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. . . . The 63rd meeting of the CIA RETIREMENT

BOARD convened at 2:00 p.m. on Tuesday, 20 June 1967, in the OD/Pers

Conference Room, with the following present:

Mr. Emmett D. Echols, Chairman

25X1 [redacted] DDP Member

25X1 [redacted] DDP Member

25X1 Mr. Roger G. Seely, DDI Member

25X1 [redacted] DDS Member

Mr. John S. Warner, Legal Adviser

25X1 [redacted] Technical Adviser

25X1 [redacted] Finance Adviser

25X1 [redacted] Acting Executive Secretary

Recording Secretary

Guests:

25X1 [redacted] C/BSD/OP

Office of Finance

25X1 MR. ECHOLS: [redacted] is going to be leaving this 25X1

Board as our Finance Adviser sometime this fall, and our guest here, [redacted]

25X1 [redacted] is going to replace him. [redacted] 25X1

spot on the Policy & Plans Staff in the Office of Finance.

25X1 [redacted] I move that the record show that the

Board very much appreciates the great and excellent service furnished by

25X1 [redacted] since the date of the creation of this Board to the present

time.

OTHER BOARD MEMBERS: Hear! Hear!

25X1 [redacted] Thank you very much -- but I'm not

leaving immediately - not until September.

25X1 [redacted] Let's make it nunc pro tunc.

MR. ECHOLS: Now, can we get rid of the Minutes of
the last meeting very quickly here.

25X1 [redacted] Mr. Chairman, is there a quorum present?

25X1 MR. ECHOLS: Yes, if five is a quorum -- [redacted]

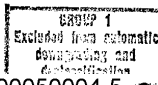
25X1 Mr. Seely, yourself, [redacted] and myself.

I think six is a quorum, isn't it?

25X1 Point of order! Point of order! (Laughing)

Let's refer this to our legal adviser. The

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Regulation doesn't specify how many members, it just says "representatives" --

MR. WARNER: I don't have a copy of the Regulation, but I don't think there was any mention of the technicalities of a quorum in it.

25X1

. . . . [] handed Mr. Warner a copy of the Regulation

25X1

[] This is an advisory group.

MR. WARNER: Do we have a copy of the memorandum appointing the Board?

25X1

[] I'll get it.

MR. WARNER: I don't really think it's that technical a matter. I think it's the weight of the common sense here of what the group wants to do. Because I don't think we said there had to be a quorum. Certainly it's not in this Regulation.

MR. ECHOLS: And I'm sure there is no requirement whatsoever in the appointing document. As you know, the membership was set up, in part, on the basis of the preponderance of interest in participation, but also on the basis of diversity to represent differing elements of the Agency -- for instance, Communications was recognized to have a large voice, and yet it's different from the rest of the DD/S in many career respects, where we have the DD/S representative, and so on.

So, if there are no objections, I'd like to proceed with the meeting today.

25X1

[] All right, but I think that perhaps at the next meeting of the Board we ought to specify procedures.

MR. ECHOLS: Could we look at the Minutes of the last meeting?

25X1

[] This is strictly an editorial item, but on page 2, in paragraph 6. a., in the 4th line from the bottom, that "...made good use of" should read "...make good use of" etc.

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25X1 [redacted] This is just a question, not having been
 here at the meeting, but do I understand that you are waiting for two things on
 25X1 the [redacted] case, an indication of a signed statement by her to the effect
 that she wouldn't serve anywhere other than where her husband was in residency,
 25X1 and to look at [redacted] cases, also?

MR. ECHOLS: No, we have not been asked to get any
 25X1 statement from [redacted] The simple fact of the matter is that in the
 written record there is neither an old Career Staff agreement nor is there a
 Form 3101. I presented the case based upon the career history of the individual
 as it in fact has been consummated, rather than meeting all the technical
 requirements of the regulations and the legislative history. In so doing I
 25X1 pointed out two other cases - the one of [redacted] and the one of
 25X1 [redacted] - where similar issues seemed to be involved -- and
 we will get to these cases today, I hope, later on. In one case the employee
 was hired in a foreign country, spent her entire career in that foreign country,
 and we have already designated her to the System and have retired her under
 the System. So here is a question of whether a married woman hired in a
 foreign country to serve in that foreign country was eligible -- was she indeed
 available to serve where, when, and as we needed her, even though she did
 sign the Form 3101. The other case - the case of [redacted] - was an 25X1
 employee who married an American businessman in a foreign country, while
 on duty -- and in the 701 exercise - unlike [redacted] was not put on the 25X1
 701 list because of her unavailability for career development assignments, etc.,
 by reason of her marriage. So we had an incidence of inconsistency in the
 application of the very same set of criteria for 701 ranking inclusion. So
 the question comes up here, if we eliminated one person from eligible career
 status by reason of her marriage, why had we not done so with another? And
 these are just doubts that we have been asked to review.

