NAVAL INVESTIGATIVE SERVICE
HOFFMAN BUILDING
301 TAYLOR DRIVE
ALEXANDRIA, VIRGINIA 22314

IN REPLY REFER TO
NIS-09/bjs
5520
Ser U 3503
3 JUN 1971

From: Director, Naval Investigative Service
To: Distribution List

Subj: Defense Investigative Program Matters

Encl: (1) DIRC Study Report No. 1
(2) DIRC Study Report No. 2
(3) DIRC Study Report No. 9
(4) "Special Operations Requests" (DIRC Guidance On)

1. Previous messages, letters, and instructions have identified and defined the Defense Investigative Program, and given provisional guidance thereon. Development of additional guidance is still underway. The translation of policy guidance in these matters into standard operating procedures for NIS (and non-NIS) elements must still be promulgated on an ad hoc basis, as the Defense Investigative Review Council reaches decisions, as procedures that can be integrated into existing operational doctrine are developed, etc.

2. Enclosures (1) through (4) are copies of the basic DIRC decisions and approved concepts to date. These enclosures are provided for guidance and compliance pending the issuance of more formal directives.

3. The following comments are provided for information, or emphasis, as appropriate:

a. Enclosure (1) - Retention Criteria.

(1) NISHQ must develop a system for flagging NISHQ material by date in order to meet the 90 day, one year, etc., retention principles prescribed herein. Details of the system will be provided field components when developed. In the meantime NISO's can and should develop their own. Obviously all NISO's should plan early disposal of any material within the purview of the DIP that NISHQ can be expected to retain. This will ease the administrative problems of the NISO's in the matter.

(2) As will be noted, these retention criteria apply to non-NIS elements of the Navy. Appropriate direction to non-NIS commands will be issued by OPNAV or SECNAV instruction.

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b. Enclosure (2) - DIRC Inspection Techniques.

(1) Individual NISO's are subject to unannounced inspections--of NISO Headquarters, Resident Agencies, or even satellite units. Obviously all professional level personnel should be thoroughly conversant with all issuances relating to the DIP, the DIRC, etc.

(2) For information, the names and titles of the current DIRC members are provided below. This data should be passed to all NISO components:

The Honorable Robert F. Froehlke, Assistant Secretary of Defense (Administration); Chairman, DIRC.

Members.

The Honorable John W. Warner, Under Secretary of the Navy

The Honorable Thaddeus R. Beal, Under Secretary of the Army

The Honorable John L. McLucas, Under Secretary of the Air Force

The Honorable J. Fred Buzhardt, General Counsel, OSD

LTGEN Donald V. Bennett, Director, Defense Intelligence Agency

(3) NISHQ will, of course, make the "Annual Report" required of Navy by Paragraph II of this enclosure. NISO's should provide a detailed report to DIRNIS of any inspections of them conducted unilaterally by DIRC personnel or officials.

c. Enclosure (3) - Terminology.

The most significant item herein is the definition of "counter-intelligence." Obviously NIS publications that relate to threats other than those posed by foreign intelligence activities should not contain the word "counterintelligence" as part of the title. (A separate DIRC Study on just what NIS--and equivalent Army and Air Force agencies--can and cannot publish is scheduled for consideration by the DIRC on 7 June. The results of that consideration will be provided as soon as they are available.)

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d. Enclosure (4) - Special Operations.

It can be anticipated that planning for NIS special operations within the context of the Defense Investigative Program will be developed jointly between NISHQ and the operational NISO(s), and, that such plans will adhere to the criteria, procedures, and request channels prescribed in this enclosure. Knowledge of the enclosure, however, will be of assistance to NISO's which desire to initiate proposals to NISHQ for operations.

4. Addressees are again cautioned to observe with extreme care those precepts and prohibitions contained in DOD Directives 5200.26 and .27, and the various follow-on issuances being made by the Director, Naval Investigative Service, and higher naval authority.

J. Q. Edwards

J. Q. EDWARDS

Distribution:
Lists A, B, and C (2 copies each)

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Approved by DIRC
on 17 May 1971

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
Washington, D. C. 20301

INISTRATION

5 May 1971

DIRC Study Report No. 1

SUBJECT: Retention Criteria for Investigative Information

References: (a) DoD Directive 5200.26, subject: Defense Investigative Program.

