicated that it may become necessary to delete the availability of frequencies in that band for Shoran operations by 1971. In the interim, adjustments of operations now centered on the frequencies 230, 250, and 310 Mc/s may be required to insure compatibility of Shoran operations with regular services. Accordingly, applicants for new or expanded Shoran systems should consider these prospects when contemplating the filing with the Commission of applications for frequency authorizations in the 225–400 Mc/s band. This subject may be the matter of further rule making.

10. In regard to station identification LSC requested that permanent land stations operating in the Industrial Radiolocation Service in the frequency band 1605–1800 kc/s not be required to transmit call signs during regular periods of operation. LSC pointed out that the requirement for identification has been waived by the Commission under developmental operation. The company stated that no problem has been encountered in the identification of stations because of the unique nature of the transmissions. If identification did prove to be necessary, LSC stated that arrangements can be made for transmission of call signs upon prior request for specified periods. Offshore recommended that Industrial Radiolocation stations be exempted from requirement for transmitting call signs. Offshore specified that transmission of call signs would have to be by automatic devices using Morse code since most stations operate in a remote unmanned condition. The one manned station in a network does not have sufficient bandwidth to transmit voice identification. Transmission of call signs could also cause interruption of service with possible loss of lane count unless confined to times at which the station was being turned on or turned off.

11. The Commission proposed that stations in the Industrial Radiolocation Service be subject to the identification requirements of section 91.152 which requires a station to identify if it is capable of being identified by transmission of its assigned call sign. The comments received about station identification and consideration of the need for stations to identify in certain bands of frequencies has indicated the need for a more specific rule in regard to station identification in the Industrial Radiolocation Service. As a practical problem the Commission has experienced great difficulty in identifying stations in radiolocation systems operating on frequencies in the 1.605 to 2 Mc/s band. A serious situation developed when the stations caused harmful interference to priority operations of stations in another country. Since it has been found that the emissions are not sufficiently characteristic to permit suitable identification by that means, and it is most important that the Commission be able to identify the stations with a reasonable expenditure of time and effort when stations operating on frequencies that may cause interference to priority operations in this and other countries, § 91.152 has been revised so as to require stations in the Industrial Radiolocation Service to identify by means of radiotelegraphy at the beginning and end of each operation on frequencies below 3400 kc/s. A period of about 1 year has been allowed for stations to make the necessary arrangements to accomplish the required identification. The identification is considered the minimum that will serve Commission purposes and should not cause interruption of service with possible loss of lane count or other possible problems or inconveniences that would be present if periodic identification was required. Industrial Radiolocation Service stations operating on frequencies above 3400 kc/s are not required to transmit identifying signals.

12. Section 91.604(b)(6) has been revised to reflect footnote US 97 to the Table of Frequency Allocations, § 2.106, Part 2 of the Commission's rules as recommended by Offshore Navigation, Inc., and Offshore Raydist, Inc. The footnote was included in an amendment to Part 2 accomplished in Docket No. 15696 (30 F.R. 7105), and affected the availability of frequencies in the 1605–1715 kc/s band for aeronautical radionavigation purposes and concurrently for other services operating in the band. The amendment was inadvertently not taken into account in our notice of proposed rule making.

13. The Washington State Highway Commission, Department of Highways, suggested that § 91.601(a) be clarified by including "agencies of State or local government" if it is the intent of the Commission to authorize such applicants. The department anticipated problems with § 91.602 (b) and (c) in regard to expenditure of funds by an agency of State or local government for the performance of work for the material benefit of others.

14. It was not intended that State or local governments be eligible under § 91.601 for stations in the Industrial Radiolocation Service since the radiolocation requirements of such groups may be satisfied under Part 89 of the Commission's rules. The section has been adopted as proposed. Outstanding developmental station licenses issued to any State or local governments in the Industrial Radiolocation Service will remain valid until their expiration. Rather than requesting a license in the Industrial Radiolocation Service on a regular basis, applicants are requested to apply for licensing of their radiolocation operations under Part 89 of the rules.

15. LSC requested modification of proposed § 91.604(b)(13) so as to delete the proviso that "use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system." The proviso applied to the 3230–3400 kc/s frequency band. While LSC supported the limited availability of the frequency band as expressed in the section, the company believed that the proviso was too restrictive and contrary to the policy set forth in paragraph 6 of the Commission's notice of proposed rule making which rejected the sponsorship of a single system in favor of competition between different systems. In reply comments Hastings-Raydist, Inc., favored adoption of § 91.604(b)(13) as proposed by the Commission. The company pointed out that it has been necessary to amend § 2.106 of Part 2 of the rules to include a US footnote and that the domestic use of frequencies in the 3230–3400 kc/s band should be limited to those instances where there is a "genuine and pressing requirement for the particular frequencies."

16. The US footnote (now US 105), and § 91.604(b)(13) have been adopted as proposed since they make clear the specific conditions under which the frequencies have been made available for use.

17. A frequency tolerance for radar stations in the Industrial Radiolocation Service using pulse modulation has been added to footnote 2 to the table in § 91.102(a). The tolerance is presently applicable in the maritime mobile and aviation services and no problem is anticipated in regard to equipment meeting the tolerance in the Industrial Radiolocation Service. Application of the tolerance will provide a uniform engineering standard for pulse radar equipment in the Industrial Radiolocation Service.

18. LSC, Central Committee, Hastings, and Offshore specifically supported the Commission's proposal to retain the Industrial Radiolocation Service in its noncommon carrier status. Central Committee indicated that the petroleum industry, as one of the principal customers of Radiolocation Service licensees, has never believed that communications service for-hire was being rendered. The Committee stated that the service received is engineering in nature and the use of communications facilities is incidental to this principal function. In response to the Commission's request that licensees and other interested persons include in their comments descriptions of the services being rendered by stations in the Industrial Radiolocation Service, and the distribution of charges for the service provided, relative to the use of the station, LSC, Hastings, and Offshore commented in some detail. LSC indicated that private contract arrangements have been used over a period of 14 years without discrimination. The company described how a complete radiolocation service provides a great deal more than the radio transmission facility and that the arrangement has been acceptable to users and licensees alike. Raydist described some of the uses for radiolocation, such as geophysical exploration, hydrographic operations, military operations, oceanographic operations, performance testing and as a proving ground for new systems. Raydist indicated that a variety of functions is performed in addition to furnishing basic radiolocation service; and that payment for service includes many services which are distinct from the actual operation of the radio equipment. Offshore stated that a complete engineering service is provided and that use of radio signals is a means to an end. No separate charge is made for use of the radiolocation stations.

19. The Commission has held that the clear legislative intent of Congress in the enactment of the Communications Act of 1934 was that the common carrier regulatory provisions thereof should not apply to persons who are not common carriers in the ordinary sense of the term; that the fundamental concept of a communications common carrier is that such a carrier makes a public offering to provide, for hire, facilities by wire or radio whereby all members of the public who choose to employ such facilities may communicate or transmit intelligence of their own design and choosing between points on the system of that carrier and between such points and points on the systems of other carriers connecting with it; and that a carrier provides the means or ways of communication for the transmission of such intelligence as the customer may choose to have transmitted so that the choice of the specific intelligence to be transmitted is the sole responsibility or prerogative of the customer and not the carrier. Frontier Broadcasting Co. et al. *v.* J. E. Collier et al., 24 F.C.C. 251 (1958). The aforementioned fundamental concept of a communications common carrier applies even though the public offering is limited to a special classification of service which restricts the customer's choice to intelligence permissible within such class of service offering. Western Union Telegraph Co., 5 R.R. 1213 (1950); Charles Edward Stuart, Docket No. 6553, File No. T5–Ph 526. See also CATV and TV Repeater Services, 26 F.C.C. 403; 428.

20. On the basis of the facts presented to the Commission in the comments herein, it appears clear that the radio facilities licensed in the radiolocation service are not used and cannot properly be used to transmit any intelligence of the design and choice of the subscriber to the service and that the specific intelligence transmitted is and must be the sole responsibility and prerogative of the licensee and not the subscriber. We conclude, therefore, that the rendition of radiolocation service is not a communications common carrier service within the meaning of Title II of the Communications Act.

21. Editorial and other changes have been made to clarify and simplify the rules.

22. Amendment of the rules to make frequencies available in the 3230 to 3400 kc/s band for radiolocation systems or techniques requiring harmonically related pairs of frequencies in order to function properly satisfies the remaining item to be considered in the Hastings-Raydist petition for rule making (RM–139) dated September 22, 1959. The proceeding in RM–139 is hereby concluded.

23. Therefore, pursuant to authority contained in sections 4(i) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered;* That effective November 15, 1966, Parts 2, 91, and 99 of the Commission's rules are amended in the manner set forth below. *It is further ordered,* That the proceedings in Docket No. 16106 are hereby terminated.

(Sec. 4, 48 Stat. 1068, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Cox abstaining from voting.

Parts 2, 91, and 99 are amended as follows:

§ 2.106 [Amended]

1. In § 2.106 *Table of Frequency Allocations*, a new footnote designator, US105, is added in column 7 for the frequency bands 3230–3240 and 3240–3400 kc/s; and a new footnote is added to the Table to read as follows:

US105 On the express condition that harmful interference is not caused to stations operating in accordance with the Table of Frequency Allocations, frequencies in the bands 3230–3240 and 3240–3400 kc/s may be assigned to radiolocation systems which are also assigned frequencies in the 1605–1800 kc/s band, provided the use of frequencies in the bands 3230–3240 and 3240–3400 kc/s is necessary for the proper functioning of the particular radiolocation system.

2. In § 91.102(a), the table is amended to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
Mc/s	*Percent*	*Percent*	*Percent*	*Percent*
Below 25 [1]	0.005	0.01	0.01	0.02
25 to 50	.002	.002	.002	.005
50 to 1000	.0005	.0005	.0005	.005
Above 1000	(2)	(2)	(2)	(2)

[1] Industrial Radiolocation Service stations operating in the frequency bands 70–90 kc/s and 110–130 kc/s will be required to maintain the carrier frequency of each authorized transmitter within 0.01 percent of the assigned frequency. Industrial Radiolocation Service stations operating in frequency bands above 130 kc/s must comply with the tolerance requirements indicated in the column for fixed and base stations in this table.

[2] For microwave fixed equipment, see § 91.111. Radar stations in the Industrial Radiolocation Service using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc/s to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other equipment, tolerances will be specified in the station authorization.

* * * * *

3. In § 91.109, paragraph (b) is amended to read:

§ 91.109 Acceptability of transmitters for licensing.

* * * * *

(b) Except for transmitters used at developmental stations and transmitters authorized in the Industrial Radiolocation Service (see § 91.603), each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current "Radio Equipment List, Part C" and designated for use under this part or be of a type which has been type accepted by the Commission for use under this part.

* * * * *

4. Section 91.152 is amended by adding paragraphs (f) and (g) to read:

§ 91.152 Station identification.

* * * * *

(f) In lieu of the requirement of paragraph (a) of this section, and effective October 1, 1967, stations in the Industrial Radiolocation Service operating on frequencies below 3400 kc/s shall identify on each carrier frequency by transmission of the assigned call sign at the beginning and end of each period of operation. Such identification shall be by the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention, Geneva, 1959 using A1 or A2 emission. For the latter emission either the modulating audio frequency or modulated emission may be keyed.

(g) Notwithstanding the requirements of paragraph (a) of this section, stations in the Industrial Radiolocation Service operating on frequencies above 3400 kc/s are not required to identify except upon specific instruction from the Commission.

5. In Part 91, Subpart M (§§ 91.601–91.611) is amended to read as follows:

Subpart M—Industrial Radiolocation Service

Sec.
91.601 Eligibility.
91.602 Availability and use of service.
91.603 Station limitations and exemptions.
91.604 Frequencies available.
91.605 Unlisted frequencies.
91.606 Policy governing assignment of frequencies in the band 1750–1800 kc/s.

AUTHORITY: The provisions of this Subpart M issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

Subpart M—Industrial Radiolocation Service

§ 91.601 Eligibility.

Any of the following persons who have a substantial need, in connection with their various activities, to determine direction, distance, or position by means of radiolocation devices, for purposes other than navigation, are eligible to hold authorizations to operate radio stations in the Industrial Radiolocation Service:

(a) Any person engaged in a commercial, industrial scientific, or educational activity.

(b) A corporation or association organized for the purpose of furnishing a radiolocation service.

(c) A subsidiary corporation proposing to furnish a nonprofit radiocommunications service to its parent corporation or to another subsidiary of the same parent.

§ 91.602 Availability and use of service.

(a) The initial application from a person claiming eligibility in the Industrial Radiolocation Service must be accompanied by a statement in sufficient detail to indicate clearly his eligibility.

(b) Each initial application for a station in this service shall be accompanied by:

(1) A functional description of the manner in which the system will operate, including the interrelationship and function of each unit in the system;

(2) A map of the area which it is proposed to serve, showing the location of each station.

(c) Stations licensed in the Industrial Radiolocation Service may, in the discretion of the Commission, be required to provide service upon reasonable request therefor, and without discrimination.

§ 91.603 Station limitations and exemptions.

(a) Nontype accepted equipment will be authorized to be operated in this service, pending the establishment of engineering standards. All nontype accepted equipment must, however, meet the frequency tolerance specifications enumerated in Subpart C of this part.

(b) Stations licensed in this service may transmit only those signals necessary to the rendition of the radiolocation service involved.

§ 91.604 Frequencies available.

(a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to land and mobile stations in the Industrial Radiolocation Service, and the specific limitations, which are enumerated in paragraph (b) of this section:

INDUSTRIAL RADIOLOCATION SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitation(s)
kc/s		
70–90	Radiolocation land or mobile.	1.
110–130	do	1.
1605–1715	do	6, 9, 16.
1715–1750	do	9, 16.
1750–1800	do	9, 14, 16.
3230–3400	do	13, 16.
Mc/s		
220	do	2.
230	do	2.
310	do	2.
2450–2500	do	3.
2900–3100	do	4, 5.
3100–3246	do	10.
3266–3300	do	10.
5350–5460	do	4, 7.
5460–5470	do	4, 8.
5470–5600	do	4, 5.
5600–5650	do	1, 4.
9000–9200	do	4, 7.
9200–9300	do	10.
9300–9500	do	4, 8, 15.
10000–10500	do	1, 11.
10500–10550	do	12.

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section.

(1) This band is allocated to the radiolocation service on a secondary basis to those services having primary status as shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(2) Radiolocation land and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of this frequency for the radiolocation activities of the petroleum industry only, at locations within 150 miles of the respective shorelines of Alaska, California, Oregon, Washington (including the area in and about Puget Sound), and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

(3) This band is allocated to the radiolocation service on a secondary basis. Radiolocation stations operating within this band shall not cause harmful interference to the fixed or mobile services. Further, they must accept any harmful interference that may be experienced from such services or from the industrial, scientific and medical equipment operating in accordance with Part 18 of this chapter, Rules and Regulations relating to Industrial, Scientific, and Medical Equipment.

(4) Speed measuring devices will not be authorized in this band.

(5) The non-Government radiolocation service in this band is secondary to the maritime radionavigation service and to the Government radiolocation service.

(6) The non-Government radiolocation service in this band shall not cause harmful interference to stations in the aeronautical radionavigation service operating on 1638 or 1708 kc/s.

(7) The non-Government radiolocation service in this band is secondary to the aeronautical radionavigation service and to the Government radiolocation service.

(8) The non-Government radiolocation service in this band is secondary to the radionavigation service and to the Government radiolocation service.

(9) Station assignments on frequencies in this band will be made subject to the conditions that the maximum plate power input to the final radio frequency stage shall not exceed 500 watts and the maximum authorized bandwidth shall not exceed 2 kc/s.

(10) Stations authorized to operate on frequencies in this band prior to April 16, 1958, whose authorizations have been renewed and are currently valid may continue to operate. Such authorizations will be subject, upon proper application therefor, to renewal and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they are granted. All such authorizations will be subject to the condition that harmful interference shall not be caused to the Government radiolocation service.

(11) The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna. Pulsed emissions are prohibited.

(12) This band is restricted to radiolocation systems using type AO emission with a power not to exceed 40 watts into the antenna.

(13) Frequencies in this band may be assigned to radiolocation stations which are also assigned frequencies in the 1605–1800 kc/s band, provided the use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system, and on the express condition that harmful interference is not caused to stations operating in accordance with the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(14) Frequencies from within this band are available on a shared basis with stations in the Disaster Communications Service (see Part 99 of this chapter). Stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.

(15) Radiolocation installations will be coordinated with the meteorological aids service, and, insofar as practicable, will be adjusted to meet the needs of the meteorological aids service.

(16) Because of the operation of stations having priority on the same or adjacent frequencies in this or in other countries, frequency assignments may either be unavailable or may be subject to certain technical or operational limitations. Therefore, applications for frequency assignments in this band shall include information concerning the transmitter output power; the type and directional characteristics of the antenna and the minimum hours of operation (GMT).

§ 91.605 Unlisted frequencies.

Radiolocation stations in this service may be authorized, on request, to use frequencies allocated exclusively to Federal Government stations, in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary or required for coordination with Government activities.

§ 91.606 Policy governing assignment of frequencies in the band 1750–1800 kc/s.

(a) Each frequency assignment in the band 1750–1800 kc/s will be made on an exclusive basis within the daytime primary service area of the station to which assigned. The daytime primary service area of a station operating in this band is defined as the area within which the signal intensities are adequate for radiolocation purposes during the hours from sunrise to sunset from all stations in the radiolocation system of which the station in question is a part, that is, the primary service area of the station coincides with the primary service area of the system.

(b) The normal minimum geographical separation between stations of different licensees shall be not less than 360 miles when the stations are operated on the same frequency or on different frequencies separated by less than 5 kc/s until October 1, 1967, and 3 kc/s on and after that date. Any person desiring geographical separation of less than 360 miles under these circumstances will be required to show that the desired separation will result in a protection ratio of at least 20 decibels throughout the daytime primary service area of other stations.

(c) Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available for assignment; or where it appears to the Commission that fewer applicants or licensees than the number before it should be given authority to serve a particular area; or where it appears that an applicant, either directly or indirectly, seeks to use more than 25 kc/s of the available spectrum space in this band, the applications may be designated for hearing.

4. Section 99.29 is amended to read as follows:

§ 99.29 Limitations on use of frequencies.

(a) Frequencies in the band 1750–1800 kc/s are available to stations in this service on a shared basis with stations in the Industrial Radiolocation Service; *Provided, however,* That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between local sunrise and local sunset; *And, provided further,* That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service.

[F.R. Doc. 66-11114; Filed, Oct. 12, 1966; 8:45 a.m.]

[Docket No. 16762; FCC 66-897]

PART 73—RADIO BROADCAST SERVICES

First Report and Order

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Reedsburg, Wis.; Portland, Ind.; Brazil, Ind.; Winner, S. Dak.; Ardmore, Okla.; Hutchinson and St. Cloud, Minn.; Gonzales, Tex.; Cullman, Ala.; De Land, Winter Park, Live Oak, and Ocala, Fla.; Rockford, Ill.; Adrian and Jackson, Mich.; and Corinth, Miss.), RM-969, RM-984, RM-967, RM-971, RM-974, RM-977, RM-978, RM-983, RM-988, RM-987, RM-989, RM-990.

1. The Commission has before it for consideration its notice of proposed rule making issued on July 14, 1966 (FCC 66-637), and printed in the FEDERAL REGISTER on July 20, 1966 (31 F.R. 9808), proposing a number of changes in the

FM Table of Assignments. A number of comments were filed in response to the proposals set forth in the notice and all duly filed documents were considered in making the following determinations. The proposals were unopposed except as otherwise specified. This decision disposes of all the subject petitions except RM-989.

2. *RM-969, Reedsburg, Wis.* (Sauk Broadcasting Corp.); *RM-984, Portland, Ind.* (The Graphic Printing Co., Inc.). In these two cases, interested parties have sought the assignment of a first Class A channel in a community, without requiring any other changes in the Table. Reedsburg has a population of 4,371 and Portland has a population of 6,999 persons. The former has a Class IV AM station and the latter a daytime-only AM station. We are of the view that these communities are large enough to warrant the assignment of a first FM channel to each of them. In the case of Portland, the FM assignment will provide the first nighttime radio service of a local nature. We are accordingly assigning Channel 265A to Portland, Ind., and Channel 285A to Reedsburg, Wis.

3. *RM-967, Brazil, Ind.* In response to a petition filed on May 23, 1966, by Community Broadcasting Corp., licensee of Station WWCM(AM), Brazil, Ind., the Commission invited comments on a proposal to add Channel 249A to that community as follows:

City	Channel No.	
	Present	Proposed
Brazil, Ind.	232A	232A, 249A

Brazil has a population of 8,853 and Clay County, in which it is located and is the county seat, has a population of 24,207. Its only radio station is WWCM, a daytime-only operation, licensed to petitioner. The sole FM channel (232A) assigned to Brazil is in operation at Greencastle under the "25 mile rule". Greencastle is located in the next county. Community urges that there is a definite need for an FM station in Brazil due to its importance to the county, the economic importance of the community, and the lack of any early morning and nighttime local radio service. Petitioner submits that the city of Brazil is known as the "Clay Products Center of the World" and that it contains a number of other industries as well.

4. Normally, a community the size of Brazil would warrant only one FM assignment. However, since the only available assignment is in use in another community situated in a different county (Greencastle, Ind.) the subject request is in effect a request for a first local FM assignment. In addition, since Brazil does not have a fulltime AM station, the proposed FM assignment would provide the first local nighttime radio service in the community. For these reasons we believe that the petitioner's request would serve the public interest and should be adopted. We are therefore adding Channel 249A to Brazil, Ind.

5. *RM-971, Winner, S. Dak.* Midwest Radio Corporation, licensee of Station KWYR(AM), Winner, S. Dak., in a petition filed May 26, 1966, requests that Channel 229 be substituted for Channel 228A at Winner, S. Dak., as follows:

City	Channel No.	
	Present	Proposed
Winner, S. Dak.	228A	229

Winner, with a population of 3,705 persons, is the county seat and largest community in Tripp County, which has a population of 8,762. Its only AM station, licensed to petitioner, is a daytime-only operation. Midwest submits that there are no other AM or FM stations in Tripp County or the nearby six counties and that the coverage of KWYR is very extensive due to the high soil conductivity in central South Dakota. Petitioner states that it is anxious to provide fulltime rural service to the county and surrounding area and that this cannot be done with the assigned Class A channel. Winner is located in a very large rural area and is over 160 miles from the nearest large population center (Sioux Falls). Midwest adds that the nearest stations in operation are at Pierre (about 70 miles north) and Mitchell (about 90 miles northeast).

6. While Winner is the type of community which normally is assigned a Class A channel, it is in a sparsely settled rural area and located far from any metropolitan areas or population centers. It thus merits a departure of our policy of making Class A assignments to the smaller communities and Class B or C assignments to the metropolitan areas and large cities. We therefore find the proposal to be in the public interest and are assigning Channel 229 to Winner in lieu of Channel 228A.

7. *RM-974, Ardmore, Okla.* On June 3, 1966, Albert Riesen, Jr., Betty Maurine Riesen Dillard, Jean Lowenstein Riesen Hughes, an individual, and Jean Lowenstein Riesen Hughes and T. Fred Collins, Co-Trustees of John N. Riesen, doing business as KVSO Broadcasting Co., licensee of Station KVSO(AM), Ardmore, Okla., filed a petition requesting the addition of Channel 239 to Ardmore, Okla., as follows:

City	Channel No.	
	Present	Proposed
Ardmore, Okla.	221A	221A, 239

Ardmore has a population of 20,184 and its county (Carter) has a population of 39,044. It has a Class IV AM station (KVSO) and no application has been filed for the sole FM assignment, Channel 221A.

8. Petitioner submits that Ardmore is centrally located in south central Oklahoma and serves as the hub and distribution center for much of the area comprising eight counties with a total population of 100,000 persons. KVSO states that it has been serving the area with its AM station and is anxious to do the same with FM but that only a Class C assignment would make this possible. It urges that the proposed assignment would conform to all the rules and practices of the Commission, that in Oklahoma a total of four Class C assignments have been made in three communities smaller than Ardmore, and that it would serve the public interest since KVSO would take the needed steps to bring a service geared to the needs and desires of the people in the effective service radius of the proposed station.

9. We are of the view that Ardmore, being a substantial sized community and of importance to the general area and well removed from population centers, merits the assignment of a Class C channel and a second FM assignment, in spite of the resulting mixture of a Class A and C channel. We are thus adopting the proposal advanced by petitioner in this case.

10. *RM-977, Hutchinson, Minn.* In a petition filed on June 6, 1966, and supplemented on June 8, 1966, by North American Broadcasting Co., licensee of Station KDUZ(AM), Hutchinson, Minn., requests the assignment of Channel 296A to Hutchinson, Minn., by substituting Channel 269A for 296A at St. Cloud, Minn., as follows:

City	Channel No.	
	Present	Proposed
Hutchinson, Minn.		296A
St. Cloud, Minn.	284, 296A	269A, 284

Hutchinson, located about 55 miles west of Minneapolis, has a population of 6,207. It is the largest community in McLeod County, which has a population of 24,401. The only radio station in the area is KDUZ, which operates daytime only. Petitioner urges that Hutchinson needs an FM assignment since it has no local nighttime service, is the largest community in the county, and is located in an important business, manufacturing, and farm products area. Finally, petitioner submits that the proposal would conform to all the separation requirements. In the case of Channel 269A, it is alleged that sites are available about 2 miles northwest of the city of St. Cloud, from which the required spacings can be met.

11. We are of the view that Hutchinson is large and important enough to warrant the assignment of a first Class A assignment. This would provide the community and the surrounding area with a first nighttime radio service without any adverse effect on any other station or assignment. The only change required to make this assignment possible is the substitution of Channel 269A for 296A at St. Cloud, where a site about 2 miles northwest of the city must be used to meet the required minimum spacings. We believe that the public interest would be served by the proposal and the

site limitation for Channel 269A at St. Cloud not to be a severe one. Accordingly, we are assigning Channel 296A to Hutchinson and substituting Channel 269A for 296A at St. Cloud.

12. *RM-978, Gonzales, Tex.* A petition filed by Waterman Broadcasting Corp. of Texas, licensee of Station KTSA (AM), San Antonio, Tex., on June 8, 1966, requests that Channel 292A be substituted for Channel 272A in Gonzales, Tex. Petitioner points out that since Channel 272A is assigned to Gonzales at somewhat less than required 65 miles to the assignments of Channel 270 and 274 at San Antonio, this places a burden on applicants for potential uses of these assignments to find locations to the west of the city of San Antonio. It therefore urges that Channel 292A, which can be assigned to Gonzales in full conformance with the spacing rules and without limiting the applicants for stations in San Antonio, be substituted for Channel 272A.

13. We are of the view that the proposed amendment will serve the public interest since it would provide for more effective use of available frequencies without adversely affecting any other assignments or stations. In view of this we are substituting Channel 292A for 272A at Gonzales, Tex.

14. *RM-983, Cullman, Ala.* Kenneth E. Lawrence, in a petition filed June 10, 1966, requests the addition of Channel 221A to Cullman, Ala., as follows:

City	Channel No.	
	Present	Proposed
Cullman, Ala.	266	221A, 266

Cullman, a community of 10,883 persons, is the county seat and largest community in Cullman County, which has a population of 45,572 persons. It has two unlimited time AM stations and an FM station operating on Class C Channel 266. Petitioner states that he will file an application for the additional Class A assignment in the event it is adopted and that he plans an independent, good music, stereo station. He urges that Cullman is large and important enough from a business standpoint to merit a second FM station. A number of business, political, and religious leaders in the community filed supports of the Lawrence proposal citing the need for another local station in the community.

15. We are of the view that Cullman merits the assignment of a second FM channel to provide diversification of programing and another competitive outlet. While we have attempted to avoid mixing Class A and C channels in the same community we believe that it is warranted under the circumstances here presented. We are therefore adding Channel 221A to Cullman.

16. *RM-988, DeLand, Fla.* In a petition filed on June 16, 1966, Shom Broadcasters, Inc., licensee of Station WOOO (AM), DeLand, Fla., requests the assignment of Channel 290 to DeLand by deleting it from Winter Park, Fla., and making other necessary changes as follows:

City (all in Florida)	Channel No.	
	Present	Proposed
De Land		290
Winter Park	276A, 290	276A
Live Oak	291	251
Ocala	229, 252A	229, 272A

DeLand has a population of 10,775 and is located about 20 miles southwest of Daytona Beach, both of which are located in Volusia County, which has a population of 125,319. There are no FM assignments in DeLand but two AM stations operate in the community, one daytime-only licensed to petitioner, and a Class IV station. Daytona Beach (population 37,395) has two Class C stations in operation. Winter Park has a population of 17,162 and is located about 5 miles north of Orlando and is in its SSMA and Urbanized Area. It has a station in operation on Channel 276A and an unlimited time AM station. Orlando has four Class C stations.

17. Petitioner points out that Channel 290 was assigned to Winter Park in Docket No. 16006 (30 F.R. 13644) in response to a petition from Contemporary Broadcasting Co., Inc., licensee of Station WABR(AM), Winter Park, Fla., but that no application has been filed for its use in spite of the more than 6 months which have elapsed. Petitioner points out in this connection that Contemporary Broadcasting Co., the party which sought Channel 290 in Winter Park has filed an application for the assignment of its license for WABR and stated that the officers desire to retire partly from business. It urges that DeLand is more deserving of its first FM assignment than Winter Park its second since DeLand is a substantial community without any FM assignments and is not near a large population center while Winter Park already has an FM station and is located within an urbanized area and standard metropolitan statistical area, the central city of which has four Class C stations and five AM stations (four full-time), that DeLand is an area of considerable growth in spite of its small geographical area; and that the new assignment would better serve the objective of section 307 (b) of the Act.

