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PORTION OF VERBATIM TRANSCRIPT OF 20 JUNE 1967 CIA RETIREMENT BOARD MEETING

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DISCUSSION OF THE CASE OF [REDACTED]

MR. ECHOLS: I'd like now to take up the cases of [REDACTED] [REDACTED] -- and perhaps this is going to be a lot easier task than I thought it might be originally.

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If we could look first at the case of [REDACTED] we find that her marriage was reported way back in 1957-1958 -- her Fitness Reports stressed this fact and that she had family ties and responsibilities. (Reading) "Her husband, a U.S. citizen, is a prominent local businessman. It is not felt that Subject would accept an assignment in another area, including Headquarters, under the circumstances. As long as her husband remains in [REDACTED] Subject will probably continue in her present capacity, but should he plan a return to the U.S., it is probable that Subject will resign."

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Now, the question here is should we have put this individual in the Retirement System? Does she qualify? And I think the question of should we have permitted her to retire is irrelevant -- it's secondary to the first issue: Should she have been permitted to join the System?

This raises, in part, a corollary question as to whether we should look behind people's certifications in their Form 3101's as to their matrimonial situation, their family situation, to perhaps challenge the validity of their certification. Which carries us next to the even more critical point, which is: What does our Form 3101 in fact mean? And I think this is germane to each of these cases.

If we look at our Form 3101, Service Agreement, it says this:

"The Director of Central Intelligence has determined that in order to qualify for designation as a participant in the CIA Retirement and Disability System, an employee must have signed a written obligation to serve anywhere and at any time according to the needs of the Agency in addition to meeting other specified criteria.

I hereby declare my intent to comply with this requirement as a condition to my being considered for designation as a participant in the CIA Retirement and Disability System.

In making this declaration, it is understood that the Agency will consider my particular capabilities, interests, and personal circumstances."

MR. ECHOLS: Now certainly "personal circumstances" embraces marriage, embraces children. The question is, if a person is married - a person is

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immobile, does this in any way invalidate a Form 3101, or does it meet the requirements of our Regulation and the legislative history. We have had meetings on this Form 3101, this certification, and I have brought with me the transcript of our discussions -- which were not very clear and very explicit. I might point out, however, that we decided very early in the game that we would rely upon the previous Career Staff agreements in our initial review of people for eligibility -- in our initial review of people for eligibility. And this Career Staff agreement said this:

"I am aware of the many restrictions necessarily placed upon me by virtue of the security requirements inherent in my employment by the Central Intelligence Agency. And I am also aware as a member of the Career Staff, it would be my obligation to serve anywhere, at any time, and for any kind of duty as determined by the Agency, and I have been assured that in order to carry out this policy, full consideration will be given to my particular capabilities, interests, and personal circumstances."

So we find a similar, if not practically identical in thought, statement in both cases that we will, in calling upon people to serve, take into consideration their personal circumstances.

Now, in going back to this Career Staff agreement we find in the record that the CIA Career Council --which was the primary body of this organization which developed this Career Staff concept -- at a meeting held on 7 October 1954, attended by Harrison Reynolds, Chairman, Matt Baird, Richard Helms, Lyman B. Kirkpatrick, [redacted] L. K. White, [redacted] and [redacted] -- (reading) "The Chairman then brought to the attention of the Council the urgent problem of correcting the misunderstanding of persons, particularly married women, who felt they could not, in good faith, apply for membership in the Career Staff. The members expressed agreement that such personal circumstances as marriage should not, per se, bar any person from membership provided there was intent to make a career with CIA. It was agreed that an Agency notice would be prepared, on a priority basis, to clarify this issue. Mr. Kirkpatrick also stated he would discuss this matter in his talk at the Agency Orientation Course on the following day."

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So at least in terms of the Career Staff document there was a topside Agency policy formulated that immobility by reason of marriage would not be a bar to the signing of a pledge of obligation to serve --

25X1 [redacted] Excuse me, but did that go into immobility?

MR. WARNER: I don't think it said that.

25X1 [redacted] It said marriage.

MR. ECHOLS: I'm referring to the immobility inherent in marriage.

25X1 [redacted] Well, not necessarily --

MR. ECHOLS: (Reading) "The members expressed agreement that such personal circumstances as marriage should not, per se, bar any person from membership provided there was intent to make a career with CIA."

