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CIA CAREER SERVICE BOARD

13th Meeting

Thursday, 5 November 1953

4:00 p.m.

DCI Conference Room

Administration Building



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In Attendance:

Lyman B. Kirkpatrick, Inspector General, Chairman

Matthew Baird, Director of Training, Member

	Chief, PP, Member	25X1A9a
	Office of the Inspector General	
	Acting Personnel Director, Alternate for the AD/Personnel, Member	
	Chief of Operations, Alternate for the DD/P, Member	

Lawrence R. Houston, General Counsel

	Special Assistant to the DD/A	25X1A9a
	AD/Communications, Member	

	Chief, Administrative Staff, DD/P	25X1A9a
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Huntington Sheldon, AD/CI, Member

	Chairman, Legislative Task Force	
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Lawrence K. White, Acting DD/A, Member

	Special Assistant, DD/I, Alternate for the DD/I, Member	25X1A9a
	Executive Secretary	
	Secretariat	
	Secretariat	
	Secretariat	
	Reporter	

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. . . The 13th Meeting of the CIA Career Service Board convened at 4:05 p.m., 5 November 1953, in the DCI Conference Room, Mr. Lyman B. Kirkpatrick presiding . . .

MR. KIRKPATRICK: Gentlemen, we come to order.

The first item on the agenda is the minutes of the last meeting of the Board. Are there any corrections or amendments? If not, the minutes stand approved.

At the specific request of Colonel White we are going to take up Item 3 before Item 2. Item 3 is Tab G, "Tenure, Job Security and Reduction in Force." Colonel White apparently has some fairly strong views on Tab F, which I gather is shared by others. Colonel White is tied up with the Director on a budget hearing at the moment but he will join this meeting later.

Before we get into Item 3, however, I'd like to read a memorandum to you and [] will give you a copy so that you can take it along with you, but rather than pass it around and have you read it now I'll just read it off, because it has the title: "Job Tenure and Job Security."

. . . The above-mentioned Memorandum of Conversation between Messrs. James Mitchell, Secretary of Labor, [] in Office of Secretary of Labor, 3 November 1953, on subject of Job Tenure and Job Security, was then read into the record by Mr. Kirkpatrick and is appended hereto as Tab "A" . . .

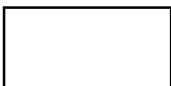
MR. KIRKPATRICK: Inasmuch as that memorandum pertains very directly to Tab G, "Tenure, Job Security and Reduction in Force", I think it is interesting to note the views of the Secretary of Labor. Having thus delivered myself I will open the meeting for comments on Tab G.

[] May I say that four days after this paper was dittoed General Cabell, in a general meeting with some of the top people, decided that as a matter of policy the Agency would not go into a reduction in force procedure at this point. In lieu of that I am told there was an agreement at the meeting to establish a type of Agency Reassignment Board. General Cabell asked that a paper be presented on that, which was done through Colonel White. Now General Cabell has looked that over and has given his views on it back to Personnel through Colonel White's office, and we have attempted to put into a piece of paper the concept that he wanted conveyed in this Agency Reassignment Board. That piece of paper will be sent to Colonel

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White immediately for Agency-wide coordination, and that should be in his hands by tomorrow. So it does have a very definite bearing on what is contained here.

25X1A9a



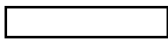
Could you give us a general idea as to how it runs?

Yes, sir. The first principle would be that if an organization-al element had an overage that it would first attempt, within the organization, to reassign that person to whatever job might exist within that organization. In that endeavor the office would be free to designate whomever it might wish to try to reassign. I refer there to the low man on the totem pole, but it wouldn't necessarily have to be that man. If that effort fails then the office would certify to the Personnel Office the name of an individual which the office again would select as being the overage in that particular category. The Personnel Office would then attempt to effect a reassignment within the rest of the Agency. If the Personnel Office was unable to obtain an agreeable reassignment and there was a job that the Personnel Office felt could be used for a reassignment, then the Agency Reassignment Board would be convened, at which Board would be a representative of the DD/A, DD/I, DD/P, Commo, and Training, with the Personnel Director as the Chairman.

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Now the Personnel Director would recommend an assignment but the office having the overage and the office to which the assignment was to be made would have no vote in determining whether or not the assignment should be made. If the Board voted that the reassignment should be made then the receiving office would be expected to come up with a 52, and the case would be settled. If, however, there was a disagreement and the Board couldn't agree that the person should be assigned as recommended, then the matter would be referred to the Deputy DCI for his review and the decision.

25X1A9a



Could I interject one thing? At that point can there be a unanimous decision by the Board that the reassignment was not appropriate?

25X1A9a



Yes.

It's only in case of disagreement that it goes on up?

It could be either way. They could say, "No, we don't think this should take place," or there could be a disagreement, but whatever would be the result of the Board consideration, that they couldn't make up their mind or they were all of one mind that it shouldn't be made, then the Personnel Director would be required to send the case to the Deputy DCI who would then review it and if he determined that the Board had acted properly and that there was no

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reassignment that could be made, the Personnel Office would then have to go back to the original office having the overage and determine, on the basis of the competitive level of the individual, the man who is the low man on the totem pole.

25X1A9a [] At that point you put a limited reduction in force mechanism into effect, and the individual finally selected is not necessarily the man recommended by the office concerned.

25X1A9a [] Not necessarily, that is right, but throughout all the first steps here every effort is being made here, by this proposal, to dispose of the man who is considered by the office having the overage to be the one that they should lose in this process.

25X1A9a [] An informal reduction in force mechanism where consideration is given as to whether it should be the man recommended or another individual, on the basis of retention rights?

25X1A9a [] That is right. Then the file of that man would be referred to General Cabell for a decision to terminate.

25X1A9a [] And no one makes a decision to terminate except the Deputy DCI?