18. Norfolk Broadcasting Corp., licensee of Station WABR(AM), Winter Park, Fla. (previously licensed to Contemporary Broadcasting Co.) opposes the deletion of Channel 290 from Winter Park. It submits that it is presently preparing an application for this assignment and urges that this growing community needs more than one FM outlet.[1] In reply to this opposition, petitioner urges that the allocation of frequencies to particular communities takes precedence over the private interest of any applicant. It states that in the past the Commission has made changes in assignments even after a hearing has been completed on applications for a particular assignment and has done the same after the end of a existing license period. The contention is made that Channel 290 should be deleted from Winter Park and assigned to De Land in spite of the Norfolk statement that it plans to file for the channel because of the greater need in De Land, the removal of the mixture of classes of stations in Winter Park, and the expressed reluctance of the Commission in making the assignment previously.

19. We have carefully considered all the comments in this proceeding and the situation of the competing communities of De Land and Winter Park for Channel 290 and on balance conclude that De Land merits the assignment of a first channel before Winter Park obtains its second. While Winter Park is larger than De Land (17,162 as against 10,775) it is located in the Orlando Standard Statistical Metropolitan Area and urbanized area about 5 miles from the city of Orlando, while De Land is about 20 miles from the nearest large city (Daytona). Thus, the local broadcast needs of Winter Park can more readily be met as a result of the four Class C FM stations in Orlando. In addition, Winter Park does have one FM assignment already, which, together with its unlimited time AM station gives it two local radio services as against one for De Land. While it is true, as Norfolk points out, that in a previous decision the Commission found that the community of Winter Park merited another FM assignment, this determination was made in the absence of a competing request and also on a finding that Channel 290 could be used in a very small area and hence did not preclude other needed assignments. Petitioner in this case has discovered a method which permits the channel to be moved by means of a few changes in other cities and without any adverse effect on other stations and assignments. We are of the view, therefore, that the public interest would be served by the requested changes and the assignment of Channel 290 to De Land rather than to Winter Park.

20. *RM-987, Rockford, Ill.* In a petition filed on June 13, 1966, the First Church of the Open Bible, Rockford, Ill., requests the addition of Channel 285A to Rockford as follows:

City	Channel No.	
	Present	Proposed
Rockford, Ill.	248	248, 285A

Rockford has a population of 126,706 and its SSMA has a population of 209,765 persons. Channel 248 is presently in operation, as are three AM stations, two of which are daytime-only operations. Petitioner submits that Channel 285A is the only assignment which can be added to Rockford and that it can be made to Rockford in conformance with the spacing rules provided a site is selected in an angular area whose apex is on the east side of the city. The Mayor of Rockford filed a supporting statement sub-

[1] It is noted that such an application was tendered for filing on Sept. 21, 1966.

mitting that Rockford is the second largest city in Illinois and merits a second FM channel.

21. Loves Park Broadcasting Co., licensee of Station WLUV-FM, Loves Park, Ill., opposes the addition of Channel 285A to Rockford as a second FM assignment. Loves Park urges that two FM services (Channel 248 at Rockford and 244A at Loves Park, which is in the Rockford Urbanized Area) are enough at "this time"; that since commercial channels are scarce, the aims of the Church could more easily be accommodated in the noncommercial educational band; that the Church proposes a site outside of Rockford; and that Channel 285A could be reserved for future use in such communities as Oregon and Mount Morris, Ill. Finally, Loves Park argues that additional nighttime radio service could be more practically achieved by one or more AM nighttime services. In a reply to Loves Park, petitioner submits that a commercial channel is needed since it cannot qualify for a noncommercial educational assignment and also proposes some commercial programing, and that the advisability of increase in nighttime hours of AM stations is not relevant to this proceeding. It urges that the proposed location of its studio outside of Rockford is not a bar to the subject rule making concerning the assignment of Channel 285A to Rockford. Finally, petitioner requests that the proposed channel not be reserved for some other city but that it be assigned to Rockford at this time since it can provide a needed additional service without taking it from any other community.

22. In setting up the FM Table of Assignments, the criteria used for a city the size of Rockford was four to six assignments. Since the area is also a metropolitan area an attempt was made to assign Class B channels to such markets. However, due to the large number of existing stations in other communities in the general area (particularly Chicago and Milwuakee) it was not possible at that time to add any FM assignments to the one Class B then in operation. It is obvious from this that Rockford merits a second FM assignment (it has only one AM nighttime operation) even though this is only a Class A assignment and results in a mixture of classes of channels. Loves Park contends that the needs of the petitioner can be met in the noncommercial educational band. Since this band is available to educational institutions and organizations it is not clear that the petitioner would be eligible for such an assignment. But more important, a proceeding such as this one involves the assignment of channels to communities and not to petitioners or other interested parties. The issue here is whether Channel 285A should be assigned to Rockford and made available to all interested parties. As to the reservation of the channel for such communities as Oregon and Mount Morris, these communities are quite small (less than 4,000 persons) and in any event we deem it more important to assign a second channel to the large metropolitan area of Rockford than to reserve indefinitely the channel for future use in such small communities. With respect to the contention that additional service can be achieved by additional nighttime AM service, no showing has been made as to the feasibility of additional AM stations in the Rockford area. Even had such a showing been made, our view is that the area merits the second FM assignment for its present and future needs. We are therefore assigning Channel 285A to Rockford.

23. *RM-990, Corinth, Miss.* The Corinth Broadcasting Co., Inc., filed comments and reply comments on May 20, 1966, and June 13, 1966, respectively in Docket No. 16601, RM-934, in which it proposed the assignment of Channel 237A to Corinth, Miss. Since this counterproposal was not directly related to the proposal made in that proceeding, it is being considered herein as a new proposal. Corinth, a community of 11,453 persons, is the county seat and largest community in Alcorn County, which has a population of 25,282. A construction permit has been recently granted for Channel 232A, the sole FM assignment in Corinth. Corinth also has two AM stations, one a Class IV and the other a daytime-only station. Petitioner submits that Channel 237A can be assigned to the community of Corinth and that sites are available in a 5-square-mile area from which the required minimum spacings can be met and the required signal placed over the entire community. It urges further that this assignment will not preclude any other related channel in any community of over 1,000 population. Finally, Corinth states that the nighttime coverage of its AM station, WCMA, is severely limited due to interference and that the only way in which it can serve the rural population at night is by means of the FM assignment sought.

24. In view of the size of Corinth, the availability of Channel 237A at a site about 5 miles out of the community, the fact that the proposed assignment will not preclude future assignments in other areas, and the expressed demand for a second FM assignment, we are of the view that the proposal would serve the public interest and should be adopted. We are therefore adding Channel 237A to Corinth.

25. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

26. In accordance with the determinations made above: *It is ordered*, That effective November 18, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Alabama:	
Cullman	221A, 266
Florida:	
DeLand	290
Live Oak	251
Ocala	229, 272A
Winter Park	276A
Illinois:	
Rockford	248, 285A
Indiana:	
Brazil	232A, 249A
Portland	265A
Minnesota:	
Hutchinson	296A
St. Cloud	269A, 284
Mississippi:	
Corinth	232A, 237A
Oklahoma:	
Ardmore	221A, 239
South Dakota:	
Winner	239
Texas:	
Gonzales	292A
Wisconsin:	
Reedsburg	285A

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11113; Filed, Oct. 12, 1966; 8:45 a.m.]

[Docket No. 14187; FCC 66-904]

PART 73—RADIO BROADCAST SERVICES

Program Log

In the matter of amendment of § 3.663 (a) (now § 73.670), the program logging rules for television broadcast stations.

1. The Commission has before it for consideration the notice of proposed rule making released July 7, 1961, in the above-captioned matter as it relates to amendment of § 3.663(a) (now § 73.670), the program logging rules for television broadcast stations.

2. In a companion rule making proceeding (Docket No. 13961), the Commission has considered amendment to section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315. The purpose of the instant proceeding is to insure that the information required by such forms is contained in the television station's program log. We have today adopted a program form for use with renewal and other television applications. The rules adopted herein are designed to provide the information which licensees will need in order to fill out this form.[3] Since this proposal was initiated the program form

[2] Commissioner Cox dissenting to the assignment of Ardmore, Okla.

[3] On Aug. 12, 1965, the Commission released a report and order (FCC 65-687) in this proceeding revising the program logging rules for AM and FM broadcast licensees.

(sec. IV—Statement of Program Service), to which the rules adopted here were proposed to relate, has undergone extensive revision.

3. Many comments have been filed in this proceeding since its inception in 1961. Informal conferences were held by the Commission staff with representatives of the Federal Communications Bar Association and the National Association of Broadcasters before this proceeding was inaugurated. On October 6, 1961, the Commission en banc held an informal meeting with the National Association of Broadcasters, which presented some 15 broadcasters who spoke on various aspects of the proposed program form and logging requirements.

4. All of the views which were expressed in the many informal meetings and the views and objections contained in the comments have been considered in reaching our conclusions herein. We have given particular attention to minimizing the burden and possible expense associated with any logging requirement by seeking only such information as we deem necessary to fulfill our statutory function.

5. As will be noted, the definitions used are in conformance with those in the Statement of Program Service (sec. IV–B) adopted in the report and order in Docket 13961.

6. We have required that the time each program begins and ends be noted and that each program be classified as to type and source and identified by the name or title. The separate logging of program segments, where appropriate, is permissible.

7. For commercial matter it is permissible to show the total duration of such matter in each hourly segment. No distinction need be made between commercial continuity and commercial announcements. Since this is a somewhat new procedure in the logging of commercials, licensees should clearly understand that it is permissible to enter one figure in the log in each hourly segment, showing the total duration of commercial matter in that hour, and there is no requirement to state the duration of each individual commercial or to log its beginning or ending time. It is also required that the name of the sponsor or the person who paid for the announcement be logged. The Statement of Program Service (sec. IV–B) requires commercial information computed on a clock-hour basis. Thus, licensees are cautioned to insure that the log can be accurately divided into hourly segments for reporting purposes.

8. In connection with the logging of commercial continuity a special problem is raised by certain sponsored programs wherein it is difficult to measure the exact length of what would be considered as commercial matter, e.g., some sponsored religious and political programs. For such programs we will not require licensees to compute the amount of commercial matter, but merely to log and announce the program as sponsored. This exception does not, of course, apply to any program advertising commercial products or services. Nor is the exception applicable to any commercial announcements.

9. Duration of commercial matter shall be a reasonable approximation of the time actually consumed. It is not necessary, for example, to correct an entry of a 20-second commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled amount. But reasonable precision is required and the licensee should realize that this requires adequate supervision of on-the-air personnel to make sure that time devoted to commercials does not deviate from time prelogged more than is necessary to accommodate different rates of speech.

10. A question has been raised as to whether the identification of prizes and mentions of donors' names are to be considered within our definition of commercial announcements and logged as such. The Commission does not believe that the question can be answered categorically and requires that such announcements be judged in light of § 317 of the Communications Act of 1934, as amended and § 73.654 of the Commission's rules. If the anouncement is one which is required thereunder it would constitute a commercial and must be considered accordingly.

11. Prelogging is permitted, but any deviation from the pre-prepared log must be noted by a proper entry if it relates to matter which is required to be logged.

12. A station affiliated with a network which will supply to the station the required logging information for the composite week shall record in its log the time when it joins the network, the name of each network program broadcast, the time it leaves the network and any nonnetwork matter broadcast required to be logged. It is required that the information supplied by the network be attached to the pertinent program logs to which it relates.

13. The Commission realizes that it will take some time for stations to become familiar with the provisions of the new rules and to draw up new logging forms. The Commission feels that it has provided adequate time for such purposes. It is highly desirable that licensees begin logging under the new rules at the earliest practicable date because a long transition period will still be required before all applications for renewal will reflect a full range of information kept in accordance with the new logging requirements.

14. The present report and order and rule amendments relate only to the matters to be entered in the log. (§ 73.670)

15. Authority for the adoption of the amendments herein is contained in sections 4(i) and (j) 303, and 307(d) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered*, That § 73.670 of the Commission's rules is amended as set forth below, to be effective December 1, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

NOTE: Rules changes herein will be covered by T.S. III(64)–14.

Adopted: October 7, 1966.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

1. Section 73.670 is amended to read as follows:

§ 73.670 Program log.

(a) The following entries shall be made in the program log:

(1) *For each program.* (i) An entry identifying the program by name or title.

(ii) An entry of the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit referred to was broadcast within the longer program.

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section. (For network programs, also give name or initials of network, e.g., ABC, CBS, NBC.)

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate.

(2) *For commercial matter.* (i) An entry identifying (*a*) the sponsor(s) of the program; (*b*) the person(s) who paid for the announcement, or (*c*) the person(s) who furnished materials or services referred to in § 73.654(d). If the title of a sponsored program includes the name of the sponsor, e.g., XYZ News, a separate entry for the sponsor is not required. See Note 3 at the end of this section for definition of commercial matter.

(ii) An entry showing the total duration of commercial matter in each hourly time segment (beginning on the hour). See Note 5 at the end of this section for statement as to computation of commercial time.

(iii) An entry showing that the appropriate announcement(s) (sponsorship, furnishing material or services, etc.) have been made as required by section 317 of the Communications Act and § 73.654. A check mark (√) will suffice

* Chairman Hyde and Commissioners Cox and Loevinger concurring; Commissioner Johnson absent.

but shall be made in such a way as to indicate the matter to which it relates.

(3) *For public service announcements.* (i) An entry showing that a public service announcement (PSA) has been broadcast together with the name of the organization or interest on whose behalf it is made. See Note 4 at the end of this section for definition of a public service announcement.

(4) *For other announcements.* (i) An entry of the time that each required station identification announcement is made (call letters and licensed location; see § 73.652).

(ii) An entry for each announcement presenting a political candidate, showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 1.580 (pregrant) and 1.594 (designation for hearing) of this chapter, showing the time it was broadcast.

(iv) An entry showing that a mechanical reproduction announcement has been made in accordance with the provisions of § 73.653.

(b) Program log entries may be made either at the time of or prior to broadcast. A station broadcasting the programs of a national network which will supply it with all information as to such programs, commercial matter and other announcements for the composite week need not log such data but shall record in its log the time when it joins the network, the name of each network program broadcast, the time it leaves the network, and any nonnetwork matter broadcast required to be logged. The information supplied by the network shall be retained with the program logs and attached to log pages to which it relates.

(c) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape, or other means employed.

(d) Program logs shall be changed or corrected only in the manner prescribed in § 73.669(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction no matter by whom made, shall be initialed by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was broadcast. If correction or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee.

NOTE 1. *Program type definitions.* The definitions of the first eight types of programs (a) through (h) are intended not to overlap each other and will normally include all the various programs broadcast. Definitions (i) through (k) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (i) through (k); (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as Public Affairs (PA), Political (POL), and Educational Institution (ED)).

(a) *Agricultural programs* (A) include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) *Entertainment programs* (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) *News programs* (N) include reports dealing with current local, national, and international events, including weather and stock market, reports; and when an integral part of a news program, commentary, analysis, and sports news.

(d) *Public affairs programs* (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) *Religious programs* (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) *Instructional programs* (I) include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) *Sports programs* (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.).

(h) *Other programs* (O) include all programs not falling within definitions (a) through (g).

(i) *Editorials* (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) *Political programs* (POL) include those which present candidates for public office or which give expressions (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) *Educational Institution programs* (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

NOTE 2. *Program source definitions.* (a) *A local program* (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring syndicated or feature films or other nonlocally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program, a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local).

(b) *A network program* (NET) is any program furnished to the station by a network (national, regional, or special). Delayed broadcasts of programs originated by networks are classified as network.

(c) *A recorded program* (REC) is any program not defined in (a), (b), (c) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

NOTE 3. *Definition of commercial matter* (CM) includes commercial continuity (network and nonnetwork) and commercial announcements (network and nonnetwork) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish between the two types of commercial matter when logging.)

(a) *Commercial continuity* is the advertising message of a program sponsor.

(b) *A commercial announcement* is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus spots"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "LISTEN TOMORROW FOR THE—[NAME OF PROGRAM]—BROUGHT TO YOU BY—[SPONSOR'S NAME]—.")

(2) Other announcements including but not limited to the following are not commercial announcements:

(i) Promotional announcements, except as heretofore defined in paragraph (b) of this Note.

(ii) Station identification announcements for which no charge is made.

(iii) Mechanical reproduction announcements.

(iv) Public service announcements.

(v) Announcements made pursuant to § 73.654(d) that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues.

(vi) Announcements made pursuant to the local notice requirements of §§ 1.580 (pregrant) and 1.594 (designation for hearing) of this chapter.

NOTE 4. *Definition of a public service announcement.* A public service announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State or local Governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

NOTE 5. *Computation of commercial time.* Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled time. However, it is incumbent upon the licensee to ensure that the entry represents as close an approximation of the time actually consumed as possible.

[F.R. Doc. 66-11174; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations, upland game, for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game species and unprotected birds and mammals consisting of foxes, groundhogs, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as open to hunting during the dates of date of publication 1966, through March 1, 1967, in Illinois; date of publication 1966, through March 1, 1967, in Iowa; date of publication 1966, through March 1, 1967, in Minnesota; and 12 noon October 8, 1966, through March 1, 1967, in Wisconsin except as listed under special conditions. Restricted hunting is also permitted on the areas designated by signs as closed to hunting. The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Hunting on designated open areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the first waterfowl hunting season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated closed areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) Hunting of upland game species and unprotected birds and mammals shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1967.

DONALD V. GRAY,
Refuge Manager.

OCTOBER 4, 1966.

[F.R. Doc. 66-11140; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as open to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as closed to hunting. The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Deer hunting shall be subject to the following special conditions:

(1) All deer hunting shall be within the outside dates of the applicable State seasons as follows:

ILLINOIS

Bow and arrow seasons from date of publication 1966 through November 15, 1966; and November 2, 1966, through December 5, 1966; and December 13, 1966 through December 31, 1966. Shotgun season November 18 through November 20, 1966; and December 9, 1966 through December 11, 1966.

IOWA

Bow and arrow season October 15, 1966, through November 13, 1966; and November 26, 1966, through December 16, 1966. Shotgun season November 19 through November 22, 1966.

MINNESOTA

Bow and arrow season from date of publication 1966, through October 31, 1966; and December 3, 1966, through December 18, 1966. Shotgun and bow and arrow season November 12, 13, and 14, 1966.

WISCONSIN

Bow and arrow season for either sex from date of publication 1966, through November 15, 1966; and December 3, 1966, through December 31, 1966. Gun and bow and arrow season of varying length in various areas, all designated by the current State regulations during the outside dates of November 19, 1966, through November 27, 1966.

(2) Gun hunting on designated open areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the first waterfowl hunting season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) Bow hunting is permitted on designated open areas concurrent with applicable fall State seasons, but not later than the next succeeding March 1.

(4) Bow and gun hunting on designated closed areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(5) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1967.

DONALD V. GRAY,
Refuge Manager.

OCTOBER 4, 1966.

[F.R. Doc. 66-11139; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 32—HUNTING

Chautauqua National Wildlife Refuge, Ill.; Correction

In F.R. Doc. 66-10609, appearing on page 12722 of the issue for Thursday, September 29, 1966, under Chautauqua National Wildlife Refuge, Ill., the first sentence of the first paragraph should read as follows: "Public hunting of geese on the Chautauqua National Wildlife Refuge, Ill., is permitted from October 22 through December 5, 1966, unless closed sooner by Federal action; and the hunting of ducks and coots is permitted from October 22 through December 5, 1966, but only on the area designated by signs as open to hunting."

Under Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, the second sentence of the first paragraph should read as follows: "Hunting of geese is permitted from October 1 through December 9, 1966, in Iowa and Minnesota; October 8 through December 16, 1966, unless closed sooner by Federal action, in Wisconsin; October 22 through December 5, 1966, unless closed sooner by Federal action, in Illinois."

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-11138; Filed, Oct. 12, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TIME FOR MAILING CERTAIN NOTICES TO SHAREHOLDERS BY REGULATED INVESTMENT COMPANIES

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 852–855 of the Code, relating to the time for mailing certain notices to Shareholders by Regulated Investment Companies, was published in the FEDERAL REGISTER for July 27, 1966.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, November 10, 1966, at 10 a.m., e.s.t., Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC: LR:T, Washington, D.C. 20224 by November 8, 1966, Telephone (Washington, D.C.—area code 202) 964–3935.

By: Lester R. Uretz,
Chief Counsel.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 66-11154; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Basic and Other Water Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of March 1, 1907 (34 Stat. 1024), August 11, 1914 (38 Stat. 583) and August 31, 1954 (68 Stat. 1026), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oreg., by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.32 *Basic and other water charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho, beginning with calendar year 1967 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a), subparagraph (1) Fort Hall Project: Basic rate from $4.25 to $5.00 per acre and under subparagraph (3) Minor Units, Fort Hall Reservation: Basic rate from $1.50 to $2.50 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg. 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 66-11156; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas on an Acreage-Poundage Basis for 1967–68 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and supplemented (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary under section 317 is preparing to determine and announce on an acreage-poundage basis, with respect to Flue-cured (Types 11, 12, 13 and 14) tobacco for the 1967–68 marketing year, (a) the amount of the national marketing quota, (b) the national average yield goal, (c) the national acreage allotment, (d) the reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and for establishing allotments for new farms, (e) the national acreage factor, and (f) the national yield factor. Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for Flue-cured tobacco for the 1965–66, 1966–67, and 1967–68 marketing years on May 4, 1965 (30 F.R. 9299).

Subsection 317(a) of the Act contains, for the purposes of section 317, the following definitions:

1. "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

2. "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

3. "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

4. "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in section 317(e) with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under section 317(f), and including any adjustment for errors or inequities from the reserve. In determining farm acreage allotments for Flue-cured tobacco for 1965, the 1965 farm allotment determined under section 313 shall be adjusted in lieu of the acreage allotment for the immediately preceding year.

5. "Community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years, 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield. Community average yields for other kinds of tobacco shall be determined in like manner, except that the 5 years, 1960 to 1964, inclusive, may be used instead of the period 1959 to 1963, as determined by the Secretary.

6. "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

7. "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) of subsection 317(a) for the farm prior to adjustments for overmarketings, undermarketing, or reductions required under section 317(f) and dividing the sum of the products by the national acreage allotment.

8. "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by section 317, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years.

Section 317(d) of the Act requires the Secretary to determine and announce the national marketing quota, national acreage allotment, and national average yield goal for the 1967–68 marketing year for Flue-cured tobacco on or before December 1, 1966.

Section 317(e) provides that (1) no farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years, (2) for each marketing year for which acreage-poundage quotas are in effect under section 317 the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years, (3) the part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil, and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator, and (4) the farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield.

Section 317(f) provides that only the provisions of the last two sentences of section 313(g) of the Act shall apply with respect to acreage-poundage programs established under section 317. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to section 317, and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such section 313(g) pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in section 317. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of the Act, increases or decreases in such acreage allotments and farm yields as provided in section 317 shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency. Acreage allotments and farm marketing quotas determined under section 317 may (except in case of Burley tobacco, or other kinds of tobacco not subject to section 316) be leased under the terms and conditions contained in section 316 of the Act.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of Flue-cured tobacco for any marketing year as the carry-over at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The subjects and issues involved in the proposed determinations with respect to Flue-cured tobacco for the 1967–68 marketing year are:

1. The amount of the national marketing quota on an acreage-poundage basis.
2. The amount of the national average yield goal.
3. The amount of the national acreage allotment.
4. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.
5. The national acreage factor.
6. The national yield factor.

Community average yields, as published in the FEDERAL REGISTER (30 F.R. 6207, 9875, 14487) which were effective for the 1965–66 and 1966–67 marketing years, will be used for purposes of the 1967–68 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 30 days

from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11166; Filed, Oct. 12, 1966; 8:50 a.m.]

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Volume Regulation for 1966-67 Crop Year

Notice is hereby given of a proposal to provide free tonnage of 142,000 tons and to designate the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1966-67 crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively. The designation of percentages would be in accordance with the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on the recommendation of the Raisin Administrative Committee and other information.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 17, 1966. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

To achieve a free tonnage objective of 142,000 tons (estimated to equal trade demand) of standard natural (sun-dried) Thompson Seedless raisins for the 1966-67 crop year, and to protect against possible underestimation of the production (presently estimated at 237,000 tons), it is proposed to designate the percentages of such raisins which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, as follows: Free tonnage percentage, 50 percent; reserve tonnage percentage, 15 percent; surplus tonnage percentage, 35 percent. It is further proposed that on or about February 1, 1967, on the basis of relevant information then available concerning the 1966 production of such Thompson Seedless raisins, appropriate modifications in the percentages will be made to retain in the reserve tonnage a sufficient amount to meet any deficit in free tonnage and to add the remainder of the reserve tonnage to the surplus tonnage.

The total production of other varietal types of raisins, estimated to be 21,000 tons, is not expected to be in excess of the quantity that can be marketed in all outlets at reasonable prices during the 1966-67 crop year, and the quantity needed for desirable carryout. Therefore, volume regulation for these raisin types is not proposed.

Dated: October 10, 1966.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11170; Filed, Oct. 12, 1966; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 31, 33]

[Docket No. 16909; FCC 66-902]

TELEPHONE COMPANIES

Uniform System of Accounts; Notice of Proposed Rule Making

In the matter of Amendment of Parts 31 and 33 of the Commission's rules relating to accounting for revenues from teletypewriter exchange service (TWX); also related amendment of Annual Report Form M.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes in this rule making proceeding to amend Part 31, Uniform System of Accounts for Class A and Class B telephone companies, and Part 33, Uniform System of Accounts for Class C telephone companies, of the Commission's rules to provide that all revenues from teletypewriter exchange service (TWX), except those from local message charges, shall be classified as revenues from toll service. At the same time it is proposed to amend Annual Report Form M for telephone companies to obtain additional data with respect to TWX revenues.

3. Under the present provisions of Part 31, account 500, "Subscribers' station revenues," includes, in addition to other items, local service revenues from auxiliary equipment furnished in connection with subscribers' service and account 510, "Message tolls," includes, in addition to other items, revenues from fixed monthly service charges on interexchange teletypewriter service, furnished on a message charge basis. In accounting for revenues from TWX service under the foregoing provisions, the general practice in the telephone industry has been to include in account 510 only the TWX toll message revenues and the fixed monthly interexchange charges for basic TWX service. All other revenues relating to TWX, including any separately tariffed equipment charges, have been included in account 500. No exception to such accounting has been taken by the Commission.

4. The accounting that has been sanctioned under the existing rules has resulted in a substantial amount of TWX revenues from facilities furnished for use in both toll and local service being reported as local service revenues, even though a very high proportion of all TWX messages are toll messages. The Bell System included TWX revenues of $13,850,000 in account 500 in 1965. However, only about $500,000 of this amount was from local messages, the balance of $13,350,000 being from charges for facilities used in both local and toll TWX service. The Bell System companies included $57,300,000 of TWX revenues in account 510 in 1965, all of which are properly classified as toll revenues.

5. On August 12, 1966, the American Telephone & Telegraph Co. (A.T. & T.) filed revised TWX rates to become effective September 1, 1966. It is understood that under the revised TWX tariffs which went into effect on September 1, 1966, a much greater proportion of the total TWX revenues will be classified as local service revenues under the existing accounting. We think the accounting and reporting should more accurately reflect the usage of the TWX facilities. On August 15, 1966, the Commission issued an order waiving the provisions of Parts 31 and 33 of the rules to permit, pending this rule making proceeding, all revenues from TWX service except those from messages wholly within a teletypewriter local calling area to be credited to accounts 510, "Message tolls," and 3030, "Toll service revenues," of Parts 31 and 33, respectively.

6. In view of the foregoing, it appears that TWX facilities furnished for use in both toll and local service are used so predominantly for toll service that the accounting currently provided should be amended to recognize that fact. Further, since only a very small proportion of TWX message revenues are from local service, it does not appear that any useful purpose would be served by requiring the carriers to apportion TWX revenues from charges for monthly service, equipment, installations, moves, changes, and directory listings between local and toll service. The proposed amendments accordingly provide that all TWX revenues, except local message charges, should be credited to account 510 as toll service revenues. This proposed accounting will more accurately reflect the nature of the service than has resulted under the present accounting. However, under the revised tariff a substantial proportion of revenues will be derived from charges for monthly service, equipment, installations, etc. Therefore, it is believed that data should be available which show toll message revenues separately from other TWX toll revenues. Accordingly, it is proposed to amend Schedule 34, Operating Revenues, of Annual Report Form M to obtain the amount of revenues included in account 510, "Message tolls," for teletypewriter messages separate from other teletypewriter revenues proposed to be included therein.

7. As hereinbefore indicated, the present provisions of the text of account 500 provide for including revenues from furnishing auxiliary equipment in that account. We believe that this provision, as it relates to telephone service, should not be changed but that a note should be added to this account to exclude therefrom revenues from charges for monthly service, equipment, installations, moves, changes, and directory listings relating to teletypewriter exchange service.

8. It is also believed that Part 33, Uniform System of Accounts for Class C telephone companies, of the rules should be amended in order to clearly indicate in that Part that accounting similar to that proposed herein for Class A and Class B telephone companies should be followed by Class C companies with respect to TWX revenues.

9. In view of the foregoing, it is proposed to amend Parts 31 and 33 of the rules and annual Report Form M as set forth below.

10. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective January 1, 1968, with the option that any company may make the changes effective January 1, 1967. The annual report changes are proposed to be effective for the reporting year 1968.

