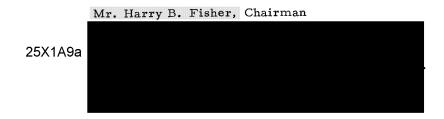
. . . The 167th meeting of the CIA RETIREMENT BOARD convened at 2:00 p.m. on Thursday, 21 October 1971, with the following present:



MR. FISHER: Have you had a chance to review the Minutes? Any problem with them? If not, we will let them stand as is. We have the 2 September and 24 September Minutes.

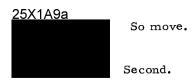
. . . The Board approved the Minutes as presented . . .

MR. FISHER: Then we can move ahead to just two employees who have completed 15 years of Agency service and otherwise qualify for designation as participants.



. . . This motion was then passed . . .

MR. FISHER: And under (b) we have 15 employees who have more than five years of service and meet the criteria for designation as participants.



. . . This motion was then passed . . .

MR. FISHER: And then we have under (c) a who is applying for voluntary retirement under the CIA System, age 50, 22 years of Agency service, more than 120 months overseas. Looks fine. And also one request for involuntary retirement by He is only 48 years old but he has 27 years



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of service, 19 years with the Agency and the 95 months overseas. So, I'd like to have a motion on both of these.

25X1A9a

Is this voluntary involuntary?

25X1A9a

MR. FISHER: Yes. He feels he has the right.

25X1A9a

We have two more. One more request for voluntary

25X1A9a

retirement - on 17 December and one more involuntary - Edward

for 31 Decem

for 31 December and they meet everything else.

. . . This motion was then seconded and passed . . .

MR. FISHER: These things give you fits in statistics - this voluntary and involuntary. Among all of the other statistics, I have been going back and forth on separations and reasons for separations and the number of retirements and of course I have firmly fixed in my mind the combined affect of the two systems.

Last year was 602 and when you come up with a figure it's 514. First of all, a few of them were in contract status. People who were converted and now in contract. So they didn't show as separations. And all of the involuntary do not show as staff retirees. They show as involuntary terminations.

25X1A9a

That's true.

MR. FISHER: This is the way the machine records them. In a sense they have been involuntarily terminated and then they elected to claim retirement.

25X1A9a

We still have to count them, obviously.

MR. FISHER: We still count them. When you go to the regular system and code it, it doesn't show as a regular retirement. It shows as an involuntary separation.

25X1A9a Does it count against the 800?

MR. FISHER: Yes. I suppose we could make a poor administrative judgement that these aren't regular retirements - these are involuntary retire-

ments. We have always considered under CIARDS quota voluntary, mandatory, and Approved For Release 1999/09/17: CIA-RDP78-03092A000900140001-4 involuntary counted -- disability and adjusts do not.

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<u>25X1A9a</u>

Disability and death do not count against the 800?

MR. FISHER: No.

25X1A9a

The number of participants retiring on annuity except disability shall not exceed such and such.

I would like to bring up one subject before I forget it. We MR. FISHER: may be faced with an interesting session in a subsequent meeting. You might at least be thinking about it. The first few years we brought before the Board, just as we did these voluntary retirements, disability retirements and I would sit here and say, "We're about to retire on disability Joe Smith who has chronic emphysema" - or whatever - and the Board would say, "Okay." And it just seemed a bit rediculous after a while. Since the regulations say I may or may not go to the Board on all these recommendations we agreed - "Let's not send those through here." So the way the system works, the man applies for disability retirement, the doc's convene a board, and then Dr. Tietjen writes to me as Chairman of the Board recommending that I approve this request for disability retirement. And then I write a letter to the man saying that I, as Director of Personnel, find you disabled and approv€ your disability or do not approve it. We have our first case now of a man who is really digging in -- a disapproval of a disability retirement -- and he has indicated that he wants to come before the Board. And so this Board could be in the position of sort of listening to him and listening to the doctor. And I must admit it sounds difficult for us to say we disagree with our doctors, but nevertheless, in the Civil Service Commission they do appeal and the first appeal goes to a lay examiner and if he upholds the ruling of the examiners the Medical Board then can **a** go to another board, which has three lay members, for a final review. And I have been thinking of things like if he had such a persuasive story and his doctor sort of supported him -I don't know. Possibly we could say, "Well, we recommend that some new doctor be brought in or you go to another doctor." I'm just not sure. It's not here yet.

