

USIB-D-9.1/4
25 September 1961

UNITED STATES INTELLIGENCE BOARD


MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

Subject: Revision of Executive Order 10501

References: (a) USIB-M-166, Item 10, 1 August 1961
(b) USIB-D-9.1/2, 11 September 1961
(c) USIB-M-172, Item 4, 14 September 1961

1. The inclosure is forwarded in compliance with the request of the Acting Chairman, USIB at the Board meeting on 21 September 1961, that each Member of USIB be provided a copy of Executive Order No. 10964 (which revises portions of EO 10501) by the Secretariat as soon as practicable.
2. It is the understanding of the Secretariat that Executive Order No. 10964 is included in the Federal Register of 22 September 1961.
3. The version of Section 13(b) proposed by USIB, Reference (c), does not appear in the Order.

STAT


Lt. Colonel, USAF
Deputy Executive Secretary

Inclosure
a/s

SEPTEMBER 20, 1961

O'Brien
Army

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

EXECUTIVE ORDER

10964

AMENDMENT OF EXECUTIVE ORDER NO. 10501, ENTITLED
"SAFEGUARDING OFFICIAL INFORMATION IN THE
INTERESTS OF THE DEFENSE OF THE UNITED STATES"

By virtue of the authority vested in me by the Constitution and statutes of the United States, and deeming such action necessary in the best interest of the national security, it is ordered that Executive Order No. 10501 of November 5, 1953, as amended, be, and it is hereby, further amended as follows:

1. Section 4 is amended--

(A) By substituting for the first paragraph thereof the following:

"Sec. 4. Declassification, Downgrading, or Upgrading. When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. Heads of departments or agencies originating classified information or material shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit, and for receiving requests for such review from all sources. However, Restricted Data and material formerly designated as Restricted Data shall be handled only in accordance with subparagraph 4 (a) (1) below and section 13 of this order. The following special rules shall be observed with respect to changes of classification of defense information or material, including information or material heretofore classified:"

(B) By deleting paragraphs (a), (e), (g), (h), and (i) and inserting in lieu thereof the following:

"(a) Automatic Changes. In order to insure uniform procedures for automatic changes, heads of departments and agencies having authority for original classification of information or material, as set forth in section 2, shall categorize such classified information or material into the following groups:

"(1) Group 1. Information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction, information or material provided for by statutes such as the Atomic Energy Act, and information or material requiring special handling, such as intelligence and cryptography. This information and material is excluded from automatic downgrading or declassification.

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(OVER)

"(2) Group 2. Extremely sensitive information or material which the head of the agency or his designees exempt, on an individual basis, from automatic downgrading and declassification.

"(3) Group 3. Information or material which warrants some degree of classification for an indefinite period. Such information or material shall become automatically downgraded at 12-year intervals until the lowest classification is reached, but shall not become automatically declassified.

"(4) Group 4. Information or material which does not qualify for, or is not assigned to, one of the first three groups. Such information or material shall become automatically downgraded at three-year intervals until the lowest classification is reached, and shall be automatically declassified twelve years after date of issuance.

"To the fullest extent practicable, the classifying authority shall indicate on the information or material at the time of original classification if it can be downgraded or declassified at an earlier date, or if it can be downgraded or declassified after a specified event, or upon the removal of classified attachments or enclosures. The heads, or their designees, of departments and agencies in possession of defense information or material classified pursuant to this order, but not bearing markings for automatic downgrading or declassification, are hereby authorized to mark or designate for automatic downgrading or declassification such information or material in accordance with the rules or regulations established by the department or agency that originally classified such information or material."

"(e) Information or Material Transmitted by Electrical Means. The downgrading or declassification of classified information or material transmitted by electrical means shall be accomplished in accordance with the procedures described above unless specifically prohibited by the originating department or agency. Unclassified information or material which is transmitted in encrypted form shall be safeguarded and handled in accordance with the regulations of the originating department or agency."