(b) DoD Directive 5200.27, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.

I. BACKGROUND

A. The DIRC has directed that this study accomplish the following:

1. Develop criteria for retention of information within the purview of References (a) and (b).

2. Examine current holdings and provide for review and disposition of investigative information currently held.

3. Identify issues associated with funding.

4. Develop procedures for future retention.

B. Reference (b) permits Department of Defense components to gather information essential to the accomplishment of the following missions:

1. Protection of Department of Defense functions and property.

2. Personnel security.

3. Operations related to civil disturbances.

C. This study therefore examined Department of Defense investigative information holdings in order to provide recommendations to the

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Enclosure (1)

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DIRC in each of these three areas of authorized activities. In each area pertinent Federal statutes are cited as authority for retention or disposition as applicable. Additionally, the retention of the records of the investigative activities has been examined in the light of the Federal Records Schedules promulgated pursuant to Title 44, U.S. Code.

D. Retention criteria have been guided by the following principles:

1. In retaining investigative information deemed essential to the accomplishment of DoD missions, due regard will be given to the need to respect individual privacy, as well as to economy and efficiency of operations.

2. Protection of DoD functions and property, civil disturbance operations, and the conduct of personnel security programs require retention of information concerning personnel and organizations not affiliated with the DoD.

3. Retention of information is not authorized if the collection of such information is forbidden by DoD Directive 5200.27 or if it would have been forbidden had the directive been in effect at the time it was collected.

E. The standards and criteria governing retention of information authorized in Sections III through V of this study are applicable to all information within the purview of DoD Directive 5200.27 which may be acquired subsequent to 1 June 1971.

F. The procedures for the review and disposition of the current holdings of the military departments are discussed in paragraph VI below.

G. DoD Directive 5200.27 sets forth authorized collection activities for accomplishment of Defense missions. Retention/disposition criteria, applicable to the three principal collection categories are set forth in the following paragraphs. Upon approval of these retention criteria, Assistant Secretary of Defense (Administration) will take appropriate action to amend the Federal Records Disposal Schedules and to promulgate new schedules applicable to all DoD activities.

II. LEGAL CONSIDERATIONS

A. Section 2905 of title 44 United States Code directs the Administrator of General Services to establish standards for the selective retention of records of continuing value. Section 3105 of title 44 United States Code prescribes that no record of the

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ALEXA

United States Government shall be alienated or destroyed except in accordance with the provisions of sections 3301-3314 of title 44. Section 3304 of title 44 United States Code authorizes the Administrator of General Services to submit to the Congress schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. Section 3302 of title 44 United States Code requires the Administrator of General Services to establish procedures to be followed by Federal agencies in compiling and submitting lists and schedules or records proposed for disposal.

III. CRITERIA FOR RETAINING INFORMATION INVOLVING THE PROTECTION OF DEPARTMENT OF DEFENSE FUNCTIONS AND PROPERTY

A. Specific authorizations for retention of information collected under the authority contained in references (a) and (b) have been developed to correspond to the nature of the threat to DoD represented by activities for which collection has been authorized. To develop these authorizations, each of the areas of collection identified in Paragraphs IV-A(1-6) of DoD Directive 5200.27 has been examined. As a result of this examination, the criteria listed below provide the guidelines which specify the period of time that the information may be retained by an individual department.

B. The following types of information on non-DoD affiliated organizations or individuals, acquired in accordance with Paragraphs IV.A.(1-6) of the Directive, are authorized for retention beyond 90 days subject to annual verification by the Secretaries of the Military Departments. At the time of the annual verification, continued retention is authorized when the organization or individual involved poses one of the following types of continuing threats:

1. Demonstrated Hostility

   -- Activities in which an actual example of violent or criminal hostility has been carried out within the previous year.

2. Threatened Hostility

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3. Potential Hostility

-- Activities whose continuing hostile nature in the vicinity of DoD installations provides a significant potential source of harm to or disruption of the installation or its functions.

4. Dissidence

-- Activities which during the previous year have counseled or published information actively encouraging violation of law, disobedience of lawful order or regulations or disruption of military activities.

