

ONI ROUTING SLIP

OPNAV FORM 5210-14A (REV. 2-56)

XX 228403 #5

djs

SUBJECT

Delegation of functions

ORIGINATOR

Naval Investigative Service Fairmont
Building Arlington, Va.

ORIGINATOR FILE NUMBER

1915

ADDRESSED TO

COMNAVINTCOM

1 orig.

ENCLOSURE(S)

w/1 Proposed change in Functional Statement

DATE OF LETTER

29 Feb. '68

DATE REC'D ONI

1 Mar. '68

VIA ADDRESSEE

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ONI FILE NUMBER

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5				10. ONI ADMINISTRATIVE FILE			

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COMMENT

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NAVAL INVESTIGATIVE SERVICE
FAIRMONT BUILDING
4420 NORTH FAIRFAX DRIVE
ARLINGTON, VIRGINIA 22203

IN REPLY REFER TO

NIS-00/bjs
5401
Ser 1915

29 FEB 1968

From: Director, Naval Investigative Service
To: Commander, Naval Intelligence Command

Subj: Delegation of functions

Ref: (a) COMNAVINTCOM memo Ser 4008 of 6 Feb 1968, same subj

Encl: (1) Proposed change in Functional Statements - Op-92C/DIRNIS

1. Reference (a) requested a review of functions being performed by the addressees thereof "for and in the name of CNO with a view toward the official delegation by CNO to COMNAVINTCOM of those broad functions which need not be handled within OPNAV." Reference (a) was issued on the premise that "....there are many functions....that are still being handled through Op-92 under the assumption that they are still CNO business, although most of the work is being accomplished in the field. This has resulted in a disproportionate Op-92 workload, with Op-92 and Op-92B being involved in many matters of a more or less routine nature that may or may not require CNO (Op-92) cognizance." Reference (a) queried, with respect to matters within the cognizance of Op-92C/NIS "Is there any reason, for instance, why COMNAVINTCOM could not be delegated the responsibility for all security and investigative matters?" Other than this, reference (a) provided no indication of the nature or type of 92C/NIS functions purportedly being handled at an improper organizational level.

2. Two approaches have been followed in developing a response to reference (a). One is an analysis of the various functional statements involved. This provides a general conceptual basis, related to organizational precepts, in the attempt to arrive at a conclusion as to what is/what is not "CNO business." The other is an analysis of correspondence and matters originated by NISHQ or by Op-92C and C2 that have gone to higher authority for signature or decision.

3. The conceptual approach has resulted in the conclusion that two pro forma changes might be made in the functional statements of Op-92C (and supporting components). Such changes, which are itemized in enclosure (1), would shift functions from 92C to DIRNIS. For various reasons, it is doubted whether these changes will have any direct impact on the level of workload of Op-92/92B//Commander/Deputy Commander, NAVINTCOM, as long as those officials are double-hatted. Notwithstanding, it is

NIS-00/bjs
5401
Ser 1915

recommended that these changes be effected incident to the next routine revision of the pertinent mission statements. It would appear, incidentally, that these proposed shifts can be accommodated within the already prescribed functional statements of COMNAVINTCOM and, thus, require no delegation from CNO to COMNAVINTCOM nor any change in the latter's mission. Other than for those items included in enclosure (1), and subject to the comments below, it is considered that the current mission/function statements of Op-92C (and components) are derived essentially from those prescribed for Op-92. Pending a change in the latter, no further change in the former, insofar as investigations and security are concerned, would appear to be required or logical.

4. Op-92X. The Op-92X role is, of course, purely departmental. To date, it has involved policy considerations and discussions with OSD, BuPers, MarCorps, OCCM, etc. Correspondence reviewed on individual cases has been of a Congressional or other high level interest nature -- or changes to BuPers, OCCM, MarCorps, instructions. Only in one or two instances has it been necessary to bring such matters to CNO (Op-92) attention. In any event, this concept was originally proposed by SecDef as a Secretarial staff position because of its department-wide interests. The concept is obviously not appropriate to a field command. (This paragraph has been prepared in conjunction with Op-92X, who expresses complete agreement herein.)

5. Op-92C1. There are certain day to day functions related to the Censorship mission which might well be assigned to NIC-1 or the Naval Investigative Service Headquarters. Among these are the following:

a. The responsibility to "recruit and assign personnel....to mobilization billets in Telecommunications Censorship...." (Function No. (2)).

b. Development and administration of training in Telecommunications Censorship (Function No. (6)).

c. Stockpiling of equipment (Function No. (8)).