25X1 [redacted] I'm not clear on your reference to 701.

25X1 MR. ECHOLS: [redacted] was a staff employee for

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many, many years, then had an interruption in her service, but was rehired as
25X1 a staff employee [redacted] after her marriage. When the 701 exercise in the
DD/P came up, among the criteria used for including people was their future
usefulness, of course, to the Agency, and immobility, if you will, was a criteria
used at least to rank some individuals on the list. By reason of this she lost her
career status, and, therefore, was never even considered by the Agency as a
possible participant in the Agency Retirement System. Was this right or
wrong? Did we make an error? Was it an oversight as far as this employee?
This is the issue.

Well, this is a digression from the Minutes -- but we
can get to this problem very shortly.

Are there any additions or corrections to the Minutes,
aside from those noted? (No response.) If not, we will accept them as
presented.

In our cases for today there are four categories. In
the first category are six persons who have completed their 15 years and will
acquire a vested right.

25X1

[redacted] I move that we offer them an election,

Mr. Chairman.

MR. SEELY: Second the motion.

. . . . This motion was then passed

MR. ECHOLS: In category "B" are 16 persons who meet
all of the basic criteria and have five or more years of Agency service.

25X1

[redacted] I move that all 16 under category "B"

be designated.

MR. SEELY: I noticed one in this category "B" -

25X1

[redacted] - who has 25 months, but is in [redacted]

25X1

25X1

[redacted] now. Can it be assumed that she will again be sent overseas?

MR. ECHOLS: Can anyone speak to that, or provide

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additional information?

25X1

[redacted]

She has the 18 months for five years -- isn't

that what we're saying?

25X1

[redacted]

I can't answer specifically about this girl

because I haven't checked her specific case -- but it doesn't mean that she is

25X1

going to be in [redacted] forever - that's No. 1; and No. 2, the [redacted] send a limited number of people overseas. 25X1

MR. ECHOLS: Any further discussion? (No response.)

May I have a motion on this group?

25X1

[redacted]

You have it.

25X1

[redacted]

Second.

. . . . This motion was then passed

MR. ECHOLS: We have one individual in category "C".

He has applied for voluntary retirement. He meets all of the requirements - age, Federal service, Agency service, qualifying service.

25X1

[redacted]

I move that we pass favorably upon this request for retirement.

25X1

[redacted]

Second.

. . . . This motion was then passed

MR. ECHOLS: In category "D" one participant who has been recommended for involuntary retirement. I believe this is our first involuntary retirement case.

25X1

[redacted]

: I think there was one, wasn't there?

No.

: No previous one?

MR. ECHOLS: No.

MR. SEELY: The monthly report listed one. Maybe it

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was this same fellow.

25X1 [redacted] No, that was on the Civil Service section of the monthly report.

MR. SEELY: Oh, I see.

MR. ECHOLS: Does anyone know whether this individual -- and I don't know that this is truly relevant -- is hostile to this involuntary retirement?

25X1 [redacted] I had that question, too. It said, "and his willingness to accept retirement--

MR. SEELY: It seems to me that this is the only way he can be retired, since he's not 50. He is willing, but it couldn't be voluntary because he is not yet 50. But he meets the requirements for involuntary retirement. So it's like the case of acquiescing, at least, in this procedure.

25X1 [redacted] there is one listed here --

[redacted] -- involuntary --

25X1 [redacted] But that is listed under retirement applications in process.

25X1 [redacted] Okay. Yes.
Of course, as you said, Emmett, I assume we have to act on this case without any particular regard to his willingness--

MR. ECHOLS: True.