25X1A [] On this procedure? That is correct, yes, sir. That, in brief, is the way he gave it to us. We have attempted to write it in that fashion. As I say, it will come to Red for Agency-wide coordination and everybody will have a chance to speak their piece.

25X1A9a [] Step by step it's the same procedure, except for the final decision, as was generally agreed upon in the meeting with General Cabell.

25X1A [] Has he the legal right at that point?

25X1A9a [] The General Counsel has advised General Cabell that he would have the legal authority to terminate in the interest of the United States or in the interest of national security.

25X1A9a [] He would use ^{102(c)} ~~102(c)~~ for his authority.
[] I would point out to you that the General Counsel's opinion said that there certainly was no legal barrier to the Director taking this action under ^{102(c)} ~~102(c)~~, but that extreme caution was recommended to him on it.

25X1A9a [] I expected that.

MR. BAIRD: I understand then if John is the man who was declared available for reassignment and for whom no suitable assignment can be found, that

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in effect, however, John may be given the job and Smith may be terminated.

25X1A9a



That is correct.

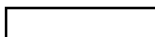
It would still be restricted to a limited area.

That is right.

I don't want to cross up anyone here but it seems to me,

since we have gone this far into the procedure, that not only does the Deputy Director have the authority but the Assistant Director also has the authority for a simple administrative firing. It has nothing to do with 1 of 2c. That is my simple reaction. I haven't heard of this necessity to rely on the Director's authority to fire as a final step because at that point I think you are in your normal procedure of reduction in force. I may have missed something along the line here.

25X1A9a



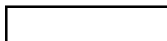
I think I probably was at fault in not specifying that the

only people who would come under this would be people who are excess but otherwise satisfactory. It points out in the first statement that procedures for terminating

personnel considered unsatisfactory are contained in Agency Notice So 25X1A

3 these are people on whom you could not, on the basis of everything that is in the record and everything you know, substantiate a case of discharge for cause.

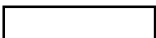
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We could substantiate a case for elimination without using

the Director's legal powers.

25X1A9a



I see what you mean except, as a policy matter, it is my

understanding General Cabell said there would be no reduction in force procedures established.

25X1A9a

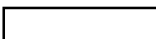


We wouldn't call it that. This would be a mechanical means

of determining how we would eliminate people without stating we are applying a reduction in force principle to the Agency.

MR. KIRKPATRICK: This same procedure could be used, could it not, for eliminating any employee who doesn't come up to standards?

25X1A9a



If you have an employee who doesn't come up to standards I

don't think you would have to go to this device because there you would be sluffing off perhaps an unsatisfactory employee to some other office. Did I misunderstand you?

MR. KIRKPATRICK: I don't think so.

25X1A9a



If he is unsatisfactory then let's use the regular separation

procedures, and give him charges, and give him a chance to answer, if necessary.

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We just went through a case with Logistics where we had no problem. We charged the guy and he had a chance to answer, and he is going to be separated through normal procedures.

MR. KIRKPATRICK: That is a very unusual case, though, when you get so well documented that you can do it.

In effect, then, Charlie, what you have been discussing is paragraph 6b(1) in the recommendations: develop procedures for reduction in force according to the requirements of the Veterans Preference Act -- which is in the process of being done right at the moment.

25X1A9a Yes, except we are not calling it RIF procedures. Independently, however, Kirk, we are working up--against the time that the policy decision may be changed--we are working up a set of reduction in force procedures which we could apply if we had to in the future.

25X1A9a There is perhaps one reason for applying the Director's authority in this case. The Director's action is final regardless of the Veterans Preference Act, whereby there are certain gimmicks in it that complicate any other separation procedure for a satisfactory employee who is a veteran. That makes a lot of sense, too.

25X1A9a That is right.
That was one of the subjects we discussed with General Cabell, how to smooth this out so that we would not be interminably appearing before the Civil Service Commission on account of veterans preference.

MR. KIRKPATRICK: Any other comments or questions about Tab G?

25X1A9a I have one, Kirk. I do have this comment to make about tenure. Despite current conclusions reached by Mr. Mitchell, the paper does have "tenure" in the title, but I don't believe the paper reflects a great deal of study on the problem of tenure, partially due to time limitations and some other factors. It is certainly true that over the years in Government there has been a tendency to the point that all career services grant tenure by virtue of statute. Now I am not advocating, at this point, that we have that, but I do advocate that we give more time to study this particular phase of tenure. I believe we should, for example, go to the Civil Service Commission and discuss our problems with them in terms of tenure to see what ideas they might have, and that we shouldn't just drop the subject at this time. I think there are possibly other sources of assistance we

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might get. We could come up with a lot more information on the subject of tenure by devoting some time to it. I would like, in effect, to add a recommendation here that possibly the DD/A be requested to study this problem further and prepare another presentation on the subject of tenure for this group.

MR. BAIRD: In what way do you think this is inadequate, John?

25X1A9a [] Simply this: I am not trying to say whether this is inadequate or not but for the Veterans Preference Act we have no legally restraining barriers as far as frivolous or unwise terminations of individuals, or political terminations are concerned. Over the years, again, all other Government career services have found it necessary, and the Congress has felt it wise to base their career services and tenure in those services on statute.

25X1A9a [] Including the Civil Service Commission itself.

Now I am not advocating we have the same thing as Civil Service but I am saying there is enough meat there so that we should look at it a little more.

MR. KIRKPATRICK: Doesn't that naturally fall in line, and if we go forward for any legislation that will be a fundamental part of it? What is to be accomplished by a further study of the subject?

25X1A9a [] It's really a study on new grounds. In other words, this point was not tackled sufficiently, in my opinion.