C. Information acquired in special operations in accordance with Paragraph V.E., DoD Directive 5200.27 may be permanently retained unless a lesser period is specified by the approving authority.

D. In order to aid appropriate authorities in evaluating certain non-affiliated organizations or individuals whose activities involve them with the Department of Defense, retention of information is authorized for activities which fall into one of the following categories:

1. Activities routinely servicing DoD installations. Retention is authorized for one year after the service is discontinued.

2. Activities involving a one-time request for admittance to installations (speakers, bands, drill teams, etc.). Retention is authorized for one year after the event.

3. Activities involving a request that DoD personnel attend or officiate at meetings, ceremonies, etc. as representatives of DoD. Retention is authorized for one year after the event.

E. Retention of information pertaining to an authorized investigation not yet completed on the date of annual verification is authorized for a period of one year or until the investigation is completed, whichever occurs sooner. Any further retention must meet the requirements in Paragraph III above.

IV. RETENTION CRITERIA FOR INFORMATION AUTHORIZED FOR PERSONNEL SECURITY INVESTIGATION PURPOSES

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relationship to each of the three paragraphs referenced above to develop individual criteria falling into three categories:

-- Information collected on non-DoD affiliated civilians incident to the investigations of an affiliated member.

-- Evaluations of non-affiliated organizations and individuals required to adjudicate personnel security investigations.

-- Determination of the period of retention of investigations in general.

B. Retention is authorized of information collected on non-DoD affiliated individuals and organizations incident to an investigation for the period of time that the report itself may be retained as described in paragraph E. below. The following additional restriction is established:

1. Unless the information in question could be retained under other criteria authorized in this study, indexing in the DCII or cross-referencing of information on non-affiliated individuals or organizations is prohibited.

C. Reference card files listing firms, organizations, and individuals repeatedly contacted during the course of personnel security investigations may be retained as long as the listings are relevant.

D. Brief evaluations of non-affiliated individuals or organizations utilized in adjudication of personnel security investigations are authorized for retention. These evaluations shall be reviewed annually for pertinency. The material upon which these evaluations may be based may be retained for a period of one year.

E. Retention of a personnel security investigation on file is authorized for 30 years maximum in accordance with Schedule 18, Federal Records Schedule except as follows:

1. Files which have resulted in adverse action against an individual will be retained permanently.

2. Files developed on persons who are being considered for affiliation with DoD will be destroyed within one year if the affiliation is not completed.

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V. RETENTION CRITERIA FOR INFORMATION AUTHORIZED FOR OPERATION RELATED TO CIVIL DISTURBANCE

A. Paragraph IV.C. of DoD Directive 5200.27 authorizes acquisition of information in civil disturbances as follows:

> "The Attorney General is the chief civilian officer in charge of coordinating all Federal Government activities relating to civil disturbances. Upon specific prior authorization of the Secretary of Defense or his designee, information may be acquired which is essential to meet operation requirements flowing from the mission assigned to the Department of Defense to assist civil authorities in dealing with civil disturbances. Such authorization will only be granted when there is a distinct threat of a civil disturbance exceeding the law enforcement capabilities of state and local authorities."

B. Additionally, paragraph VI.B. of DoD Directive 5200.27 states:

> "Nothing in this Directive shall be construed to restrict the direct acquisition by overt means of the following information:
>
> 1. Listings of Federal, state, and local officials who have official responsibilities related to the control of civil disturbances. Such listings may be maintained currently.
>
> 2. Physical data on vital public or private installations, facilities, highways, and utilities, as appropriate, to carry out a mission assigned by this Directive."

C. Because of varying operational needs, criteria are set forth below to cover three specific time periods:

1. Prior to specific authorization by the Secretary of the Army

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D. Retention of information is authorized for the period prior to the commitment of Federal troops as follows:

1. Information described in paragraph VI.B. of DoD Directive 5200.27 may be retained permanently.

2. Early warnings, threat information, and situation estimates may be retained for a period of 60 days after the termination of the situation to which these refer.