25X1 [redacted] He could decide to appeal--

MR. ECHOLS: What was more interesting from my point of view was whether I was going to have an appeal coming up.

25X1 [redacted] I move we recommend retirement.
Does he have 25 years' Government service?

MR. ECHOLS: Yes.

25X1 [redacted] That is the key.

MR. ECHOLS: Do I hear a second on that motion? Or is there any further discussion--

25X1 [redacted] Support it.

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. . . . This motion was then passed

25X1 [redacted] I'm for it, but I would like to ask a question.

Is this an indication of a possible change in policy? I thought at one point that we were sort of guided by: Don't submit involuntary retirements. Is this an unusual case in any sense of the word? - the fact that he is an agent as opposed to a staff employee?

MR. ECHOLS: Not to my knowledge. I think as a whole we hope that people will voluntarily retire under our System--

25X1 [redacted] This is such an awfully good case nobody could really question it -- but I wondered if there was any indication of a change in policy. I guess you're saying that as far as you know there is no restriction on putting in an involuntary retirement.

MR. ECHOLS: No, not as long as they meet the basic requirements. I think that the real judgment here is whether the Service concerned really feels that this is in the best interests of the Agency and the Government.

Okay, that takes care of that case.

Now, item 3 on the agenda is a case involving domestic qualifying duty - partially involving domestic qualifying duty, the case of

[redacted] He has three-years-plus of overseas TDY duty, 25X1 and then he has miscellaneous periods of service wherein his duties were apparently hazardous but clearly oriented toward clandestine operations abroad -

25X1 [redacted] I would just question the one statement
25X1 you made about his having over three years of overseas service. I think this check list shows 21 months and 18 days.

MR. ECHOLS: The check list shows 21 months and 18 days, but my covering transmittal says: In the first category the record shows TDY overseas in the amount of three-plus years. Is that a mistake?

25X1 [redacted] What they have listed on the 3100 totals up

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to only 21 months and 18 days.

25X1

[redacted]

I don't mean that to detract from this

case -- I just think we should make certain we are looking at domestic service from the same point--

MR. SEELY: It may not be relevant if we find his domestic service was in itself qualifying.

MR. ECHOLS: Where did the three-plus years come from?

25X1

[redacted]

It's an allegation in the papers submitted

25X1

by [redacted] -- it's on the first page, in the second paragraph.

25X1

MR. ECHOLS: That is [redacted]'s memorandum.

MR. SEELY: Also, it's referred to in his paragraph 1:

"He does not meet the five-year overseas criteria, lacking this by less than two years"

MR. ECHOLS: Now, are the periods of alleged qualifying domestic duty susceptible to an analysis by periods of time?

25X1

[redacted]

If you add those up, I think they come

to 21 and 18 --

MR. SEELY: But that's the overseas--

25X1

[redacted]

Yes.

MR. ECHOLS: Well, I would like to suggest that we table this case and go back and reexamine the time data--

MR. SEELY: They say in this memorandum, in paragraph 2, "The second category, which does not fit neatly as identifying time" -- and that is the category of domestic service. What they're saying is that it is impossible to assign specific time periods--

25X1

[redacted]

Yes, and that really doesn't hold together,

because there's an implication that the overseas TDY stands by itself, and then where they're now going to explain the rest of the service they go into the overseas service again.

25X1

[redacted]

It's a little hard to separate the overseas

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from the domestic service.

MR. WARNER: Well, Emmett, I tried to do exactly what you are doing and I came up with well over three years of this hazardous duty in here -- but it's awfully hard to do, because you have to guess at some of it.

MR. ECHOLS: It comes through loud and clear to me, though, that this individual's career - at least during this total span - was truly related to developmental and hazardous type duties.

MR. WARNER: Absolutely.

MR. ECHOLS: And they weren't staff jobs -- they weren't routine Headquarters' jobs -- he was in the experimental and hazardous work.

25X1

[redacted]: Well, I think this is my reaction, that we may be quibbling with two or three years, if we all get the same feel, from sort of reading this thing, that in general he was in rather unusual service that could be qualifying.

