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COMSEC: 2-/11
USCIB: 12./12

13 DEC 1954

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MEMORANDUM FOR THE MEMBERS OF THE: U.S. COMMUNICATIONS SECURITY BOARD
U.S. COMMUNICATIONS INTELLIGENCE BOARD

Subject: Procedures for Dealing with Requests from Foreign Governments for COMSEC Assistance.

- References:
- (a) COMSEC 2-/6 (USCIB 12./4) of 20 August 1954.
 - (b) COMSEC 2-/8 (USCIB 12./6) of 17 September 1954.
 - (c) COMSEC 2-/9 (USCIB 12./8) of 21 October 1954.
 - (d) COMSEC 2-/10 (USCIB 12./11) of 23 November 1954.
 - (e) COMSEC 2-15/1 (USCIB 12./9) of 26 October 1954.
 - (f) COMSEC 2-18/1 (USCIB 12./10) of 26 October 1954.

1. Reference (a) is the report of the USCSB-USCIB Ad Hoc Committee recommending the establishment of certain procedures for dealing with requests from foreign governments for cryptographic assistance. Reference (b) noted approval of reference (a) with certain changes and it also promulgated subject procedures. Reference (c) circulates a copy of a memorandum from USCSB to S-DMICC asking that the latter relinquish to the former the responsibility for disclosure of classified military communication security information to foreign governments. Reference (c) also reported an informal discussion between the Executive Secretary, USCSB/USCIB and the Deputy Chairman, S-DMICC regarding an attempt to resolve what appeared to them to be a procedural problem in implementation of the above-mentioned memorandum. Reference (d) reports the failure of the Executive Secretary, USCSB/USCIB and the Deputy Chairman, S-DMICC to arrive at a mutually acceptable modification to the procedures approved and promulgated by reference (b).

2. As a result of the action described above S-DMICC has now formally replied to the USCSB memorandum of 17 September 1954 (see reference (b)). That reply is attached hereto as enclosure 1 and states in effect that the final decision on disclosure of classified military communication security information is more properly a function of S-DMICC to be performed in the light of the views of USCSB and USCIB in each case.

3. Attention is invited to the allusions to page 17 of MIC 206/29 and MIC 206/86 as contained in the second paragraph of the S-DMICC memorandum (enclosure 1 hereto). The pertinent extracts from the above two papers are attached hereto for the convenience of the members as enclosures 2 and 3 respectively.


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Subject: Procedures for Dealing with Requests from Foreign
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4. In its final paragraph the S-DMICC memorandum refers to two foreign requests recently received and asks for the views of USCSB and USCIB with regard thereto. These two requests were circulated to the members of USCSB/USCIB under cover of references (e) and (f) respectively.


RUFUS L. TAYLOR
Captain, U. S. Navy
Executive Secretary, USCIB/USCSB

Enclosures

1. S-DMICC Memo MIC 75-54
dtd 8 Dec 1954.
2. SWNCC 206/10 (page 17 of
MIC 206/29) and its encl
SWNCCC 206/9.
3. Pertinent extracts from
MIC 206/86.

COMSEC: 2-/11
USCIB: 12./12

DEPARTMENT OF STATE
WASHINGTON

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MIC-75-54
December 8, 1954.

MEMORANDUM FOR THE CHAIRMAN, UNITED STATES
COMMUNICATIONS SECURITY BOARD

Through: Captain Rufus L. Taylor, Executive Secretary.

- Subject: 1. Responsibility For Policies Governing
Disclosures of Communications Security
Information To Foreign Governments.
2. Procedures For Handling Requests From
Foreign Governments For Communications
Security Assistance.

Reference is made to CSB memoranda numbers 003 and 005 dated 17 September 1954 and 8 November 1954, respectively, and to intervening and subsequent discussions between the Executive Secretary, USCSB, and the Deputy Chairman, State-Defense Military Information Control Committee.

The S-DMICC has studied carefully the proposals of the USCSB concerning the above subject, giving particular attention to the intent and context of NSC 168 of October 20, 1953, to the Presidential Directive of February 27, 1946 (page 17 of MIC 206/29) and to the Statement of Functions of the State-Defense Military Information Control Committee (MIC 206/86).

With respect to the first subject, the Committee has concluded that its responsibility for exercising control of the disclosure of classified military information to foreign governments from the overall national security viewpoint continues to embrace disclosure of communications security information to the extent that such information is classified military information.

