

SECRET

64-29076

1 May 1964

MEMORANDUM FOR: Executive Director *LBK/m*

SUBJECT : Disposition of Documents

As directed by you I have distributed the appropriate files of the former Coordination Staff of the Director of Central Intelligence and its predecessor, the Office of the Deputy Director for Coordination to selected components of the Agency.

2. I informed them that you desired that they review these files and retain those which they consider useful as vital documents. I requested that the receipts for the folders be returned to the Executive Registry for retention.

3. File sent to your office: 12 folders, 1 notebook

a. Joint Study Group Report and Implementation 8 folders of its recommendations

b. President's Foreign Intelligence Advisory Board (File originated in Office of Executive Director) 4 folders 1 notebook

4. For your information there is attached a copy of the memorandum sent to D/NIPE. Similar memoranda were sent to BPAM, DD/I, OBI, DD/S&T, and CIA/EPO.



25X

Attachments:

- Memorandum for D/NIPE
- Memorandum from JDB, dated 15 April 1964

EXECUTIVE REGISTRY FILE

*AC/DC*

GROUP 1  
Excluded from automatic  
downgrading and  
declassification

*BEST COPY*

*Available*

*THROUGHOUT  
FOLDER*

SECRET

23 April 1964

MEMORANDUM FOR: Deputy to the DCI for National Intelligence  
Program Evaluation

SUBJECT : Disposition of Documents

By direction of the Executive Director, Central Intelligence Agency, I am sending you certain of the files maintained by the former Coordination Staff of the Director of Central Intelligence which was disestablished on 15 March 1964 and its predecessor, the Office of the Deputy Director for Coordination, (General Truscott).

2. The Executive Director desires that you review these files and retain those which you consider useful as vital documents.

3. File list: 19 folders, 2 manuals, and 1 book (22)

- |  |                        |
|--|------------------------|
| a. Chronological files of the Coordination Staff and its predecessor, 1957 thru 1964                       | 11 folders             |
| b. Development of National Security Council Intelligence Directives (NSCIDs) and then implementing (DCIDs) | 5 folders              |
| c. Policy Book (National Security Act, NSCIDs, DCIDs, Command Relationships Agreement, etc.                | 1 copy                 |
| d. Analysis of National Security Council Intelligence Directives   | 1 folder               |
| e. Organization and Development of the Defense Intelligence Agency (DIA)                                   | 2 folders<br>2 manuals |

4. It is requested that the receipts for these folders be returned to the Executive Registry for retention.



25X

GROUP 1  
Excluded from automatic  
downgrading and  
declassification

SECRET

Executive Registry  
64-2907

15 April 1964

MEMORANDUM FOR: Executive Director

SUBJECT : Disposition of the remaining files of the  
Coordination Staff of the Director of  
Central Intelligence

1. The files of the Coordination Staff have been completely worked over. The files of no permanent value are being destroyed. Many files have been returned to the originator. Sensitive files are being listed and destroyed. The record of their disposition is being sent to the OCI Registry.

2. The files remaining can easily be stored in three drawers of a 4-drawer cabinet. Please indicate what you desire to do with them.

- |  |                            |  |
|--|----------------------------|--|
| Chrono files of the Coordination Staff 1957 through 1964           | ✓ 11 folders               | Review by D/NIPE for anything they wish to retain.   |
| Planning for National Emergency and Wartime Situations             | ✓ 1 folder                 | Review by <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span> 25X1 |
| Foreign Intelligence Program FY-1963                               | ✓ 1 folder                 | Review by BPAM.  |
| Foreign Intelligence Program FY-1964                               | ✓ 1 folder<br>✓ 1 notebook | Review by BPAM.  |
| Intelligence Collection in Africa                                  | ✓ 1 folder                 | Destroy or send to DD/I for review for vital documents.  |
| Joint Study Group Report and implementation of its recommendations | ✓ 8 folders                | ExecDir  |
| National Intelligence Survey Program, Concept and Management       | ✓ 1 folder                 | Destroy or send to OBI   |

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GROUP 1  
Excluded from automatic  
downgrading and  
declassification

SECRET

|  |   |                    |
|--|---|--------------------|
| Development of National Security Council Intelligence Directives (NSCIDs) and their implementing DCIDs             | ✓ 2 folders (NSCID #5)<br>✓ 3 folders (General) | D/NIPE FOR review. |
| Policy Book (National Security Act, NSCIDs, DCIDs, Command Relationship Agreement, etc.)                           | ✓ 1 copy  | "                  |
| Analysis of National Security Council Intelligence Directives  | ✓ 1 folder                                      | "                  |
| Organization of Defense Intelligence Agency (A complete compilation of implementing directives pertaining to DIA.) | ✓ 2 folders<br>✓ 2 manuals                      | "                  |
| President's Foreign Intelligence Advisory Board (File originated in the Office of the Executive Director)          | 4 folders<br>1 notebook                         | ExecDir            |
| Scientific and Technical Intelligence  | ✓ 1 folder                                      | DD/S&T for review. |
| Logs of Top Secret /and Special Intelligence<br>CTSC Registry / OCI Registry                                       |   |                    |

3. The above listed files are assembled in one 4-drawer cabinet; ten cabinets are empty. I am using one 2-drawer cabinet and two others are empty.