11. This notice of proposed rule making is issued under authority of sections 4(i), 219, and 220 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before November 15, 1966, and reply comments on or before November 30, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.500 is amended by adding Note C reading as follows:

§ 31.500 Subscribers' station revenues.

* * * * *

NOTE C: Revenues applicable to teletypewriter exchange service other than revenues from local messages (i.e., messages originating and terminating within a teletypewriter local calling area) shall be included in account 510, "Message tolls."

2. In § 31.510, paragraph (b) is amended and new paragraph (c) is added to read as follows:

§ 31.510 Message tolls.

* * * * *

(b) This account shall also include revenues from guarantees at toll stations; from toll terminals, other local loops, and related facilities and equipment furnished in connection with message toll services; and from messenger service in notifying persons of toll calls.

(c) This account shall also include all revenues from teletypewriter exchange service except charges for local messages; i.e., messages originating and terminating within a teletypewriter local calling area. Among the teletypewriter exchange service revenues to be included in this account are toll message charges and charges for monthly service, equipment, installations, moves, changes, and directory listings.

II. Part 33—Uniform System of Accounts for Class C Telephone Companies, is amended as follows:

1. In § 33.3010, item 10 is redesignated item 11 and new item 10 is inserted reading as follows:

§ 33.3010 Local service revenues.

* * * * *

10. Revenues from teletypewriter exchange service for messages originating and terminating within a teletypewriter local calling area.

* * * * *

2. In § 33.3030, item 6 is amended to read as follows:

§ 33.3030 Toll service revenues.

* * * * *

6. Other revenues from toll line operations, including revenues from toll terminals, other local loops, and related facilities and equipment furnished in connection with toll services, and revenues from all charges relating to teletypewriter exchange service except charges for messages within a teletypewriter local calling area.

III. Annual Report Form M for telephone companies is amended as follows: Schedule 34, Operating Revenues (Account 300), is amended by revising line 17 to read "Teletypewriter messages" and by inserting a new line 18 reading "Other teletypewriter."

[F.R. Doc. 66-11116; Filed, Oct. 12, 1966; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 16601; FCC 66-898]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Memorandum Opinion and Order and Further Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Mount Sterling, Ky., Litchfield, Minn., Oconto, Wis., Dodgeville, Wis., Clare, Mich., Tioga, N.Dak., Prentiss, Miss., Crossett, Ark., Bristow, Okla., Boone, Iowa, Oxford and Clarksdale, Miss., Warsaw, Va., Kingsport, Tenn., Norton, Va., Neon, Ky., and Ames, Iowa), Docket No. 16601, RM-921; RM-922, RM-923, RM-925, RM-931, RM-932, RM-935, RM-938, RM-929, RM-933, RM-934, RM-939, RM-1024.

1. The first report and order (FCC 66-707) issued in this proceeding on July 28, 1966, disposed of all the petitions for rule making to change the FM Table of Assignments, except for RM-933, filed by Boone Biblical College on March 4, 1966. This party, the licensee of Station KFGQ-FM, Channel 257A, Boone, Iowa, requested the assignment of a first Class C channel to Boone by the following changes:

City	Channel No.	
	Present	Proposed
Boone, Iowa	252A, 257A	255, 296A

This proposal would permit the substitution of a Class C channel for the Class A (257A) presently occupied by Boone Biblical College, at a site about 5 miles south of Boone. The notice of proposed rule making herein set forth this proposal.

2. Two oppositions to the subject proposal were filed. Lee Broadcasting Co., applicant for a new FM station on Channel 256 at Mankato, Minn., opposes the assignment of Channel 255 to Boone on the grounds that it would not permit the use of the KEYC-TV tower located 24 miles southwest of Mankato, for the proposed FM station. Palmer Broadcasting Co., licensee of Station WHO-TV, Channel 13, Des Moines, Iowa, opposes the assignment of Channel 296A to Boone on the grounds that it would cause second harmonic interference to the reception of WHO-TV in the Boone area (Palmer has opposed other Iowa assignments for the same reason).

3. In a petition filed on August 17, 1966, RM-1024, Ames Broadcasting Co. (Ames), licensee of Station KASI(AM), Ames, Iowa, and formerly applicant for Channel 281 in Ames, requests the Commission to institute rule making to provide a second FM assignment to that community by one of two alternative methods. The first would assign Channel 273 to Ames by deleting this assignment from Des Moines and the second would assign Channel 252A to Ames by deleting that assignment from Boone. The latter proposal is in conflict with the Boone proposal for Channel 255 since the communities are closer than the required 65 miles for assignments three channels removed. Thus, if consideration is to be given to the Ames' second alternative proposal, it must be in this proceeding.

4. We are of the view that the first alternative proposal advanced by Ames must be denied. Ames has a population of 27,003 persons. It has been assigned one Class C FM channel (281), for which there are two competing applications, that of Ames Broadcasting Co., BPH-5118, and that of Lunde Corp., BPH-5016.

The city also has one daytime-only AM station (KASI) in addition to the noncommercial stations licensed to Iowa State University (WOI-AM and FM). Des Moines has a population of 208,982 and its Standard Statistical Metropolitan Area has a population of 266,315. It has been assigned five FM channels, four of which are in operation. The proposal would delete the last remaining assignment and would reduce the number of such assignments to four. In setting up the FM table we attempted to assign from four to six FM assignments to a city the size of Des Moines. We do not believe that the reduction from five to four assignments in Des Moines in order to place a second one in the much smaller community of Ames is warranted. Accordingly, we are denying this alternative request of Ames.

5. With respect to the second alternative Ames request, the assignment of Channel 252A, we have already noted the conflict with the Channel 255 proposal for Boone.[1] We note however, that Channel 296A could be assigned to Ames (instead of to Boone) to serve the stated purposes of the Ames proposal, that is, the assignment of a second FM channel in order that the community have two competing commercial FM services.

6. As to the proposal for Channel 255 in Boone and the opposition thereto by Lee Broadcasting, it may be possible to locate a site about 18 miles south of Boone from which all the required spacings could be met, including that to the proposed Mankato station, and from which the required signal strength could be placed over Boone with reasonable facilities.

7. Comments are therefore invited on the following proposed changes in the FM table:

City	Channel No.	
	Present	Proposed
Ames, Iowa	281	281, 296A
Boone, Iowa	252A, 257A	255

The Boone proposal would result in a loss of a Class A assignment in view of the fact that Channel 255 requires the deletion of both Channels 252A and 257A. (Channel 296A could be assigned to the general area in any event.) Comments are therefore invited on the matter of allocation efficiency in the proposal. Since the resulting assignments in Ames would be a Class A and Class C mixture, comments are invited on this aspect of the proposal as well. Also comments are invited on the feasibility of utilizing Channel 255 at Boone with a site located about 18 miles south of the community. In view of the fact that KFGO-FM operates on Channel 257A and the proposal herein would substitute Channel 255 therefor, appropriate action will be necessary with respect to its outstanding license in the event the proposal is adopted.

8. In view of the foregoing: *It is ordered*, That the petition of Ames Broadcasting Co., insofar as it requests the assignment of Channel 273 or 252A to Ames, Iowa, is denied.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 7, 1966, and reply comments on or before November 22, 1966. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11115; Filed, Oct. 12, 1966; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 16672; FCC 66-899]

UHF TELEVISION BROADCAST CHANNEL AT ORLANDO, FLA.

Memorandum Opinion and Order

In the matter of amendment of § 73.606(b) of the Commission rules and regulations to add a UHF television broadcast channel at Orlando, Fla., Docket No. 16672, RM-928.

1. On June 3, 1966, the Commission issued a notice of rule making proposing to add Channel 48 to Orlando, Fla. (FCC 66-492). Orlando is currently assigned Channels 6, 9, 24, and 35. Channel 24 is reserved for educational use and Channels 6 and 9 are in operation. The proceeding was initiated at the request of Gordon Sherman, an applicant for a commercial television broadcast station on Channel 35. His application had been designated for hearing with that of Omicron Television Corp., (Dockets Nos. 16536 and 16537).

2. In support of his request, Gordon Sherman pointed out that the addition of another UHF channel to Orlando would make it possible for one of the applicants for Channel 35 to amend its application to the new channel, eliminate the necessity for a comparative hearing and thus bring UHF television service to the area more expeditiously. Omicron Television Corp. opposed the request and stated that it had no intention of amending its application and that the petition for rule making should not serve as a basis for a delay in the hearing.

3. The Commission determined that Channel 48 was available for assignment at Orlando and that it was the most efficient assignment in terms of the impact on remaining available assignments. Therefore, in view of the possibility that one of the applicants for Channel 35 would amend its application to specify the new frequency and eliminate the necessity for a hearing, the Commission instituted this proceeding.

4. On July 6, 1966, Gordon Sherman filed "Comments" in which he advised the Commission that the two applicants for Channel 35 had reached an agreement concerning said applications, which agreement was filed with the Commission on July 6, 1966.[1] On July 11, 1966, Omicron Television Corp. filed its comments on the rule making and cited the agreement between it and Sherman, which looked toward the dismissal of Sherman's application and the grant of Omicron's. Omicron, therefore, argued that no public need exists for the addition of another channel to the Orlando area and that, since Orlando has two VHF stations on the air, it will be difficult enough for a single UHF station to become operative and competitive, without the addition of further competition from another UHF station in Orlando.

5. In our fifth Report and memorandum opinion and order in Docket No. 14229 (FCC 66-137), we stated in paragraph 14 that we would insist that requests for additional assignments be accompanied by an adequate showing that petitioner is prepared to proceed promptly with the construction and operation of the requested facility and that additional assignments will be made only where we can determine that there is an actual public need.

6. In view of the dismissal of Gordon Sherman's application, there is no public need at this time for an additional channel in Orlando, Fla.: *And it is ordered*, This 5th day of October 1966, that the petition for rule making filed by Gordon Sherman is denied, and that this proceeding is terminated.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11117; Filed, Oct. 12, 1966; 8:45 a.m.]

[1] Boone Biblical College in an opposition filed on Oct. 3, 1966, points out that Channel 252A cannot be assigned to Ames if Channel 255 is assigned to Boone.

[1] Commissioner Cox dissenting.

[1] This agreement was approved by the Review Board on Sept. 13, 1966 (FCC 66R-353).

Notices

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

ASSISTANT DIRECTOR ET AL.

Delegation of Authority To Act as Director Under Specified Conditions

1. Under the authority conferred upon me by Treasury Department Order No. 129 (Revision 2) dated April 22, 1955, the following officials of the Bureau of Engraving and Printing in the order of succession enumerated are hereby authorized to act as Director of the Bureau of Engraving and Printing in the absence or disability of or in the event of a vacancy in the Office of the Director of the Bureau of Engraving and Printing:

(1) Deputy Director.
(2) Assistant Director.
(3) Director of Industrial Services.

2. In the event of an enemy attack upon any point within the continental limits of the United States the officials named in paragraph 1 and, in addition, the following officials of the Internal Revenue Service, both in the order of succession enumerated, are authorized to exercise so much of the authority of the Secretary of the Treasury and of the Director of the Bureau of Engraving and Printing as is necessary to insure continuous performance of all essential functions of the Bureau of Engraving and Printing:

(1) Assistant Regional Commissioner (Administration), Internal Revenue Service, Swift Building, Cincinnati, Ohio 45202.

(2) Assistant Regional Commissioner (Administration), Internal Revenue Service, Federal Office Building, Atlanta, Ga. 30303.

3. The purpose of the authorization contained in paragraph 2 is to provide a temporary expedient to meet emergency conditions. The respective officials will be notified when they are to cease to exercise the authority therein delegated.

[SEAL] H. B. HOLTZCLAW,
Director,
Bureau of Engraving and Printing.

OCTOBER 7, 1966.

[F.R. Doc. 66-11150; Filed, Oct. 12, 1966; 8:48 a.m.]

POST OFFICE DEPARTMENT

BOARD OF ZIP CODE EXTENSION APPEALS

Notice of Establishment of Board and Rules of Procedure Therefor

The following is the text of Headquarters Circular No. 66-29 signed by the Postmaster General on October 11, 1966, relative to the above subject:

SECTION 1. *Purpose.* To establish and to prescribe the function and rules of procedure for the Board of ZIP Code Extension Appeals pursuant to the regulations set out in the notes following sections 126.329 and 134.427 Postal Manual (Notes following §§ 16.3 and 24.4, Title 39 CFR; 31 F.R. 9540).

SEC. 2. *Membership.* The Board of ZIP Code Extension Appeals consists of three members; i.e., representatives of (a) the Bureau of Operations; (b) the Bureau of Finance and Administration and (c) the Office of the General Counsel. These representatives and their alternates will be designated by the Assistant Postmasters General, Bureau of Operations, Bureau of Finance and Administration and the General Counsel respectively.

SEC. 3. *Office.* The Office of the Board of ZIP Code Extension Appeals shall be in the Office of the Assistant Postmaster General, Bureau of Operations in the Post Office Department Building, Washington, D.C. 20260. A suitable docket of ZIP Code Extension Appeal cases shall be maintained in that office.

SEC. 4. *Jurisdiction.* The Board is the duly authorized representative of the Postmaster General to hear appeals from decisions of Regional Directors denying in whole or in part requests made by mailers for extensions of time within which to meet the mandatory ZIP Code of mail requirements contained in sections 126.32 and 134.43, Postal Manual (§§ 16.3(b) and 24.4(c), Title 39 CFR). The Board is authorized to exercise the full authority of the Postmaster General in deciding these appeals and has full authority to grant and deny the requests for extensions in whole or in part.

SEC. 5. *Appeals.* An appeal must be made by the mailer by a notice in writing within 15 days from the date he receives the written decision of the Regional Director denying his request in whole or in part. The notice shall be addressed to the Assistant Postmaster General, Bureau of Operations, and shall contain the reasons why the mailer believes the decision of the Regional Director to be erroneous. The notice must be signed by the mailer or his attorney.

SEC. 6. *Regional Director.* Within 10 days after advice that the appeal has been received by the Department, the Regional Director shall transmit to the Board a copy of his decision; any documents or other material submitted by the mailer in support of his request for an extension and the Regional Director's comments on the matters contained in the Notice of Appeal. The Regional Director shall send a copy of his comments on the Notice of Appeal to the mailer by certified mail. Within such 10 day's period, the Regional Director may reconsider his decision. If he reconsiders, he shall notify the mailer or his attorney and send a copy of the decision on reconsideration to the Board. The period within which the mailer may take an appeal from the reconsidered decision shall begin to run from the day the reconsidered decision is received by the mailer. The rendering of such a reconsidered decision shall cause the original appeal to be considered as withdrawn.

SEC. 7. *Mailer.* Within 7 days after receiving a copy of the Regional Director's comments on his appeal, the mailer may reply thereto and may request a hearing or oral argument before the Board. Such request shall fully explain why the mailer believes that such a hearing or oral argument is necessary to the proper disposition of the appeal.

SEC. 8. *Practice.* The mailer may appeal in person; through any official of the corporation (if the mailer is a corporation), or by any attorney eligible to practice before the Post Office Department in accord with Part 202 of Title 39, Code of Federal Regulations.

SEC. 9. *Settlement.* The appeal may be settled at any time (a) by the mailer's filing written notice withdrawing his appeal, or (b) the written stipulation by the mailer and the Regional Director settling the entire dispute.

SEC. 10. *Consideration of the appeal.* The appeal shall be decided by the Board on the record. No hearing or oral argument shall be afforded: *Provided,* That if the mailer has requested a hearing or oral argument be afforded, the Board may, in its discretion, hold the hearing or afford oral argument. At any such hearing, either party may produce oral or documentary evidence. If such hearing is held, the Board may, in its discretion, permit the mailer and the Regional Director to submit written statements 10 days thereafter.

SEC. 11. *Decisions.* Decisions of the board shall be by a majority of the members. The decision shall be sent to the mailer by registered or certified mail and a copy shall be furnished to the Regional Director and shall be available to the public for inspection in the Post Office Department library.

SEC. 12. *Reconsideration.* A request for consideration by the Board may be made by the mailer within 10 days of the date the decision is received. Reconsideration may be granted if, in the judgment of the Board, sufficient reason appears.

SEC. 13. *Extensions of time.* Extensions of time within which the mailer or the Regional Director is required to take any action mentioned in these rules will only be granted for the most cogent of reasons.

SEC. 14. *Requirements pending final decision.* The Regional Director's De-

cision will remain in effect during the pendency of the appeal, unless the Board otherwise directs.

(5 U.S.C. 301, 39 U.S.C. 501, 4451–4453)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 11, 1966.

[F.R. Doc. 66-11219; Filed, Oct. 12, 1966; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

OCTOBER 5, 1966.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 30, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the construction, operation and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley project, California.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their view in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources.

He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 N., R. 9 E.,
Sec. 1, lot 10.
T. 13 N., R. 9 E.,
Sec. 11, lot 2, SE¼SW¼ and unpatented portion of NW¼SE¼ (NW¼SE¼ exclusive of lot 4, as shown on approved township plat of survey dated October 23, 1878);
Sec. 34, S½ lot 19, NE¼ lot 19, and lot 20;
Sec. 36, lots 2 and 3.
T. 14 N., R. 9 E.,
Sec. 1, W½ lot 5, NW¼SW¼NW¼, S½ SW¼NW¼, and unpatented land in the W½SW¼ embraced in the Gitaway and Blue Rock quartz mining claims;
Sec. 12, NW¼NW¼ and S½NW¼;
Sec. 13, NW¼NW¼NE¼, S½NW¼NE¼, and SW¼NE¼;
Sec. 24, S½;
Sec. 25, lots 3, 4, 5, and 6, NE¼SW¼, W½SW¼, SE¼SW¼, NE¼SE¼, NW¼, SE¼, and SW¼SE¼, excluding any portion in unsegregated M.S. 5816;
Sec. 35, NE¼NW¼.
T. 13 N., R. 10 E.,
Sec. 2, lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and Mineral lot 53;
Sec. 3, lots 4, 8, 9, 10, 11, and 12;
Sec. 4, lots 43, 44, 45, and 46;
Sec. 9, lots 8, 12, and 13, and SW¼NE¼;
Sec. 10, lots 1 to 10, inclusive; E½NE¼, SW¼NW¼, E½NW¼, W½SE¼SE¼, and NE¼SE¼SE¼;
Sec. 18, lots 1, 2, SE¼, lot 5, S½ lot 8, 11, and 13;
Sec. 19, lot 24;
Sec. 20, N½NE¼.
T. 14 N., R. 10 E.,
Sec. 6, S½ lot 14, SE¼ lot 15, SE¼ lot 19, lot 20, and NW¼ lot 21;
Sec. 7, lots 5 and 6;
Sec. 18, lots 2, 3, 6, and 7;
Sec. 30, E½ lot 8, lot 9, E½ lot 10, E½ lot 15, and lot 16, NE¼, SE¼NW¼, SE¼SW¼, and SW¼SE¼.

The areas described aggregate approximately 3,417 acres. The applicant agency desires the withdrawal of lot 53, sec. 4, T. 13 N., R. 10 E., M.D.M., from prospecting, location and entry under the mining laws, but not the mineral leasing laws as this land is patented, having been patented under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended, with a reservation of all minerals to the United States.

The above described patented land contains 3.65 acres.

The applicant agency has canceled its application insofar as it affects the SW¼ lot 19, sec. 6, T. 14 N., R. 10 E., M.D.M., embracing 10 acres. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such land at 10 a.m. on Nov. 23, 1966, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 66-11143; Filed, Oct. 12, 1966; 8:48 a.m.]

IDAHO

Notice of Filing of Plat of Survey

OCTOBER 5, 1966.

1. A plat of survey of the land described below will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on October 20, 1966:

BOISE MERIDIAN

T. 23 N., R. 17 E.,
Tract No. 37.

The tract described aggregates 2.492 acres.

2. All of the above-described land is embraced in the (now) Salmon National Forest by proclamation dated May 22, 1905.

Since the lands are withdrawn for the Salmon National Forest, the described land will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

ORVAL G. HADLEY,
Manager,
Idaho Land Office, Boise.

[F.R. Doc. 66-11141; Filed, Oct. 12, 1966; 8:48 a.m.]

IDAHO

Notice of Opening of Lands and Revocation of Final Classification Order

OCTOBER 6, 1966.

1. Notice is hereby given that in accordance with the regulations in 43 CFR 2411 the initial decision (final order of the Secretary) dated June 15, 1964, classifying the following described lands as unsuitable for entry under the desert land act is hereby revoked and the lands are hereby reclassified for entry under the desert land act provided they can be incorporated with adjoining private land to form an economic unit:

BOISE MERIDIAN

T. 2 N., R. 36 E.,
Sec. 20, N½SE¼.

The area described aggregates 80 acres.

2. From the date of publication of this notice the lands will be open to filing of desert land applications in accordance with the above reclassification. All valid applications received between the date of publication of this notice and 10 a.m. on October 27, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 66-11142; Filed, Oct. 12, 1966; 8:48 a.m.]

IDAHO

Notice of Filing of Plats of Survey; Suspension Lifted

OCTOBER 7, 1966.

Federal Register Document 66-1332 appearing on page 2503 of the issue for

February 8, 1966, suspended the original filing date of February 10, 1966, for certain plats of survey involving the following lands:

BOISE MERIDIAN

T. 2 N., R. 27 E.,
Sec. 12, lots 9 to 15, inclusive;
Sec. 13, lots 9 to 213, inclusive;
Sec. 24, lot 8;
Sec. 25, lots 8 to 19, inclusive;
Sec. 35, lots 8 and 9.

The areas described aggregate 187.94 acres.

The suspension placed on the filing of these plats is hereby lifted with the publication of this notice. The plats are officially filed in the Idaho Land Office, Boise, Idaho, effective at 10 a.m. on the date this notice appears in the FEDERAL REGISTER.

EUGENE E. BABIN,
Acting Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 66-11157; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Consumer and Marketing Service in section 40 of the Statement of Organization and Delegations appearing in 29 F.R. 16212, and in accordance with the notice in 31 F.R. 7916, dated June 3, 1966, which sets forth changes in the internal organization of the Consumer and Marketing Service, the Statement of Organization, Functions, and Delegations of Authority appearing in 30 F.R. 1260, as amended by 30 F.R. 6597, is hereby superseded and the following substituted therefore:

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Consumer and Marketing Service, hereinafter referred to as "C&MS," was created as the Agricultural Marketing Service by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. Effective February 8, 1965, the name "Agricultural Marketing Service" was changed to "Consumer and Marketing Service." The central office of C&MS is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to C&MS are published in 30 F.R. 6697, dated May 15, 1965, 31 F.R. 10079, dated July 26, 1966, and 31 F.R. 10644, dated August 10, 1966.

SEC. 2. *The Office of the Administrator.*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to C&MS. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to C&MS.

(c) *Deputy Administrator, Consumer Food Programs.* The Deputy Administrator, Consumer Food Programs, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of consumer food programs, including the national school lunch program, the special milk program, the program for distribution of donated commodities acquired under the price support program and the surplus removal program, the program for accelerated movement of plentiful foods through normal channels of trade, the food stamp program, and related activities, and the food management phases of the civil defense and defense mobilization programs. These programs are carried out by three functional Divisions (Commodity Distribution, Food Stamp, and School Lunch), one functional staff (Food Trades Staff), one program services staff (Consumer Food Programs Services Staff), located at Washington, D.C., and by five Consumer Food Programs District Offices in the field.

(d) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS;

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading and classing of agricultural commodities; market news; expansion of market outlets; commodity procurement; export and diversion programs; process and renovated butter; programs and related activities involving Standard Container, Export Apple and Pear, Naval Stores, Export Grape and Plum, and the Tobacco Seed and Plant Exportation Acts; statistical services; assigned civil defense and defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C., and by field offices of these Divisions, and by one staff (Matching Fund Program Staff); and

(3) Considering and determining appeals from findings of fact of contracting officers within the scope of any disputes provision, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contract under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress.

(e) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving the Packers and Stockyards, Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Produce Agency, and Cotton Research and Promotion Acts; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned civil defense and defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and two functional Divisions (Packers and Stockyards, and Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators in the field and fruit and vegetable marketing orders which are administered by elected committees.

(f) *Deputy Administrator, Consumer Protection.* The Deputy Administrator for Consumer Protection is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS; and

(2) Directing and coordinating the administration of consumer protection programs including meat inspection, poultry inspection, humane slaughter, processing plant sanitation, labelling standards, and related activities. These programs are carried out by one commodity Division (Poultry), three functional Divisions (Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services), and two staffs (Compliance and Evaluation Staff and Administrative Staff), located at Washington, D.C., and by the seven Meat Inspection District Offices, the Compliance and Evaluation Staff field offices, and the five area Poultry Inspection offices.

(g) *Deputy Administrator, Management.* The Deputy Administrator, Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration and integration of the overall management, budget, fiscal, personnel, and administrative services programs and the planning-programing-budgeting system necessary to meet the requirements of the consumer and marketing programs of C&MS, and assigned civil defense, defense mobilization, and related programs and activities. These pro-

grams and activities are carried out by the Operations Analysis Staff and the Administrative Services, Budget and Finance, and Personnel Divisions, located at Washington, D.C., and by field branch offices of the three Divisions; and

(3) Civil rights coordination in the Consumer and Marketing Service.

SEC. 3. *Information Division.* The Information Division, under the direction and supervision of the Administrator and Associate Administrator, is responsible for planning and administering an information program involving the activities of C&MS. In addition to the central office located at Washington, D.C., this program is carried on through area offices.

SEC. 4. *Consumer Food Programs.* The Commodity Distribution, Food Stamp, and School Lunch Divisions, the Food Trades Staff, Consumer Food Programs Services Staff and the Consumer Food Programs District Offices, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator for Consumer Food Programs, are responsible as follows:

(a) *Commodity Distribution Division.* The Commodity Distribution Division is responsible for:

(1) Planning and administering the commodity distribution program, including distribution to eligible recipients of donated foods made available under section 32 of the Act of August 24, 1935, as amended; section 6 of the National School Lunch Act; and section 416 of the Agricultural Act of 1949, as amended;

(2) Planning and administering the distribution of commodities for disaster and/or emergency relief; and

(3) Executing assigned civil defense and defense mobilization activities.

(b) *Food Stamp Division.* The Food Stamp Division is responsible for:

(1) Planning and administering the food stamp program, including coupon allotment, coupon issuance, negotiations with State agencies, and wholesaler-retailer operations; and

(2) Executing assigned civil defense and defense mobilization activities.

(c) *School Lunch Division.* The School Lunch Division is responsible for:

(1) Planning and administering the national school lunch program and the special milk program, including technical services for these and other consumer food programs; and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Food Trades Staff.* The Food Trades Staff is responsible for:

(1) Planning and administering the plentiful foods programs;

(2) Serving as a focal point for wholesalers, retailers, public feeding operators, and other food distributors on problems of food supply and its effective distribution; and

(3) Executing assigned civil defense and defense mobilization activities.

(e) *Consumer Food Programs Services Staff.* This staff is responsible for:

(1) Planning and providing management services, reports, statistical services for Consumer Food Program Divisions, Staffs, and District Offices.

(f) *Consumer Food Programs District Offices.* Consumer Food Programs District Offices are responsible for:

(1) Planning, coordinating, and administering the consumer food programs within the district; and

(2) Executing assigned civil defense and defense mobilization activities.

SEC. 5. *Marketing Services, Regulatory Programs, and Consumer Protection Programs.* The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Packers and Stockyards, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, and the Meat Inspection District Offices, under administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services, Regulatory Programs, and Consumer Protection Programs, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulatory, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; process and renovated butter; surplus removal, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Process and Renovated Butter Act; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned civil defense and defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal, expansion of market outlets, and related programs for fruits and vegetables, their products and other assigned commodities as authorized by the Standard Container Acts of 1916 and 1928, as amended; Produce Agency Act, as amended; Perishable Agricultural Commodities Act, 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; section 8c of the Agricultural Adjustment Act of 1933, as added August 28, 1954, and amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, grading, and testing), marketing regulatory, surplus removal, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and related commodities as authorized by the U.S. Grain Standards Act, as amended; Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for seed and such other commodities as may be assigned;

(3) Planning and administering market news services on molasses and sugar cane syrups; and

(4) Executing assigned civil defense and defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, grading, and specification certification), surplus removal, expansion of market outlets, and related programs for livestock, meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as author-

ized by Poultry Products Inspection Act, 21 U.S.C. 451 et seq.; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(3) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(4) Executing assigned civil defense and defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading) marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products and byproducts, naval stores, and related commodities as authorized by Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act, as amended; Tobacco Seed and Plant Exportation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(h) *Packers and Stockyards Division.* The Packers and Stockyards Division is responsible for:

(1) Administering the provisions of the Packers and Stockyards Act, as amended; and

(2) Executing assigned civil defense and defense mobilization activities.

(i) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in directing and coordinating and planning activities and operations assigned C&MS with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(j) *Livestock Slaughter Inspection Division.* The Livestock Slaughter Inspection Division is responsible for planning and administering livestock slaughter inspection programs relating to:

(1) Ante-mortem and post-mortem inspection of animals, their carcasses, organs and parts thereof; the chilling, branding and shipping of carcasses, meat byproducts and nonprocessed parts of carcasses; the handling and control of inedible and condemned materials (including inedible rendering) incident to ante-mortem, post-mortem, and chilling operations to assure a wholesome supply of meat and edible meat byproducts for consumers. These functions are performed pursuant to (a) Meat Inspection Act, 21 U.S.C. 71–79, 87, 89, 90, 91, and 94; (b) The provisions of the Humane Slaughter Act, 7 U.S.C. 1901 et seq.; and (c) The Horse Meat Act, 21 U.S.C. 96; and

(2) Executing assigned civil defense and defense mobilization activities.

