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EO 3.3(h)(2)
PL 86-36/50 USC 3605

CIA MEMBER'S COMMENTS ON PROPOSALS FOR COMINT
RELATIONS WITH INTELLIGENCE SERVICES
OF

1. Attached hereto are the comments of the CIA member of the Ad Hoc Committee regarding the differences between the two policy proposals which are being submitted to USCIB. It should be noted that the CIA member's proposal represents no radical departure from Board practice or stated policy, although the current methods upon which it is based provide the necessary flexibility for extension of COMINT arrangements with to any degree desired by USCIB.

2. The attached discussion, set forth under the six major differences between the two proposed policies, elaborates the more important aspects of the CIA position.

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INCL #6

POINT NO. I:

NSA: ".....objective of U.S. policy is to establish COMINT collaboration.....designed to exploit exhaustively their COMINT potential."

CIA: ".....objective of U.S. policy.....is to exploit insofar as profitable the COMINT efforts of those countries."

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A. "Collaboration" implies a degree of exchange which is incongruous when the COMINT assets of each of the three countries are compared with UKUSA resources. The present personnel strength of the entire

[redacted] No matter how "exhaustively" these small organizations were exploited, the U.S. would be at a disadvantage in "collaboration" since it has so much more to contribute.

B. Benefit to the U.S. must be the sole criterion which regulates the degree of cooperation with third parties. USCIB should assess the merits of cooperation with each country individually authorizing the exchange of technical information in order to meet U.S. requirements in specific fields only when definite, profitable quid-pro-quo results can be demonstrated.

POINT NO. II:

NSA: "The U.S. considers it desirable.....to provide technical assistance.....not to exceed the then existing technical capability of each nation, and (it) must not operate to the detriment of current U.S. COMINT relations with the U.K. and Canada.....The arrangements which may ultimately be concluded will probably extend beyond the limitations of paragraphs 4 and 5 of Appendix P to the UKUSA Agreement, but would not be as extensive as those provided for between the U.K. and the U.S."

CIA: "When USCIB deems it necessary in order to effect the maximum profitable exploitation of the COMINT potential of these countries a minimum appropriate amount of technical COMINT information as determined by USCIB may be released."

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A. The decision as to the amount of technical assistance, information and end-product to be provided to any of these countries should be made on the merits of each individual case rather than through blanket authority for collaboration with these countries as a group. It was on this basis that, on 13 February 1953, USCIB approved the provision of information and technical guidance to [redacted] beyond the limitations set by paragraphs 4 and 5 of Appendix P to the UKUSA Agreement.
(USCIB: 14/280).

B. CIA concurs that no third party agreement should operate to the detriment of current U.S. COMINT relations with the U.K. or Canada.

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POINT NO.III:

NSA: ".....in the event it is agreed that tripartite discussions with [redacted] are of advantage to the UK/US COMINT effort....."

CIA: ".....feels it necessary that all such U.S. negotiations be conducted between the U.S. and the country concerned without direct participation of a third nation."

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POINT NO.IV:

NSA: "U.S. COMINT collaboration with the [redacted] should be conducted directly between the national COMINT organizations concerned....."

CIA: ".....negotiations and liaison with foreign intelligence organizations except in the case of the U.K., Canada, and Australia, be conducted by another U.S. intelligence agency acting as the executive agent for USCIB.....The Director NSA will provide such technical support, advice and assistance as may be required for the development of these arrangements."

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B. There is no assurance that the timeliness, quantity, or quality of COMINT from [redacted] can be improved more quickly under NSA stewardship than under present arrangements. Timeliness depends upon the establishment of secure electrical communications; inter-Agency efforts are already underway to provide these for "early warning" material. Regardless of which Agency controls these arrangements, any available secure U.S. electrical or courier facilities could be used for the transmittal of desired materials, or any Agency could be requested to establish new ones if such were deemed necessary by USCIB. It is believed that the U.S. is already receiving the entire "take" of [redacted] and will continue to do so under present arrangements. The

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quality of the [] is expected to improve upon provision of technical assistance already authorized by USCIB; the [] output could be similarly improved when USCIB considered it desirable to provide such assistance.

C. Considerable difficulty and misunderstanding would result from transferring these contacts from one U.S. Agency to another.

E. COMINT organizations are prime targets of hostile and neutral intelligence services, and should be insulated by intermediary organizations. Intelligence agencies in [] know that they are not continuously dealing directly with the ultimate U.S. producer of COMINT. NSA has given direct and indirect technical assistance to CIA without unduly exposing NSA operations to scrutiny or questioning.

POINT NO.V:

NSA: "Such collaboration should be negotiated with third party governments or their COMINT authorities negotiating on an official basis."

CIA: (No direct statement)

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A. The present arrangements with [] now fall into the category prescribed by paragraph 1 of Appendix P of the

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UKUSA Agreement for third party arrangements as "negotiated with COMINT authorities on an official basis." Of course, these agreements are between intelligence services, rather than formal executive agreements binding the heads of states.

B. More formal agreements, as envisaged by NSA, would be politically difficult, if not impossible, from the U.S. point of view. It is understood that NATO members are enjoined not to make bilateral arrangements among themselves; therefore, concurrence of the U.S. Joint Chiefs of Staff would doubtless be a prerequisite to undertaking any more formal agreements with [redacted] the political opinion of the Department of State must be considered; and the approval of the National Security Council might be required.

C. There is no indication that the intelligence chiefs of [redacted] would entertain proposals for more formal agreements. The [redacted] chief declined to sign the present agreement; he is apparently reluctant to discuss COMINT matters with his own countrymen; and he would undoubtedly resent any attempt to formalize any of the arrangements. The situation is somewhat similar in [redacted] intelligence officials have informed the U.S. Army of their unwillingness to undertake anything but a personal arrangement.

D. In a formal, official arrangement, these countries could bring pressure to bear for a continuous increase in the amount of material, including end-products, provided to them. It would be difficult if not impossible to limit the technical exchange to a profitable quid-pro-quo. This trend has been apparent in all the U.S. dealing with Canada under an arrangement which was originally based on a "limited" agreement.

E. Formal agreements would be more difficult to terminate or alter than the present arrangements. If security or other considerations so required, the present arrangements could be terminated without political difficulty or diplomatic embarrassment. If the arrangements were more formal, this would not be possible.

POINT NO.VI:

NSA: (No direct statement)CIA: "The basic principle underlying the development of COMINT arrangements....is that maximum utilization should be made of50
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cash, equipment, and non-COMINT information....in exchange for COMINT products."

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A. This basic principle is consonant with the desire to procure the greatest possible benefits for the U.S. COMINT effort at the least possible threat to security. Current USCIB policy, and the instant CIA proposal, make security considerations a principal factor in deciding to go beyond this basic principle and release specific categories of COMINT information to a Third-Party service. The NSA proposal makes no reference to security factors, and proposes collaboration on a broadened base, rather than exchange of specific categories of information.