

LCS Registry

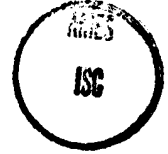
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The Director of Central Intelligence
Washington, D.C. 20505

Q mte 19-52

Intelligence Community Staff

DCI/ICS 0986-87
18 November 1987



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MEMORANDUM FOR THE RECORD

FROM: Executive Secretary
DCI Security Forum

SUBJECT: Minutes of Thirteenth Meeting, DCI Security Forum,
14 November 1987 [redacted]

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1. The following is a record of events that took place at the DCI Security Forum meeting on 16 November 1987 in Room 6100, Main Justice, from 1300-1435 hours. Attendees were those persons identified below. All agencies and departments were represented.

- | | | |
|------------------------------|---------------------------|------|
| [redacted] D/CCISCMO/ICS | [redacted] NSA | 25X1 |
| George Alvarez, Marine Corps | [redacted] CCISCMO | 25X1 |
| Eugene Walsh, FBI | William C. Cody, AF/INS | |
| [redacted] CIA | Maurice Ralston, OSD, C3I | 25X1 |
| [redacted] DIA | [redacted] CIA/OGC | 25X1 |
| [redacted] CIA | [redacted] CIA | 25X1 |
| Maynard Anderson, OSD | John Lewis, NSC | |
| Edward J. Pollard, Treasury | [redacted], CCISCMO | 25X1 |
| Gene Bacher, DoE | Tom Chace, State | |
| Bill O'Donnell, Treasury | George Henriksen, Navy | |
| Mark Pelensky, Navy | Jerry Rubino, Justice | |
| James R. Linnen, Army | Kenneth Lopez, State | |
| James Barron, Army | [redacted] NSA [redacted] | 25X1 |

2. The meeting opened with the members' acceptance of the minutes of the 19 October 1987 meeting. [redacted] 25X1

3. [redacted] Chief, Special Security Center/CIA, was introduced and he proceeded with a presentation on the Community-wide, Computer-assisted Compartmentation Control System, commonly known and referred to as the 4C System. Bob traced the history of the system from origin to the present and he touched on the projected development into the next phase of the system's 25X1

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functioning (expansion into the unified and specified commands of the military overseas). Cited were some of the difficulties encountered in the development of the system, including funding, hardware, software, and legal issues were cited. While all were overcome, one problem repeats periodically and is looming ominous again. That problem is funding. Bob cited what services the system can provide, what information is contained in, and what can be obtained from the system. Participants in the system were identified and, at present, only DIA and NSA of the NFIB principals were lacking in entering their full data into the system. (This does not restrict those agencies from querying and obtaining information from the data base.) [redacted]

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Terms and definitions were given and, while no recounting of [redacted] presentation is attempted here, some of his pertinent facts and figures are reported. There are now 91,131 records in the archives, which is important to all of us. Over 730 accesses of a wide variety are recorded, and the system has the capability to record an infinite number. Another important point is that any category of accesses can be suppressed, i.e., visible only to the owner or sponsor. [redacted]

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ACTION ITEM

[redacted] is to explore with his programmers and the 4C working group if, and under what conditions, a terminal could be provided for DIS, as well as the cost of such an action. He will have answers for us in time for the next meeting (14 December 1987). [redacted]

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4. [redacted] remarked that written comments were due on the personal liability amendment to the NSA Act of 1947. Mr. Anderson, speaking for the services, said their responses were in the process of coordination, i.e., review and approval by his supervisor and their appropriate legal officials.

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Treasury, NSA, and Justice submitted written comments. Mr. Rubino commented on the Justice Department position (in favor of but need not be limited to the Intelligence Community), and included in his statement was the Justice position of concurrence along with uncertainty of just how to best approach the matter in the legal proposal. One suggested approach, based on successful experience, was that perhaps each agency should attempt to obtain the liability exemption for themselves, independent of a group or blanket effort. George Henriksen of Navy stated that they had been working with Jack Farley of Justice on this issue. While Farley reportedly agrees that a remedy of some sort must be obtained to protect the employee, he is not offering optimism for accomplishment. [redacted] said he sees this matter stuck in studious inertia, and he thought we should move actively and positively. [redacted] commented, and one item of note, was his rhetorical question about where do we get the money for legal indemnification. He also thought we should try to package the issue and play it out. He thought that the climate and timing was right to attempt to sell the issue as a sort of CI type of protection for the government. [redacted] reiterating his desire to move forward, asked if all members agreed. There were no objections to his proposition, and [redacted] [redacted] was appointed as the action officer. [redacted] accepted, saying he would try to get something appropriate into the Intelligence Authorization Bill. [redacted] called on members to support the action with any contributions, conceptual or otherwise, by contacting [redacted]. [redacted] commented to John Lewis of NSC that it was important to get the key personalities at NSC attuned to the issue and again their support. John acknowledged and agreed. [redacted]

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ACTION ITEM

[redacted] will advise the group of progress in his efforts when the Forum meets again in December. [redacted]

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5. [redacted] asked for an accounting relative to which agencies/departments were delinquent in submitting written statements asked for at earlier meetings. Those issues, and the agencies that have not responded are:

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- a. Retention of Personnel Security Record Information - DoE, State, FBI.
- b. Passage/Exchange of Unfavorable Personnel Security Information - DoE, State, Justice, DIA.
- c. Personal Liability Amendment to NSA Act of 1947 - OSD, DoE, State, FBI.

