

CONFIDENTIAL

OS REGISTRY  
FILE Sec 18

23 April 1980

Sec 14  
Commo 19  
Records 16

MEMORANDUM FOR: SA to the DCI for Compartmentation  
FROM: Deputy Chief, APEX Control Staff  
SUBJECT: APEX Steering Group Meeting, 22 April 1980

1. The 15th meeting of the APEX Steering Group was called to order at 10:10 a.m. on 22 April 1980 with the following in attendance:

- ACS [redacted], Chairman
- ARMY Herbert W. Taylor
- NSA [redacted]
- COMIREX [redacted]
- SIGINT [redacted]
- SECOM [redacted]
- DIA [redacted]
- ONI Richard L. Welch
- AF Colonel Herbert H. Kamm
- STATE/INR Don Stigers
- SAFSS [redacted]
- STATE William Deary
- DIA [redacted]
- CIA [redacted]
- ACS [redacted]
- ACS [redacted]
- ACS [redacted]
- ACS [redacted]

25X1

25X1

25X1

2. The meeting began with the description of copies of congressional testimony on the APEX system by DIA. This was followed with a discussion on negotiations on an APEX nondisclosure agreement by the CIA's Office of General Counsel and NSA attorneys. The secrecy agreement proposed by NSA includes three optional paragraphs. It is not an APEX agreement, but a "protected information" agreement which includes APEX. A meeting has been called for Friday which will include members of the Security Committee and the general counsels of the Intelligence Community, the agenda for which is now being prepared. NSA is asking, because of the Snepp case, Mr. [redacted] said, for expansion of the prepublication review requirements.

25X1

25X1

25X1

[redacted]

OS 3 1122

CONFIDENTIAL

25X1 The CIA General Counsel will propose that anyone can add paragraphs to  
the secrecy agreement upon approval by the DCI's legal advisor. At this  
point, Mr. Welch asked for a copy of the proposed agreement and was  
advised that none was available. Mr. Deary asked, "Even though subsets  
will be added to the secrecy agreement, will all of them deal with  
intelligence?" He pointed out that if the discussion has gotten into  
areas other than APEX, it will now be necessary to bring in the State  
Department legal counsel. [ ] told the group that Mr.  
Silver, the CIA General Counsel, has requested the aforementioned meet-  
ing but has not provided copies of what is to be floated at the meeting.  
25X1 [ ] advised that he has asked the Office of General Counsel,  
CIA, for a secrecy agreement form to be used at the 5-6 May seminar and  
for a lawyer to explain the purpose of the agreement and the necessity  
for it. Mr. Welch asked whether the agreement will address other than  
classified information, and [ ] responded in the negative. [ ] 25X1

25X1 3. [ ] announced that the APEX videotape on administra-  
tive procedures will enter its last taping stage tomorrow, and the film  
should be ready for the 5th of May. He also told the group that there  
has been no comment [ ] on the APEX material  
released to them on the 16th of April and apparently, no news is good  
news. [ ] 25X1

25X1 4. Regarding the request for comments on the [ ] nominating  
process, [ ] said the papers have been received from CIA, DIA,  
and NSA, and that [ ] will provide comments from COMIREX and the  
SIGINT committee. Mr. Herb Taylor said that the Army concurs in the  
comments by DIA. In response to Mr. Deary's request for some insight  
into the responses received thus far, [ ] said that NSA favors  
having only the sponsor of the material being nominated for [ ] and  
the DCI make the decision. It appears unlikely, at this point, that  
25X1 [ ] nominations will be dealt with by everyone who attends NFIB meet-  
ings. Mr. Deary commented that, realistically, the only option appears  
to be to have the sponsor and the DCI make the decision. [ ] 25X1  
elaborated on the NSA proposal indicating that there are three points:

- 25X1 a. The advocate and the DCI would normally make the decision  
regarding [ ] compartmentation.
- b. The proposal does not rule out one or more additional  
parties, for example, the Secretary of Defense or the  
Secretary of State.
- 25X1 c. It does not rule out the ability of [ ] recipients to  
challenge the [ ] compartmentation of individual [ ]  
items. 25X1

CONFIDENTIAL

25X1 [redacted] indicated that some people have advocated a reduced group consisting of CIA, DIA, NSA, and INR. Mr. Welch commented that the Navy prefers having the DCI and the operational program managers in concert make the determination in a forum similar to the DCI's Thursday morning mini-NFIB meetings. [redacted]

25X1 5. [redacted] told the members that NFIB concurrence had been received on the APEX Industrial Manual with certain suggestions by NSA. Copies of the NSA proposals were passed out to the members. [redacted] then read the NSA proposed changes and explained the reasons for acceptance or nonacceptance on each of them. Of particular interest was the NSA proposal to make the industrial APEX control numbers utilize a 4-digit identifier for the contractor facility. It was pointed out that the industrial orientation working group has been tasked to finding a solution to this problem and it appears likely that an alpha-numerical designator will be the solution. There was also a lengthy discussion of what contractors can or cannot destroy without permission of the NSO, and the NSA suggestion was finally accepted provided there was no objection from the Steering Group membership within the next day or so. Mr. Deary commented that the contractor manual does not mention [redacted] and Mr. Welch commented that if [redacted] testimony is given when a contractor recorder is taking notes, then contractors will have access. [redacted]