MR. WARNER: I didn't hear any words like "immobility" --

MR. ECHOLS: Now, in discussing our new Form 3101, which was prepared to meet the requirements of the Regulation which required people to commit themselves in writing, there are two factors that come into the picture. One, we did agree in the initial go-around to accept the previous Career Staff pledges, commitments. In so accepting them I presume we accepted the policy that underlay such a document. Therefore we have automatically, perhaps incorrectly, accepted marriage as not barring eligibility to participate in this Retirement System. We also decided, in discussing our new agreement, to simplify it, to remove many of the words here, but there was no discussion that I can find in the records on the specific subject of barring married people or causing us to look into the facts and circumstances of marriage as possibly negating the signature on the new agreement. I would hold, therefore, that unless we change the rules existing at the present time, the fact that a married woman, with some small children, perhaps, and who otherwise is eligible, signs one of our agreements, we have no reason to go behind this document and examine the fact of her marriage and her true willingness at the drop of a hat to rotate all around the world at the wish of the Agency. I presume in a severe crisis of some kind the Agency might call upon some such women to serve in a TDY capacity, or help out, or in a very critical situation they might actually ask them to leave their husbands -- but normal, due regard for personal circumstances would not necessitate this. So, full career mobility for advancement and development and rotation I don't think is currently an inherent requirement of our 3101.

Any discussion desired on this point? John?

MR. WARNER: I think there is another view on this, Emmett. I think we do have to recall the situation that existed at that time, when becoming a member of the Career Staff meant just that, that you became a member of the Career Staff -- it didn't mean anything else. But in terms of our Retirement Act and the words we used about obligation to serve and willingness to serve, I think one could take a different view, that certainly from our presentation our Committees were not put on notice of our view that a woman married to an American businessman in a foreign country could be in effect an exception to the concept of mobility.

MR. ECHOLS: No, they were not. But she still, nonetheless, is required to serve the requisite period of qualifying duty, of course --

MR. WARNER: Yes. That is another point

25X1 [redacted] I think maybe we muddy it by dragging this marriage business into it. I'm certainly willing to look at any case on its merits. Let's
25X1 say this girl lived in [redacted] and she was single, and she just said, "I like
25X1 it in [redacted] and I'll be glad to stay on with the Agency as long as I can work
in [redacted]. She's not married. I don't think that you would want to accept her
as truly signing this thing with a fair intent to make it stick.

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MR. ECHOLS: I would quite agree with you -- she is almost in the nature of a temporary employee. She is saying: As long as you have a job for me here in [] I will stay with the Agency.

MR. SEELY: The qualifying statement in her agreement wouldn't apply -- The Agency doesn't say that personal preference will be taken into consideration.

MR. MILLER: Excuse me, I'll have to leave now, but I can come back in about 20 minutes, if you need any action today by me.

MR. ECHOLS: I wish you would come back, Gerry. I would like to ask you one question before you go. As our meeting broke up last time I think you were about to make a motion -- in fact, I think you made a motion with respect to [] Have you changed your mind in any way?

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[] No, I haven't. I agree with your approach there, and I do think that all three of these should be designated. On the other hand, I also feel that the whole question of career status should be examined by the Director of Personnel, and perhaps there should be different categories of career status, so that you can just call it "Category A" and "Category B", and people could move from one to the other, one being what we call mobile and the other what we call immobile, but without defining it just in those terms.

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. . . . [] withdrew from the meeting at this point, but returned to the meeting later

MR. ECHOLS: If I could speak on Gerry's last point, when we did discuss this new agreement the record shows that Jim Critchfield was very vehement and ardent on the idea of tightening up, if you will, the meaning of Career Staff and the obligation. He wanted a reaffirmation of intent, not with regard to those who had already demonstrated it but with regard to future cases. Now, we have not gotten into this as yet. He indicated at some future date he thought we should take a real hard look at the Form 3101 and its meaning and significance, and perhaps make some revisions which would clearly show those who are fully involved and those who are not. We have not yet taken this up. And I might just say that the cases we are concerned with here today are all old-timers who either were or perhaps might have been considered in the initial go-around -- so we are strictly dealing with that class of person at this time, and not the thing that Gerry just suggested and that Critchfield advocated many months ago.

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If we can get back to the case of [], she did serve her entire career, and we were happy to have her -- I think she served some 18 years, or something like that -- and we put her in the System, she applied for retirement, and we retired her. Is there any reason why anyone would like to challenge our judgment on this [] case?

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MR. WARNER: I would. I think if we had known the facts as we know them now, we shouldn't have put her in the System. But on the other hand, having retired her, I would say that is water over the dam.

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25X1 [redacted] Yes, I think that is closed. But I don't think that can be a precedent for the next case.

25X1 [redacted] She was a civil servant working in her home town -- she worked there from her Junior College days, and never left -- and I have a feeling that she wouldn't have left. That's why, as I said, it sounds to me like even before she was married she had no intention of working anyplace but [redacted] So it doesn't seem to me --

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25X1 [redacted] I don't see what we can do about the [redacted] case at this point.