E. Retention of investigative information developed during the period troops are committed or during a period when Secretary of the Army has authorized civil disturbance information collection is authorized for a period of 60 days after the troops are withdrawn or the situation terminates except as authorized in paragraph V.F. below.

F. After Action Reports and similar historical summaries may be retained permanently, but will avoid references to individuals or organizations to the greatest extent possible.

VI. REVIEW AND DISPOSITION OF FILES

Attached at TAB A are discussions of the Army, Navy and Air Force as to the location and scope of file holdings. In view of the estimated high costs to complete an immediate purge of file holdings the most feasible approach appears to be a continuing purge conducted on a routine basis. To accomplish this a screening process would be established within each of the investigative headquarters. At the time any file is withdrawn for use it will be reviewed by a segment of the staff to determine that it can legally be retained in accordance with procedures established by this study.

VII. CRIMINAL AND RELATED FILES

Criminal and investigative files and the records of acts or events occurring on DoD installations containing information concerning individuals and organizations not affiliated with the Department of Defense should be retained in accordance with existing Federal Records Disposal Schedules.

VIII. PUBLISHED DOCUMENTS

Nothing in DoD Directive 5200.27 precludes the holding and usage by any agency of DoD, of library and reference materials generally available to the public, including but not limited to those publi-

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RECORDS REVIEW AND DISPOSITION

The following are discussions associated with disposition of records currently on file within the investigative headquarters of each of the military departments.

1. Department of Army

1. Files maintained at Headquarters DA, including the microfilm files of the Counterintelligence Analysis Detachment, OACSI, and files maintained at USAINTC subordinate installations and at other CONUS installations and activities have already been subjected to purging requirements under standards nearly identical to those imposed by DoD Directive 5200.27. Imposition of retention criteria under the Directive will have little or no additional effect on these installations. The U.S. Army Investigative Records Repository at Ft. Holabird, Md., was originally exempted from the purging requirements imposed by Army policy, and it is now operating under a program requiring the purging of all files before release to requesters, the screening of all material placed in files, and the systematic purging of remaining files within available personnel resources. The USAIRR contains approximately eight million files, including both criminal and counterintelligence material. The criminal files are maintained in a separate filing system within the USAIRR.

2. Procedures for Disposition:

a. Timing - Headquarters DA, and local files have already been screened; USAIRR files are being handled under the procedure described above.

b. Costs - It is estimated that full purging of the USAIRR will cost $2,133,000. The current on-going Army program costs approximately $53,000 per year.

c. Manpower - USAIRR screening would require slightly less than 200 man years, according to available estimates. The on-going Army program requires 13,000 man hours per year.

2. Department of Navy

1. NIS investigative and counterintelligence files are held at both field and headquarters offices.

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when the information is directly related to CI Collection Plans and attendant Essential Elements of Information. A guide for purging NISO files of extraneous information has been in effect for two years and has been effective in reducing NISO files to essential information. Although no information has been retired to Federal Records Centers during this period, NISO's have on hand in various Federal Records Centers investigative and counterintelligence materials which for the most part are copies of materials held by NISHQ.

b. NISHQ Central files consists of name files (individuals, organizations, and publications) and topical files (Foreign and Domestic).

(1) Name files are held in the form of (1) dossiers filed by terminal digit and consist of approximately 800,000 folders; (2) microfilm of hard copy investigative and counterintelligence documents consisting of approximately 1500 reels at 2500 frames per reel; (3) Federal Records Center materials retired from 1949 to date consisting of approximately 5500 cu.ft. The name files are increasing at the rate of roughly 100,000 files per year.

(2) The topical files are held in NAVINVSERVHQ for a period of two years and then retired to the Federal Records Center. Approximately 100 cu.ft. of materials are on shelf in NISHQ. The Federal Records Center presently holds approximately 3200 cu.ft. of such material. Approximately 50 cu.ft. of Topical Files material is added each year to current holdings. Approximately 1350 cu.ft. of this material relates to Navy domestic counterintelligence matters.

