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APPENDIX B

DISCUSSION

I. AS TO THE AUTHORITY OF USCIB-USCICC AND OF THE COORDINATOR OF JOINT OPERATIONS.

NOTE: To avoid confusion in the following discussion, it should be borne in mind that the title of the Communication Intelligence governing body underwent the following successive changes as its membership was extended:

1. ANCIB-ANCICC (original Army-Navy membership).
2. STANCIB-STANCICC (extended to include State Dept).
3. USCIB-USICCC (as at present constituted: Army, Navy, State, FBI, CIG.)

1. Paragraphs 1, 2, and 3 of Appendix A and Annexes C-1 and C-3 set forth the functions and objectives of ANCIB-ANCICC as originally stated. No actual joint direction of joint operations appears to have been agreed upon at that time.

2. The plan submitted by the Army on 9 May 1945 (See Annex D-1, Appendix A) provided that; "all reallocations of cryptanalytic responsibilities as between the Army and Navy shall be made by this board" (ANCIB). It further provided that "any differences in policy will be reconciled by ANCIB-----".

3. In the Navy's proposed plan for collaboration and coordination of C. I. activities, dated 30 May 1945 (See Annex D-2 of Appendix A), under the elements of "Operational Control", the already existing ANCIB was suggested as the "Joint Policy Board" to be "charged with establishing joint policies and coordinating the activities of the communication intelligence organizations". It was further suggested that ANCICC be used as the Technical Coordinating Committee to function in accordance with directives of ANCIB.

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Further, under the heading "Operations", in sub-paragraph 3, in referring to non-military and non-naval problems it was suggested that other fields of interest "----- will be assigned in conformity with policies established by the Joint Policy Board (ANCIB)-----". This plan also proposed actual joint operations at certain points in the scheme of coordination.

4. As indicated in paragraphs 2 and 3 above, both the Army and the Navy clearly envisaged extending functions specifically set forth in the joint memorandum of 10 March 1945, which was the original charter of ANCIB.

5. The exchange of memoranda between General Marshall and Admiral King indicated dissatisfaction with the degree of integration existing under the coordinating arrangements then in effect. The concept of joint direction of joint effort was introduced in this exchange. ANCIB was directed to study the problem and make recommendations toward improving these arrangements. The Board on 22 August 1945 recommended combining Army and Navy C. I. activities under joint direction. This was interpreted by the Army to involve physical consolidation of Army and Navy technical facilities.

6. At the ANCICC meeting on 12 September 1945, the Navy members indicated opposition to such physical consolidation of technical facilities but expressed the desire to extend and improve existing coordination and collaboration between them in all matters of joint interest.

7. The recommendations of the Board submitted on 22 August 1945 were rejected by Admiral King who stated that the Navy must maintain complete and independent control of the production, evaluation, and dissemination of Naval operational intelligence, and must not consolidate its technical

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facilities with those of the Army. This reaffirmed the principle, laid down in the 30 May 1945 plan, that joint operations should not include purely Naval problems.

8. At a joint ANCIB-ANCICC meeting on 4 October 1945, it was brought out that the Army would agree to the maintenance of separate Army and Navy cryptanalytic units, but that it desired the appointment of a strong coordinating authority in the person of a director. The Navy indicated preference for a "coordinator", rather than a "director", in charge of those C. I. activities to be conducted jointly, pointing out that a "director" would be confronted with administrative difficulties regarding funds, personnel, etc. The Navy urged that a "coordinator" be appointed to act within the framework of directives issued by ANCIB. These differences obviously arose over the accepted implications of the two titles. The Navy was willing to accept the principle of unified direction operationally but not administratively.

9. By interchange of memoranda, commencing 28 December 1945, Admiral Nimitz and General Eisenhower expressed dissatisfaction over the previous failure to reach an agreement for effecting full integration and joint direction of joint effort in the C. I. field, and directed ANCIB to make a fresh start on this problem.