MR. ECHOLS: It might be like the demolitions man, where the actual days of duty that he spends--

25X1

MR. WARNER: Going back here, in '63, '64, '65, '66 he was making periodic [redacted] Well, you have four years, then, just on those two items alone. I grant you it may be three and a half, or whatever, but he was assigned to that duty -- and how many flights he made really is immaterial.

MR. ECHOLS: Actually, all told, you can almost say from '52 to '66.

MR. WARNER: If you want to take the broad brush, you could.

25X1

[redacted] This was quite obviously his business and his career for a period of over 15 years.

MR. ECHOLS: Is the Board satisfied to act on the strength of this overall career viewpoint?

25X1

[redacted] Refresh my memory - have we designated

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participants, prior to retirement, for domestic qualifying service heretofore?

25X1

MR. ECHOLS: How about that demolitions man?

25X1

[redacted] I don't believe so. As a matter of fact,
[redacted] was about the only one--

25X1

MR. WARNER: I don't remember any, Gerry.

[redacted] The Board acted on [redacted] and then I 25X1
announced - "Incidentally, he is retiring." It didn't seem to be a factor that
he was retiring.

25X1

[redacted] There was one man who was approved
and then he elected not to come into the System.

MR. ECHOLS: Would it make any difference, Gerry, if
we designate this man right now, and by reason of his having more than 15 years
of service he would acquire a vested right, or if we wait until he is ready to
retire and then put him in? It's the same difference, either way, it seems
to me.

25X1

[redacted] I think if we're going to designate him prior
to retirement we ought to limit it, at this point, to hazardous duty cases only.

25X1

[redacted] Just pick that paragraph which does deal
with the hazardous duty -- whether it's "c" or "d", I'm not sure.

25X1

[redacted] In other words, we have operated not by
any rule but with the understanding that we would not consider domestic
qualifying service unless it was considered at the time of retirement. Now
if we're about to change that -- and I'm not saying we should--

25X1

MR. WARNER: Did the Board reach that understanding?

[redacted] I thought that was just on ll(c).

MR. WARNER: I know the Board took the position on ll(c),
but not on what Gerry said--

25X1

[redacted] Well, that was my understanding.

25X1

MR. WARNER: Does anybody else remember it?

[redacted] I don't. It seems to me we would be

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forced to do it if somebody came in and said, "I feel my domestic duty is qualifying and I want you to pass on it." I don't see how we could avoid--

MR. ECHOLS: I think it's unfair, in a way, to leave a man with a record such as this in doubt as to under what system he is ultimately going to be eligible to retire. Perhaps one would want to differentiate between a person with less than 15 years of service and one who has already had 15 years, consistent with the expression in the Congress that a man ought to know after 15 years under what system he is going to retire.

25X1

[Redacted]

Not only that but apparently he will be 50 in 1969, and, I don't know, but it would be legitimate if he said, "I'd like to know a couple of years ahead of time, so I could be planning for it, if I will have the possibility of retiring."

MR. ECHOLS: There is certainly no question about his willingness to undertake hazardous activities.

Has he been on any emergency list, Gerry, during this time, indicating he is ready to and willing to go in and undertake hazardous missions?

25X1

[Redacted]

I don't know, frankly.

25X1

Paragraph 3 of [Redacted]

memorandum says he was put on a medical hold in 1965--

MR. WARNER: The Form 3100 says, "The effectiveness of the individual has been greatly reduced because of age, health, cover and security problems over the years on these extended TDYs."

25X1

MR. ECHOLS: The memorandum says, "In 1964, 1965, and 1966 [Redacted] proficiency."

25X1

MR. SEELY: [Redacted]

25X1

[Redacted]

MR. ECHOLS: Oh, I would think vastly more so. Of course, I could be wrong.

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MR. ECHOLS: Well, from the record here he has apparently been on a contingency force since 1958 and up until his medical disqualification -- which does answer that question.

25X1

[redacted] This memorandum here is sort of a broadside at all possible ways of being qualified -- the one that deals with security and cover problems, the one that deals with hazardous duty, and then, finally, skills and experience that are not utilized outside of this field. Each one of those is a potential qualifier. I mean, I don't think I've heard enough about security and cover to sort of vote on that, but on the hazardous duty one it comes through pretty well to me -- and, as Gerry said, if we are going to do it if we restrict ourselves to the hazardous duty part of it, not whether it's a skill unique to the Agency, or unusual security and cover considerations.