2. Procedures for disposition: The following statistics assume that practical disposition of NISHQ file holdings would entail review and purging of only those materials which were withdrawn from current holdings for unrelated actions by various divisions of NISHQ.

a. Timing. Since the disposition of material would be a constant process, no figures are presented here.

b. Costs. Approximately 150,000 dossier, FRC, and microfilm searches are made each year by NISHQ. The costs of the review, analysis, and destruction of the aforementioned materials would entail space, office furniture, and personnel to screen roughly 600 files each day. In addition, there would be attendant increases in the workload of clerical and professional personnel in the EAM, microfilm, and central files section. An annual cost of $100,000 (including personnel salaries and support) is estimated

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3. Department of Air Force

Background on File Storage Procedures: At present OSI files consist of some 2.6 million files which cover the entire spectrum of OSI's investigative and counterintelligence mission. Approximately 1 million of these files are presently stored in the Washington Federal Records Center in Suitland, Maryland. The remainder of the files are stored in the OSI Directorate. The files in the Directorate are filed in two separate locations using two separate filing systems. The first system employs a bulk storage system containing hard copy reports and encompasses reports from all aspects of the OSI mission i.e. criminal investigation, fraud investigation, personnel security investigations and investigation concerning subversive and/or Communist activities by Air Force personnel.

The second file system contains only information pertaining to OSI counterintelligence activities both in the CONUS and for overseas. The bulk of the files in this storage system are maintained on microfilm aperture cards with a small amount of bulk storage of those reports provided OSI by other Intelligence and Counterintelligence agencies.

Files in the first storage system are recoverable only through reference to OSI case files numbers obtained from the DCII as the result of DCII index searches based on names of persons or organizations submitted by OSI for search to identify and locate files. Files in the second system are recoverable by OSI file numbers, indices checks and through organizational and activities categories which are included in the coding of the microfilm aperture cards.

Available data on both of these files indicates that the bulk storage system contains some 60,000 case files which could include information covered by the provisions of DoD Directive 5200.27. These files include reports collected or received for the years 1948 to March 1965. Some 25,000 of these reports are presently located in the Washington National Center. The purging of these files to destroy all information which pertains to the new DoD Directive would be both extremely time consuming and costly. In order to adequately remove each pertinent file each and every page of all 60,000 case files would have to be reviewed by a mature case supervisor. The estimated time and cost for such a survey is 24,000 man-hours at an approximate cost of $221,478.00. On the other hand the microfilm storage system containing over 90% of all reports within OSI produced since March 1965 consists of some 8,000 reports on microfilm and about 2,000 reports in hard copy FBI documents which are bulk filed. It is estimated that

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In the case of the 60,000 reports in bulk storage, the best approach for purging such files would be to work through an indices check system under which all organizations OSI has used as subjects in counterintelligence files be processed through DCII and the files identified purged. This process would require a minimum of approximately one year to complete. This would still leave an unknown number of reports which have as their subject the names of individuals. Since there is no method whereby these names can be reconstructed for processing in DCII it is suggested that the requirement to destroy these files be changed to a requirement that the utilization or release of any such files or information is prohibited and that when files of this type come to light either through a DCII check or through a regular review of files for retirement to the Records Center that they be immediately destroyed. Records already in retirement which are not indexed with DCII are in fact "dead" files because they are not subject to review without reference to a specific file number which would only be obtained through DCII. All requests for information contained in OSI files are subject to review by OSI case officers and can only be released under the signature of an OSI supervisor. Therefore, it would be very easy to prevent the release or utilization of any OSI information in these 60,000 and provide for an orderly destruction of those files coming under the purview of DoD Directive 5200.27.

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Approved by DIRC
on 17 May 1971

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
Washington, D.C. 20301

5 May 1971

Administration

DIRC Study Report No. 2

SUBJECT: Development of DIRC Inspection Techniques

References: (a) DoD Directive 5200.26, subject: Defense Investigative Program.

(b) DoD Directive 5200.27, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.

I. BACKGROUND

A. The Defense Investigative Review Council has directed that this study achieve two principal objectives:

1. Development of the format, content, and timing of an annual report of investigative inspections conducted by the individual military departments; and

2. Enumeration of organization and procedures for the conduct of independent inspections by the DIRC.

B. Reference (a) assigns responsibilities for inspection of investigative activities as follows:

V.A.3. (The ASD(A) shall): conduct or provide for inspections of program activities and monitor program accomplishment within established policy.

