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The Deputy Director of Central Intelligence

Washington, D.C. 20505

Executive Registry
82-3594/4

20 September 1982

MEMORANDUM FOR: Chairman, Weapon and Space Systems
Intelligence Committee

SUBJECT: Participation of DOE Contract Employees
in WSSIC Proceedings

I will not approve the use of DOE laboratory employees as official members of the ten WSSIC subcommittees and working groups. I will, however, approve and hereby do so the Chairman of WSSIC to make a determination to invite the contract employees of government laboratories to participate in subcommittees or working groups as he so determines, and their tenure should be at the discretion of the Chairman.

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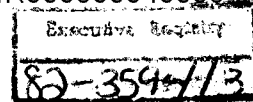
[Redacted Signature Box]

John N. McMahon

Attachment: D/IC Staff Memorandum,
"Use of Contract Employees on DCI
Committees"

cc D/IC Staff

B 218



DCI/ICS 82-3125
15 September 1982

MEMORANDUM FOR: Deputy Director of Central Intelligence


FROM:



Director, Intelligence Community Staff

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SUBJECT: Use of Contract Employees on DCI Committees

1. On 23 July  asked that I recommend a policy to you on the issue of allowing contract employees to serve on DCI committees.

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2. I had Walt Elder survey the committee chairmen on the question. Based on those responses it would appear the following policy should be adopted:

a. Individuals who are employees of commercial firms or "think tanks" who provide products or services to the Government should not serve as members of DCI committees. As Walt Elder phrased it, no non-Government entity should be accorded membership status on a DCI committee.

b. Employees of Government-owned, contractor-operated facilities such as Sandia, Los Alamos and Lawrence Livermore Labs should for the purpose of this policy be considered Government, not contractor employees.

c. Participation in subcommittees, working groups, ad hoc groups, etc., should not carry with it the implication or fact of committee membership status. Therefore, individuals both in and outside Government should be free to serve at the invitation of the chairman consistent with security and good ethical practices. Where there is potential for or appearance of conflict of interest, the committee chairman should seek OGC assistance and advice to resolve it.

3. This policy should minimize conflict of interest problems. It also makes available the widest degree of expertise possible to the committees and is consistent with past and current practice. At the same time, it represents a reasonable and prudent limitation on committee membership and is consistent with the DCIDs which charter the committees.

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Attachments:

Committees' Responses
OGC's Comments

B218

SUBJECT: Use of Contract Employees on DCI Committees

Distribution:

Original - DDCI w/att.

1 - ER w/~~o~~ att.

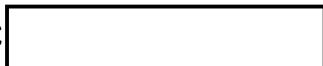
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DCI/ICS/OCC



(6 Aug 82)

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OGC's Comments

OGC 82-08072
10 September 1982

MEMORANDUM FOR: [REDACTED]

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Director, Office of Community Coordination
Intelligence Community Staff

FROM: [REDACTED]

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Associate General Counsel for
Intelligence Community Affairs

SUBJECT: Use of Contract Employees on DCI Committees

REFERENCE: Proposed memorandum for DDCI from D/ICS, same
subject (DCI/ICS 82-3125)

1. We have reviewed the draft memorandum which [REDACTED]
[REDACTED] proposes to send the DDCI concerning the use of contract
employees on DCI committees (reference) and its attachments.
Based upon our review, it is our conclusion that:

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a. The language of DCI Directives (DCIDs) which establish various committees does not prohibit the designation of contractor or other non-Government employees to represent Intelligence Community principals on such committees.

b. Whether or not contractor or other non-Government employees should be barred from serving on DCI committees is a policy question.

c. If contractor or other non-Government employees serve on DCI committees as representatives of Intelligence Community principals or federal departments or agencies, they would be considered special Government employees and thus covered by conflict-of-interest statutes.

2. If you have any questions about this, please do not
hesitate to give me a call [REDACTED]

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cc: Executive Assistant to DDCI



NATIONAL FOREIGN INTELLIGENCE BOARD

5 August 1982

NOTE FOR: D/OCC

FROM: Walter Elder
Executive Secretary

SUBJECT: Use of Contract Employees

Jim:
I have completed my survey of the Committee Chairmen on this question. The results are attached.

[redacted] memo makes the most sense.

There are two parts to this issue. One is the special status of the labs and their ties to DOE. This can be handled as [redacted] has proposed.

In a broader context, the general policy should be that no non-government entity should ever be accorded membership status on a committee which provides advice to the DCI. The Committee DCIDs all restrict membership to US Government representatives. Participation in subcommittees and working groups is another matter. Wisdom should be made available from any source where it can be found.

[redacted]
Walter Elder

Attachments:
As Stated

DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

SECOM-D-267

3 August 1982

MEMORANDUM FOR: Mr. Walter Elder
Executive Secretary, NFIB

FROM:

Chairman

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SUBJECT: Use of Contract Employees

REFERENCE: Your Memo IC/82/5542, Dated 29 July 1982

1. This responds to reference, regarding service by contract employees on DCI committees. Comments are limited to employees of Sandia, Los Alamos and Lawrence Livermore Labs. Since these employees work for organizations owned by the US Government and only on US Government matters, there appears to be no potential conflict of interest between their employers' economic well-being and their security obligations to protect classified information. This was recognized in DCID 1/7, which notes Community agreement not to treat government-owned, contractor-operated facilities, such as these labs, as contractors for purposes of prohibiting/limiting/controlling dissemination of SCI material to industry. These laboratories appear to have a respectable record of maintaining the security of classified information handled by them.

2. From the standpoint of committee administration, it does not seem that employees of these laboratories would be measurably less (or more) objective than government personnel in weighing issues, providing advice, and recommending solutions to problems. They would probably approach issues with no more bureaucratic bias than representatives of government agencies. They are subject to the same personnel security standards as government employees, particularly with reference to SCI. There would seem to be no more reason for concern about these employees than for individuals who move from industry to government and back again.

3. The foregoing would not apply to commercial firms whose prosperity depends on selling products or services. Nor would they apply to "think tanks" which may have vested interests in pushing their own policy options.

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4. I do not see this issue as likely to affect the Security Committee. Employees of these labs are involved in technical disciplines which do not fall within SECOM's charter.



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