(k) *Processed Meat Inspection Division.* The Processed Meat Inspection Division is responsible for planning and administering processed meat inspection programs relating to:

(1) Processed meat inspection, including all operations after slaughter and chilling relating to, or further handling of, edible meat, meat byproducts and meat food products; the carcass breakup, and movement in commerce from slaughtering establishments; export certification and import inspection; the issuance of certificates and surveillance of exempted plants; and related reimbursable services to assure sanitary, wholesome and truthfully labeled products. These functions are performed pursuant to 21 U.S.C. 73–79, 83–87, 89–91, 94; 19 U.S.C. 1306 (b) and (c); 21 U.S.C. 96; and 7 U.S.C. 1622; and

(2) Executing assigned civil defense and defense mobilization activities.

(l) *Technical Services Division.* The Technical Services Division is responsible for planning and administering programs to provide the meat and poultry inspection programs of C&MS with the technical services required to assure that food products moving in foreign and domestic commerce are wholesome, unadulterated, and truthfully labeled, including:

(1) The sampling for Technical Services Division functions, testing, and analyses of meat and poultry products, chemical compounds, microbiological, pathological, and toxicological specimens and other associated laboratory services;

(2) The approval of product formulae, methods of preparation, and labels;

(3) The development and promulgation of standards of composition and identity for processed products;

(4) The approval of plant design, structure and equipment, and sanitation standards; and

(5) The surveillance and approval of foreign inspection systems, and Federal-State relations.

The functions of items 1 through 5 are performed pursuant to 21 U.S.C. 72–76, 78, 79, 89–91, 94, 96; 7 U.S.C. 1622 and 1904; 19 U.S.C. 1306 (b) and (c); section 7 of P.L. 85–172; and

(6) Executing assigned civil defense and defense mobilization activities.

(m) *Meat Inspection District Offices.* The Meat Inspection District Offices are responsible for carrying out:

(1) Livestock slaughter inspection programs;

(2) Processed meat inspection programs;

(3) Technical services programs (except laboratories) relating to meat inspection within their respective geographical areas; and

(4) Executing assigned civil defense and defense mobilization activities.

(n) *Administrative Staff.* The Administrative Staff provides administrative management services for the Livestock Slaughter Inspection Division, the Processed Meat Inspection Division, the Technical Services Division, the Compliance and Evaluation Staff, and the Meat Inspection District Offices.

(o) *Compliance and Evaluation Staff.* The Compliance and Evaluation Staff administers the compliance and evaluation program designed to augment and strengthen management controls and the regulatory and enforcement aspects of the Poultry Products Inspection Act, the Meat Inspection Act, and related laws, and the regulations promulgated thereto.

(p) *Matching Fund Program Staff.* This staff under the direction of the Administrator is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Departments of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund program with the overall Federal-State marketing program.

Sec. 6. *Management Services.* The Administrative Services, Budget and Finance, and Personnel Divisions, and the Operations Analysis Staff, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement, real and personal property, records, communications, procedures, forms, reports, paperwork, and related management services programs necessary to meet requirements of the overall programs and activites of C&MS;

(2) Approving for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents, and contracts under the Agricultural Marketing Act of 1946, as amended;

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management, with respect to committee management and civil rights activities in C&MS.

(b) *Budget and Finance Division.* The Budget and Finance Division is responsible for:

(1) Planning and administering the budget, fiscal, and related financial programs necessary to meet the requirements of the over-all programs and activities of C&MS;

(2) Developing and assisting in establishing required systems and controls with respect to apportionments, obligations, and expenditures of available funds; and

(3) Developing, installing, and revising accounting systems, methods and procedures for control committees and market administrators operating under marketing agreements and orders assigned to C&MS.

(c) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, wage and salary, employment, employee relations, training, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of C&MS.

(d) *Operations Analysis Staff.* The Operations Analysis Staff is responsible for planning and administering a broad program of review, research, analysis and coordination in program management as it relates to the efficiency and effectiveness of C&MS program operations.

DELEGATIONS OF AUTHORITY

SEC. 7. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. The Associate Administrator does not have the authority to redelegate the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department.

SEC. 8. *Deputy Administrators.* The Deputy Administrator, Consumer Food Programs; the Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; the Deputy Administrator, Consumer Protection, and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. The Deputy Administrators do not have the authority to redelegate the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Consumer and Marketing Service herein or hereafter assigned to him.

SEC. 9. *Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Associate Administrator.

SEC. 10. *Consumer Food Divisions and Staffs.* The Directors of the Commodity Distribution, Food Stamp, School Lunch Divisions, Food Trades and Consumer Food Programs Services Staffs, and Consumer Food Programs District Offices, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 11. *Marketing Services, Regulatory, and Consumer Protection Divisions and Staffs.* The Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Packers and Stockyards, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, Matching Fund Programs Staff, and the Meat Inspection District Offices, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators. The Director of the Packers and Stockyards Division does not have the authority to make the determination as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act and which are considered confidential under such Act or under the regulations of the Department.

SEC. 12. *Management Services Divisions.* The Directors of the Administrative Services, Budget and Finance, and Personnel Divisions, and the Director, Operations Analysis Staff, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 13. *Concurrent authority and responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, the Associate Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, the Associate Administrator, and in their respective fields, by each Deputy Administrator. The officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of C&MS or other governmental or private organizations or groups.

SEC. 14. *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any function, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 15. *Reservation of authority.* (1) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the authority to designate Market Administrators and Committees administering marketing agreement and order programs.

(2) There is hereby reserved to the Administrator, the Associate Administrator, and the Deputy Administrators, the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department.

(3) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the approval of regulations relating to the travel of seasonal inspectors.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 16. *Availability of information and records.* Any person desiring informa-

tion or to make submittals or requests with respect to the programs and functions of C&MS should address his request to: Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the Director of the particular Division or Office, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of C&MS and its Divisions and offices is governed by the rules and regulations of the Department published in the Code of Federal Regulations.

Issued at Washington, D.C., this 10th day of October 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-11146; Filed, Oct. 12, 1966; 8:48 a.m.]

CONECUH COOPERATIVE STOCKYARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
ALABAMA	
Conecuh Cooperative Stockyard, Evergreen, Oct. 3, 1959.	Conecuh Stockyards, Aug. 1, 1966.
Fort Payne Stockyard, Fort Payne, June 11, 1965	Fort Payne Livestock Commission, Feb. 1, 1966.
Tri-County Stockyards, Hurtsboro, Oct. 1, 1959	Hodges Capital Stockyards, June 23, 1966.
ARIZONA	
Wentz Brothers Livestock Auction, Tucson, Dec. 5, 1964.	Wentz Brothers Livestock Auction, Inc., Aug. 3, 1966.
COLORADO	
Craig Livestock Auction, Craig, Mar. 21, 1957	Craig Sales Barn, Apr. 15, 1966.
ILLINOIS	
Price's Livestock Marketing Company, Shelbyville, Mar. 21, 1961.	Interstate Producers Livestock Ass'n, Aug. 1, 1966.
KENTUCKY	
Berry and Whitford Commission Company, Mayfield, Dec. 9, 1959.	Mayfield Livestock and Sales Co., July 20, 1966.
Richmond Livestock Market, Inc., Richmond, Oct. 9, 1961.	Madison Sales Company, Inc., June 14, 1966.
MISSOURI	
Fairground Sale Company, Inc., Maryville, July 31, 1957.	Fairground Livestock Auction, Jan. 1, 1966.
Savannah Sales Company, Savannah, Aug. 16, 1962.	Savannah Sales Co., Inc., May 20, 1966.
MONTANA	
Miles City Livestock Auction Company, Miles City, Nov. 9, 1951.	Miles City Stockyards Company, June 23, 1966.
NEBRASKA	
Platte Valley Sale Barn, Kearney, Nov. 22, 1947	Producers-Platte Valley Livestock Auction Public Stockyards, Aug. 1, 1966.
NORTH CAROLINA	
Murphy Livestock Auction, Murphy, Apr. 10, 1959	Murphy Livestock Auction Company, June 1, 1966.
TEXAS	
Kerr County Livestock Auction Company, Kerrville, June 14, 1957.	Kerr County Livestock Auction, Inc., June 7, 1966.
Livingston Livestock Auction Company, Livingston, Apr. 17, 1959.	Livingston Livestock Exchange, Aug. 1, 1966.
Wichita Falls Stockyards Company, Wichita Falls, May 22, 1950.	Wichita Livestock Auction, June 1, 1966.
VIRGINIA	
Giles County Stockyards, Inc., Narrows, Mar. 2, 1959.	Narrows Livestock Market, Inc., Jan. 1, 1966.
WASHINGTON	
Pasco Livestock Market Center, Inc., Pasco, Sept. 23, 1959.	Pasco Central Stockyards, Inc., Aug. 1, 1966.

Done at Washington, D.C. this 5th day of October 1966.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11171, Filed, Oct. 12, 1966; 8:50 a.m.]

PEDLEY HORSE SALES ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard, and date of posting

CALIFORNIA

Pedley Horse Sales, Pedley, Aug. 30, 1966.

KANSAS

Farmers & Ranchers Livestock Commission Co., Salina, Sept. 22, 1966.

MICHIGAN

Walkerville Livestock Auction, Walkerville, Aug. 23, 1966.

MISSOURI

HRH Auction Co., Hamilton, Sept. 28, 1966.

NORTH CAROLINA

Asheville Livestock Yards, Inc., Canton, Aug. 30, 1966.

VERMONT

Campbell's Commission Sales, Inc., Newport, June 28, 1966.

Done at Washington, D.C., this 5th day of October, 1966.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11172; Filed, Oct. 12, 1966; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 17205]

SUDFLUG, SUDDEUTSCHE FLUGGESELLSCHAFT mbH

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 26, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 7, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11152; Filed, Oct. 12, 1966; 8:48 a.m.]

[Docket 17358]

MIAMI-KEY WEST SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 9, 1966, at 10 a.m., l.t., in the Allison Hotel, 6261 Collins Avenue, Miami Beach, Fla., before the undersigned Examiner.

Dated at Washington, D.C., October 7, 1966.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 66-11153; Filed, Oct. 12, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

RACES PLANS

Extension of Time for Filing

OCTOBER 6, 1966.

The Commission, by Defense Commissioner Lee Loevinger, today extended from October 1, 1966, to January 1, 1967, the time within which State and local Civil Defense Directors should submit two copies of their Radio Amateur Civil Emergency Service (RACES) Plans to their Regional Director, Office of Civil Defense.

On May 26 the Commission announced the approval of all outstanding RACES Plans as Interim Plans for the Amateur Radio Service under Executive Order 11092, and requested copies of updated RACES Plans for review by the Amateur Radio Service Subcommittee of the Commission's National Industry Advisory Committee (NIAC). On July 28, 1966, the time was extended to October 1. More time is needed by some States in updating and preparing the plans.

At the same time, Commissioner Loevinger extended to the same date the time within which all other interested entities should submit their requirements for emergency communications utilizing facilities and personnel of the Amateur Radio Service, to the Executive Secretary, NIAC, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11120; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket Nos. 14755-14757; FCC 66M-1348]

JUPITER ASSOCIATES, INC., ET AL.

Order Continuing Hearing

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer, doing business as Somerset County Broadcasting Co., Somerville, N.J., Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, N.J., Docket No. 14757, File No. BP-14812; for construction permits.

Upon the Hearing Examiner's on motion: *It is ordered*, This 6th day of October 1966, that the hearing now scheduled for November 7, 1966, be and the same is hereby rescheduled for November 21, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11118; Filed, Oct. 12, 1966; 8:45 a.m.]

[Docket Nos. 15835-15839; FCC 66M-1351]

LEBANON VALLEY RADIO ET AL.

Order Scheduling Prehearing Conference

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, and Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; for construction permits.

It is ordered, This 5th day of October 1966, on the Hearing Examiner's own motion, that a further hearing conference will be held on November 1, 1966, at 10 a.m.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11119; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. 16311; FCC 66M-1349]

WILKES COUNTY RADIO

Order Continuing Hearing

In re application of Paul L. Cashion and J. B. Wilson, Jr., doing business as Wilkes County Radio, Wilkesboro, N.C., Docket No. 16311, File No. BP-16556; for construction permit.

The Hearing Examiner having under consideration communication dated October 5, 1966, on behalf of Wilkes Broadcasting Co. (WKBC), respondent herein, requesting that the hearing herein now scheduled for October 7, 1966, be rescheduled for October 17, 1966;

It appearing, that good cause exists why said request should be granted and counsel for Wilkes Broadcasting Co. states that counsel for the applicant and the Broadcast Bureau, the other two parties herein, have agreed to the instant request;

Accordingly, it is ordered, This 5th day of October 1966, that the request is granted and the hearing now scheduled for October 7, 1966, be and the same is hereby rescheduled for October 17, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11121; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. 16663; FCC 66M-1362]

LAMAR LIFE INSURANCE CO.

Order Continuing Prehearing Conference

In re applications of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of Television Station WLBT and auxiliary services, Jackson, Miss.

The Hearing Examiner having under consideration informal request on behalf of the United Church of Christ, transmitted by counsel for the Broadcast Bureau, requesting that the prehearing conference scheduled for October 10, 1966, be continued to November 14, 1966;

It appearing, that counsel for the Church have under consideration an appeal to the U.S. Circuit Court of Appeals for the District of Columbia from the Commission's memorandum opinion and order (FCC 66-815) released September 27, 1966;

It further appearing, that good cause exists why said request should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 7th day of October 1966, that the request is granted and the prehearing conference now scheduled for October 10, 1966, be and the same is hereby rescheduled for November 14, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11175; Filed, Oct. 12, 1966; 8:51 a.m.]

[Docket Nos. 16712, 16713; FCC 66M-1361]

TREND RADIO, INC., AND JAMES BROADCASTING CO., INC.

Order Regarding Procedural Dates

In re applications of Trend Radio, Inc., Jamestown, N.Y., Docket No. 16712; File No. BPCT-3665; James Broadcasting Co., Inc., Jamestown, N.Y., Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast station.

The applicants having this date submitted to the Review Board an agreement which, if approved, would moot certain of the issues herein;

It appearing, that it would be inappropriate to conduct hearing procedures on the affected issues until such time as the Review Board shall have acted on the said agreement;

It further appearing, that the agreement would not affect the issue directed to Trend's staffing proposal, and it is appropriate to proceed to hearing on that issue;

It is ordered, This 7th day of October 1966, that the procedural dates now set for November 1966, including the hearing November 28, are set aside; and,

It is further ordered, That the procedural dates now scheduled for October 1966, including the October 24 hearing, shall remain unchanged.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11176; Filed, Oct. 12, 1966; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 845]

MERCAL INTERNATIONAL, INC.

Order To Show Cause

On September 28, 1966, the New Hampshire Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Mercal International, Inc., 13A East 40th Street, New York, N.Y. 10016, would be canceled effective 12:01 a.m., October 31, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (amended) section 6.03:

It is ordered, That Mercal International, Inc., on or before October 17, 1966, either (1) submit a valid bond effective on or before October 31, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m. on October 24, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d) Shipping Act, 1916.

It is further ordered, That License No. 845 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11180; Filed, Oct. 12, 1966; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2585]

DUKE POWER CO.

Notice of Application for License for Constructed Project

OCTOBER 4, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President and General Counsel, Duke Power Co., Post Office Box 2178, Charlotte, N.C. 28201) for constructed Project No. 2585, known as Idols Station, located on the Yadkin River, near Winston-Salem and town at Clemmons, in the county at Forsyth, N.C.

The existing project consists of: (1) A rubble masonry dam about 15 feet high and 660 feet long, including a 145.5-foot long powerhouse section, an ungated 410-foot spillway and a 10- x 40-foot fish ladder; (2) a reservoir at elevation 672.3 feet (USGS datum), about 1 mile long with a surface area of 35 acres and no appreciable storage; (3) a stone-masonry and wood powerhouse with eight turbine bays containing six generating units each rated at 235 kw., totaling 1,411 kw.; (4) an indoor substation containing three step-up transformers each rated at 2.3-13 kv.; (5) a brick machine shop and utility storage structure; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 21, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11122; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP67-86]

ILLINOIS POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 4, 1966.

Take notice that on September 29, 1966, Illinois Power Co. (Applicant), 500 South 27th Street, Decatur, Ill. 62525, filed in Docket No. CP67-86 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan-Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with Applicant's proposed new distribution system and to sell and deliver to Applicant volumes of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent make physical connection in Mercer County, Ill., of its transmission facilities with the distribution system proposed to be built by Applicant to serve the unincorporated communities of Gilchrist, Wanlock, and Shale City and environs, Mercer County, Ill. Applicant also requests that Respondent construct a sales station to service this connection, and to sell and deliver volumes of natural gas for resale in the above mentioned areas.

The estimated third year annual and peak day requirements for this service is 6,250 Mcf and 61.0 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11123; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP67-85]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 4, 1966.

Take notice that on September 28, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-85 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities in Warrick County, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate one side valve and a positive meter for the establishment of a new delivery point for Southern Indiana Gas & Electric Co. (Southern Indiana), an existing customer. Natural gas delivered through this delivery point is for resale by Southern Indiana to the town of Elberfeld, Warrick County, Ind., and its environs and in rural areas in Vanderburgh and Warrick Counties, Ind.

Annual and peak day requirements associated with service to Elberfeld are 24,920 Mcf and 274 Mcf respectively. No increase in the contract demand of

Southern Indiana is proposed for this service.

The cost of the facility is estimated to be $6,000 and will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11124; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. RI67-75]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

OCTOBER 5, 1966.

On August 15, 1966, Marathon Oil Co. (Marathon)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Address is 539 South Main St., Findlay, Ohio 45840, Attention: Jack Fariss, Esq.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840, Attn: Jack Fariss, Esquire.	[1] 63	4	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$37	8-15-66	[2] 10-6-66	[3] 10-7-66	[4] 16.55	[5] [6] 16.65	
	Marathon Oil Co.	[7] 79	[8] 6	Transwestern Pipeline Co. (Waha Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	370	8-15-66	[2] 10-6-66	[3] 10-7-66	[4] 16.74	[5] [6] 16.84	

[1] Contract dated Feb. 8, 1962, and covers sale of "new" gas-well gas.
[2] By letter dated Sept. 7, 1966, Marathon extended the time for Commission action on these filings.
[3] The suspension period is limited to 1 day.
[4] Respondent is filing for increase in applicable rate reflected on its revised quality statement.
[5] Applicable rate established by Respondent's revised quality statement. (Base rate of 16.5 cents, plus 0.25 cent upward B.t.u. adjustment, less 0.10 cent treating cost.)
[6] Pressure base is 14.65 p.s.i.a.
[7] Settlement rate approved by Commission order issued June 27, 1966, in Docket No. RI66-9.
[8] Applicable rate for "new" gas-well gas established by Respondent's revised quality statement. (Base rate of 16.5 cents, plus 0.44 cent upward B.t.u. adjustment, less 0.10 cent treating cost.)
[9] Contract dated Jan. 2, 1962, and covers sale of "new" gas-well gas and residue gas derived from casinghead gas.
[10] Applicable to "new" gas-well gas only.

Marathon requests a retroactive effective date of February 11, 1966, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filings and such request is denied.

Marathon, a producer respondent in the Permian Basin Opinion No. 468, proposes two 0.1 cent per Mcf rate increases, amounting to $407 annually, for sales of "new" gas-well gas to Transwestern Pipeline Co. (Transwestern) in the Permian Basin Area of Texas.

The proposed rate increases have been filed by Marathon to implement the rate set forth in its revised rate schedule quality statements (filed concurrently with the rate changes) as a result of Transwestern's proposed change in the method of determining treating and dehydration costs for nonpipeline quality gas. No action has yet been taken with respect to Marathon's revised rate schedule quality statements. In view of the possibility that Marathon's proposed rates may exceed the just and reasonable rate ceiling for these sales determined in Permian Basin Opinion No. 468, they are suspended herein for one day from October 6, 1966, pending action by the Commission with respect to Marathon's revised rate schedule quality statements.

Except for the stay of the moratorium in Opinion No. 468, Marathon's filings would be rejectable if the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review and the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468, the filings will be rejected ab initio.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until October 7, 1966, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Marathon, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Marathon shall execute and file under Docket No. R167-75, with the Secretary of the Commission, its agreement and undertaking to comply with the refund and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Transwestern. Unless Marathon is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have

expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11126; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CI61-247, etc.]

MAY PETROLEUM, INC.

Notice of Change in Name

OCTOBER 5, 1966.

Take notice that on August 11, 1966, May Petroleum, Inc., Republic National Bank Building, Dallas, Tex. 75201, filed a notice that its corporate name has been changed from Mayflo Oil Co. as of June 1, 1966.

May Petroleum, Inc., requests that the certificates of public convenience and necessity heretofore issued and applications for certificates now pending, more fully set forth in the Appendix hereto, and its rate schedules on file with the Commission be redesignated to reflect the new name.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

PERMANENT CERTIFICATES

CI61-247	CI62-871
CI61-270	CI62-967
CI61-538	CI62-986
CI61-1225	CI62-1489
CI61-1417	CI63-611
CI62-820	CI63-872

PENDING CERTIFICATE APPLICATIONS

CI63-473	CI63-1493

[F.R. Doc. 66-11127; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP67-87]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 6, 1966.

Take notice that on September 30, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-87 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 4.4 miles of 30-inch loop line north of Clifton, Kans., Compressor Station. By means of this new facility Applicant proposes to increase its system capacity by 3,000 Mcf per day to supply contract requirements of its Peoples Division for the heating season beginning October 27, 1966. The additional contract demand is required by Peoples Division to meet for the first time the firm requirements of four industrial customers.

The total estimated cost of the proposed facilities is $481,160 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 2, 1966.

Take further notice that, pursuant to to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11128; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP66-311]

OHIO FUEL GAS CO.

Notice of Petition To Amend

OCTOBER 5, 1966.

Take notice that on September 29, 1966, the Ohio Fuel Gas Co. (Petitioner), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP66-311 a petition to amend the order issued in said docket August 30, 1966, by authorizing the increase in maximum deliveries of natural gas under firm rate schedules, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks increases in maximum deliveries of natural gas under firm rate schedules to the following customers:

Customer	Present deliveries	Proposed deliveries
The Racine Gas & Service Co.	270 Mcf	280 Mcf
The Vanlue Gas Co.	370 Mcf	400 Mcf
The Waterville Gas & Oil Co., Inc.	3,290 Mcf	3,400 Mcf
The Delaware Gas Co.	11,676 Mcf	11,800 Mcf

Petitioner states that it has entered into new Service Agreements with the above customers under which they would be entitled to receive the maximum daily quantity set forth above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 2, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11129; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP66-149]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

OCTOBER 5, 1966.

Take notice that on September 26, 1966, Texas Gas Transmission Corp. (Petitioner), Post Office Box 1160, Owensboro, Ky. 72301, filed in Docket No. CP66-149 a petition to amend the order issued in said docket on April 12, 1966, by authorizing an increase in deliveries of natural gas on a contract demand basis to one of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The order of April 12, 1966, in the instant proceeding authorized Petitioner to sell and deliver to Western Kentucky Gas Co. 34,500 Mcf on a contract demand basis for the 1966-67 winter heating season in Petitioner's Zone 2. Specifically, Petitioner requests that the contract demand be increased by 940 Mcf to 35,440 Mcf, effective November 1, 1966.

Petitioner states that no new facilities are required to render the increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11130; Filed, Oct. 12, 1966; 8:47 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 70]

NEW ORLEANS, LA.

Reduction and Readjustment of Zone Boundary, and Erection of Building Within Foreign-Trade Zone

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2, filed an application dated August 17, 1966, for permission to reduce and readjust the boundary of the zone by withdrawing 0.04 acre of open space;

Whereas, the Grantee also requests authority to permit Sears, Roebuck & Co. to erect a modern building containing 73,780 square feet upon an area of 80,920 square feet, which Sears, Roebuck & Co. has leased from the Grantee for a period of 10 years; and

Whereas, the Grantee finds it necessary to relocate the north gate guardhouse to the new east gate entrance near the truck loading court area of the proposed Sears, Roebuck & Co. building.

Now, therefore, the Foreign-Trade Zone Board, after consideration, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they are hereby reestablished to conform with Exhibits Nos. 1, 3, 5, 6, 8, 10(b), and 13 filed with the Board, which provide for a reduction of 0.04 acre of open space, or a net reduction in the overall zone area from 18.62 acres to 18.58 acres;

That the north gate guardhouse be, and it is hereby relocated to the new east gate entrance according to Exhibit No. 10(b);

That the Grantee is authorized to permit Sears, Roebuck & Co. to erect said building within the boundary of the zone in accordance with § 400.815 of the Foreign-Trade Zones Board Regulations, and in conformity with Exhibit No. 10(b) and the Lease on file with the Foreign-Trade Zones Board; and

That the necessary temporary structural modifications resulting from the erection of the Sears, Roebuck & Co. building be, and they are hereby allowed; all of which will be subject to settlement locally with the District Director of Customs and the District Army Engineer regarding requirements for physical security and protection of the revenue.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this order, because it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 6th day of October 1966.

[SEAL] JOHN T. CONNOR,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 66-11155; Filed, Oct. 12, 1966; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 11); Amdt. 1]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, and Delegation of Authority 29 F.R. 14764; Delegation of Authority No. 30 (Rev. 11) 31 F.R. 11734 is hereby amended by revising Item I.B. 1 through 6 to read as follows:

I. * * *

B. *State and local development company loan program.* 1. To approve or decline section 501 loans without dollar limitation and 502 loans up to $350,000 (SBA share).

2. To disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To do and perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 501 and 502 loans.

6. To substitute, add, or change the collateral requirements of any loan authorization where such change will not adversely affect the credit aspects of the loan.

* * * * *

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11144; Filed, Oct. 12, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 7, 1966.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1966, through October 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11158; Filed, Oct. 12, 1966; 8:49 a.m.]

[NY-4393]

FIRST STANDARD CORP.

Order Suspending Trading

OCTOBER, 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1966, through October 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11159; Filed, Oct. 12, 1966; 8:49 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

OCTOBER 7, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co.,

being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 10, 1966, through October 19, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11160; Filed, Oct. 12, 1966; 8:49 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

OCTOBER 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 10, 1966, through October 19, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11161; Filed, Oct. 12, 1966; 8:49 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

OCTOBER 7, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 8, 1966, through October 17, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11162; Filed, Oct. 12, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 976]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 7, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 297), filed September 26, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue N.W., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, S.C., and Wilmington, N.C., over U.S. Highway 17, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, S.C.

No. MC 2428 (Sub-No. 19), filed September 26, 1966. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool insulation*, in mixed loads with presently authorized commodities, from Perth Amboy, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (ports of embarkation), New York, Pennsylvania, Rhode Island, and the District of Columbia, and *returned shipments* on return, under contract with Philip Carey Manufacturing Co., and (2) *plastic siding, with or without insulation, gutters, downspouts and leaders, and shutters,*

[1] Copies of Special Rule 1.247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

together with accessories used or useful in connection therewith, all in mixed loads with presently authorized commodities, from Perth Amboy, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (ports of embarkation), New York, Pennsylvania, Rhode Island, and the District of Columbia, and *returned shipments* on return, under contract with Bird & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2900 (Sub-No. 149), filed September 22, 1966. Applicant: RYDER TRUCK LINES, INC., 25050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Atlanta, Ga., and New Orleans, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80 at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31 near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90 at or near Mobile, Ala., and thence over U.S. Highway 90 to New Orleans, and (b) from Atlanta over Interstate Highway 85 to junction Interstate Highway 65 at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10 at or near Mobile, Ala., thence over Interstate Highway 10 to New Orleans, and return over the same routes, as alternate routes for operating convenience only in (1) (a) and (b) above, serving no intermediate points; and (2) between Atlanta, Ga., and Baton Rouge, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80, at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31, near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90, at or near Mobile, Ala., thence over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and (b) from Atlanta, over Interstate Highway 85 to junction Interstate Highway 65, at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10, at or near Mobile, Ala., thence over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge; and return over the same routes, as alternate routes for operating convenience only in (2) (a) and (b) above, serving no intermediate points. NOTE: Applicant request the right to ingress and egress to, from, and between, points on route number (1) (a) on the one hand, and, on the other, route number (1) (b); and points on route number (2) (a) on the one hand, and, on the other, route number (2) (b); over all roads and highways connecting said routes. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 149), filed September 23, 1966. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between junction U.S. Highways 90 and 98 and Poplarville, Miss.; from junction U.S. Highways 90 and 98, over U.S. Highway 98 to Lucedale, Miss., thence over Mississippi Highway 26 to Poplarville, Miss., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving junction U.S. Highways 90 and 98 for purpose of joinder only; (2) between Poplarville, Miss., and Baton Rouge, La.; from Poplarville, Miss., over Mississippi Highway 26 to the Louisiana-Mississippi State line, thence over Louisiana Highway 10 to junction Louisiana Highway 25, thence over Louisiana Highway 25 to junction Louisiana Highway 16, thence over Louisiana Highway 16 to junction U.S. Highway 190, at or near Denham Springs, La., thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (3) between junction U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., and junction U.S. Highway 41 and Indiana Highway 63, at or near Carbondale, Ind.; from junction U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., over Indiana Highway 63 to its junction with U.S. Highway 41, at or near Carbondale, Ind., and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points and serving junction Indiana Highway 63 and U.S. Highway 41 for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2907 (Sub-No. 5), filed September 29, 1966. Applicant: DARBY TRANSFER, INC., Locust Street, McKees Rocks, Allegheny County, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Furniture,* from points in the Pittsburgh, Pa., commercial zone as defined by the Commission, to points in Ohio, on and east of U.S. Highway 21, those in West Virginia on and east of U.S. Highway 21 and north of U.S. Highway 60, and those in Pennsylvania on and south of U.S. Highway 322 and on and west of U.S. Highway 220. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5697 (Sub-No. 10), filed September 26, 1966. Applicant: KENNETH HOLMSTROM, Varna, Ill. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips,* from Hamilton, Hopedale, and Peoria, Ill., to Dubuque, Iowa, for the account of Hiram Walker & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 9148 (Sub-No. 10), filed September 23, 1966. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. 14777. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Processed popcorn products; chips, twists, or puffs; popped corn; fried pork skins,* from the plantsites and facilities of Popped-Right Corn Co. at points in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *iron and steel rust-preventing or removing compound* (other than petroleum), *metal cutting, drawing and drilling compounds* (other than petroleum), *brake fluid* (other than petroleum), *cleaning, washing, and scouring compound, petroleum tar, petroleum wax, petroleum oil, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions, all in containers, and petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except in bulk, and related advertising material, (a) from Buffalo, N.Y., and Bradford, Emlenton, and Farmers Valley, Pa., to points in Illinois, Indiana, and Michigan, and (b) from Warren, Pa., to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, and Verment, restricted to loads to be stopped off for completion of loading at Farmers Valley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Cleveland or Columbus, Ohio.