"(g) Upgrading. If the recipient of unclassified information or material believes that it should be classified, or if the recipient of classified information or material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the information or material or upgrade the classification after obtaining the consent of the appropriate classifying authority. The date of this action shall constitute a new date of origin insofar as the downgrading or declassification schedule (paragraph (a) above) is concerned."

"(h) Departments and Agencies Which Do Not Have Authority for Original Classification. The provisions of this section relating to the declassification of defense information or material shall apply to departments or agencies which do not, under the terms of this order, have authority for original classification of information or material, but which have formerly classified information or material pursuant to Executive Order No. 10290 of September 24, 1951."

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"(i) Notification of Change in Classification. In all cases in which action is taken by the reviewing official to downgrade or declassify earlier than called for by the automatic downgrading-declassification stamp, the reviewing official shall promptly notify all addressees to whom the information or material was originally transmitted. Recipients of original information or material, upon receipt of notification of change in classification, shall notify addressees to whom they have transmitted the classified information or material."

2. Section 5 is amended--

(A) By adding a new paragraph (a) thereto, as follows:

"(a) Downgrading-Declassification Markings. At the time of origination, all classified information or material shall be marked to indicate the downgrading-declassification schedule to be followed in accordance with paragraph (a) of section 4 of this order."

(B) By relettering the present paragraphs (a) through (i) as (b) through (j), respectively.

3. Section 6 is amended--

(A) By deleting from the second sentence of the first paragraph the words "physical or mechanical."

(B) By deleting paragraphs (a) and (b) and by inserting in lieu thereof the following:

"(a) Storage of Top Secret Information and Material. As a minimum, Top Secret defense information and material shall be stored in a safe or safe-type steel file container having a three-position dial-type combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of unauthorized access to, or the physical theft of, such information and material. The head of a department or agency may approve other storage facilities which afford equal protection, such as an alarmed area, a vault, a vault-type room, or an area under continuous surveillance.

"(b) Storage of Secret and Confidential Information and Material. As a minimum, Secret and Confidential defense information and material may be stored in a manner authorized for Top Secret information and material, or in steel file cabinets equipped with steel lockbar and a changeable three-combination dial-type padlock or in other storage facilities which afford equal protection and which are authorized by the head of the department or agency.

"(c) Storage or Protection Equipment. Whenever new security storage equipment is procured, it should, to the maximum extent practicable, be of the type designated as security filing cabinets on the Federal Supply Schedule of the General Services Administration."

(C) By relettering the paragraphs (c) through (g) as (d) through (h), respectively.

4. Paragraphs (c) and (d) of section 8 are amended to read as follows:

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(OVER)

"(c) Transmitting Secret Information and Material. Secret information and material shall be transmitted within and between the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for Top Secret information and material, by authorized courier, by United States registered mail, or by the use of protective services provided by commercial carriers, air or surface, under such conditions as may be prescribed by the head of the department or agency concerned. Secret information and material may be transmitted outside those areas by one of the means established for Top Secret information and material, by commanders or masters of vessels of United States registry, or by the United States registered mail through Army, Navy, Air Force, or United States civil postal facilities; provided that the information or material does not at any time pass out of United States Government control and does not pass through a foreign postal system. For the purpose of this section registered mail in the custody of a transporting agency of the United States Post Office is considered within United States Government control unless the transporting agent is foreign controlled or operated. Secret information and material may, however, be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous States, the District of Columbia, Alaska, and Canada by United States and Canadian registered mail with registered mail receipt. Secret information and material may also be transmitted over communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

"(d) Transmitting Confidential Information and Material. Confidential information and material shall be transmitted within the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first-class mail. Outside those areas Confidential information and material shall be transmitted in the same manner as authorized for higher classifications."

5. Section 13 is amended to read as follows:

"Sec. 13. 'Restricted Data,' Material Formerly Designated as 'Restricted Data,' Communications Intelligence and Cryptography.

