

File

USCIB: 13.5/51



7 April 1954

~~TOP SECRET FROTH~~

MEMORANDUM FOR THE MEMBERS OF USCIB:

Subject: Violation of USCIB Policy with Regard to Classification of Subject Matter Related to COMINT.

1. At its 44th Meeting on 27 August 1947, USCICC approved a general policy on the classification of subject matter related to COMINT. This policy was promulgated by the Coordinator of Joint Operations as enclosure (A) to CJO serial 001640 of 5 September 1947 which reads in part as follows:

"Classification

Subject Matter

SECRET

References to Communications Intelligence (identified as such) derived from low-grade military cryptosystems during World War II, and from those high-grade systems in the case of which successful cryptanalysis has already been revealed by official action (e.g., the Congressional investigation of the attack on Pearl Harbor)."

2. Publication of the article entitled "THE FINAL SECRET OF PEARL HARBOR" appearing in the April 2nd issue of "U.S. NEWS AND WORLD REPORT" constitutes a violation of the above quoted policy. The information contained therein appears to be entirely from the various "Pearl Harbor Reports". The Navy Member has been asked for a report answering certain questions with regard to this matter.

3. Meanwhile the Executive Secretary has been considering what he might reasonably recommend with regard to action in this specific instance and towards control of such revelations in the future.

4. TITLE 18 SEC. 798, U.S. Code includes among other things the following provisions:

"That whoever shall knowingly and willfully - - - - - publish or use in any manner prejudicial to the safety or interest of the United States - - - - - any classified * information - - - - - (3) concerning the communication intelligence activities of the United States or any

Declassified and approved for release by NSA on 04-08-2014 pursuant to E.O. 13526

* Underlining added.

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foreign government; or (4) obtained by the processes of communication intelligence from the communications of any foreign government knowing the same to have been obtained by such processes, shall be, etc."

"- - - The term 'classified information' as used herein shall be construed to mean information which, at the time of the violation under this Act, is for reasons of national security, specifically designated by a United States Government agency for limited or restricted dissemination or distribution."

5. Aside from other aspects of the above quoted law the element of "classified information" is of interest. We have here a case wherein information which has been made a matter of official public record by at least one United States Government agency (Congress) has been declared SECRET by another United States Government agency (USCIB) and now re-issued in the public press.

6. Even if it were deemed expedient and desirable to apply the above law or any other sanction in this case and after overcoming the difficulties of proving that publication was done knowingly and willfully, we would still be faced with the difficulty of sustaining the classified nature of the information. This appears to be an impossible task.

7. One of the considerations that enters into the assignment of security classifications is the ability to maintain the degree of security required. It appears that insofar as official documents already a matter of public record are concerned our policy is not realistic in this respect.

8. Whether or not the revelations repeated in the above mentioned article have or will damage our current COMINT effort is not yet known. It is understood however that the so-called Japanese "Purple Machine" is still in use and that we are deriving useful information from it. The Director, NSA has been asked to supply information on this point.

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9. The above is submitted for information on this subject. In the absence of objection from any member it is intended to submit recommendations through USCIBEC upon receipt of information requested from the NSA and Navy Members.


RUFUS L. TAYLOR
Captain, U. S. Navy
Executive Secretary, USCIB

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