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The purpose of this instruction is to set forth the prohibitions and policy restrictions (as distinguished from security restrictions) which currently pertain to the operational use of various categories of individuals, together with the special approval procedures to be followed in certain cases. Where appropriate, reference has been made to another publication which provides more detailed guidance than has been attempted in this instruction. The special approval procedures set forth in this instruction do not supersede or alter in any way the requirements for covert approval contained in DOI and DOI-F 10-5.

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DOI 50-10

DDO INSTRUCTION
NO. 50-10

OPERATIONS-GENERAL
4 September 1973

RESTRICTIONS ON OPERATIONAL USE OF CERTAIN CATEGORIES OF INDIVIDUALS

Rescission: CSI 50-10, 13 July 1970

1. GENERAL

- a. Elemental in the conduct of clandestine operations is the use of human agents to accomplish the missions of the Operations Directorate. In general, it is DDO policy to select agent assets with primary regard to the agents' abilities, target access, and security, and with few restrictions as to their origins, professions or status as members of particular groups. The basic rule is that any consenting adult may be used by the Operations Directorate. There are, however, certain sensitive categories of individuals or groups whose operational use by the Operations Directorate is prohibited or in some way restricted for reasons not necessarily related to security considerations.
- b. These prohibitions or restrictions stem from one of the following:
- (1) The Agency has been directed by U.S. Governmental authority to restrict or avoid the operational use of a particular category of individuals.
 - (2) The Agency has entered into a special restrictive agreement with an organization, government, corporation, or official responsible for a category of individuals.
 - (3) The Director or the Deputy Director for Operations has imposed restrictions on the operational use of a certain category of individuals due to the extreme risk or sensitivity of such exploitation.

2. PURPOSE

The purpose of this instruction is to set forth the prohibitions and policy restrictions (as distinguished from security restrictions) which currently pertain to the operational use of various categories of individuals, together with the special approval procedures to be followed in certain cases. Where appropriate, reference has been made to another publication which provides more detailed guidance than has been attempted in this instruction. The special approval procedures set forth in this instruction do not supersede or alter in any way the requirements for covert approvals contained in DOI and DOI-F 10-5.

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3. DEFINITIONS

Within the context of this instruction, the definitions listed below will apply. Special note must be taken of the fact that the key term "operational use" employed throughout this instruction has been defined in the most succinct manner consistent with clarity. It has not been feasible, however, to cover in a definition the entire scope of possible variations in operational circumstances which may be encountered in DDO activities. The definition of "operational use" is intended to provide guidance for the majority of cases, and must be employed with responsible operational judgment. Issues involving a determination of "operational use" which cannot be resolved with reasonable assurance by the responsible operating components will be referred to the Deputy Director for Operations for decision.

a. *Operational Use*

Operational use is interpreted to mean the recruitment, utilization, or training of any individual or group for DDO purposes on either a witting or unwitting basis by or on the behalf of an element of the Operations Directorate. Utilization is made of an individual or group whenever that individual or group, responding to the direction or solicitation of a DDO element, provides information, performs services, provides cover, or supplies financial, material, or other support necessary for the accomplishment of DDO operational objectives either directly or indirectly, to or for an element of the Operations Directorate.

b. *DDO Element*

Any person or group who or which is responsible to, owned or controlled either directly or indirectly by the Operations Directorate. Included under this definition are employees or members of Agency proprietary mechanisms.

c. *Operational Contact*

Any association having as its purpose the initiation or furtherance of DDO operations.

4. RESTRICTIONS ON OPERATIONAL USE

a. Restrictions on the operational use of individuals or groups are of four types and cover twenty five separate categories as outlined below and as described in greater detail in paragraphs 5 through 8 of this instruction:

- (1) *Operational Use is Prohibited* (see paragraph 5):
 - (a) Members and trainees of ACTION;
 - (b) Fulbright grantees;