MR. ECHOLS: What type of precedent would we be setting, if any, that might be embarrassing if we passed this case? I really don't see any. It's a matter of degree, duration, span, intended use of the individual - many factors combined - it seems to me.

25X1

[redacted] I just had one other question I sort of wondered about. Is there any particular reason why he has never been assigned overseas? I mean, despite the fact that he has signed this statement which indicates he is willing to go anywhere, is there some reason beneath that why he has never been assigned overseas?

25X1

[redacted] Well, I just assume by looking at this write-up sheet here that this is where he does his work. He has been training people in this field, and sometimes that took him [redacted] for six months, you see -- other times he went [redacted] to train certain people in this business, and that took him two months -- I mean, this has been his career--

25X1

25X1

25X1

[redacted] To answer your question, [redacted] there is no underlying reason that I know of.

25X1

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25X1 [redacted] And there's no desire on the part of management to keep him in this work that he is doing.

MR. ECHOLS: This type of agent training and developing facilities for agents has been his career.

MR. WARNER: I wish we had had this case when presenting the legislation. To me it's a perfect example of what we were talking about. I don't know why we have problems with this.

MR. ECHOLS: Well, can I have a motion? Or is any further discussion desired?

25X1 [redacted] Are we clear what we are making a motion on?

MR. WARNER: To make him a participant.

MR. ECHOLS: The motion would be to make him a participant on the basis of his 15 years of career utilization in hazardous--

25X1 [redacted] Are we doing it under 11(a) or 11(b), whichever one is the hazardous duty--

MR. ECHOLS: I would think it's clearly under 11(b), or primarily under 11(b).

25X1 MR. WARNER: 11(a) - demonstrable hazard to life or health.

[redacted] Yes, 11(a).

[redacted] Of course, there's the other one, too, which says the skills are so clearly unique--

MR. WARNER: I think we could qualify this man under (a), (b), or (c). What other business is engaged in [redacted]

25X1

25X1 [redacted] MR. ECHOLS: Well, are there any reservations about this case that anybody wants to discuss? (No response.) Then I take it everybody is in favor of this? (Board members nodded in the affirmative.) The motion is carried.

The next item is the extension of mandatory retirement under the Civil Service Retirement System of [redacted]

25X1

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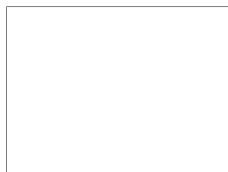
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She has previously had a one-year deferment approved by the DD/S.

I might say our Regulation has hit the books - has been issued, and so I guess henceforth we are operating under the new rules officially.

25X1

months.




I move we extend her for six more

Support it.

. . . . This motion was then passed

25X1


MR. ECHOLS: Item 5 -- again, a similar case -- extension of mandatory retirement under the Civil Service Retirement System for  25X1



25X1

25X1



May I address a question to 

It says here that she will be eligible for minimum Social Security, \$44.00 per month, at age 65. Isn't a woman eligible earlier?

25X1



At 62. I think that was a mistake.

I think the age should be 62 for the Social Security--

25X1



I mean, in the event it was a key factor in

anyone's decision to extend her until 65-- And I have no objection to

extending her, but I do think she is eligible for Social Security--

25X1



Actually, I was quoting her memo--

It's possible that she doesn't know this.

MR. SEELY: She will be eligible upon her retirement.

25X1

25X1



I move we extend her as requested.

I second the motion.

. . . . This motion was then passed

25X1



I'd like now to take up the cases of

25X1



-- and perhaps this

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is going to be a lot easier task than I thought it might be originally.

25X1

If we could look first at the case of

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

25X1

Headquarters, under the circumstances. As long as her husband remains in

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."

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."

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MR. ECHOLS: Now certainly "personal circumstances" embraces marriage, embraces children. The question is, if a person is married - a person is 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] 25X1 L. K. White, [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

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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. "

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,

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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 I think maybe we muddy it by dragging
this marriage business into it. I'm certainly willing to look at any case on
25X1 its merits. Let's say this girl lived in and she was single, and
25X1 she just said, "I like it and I'll be glad to stay on with the Agency
25X1 as long as I can work 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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25X1 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 [] 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.