MR. KIRKPATRICK: Well, to my mind, and maybe my thinking isn't sufficiently sophisticated on this, but it falls into categories--his performance being competent, and his conduct being correct, and his tenure is for a career; and the Director sets up the procedures whereby his career is furthered or terminated in accordance with standards which are not arbitrary or capricious.

25X1A9a [] That is true, that is where we are today. All I am saying is that other career services in Government have found that inadequate.

25X1A9a [] The part of the discussion marked "conclusions" here, seemed quite sound.

25X1A9a [] I agree with the conclusions generally.

[]: Are we passing on conclusions in general rather than discursive content?

25X1A9a [] The tenure aspect is not really concluded upon or recommended upon in this paper, and I am suggesting, because the paper bears the title, that we consider whether or not we should get some conclusions on recommendations on

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that subject.

25X1A9a [] The paper was primarily beamed at whether or not we should reach for legislative action to establish career staff limitations. Maybe I am wrong about that.

25X1A9a [] That was the purpose of the paper.
[] That was my understanding. The conclusion here seems quite sound, that that is not the appropriate thing to do. I think the other conclusions are quite sound, and I have no questions on the recommendations. The point I am bringing up is whether your point is germane to this paper we are acting on now?

25X1A9a [] It's germane in that the job tenure is used in the title of the paper, although there are no recommendations bearing on job tenure. So it is germane to that extent.

25X1A9a [] Then I would eliminate "tenure" from the subject title.

MR. KIRKPATRICK: I think we have studied to the point where we ought to take the exam now. We have done enough grinding out of paper. Let's get this system set up and working and let the General Counsel's Office start drafting the legislation. You're going to get your tenure in that way. If you need further papers on that I am sure the Personnel Office files must be bulging at the seams with studies on tenure from every Government source.

25X1A9a What is the view of the rest of the Board on [] recommendation that a third recommendation be added to this paper suggesting that the DD/A, through the Personnel Office, prepare a further study on tenure?

25X1A9a [] I think in Tab F you have to meet this thing anyway, without regard to G. Tenure is inevitably a part of the proposal for an equivalent of a uniform service, which is the subject of F, and maybe more study on tenure needs to be done in that connection, not in connection with Tab G.

25X1A9a [] Tenure can be conveyed in a number of different ways: by contract, by legislative action, by administrative action, or what have you. Tenure is not just a "thing", it is a state, and there are varying states of tenure all the way from zero to the ultimate tenure, I believe, in the United States, which is the Justice of the Supreme Court which is a job for life and he can be removed only by impeachment. I know of no other job in the United States comparable to that. That is the ultimate in tenure but not the absolute tenure.

MR. KIRKPATRICK: I sense it is the view of the Board of not adding the

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recommendation to this paper on tenure but eliminating the word, "tenure", from the subject title. Any contrary view? We will then consider this paper as approved for submission to the Director, with that change.

25X1A9a [] I'd like to make one comment on recommendation 6.a.(1). Is it our plan to develop procedures for reduction in force in accordance with the requirements of the Veterans Preference Act?

25X1A9a [] That is not what we are doing at the present time.
In fact we are going somewhat contrary to that, and I don't think we should recommend to the Director an action which is contrary to what we are contemplating doing.

25X1A9a [] I think this recommendation meant that we should have the procedure all worked out in case it should ever be decided we would go into a reduction in force, that the procedure should be all worked out and ready to use.

25X1A9a [] I would like to see everything in this recommendation in 6.b.(1) after the word "force" eliminated from the paper. Just "Develop procedures for reduction in force", period, which is really the basic thing that we appear to be reaching for.

MR. KIRKPATRICK: Any objection to that recommendation? We will have it so amended.

In view of the fact that Colonel White is still tied up with the Budget let's go on to Item 4 on the agenda, which is actually a good take-off for the discussion on Item 2 anyway. Item 4 is the definition of Career Service. We have submitted three suggestions: "A" being the one presently expressed in CIA Regulation

25X1A [] "B" as suggested by the Legislative Task Force in its report of 13 August; and "C" being a proposal which I understand embodies the combined efforts of Messrs. Sheldon, []

25X1A9a

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MR. SHELDON: Before we get to "C" -- in reviewing this paper the word "staff" is still something of a stumbling block to people I have discussed it with. It has the implication of a senior level, which I don't think is intended to be conveyed by the paper.

MR. KIRKPATRICK: I think the answer is fairly simple, inasmuch as the people who object to it probably aren't versed in the overall semantics of the Agency, in that "staff employee" in its broad sense means everybody.

MR. SHELDON: Is that thoroughly accepted?

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MR. KIRKPATRICK: It is what we have to do so as to distinguish between agents, contract employees, etc.

MR. SHELDON: I thought perhaps we might add a little clarification as to what is generally accepted by the Agency or refer to some paper where the definition is spelled out. It simply happened to hit a few people that I talked with.

MR. KIRKPATRICK: Elimination of the word "staff" from that definition would then open us to every single person that we compensate in any way. A lawyer could make a good case that they were all employees.

MR. SHELDON: I wasn't suggesting simply eliminating the word "staff", I was suggesting some clarifying addition be made to indicate that it did not refer to any given level.

MR. KIRKPATRICK: I think that could be done by a footnote. I wouldn't like to further dissipate the definition itself by the addition of any words.

Could I have the views of the Board as to which definition they preferred?

25X1A9a

[redacted] which do you prefer?

I still prefer "B" with the word "extensively" in line 2

eliminated.

MR. KIRKPATRICK: Do you object to eliminating the "extensively", Colonel

Baird?

MR. BAIRD: No, but I would like to have "B" followed by "A".

25X1A9a

[redacted] We are going to knit a sweater, I can see that.

MR. SHELDON: The sweater was intended to be "C".

MR. BAIRD: I don't like "C" or "B" as well as I like "B" followed by "A", but that is my personal opinion.

