

NAVY DEPARTMENT
Office of the Chief of Naval Operations
Washington

Reply refer!

(SC)A8-5
Op-16-B-1
A3-1/A8-5

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Ser. 0364716

February 18, 1942

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From: The Chief of Naval Operations
To: The Distribution List Appended
SUBJECT: Delimitation Agreement - Revised February 9, 1942.
Reference: (a) CNO conf. ltr. Op-16-B-3, A2-8 (SC)A8-5, Serial 0102916, dated July 6, 1940.
Enclosure: (A) Agreement for Coordination of FBI, MID and ONI dated February 9, 1942.

1. The agreement of June 5, 1940, for coordination of the Federal Bureau of Investigation, the Office of Naval Intelligence and the Military Intelligence Division of the War Department, distributed as enclosure (A) to reference (a), has been reviewed and revised as of February 9, 1942.

2. The revised agreement which supersedes that of June 5, 1940 is forwarded herewith, as enclosure (A), for the guidance of District Intelligence Officers in connection with all investigations of espionage, counter-espionage, subversion and sabotage.

3. Attention is called to the fact that enclosure (A) calls for close cooperation between the three agencies in all fields. ~~Declassified~~ Downgrade to

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Date: 21 SEP 98

Unit: NCIS 72
F. J. HORNE

Acting

Distribution List IV (less 16)(10)

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February 9, 1942

SUBJECT: Delimitation of Investigative Duties of the Federal Bureau of Investigation, the Office of Naval Intelligence and the Military Intelligence Division.

The Agreement for Coordination of the Federal Bureau of Investigation, Office of Naval Intelligence and the Military Intelligence Division.

I. The undersigned have reviewed the directive contained in the President's Memorandum of June 26, 1939, as augmented by his directive of September 6, 1939, the Delimitation Agreement of June 5, 1940, and the supplemental interpretation and agreements thereunder. It is now agreed that responsibility for investigation of all activities coming under the categories of espionage, counter-espionage, subversion and sabotage, (hereinafter referred to as "these categories") will be delimited as indicated hereafter. The responsibility assumed by one organization in a given field carries with it the obligation to provide a pool of all information received in that field but it does not imply the reporting agency alone is interested in or will work alone in that field. Close cooperation between the three agencies in all fields is a mutually recognized necessity.

II. FBI will be responsible for:

1. All investigation of cases in these categories involving civilians in the United States and its territories with the exception of the Republic of Panama, the Panama Canal Zone, Guam, American Samoas, Palmyra, Johnston, Wake and Midway Islands, the Philippine Islands and the Territory of Alaska other than that specifically described in paragraph III.
2. Investigation of all cases directed from foreign countries on those occasions and in those situations in which the State, War or Navy Departments specifically request investigations of designated group or set of circumstances.
3. The coordination of civilian organizations furnishing information regarding subversive movements.
4. Jointly with ONI, the coverage of Japanese activities in these categories, ONI will continue its coverage of Japanese activities as heretofore and FBI will continue to expand its operations in this field.

(Enclosure (A) to ~~Declassified~~ Downgrade to (SC)A8-5, A3-1/A8-5, Serial 0364716)

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5. Keep MID and ONI advised of important developments, such as:

- (a) Developments affecting plants engaged on Army or Navy contracts.
- (b) Cases of actual and strongly presumptive espionage and sabotage, including the names of individuals definitely known to be connected with subversive activities.
- (c) Developments affecting vital utilities.
- (d) Developments affecting critical points of transportation and communication systems.
(for c and d above, no protective coverage is contemplated)

6. Ascertaining the location, leadership, strength and organization of all civilian groups designated to combat Fifth Column Activities (overt acts of all sorts in groups of armed forces of enemies); and transmitting to MID, ONI and State Department information concerning these organizations and any information received concerning their possession of arms.

7. Keeping ONI and MID informed of any other important developments.

III

MID will be responsible for:

- 1. Investigation and disposal of all cases in these categories in the military establishment including civilian employ, military reserve and military control.
- 2. The investigation of cases in these categories involving civilians in the Canal Zone, the Republic of Panama, the Philippine Islands and the Alaskan Peninsula and islands adjacent including Kodiak Island, the Aleutian and Pribilof Islands and that part of the Alaskan Peninsula which is separated by a line drawn from Iliamna Bay northwest to the town of old Iliamna and thence following the south shore of Lake Iliamna to the Kvichak River to Kvichak Bay.
- 3. Informing FBI and ONI of any other important developments.