25X1 [] 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.

25X1 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?

25X1 [] 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.

25X1 [] 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

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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.

If we can get back to the case of 25X1 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 25X1 case?

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.

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

25X1 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 25X1 So it doesn't seem to me--

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

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.

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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 this, I don't think meant that we were accepting 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." 25X1

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. 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?

25X1

[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--

25X1

[redacted]

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

MR. WARNER: I think really what Emmett is asking is, is it the consensus of the Board that we made an error.

MR. SEELY: Does this case fit the other two cases?

This lady was hired in [redacted] Now the other two were not hired-- 25X1

MR. ECHOLS: On the contrary, due to the interruption,

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25X1 the break in service, [redacted] was hired in the [redacted] 25X1
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 [redacted] Okay, we have looked at [redacted] Are 25X1
we supposed to look at the others?

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 [redacted] 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 [redacted] I think is only important
to us because, as I recall--

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

25X1 MR. ECHOLS: She was never made a participant. The
relevancy of this case is that she and [redacted] were both employed at
25X1 the same Station - to wit, [redacted] 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 [redacted] Which was which?

25X1 MR. ECHOLS: [redacted] was put on the 701 list by reason
of her immobility -- it was not because of performance, in any way -- and
25X1 [redacted] 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 Chief of [redacted] 25X1

25X1 [redacted] in which he says:

25X1 "We wish to record that [redacted] has not applied

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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 paragraph 4, [] and in the application for Career Staff. 25X1

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

MR. WARNER: An excellent employee and a better

25X1

[]
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

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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 in [] 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."

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 [] 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 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."

I call attention to the fact that [] took exception to the above statement, and in an attachment to this Efficiency Report her supervisor stated: [] 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

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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.

25X1 There is no disagreement among [] with
 25X1 whom [] works, as to her being an able and useful member of the 25X1
 Agency. There is some disagreement, more especially between []
 25X1 and [] as to the specific weighting of performance levels. I do not
 feel sufficiently familiar with the detailed factors of this matter to do other
 25X1 than defer to [] rating."

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 25X1
 considered as a participant in the CIA Retirement System and then intends to retire. The fact remains that we did hire this person []
 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

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her in the same station, in a staff employee job, until her employment was finally terminated by her return to the United States.

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,

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her technical status, although she continued in the same duties, same job.

25X1

[redacted] 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. She will be eligible for a deferred annuity some 10 years from now.

25X1

[redacted] 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

. . . . [redacted] 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

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

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 [redacted] 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,

25X1

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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

25X1

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handled improperly -- and to vote for this case, it's inconsistent. So the Board has a problem in voting on this.

25X1 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?

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.

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

25X1 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 [] cases.

25X1 MR. ECHOLS: The differences between the two cases are these. One, [] self-disavowed career status and [] 25X1 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 [] 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.

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MR. ECHOLS: "Consistent" in what way, []

25X1

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 [] has pointed out,

25X1

25X1

in a number of cases at the hearings before the Subcommittee we said that there are 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 are going to 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 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

[] 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

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

25X1

25X1

[] 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.

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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 quali-
fication to be a participant in the System -- 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 circum-
25X1 stances were in the [redacted] case I think we would have insisted in that
case that we get a service agreement from 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.
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 impressive 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

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was this. Say somebody 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 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.

25X1 . . . 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

25X1 ?

25X1 The only place where I think we were

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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,

25X1

25X1

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 the cases that Roger is going to have coming up with his employees at this new location

25X1

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 differences 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

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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--

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25X1

[redacted] 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?
I'm saying this.
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

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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 this 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.

MR. ECHOLS:

[redacted]

what is the purpose of our

25X1

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

[redacted]

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

[redacted]

I don't think that is a technicality

that you can waive forever.

MR. ECHOLS:

We are only asked to rule on this

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particular case. This doesn't set a precedent for all future cases.

25X1 [redacted] 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 [redacted] She is not now working?

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

25X1 [redacted] 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 [redacted] Her age is 51?

25X1 [redacted] She will be 51 in October.

Total years of service?

MR. ECHOLS: Twenty two.