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MR. ECHOLS: No, but they wish our opinions on these cases in order to establish some guidelines and perhaps some precedent for other cases -- and perhaps make some changes in the System.

25X1 [redacted] I think we made a mistake. The mere fact we waived the right to go back, on the first go-around, to receive or to insist upon getting Form 3101, I don't think meant we would accept cases that we might have known about that were completely immobile and didn't meet the six requirements for designation as a participant in the System. I think if we had known about this [redacted] case we might have at that point said, "Let's check this one out."

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MR. ECHOLS: Are we not saying the Career Service should have been more discerning with regard --

25X1 [redacted]: I don't think you can blame the Career Service alone. I think this is one that got by us, that's all.

MR. ECHOLS: But isn't the Career Service really the only group that really knows what the circumstances are?

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[redacted]: Yes, I think so, but the fact they didn't go back to take a look to see if she was married or what --

MR. WARNER: I think the Career Service, the Office of Personnel, and this Board, all have a part in this.

25X1 MR. ECHOLS: I know we commented at the time that she spent her entire career in [redacted]

MR. WARNER: These Fitness Reports weren't in the Office of Personnel files, they were in the Career Service files -- and maybe this Board when handling 200 cases at a crack, should have somehow picked it up -- but I don't think it serves any purpose pointing a finger --

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[redacted] I don't either -- but I don't think the mere fact that we retired her under an error should set a precedent --

25X1 MR. WARNER: I think really what [redacted] is asking is, is it the consensus of the Board that we made an error.

25X1 MR. SEELY: Does this case fit the other two cases? This lady was hired [] Now the other two were not hired --

25X1 MR. ECHOLS: On the contrary, due to the interruption, the break in service, [] a second time. So there is some relevance there. She was at that time married to a local businessman. So there is that similarity. 25X1

25X1 [] Okay, we have looked at [] Are we supposed to look at the others? 25X1

MR. ECHOLS: Is there any disagreement? I think I for one agree with that, that we should be more discerning, and people who are there working for us only so long as we have a job there for them are not really careerists.

MR. WARNER: Apparently Gerry doesn't -- if I got the thrust of what he was saying.

25X1 [] No, he doesn't. I don't understand just why.

MR. ECHOLS: We didn't get a chance to explore his full views, so I'm not sure.

25X1 The case of [] I think is only important to us because, as I recall --

MR. WARNER: Is she a participant at this stage --

MR. ECHOLS: She was never made a participant. The relevancy of this case is that she and [] were both employed at the same Station - to wit, [] and they were both married to local people, and one was put on the 701 list by reason of her marriage and immobility, and the other one was not. 25X1 25X1

25X1 [] Which was which?

25X1 MR. ECHOLS: [] was put on the 701 list by reason of her immobility -- it was not because of performance, in any way -- and [] by some oversight or something was not put on the 701 list, although their circumstances were apparently identical. Actually, they were not identical, to this extent. We have a dispatch from the [] in which he says: 25X1

25X1 "We wish to record that [] has not applied for membership in the Career Staff because, in view of her marriage, she does not feel she can fulfill the 'obligation to serve anywhere and at any time and for any kind of duty as determined by the needs of the Organization' as stated in [] and in the application for Career Staff. 25X1

"As you know, the Station considers [] an exceptional employee in regards to ability and devotion 25X1

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25X1 to duty. We further submit that [] conscientious interpretation of the application for membership in the Career Staff should be commended and should not in any way hinder her future progress in the organization as based upon demonstrated performance of duties."

MR. WARNER: An excellent employee and a better Station Chief!

25X1 []: And yet the fact that she was an exceptional employee might be one reason why she never got on the 701 list.

25X1 MR. ECHOLS: In July, 1965, [] says: Because of increasing personal responsibilities I hereby submit my resignation. So, she was off the rolls. She did not become, and specifically declined to become, a member of the Career Staff. So we, very properly, did not consider her at the time of our initial review -- and she would appear to have no claim of any kind at the present time.

MR. WARNER: One we handled right, and one we handled wrong.

25X1 [] Now, what retirement benefits did she receive?

MR. ECHOLS: She will get a deferred Civil Service annuity.