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IV. ONI will be responsible for:

1. Investigation and disposal of all cases in these categories in the Naval establishment, including civilians under Naval employ or control, and all civilians in Guam, American Samoa, Palmyra, Johnston, Wake, and Midway Islands.
2. Jointly with FBI, the coverage of Japanese activities in the categories enumerated in Paragraph I.

ONI will continue its coverage of Japanese activities as heretofore, and FBI will continue to expand its operations in this field.

3. Informing FBI and MID of any important developments.

V. The ultimate test of cooperation and coordination of the Intelligence agencies is the manner in which they function under conditions of national emergency or actual warfare. There should be no doubt as to the identity of the agency or official who is primarily responsible for carrying on intelligence operations under the three broad conditions for which the governing principles are listed hereinafter.

PERIODS OF MARTIAL LAW

VI. It is further agreed that when a state of martial law has been declared by the President, the Military Commander assumes responsibility for Intelligence coverage. He has the authority to coordinate the intelligence activities of the participating agencies, within the limits of their available personnel and facilities by the assignment of missions, the designation of objectives, and the exercise of such coordinating control as he deems necessary. He is not authorized to control the administration or discipline of the subscribing agencies to which he does not belong, nor to issue instructions to such agencies beyond those necessary for the purposes stated above.

VII. Personnel of the subscribing agencies will still send reports to and be under the continued supervision of their respective headquarters. The subscribing agencies will render such aid and assistance to the Military Commander and his designated representatives as are possible and practicable. All pertinent information, data, and other material that are or may be necessary or desirable to him shall be furnished by the most expeditious means

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and methods possible consistent with requisite security. The headquarters of the subscribing agencies will promptly be advised of all information and data appropriately identified as having been furnished to the Military Commander.

VIII. It is assumed that the Military Commander will not hesitate to call upon any governmental agency outside the three subscribing agencies to this agreement for any assistance, cooperation, or activity.

PERIODS OF PREDOMINANT MILITARY INTEREST, NOT INVOLVING MARTIAL

LAW

IX. In time of war certain areas will come into prominence as potential theatres of operation. When a Military Commander of such a potential theatre is designated, he definitely has interest in, though not control of, the civilian life within the area. In order that the Military Commander may prepare himself for the discharge of the possible responsibility which may affix to him, the following procedure is agreed upon:

1. Agents of the FBI, of ONI, and of MID will continue to function in accordance with the provisions of paragraphs II, III, and IV.
2. In addition thereto the Military Commander may take steps to analyze the facilities existing and to explore the manner in which complete coverage will be obtained if martial law is declared. Adequate liaison with the other two intelligence services will insure that the Military Commander will have the benefit of the experience, judgment and knowledge of the representatives of the other services.
3. The Military Commander is authorized to request and receive such information from the three agencies as he may desire and they may be able to furnish.

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X. The analysis and exploration referred to above will show the coverage furnished by each of the subscribing agencies and any additional coverage each subscribing agency can undertake. When the Commander feels that more complete coverage is required, it is recognized that his service is authorized to augment the coverage. Prior to any invasion of the spheres normally coming under the cognizance of the other subscribing agency, the Military Commander should obtain the necessary authority from the War Department.

XI. Irrespective of the fact that the preceding recommendations have placed the initiative in the hands of the Military Commander, whenever either of the other two services feel that such a survey to determine adequacy of coverage should be undertaken, it should be so recommended through the director of each service.

XII. The above provisions contemplate that the War Department will be the agency administering martial law. When appropriate, the same principles will govern the Navy Department.

PERIODS OF NORMAL CONDITIONS

XIII. Under these conditions, the Federal Bureau of Investigation, the Office of Naval Intelligence and the Military Intelligence Division will operate in accord with the provisions of paragraphs II, III and IV.

XIV. From time to time it may be desirable in the light of changing conditions to modify or amend this delimitation agreement. Such amendments or modifications when agreed upon by the heads of the subscribing agencies shall be issued in the form of a revised delimitation agreement and not as separate instructions.

/s/ Raymond E. Lee
Assistant Chief of Staff
G-2, War Department

/s/ T. S. Wilkinson
Director, Office of Naval
Intelligence

/s/ J. Edgar Hoover
Director, Federal Bureau of
Investigation

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Date: 21 SEP 98 Unit: NCIS 22

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