No. MC 11207 (Sub-No. 252), filed September 29, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35204. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boards, building, wall and insulating, and parts, materials, and accessories,* incidental to the transportation and installation thereof, from the plantsite of National Gypsum Co., located at Mobile, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 19227 (Sub-No. 112), filed September 23, 1966. Applicant: LEONARD BROS. TRANSFER, INC., 2595 North-

west 20th Street, Miami, Fla. 33152. Applicant's representative: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplanes and airplane parts*, the transportation of which because of size or weight requires the use of special equipment, and related parts moving in connection therewith, between points in Snohomish, Pierce, and King Counties, Wash., on the one hand, and, on the other, points in Oregon, Idaho, California, Arizona, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Los Angeles, Calif.

No. MC 24379 (Sub-No. 34), filed September 23, 1966. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between Chicago, Ill., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack at common points in Ohio in connection with presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 26174 (Sub-No. 3), filed May 18, 1966. Applicant: M. W. DALTON, ROBERT D. DALTON, and MAURICE WAYNE DALTON, a partnership, doing business as M. W. DALTON & SONS, 709 E Street, Hamburg, Iowa 51640. Applicant's representative: Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic awnings, and related plastic products*, from Hamburg, Iowa, to points in Illinois, Missouri, Minnesota, Nebraska, Kansas, South Dakota, and North Dakota, (2) *dry fertilizer and dry feed*, in bulk, and in bags, from St. Joseph, Mo., to Hamburg, Iowa, and (3) *John Deere machinery and equipment*, from Moline, Ill., to Hamburg, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 26739 (Sub-No. 56), filed September 21, 1966. Applicant: CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502. Applicant's representative: G. W. Keefer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Kansas, Missouri, and Nebraska. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at such plantsite and storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 31444 (Sub-No. 53), filed September 21, 1966. Applicant: SCHREIBER TRUCKING CO., INC., 1391 Washington Boulevard, Pittsburgh, Pa. 15206. Applicant's representative: Louis E. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant indicates it would tack the proposed authority at Pittsburgh, Pa., and Chicago, Ill., with its present authority wherein it conducts operations in Illinois, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 55896 (Sub-No. 26) (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 16, 1966, and republished, as amended, this issue. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Street, Dearborn, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials and supplies* used in the manufacturing or processing of iron and steel and iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add Chicago Heights, Ill., and Portage, Ind., to the origin points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61403 (Sub-No. 161) (Amendment), filed August 29, 1966, published FEDERAL REGISTER, issue of September 29, 1966, amended September 30, 1966, and republished, as amended, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., and points within 15 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to add the words, "and points within 15 miles thereof", to the origin point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 80), filed September 23, 1966. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, agricultural implements, and agricultural machinery parts*, from Tarboro, N.C., to points in Arkansas, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, South Dakota, Louisiana, and the District of Columbia, and (2) *materials and supplies used in the manufacture of agricultural machinery, agricultural implements, and agricultural machinery parts*, from the above specified destination points and points in Ohio to Tarboro, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Chicago, Ill.

No. MC 61979 (Sub-No. 12), filed September 23, 1966. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, sold, or dealt in by dealers, distributors, or manufacturers of chemicals and related items, in bulk, and *materials, supplies and equipment* used in the manufacture of the commodities described above, between the plantsites of Philadelphia Quartz Co., at or near Rahway, N.J., Chester, Pa., and Baltimore, Md., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Philadelphia Quartz Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 68183 (Sub-No. 24), filed September 23, 1966. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio 44306. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack at common Ohio points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 75305 (Sub-No. 20), filed September 29, 1966. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 69 Highway and Transport Road, Liberty, Mo. 64068. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, and busses* as defined in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *parts and accessories thereof*, moving at the same time and with the same vehicles on which they are to be installed; (a) in initial movement in truckaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Iowa and South Dakota; (b) in initial movement in driveaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; (c) in secondary movement in truckaway and driveaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; and (2) *farm type tractors* moving in mixed loads with automobiles and trucks and *parts and accessories thereof* moving at the same time and with the tractors of which they are a part and on which they are to be installed, from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; under a continuing contract, or contracts with Ford Motor Co., of Dearborn, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 83539 (Sub-No. 199), filed September 26, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276, between points in Arizona, Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or Tulsa, Okla.

No. MC 83745 (Sub-No. 5) (amendment), filed September 19, 1966, published in the FEDERAL REGISTER, issue of October 6, 1966, republished as amended, this issue. Applicant: STEEL CITY TRANSPORT, INC., 3034 Chateau Street, Pittsburgh, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Lemont, Broadview, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at Pittsburgh, Pa., to enable service to West Virginia and Maryland on such of the involved commodities as require specialized handling and rigging because of size and weight. The purpose of this republication is to add Lemont and Broadview, Ill., as points in the base territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 89723 (Sub-No. 43), filed September 26, 1966. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Applicant is authorized in certificates Nos. 89723 (Sub-No. 1) and MC 89723 (Sub-No. 4) to transport, over regular routes, between named points therein, in Texas, general commodities, with certain exceptions, and subject to the following restrictions: No shipments shall be transported (a) between any of the following points, or through, or to, or from, more than one of said points: Palestine, Austin, San Antonio, Laredo, Fort Worth, Waco, Houston, Hearne-Valley Junction (to be considered as a single key point) or Odem, Tex. (applicable only to southbound traffic moving to, from, or through Odem other than traffic from or through Corpus Christi, Tex.), or (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo. The purpose of the subject application is to seek authority to operate over the routes contained in MC 89723 (Sub-No. 1) and MC 89723 (Sub-No. 4) by removal of Odem, Tex., as a key point in said certificate, for the transportation of REA express traffic. The proposed authority is to be subject to the remaining key point restrictions and other restrictions contained in said certificates. NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co., therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Brownsville, Tex.

No. MC 93980 (Sub-No. 44), filed September 27, 1966. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Raleigh Road, Post Office Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco*, homogenized, reconstructed or reconstituted in hogsheads, tierces, boxes, cartons or machine pressed bales, (1) from Spotswood, N.J., to Jacksonville and Tampa, Fla., (2) from Spotswood, N.J., to Lancaster, Pa., and (3) from Spotswood, N.J., to Newport News and Norfolk, Va. NOTE: Applicant states it would tack the proposed authority at Newport News and Norfolk, Va., with its present authority in its Sub 1 certificate wherein it transports tobacco and empty tobacco containers, between points in North Carolina, South Carolina, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond, Va., or Lancaster, Pa.

No. MC 106603 (Sub-No. 90), filed September 23, 1966. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 46240 and Subs 12 and 13, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 73), filed September 21, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the

Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it could tack with authority in its lead certificate at a point in Tennessee, and with its Sub 41, at a point in North Carolina to perform through service on machinery and articles requiring special equipment to and from points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 501), filed September 23, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hexane-edible oil*, in bulk, in tank vehicles, from Sidney, Nebr., to Groton, Conn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Columbus, Ohio.

No. MC 108207 (Sub-No. 209), filed September 29, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Lafayette, La., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 109478 (Sub-No. 100), filed September 22, 1966. Applicant: WORS

No. MC 109478 (Sub-No. 100), filed September 22, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, cooking oils, shortening, and matches and such materials, supplies and equipment* as are used in the manufacture, packing and shipping thereof, between Toledo, Ohio, on the one hand, and, on the other, points in New York and Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109584 (Sub-No. 136), filed September 30, 1966. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, *including blends with other sweetners*, in tank or hopper vehicles; *molasses* in bulk in tank vehicles; and, *dried beet pulp*, with or without molasses, in bulk in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 111170 (Sub-No. 115), filed September 26, 1966. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsions*, in bulk, from El Dorado, Ark., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 111594 (Sub-No. 31), filed September 29, 1966. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a corporation, Post Office Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of the foregoing commodities, between Chicago Heights and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Wisconsin on and south of Wisconsin Highway 64. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 169), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Erie, Warren, Crawford, Mercer, Venango, Forest, Elk, Lawrence, Butler, Armstrong, Jefferson, Clearfield, Beaver, Indiana, Cambria, Alleghany, Westmoreland, Washington, Greene, Fayette, Somerset, McKean, Clarion, and Bedford Counties, Pa., (b) between points in Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill., on the one hand, and, on the other, St. Louis, Mo., and East St. Louis, Ill., (c) between points in Missouri, (d) between points in Iowa, (e) between points in Missouri, on the one hand, and, on the other, Chicago, Ill., (f) between Chicago, Ill., on the one hand, and, on the other, points in Clinton, Des Moines, Dubuque, and Scott Counties, Iowa, (g) between Fair Lawn, N.J., on the one hand, and, on the other, points in Suffolk, Dutchess, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y., and La Guardia Airport, and International (Idlewild Airport), N.Y., (h) between Minneapolis and Duluth, Minn., and points in that part of Wisconsin in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, and La Crosse Counties, Wis., (i) between Boston, Mass., on the one hand, and, on the other, points in Grafton, Merrimack, Belknap, Cheshire, and Sullivan Counties, N.H.

(j) Between Portland, Maine, on the one hand, and, on the other, points in Strafford, Rockingham, Hillsboro, Cheshire, Merrimack, and Sullivan Counties, N.H., (k) between Washington, D.C., on the one hand, and, on the other, points in Harford, Worcester, Dorchester, Kent, Talbot, Frederick, Washington, Wicomico, Carroll, Caroline, and Queen Annes Counties, Md., Frederick, Loudoun, Spotsylvania, and Warren Counties, Va., Wilmington, Del., and Philadelphia, Pa., (l) between Philadelphia, Pa., on the one hand, and, on the other, points in Columbia, Wayne, and Wyoming Counties, Pa., and (m) between Cleveland, Columbus, and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio, and (2) *business records, audit and accounting media of all kinds*, (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, Brooke, Hancock, Marshall, Wetzel, Monongalia, Marion, Taylor, Harrison, Barbour, Upshur, Lewis, Doddridge, Tyler, Pleasants, Ritchie, Wood, Wirt, and Preston Counties, W. Va., and points in Washington, Monroe, Belmont, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Portage, Summit, Stark, Carroll, Harrison, Noble, Guernsey, Muskingum, Coshocton, Licking, Franklin, Tuscarawas, Knox, and Holmes Counties, Ohio, (b) between Minneapolis and Duluth, Minn., and points in that part of Wisconsin in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, and La Crosse Counties, Wis., (c) between Providence, R.I., on the one hand, and, on the other, points in Middlesex, Essex, and Bristol Counties, Mass., and (d) between Pittsburgh, Pa., and Cumberland, Md. NOTE: Applicant states the purpose of this application is to convert MC 112750 (Sub-Nos. 50, 52, 53, 60, 66, 71, 91, 92, and 116) from contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 170), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Wash-

lington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bank checks, drafts, and other bank stationery*, (a) from Pawtucket, R.I., to points in Massachusetts and Connecticut; points in Grafton, Merrimack, Belknap, Strafford, Rockingham, Sullivan, Cheshire, and Hillsboro Counties, N.H.; points in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and points in Albany, Broome, Cayuga, Chenango, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Seneca, Sullivan, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, and Yates Counties, N.Y., (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Boston, Mass., on the one hand, and, on the other, Orono and Old Town, Maine, and points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 2 to Bangor, Maine, and thence along Alternate U.S. Highway 1 to Ellsworth, Maine, (b) between Pittsburgh, Pa., on the one hand, and, on the other, points in Marshall, Wetzel, Monongalia, Marion, Harrison, Tyler, Pleasants, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio.

(c) Between Cleveland, Ohio, on the one hand, and, on the other, points in Brooke, Hancock, Ohio, and Marshall Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio, (d) between Ashland, Ky., on the one hand, and, on the other, Findlay, Ohio, (e) between Aurora, Ill., and Milwaukee, Wis.; (f) between Aurora and Chicago, Ill., points in Jefferson County, Ky., and points in that part of Indiana on and south of U.S. Highway 40, and (g) between Findlay, Ohio, on the one hand, and, on the other, points in Adams, Delaware, Henry, Randolph, Steuben, Wayne, Wells, Jay, and De Kalb Counties, Ind., (3) *business records, audit and accounting media of all kinds*, (a) between Natick (Middlesex County), Mass., on the one hand, and, on the other, points in Penobscot and Cumberland Counties, Maine, points in Hillsboro County, N.H., and points in Providence County, R.I., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Charleston and Huntington, W. Va., and points in Barren, Bell, Bourbon, Boyd, Caldwell, Campbell, Christian, Clark, Davies, Franklin, Graves, Henderson, Hopkins, Jefferson, Kenton, Madison, Mason, McCracken, Montgomery, Muhlenberg, Scott, Warren, and Whitley Counties, Ky., and (4) *impressions, models and bites, articulators, dentures and products* relating to restorative dentistry, between St. Louis, Mo., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill. NOTE: Applicant states the purpose of this application is to convert MC 112750 (Sub-Nos. 56, 59, 61, 65, 80, 82, and 97) from contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 171), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between points in Iowa and (b) between Milwaukee, Wis., on the one hand, and, on the other, points in Iowa and Illinois, except that movements to or from the Chicago, Ill., commercial zone, shall be restricted to movements immediately prior to or subsequent to a movement by air or rail. NOTE: Applicant states this is an application for conversion of contract carrier authority presently held in MC 112750, Sub 78 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 356), filed September 22, 1966. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, chocolate and related products, cough drops and advertising materials and supplies* moving therewith (except in bulk in tank vehicles), from the plantsite of Luden's, Inc., at Reading, Pa., to points in Arizona, California, Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 112049 (Sub-No. 16), filed September 22, 1966. Applicant: McBRIDE'S EXPRESS, INC., 1907 Wabash Avenue, Mattoon, Ill. 61938. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Springfield, and Peoria, Ill., over Illinois Highway 29, serving all intermediate points; (2) between Springfield, and Bloomington, Ill., from Springfield, over U.S. Highway 66 and/or Interstate Highway 55 to Bloomington, and return over the same route, serving all intermediate points; (3) between Decatur, and Peoria, Ill., over Illinois Highway 121, serving all intermediate points; (4) between Decatur, and Bloomington, Ill., over U.S. Highway 51, serving all intermediate points; (5) between Bloomington, and Peoria, Ill., over U.S. Highway 150, serving all intermediate points; (6) between Mattoon, and Champaign-Urbana, Ill., over U.S. Highway 45, serving all intermediate points; (7) between Champaign, and Bloomington, Ill., over U.S. Highway 150, serving all intermediate points; (8) between Champaign, and Danville, Ill., from Champaign, over U.S. Highway 150 and/or Interstate Highway 74 to Danville, and return over the same route, serving all intermediate points; (9) between Champaign, and Decatur, Ill., over Illinois Highway 47, serving all intermediate points; (10) between Farmer City, and Springfield, Ill., over U.S. Highway 54, serving all intermediate points; (11) between Champaign and Gibson City, Ill., in a circuitous manner, from Champaign, over U.S. Highway 45 to Paxton, Ill., thence over Illinois Highway 9 to Gibson City, thence over Illinois Highway 47 to junction U.S. Highway 150, thence over U.S. Highway 150 to Champaign, and return over the same route, serving all intermediate points, and the off-route point of Chanute Air Force Base; (12) between Gibson City and Farmer City, Ill., over U.S. Highway 54, serving all intermediate points; and (13) between Decatur, Ill., and Indianapolis, Ind., over U.S. Highway 36, serving those intermediate points on U.S. Highway 36 between Decatur, Ill., and the Illinois-Indiana State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 112617 (Sub-No. 239), filed September 14, 1966. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk from rail-motor interchange points served by the Louisville & Nashville Road Co. in Jefferson County, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and West Virginia, restricted to shipments having a prior movement by rail. NOTE: Applicant states it would propose to tack with other authorities held under MC 112617 and subs. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 113325 (Sub-No. 115), filed September 20, 1966. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including fertilizers and fertilizer ingredients and petroleum products*, in bulk, from El Dorado, Ark., to points in Illinois, Indiana, Michigan, Missouri, Ohio, West Virginia, and Wisconsin. NOTE: Applicant indicates it could or would tack this proposed authority with other presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115651 (Sub-No. 14), filed September 26, 1966. Applicant: KANEY TRANSPORTATION, INC., Rural Route 4, Post Office Box 12, Freeport, Ill. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bettendorf, Iowa, to points in Illinois and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116077 (Sub-No. 207), filed September 20, 1966. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in East Baton Rouge, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking would take place at East Baton Rouge, La., in connection with its presently authorized authority to points in Louisiana, Arkansas, Mississippi, Delaware, Kansas, Texas, Missouri, New Mexico, Oklahoma, Florida, California, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Wisconsin, North Carolina, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116254 (Sub-No. 70), filed September 25, 1966. Applicant: CHEMHAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, from Luling, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority sought. Applicant further states tacking could be performed at Luling, La., in conjunction with other presently held authority wherein Louisiana is included as a destination State. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116273 (Sub-No. 78), filed September 26, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: Applicant states the proposed authority herein sought can or will be joined with MC 116273, Sub 6 at Whiting, Ind., to serve lower Michigan and 17 counties in southeastern Wisconsin. Also Sub 6 to Muskegon, thence Sub 20 to Ohio, Kentucky, Mississippi, western Tennessee, Wisconsin, and St. Paul, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 391), filed September 26, 1966. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle carrying steel wire crates*, from Clarendon, Ark., to points in Illinois, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 117370 (Sub-No. 15), filed September 20, 1966. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand additives*, from Belvidere, Ill., Archbold and Wadsworth, Ohio, to points in Illinois, Iowa, Indiana, Ohio, Michigan, Wisconsin, Pennsylvania, West Virginia, New York, Minnesota, Kentucky, and Missouri, and to ports of entry on the United States-Canada boundary line in Michigan and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 120228 (Sub-No. 2), filed September 26, 1966. Applicant: TRANS WESTERN TRANSPORT, INC., Post Office Box 490, 1111 Redondo Avenue, Odessa, Tex. 79760. Applicant's representative: Reagan Sayers, 301 Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, requiring special equipment for the loading, unloading, and transportation thereof, and *related machinery, tools, parts*, and *supplies* moving in connection therewith, restricted to shipments having a prior or subsequent movement by rail or water, and to highway movements of not to exceed 50 miles, between points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, Wyoming, and Utah. NOTE: Applicant states it holds a certificate of registration in MC 120228, and will surrender same upon a grant of the above. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123844 (Sub-No. 4), filed September 22, 1966. Applicant: P. SALDUTTI & SON, INC., 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw stock;* namely, bones, skins, hides, carcasses, dead animals, *meat meal, bone and fat, tallow, greases, shortening and meat scrap*, loose or in containers, or in bulk, between Elizabethtown, Pa., and points within 25 miles thereof; between Fort Plains, N.Y., and points within 10 miles thereof, and between Berlin and Baltimore, Md., on the one hand, and, on the other, Kearny and Newark, N.J., and points in the New York, N.Y., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123856 (Sub-No. 2), filed September 15, 1966. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysart, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ingredients* used in the manufacture of livestock feeds, (1) from Ladora, Iowa, to Salina, Kans., Kansas City, Mo., Madison, Wis., Monmouth and Danville, Ill., Castleton, Ind., Williston, N. Dak., Akron, Ohio, and St. Clair, Mich., and (2) from Maple Park, Chicago, Springfield, and East St. Louis, Ill., and Hammond, Ind., to Ladora, Iowa. NOTE: Applicant states it could or would tack insofar as it is possible to make split deliveries or pickup. Applicant further states it now has authority to serve St. Joseph, Mo., and in this application seeks authority to serve Kansas City, Mo. If the application is granted, applicant proposes if requested on certain trips to make delivery at St. Joseph and then continue on and make delivery to Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124078 (Sub-No. 247), filed September 27, 1966. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: Applicant states it intends to tack at Meredosia, Ill., to serve points in Minnesota,

Nebraska, Wisconsin, North Dakota, South Dakota, Kentucky, and Cincinnati, Ohio, and Sheboygan, Wis., in connection with other presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 48) (Amendment), filed May 9, 1966, published FEDERAL REGISTER issue of May 26, 1966, amended September 23, 1966, and republished, as amended, this issue. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highway 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (A) Over regular routes: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving North Chicago, Ill., as an off-route point in connection with applicant's presently authorized regular and irregular routes which authorize service to or from Chicago, Ill., and (B) over irregular routes: *Iron and steel articles*, between points in Indiana and Illinois in the Chicago, Ill., commercial zone, Joliet, Waukegan, North Chicago, and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Wisconsin, and South Dakota. NOTE: Common control may be involved. The purpose of this republication is to add (B) above. If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 124245 (Sub-No. 10), filed September 26, 1966. Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products; and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between South Bend, Ind., and points in Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Owen, Parks, Putnam, Randolph, Ripley, Rush, Shelby, Tipton, Union, Vermillion, Vigo, Warren, and Wayne Counties, Ind. NOTE: Applicant states that joinder would be at South Bend, Ind., permitting service from Hammond, Ind., and its commercial zone. If a hearing is deemed necessary, applicant requests it be held at Detroit, Lansing, Mich., or Chicago, Ill.

No. MC 125409 (Sub-No. 3), filed September 26, 1966. Applicant: R & R TRUCKING CO., INC., R.F.D. 5 (Waterford Road, Blue Anchor), Hammonton, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tables; chairs and platforms*, from Philadelphia, Pa., to points in New Jersey, New York, Connecticut, Massachusetts, Ohio, Delaware, Maryland, Virginia, West Virginia; and Washington, D.C., under continuing contract with Institutional Products, Inc., (2) *outdoor furniture, clothes hampers, and toy chests*, from Philadelphia, Pa., to points in New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, Michigan, and Washington, D.C., under continuing contract with Mastur Manufacturing Co., (3) *lamps and lamp shades*, from Philadelphia, Pa., to points in New Jersey, New York, Delaware, Maryland, and Washington, D.C., under continuing contract with Filley Lamp Corp., (4) *cabinets and sheds and shelving*, from New York, N.Y., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and Washington, D.C., under continuing contract with Dart Metal Products Co., Inc., and (5) *metal cabinets and desks*, from New York, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Washington, D.C., under continuing contract with Duracold Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125833 (Sub-No. 3), filed September 22, 1966. Applicant: ALBERT C. DAVIDSON, Harbeson, Del. Applicant's representative: M. Bruce Morgan, 206 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Kent County, Del., to Baltimore, Md., Philadelphia, Pa., New York, N.Y., and points in New Jersey and points in Nassau County, Long Island, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury, Md., or Washington, D.C.

No. MC 126569 (Sub-No. 5), filed September 29, 1966. Applicant: ROBERT DHAMERS, doing business as DHAMERS TRUCKING AND EXCAVATING COMPANY, Post Office Box 102, Cordova, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluxing stone*, in bulk, in dump vehicles, from Hillsdale, Ill., to Dubuque, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126745 (Sub-No. 19), filed September 20, 1966. Applicant: SOUTHERN COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (1) between Dallas, Tex., and Shreveport, La., on the one hand, and, on the other, points in that part of Louisiana on and north of U.S. Highway 84, and (2) between New Orleans, La., on the one hand, and, on the other, Pensacola, Fla., Mobile, Ala., points in that part of Louisiana on and south of a line extending from the Texas-Louisiana State line along Louisiana Highway 8 to Zimmerman La., thence along Louisiana Highway 1 to New Roads, La., and thence along Louisiana Highway 10 to the Louisiana-Mississippi State line, and points in that part of Mississippi on and south of U.S. Highway 80. NOTE: Applicant states this is an application for conversion of contract carrier authority presently held in MC 123304, Sub 1, to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127253 (Sub-No. 33), filed September 26, 1966. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT, Post Office Box 86, Lufkin, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from El Dorado, Ark., to points in Louisiana and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 128428 (Sub-No. 1) (Amendment), filed July 20, 1966, published in the FEDERAL REGISTER issue of August 18, 1966, amended and republished, as amended, this issue. Applicant: LOUIS C. BRYAN and CHARLES H. McBRIDE, a partnership, doing business as LOU MAC TRANSFER, 580 Northwest 71st Street, Miami, Fla. 33130. Applicant's representative: John T. Bond, Esq., 1955 Northwest 17th Avenue, Miami, Fla. 33125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies used in the installation, maintenance and repair of such equipment* for the account of Western Electric Co., Inc., such equipment, material and supplies having a prior or subsequent movement in Interstate Commerce, as a contract carrier, by motor vehicle in interstate and foreign commerce between Miami, Fla., on the one hand, and, on the other, points in Dade, Broward, and Monroe Counties, Fla. NOTE: The purpose of this republication is to add Monroe County to the territorial description. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128564 (Sub-No. 2), filed September 26, 1966. Applicant: KENNETH G. WOODARD, 420 Irving Street, Storm

Lake, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Orchard and Ord, Nebr., to Richmond, Calif., Carthage, Mo., and Green Bay, Wis.; (2) *dried whey* from Orchard and Ord, Nebr., to Fond du Lac, Wis.; and (3) *cheese boxes and cheese box liners*, from Springfield, Mo., and Sheboygan, Wis., to Orchard and Ord, Nebr., all under continuing contract with the Orchard Cheese Co., Orchard, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 128576 (Correction), filed September 7, 1966, published FEDERAL REGISTER issue of September 29, 1966, and republished, as corrected, this issue. Applicant: HARRY GORDON SCOTT, Sebringville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by printing, embossing, and engraving companies*, in foreign commerce only, (1) from Detroit, Mich., and points in the Detroit, Mich., commercial zone as defined by the Commission, to ports of entry on the international boundary line between the United States and Canada located in Michigan along the Detroit River between Lake St. Clair and Lake Erie and (2) from Buffalo and Niagara Falls, N.Y., to ports of entry on the international boundary line between the United States and Canada located in New York along the Niagara River between Lake Erie and Lake Ontario, and *refused and rejected shipments*, on return, in connection with (1) and (2) above, under contract with International Artcrafts Co., Ltd., Stratford, Ontario, Canada. NOTE: The purpose of this republication is to show the correct name of the shipper as International Artcrafts Co., Ltd., in lieu of International Aircrafts Co., Ltd. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 128599 (Sub-No. 1), filed September 20, 1966. Applicant: BROADWAY TRANSPORTATION, INC., 139 Rosalie Drive, East Meadow, Long Island, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building erection braces, including, but not limited to, support beams, scaffolding, shoring, forms and molds, and parts thereof*, (a) from piers and wharves in the New York, N.Y., commercial zone to Millwood, N.Y., and (b) between Millwood, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, and Pennsylvania, under continuing contract with American Pecco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128606, filed September 16, 1966. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio. Applicant's representative: James F. Bell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings, patterns, repairs, component parts, supplies, and materials* related to the manufacturing of construction equipment, house trailers and automatic presses, between points in Mercer, Auglaize, Darke, Van Wert, Shelby, Montgomery, and Allen Counties, Ohio, and points in Michigan, Indiana, Illinois, Pennsylvania, Wisconsin, New Jersey, and New York, under contracts with Baldwin-Lima-Hamilton Co., Lima, Ohio, Airstream, Inc., Jackson Center, Ohio, Hannifin Press Co., St. Marys, Ohio, and the Huffman Manufacturing Co., Inc., Miamisburg, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 128608, filed September 20, 1966. Applicant: M.D.I. TRUCKING CORPORATION, Colonial Oaks Industrial Park, East Brunswick, N.J. 08816. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburg, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formed metal roofing*, from the plantsite of Metal Deck, Inc., at East Brunswick, N.J., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Ohio, Michigan, West Virginia, Virginia, Indiana, Illinois, and the District of Columbia, and (2) *materials used in the manufacture thereof*, to the said plantsite, on return; under contract with Metal Deck, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128609, filed September 23, 1966. Applicant: LEGION WAREHOUSE CORP., doing business as LEGION TRUCKING COMPANY. Applicant's representative: Daniel N. Camoia, 27 William Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet glass* from steamship piers in the New York, N.Y., commercial zone, and Teaneck, N.J., to points in New Jersey, Connecticut, New York on, south and east of New York Highway 7 extending from the New York-Vermont line to the New York-Pennsylvania line, and Philadelphia, Pa., for the account of Flat Glass, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128611, filed September 26, 1966. Applicant: ROBERT K. JAIN, doing business as JAIN TRUCKING SERVICE, La Salle Street, Eau Claire, Wis. 54701. Applicant's representative: Robert G. Evans, 204 East Grand Avenue, Eau Claire, Wis. 54701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent rail movement by the Soo Line Railroad Co., between Eau Claire, Wis., and points within two (2) miles thereof, and Chippewa Falls, Wis., and points within two (2) miles thereof, under contract with Soo Line Railroad Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eau Claire or Chippewa Falls, Wis., or Minneapolis, Minn.