(a) Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. 'Restricted Data,' and material formerly designated as 'Restricted Data,' shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

(b) Nothing in this order shall prohibit any special requirements that the originating agency or other appropriate authority may impose as to communications intelligence, cryptography, and matters related thereto."

6. A new section 19 is added reading as follows:

"Sec. 19. Unauthorized Disclosure by Government Personnel. The head of each department and agency is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been knowingly responsible for any release or disclosure of classified defense information or material except in the manner authorized by this order, and where a violation of criminal statutes may be involved, to refer promptly to the Department of Justice any such case."

7. Sections 19 and 20 are renumbered as sections 20 and 21, respectively.

JOHN F. KENNEDY

IMMEDIATE RELEASE

SEPTEMBER 20, 1961

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

EXECUTIVE ORDER

10964

AMENDMENT OF EXECUTIVE ORDER NO. 10501, ENTITLED
"SAFEGUARDING OFFICIAL INFORMATION IN THE
INTERESTS OF THE DEFENSE OF THE UNITED STATES"

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1. Section 4 is amended--

(A) By substituting for the first paragraph thereof the following:

"Sec. 4. Declassification, Downgrading, or Upgrading. When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. Heads of departments or agencies originating classified information or material shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit, and for receiving requests for such review from all sources. However, Restricted Data and material formerly designated as Restricted Data shall be handled only in accordance with subparagraph 4 (a) (1) below and section 13 of this order. The following special rules shall be observed with respect to changes of classification of defense information or material, including information or material heretofore classified:"

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"To the fullest extent practicable, the classifying authority shall indicate on the information or material at the time of original classification if it can be downgraded or declassified at an earlier date, or if it can be downgraded or declassified after a specified event, or upon the removal of classified attachments or enclosures. The heads, or their designees, of departments and agencies in possession of defense information or material classified pursuant to this order, but not bearing markings for automatic downgrading or declassification, are hereby authorized to mark or designate for automatic downgrading or declassification such information or material in accordance with the rules or regulations established by the department or agency that originally classified such information or material."

"(e) Information or Material Transmitted by Electrical Means.

The downgrading or declassification of classified information or material transmitted by electrical means shall be accomplished in accordance with the procedures described above unless specifically prohibited by the originating department or agency. Unclassified information or material which is transmitted in encrypted form shall be safeguarded and handled in accordance with the regulations of the originating department or agency."

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3. Section 6 is amended--

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(B) By deleting paragraphs (a) and (b) and by inserting in lieu thereof the following:

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"(c) Storage or Protection Equipment. Whenever new security storage equipment is procured, it should, to the maximum extent practicable, be of the type designated as security filing cabinets on the Federal Supply Schedule of the General Services Administration."

(C) By relettering the paragraphs (c) through (g) as (d) through (h), respectively.

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5. Section 13 is amended to read as follows:

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"(b) Nothing in this order shall prohibit any special requirements that the originating agency or other appropriate authority may impose as to communications intelligence, cryptography, and matters related thereto."

6. A new section 19 is added reading as follows:

"Sec. 19. Unauthorized Disclosure by Government Personnel. The head of each department and agency is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been knowingly responsible for any release or disclosure of classified defense information or material except in the manner authorized by this order, and where a violation of criminal statutes may be involved, to refer promptly to the Department of Justice any such case."

7. Sections 19 and 20 are renumbered as sections 20 and 21, respectively.

JOHN F. KENNEDY

THE WHITE HOUSE

Approved For Release 2005/11/28 : CIA-RDP82M00097R000300070008-4
 September 20, 1961.