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- (c) Officials or employees of the International Association for Cultural Freedom;
 - (d) Officials, employees, or grantees of the Ford, Rockefeller and Carnegie Foundations;
 - (e) Employees of U.S. private detective investigative agencies.
 - (2) *Operational Use Requires Special Extra-Agency Concurrence* (see paragraph 6): *AND APPROVAL OF SA/ADDO*
 - (a) Employees of other U.S. Government agencies;
 - (b) DDO agents or assets in the United States;
 - (c) Agents and human sources of foreign intelligence registered by other U.S. agencies;
 - (d) Citizens (or persons documented as citizens) of Australia, Canada, the United Kingdom (including its overseas dependent territories) and New Zealand;
 - (e) Citizens of Norway, West Germany and The Netherlands;
 - (f) Merchant seamen on ships of certain countries.
 - (3) *Operational Use Requires Special Approval by the DDO* (see paragraph 7):
 - (a) Publishers, producers, journalists or employees of public information media;
 - (b) CARE employees;
 - (c) Individuals engaged in public relations activities;
 - (d) Officials, representatives, or employees of Communist countries in the United States;
 - (e) Foreign delegates or employees of the United Nations assigned in the U.S. and U.S. citizen delegates or employees wherever assigned;
 - (f) Staff members or officials of Red Cross societies;
 - (g) Officials of the Vatican State;
 - (h) U.S. Government-funded professors, lecturers, students or grantees;
 - (i) Members of educational or private voluntary organizations;
 - (j) Officials or employees of the African-American Institute;
 - (k) Volunteers to America.
 - (4) *Operational Use Requires Approval by Chief of Area Division* (see paragraph 8):
 - (a) Citizens or alien residents of the U.S. in denied areas;
 - (b) Non-U.S. citizen delegates or employees of United Nations organizations not assigned in the U.S.;
 - (c) Members of the academic community.
- b. Operational use of an individual who comes under more than one type of restriction will be controlled by the highest type of restriction applicable in his particular case.

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5. OPERATIONAL USE PROHIBITED

a. *Members and Trainees of ACTION*

- (1) It is Agency policy that members and trainees of ACTION will not be used in any capacity, with or without remuneration, by the Agency or by organizations under its jurisdiction. (The term "members of ACTION" will be understood to mean anyone employed by or associated with ACTION except trainees.)
- (2) It is Agency policy that former members of ACTION may be employed or used by the Agency or by organizations under its jurisdiction only in accordance with the following:
 - (a) Except as stated in (b) below, a former member of ACTION may be employed or used operationally by any element of the Agency only if a period of five full years has elapsed since his separation from ACTION.
 - (b) An Agency-controlled organization may hire a former member of ACTION, but only for duties related to the overt purposes of such organization, if a period of at least twenty-four months has elapsed since his separation from ACTION.
 - (c) The employment or use of a former member of ACTION under the provisions of subparagraph (a) or (b) above must have the specific prior approval of the Deputy Director for Operations.
- (3) Former trainees whose ACTION service included duty or training overseas are subject to the rules governing employment or use of former members of ACTION (subparagraph (2) above). Former trainees who did not serve at any time as members of ACTION and whose ACTION service did not include duty or training overseas may be employed or used operationally by DDO elements provided the specific prior approval of the Deputy Director for Operations is obtained.
- (4) A former member or trainee of ACTION whose employment or use is permitted by subparagraph (2) or (3) above may not be assigned to or used in a country for which he had been trained or to which he had been assigned while with ACTION.
- (5) Information may be received by the Domestic Collection Division from private corporations and other organizations employing former ACTION personnel, notwithstanding the fact that the information may originate with former ACTION personnel. However, any direct briefing or debriefing of or contact with former members or trainees of ACTION is subject to the following:
 - (a) The specific prior approval of the Deputy Director for Operations must be obtained.

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- (b) If the individual is a former member of ACTION, or a former trainee whose ACTION service included duty or training overseas, five years must have elapsed since his separation from ACTION.

If contact with a former ACTION member or a former trainee whose ACTION service included duty or training overseas should be unavoidable during the required five year waiting period, the Deputy Director for Operations may request an exception from the Director of Central Intelligence. Among the possible reasons for such unavoidable contact would be the designation of a former member or trainee as the liaison officer to the Domestic Collection Division.

b. *Fulbright Grantees*

DDO policy prohibits the operational use of individuals who are receiving U.S. Government support under certain provisions (see below) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, commonly known as the Fulbright-Hays Act. Falling under this prohibition are teachers, research scholars, lecturers and students (including student artists and student musicians) who have been selected to receive scholarships or grants by the Board of Foreign Scholarships appointed by the President of the United States. Operational use of such individuals is prohibited only during the period when they are participating in the educational and cultural exchange program. This prohibition specifically does not apply to the several other categories of grantees supported by other provisions of the Fulbright-Hays Act such as artists, athletes, leaders, specialists or participants at international trade fairs or expositions who do not come under the aegis of the President's Board of Foreign Scholarships (see 7.j., below).

- c. *Officials or Employees of the International Association for Cultural Freedom*
DDO policy prohibits the operational use of the officials or employees of the International Association for Cultural Freedom. Contacts with such individuals which DDO officers are obliged to make in their cover capacities must be limited to their cover assignments.

- d. *Officials, Employees, or Grantees of the Ford, Rockefeller and Carnegie Foundations*

DDO policy prohibits the operational use of grantees of the Ford Foundation, the Rockefeller Foundation or the Carnegie Foundation or of other persons actively participating in programs which are wholly sponsored and controlled by any of these foundations. Additionally, there will be no operational use made of the officials or employees of these organizations. In general, however, there is no restriction on nonoperational contacts or consultations with such individuals.

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