The Committee

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Enclosure 1 with COMSEC 2-/11 (USCIB 12./12) dtd 13 Dec 54.

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The Committee appreciates fully the special responsibilities of the United States Communications Security Board in the highly significant field of security of Federal Communications (COMSEC) and, in fact, welcomes the establishment of an organization charged with effecting interdepartmental coordination at the policy level in the COMSEC field. It is the expectation of the Committee that the particular competence of the USCSB will greatly facilitate the obtention of the technical policy views which the S-DMICC invariably requires prior to taking final action on disclosure proposals involving sensitive information.

In this light, it is the considered view of the S-DMICC that the objective and intent of subparagraph 1c(e) of NSC 168 will be met through the furnishing of coordinated technical policy guidance by the USCSB to the S-DMICC in connection with COMSEC disclosure proposals -- analogous in considerable degree to the technical guidance furnished the S-DMICC by other interdepartmental coordinating agencies having like detailed interest in a segment of the broad field of classified military information.

With respect to the second referenced subject, the S-DMICC considers that requests from foreign governments (or proposals originating within this Government) for communications security assistance should be handled in accordance with the following:

1. A copy of all such requests (or proposals) to be sent immediately upon receipt to the Executive Secretary, USCSB;
2. The Executive Secretary, USCSB, to distribute copies of the action paper simultaneously to the Chairman, S-DMICC, and the members of the USCSB and the USCIB;
3. The Chairman, S-DMICC, to advise the USCSB and the USCIB in the event the Committee has an objection, ab initio, so as to avoid unnecessary further consideration by the USCSB and the USCIB.
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4. In the event of unfavorable consideration of the case by either the USCSB or the USCIB, the Executive Secretary, USCSB, so to advise the Chairman, S-DMICC. The Committee will take no further action in such circumstances.

5. In the event of favorable consideration of the case by the USCSB and the USCIB, the Executive Secretary, USCSB, to notify the Chairman, S-DMICC, of the position and comments of the Boards. Normally, the S-DMICC will schedule such cases for final consideration at the next regular weekly meeting following receipt of these comments, with a view to advising the Executive Secretary, USCSB, of the decision of the Committee by the end of that calendar week.

In consonance with the above, I should appreciate receiving the position and comments of the USCSB and the USCIB on the cases contained in CSB memorandum No. 004 dated 26 October 1954 and in the memorandum dated 26 October 1954 (COMSEC: 2-18/1; USCIB:12./10).

(SIGNED)

Robert N. Margrave
Deputy Chairman, State-Defense
Military Information Control Committee

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SWNCC 206/10

28 February 1946

Pages 29 - 31, incl.

STATE-WAR-NAVY COORDINATING COMMITTEE

DISCLOSURE OF MILITARY INFORMATION TO FOREIGN GOVERNMENTS

Reference: SWNCC 206/9

Note by the Secretaries

The enclosure, a memorandum by the President to the Secretary of State, is circulated for information, guidance and, where appropriate, implementation.

ALEXANDER D. REID

B. L. AUSTIN

RAYMOND E. COX

Secretariat

SWNCC 206/10

Enclosure 2 with COMSEC 2-/11 (USCIB 12./12) dtd 13 Dec 54.

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E N C L O S U R E

THE WHITE HOUSE
Washington

27 February 1946

MEMORANDUM FOR THE SECRETARY OF STATE

I approve of the statement of "Basic Policy Governing the Disclosure of Classified Military Information to Foreign Governments" (SWNCC 206/9) submitted to me with your memorandum of February 27, 1946.

(Appendix)

I also direct the Secretaries of State, War and the Navy to exercise control of the disclosure of classified military information as contemplated in the statement of policy.

/s/ Harry S. Truman

SWNCC 206/10

Enclosure

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A P P E N D I X

27 February 1946

MEMORANDUM FOR THE PRESIDENT

Subject: Disclosure of Military Information to Foreign Governments.

The Secretaries of State, War and the Navy have approved the attached statement of "Basic Policy Governing the Disclosure of Classified Military Information to Foreign Governments". The policy is necessary as a guide to the three Departments in the control of the disclosure of such information.