25X

SECRET

| SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM  |                  |                          |                |
|--|------------------|--------------------------|----------------|
| UNCLASSIFIED   | CONFIDENTIAL     | SECRET                   |                |
| <b>CENTRAL INTELLIGENCE AGENCY<br/>OFFICIAL ROUTING SLIP</b>   |                  |                          |                |
| TO   | NAME AND ADDRESS | DATE                     | INITIALS       |
| 1  |                  |                          |                |
| 2  |                  |                          |                |
| 3  |                  |                          |                |
| 4  |                  |                          |                |
| 5  |                  |                          |                |
| 6  |                  |                          |                |
| <input type="checkbox"/>   | ACTION           | <input type="checkbox"/> | DIRECT REPLY   |
| <input type="checkbox"/>   | APPROVAL         | <input type="checkbox"/> | DISPATCH       |
| <input type="checkbox"/>   | COMMENT          | <input type="checkbox"/> | FILE           |
| <input type="checkbox"/>   | CONCURRENCE      | <input type="checkbox"/> | INFORMATION    |
| <input type="checkbox"/>   |                  | <input type="checkbox"/> | PREPARE REPLY  |
| <input type="checkbox"/>   |                  | <input type="checkbox"/> | RECOMMENDATION |
| <input type="checkbox"/>   |                  | <input type="checkbox"/> | RETURN         |
| <input type="checkbox"/>   |                  | <input type="checkbox"/> | SIGNATURE      |
| <b>Remarks:</b><br><br><p style="text-align: center;">Pls send as indicated in right margin<br/>with note as to what the papers are and why<br/>they are being sent.</p> |                  |                          |                |
| <b>FOLD HERE TO RETURN TO SENDER</b>   |                  |                          |                |
| FROM: NAME, ADDRESS AND PHONE NO.  |                  |                          | DATE           |
| Executive Director   |                  |                          | 22 Apr 64      |
| <input type="checkbox"/>   | UNCLASSIFIED     | <input type="checkbox"/> | CONFIDENTIAL   |
| <input type="checkbox"/>   |                  | <input type="checkbox"/> | SECRET         |

3 February 1964

MEMORANDUM FOR: The Staff

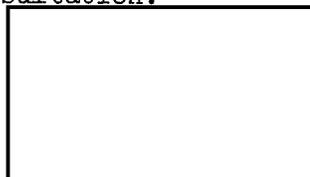
1. General Carter wants a final report from us by 1 March so that he may present it to the DCI before 6 March. His remarks limit us to responding, primarily, to paragraph 1.b. of his 4 September directive.

"1.b. The extent and character of the support which should and could be rendered by the CIA and other members of the intelligence community to the DCI in his capacity as the principal intelligence officer of the United States Government and coordinator of all United States foreign intelligence activities, including analysis of the support role and the responsibilities of the United States Intelligence Board (USIB)."

2. Accordingly, we have a mandate from him to produce, fast, a constructive paper presenting a broad view of the support which should and could be rendered by members of the intelligence community, individually and collectively, to the DCI under various conditions of national emergency. The conditions are (a) national emergency short of war (i.e., cold war and subversive insurgency); (b) limited war (i.e., when organized U. S. forces are engaged in combat operations); and (c) general war.

3. The extensive and necessary research and other work we have been doing in the past several weeks is time well spent and will be valuable background information in preparing the report. So that we may devote full time to this task, we will cease work on the NPIC paper, the CIA proposed changes to the NMCS Master Plan, and the detailed analysis of the wartime functions of the components of CIA in relation to the other members of the intelligence community. The working papers which have been prepared as a basis for the longer-range study will be retained intact, and other activities generated by General Carter's directive of 4 September must also be suspended.

4. We will use the broad authorities for our report; i.e., the functions assigned by the National Security Act, the NSCIDs, other Presidentially-approved directives, and the DCIDs supplemented by collateral information and appropriate consultation.



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| SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM  |                    |                                     |             |
|--|--------------------|-------------------------------------|-------------|
| UNCLASSIFIED   | CONFIDENTIAL       | <input checked="" type="checkbox"/> | SECRET      |
| <b>CENTRAL INTELLIGENCE AGENCY<br/>OFFICIAL ROUTING SLIP</b>   |                    |                                     |             |
| TO   | NAME AND ADDRESS   | DATE                                | INITIALS    |
| 1  | Executive Director |                                     |             |
| 2  |                    |                                     |             |
| 3  |                    |                                     |             |
| 4  |                    |                                     |             |
| 5  |                    |                                     |             |
| 6  |                    |                                     |             |
| ACTION   | DIRECT REPLY       | PREPARE REPLY                       |             |
| APPROVAL   | DISPATCH           | RECOMMENDATION                      |             |
| COMMENT  | FILE               | RETURN                              |             |
| CONCURRENCE  | INFORMATION        | SIGNATURE                           |             |
| <b>Remarks:</b>  |                    |                                     |             |
| <p>Attached is a memo that <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px; vertical-align: middle;"></span> prepared for his staff after DDCI talked with him in early February. Please note the DDCI's comment that he will reassign the staff's functions. I have talked to DDCI about this from time to time recently. This morning when I asked him about it, he replied, "Keep worrying about it or ask Kirk to do it."</p> <p style="text-align: right;"><span style="border: 1px solid black; display: inline-block; width: 50px; height: 15px; vertical-align: middle;"></span><br/>H. Knoche</p> |                    |                                     |             |
| <b>FOLD HERE TO RETURN TO SENDER</b>   |                    |                                     |             |
| <b>FROM: NAME, ADDRESS AND PHONE NO.</b>   |                    |                                     | <b>DATE</b> |
| EA/DDCI 7D6011 <span style="border: 1px solid black; display: inline-block; width: 50px; height: 15px; vertical-align: middle;"></span>  |                    |                                     | 3/5/64      |
| UNCLASSIFIED   | CONFIDENTIAL       | <input checked="" type="checkbox"/> | SECRET      |

MEMORANDUM FOR: DDCI

[Redacted]

directive to his  
staff outlining his  
understanding of the  
staff's mission in the  
light of your conversation  
Friday.

C

[Redacted]

2/3  
(DATE)

I will reassign the other  
functions

ER

*file only*

|   |                  |           |                 |
|---|------------------|-----------|-----------------|
| <b>TRANSMITTAL SLIP</b>   |                  | DATE      | 3 February 1964 |
| TO: General Carter  |                  |           |                 |
| ROOM NO.<br>7D6011  | BUILDING<br>Hqs. | <i>LB</i> |                 |
| REMARKS:<br><br>I hope that your directive is properly expressed in this memorandum?<br><br>Personnel matters will be covered separately. |                  |           |                 |
| FROM: AC/DCI  |                  |           |                 |
| ROOM NO.<br>225   | BUILDING<br>East | EXTENSION |                 |

STAT

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FORM NO. 241  
1 FEB 55

REPLACES FORM 36-8  
WHICH MAY BE USED.

GPO : 1957-O-439445

(47)

Executive Registry  
63-5190

25 JUN 1963

MEMORANDUM FOR: Executive Director  
THROUGH : Deputy Director (Support) *raw* 6/26/63  
SUBJECT : General Lucian K. Truscott, Jr.

