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CIA CAREER COUNCIL

6th Meeting

4:00 p.m., 21 December 1954

DCI Conference Room - Administration Building

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CIA CAREER COUNCIL

6th Meeting

4:00 p.m., 21 December 1954

DCI Conference Room - Administration Building

Present

Harrison G. Reynolds
AD/P, Chairman

Matthew Baird
D/TR, Member

Richard Helms
COPS-DD/P, Alt. for DD/P, Member

Lyman B. Kirkpatrick
IG, Member

H. Gates Lloyd
ADD/A, Alt. for DD/A, Member

25X1A9A [Redacted]
AD/CO, Member

25X1A9A [Redacted]
SA/DD/I, Alt. for DD/I, Member

25X1A9A [Redacted]
Executive Secretary

25X1A9A [Redacted]
Office of the General Counsel - Guest

25X1A9A [Redacted]
Office of the Comptroller - Guest

25X1A9A [Redacted] Jr.
Off - Guest

25X1A9A [Redacted]

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. . . The 6th Meeting of the CIA Career Council convened at 4:00 p.m.,
 21 December 1954, in the DCI Conference Room, Administration Building, with
 Mr. Harrison G. Reynolds presiding . . .

MR. REYNOLDS: The meeting will please come to order.

I presume you have all read the minutes of the 5th meeting which were
 attached to the agenda. Any comments or additions, changes or other remarks?
 If not, they stand approved.

At the request of the Inspector General, this meeting was called to
 handle item 2 on the agenda, which reads:

"The Director has requested that the CIA Career Council consider
 whether the Agency should have a uniform policy for the payment
 of overtime in senior grades. The problem has arisen due to
 the establishment of different policies by the several components
 of the Agency in implementing paragraph 5a.2. of Notice [redacted] 25X1
 Attachments: Notice N [redacted] Memorandum from Assistant
 Director for Personnel dated 17 Dec 54; summary of overtime 25X1
 policies presently in force in the several components of the
 Agency."

Kirk, did you want to address yourself to this problem?

MR. KIRKPATRICK: I think the problem is prefaced very well in the
 summary you have prepared of the overtime policies presently in force. It
 seems to me this illustrates what we are heading into, which is going to be
 a considerable morale problem throughout the Agency, by the components exer-
 cising different criteria in paying overtime.

In an effort to join the battle as quickly as possible, I think
 the best solution that I see here is the one adopted by the DD/P that indicates
 where an individual cannot take compensatory time off due to the fact that he
 probably can't take all of his annual leave, that he be paid, and that otherwise
 it be compensatory time off; and that that be a standard policy throughout the
 Agency for grade 11 and above.

MR. REYNOLDS: The Office of Personnel recommends, in the last para-
 graph, grade GS-11 or higher be granted compensatory time off.

MR. KIRKPATRICK: . . . Be granted compensatory time off unless their
 leave status is such that they cannot possibly take it, and if that is the case,
 that they be paid for it. In other words, it's true in many parts of the
 Agency that your senior officers simply are hard pressed to take whatever
 number of days of annual leave they get. Many of them, in fact, sacrifice it.
 After they have accumulated the 30 days it is just wiped out. Consequently,
 if they can't take their annual leave they obviously aren't going to be able
 to take compensatory time off. My point is that if the individual is one of

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those who is forced to work overtime at a particular problem but is not in such constant demand that he can take compensatory time off, then fine; but if he is one of those individuals that is in such constant demand that he can't take compensatory time off, let's pay him, and let's make it a straight across-the-board Agency policy. I know perfectly well some offices are going to say, "We can't afford it." I don't think that should be an office prerogative. I think it should be Agency-wide and the offices will have to adjust their budgets accordingly, with the aid and assistance of the DD/A. But I think if some offices say, "We can't do that because we need so much money for travel, and so much for paper clips, etc." - we are going to have an awful problem. I think it is as simple as that. I think it should be standard across-the-board. I wouldn't want to ask for the money, but basically speaking, if the GS-15's in another office get it, then I owe it to my family to ask for it, too. We are going to have a morale problem in the Agency. The Agency can be criticized for having a group of associated offices rather than one organization.

MR. REYNOLDS: Has the Comptroller's Office any comment to make on that?

25X1A9A

MR. I agree with you that there ought to be one of the two for overtime. In other words, basically what you say, I think, is that all grade 15's should get equal treatment. Now the only question that I have is whether the reverse of that should be that you would grant overtime to all persons as long as there is sufficient money for it, and otherwise you grant them compensatory time, because it seems to me that that is really what the intent of this law was, that they be paid for overtime. It is true, Congress doesn't provide any money for it, but I think the intent was there.

MR. KIRKPATRICK: The intent was there. My point, in answer to your specific question, is that when an office starts running low on its budget so it cannot pay overtime, then I think it is a supervisory responsibility to say to the next echelon up: "I am running into this problem. We have work to do which is going to call for overtime. What do I do about it? Can you give me more money to last this Fiscal Year or shall I cut out some of the work?" When we get that pressure we will get a better Agency as a result of it, frankly.

25X1A9A

MR. My idea differs from yours to the extent that you would have everybody granted compensatory time first - I mean, if I understood you correctly.

MR. KIRKPATRICK: Let me rephrase it again. What I say is that those

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that can take the compensatory time - grade 11 and above - should be granted that time. It should be mandatory that they take compensatory time rather than be paid for it. But those that cannot take compensatory time due to the fact that they cannot be spared long enough from their jobs to take compensatory time off, should be paid for it.

25X1A9A MR. [] Could we all look at paragraph 3.a.2, which is marked in red, because that is the Agency policy right now - just what you have said, Kirk, and that Notice was coordinated throughout the Agency before it was put out. It's on page 4, on the left-hand page. That is the Agency policy, which we presume was coordinated throughout the Agency before it was issued. Now it's a question of interpreting this rather than changing the policy, as I see it.