The policy, in substance, provides that three conditions must be met prior to disclosure of classified information to foreign governments, namely: (1) determination that it is consistent with U.S. foreign policy; (2) determination that the military security of the U.S. permits disclosure; and (3) determination that it will result in benefits equivalent to the value of the information disclosed. You will note that it is specifically provided that disclosure must be consistent with governmental policy with regard to atomic energy and similar or related information for which special machinery for release has been or may hereafter be established.

We request that you authorize disclosure of such military information under your constitutional powers for the conduct of foreign relations and under your powers as Commander in Chief of the Army and Navy. The policy enunciated merely provides for continuation of the policy followed by the War and Navy Departments since prior to the declaration of the unlimited national emergency.

It is contemplated that responsibility for the control of the disclosure of classified military information under the policy will be exercised through the State-War-Navy Coordinating Committee.

It is my recommendation, with the concurrence of the Secretaries of War and the Navy, that you approve the attached policy and direct us to exercise control of the disclosure of classified military information to foreign countries as contemplated in this statement of policy.

A memorandum indicating your approval is attached for your signature.

Respectfully,

Enclosure:
SWNCC 206/9

/s/

James F. Byrnes

Secretary of State

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SWNCC 206/9

31 January 1946

Pages 24 - 28, incl.

STATE-WAR-NAVY COORDINATING COMMITTEE

DISCLOSURE OF MILITARY INFORMATION TO
FOREIGN GOVERNMENTS

References: a. SWNCC 206
b. SWNCC 206/2
c. SWNCC 206/3
d. SWNCC 206/8
e. Item 4, Minutes
34th SWNCC Mtg.

Note by the Secretaries

1. At its 34th meeting the State-War-Navy Coordinating Committee approved the enclosed basic policy governing the disclosure of classified military information to foreign governments subject to the approval of the President.
2. The Committee further agreed to transmit this policy to the President for approval prior to implementation.

ALEXANDER D. REID

B. L. AUSTIN

RAYMOND E. COX

Secretariat

SWNCC 206/9

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E N C L O S U R E

BASIC POLICY GOVERNING THE DISCLOSURE
OF CLASSIFIED MILITARY INFORMATION TO FOREIGN GOVERNMENTS

1. PURPOSE OF POLICY. This policy, recommended by the Joint Chiefs of Staff, and approved by the Secretaries of State, War, and Navy, shall serve as a guide, from the viewpoint of military security, in determining what military information, as defined below, which bears a military security classification may be disclosed to foreign governments. This policy supersedes all previous policies in conflict therewith (particularly that contained in Enclosure "A" of J.O.S. Memorandum of Policy No. 5).

2. DEFINITION OF TERMS.

a. "Military Information" as used herein refers to all information primarily under the control and jurisdiction of the United States armed forces, or of primary interest to them. It is subdivided into two principal categories:

(1) "Intelligence", as a category of military information, refers to matters alien to the United States. It comprises all military information about possible or actual enemies and possible or actual theaters of operation.

(2) "Information Pertaining to the United States", which excludes intelligence, is military information which pertains to the United States and to U.S. activities. It may be divided into:

(a) "Technical Information" shall be deemed to include:
i. Information on weapons and equipment, including instructions on maintenance and operation and any descriptive matter on components. ii. Means of manufacture, techniques and processes of weapons and equipment. iii. Scientific technical information dealing with the various arts and sciences relating to weapons and equipment or having potential use in creating new weapons of war and military equipment. It further includes other technical information not directly connected to weapons and equipment (material objects) but is applicable to furtherance of war such as the art of healing of gun wounds, preventative sanitation, psychology, etc. Information of a strategic or tactical nature is specifically excluded from the meaning of this term. Military training and reference publications not primarily concerned with weapons, equipment and materials are not considered to fall under the term "technical information".

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(b) "Non-Technical Information" which includes all military information pertaining to the United States, excluding "technical information". It applies generally to such matters as composition, distribution, fighting quality, organization, tactical and supply methods, and operations of United States armed forces, as well as military information on United States manpower, material, conversion statistics, economic and political conditions, military geography, topography, climatic conditions and other subjects.

b. "Disclosure to a Foreign Government", as used herein means the conveying by approved channels of classified military information to authorized representatives of a foreign government, also to foreign nationals, corporations, firms, associations or other private interests.

c. "Final Decision" as used herein means the ultimate authority short of the President, to make determinations on a given subject, and to establish procedures by which such determinations shall be made. It does not imply that specific authorization in the case of each individual disclosure is required, unless that procedure is established.