1. General Truscott is now being carried on Agency records as an Independent Contractor at "\$50.00 per day or fraction thereof". A copy of his contract is attached.

2. General Cabell, Mr. Bissell, [redacted] etc. are employed as Intermittent Consultants at \$50.00 per consultation. Their contracts are for one year and must be renewed each year. This is in conformance with President Kennedy's Memoranda of 9 February 1962 and 2 May 1963 concerning possible conflict of interest by consultants, advisors and panel members. The two Presidential Memoranda as well as Public Law 87-849 (bribes, grafts, and conflict of interests) not only limit consultant appointments to one year but require a statement of employment and financial holdings from each consultant or advisor used by the Agency. The employment and financial holdings statements are reviewed by OGC for possible conflict of interests and employment is conditional until clearance is received.

3. Since General Truscott is apparently being used in a similar consultive capacity, I would suggest a new contract like the one signed by General Cabell. Attached is such a contract for General Truscott together with the conflict of interest forms and Presidential Statement normally provided each consultant.

[redacted signature box]

Emmett D. Echols  
Director of Personnel

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**General Lucian Truscott, Jr., USA (Ret)**

**Dear General Truscott:**

The United States Government, as represented by the Central Intelligence Agency, hereby contracts with you as an independent contractor used on an intermittent basis for the purchase of certain information and services of a confidential nature under the following terms and conditions:

1. **Compensation.** In full consideration for the purchase of such information and services, you will be paid a fee of \$50.00 for any day or fraction thereof during which you are utilized hereunder. Payments will be made as directed by you in writing in a manner acceptable to CIA. No taxes will be withheld from these amounts but it will be your responsibility to report such income under existing Federal income tax laws and regulations. An appropriate Form 1099 will be furnished by the Agency in furtherance of its tax reporting requirements.

2. **Expenses.** You will be advanced or reimbursed funds on an actual and necessary basis for those expenses incurred by you in connection with such operational travel as may be directed or authorized by CIA and while on temporary duty away from your permanent post of assignment. In addition, you will be advanced or reimbursed funds for necessary operational expenses as approved by the Agency. Payment and accounting for the expenses incurred hereunder will be in substantial conformance with CIA regulations. Miscellaneous items may be grouped for accounting purposes.

3. **Status.** You are not an employee of the United States Government under this agreement and are not entitled to any benefits normally incident to an employee status.

4. **Secrecy.** You will be required to keep forever secret all information which you may obtain by virtue of your association with the Central Intelligence Agency under this agreement (unless released by CIA in whole or in part from such obligation). Whenever necessary, it is preferred that you use the title of Consultant to the Director of Central Intelligence.

5. **Term.** This contract is effective as of 1 July 1959, and shall continue thereafter for such period of time as the Central Intelligence Agency can make proper use of your outstanding abilities, unless terminated prior thereto upon actual notice by either CIA or yourself.

**CENTRAL INTELLIGENCE AGENCY**

**BY** \_\_\_\_\_  
**Special Contracting Officer**

**ACCEPTED:**

\_\_\_\_\_  
**Lucian Truscott, Jr.**

**APPROVED:**

\_\_\_\_\_

General L. K. Truscott, Jr.

Dear General Truscott:

The United States Government, as represented by the Central Intelligence Agency, hereby contracts with you, as an intermittent consultant, under the following terms and conditions:

1. Fee. In full consideration for your utilization as an intermittent consultant, you will be paid a fee of \$50.00 per consultation, regardless of duration. When required for Federal income tax purposes, an Information Return indicating total fees paid hereunder will be issued by CIA.

2. Expenses. During your utilization hereunder you will be reimbursed funds for necessary expenses incurred in connection with such travel as may be directed or authorized by CIA. This may include an amount not to exceed the maximum per diem authorization for the geographic area(s) involved for personal living expenses incurred by you during the course of such travel and while temporarily away from your residence or place of business.

3. Status. You are not an employee of the United States Government under this agreement and are not entitled to any benefits normally incident to an employee status.

4. Term. This contract is effective as of 1 July 1963 and shall continue thereafter through 30 June 1964 unless sooner terminated (1) by mutual consent of both parties hereto or (2) by seven (7) days' written notice from one party to the other. By mutual consent, this contract supersedes your previous agreement with the Central Intelligence Agency effective 1 July 1959.

CENTRAL INTELLIGENCE AGENCY

BY \_\_\_\_\_

ACCEPTED:

\_\_\_\_\_  
L. K. Truscott, Jr.

I hereby certify that I have read the President's Memorandum of 9 February 1962, and that the information contained in the "Statement of Employment and Financial Interests" is true, correct, and complete to the best of my knowledge and belief. I also certify that I will report any significant changes in my employment and financial status not later than six (6) months following such change.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

1. Private Employment

(Name of all companies, firms, research organizations, and educational institutions for which serving as employee, officer, member, director or consultant.)

2. Federal Government Employment

(Name of all Federal departments or agencies for which you are serving or you expect to serve during period from 1 July 1962 to 30 June 1963 as an adviser or consultant, together with number of days of estimated service with each.)

3. Financial Interests

(Names of all companies, firms or research institutions in which you, or to your knowledge, your spouse, or your children, own securities or other interests having significant financial value - precise amounts of investments need not be revealed.)

---

Name

---

Date

# Presidential Documents

## Title 3—THE PRESIDENT

Memorandum of May 2, 1963

### PREVENTING CONFLICTS OF INTEREST ON THE PART OF SPECIAL GOVERNMENT EMPLOYEES<sup>1</sup>

*Memorandum to the Heads of Executive Departments and Agencies*

#### INTRODUCTION

Over the past twenty or more years departments and agencies of the Government have made increasing use of temporary or intermittent consultants and advisers who serve individually or on advisory bodies. The employment of highly skilled persons on a temporary or intermittent basis is in the interest of the Government and provides it with an indispensable source of expert advice and knowledge. However, since such persons have their principal employment outside the Government, conflict of interest problems arise from time to time.