25X1 Now, [] as I have indicated, was not asked to sign a Career Staff agreement, and I can only surmise this was because of one of two reasons. One, the Career Staff was initiated during the period of her interrupted service, so she wasn't available or wasn't around at the time we implemented the Career Staff. And why, when she was picked up in the field in 1955 she did not sign or was not asked to sign the Career Staff agreement I do not know and can't find any witnesses who do know. But employment in the field was not a common practice, and Career Staff forms and procedures were not available at field stations, by and large, at the time, and I would assume that if she was not asked to sign one it was just an administrative oversight. There is in her file some strong evidence that, unlike [] perhaps, she did consider herself a career employee in the full sense. Not only had she been an Agency employee for many, many years, including several staff agent assignments, but we have some comments on various Fitness Reports. The first document of interest in the record is the FRQ in which her supervisor says: "Believe it in interest (of) service for subject to follow contemplated program and return for duty at this station following home leave in 1958." And there is the further observation: "Employee's assignment [] is dependent upon the continued assignment [] of her husband who is with a private American business firm. It is anticipated that employee's husband will be returned [] following his normal period of home leave due in August 1958 (leave duration - six months after three year assignment) for an additional three year period."

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25X1 The next document of interest is a Fitness Report dated 11 October 1960 which says: "Subject is an imaginative and intelligent woman, whose long experience in [] proves of daily value to operations officers. Her sole shortcoming, if it can be termed that, is an impatience and reluctance to comply with administrative procedures. (This attitude may stem in part from an understandable

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identification with the fortunes of her husband rather than with long-range career expectation. This is cited only by way of explaining an occasionally casual attitude toward her employment.) She is an otherwise sincere and enterprising employee."

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I call attention to the fact that [redacted] took exception to the above statement, and in an attachment to this Efficiency Report her supervisor stated: [redacted] wishes to make it a matter of record that she does not consider her approach to Agency employment casual or that it is affected by identification with her husband's future as a well-established independent businessman. She attributes the impression of casualness to her resentment of cumbersome and constantly changing administrative minutiae. She expresses the hope of working for and being identified with Agency aims in the future both in the United States and abroad, wherever she may be located. In view of the fact that she has expressed dissent with respect to the overall evaluation of her performance here, I believe that her comments should be made part of this record. There is no disagreement among [redacted] works, as to her being an able and useful member of the Agency. There is some disagreement, more especially between [redacted] as to the specific weighting of performance levels. I do not feel sufficiently familiar with the detailed factors of this matter to do other than defer to [redacted] rating."

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So, here we have an individual who did not sign a Career Staff agreement. I think it's fair to assume that she was not asked to or somebody thought it not necessary to ask her to. She certainly identifies herself as being interested in her career with CIA as long as and whenever this is possible for her. Maybe it's clear that she intends to move with her husband, but barring this personal circumstance she intends to make the CIA her career -- and, on the record, she did in fact serve some 22 years with CIA either as a staff employee or, in the post-701 exercise, as a reserve employee, who did in fact serve some 18 years overseas in many assignments for the Agency, and who now has asked, on the basis of her record, to be considered as a participant in the CIA Retirement System and then intends to retire. The fact remains that we did hire this person in the [redacted] as a staff employee, having previously hired her under contracts, so we evidently made a decision to give her status -- and we certainly were knowledgeable about her personal circumstances and the limitations on her career, but we nonetheless gave her career status. Later we removed her from staff employee status and transferred her to reserve status, but keeping her in the same station, in a staff employee job, until her employment was finally terminated by her return to the United States.

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MR. WARNER: Is there any memoranda in her file as to why she was given a reserve appointment in August 1962?

MR. ECHOLS: Not in memorandum form, but I can bring witnesses in, however, who can tell you that when she was notified that she would have to give up her staff status she resisted, and some months passed before any action was cut. She was persuaded to do this by a representative from the Division - a senior representative who went out there - and to do so was in the best interest of the Agency, to conserve ceiling. And I might add that contrary to the prescribed procedures for the 701 exercise she was retained in the same job, in the same

Directorate, in the same component in the Agency -- which was flatly prohibited by the rules laid down in the 701 exercise. As you may recall, if a person was found surplus to his Career Service the first effort of the Agency would be to find him a job somewhere else. If this could not be done, then - and only then - would they be separated. In her case no attempt was made to find her a job anywhere else in the Agency, and she retained her status for a year or so. And this conversion to reserve status was approved by the General Counsel. What he had in mind, I don't know.

25X1 [] What does a reserve appointment mean?

MR. ECHOLS: Reserve appointment, per se, means a term employment for up to five years, but this can be renewed for additional periods.

25X1 [] Was she working for us from '60 through '65?

MR. ECHOLS: Yes -- same job.

MR. WARNER: It's a purely reserve appointment, as distinguishing from staff employment. An indefinite appointment.

MR. ECHOLS: There was a change in her paper status, her technical status, although she continued in the same duties, same job.

