

the file to the appropriate mission or consular office by registered mail, in order that it may be made available to the representative of the Tariff Commission or to the Treasury agent. After due inspection, the invoices shall be returned to the certifying office by registered mail.

Note 15. Inspection of archives of a private nature.

(a) General. Officers may permit the inspection of archives of a private nature by private persons subject to the following conditions:

- (1) The private party must have an interest in the particular document.
- (2) The interest shall not involve an impertinent investigation or an illegitimate object.
- (3) The inquiry must not be contrary to the public interest.
- (4) If the paper has been filed by the inquiring party, he must establish his identity.
- (5) If the paper has been filed by a party other than the inquirer, the latter must have the written authorization of the former to examine the paper.
- (6) The papers concerning which the inquiry is made shall be segregated from other documents and carefully scrutinized to determine whether they bear endorsements or contain matter, the publication or knowledge of which might be prejudicial to the public interest before permitting their examination.
- (7) The private party shall not be permitted to copy the papers in question. If copies are required, they must be made by an officer of the Foreign Service and duly certified by him. (See Tariff of United States Foreign Service Fees, section V-15.)
- (8) In case of doubt as to the propriety of permitting the inspection of papers in a given case, the Department shall first be requested for instructions.

(b) Special rules governing inspection of citizenship records. Citizenship records are confidential. The contents of such records may be divulged only to the following classes of inquirers:

- (1) Near relatives of applicant.
- (2) Attorneys for applicants, or for other clients when the applicant is deceased and the clients have a legitimate interest in the record.
- (3) Researchers in genealogy.
- (4) Persons concerned in the settlement of estates.
- (5) Public welfare organizations.
- (6) American courts and official agencies.
- (7) Insurance companies.

When a husband and wife have an absolute divorce, the records of one shall be confidential from the other.

Lists of persons registered or of American citizens residing in a consular district shall not be furnished to inquirers in the United States or abroad.

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Responsibility for Archives

Note 16. Responsibility for archives. The principal officer in a mission or consular office shall be responsible for the proper maintenance, preservation, and safeguarding of the archives in accordance with the terms of the foregoing instructions. (See section IV-3.)

A member of the staff shall be designated to inspect the records and archives at reasonable intervals to check on their condition.

Codes

VII-4. Safeguarding of codes. The codes in Foreign Service establishments shall be safeguarded in accordance with such rules and regulations as the Secretary of State may prescribe. (E. O. No. 8379, March 19, 1940.)

Note 1. Precautions to be exercised in encoding or enciphering and decoding or deciphering messages. Foreign Service establishments are enjoined to comply strictly with the following regulations relative to the precautions to be exercised in encoding, enciphering, decoding, or deciphering messages:

- (a) Only commissioned officers and such American employees of the Foreign Service as have been specifically authorized by the Department of State to perform this work may encode or encipher, decode or decipher messages sent or received in the confidential codes.
- (b) Only commissioned officers and such American employees of the Foreign Service as have been specifically designated by the principal officer at the post may encode or decode messages sent or received in nonconfidential codes.
- (c) When in use, the confidential codes or ciphers must never be left, even momentarily, unless guarded by a commissioned officer or an American employee who has been authorized by the Department to use the codes.
- (d) Under no circumstances shall a citizen or subject of a foreign government have access to or an opportunity to observe such codes or be permitted to gain any knowledge thereof, through the taking of dictation or by any other means. If at any time an officer learns that a Department confidential code or cipher is known by a foreign government, or develops a reasonable suspicion that such is the case, he shall report the matter at once to the Department in full detail for remedial action.
- (e) Encoding or enciphering shall be done from the original only.
- (f) Code or cipher symbols shall be printed by hand by the person doing the work. Under no circumstances shall code symbols be called from one person to another.
- (g) Confidential and nonconfidential codes shall never be used in the same message. Certain information, such as quotations from official correspondence, letters, or newspapers, shall always be transmitted in nonconfidential code. When it is necessary to comment on such information, the comments shall be embodied in confidential code in a separate message which shall include a statement to the effect that the information commented on is being forwarded in a separate message. The message containing the comments shall always be forwarded ahead of the message containing the information which is the subject of comment.
- (h) So far as possible, the encoding of messages shall be verified before sending by decoding and comparing with the original text.

- (i) In encoding or enciphering a message or in decoding or deciphering one, the true reading, the paraphrase (if one is made), and the code or cipher text shall be written on separate sheets of paper.
- (j) The verbatim text or true reading of the message received or sent in code shall not be made known, shown, or communicated to anyone, other than the Department of State, commissioned officers of the Foreign Service, and American employees of the Foreign Service who have been designated to perform work of this nature. If it is necessary to communicate the gist of the message to any other person, its contents shall be carefully paraphrased and only the paraphrase communicated.

In this connection attention is called to section 135, title 22 of the United States Code, which provides as follows:

Whoever, by virtue of his employment by the United States, shall obtain from another or shall have custody of or access to, or shall have had custody of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and shall willfully, without authorization or competent authority, publish or furnish to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

- (k) All stonographic notes, rough drafts, and carbon paper used in encoding, enciphering, decoding, or deciphering messages shall be burned immediately the message is transcribed.
- (l) Messages in the confidential codes or ciphers shall not be transmitted by wireless telegraphy.

Note 2. Safeguarding of codes and ciphers. The following regulations with reference to the safeguarding of codes and ciphers, when not in use, shall be strictly observed:

- (a) Either the principal officer at a post shall be personally responsible for the safekeeping of the codes and ciphers or he shall designate another Foreign Service officer assigned to the post to assume personal responsibility for their custody and care.
- (b) When not in use, the confidential codes and ciphers shall be kept in a locked compartment or box in the safe. In the event that the safe is not fitted with a locked compartment, confidential codes and ciphers shall be sealed each time after being used.
- (c) Only those officers and clerks authorized to use the confidential codes and ciphers shall be given the combination of or have access to the safe containing the codes, ciphers, and strictly confidential correspondence file. Combinations of safes shall be changed periodically, at least once in two years. Each time a change is effected in the combination of a safe the Department shall be informed by means of a card prepared in the following form:

Paris, France, August 10, 1939.
Shaw-Walker Safe No. 26923 Inventory No. A7.1
<u>Combination</u>
Turn right four times to 40 Turn left three times to 30 Turn right twice to 20 Turn left to 10 to open

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This card shall be transmitted to the Department in a sealed envelope marked "Safe Combination" which shall in turn be enclosed in another sealed envelope addressed to the "Chief of the Division of Foreign Service Administration". Officers are cautioned to forward the safe combinations in strict conformity with the foregoing instructions.

- (d) At least once a day the officer charged with the safekeeping of the codes and ciphers shall check them to see that they are intact. A daily report on the results of this check shall be submitted to the principal officer.
- (e) Only under exceptional circumstances are code books to be rebound and the specific authorization of the Department shall be obtained in advance in each instance. In the event a code book becomes unfit for further use, a new one shall be requisitioned from the Department and at the same time instructions requested with reference to the disposition to be made of the old code.
- (f) On January 1 and July 1 of each year, each Foreign Service establishment shall submit a report to the Department on the number and condition of the codes in its possession.