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10869

AMENDMENT OF CIVIL SERVICE RULE II, AS PRESCRIBED BY EXECUTIVE ORDER NO. 10577 OF NOVEMBER 22, 1954

WHEREAS the appointment of postmasters to fourth-class post offices is controlled in part by regulations approved by the President on November 25, 1912, as amended by Executive Orders No. 1778 of May 7, 1913, No. 4124 of January 12, 1925, No. 9769 of August 14, 1946, No. 10017 of November 10, 1948, and No. 10337 of April 3, 1952; and

WHEREAS it is in the interest of efficiency of operation that the regulations governing the appointment of postmasters of the fourth class be revised and incorporated into the Civil Service Rules as hereinafter set forth:

NOW, THEREFORE, by virtue of the authority vested in me by section 1753 of the Revised Statutes (5 U.S.C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), and by section 301 of title 3 of the United States Code, it is ordered as follows:

Section 1. Section 2.1 of Civil Service Rule II, as prescribed by Executive Order No. 10577 of November 22, 1954, is hereby amended by adding thereto a new subsection (c) reading as follows:

"(c) Whenever the Civil Service Commission (1) is unable to certify a sufficient number of names to permit the appointing officer to consider three eligibles for appointment to a fourth-class postmaster position in accordance with the regular procedure, or (2) finds that a particular rate of compensation for

19 P.R. 7521; 3 CFR, 1954 Supp., p. 84.

fourth-class postmaster positions is too low to warrant regular competitive examinations for such positions, it may authorize appointment to any such position or positions in accordance with such procedure as may be prescribed by the Commission. Persons appointed under this subsection may acquire competitive status subject to satisfactory completion of a probationary period prescribed by the Commission."

Sec. 2. The following designated Executive orders and regulations are hereby revoked: Executive Order No. 982 of November 30, 1908; Executive Order No. 1624 of October 15, 1912; the regulations approved by the President on November 25, 1912, governing the appointment of postmasters of the fourth class; Executive Order No. 1776 of May 7, 1913; Executive Order No. 1778 of May 7, 1913; Executive Order No. 2119 of January 12, 1915; Executive Order No. 4124 of January 12, 1925; and Executive Order No. 10337 of April 3, 1952.

DWIGHT D. EISENHOWER

THE WHITE HOUSE

March 9, 1960.

[P.R. Doc. 60-2320; Filed Mar 9, 1960; 5:00 p.m.]

Memorandum of March 9, 1960

DEPARTMENTS AND AGENCIES SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 2 OF E.O. 105011

Memorandum for the Heads of All Departments and Agencies of the Government

My memorandum of November 5, 1953, relating to Executive Order No. 10501 of November 5, 1953, as supplemented by my memorandum of May 7, 1959, is further supplemented as follows:

1. The provisions of section 2 of Executive Order No. 10501 of November 5, 1953 are hereby made applicable to those agencies of the executive branch and their constituent agencies, established after November 5, 1953, and listed hereafter in this paragraph; and the agencies so listed and their constituent agencies are hereby designated to have authority for original classification of information and material in accordance with the provisions of subsection (c) of that section effective as of the respective dates at which such agencies were established:

- Council on Foreign Economic Policy
- Development Loan Fund
- Federal Aviation Agency
- Federal Radiation Council
- National Aeronautics and Space Administration
- National Aeronautics and Space Council
- Office of Civil and Defense Mobilization
- President's Board of Consultants on Foreign Intelligence Activities

2. All agencies of the executive branch which have been established after November 5, 1953 (except those named in paragraph 1), and all such agencies which may be established hereafter, shall be deemed not to have authority for original classification of information or material under the provisions of section 2 of Executive Order No. 10501, except as such authority may be specifically conferred upon such agencies.

3. This memorandum shall be published in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE

March 9, 1960

[P.R. Doc. 60-2319; Filed Mar 9, 1960; 5:00 p.m.]

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10901

AMENDMENT OF EXECUTIVE ORDER NO. 10501,¹ RELATING TO SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interest of the national security, it is ordered as follows:

SECTION 1. Section 2 of Executive Order No. 10501 of November 5, 1953, is amended to read as follows:

"Sec. 2. *Limitation of authority to classify.* The authority to classify defense information or material under this order shall be limited in the departments, agencies, and other units of the executive branch as hereinafter specified.

