

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 86-10

24 September 1986

TO : All Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM : Rosemary M. Collyer, General Counsel

SUBJECT : Affidavit Experiment - New Confidentiality Statement

As you have been informed, we will begin using a revised confidentiality statement in our affidavits in October. The statement has been changed because the prehearing Jencks review contemplated by the affidavit experiment would be inconsistent with the assurances we presently provide to affiants in their statements. When we make the affidavits available in this experiment, only affidavits with the new confidentiality statement will be produced prior to trial. Accordingly, the present confidentiality paragraph will be modified as follows:

I have been given assurances by an agent of the National Labor Relations Board that this affidavit will be considered confidential by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the Government to produce the affidavit in connection with a formal proceeding. Upon the closing of this case, the affidavit may be subject to disclosure only in accordance with Agency policy.

Under separate cover, each office is being sent a supply of the preprinted affidavit form (Form NLRB-5168) with the above revised language. Please begin using the revised language in cases filed on or after 20 October 1986.

The next phase of the experiment will begin as the post 20 October charges proceed to hearing which, in most cases, will be post 1 January 1987. In such cases, we will, upon request, provide copies of the affidavits with the above-modified language. We are now in the process of preparing written guidance with respect to the procedures to be used during the experiment which will be forwarded to you at a later date. Many of the excellent comments and recommendations which you previously made will be incorporated in the procedures for the experiment.

Should you encounter any problems or difficulties during the investigatory stage with the use of the modified affidavit language, please advise your Assistant General Counsel as soon as possible.

  
Rosemary M. Collyer

cc: NLRBU

Distribution:

Regional - All Professional Employees

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