25X1A9A MR. KIRKPATRICK: Making sure everybody understands what this means.

25X1A9A MR. [] That it is uniformly applied. I think the DD/P policy, which I got from Mr. [] implements this policy in the best way it can be stated.

MR. REYNOLDS: Any other comments from members of the Council?

25X1 [] I have a slightly different problem. The Signal Center and the Cable Secretariat, which is not mine, have overtime every week and nights when the traffic piles up, as it did in PB Success. In PB Success they pulled in everybody they could get and worked on night shifts. So I ruled that overtime would be paid, because they can't take compensatory time because their work is so scheduled that if they take their annual and sick leave, that's it. But if there isn't enough money to go around those other people who have to work are going to take compensatory time, but the scheduled people are going to get the overtime because they work Saturdays and Sundays. They are scheduled to do that, certain ones of them.

MR. KIRKPATRICK: There is a basic operational supply and demand to this. If you started saying you are out of money, then you are going to have to get more people or more money.

25X1 [] There are enough people to do the job but when it comes to a special processing you have to have the overtime work. I said a GS-9 or above in my Office - for the sporadic overtime - if he spends a couple of hours a night or comes down Saturday morning for a couple of hours to get something out he doesn't get it [pay for the overtime], but if it happens regularly, and I have them down there every Saturday morning, that is a different matter.

25X1 [] the law permits employees in grade GS-9 and

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below to make the choice, so that the break point must be between the 10 and 11 level.

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[redacted] This is something that I put out just by word of mouth, that when you are a GS-9 you are an officer, and an officer should be available 24 hours a day when an emergency requires it. But if they are regularly required to spend more time, then I think it is a question of overtime.

25X1A9A

MR. REYNOLDS: Any comments from the DD/I or the DD/A in this matter?

MR. [redacted] We think the way it is written is perfectly satisfactory. Obviously there are going to be differences throughout offices. I think the important thing is to enforce this policy strictly, and make certain that everybody understands it.

25X1A9A

MR. KIRKPATRICK: I'd go to the extent of suggesting that after this meeting today a clarifying Notice might be put out as to exactly what this means, so everybody can read and understand it.

25X1A9A

[redacted] "Feasible" is not a very strong word.

MR. [redacted] I'd like to point out that we had one office drop 30 percent in hours of overtime under this policy because the higher grades were not paid but they had been paying them before, and, by golly, some people were not dropping in on Saturdays - which was good.

MR. KIRKPATRICK: That is the second subject, actually. After we deal with this I would like to deal with supervisory responsibility for the control of overtime.

MR. REYNOLDS: That is the most important point, in my opinion. There can easily be people who lay aside their work in a basket and say, "This is Saturday work." It has been done, and we know it only too well. That is supervisory responsibility.

MR. KIRKPATRICK: There seems to be general agreement on the policy, though. I haven't heard any strong, dissenting voices.

MR. REYNOLDS: I assume the DD/A and the Director of Training also concur?

25X1A2G

MR. BAIRD: We can live within the motion, but, as I pointed out, [redacted] is an entirely different problem, and as long as we are running as many courses as we are, and there is a demand for them, we don't feel that we can cancel a course. The only way we can give compensatory time is by cancelling a course and saying, "There will be no course given in February, and

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you take off."

MR. HELMS: I think you are well protected under this.

MR. BAIRD: We can live within it. But I was very interested to hear what you had to say, because, on the Fitness Report, I just signed a piece of paper saying that everybody who is delinquent on a Fitness Report will come in Saturday and complete his Fitness Reports, and there will be no compensatory time for it. He does it on his own time. And they will do it.

MR. HELMS: What a slave driver you are. [Laughter]

MR. BAIRD: I don't know any other way to get these Fitness Reports out.

MR. KIRKPATRICK: Well, I hope you like them.

MR. REYNOLDS: Are you ready for the question, gentlemen?

MR. [] What is the motion?

MR. REYNOLDS: Do I hear a motion that paragraph I be adopted by the Agency as an overtime policy, and that a clarifying Notice be issued?

MR. HELMS: I so move.

MR. BAIRD: If it is necessary.

MR. REYNOLDS: I believe it is necessary, Matt, because there has been confusion already today on it.

MR. BAIRD: A clarifying Notice on the existing Regulation would do it.

MR. [] I would prefer that. When you say "cannot use annual leave" - does that mean today?

MR. [] Any person who has accrued more than a normal amount.

MR. [] Maybe he hasn't been around long enough to accrue it.

MR. REYNOLDS: A clarifying Notice on the existing Regulation.

MR. [] I think it is going to be equally hard to judge what is meant by "cannot use annual leave".

MR. REYNOLDS: The motion has been made. Do I hear a second?

MR. [] would like to have one other thing clarified before you pass on this motion. In drawing up this paper you show the various differences in these offices. Now, for example, as I remember it, the Office of Personnel has adopted a policy of giving compensatory time off as the general thing, in lieu of paying overtime. The Comptroller has adopted the opposite. The Comptroller has, in exercising administrative judgment, said: I can't spare people generally for compensatory time off so I am going to pay them overtime for all overtime they work now, as long as I have sufficient money

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to do so. He makes this one exception, that where there is a person who has very little annual leave, because of his newness in the government, that he would perhaps make an exception, because it would be to that person's advantage to take annual leave in lieu of being paid for it. Now, is the objection to that exercising of administrative judgment that way? The way this is worded it gives you the opportunity to say that you can't spare compensatory time, and what I understand you are trying to say is that you believe that people should be spared compensatory time except where they themselves can't take that much time.

