

The Third Agency Rule

1. As early as November 1953, the third agency rule was included in Executive Order 10501, which has now been revoked. Section 7(c) prohibited the dissemination of "classified defense information originating in another Department or agency" to an agency "outside the receiving Department or agency without the consent of the originating Department or agency". The only exception to this rule is that dissemination may be made under the authority of Section 102 of the National Security Act. This section authorizes the Director of Central Intelligence "to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using, where appropriate, existing agencies and facilities".

2. Historically, the responsibility of the DCI to disseminate intelligence has referred to "finished intelligence". This product is the end result of contributions from members of the Intelligence Community. Therefore, in this situation the finished product is a homogenous product and therefore the approval for further dissemination beyond the receiving agency must come from the Central Intelligence Agency.

3. Executive Order 10501 was superseded by Executive Order 11652 which became effective 1 June 1972. This Executive order did not specifically cover the third agency rule. However, it does provide the following controls: Sec. 9. Special Departmental Arrangements. The originating Department or other appropriate authority may impose, in conformity with the provisions of this order, special requirements with respect to access, distribution and protection of classified information and material, including those which presently relate to communications intelligence, intelligence sources and methods and cryptography.

4. In anticipation of the implementation of Executive Order 11652, a directive was issued on May 17, 1972 entitled "National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information". This directive does not contain the term "third agency rule" but does have four subsections which relate to procedures which are similar to what historically had been called the third agency rule. These sections are:

A. (2) Determination of Need-to-Know. In addition to a security clearance, a person must have a need for access to the particular classified information or material sought in connection with the performance of his official duties or

actual obligations. The determination of that need shall be made by officials having responsibility for the classified information or material.

D. Consent of Originating Department to Dissemination by Recipient. Except as otherwise provided by Section 102 of the National Security Act of 1947, 61 Stat. 495, 50 U.S.C. 403, classified information or material originating in one Department shall not be disseminated outside any other Department to which it has been made available without the consent of the originating Department.

E. Dissemination of Sensitive Intelligence Information. Information or material bearing the notation "WARNING NOTICE -- SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED" shall not be disseminated in any manner outside authorized channels without the permission of the originating Department and an assessment by the senior intelligence official in the disseminating Department as to the potential risk to the national security and to the intelligence sources and methods involved.

F. Restraint on Special Access Requirements. The establishment of special rules limiting access to, distribution and protection of classified information and material under Section 9 of the Order requires the specific prior approval of the head of a Department or his designee.

5. Examples of the application of the Third Agency Rule are:

(a) In a national security estimate, contributions are received from all members of the Intelligence Community and then disseminated to members of the community under the authority of the DCI;

(b) A CIA intelligence report disseminated to the State Department may not be sent by the State Department to the Department of Commerce without the permission of the CIA;

(c) Information which the CIA furnishes the President's Commission may not be disseminated to other agencies or to the Congress without the concurrences of CIA. Thus, a request from the Congress to the Commission for CIA information should be referred to CIA for action so that the necessary protection of the information can be insured.

If the Navy Department discusses one of its operations with CIA, CIA may not include information about that operation in papers it disseminates to other agencies unless it has received the permission of the Navy Department. The distinction here is that a Navy operation would not be considered part of the finished intelligence mechanism and therefore would not fall within the statutory authority of CIA to disseminate intelligence.

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Ad Hoc Coordinating Group Meeting
Wednesday, 2 April 1975
at 1000 hours
DCI Conference Room (7D64)

ICS 25X1A



Air Force

Colonel Donald B. Ralph

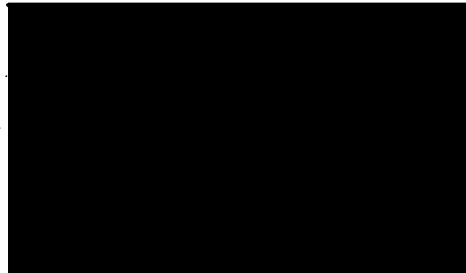
Justice

Mr. James A. Wilderotter

State

Mr. J. J. Hitchcock
Captain Vern Jennings

CIA



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NSA 25X1A



Treasury

Mr. J. Foster Collins
Mr. Robert McBrien

FBI 25X1A



ERDA

Mr. Richard Durham

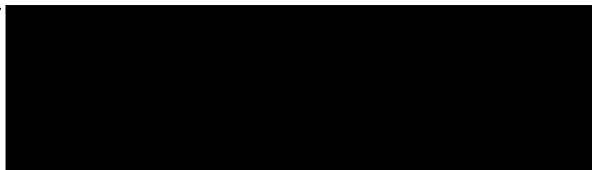
Offc of Sec Def

Mr. Martin R. Hoffmann
Mr. Robert T. Andrews

Offc of Under Sec of the AF

Dr. Charles Cook
Lt. Col. Harold Coyle

DIA 25X1A



Army

Mr. Merrill T. Kelly

Navy

Mr. A. Clarke Magruder

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MEMORANDUM FOR: [REDACTED]

SUBJECT : SECURITY - House Select Committee -
Cleared Personnel

1. The following information has been obtained from the Office of Legislative Counsel and addresses those individuals on Congressman Nedzi's staff or on the staff of the House Armed Services Committee who have been approved for access to classified material. It is assumed that they will have continuing close relations with Congressman Nedzi and may be officially associated in the near future with the House Select Committee.

Mr. Frank M. Slatinshek
Chief Counsel, Armed Services Committee Staff
Room 2117 Rayburn House Office Building
Cleared: TS, SI, TK, B

Mr. William H. Hogan, Jr.
Counsel, Armed Services Committee Staff
Room 2339 Rayburn House Office Building
Cleared: TS, SI, TK

Mr. John L. Boos
Chairman Nedzi's Assistant for Intelligence
Matters
Room 2343 Rayburn House Office Building
Cleared: TS, SI, TK, B

2. The following secretaries are approved for receipt of classified material at the levels indicated:

Berniece Kalinowski (Slatinshek)
Room 2117 Rayburn House Office Building
Cleared: TS, SI, TK, B

Rita D. Argenta (Hogan)
Room 2339 Rayburn House Office Building
Cleared: TS, SI

Oneta L. Stockstill (Boos)
Room 2339 Rayburn House Office Building
Cleared: TS, SI, TK

3. Safe storage facilities are available in Mr. William Hogan's office which have been approved by CIA. Mr. Slatinshek and Mr. Boos keep classified material meant for Congressman Nedzi in this area.

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