More particularly, many persons serving the Government temporarily or intermittently are individuals with specialized scientific knowledge and skills whose regular work is in industry, research institutes or educational institutions. An individual employed by a university may act as an intermittent consultant not only for the Government but for a private firm and either his university or the firm or both may be engaged in work for or supported by the Government. A consultant to the Government may have other financial connections with firms doing business with the Government in the general area of his expertise and, therefore, his consultancy. The many possible interrelationships between a consultant's service to the Government and his own and his employer's or client's financial interests demonstrate that conflicts problems may often arise.

The temporary or intermittent adviser or consultant and the department or agency which employs him both must be alert to the possibility of conflicts. It is, of course, incumbent upon the adviser or consultant to familiarize himself with the laws and regulations which are applicable to him. The responsibility of the department or agency is equally great. It is important that it oversee his activities in order to insure that the public interest is protected from improper conduct on his part and that he will not, through ignorance or inadvertence, embarrass the Government or himself. It must assist him to understand the pertinent laws and regulations. It must obtain from him such information concerning his financial interests as is necessary to disclose possible conflicts. It must take measures to avoid the use of his services in any situation in which a violation of law or regulation is likely to occur. And it must take prompt and proper disciplinary or remedial action when a violation, whether intentional or innocent, is detected.

Prior to January 21, 1963, the date on which P.L. 87-849 (76 Stat. 1119) came into force, the restraints imposed by the conflict of interest laws on temporary or intermittent employees of the United States were largely the same as those imposed on persons regularly employed by the Government. However, in enacting P.L. 87-849, Congress recognized that these restraints were unduly restrictive, as applied to temporary and intermittent employees, and hindered the Government in obtaining expert services for special needs. Congress dealt with these difficulties in the new statute by establishing a category of persons designated "special Government employees," and by making the restrictions imposed upon their private activities considerably less extensive than those applied to regular employees.

The term "special Government employee" is defined in new section 202 of Title 18, United States Code, which was enacted as a part of P.L. 87-849. The term includes, among others, officers and employees

## THE PRESIDENT

of the departments and agencies, including the District of Columbia, who are retained, designated, appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis, under any type of appointment of whatever duration.

The enactment of P.L. 87-849 has made it necessary for the departments and agencies utilizing temporary or intermittent personnel to revise their conflict of interest regulations with regard to such personnel. While the problems arising from the employment of such personnel will undoubtedly vary from one Government organization to another, and different regulations may in some instances be appropriate or necessary, I believe it is desirable to achieve the maximum uniformity possible in order to insure general standards of common application throughout the Government. This memorandum is designed to achieve that purpose. It supersedes my Memorandum of February 9, 1962 to the Heads of Executive Departments and Agencies, entitled "Preventing Conflicts of Interest on the Part of Advisers and Consultants to the Government" (27 F.R. 1341), which is hereby rescinded.

## CONFLICT OF INTEREST STATUTES

P.L. 87-849 repealed the six basic conflict of interest laws which were discussed in my Memorandum of February 9, 1962, and replaced them with six new sections of Title 18 numbered 202, 203, 205, 207, 208 and 209. Sections 203 and 205 contain prohibitions affecting the activities of Government employees in their private capacities. As already noted, the prohibitions applicable to special Government employees are less stringent than those which affect regular employees—*i.e.*, those who are appointed to serve more than 130 days a year. Section 207 contains prohibitions affecting the activities of persons who leave the service of the Government. It applies with the same force to former special Government employees as to former regular employees. Section 208 sets forth a restriction on the activities of a Government employee in performing his functions as such. This section also applies with the same force to both categories of employees. Section 209, which prohibits a regular employee's receipt of compensation from private sources in certain circumstances, specifically excludes special Government employees from its coverage.

The new sections are set forth in full in the appendix to this memorandum. It will be noted that all but 18 U.S.C. 202, which is devoted to the definition of terms, carry criminal penalties. The restraints imposed by the four criminal sections which are applicable to temporary and intermittent advisers or consultants, and to other persons falling within the definition of a special Government employee, are considered below.

*18 U.S.C. 203 and 205.* These two sections in general operate to preclude a regular Government employees, except in the discharge of his official duties, from representing another person before a department, agency or court, whether with or without compensation, in a matter in which the United States is a party or has a direct and substantial interest. However, the two sections impose only the following major restrictions upon a special Government employee:

1. He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he has at any time participated personally and substantially in the course of his Government employment.

2. He may not, except in the discharge of his official duties, represent anyone else in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and which is pending before the agency he serves. However, this restraint is not applicable if he has served the agency no more than 60 days during the past 365. He is bound by the restraint, if applicable, regardless of whether the matter is one in which he has ever participated personally and substantially.

May 7, 1963

## FEDERAL REGISTER

4541

These restrictions prohibit both paid and unpaid representation and apply to a special Government employee on the days when he does not serve the Government as well as on the days when he does.

Each department and agency should observe the following rules in obtaining and utilizing the services of a consultant, adviser or other temporary or intermittent employee:

(a) At the time of his original appointment and the time of each appointment thereafter, the department or agency should make its best estimate of the number of days during the following 365 on which it will require the services of the appointee. A part of a day should be counted as a full day for the purposes of this estimate, and a Saturday, Sunday or holiday on which duty is to be performed should be counted equally with a regular work day.

(b) Unless otherwise provided by law, an appointment should not extend for more than 365 days. In cases where an appointment extends beyond that period, an estimate as required by paragraph (a) should be made at the inception of the appointment and a new estimate at the expiration of each 365 days thereafter.

(c) If a department or agency estimates, pursuant to paragraph (a) or (b), that an appointee will serve more than 130 days during the ensuing 365, the appointee should not be carried on the rolls as a special Government employee and the department or agency should instruct him that he is regarded as subject to the prohibitions of sections 203 and 205 to the same extent as if he were to serve as a full-time employee. If the estimate is that he will serve no more than 130 days during the following 365 days, he should be carried on the rolls of the department or agency as a special Government employee and instructed that he is regarded as subject only to the restrictions of sections 203 and 205 described in paragraphs 1 and 2 above. Even if it becomes apparent, prior to the end of a period of 365 days for which a department or agency has made an estimate with regard to an appointee, that he has not been accurately classified, he should nevertheless continue to be deemed a special Government employee or not, as the case may be, for the remainder of that 365-day period.