V.B.3. (The Defense Investigative Review Council shall): review reports of inspections conducted under the authority of this directive.

V.C.2. (The Secretaries of the Military Departments shall):

(1) Provide for continuing management, review and inspection of the investigative activities of their departments. A consolidated report of inspections will be forwarded for review to the Chairman, DIRC, on an annual basis.

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(2) Assist as required in the conduct of inspections of Defense Investigative Program activities and undertaken directly by the Assistant Secretary of Defense (Administration).

V.D.4. (The Director DIA shall): Assist as required in the conduct of inspections of Defense Investigative Program activities undertaken directly by the Assistant Secretary of Defense (Administration).

C. This study therefore considered DIRC objectives and responsibilities and has developed the following procedures and techniques.

II. ANNUAL REPORT

A. Procedures:

The format of the annual report shall be as outlined below. It will be addressed from the Secretary or Under Secretary of each of the Military Departments to the Secretary of Defense via the Chairman, DIRC.

B. Timing:

1. An initial report shall be transmitted to the Chairman, DIRC on 1 November 1971. This report will include inspections conducted through 1 September 1971. The DIRC review will be completed so that a final report will be transmitted to the Secretary of Defense as soon as possible.

2. Subsequent reports will be made on an annual fiscal year basis. The first of these reports will be submitted within 60 days of the end of FY 72.

C. Report Format:

The report should be comprehensive. Findings, recommendations, and comments should cite pertinent Departmental Regulations. Statistical data should be attached as appendices to the report. The following outline should be followed in preparation of the annual report:

1. Foreword (a brief statement of the purpose of the report along with any administrative notes).

2. Executive Summary (a brief but comprehensive overview highlighting significant aspects. Parenthetical references to the body of the report or the appendices should be included).

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3. Summary of Inspections (a tabulation of the units inspected, the date of inspection, identification of inspection party, i.e. name, rank and parent organization of senior inspector).

4. Major Findings (significant information supported by a discussion highlighting problem areas).

5. Summary of actions to correct major deficiencies.

6. Summary of Management/Organizational changes since last report.

7. Comments/Recommendations.

8. Tentative Departmental Inspection Program for next reporting period.

III. DIRC INSPECTION TECHNIQUES

A. DIRC inspections will normally be scheduled to coincide with routine inspections of investigative activities being conducted by the individual military departments.

B. The DIRC inspection party will include at least one DIRC member as senior inspector. He will be assisted by the Chairman of the DIRC working group, the working group representative from the Service inspected, and other inspectors, as required, from the staffs of members of the DIRC.

C. Procedures:

The DIRC will conduct unannounced inspections as follows:

1. The senior member of the inspection party will plan to spend approximately one day in the general area of the activity being inspected. If possible, in the morning he will visit outlying sub-elements. In the afternoon he will personally inspect the headquarters of the activity and will be present at the critique conducted by the senior assistant inspector. At this time he will also present a critique of his findings.

2. The assistant to the senior DIRC inspector (Chairman, Working Group) will spend up to three days in the area being inspected. The first day will include inspections of outlying sub-elements, if practicable. The second and third day will be spent at the headquarters element. Upon completion of the inspection, the assistant to the senior

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inspector will prepare a detailed critique of his findings to be presented to the activity inspected on the afternoon of the third day.

D. Frequency of DIRC Inspections:

Each DIRC member will conduct no less than one formal inspection in each fiscal year. These will include an inspection of each military department as well as DoD agencies with investigative activities within the purview of references (a) and (b).

E. DIRC Areas of Interest:

1. All inspections will be conducted within the policy outlined in DoD Directive 5200.27.

2. The following specific items will be examined on each inspection:

a. The degree of awareness of the local leadership of the basic objectives of the policy and constraints expressed in DoD Directive 5200.27, and the manner and effectiveness of the guidance provided by such leadership to their subordinates in such matters.

b. Adherence to departmental regulations authorizing retention of information (the volume and types of file material being maintained).

c. Relationships with local civilian law enforcement authorities, including the degree to which information is received from, and provided to, such authorities.

d. The effectiveness of the activity in conduct of Defense Investigative Program matters.