MR. KIRKPATRICK: So that we can join this battle fairly quickly could I have a show of hands by those who prefer "B", first? Which prefer "B" over all others?

25X1A9a

[redacted] I don't know Red's viewpoint on this.

MR. KIRKPATRICK: How many prefer "C"?

How many will go for Colonel Baird's sweater?

25X1A9a

[redacted] What is this nugget that you want to get in?

In an equitable fashion, that is what it is.

MR. BAIRD: I like it all, but I don't think you can start off that way. I think it follows very logically after "B". You are talking about Career Service

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and the program, and this is what the program is.

25X1A9a [] "B" is the Career Service and "A" is the program.

MR. SHELDON: You're not talking about a program, you're trying to define the Service.

MR. KIRKPATRICK: I think your suggestion is in order, Mat, but I think for the definition of a Service we need one statement, and then you can thrash it out on your program with a statement such as contained in "A". Since we seem to have a French Parliament case here, of views, I would like to find out what the major difference of opinion is between "B" and "C".

Ting, what is it about "C" that makes you prefer it over "B"?

MR. SHELDON: Well, people I have talked to, including my close associates, feel very strongly, I think, that the word "dedicated", as such, is a horrible word to use here and throws the thing into the wrong context. We get back into the question of selection in the last sentence of "C". So that is taken care of. I don't think we have to deal with training because that is also covered by selection, because your criteria would cover that. The question of obligation is also settled in "C" versus "B". As to what you are going to work in is also covered in "C". The question of the satisfaction of a job well done, for my money isn't necessary. I hadn't written in the obligations part of it myself but we accepted the obligations part of it as an amendment at the last meeting. I think that is gratuitous, too. When you join a club you take the liabilities and assets as they come. So I think it's a cleaner, simpler statement which actually embodies all of the ideas that are necessary.

25X1A9a [] As a non-member of the Board but a member of the Agency who would be covered by one of these definitions, I think "C" is an inadequate, sort of cold-blooded, half-way statement. I like "B" much better.

25X1A MR. KIRKPATRICK: [] how do you feel on these two?

25X1A9a []: Well, I prefer "D"?

25X1A9a [] Your "D" is the same as "C" in the agenda. You have a draft copy.

25X1A9a []: Okay, then it's "C" I prefer. I think that until you settle this Tab F you can't deal with anything that includes the word "obligations".

25X1A9a [] Both "C" and "B" contain obligations, though, in about the same context.

25X1A9a [] I thought there was an objection to obligations from

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the DD/I side of the house.

MR. SHELDON: We don't mind it on the theory that the obligations will subsequently have to be settled, and this is a working definition.

25X1A9a [] Okay, then "C" suits me.

25X1A9a MR. KIRKPATRICK: [] are you any more favorable to "C", having heard the arguments?

25X1A9a [] I haven't really heard any arguments, as such. Maybe "C" would be more palatable to me if a little bit were added. My objection is to that "group of specially qualified individuals." I don't think I'd classify them as "specially qualified individuals." I'd rather have it say a group of specially trained individuals, which I think is much more to the point than "specially qualified."

. . . Mr. Houston joined the Meeting . . .

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MR. SHELDON: I would assume your waiting period, as one of your specifications, would take care of that.

25X1A9a [] Generally a year.

MR. SHELDON: I would assume it would be longer than that.

MR. KIRKPATRICK: I certainly am going to be strongly opposed to anything less than three years.

25X1A9a [] The Professional Selection Panel is about to bring out a three year proposal for the Board.

MR. KIRKPATRICK: I think I can adduce evidence from the files of the Inspector General to support three years.

25X1A9a [] What would be wrong with getting into "C" the idea of a group of carefully selected and trained individuals, rather than specially qualified?

MR. KIRKPATRICK: I think the selection item there is extremely important. And, Ting, are your objections to the word "trained" of a deep-rooted nature?

MR. SHELDON: I simply assumed the selection part of it was taken care of in the last sentence.

MR. KIRKPATRICK: Yes, but the first sentence, to my mind, connotes more the entrance of the individual.

MR. SHELDON: No, I have no objection to including a training aspect there at all; in fact, in the original draft we submitted at the last meeting the

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word "training" was still there.

MR. KIRKPATRICK: I think your wording of "C" would read: The CIA Career Service is a group of carefully selected and trained individuals?

25X1A9a Yes.

MR. KIRKPATRICK: Any objection to that?

MR. SHELDON: None whatever.

MR. BAIRD: I don't like to flag wave but I think there is more warmth to "B". I think in our attempt to refine we are losing some of the warmth.

25X1A9a Is this going to a Committee of Congress? Is this to be something of a preamble to a proposed piece of legislation?

25X1A9a Not necessarily.

MR. BAIRD: Not primarily.

MR. KIRKPATRICK: I'd like to put it on the basis that it is something every employee is going to see, and consequently everybody who ever looks at it, whether a Committee of Congress, a Jackson Committee, or what have you.

25X1A9a Now, if I keep quiet for a few minutes, how do we stand on "C"?

25X1A9a Kirk, why don't you ask the General Counsel?

MR. HOUSTON: I haven't followed all of this, Kirk.

MR. KIRKPATRICK: He is acting like a lawyer.

Dick, would you suggest any other changes on "C" to bring it closer in line to your thinking?

25X1A9a The only other thought in there which I think might be worth saving is the gratuitous statement ". . . including the expectancy of a permanent career in CIA. I say that on the grounds that I hear a great deal of talk by younger people in the Agency and when they're talking about Career Service there is only one real issue that pops out in this curiosity of theirs, and that is: What is my chance for having the job the rest of my life?" It seems to me that is the keystone of the thing, and all the rest of these things are frills.

MR. KIRKPATRICK: I concur in that one hundred per cent.