25X1 [] She could get Civil Service Retirement credit under a reserve appointment?

MR. ECHOLS: Oh yes! During her entire period of employment she has been under the Civil Service Retirement System and will be eligible for a deferred annuity some 10 years from now.

25X1 [] But doesn't this go to the opposite -- You mentioned she was contract in '55 and then we saw fit to give her status by hiring her as staff. In a similar vein, in '62 we saw fit to change her status and, in a sense, to take away some of it from her by the reserve appointment.

MR. ECHOLS: Right.

25X1 [] rejoined the meeting
at this point

MR. ECHOLS: I think it's within the Director's power to waive the technical deficiencies of this case and decide in favor of its merit. Toward this end he desires the advice of the Board, bearing in mind the errors, if you will, or the complications of these other two cases we have just reviewed, and he wants our recommendation.

25X1 [] Can I just get a fill-in on the rest of it? In '65 she resigned?

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MR. ECHOLS: I left out one small part of this. She was converted to a reserve employee in '62 for a three-year appointment. I am told by []

that she was assured that this would be renewed as long as she wanted to work. In October '65 she was converted to contract employee for the express purpose of easing the ceiling problem. And she agreed to do this. She lost no other rights in her contract -- all rights were preserved that could be preserved for a contract employee, including Civil Service Retirement, FEGLI, and so on.

25X1 [] Is she still working?

MR. ECHOLS: She is still under contract, because when she came back she came in to see me on this retirement matter, and I extended her contract on an LWOP basis just to keep her status in limbo, if you will, until some decision was made. She is not working now.

25X1 [] What do you get under contract status? Do you make any Civil Service retirement points under a contract status?

MR. WARNER: She doesn't have any break in service.

25X1 []: As a contract employee, if she had worked since 1965 - had actually worked - she would be making points under Civil Service --

MR. ECHOLS: Yes. And mind you, she only stopped working in November of 1966. She was under contract from October 1965 to November or December of 1966.

25X1 [] And she hasn't worked at all since then?

MR. ECHOLS: No. Have you read the basic papers on this case?

25X1 [] No, I haven't seen the basic papers.

MR. ECHOLS: Her husband had a heart attack and retired under disability.

MR. SEELY: So she is permanently in this country now?

MR. ECHOLS: I think the personal circumstances here are relevant to the problem that the Director is faced with. This woman has two young children by her elderly, incapacitated husband. He is very ill, and she has to do everything -- she even mows the lawn. He cannot work and is not working, and their income, as best the Agency can determine it, is quite meager, and they're having a tough time getting along.

MR. WARNER: Well, the Board has a tough problem here, Emmett, because the Board has said that the [] case as a case was handled improperly -- and to vote for this case, it's inconsistent. So the Board has a problem in voting on this.

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MR. SEELY: There is some difference between this case and the [] case, though in that this woman did perform a large part of her service before she became immobile. And also, was she ever asked to sign a service agreement? Did she ever in fact refuse to sign it?

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MR. ECHOLS: She has never been asked to sign one. We didn't even know about the case until actually she had ceased working for the Agency and was going to San Antonio, Texas to retire.

25X1 MR. SEELY: [] case is open and shut -- I don't have any trouble with this.

MR. WARNER: But again, it's the same situation, or one can infer that it's the same situation, because they saw similarities between the [] and the [] cases. 25X1
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25X1 MR. ECHOLS: The differences between the two cases are these. One, [] self-disavowed career status and [] reaffirmed her career intentions if it was possible -- and it proved to be possible -- it did prove to be possible. So there is quite a marked difference between the two cases in this respect. 25X1

25X1 [] What do you mean by "it proved to be possible"?

MR. ECHOLS: She avowed in writing that it was her intention to make CIA her career --

25X1 []: Yes, as long as she was with her husband. Well, the other woman maybe could have said the same thing but didn't think it honest --

25X1 [] She was honest.

But I don't think this Board can deviate from that -- Now the Director can do whatever he pleases, but I think this Board has got to be consistent in these cases.

MR. ECHOLS: "Consistent" in what way, Mike?

25X1 [] Well, really, when you narrow it down to the Regulation, as I see it, I don't see any difference in these cases. I don't think that they could have served anywhere overseas. If we had said, "Tomorrow you pack your bag - we need you in [] - I don't think any one of these women would have gone. As John has pointed out, in a number of cases at the hearings before the Subcommittee we said that there is going to be only a limited number of people that will get into this System, and there is something very special about this limited number of people: They have to go wherever we ask them to go, whenever we ask them to go, and they have to work 24 hours a day -- they have to do all these things. We built all of this up to show them there is a limited number that will get into this System. And I think we would be breaking faith with the Congress if we said: "Well, in this case the only thing different was that she didn't sign this agreement" -- or "We made a mistake and we didn't get her to sign this agreement" -- when we knew darn well that she was immobile and wouldn't go anyplace. 25X1

25X1 [] Yet the people who were running the CS and the people on the Career Council, as indicated in that paper that you (indicating Mr. Echols) read, were thinking about this type of person as being one of the very few eligibles.