10. Under date of 29 January 1946, the Navy drew up a revision of its 30 May 1945 plan, which revision proposed the inclusion in the STANCIB-STANCICC (formerly ANCIB-ANCICC) organization of a coordinator of joint

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operations who would function under the directives of STANCICC to coordinate the Intercept Coverage, Processing, and Allocation of those tasks which by mutual agreement are a joint responsibility of the Army and Navy. At the meeting on 13 February 1946, this plan was discussed and agreement was reached by the members to include a coordinator or director of joint operations with authority and responsibility to be defined by STANCIB. General Corderman indicated that the coordinator must have full authority and responsibility to accomplish his mission. Members agreed that this authority and responsibility must be clearly defined. The State Department representative said that his Department had an interest in the plan, because the amount of authority possessed by a director or coordinator would affect the State Department's relations with the technical agencies.

11. On the basis of discussions at the foregoing meeting and of subsequent informal conferences between members of STANCIB and STANCICC, the Navy plan of 29 January 1946 was redrafted to define more clearly the responsibilities and authority of the coordinator. In the light of the Army's insistence upon adequate and definite authority for the coordinator, it is significant to note that, whereas the plan of 29 January 1946 provided specifically that the coordinator would function under directives of STANCICC to coordinate, the revised plan specified that the coordinator would function "under control of STANCIB-STANCICC as executor of policies and directives for the allocation of tasks" in the field of joint responsibility, and that he would be charged with direction of the accomplishment of these joint tasks.

12. Furthermore, at the request of the Chief of ASA, a stipulation was

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included that:

"the operating heads of ASA and Op-20-G will be responsible to the coordinator for accomplishment of the tasks allocated by him".

In reply to a question raised during the 13 February 1946 meeting of STANCICC, as to how the directives of the coordinator could be enforced, General Corderman, then Chief of ASA, stated that:

"in any case where the coordinator had difficulties with an agency head, he could appeal to the agency head's chief or to STANCIB".

13. At the STANCIB-STANCICC meeting on 15 February 1946 (See Annex K-1 to Appendix A), the intent of the plan was thoroughly discussed.

Admiral Stone stated that:

"it is the intent of the proposed plan to retain complete Navy and Army responsibility for work on naval and military systems respectively. [redacted] other communication activities will be considered a joint project and will come under the direction of the proposed coordinator". (Underscoring supplied)

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That both Army members and both Navy members of STANCIB considered STANCIB to be the "governing body" under the plan, and the coordinator to be under that body's direction, is clearly indicated in the minutes of this meeting.

14. In accordance with provisions of the approved plan of 15 February 1946, the Chief of ASA and Op-20-G prepared an outline of the "Duties and Responsibilities of the Coordinator of Joint Operations" for submission to STANCIB. This outline was approved by STANCIB on 22 April 1946. (Annex N to Appendix A). With regard to the responsibilities and authority of the coordinator and his relation to STANCIB and STANCICC, both this out-

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line and the basic plan state specifically:

"The Coordinator of Joint Operations shall function.....
under the control of STANCIB-STANCICC as executor of policies
and directives formulated by STANCIB-STANCICC for the alloca-
tion of tasks for such intercept and processing capacities as
may be made available for joint use by ASA and Op-20-G -----
the operating heads of ASA and Op-20-G will be responsible to
the Coordinator for the accomplishment of the tasks allocated
by him. The Army will continue to be responsible for work on
military and [redacted] systems and the Navy for work on
naval and [redacted] systems. Work on other systems will
be a joint responsibility and shared accordingly. It is ex-
pected that a certain percentage of the intercept and pro-
cessing capacities will be reserved and controlled entirely
by ASA and Op-20-G respectively for the performance of the
strictly military or naval tasks. The remaining capacities
will be placed at the disposal of the Coordinator for
accomplishing the other tasks as he may direct. In the
utilization of the joint capacities thus made available
to him to accomplish joint tasks directed by STANCIB-
STANCICC, he shall be guided by....."(underlining supplied)

It should be noted that although this may be construed to provide that
either the Army or Navy may at any time withdraw facilities from the
jurisdiction of the Coordinator for work on strictly military, [redacted]
[redacted] systems, it does not permit withdrawal
or shift of facilities for work [redacted]

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██████████ systems under the exclusive direction of either service. Moreover, the withdrawal of any facilities in complete disregard of the general problem and the requirements of other member agencies obviously would not be in keeping with the spirit of the plan.