<u>25X1A9a</u>

What is the illness?

MR. FISHER: Neurological - kind of a strange one. He feels that his nerapproved for Relaise 1999/09/17 d CHARDP 8-0300 24000 2001 40001-4

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I'm familiar with this case. There has been atrophy. I think he's got a very good case. And there is a lot of points that he doesn't know about that exist on paper dealing with encouragement that the medics gave downstairs.

They felt that his case requires disability.

25X1A

MR. FISHER:

is a very honorable guy.

25X1A9a

25X1A

25X1A

Why do the medics say --

MR. FISHER: I don't know. We are going to have to get him up here.

He not only says "no" but he says "unanimous". Not even "close". I got them back together again. I told him, get some more information from your doctor and take it back." He had never talked to John personally. They went back and talked again and they got nowhere. So it is rather a strange one. And of course

could stay out on sick leave and run it out.

25X1A9a

He's not going to retire, of course.

MR. FISHER: He could get much of the benefits of disability retirement by just running out of sick leave. He has very strong letters from his doctor. Not that he is sick but that he is disabled.

25X1A9a

That leave would give him another year.

MR. FISHER: Yes. If he ran out his full amount of sick leave -- it would be the tax benefit of maybe seven years for "X" amount of money, say \$5,000 or \$6,000.

25X1A9a

That's considerable.

MR. FISHER: It isn't to be ignored. But, in any event --

25X1A9a

If he doesn't get this is he going to refuse to retire?

MR. FISHER: Not refuse - that's not the question.

25X1A9a

He plans to get an advanced degree and teach, but he has a son in college and he felt that he needed this additional benefit for disability retire-

ment in order Release 1999/09/17: CIA-RDE78 13392 A000 900 14000 be at the same time -

25X1A9a

I don't believe that. Whether he gets medical disability or not wouldn't persuade him.

He kept me advised over the past couple of years about conversations he had had with the medics and according to they assured him that - the doctor in question assured him that he had a very good case for disability retirement. And on the basis of this assurance and the statements from his own doctor he made his plans to retire and so on. Otherwise he wouldn't have gone this far.

25X1A9a

Is he able to work? He does work now?

Yes. He takes regular exercise to keep his muscles from further atrophy. He's lost 15 pounds. His arms are getting smaller and smaller. Both of them now. It was on one side - both shoulders are being affected now. They realize that downstairs but they claim it doesn't affect him.

. . . Off the record . . .

25X1A

MR. FISHER: I think you are quite right. Doctors talk to these people and sort of indicate that you are disabled. When it really gets down to the line

25X1A they back down. In this case really was led down the garden path. Do you realize he got a Career Award and a ceremony? He really gave up his job. He's been replaced. And it came as a real shock to him to have this thing turned down.

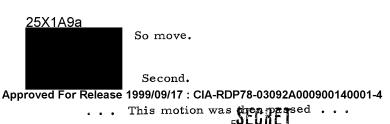
25X1A9a When was he scheduled to retire?

MR. FISHER: There was no schedule. He was applying for disability.

Whenever it was approved he would then run out his sick leave. He has almost a year of sick leave.

Okay. We have quite a group then of 15 year reviews. Starting with 25X1A9a

number three - That one seemed pretty clear-cut to me. Therefore, I think we can have a recommendation that he be transferred out of the System.



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MR. FISHER: On it seems to me that what we are talking about here is a nine month - roughly nine, ten months. In other words, I'd like to see us tickle this for October recognizing that we are going as far as nine months be since the man is overseas. And I assume you will/in close touch with them in the event that he returns earlier. (Speaking to Since I'm the Head of his Career Service you can keep in touch with me. Does that seem reasonable to you all?

25X1A9a Yes, indeed.

. . . This motion was then seconded and passed . . .

MR. FISHER: Then we have Medical Service. While they don't make the specific recommendation they are certainly implying that he doesn't have it. We have no choice here but to transfer him out.

25X1A9a Right.

. . . This motion was then seconded and passed . . .

MR. FISHER: Then we have from Finance. This is very much the same. I see no basis for keeping him in.

25X1A9a So moved.

. . . This motion was then seconded and passed . . .

MR. FISHER: is terribly close.