25X1A9a So if that thought could be incorporated at the end of "C" it would go a long way -

MR. SHELDON: I didn't put that in, Kirk, for the reason that I thought you might get in a position where that could be thrown back in your face. If you

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had a budget problem where you had to eliminate people, it seemed to me a rather dangerous thing for putting in something like this.

MR. KIRKPATRICK: I don't think legally it would be a bit dangerous, Ting. I think from a morale point of view it would be a case of an expectancy that never materialized due to circumstances beyond the individual's and the Agency's control.

MR. HOUSTON: Wouldn't you then have to administer any reduction so that the Career Service would be the last touched?

MR. SHELDON: You're getting into your sheep and goats picture again.

MR. KIRKPATRICK: You aren't going to be able to avoid that. You have your three year probationary group, and then you have those individuals, of whom there are quite a few today, who are giving indications that they are on probation. Their work hasn't met standards and they are told that.

25X1A9a [] Plus the group that refuses to go overseas.

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[] Kirk, maybe it might help for a minute, here, but in analyzing it the purpose here was to put a well-rounded concept on the thing, the dedication, the motivation, the training process, their service during the years, and they get personal satisfaction out of their jobs, they get the benefits we keep talking about, and they have a permanent career. That is the whole picture. That is why it was done this way. "C" falls slightly short of that well-rounded picture and that is why "B" was done in the way it was done.

25X1A9a [] I think [] suggestion actually shifts "B" to "C" 25X1A9a with the elimination of dedication.

25X1A9a [] It does, yes.

MR. KIRKPATRICK: It also eliminates a couple of things.

25X1A9a []: It eliminates benefits and emoluments.

[] I have no brief, particularly, for the satisfaction of a job well done. I have to agree that point is sort of gilding the lily for that particular purpose.

MR. KIRKPATRICK: I think that "such emoluments and benefits as are appropriate" is like punching a feather. Benefits, yes, but that is assumed; and when you add "as appropriate" then you have to get into the definition of what is appropriate and what is inappropriate? So I think with the changes suggested in "C" we have a definition better than either. Is that acceptable to everybody?

MR. SHELDON: Do we still have to leave in this obligation business?

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MR. KIRKPATRICK: Rather than fight that battle on this battlefield let's shift to the next battlefield, which is Tab F, and I would recommend that if this is acceptable as it is now drafted let's include obligations, pro tem, and go on to the Tab "Restrictions and Obligations on Careerists", which I think is going to be a controversial one.

Dan, you will have to fight for Red in this.

25X1A9a [] I don't think he has the idea you think he has on this.

MR. KIRKPATRICK: Why don't you lead off?

25X1A9a [] Well, John, will you supplement anything here? I think you have had more discussion with Red than I have. But in general his feeling was that the section of this Report which winds up with the recommendation that career people be under an obligation to accept Agency assignments wherever the Agency feels they should, at whatever time they should, is not too strong a one to put on the bulk of the Agency people.

25X1A9a []: Where is that, Dan?

5 [] I am not trying to relate it now to any particular, specific recommendation that may have been made. But in talking about this he said it was his feeling that the Agency could properly expect of career people their consenting to accepting the obligation to serve at any time at any place, with some exceptions, and he didn't get into the exceptions. Perhaps John can amplify what he meant by the exceptions.

MR. SHELDON: It's 3.a.(1).

25X1A9a [] Anywhere, any time, and for any type of duty. That is the principle involved.

25X1A9a [] The principle involved, yes. He goes along in general but he thinks perhaps it should be modified to provide for some few exceptions, exceptions based on individual situations of individual employees.

MR. KIRKPATRICK: I don't think you want a modification on the principle. It is assumed that you modify it.

25X1A9a [] Red wanted to make it clear that there should be room for possible exceptions.

MR. KIRKPATRICK: I think the answer to that particular statement is that the CIA expects career employees to serve any time, any place, and in any fashion that it dictates, with full consideration being given to personal factors; I mean

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the way any sound, personnel management policy in a corporation or in Government would operate.

MR. HOUSTON: It's a modification in administration, not in principle.

25X1A9a [] Yes, I think that would sum up exactly what his feeling in this was.

25X1A9a [] I think you have to have obligations but they vary. In my organization I have the equivalent of an enlisted man, and if they were to sign a binding contract that they would make one tour of three years and go any place we assigned them, they are still not careerists and they won't be careerists because they are troops, and they don't know whether they want to stay with us or not, they are just taking a whack at it. For other people if you were to sign them up for life like you do in the military, you have to have all those things that make it worthwhile, such as retirement pay and medical benefits of all kinds, and you can't get out of it, which means a lot of statutory things for which Congress will be looking down our throats all the time. Perhaps a contract of some kind would do it. If you had to go out and recruit people or induce people to come in and they were going to sign up for life in the Career Service, and go anywhere in the world, you wouldn't get any one unless you could find a way to break it and get out.

25X1A9a [] This is, of course, unenforceable.

MR. KIRKPATRICK: It's unenforceable in any civilian organization.

25X1A9a [] Nobody signs up for life.

25X1A9a [] A Regular Army officer does.

25X1A9a [] That doesn't mean he can't get out of the service.

25X1A9a [] He can only resign with the approval of the President.

A Reserve Officer signs up in certain categories, one of which is until his service is no longer required, and the only way he can get out is to prove hardship, but a Regular Officer can't get out under any circumstances.

25X1A9a [] Your resignation doesn't mean anything unless it is accepted.

25X1A9a [] Unless he goes AWOL or deserts, and I don't think we want that equivalent of the uniformed service.

25X1A9a [] I don't think we could, because that is enforceable by reason of the Articles of War, and there is no civilian service that could enforce that.

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25X1A9a [] How about the Coast and Geodetic Survey? That is practically a military service.

MR. HOUSTON: They shift their whole composition in wartime.

25X1A9a [] Could a man in the Foreign Service be prevented from resigning?