25X1 [redacted] Eligibles? They were just so darn glad to find somebody
25X1 in [redacted] who would go to work that I think they would have promised her the world.

25X1 [redacted] No, the paper Emmett read that defined the parameters of who
would be part of our Career Staff and who wouldn't, they were thinking in terms of
this very type of individual as being part of the Career Staff.

MR. ECHOLS: They said - We will not deny Career Staff status to people
because of marriage.

25X1 [redacted]: That's right, for Career Staff status, but that doesn't
mean you can retire them under the CIA Retirement Act -- I think there's a big
difference there. Career status is one of the qualifications to be a participant
in the System, but that is only one qualification to be a participant in the Sys-
tem -- they have to meet the other five criteria, and one of them is that the
person must be willing to go wherever he is sent.

MR. ECHOLS: With due regard to personal circumstances.

25X1 [redacted] Yes.

MR. ECHOLS: And we know what those circumstances were --

25X1 [redacted]: I think if we had known what the circumstances were in
the [redacted] case we would have insisted that we get a service agreement from 25X1
her --

25X1 [redacted] We got one from [redacted] 25X1

MR. ECHOLS: Now, does it mean any more, having gotten it?

25X1 [redacted] I don't know. What did we get from her?

MR. ECHOLS: A Form 3101 at the time of her designation.

25X1 [redacted] Yes, when we put her into the System.

25X1 [redacted]: Well, but that was the case in which we erred in not
knowing all the facts in the case.

25X1 [redacted] I do think you can't take the statement of this pretty im-
pressive Board (referring to the Career Council) out of context. I can see in the
case of a girl who served many tours overseas, signed one of these statements,
comes back here and gets married, and is going to work at Headquarters -- I think
they're saying that you don't automatically take her out of the System.

MR. WARNER: That has nothing to do with this System -- it related only
to Career Staff status. One of the types of cases considered was this. Say some-
body has a secretary who has worked for the Agency for 10 years, and she has a
husband who works downtown. Can she be in the Career Service? The answer was yes.
So that was the context.

25X1

[redacted] And I'm saying that is true until such time as we try to move them somewhere. You have to look at each case. To me these cases are a little different -- these people have been working at their own convenience, and you can dress it up any way you want but their employment is limited to that overseas post at which their husband is located, and therefore this gives us, as management, no flexibility. They can sign the statement or not sign the statement, I don't think it changes very much.

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. . . [redacted] off the record . . .

MR. ECHOLS: Aren't you over-stressing one of the criteria for eligibility and that is availability and willingness to go anywhere at anytime? The more important one of the criteria, in my opinion, is the one that they must in fact serve a requisite period in this type of duty. She not only served this requisite period but she served three times as much such duty as the minimal requirement. Now are you going to deny the factual record on the basis of this one criterion of availability?

A second point on this is that the law itself and our Regulations clearly differentiate between the initial review of people and a subsequent entrance of people into the System. The Board itself clearly recognized the need to be more lenient in its initial review than in subsequent years with new employees. Now, doesn't she fit perfectly into the case of the initial review warranting more lenient standards? - the same standards we have extended to other people we have put into the System, including [redacted]

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25X1

[redacted] The only place where I think we were lenient on the initial review was with those people who had done their 60 months -- but we never waived the mobility thing --

MR. ECHOLS: In practice we did. We approved people who had since transferred out of the Clandestine Services and are working elsewhere, and have no intention of going overseas again, and there is no intent on the Agency's part to ever ask them to -- but if they signed the Form 3101 we permitted them to get the benefits of their previous overseas service -- which they had demonstrated - they had served overseas as we asked them to.

Now, if this woman had had a Career Staff agreement in her file, and if she had not as a result of that 701 exercise been converted from career staff to reserve she would have routinely been put in and we never would have batted an eye. Do you support that, Gerry?

25X1

[redacted] I think so.

MR. ECHOLS: She would be just one of many who were staff employees who already had 15 years' service, who already had more than the 60 months overseas, and there was a Career Staff agreement in her file -- she would have been in. But now you're saying "no" because she is married and couldn't have served where we wanted her to serve. She did serve where we wanted her to serve. She wasn't mobile, though.