[redacted] closed this portion of the meeting by asking that members PLEASE send in the delinquent statements to the Executive Secretary as soon as they can. [redacted]

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6. The next item was a proposal for consideration by Navy, with Mark Pelensky distributing a memorandum for all members (copy attached). Mark emphasized that this was merely conceptual, but he urged that the Forum seriously consider some actions outlined in the memorandum in order to achieve unanimity in notification (of adverse personnel security actions), procedures following the action which affect other agencies/departments, and procedures to resolve different views on the same matter. Mark pointed out that we are currently lacking uniformity in the areas addressed and that we as a Community could appear disorganized and at least less than professional under close scrutiny because of the disparity in treating some adverse action cases. This subject generated considerable discussion and commentary and is clearly a matter of high interest. One of the Navy proposals called for consideration of a daily review of an adverse or unfavorable action list that would be contained in the 4C System. This would help the standardization of the timely notification aspect of the "problem." Other parts of the proposal would be for all other agencies to honor the actions of other agencies pending the appeal process (if any) to final resolution. Legal, procedural, and parochial interests were cited in comments as applicable to this matter. [redacted]

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ACTION ITEM

All members were asked to review and reflect on the Navy memorandum and proposals. [redacted] was asked to get together with his 4C System programmers and provide a time and cost estimate for accomplishing the suggested "adverse action list." [redacted] agreed that there was a valid need to fix what appears to be a weakness in the "system," at least in the first step of notification to others of adverse action. This matter will be discussed again at the December meeting. [redacted]

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7. CAPT Pelensky next informed the group about a recent situation wherein it appeared that a Navy SCIF might be subject to inspection (by Soviets) under terms of the INF treaty. While there was initial cause for some concern and the matter was one of interest to the group, it became apparent after comments by Messrs. Anderson and [redacted] that we need not be overly concerned yet. The terms of the treaty are still being formulated, and it is expected that we would have sufficient time to adjust our positions (and SCIFs) if necessary after we know more about the conditions of the proposed treaty. [redacted]

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8. Mr. Anderson announced that an error was detected in the DoD Industrial Security Manual DoD 5220.22-M, Section IX, Paragraph 75e. This portion states "Denial or revocation of authorization for access to SENSITIVE COMPARTMENTED INFORMATION is not appealable." Mr. Anderson said he had written a memo to the Director of DIS requesting a notification of the error be published with a corrected statement referencing DCID 1/14 relative to the appeal process. [redacted]

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9. [redacted] then provided commentary on some pending legislation. He cited the proposed "Specter bill" that would split the DCI (not a new concept)

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into two positions, one DCI for political policy as the Director of National Intelligence in the NSC structure, and the other as Director of CIA for authority in solely parochial CIA matters. [redacted] opined that this bill is not viewed as having much support. Included in this bill is a proposal for penalties for lying to Congress, making it a specific crime (with a 5-day period for correction of testimony). This does have some support. Another provision would create a statutory Inspector General for CIA. [redacted] noted that Judge Webster opposes this, and there is considerable effort to prevent this provision from proceeding. It could be separated from the bill, [redacted] added. Three other pending bills were briefly mentioned and are even more briefly noted here.

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Boren/Cohen Bill - Would require notification to Congress by the President of any covert actions approved and/or undertaken. [redacted] thought there could be considerable contention on this.

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Byrd Bill - Would limit the DCI's term of office to seven years. At the present time, the term is indefinite.

Glenn Bill - Would involve the GAO in intelligence activity now limited by specific language. The bill would change the language, enlarging the GAO jurisdiction, and permit the Comptroller General to become "involved" in all intelligence activities. [redacted] said there does not appear to be any clear support for this yet and the SSCI is opposed due to infringement on its territory. [redacted]

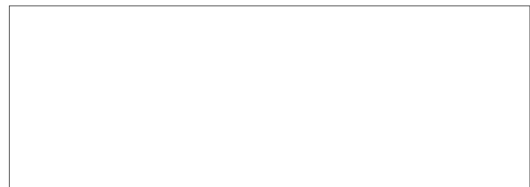
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10. The meeting adjourned at 1435 hours. The next meeting and final one for CY 1987 is scheduled for 14 December at 1300 hours, Room 6100, Main Justice. Members are asked to call [redacted] at CCISCMO, [redacted] not later than COB 11 December 1987. The agenda for the next meeting will be provided separately. Members with agenda items are asked to call the Executive Secretary for their inclusion.