MR. KIRKPATRICK: By "they themselves" I mean by their supervisors not permitting them to take it. For example, anybody who has been in the government 10 years gets 26 days' annual leave. What is the maximum leave they get?

25X1A9A

MR. [] 26 days.

MR. KIRKPATRICK: How many people in senior positions, GS-11 and above, can take 26 days' annual leave in this Agency? There aren't many.

25X1A9A

MR. [] Then you aren't objecting or don't see any objection to how the Comptroller interprets this?

MR. KIRKPATRICK: No, because I think you are saying almost the same thing the DD/P has said except in slightly different phraseology. Am I wrong?

25X1A9A

MR. [] Then I don't quite see what these differences are. There are a lot of differences as to how it is applied, but if the only difference is that you are saying that they must get compensated for their overtime, whether it is paid or time off, that is one thing; but if you are saying that generally they should receive compensatory time off in lieu of being paid for it, that is still another thing. I'm not quite sure whether you are saying both or not.

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MR. [] Doesn't the Notice say that generally people should take compensatory time rather than be paid for it?

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MR. [] Yes, it does, but it leaves it up to administrative judgment as to which way you apply it. I think this is alright. I don't quarrel with this as it is written. but I am still not clear whether your point is that there are those who are not giving anybody any compensation, whether it's time off or pay, as compared with those who do. And if that is the main point then I think that is the point you should get across in this Notice.

MR. KIRKPATRICK: I think everybody should do the same across this Agency. I don't think we want our Junior Edgar Hoovers operating this office and somebody else operating this other office, and somebody else saying, "I

25X1A9A don't want to see any overtime show up in your time and attendance records."

25X1A9A MR. [] You are going to get different administrative practices.

25X1A9A [] Ordered overtime.

MR. [] All overtime must be ordered.

MR. KIRKPATRICK: Anticipated in advance, recorded on four different forms, authorized and ordered.

MR. REYNOLDS: I don't think you pay [] indicating Mr. [] unless you have a copy of such an order.

25X1A9A

25X1A9A MR. [] No, we don't.

MR. REYNOLDS: It must be authorized in order to get the pay.

25X1A9A MR. [] In advance.

MR. KIRKPATRICK: I think you will find that your administrative officers in the Cable Secretariat send the Comptroller a monthly notice.

25X1A9A [] Oh, yes.

MR. LLOYD: But your point is there are certain offices that don't order it but expect the work to be done.

25X1A9A MR. [] Then if that is the main point here, then you have a point that needs clarifying.

25X1A9A MR. HELMS: Those boys can't read, then.

MR. [] If you are just trying to get uniformity of application then I don't think leaving this as the policy is going to get that, because you have all the opportunity in the world to exercise a variety of administrative applications on it.

25X1A9A MR. [] That is correct, and it has been done.

MR. [] And it is going to continue to be done.

MR. KIRKPATRICK: It's already understood in the language the DD/P put down.

MR. BAIRD: But you have an Agency policy.

MR. KIRKPATRICK: An Agency policy but there has apparently been - like a tax law - we have allowed so many gaps that every lawyer in the Agency has gotten away with murder.

MR. BAIRD: I don't see why you need worry if your Agency policy is clear enough.

MR. KIRKPATRICK: I'm worried about employee morale, and the fact that I don't think any organization looks good if you have 18 offices and have 18 different interpretations of a policy.

25X1A9A

MR. [] The only way you are going to do that is to say they will be paid up to a certain grade. Unless you have a strict policy you are always going to have the same kind of differences. The General has offices where they have to work scheduled overtime, and we have some. That little group are going to get paid in any situation where you have any judgment here that is allowed to the office, and only by an absolute cutting - say GS-11's and above get no pay - then you have an Agency policy that will be uniform.

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MR. [] there isn't scheduled overtime from now on into the future. Nobody has scheduled overtime like that, do they?

25X1A9A

[] Yes.

MR. KIRKPATRICK: That was part of my second subject, when we get through with this. That, of course, makes a farce of ceilings, T/O's, and everything else.

25X1A9A

MR. [] You have a 6-day week.

MR. BAIRD: There are certain things that are done overnight.

MR. KIRKPATRICK: I am talking about scheduled overtime for normal operations. Now, your Cable Secretariat and your OCI operations, where they have a 6-day publication schedule, are what I would call exceptions.

MR. BAIRD: Our night problems are an exception.

MR. KIRKPATRICK: I would say there are very, very few exceptions for ORR, unless they got an order from above. I would see very few exceptions for OSI. I would see no exceptions for OCD. And it's across-the-board like that. But you have to have a standard Agency policy. I still don't see Von's point, that with a policy laid down like this you get 18 variations.

25X1A9A

MR. [] Because you have every office interpreting whether he can let this fellow go or can't let this fellow go; you have differences where you make that interpretation.

MR. KIRKPATRICK: If we could write a regulation that eliminated supervisory judgment then we could probably eliminate supervisors.

25X1A9A

MR. [] You have two extremes where in the Office of Personnel no overtime is ever paid for GS-11 and above, and the Office of the Comptroller where every person is paid overtime as long as it has money. Well, those are the two extremes, as this policy permits that interpretation according to each person's way of handling the language. Well, it is the interpretation of this policy which has permitted the two extremes beyond which you couldn't go further in either direction.

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MR. KIRKPATRICK: I would say this, Rud, I don't think they are inconsistent with what I am saying - to have these two extremes. In the Office of Personnel I cannot conceive of too many situations requiring mandatory overtime of high level personnel. In the Office of the Comptroller, on the other hand, I can see situations where they have accounting crash projects and other things, or if, as has been the case in certain areas of the Comptroller's Office, where the T/O's are unrealistic for the work burden. That, of course, is part of what I have to say in my part II. I think we have some very unrealistic T/O's in this organization, or there is somebody that has his hand awful deep in Uncle Sam's pocket for money.

