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FILE CMC 1979

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-595

8 AUG 1979

MEMORANDUM FOR: Members, DCI Security Committee

FROM: Robert W. Gambino
Chairman

SUBJECT: SECOM Procedures

1. The Staff has provided me a paper on why some goals of the Committee may take so long to accomplish.

2. I pass it along for your review and consideration.

STATINTL

Robert W. Gambino

Attachment

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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-594

6 AUG 1979

MEMORANDUM FOR: Robert W. Gambino
Chairman

STATINTL

FROM: [redacted]
Executive Secretary

SUBJECT: SECOM Procedural Proposals

1. The Staff notes that some recent efforts of the Committee have required an inordinate preparation time. The factors causing delays have been identified. They relate primarily to procedural practices which lend themselves to correction through minimum attention by Members. This memorandum sets forth causal factors and offers proposals for rectification.

2. The procedural weaknesses which the Staff attributes as source of impediment to reasonable progress include:

a. Use of delegated representation at initial stages of endeavor by Working Groups or Subcommittees.

COMMENT

Sending a directed delegate with a departmental position to early sessions results in foreshortened debate, loss of opportunity to capitalize on knowledge of substantive experts and precludes opportunity to fashion a cooperative spirit among participants.

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PROPOSAL

Principals should select substantive experts as delegates and authorize them full leeway to debate, discuss, explore all aspects of the matter at hand. Deliberations toward all viable alternatives to meet objectives should not be curtailed by early introduction of a hardened departmental position.

b. Assignment of a non-substantive expert as a departmental representative.

COMMENT

Delegates without knowledge of the issue at hand can contribute little to staff deliberations and serves no more than as messenger to and from his department.

PROPOSAL

While it may be necessary at times for Principals to send a non-substantive representative to working group meetings, every effort should be made to provide him with sufficient guidance and to replace him as soon as possible.

c. Incomplete in-house coordination at Working Group levels.

COMMENT

Lack of in-house coordination gives poor service to Principals and occasions the all too frequent situation where Principals find that they cannot speak for their department at SECOM meetings.

There have been instances where working group delegates have failed to obtain the position of Principals of the SECOM and the Principal was not in agreement at the SECOM discussion of the issue.

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On the other extreme, in-house coordination efforts have, on occasion, gone as high as the NFIB Principal. This results in a situation where the SECOM Principal is foreclosed from negotiations and deliberations of alternatives at the SECOM level and could further result in closing out possible options which the NFIB Principal may desire to explore at that level.

PROPOSAL

In-house coordination efforts by the Working Group or Subcommittee level should include all necessary and appropriate contacts within the primary area of expertise of the department below the level of the SECOM Principal. This coordination should be geared to substantive issues. Coordination beyond the area of expertise should be at the direction of the SECOM Principal.

Coordination should not be sought at this time from the NFIB Principal unless compelling circumstances exist. Coordination should, of course, be made with the SECOM Principal at all decision points in the course of deliberations by the Working Group or Subcommittee.

d. Coordination with departmental legal counsel.

COMMENT

There has been increasing coordination on issues of Security Committee interest with in-house legal counsel by some departmental delegates to Working Groups or Subcommittees. Such coordination has resulted in delays, inappropriate opinions on substantive security issues, arbitrary word smithing and opinions on bits and pieces of the draft material. This has resulted in confusion among Working Group members who attribute considerable weight to such comments from legal advisors, results too frequently in foreshortened deliberations about otherwise viable security alternatives and has the effect of prematurely locking the delegate into a departmental position.

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Accordingly, the routine coordination with in-house legal advisors is considered to be inappropriate during the substantive deliberations at the Working Group level leading to preparation of security oriented alternatives for the SECOM Principals. In some cases, it may be advisable and even necessary to secure such legal counsel; if so, it would better serve working level delegates and SECOM Principals as advisory material rather than as a binding proclamation.

PROPOSAL

Legal counsel not be sought by the departmental working level delegate without approval of the SECOM Principal. Such counsel be sought only on questions of interpretation of statutes or policy papers and not on substantive security issues. Such counsel be regarded as advisory only and not binding on Working Group, Sub-committee or Committee deliberations of security matters. It is proposed that the SECOM Staff be provided with such departmental legal observations. The Staff will attach them to the finished product and forward to the DCI's General Counsel for appropriate legal comment. Coordination on legal issues will be left to the DCI's General Counsel.

e. Arbitrary word smithing.

COMMENT

All too frequently, the Staff has observed repeated drafting efforts to accommodate a delegate's preferential wording. This has gone to the point of ridiculousness. On one occasion, a delegate changed his own wording that had been incorporated in a redraft at his original request. There have been incidents of word smithing by substitute delegates. There are examples of word smithing done by non-substantive personnel in the course of coordination, frequently by legal counsels. It is not uncommon for SECOM Principals to introduce non-substantive word changes in the product sent for vote action. All such actions result in unnecessary delays.

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PROPOSAL

That SECOM Principals act on papers as received from the Working Group or Subcommittee as long as they are correct in substance. The Staff will arrange for correction of typographical errors or others that do not reflect on substance.

f. Striving for unanimity.

COMMENT

Some efforts by Working Groups and Subcommittees (and fewer efforts by the Committee) have become hung-up on continued attempts at securing unanimous positions by the group - more accurately, unanimous departmental positions in all aspects of an undertaking. Admirable in intent, the realities of Committee work don't support expectations of total concurrence by all participants in all matters considered. Those involved should ask themselves if they should continue to assert individual points not of true significance to their departments or agencies if such assertion threatens the group's spirit of cooperation. The group should be prepared to accept that a number of seemingly minor objections may indicate that the matter at hand should be tabled until different exigencies arise or circumstances require action based on the best available consensus. While there are other approaches, the best and most often used one is to keep the project moving using footnotes or minority reports to reflect strongly held views. Adoption of the best approach in any given case should result from discussion by participants of the circumstances and decision by the Chairman.

PROPOSAL

That SECOM Principals and Chairman agree early on to an acceptable alternative in event of lack of unanimity in staff positions.

STATINT

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