The foregoing might well be reassigned from the Op-92 functional area. On the other hand, the transfer would be purely semantic in the current state of this matter. As is well known, the whole course of Navy (and, especially, Naval Intelligence) involvement in Telecommunications Censorship, is under in-depth review. Resolution of the various matters now under consideration will be at the Departmental level -- and may well involve negotiations with OSD, the OEP, NSG, NSA, and, perhaps, the White House. The entire staff of Op-92C1 consists of one officer

NIS-00/bjs
5401
Ser 1915

and one Civil Service employee. (Some clerical assistance is provided by one enlisted billet chargeable to NIS.) The officer involved is currently engaged almost entirely in policy discussions and developments. Until these quite basic matters are resolved -- which will require decision, probably, at the CNO-SECNAV-SECDEF level, it would appear premature and wasteful to change the current administrative, personnel, and functional arrangements. At such time as these matters are resolved, and if Telecom Censorship should remain a Naval Intelligence responsibility, it should be remembered that censorship of the type handled by Op-92C1 is national in scope (in the case of Telecom) and Navy-wide in scope in the case of Armed Forces Censorship. The regulations resulting therefrom must be as a minimum of the NAVOP type, thus requiring CNO promulgation. Such regulations are directives, the violation of which could lead to court-martial, discipline, etc. Such matters fall within the concept of "major planning and policy," and are not within the command authority of COMNAVINTCOM. The task can be accomplished only through detailed discussions with senior echelons within Navy, OSD, OEP, etc. Commitment authority must stem from a Departmental source, not a field command.

6. Op-92C2. The mission statement of Op-92C2 is, with one exception, almost verbatim from the mission statement of Op-92 insofar as the latter pertains to security. The exception relates to "appraisal" of policies. This word is not mentioned in the 92C functional statement. It is submitted, however, that appraisal of the effectiveness of plans, policies, and programs, is the very essence of the overall Navy effort to improve and be more effective. The term, thus, must be considered to be implicit in the CNO concern -- and, thus, the Op-92 concern with security matters. (Insofar as "appraisal" involves inspection of security performance of naval commands, eg., participation in the recent Inspector General inspection of CINCLANTFLT Headquarters, two points should be noted: (1) the NIS-50 people who participated did so as security experts assisting InsGen; (2) InsGen does these for SECNAV and CNO. They are "command inspections" of activities not under the command of COMNAVINTCOM.) It is recommended that there be no change in the Op-92C2 functional statement.

7. It is recognized that a statistical count of correspondence does not necessarily give a true measure of the demands placed upon the time and energy of those who sign or approve the correspondence. Such a count, however, is an indicator of the general measure of such demands as they emanate from the preparing organization. The time and attention devoted to various functions by Op-92/92B on their

NIS-00/bjs
5401
Ser 1915

own initiative, or as a result of queries from their colleagues and seniors, are probably not controllable by functional statements per se. As long as these individuals are double-hatted, it would appear that their sole relief will be through maximum utilization of appropriate staff or command subordinates. In this connection, and insofar as 92C/DIRNIS matters are concerned, it would appear that sufficient staff assistance (both quantitatively and qualitatively) are already available in the current arrangement. In particular it should be noted that the current arrangement was specifically devised to insure the total integration of security and counterintelligence policy, and investigations and counterintelligence operations and management. I know of no instance in which this organizational approach has proven deficient, or has demanded any untoward personal participation on the part of 92/92B//Commander, Deputy Commander., NavIntCom. Paragraph 8 below et seq itemizes the results of a correspondence survey undertaken to gauge the extent and nature of such participation.

8. Survey of Correspondence.

a. During the period November/December 1967//January 1968, dozens of thousands of routine investigative and counterintelligence items were produced by NISHQ, Op-92C and Op-92C2. Additionally, many broad policy matters were handled. During this three months period, a total of 41 items were presented to Admiral Fluckey/Captain Murphy for signature. Nineteen of these were under NIC, and twenty-two (or an average of 7 per month), were under ACNO (I) cognizance. The nature of these items is discussed below.

(1) Counterintelligence. (Originated by the S.E.C. Department)

Nine items. All signed by Admiral Fluckey/Captain Murphy under NAVINTCOM identity.

(2) Investigations.

Seventeen items. Nine signed under NAVINTCOM identity. Eight signed under ACNO (I) identity. These eight are summarized herewith:

(a) Two covering memos to SecNav on a monthly report on illegal activities in S.E. Asia, which SecNav sends to OSD. (SecNav actually signs the report to OSD.) Actually, there is no reason why these covering memos could not be signed by COMNAVINTCOM as such. In fact, during the three months period, one was so signed.

NIS-00/bjs
5401
Ser 1915

(b) One memo to OSD, commenting on an ICIS policy paper relating to plans for protecting senior government officials.

(c) One letter to Senator Broyhill, in response to a letter from the latter requesting an investigation of alleged abuse of overtime in the Navy garage. (Normally such letters would be signed by SecNav.)

(d) One memo from "Op-92 to Op-007," in response to a memo from the latter requesting statistical data on drug abuse in the Navy. This could have been signed by COMNAVINTCOM (or by DIRNIS). If memory serves correctly, Op-92B directed the "From" line.

(e) One memo to DASD (Military Personnel) on the subject of defectors. This was simply a summary of information distributed through other media under COMNAVINTCOM signature.

(f) One memo to SecNav responding to questions from SecNav's staff concerning investigations of naval personnel assigned to the House.