15. The new Organizational Bulletin No. II, approved by USCIB (formerly STANCIB) on 31 July 1946, reaffirms the responsibility and authority of the Coordinator of Joint Operations, and his subordinate relation to USCIB-USCICG, the successor of STANCIB-STANCICG.

II. AS TO THE STATUS OF USCIB-USCICG AND OF ITS MEMBERS.

16. Paragraph 3 of the joint memorandum of 10 March 1945, which created ANCIB-ANCICG, defined specifically the status of the Army and Navy Members.

17. From the 23 October 1945 memorandum of the Secretary of State, (Appendix A, Annex O) it appears that the Department of State has a continuing interest in the direction of C. I. efforts. It is also clear that the Department's representative on USCIB (formerly STANCIB formerly ANCIB) is answerable directly to the Secretary of State (Appendix A, Annexes O and O-3). This relationship is further supported by the fact that within the Department of State the Special Assistants to the Secretary of State have the same rank as the Assistant Secretaries of State.

18. That all members of ANCIB considered the State Department membership to be unqualified would appear to be substantiated by the fact that no limitations are mentioned in the exchange of

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correspondence pertaining to the extension of membership to the Department of State and by the Board's action in revising its organizational charter and changing its name to STANCIB.

19. From the 14 February 1946 letter from the Director of the FBI (See Appendix A, Annex Q-1) it appears that this Bureau also has a continuing interest in the direction of C. I. efforts. It is likewise clear from the facts that within the Federal Bureau of Investigation, the Assistant to the Director ranks second to the Director, and that the FBI representative on the Board is answerable directly to the Director of that Bureau. (See paragraph 29, Appendix A).

20. That all members of STANCIB considered the membership extended to the FBI on 13 June 1946 to be unqualified appears to be supported by the fact that no limitations appear in the correspondence leading to this extension of membership on the Board and by the Board's action in revising its charter and changing its designation from STANCIB (formerly ANCIB) to USCIB.

21. From the President's directive of 22 January 1946 establishing the N. I. A. and the C. I. G. it appears that the Director of Central Intelligence has a continuing interest in the control of C. I. efforts. (See Appendix A, Annex T). From the same directive, it is clear that the Director of Central Intelligence is answerable directly to the N. I. A.

22. That USCIB members considered the membership extended to the Director of Central Intelligence to be unqualified appears to be supported both by the fact that no limitations appear in the correspondence leading

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to this extension of membership on the board and the board's action in revising its Organizational Bulletin.

23. An additional circumstance which supports the conclusion that no discrimination against the so-called non-producing members of USCIB was ever intended is the absolute equality of veto and vote ascribed to each member agency without reserve as membership increased. (See paragraph 5 of Organizational Bulletin No. II).

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APPENDIX C

CONCLUSIONS

From the discussion of the facts and from a careful study of the relevant documents appended hereto, the following conclusions clearly emerge:

I. AS TO THE AUTHORITY OF USCIB-USCICG AND OF THE COORDINATOR OF JOINT OPERATIONS

1. The original charter of ANCIB as issued on 10 March 1945 provided merely for coordination of the effort of two separately operated and directed activities, primarily with a view to avoiding duplication of effort and effecting full exchange of technical information and resulting intelligence.

2. From this initial concept there gradually evolved the additional function of joint direction of joint effort in fields of mutual interest, in order to achieve greater efficiency and economy. Pursuant to the personal desires of the Chief of Staff, U. S. Army, and the Chief of Naval Operations to improve integration of the Army and Navy C. I. organizations, STANCIB (formerly ANCIB) evolved, adopted, and implemented a plan for joint direction of joint effort which in effect extended the original charter.