(1) Logistic or resource capabilities/problem areas.

(2) Professional qualifications of investigators.

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ASSISTANT SECRETARY OF DEFENSE
Washington, D.C. 20301

5 May 1971

Administration

DIRC Study Report No. 9

SUBJECT: Investigative and Related Counterintelligence Terminology

References: (a) DoD Directive 5200.26, subject: Defense Investigative Program
(b) DoD Directive 5200.27, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense
(c) DoD Directive 5000.9, subject: Standardization of Military Terminology

I. BACKGROUND

A. The DIRC directed that this study report be a review of frequently used terminology. Where applicable, common definitions have been developed which, when promulgated, are to be used by DoD activities within the purview of references (a) and (b).

B. It was noted during the examination of existing terminology that different definitions of certain key phrases could be found in publications of each of the military departments, JCS Pub 1, and in various DoD Directives. Therefore, upon approval of the terminology listed below by DIRC it will be necessary to standardize certain of the current definitions in the publications described above. To do so, ASD(A) will take action to submit these approved definitions for use in the Department of Defense Dictionary of Military and Associated Terms (JCS Pub 1) in accordance with procedures outlined in reference (c).

II. DEFINITIONS

A. The following definitions will apply to activities within the purview of references (a) and (b):

1. AFFILIATION WITH THE DEPARTMENT OF DEFENSE

A person, group of persons, or organization is considered to be affiliated with the DoD if they are:

(a) Employed by or contracting with the DoD or by any activity under the jurisdiction of DoD, whether on a full time, part time, or consultive basis;

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(b) Members of the Armed Forces on active duty, national guard members, those in a reserve status or in a retired status;

(c) Residing on, have authorized official access to, or conducting or operating any business or other function at any DoD installation or facility;

(d) Having authorized access to defense information;

(e) Participating in other authorized DOD programs; or

(f) Applying for or being considered for any status described above in (a), (b), (c), (d), or (e).

2. CHARACTERIZATION (EVALUATION)

A biographical sketch of an individual or a statement of the nature and intent of an organization or group.

3. CIVIL DISTURBANCES

Riots, acts of violence, insurrections, unlawful obstructions or assemblages, or other disorders, prejudicial to public law and order within the 50 states, District of Columbia, Commonwealth of Puerto Rico, United States possessions and territories, or any political subdivision thereof. The term civil disturbance includes all domestic conditions requiring or likely to require the use of Federal Armed Forces pursuant to the provisions of Chapter 15 of Title 10, United States Code.

4. CLANDESTINE

Conducted in such a way as to assure secrecy or concealment. Differs from covert in that the emphasis is on concealment of activity or operation as well as concealment of the identity of the sponsor.

5. COLLECTION (ACQUISITION)

The obtaining of information in any manner, to include direct observation, liaison with official agencies, or solicitation from official, unofficial, or public sources.

6. COVERT

Conducted in such a way as to conceal identity or permit plausible denial by the sponsor. Differs from clandestine in that emphasis is on concealment of identity of sponsor rather than on concealment of activity or operation.

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7. DECEPTIVE

Activity, planned and executed so that a reasonable person would be led to believe personnel involved are not associated with any military investigative organization.

8. ESPIONAGE

Overt, covert or clandestine activity designed to obtain information relating to the national defense with intent or reason to believe that it will be used to the injury of the United States or to the advantage of a foreign nation. For espionage crimes see Chapter 37 of Title 18, United States Code.

9. INVESTIGATION

A duly authorized systematized, detailed examination or inquiry to uncover facts and determine the truth of a matter.

10. INVESTIGATIVE AND RELATED COUNTERINTELLIGENCE ACTIVITIES

a. Investigative -- Activities, other than counterintelligence activities as defined below, which are within the scope of the Defense Investigative Program as specified in Paragraph III of DoD Directive 5200.26. Investigative activities include the collecting, processing, reporting, storing, recording, analyzing, evaluating, producing, and disseminating of information within the scope of the Directive.

b. Counterintelligence -- Activities, both offensive and defensive, designed to detect, neutralize or destroy the effectiveness of foreign intelligence activities.