I think the regulation as it is written is appropriate. I think if you tie it down much tighter you are not going to help the situation. But I would - going back to the motion, which is half across the table - I would recommend that the DD/P's statement as it is written on Attachment C, be used as a basis for a notice. I think there are certain amplifications of this required, but I think basically that is the interpretation that we would like to make standard across the Agency.

MR. REYNOLDS: You have heard the Inspector General's amendment to Mr. Helm's motion, is there a second?

Mr. [] Could we have a part in wording the Notice? That's an important part.

MR. KIRKPATRICK: Mr. [] staff could draft the notice and circulate it around to us.

MR. REYNOLDS: The Plans and Analysis Staff of my office will draft a notice and circulate it to the major components for concurrence.

MR. BAIRD: Rud, can you do all of these things without taking overtime? Your life is going to be changed.

MR. [] No, not at all, because there hasn't been a week in the last 13 years that I haven't worked overtime, and I have never been paid for it - just to answer your remark.

MR. BAIRD: I meant your staff.

[] I think there ought to be an exception for the regularly scheduled overtime, such as Cable Secretariat and the Signal Center.

MR. HELMS: You could have one paragraph cover those things.

[] If I had enough people in Signal Center - but I don't have that T/O. I can live with that if nobody comes around and bothers me.

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MR. BAIRD: That is what I am afraid of in this thing. My lawyers are smart enough to get around the regulation, and I want the regulation to stay there because I have to get around it.

MR. KIRKPATRICK: Where are those boys on your staff? [Laughter]

MR. BAIRD: I don't know what night problems we are going to run into in the next four months. We may change them and change them tomorrow.

MR. KIRKPATRICK: But what is there about this regulation--

MR. BAIRD: As long as I am allowed to interpret it, I am satisfied with it. I think my interpretation I can live with. But don't try to tighten it too much.

MR. KIRKPATRICK: That leads to a little dissertation I want to make on PHASE II.

MR. HELMS: Has this action passed?

MR. : There's no second yet.

MR. BAIRD: I second it.

MR. REYNOLDS: It is moved and seconded. Those in favor will signify by saying aye. Contrary minded? Motion carried.

Now, Phase II, Mr. Inspector General?

MR. KIRKPATRICK: The second part of this, of course, is the obvious, long-term implications of this business of overtime. I think it's highly unrealistic where we have a unit that consistently runs up a high overtime bill, as reflected in the reports the Comptroller's Office get out. And if it is a justified overtime bill, as I am sure it is in the Cable Secretariat and other units like that, but if it's not justified it simply means that we are operating with too few people to do the job that is required to be done. Now I think there is a sound management principle which indicates you may want to operate on this basis in certain units because: (a) you can't get more people because they are so highly qualified; or (b) you have a fluctuating workload. But, on the other hand, I don't think there is any justification whatsoever for consistent overtime in units that do not have problems like that. I think overtime is something which is taken to do a rush job in an emergency, but a soundly organized unit operating under good management does not run up overtime as a regular practice. I think that we are going to get watched an awful lot closer by the Bureau of the Budget and the Congress on this particular subject. I would think, too, that the use of overtime as a device to subvert a T/O, which is a fairly common administrative practice, is something that should be highly criticized.

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Now, Matt, I don't think you and your lawyers have a thing to worry about where you run a night problem and have to run into overtime one week, but if it was happening every week at [] I'd be highly suspicious.

MR. BAIRD: It does happen every week. I am not asking for more people, but it will happen every week.

MR. KIRKPATRICK: Then that will fall in category 1, where you operate more efficiently with a smaller group and you pay the overtime.

MR. BAIRD: That is what we are doing. Now, there is a way of getting around it - by cancelling courses for a month.

MR. KIRKPATRICK: But by going on the supervisory responsibility it seems to me the most important thing written in this law is the fact that the supervisors have a greater responsibility now for the supervision of overtime, because it is a lot more expensive proposition and a lot more people are involved. Then it can cost the Agency a tremendous jug of cash if it's allowed to get out of hand. I would not tolerate it on my staff because I don't think our work is that urgent. I don't think there is anything in the type of work that we do, that requires overtime. I would say the same thing applies to the Management Staff and the staffs here as supporting units and not operating units. On the other hand, I would think there would be areas in the DD/P or DD/I where, for crash intelligence estimates and reports, it would be justified. The same would be true on the part of the administrative offices where they suddenly had a tremendous support burden. But I have noted in some areas of the Agency there are those who are sympathetic to overtime simply because some young gal has a large family to support and wants to supplement her income. That may be very nice from a humane point of view but not sound from a financial management point of view. And the consequence is that I think it is the responsibility of all members of this Council to ensure the word goes down through the ranks and right down to the branch chief level, that this is a type of regulation which they are going to be held accountable for.

MR. BAIRD: Kirk, did you get all the clerical positions on your T/O that you wanted?

MR. KIRKPATRICK: I refuse to answer that question on the grounds of the 1st, 5th and 18th amendments.

MR. BAIRD: A lot of this Saturday and after hours load is an attempt to get the work typed.

MR. KIRKPATRICK: We do run into clerical overtime. Any staff would.

MR. BAIRD: Pooling all of them together, we still can't do it during the week. Our overtime went on our reports. There are a lot of reports that have to be made in this Agency that must be typed by a GS-4 or 5, and they are doing a lot of overtime. I remember in this room when Mr. Dulles spoke about this overtime - you have to tie this overtime problem with your ceiling problem. It takes half an hour to write a regulation on overtime and 6 months to get another clerical position over the ceiling. I just hope we don't try to tighten this thing up until we look at all aspects. There are some offices that have sufficient clerical help, and others that don't.