(g) One covering memo to UnderSecNav, providing proposed reply for SecNav signature to ASD (Admin) on proposed changes to the DOD Directive on statistical reports of investigative operations. The DUSM signed the memo to ASD (Admin).

In effect, the volume of "investigative" matter signed by 92/92B has been extremely small. The subject matter has been of interest to senior authority. The material could have been signed by COMNAVINTCOM in a couple of instances (although the propriety of such in the case of "cover" material going to SecNav for signature, via CNO, might be questioned.)

(3) General. A retirement letter to a long time DIO/NIS employee was signed by Admiral Fluckey as ACNO (I).

(4) Security. (Op-92C2 originated)

Thirteen items. These were all signed as ACNO (I), and are summarized as follows:

(a) Five letters authorizing Filipino stewards Confidential access. (It has been 92 policy to have those sent to him for signature.) There appears to be no reason for signature authority not to be delegated to Op-92C. These should, however, be from "CNO" vice COMNAVINTCOM since these letters grant waivers to an OPNAV Instruction (the Security Manual).

NIS-00/bjs
5401
Ser 1915

(b) Two items to commands, pointing out security weaknesses (violations of the Security Manual). This is a matter of policing compliance with an OPNAV Instruction, an appropriate OPNAV function.

(c) Two reports to DINS on security compromises. These were of high level interest, and were rendered incident to the Navy Department's responsibilities under a DOD directive. (Normally routine compromise reports and intra-Navy actions, etc., thereon are signed by Op-92C, CB, or C2, by direction.)

(d) One OPNAV Instruction to various commands providing classification guidance on a particularly sensitive system.

(e) One memo to SecNav, one to CNO, explaining proposed Navy implementation of NATO security directives, and recommending their respective signatures.

(f) One memo designating Mr. Gingell to serve on a special committee established by Admiral Semmes.

(g) One cover memo to SecNav explaining proposed response to ASD (Admin) on revision of a DOD Directive. (SecNav signed the memo to ASD.)

9. Security. While the cited survey reflected that only thirteen items originated by Op-92C2 were signed by 92/92B, more than 350 other pieces of "security" correspondence were issued, with Op-92 serials, and signed by 92C2, CB, or C, by CNO direction. These covered such matters as compromise reports, classification guidance (official interpretations of DOD classification directives), positions on J.C.S. papers, proposed changes to DOD/SECNAV/OPNAV security directives of department-wide application. These matters logically fall within the "CNO" area in that they are concerned (however detailed) with matters of Navy-wide policy, guidance, and performance in the security field. They are then correctly within the Op-92 mission and functional responsibility relative to implementing "responsibilities of CNO to develop, coordinate and promulgate policies, plans, and programs for....security activities of the Department of the Navy." (Confer Green Book, dated 1 July 1967). It will be noted that Op-92C2 consists of two people (CDR Adams and Mr. Gingell). All the day to day work (attending OSD chaired conferences, coordinating with the various OP's on security directives, developing CNO positions on JCS papers, etc.) are handled by personnel in NIS 50 -- the organization

NIS-00/bjs
5401
Ser 1915

element established to receive the personnel transferred from the dis-established Op-92LK. Their material, however, bears a 92 serial in view of subject matter.

10. It is submitted that the survey outlined above clearly reflects that the degree of "CNO" involvement in "investigative" matters is relatively small and that the number of such matters requiring "Op-92" consideration is at the lowest practicable level. With respect to the desirability of any change in missions/functions in the investigative area (i.e., further delegation from CNO to COMNAVINTCOM), attention is invited to the mission statement of COMNAVINTCOM which reads "To direct and manage the activities of the Naval Intelligence Command in order to assist the Chief of Naval Operations to fulfill the....investigative....requirements and responsibilities of the Department of the Navy." The Naval Investigative Service is a component of the Naval Intelligence Command. The formal mission statement of the Naval Investigative Service, as stated in the Green Book "Missions and Functions" statement dated 1 July 1967, is "....Under the Commander, Naval Intelligence Command, to....fulfill the investigative....responsibilities of the Department...." The basis for "Op-92" direct involvement would appear to relate to instances when NIS-originated investigative policy matters are of a directive nature upon naval commands other than those under NIC(NIS), and thus need to go to CNO or SecNav for signature, or when the subject matter is of sufficient gravity or high level concern to warrant CNO or SecNav involvement.


E. G. RICHARDSON

PROPOSED CHANGES IN OP-92C FUNCTIONAL STATEMENTS

Delete Functions (7) and (8) from Op-92C, and add such functions to those of DIRNIS. Function (7) for Op-92C (relating to establishment of criteria and standards of training, etc., of counterintelligence and investigative personnel) should be inserted as a new function (6) of DIRNIS, and the remaining DIRNIS functions should be renumbered accordingly. Function (8) of Op-92C (relating to "coordination of RDT&E of equipment) should be substituted for present function (10) of DIRNIS. (The present function (10) calls upon DIRNIS to "foster R&D....in....matters....useful....in counterintelligence and investigations.") The proposed substitution is more comprehensive, and, thus, is preferable.