"(a) In the following departments, agencies, and Governmental units, having primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or Governmental unit concerned or by such responsible officers or employees as he, or his representative, may designate for that purpose. The delegation of such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business.

- The White House Office
- President's Science Advisory Committee
- Bureau of the Budget
- Council of Economic Advisers
- National Security Council
- Operations Coordinating Board
- Central Intelligence Agency
- Office of Civil and Defense Mobilization
- Department of State
- International Cooperation Administration
- Department of the Treasury
- Department of Defense
- Department of the Army
- Department of the Navy
- Department of the Air Force
- Department of Justice
- Department of Commerce
- Department of Labor
- Atomic Energy Commission
- Canal Zone Government
- Council on Foreign Economic Policy
- Development Loan Fund
- Federal Aviation Agency
- Federal Communications Commission
- Federal Radiation Council
- General Services Administration
- Interstate Commerce Commission
- National Aeronautics and Space Administration
- National Aeronautics and Space Council
- President's Board of Consultants on Foreign Intelligence Activities

¹ 3 CFR, 1949-1953 Comp., p. 979; 18 P.R. 7049.

United States Civil Service Commission
United States Information Agency

(b) In the following departments, agencies, and Governmental units, having partial but not primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order shall be exercised only by the head of the department, agency, or Governmental unit without delegation:

- Post Office Department
- Department of the Interior
- Department of Agriculture
- Department of Health, Education, and Welfare
- Civil Aeronautics Board
- Federal Power Commission
- Government Patents Board
- National Science Foundation
- Panama Canal Company
- Renegotiation Board
- Small Business Administration
- Subversive Activities Control Board
- Tennessee Valley Authority

"(c) Any agency or unit of the executive branch not named herein and any such agency or unit which may be established hereafter, shall be deemed not to have authority for original classification of information or material under this order, except as such authority may be specifically conferred upon any such agency or unit hereafter."

SEC. 2. My memoranda of November 5, 1953, and May 7, 1959 (24 P.R. 3177) and my memorandum of March 9, 1960 (25 P.R. 2073) are hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 9, 1961

[P.R. Doc. 61-279; Filed Jan. 11, 1961; 9:53 a.m.]

Executive Order 10902

PROVIDING FOR THE ISSUANCE OF EMERGENCY PREPAREDNESS ORDERS BY THE DIRECTOR OF THE OFFICE OF CIVIL AND DEFENSE MOBILIZATION

By virtue of the authority vested in me by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. In connection with carrying out the functions delegated or otherwise assigned to him by the provisions of Executive Order No. 10773 of July 1, 1958, as amended by Executive Order No. 10782 of September 6, 1958, or by the provisions of other orders thereby amended, the Director of the Office of Civil and Defense Mobilization shall establish a series of civil-defense and defense-mobilization planning assignments

which (1) shall be classified as "Emergency Preparedness Orders," (2) shall, so far as practicable, be of a routine character, and (3) shall be designed to provide for the development of emergency defense-mobilization plans and procedures by the several departments, agencies, and units of the executive branch of the Government in the event of a national emergency, or similar attack on the United States.

SEC. 2. The head of each department and agency, assigned civil-defense and defense-mobilization functions, and the Director of the Office of Civil and Defense Mobilization, shall develop the provisions of such plans and procedures. The provisions of such plans and procedures shall develop the plan, and shall there referred to under the authority of section and central program plan of the Director of the Office of Civil and Defense Mobilization.

SEC. 3. Nothing in this order shall affect the National Plan for Civil Defense and Defense Mobilization shall be construed as conferring authority to put into effect any plan, procedure, policy, program, or other course of action prepared or developed pursuant to this order under the National Plan.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 9, 1961

[P.R. Doc. 61-280; Filed Jan. 11, 1961; 10:59 a.m.]