25X1A9a [] There is no possible way that he can be prevented from resigning.

25X1A9a [] Is this beamed at preventing people from resigning or is it beamed at attempting to build into this Agency a group of people who will live under these conditions and will not resign, and put us in the position where if they don't carry out their moral obligation we can dispose of them?

25X1A9a [] We have that now. I send a man to [] and if he 25X1A6a doesn't like the housing conditions over there he comes home at his own expense.

25X1A9a []: If you want to send a man to [] and you pick him and 25X1A6a he says, "I won't go" --

25X1A9a []: He resigns.

25X1A9a [] You can't force him to resign.

25X1A9a [] No, we just say "There's no other job for you." If you could require him to go any place you wanted to put him, even with the best administrative cautions to take care of personal cases, you could save the Government considerable money.

25X1A9a [] And if they say "I won't go" if they have contracted to go when ordered, you are in perfect condition to say, "You're through, boy."

25X1A9a [] The only way this can be enforced with a civilian, you make a contract with a civilian and he puts up a performance bond. Then if he doesn't perform it is taken away from him.

MR. KIRKPATRICK: And there goes your security procedure.

25X1A This whole paper raises quite a red flag with me in two respects. In the first place, I worry very much, particularly having heard some of the views of General Cabell and [] on the business of even suggesting obligations to Congress, the point being that I think once you suggest them, the Congress on its own can think up a lot more obligations which can be added, and you end up with more of a harness around your neck. I think if you even imply obligations in going to the Congress you will get them, but you will get a lot more than you asked for.

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25X1A9a [] There is one intangible factor which bothers me and I don't know exactly how one copes with it, but all the paper promises, contracts, etc., in the world are not, in this type of activity overseas, going to get any production out of a man who is there under duress. If his heart isn't in it you might just as well not have him there, he's just taking up space.

25X1A9a []: On an operation he turns to the right where he should have turned to the left and you can't prove that he should have turned to the left.

25X1A9a [] You can sit there and build a record for the rest of your life and nobody could lynch you for it, but if his arm is twisted by obligations and he's forced to go, you haven't got anything. So for that reason as well as other reasons I wonder whether we want to get into this whole question of what the obligations should be.

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MR. KIRKPATRICK: I agree with you one hundred per cent. I think the matter of obligations as far as Agency employees are concerned, and their place in career service, could be taken care of administratively when we get this program by indicating to employees what career service does for them and what it can't do for them under present circumstances, with the request for furtherance of the career service in the Agency we would like to have them indicate that they plan to make this a career and that they will go where the Agency asks them to go and do what it asks them to do, with the understanding that personal considerations will be given as much weight as possible. I don't think we can go beyond that at the present stage. In the first place, I don't ever see the U. S. Congress passing placing obligations on a civilian organization similar to what they put on a military organization. It's not the American way of life.

25X1A9a []: They will write into the appropriations law something that will ruin you, like the Van Sant Law -- everybody had been told all their life they could retire after 30 years' service, so he hooks it on to an appropriations bill.

MR. BAIRD: Is it your understanding, Larry, that when we ask for benefits the Congress is likely to write in obligations anyhow? Isn't it better to suggest the obligations?

MR. HOUSTON: I don't think so, if we have adequate justification. If we just go up and ask for benefits then they might say, "What are you getting back?" If we show that the people are undergoing what we consider unfairness, or if we

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have a real reason to have these, then I don't think they will turn around --

25X1A9a [] Motivation and leadership will accomplish something.

I have not had anyone resign in over two years who had been in OSS. It's the lower grades who don't yet have that feeling of a crusade, but I think we can develop it. I don't think you can legislate for it.

MR. KIRKPATRICK: I think there is a reason for that. They were brought in here in large numbers and there was an urgent attempt to do some jobs, and they just haven't become amalgamated yet under the team. As soon as we get shaken down they will get that feeling. In the Junior Officers Panel their motivation is good. They just haven't had a chance to really demonstrate it yet, and also, being young they frustrate easier.

25X1A9a [] We read all these interviews. "Why do you want to come?" "I got back from the military and I kind of think I'd like to try Government." So you try him for three years and he may catch fire. Some of them do.

MR. KIRKPATRICK: Our time is running a little short. Is there any further discussion on this paper?

25X1A9a [] I just wondered what we do with the paper?

Is this paper beamed at legislative action or beamed at the establishment of a principle, regardless of whether legislation is involved?

25X1A9a [] It's beamed at both, and one comes before the other.

MR. KIRKPATRICK: I have a suggestion as to what to do with the paper, to the effect that in presenting the other recommendations of the Legislative Task Force to the Director, that the pertinent views in this paper be boiled down and in the covering memorandum to the Director it be indicated to him that they have been given a thorough look--these obligations--and our conclusions are as generally have been indicated by the Board today.

25X1A9a [] May I make a suggestion, Kirk, that this paper be perhaps edited or redrafted in view of the conclusions that have been arrived at today, which is on the transcript, because the paper as such makes no recommendations because the recommendations say that this Board at this time is the only one that can resolve it. Well, it has been resolved, in some measure, by the transcript.

MR. KIRKPATRICK: Having been boiled down what were you going to do with it? I think it can be covered in the memorandum.

MR. HOUSTON: Couldn't you state this as the object of all the other moves,

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that all the other benefits and the proper administration of them, and leadership, is designed to create a spirit which will assume these obligations?

MR. KIRKPATRICK: Does that offend the dignity of the Legislative Task Force in any way, [redacted]

[redacted]: I couldn't answer "yes" to that, of course, but I am not quite sure what that amounts to. I am just wondering what it will mean to the Director when he reads it? Certainly the central issue among certain people with whom it has been discussed, is this: Are we as a matter of policy, internally, going to have this type of obligation to serve abroad?