25X1 [] How do you propose to distinguish this case, then, from
25X1 the cases that Roger is going to have coming up with his employees at this new
location []

MR. SEELY: I think one difference there is that these people will be
- hired to work at home and all of their service will be there.

MR. ECHOLS: I think we have already agreed that there will be differ-
ences with respect to our reviewing the old employees in the initial designations
and the new people in the future. And this is part of the problem, as I said, we
haven't spoken to yet. In our discussion of this 3101 the Board generally agreed
that we might want to tighten up the examination of people with respect to their
career intentions and get a reaffirmation of their today's intentions at the time
you're looking at them. Now we haven't done that as yet. But I do think we have
to look at new designations differently than with this initial group.

25X1 [] I may be a little confused here, but what happened? -- she
had 15 years, didn't she, when we did our initial review?

MR. ECHOLS: Yes, but she was not a staff employee so an application
wasn't even submitted.

25X1 [] But we did consider others who were not staff employees.

MR. ECHOLS: No.

25X1 [] Not initially.

MR. WARNER: Emmett, do you have in the file there the memorandum that
Larry Houston prepared for the Director on this case?

MR. ECHOLS: Yes.

. . . . Mr. Echols then read above-referenced
memorandum to the Board

MR. ECHOLS: On this I would point out immediately that even our present
3101, which was designed to meet this requirement, does have that provision about
personal circumstances. Does this mean that that would have to come out of the
agreement, that we would have to delete that, or change it so that there is an
unequivocal commitment on the part of the individuals?

25X1 [] No.

MR. WARNER: It means everything humanly conceivable --

25X1 [] It's like saying, "We know you are sick now, or your
mother is ill, so we won't call upon you to go today" -- we think only in terms
of this one person -- "but six months from now we will ask you to go overseas if

your mother is feeling better." That does not take her out of a Career Service that is normally requiring the performance of qualifying service.

MR. ECHOLS: Then do we want to say "personal circumstances excluding marriage to a local businessman"?

25X1 [redacted] You don't waive it forever - ad infinitum.

[redacted] We have people who say, "I have asthma, so don't send me to a damp climate."

25X1 MR. ECHOLS: [redacted] said she would serve anywhere in the world --

25X1 [redacted]: In 1965.

MR. ECHOLS: Well, it was prior to that, I believe, if it fit in with her personal situation.

25X1 [redacted] I'm glad we are not quibbling with whether she signed the statement or didn't sign the statement, but, rather, that she could not in good faith sign the statement -- because I do think that is the point.

25X1 [redacted] Who said this?

[redacted] I'm saying this.

[redacted] That is an assumption. That whole thing is based on that assumption that she could not in good conscience have signed it. I say I don't know whether she would or wouldn't. I think that is the correct assumption.

25X1 [redacted]: Isn't there a statement in her file that she would serve anywhere her husband --

25X1 [redacted] (Reading) "If you will accept appointment in certain locations only, specify locations." Her answer was: "Where husband is located."

25X1 [redacted] That is pretty definite.

I think when you are asked to take into consideration the personal circumstances of an individual, it doesn't mean that you do it forever -- I mean, you just don't waive a Regulation forever - as you would be doing in the case of this woman. If she were here and she was ill, or her mother was ill, I can see where for the time being you would waive it -- you're taking into consideration the personal circumstances -- or I can think of a dozen other reasons why for a time you would waive it, for a time, but you don't waive it forever, and that, I think, is what you are doing in this case.

25X1 MR. ECHOLS: [redacted], what is the purpose of our Retirement System? I think one purpose is to reward people for having served for the Agency in these parts of the world and in these fields of work. Another purpose is to have an

inducement to get people to serve as the Agency needs them to serve. There is no question but that this individual did serve in all kinds of fields of work, including behind the Iron Curtain, in her total career. She did, in terms of her service to the U.S. Government, did do exactly what our System was designed to do, and there's no question but that she "earned", in this sense, the benefits of this System -- and there is no question but that she served where we wanted her to serve --

25X1 [] As long as she was able to.

MR. ECHOLS: Now, would you deny the record of service in this specific case because of a technicality, or because of the future administration of this System?

25X1 [] I don't think that is a technicality that you can waive forever.

MR. ECHOLS: We are only asked to rule on this particular case. This doesn't set a precedent for all future cases.

25X1 [] No, but you change the facts pretty considerably when you say her husband is ill and isn't working and that they have two small children --

MR. ECHOLS: That should be irrelevant --

25X1 [] She is not now working?