3. GENERAL PRINCIPLES. Classified military information shall not be disclosed to foreign governments unless all of the following conditions are met:

a. Disclosure is consistent with the policy of the United States government with regard to atomic energy and similar or related information for which special machinery for release has been or may hereafter be established.

b. Disclosure is consistent with the foreign policy of the United States toward the recipient nation. The final decision in this respect rests with the Secretary of State.

c. The military security of the United States permits disclosure. The final decision in this respect rests with the Secretaries of War and the Navy.

d. Disclosure is limited to the information necessary to accomplish the purpose for which disclosure is made.

e. Disclosure will result in benefits to the United States equivalent to the value of the information disclosed. Typical benefits may be one of the following:

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(1) The United States obtains information from the recipient nation on a quid pro quo basis.

(2) Exchange of military information or participation in a joint project will be advantageous to the U.S. from a technical or other military viewpoint.

(3) The U.S. military policy for the defense of the Western Hemisphere will be furthered.

(4) The development or maintenance of a high level of military strength and effectiveness on the part of the government receiving the information will be advantageous to the United States.

The final decision as to the value of military information and the relative military benefits to be derived from its disclosure rests with the Secretary of War or the Secretary of the Navy, in matters of interest to his Department alone; with the Secretaries of War and the Navy acting jointly, on the advice of the Joint Chiefs of Staff, in matters of joint interest, using, when indicated, appropriate joint agencies such as the Aeronautical Board.

4. INFORMATION NOT USUALLY DISCLOSABLE. Classified military information derogatory to the United States Government or any agency thereof, or prejudicial to U.S. relations with a foreign government with which the United States maintains friendly relations, or containing obvious indications of animosity or prejudice, is not to be disclosed to a foreign government without authorization by the Secretaries of State, War, and the Navy.

Neither the source of intelligence nor its method of acquisition will be disclosed to a foreign government without specific authorization from the department or agency by which the intelligence was obtained.

5. SECURITY AFFORDED BY RECIPIENT. Disclosure of classified military information to a foreign government should ordinarily be contingent upon an agreement by the recipient to afford to the information substantially the same degree of security afforded by the United States. In addition military information classified as "Secret" or "Top Secret" should not normally be disclosed to a foreign government unless there are compelling reasons for disclosure and unless there is satisfactory assurance that the security actually afforded to it will be substantially as great as that afforded by the United States.

6. REVIEW OF SECURITY CLASSIFICATION. Under Army and Navy regulations it is the obligation of all authorities to keep classified matter constantly under review and to downgrade or declassify it as soon as conditions permit.

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7. INTERSERVICE LIAISON. Close liaison with reference to the disclosure of military information to foreign governments shall be maintained between the State, War and Navy Departments and the Joint Chiefs of Staff and among the sub-divisions thereof which have cognizance of matters affected by such disclosure or related closely thereto.

8. CHANNEL FOR DISCLOSURE AND AVOIDANCE OF INADVERTENT DISCLOSURE. The disclosure of military information to a foreign government shall take place only through channels approved for that purpose by the Secretaries of State, War and the Navy. In making an authorized disclosure the precautions laid down in the applicable security regulations against disclosure or compromise of military information must so far as practicable be maintained against the inadvertent disclosure in some manner of classified military information not intended to be disclosed to the nation in question (or to any representative of it).

9. TIMING OF DISCLOSURE OF INFORMATION. Because of the extremely important nature of war-making weapons and devices, the practice of exchanging information should follow rather than precede collaborative arrangements and demonstrations of good faith in related fields.

10. PROTECTION OF PRIVATE RIGHTS. Decisions as to the disclosure of classified military information to foreign governments and their nationals should be made exclusively on military and political grounds. Classified military information should not be withheld for purely commercial reasons. When private rights, either in patents or in trade secrets, are involved, however, consideration should be given to the equitable protection of such rights in the countries to which disclosure is to be made.