Executive Order 10903

DELEGATING AUTHORITY TO THE PRESIDENT WITH RESPECT TO REGULATIONS RELATING TO CERTAIN ALLOWANCES AND BENEFITS TO GOVERNMENT PERSONNEL ON OVERSEAS DUTY

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, section 303 of the Foreign Service Act of 1946 (22 U.S.C. 843) and various provisions of law cited in the body of this order, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 111(3) of the Overseas Differentials and Allowances Act (54 Stat. 792) to prescribe regulations governing the term "temporarily."

(b) The authority vested in the President by Title II of the Overseas Differentials and Allowances Act to prescribe regulations, including the regulations referred to in sections 202, 203, and 221-4(B) of that Act (generally, respectively, (1) certain waiver of r-

Title 3—THE PRESIDENT

Executive Order 10816

AMENDMENT OF EXECUTIVE ORDER NO. 10501 OF NOVEMBER 5, 1953, RELATING TO SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Executive Order No. 10501 of November 5, 1953, relating to safeguarding official information in the interests of the defense of the United States, is hereby amended as follows:

1. Section 4 is amended by adding a new subparagraph at the end thereof, as follows:

"(1) *Departments and agencies which do not have authority for original classification.* The provisions of this section relating to the declassification of defense material shall apply to departments or agencies which do not, under the terms of this order, have authority for original classification of material, but which have formerly classified material pursuant to Executive Order No. 10290 of September 24, 1951."

2. Section 15 is amended by adding a new subparagraph at the end thereof, as follows:

"*Historical Research.* As an exception to the standard for access prescribed in the first sentence of section 7, but subject to all other provisions of this order, the head of an agency may permit persons outside the executive branch performing functions in connection with historical research projects to have access to classified defense information originated within his agency if he determines that: (a) access to the informa-

¹ 18 F.R. 7049; 8 CFR, 1949-1953 Comp., p. 979.

tion will be clearly consistent with the interests of national defense, and (b) the person to be granted access is trustworthy PROVIDED; that the head of the agency shall take appropriate steps to assure that classified information is not published or otherwise compromised."

3. The first sentence of subparagraph (d) of section 8 is amended to read as follows:

"Confidential defense material shall be transmitted within the continental United States by one of the means established for higher classifications, by registered, certified or first-class mail, or by express or freight under such conditions as may be prescribed by the head of the department or agency concerned."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

May 7, 1959.

[F.R. Doc. 59-4018; Filed, May 8, 1959; 2:35 p.m.]

**Memorandum of May 7, 1959
(DEPARTMENTS AND AGENCIES SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 2 OF E.O. 10501)**

Memorandum for the Heads of All Departments and Agencies of the Government

My memorandum to you of November 5, 1953, relating to Executive Order No. 10501 of the same date is supplemented by adding to the enumeration of departments and agencies under the heading "Original Classification Authority Eliminated" the following agencies:

- 29. Farm Credit Administration
- 30. Federal Coal Mine Safety Board of Review

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

May 7, 1959.

NOTE: The text of the memorandum of November 5, 1953, is set forth below.

(Continued on p. 3779)

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connection with combat or combat-related operations as the Secretary of Defense
may by regulations prescribe.

Section 15. EXCEPTIONAL CASES

When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information (preferably, that department, agency, or person to which the information would be transmitted in the ordinary course of business), with a request that such department, agency, or person classify the information.

Section 16. REVIEW TO INSURE THAT INFORMATION IS NOT IMPROPERLY WITHHELD HEREUNDER

The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Governmental sources relating to the operation of this order.

Section 17. REVIEW TO INSURE SAFEGUARDING OF CLASSIFIED DEFENSE INFORMATION

The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

Section 18. REVIEW WITHIN DEPARTMENTS AND AGENCIES

The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

Section 19. REVOCATION OF EXECUTIVE ORDER NO. 10290

Executive Order No. 10290 of September 24, 1951 is revoked as of the effective date of this order.

Section 20. EFFECTIVE DATE

This order shall become effective on December 15, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 5, 1953.

