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USIB-D-17.1/23  
15 June 1967

UNITED STATES INTELLIGENCE BOARD

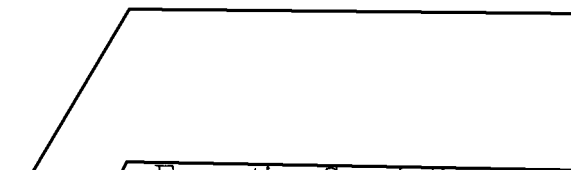
MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

SUBJECT : Responsibility for Determining Policy for  
Release of Intelligence to Foreign Governments

REFERENCES : a. USIB-M-442, item 6, 28 July 1966  
b. USIB-M-436, item 5, 9 June 1966  
c. USIB-D-17.1/22, 25 May 1966

1. The attached memorandum on the subject from the Director of Central Intelligence is circulated herewith to inform the Board in paragraphs five and six of the actions he proposes to take regarding this matter.

2. Mr. Helms plans to discuss this subject with the Board at an early meeting. Accordingly, the attachment will be scheduled on a forthcoming agenda for Board discussion.

  
Executive Secretary

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Attachment

As a result of discussion at the pre-USIB meeting on 5 July, Mr. Helms concluded this item should be removed from the agenda for an indefinite period of time.

Background material filed in "Releases General"  
*of Intelligence Info. to Fgn. States* - 7/16/67

GROUP 1  
Excluded from automatic  
downgrading and  
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THE DIRECTOR OF CENTRAL INTELLIGENCE  
WASHINGTON, D.C. 20505

Attachment  
USIB-D-17. 1/23

14 June 1967

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

SUBJECT: Responsibility for Determining Policy for Release  
of Intelligence to Foreign Governments

1. At the present moment, there are several points of authority within the government regarding policy for the release of intelligence to foreign governments:

a. Under NSCID-1, the DCI is "authorized to disseminate national intelligence and interdepartmental intelligence produced within the U. S. Intelligence Board structure on a strictly controlled basis to foreign governments and international bodies upon his determination, with the concurrence of the U. S. Intelligence Board, that such action would substantially promote the security of the United States... Departmental intelligence and interdepartmental intelligence produced outside the U. S. Intelligence Board subcommittee structure may be disseminated in accordance with existing statutes and Presidential policy, including that reflected in international agreements."

b. "Basic Policy Governing the Disclosure of Classified Military Information to Foreign Governments," approved by the President on February 27, 1946 assigns to the Secretaries of State, War, and Navy authority to determine release of classified military information. Military intelligence is specifically included as a category of military information. As the instrument of the Secretaries of State and Defense in carrying out their responsibilities under this policy statement, there has been in existence since 1946, under various titles and organizational arrangements, an interagency committee which today is called National Military Information Disclosure Policy Committee (NDPC) with membership representing State, Defense, AEC, the DCI and the three military services.

c. The 1946 directive was reaffirmed and supplemented in 1958 by a further Presidential directive entitled "Basic Policy Concerning the Release of Classified Defense Information to Foreign Governments." This 1958 directive extends authority to each department or agency to release to foreign governments non-military classified information originating in that department or agency, subject to certain determinations and safeguards.

d. Under NSCID-6, COMINT and ELINT arrangements with foreign governments are conducted in accordance with the policies established by USIB, with the DCI and Director, NSA acting as executive agents.

e. Release of TKH information is controlled by the DCI.

2. The dispersion and overlapping of authority and responsibility outlined above have caused problems in the past, and threaten further problems in the immediate future. The USIB, for example, has reviewed the release of all types of intelligence (including military intelligence)

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Strictly speaking, however, USIB's writ extends only to national and interdepartmental intelligence, and to SIGINT, and there is some doubt that its views in regard to other types of intelligence would, in fact, be complied with in all instances. Continual difficulties arise over the scope of the "military intelligence" for which NDPC is responsible. Attempts have been made to include within its scope such subjects as counterintelligence and intelligence on foreign nuclear activities.

3. The most significant overlap of authority and responsibility is that involving the NDPC. In the summer of 1966 when a new charter for this committee was in preparation, an effort was made to have military intelligence removed from the jurisdiction of the committee. At that time, USIB gave consideration to the problem (USIB-M-436, item 5, and USIB-M-442, item 6). The effort to get NDPC out of the intelligence business was not successful, owing in large part to the existence of the 1946 Presidential directive mentioned in paragraph 1.b., above. Release of military intelligence constitutes less than 3% of the business of the NDPC, which is primarily concerned with the release of classified information concerning U. S. military technology, weapons, equipment, doctrine, etc.

4. Experience has now made it clear, however, that the provisions of the 1946 Presidential directive, under which NDPC exercises jurisdiction over release of military intelligence, conflict with the responsibilities of the DCI and USIB under NSCID-1, and affect the fulfillment of the DCI's statutory responsibilities for the protection of intelligence sources and methods. I believe the time has come to take the necessary action to remove military intelligence from the jurisdiction of NDPC, and unequivocally to assign responsibility for developing policies and procedures for the release of foreign intelligence in toto to the DCI, with the advice and concurrence of USIB. Such action, if it took the form of an NSAM, would supersede the 1946 Presidential directive. It would enable centralized, coherent, uniform direction and guidance to be provided for the release of all forms of foreign intelligence--national, departmental, military, counterintelligence, SIGINT and TKH.

5. I intend, therefore, to raise this matter with the Senior Interdepartmental Group and to recommend the issuance of an NSAM which would amend the Presidential directives of 1946 and 1958 by assigning to the DCI, with the advice and concurrence of USIB, responsibility for determining policies and procedures for the release of all foreign intelligence to foreign governments and international organizations.

6. If such an NSAM were issued, I would propose that the Board establish a standing committee to develop and recommend policies and procedures and to examine and make recommendations on problems as they arise, concerning the release of intelligence and intelligence exchanges with foreign governments and international organizations.



Richard Helms