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7 August 1959

MEMORANDUM FOR: General Counsel

SUBJECT: Destruction of CS Correspondence

1. In the fall of 1957 the Clandestine Services Records Committee, through the Records Policy Officer appointed by the DD/P, took drastic steps to rid the CS of valueless accumulations of paper. The authority of individuals in this process, background required in evaluating paper, and the procedures to be used, were published. These matters are covered in [] attached.

2. The CS Records Committee, at a recent meeting, requested that our rules, standards and procedures be reviewed by your office for consistency with legal provisions covering the disposal of records.

3. The Clandestine Services has two reasons to preserve selected documentation, normally in distinct contexts and collections:

a. To fulfill the mission of the CS;

b. To comply with Federal law governing the preservation of essential records.

4. Items which need to be retrievable to fulfill the mission of the CS are described in [] Positive selection by competent personnel determines which items are to be retained. Original copies of field correspondence constitutes the great bulk of this collection. These original copies are called "Record copies," which causes confusion. As we read the law, virtually none of this material is covered by the legal definition of the term "Records" (Records Disposal Act of July 7, 1943). The word "operations" causes similar semantic trouble. Clearly the definition of this word as used in pertinent Federal legislation, and as used in the CS, is not the same.

5. In addition, a small quantity of papers document the work of the CS in the sense of the legal definition of "Records," in that they need to be "preserved ... as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government ..." Materials under this heading normally consist of papers written at headquarters, for the record, summarizing operational activity, seeking approval for it, budgeting for it, establishing T/Os, contracting for services of individuals, etc.

6. [] deals solely with field correspondence (and information

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received from other agencies of the Government for which we have no records responsibility in the legal sense) pertaining to the CS mission.

7. In support of this distinction between materials, we cite the pamphlet "Disposition of Federal Records" issued by the General Services Administration as National Archives Publication No. 50-3, 1949. It states inter alia: "The bulk of the records of most agencies are not those that record its general management, the determination of its policies or its internal administration, but rather those that record the specific individual transactions that make up its actual operations. These records not only have the greatest bulk, but also present the most serious problems of evaluation. Normally most of the significant evidence relative to the operations of an agency is relayed upwards through reports of a statistical or narrative nature, through correspondence and memoranda and other summary records. It would seem, therefore, that the records of individual transactions are seldom basically essential as evidence of policy, organization, function or procedure."

8. Disposition of CS materials which do come under the legal definition of the term "Records" is handled in compliance with Federal law, except that the discretionary powers conferred upon the Director of CIA in Public Law 253 and elsewhere clearly apply to them. We wish to draw your attention to the fact that there is no question of destroying materials of this type in violation of the intent of Federal law. The issue which has required clarification, and which the Records Committee is asking you to review, is that of the proper application of the legal term "Records" to the bulk of our field correspondence.

9. As Secretary of the Records Committee I am available to members of your office for consultation on this subject. Your advice will be appreciated.

(Signed)
Asst. Executive Officer, DD/P

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