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Date 1/28/91

30 January 1952

HRP 89-2

MEMORANDUM FOR: Deputy Director, CIA

[Am Date] 1/28/91 HRP 89-2

FROM : General Counsel

SUBJECT : Control of OSS Records

by Army on CIA

see 7. next page for Houston's conclusions

1. Executive Order of 20 September 1945 transferred personnel, property, records and funds of OSS to the Department of War, and functions of the Director and of the Joint Chiefs relating to the Director's functions were transferred to the Secretary of War. On 27 September 1945, Secretary Patterson created the Strategic Services Unit, appointed a Director and authorized him to preserve the functions and facilities needed for permanent peacetime purposes under the Assistant Secretary of War. The Assistant Secretary on 26 September 1945 made SSU almost autonomous stating that the Director would keep the Assistant Secretary and the Deputy Chief of Staff advised of plans and activities. Only major questions of policy were required to be referred to the Assistant Secretary's office.

2. CIG was created by Executive Directive on 22 January 1946. On 29 January 1946 the Secretary of War issued two directives -- one to the Assistant Secretary stating that he wanted SSU liquidated by 30 June 1946 and meanwhile to support CIG and prepare to turn its facilities over to CIG. Records required by the Director of Central Intelligence were to be transferred to the Office of the Secretary of War and placed under the operational control of the Director of Central Intelligence.

3. On 3 April 1946 the Acting Secretary of War directed the liquidation of SSU by 30 June 1947 and ordered that it be carried out according to instructions of the DCI. During the liquidation period, SSU was to make available to the DCI any facilities he required.

4. On 28 May 1946 the Assistant Secretary of War directed SSU to bring its practices into conformity of those of the War Department as far as possible "while still maintaining the autonomy in your own administration." Those administrative practices not consistent with War Department regulations would be carried out as the Director of CIG deemed essential under the direction of the Director, SSU, subject only to review by the Assistant Secretary of war. SSU was liquidated as an operating entity effective 19 October 1946.

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* *... for review of ... analysis ...*

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*Question to DD/P/RE:
When, and by
what transfer
agreements or
accession
with transfer, was
these records
transferred to CIA?
- M.P.C.
1 Dec 54*

On 1 November 1946 the DCI asked that the remaining property, supplies and equipment of SSU be transferred to CIG. SSU agreed on 2 November 1946, and it will be noted that records are not included specifically in the transfer.

5. On 16 April 1947 Colonel Galloway, Assistant Director, CIG, was designated Director, SSU, to complete liquidation thereof. On 5 November 1948 Colonel Pruden, Executive Officer, OSO, was designated by the War Department as Director, SSU, pending final liquidation.

6. On 25 October 1950 Assistant Secretary Johnson of the Army addressed a memorandum to the DCI stating that the assignment of additional duties relating to SSU matters to members of CIA will in the future be a matter of internal concern to CIA and will not require the approval of the Department of the Army. This was answered on 1 November 1950 accepting the transfer of the remaining SSU functions to CIA and stating that the duties involved are purely a matter of answering correspondence and supplying information, from records available to SSU, primarily on matters related to OSS. Also on 1 November the Assistant Director, SO, was charged with responsibility for the remaining functions of SSU.

7. In view of the foregoing, it is our opinion that there has been no transfer of title, in legal concept, of the OSS records from the Department of Army to CIA but that full operational control, including release of information, has been granted to CIA by the Department of the Army. As a practical matter, we believe the records could be authenticated as SSU records by either CIA or the Army depending on what is desired in any one case. In the past, releases or clearances through the Army have been handled by the Army public relations offices.

LAWRENCE R. HOUSTON

OGC/LRH:als

Orig 1 cc: Add
2 cc: OGC

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