25X1 [redacted] Could I make a brief observation? This is sort of a time bomb and we can step on the fuse if we wish to, but I think it is desirable for us to recognize that there is no true career service which even considers for a moment the overtime problem. There is no regular Army officer who gets overtime and no Foreign Service officer who gets overtime. Those are the only true career services as such. There is no such thing as overtime in a true career service because everybody is on 24 hours' duty. Overseas we interpret our service on a 24-hour duty basis so that we can take advantage of certain employee laws under the Bureau of Employee Compensation. But I don't see how you can be on a 24-hour duty basis and, at the same time, draw overtime. But that is a very tight interpretation of it and I think it would be a long time before we ever reached that point.

MR. KIRKPATRICK: Until we decide to sever ourselves completely from the Civil Service Commission and the way the Civil Service Commission runs Federal employees, let's not worry about that aspect.

MR. REYNOLDS: Any further comments or thoughts on overtime?

We will attempt, in the Plans and Analysis Staff of the Office of Personnel, to get out a paper and have it concurred in by the six major components. It may take some time, from what has been said here.

The next item on the agenda is the report on the classification of the application. I think you all have it here. It is all perfectly clear and I don't believe there is any necessity to do more than notify you that the Office of Security and Office of General Counsel have approved the procedures which we have outlined to them.

25X1A9A X [redacted] The notification of acceptance.

MR. REYNOLDS: It does, however, bring up the problem which Mr. Helms discussed the other day with George Meloon on the question of the classification

of the application. And the final upshot of their conversation with each other was that when an application enters the file of an individual it becomes a classified document because our files are classified. The Executive Secretary took original exception to that on the ground that the application was an unclassified document. I would like the opinion of the members of the Council as to what they think the application is.

MR. HELMS: May I just expand a bit further on why it was that I called Personnel about this? A couple of individuals who work in the Clandestine Services took the position that they had been most scrupulous, in their social connections and otherwise, to hide the fact that they had been associated with CIA, and that, therefore, they felt that it would be pretty damaging to them if a document which they had signed applying for status in the Career Service of CIA were in any sense to become compromised; in other words, that it should get out in any lists or show up in some other government agency, or in any way should be other than privileged. Well, I think they have a point. I was quite satisfied with Mr. Melson's suggestion on the way to handle this. [HGR: "Dick Helms called Friday night about 6:30 and wanted me to allay his fears that the Career Service Application was an unclassified document and as such could lead to a security breach if handled on an unclassified basis. He said he felt sure that we had an answer for this but it had been brought to his attention by several individuals who questioned whether or not they should sign such a document on an unclassified basis when they were engaged in a rather sensitive operation. I expressed my opinion that we looked upon these application forms the same as a PHS, namely, that it was unclassified until filled in and then became a part of the person's official personnel record, which are classified "Secret." He said this was the answer he hoped to get, but felt obligated to check with us." GEM] There is certainly nothing about the text of the Career Service application that couldn't be used in recruiting or training, or any other way. But it did seem to me that as soon as the name of an Agency member got signed to that thing it should become a private document as far as the Agency was concerned, and, in effect, classified. So putting it into a file which is classified would satisfy me that this was all being taken care of. I know from the assurances I have been given that these applications are very carefully handled during the period they are pending before the Career Service boards, and so forth, and that there isn't any possibility of compromise there; or, conversely, if anybody thinks that it would be desirable, that when the application has been acted on it can be thereupon classified as

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far as the individual sheet of paper is concerned.

MR. KIRKPATRICK: Why shouldn't it be classified the minute the name is put on it?

MR. HELMS: I sent one along the other day that way.

MR. KIRKPATRICK: As soon as the name appears on it it seems to me it's classified. I would think that would be the moment the paper becomes classified. Then you don't have any worry about it going through the mill.

25X1A9A

MR. [] This will mean that [] which have gone out should be hand-stamped. That can be done.

25X9A2

MR. KIRKPATRICK: Ask the people who have them in their hands at the moment to do that.

25X1A9A

MR. HELMS: It can be caught up later.

MR. [] I can see that no application is put in the file without having been classified.

MR. HELMS: As a matter of fact, I thought for a long time somebody should go through the personnel files and stamp all of the papers in there, because of all of the files that were filched out of OSS files by people who went into private pursuits. I know all kinds of derogatory statements were actually stolen out of those files, and probably if you tried to prosecute you would have a hell of a time, because there was nothing on the paper which said it was classified.

MR. KIRKPATRICK: I move the Council approve that all applications be classified as soon as they have names on them.

MR. BAIRD: Do you want to say what classification?

MR. KIRKPATRICK: Secret.

MR. HELMS: I'll second that.

MR. REYNOLDS: It has been moved and seconded that all application papers when signed be classified secret. Those in favor say aye. Contrary minded? Motion carried.

Have you a comment to make, Mr. []

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25X1A9A

MR. [] I have, on Sheff Edwards' concurrence here. Can we look at that? Because that is a very closely related matter.

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MR. REYNOLDS: That is on the last dittoed page.

MR. [] Of the supplement.

MR. REYNOLDS: Dated 27 October, Subject: Notification of Membership in the Career Staff.

SECRET

MR. HELMS: As a matter of fact, when that came up I was going to speak about the same thing I think Rud has in mind, which is 2.c. "A personal paper of a confidential nature" - I would assume that word "confidential" means confidential in the personal sense rather than official sense.

25X1A9A MR. [] That is correct.

