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CENTRAL INTELLIGENCE AGENCY

Washington, D. C.

27 September 1957

MEMORANDUM FOR: Members of the Ad Hoc Working Group on NSCID #5

SUBJECT : Revised Draft of NSCID #5

1. The enclosed draft of NSCID #5 is the result of informal coordination with and contributions from the working level within the intelligence community; it is believed that we have achieved general agreement on its basic provisions.

2. There is also general agreement among those agencies operationally involved with the subject that detailed instructions for implementation of this NSCID #5 should be spelled out in one or more DCIDs, as may be necessary, the primary objective of the NSCID being to set forth the basic assignment of authority and responsibilities.

3. It is requested that the members of the ad hoc working group meet on 9 October 1957 at 2:15 P.M. in the DCI Conference Room (214 Administration Building) for a final group discussion of the paper with the objective of expediting the transmission of a coordinated draft to the Intelligence Advisory Committee.

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L. K. TRUSCOTT, JR.
General, USA (Ret)
Deputy Director (Coordination)

Enclosure

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26 September 1957

MEMORANDUM FOR: THE DIRECTOR

SUBJECT : Status of Revision of NSCID #5

1. This memorandum is for information only.

2. Attached hereto is a draft of NSCID #5 currently under consideration. This draft was prepared by the FI and CI Staffs under the direction of Mr. Helms and with my advice and assistance.

3. Basically, this draft establishes the primary responsibility of the Agency outside the U. S. and its possessions for conduct of espionage to meet the needs of all departments and agencies, conduct of clandestine counterespionage and the conduct of liaison with foreign clandestine services. It also establishes the responsibility of the DCI for the coordination of all clandestine intelligence activities outside the U. S. and its possessions. It permits departments and agencies with commands and installations outside the U. S. and its possessions to conduct additional espionage to meet departmental needs, conduct counterintelligence necessary for the security of their commands and installations and conduct necessary liaison with foreign services on clandestine matters, all subject to prior coordination with the CIA. The intent has been to avoid authorizing coordinate clandestine services but at the same time to state the authorized service functions in positive terms rather than the negative expressions of the present NSCID #5. The draft also includes a broader consideration of the counterintelligence aspect to make counterintelligence policy abroad the function of the IAC.

4. Since the basic controversies have been with the military services, representatives of the FI and CI Staffs and my office have discussed these proposals bilaterally with representatives of each of the services. This draft represents fundamental agreement at this working level in all major respects except for some question as to "centralized direction" in paragraph 2 and the responsibility of the DCI for coordinating all liaison with foreign clandestine services.

5. The absence of General Schow and Admiral Frost occasioned some delay in final consideration; however I expect now to call the ad hoc group about the end of next week for consideration of this draft and we should have it in form for final consideration by the IAC by the 10th or 17th of October at the latest.

Original to IG for Kellian Briefing Book

/s/

L. K. TRUSCOTT, JR.
General, USA, (Ret)
Deputy Director (Coordination)

cc: DDCI
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LKT

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20 September 1957

SUGGESTED CHANGES, 5 SEPTEMBER 1957,
DRAFT OF NSCID NO. 5

1. Paragraph 2 - Change preamble as follows:

"~~To ensure~~ In order to achieve centralized direction ~~and prior, comprehensive and continuing coordination~~ of all clandestine activities authorized herein, the Director of Central Intelligence shall, in consultation with the IAC."

REASON: Deleted wording is redundant in view of later subparagraphs.

2. Subparagraph 2a - Delete.

REASON: Unnecessary. NSCID No. 1 makes provision for establishment of procedures.

3. Subparagraph 2d - Delete all after words "Central Intelligence Agency".

REASON: Cover support arrangements should be bilateral, and should properly be covered under paragraph 4.

4. Paragraph 3, Preamble - Delete first clause, and change to read:

"The Central Intelligence Agency shall have primary responsibility, except when the provisions of paragraph 8 apply, for the following services of common concern."

REASON: First clause is unnecessary, since it adds nothing to directive force. Proviso in regard to paragraph 8 is true, therefore should be included.

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5. Add new subparagraph 4d:

"d. Make bilateral arrangements with other Departments or agencies for cover support as may be required to carry out the clandestine activities authorized herein."

REASON: See comment on 2d above.

6. Paragraph 7, lines three and six - Change plural to singular "senior U. S. military commanders or ~~their~~ his designated representatives", "such commanders".

REASON: The authority of a commander of a command established by the JCS must not be diluted.

Add sentence:

"The representative of the DCI shall, moreover, assist the senior military commander to establish direct liaison with foreign clandestine and security services as may be required to facilitate war planning."

7. Paragraph 8 - Change to read:

"In active theaters of war where U. S. forces are engaged, or when the President so directs, all resources of the Central Intelligence Agency operating in or from the theater shall be under the direct command of the United States Theater Commander in accordance with the terms of the "Command Relationships Agreement."