(d) An employee who undertakes service with two departments or agencies shall inform each of his arrangements with the other. If both his appointments are made on the same date, the aggregate of the estimates made by the departments or agencies under paragraph (a) or (b) shall be deemed determinative of his classification by each. Notwithstanding anything to the contrary in paragraphs (a), (b) or (c), if after being employed by one department or agency, a special Government employee is appointed by a second to serve it in the same capacity, each department or agency should make an estimate of the amount of his service to it for the remaining portion of the 365-day period covered by the original estimate of the first. The sum of the two estimates and of the actual number of days of his service to the first department or agency during the prior portion of such 365-day period shall be deemed determinative of the classification of the appointee by each during the remaining portion. If an employee undertakes to serve more than two departments or agencies, they shall classify him in a manner similar to that prescribed in this paragraph in the case of two agencies. Each agency which employs special Government employees who serve other agencies shall designate an officer to coordinate the classification of such employees with such other agencies.

(e) In the case of a person who is serving as a member of an advisory committee, board or other group, and who is by virtue of his membership thereon an officer or employee of the United States, the requirements of paragraphs (a), (b), (c) and (d) should be carried out to the same extent as if he were serving the sponsoring department or agency separately and individually.

(f) The 60-day standard affecting a special Government employee's private activities before his department or agency is a standard of actual past service, as contrasted with the 130-day standard of estimated future service discussed above. As appears from paragraph 2 above, a special Government employee is barred from repre-

## THE PRESIDENT

senting another person before his department or agency at times when he has served it for an aggregate of more than 60 days during the past 365. Thus, although once having been in effect, the statutory bar may be lifted later by reason of an intervening period of non-service. In other words, as a matter of law the bar may fluctuate in its effect during the course of a special Government employee's relationship with his department or agency.

(g) A part of a day should be counted as a full day in connection with the 60-day standard discussed in paragraph (f), above, and a Saturday, Sunday or holiday on which duty has been performed should be counted equally with a regular work day. Service performed by a special Government employee in one department or agency should not be counted by another in connection with the 60-day standard.

To a considerable extent the prohibitions of sections 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a special Government employee, even when not compelled to do so by sections 203 and 205, should make every effort in his private work to avoid any personal contact with respect to negotiations for contracts or grants with the department or agency which he is serving if the subject matter is related to the subject matter of his consultancy or other service. I recognize that this will not always be possible to achieve where, for example, a consultant or adviser has an executive position and responsibility with his regular employer which requires him to participate personally in contract negotiations with the department or agency he is advising. Whenever this is the case the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the interest of the Government that he should take part in negotiations for his private employer. Again, he should participate only with the knowledge of a responsible Government official.

Section 205 contains an exemptive provision dealing with a similar situation which may arise *after* a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he would otherwise be disqualified because he had participated in the matter for the Government or it is pending in an agency he has served more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either section 203 or 205, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the department or agency head must first make a certification in writing, published in the *FEDERAL REGISTER*, that it is required by the national interest.

Section 205 contains three other exemptive provisions, all of which apply to both special and regular Government employees. The first permits one Government employee to represent another, without compensation, in a disciplinary, loyalty or other personnel matter. The second permits a Government employee to represent, with or without compensation, a parent, spouse, child, or person or estate he serves as a fiduciary, but only if he has the approval of the official responsible for appointments to his position and the matter involved is neither one in which he has participated personally or substantially nor one under his official responsibility. The term "official responsibility" is defined in 18 U.S.C. 202 to mean, in substance, the direct administrative or operating authority to control Government action. The third

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provision removes any obstacle in section 205 to a Government employee's giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

*18 U.S.C. 207.* Section 207 applies to individuals who have left Government service, including former special government employees. It prevents a former employee from representing another person in connection with certain matters in which he participated personally and substantially on behalf of the Government. The matters are those involving a specific party or parties in which the United States is also a party or has a direct and substantial interest. In addition, section 207 prevents a former employee, for a period of one year after his employment has ceased, from appearing personally for another person in such matters before a court, department or agency if the matters were within the area of his official responsibility at any time during the last year of his Government service. It should be noted that a consultant or adviser usually does not have "official responsibility."

For the purposes of section 207, the employment of a special Government employee ceases on the day his appointment expires or is otherwise terminated, as distinguished from the day on which he last performs service.

*18 U.S.C. 208.* This section bears on the activities of Government personnel, including special Government employees, in the course of their official duties. In general, it prevents a Government employee from participating as such in a particular matter in which, to his knowledge, he, his spouse, minor child, partner, or a profit or non-profit enterprise with which he is connected has a financial interest. However, the section permits an employee's agency to grant him an *ad hoc* exemption if the interest is not so substantial as to affect the integrity of his services. Insignificant interests may also be waived by a general rule or regulation. Whether an agency should issue a general rule or regulation and, if it does so, what standards it should set are questions which should be resolved by each agency in the context of its particular responsibilities and activities.

The matters in which special Government employees are disqualified by section 208 are not limited to those involving a specific party or parties in which the United States is a party or has an interest, as in the case of sections 203, 205 and 207. Section 208 therefore undoubtedly extends to matters in addition to contracts, grants, judicial and quasi-judicial proceedings, and other matters of an adversary nature. Accordingly, a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by the section. However, the power of exemption may be exercised in this situation if the special Government employee renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or organization. The power of exemption may of course be exercised also where the financial interests involved are minimal in value.

#### ETHICAL STANDARDS OF CONDUCT

Aside from the conflict of interest laws, there are elementary rules of ethics in the conduct of the public business by which all those who serve the Government are bound. That an individual may serve the Government only occasionally and for brief periods does not relieve him from the obligation to abide by those rules. That he may be needed to bring rare or specialized talents and skills to the Government does not mean that he should be considered for a waiver. The people of the nation are entitled to ethical behavior of the highest order in the conduct of their Government's affairs, from the occasional employee no less than from career personnel.

Although any discussion of standards of ethics is of course applicable to all special Government employees, it is especially important in connection with the work of advisers and consultants. The following remarks are therefore concerned with them in particular.