MR. HELMS: I must say in all honesty that I think it is very bad potatoes, indeed, for one to maintain, as I do, as a matter of fact, at my house, a file of papers which is totally unclassified but which has the Central Intelligence Agency on the top of it, as these inevitably will. I never thought about it - not that it makes any particular difference in my case; nevertheless, it is true that if you take this thing and stick it in a file drawer at home, you have all the evidence as to where that guy works, what he gets paid and everything else. I don't think this is enough. I think those things should be kept in the office.

25X1A9A MR. [] Paragraph 2.a. refers to overt personnel. I checked with Sheff before the meeting, and overt personnel is another term for vouchered funds personnel. There are about [] of these actions written per month and every person on vouchered funds gets this copy. It's not classified and it has Central Intelligence Agency on it. This is a basic personnel procedure and a Civil Service Commission procedure which would have to be changed to implement your suggestion. In other words, at the root of this is the philosophy that the employee is entitled to know what he is being paid for and is entitled to have in his possession documentary evidence of what he is paid and what his job classification is, and his title. And in order that he can have it in his possession it has to be unclassified because he has no right to retain a classified document. That is the philosophy behind this procedure, which concerns

25X9A2 [] pieces of paper a month. Now that has to do with vouchered personnel only. Unvouchered personnel do not get a notification of personnel action. But all vouchered personnel throughout the Agency, and throughout the DD/P as well, and [] they are the only people who get them, but they do get these notifications of personnel actions saying they are employees of Central Intelligence Agency, and that is unclassified. That is the pattern which was used in developing this Notification of Membership in the Career Staff, which is unclassified and which was coordinated with General Counsel, Security, and the Director's Office, to use the Director's stationery for notifying individuals of their membership in the Career Staff.

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MR. KIRKPATRICK: Rud, you say overt personnel overseas get an overt notice of their connection with the Central Intelligence Agency?

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MR. [redacted] personnel are on vouchered funds, even though they're overseas.

MR. HELMS: But the issue involved here is not so much the security of the Intelligence Agency but the safety of its personnel, and, my God, the Russians aren't going to distinguish between some nice guy in [redacted] and next thing you know he might be floating face down in a river.

25X1

[redacted] is true of the [redacted] We make no effort to hide [redacted] connection with CIA.

25X1

25X1

25X1A9A

[redacted] I have just been with [redacted] and they make no effort to hide their installations.

25X1

25X1A6A

MR. KIRKPATRICK: They are safe in a U.S.-controlled territory, but what about when they're flying from [redacted] and their plane is driven off course and they're found in the Black Sea and get picked up by a Russian destroyer? The interrogation may disclose the guy works [redacted] isn't one of Helms' stinkers, but is that going to make any difference in the propaganda war or when the guy gets brain-washed?

25X1

MR. HELMS: There isn't any doubt in my mind that in the years that the Central Intelligence Agency has been in business that unfortunately the cover for the clandestine work has now been switched around so everybody else around here is covert and the clandestine people are not. All you have to do is read the newspapers. The Central Intelligence Agency doesn't do a damn thing except blow up bridges, etc. And I think those who have emblems of CIA overseas should give a thought to doing away with it, myself.

MR. KIRKPATRICK: I think this goes back to when the covert services did have some cover in CIA, which has now been blown worse than the atom bomb, and due to the fact the whole Agency is now tarred with the same brush, I think we better pull in our horns a bit.

MR. REYNOLDS: Isn't this a matter for the Director to rule upon - an order to the AD for Personnel to classify this document that employees will have in their file and if they ask for it can be shown it.

MR. HELMS: I may be slightly out of order, Mr. Chairman, but I think it's time some thought was given to this. It's getting a little rough when ll airmen are getting worked over - it isn't a big step to listening to broadcasts on espionage.

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MR. REYNOLDS: Will the Council authorize me as the AD/P to bring this matter to the Director's attention?

25X1A9A MR. [] This is the notification. I don't see how you can classify the application and not do the same thing on the notification, because it also has the guy's name on it.

25X1A9A MR. [] How will the individuals be notified? The Regulation calls for their being notified.

MR. HELMS: Give them the paper and they can keep it in a file in their safe in their offices. As a matter of fact, when you're quite up and about it, if you stuck it in your desk drawer it's safer than in your house.

25X1A9A MR. []: Then this notification would be alright if classified?

MR. HELMS: That is right.

MR. REYNOLDS: It's this document that worries me and it's this one that I need a ruling on from the Director.

25X1A9A MR. [] There is one important thing we must not lose sight of. Any new employee coming to Washington has to have credit references. The fact that he works for CIA cannot be classified, in that sense, because he can't open a bank account or rent a house without CIA saying, "Yes, he works for CIA." That is a fact, and that is the basic reason for giving the individual this copy, the Employee Copy of Civil Service Commission - Standard Form 50 (SF-50). The fact that an individual works for CIA cannot be classified in the sense we are talking about in the staff study. You have to tell outside people who are not cleared. You can't clear every credit agency, bank, etc.

MR. HELMS: Rud, I would grant you we have a ghastly problem on that score, but I don't think we need to move that back and include everything else. I think we should close this gap and the more we close it the better off we will be.

25X1A9A MR. [] I am only bringing that up so that we don't take some precipitous action and nobody can get any financial credit.

MR. KIRKPATRICK: Actually, the term "overt employees" is misused. There are only two overt employees of CIA, Mr. Dulles and General Cabell. No one else is overt.

MR. BAIRD: Everybody in the DD/P that is in Washington Headquarters is on vouchered funds.

MR. HELMS: When I remember the pious statements that were made at the time all the arms were twisted to get them to go over to unvouchered funds - there was going to be none of this hanky-panky, and as the years have gone by the fig leaf has been torn off and there isn't anything left.