REASON: A simple statement of authority plus reference to document containing implementing details is all that is required. All parties affected by the Agreement have copies.

8. Paragraph 9 - Delete.

REASON: All aspects of this paragraph are already dealt with earlier.

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a. The intent of the present NSCID No. 5 is clearly stated. National (or Federal) intelligence and counterintelligence conducted abroad, as distinct from intelligence and counterintelligence activity designed for the primary benefit of a single Agency, are the province of the Central Intelligence Agency, which bears this responsibility as a service of common concern. The effect of a number of passages in reference, including paras. 2, 4, 8, 9, 10, and 12, would be to destroy this concept and make of the Central Intelligence Agency not a central national instrument but one among many duplicative and parallel bodies.

b. The proposal that there be a free exchange of intelligence and counterintelligence information, both raw and finished, is not workable. If put into effect, it would swamp the IAC member agencies with a flood of information, much of it highly sensitive, to the detriment of their efficiency and the national security. The Director of Central Intelligence is charged by the National Security Act with the protection of intelligence sources and methods. A free exchange of raw intelligence would make it impossible for him to discharge this responsibility.

c. The definition of coordination proposed by para. 3c of reference is completely different from the sense of the National Security Act, Section 102 (d), which concerns "the purpose of coordinating the intelligence

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activities of the several Government departments and agencies in the interest of national security." The definition proposed by reference embraces inter-service relationships, not coordination.

d. It is noteworthy that Title 1 of the National Security Act is "Coordination for National Security -- Central Intelligence Agency". Coordinating functions assigned to the Central Intelligence Agency were specifically allocated to the Director of Central Intelligence by the present NSCID No. 5. The effect of reference would be to charge him with insuring coordination (paras 6 and 7) without granting him the coordinator's central role.

e. Those provisions of the CIA draft which deal with liaison concern contact maintained by a U.S. Agency with a clandestine service to deal with clandestine matters. Within this realm the Director of Central Intelligence cannot discharge his responsibilities for coordination, the protection of sources and methods, and the national security unless he is given full and prior information by all concerned. If, as reference proposes, liaison activity were merely "coordinated" among the U.S. Agencies concerned, without a central point of reference, then confusion, competition, and security problems would inevitably result. This Agency has seen some

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unfortunate results ensue when liaison approaches were made without coordination with the central point of reference.

8. The listing of the above objections does not mean that the remaining changes proposed by reference are acceptable. It is considered, rather, that these objections go to the heart of the matter and demonstrate that the position advocated by reference and the position of this Agency are not divergent but irreconcilably opposed and that therefore a point-by-point rebuttal of the position of the Department of the Navy would obscure the more fundamental objection to the entire frame of reference in which that position has been stated.

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MEMORANDUM

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SUBJECT : Proposed Revisions of NSCID No. 5

REFERENCE: Department of the Navy draft, undated, headed National Security Council Directive No. 5

1. Reference was prepared by the Department of the Navy as an emendation of the CIA draft of a revised NSCID No. 5. It was submitted at the meeting of the IAC working group for NSCID No. 5, held on 24 July 1957.

2. In all important respects the deletions and additions proposed in reference are unacceptable. It is the purpose of this memorandum to point out the objections to reference as a whole as well as to major proposed changes.

3. The fundamental objection to reference is that its proposals are contrary to existing law. The primacy of the Director of Central Intelligence and, in certain respects, of the Central Intelligence Agency in matters of national intelligence and counterintelligence abroad is not merely recognized but stipulated in the National Security Act of 1947 (as amended), and in further implementing directives of the National Security Council.

4. Were reference to be validated by all concerned, the effect would be to return the U. S. intelligence community to that condition of divided and co-equal rights and responsibilities which was injurious to U. S. interests in the period before 1947 and which made essential the passage of the National

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Security Act and the establishment of a central intelligence agency.

5. The revision of NSCID No. 5 proposed by the Central Intelligence Agency is based upon the existing NSC directive to the extent possible. It is unsound to attempt to base a revision solely upon the National Security Act itself, because that act is in the public domain, is not classified, and therefore cannot include provisions which concern the clandestine activities of the United States. The extant NSCID No. 5, and any revisions thereof, must be designed to meet a need which, by its nature, the National Security Act cannot meet.

6. The National Security Act distinguishes unmistakeably between departmental intelligence (102 d (3)) and "intelligence affecting the national security". The latter is termed organized Federal espionage and counterespionage in the present NSCID No. 5. The proposed CIA revision refers to "all national espionage outside the United States...." Whatever the term, the intent of Congress and the National Security Council to differentiate between national and departmental intelligence and to assign primacy in the former to the Central Intelligence Agency is self-evident. This vital distinction has been blurred and rejected in the Navy's proposed version.

7. In the following sub-paragraphs no attempt has been made to deal with each change proposed by reference but rather to illustrate, by citing the most radical of the proposals, that reference stands in opposition to established law and the intent of Congress.

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