

*No 74-1069
leg file
Info. on 701*

Director of Central
Intelligence

Sill:

The author of this note is
[redacted] I think he has a refreshing
point of view. The note is worth
reading and maybe you would like to talk
with Bob--be my guest.

STATINTL

[redacted]
Harold L. Brownman

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Att: DD/M&S 74-1795

([redacted] - x7726)

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DD/M&S 7D-26 Hqs x5454 5/18/74

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Attachment: DD/M&S 74-1795, dtd 9 May 1974, Note from [redacted] to
[redacted] Blake, Brownman, re Classification Legislation

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STATINTL !

9 May 1974

Mr. Blake
Mr. Brownman

A number of bills have been introduced into both Houses of the Congress dealing with Freedom of Information, Classification of information and other subjects which will, if enacted, so impede the intelligence apparatus that there is serious doubt it will be able to function at all, much less function effectively. It is high time that someone in this organization begin to think constructively about what we need in the way of positive legislation and Executive Order to permit the effective functioning of an "American Intelligence Service" within the bounds of the Constitutional Freedoms and the neo-interpretations of them. Freedom of Information, individual privacy, employee rights, the open society, all are subjects which concern the Congress but have concerned the Agency only reactively; bills are introduced and we seek exemption. We make no effort to get out in front of Congress; we concentrate on trying to preserve what we have, and as a consequence look what we are becoming. Twenty-five years have been devoted to immunizing and insulating CIA as an institution, and its population as individuals, from the evolutionary and riotous changes that have engulfed the society at large. We have made a fetish of our uniqueness and it has made us aloof. To be aloof is to be abstinent; to be abstinent is to be stagnant; to be stagnant is to be indolent; to be indolent is to be indifferent; to be indifferent is to be mediocre; and that's where we are headed if we are not already there. Not only are we content to remain what we have become, we are intent upon it. We don't look for ways to make change, we search exhaustively for ways to prevent it. We delude ourselves that the manipulation of trappings is organic change.

Most of the basic legislative and Executive instruments which constitute the charter of the intelligence apparatus were conceived and written in the late 40's and early 50's during the transition from hot to cold war.

Start with the National Security Act of 1947 and note that the title itself is antiquated. The meaning of national security in 1974 is significantly different from its meaning in 1947, almost as different as the transposition of the numbers which comprise the dates. How it differs precisely is difficult to

articulate; the term was not defined in 1947 and I find no definition in 1974. Certainly the 1947 concern was more directly related to open hostility against the United States than it is in 1974. Military overtones and connotations are implicit as well as explicit in the language of the statute and its legislative history.

The Director's "Perspective of the Intelligence Environment" and "Key Intelligence Questions" include references to international trade and finance, narcotics, environmental crises, terrorism, marine pollution and others. KIQ's talk about the oil problem, crop prospects, potential shortages of natural resources, international economic competition, and agricultural, industrial (including R&D) and energy policies. In his recent address to the Los Angeles World Affairs Council, Mr. Colby talked about the changing character of American Intelligence. "It must warn our Government of new generations of intercontinental ballistic missiles being developed, it must be attentive to foreign economic threats to America's strength and well-being, and it must identify political problems around the world which can adversely affect our interests." The key phrase is "well-being". Later in the same talk he says, "it (intelligence) is designed to help us to achieve and to live in peace, rather than only to protect us in time of war." The emphasis has to shift from "protecting the national security" to "promoting the general welfare." The place to start is with the legislation.

Maybe intelligence shouldn't serve the Executive Branch exclusively; maybe the National Security Council should be abolished; maybe the principle of separation of powers shouldn't apply to intelligence; maybe there should be a joint commission on intelligence composed of the Speaker of the House, the President of the Senate, and the President. But that goes far afield from what started this discourse. It started with proposed legislation dealing with classification.

A couple of the bills before the Congress would write into law the concepts, principles, and definitions of "National Security Information" contained in Executive Order 11652 and would wrest from the Executive Branch and place with the legislative control over classification and declassification of information. The Agency tactic probably will be to try to persuade the Congress that CIA should be exempt. In considering these bills one has to wonder about the current validity of the definitions of security information and the Top Secret, Secret, and Confidential classifications. Definitions contrived in the early fifties have been slightly modified in the early seventies but still seem heavily weighted toward hostilities, military affairs and the national security; national security information is defined in

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terms of the national defense or foreign relations. No matter how liberally the terminology is interpreted it still requires imagination or stretching beyond any resemblance to literal meaning if it is to include under the umbrella narcotics, crop prospects, potential shortages of natural resources, agricultural, environmental and energy information. In my judgment these topics cannot legitimately be included within the current definitions of Top Secret, Secret, and Confidential. Much of the data we produce in this Directorate doesn't fit within them very well either despite the fact that we have forced it to fit for 25 years.

Since the connotations of anything Secret are abhorrent to modern society, rather than redefine the same old terms we should look for some new ones. Since the distinctions between the three levels of security information are artificial anyway, and since differences in the controls have eroded over time, perhaps we don't need three levels; perhaps we should stop thinking in terms of levels and begin thinking about it in some other way entirely. Perhaps "Privileged" would be a suitable term to apply to personnel, medical, security and much of the other data we produce in this Directorate. The application of the term can be extended as far as the boundaries we choose to define for it. Perhaps we could use "Sources" as a classification; "Methods" as another; or perhaps "Intelligence Information" is a sufficient classification. Clearly it will take a great deal more thought than I have given it to develop terms and their definitions. The specifics are not of immediate concern; the concepts are.

I would like to suggest that the concepts be presented to Mr. Colby with a recommendations that:

a. he task the General and Legislative Counsels to develop new legislation to replace the National Security and CIA Acts, or so much of them as is required to make them fit his notion of an "American Intelligence Service"; and

b. he task someone else to review pertinent Executive Orders, in particular 11652, and revise them in the same spirit.


RHW

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