

Personnel-16

OGC HAS REVIEWED.

MEMORANDUM FOR: Director of Central Intelligence
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SUBJECT : [redacted]

1. Significant points in the [redacted] case are these: 25X1A9a

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(a) [redacted] an overt employee of this Agency, married an alien without obtaining the permission of the Director of Central Intelligence prior to his marriage. [redacted] February 1954, requires an employee to obtain "permission from the Director of Central Intelligence prior to his or her marriage with an alien" and states that failure to do so "will be considered grounds for dismissal from the Agency" (paragraph 2). The Office of Security makes some point of the facts that [redacted] was warned prior to his marriage that he probably would not be allowed to remain with the Agency and that he knew of the rule against marrying an alien without DCI approval.

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(b) [redacted] journeyed outside the United States on private travel without seeking or obtaining the approval of the Agency. Security states that [redacted] deliberately disguised the details of his travel and destination, in discussions with his office. However, although a Security report of a Security interrogation of [redacted] which is included in the file would indicate that [redacted] may have deliberately misled his office about his trip, it also records his statement that although he may have read a regulation requiring approval for personal foreign travel he did not recall having done so. Thus, it is not established that, if he misled his office, he did so for the purpose of avoiding the requirement for approval for travel.

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[redacted] April 1951, which was in force at the time of [redacted] foreign travel, provides that certain actions will be taken by an employee prior to going abroad on private travel, among them being that he will request a written clearance "from the Inspection and Security Office with a copy of the proposed itinerary attached", he will report to I & S "for security briefing immediately after approval of the travel request" and he will surrender to I & S his building "passes and other CIA identification" (paragraphs B(1), (2) and C(1)). Although the Regulation does not in specific terms prohibit foreign travel without prior Agency approval or provide that failure to obtain prior approval shall be grounds for dismissal, it is perfectly clear from the regulation that prior approval is required. (See also paragraph B(10) [redacted] which states that private "foreign travel requires prior Agency clearance"; and paragraph 4-B(4) of [redacted] 1 April 1951, which provides that clearances will be required with regard

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to "engaging in personal foreign travel".) [redacted] failure to comply with the quoted requirements of [redacted] therefore was a violation for which, if it is considered sufficiently serious, he could be terminated under the authority of B(2) of [redacted] April 1951, which states that the penalties there listed shall "not be a bar to immediate termination of employment due to any security violation considered sufficiently serious to warrant such action".

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(c) [redacted] identified himself to Embassy personnel in [redacted] where his marriage took place, as an employee of CIA. This appears in direct violation of [redacted] which now has been rescinded and replaced by [redacted] Paragraphs B(4) and (7) state that clearance will be required to engage in personal foreign travel and that in the event clearance is given the employee will not allow himself "to be presented, indicated or introduced as connected with CIA except by special authorization of the Director" or his representative. This violation also, if considered sufficiently serious, could be the basis for termination under

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(e) [redacted] is a veteran within the meaning of the Veterans' Preference Act.

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2. [redacted] request to the Director for approval of his marriage and to remain with the Agency may be considered an admission that he had not obtained prior approval for his marriage. However, there is no statement or direct testimony of [redacted] in the file which would constitute his admission of either of the other two violations. But the reports of his interviews with Security, the cable from [redacted] indicating that he had there revealed himself as a CIA employee to the Embassy and the various statements recommending his termination are such that there is no doubt that the violations actually occurred. (However, our recommendation in paragraph 3 below that termination be undertaken under the general authority of Government agencies to terminate for unsatisfactory performance has the additional merit that it would invoke procedures, under [redacted] whereby [redacted] may submit statements by which, if the facts are such, he can refute the charges against him and present other statements and information in his behalf.) We think, therefore, that the facts concerning [redacted] and his conduct, as summarized in paragraph 1(a) - (d) above, would permit a decision to terminate.

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3. As to the authority and method of termination, the proposal that [redacted] be given an opportunity to resign seems by all odds the safest and most simple procedure. It would avoid any question as to the authority to terminate, Civil Service and other procedures, and the Veterans' Preference

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Although this authority is stated in broad and general terms, it is basically a security power and, it is believed, should not be used to effect termination of a non-security nature, except in most unusual and persuasive circumstances. The offenses here, though there is of course a security element, basically are failures to follow written and published regulations and as such constitute conduct which would permit a determination that [redacted] performance is not satisfactory.

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4. It is noted that [redacted] is a veteran and therefore may have the protection of the Veterans' Preference Act, as amended (Title 5, Chapter 17, U. S. Code). But that Act does not preclude an agency from discharging a veteran for cause and our regulation concerning separation of employees [redacted] takes into account the procedures to be followed in the case of a veteran.

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Office of General Counsel

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