

Nov 17, 1955

Annex ?

Comment on NSA(e) "Dissemination"

not to be

used

file related
to CD

HS/HC-80
1/17/55

470129

ANNEX

COMMENT ON NSA 102 (e) "DISSEMINATION"

(Note: This comment was discussed on November 17, 1955, with L. R. Houston, CIA General Counsel, who considered it a reasonable brief statement of the case.)

The National Security Act of 1947 put a positive duty on CIA to disseminate to appropriate agencies within the Government correlated and evaluated intelligence relating to the national security. This is specific and positive and is the direct result of the Pearl Harbor investigation which showed that failure to disseminate intelligence was among the causes of the disaster. Related to this duty is the clause (section 102 (e)) allowing for inspection of the intelligence agencies by the DCI; plus the provision (d-4) that CIA shall perform "services of common concern".

In order to direct a system under which there would be a minimum possibility of non-dissemination such as occurred at Pearl Harbor, the DCI would need to take full advantage of the "inspection" clause because otherwise he would have no way of knowing whether or not material requiring dissemination had been received in any given department. He would also need whatever authority might be granted by the NSC to assure that such material would be disseminated to all appropriate officials. On the other hand, to provide for dissemination of intelligence as a "service of common concern", he would need only to construct machinery, within the central agency, adequate for the purpose of routing information.

The ideal of centrally assured dissemination is in conflict with certain realities of intelligence. Information classifiable

as intelligence by general standards, may be deemed unavailable for intelligence purposes by a department of the government in which intelligence is only a supporting function for broader purposes. Thus the business of the Department of Defense is to prosecute and be prepared for war, while that of the Department of State is to formulate and execute foreign policy. Information directly related to these purposes may constitute intelligence under given definitions of the term but is not so considered by these departments which will, therefore, not free it for distribution in intelligence channels. If this principle were disturbed through insistence upon a prescribed distribution of such materials, the implications for the operating departments would be most difficult.

Perhaps in consequence of these facts, the adoption of a central dissemination system such as may have been intended by Congress under the terms of the National Security Act has never been found feasible. Instead, the actual responsibility for dissemination has devolved upon the Intelligence Advisory Council (subject of course to the NSC) where ultimate decisions as to dissemination are made.

A "service of common concern" with respect to dissemination became a function of the Office of Collection and Dissemination of CIA which served both as a distribution center within CIA and a central clearing house for the routing of intelligence within the government.