

4 December 1953

MEMORANDUM FOR: CHIEF, FINANCE DIVISION

SUBJECT : Documents for Vital Records Storage

Attached hereto is a basic underlying agreement for Project
25X1A2ga [redacted]
[redacted] which is forwarded to you for your custody as a vital document.

25X1A9a

[redacted]
Assistant General Counsel

Attachments: 2

OGC/CWP:blr

Distribution:

orig. & 1 - addressee
1 - CM [redacted] 25X1A9a
1 - DD/P-ADMIN [redacted] 25X1A9a
25X1A2g 1 - [redacted]
1 - OGC, 317 South
1 - chrono.
1 - Vit. Recs. file

~~SECRET~~

27 July 1953

MEMORANDUM FOR: CHIEF, FINANCE DIVISION

SUBJECT: 25X1A2g [redacted] -Original Agreements

1. The following documents are forwarded to you herewith for custody as vital documents under the provisions of the Administrative Plan of Project [redacted] 25X1A2g 25X1A2g

- a. Agreement dated 3 May 1952 between [redacted] and G-4.
- b. Agreement dated 29 April 1952 between G-5 and G-6.
- 25X1A1f c. Agreement dated 24 May 1952 between G-4 and G-5 for a loan of [redacted]
- d. Agreement dated 14 May 1953 amending "c," above, between G-4 and G-5.
- 25X1A1f e. Agreement dated 11 October 1952 between G-4 and G-5 for a loan of [redacted]
- 25X1A1f f. Agreement dated 22 October 1952 between G-4 and G-5 for a loan of [redacted]
- 25X1A1f g. Agreement dated 15 December 1952 between G-4 and G-5 for a loan of [redacted]

2. It should be noted that while these documents are not classified, their handling is equivalent to Top Secret.

3. Execution of the attached receipts is requested.

25X1A9a

[redacted]

Assistant General Counsel

Attachments: 7

OCC/CWP:blr

Distribution:

- orig. & 1 - addressee
- 1 - AS (w/cc's of atts.)
- 1 - CM (w/cc's of atts.)
- 25X1A2g 1 - OCC, 317 South
- 1 - [redacted]
- 1 - [redacted]
- 1 - Vital Docs - file
- 1 - [redacted]

~~SECRET~~

7 July 1954

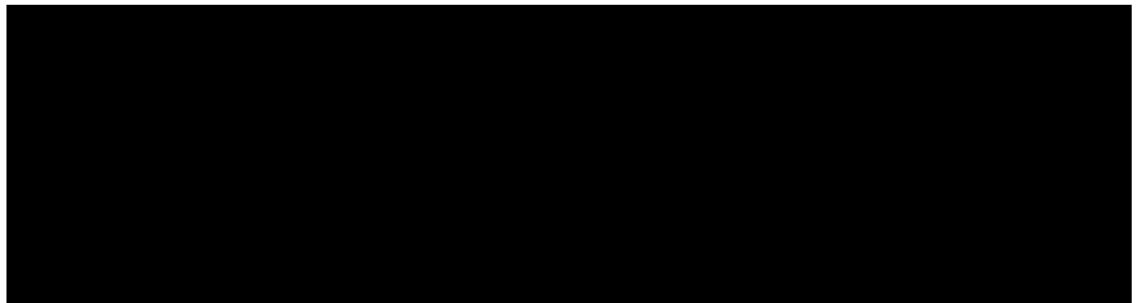
MEMORANDUM FOR: Finance Division

SUBJECT : Project [redacted] 25X1A2g

Forwarded herewith for your custody as vital documents are the following:

- 1. True name agreement dated 1 January 1954 between the Agency and [redacted] with Attachment A, "Management Agreement" (unexecuted). 25X1A5a1

25X1A2a1 Amendment to above agreement effective 1 May 1954.



Please note that the first document supercedes and cancels an agreement between the Agency and [redacted] as an individual dated 18 November 1953 which was forwarded to you for custody by memorandum from this office dated 4 December 1953. 25X1A5a1d 30001-8

25X1A9a

[redacted]
Assistant General Counsel

Attachments: 5

OGC/CWP:blr

Distribution:

- orig. & 1 - addressee
- 1 - DD/P-ADMIN/CM
- 25X1A2g 1 - [redacted]
- X - Vital Docs. file
- 1 - chrono.
- 1 - OGC, 317 South

~~SECRET~~

~~SECRET~~

28974

Assistant Director for Special Operations

15 October 1951

Deputy Comptroller

Vital Documents Pertaining to Proprietary Projects

REFS:

- a. Memo dtd 17 July 1951, from Deputy Comptroller to Admin/OSO; 25X1A8a
Same Subject.
- b. Memo dtd 23 August 1951, from [redacted] Same Subject. 25X1A8a
- c. Memo dtd 31 August 1951, from [redacted] to Deputy Comptroller; Subject: Operational Security Aspects of Financial Support. 25X1A8a

1. Each of the Covert Offices has expressed the conviction that responsibility for the placement at the Vital Documents Center of vital information regarding "Proprietary" projects is that of the Office concerned.