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Enclosure

STATEMENT OF FUNCTIONS AND ORGANIZATION OF THE STATE-DEFENSE
MILITARY INFORMATION CONTROL COMMITTEE

I. FUNCTIONS OF COMMITTEE

A. Pursuant to the authority vested in the Secretaries of State and Defense by the President on 27 February 1946 (SWNCC 206/10), the State-Defense Military Information Control Committee (S-DMICC) functions as the agent of the Secretaries of State and Defense for developing, formulating, and promulgating policies and procedures governing the disclosure of classified United States military information to foreign governments consistent with the statement of basic policy approved by the President on the same date (SWNCC 206/9) and for considering specific proposals for exceptions to these policies.

B. Recommendations involving establishment of, or changes in, basic policies are submitted by the Committee to the Secretaries of State and Defense for their approval or decision, or for such other action as they may deem appropriate.

C. Pursuant to the further authority vested in it by the Secretaries of State and Defense on 31 March 1951 (Enclosure "B" hereto), the Committee is also responsible for exercising through a permanent working Secretariat general supervision of the implementation of United States policy governing the release of classified United States military information to North Atlantic Treaty nations and other nations receiving United States military aid.

MIC 206/86

Enclosure 3 with COMSEC 2-/11 (USCIB 12./12) dtd 13 Dec 54

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ENCLOSURE "B"

THE SECRETARY OF DEFENSE
WASHINGTON

March 31, 1951

MEMORANDUM FOR THE CHAIRMAN, STATE-DEFENSE MILITARY INFORMATION CONTROL
COMMITTEE

The Secretaries of State and Defense hereby extend the terms of reference of the State-Defense Military Information Control Committee to include general supervision of the implementation of United States policy governing the release of classified United States military information to North Atlantic Treaty nations and other nations receiving United States military aid.

The State-Defense Military Information Control Committee is hereby authorized to establish a permanent working Secretariat, located in Washington, responsible for receiving requests for, and authorizing the release of, all classified United States military information, other than strategic guidance and planning, to North Atlantic Treaty nations and organizations and other nations receiving United States military aid.

The State-Defense Military Information Control Committee is further authorized to extend the Secretariat, if the need arises, to include a liaison office or offices outside of Washington.

/S/ Dean Acheson
Secretary of State

/S/ [Acting] Robert B. Lovett
Secretary of Defense

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USCIB: 12./11
COMSEC: 2-/10

23 November 1954

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MEMORANDUM FOR THE MEMBERS OF THE: U.S. COMMUNICATIONS INTELLIGENCE BOARD
U.S. COMMUNICATIONS SECURITY BOARD

Subject: Procedures for Dealing with Requests from Foreign
Governments for Communication Security Assistance

References: (a) USCIB 12./8 (COMSEC 2-/9) of 21 October 1954
(b) USCIB 12./6 (COMSEC 2-/8) of 17 September 1954

1. Further to reference (a), the Executive Secretary regrets to have to report failure in his attempt to arrive at a mutually satisfactory arrangement with S-D MICC by means of procedural changes to the enclosure with reference (b).

2. The following change to paragraph 3 of the enclosure with reference (b) was suggested to Mr. Margrave as a solution to the problem:

"3. The Executive Secretary will normally forward copies of the request to USCSB, USCIB and S-D MICC. S-D MICC will promptly furnish the Executive Secretary with its views and comment which he will then circulate to USCIB and USCSB as follow-up information on the original request. Normally action by USCSB, if required, will not be taken in the absence of knowledge of the views of USCIB and S-D MICC. The Executive Secretary will supply USCIB and S-D MICC an information copy of decisions of USCSB which approve disclosures of classified information to foreign governments."

3. It is my understanding that the suggestion quoted in paragraph 2 above will not meet all of the objections of S-D MICC which, I was given to understand, feels that final decisions on whether or not to release classified COMSEC information to foreign governments is part and parcel of the National disclosure policy which, in turn, is a function of S-D MICC.

4. I have, therefore, requested Mr. Margrave to have his Committee forward a formal reply to the USCSB Memorandum of 17 September 1954 (CSB 003 copies of which were circulated as an enclosure with reference (a)) setting forth the views of S-D MICC with regard thereto.

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Governments for Communication Security Assistance

5. While this attempt has not come to the successful conclusion which had been hoped for, it may have served some useful purpose in isolating the precise nature of the problem.

6. A copy of the formal reply from S-D MICC will be circulated as soon as received and referred to the Chairman, USCSB for such action as he may deem appropriate.


RUFUS J. TAYLOR
Captain, U. S. Navy
Executive Secretary, USCIB/USCSB

USCIB: 12./11
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