25X1A9A

MR. [] There is a Civil Service copy in this fan-fold, also.

It's this procedure which has to be very carefully scrutinized.

MR. REYNOLDS: It's a problem squarely up to the Office of Personnel. We will take it up with the Director, so I don't believe we need any motion on it.

MR. KIRKPATRICK: As well as taking that up with the Director, will you also take up the problem of taking the signs down on CIA installations overseas?

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MR. [] What about contact offices?

25X1A6A

25X1A6A

MR. REYNOLDS: [] is the only one. [] did have one.

We [] never had one.

25X1A6A

MR. HELMS: I could never find that one in [].

25X1A6A

MR. BAIRD: I think this is a matter for Personnel and the Security Office.

MR. REYNOLDS: Certainly. It's our job and we have to try to straighten it out somehow or another, and it's going to be a difficult one. But I have your instructions and I will so follow them as you have told me to do.

The next item is Mr. []

25X1A9A

MR. KIRKPATRICK: Let me introduce this subject. The subject is "Legislation for Career Service", and the status of it is briefly thus: The Director wished to give the Clark Task Force something to chew on in the way of positive recommendations that they could use to help CIA. General Clark has asked this on several occasions. So the Personnel Office, assisted by the General Counsel, has prepared a statement that was handed to General Clark indicating, in general, the types of career legislation that we thought would be beneficial, pointing out that in many instances similar type legislation was being advocated for the entire Federal career program by the President's group which is under Mr. Young and the Task Force headed by Mr. DuFlon. A copy of the Legislative Task Force report that the Career Council did last year, was also handed to the Clark group.

Now, in the meantime, the Personnel Office and others have had meetings with DuFlon and been briefed on their program that they are planning to submit to the 84th Congress for career benefits. At the same time, the General Counsel's Office has been working on two alternate career service pieces of legislation. Piece 1 would assume that the DuFlon bills go through Congress and that CIA benefits by all of their proposals; and, consequently, only puts in for those types of career benefits which are peculiar unto CIA. Piece 2 goes for the works, assuming that none of the DuFlon legislation will get through.

Now, Harry, correct me if I am in error, but it is my understanding that DuFlon has agreed that as long as we do not go contrary-wise, in basic principle, to any of the proposals he is advocating, and keep him advised of our activities on the Hill, that we have pretty much of a free hand.

MR. REYNOLDS: That is correct.

25X1A9A

MR. KIRKPATRICK: And I thought it important that Mr. [redacted] of the General Counsel's Office, who is actually working on the drafting of this legislation, come over this afternoon and just run over, very briefly, the major items which we are going for, only one of which appears to be at all controversial, and that one is the business of accelerated retirement. The DuFlon group, generally, is opposed to that. But it seems to me, in discussion with both Harry and Jack [redacted] that we have a peculiar problem for accelerated retirement, a problem peculiar primarily in the Clandestine Services where a senior operator may be so blown at the end of 20 years that to be able to retire him and open up a slot for somebody coming up would be a valuable alternative for the Director to have in addition to the increased financial benefits people would get for hazardous duty at hardship posts, etc.

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MR. [redacted] Well, picking up the recommendations for the legislative program - ones of a year ago - I want to go over them very briefly and see to what extent you think we ought to change them now.

25X1A9A

+ The first recommendation was for medical benefits. Now there is an Administration bill - the DuFlon Bill - which goes further than the recommendation of the Career Council in that the DuFlon proposal is to give the same medical benefits to dependents as would be given to employees. Whether that will get through in that way or not, you can't tell, because that is going pretty far. It would seem to me it would be very unfortunate for CIA to put in a CIA bill a proposal that didn't go as far as another bill that was passed for the rest of government. So that is a little tricky, but I would think what we want to do in our bill would be to go as far as any Administration bill that was in existence went.

MR. [redacted] By "medical benefits" - does that include travel?

25X1A9A

* MR. [redacted] Including medical travel.

* There is a limit on the benefits - that is the hospitalization for chronic illnesses, those of 60 or 90 days - I've forgotten.

25X1A9A

MR. [redacted] This DuFlon bill isn't what was referred to as the omnibus bill?

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25X1A9A MR. [] No. At least, I have three which you might call the DuFlon bills. Here is one which is the medical benefits, and this one is the Uniform Allowances Act of 1955. This is the little amendment to the Annual and Sick Leave Act.

25X1A9A MR. [] Well, the Bureau of the Budget called today and said that they had an understanding with our General Counsel that we were not going to proceed with legislation on our own because there was an omnibus bill pending, but that there was not now going to be an omnibus bill, and that State Department was going right along with their own legislation and that we could do as we pleased but they were advising us this was the situation. And I have not yet been able to communicate that to General Counsel. Does that conflict in any way?

MR. KIRKPATRICK: That doesn't conflict but proves our principle of wisdom in going ahead on our own. I know these bills are going to start falling by the board because it is inconsistent with the Administration cutting down on expenditures.

25X1A9A . . . Mr. Helms was called from the meeting . . .

MR. [] Then I think everybody here is agreed we should seek the broad medical benefits.

The next item that was in the old legislative program was the death gratuity of \$1000. Now my understanding is that it has been decided not to go for that, but there is nothing in writing or any formal recommendation. One reason frequently advanced why we shouldn't go for it now is that there is Eisenhower insurance, and that that insurance to some extent makes the death gratuity unnecessary. Gentlemen, have you any views on that?

25X1A9A MR. KIRKPATRICK: I am sort of interested as to why we are not going for it.

25X1A9A MR. [] Does any other group have it?

MR. [] All of the Armed Forces.

MR. KIRKPATRICK: At the suggestion of John Warner, we dropped it.