MR. KIRKPATRICK: It is my understanding that it is the view of the Board that all career employees should accept the obligation to serve when, where and how the Agency wants them to.

MR. SHELDON: I would have to object to that. I wouldn't want to subscribe to that, because I think you would never get a reasonable proportion of people to join this club.

MR. KIRKPATRICK: I think we would, Ting, with the understanding on your side of the house that obviously the Director isn't going to pick up and send his research offices to Timbuktu.

MR. SHELDON: There is a joker in that, though. If that were the fundamental policy, supposing on the DD/I side there was one individual who was particularly qualified for a particular job and you didn't have a man as good, temporarily, on the DD/P side. It would logically follow that the DD/I individual particularly qualified for that job would be tapped for that assignment, and there would be a moral obligation and pressure on him, with that policy enunciated, to be put in that job. I can't accept that responsibility in assenting to the policy enunciation as made. I would have to dissent from it.

MR. KIRKPATRICK: My reaction to that would be that the individual concerned, if it were in the best interests of the Agency and he simply said "I won't go there" - then he would lose his career service status, and should. We can't otherwise have a career service, if people are going to say, "Well, I like it much better here in Washington."

MR. SHELDON: Those things don't arise that way. Moral suasion and pressure would be brought to bear on that individual, maybe quite rightly, but I don't think it is something you want to write down on paper and assume as an

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obligation, because in effect you assume an obligation.

MR. KIRKPATRICK: That is the gist of the whole discussion.

MR. HOUSTON: My office, on a small scale, has the same problem, and I would be delighted to accept the statement.

25X1A9a [] We wanted nine people to take an overseas assignment. We had to go through well over 100 to get anyone to say they would go. All the others said "I won't go. I don't have to go."

25X1A9a [] We have these radio operators we recruit to train. They indicate they will go anywhere, but when you go down to the Training Center and you say, "I want you to go to [] they say "No." I am wondering if the Task Force explored the possibility of a contract that might be more enforceable by taking away any retirement the person might have?

25X1A9a [] We looked into the question of penalties and at this point we didn't think that was really desirable, that if we could get over the hump of establishing this as a principle, that was going such a long jump that we would look at penalties later.

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25X1A9a []: ARAMCO teaches Arabic to their people but they have to sign a contract that they will stay for a certain length of time.

MR. KIRKPATRICK: That is only part of it. They sign a contract but they also pay them so much their people don't want to leave.

25X1A9a [] It's a question of establishing confidence, but without the principle I don't see how the Agency can administer it.

MR. KIRKPATRICK: My feeling is very strong to this line: We are all agreed we want one Career Service, as such. We recognize that there are at the moment limited benefits that can accrue, and that the benefits don't differ much between he who serves overseas and he who doesn't. We can't give a shorter retirement period for the fellow who serves in a bad post overseas as compared to the fellow here in Washington. We have two alternatives, either we have one Career Service for the Agency or one for the DD/A complex and one for the DD/I. It is my understanding the Director wants one service, so I think individuals right across the Agency have to accept the same obligations and same possibilities. But understand there is not going to be capricious use of the fact that the Director can send somebody overseas.

Now, to follow through on your illustration, if there was a man on the

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DD/I side who was needed in the DD/P side, and the individual refused to go, my feeling on that fellow would be that it was almost close to treason if he refused to go, if it was an important job, where the national security is as important as it is in this Agency.

MR. SHELDON: But it is the enunciation of as firm a policy as that which I think is going to bring about a situation where you will not have one Career Service, you will only have a very limited acceptance of the Career Service by the DD/I and DD/P personnel. And as a result of that, I am trying to arrive at something which is less severe, should I say, so that you would achieve the Director's desire of having a single Career Service. What I sense is happening around the table here is that it is being tied to a point where you will have a real cleavage in the Agency, and for my money, on a long-range basis, that is a serious error.

MR. KIRKPATRICK: I don't think there will be a cleavage in the Agency if the "I" side of the house and the "A" side of the house --

25X1A9a Colonel White feels very strongly that we have to have this obligation.

. . . Colonel White joined the Meeting . . .

MR. BAIRD: Do you have in mind the specialist, Ting? Because when we make our JOT certainly a lot of them go to the DD/I and sign a statement to the effect that they would accept this kind of an obligation. We know that it is not binding on them but there isn't a one of them that has ever said that he wouldn't sign. That is one of the reasons he comes in. He expects that. But I can see that your specialists who come down for ORR or OSI might question it.

MR. SHELDON: Yes, they would question it.

MR. BAIRD: But are they, in effect, careerists?

MR. SHELDON: Then you set up a series of terms of reference where you cannot have a Career Service which each and every selected and well-trained individual can join. That is my difficulty.

MR. KIRKPATRICK: That is quite right. I think from that point of view of excluding themselves by refusal to accept obligations, then they do exclude themselves, and if there comes a cut or reduction in force, or the Agency in any way has to contract in its size, then you are obligated to let them go first,

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before the ones who say they will go anywhere and do anything.

25X1A9a [] They are willing and able to devote themselves to the Agency's business, but on their own terms.

MR. KIRKPATRICK: That is right.

MR. SHELDON: On reasonable terms.

MR. KIRKPATRICK: There is nothing unreasonable about these terms, that I can see.

25X1A9a [] It seems rather unreasonable to me to have an organization devoted to foreign intelligence which has a great quantity of people who are unwilling to live abroad.

MR. SHELDON: Nobody says they would not be willing to live abroad, but if you assume an immediate obligation to go at any moment to any place that you are told to go, and having come into the Agency you have already signed indicating whether you would or not, you are changing the rules of the game.

