

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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| Tolson | _____ |
| DeLoach | _____ |
| Mohr | _____ |
| Bishop | _____ |
| Casper | _____ |
| Callahan | _____ |
| Conrad | _____ |
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| Rosen | _____ |
| Sullivan | _____ |
| Tavel | _____ |
| Trotter | _____ |
| Tele. Room | _____ |
| Holmes | _____ |
| Gandy | _____ |

1 - [redacted]
1 - Mr. Sullivan

DATE: December 4, 1967

1 - Mr. Casper
(Attention: Mr. Dalbey)
1 - [redacted]
1 - [redacted]
1 - Mr. Enlow

W.C.S.
Dalbey
Casper
Enlow
Sullivan

b6
b7C

TO: [redacted]

FROM: W. C. Sullivan *W.C.S.*

SUBJECT: PRESIDENTIAL EMERGENCY ACTION DOCUMENTS

These documents are Presidential Proclamations which will be issued in time of national emergency.

By letter dated November 30, 1967, the Department requested the views and comments of the Bureau as to the adequacy and currency of Presidential Emergency Action Documents Al-7, Al-8, and Al-57. Al-7 refers to control of alien enemies in the time of emergency; Al-8 suspends the privilege of the writ of habeas corpus and authorizes apprehension and detention of certain persons, the search of persons and premises, and the seizure of property; Al-57 authorizes additional departments and agencies of the Executive Branch to classify information and material pursuant to Executive Order 10501. This Executive Order now prohibits certain departments and agencies of the Executive Branch from classifying information and material.

These documents have been reviewed and are adequate for implementation of the program for which designed in the time of an emergency for the apprehension and detention of aliens and Security Index subjects.

With respect as to whether the language of these documents will withstand current constitutional tests and adequately protect the constitutional rights of individuals involved, this is a matter which will have to be decided by the Department of Justice.

In connection with Al-8, which suspends the writ of habeas corpus and authorizes the apprehension and detention of certain persons, this action at that point is outside judicial review.

Enclosure - sent 12-5-67

PFE:csh/LM
(7)

REC-347

66 - 19016-38

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S/P

57 DEC 11 1967

Memorandum Sullivan to
RE: PRESIDENTIAL EMERGENCY
ACTION DOCUMENTS

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This is a drastic program set up under the assumption that drastic steps will be necessary to protect the national security of this country so that efforts can be made to remove from circulation individuals determined to be potentially dangerous to the national defense and public safety of the United States by engaging in espionage, sabotage and/or subversion in the event an attack is launched against this country. In this connection, these individuals can be detained only during the time the writ of habeas corpus is suspended. As a constitutional safeguard, plans call for hearings in each individual case before boards appointed by the Attorney General.

RECOMMENDATION:

That the attached letter be approved and transmitted to the Department of Justice.

Handwritten notes and initials:
✓
RL
ms
JH
GH
H
S

~~SECRET~~

1 - [Redacted]
1 - Mr. Sullivan

Mr. J. Walter Yeagley
Assistant Attorney General

December 5, 1967

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b7c

REC 51

Director, FBI

PRESIDENTIAL EMERGENCY
ACTION DOCUMENTS

66-19016-39

1 - Mr. Casper
(Attention: Mr. Dalbey)
1 - [Redacted]
1 - Mr. Enlow

Reference is made to your letter dated November 30, 1967, requesting the views and comments as to the accuracy and currency of the Presidential Emergency Action Documents AI-7, AI-8, and AI-57. These documents have been reviewed and the documents as so stated are adequate for the purpose for which designed.

We have no observations relative to the constitutionality of the language of these documents as this is within the purview of the Department of Justice.

NOTE:

Classified "~~Secret~~" as this refers to Presidential Emergency Action Documents which are classified "~~Secret~~" prior to execution of these documents by Executive Order.

See memorandum W. C. Sullivan to [Redacted] same caption, dated 12/4/67, prepared by PFE/csh.

PFE/csh
(9)

- ___ Tolson
- ___ DeLoach
- ___ Mohr
- ___ Bishop
- ___ Casper
- ___ Callahan
- ___ Conrad
- ___ Felt
- ___ Gale
- ___ Rosen
- ___ Sullivan
- ___ Tavel
- ___ Trotter
- ___ Tele. Room
- ___ Holmes
- ___ Gandy

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[Handwritten initials and signatures]

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