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25 October 1978

MEMORANDUM FOR: Robert W. Gambino
Chairman, Security Committee

THROUGH: [redacted]
Executive Secretary
Security Committee

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FROM: [redacted]
Staff, Security Committee

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SUBJECT: SCI Denials Working Group - Progress
Report on Development of Appeal Procedures

1. Since the last SECOM meeting, a total of four meetings have been held by the SCI Denials Working Group in an attempt to come up with a uniform streamlined appeals procedure consistent with your guidance. Two of these four meetings were attended by the DoD members only. On or about 19 October 1978, all of the DoD members approved a procedure which is identified as Annex B which is attached. Even the NSA member approved this draft and took the position that his principals probably would not agree to same.

2. On 25 October 1978, [redacted] attended a meeting of the SCI Denials Working Group. Prior to the meeting, it was believed that, with the exception of the CIA member, all other agency representatives would agree to the procedure as identified as Annex B. [redacted] stated that the Annex B procedures did not go far enough and did not provide for either DCI overview or contain a final appeal with the DCI for all SCI denials. During the meeting, it was made clear to [redacted] that all of the membership objected to this approach and would so advise their principals. [redacted] advised that he planned to prepare a memorandum to the DCI setting forth the various options available and recommending that he concur in the formulation of an appeals procedure which would provide for DCI overview. [redacted] was requested to provide the Working Group with a copy of his memorandum; he reserved the right not to do so.

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3. It should be further noted that in addition to the foregoing, the NSA member advised that the NSA SECOM member was planning to formally non-concur in the attached draft, inasmuch as he takes the position that there is no legal requirement for same. The FBI representative concurred in the latter opinion but stated that [redacted] would go along with a uniform procedure such as set forth in the proposed Annex B subject to some editorial changes, which would include privacy act considerations, and further with a proviso that there would be no automatic requirement to notify all SCI disapprovals of the right of appeal, and that such notification procedures be limited only to those individuals that inquire about same. In addition thereto the CIA representative advised that CIA could not concur with the draft in view of unresolved problems relating to the implementation of same insofar as our black contracting procedures are concerned. It is submitted that [redacted] proposal to communicate directly to the DCI on this matter represents an unnecessary, unsolicited interference with the activities of this office.

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4. It is therefore recommended that the Chairman should personally discuss this matter with the General Counsel and convince him that the SECOM Working Group should be permitted to complete a recommended procedure which would be then staffed through the SECOM, and coordinated with the legal staffs concerned.

5. No further action will be taken by the Working Group pending advice from you.

[redacted]
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Attachment:
Annex B

Distribution:

Original - Addressee
1 - SECOM/subject
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SECOM/[redacted] 26 October 1978

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