

9 December 1983

MEMORANDUM FOR: Director of Central Intelligence

THROUGH : Deputy Director of Central Intelligence
Executive Director
Executive Secretary

FROM : J. Kenneth McDonald
Chief, History Staff

SUBJECT : Status of Declassified OSS Records

REFERENCES : Memo for C/HS fm DCI, dtd 1 December 1983, Subj:
Declassification of Historically Significant Files

Memo for DCI fm C/HS, dtd 8 December 1983, Subj:
Release of Declassified OSS Records to the National
Archives, and Status of DCI Histories

1. This is the full report, requested and transmitted by the references above, on the present status of the declassified records CIA holds of the Office of Strategic Services (OSS) and its other predecessor organizations. My account goes into some detail, since these records' release will begin the selective declassification of historically significant records proposed in your 4 October 1983 letter to Senator Durenberger. My report is organized into the following sections:

- a. The Postwar Disposition of OSS Records
- b. CIA's Declassification of OSS Records
- c. The Impasse with the National Archives
- d. Final Check and Release
- e. Discussion
- f. Recommendations

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2. The Postwar Disposition of OSS Records:

a. After President Truman dissolved OSS on 1 October 1945, the records of its Research and Analysis (R&A) Branch went to the Department of State and its operational and other records went to the Strategic Services Unit (SSU) in the War Department. When established in September 1947, CIA inherited OSS's operational records along with the records of SSU and the Central Intelligence Group (CIG).

b. In 1946 the Department of State transferred its OSS records to the National Archives. In 1972, at the National Archives' request, CIA organized a team of four CIA annuitants (who were also OSS veterans) who reviewed and declassified these OSS R&A Branch records. The National Archives opened 919 cubic feet of declassified OSS records to the public as review was completed between 1974 and 1978. These files, in Record Group 226, are the most active records in the Military Branch, which serviced some 2900 requests for them in the first eight months of 1983.

c. Between 1977 and 1982 the National Archives, in cooperation with the DA's Records Management Division, appraised the approximately 6500 cubic feet of OSS, SSU and CIG records in the custody of the DO's Information Management Staff. This appraisal determined that approximately 3300 cubic feet were of permanent value and should be preserved for eventual transfer to the National Archives. (List attached.)

3. CIA's Declassification of OSS Records:

a. In December 1978, when President Carter's Executive Order 12065 requiring the systematic declassification review of permanent records over 20 years old went into effect, the DA's Classification Review Division formed a team of 15 annuitants (including some who had reviewed State's OSS records for the National Archives) to review CIA's OSS, SSU and CIG permanent records. For this review the Classification Review Division developed extensive specific written guidelines (in consultation with the team, the DO's Information Management Staff, and the National Archives) to protect such key factors as sources, methods, identities and foreign government information.

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b. Working under a single executive order and a single set of Agency guidelines, this special team reviewed CIA's permanent OSS records (with the exception of about 100 cubic feet) in a period of just under four years and at an estimated cost of about \$500,000. The declassification review began in January 1979 and was completed in September 1982, with the following results:

Total records reviewed	3157 cubic feet
Withheld to remain classified	191 cubic feet
Declassified and available for transfer to National Archives	2966 cubic feet

Thus CIA declassified about 94% of these records and withheld about 6%, principally to protect sources, foreign government information, and foreign liaison relationships.

4. The Impasse with the National Archives:

a. In 1979, as the National Archives appraisal and CIA declassification review of OSS records proceeded, the DA's Records Management Division, in coordination with the DO's Information Management Staff, arranged to begin transferring declassified OSS records to the National Archives. As a first increment, CIA transferred 198 cubic feet of records on 16 January 1980, for release to the public after final processing by the National Archives' Declassification Division.

b. In transferring these records, CIA declared on the National Archives form (copy attached) that they were subject to the Privacy Act under System No. CIA-49, and imposed the following two specific restrictions on their release to the public:

"Foreign Government Information must be afforded protection and will not be released without the prior approval of the government involved.

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"In keeping with the provisions of the Privacy Act information concerning the affiliation of U.S. persons with OSS may not be released without the consent of the person involved."

c. As a matter of course the National Archives will honor the first restriction, to insure the continued protection of foreign government information as well as other non-OSS originated information still requiring security classification, as they have done in reviewing the State Department's OSS files. CIA's names restriction, however, the National Archives found both unprecedented and unworkable. Unable to process these records for release to the public, they discussed this restriction informally with Agency officers during 1980 and early 1981.

d. On 2 April 1981 the Archivist of the United States, Dr. Robert M. Warner, wrote to you that in his view the names restriction effectively negated the original purpose of the records' transfer, "which was to make public as much of the OSS story as possible, within the limits of present national security considerations." Noting that screening documents for individual names would be a resource-consuming operation, while the documents released would be too fragmentary to be useful to most researchers, Dr. Warner expressed hope for a reasonable resolution. Admiral Inman replied that CIA, recognizing the Archives' difficulty, was prepared to accept the return of these declassified records until they could be released without the names restriction.

e. The impasse remains. The National Archives still holds, but will not process or release, the 198 cubic feet of OSS records they received from CIA in January 1980. For our part, CIA has sent the National Archives no further OSS records, even though their declassification was completed in September 1982.