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Attachment:
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CCISCMO/ICS: [redacted]

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Distribution of DCI/ICS 0986-87:

- 1 - Maynard C. Anderson, OSD
- 1 - Maurice Ralston, OSD
- 1 - Richard F. Williams, OSD
- 1 - James R. Linnen, Army
- 1 - James D. Passarelli, Army
- 1 - James P. Barron, Army
- 1 - George Henriksen, Navy
- 1 - William C. Cody, Air Force
- 1 - Ted Konduris, Air Force
- 1 - Mark Pelensky, Navy
- 1 - Walter J. Breede, Marine Corps
- 1 - George L. Alvarez, Marine Corps
- 1 - [redacted] DIA
- 1 - [redacted] DIA
- 1 - [redacted] NSA
- 1 - [redacted] NSA
- 1 - Gary L. Stoops, FBI
- 1 - Clark M. Dittmer, State
- 1 - Thomas W. Chace, State
- 1 - Kenneth E. Lopez, State
- 1 - John Lewis, NSC
- 1 - [redacted] CIA
- 1 - [redacted] CIA
- 1 - [redacted] CIA
- 1 - [redacted] CIA
- 1 - Jerry Rubino, Justice
- 1 - Bernard Gattozzi, Justice
- 1 - Stephen E. Bacher, DoE
- 1 - Edward J. Pollard, Treasury
- 1 - William B. O'Donnell, Treasury
- 1 - ICS Registry
- 1 - CCISCMO subject
- 1 - D/CCISCMO chrono

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DEPARTMENT OF THE NAVY
NAVAL INTELLIGENCE COMMAND
4600 SILVER HILL ROAD
WASHINGTON, D.C. 20389-5000

IN REPLY REFER TO
13 Nov 87

From: Alternate Navy Member, DCI Security Forum
To: The Chairman, DCI Security Forum
Via: Navy Member, DCI Security Forum

Subj: SCI COMMUNITY POLICY ON UNFAVORABLE SCI ELIGIBILITY ACTIONS

(Frame of Reference: Unfavorable SCI eligibility actions (abbreviated as unfavorable actions) for purposes of this paper, are those taken against an individual with a current SCI eligibility determination or with SCI access, which result in the suspension, revocation or denial of the eligibility or the access.)

1. Discussion

At the present time there exists no formal requirement for notification of the SCI Community agencies of unfavorable actions taken by a member agency, nor is there a uniform procedure to effect such notification. Additionally, there is no method to resolve differences of opinion about a subject's continued eligibility in instances where two or more agencies have cognizance over that subject's SCI access. A recent Navy case involving a contractor graphically illustrated the problems that the above cited inadequacy can create, and argues strongly in support of formalizing SCI community inter-agency notification of unfavorable actions, and developing appropriate procedures to do so. Lacking such procedures, the SCI community appears to be fragmented with little or no uniform application of the standards for determining SCI eligibility, and suggests (incorrectly so) inadequate internal control and oversight, and creates the perception that there is lack of unanimity.

2. Recommendation

Implement the following procedure (or other such suitable procedure) to redress the inadequacies of the existing system: The best mechanism for inter-agency notification appears to be the Community-Wide Computer-Assisted Compartmentation Control System (4C). To effect this notification, each 4C subscriber would enter unfavorable actions into the data base as these actions are taken (this is now being done for the most part but not always in a timely manner). Using a new software program to be developed for this purpose, require that all 4C subscribers query the 4C system daily (preferably when the system is first activated in the morning) for any unfavorable actions entered the previous day (I estimate that there are perhaps 5-10 such actions weekly). If any 4C subscriber agency has active interest in the subject (i.e., has also issued its own eligibility), that agency would be obliged to

Subj: SCI COMMUNITY POLICY ON UNFAVORABLE SCI ELIGIBILITY ACTIONS

immediately withdraw the SCI eligibility and contact the agency that initiated the unfavorable action. (Note that DIA and NSA are not presently subscribers to the 4C system and should be encouraged to join the 4C network.) If there should be disagreement between/among agencies about an unfavorable action, those agencies would be required to resolve the difference. If unable to do so (I believe this would be extremely rare), the issue would be brought before an impartial adjudicator/arbiter appointed by the DCI Security Forum Chairman for final determination of SCI eligibility.

3. Comment

The key provisions of the recommendation and process are:

- a. An effective and timely inter-agency notification mechanism for unfavorable actions relating to SCI eligibility.
- b. Unfavorable action by any one agency would be respected and supported by all agencies until the matter is resolved.
- c. An effective means for resolving an SCI eligibility impasse.

4. Impact on the Intelligence Community

A clear message would be sent to the Intelligence Community that the SCI community member agencies operate from a basis of unanimity.



M. PELENSKY
Captain, U. S. Navy

Copy to:
DCI Security Forum Members