Section 9. DISPOSAL AND DESTRUCTION

Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein, may be destroyed only in accordance with the act of July 7, 1943, c. 192, 57 Stat. 380, as amended, 44 U.S.C. 366-380. Non-record classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) **Methods of Destruction:** Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

(b) **Records of Destruction:** Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

Section 10. ORIENTATION AND INSPECTION

To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of this order are administered effectively.

Section 11. INTERPRETATION OF REGULATIONS BY THE ATTORNEY GENERAL

The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

Section 12. STATUTORY REQUIREMENTS

Nothing in this order shall be construed to authorize the dissemination, handling, or transmission of classified information contrary to the provisions of any statute.

Section 13. "RESTRICTED DATA" AS DEFINED IN THE ATOMIC ENERGY ACT

Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 1, 1946, as amended. "Restricted Data" as defined by the said act shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1946, as amended, and the regulations of the Atomic Energy Commission.

Section 14. COMBAT OPERATIONS

The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in

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outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

Section 8. TRANSMISSION

For transmission outside of a department or agency, classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) Preparation for Transmission: Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt form shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) Transmitting Top Secret Material: The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) Transmitting Secret Material: Secret material shall be transmitted within the continental United States by one of the means established for Top Secret material, by an authorized courier, by United States registered mail, or by protected commercial express, air or surface. Secret material may be transmitted outside the continental limits of the United States by one of the means established for Top Secret material, by commanders or masters of vessels of United States registry, or by United States Post Office registered mail through Army, Navy, or Air Force postal facilities, provided that the material does not at any time pass out of United States Government control and does not pass through a foreign postal system. Secret material may, however, be transmitted between United States Government and/or Canadian Government installations in continental United States, Canada, and Alaska by United States and Canadian registered mail with registered mail receipt. In an emergency, Secret material may also be transmitted over military communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

(d) Transmitting Confidential Material: Confidential defense material shall be transmitted within the United States by one of the means established for higher classifications, by registered mail, or by express or freight under such specific conditions as may be prescribed by the head of the department or agency concerned. Outside the continental United States, Confidential defense material shall be transmitted in the same manner as authorized for higher classifications.

(e) Within an Agency: Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(e) Custodian's Responsibilities: Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for securely locking classified material in approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(f) Telephone Conversations: Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversations, except as may be authorized under section 8 hereof with respect to the transmission of Secret and Confidential material over certain military communications circuits.

(g) Loss or Subjection to Compromise: Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

Section 7. ACCOUNTABILITY AND DISSEMINATION

Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies thereof reproduced. The number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) Accountability Procedures: Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) Dissemination Outside the Executive Branch: Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) Information Originating in Another Department or Agency: Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U.S.C. sec. 403, classified defense information originating in another department or agency shall not be disseminated

(h) Change or Removal of Classification: Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. Automatic change in classification shall be indicated by the appropriate classifying authority through marking or stamping in a prominent place to reflect information specified in subsection 4 (a) hereof.

(i) Material Furnished Persons not in the Executive Branch of the Government: When classified material affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its assigned classification:

"This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law."

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act is authorized when appropriate.

Section 6. CUSTODY AND SAFEKEEPING

The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following physical or mechanical means shall be taken to protect it:

(a) Storage of Top Secret Material: Top Secret defense material shall be protected in storage by the most secure facilities possible. Normally it will be stored in a safe or a safe-type steel file container having a three-position, dial-type, combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of surreptitious entry, physical theft, damage by fire, or tampering. The head of a department or agency may approve other storage facilities for this material which offer comparable or better protection, such as an alarmed area, a vault, a secure vault-type room, or an area under close surveillance of an armed guard.

(b) Secret and Confidential Material: These categories of defense material may be stored in a manner authorized for Top Secret material, or in metal file cabinets equipped with steel lockbar and an approved three combination dial-type padlock from which the manufacturer's identification numbers have been obliterated, or in comparably secure facilities approved by the head of the department or agency.