25X1 [redacted] If you approve her under our System

then she has the option of retirement--

MR. ECHOLS: Yes, immediate option--

25X1 [redacted] 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 [redacted] We know it's very critical to her --

which hurts, in this case.

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

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to put 50 or more others in? The only cases we could turn up were

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the [redacted] The [redacted] case conveniently

25X1

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?

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

25X1

25X1

MR. ECHOLS: How many oppose this designation?

25X1

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

25X1

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

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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. Not guilty until proven guilty -- is that what you were indicating, Gerry?

25X1

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

25X1

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

25X1

[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 [redacted] 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

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25X1 such an obligation." And then he says, "In [redacted] case, how-
ever, 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.

25X1 [redacted] 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
25X1 much reason to believe, 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 else-
where. 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 husband and family.

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

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

Okay, I guess that winds it up.

Now, if I can have just one more minute of your
time to say something about legislation. Bills, proposals, and so on,
pop up for amending or improving the Civil Service Retirement System,
and these things come up awfully fast, and the Agency might be called
upon to very quickly express its interest or disinterest in the legislation --

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and, more specifically, if it's the Civil Service Retirement System and it involves some interrelationships between it and the other retirement systems, we might have to speak very fast as to whether we want this to apply to the CIA Retirement System or not.

I know we have previously said we wanted to confer with the Board on the future of our System, where we go, and where we think improvements are necessary -- and, indeed, I think that is the major part of our responsibility, to keep our System up to date and improve it as required. But in this particular field where the initiative for improvements or changes is generated elsewhere, John Warner and I find that we might have to move so fast that we can't sit down with the Board and explain all of the ramifications of some proposal that may be up and have all of us think it all out before we decide to move. And because, after all, legislation is sort of a protracted procedure, we wanted to know whether in this case where there was a need to move fast would it be agreeable to the Board if we collectively used our own judgment on specific measures and began to take steps which would keep us up to date, and give you periodic reports on any such things which might come up.

MR. WARNER: I'd like to give you a specific example of this -- because since the last time you and I talked, Emmett, we did have to move. There has been, long standing, a proposal to give Social Security benefits to those people that have less than five years of service, and some other benefits; in other words, it's an improvement that will give Civil Service people benefits that they don't have today -- because if a guy has less than five years' service under Civil Service, our system doesn't give him anything. So the proposal takes the form of amendments to the Social Security Act -- there's to be a general overhauling of the Social Security Act. The Bill is 169 pages long. The first draft of it did provide for Civil Service people and for Foreign

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Service people. We have talked to the staff up there -- and this is in House Ways and Means -- and they have discussed it with Chairman Mills, and Mills is all in favor of including the Agency Retirement System in this same sort of an up-dating -- because the principles are absolutely the same. Well, they're going to mark up next week, so we have had to move right in on this. I have talked to the Director about it and indicated what we are doing. So we're going ahead -- and the staffs up there are in fact working out the amendments. So here is a good example of this. It costs us nothing but gives us something.

25X1 How would this apply to our System?

MR. WARNER: With less than five years there is, in effect, a transfer of credit to Social Security.

25X1 With reference specifically to the CIA or to the CIA Retirement System--

MR. WARNER: Less than five years' Government service.

25X1 Before we take them into the CIA System they have already had five years with the Agency -- this is, for practical purposes, our rule.

25X1 That is our practice.

MR. WARNER: But under the law we can bring them in earlier -- and if we change our regulations on career we could bring them in, really, in a year, if we wanted to.

25X1 You're changing the rules then.

MR. WARNER: We might want to. I'm not saying we should. But this is additional protection.

25X1 Under the Civil Service System if a person had less than five years and quit the Government he would have to take out his retirement deductions. Now if he is in the Government for three years he can leave it in until what age? 62?

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25X1

He transfers to Social Security and gets 12 quarters of coverage.

MR. ECHOLS: Does he get a partial refund?

MR. WARNER: Yes. In effect his refund has subtracted from it the equivalent amount he would have paid in, plus the Government's contribution.

MR. ECHOLS: The point in bringing this up is that John and I felt if we needed to move fast we wouldn't have to call an emergency session of the Board. But we will keep you informed.

MR. WARNER: I think this takes 20 amendments to this 169 page Bill to do it.

. . . The meeting adjourned at 4:00 o'clock . . .

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