MR. ECHOLS: She is a full-time housewife, nursemaid, mother, lawn mower --

25X1 [] And, Emmett, I think we would all agree that if her husband was a \$50,000 a year businessman today, I don't think we would be upset about this -- but it's bound to affect all of us --

25X1 [] Her age is 51?
She will be 51 in October.
Total years of service?

MR. ECHOLS: Twenty-two.

25X1 [] If you approve her under our System then she has the option of retirement --

MR. ECHOLS: Yes, immediate option --

25X1 [] She has some benefit, then -- whereas if she is not admitted to this System then she has the deferred Civil Service annuity.

MR. ECHOLS: Yes, some 10 or 12 years hence.

25X1 [] We know it's very critical to her -- which hurts, in this case.

25X1 MR. ECHOLS: Well, I don't know that I can really add anything more to this case. Apparently it's within the power of the Director to say yes or no. If we were to say "yes", is it going to do damage to the administration of the System? Is it going to jeopardize our relationships with Congress, if Congress ever found out about it? The more important point, really, if we put this woman in might we have to put 50 or more others in? The only cases we could turn up were the [redacted] case and the [redacted] case co25X1 veniently resolved itself by her refusal to accept Career status and by her subsequent resignation.

25X1 [redacted] I would like to be party to a vote -- and I'm speaking only for myself - I don't know if anybody buys this -- in a sense saying that technically we can't see that she meets the requirements for designation but that we would urge the utilization of any other channels available to the Director to give her this benefit. Sort of saying guilty but recommend leniency to the Judge.

MR. ECHOLS: How many would endorse such a recommendation:

MR. SEELY: I'd make it simpler than that -- just a simple expression of whether or not we favor her admittance to the System.

MR. ECHOLS: How many would favor her admittance to the System?

25X1

25X1

. . . Messrs. Seely, [redacted], and Echols indicated they favored the designation of [redacted] as a participant in the CIA Retirement System . . .

MR. ECHOLS: How many oppose this designation?

25X1

25X1

. . . Messrs. [redacted] indicated they opposed the designation of [redacted] as a participant in the CIA Retirement System . . .

MR. WARNER: I'll ride with Mr. Houston's opinion.

MR. ECHOLS: Our legal adviser rides with Mr. Houston's opinion, which makes it permissible to the Director, but not, in his best judgment, advisable.

Well, I guess that is where it stands -- and I'll go forward accordingly.

25X1

[redacted] I would just like to make a statement as to my reason for voting for admission to the System, and that is because in the initial considerations I feel assumptions in terms of human motivation run in favor of the applicant, not against the applicant, as the General Counsel there has indicated,

25X1

[redacted] I'm not sure that I follow you there.

25X1 indicating, [redacted] Not guilty until proven guilty -- is that what you were

25X1 [redacted] Yes.
cates -- [redacted] Well, you know, we do have a little proof here that indi-
25X1 Well, I'm sorry, but I would have to go beneath the facts.

[redacted] This doesn't relate, in any shape or manner, to any retire-
25X1 ment question -- and I don't know whether this would even be admissible evidence --

[redacted] Yes, but one of the things I did mention was that, to me,
if she signed the statement I wouldn't consider it a valid statement.

MR. ECHOLS: I think if we asked her today, "Would you please sign the
Form 3101 in order to qualify for this retirement" - she would sign it, and I
think she could do it in good faith, knowing that she had indeed served during
this period.

I think what Gerry was speaking to was this statement by Mr. Houston: "She
was probably never asked to sign the written obligation referred to above, and
probably never refused to sign such an obligation." And then he says, "In
25X1 [redacted] case, however, the record is clear that she could not in good
conscience have signed such an agreement."

25X1 [redacted] That is the assumption that runs against her interests.
He's pointing out some evidence, though -- there is some
evidence to hang his hat on.

25X1 [redacted]: I don't know but what there is just as much reason to be-
25X1 lieve, from what [redacted] has said -- and he talked to the supervisors of this
girl -- in every way, shape, and manner she conducted herself as a staff employee --
in working overtime and in every other way she was part of the team, part of the
staff.

Now, you say she never would have gone elsewhere. How do you know? And what
are the assumptions under which you would have asked her to go somewhere?

25X1 [redacted] You couldn't -- nobody would even ask her to leave her hus-
band and family.

25X1 [redacted] Maybe if you had asked her to take a tour in [redacted], if the
25X1 present situation [redacted] had existed then, maybe she would have taken it. That
is why I say the assumptions run in her favor.

MR. ECHOLS: (Reading) "She expresses the hope of working for and being
identified with KUBARK aims in the future [redacted] in the United States [redacted] 25X1
wherever she may be located."

Okay, I guess that winds it up.