No. MC 128612, filed September 26, 1966. Applicant: MAX DIAMOND, doing business as MAX DIAMOND & COMPANY, 3200 Calumet Avenue, Hammond, Ind. Applicant's representative: Louis Lebin, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel and coil steel*, from the Midwest Steel Co. and Bethlehem Steel Co. plants at Portage and Burns Harbor, Ind., to the Atlas Steel Co. warehouse at Chicago, Ill., and directly to its customers in the Chicago commercial zone and to the Cragin Metal Products Co. warehouse at Chicago, Ill., under contract with Atlas Steel Co., Inc., and Cragin Metal Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128613, filed September 25, 1966. Applicant: DEPENDABLE TRUCKING, INC., 105-31 63d Road, Forest Hills, N.Y. 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from the site of the warehouse of Alex Forst & Sons, Inc., Bronx, N.Y., to points in Bergen, Essex, Hudson, Mercer, Union, Middlesex, Monmouth, Somerset, and Passaic Counties, N.J., Rockland County, N.Y., and Fairfield, New Haven, and Hartford Counties, Conn., under contract with Alex Forst & Sons, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130016, filed September 1, 1966. Applicant: MTS COMPANY, a corporation, doing business as MTS TRAVEL AGENCY, 1816 Soo Line Building, Minneapolis, Minn. Applicant's representative: D. C. Nolan, 402-409 Iowa State Bank Building, Iowa City, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Minneapolis, Minn., Des Moines, Iowa, and Kansas City, Mo., in arranging for the transportation in interstate or foreign commerce of passengers and their baggage, both as individuals and in groups in regular scheduled service or on charter bus tours, in passenger vehicles, between points in Minnesota, Iowa, and Missouri and points in the United States.

No. MC 130017, filed September 26, 1966. Applicant: PEOPLES TRAVEL SERVICE, INC., doing business as PEOPLES TRAVEL SERVICE, 246 North

High Street, Columbus, Ohio 43216. Applicant's representative: Paul B. Warnick (same address as applicant). For a license (BMC 5) to engage in operations as a *broker* at Columbus, Ohio, and New York, N.Y., in arranging for the transportation in interstate or foreign commerce, of passengers and their baggage in the same vehicle with passengers, both as individuals and in groups, in all expense tours, beginning and ending at Columbus, Ohio, and New York, N.Y., and extending to points in the United States, including Alaska and Hawaii and outside the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 14252 (Sub-No. 21), filed September 28, 1966. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio 43215. Applicant's representative: R. L. Ratchford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 MCC 467, commodities in bulk, and those requiring special equipment), between Zanesville, Ohio, and Wheeling, W. Va., over Interstate Highway 70 (U.S. Highway 40), and return over the same route, serving no intermediate points, and for operating convenience only in connection with applicant's presently held authorized regular route authority.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Sub-No. 41), filed September 13, 1966. Applicant: AMERICAN BUSLINES, INC., 18th and Leavenworth, Omaha, Nebr. 68102. Applicant's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers, and express*, in the same vehicle with passengers, between Mineral Wells, Tex., and junction U.S. Highway 281 and Interstate Highway 20 (U.S. Highway 80), over U.S. Highway 281, serving all intermediate points. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11099; Filed, Oct. 12, 1966; 8:45 a.m.]

[Notice 268]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 10, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51322 (Sub-No. 3 TA), filed October 6, 1966. Applicant: JACK DANE CAGNO, doing business as CAGNO HORSE TRANSPORTATION, 1343 Caryl Drive, Bedford, Ohio. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle *such equipment and supplies incidental to the care, transportation, racing and exhibition of such horses*, between points in Ohio, on the one hand, and, on the other, points in Michigan over irregular routes, for 180 days. Supporting shippers: Jerry Noss; S. A. DeAngelis; Ted Waite, Jr., owner of Buckeye Stable; Mr. Ward G. Myers, Wee Stables; John Phillip Silla, Skyview Stable & Farm, 4581 Hawkins Road, West Richfield, Ohio. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 107403 (Sub-No. 695 TA), filed October 5, 1966. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke fines*, in bulk, in dump or hopper type vehicles, from Petrolia, Pa., to Fostoria, Ohio, for 150 days. Supporting shipper: Witco Chemical, Sonneborn Division, Petrolia, Pa. 16050. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 109397 (Sub-No. 147 TA), filed October 5, 1966. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Morgan, Dykeman & Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Explosives*, moving on Government bill of lading from Louviers, Colo., points within 5 miles thereof, to Bremerton and Bangor, Wash., and points within 5 miles of each. NOTE: Applicant states it is presently participating in the involved traffic under its Sub 71 between Louviers and points in California, and from Oakland and points within 20 miles and Creed, Calif., to points Washington under its Subs 84 and 86. This application would merely eliminate the Oakland and Creed, Calif., gateway, for 150 days. Supporting shipper: Riss & Company, Inc., Post Office Box 2809, Kansas City, Mo. 64142. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128622 TA, filed October 15, 1966. Applicant: JOSEPH ROTELLA, doing business as RONALD MOTORS, 225 Fourth Avenue, Brooklyn, N.Y. 11215. Applicant's representative: E. Joseph Picarello, 110 East 42d Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, from New York, N.Y., to Carteret, N.J., for 150 days. Supporting shipper: Alexander's Rent-A-Car, 1114 First Avenue, New York, N.Y. 10021. Send protests to: Robert E. Johnston, District Supervisor, 346 Broadway, Room 1113, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11147; Filed, Oct. 12, 1966; 8:48 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469, 28 F.R. 4269, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 12992, 30 F.R. 5888, 30 F.R. 12310, and 31 F.R. 4857) during the 6 months' period ended September 14, 1966.

No change.

Dated: September 14, 1966.

A. W. WUERKER.

[F.R. Doc. 66-11148; Filed, Oct. 12, 1966; 8:48 a.m.]

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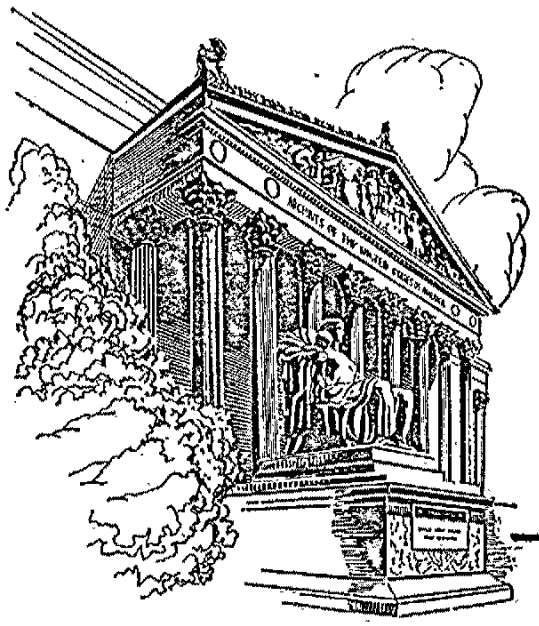
Thursday, October 13, 1966 • Washington, D.C.

PART II

Department of Agriculture

Consumer and Marketing Service



Milk in Upper Florida Marketing Area

Decision on Proposed Marketing Agreement and Order

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO-356]

MILK IN UPPER FLORIDA MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jacksonville, Fla., on January 19–21, 1966, and at Orlando, Fla., on January 24–26, 1966, pursuant to notices thereof issued on December 22, 1965 (30 F.R. 16115), and December 27, 1965 (30 F.R. 16268), upon a proposed marketing agreement and order regulating the handling of milk in the Upper Florida marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 25, 1966 (31 F.R. 11465; F.R. Doc. 66-9452), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (31 F.R. 11465; F.R. Doc. 66-9452) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The eighth paragraph in the "Classification of milk" discussion is revised.

2. A new paragraph is added immediately after the 14th paragraph in the "Class I price" discussion.

3. In the "Location adjustments" discussion, the sixth paragraph is revised and a new paragraph is added immediately thereafter.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs and affects interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Upper Florida marketing area" includes all the territory within 40 contiguous counties in the State of Florida. The principal cities in this area are Jacksonville, Orlando, Tallahassee, Daytona Beach, Panama City, Gainesville, Sanford, Winter Park, St. Augustine, Ocala, Deland, Lake City, and Marianna. The specific counties in the proposed marketing area are listed in the marketing area discussion.

The production of milk by dairy farmers regularly associated with the above proposed marketing area is insufficient to meet handlers' Class I milk requirements throughout the year. To supplement the local supply, milk is imported from as far away as Minnesota, Wisconsin, and Iowa.

Handlers who would be regulated by the proposed order received nearly 20 million pounds of milk (about 4 percent of their total receipts) from out-of-state sources during the 12-month period ending September 30, 1965. This milk was shipped from at least five different states. Moreover, such shipments were not of a sporadic nature but were received in every month during the year. The same was true in 1963 and the first 9 months of 1964.

Contracts to supply military installations within the proposed marketing area often are awarded to out-of-state distributors. At the time of the hearing, two such contracts were supplied by a distributor in Mobile, Ala. Sales to military installations within the proposed marketing area account for approximately 10 percent of the market's total Class I sales.

Interstate movement of milk also takes place between the States of Georgia and Florida. A dairy farmer in Georgia delivers milk to a plant in Jacksonville and some handlers in the proposed area distribute milk in Georgia.

It is not uncommon for handlers in the proposed marketing area to use nonfat milk solids in producing such Class II products as buttermilk and chocolate drinks. The nonfat milk solids used in these products are purchased from out-of-state sources. These products compete with similar milk products produced from local milk supplies.

The market's requirements for such manufactured products as butter and cheese come almost entirely from out-of-state sources.

2. *Need for an order.* Marketing conditions in the Upper Florida marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby all farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area, there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual fluid sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production and changes in demand associated with the opening and closing of schools and the tourist trade require that some of the Grade A milk produced for the market be disposed of in manufacturing channels at certain times of the year.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent excess milk from depressing the market price of all Grade A milk. To be successful, the classification and payment for milk in accordance with its use requires the participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby both the higher returns from the fluid market and the lower returns resulting from surplus milk may be shared equitably by producers.

The area herein proposed to be regulated has been regulated by the Florida Milk Commission as three separate areas; the Northeast Florida, Central Florida and Tallahassee milk marketing areas. For several years, the State orders regulated milk handling in a way that was satisfactory to dairy farmers and other interested parties. However, in April 1964, a ruling of the Supreme Court of the United States limited the State's ability to regulate marketing conditions in these markets.

Indicative of instability in the Upper Florida market are the fluctuations in the stated Class I prices since early 1964. From April 1964 to February 1965, the Florida Milk Commission's announced Class I price for the three separate areas for milk of 3.5 percent butterfat dropped from $6.72 to $6.02.

The Florida Milk Commission's minimum price regulations were discontinued in its Northeast Florida and Central Florida marketing areas in June 1965 and in its Tallahassee area in February 1966. Official notice is here taken of this latter action.

The five cooperatives whose producer-members supply handlers in the proposed Upper Florida marketing area are Northeast Florida Milk Producers Association (Northeast) in the Jacksonville area; Dairy Farmers Mutual (Mutual) and Independent Dairy Farmers' Association (IDFA) in the Orlando area; and Sunshine State Dairymen's Cooperative (Sunshine) and Chipola Dairy Cooperative (Chipola) in the Tallahassee area. Northeast, Mutual and IDFA are bar-

gaining cooperatives. Sunshine and Chipola, in addition to bargaining for their members, have arrangements with processors for packaging their milk and operate distribution routes in the area.

Dairy Farmers Mutual and Northeast have attempted to maintain a degree of market stability after the State's minimum price regulations were discontinued in the Northeast and Central Florida areas in June 1965. They negotiated contracts with handlers using a $6.02 Class I price and a $5.45 price for Class I sales to military installations as a basis for such negotiations. In addition, they engaged a certified public accountant to audit the handlers' records. However, not all milk received by handlers operating in those areas is covered by such negotiations.

About 15 percent of the dairy farmers supplying handlers in the Northeast and Central areas are not members of a cooperative. No apparent uniform method is followed by these handlers in arriving at the prices they pay their dairy farmers. In those instances in which a handler may purport to pay his dairy farmers on a utilization basis, the handler establishes what the utilization scheme shall be, but the dairy farmers have no way of verifying the utilizations on which they are paid. The relative advantage that apparently accrues to handlers obtaining these supplies from unaffiliated dairy farmers tends to depreciate the bargaining position of cooperatives in negotiating with their buying handlers.

The Sunshine plant in Tallahassee and its facilities are leased from a handler, Foremost Dairies. The cooperative owns the routes operating from the plant. All fluid milk products distributed on these routes bear the Foremost label. The contract establishing this arrangement expires October 31, 1966. There appears to be considerable doubt as to whether the contract will be renewed.

If the Sunshine-Foremost contract is not renegotiated in its present form, it is contemplated that Sunshine on behalf of its 31 members will make considerable changes in its marketing arrangements. Sunshine spokesmen, for example, are uncertain whether the cooperative will continue its present route operations, which would entail obtaining a new plant; or whether it will dispose of its routes and operate as a bargaining cooperative, possibly joining with an established bargaining cooperative. A spokesman for Foremost also indicated doubt about the renewing of this handler's contract with Sunshine. If it is not renewed, Foremost will likely close its plant in Tallahassee and utilize its Jacksonville plant for any distribution it will have in the Tallahassee area.

Producer-members of Chipola deliver milk to a plant in Marianna, which is owned and operated by Sealtest Foods Division, National Dairy Products Corp. Sealtest processes and packages this milk for the cooperative, which the cooperative distributes on its routes in the Tallahassee area.

This arrangement, apparently, has not worked too satisfactorily for Chipola's 15 members. In 1961, the last year before this arrangement became effective, Chipola's producers received $5.70 for milk of 3.5 percent butterfat. In 1962, the price dropped to $4.80 and since 1962, it has stabilized at about $4.60. At the time of the hearing, Chipola's 15 producer-members were negotiating with Northeast to become members of that association and to deliver their milk to Jacksonville. If this occurs, Sealtest plans to close the Marianna plant and service its Tallahassee area sales from its Jacksonville plant. It was not indicated what Chipola would do with their routes.

The present arrangements between the various cooperatives and handlers expire during 1966. Sunshine's contract expires October 31 and Northeast's, August 31. Mutual's contract with its handlers, which is on an annual basis, will expire before December 1966. There is no assurance new contracts can be negotiated or, if they are, that they will be as favorable to producers as the present contracts.

The proponent cooperatives contend that only a device such as a Federal milk marketing order can prevent further deterioration in their bargaining position and insure orderly marketing and stability in the sales area served by them and their buying handlers.

The stated Class I prices in the proposed marketing area do not accurately reflect the prices paid by handlers for their actual Class I dispositions. This is because there are significant variations in what is considered Class I by different handlers. Historically in this area, producers have been paid prices substantially lower than the stated Class I prices for milk disposed of by handlers to military installations. There have also been other Class I categories, such as sales to schools, for which producers received less than the stated Class I price. To what extent such Class I categories are now used by handlers in computing their payments to producers is not known.

The utilizations on which a substantial number of producers in the market are paid are not audited or otherwise verified. In view of the uncertainty of their position with their buying handlers, there is apprehension among producers. They lack assurance that the contracts which their various cooperatives have with handlers will be renewed or on what basis they may be renewed.

Since the "Polar Ice Cream Case" (the 1964 U.S. Supreme Court decision denying the State the authority to discriminate in the allocation of out-of-State milk received at a Florida plant), there has been increasing fear among producers that their milk may be down-allocated or replaced by their buying handlers with the surplus milk that may become available on an opportunity basis from time to time. The surplus supplies from nearby locations in Georgia and Alabama are continuously a threat in this regard. Although both these States fix minimum prices that handlers must pay producers according to the utilization of their milk, such prices do not apply to out-of-State sales. This provides an incentive for Georgia and Alabama handlers to dispose of unneeded supplies at any price above that which they would realize in disposing of such supplies for manufacturing purposes. The disposition of such milk in the proposed marketing area for Class I, even for short periods, has a deteriorating effect on the bargaining position of producers regularly supplying the market. The uncertainty among producers, caused by the threat of their losing their market to such surplus supplies, tends to create instability in the market and to discourage rather than encourage the maintenance of an adequate supply of pure and wholesome milk for the market.

Approximately 10 percent of the Class I sales in the proposed marketing area is to military installations. Contracts for supplying such installations are awarded on a bid basis for varying periods, usually about 6 months. These contracts most frequently are obtained by handlers in the market who would be regulated by the proposed order. It is not uncommon, however, for the successful bidders on these contracts to be handlers at some distance from the marketing area, usually in adjoining States. Moreover, it has been possible at times for local handlers to obtain such contracts on the basis of their being able to obtain supplies from outside sources for limited periods of time. This tends to result in the down-allocation or replacement of the milk of the handlers' regular producers. Even if a handler heavily involved in supplying military installations utilizes no outside supplies to fill his military contracts, his failure to obtain contract renewals may cause a sharp decline in the return he will be able to make to his producers.

Under the proposed order, and in all existing Federal milk orders, the pricing of milk sold to military installations is the same as the Class I price to all other outlets. The advent of a marketwide pool order would remove the continuous uncertainty concerning their market of producers supplying handlers who make a substantial portion of their Class I sales to military installations.

The problems of unstable marketing encountered by producers in the proposed marketing area are not uncommon in fluid milk markets where there is no overall program for effectively regulating producer milk supplies. Production of high quality milk in Florida requires a substantial investment. The present unstable marketing conditions could discourage continuation of the necessary production resources and thereby seriously threaten the maintenance of an adequate supply of milk for the market. A Federal order establishing class prices at reasonable levels with a marketwide pool for distribution of returns to producers will provide the needed market stability.

There is now a lack of detailed market information relative to procurement of milk and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. The institution of Federal milk order regulation will provide the

basis for complete information on receipts and utilization of milk.

A marketing agreement and order for the Upper Florida marketing area as herein proposed would contribute substantially to the improvement of many of the conditions complained of by producers and would tend to effectuate the declared policy of the Act. A classified pricing plan based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining through public hearing what assistance the marketing system requires in order to insure an orderly market.

3(a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specified definitions to describe the area involved, and to describe the category of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The Upper Florida marketing area should include all the territory within the 40 contiguous Florida counties of Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Orange, Osceola, Putnam, St. Johns, Seminole, Sumter, Suwanee, Taylor, Union, Volusia, Wakulla, and Washington.

Because a significant portion of the sales of fluid milk by handlers who would be regulated is in relatively rural communities and because of the substantial population immediately surrounding the various cities, it is important that the marketing area be defined on a county boundary basis rather than on the basis of city boundaries.

The 1960 census population of the area proposed to be regulated was 1,737,000. The population of Jacksonville, Orlando, and Tallahassee, the largest cities in the proposed area, was then 213,000, 88,000, and 48,000, respectively. Other principal cities and their 1960 populations include Daytona Beach (37,000), Panama City (33,000), Gainesville (30,000), Sanford (19,000), Winter Park (17,000), St. Augustine (15,000), Ocala (14,000), Deland (11,000), Lake City (10,000), and Marianna (7,000).

Duval County, in which Jacksonville is located, contains the greatest concentration of population in the 40-county area. Its 455,000 inhabitants represent more than 25 percent of the area's population. The four counties (Duval, Orange, Volusia, and Brevard) in the proposed marketing area, whose 1960 populations were greater than 100,000, contain 956,000 or 55 percent of the 1,737,000 people in the marketing area. Most counties in the area, however, are predominantly rural. Of the 40 counties in the proposed marketing area, 25 have less than 20,000 inhabitants.

The 41-county marketing area considered at the hearing was proposed by the Southland Corp., a handler with wide distribution throughout the marketing area. No counties other than the 41 were proposed by others. Foremost Dairies proposed a 40-county marketing area. Sunshine State Dairymen's Cooperative (Sunshine) and Chipola Dairy Cooperative (Chipola), which represent producers supplying handlers in the Tallahassee area, proposed a marketing area of 39 counties. Northeast Milk Producers Association (Northeast) and Dairy Farmers Mutual (Mutual) proposed a 25-county marketing area. These 25 counties are substantially those which had in the past been designated as the Northeast Florida and Central Florida marketing areas by the Florida Milk Commission.

Except for Indian River County, there was active support for and no opposition to the inclusion of the proposed counties in the marketing area. No testimony was presented to support the inclusion of Indian River County in the marketing area. Instead, it was indicated that this county should more appropriately be included in the Southeastern Florida marketing area and that a hearing for accomplishing this purpose had been requested.

More than 40 handlers (including producer-distributors) have route distribution in the proposed marketing area. The total route distribution by these handlers is about 40 million pounds of milk monthly.

The principal source of supply of handlers who would be regulated by the proposed order is from producer-members of the four cooperatives proposing an order for the area, Northeast, Mutual, Sunshine, and Chipola. These cooperatives represent and market the milk of about 70 percent of the approximately 215 producers on the market. Independent Dairy Farmers' Association (IDFA), the principal cooperative in the Southeastern Florida and Tampa Bay order markets, represents an additional 10 percent of the producers supplying handlers in the proposed area.

Besides the approximately 215 producers supplying handlers in the proposed area, an additional 25 farms are operated by handlers whose principal source of supply is the production of their own farms. These handlers account for about 20 percent of the total Class I distribution in the proposed marketing area. The three largest operations in this group, all in the Jacksonville vicinity, distribute about 6 million pounds of milk monthly. Most of the other 22 such handlers maintain relatively small operations for processing and distributing the production from their own farms. The handlers with own-farm production who qualify as producer-handlers would be exempt from the pooling and payment provisions of the order.

Distribution throughout the area is predominantly from the plants of a relatively small group of handlers in or near the larger cities in the marketing area. Of the 17 plants in the market whose principal source of supply is from producers (other than own-herd production) 7 are in Jacksonville, 5 in the Orlando area, 4 in the Tallahassee area and 1 in the vicinity of Gainesville. Five handlers who operate eight of these plants account for well over half of the Class I sales in the proposed marketing area. Also, one or more of them has distribution in each of the counties in the proposed marketing area.

A number of the major handlers operate more than one plant from which milk is distributed in the marketing area. From the Borden Company plants in Orlando and Tallahassee, fluid milk products are distributed in at least 28 counties in the proposed marketing area. In addition, milk is distributed in other counties in the marketing area from the Borden's Tampa Bay order pool plant. The total distribution from the Southland Corp.'s Jacksonville plant is within a 23-county area that encompasses the Jacksonville and Tallahassee vicinities. Some fluid milk products distributed on routes from its Jacksonville plant emanate from Southland's Winter Haven plant, a Tampa Bay pool plant. The fluid milk products transferred to the Jacksonville plant and the route distribution from Winter Haven within the proposed marketing area, in the Orlando vicinity and in counties adjacent to the Tampa Bay marketing area, are about 30 percent of the Class I utilization at that plant. Sealtest Foods operates plants in Jacksonville and in Marianna (which is in the Tallahassee vicinity). The total Class I distribution from these plants is made within the proposed marketing area. Sealtest's Tampa Bay pool plant also has some distribution in the proposed marketing area. Foremost Dairies, which operates a plant in Jacksonville, owns the plant in Tallahassee that is now leased and operated by Sunshine. Also, the Foremost Tampa Bay order plant has some distribution in the proposed marketing area.

It is not uncommon for handlers operating two or more plants in relatively close proximity to package different sizes and categories of fluid milk products in each plant. In such instances, packaged fluid milk products are moved regularly between the handler's plants in the same or adjacent marketing areas. Establishing an order to include the 40-county marketing area will facilitate such movement of both packaged and bulk fluid milk products between plants within the proposed marketing area and with plants in the adjacent Tampa Bay area.

The route distribution of handlers who would be regulated and of producer-handlers in the market is confined almost entirely to the 40-county area. These handlers are, by a wide margin, the principal distributors in all sections of the proposed marketing area. Route distribution by other handlers (principally Tampa Bay order distributors) in the 40-county area is not a significant

portion of the total distribution in the area.

In the northwestern portion of the marketing area, two handlers whose plants are outside the marketing area (in Pensacola, Fla. and Mobile, Ala.) have some distribution in the proposed marketing area, in Bay County. The Class I disposition by these handlers in the marketing area is apparently insufficient to qualify their plants as pool plants. The Pensacola handler's Class I sales in the county are primarily to stores and restaurants. The Mobile handler is currently supplying two military installations in Bay County. Both handlers, if their Class I distribution in the marketing area continues to be below the minimum required for pooling, would be treated as partially regulated distributing plants under the order. Neither handler took any position at the hearing concerning the inclusion of Bay County in the marketing area. Their sales in the county, however, are a relatively small proportion of the total distribution therein. The major portion of distribution in Bay County is by handlers who would otherwise be fully regulated by the proposed order.

In view of the operations of the handlers who would be regulated by the proposed order, it would be inappropriate to provide a marketing area for the proposed order that excluded a segment of the proposed marketing area. As indicated above, the plant operations of the principal handlers in the marketing area are in or near Jacksonville, Orlando, and Tallahassee. There is extensive competition throughout the marketing area between fluid milk products from Jacksonville plants with those emanating from Tallahassee and Orlando area plants. The closing of two Tallahassee area plants is currently under consideration. If these plants are closed, the distribution that is now made from them would be made from Jacksonville plants. The possibility of the closing of the Tallahassee area plants has caused producers in that area to consider affiliation with the producer association in the Jacksonville area and shipping to Jacksonville plants. Improved technology and transportation facilities will tend to accelerate such concentration of processing and packaging facilities at centrally located plants and distribution over a wider area from such plants. The 40-county marketing area herein proposed appropriately gives consideration to this.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition. Further, the level of class price should be identical on Class I sales inside and outside the marketing area.

The essentials of the classified pricing plan for the Upper Florida order, and generally applicable to all Federal orders issued by the Secretary, are to establish one level of price to be paid by handlers for milk which is sold as milk or specified milk products for fluid consumption and other prices for the necessary surplus of the market which is disposed of in lower-valued fluid products and in manufactured products.

It is necessary that the class prices effective under the Upper Florida order be established at levels which will bring forth a sufficient supply to meet the demands of milk for the particular marketing area but not necessarily to fulfill the requirements of outside markets. Nevertheless, handlers who are regulated by virtue of their sales in the marketing area may have varying proportions of their sales outside the regulated area. This is a situation normally unavoidable even in the establishment of a new marketing area. Sales areas of regulated and unregulated handlers may overlap, and it would be rarely possible, if at all, to find a line of demarcation around an entire marketing area such that no overlapping occurs. Other considerations in establishment of a marketing area may also preclude inclusion of all sales areas of fully regulated handlers.

The problem of establishing a price to supply adequately the marketing area is thus affected by the activity of handlers in selling milk outside the regulated area and in procuring milk for such sales. There is no basis in this price determination for discrimination between milk sold inside and outside the marketing area. The milk sold outside by a regulated plant is processed in the same plant and is produced under similar conditions as milk sold in the marketing area. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area, is part of the same supply and demand situation upon which proper price level determination must be made.

If the price to farmers were higher for milk sold inside than for milk sold outside the marketing area, returns for disposition in the area would be bearing the greater burden of providing the incentive for milk production for both. To the extent such discrimination in pricing at the procurement level is reflected in higher prices to consumers inside than outside the marketing area consumers in the marketing area will be subsidizing consumers outside the marketing area.

Further, it is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by unregulated distributors in such markets. Such action would tend to lower blended returns to dairy farmers supplying the unregulated handlers.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area.[1]

The operator of the partially regulated plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

In the course of the operation of an order, the question may arise as to whether piers, docks, wharves, and any territory within the boundaries of the designated marketing area which is occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. A proposal was made to include in the order sales by a handler in any such territory or to any such agency. These facilities constitute regular outlets for milk by handlers to be regulated and no evidence was presented at the hearing

[1] Official notice is taken of the decisions of the Assistant Secretary issued June 10, 1964 (29 F.R. 9002), supporting amendments to various orders, including the nearby Southeastern Florida order.

which would justify their exemption. So that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated counties in the recommended Upper Florida marketing area shall include all piers, docks, and wharves connected therewith and any territory wholly or partly within the area which is occupied by the government (municipal, State, or Federal) reservations, installations, institutions or other establishments.

Definition of plants. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing (by being included in the market pool) in the market average utilization of Class I milk. Such distinction is necessary; otherwise, the proceeds of the higher Class I price would be dissipated by including in the market pool additional quantities of milk which were acquired by handlers primarily for manufacturing purposes. Such dissipated proceeds could accrue to the benefit of producers supplying milk to handlers who do not regularly or dependably furnish the fluid milk needs of consumers in the marketing area. Unless adequate standards of marketing performance are provided to determine which milk and plants will participate fully in the market pool funds, the uniform price of the market could be depressed to the point that it would not serve its function of attracting an adequate supply of milk for the fluid needs of the market without a Class I price higher than otherwise would be necessary.

Since Class I price increases are generally passed on to the public, such price increases necessitated solely because of inadequate performance standards for regulation would be contrary to the public interest. Therefore, in order to share in market pool funds, it is essential that plant operators perform marketing functions (i.e., deliver milk to market in specified amounts or proportions) which contribute to providing adequate and dependable market supplies. The marketing performance standards are essential provisions of a milk order if it is to attain the statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that best serves the public interest. The marketing performance standards also minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. They do this by exempting such handlers from full regulation.