2. The Comptroller and the Deputy Director (Administration) have tentatively concurred with this view. However, the security and legal difficulties which would be faced in attempting to re-establish CIA control over and utilization of a CIA proprietary activity in the event of a disaster resulting in the loss of the basic documents evidencing CIA ownership is clearly apparent.

3. Present policy and practice appears to provide for the placement of these documents in the safekeeping custody of the Finance Division as representing valuable documents which must receive centralized control.

4. It is suggested that a solution to this problem might be to have copies or photostats of these documents returned or retained by the Operating Divisions for inclusion in their records at the Vital Documents Center.

5. In order that a satisfactory solution may be arrived at, it is requested that a representative of your Office be designated to discuss the problem with the undersigned and a representative of the General Counsel's Office.

25X1A9a

[redacted signature]

Deputy Comptroller

Encls - 3

Copies of references a, b, c.

EDE:ms

~~SECRET~~

"COPY"

Deputy Comptroller

Office of the General Counsel

Vital Documents Program

1. Reference is made to your memorandum of 23 July 1951, concerning the storage of certain financial documents in the Agency's Vital Records repository. The desirability of retaining such documents in the local files has led to your request for a method of having legally authenticated copies available in the event of destruction of the originals.

2. It is assumed that your request concerns the use of such records in a judicial trial, because any serious controversy over the contents probably would be decided there.

3. Since CIA is an Agency of the United States Government, this problem can be solved with less difficulty than would otherwise be the case. Section 1733b, of Title 28, U. S. Code, provides that properly authenticated copies or transcripts of any books, records, papers or documents of any department or agency of the United States shall be admitted in evidence equally with the originals thereof. In addition, Rule 44 of the Federal Rules of Civil Procedure provides a simple method of proving public records in a trial.

4. If your office has a carbon copy of any public record, that copy may be sent to the Vital Records repository in its present form, and it will be sufficient for use in court, even though the original is destroyed. It would be unnecessary to authenticate such a copy now, since it could be done immediately prior to its use in a trial.

5. If a carbon copy is unavailable, it will be sufficient to make a handwritten, typewritten, photostatic, photographic or other form of copy. Such copy should then be authenticated by a notation similar to this:

"This is a true and exact copy of the original.
John Q. Public, Custodian of the original. 15 August 1951."

This copy can be placed in our Vital Records repository, and it will be sufficient for use in court even though the original is destroyed.

6. Incidentally, by utilizing the procedures outlined in the two preceding paragraphs, the copies could be admitted as evidence even though the originals had not been destroyed.

~~SECRET~~

"COPY"

~~SECRET~~

"COPY"

Sanitized - Approved For Release : CIA-RDP58-00453R000100330001-8

-2-

7. The statute governing this problem (28 USC 1733b) has been construed frequently by the courts. For example, it has been held that a War Department photostat, which was certified as being a true and exact copy made from official records, is admissible in evidence. The court commented in this manner:

"Because it happens to be a photostatic copy is of no significance. It might have been hand-written or type-written. The certification of being a copy of the original by the proper official is sufficient." Vaughn v. United States, 78 F. Supp. 494 (1948).

Another case has held that photostats authenticated under the seal of the General Accounting Office could be admitted in evidence. United States v. Conti, 119 F.2d (1941).

8. In many courts it may be necessary to have the Agency's seal affixed to a copy of the record involved. This will not be necessary, however, until the time of trial arrives.

9. It is possible that some of the material in your files would not fall within the categories of "books, records, papers or documents" of the Agency, and hence would not properly be governed by the provisions of 28 USC 1733b. However, even if this is so, the procedure outlined in paragraphs 4 and 5 above will be adequate to protect our rights during a trial because of rules of evidence which are universally followed by the courts. Such rules provide for a method of proving the contents of any document in the event the original is lost or destroyed. If neither litigating party can produce the original, the court will allow the introduction of secondary evidence. This is where our copies could be used, and even if we had no copies, other secondary evidence (e.g. memoranda, slips of paper outlining the transaction; oral evidence, etc.) could be used.

10. The above discussion illustrates the ease with which the Agency can overcome the loss of a record, in the event of a trial. It appears that this is the problem with which your office is primarily concerned, but if other problems are involved, please notify this office.

25X1A9a

OGC/JJB/McD

Distribution:

Original - Addressee

4 - Signer

~~SECRET~~

"COPY"

Sanitized - Approved For Release : CIA-RDP58-00453R000100330001-8

MISSING PAGE

ORIGINAL DOCUMENT MISSING PAGE(S):

Attachments