## THE PRESIDENT

*Inside Information.* The first principle of ethical behavior for the temporary or intermittent consultant or adviser is that he must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or other persons, including particularly those with whom he has family, business or financial ties. The fact that the desired gain, if it materializes, will not take place at the expense of the Government makes his action no less improper.

An adviser or consultant must conduct himself in a manner devoid of the slightest suggestion that he is exploiting his Government employment for private advantage. Thus, a consultant or adviser must not, on the basis of any inside information, enter into speculation, or recommend speculation to members of his family or business associates, in commodities, land or the securities of any private company. He must obey this injunction even though his duties have no connection whatever with the Government programs or activities which may affect the value of such commodities, land or securities. And he should be careful in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of his Government work.

It is important for consultants and advisers to have access to Government data pertinent to their duties and to maintain familiarity with the Government's plans and programs and the requirements thereof, within the area of their competence. Since it is frequently in the Government's interest that information of this nature be made generally available to an affected industry, there is generally no impropriety in a consultant's or adviser's utilizing such information in the course of his non-Government employment after it has become so available. However, a consultant or adviser may, in addition, acquire information which is not generally available to those outside the Government. In that event, he may not use such information for the special benefit of a business or other entity by which he is employed or retained or in which he has a financial interest.

In order to avoid any actual or potential abuse of information by a consultant or adviser, departments and agencies should, through information programs, make every effort to insure to the maximum extent possible that all firms within an industry have access to the same information that is available to a consultant or adviser who is employed by any of them. In addition, regular Government employees should avoid divulging confidential information to him unnecessary to the performance of his governmental responsibility, or information which directly involves the financial interests of his employer. Consultants and advisers should be instructed that information not generally available to private industry must remain confidential in their hands, and must not be divulged to their private employers or clients. In cases of doubt they should be encouraged to confer with the chief legal officer or other designated agency official who can assist in the identification of information not generally available and in the resolution of any actual or potential conflict between duties to the Government and to private employers or clients.

Occasionally an individual who becomes a Government consultant or adviser is, subsequent to his designation as such, requested by a private enterprise to act in a similar capacity. In some cases the request may give the appearance of being motivated by the desire of the private employer to secure inside information. Where the consultant or adviser has reason to believe that the request for his services is so motivated, he should make a choice between acceptance of the tendered private employment and continuation of his Government consultancy. In such circumstances he may not engage in both. Furthermore, he should discuss any such offer of private employment with the chief legal officer of his Government agency whether or not he accepts it.

At times a private enterprise or other organization urges the appointment of one of its employees or members to a particular Government consultancy. The departments and agencies should discourage this practice. Any initiative in connection with the ap-

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pointment of consultants, or in securing the names of qualified persons, should come from the Government.

*Abuse of Office.* An adviser or consultant shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business or financial ties.

*Gifts.* An adviser or consultant shall not receive or solicit anything of value as a gift, gratuity, or favor for himself or persons with whom he has family, business or financial ties if the acceptance thereof would result in, or give the appearance of resulting in, his loss of complete independence or impartiality in serving the Government.

## INDUSTRY, LABOR, AGRICULTURAL OR OTHER REPRESENTATIVES

It is occasionally necessary to distinguish between consultants and advisers who are special Government employees and persons who are invited to appear at a department or agency in a representative capacity to speak for firms or an industry, or for labor or agriculture, or for any other recognizable group of persons, including on occasion the public at large. A consultant or adviser whose advice is obtained by a department or agency from time to time because of his individual qualifications and who serves in an independent capacity is an officer or employee of the Government. On the other hand, one who is requested to appear before a Government department or agency to present the views of a non-governmental organization or group which he represents, or for which he is in a position to speak, does not act as a servant of the Government and is not its officer or employee. He is therefore not subject to the conflict of interest laws and is not within the scope of this memorandum. However, the section of this memorandum headed "Ethical Standards of Conduct" sets forth rules of ethics by which he should be guided even though not in the status of a Government official, and the agency before which he appears should call that section to his attention.

The following principles are useful in arriving at a determination whether an individual is acting before an agency in a representative capacity:

(1) A person who receives compensation from the Government for his services as an adviser or consultant is its employee and not a representative of an outside group. However, the Government's payment of travel expenses and a *per diem* allowance does not by itself make the recipient an employee.

(2) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are for the most part persons serving as members of an advisory committee or similar body utilized by a Government agency. It does not follow, however, that the members of every such body are acting as representatives and are therefore outside the range of the conflict of interest laws. This result is limited to the members of committees utilized to obtain the views of non-governmental groups or organizations.

(3) The fact that an individual is appointed by an agency to an advisory committee upon the recommendation of an outside group or organization tends to support the conclusion that he has a representative function.

(4) Although members of a governmental advisory body who are expected to bind outside organizations are no doubt serving in a representative capacity, the absence of authority to bind outside groups does not require the conclusion that the members are Government employees. What is important is whether they function as spokesmen for non-governmental groups or organizations and not whether they can formally commit them.

(5) Where an adviser or consultant is in a position to act as a spokesman for the United States or a government agency—as, for example, in an international conference—he is obviously acting as an officer or employee of the Government.

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**THE PRESIDENT****ADMINISTRATIVE STEPS**

All departments and agencies of the Government shall

(1) bring this memorandum to the attention of all special Government employees who serve them as advisers or consultants, of such other special Government employees as they may determine and of all regular employees who supervise such advisers, consultants and others;

(2) review their existing rules and regulations and make appropriate revisions or issue new rules and regulations to promote the policies set forth in this memorandum; and

(3) take such other measures as may be appropriate to impress upon the consultants, advisers and other special Government employees referred to in subdivision (1), and upon Government officials with whom they work, that they have a responsibility to avoid situations in which a potential conflict of interest may exist. These individuals should also be cautioned to avoid situations in which a special Government employee might be thought to be influencing governmental action in matters with regard to which he has a financial or other personal interest, or to be using inside information for private gain.

While it would be highly desirable, in order to minimize the occurrence of conflicts of interest, for departments and agencies of the Government to avoid appointing to advisory positions individuals who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, I recognize that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization and that the number of individuals expert in those areas is frequently very small. Therefore, in many instances it will not be possible for a department or agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties.