Any plant, wherever located, may become a pool plant if it meets the marketing performance standards for regulation which at any time are equal for all plants performing the same function. The performance standards for regulation of a plant are an essential means of assuring the regulated market of adequate and dependable supplies of milk. It should be emphasized that these performance standards do not impede the shipment of milk to regulated markets. Quite the contrary. Because they require milk to be shipped to the market in order to share in the market pool funds, they encourage milk shipments for Class I use which otherwise might not be made. This incentive is achieved by preventing plants which do not ship milk in accordance with the prescribed standards from sharing in the pool fund. The performance standards are thus the opposite of a barrier to the shipment of milk to the market.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" would be defined as a plant approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

In order to qualify as a pool plant, a distributing plant should be required to dispose of on routes in the marketing area not less than 10 percent of its total receipts of Grade A fluid milk products.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. To preserve this distinction, a further condition should be placed on distributing plants. This is that a plant's total route distribution of Class I milk during the month, both inside and outside the marketing area, must be at least 50 percent of its receipts of Grade A fluid milk products. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator and be subject to payment alternatives hereinafter discussed if they are not fully subject to regulation under another order.

"Supply plant" is the other plant category for which standards for pooling must be provided. A supply plant would be defined to mean a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

To qualify for pool plant status, a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A plant thus shipping the major portion of its receipts from dairy farmers to regulated distributing plants is making a substantial contribution toward providing an adequate supply for the market and hence may reasonably be considered as an integral part of the fluid milk supply for the market. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under present conditions, be considered as contributing sufficiently to the market supply to share in the pool funds.

At the present time, there are no supply plants regularly serving the Upper Florida market, and it is not likely that there will be in the foreseeable future. However, provision should be made so that it will be possible for a supply plant to participate in the pool should there be a regular and continuing need for supply plant milk in the future.

Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated market. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

A definition of "nonpool plant" is provided to facilitate formulation of the various order provisions as they apply to such a plant. A nonpool plant would mean a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing, or bottling plant. Specific categories of nonpool plants would be defined as follows:

(1) "Other order plant" is a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant under this order and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool distributing plants than to plants under the other order or in the marketing area of such other order;

(2) "Producer-handler plant" is a plant operated by a producer-handler as defined in any order (including this order) issued pursuant to the Act;

(3) "Exempt distributing plant" is a distributing plant operated by a governmental agency;

(4) "Partially regulated distributing plant" is a nonpool plant that is a distributing plant and is not an other order plant, a producer-handler plant or an exempt distributing plant; and

(5) "Unregulated supply plant" is a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

A spokesman for the University of Florida (which maintains a dairy herd and a processing plant in Gainesville) requested that its dairy plant operation be exempt from the provisions of the Upper Florida order. This plant receives practically all of its milk from the 160 dairy cows maintained on the University's farms. The one load of supplemental milk purchased in 1965 by the University, at the beginning of the school year, was from a Tampa handler.

The milk production and processing carried on at Gainesville are maintained in connection with the research and educational functions of the University of Florida. They are used and deemed necessary in connection with the various courses given and research done under the auspices of the Dairy Science Department of the University. The plant facilities are used for laboratory instruction and research. Each animal in the herd is generally being used in at least two experiments.

Milk that is not needed for the various research projects is disposed of in fluid form through 15 campus cafeterias or manufactured into ice cream, cottage cheese, or other dairy products. In those periods when students are on vacation, the unneeded production is sold to Sunland Training Center, another State institution in Gainesville, or condensed for later use in the manufacture of ice cream.

Several other State educational institutions and mental and penal establishments within the proposed marketing area also maintain herds and bottling facilities to furnish milk to their residents. Detailed information on receipts and sales of milk at these institutions was not presented on the record. However, it is not the practice of these institutions to sell milk in commercial channels in competition with proprietary handlers and producers.

It is not likely that the University of Florida plant (or plants of governmental agencies similarly situated) will have production from its farm in excess of its usual requirements. Such excess production if it should develop could not be depended upon by handlers in the Upper Florida market as a regular or a supplemental supply during periods when the market may be short of milk. It would clearly be surplus milk incidental to the operation of the University's milk plant. Accordingly, the order should provide that milk received at pool plants from such incidental operations be allocated first to Class III. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and Class III prices.

The University of Florida's milk plant (and similar institutions) may at times be required to purchase supplemental supplies from handlers who would be regulated by the proposed order. It may reasonably be expected that purchases in the form of fluid milk products would be needed and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted from pool plants to exempt distributing plants be classified as Class I.

To qualify for pooling under the proposed order, milk must be received at a pool plant or diverted under specified conditions from a pool plant to a nonpool plant. Because an exempt distributing plant would be a nonpool plant, milk received at such plant from sources other than regulated plants and producers under the Upper Florida order would not be subject to the provisions of the order. Therefore, milk from producers' farms received at an exempt distributing plant could qualify as producer milk under the order only on the basis of its having been diverted from a pool plant. Otherwise, such milk would lose its producer milk status and would not be pooled or priced under the Upper Florida order.

Handler. The primary impact of regulation under an order is on handlers. A handler definition is necessary to identify those individuals from whom the market administrator must receive reports, or who have financial responsibility for payment for milk in accordance with its classified use value. As herein provided, the definition includes (a) persons operating pool plants; (b) a person operating a partially regulated distributing plant; (c) a cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant for its account; (d) a cooperative association with respect to its members' milk delivered in a tank truck under its control from the farm to a pool plant; (e) a person in his capacity as the operator of an other order plant; and (f) a producer-handler.

Designating as handlers the operators of the various types of plants that may be associated with the market is necessary so that the market administrator may require of them the reports to determine the regulatory status of the plants and the extent of the operators' obligations, if any, to the producer-settlement fund.

The principal cooperatives in the market assume the responsibility of balancing supplies among various handlers. Milk not needed for fluid uses generally can be most economically handled by diversion directly to manufacturing plants. To facilitate such handling, a cooperative is accorded handler status for milk which it causes to be diverted to nonpool plants for its account.

Requiring a cooperative to be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to the cooperative will afford a practicable basis of accounting for such milk. In addition, it will provide added flexibility to a cooperative's operations in allocating its members' milk among handlers.

Once milk from a producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity to determine only the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. Handlers have no control and generally take no part in determining the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms their milk is shipped.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund, and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed elsewhere in this decision, differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Producer-handler. Producer-handler should be defined as any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

The order is not intended to establish minimum prices for producer-handlers, but they should be required to make reports to the market administrator. Such reports are necessary to determine whether the operator continues to meet the producer-handler definition.

The producer-handler definition herein provided, which is patterned after that proposed by producers, is essentially the same as the producer-handler definition in the Tampa Bay and Southeastern Florida orders. Proposals by handlers, however, would restrict producer-handler status to those who met the qualifications herein proposed and handled not more than 200,000 pounds of milk monthly. Handlers would also require that a producer-handler who failed to qualify as such in 1 month would lose his producer-handler status for the next 11 months. On the other hand, some pro-

ducer-handlers proposed broad exemptions which would allow them a preferred allocation for their own production and have other area producers supply their supplementary needs. A specific proposal of two handlers with own-farm production would permit a producer-handler to purchase up to 10 percent of his Class I sales from pool sources without losing producer-handler status.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that to maintain producer-handler status, the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of milk shall be the personal enterprise and risk of the person involved. The term producer-handler is not intended to include any person who does not accept the responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Exemption from regulation as a producer-handler must be limited to those persons whose own farm production is the sole source of their Class I disposition (except nonfat solids used to fortify Class I products). To permit them to purchase fluid milk products from other sources without becoming fully regulated would give them an unwarranted competitive advantage over other handlers in the market. This is so because they would be able to retain the full value of their Class I sales for themselves without assuming the burden of their own surplus. However, as long as they produce their own Class I needs and the necessary reserves and handle their own excess production, producer-handlers will not have a significant advantage over regulated handlers under present marketing conditions.

Any milk which a regulated handler receives from a producer-handler would be other source milk and, therefore, would be allocated to the lowest use classification after the allocation of shrinkage on producer milk. This is appropriate since milk disposed of to another handler normally would be surplus to the operation of the producer-handler.

In proposing that a producer-handler who failed to qualify as such in 1 month would lose his producer-handler status for the next 11 months, handlers maintained that this would prevent him from exploiting the pool by becoming regulated when it was to his advantage, while retaining his exempt status at other times. Such a provision, however, could result in hardship in some instances. For example, an inadvertent failure to meet all requirements for producer-handler status in 1 month could cause a person to lose his designation as a producer-handler for an entire year. The regulatory effect of such action might too often tend to be disproportionate to the relative significance of the requirement that was not met. Since a producer-handler must rely on his own production, he must establish adequate production facilities to assure a sufficient milk supply for his operation. Because of this, it is unlikely that a producer-handler will shift back and forth between his exempt status and that of a regulated handler for the purpose of exploiting the pool.

It is expected that less than half of the 25 handlers in the market with own-farm production will qualify as producer-handlers under the order. At least three such handlers distribute more than 200,000 pounds of milk monthly. The combined operations of these three potential producer-handlers account for more than 10 percent of the total Class I sales in the proposed marketing area. Because their sales are such a relatively large proportion of the market total, handlers who would be regulated under the proposed order stressed the need to have such large operations regulated. Proponents, however, did not show that these producer-handlers have any cost advantage on Class I milk or are a disruptive factor in the market. Moreover, it was not established that exempting those handlers with own-farm production who qualify as producer-handlers, even the three largest, would affect adversely the competitive position of regulated handlers or producers. For the above stated reasons, the proposals to limit producer-handler status to operations of not more than 200,000 pounds of milk monthly and the proposal that would deny producer-handler status during the succeeding 11 months to a producer-handler who failed to qualify as such in 1 month are denied.

Route. The term "route" would mean a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor, or vending machine) of a fluid milk product classified as Class I.

Fluid milk products may be moved from a milk plant to a distribution facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered route distribution from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

Producer. Producer should mean any person (except a producer-handler or a governmental agency in its capacity as the operator of an exempt distributing plant) who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted therefrom to a nonpool plant under certain conditions. The producer definition will provide the necessary distinction between the production of those farmers whose milk will be priced and pooled each month under the Upper Florida order and the receipts at handlers' plants from all other sources.

Fluid milk products. Fluid milk products should mean milk (including frozen and concentrated milk), flavored milk and skim milk. The definition should not, however, include sterilized products in hermetically sealed containers. The items designated as fluid milk products pursuant to this definition are those products which, when disposed of by handlers, are included as Class I milk.

Producer milk. Producer milk is intended to include all milk that is fully regulated by the order. Accordingly, it should be defined as all skim milk and butterfat contained in milk received at a pool plant directly from dairy farmers and milk diverted from a pool plant to a nonpool plant under certain conditions. As provided elsewhere in this decision, milk delivered by a cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator at the pool plant at which it was physically received.

Producer milk should not include any milk moved from a farm directly to an other order plant since such milk's eligibility to be included under a Federal order would be more appropriately determined at the other order plant where received. In fact, diversion to such plants if permitted could result in the pricing and pooling of the same milk under two orders.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. It is necessary, however, to provide limitations on the amount of milk which may be diverted so that only that milk which is genuinely associated with the market will be diverted and only at those times when it is not needed in the market for Class I purposes.

Producers associated with this market are not expected to produce large quantities of milk in excess of the market's fluid requirements. Diversion provisions are provided herein primarily to enable handlers and cooperative associations to divert producer milk on such occasions as weekends and holidays when the milk is not needed in the market for Class I purposes.

Diversion of producer milk by a cooperative to a nonpool plant should be limited to 25 percent of the milk physically received from its producer-members at pool plants during the month. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 25 percent of the quantity of producer milk physically received at his plant during the month.

The proposed diversion provisions are appropriate under the conditions in the Upper Florida order market. There was no opposition to the diversion provisions, which were supported by both producers and handlers at the hearing.

Only that milk genuinely associated with the market should be eligible to be diverted to nonpool plants. Therefore, it is provided that at least 10 days' production of a producer must be received at a pool plant during the month to qualify any of his production in the same month for diversion within the limits described above. A producer shipping on an every-other-day basis would under this standard be required, in effect, to ship only five days. The requirement herein

adopted is sufficient to establish a producer's association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

Milk diverted to nonpool plants in excess of the limitations provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances, the diverting handler would specify which milk is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be made ineligible as producer milk.

Producer milk that is diverted should be priced at the location of the plant to which diverted instead of at the location of the pool plant to which it is customarily delivered. To provide for pricing such milk at the latter location would be inappropriate. This is because it would result in producers in the market paying (through the pool) a transportation cost to the market on milk which is not moved to the market and on which an equivalent transportation charge is not incurred.

Other source milk. A definition of "other source milk" is necessary to facilitate the application of the order to the various categories of receipts at a regulated plant.

Other source milk should include all skim milk and butterfat contained in or represented by (a) fluid milk products and Class II products utilized by the handler in his operation (except producer milk, fluid milk products and Class II products from pool plants, and fluid milk products and Class II products in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of nonfluid milk products in a form in which they may be converted into Class I products and which are not otherwise accounted for under the order.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as a result of the discrepancy between records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of the nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid products would gain a competitive advantage over other handlers in the market.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as Class I, Class II, or Class III milk.

Milk is received by handlers directly from dairy farmers, from other handlers, and from other sources. Milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to have a plan for allocating the uses of milk to each source of supply in order to afford a means to establish the classification of producer milk and to apply the classified pricing plan.

The products included in Class I milk are required by health authorities in the marketing area to be obtained from milk or milk products from "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products considerably above the manufacturing milk price. This higher price should be at a level which will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

In accordance with these standards, the Class I milk should include all skim milk and butterfat disposed of in the form of milk, flavored milk, and skim milk. Class I, however, should not include any of the above products which are sterilized and in hermetically sealed containers. Fluid milk products to which extra skim milk solids have been added, and frozen or concentrated milk disposed of for fluid use likewise would be included as Class I milk. Any skim milk and butterfat not accounted for in either Class II or Class III also would be included in Class I.

Class II should include cream, sour cream, half and half, buttermilk, chocolate drink, and acidophilus milk. The distinction between Class II products and products included in Class I is that the marketing area health authorities permit the use of milk products from uninspected sources in the preparation of products herein designated as Class II. A separate Class II classification is necessary, therefore, so that a separate price may be applied consistent with the somewhat lower value of such products in this market.

Producers proposed that the skim milk and butterfat in the products herein designated as Class II dispositions be included in Class I. They asserted that Florida statute requires that these products be made from Grade A milk. However, the Director of Milk Industry for the Florida Department of Agriculture stated that, in practice, it is not required that Grade A milk be used in the manufacture of these Class II products. Historically, the products herein designated as Class II have been included in a separate classification in Florida and priced significantly below the Class I price. Both the Tampa Bay and Southeastern Florida orders have a separate Class II classification for these products. No change has taken place in the application of the State statute to require any different classification for these products in the Upper Florida order than is now provided under the other two Federal orders in the State or from what has been historically the practice in the market. The producer proposal to include these Class II products in the Class I classification is therefore denied.

Some nonfat milk solids are utilized, through reconstitution or fortification, in the preparation of Class I and Class II products distributed in the marketing area. For purposes of accounting for the skim milk required to produce the product, the added nonfat milk solids should include the normal quantity of water originally associated with the solids. The volume of the reconstituted or fortified product classified as Class I or Class II, whichever is applicable, would be a quantity equal to the volume of the same product made without the addition of nonfat milk solids. The remaining volume of the product, which represents the skim milk equivalent of added nonfat milk solids, should be classified as Class III.

Class III should be all skim milk and butterfat used to produce frozen desserts (e.g., ice cream and ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and sterilized products in hermetically sealed containers.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products and Class II products be classified in Class II milk. Such inventories would be subtracted, under the allocation procedures, from any available Class II in the following month. The higher use value of any such skim milk and butterfat allocated to Class I in the following month will be reflected in returns to producers.

Inventories should include all the skim milk and butterfat in bulk and packaged fluid milk products and Class II products. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class III milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products and Class II products on hand at a plant at the beginning of the first month in which the order becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of cur-

rent producer milk receipts to current Class I utilization.

The proposed method of handling inventories is identical with that provided in the Tampa Bay order. In urging its adoption, handlers stressed the desirability of having inventories handled in the same manner in these adjacent orders.

Producers proposed that ending inventories be classified in Class I and that the differences between the Class I prices in each month be taken into account when pricing inventories classified in Class I in the following month. As outlined at the hearing, it was not shown that application of the order would be facilitated or that producers would realize any significant advantage by classifying inventories in Class I.

The fluid milk products and Class II products contained in inventory and classified in Class II might be used in the following month in a Class I, Class II, or Class III classification. On any such inventory used in Class I in the following month, handlers must pay the difference between the applicable Class I price in the month it was utilized and the Class II price at which it was priced in the preceding month. Under the three-classification system provided in the Upper Florida order, this manner of handling inventories will tend to work out more practicably and equitably than classifying closing inventory in Class I in the manner proposed by producers. The producer proposal, therefore, is denied.

Skim milk and butterfat in fluid milk products and Class II products dumped or disposed of by a handler for livestock feed should be classified as Class III milk. Such outlets often represent the most efficient means for disposing of surplus skim milk. Transportation and handling costs are such that it is uneconomical to ship relatively small quantities of unneeded skim milk to trade outlets for surplus skim milk. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat which is not salvageable should be classified as Class III when dumped or disposed of for livestock feed.

It would not be practicable to permit in an unlimited manner the dumping of skim milk and butterfat by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat, for which no better outlet is available, in other than Class III. Accordingly, the order should clearly specify a Class III classification for skim milk and butterfat dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage." Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class III milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class III at each pool plant should be 2 percent of producer milk (except that diverted to a nonpool plant or for which a cooperative association is the handler), plus 1.5 percent of producer milk from a cooperative as a handler and bulk fluid milk products from pool plants of other handlers and less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler). A 1.5 percent shrinkage allowance would be allowed on bulk fluid milk products received from other order plants and unregulated supply plants (exclusive of the quantity for which Class II or Class III utilization is requested by the handler).

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

As provided elsewhere in this decision, a cooperative would be the handler for milk delivered from producers' farms to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is a handler under such conditions, the operator of a pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full 2 percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders and provides a reasonable basis for the allocation of the shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III; any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I. The cooperative would be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantities of bulk tank milk physically received at a pool plant from a cooperative during the month is the same as or greater than farm weights, the cooperative would have no settlement to make with the producer-settlement fund on such milk. However, in those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund would be on the basis of the weights ascertained at his plant.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses along with quantities received from pool plants and producers. Under the allocation system provided, such other source milk will share with producer milk in any shrinkage allocated to Class I when the specified Class III shrinkage limitations are exceeded. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated first to Class III uses, since the allocation procedure insures assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated therewith.

To insure an equitable assignment of total shrinkage to the two categories of receipts (i.e., receipts for which there is a percentage limitation for Class III shrinkage assignment and receipts for which there is no such limitation), the total shrinkage should be prorated to these two categories.

Skim milk and butterfat are not used in most products in the same proportions farmers and, therefore, should be classias contained in the milk received from fied according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an appropriate means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of concentrated milk products such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Skim milk and butterfat used to produce Class III products should be con-

sidered to be disposed of when the Class III product is produced. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator so that verification of such Class III uses may be made. If a handler fails to keep the necessary records for verification purposes, the skim milk and butterfat will be reclassified as Class I milk.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be held responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the quantities of shrinkage that may be classified in Class III, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Some Class I or Class II items may be disposed of to other plants for Class III use. It is necessary, therefore, to provide specific rules so that the classification of such transfers may be determined, under this order.

Fluid milk products and Class II products transferred from a pool plant to the pool plant of another handler should be classified as Class I milk unless utilization as Class II or Class III milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II or Class III utilization must be available at the transferee plant for such assignment after the allocation of all other source milk at such transferee plant during the month. Moreover, if other source milk of the type to which a surplus value inherently applies (such as nonfat milk solids) has been received at the shipping plant during the month, the skim milk or butterfat in fluid milk products or Class II products involved in such transfer should be classified so as to allocate the least possible Class I utilization to such other source milk. If the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

Fluid milk products or Class II products transferred or diverted to a nonpool plant (other than transfers to the plant of a producer-handler, an exempt distributing plant, or an other order plant) should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk and milk products in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

Any Class I utilization disposed of on routes in this marketing area from the nonpool plant should be first assigned to fluid milk products transferred from pool plants and then pro rata to receipts from all other order plants and last to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant.

Any Class I utilization disposed of on from the nonpool plant on routes in the marketing area of another Federal order should be assigned to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by this order and all other Federal orders and thereafter to the nonpool plant's regular Grade A dairy farmers.

Any Class I utilization remaining in the nonpool plant after the above assignments should be assigned to the plant's regular Grade A dairy farmers and then pro rata to unassigned receipts from plants regulated by this order and other orders.

After the above assignments to Class I are made, any remaining receipts of fluid milk products from pool plants would be classified in sequence as Class III and then Class II. Also, any Class II milk which is not assigned pursuant to the above sequence would be classified as Class II.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and also gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving highest use priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

In the case of fluid milk products or Class II products transferred from pool plants to other order plants, specific rules are necessary to provide equitable treatment to the handlers in both orders and coordinate the classification under the orders.

Such products transferred to an other order plant in excess of receipts from such plant in the same category (packaged, bulk designated for surplus disposal, or bulk milk not so designated) should be classified in the comparable classes to which allocated under the other order. If the operators of both the transferor and transferee plants so request, transfers in bulk form should be classified as Class II or Class III to the extent that Class II or Class III utilization (or comparable utilization under such other order) is available for such assignment under the allocation provisions of the transferee order. Such requests should be filed with the respective market administrators with their reports of receipts and utilization for the month.

If information concerning the classification to which the products transferred are allocated under the transferee order is not available to the market administrator for purposes of establishing classification under this order, then classification of fluid milk products and Class II products transferred should be as Class I and Class II, respectively, subject to adjustment when such information is available. If the transferee order provides for more than two classes of utilization, allocations to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes should be classified in a comparable classification as Class II or Class III.

If the form in which a fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification should be in accordance with the form in which it leaves the transferor plant. This would be the case where the classification of a product differs in the shipping and receiving markets and according identical classification is not possible. These differences exist primarily because the health authorities in different areas have varying requirements with respect to the use of Grade A milk in some milk products. Hence, the order provisions must be designed to accommodate the differences in classification which might exist in this order compared to any order market from which such product is received.

Allocation. Because the value of producer milk is based on its classification, the order must prescribe an assignment of receipts from all sources during the month to establish such classification.

The system of allocating handlers' receipts to the various classes must be similar to that adopted in the decisions issued June 19, 1964, for 76 milk orders, of which official notice has been taken. These decisions were designed to integrate into the regulatory plan of each of the orders milk which is not subject to classified pricing under any order, and to apply the regulatory plan of each of the orders to milk regulated under another order which is disposed of from the other order plant on routes in the marketing area, or is received at a fully regulated plant. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is desirable that the system of allocation under this order be similar. Further, the treatment of other order milk should conform with the plan included in those decisions so as to coordinate the applicable regulations on all movements of milk between Federal

order markets. Producers and handlers recognized the necessity for such coordination and proposed allocation provisions similar to those adopted in other orders.

Except for relatively minor variations to accommodate this individual market's situation, the general scheme of allocation must be based on the considerations of coordination among markets and uniform treatment of unregulated milk in the several markets.

When a handler receives a Class II product from nonpool plants in the same month that he utilizes producer milk to make Class II products, there is usually an intermingling of such products at the plant. However, some handlers may, at times, receive Class II products from nonpool plants for Class III utilizations in their plants. It would be appropriate in such instances to subtract these receipts from nonpool sources from the handler's available Class III utilization if the handler so requested it. Otherwise it is not possible to ascertain what proportion of the Class II products from each source was actually used in the handler's Class II and Class III dispositions. To give priority in the assignment of a handler's Class II utilization to either the Class II products produced at his plant or those obtained from nonpool sources might often result in inequities, under different circumstances, to both producers and handlers. Because Class II products from all sources are intermingled at the plant and since such products may be disposed of in either Class II or Class III utilizations, equity to both producers and handlers will be best achieved by allocating the available Class II utilization of a handler on a pro rata basis to the skim milk and butterfat in Class II products received from nonpool plants and those produced at the plant.

Milk received at regulated plants from unregulated plants. When unregulated milk eligible for Class I distribution in the marketing area is received at a pool plant, provision must be made for its allocation to the total available classification of such pool plant and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant be classified as Class II or Class III milk if so reported by the operator of the regulated plant. Milk may be purchased by a pool plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I or Class II requirements. When the purchase is for Class II or manufacturing uses, the order should accommodate this by providing that such milk be allocated to the indicated class utilization in the pool plant. This treatment of unregulated milk further serves to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities. Hence, it will make available as an outlet any manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When, however, Class II or Class III utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class III use (down allocated) should include receipts from producer-handlers, receipts from exempt distributing plants, receipts without Grade A certification, and reconstituted milk. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of milk received from unregulated plants (not producer-handlers or exempt distributing plants, however) the order should provide that (within limits) unregulated milk received at a pool plant, which is not specifically designated for manufacturing use, be assigned a classification which is pro rata to regulated milk received by the operator of such plant. This should be provided because classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II or III use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I, II, or III will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers often obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in his Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plant is assigned to Class II and Class III, all additional unregulated milk will then be assigned to such lower classes. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations. An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of maintaining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Whenever a handler has a milk supply such that 20 percent of his receipts are in Class II and Class III, he is fully supplied for furnishing a regulated Class I market. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order[2] (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear; i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher

[2] Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.

value to the plant operator than its surplus value. In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class III milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class III. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Even though surplus milk obviously is available to handlers from time to time, there is no indication that they have exploited their opportunities to use such milk. It is concluded, therefore, in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually had only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the uniform price, both adjusted for butterfat content and the location of the unregulated plant from which the milk was received. Although the use of the uniform price as the subtrahend will not assure complete removal of the price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay the uniform price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required of regulated milk. If the handler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a regulated handler. The allowance of a credit for milk from unregulated plants used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.

The order must contain provisions of this kind which serve to adequately relate to the total scheme of regulation that milk received by regulated handlers which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

There may be instances where a distributor is subject to State milk control and pays the State minimum price on all of his receipts of milk including some that is assigned as Class I in a federally regulated market. The method of assignment and rate of payment into the producer-settlement fund applicable to other unregulated milk must also be applied to this source of "unregulated" milk, even though the State regulated distributor may have paid a price for the Class I milk disposed of in the Federal order market that was higher than the uniform price established by the Federal order. This is necessary for the same reasons as apply to any operator of a plant who, for whatever reasons, pays a price for milk higher than the Federal order uniform price.

The evidence does not show that packaged milk is received from unregulated plants. However, in case such a contingency should arise in the future, a rule for dealing with it must be provided. In the absence of evidence as to a specific method of dealing with such receipts, it should be provided that packaged milk received from an unregulated plant will be treated the same as bulk milk.

Producer-handler surplus, reconstituted milk, non-Grade A milk. Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, it must be assigned a surplus value. Such sources include milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order) and exempt distributing plants. Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following "down-allocation" to the extent it can be absorbed in lower priced uses.

In this order as in most other orders, the producer-handler is exempt from the pooling and pricing provisions. This exemption is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the order makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I and Class II milk. Normally they do not maintain facilities for processing and manufacturing any milk produced in excess of their fluid needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their needs. The best available outlets for this surplus milk usually are to fully regulated plants in the market. In view of a producer-handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dispose of such excesses at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus. As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers, he should not also receive Class I benefit from a market pool, at the expense of producers, for any of his milk which he is unable to sell in such way. Surplus milk purchases from producer-handlers operating under another order has the same potential for creating disorderly marketing conditions as surplus from producer-handlers operating under the same order. Therefore, no distinction in treatment for such milk should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to Class III and then Class II milk at the pool plant. If any is then assigned to Class I, a payment into the

producer-settlement fund at the Class I-surplus price difference should be applied. Such rate of payment on receipts by federally-regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[3]

From time to time, exempt distributing plants will have production from their farms in excess of their fluid milk requirements. Such excess production could not be depended upon by handlers in the market as either a regular supply of milk or a supplemental supply during periods when the market may be short of milk. It would clearly be surplus milk incidental to the operation of the exempt distributing plant. Accordingly, the order should provide that milk received at pool plants from such exempt operations be allocated first to Class III and then Class II milk at pool plants. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and surplus prices. The University of Florida spokesman requesting that its and similar governmental operations be designated exempt distributing plants testified that such operations would expect to receive credit only at the Class III price for any milk which they may deliver to pool plants.

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus value. Producer milk used to produce such products is priced as surplus. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content, thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat milk solids in fluid milk products.

Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added. The essential economic difference in the use of nonfat milk solids for fortification of fluid milk products versus their use for reconstitution is recognized in the class use definitions. The class use definitions, which provide that the fluid equivalent of the added solids shall be Class III (excepting the minor quantity of increase in volume of the fortified product), and the allocation provisions which would assign the fluid equivalent of solids used to Class III milk, accomplish appropriate accounting and result in a proper obligation against the handler.

Milk of manufacturing grade is not eligible for Class I uses under the requirements of the health authorities in the market. In dual-purpose plants, however, such milk could find its way into Class I in the pool plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufactured milk only. The manufacturing value is the price which processors pay for this grade of milk. Receipts at a pool plant of manufacturing grade milk, therefore, should be assigned first to use in Class III. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the difference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption (Grade A milk) must be identified. Any receipts from unidentifiable sources must therefore be treated as milk of manufacturing grade.