We had him on the Board once before and it was deferred because of the fact that he was going to get some additional TDY. It was deferred for, I think, four or five months. Well, he still hasn't gotten any more.

MR. FISHER: Didn't he go at all?

25X1A9a No, not since December 1969. They still say he'll get it sometime but they don't know when.

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25X1A9a

They say he'll get it soon, don't they?

That's what they said before, too.

MR. FISHER:

How much past is he?

25X1A9a

It was 24 September.

MR. FISHER: Okay, so it's only a month or two. Let me mention this one to Huizenga and see if we can't wrap it up. I'd like to take a look for another three or four months. We have almost an unofficial agreement that if they get to within 15 days we are not going to fuss. They're indicating that he is supposed to routinely do this. I'll get the true story by checking with Huizenga.



I'll code it to the end of January, again.

They won't come out and tell you, "No, he's not going."

MR. FISHER: I mean if he tells me it's completely impractical, then we can reconsider it.

25X1A9a

I think, Harry, you mentioned a 15 days there. Is that a sort

of unwritten rule?

MR. FISHER: We have on occasion said -- you know, we don't know where to cut it but we have never gone beyond 15 days.

25X1A9a

If they're in -- not to put them in.

MR. FISHER: That was specifically for taking them out.

25X1A9a

Have we ever had a 16 day one before? I would urge
that 16 days is as good as 15 days. Go ahead and put him in.

MR. FISHER: What about 17? what about 26? You'd have to draw the line somewhere. Okay. I'll find out. We may have to come to grips with that if Huizenga tells me that the chance of his going out are slight.

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25X1A9a

What happens if Huizenga tells you there is no chance that he'll ever go?

MR. FISHER: Then we have to face up to the 16 days question.

25X1A9a What are you going to say to that? That's just too flat.

MR. FISHER: He'll give me an honest answer. He should be able to know within the next three or four months whether this guy will go out.

They say these people have the feeling that they are above the rules. I don't know whether that's true or not. The people in ONE, I mean.

MR. FISHER: Now we have _____. In his case I'm particularly sympathetic. I think, too, this one -- I recall very clearly at the time he is talking about that we had a few of these who came to us right at the time they were originally told the initial choice was "you can stay until you're 62 in Civil Service and ____ at age 60 you go out under the CIA System." We had a couple of people who elected not to go in the CIA System in the thought that they could go to age 62 with Civil Service. Very soon thereafter the policy changed to be 60 in both Systems. Some of these came back and said this wasn't fair. _____ was overseas. The decision he made is so clearly contrary to his own benefits. Does anyone have any other feeling about this?

Looking at the regulations - while we are on the subject - all the way back it's clear that in 1967 after he made this decision then this thing started tightening down.

MR. FISHER: Right. Those here at Headquarters immediately became aware of what had happened to them. The only possible question could be there were some people who felt, to use the phrase that was popular at that time, this was an 'upholstered' 701 system here. If they got into the System they could be involuntarily run out. He felt he could work until age 62. I think we have a motion here that he be allowed to reenter the System.

25X1A

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25X1A9a So move.

. . . This motion was then seconded and passed . . .

MR. FISHER: We now have 25X1C4c This is the young man

who runs our local

25X1A9a

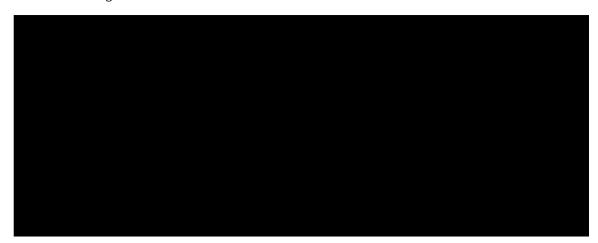
Have we ever determined how old hem is?

MR. FISHER: We have made an adjudication now that he will not be 60 until 1975. Haven't you got that a cranked into his file yet?

25X1A9a No.