25X1 6. The second set of galley proofs for the APEX administrative handbook were distributed, and it was pointed out that paragraph 24 will be changed to further eliminate the objective of avoiding the creation of APEX documents unnecessarily; that an exhibit provided by Col. Kamm demonstrating where force correspondence policy would be inserted; and that the matter of routing indicators on inner envelopes needed to be addressed. The third item generated considerable discussion concerning current procedures for the existing compartmented systems (system indicators are now placed on inner envelopes), the possibility of APEX material being opened during nonduty hours by watch officers, and whether any marking would be effective in all circumstances. A vote was taken with Navy, DIA, and NSA favoring the use of project digraphs and trigraphs on the inner envelope; State, CIA, SAFSS, SIGINT, COMINT, Air Force, and Army favoring the use of compartment indicators (OPERATIONAL, SUBCOMPARTMENT, or PRODUCT); SECOM favoring use of the proper address as the only routing; and COMIREX expressing no preference. Following the vote, the chairman announced that as a minimum the compartment indicators would be used on the inner envelopes. [redacted]

25X1 7. A series of questions concerning problems in generating software for the 4-C system was passed out. A copy is attached. [redacted]

CONFIDENTIAL

COMINT access. He also said that the DCI had, in recent years, required a similar breakdown in the functions of persons holding access to SCI.

25X1 [redacted] responded that the present proposal for 4-C will provide a reasonable breakdown and he asked for a response to the handout by the next Steering Group meeting. It was pointed out that there will be no Steering Group meeting the following week due to the APEX seminar.

Further discussion ensued regarding various requirements for knowledge of the functions performed by persons holding access to APEX. Lt. Col.

25X1 [redacted] suggested that it would be valuable to study the exposure to SCI of persons in specific income brackets who live in high cost areas. Mr.

25X1 [redacted] suggested that this can be done with the statistics which will be provided by 4-C. [redacted] indicated that COMINT wanted to look

25X1 very closely at the requirement for functional indicators. Mr. Deary suggested that the entire decision should be left to the DCI because he has a right to know what kinds of people have access to compartmented information. [redacted]

8. The members were given a handout outlining a proposal for a further attempt at developing a single receipting system for APEX. Mr. [redacted] indicated that he wished to make one more attempt to find a single receipt which would be useable by all parties. He further indicated that if anyone requires a machineable form, it probably will have to be for that organization's internal use only. [redacted]

9. Col. Kamm reported that the APEX seminar agenda has been revised, speakers have been identified, and approximately 400 attendees are expected of whom 250 will attend the cocktail party. He further stated that buses from the Pentagon to CIA Headquarters have been arranged and told the members that no manuscripts or visual aids have yet been received from the scheduled speakers. Projection transparencies must be received by the APEX Control Staff by Thursday afternoon in order to try them out.

10. [redacted] reported that the Industrial Working Group is planning a session on 19 May at CIA Headquarters for 31 persons representing 19 industrial firms. [redacted] reported there are no new developments from the SIGINT committee. [redacted] indicated that COMIREX does not anticipate that much progress will be made in their efforts until after the APEX seminar. [redacted] elaborated on the prior discussion of the meeting to be held by the members of the Security Committee and the Community General Counsels. He stated that the original tasking from the APEX Steering Group to the Security Committee was to formulate a standard nondisclosure agreement, not a preemployment oath. At this point, several of the General Counsels wanted to capitalize on the Snepp case with a strong requirement for prepublication review. The

Justice Department, on the other hand, is calling for a pullback from this position and indicates that they are not likely to concur in any form with a strong prepublication review clause. He further indicated that the proposal supported by the CIA General Counsel contains several optional paragraphs and is seven pages long, with five of the seven pages in legalese. He indicated that he did not believe the Security Committee would report out a nondisclosure form in time for the 5-6 May seminar if it depends upon concurrence by both the CIA General Counsel and the Department of Justice. Mr. Deary asked if the State Department legal counsel is participating in this effort and received a negative reply.

25X1 [redacted] asked whether the effort to use simple, clear language in the oaths was being continued and again [redacted] replied in the negative. 25X1

25X1 [redacted]

11. The meeting was adjourned at 11:34 a.m. [redacted] 25X1

[redacted] 25X1

cc: Steering Group Members  
APEX Control Staff



HANDOUT FOR APEX STEERING GROUP MEETING -- 22 April 1980

- A. APEX Steering Group guidance is needed regarding three aspects of the Community-wide, Computer-assisted, Compartmentation Control (4-C) System.
- B. Input from the APEX Steering Group is needed on 4-C software for handling cases in which the sponsoring agency wishes to debrief a contractor employee who has been term certified to another agency. Alternatives appear to be as follows:
1. Create software which would preclude Agency "A" from debriefing the subject until Agency "B" has had an opportunity to pick him up as prime sponsor.
  2. Create software that will notify Agency "B" that the subject has been debriefed by Agency "A" (and you'd better get him approved for access if you plan to continue to use him).
- C. A second matter on which Steering Group input would be desirable is 4-C archival records on term certifications for Government and contractor employees. It seems important for the 4-C archives to reflect that a contractor employee worked for other than the sponsoring agency under a term certification. It seems less important that a Government employee's visits or TDYs to other agencies be so recorded, because his personnel and/or security file would reflect these matters. Alternatives are:
1. Archival records of contractor employee term certifications only.
  2. Archival records of Government employee term certifications only.
  3. Both
  4. Neither
- D. Finally, input from the ASG is desired on whether the 4-C record should include a functional description of the role of the individual access holder, e.g., administrative, analytical, operational, etc. This option would be relatively costly, but some agencies currently maintain such information.
1. Yes
  2. No