Receipts from other order plants. The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products received from a fully regulated plant under another order. The remaining 2 percent should be assigned to Class III. The 2 percent may be considered as a safeguard against possible "over-assignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, an allowance of 2 percent for such returns, which must fall into surplus use, should be included to avoid such overassignment in Class I.

Prior to amendments to orders effective August 1, 1964, a variety of classification methods had applied to intermarket transfers of bulk milk. Such a variety of methods could not achieve the objective of appropriately integrating into the respective regulatory schemes in a uniform and consistent way intermarket shipments of regulated milk. Following the pattern of these amendments, a Class II or Class III classification should apply whenever the parties involved agree that the shipment involved is for one or the other of these class uses. A higher classification would result only when it is found, on verification, that some portion of the milk could not have been used in the classification claimed. The portion then would be reclassified as Class I.

Interorder shipments of bulk milk which are not classified as Class II or Class III by agreement should be classified as Class I, Class II, and Class III on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II and Class III is not greater than the receiving handler has utilized in such classes.

The order should not provide for marketwide proration of milk received from an other order plant when the receiving handler has a greater proportion of milk in Classes II and III than the average in the receiving market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use. Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Classes II and III than the market average because it would assign a disproportionate share of local producers' milk to such classes.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions corresponding to those herein adopted, the situation will not arise where milk

[3] 7 U.S.C. section 672, which contains the codified language of section 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under sections 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized and confirmed."

transferred would be classified as Class I in the shipping market and Class II or Class III in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market.

Handlers who receive milk from other order plants or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides, it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from other order plants and unregulated plants and avoid the allocation provisions applicable to milk received directly from such plants.

In any month in which bulk milk is received in the market (without agreement as to Class II or Class III classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market. It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. It is provided that such estimate will be made and publicly announced to the nearest whole percentage and, for this purpose, will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from another Federal order will promptly notify the administrator of the shipping market of the allocation of such milk so that a compatible classification on such milk may be applied under the shipping orders. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order should provide similarly for such interchange of information.

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based on its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

(c) *Class prices*—(1) *Class I price.* The price for Class I milk should be computed by adding $2.80 to a basic formula price (Minnesota-Wisconsin manufacturing milk price series).

The method of adding a differential to such basic formula price in determining the price for Class I milk gives appropriate consideration to the economic factors underlying the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the proposed marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes.

A differential over manufacturing milk prices is necessary to cover the extra costs of meeting quality requirements in the production of milk for fluid uses and in transporting the milk to the market. Moreover, it is a necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid milk.

Producers proposed that the Class I price be computed by adding a specified differential to a basic formula price. As the basic formula price, they proposed the Minnesota-Wisconsin manufacturing milk price series. This series is based on prices paid at a large number of manufacturing plants in each of the two States. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and the total dollars paid to dairy farmers for such milk, f.o.b. plant. These prices are reported on a current month basis and the announced Minnesota-Wisconsin price is available on or before the 5th day of the following month. The Minnesota-Wisconsin price series is the basic formula price in 56 Federal order markets, including markets that serve as sources of supplemental milk for Upper Florida handlers.

This price series reflects a manufacturing price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of such products within a highly coordinated marketing system which is national in scale. The series is appropriate for use in establishing milk prices under the Upper Florida order.

Since the Class I price for the current month would be announced by the 5th day of the month, the basic formula price used in computing the Class I price should be that reflecting the Minnesota-Wisconsin price for the preceding month. This procedure is commonly used in other Federal orders.

Producers proposed that a Class I differential of $3.15 be added to a basic formula price. Handlers proposed that the Class I price be tied directly to the Tampa Bay Class I price. Under the latter scheme, the Upper Florida price during the months of August through January would be the Tampa Bay Class I price and for the remaining months, such price less 23 cents. This would result, in effect, in an annual Class I differential of $2.885 for the Upper Florida order.

The Class I price must be established at a level which, in conjunction with the other class prices, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including the necessary market reserves. The Class I price also must be in alignment with those prevailing in nearby Federal order markets. It should not be at a level, though, which exceeds the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

The Class I price proposed herein (basic formula plus $2.80) will tend to maintain an adequate supply of milk for the market and will be reasonably aligned with Class I prices in nearby Federal order markets. For 1965, such price would have averaged $6.06. The Tampa Bay Class I price formula averaged $6.23 in 1965 and the average Southeastern Florida Class I price that year was $6.40.

As indicated, producers proposed a Class I differential of $3.15. This differential would obtain a Class I price 15 cents more than Tampa Bay's and only 5 cents below the Southeastern Florida Class I price. The Class I differentials under the latter orders, both of which use the Minnesota-Wisconsin price series as a basic formula price, are $3.00 and $3.20, respectively.

The difference between Class I prices proposed for the Upper Florida order and the Tampa Bay and Southeastern Florida Class I prices recognizes that Upper Florida plants are significantly nearer alternative sources of supply than plants in the other Florida order markets. Such supplies, which are not customarily available within the State, must be obtained from out-of-State sources to the north. The Upper Florida market is closer geographically to such sources of milk.

Milk qualified for fluid distribution in the Upper Florida market is available from other Federal order markets. Upper Florida handlers generally depend on other order plants for supplemental supplies. For the year ending September 1965, nearly 20 million pounds of milk were imported by them from these and other sources. If the Upper Florida Class I price is not reasonably aligned with Class I prices under these orders, regulated handlers might turn to these sources for their milk supplies even when local milk is available.

Nashville is a principal source of supplemental milk for the Upper Florida market. In 1965, the Nashville Class I

price averaged $4.64 per hundredweight for milk of 3.5 percent butterfat. Nashville is 570 miles from Jacksonville, the major distribution point and the center of the heaviest concentration of population in the proposed marketing area. At 1.5 cents per hundredweight for each 10 miles (the location differential applicable under the Nashville order), the hauling cost for Nashville milk delivered to Jacksonville is 86 cents per hundredweight. On this basis, the Nashville Class I price f.o.b. Jacksonville averaged $5.50 in 1965. This latter price gives no consideration, however, to the various other costs that would be incurred in obtaining a regular and dependable supply of milk from Nashville, or a market similarly situated, on a year-round basis.

The cost to Upper Florida handlers for milk from Nashville and from other Federal order markets will not vary significantly. This is because the Class I prices in all such markets must bear a reasonable relationship to each other. The proposed Upper Florida Class I price represents a reasonable alignment with prices in other markets from which milk may be obtained.

In excepting to the Class I price herein provided, producers contend that a price at least 10 cents higher is justified primarily on the basis that the skim milk and butterfat in Class II products (at the lower Class II price) are classified and priced as Class I under most Federal orders.

The level of the Class I price specified in a Federal order is designed to obtain an adequate supply of milk for Class I purposes plus an appropriate reserve of milk to insure against short-range fluctuation in supplies and sales. The fact that certain products often included in Class I in other markets are included in Class II in this market simply means that a lesser quantity of milk is needed for Class I. The fact that these products are in Class II provides no basis for adjusting the Class I price. On all of the evidence of the record it is apparent that the Class I price established in this order is at a level which will tend to obtain an adequate supply of milk for Class I purposes plus an appropriate reserve.

There is no need to specify in the order that the Tampa Bay Class I price shall be used as the basis for the Upper Florida Class I price. Handlers advocated this for the purpose of assuring that the Upper Florida price would not exceed the Southeastern Florida Class I price. The Tampa Bay order contains such a provision with respect to its Class I price.

Prior to July 1, 1966, and at the time of the hearing on which this decision is based, the Southeastern Florida Class I price was set at $6.625, subject to supply-demand adjustments and maximum-minimum price limits. The order was amended July 1, however, to provide that the Class I price be the Minnesota-Wisconsin price plus a Class I differential of $3.20 (31 F.R. 9045). Inasmuch as the Tampa Bay Class I price is the Minnesota-Wisconsin price plus $3.00, the Class I prices under the two orders are in a fixed relationship with each other. The proposed Upper Florida Class I price, based on a similar price formula, likewise would be in a fixed relationship with the Class I prices in the two neighboring markets.

A seasonal pricing scheme as proposed by handlers should not be adopted. Such pricing would result during certain months in substantial price differences between the Upper Florida order and the Tampa Bay and Southeastern Florida orders which use a "flat" differential. During the months when the lower differential is in effect, Upper Florida handlers, particularly those in the Orlando vicinity, would have a definite price advantage over handlers in the adjacent markets. The price relationship between the Upper Florida and the Tampa Bay and Southeastern Florida orders is developed further in the findings on location differentials.

It is proposed herein that the Upper Florida Class I price be effective only for the first 18 months in which the order is fully effective. It is appropriate that the Class I price structure be reexamined at a public hearing after the accumulation of at least 1 year's data on milk supplies and sales. At that time, sufficient experience under the order would be available to determine whether the Class I price should be adjusted. Also, sufficient data would be available to determine whether a supply-demand adjustor should be incorporated into the order to automatically vary the Class I price in relation to current supply-sales relationships.

(2) *Class II price.* The Class II price should be established by adding $1.00 to the basic formula price. This price, which is the same as provided in the nearby Tampa Bay order, averaged $4.27 in 1965.

In supporting the proposed Class II price, handlers emphasized the importance of having the same Class II price in both this and the Tampa Bay order. There was no opposition at the hearing to the proposed Class II price.

Locally produced milk is not always adequate to meet handlers' total needs. When local supplies are short, handlers obtain concentrated dairy products from other sources for further processing into Class II products at their plants.

The cost of such supplies are affected by transportation over long distances. Local producer milk supplies used in Class II compete directly with these concentrated products delivered to the marketing area. The Class II price under the order must be maintained in close alignment with the cost of these alternative supplies.

The proposed Class II price approximates the price level for Class II milk provided under the past regulations of the Florida Milk Commission and that now provided in the Southeastern Florida order.

(3) *Class III price.* The Class III price should be established by adding 15 cents to the basic formula price.

The basic formula price reflects the value of manufacturing milk in the major milk production areas of the United States. Because manufactured milk products compete on a national basis, it is important that the price for surplus uses in the market be in close alignment with similar uses nationally. Both producers and handlers supported the Class III price that is herein proposed and which is the same as that provided in the nearby Tampa Bay order.

Negligible quantities of milk for Class III uses are produced in Florida. Handlers depend on shipments of products in manufactured form for most of their Class III requirements. On these manufactured products, they incur transportation charges, although at relatively low rates in terms of dollars per hundredweight of milk equivalent.

The Class III price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I and Class II needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to seek milk supplies solely for the purpose of converting them into Class III products.

The pricing of reserve milk as herein proposed should reflect the competitive value of reserve milk utilized for manufacturing purposes in the area and will reflect the competitive value of manufacturing milk on a national basis. It provides approximately the same price level for products included in Class III which has prevailed in this market.

(4) *Butterfat differentials.* Because of variations in the butterfat content of milk delivered by individual producers and in milk and milk products sold by different handlers, it is necessary to provide "butterfat differentials" to insure equitable payments for such variations in butterfat.

The Class I and Class II butterfat differentials should be established at 7.5 cents for each one-tenth of 1 percent variation in butterfat above or below 3.5 percent. The Class III butterfat differential should be determined by multiplying the Chicago butter price by 0.115.

The proposed Class I and Class II butterfat differentials, which are the same as those in the Tampa Bay and Southeastern Florida orders, are representative of the value of butterfat when disposed of in the fluid items included in these classes. These differentials were proposed by handlers, who emphasized the importance of maintaining the same butterfat differentials in Upper Florida as in the other Florida orders.

Producers proposed a Class I butterfat differential of 12.5 percent times the Chicago butter price. This differential, which would have averaged 7.5 cents in 1965, varied in that year from 7.2 cents in February and March to 7.9 cents in December. Historically, the Class I butterfat differential in the Florida markets has been maintained at a constant rate from month to month, as is now provided in the Tampa Bay and Southeastern Florida orders. It was not shown that the differential proposed by producers would be advantageous to them economically or would otherwise be more appropriate than the Class I butterfat differential that had been found acceptable by handlers and producers throughout Florida in the past.

The proposed Class III butterfat differential of 11.5 percent of the Chicago butter price, which is the same as that contained in the Tampa Bay order, is likewise comparable with its counterpart in other orders throughout the country. It will vary from month to month as the price of butter varies. Hence, it will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets.

The Class II and Class III prices and the Class III butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II and Class III milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy production prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I, Class II, and Class III butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the orders.

(5) *Solids-not-fat differentials.* In the hearing notice, producers proposed solids-not-fat (SNF) differentials. These would be applied (in the same manner as butterfat differentials) on producer milk containing more or less than 8.47 pounds of SNF per hundredweight of milk; a hundredweight of 3.5 percent milk contains about 8.47 pounds of SNF. As proposed, class prices would be adjusted for each one-tenth percent SNF above or below 8.47 pounds by 4.1 cents on Class I and 1.7 cents on Class II. These differentials were arrived at by subtracting the applicable butterfat value from each class price and dividing the remainder by the pounds of SNF in a hundredweight of 3.5 percent milk.

At the hearing, producers withdrew their proposal for SNF differentials, but asked instead that they be applied on a "dry run" basis during the first 6 months of the order. In this period, producer milk would be tested for SNF content and the market administrator would make calculations and announce what the individual producer prices would have been if the SNF differentials had been applicable. Although producers claim that testing for SNF has been perfected and is now practicable, a trial period was requested to obtain experience in the operation of an SNF program. Handlers opposed making provision in the order for an SNF differential on a dry run or any other basis.

SNF tests are not commonly made or applied in paying dairy farmers for their deliveries. No Federal order, currently or in the past, has provided for the adjustment of Class I prices or payments to producers on the basis of the SNF content of milk. The State of California was the only place cited in which some milk was paid for on the basis of its SNF content. However, no testimony was presented concerning the experience in California and whether its use there had any application to conditions in the Upper Florida market.

At least two research projects have been conducted to test consumer acceptance of milk with varying amounts of SNF. These projects, it was claimed, tended to establish that consumers found milk with a high SNF content more palatable and desirable than milk of a low or normal SNF content. None of these research projects were conducted in the Upper Florida market.

The amount of SNF in milk is generally related to the amount of butterfat in the milk. Milk with a high butterfat content contains a greater percentage of SNF than low testing milk. However, the SNF in milk does not increase directly in proportion to the increases in butterfat.

The returns of producers of high test milk are enhanced by the butterfat differentials provided in the order, which were supported by both producers and handlers. In effect, the portion of the increased returns obtained through the butterfat differentials on milk with a high butterfat content might reasonably be considered as representing compensation for the greater SNF content of such milk. If there is an even greater value for high butterfat milk than that represented by the butterfat differentials proposed, it was not established at the hearing. Moreover, there is no indication that the demand by handlers and consumers in the Upper Florida market for milk of high butterfat content is such as to justify higher prices for such milk than would be realized by the class prices and butterfat differentials in the proposed order.

It was not shown that the butterfat and SNF content of milk now produced for the market is not meeting the needs of handlers or that there is dissatisfaction among producers with the practice of paying for their deliveries on the basis of stipulated prices adjusted by butterfat differentials. Neither was it shown that it would be to the advantage of producers to provide for SNF differential provisions in the order.

The 6-month trial period for an SNF differential proposed by producers may be a worthwhile project. However, it is more appropriate that the operation of such a project be conducted outside the scope of the order. The experience thus obtained by producers and/or handlers might have some value at a future hearing in considering SNF differentials for the order.

In view of the various considerations mentioned above, no provision should be made in the order at this time to provide for SNF differentials or for instituting a 6-month trial period therefor (as proposed) within the framework of the order.

(6) *Location adjustments.* Location differentials should be incorporated into the order to provide an appropriate adjustment to the Class I and uniform prices based on the location of any plant at which producer milk or other source milk is received.

For milk received at plants outside the State of Florida and 70–85 miles from the nearer of the City Halls in Jacksonville and Tallahassee, the Class I price should be reduced 10 cents. For plants beyond the 85-mile limit, the Class I price should be reduced 10 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such plants are more than 85 miles from the nearer of the City Halls in Jacksonville and Tallahassee. The Class I price should be increased 10 cents at plants south of the Florida counties of Dixie, Gilchrist, Alachua, Putnam, or St. Johns.

Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation cost if such products or the milk used to produce them are moved considerable distances. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area, therefore, is worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance, the handler must incur the additional cost of moving that milk to the central market. Under these conditions, the value of producer milk delivered to plants located some distance from the market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the market. Providing location differentials based on the cost of moving milk to the market will insure uniform pricing to all handlers regardless of the location where the milk is procured.

To be equitable to all handlers, the Class I price should not be dependent on the type of plant receiving the milk. To the extent that milk is received at distributing plants from producers at a considerable distance from the market and brought to the market by the handler, he has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted at such plants to reflect the cost of hauling milk to market.

The cost of obtaining milk from alternative sources of supply in the major milk production areas of the country (all of which are necessarily to the north) is an important factor in establishing Class I prices in the Florida order markets. Because of this, the structure of Class I pricing within the State is one of increasing prices from north to south. It would be inappropriate, therefore, to provide for downward adjustments in the Class I price for milk received at plants south of the major points of distribution in the marketing area. Moreover, it is unnecessary to establish a downward location adjustment applicable to any plant in Florida. This is because the points, Jacksonville and Tallahassee, from which location differentials are measured are sufficiently near the northern border of the State so that plants at which location adjustments would appropriately be applicable would necessarily be outside the State.

The Class I price at plants in the southern part of the marketing area should be 10 cents over the announced Class I price for the market. Distributing plants at Orlando, the major distribution center in the southern part of the area, compete with Tampa Bay order plants for milk supplies and sales. Also, Orlando handlers have some competition for sales with Southeastern Florida order handlers. The Tampa Bay and Southeastern Florida Class I prices f.o.b. Orlando are about the same as the proposed Upper Florida Class I price at that point. This pricing scheme will provide a price alignment with respect to Orlando area handlers and handlers to the north and south of that vicinity commensurate with the prevailing competitive situation.

Producers excepted to the plus 10-cent location differential applicable in the Orlando vicinity. Instead, they proposed that no location differential be applicable to the Class I price at any plant in the marketing area. The Class I price provided in this decision is applicable at Jacksonville, the major center of population and principal distribution point in the marketing area. The Tampa Bay and Southeastern Florida Class I prices f.o.b. Jacksonville are about the same as the proposed Upper Florida Class I price at Jacksonville. To adopt the producers' proposal of providing the same Class I price throughout the marketing area would tend to disregard some of the basic factors (e.g., price alignment, cost of obtaining milk from alternative sources of supply) used in determining the Class I prices in the Upper Florida, Tampa Bay and Southeastern Florida orders. Accordingly, the producers' proposal for the elimination of the plus 10-cent location adjustment in the Orlando vicinity is denied.

Upper Florida plants located south of the Florida counties of Dixie, Gilchrist, Alachua, Putnam or St. Johns distribute their milk primarily in the Orlando vicinity. The proposed geographical delineation of the area in which the plus 10-cent adjustment would apply thus would result in uniform pricing for those plants in a generally comparable competitive situation.

Uniform prices paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II and Class III prices because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for these uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products or the concentrated products which may be used in Class II products.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such credit, fluid milk products received from pool plants shall be assigned to any Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment would be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando, or Tallahassee. This sequential assignment of milk based on these locations will provide an equitable basis for facilitating the movement of milk between pool plants for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk between pool plants for other than Class I purposes at the expense of producers.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the proposed order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying the order market a return based on his pro rata share of the total Class I sales of such market. The "blend" that a producer receives for each month's deliveries will be a price based on the overall utilization of all producer milk received at the pool plants of all regulated handlers during such month.

The uniformity of payments to producers provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blended prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle little or no surplus milk, some plants which would be subject to the order handle milk for manufacturing purposes. Under these conditions, a marketwide pool in the Upper Florida marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for producer associations to assist in diverting seasonal reserve milk, and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Payments to producers. Each handler under the order should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price. Provision also is made for partial payments for milk received during each half of the month.

Producers in the Upper Florida area historically have received partial payments, and the proposed payments adopted herein were supported by both producers and handlers. The first partial payment, for milk delivered during the first 15 days of the month will be required on or before the 20th day of the month at not less than 85 percent of the uniform price of the preceding month. On or before the second day of the following month for milk received from the 16th to the last day of the month, a second partial payment will be required at the same rate as the first partial payment. Final payment to producers will be required on or before the 15th day of the month at the applicable uniform price for the preceding month, less partial payments and authorized deductions.

During the first month the pricing provisions are effective, there will be no previous month's uniform price on which to base partial payments. For this reason, a minimum partial payment rate of $5.00 per hundredweight is provided for such month. This amount will approximate the Class II price.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative in discharging its responsibility to its members and to the market.

The Act provides for the payment by handlers to cooperatives for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with its members authorize the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make payments to the cooperative association for milk received during the month on or before the second day prior to the date payments are due individual producers.

At the time settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the

pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of the marketwide uniform price each month. Because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price values would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than 4 nor more than 5 cents per hundredweight of producer milk in the pool for the month.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

Marketing services. Provisions should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member-producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to the other provisions of the order. There are no payments to producers to verify on such milk and, therefore, no need to provide the same marketing services as are provided other producers.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries reported by the handler are accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization, and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 4 cents per hundredweight with respect to receipts of milk from producers for whom he renders such marketing services. Producers' proposal for marketing services would provide a maximum deduction of 6 cents per hundredweight. Southeastern Florida and Tampa Bay, however, contain a maximum deduction of 4 cents. Comparison of the number of producers involved and the expected volume of milk with that of other markets indicates that a 4-cent rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on producer milk (including milk of such handler's own production) and on other source milk allocated to Class I (except milk so assessed under another Federal order).

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. A principal function of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

The order specifies minimum performance standards that must be met to obtain regulated status. Operators of plants not meeting such standards are required to either (1) make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk, or (2) otherwise pay into such fund and/or to dairy farmers an amount not less than the classified use value of his receipts from dairy farmers computed as though such plant were a fully regulated plant.

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. However, the order is not applicable to such distributor to the same extent as to regulated handlers. Hence, payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the case of unregulated milk which enters the market through a regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. Hence, it is appropriate that the regulated handler be responsible for payment of the administrative assessment on such unregulated milk.

The order is designed so that the cost of administration is shared equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

Interest payments on overdue accounts. Provision is made for the payment of interest on amounts due to the market administrator for each month or portion thereof that such obligation is overdue.

Prompt payment of amounts due to the market administrator is essential to the operation of order provisions. Interest charges will encourage payment of amounts due on or before the specified date. The rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

Administrative provisions. Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision, which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requir-

ing handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Such reports are necessary for the computation of the uniform price and determination of each plant's continuing status under the order. The maintenance of adequate records is necessary to enable the market administrator to verify receipts and utilization as reported by the handlers and to verify that the several financial obligations arising under the order are fully discharged.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

A cooperative association having authority to market milk for member producers should have available to it information on the use of such milk by individual handlers in order that member milk may be directed to those handlers needing Class I milk. This will promote orderly marketing by enabling the efficient allocation among handlers of available milk supplies, permit the market to be serviced with smaller reserve supplies and assist producers in maximizing their returns. A provision therefore should be included to authorize the market administrator to provide this information when it is requested by such an association. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and, that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment (made to all milk orders which were in operation on July 30, 1947), following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Upper Florida Marketing Area," and "Order Regulating the Handling of Milk in the Upper Florida Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Upper Florida marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of August 1966 is hereby determined to be the representative period for the conduct of such referendum.

A. E. LaLiberte is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on October 7, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Regulating the Handling of Milk in the Upper Florida Marketing Area*

DEFINITIONS

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

MINIMUM PRICES

APPLICATION OF PRICES

PAYMENTS

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: The provisions of this Part 1006 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1006.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Upper Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production); (ii) other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Florida marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1006.1 to 1006.101, both inclusive, of the proposed order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 25, 1966 (31 F.R. 11465; F.R. Doc. 66-9452), shall be and are the terms and conditions of this order and are set forth in full herein subject to the revisions made in §§ 1006.17(b), 1006.41(c)(1), and 1006.60(d).

DEFINITIONS

§ 1006.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1006.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1006.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1006.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1006.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

§ 1006.6 Upper Florida marketing area.

The "Upper Florida marketing area", hereinafter called the "marketing area", means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Alachua.	Lafayette.
Baker.	Lake.
Bay.	Leon.
Bradford.	Levy.
Brevard.	Liberty.
Calhoun.	Madison.
Citrus.	Marion.
Clay.	Nassau.
Columbia.	Orange.
Dixie.	Osceola.
Duval.	Putnam.
Flagler.	St. Johns.
Franklin.	Seminole.
Gadsden.	Sumter.
Gilchrist.	Suwannee.
Gulf.	Taylor.
Hamilton.	Union.
Holmes.	Volusia.
Jackson.	Wakulla.
Jefferson.	Washington.

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1006.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1006.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1006.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

§ 1006.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.10 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

(d) "Partially regulated distributing plant" means a nonpool plant that is a distributing plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

(e) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

§ 1006.12 Route.

"Route" means a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1006.41(a)(1).

§ 1006.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

§ 1006.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

§ 1006.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act or the operator of an exempt distributing plant, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1006.16 from a pool plant to a nonpool plant.

§ 1006.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1006.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1006.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1006.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the plant to which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the plant to which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from member-producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1006.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1006.33.

§ 1006.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1006.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

MARKET ADMINISTRATOR

§ 1006.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1006.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1006.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part,

including but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1006.77 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1006.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1006.30 through 1006.32 or payments pursuant to §§ 1006.70, 1006.74, 1006.76, 1006.77, and 1006.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, and by such investigation as the market administrator deems necessary.

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month;

(2) The 5th day of each month the Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(3) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1006.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such reports; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Reports, Records, and Facilities

§ 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1006.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (or, in the case of handlers pursuant to § 1006.13(b), Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1006.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1006.31 Producer payroll reports.

(a) Each handler pursuant to § 1006.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1006.62(b) shall report to the market administrator on or before the 20th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. In such report, payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

§ 1006.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1006.13 (d) shall report to the market administrator, in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1006.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1006.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1006.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1006.30 shall be classified each month pursuant to the provisions of §§ 1006.41 through 1006.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1006.41 Classes of utilization.

Subject to the conditions set forth in § 1006.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b)(2) and (c) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraph (c) (2), (3), and (4) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and sterilized products in hermetically sealed containers;

(2) Skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1006.16) but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1006.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1006.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.42(b)(2).

§ 1006.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1006.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1006.41(c)(5).

§ 1006.43 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.45(a)(9) or (10) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a Class II product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted pursuant to § 1006.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.41.

(d) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

(e) As Class I milk if transferred or diverted in the form of a fluid milk product, and as Class II milk if transferred in the form of a Class II product, from a pool plant to an exempt distributing plant.

§ 1006.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1006.30 and from such reports, shall compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1006.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1006.44, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1006.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from an exempt distributing plant;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(5) Subtract from the pounds of skim milk remaining in Class II and Class III, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (4) of this paragraph;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(ii) of this paragraph:

(i) In series beginning with Class III, and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1006.22(i) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers ac-

cording to the classification of such products pursuant to § 1006.43(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1006.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

§ 1006.51 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus $2.80.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus $1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

§ 1006.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents;

(b) Class II price, 7.5 cents; and

(c) Class III price, 0.115 times the Chicago butter price for the month.

§ 1006.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant south of Dixie, Gilchrist, Alachua, Putnam or St. Johns Counties, Fla., shall be increased 10 cents and at a plant outside the State of Florida and 70 miles or more from the nearer of the City Halls in Jacksonville and Tallahassee, Fla., shall be reduced 10 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 85 miles from the nearer of the Jacksonville and Tallahassee City Halls.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando or Tallahassee, Fla.

§ 1006.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

APPLICATION OF PRICES

§ 1006.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1006.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.45(a)(12) and the corresponding step of § 1006.45(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(7) and the corresponding step of § 1006.45(b);

(d) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(3) and the corresponding step of § 1006.45(b);

(e) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(9) and the corresponding step of § 1006.45(b).

§ 1006.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1006.60 for all handlers who filed the reports pursuant to § 1006.30 for the month, except those in default of payments required pursuant to § 1006.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1006.71 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1006.72(a);

(d) Subtract an amount equal to the total value of the plus location differential computed pursuant to § 1006.72(a);

(e) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(e); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1006.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1006.30 and 1006.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1006.60(e) and a credit in the amount specified in § 1006.74(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in

the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, deduct the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher.

PAYMENTS

§ 1006.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $5 for the first month this provision is in effect) per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $5 for the first month this provision is in effect) per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1006.71, 1006.72, and 1006.76, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1006.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members, together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1006.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk, is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1006.45 by the respective butterfat differential for each class.

§ 1006.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced or increased according to the location of the pool plant at the rates set forth in § 1006.53; and

(b) For purposes of computations pursuant to §§ 1006.74 and 1006.75, the uniform price shall be adjusted at the rates set forth in § 1006.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1006.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.62 and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1006.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation pursuant to § 1006.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) of other source milk for which a value is computed pursuant to § 1006.60(e).

§ 1006.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1006.74(b) exceeds the amount computed pursuant to § 1006.74(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1006.76 Marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and

to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1006.77 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1006.78 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1006.79 Interest payments.

The unpaid obligation of a handler pursuant to §§ 1006.74, 1006.76, 1006.77, and 1006.78 shall be increased one-half of 1 percent for each month or portion thereof that such obligation is overdue.

§ 1006.80 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1006.90 Effective time.

The provisions of this part or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1006.91 Suspension or termination.

The Secretary shall suspend or terminate any or all provisions of this part whenever he finds that they obstruct or do not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1006.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1006.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1006.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1006.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

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