MR. FISHER: He came in and said, "I'm really two years younger than all my records show." And he gave us a photostat that he had gotten in Richmond which indicated that they scratched through the birthdate that he had and put in a birthdate two years later. And somehow it was very amateurish looking. We sent it up to OGC. We agreed with OGC that we go to Security and let them run a little check on it and it developed that he had gone through the correct procedures and the appropriate courts had adjudicated that he was born two years earlier. And that is how the records had been fouled up. But the funny thing is that the basis for the decision was something out of the family Bible that said he was born on Sunday, whatever it was, February 25th, and just for the heck of it we checked the back of the telephone book where it gives the days and February 25th in that year was not a Sunday. Right up to the end it was a fouled up thing. We have no choice, really. but to accept the fact. He did have one thing going for him. His school years seemed to tie in better with being two years younger. He came from a big family and they just put the wrong date in the Bible. It became pertinent because he was also asking that his household shipment be made in advance - five years in advance! But I didn't know whether it was five years in advance or three years in advance or what. So I guess instead of being 58 he is now 56 and therefore his retirement date is four years off. However, today we are considering whether or not he is qualified for CIARDS. And the keystone I feel to this decision was he engaged in activities or

operations in support of Clandestine operations abroad and as recent as this morning I conferred again with Mr. and Mr. Wattles and they both confirmed to me



25X1A9a

I can't see it.

25X1A9a

25X1C

Neither do I.

MR. FISHER: Any of you? Well, I guess we have a motion.

. . This motion was then seconded and passed . . .

25X1A9a

In the other case - Air America - how do you --

MR. FISHER: The major effort there was so operationally oriented and so much in support of clandestine activities overseas. Therein laid the big difference. Plus, because of the worldwide impact to the System and all the things overseas, he had to get into all kinds of unusual negotiations and really protecting the CIA name in terms of these activities. Where we will run into a similar thing is an --

<u>25X1A9a</u>

An annuity check.

MR. FISHER: Yes, and I'm sure we will have to block it over at Civil Service. We haven't gotten that yet and so we have been told by direction, "Let's wait until we are out from under any quotas, period, until we do that." If we got to the point where we were saying anyone that cannot be surfaced with the Civil Service Commission as an overt CIA employee to the extent that he can get a regular

25X1A

25X1C

Government retirement check, then he should be retained in our own System because there are so many. There wouldn't be a lot that wouldn't make it conventionally but yet who would be in a category. But there could be some. So could argue, "How can I get a Civil Service check? I supposedly worked for Our answer at this point would have to be, "Okay, we can protect this." Even to the extent of getting a reimbursement arrangement and sending him a check. We have done that. We have worked it out. It's the hard way of doing it and what 25X1C concerns me most about it is that it rests entirely on one man -

It's strictly an arrangement

with him. If he ever leaves there is no guarantee that the next guy will be as cooperative as he is and is willing to do all this on his own authority. So I think down the line it may be a consideration. But, again, I discussed this upstairs and the feeling is, "Let's try and get by 1974 when the quota is no longer a problem." But Cover Division has sort of raised this point, too, that they might have "X" number of people whom they would greatly appreciate having the ability to keep it entirely within the CIA System. Okay. I think we have a motion and a second. 25X1X8

... This motion was then passed ... 25X1A 25X1A

MR. FISHER: Then we have

We worked with

this one once before. As I boil this one down now -- has updated the ser
vice -- it's another one that's terribly close. He has 56 months and 17 days and I'm

saying he needs about 104 more days to get in. And he has 28 days from paragraph

2(a) of the cover letter which is supported in the original --

25X1A9a

The way I figure it he doesn't need 104 days.

MR. FISHER: I am saying 13 days to bring us to 57 months and, you know, I more days is 104. The service mentioned in paragraph 2(a) of the 20 October letter is supported in the 9 April memo - about 28 days. The one month is also supported in that April letter. Let's say 30 days. There is three weeks in 1962

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which comes out of the new memo. It's 21 days. And then out of this two months he therefore would need 25 days to put him in. I might also add there are extenuating circumstances in this one that make it administratively very desirable that we not play around with it too long. On the balance I can see now sufficient qualifying service. It's close. But even if we only gave him ten days out of that two months he'd be within 15 days and then we'd be faced with this quibbling about this 15 days.



I move we approve.

Second.

. . . This motion was then passed . . .

MR. FISHER: Jay, do you have any trouble with it?

25X1A9a

Yes. It's awfully thin. I don't see anything in the

two months at all, frankly.

MR. FISHER: It is pretty thin.

25X1A9a

But I have to accept the Board's decision, essentially.