25X1A9A MR. [] John was, again, expressing a personal view, Mr. Reynolds, and in discussing it both Kirk and I wondered if anybody decided this point.

MR. KIRKPATRICK: My point, and one of the reasons I suggested to you that Jack be invited over this afternoon, is that after the amount of blood, sweat and tears the Legislative Task Force put into this, I would be most reluctant to see items that were agreed to after great discussion, just dropped without

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reference back to this Council.

MR. [] I think that's a strong point.

MR. KIRKPATRICK: There are two different things. The point of a death gratuity is to enable the family to take care, immediately, of those problems incident to death - the funeral, getting the body home, if necessary, and meeting the necessary bills. And the insurance, like most others, is probably going to be delayed.

MR. BAIRD: And you foresee no delay in death gratuity?

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MR. KIRKPATRICK: That would be automatic.

MR. [] You would have to have proof of death and all of those things before any government agency is going to pay off, unless we pay it ourselves.

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MR. [] We would pay it ourselves. That is what the legislation would permit us to do.

MR. KIRKPATRICK: You are talking about the death gratuity and Von is talking about the insurance.

25X1A9A

MR. [] It is entirely within our hands to pay it ten minutes later, whereas the insurance is not within our hands to pay it ten minutes later.

. . . Mr. Helms returned to the meeting . . .

MR. KIRKPATRICK: Dick, we are talking about death gratuity, which, without being macabrous, is more pertinent to your part of the house rather than any other part of the Agency. Apparently one of the General Counsel's staff members feels that with the new Eisenhower insurance it isn't necessary.

MR. HELMS: The new Eisenhower insurance being?

25X1A9A

MR. [] Government insurance.

MR. REYNOLDS: Federal Employees Group Life Insurance.

25X1A9A

MR. [] It certainly isn't the position of the Office of General Counsel this should be dropped. Various people, not only in the Office of General Counsel, have said that now that we have Eisenhower insurance we don't need the death gratuity.

MR. HELMS: I frankly don't think they are related, myself.

MR. KIRKPATRICK: Is there any reason why any more people would have the Eisenhower insurance than they had before?

MR. BAIRD: It seems to me the thing is pertinent if you could write the bill so you could pay from station funds, which is the purpose of it. If in the bill that is passed it is as difficult to pay the \$1000, from the

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point of view of time, as to get the insurance, I see no particular value to it.

MR. [] I think we could write it so the Agency could pay the \$1000. So the death gratuity is in, then, is that correct?

x The next point is the education allowance, and there the only thing that would interest you, gentlemen, is that in the Overseas Allowance Act of 1955 there is a proposal to make that education allowance across-the-board for all government employees.

25X1A9A [] Is this a part of the White House program?

25X1A9A MR. [] Yes. There is likewise the statutory home leave benefits.

That, also, is in the Administration bill.

MR. KIRKPATRICK: We will have to go after that on our own, though, because if what Bob says about that omnibus bill is true, State will be going after that, too.

25X1A9A

MR. [] That ties in with what Bob is saying. The omnibus bill is used in two senses. At one point there was a proposal to have all of the departments that had a large section of their employees overseas, have it covered in one bill, and have FOA, CIA, Foreign Service, etc., all covered. Now when the man who talked to you referred to the omnibus bill that is what he was referring to.

25X1A9A MR. [] But you still want to go ahead?

25X1A9A MR. [] Oh, sure.

x The next point is the Missing Persons legislation. Again, that is somewhat in the same position as the death gratuity. Various people have suggested that you shouldn't try for that. Again, there has been no formal decision, that I know of.

25X1A9A

MR. [] That is absolutely essential to CIA.

25X1A9A

MR. KIRKPATRICK: Defense has got it in.

MR. [] But it's only approved for a year.

MR. [] It's approved until July of 1955 and then we will go through the same thing. If we want to ride on the coat tails of Defense, that is one problem.

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MR. [] The Legislative Task Force and the Council approved that we should try to get permanent missing persons legislation instead of this hand-to-mouth, year-by-year, sort of thing, where it's likely to go out and somebody will get badly hurt by reason of the legislation just having lapsed and no Congress in session.

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25X1A9A

[] That Task Force put an awful lot of time on these things and as far as I know none of this has been reconsidered as thoroughly as it was then. I don't think we can sit down and decide these things in five minutes.

MR. KIRKPATRICK: I don't think we want to change any of it, frankly.

MR. REYNOLDS: It would appear to me to be in order for this Council to reaffirm the former action of the Task Force and request that legislation be prepared on those things that are not in the DuFlon bill. It has been moved and seconded. Contrary minded? Motion carried.

25X1A9A

MR. [] I don't want to prolong this but there is one thing on the retirement that Kirk mentioned. We don't know what the Administration bill on retirement is going to be. It is in the mill, and DuFlon, the last time he was here, I think he said he thought it would be 60 or 90 days before that came out. So we won't be able to do too much on that. Any retirement that we go after for CIA will have to take into consideration, to some extent, what the rest of the government is trying to get.

MR. KIRKPATRICK: Let's get DuFlon over and find out what they are trying to get.

MR. REYNOLDS: I haven't heard anything on the Cabinet meeting the other day.

MR. KIRKPATRICK: He didn't mention career legislation. He talked about foreign economic policy.

MR. REYNOLDS: Do you think we can get some report on that Cabinet meeting?

MR. KIRKPATRICK: I'll see if I can get something at the morning staff meeting.

25X1A9A

MR. REYNOLDS: Jack, do you have anything more?

MR. [] That is all that I have. Thank you very much.

MR. REYNOLDS: Any further business to come before this Council meeting? If not, it stands adjourned until another call of a member - until next year.

. . . The meeting adjourned at 5:10 p.m. . . .

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