3. The Army favored physical consolidation of Army and Navy technical facilities for this purpose. The Navy opposed such physical consolidation, but accepted the Army's expressed desire for executive direction of joint effort by an individual. Both the Army and the Navy agreed that this individual should be subject to the control of STANCIB (which has since become USCIB) as the governing body of the joint operating plan.

4. The Navy proposed, and the Army agreed, to designate the individual as "coordinator", rather than "director", as suggested by the Army, in order to avoid certain administrative complications. Regardless of what title

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the individual was given, the fact remains that executive and directive responsibility and authority were expressly assigned to him. The intent in this regard, as well as the fact, is clearly indicated by pertinent discussions at STANCIB and STANCICC meetings and by the revision of the wording of the Coordinator's Duties as originally proposed in the plan of 29 January 1946. The statement in this plan that the Coordinator would coordinate tasks which are a joint responsibility was changed in the plan as finally approved to specify that he would execute policies and directives of STANCIB-STANCICC for the allocation of tasks in the field of joint responsibility and direct the accomplishment of these tasks.

5. Because of the Navy's belief, as indicated first by the 30 May 1945 Plan and reiterated by Admiral King, that it must retain complete control of the production and dissemination of Naval operational information as an element of Naval Command, the joint operating plan as finally adopted provides for coordinated effort, under separate direction of the C. I. agency heads, in the strictly military and naval fields, and for joint effort, under centralized direction of the coordinator, in all other fields. With the adoption of this joint plan, the function of joint direction of joint effort was in effect added to the functions of the Board, as set forth in the original charter, because the plan provides that the Coordinator will exercise his authority under policy control of STANCIB (now USCIB).

6. That the coordinator's directive authority in operational matters in the non-military, non-naval fields clearly extends into both services

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is indicated by the fact that the heads of both operating agencies are expressly made responsible to the coordinator for the performance of all tasks assigned by him. By virtue of the fact that the heads of the operating agencies are thus made responsible to the Coordinator, the latter should exercise his directive function through them. The operational direction of the two agencies by the Coordinator within the established limits therefore follows the same channel as the operational direction of those agencies, outside these limits, by military superiors in the respective services. This channel of authority is shown on the approved organization chart dated 12 March 1946. (See Enclosure (A) to Annex M).

7. The views presented in the Coordinator's memorandum of 22 November 1946 to the effect that:

- (a) the present authority of USCIB does not extend beyond the power of limited coordination as originally vested in ANCIB, and
 - (b) changes in priority and major shifts in emphasis (in this case involving the field of agreed joint interest) are matters for separate decision within the War and Navy Departments,
- are in conflict with the foregoing conclusions. Sub-paragraph (b), above, is in conflict even with the concept of coordination as well as joint direction.

8. On 28 March 1946 the Naval members of USCIB reported to the Chief of Naval Operations (with copy to Army members) the establishment of what they believed to be certain definite agreed arrangements for unified direction

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of joint operations, made in compliance with his directive. Substantial advances have since been made in integrating the Army and Navy C. I. activities and in implementing various aspects of these arrangements, which accomplishments reflect much credit on the present Coordinator. Now, however, in the light of the conflict described above, the Navy Members find themselves in the position of having confidently reported to the Chief of Naval Operations the achievement of a degree of integration which may never have existed.

9. Furthermore, the jurisdiction of USCIB-ANCICC has been challenged in regard to an important problem involving a basic principle of unified direction of joint effort. As this question strikes at the root of USCIB-ANCICC's purpose and being, it must be resolved in order that the organization for joint operations may function effectively in the national interest.

II. AS TO THE STATUS OF USCIB-USCICC AND OF ITS MEMBERS

1. USCIB-USCICC is the successor to STANCIB-STANCICC which was in turn the successor of ANCIB-ANCICC, each change in name having followed an extension of membership. In each case the extension of membership was expressly approved by the Army and Navy authorities that originally created the Board and Committee, as well as by appropriate authority in each other department or agency represented. Thus the original charter (See Annex C-2) was successively broadened in intent as membership increased.

2. All USCIB memberships are considered to involve equal rights and duties in regard to policy matters coming under cognizance of the Board.