MR. FISHER: If we were being very, very strict constructionists on this one - he obviously had to meet them under more difficult conditions as a result of this flap at the end. If it wasn't for that it would be a straight escort service for visiting foreigners. But he apparently had to be pretty fast on his feet. It makes it a little more difficult. This guy is kind of emotionally unstable at this point and there is a feeling that there might be even more, but we can't push it very much. It has made the whole case kind of difficult to handle. In appreciation for these extenuating circumstances I'm not satisfied to -- you just can't push him any more to pin it down.

He didn't like the idea of putting down so much operational detail. They sat down with this in front of him and tried to reconstruct this. He was trembling long before they got past the first 15 minutes.

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He's about as far gone as he can be without going for dis-MR. FISHER: ability retirement. I'm not sure he wouldn't be a medical disability except he will not apply and pursuing a medical disability against a recalcitrant is a very, very difficult job. So we have sort of done our best, really.

I think you read these to a minimum of four weeks - at least one month.

I think there has been a motion. Seconded and MR. FISHER: carried. It's a tough one.

. . . This motion was then passed . . .

There was one previous case where we turned one down that MR. FISHER: was very much like this and the Director, after much thought, said, "Why must we cut our own throats when this is so close and so obviously a way to go?" and so on. 25X1A

Actually, I'm Now, the next fellow - the add-on of afraid he's rapidly approaching the same status. This man's about to have a breakdown. I do feel I should give you a little of the background. I suppose we 25X1A could just consider it on the merits, but I think you ought to know this.

25X1A

FOIAb6

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2<u>5X1A9a</u>

FOIAb6 we talked him out of it and sent him to

MR. FISHER:

says, negative.

25X1A9a

25X1A9a

FOIAb6



MR. FISHER: Incidentally -- I don't like to get too far afield here.

There has been discussions with some force on applying training at the end of the line out of CIA funds. Even though it's clearly for commercial employment.

25X1A9a

This would be in line with what we are planning here.

MR. FISHER: This is the sort of thing that you might be planning here. I've always had this in mind as it was too bad that we are stymied by the Training Act that applies to the Government at large. When you send someone out for training it is supposed to improve his capabilities to the Agency. That's the one I was interested in. State Department had asked for special regulations for retread and it has been turned down. The FAA legislation came through and they said that for air controllers who are, for one reason or another, no longer qualified - and it's a very broad sort of windup - which for any reason in the opinion of the head of the Department of Transportation he's no longer qualified, he can give him two years of training to work elsewhere in the Government or in the commercial world, pay his salary, and not count him as strength. So they really won. You know - you can work elsewhere or attend a university during that period. Well, I'm not looking to counting as strength, but surely we should be able to pay for all that he

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needs for this Agency if he doesn't feel -- Well, it's necessary for the pro administration of this Agency to do this type of thing. And really, for some of these people I think it's very true. Now obviously it could be abused. Everybody could jump for it. So I don't know where we are going to go with it. Interestingly, I finally found a 65 page paper from Larry Houston saying, "Yes, this Agency can do it."

25X1A9a

Why don't we resurrect that?

MR. FISHER: I have. That's going to be part of the whole package.

25X1A9a

This would be salary and educational --

Again, there are some tricks to it. You even have a MR. FISHER: question in your own mind. First of all, I would like to make it CIARDS as well as Civil Service. I'm not too anxious to crank it just into the CIA legislation. But I don't feel -- I'm not too sure that we want to make it, "If you retire at age 60." In other words, you would like it to be an incentive to earlier retirement and then how long a period? Six months? One year? That sort of thing. of it is terribly costly. If a guy goes to college for a year maybe you are talking about \$4,000. That's not so much if it could get people out earlier and retread training. He might have them. We had one that went to the left earlier. So it's trying to work out the best way of administering it. And I know right now if I was leaving - and I have no intention of doing anything in particular -- but if I knew that if I leave at age 59 instead of 60 I can get a Masters Degree somewhere -- that would be nice to have. Well, how do you stop that? You know the man can always just say I'm getting it to teach.

FOIAb6

Does the Department of Defense have an allowance for this?

MR. FISHER: Yes. They have an approved statute which allows them to retread.

25X1A9a

Military or civilian?

SEGRE.

MR. FISHER:

Military, only.

25X1A9a

Are they all for two years?

MR. FISHER:

Most of them usually take two years.