5 MR. KIRKPATRICK: You are getting into a slightly different aspect. There is no question but that these rules of the game are going to have to be injected on a gradual basis. We simply cannot change our commitments to people already in the Agency, but we can indicate to them that whereas they will have tenure, their tenure will not be as permanent as those who will accept the rules of the game. I don't think in that way we will breach a contract in any way. In other words, as I see the next step, Ting, after we get these things threshed out and decide how the Career Service works, the next step is that every employee in this Agency will receive a questionnaire on his intentions regarding Career Service, which will then place him either as a candidate for acceptance or definitely exclude him.

Rather than prolong this meeting, unless there is further discussion, and I think the issue is pretty clearly drawn and known, I would recommend that the best way to join this further is to take it directly to the Director, because I think it is fundamental to the whole Career Service program, and any further jousting is simply going to prolong the agony.

MR. SHELDON: It's simply a question of being told by the Director: "Look, I want it this way." Alright, then we go ahead and do it that way.

MR. KIRKPATRICK: What is the desire of the Board as to how this should be presented to the Director?

25X1A9a []: I think it has to have some of this in it, that isn't in

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here now.

MR. KIRKPATRICK: And then I think it should be presented orally. And, Ting, you and anybody representing DD/I that you wish --

MR. SHELDON: Well, my statements reflect not my personal feeling; my statements reflect those of the other AD's that have been spoken to in DD/I. I held a meeting preceding these meetings and discussed all these matters with each of the AD's in DD/I. I believe my statements would be concurred in by Bob, is that correct?

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25X1A9a [redacted]: Yes, in general.

MR. SHELDON: Therefore I think he and I at least should be permitted the right to orally re-state the case.

MR. KIRKPATRICK: I think the best way to do this would be to invite the Director, and possibly the Deputy Director, to attend the meeting of the Board and hear the Board, and you and DD/I can bring anybody he wants. Is that agreeable?

Any new business?

Monday, the 23rd of November, gentlemen, rather than Thursday, the 26th, because on Thursday the 26th you will probably be eating turkey. So we will have that meeting at 4:00 on Monday, the 23rd. And we will discuss Tabs "E" and "H" at the next meeting.

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25X1A9a [redacted] Let me have just two minutes to report to the Board on the success we have had so far with the Kaplan Committee. In relation to Tab "D" on the Liberalized Retirement System for Employees, and the covering memorandum of the Task Force, we were asked to determine from the Kaplan Committee just what they would be interested in having from us, and also find out what they are doing. Yesterday I spent an hour with Mr. Kaplan and found him a very easy-to-talk-with fellow, and one who would be quite willing to have the Agency's viewpoints on what it would like to have considered in a retirement system. So I told him that I felt the Agency would be quite willing to give to him our thinking, because his job at this point is to take a complete look at all retirement systems of the Government, and to make a recommendation to the Congress early in the session. So we are drafting something now to come to you, or however you wish to get it dispatched, which will give him the consensus of the discussion that has gone on here on the liberalized retirement plan.

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6 | MR. KIRKPATRICK: I would suggest that it come to the Board, in view of the fact that is one of the Tabs of the Task Force, and get the Board's views on it. Thank you, 'Charlie.

Any other business? Thank you, gentlemen.

. . . The Meeting adjourned at 5:15 p.m. . . .

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~~CONFIDENTIAL~~MEMORANDUM OF CONVERSATION

Present: Messrs. James Mitchell, Secretary of Labor; [redacted] 25X1A9a
 In Office of Secretary of Labor, 3 Nov 1953, 4:30 - 5:15 P.M.

SUBJECT: Job Tenure and Job Security

1. The purpose of the conversation was to determine from a responsible Government official, not associated with security sensitive affairs, who has had wide experience both in Government and in private employment, and who is a recognized expert in personnel and labor matters, his views respecting job tenure and job security. No classified matters were discussed.

2. Tenure. Mr. Mitchell expressed the view that tenure is a relative matter; that there is no such thing as absolute tenure; and that tenure either in Government or in civil life was subject to such considerations as administrative necessity, or the desires of Congress, or the condition of the budget, etc. He used the examples that if the Congress decided to wipe out the Department of Labor by legislation, the tenure of all the persons now working in the Department of Labor was worthless; that if the Board of Directors of Macy's should decide to substantially change the operation of Macy's Department Store the tenure of all employees would be substantially affected. He stated that in the past year more than 8,000 commissioned officers in the Armed Forces had been separated, and therefore the tenure of commissioned personnel was also subject to qualifications. The question of applicable law and legislation on the matter of tenure was also discussed, and it was recognized that in Government, Civil Service status conveyed a degree of tenure, while in civil employment tenure of unionized employees was conveyed through the contractual agreements between an employer and the applicable union. Generally speaking, in civilian employment the white-collar worker, the executive, the "intellectual" worker, had no tenure. Tenure could be conveyed by contract which would state the degree of tenure with respect to the time factor as well as to the conditions of employment. This example re-emphasized the fact that tenure as such was relative and conditioned by the terms of the particular tenure that was under consideration. In Mr. Mitchell's view the consideration of tenure was a will-o-the-wisp. He also expressed the view that the weakness of civilian employment of the U.S. Government was that such tenure as existed created a false sense of security, inhibited initiative and stimulated the retention of adequate though mediocre workers.

3. Job Security.

In Mr. Mitchell's view "job security" was all important, even though it was more of an intangible and, in a sense, similar to "morale". An individual acquired a sense of job security by having confidence that he would not be separated from his job for arbitrary or frivolous reasons. In Mr. Mitchell's view job security was the product of a good, and demonstrated, personnel policy. Three elements are essential: (1) The policy must be detailed and inclusive. All essential factors such as grievance procedures, employee evaluations, promotion for merit, etc., must be present. (2) The policy must be known throughout the organization and thoroughly understood not only by supervisors but by all employees. (3) The employee must have an opportunity to see that the announced policy is actually put into practice. Until an individual has confidence that the announced policy is actually being followed, there can be no feeling of job security.

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