(c) Other Classified Material: Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(d) Changes of Lock Combinations: Combinations on locks of safekeeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, or

(f) Downgrading: If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) Upgrading: If the recipient of unclassified material believes that it should be classified, or if the recipient of classified material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the material or upgrade the classification after obtaining the consent of the appropriate classifying authority.

(h) Notification of Change in Classification: The reviewing official taking action to declassify, downgrade, or upgrade classified material shall notify all addressees to whom the material was originally transmitted.

Section 5. MARKING OF CLASSIFIED MATERIAL

After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order, the classified material shall be marked as follows:

(a) Bound Documents: The assigned defense classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(b) Unbound Documents: The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(c) Charts, Maps, and Drawings: Classified charts, maps, and drawings shall carry the defense classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(d) Photographs, Films and Recordings: Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(e) Products or Substances: The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(f) Reproductions: All copies of reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(g) Unclassified Material: Normally, unclassified material shall not be marked or stamped Unclassified unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

Section 4. DECLASSIFICATION, DOWNGRADING, OR UPGRADING

Heads of departments or agencies originating classified material shall designate persons to be responsible for continuing review of such classified material for the purpose of declassifying or downgrading it whenever national defense considerations permit, and for receiving requests for such review from all sources. Formal procedures shall be established to provide specific means for prompt review of classified material and its declassification or downgrading in order to preserve the effectiveness and integrity of the classification system and to eliminate accumulation of classified material which no longer requires protection in the defense interest. The following special rules shall be observed with respect to changes of classification of defense material:

(a) Automatic Changes: To the fullest extent practicable, the classifying authority shall indicate on the material (except telegrams) at the time of original classification that after a specified event or date, or upon removal of classified enclosures, the material will be downgraded or declassified.

(b) Non-Automatic Changes: The persons designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) Material Officially Transferred: In the case of material transferred by or pursuant to statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) Material Not Officially Transferred: When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the possessing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to declassify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) Classified Telegrams: Such telegrams shall not be referred to, extracted from, paraphrased, downgraded, declassified, or disseminated, except in accordance with special regulations issued by the head of the originating department or agency. Classified telegrams transmitted over cryptographic systems shall be handled in accordance with the regulations of the transmitting department or agency.

Section 2. LIMITATION OF AUTHORITY TO CLASSIFY

The authority to classify defense information or material under this order shall be limited in the departments and agencies of the executive branch as hereinafter specified. Departments and agencies subject to the specified limitations shall be designated by the President:

(a) In those departments and agencies having no direct responsibility for national defense there shall be no authority for original classification of information or material under this order.

(b) In those departments and agencies having partial but not primary responsibility for matters pertaining to national defense the authority for original classification of information or material under this order shall be exercised only by the head of the department or agency, without delegation.

(c) In those departments and agencies not affected by the provisions of subsection (a) and (b), above, the authority for original classification of information or material under this order shall be exercised only by responsible officers or employees, who shall be specifically designated for this purpose. Heads of such departments and agencies shall limit the delegation of authority to classify as severely as is consistent with the orderly and expeditious transaction of Government business.

Section 3. CLASSIFICATION

Persons designated to have authority for original classification of information or material which requires protection in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary classification and over-classification shall be scrupulously avoided. The following special rules shall be observed in classification of defense information or material:

(a) Documents in General: Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) Physically Connected Documents: The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) Multiple Classification: A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one over-all classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) Transmittal Letters: A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) Information Originated by a Foreign Government or Organization: Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

EXECUTIVE ORDER No. 10501

NOVEMBER 5, 1953

SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

WHEREAS it is essential that the citizens of the United States be informed concerning the activities of their government; and

WHEREAS the interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action; and

WHEREAS it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Section 1. CLASSIFICATION CATEGORIES

Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as expressly provided by statute. These categories are defined as follows:

(a) Top Secret: Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(b) Secret: Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(c) Confidential: Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.