



U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

May 7, 2002

MEMORANDUM

TO: HEADS OF DEPARTMENT COMPONENTS

FROM: THE DEPUTY ATTORNEY GENERAL 

SUBJECT: Public Disclosure of Information

We have the obligation to keep the American people, whom we serve, informed about the many matters in which the Department acts. Those include both criminal and civil investigations and litigation, as well as matters of policy and practice. To promote the appropriate, timely, and accurate disclosure of information about those matters, it is imperative that all Department personnel comply with the policy laid out in section 1-7.000 of the United States Attorneys' Manual. In particular, sections 1-7.310 and 1-7.330 require coordination with the Office of Public Affairs (OPA) for all public statements that concern Department operations that are of more than strictly local interest.

The unauthorized public disclosure of information concerning ongoing investigations is particularly damaging. The Department's policy against such disclosure is simple and clear: "components and personnel of the Department of Justice shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress." United States Attorneys' Manual §1-7.530(A). Even in the "unusual circumstances" that may require a public statement, "the involved investigating agency will consult and obtain approval from the United States Attorney or Department Division handling the matter prior to disseminating any information to the media." United States Attorneys' Manual §1-7.530(B). These provisions emphasize the more general policy that all public communications, including all communication to the news media, must be coordinated with OPA or, where appropriate, with the local United States Attorney's office.

In the current environment, we must ensure that all Department personnel strictly adhere to this policy which protects the integrity of our investigations, the privacy and well-being of our confidential sources, the rights of persons and entities under investigation, and, more generally, the effectiveness of our operations. By coordinating all public statements

with OPA, pursuant to United States Attorneys' Manual section 1-7.330, this policy ensures that Department will communicate to the public clearly, effectively, with one voice and at the appropriate moment. Violations of this policy can severely hamper Department operations and put lives and investigations at risk. Even on matters without direct national security implications, it is vital it remain our consistent practice to keep information about Department operations confidential.

Bearing these concerns in mind, you should communicate with your component personnel as soon as possible, and as directly as practicable, to personally reinforce the importance of maintaining the confidentiality of Department operations. You should also report back to me on any violations of this policy that come to your attention. Keeping investigations confidential and speaking with a single voice are crucial not only to our efforts in combating terrorism, but more generally to our effectiveness and ultimate success as a Department.