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OGC/S-116(a)

10 June 1960

MEMORANDUM FOR: Chief, Central Cover Division

SUBJECT : Legal Aspects of Operations and Documentation in Alias

1. Your memorandum of 24 May 1960 questions whether Agency personnel carrying alias documentation may be jeopardizing their survivors' privileges and benefits in the event of death. Similar problems may arise even in cases of serious injury, but probably can be more easily handled.

2. It is not possible to foresee all the legal problems that might arise in the event of the death of an individual who had been living under an alias. The problems would vary depending upon the ^{personal} and family situation of the individual and upon the circumstances surrounding his death, however, some problems would be common to most situations. Of particular concern are matters of government death benefits, social security, commercial life insurance, and estate administration.

3. If we assume that the Agency will have adequate records or other means of proving the identification of an employee, the legal problems probably will be minor. All employee benefits and those administered by CIA (e.g. GEHA and UBLIC) would be paid as a matter of course. Social security, commercial insurance and probate matters might present some security problems, but otherwise could be handled satisfactorily by the making of affidavits as to the true identity of the employee. There are other matters which probably would present no more serious problems, but which are not completely predictable. For example, if an employee buys a flight insurance policy using his alias, we cannot be certain what position the insurance company would take upon the death of the employee. It seems unlikely that they would deny liability or could successfully defend such a denial upon proof of the true identity of the insured, but it is not a question which can be resolved with any certainty until it becomes an issue. There may be innumerable other problems depending upon the circumstances of the individual employee, but these can only be handled as they arise.

4. To summarize, we believe that most legal problems caused by alias documentation can be handled easily provided the Agency has adequate records with which to prove the true identity of the individual. There will, of course, be security problems and in many cases the employee or his survivors will be adequately protected only if the Agency makes revelations to the detriment of security and cover. In most cases we will have little choice but to do so and as a practical matter after the death of the employee the security factors will become secondary.

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5. You indicated in your memorandum that there may be increased activity in operations in which aliases are used. This being the case, I think it is all the more important that a complete study be made of the administration of alias documentation. While the procedures presently followed in many offices are good there is a weakness in the lack of centralized control. Under the present system it would be possible for an employee living under alias to die and for his death to go unnoticed by the Agency for several days or longer. Assuming his death and true identity were eventually ascertained the lapse of time probably would have no effect from a legal point of view, but it might cause very serious security repercussions. It would seem worth while for procedures to be set up whereby alias documentation would be centrally controlled and any mishap involving an employee under alias would come to the attention of the Agency just as much as if he were living under his true name. If, for example, the Central Cover Division were to have over-all control of all alias documentation and the Office of Security could be notified immediately upon the death of an individual living under alias the security problems could be kept to a minimum.

6. This Office will be pleased to assist in a study of alias documentation procedures and to advise any employee or office on legal questions arising out of the use of aliases.

[]
Assistant General Counsel

cc: SSA/DDS
Office of Security/Mr. Osborne
Office of Personnel/[]

OGC/JIM:jcw

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