<u>25X1A9a</u>

<u>25X1A9a</u>

got a PhD in one year, didn't he?

MR. FISHER: He got a Masters and, you know, sometimes they get them both at the same time. Sometimes they take much more than they need.

25X1A9a :

This is education as opposed to --

MR. FISHER: You could ask him, "When did you teach last?" And if he says "X" years ago, then okay. So if you can sponsor him, subsidize him to teach somewhere -- and it isn't too difficult to find colleges as hard pressed as they are. There have been one or two other cases like this where they pay either difference a minimal amount and we put in the and they let him teach. And then he can go to his next job and say, "I taught last year at such and such a college."

surplus and told that he was going to be separated under the System. And he wrote a long appeal and it reached Col. White's office. We had gone through this - back and forth with him - and the last action was, "You now have ten days to appeal. I'm recommending to the Director that he terminate you under 102c."

By the time it hit Ed's office he resigned. So we pulled the whole thing back because there is no sense -- In other words, he didn't particularly want to be terminated under 102c. Then as an added thought he thought, "I'd be a lot better off if you put me in the CIARDS." He is now applying for active duty in the Air Force and I think he's going to be accepted. Jack Thomas, the little General up in NIPE, came down to see me on it - and the Air Force is using him as sort of a liaison - asking Approved For Release 1999/09/17: CIA-RDP78-03092A000900140001-4

5X1C

how come this guy is leaving the CIA and wants to come back in the Air Force?

So I didn't want to blackball the guy so I gave him a fairly honest answer on it.

So the next thing that struck me is - can he keep his annuity? I've never had someone retire here and go into the Air Force. It has always been the other way around. And, yes, the answer is he can keep his full civilian annuity and draw a full Major's pay. Isn't that right, Murry?

25X1A9a Yes. That's what the Commission said.

MR. FISHER: Now, he will only get Social Security. He will not earn additional credit. I just hope he gets this job. He's looking for a stopgap to keep him employed and I think he's going to be used on this declassification thing at the Archives. He's been an Intelligence Analyst.

25X1A9a

When will the decision be made on this?

MR. FISHER: By the Air Force? I don't know. It must be very current.

25X1A9a

His time is drawing very close here.

MR. FISHER: Now, after all of this we get back to his application for CIARDS for which there is just no basis at all other than as you see here -- "My real hope is being a teacher and working for CIA has tainted me." I am afraid we an have just had too many people who have a gone back to/academic working world to go for this.

25X1A9a Is that true? I understood that with CIAers we are welcome.

MR. FISHER: It's mixed. I don't honestly see it as a major factor.

At some places, obviously -- just left to become president of one.

25X1A9a That was unique.

MR. FISHER: I realize that.

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25X1A9a

He is a hometown boy, his family is very prominent a completely unusual situation.

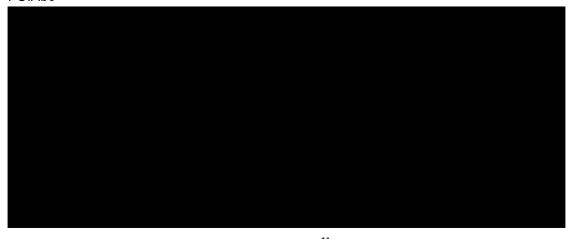
MR. FISHER: Nevertheless, there must have been some board who still had to say - "Do we take this man back from CIA?" We have a long list now.

We must have 30 or 40 at least over the last couple, three years who have gone 25X1A9a back to the academic world. I'm afraid nothing says -- as I do read into it it's "because I'm from CIA." I'm afraid that is part of it. But I don't think it's enough.

<u>25X1A9a</u> What if this Air Force thing falls through and he wants FOIAb6 offer? to revive the 25X1A9a You'd have to carry him. Was it in fact an offer or just a discussion? Well, they called him by phone. He me went out there FOIAb6

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MR. FISHER: Nevertheless, I can't see a basis for bringing him into our System. Does anybody feel any differently? There is an awful lot of circumstances here. But when you get right down to it, "Is he qualified for the CIA System?" That's not the answer. I'd be happy to find any other solution. I think we then have a motion.

- . . . This motion was then seconded and passed . . .
- . . . Off the record . . .
- . . . The meeting adjourned at 3:00 p.m. . . .