**DISCLOSURE OF FINANCIAL INTERESTS**

In order to carry out its responsibility to avoid the use of the services of consultants or advisers in situations where violations of the conflict of interest laws or of these regulations may occur, each department or agency of the Government shall, at the time of employment of a consultant or adviser, require him to supply it with a statement of all other employment. The statement shall list the names of all the companies, firms, State or local governmental organizations, research organizations and educational or other institutions which he is serving as employee, officer, member, director, adviser or consultant. In addition, it shall list such other financial information as the appointing department or agency shall decide is relevant in the light of the duties the appointee is to perform. The appointee may but need not be required to reveal precise amounts of investments. Each statement of private employment and financial interests should be forwarded to the chief legal officer of the department or agency concerned, for information and for advice as to possible conflicts of interest. In addition, each statement should be reviewed by those persons responsible for the employment of consultants and advisers to assist them in applying the criteria for disqualification which are set forth in this memorandum. Such statements should be kept current throughout the period during which the consultant is on the Government rolls.

**LEGAL INTERPRETATION**

Whenever the chief legal officer of a department or agency or his designee, believes that a substantial legal question is raised by the employment of a particular consultant or adviser he should advise

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the Department of Justice, through the Office of Legal Counsel, in order to insure a consistent and authoritative interpretation of the law.

This memorandum shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,  
May 2, 1963.

## APPENDIX

18 U.S.C. 202. *Definitions.*

(a) For the purpose of sections 203, 205, 207, 208 and 209 of this title the term "special Government employee" shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, or a part-time United States Commissioner. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member's home district or State shall be classified as a special Government employee. Notwithstanding section 29 (c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r (c) and (d)), a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms "officer or employee" and "special Government employee" as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces.

(b) For the purposes of sections 205 and 207 of this title, the term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

18 U.S.C. 203. *Compensation to Members of Congress, officers, and others in matters affecting the Government.*

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

(1) at a time when he is a Member of Congress, Member of Congress Elect, Resident Commissioner, or Resident Commissioner Elect; or

(2) at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia,

in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission, or

(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Commissioner, officer, or employee—

Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

18 U.S.C. 205. *Activities of officers and employees in claims against and other matters affecting the Government.*

Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United

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States, including the District of Columbia, otherwise than in the proper discharge of his official duties—

(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

A special Government employee shall be subject to the preceding paragraphs only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

Such certification shall be published in the **FEDERAL REGISTER**.

Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

18 U.S.C. 207. *Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.*

(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility—

Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both: *Provided*, That nothing in subsection (a) or (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the **FEDERAL REGISTER**, that the national interest would be served by such action or appearance by the former officer or employee.

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(c) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest and in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility—

Shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

A partner of a present or former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia or of a present or former special Government employee shall as such be subject to the provisions of sections 203, 205, and 207 of this title only as expressly provided in subsection (c) of this section.

18 U.S.C. 208. *Acts affecting a personal financial interest.*

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

Shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2) if, by general rule or regulation published in the FEDERAL REGISTER, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services.

18 U.S.C. 209. *Salary of Government officials and employees payable only by United States.*

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, or makes any contribution to, or in any way supplements the salary of, any such officer or employee under circumstances which would make its receipt a violation of this subsection—

Shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

(b) Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

(c) This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

(d) This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of the Government Employees Training Act (Public Law 85-507, 72 Stat. 327; 5 U.S.C. 2301-2319, July 7, 1958).

[F.R. Doc. 63-4917; Filed, May 3, 1963; 1:00 p.m.]

Executive Registry  
63-460111

DD/S 63-2497

11 June 1963

MEMORANDUM FOR: Director of Personnel

VIA : Deputy Director/Support *JK*

SUBJECT : General Lucian K. Truscott, Consultant

REFERENCE : Letter prepared by OP/CPD on 3 June 63 to  
General Lucian Truscott for signature DDCI

The comment on your buck slip is in error inasmuch as General Truscott has been consistently consulted by Mr. Critchfield in NE Division and others. However, General Truscott has refused to submit any voucher for payment and regards his services as a contribution to the Agency, for which he has great fondness. We will therefore not cancel his consultancy, and I have asked Mr. Critchfield to ask the General if we can't compensate him in some way for the considerable amount of time that he puts in on our work.

[Redacted Signature Box]

STAT

*Lyman B. Kirkpatrick*  
Executive Director

700 15 11 70 00 523

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**CENTRAL INTELLIGENCE AGENCY**

WASHINGTON 25, D. C.

**OFFICE OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE**

General L. K. Truscott, Jr.  
1111 West Boulevard Drive  
Alexandria, Virginia

Dear General Truscott:

We have recently completed our annual review of our list of consultants to determine which contracts are absolutely essential to our operations. Together with all branches of the Government, we are constantly being urged by both the Congress and the Executive Office to reduce the number of our personnel, whether employees working full time or consultants who only serve when called upon, with or without compensation.

A review of our projected programs indicates that it is very unlikely that we will need to avail ourselves of your services in the foreseeable future. In conformity with the over-all policy to eliminate inactive names from our consultant roster, we propose to let your contract expire as of 30 June 1963.

We are of course grateful to you for your past contributions and, on behalf of Mr. McCone, I wish to express our sincere appreciation for your willingness to give your advice and counsel. We hope that, should the need of our program so dictate in the future, we may have the privilege of asking you to renew our contractual relationship.

