

55-1825

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17 AUG 1955

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Movement to [redacted] of Dependents of Personnel
Assigned [redacted] 25X1

REFERENCES : (a) Memo for AD/Pers from DD(A), 17 Jan 55, 25X1
Assignment of Personnel [redacted]

(b) Memo for D/Pers from OGC, 19 July 55,
Movement [redacted] of Dependents of Personnel
Assigned [redacted] 25X1

25X1 (c) Memo to D/Pers from D/L, 11 July 55, 25X1
Movement to [redacted] of Dependents of [redacted]
Mission Personnel

(d) Memo to D/Pers from C/FE, 26 July 55, 25X1
Movement to [redacted] Mission Personnel

25X1

25X1

1. The problem of permitting dependents of [redacted] per-
sonnel to reside in [redacted] during an employee's tour of duty at [redacted] 25X1
has been studied by this Office, in coordination with the FE Division,
the Office of Logistics and the Office of the General Counsel. (Ref-
erences (a) through (d).)

2. With regard to the legality of the proposal the Office of
the General Counsel has stated:

"Lacking a precedent in general Governmental practice,
the proposal could be authorized for this Agency, if at
all, only under the broad powers granted the Director
under section 10(b) of PL 110. It has been this Agency's
consistent policy, (the correctness of which was affirmed
in 31 Comp. Gen. 191, 21 November 1951,) that these
special powers are not to be exercised to solve admini-
strative problems common to all agencies of Government,
and in no way arising from our peculiar functions. The
instant case would seem encompassed within this policy."

25X1

Further, that "... the disinclination to be separated from depend-
ents is a fairly widespread emotion, and all Government
agencies are faced with problems resulting from its
prevalence. In [redacted] itself, today, all U. S. Government
agencies (other than the Department of State) must oper-
ate, and are operating, despite this obstacle. Granting
the special qualifications required for Agency tasks,
this factor alone is not sufficient ground for authorizing

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25X1

what would otherwise be improper. Not unless and until all reasonable alternatives are exhausted and found ineffective, and our functioning in [redacted] is seriously in danger of impairment, would a situation exist warranting the exercise of the Director's special powers for resolution -- and even then, it is not certain that the proper resolution would be that proposed."

25X1

3. Following receipt of this opinion, discussions were held with representatives of the FE Division, and this Office was advised that the Division cannot state at this time that operations in [redacted] would be seriously in danger of impairment if the proposal is not adopted. It was pointed out, however, that such a situation could develop at any given moment, as a result of the present critical personnel situation in that area.

25X1

4. In view of the positions of the General Counsel and the FE Division, there does not appear to be any further course of action to be taken unless a critical situation, threatening to impair operations, should eventuate.

25X1

[redacted signature box]

Acting Director of Personnel

Enclosures:

- 1 copy each of references (a) thru (d)

FE got a copy

thru

Per Personnel

[redacted signature box]

25X1

8/18/55
RWB

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