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WE

Executive Registry
60-2749

15 April 1960

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT: Residence for DCI at or near new Langley Headquarters, Availability of Parkway Land

1. This replies to your request for amplification of the comment in my 7 April 1960 memorandum to the General Counsel on the above subject.

2. Contributions for the purchase of land for the George Washington Memorial Parkway are required to be provided equally by the State (or local) and Federal Governments by Section 1 of the George Washington Memorial Parkway Act (PL 71-284, 46 Stat. 482):

"... Provided, That no money shall be expended by the United States for lands for any unit of this project until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources for one-half the cost of acquiring the lands in its judgment necessary other than lands now belonging to ... or donated to the United States. ..."

The arrangements for obtaining lands for the George Washington Memorial Parkway extension into Arlington and Fairfax counties were formalized in two tripartite agreements, with the National Capital Planning Commission and the Commonwealth of Virginia parties to both agreements, and the County of Fairfax or Arlington being the third party. The Fairfax County agreement received Presidential approval on 22 October 1956. The hearings on the annual appropriations for NCPC for recent years are replete with references to the necessity for matching funds for this parkway, and the matter is prominently mentioned in the reports of the NCPC which have commented on the area planning impact of the proposal to locate CIA at Langley.

3. In reviewing the early Agency building files to develop the foregoing information, an even more important consideration has come to light. The tract of land which runs between the Potomac River and the CIA site and on which the ruins of the old Laiter residence stand was conveyed to the Federal Government in 1936 under terms (set forth below) which strongly suggest that this land was accepted by the Federal

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Government as a gift with the condition that it be devoted to furtherance of the purposes of the George Washington Memorial Parkway Act:

"WHEREAS, under the authority of (the George Washington Memorial Parkway Act) and subject to all the provisions of said Act, and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, the receipt whereof is hereby acknowledged, and of the benefit that the donation of the following lands will be to the remaining adjoining lands of the said Leiter Estate, and the desire of the parties of the first part to assist in carrying out the purposes of the said Act..., said parties of the first part do hereby grant, donate and convey to the (United States of America)..."

4. The legal situation with respect to the proposal to build a Director's residence somewhere near the new Headquarters appears as follows:

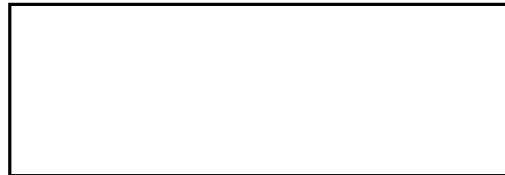
a. If it were proposed to locate such a residence on land now held by CIA, fresh legislative authorization and appropriation would be required. This is the principal conclusion of my 7 April 1960 memorandum to the General Counsel.

b. If it were proposed to locate such a residence on the parkway land bordering the CIA tract; e.g., in the vicinity of the Leiter house ruins, the above-quoted terms of the gift of this land would appear to be violated thereby. The National Park Service and the National Capital Planning Commission would probably seek an advisory opinion from the Lands Division, Department of Justice to confirm their opposition to the proposal which this Agency should anticipate. On the remote chance that approval were obtained from all of the foregoing agencies, fresh legislative authorization and appropriation would still be required. State and local interests could not object on financial grounds to such use of the land since they made no financial contribution to the acquisition of this tract.

c. Other parkway lands, somewhat more distant from the CIA property, were acquired by 50-50 Federal and local contributions, and with respect to such property local opposition could raise the question about the propriety of devoting local revenues to such a purpose. In this case, too, fresh legislative authorization and appropriation would be required, and the opposition of the National Park Service and NCPG should be anticipated.

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5. Attached herewith is a drawing showing (in light green) the Leiter property conveyed as a gift to the Federal Government, and indicating its proximity to the new park roadway and the entrance to the CIA property. The boundaries of the CIA property are outlined in purple ink.



STAT

Assistant General Counsel

Enclosure (*sent in DCI copy*)
Drawing

cc: Comptroller w/o att.
OL/BPS w/o att.

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MEMORANDUM FOR: Mr. Dulles

The attached memorandum from the Office of the General Counsel supplements the information which I sent over earlier concerning the construction of a residence at Langley and points up still further obstacles to acquiring a site on Parkway property.

Please return.

LSI
L. K. White

cc: ✓ DDCI

18 Apr 60
(DATE)

FORM NO.
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REPLACES FORM JDC-101
WHICH MAY BE USED.

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