Faithfully yours,

Marshall S. Carter  
Lieutenant General, USA  
Deputy Director

| SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM  |  |                     |                       |
|--|--|---------------------|-----------------------|
|  | UNCLASSIFIED   | CONFIDENTIAL        | SECRET                |
| <b>CENTRAL INTELLIGENCE AGENCY<br/>OFFICIAL ROUTING SLIP</b>   |  |                     |                       |
| TO   | NAME AND ADDRESS                                     | DATE                | INITIALS              |
| 1  | Deputy Director (Support)<br>7D18 Hqs.               | 6/5/63              | W                     |
| 2  |  |                     |                       |
| 3  | Executive Director<br>7D59 Hqs.                      | June 7              | LBK                   |
| 4  |  |                     |                       |
| 5  | Deputy Director of Central<br>Intelligence 7E12 Hqs. |                     |                       |
| 6  |  |                     |                       |
|  | <b>ACTION</b>  | <b>DIRECT REPLY</b> | <b>PREPARE REPLY</b>  |
|  | <b>APPROVAL</b>                                      | <b>DISPATCH</b>     | <b>RECOMMENDATION</b> |
|  | <b>COMMENT</b>                                       | <b>FILE</b>         | <b>RETURN</b>         |
|  | <b>CONCURRENCE</b>                                   | <b>INFORMATION</b>  | <b>SIGNATURE</b>      |
| <b>Remarks:</b>  |  |                     |                       |
| <p>When General Truscott retired from the position of Deputy Director (Coordination) effective 30 June 1959, he was placed on a special contract to permit his use, if necessary, in an advisory capacity on a fee basis. However, General Truscott has not been called on in the past three years and we believe it might be appropriate to terminate his contract.</p> <p>Although our regular consultants are now engaged on contracts requiring annual renewals, General Truscott's contract is for an unspecified term and requires formal notice of termination.</p> |  |                     |                       |
| <b>FOLD HERE TO RETURN TO SENDER</b>   |  |                     |                       |
| <b>FROM: NAME, ADDRESS AND PHONE NO.</b>   |  |                     | <b>DATE</b>           |
| Director of Personnel 5E56 <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px;"></span>  |  |                     | 4 JUN 1963            |
|  | UNCLASSIFIED   | CONFIDENTIAL        | SECRET                |

| SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM  |                     |                |                    |
|--|---------------------|----------------|--------------------|
| UNCLASSIFIED   | CONFIDENTIAL        | SECRET         |                    |
| <b>CENTRAL INTELLIGENCE AGENCY<br/>OFFICIAL ROUTING SLIP</b>   |                     |                |                    |
| TO   | NAME AND ADDRESS    | DATE           | INITIALS           |
| 1  | Exec Asst to D/Pers |                | <i>[Signature]</i> |
| 2  | C/CPD               |                |                    |
| 3  |                     |                |                    |
| 4  |                     |                |                    |
| 5  |                     |                |                    |
| 6  |                     |                |                    |
| ACTION   | DIRECT REPLY        | PREPARE REPLY  |                    |
| APPROVAL   | DISPATCH            | RECOMMENDATION |                    |
| COMMENT  | FILE                | RETURN         |                    |
| CONCURRENCE  | INFORMATION         | SIGNATURE      |                    |
| <b>Remarks:</b>  |                     |                |                    |
| <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <p>Mr. Echols has mentioned this note to Col White who indicated that he would like to see it. Before sending it, however, Mr. Echols would like to have you prepare a memo from him to ExDir thru Col White explaining our need to regularize General Truscott's contract if it is not terminated i.e., need to put on FY basis and to get conflict of interest forms.</p> <p>Since Colonel White will be expecting to see more of this soon, would you handle on a priority basis please.</p> <p style="text-align: center;"><i>[Signature]</i></p> |                     |                |                    |
| FOLD HERE TO RETURN TO SENDER  |                     |                |                    |
| FROM: NAME, ADDRESS AND PHONE NO.  |                     |                | DATE               |
|  |                     |                |                    |
| UNCLASSIFIED   | CONFIDENTIAL        | SECRET         |                    |

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CENTRAL INTELLIGENCE AGENCY  
OFFICIAL ROUTING SLIP

| TO | NAME AND ADDRESS                       | INITIALS | DATE    |
|----|--|----------|---------|
| 1  | Deputy Director (Support)<br>7D18 Hqs. | W        | 6/26/63 |
| 2  | Executive Director<br>7D59 Hqs.        | LAK      | 6/28    |
| 4  | MR. CRITCHFIELD<br>603107              |          |         |
| 5  |  |          |         |
| 6  |  |          |         |

|             |              |                |
|-------------|--------------|----------------|
| ACTION      | DIRECT REPLY | PREPARE REPLY  |
| APPROVAL    | DISPATCH     | RECOMMENDATION |
| COMMENT     | FILE         | RETURN         |
| CONCURRENCE | INFORMATION  | SIGNATURE      |

Remarks:

To 1 and 2: If you agree that we should regularize General Truscott's contract, we will be glad to take the forms to him and explain them.

*Jim: Do you want to do this?  
Or shall we keep it on an informal basis? LAK*

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FROM: NAME, ADDRESS AND PHONE NO

DATE

Director of Personnel 5E56

JUN 1963

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|---|--------------|--------|
| SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM |              |        |
| UNCLASSIFIED                                    | CONFIDENTIAL | SECRET |

**CENTRAL INTELLIGENCE AGENCY  
OFFICIAL ROUTING SLIP**

| TO | NAME AND ADDRESS  | DATE | INITIALS |
|----|-------------------|------|----------|
| 1  | Ex/Registry - DCI |      |          |
| 2  |                   |      |          |
| 3  |                   |      |          |
| 4  |                   |      |          |
| 5  |                   |      |          |
| 6  |                   |      |          |

|                                      |                                       |   |
|--------------------------------------|---------------------------------------|---|
| <input type="checkbox"/> ACTION      | <input type="checkbox"/> DIRECT REPLY | <input type="checkbox"/> PREPARE REPLY  |
| <input type="checkbox"/> APPROVAL    | <input type="checkbox"/> DISPATCH     | <input type="checkbox"/> RECOMMENDATION |
| <input type="checkbox"/> COMMENT     | <input type="checkbox"/> FILE         | <input type="checkbox"/> RETURN         |
| <input type="checkbox"/> CONCURRENCE | <input type="checkbox"/> INFORMATION  | <input type="checkbox"/> SIGNATURE      |

**Remarks:**

Attached returned for your disposal.

Papers were being held by Mr. Critchfield (Mr. Kirkpatrick knew reasons why) and in view of fact Gen. Truscott is now deceased, papers would appear to be obsolete. Returning them for your records only.

9 NOV 1965

|                                   |              |        |
|-----------------------------------|--------------|--------|
| FOLD HERE TO RETURN TO SENDER     |              |        |
| FROM: NAME, ADDRESS AND PHONE NO. |              | DATE   |
|                                   |              |        |
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