5. Final Check and Release:

a. Having identified CIA's imposition of the names restriction as the core of the problem, I asked the advice of the Office of General Counsel. In late September I found that in fact neither the Privacy Act nor any other law or regulation provides for such a restriction. In light of this information, the Information Management Staff decided to reconsider the names restriction.

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b. In a memorandum for the record of 9 November 1983, approved by the Deputy Director for Operations on 16 November 1983, the Chief of the Information Management Staff proposes to lift the names restriction imposed in transferring CIA's first increment of 198 cubic feet of declassified OSS records to the National Archives on 16 January 1980. (The restriction on foreign government information would, of course, remain unchanged.) Having agreed to remove the erroneous Privacy Act restriction, the Directorate of Operations proposes

"...to transfer the declassified OSS records to the National Archives in stages, beginning with the least sensitive files. Prior to the transfer of any records, we would make a final check to ensure that any sensitive material is protected. This would consist of an inspection of each box of records to check that material bearing on foreign liaison or other politically sensitive areas is protected."

c. The Information Management Staff proposes this final check out of concern that the original reviewers "may not have taken into full consideration certain politically sensitive areas that might still be damaging to the national security and U.S. foreign relations." The memorandum adds that they expect to accomplish this final check "in relatively short order", since it will not require the time-consuming document-by-document inspection the DA's 15-member review team completed in 1979-82.

6. Discussion:

a. The Directorate of Operations' desire for a final check is, I believe, largely inspired by genuine apprehension about the the nature and rigor of the declassification review that the DA's Classification Review Division team carried out independently in 1979-82. Although the evidence I have seen convinces me that the original team conducted a cautious, thorough and highly professional declassification review, I respect the Information Management Staff's judgment in proposing their own quick final check of these records.

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b. Before beginning this final check, the Information Management Staff's reviewers might usefully consult first with the Classification Review Division on the actual guidelines and procedures used in the original review, and then with the National Archives' Declassification Division about the processing (including the protection of foreign government information) that these records will receive before being opened to the public. In my view, such consultations should help the Information Management Staff move rapidly through their final check.

c. To expedite matters, the Information Management Staff proposes to go to the National Archives to check the 198 feet of OSS records CIA transferred there in 1980. If CIA lifts its names restriction and presses on with the transfer of these records, the National Archives' Declassification Division would expect to process around 200 cubic feet a month. This would appear to be a reasonable transfer rate for CIA to aim for.

d. The long delay in releasing these OSS records illustrates a problem that the Agency faces in organizing a new program to declassify and release historically significant records. Since this is not an activity that engenders much enthusiasm in this organization, direction and impetus from the center will be needed. On the other hand, even though the direction is central, the components providing the records must have a large enough role in the selection, review and release decisions to have confidence in the process.

e. Since the opening of these OSS, SSU and CIG records will inevitably receive a large amount of press attention, I would suggest that the Agency's Public Affairs Office work with its counterpart at the National Archives to decide how best to handle this event. [redacted] Deputy Chief, Office of Legislative Liaison, has suggested that the release of these documents might usefully be timed to support efforts to carry the FOIA exemption bill through the House of Representatives. In any event, the opening of these records will demonstrate CIA's good faith in undertaking to declassify and release selected older records of historical significance.

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7. Recommendations:

I recommend that you approve the following actions:

- a. That CIA notify the National Archives that we have agreed to withdraw the second, "Privacy Act", restriction on the 198 cubic feet of declassified OSS records transferred to them on 16 January 1980, with the provision that the Information Management Staff must carry out a final check of these records at the National Archives before they can be released to the public.
- b. That the Information Management Staff carry out their final check of CIA's declassified OSS records as soon as possible, beginning at the National Archives with those records now held there.
- c. That after completing the final check of the records now at the National Archives, or by no later than 31 January 1984, the Information Management Staff propose for your approval a schedule of estimated dates when the remaining increments will be checked and transferred to the National Archives.
- d. That the Chief, Public Affairs Office, consult with all parties concerned to determine how CIA should treat the opening of these records to the public at the National Archives.

[Redacted Signature Box]

J. Kenneth McDonald

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Attachments

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APPROVED:

Director of Central Intelligence

Date

DISAPPROVED:

Director of Central Intelligence

Date

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C/HS/DCI/JKMcD:nk1/2621 (9 Dec 83)

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