11. KEY DEFENSE FACILITIES (KEY FACILITY LIST)

Key Defense Facilities are synonymous with the Key Facility List as designated under 50 United States Code 784(b) by the Assistant Secretary of Defense (Installation and Logistics) and J4, Joint Staff, Joint Chiefs of Staff.

12. OVERT

Conducted openly and in such a way that the sponsor is or may be known or acknowledged.

13. PENETRATION

The infiltration under DoD auspices of an organization or group for the purpose of acquiring information.

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14. PERSONNEL SECURITY INVESTIGATIONS

An inquiry into the activities of an individual which is designed to develop pertinent information pertaining to his trustworthiness and suitability for a position of trust as related to his loyalty, character, emotional stability and reliability.

15. SABOTAGE

An act with intent to injure, interfere with, or obstruct the national defense of the United States by willfully injuring or destroying, or attempting to injure or destroy, any national defense or war material, premises, or utilities, to include human and natural resources. For sabotage crimes see Chapter 105 of Title 18, United States Code.

16. SECURITY

Measures taken by, or condition of, a DoD element affording protection against all acts designed to, or which may, impair its effectiveness.

17. STORAGE

The retention of data in any form, usually for a specified period, for the purposes of orderly retrieval and documentation.

18. SURVEILLANCE

The observation or monitoring of persons, places or things by visual, aural, photographic, electronic or other physical means which is directed for the purpose of obtaining information.

19. SUBVERSION OF DOD PERSONNEL

Actions designed to undermine the loyalty, morale or discipline of DoD military and civilian personnel.

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Approved by DIRC
on 17 May 1971

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
Washington, D.C. 20301

SPECIAL OPERATIONS REQUESTS

I. BACKGROUND

A. Paragraph V.E., DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense, states:

"There shall be no covert or otherwise deceptive surveillance or penetration of civilian organizations unless specifically authorized by the Secretary of Defense or his designee." Inclosure 1, Delegation of Authority, to that directive states:

"The Chairman, DIRC, is designated to authorize those activities delineated in Paragraph V.E. This authority may not be delegated. The members of the DIRC, prior to requesting approval of the Chairman for authorizations under this provision, shall coordinate prospective activities with the Federal Bureau of Investigation."

B. The activities cited above include those proposed for conduct off-base, within the 50 United States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions.

C. These criteria do not apply to operations directed against foreign intelligence services.

II. CRITERIA

The following criteria shall be met in submitting a request to conduct a covert operation within the purview of DoD Directive 5200.27:

A. The target group must represent a significant and demonstrable threat to the security/effectiveness of DoD functions and property.

B. The information to be gained must be within those categories outlined in paragraph IV.A. of DoD Directive 5200.27.

C. The information cannot be obtained by Federal, state and local law enforcement and investigative agencies, and coordination with the FBI has been completed.

D. Analysis of the risks involved is sufficient to prove that adequate cover stories, disclaimers and contingency plans have been developed.

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III. PROCEDURES

Requests for approval of these special operations will be covered by the following administrative procedures:

A. Military Department members of the DIRC will forward requests for approval of covert special operations to the Chairman of the DIRC.

B. The members of the DIRC will request permission to conduct special operations utilizing the format in TAB A.

C. Upon termination of an approved covert operation, a summary report will be sent to the Chairman, DIRC. This summary report will include an analysis of the value of the operation. If the operation extends beyond a period of one year, a request for revalidation will be submitted.

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SPECIAL OPERATION REQUEST

A. THREAT ASSESSMENT - (A brief description of the target group and identification of the threat to Department of Defense functions and property.)

B. INFORMATION OBJECTIVES - (A description of the essential information to be gathered and its relevance to present or future threats to the security of the Department of Defense.)

C. CONCEPT OF OPERATION - (A brief description of the operation including timing, cover story, number of personnel involved, and location of the target.)

D. RISK ANALYSIS - (A discussion of the safety of the operatives, the vulnerability of the operation to compromise, the results and impact of any compromise, and contingency plans in the event of compromise.)

E. COORDINATION - (A brief discussion of interagency coordination including coordination with the FBI and the relationship, if any, of this operation to other operations being undertaken by the requesting investigative agency.)

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TAB A

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