

Executive Registry
10-9468/9

24 DEC 1958

STAT

Honorable Herbert B. Loper
Assistant to the Secretary of
Defense (Atomic Energy)
Department of Defense
Washington 25, D. C.

DOCUMENT
NO. 10-9468/9
X RECEIVED
CLASS. CHAR. BY: []
DATE: 12/21/91

Dear General Loper:

Reference is made to your letter of 8 December 1958 reporting the establishment of the Joint Atomic Information Exchange Group and enclosing a copy of the Secretary of Defense's implementing memorandum.

I heartily agree that the establishment of the Group is a worthwhile endeavor and we shall cooperate in every way possible to facilitate its operation. It should provide a much needed central service and yet be consistent with the designation of other agencies such as ourselves to be the transmitting channel in their respective fields. In order to work out the details concerning the submission of items to the Group that require specific determinations and the channels to be employed for transmission, I should like to nominate Dr. Herbert Scoville, Jr. as the Central Intelligence Agency representative. In this connection, I would assume that once a certain category of information has been determined to be transmissible, future transmissions within this category would not require individual determinations, but could be handled routinely within the established channels.

It is our understanding that the activities of this Group are limited to the exchange of information in the Restricted Data and Formerly Restricted Data categories. For several years, the Central Intelligence Agency and other members of the intelligence community have transmitted to and received from certain foreign

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countries atomic energy intelligence information not in the Restricted Data category, and it is assumed that our channels for this will not be changed by the establishment of the Group but will continue to operate as at present.

As requested in your letter, we shall be happy to supply the Group with copies of all Restricted Data information that we have received under past agreements for cooperation.

Sincerely,

SIGNED

Allen V. Dulles
Director

OSI:GAS:lh
OGC:LRH:jeb (retyped 12/18/58)
cc: DCI
DDCI
✓ER w/incoming ltr
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OSI
DD/C
General Counsel

MEMORANDUM FOR: THE DIRECTOR

Attached is a proposed answer to General Loper's letter on the Joint Atomic Information Exchange Group. This Group seems an eminently sensible means of centralizing and servicing Restricted Data exchange with other countries. It recognizes that other channels may do the actual transmitting. Our letter, therefore, agrees to cooperate on the understanding that we may be designated as the channel in intelligence exchange and that our present exchange of non-restricted data atomic information will not be affected. Recommend signature.

Handwritten notes and signatures on the right margin of the memorandum box.

LAWRENCE R. HOUSTON (DATE)
General Counsel 226 December 1958

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

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OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON 25, D. C.

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Executive Registry
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cc to OS 1/2/59

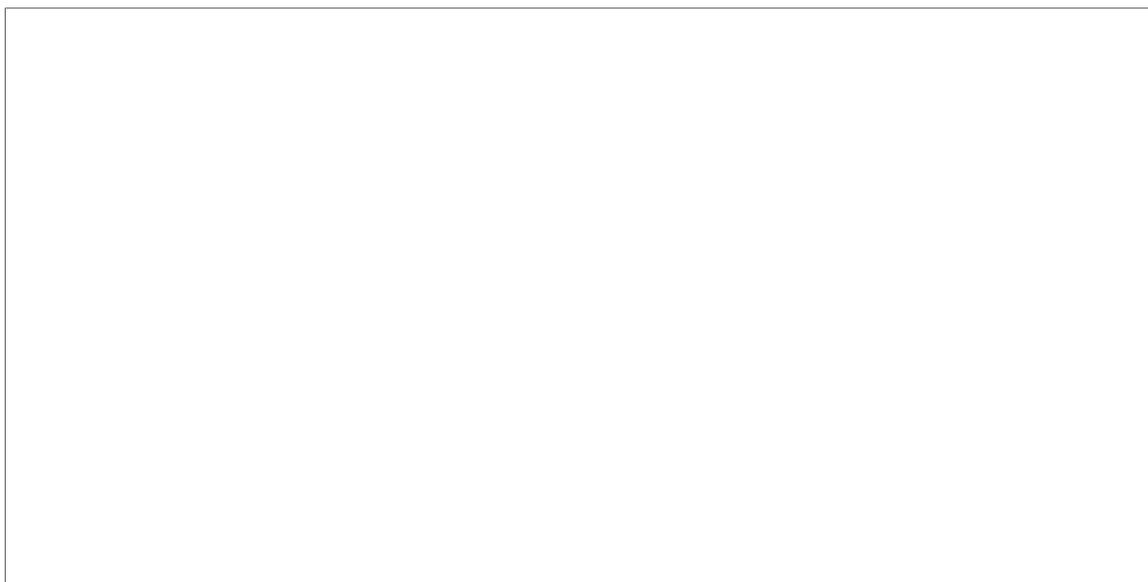
Dear Mr. Dulles:

The complexities and the numbers of the bilateral agreements now in being and contemplated are such that the Department has found that it was desirable to centralize the location for receipt and dispatch of atomic information.

The Joint Atomic Information Exchange Group, which was mentioned briefly in my 27 October letter to you, has been activated effective 29 October 1958. A copy of the memorandum establishing the Group is attached for your information. This Group will process all information proposed for transmission. This will include determination that the information has been transmitted or to formally process it in accordance with present procedures for determination that it is transmissible. As you know, this procedure is required, regardless of who transmits the information.

To perform this function, this Group should receive for processing all requests for determination as to the transmissibility. Depending on the Groups's finding, they would recommend to the Atomic Energy Commission and the Department of Defense that such information be determined to be transmissible. After formal action by the Atomic Energy Commission, the Department of Defense, and the President, the information would then be transmitted either through the Joint Atomic Information Exchange Group channels or other channels, as may be agreed.

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Assuming that you agree that this is a worthwhile endeavor, it is requested that you establish contact with this Group to work out details concerning the submission of all items that contain atomic information and that you propose for transmission under atomic bilateral agreements. The final arrangements would also include supplying this Group with a copy of all atomic information your organization has received under the present or past atomic agreements for cooperation.

If this proposition is acceptable to you, it is requested that your representative contact the Chief, Joint Atomic Information Exchange Group, to work out further details.

Sincerely yours,


Herbert B. Loper
Assistant to the Secretary
of Defense (Atomic Energy)

Inclosure
MultiMemo from Acting
SecDef dated 29 Oct 58

Honorable Allen W. Dulles
Director
Central Intelligence Agency

THE SECRETARY OF DEFENSE
WASHINGTON

OCT 29 1958

MEMORANDUM FOR The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force
The Chairman, Joint Chiefs of Staff
The Chief, Armed Forces Special Weapons
Project
The Chairman, Military Liaison Committee

SUBJECT: Establishment of the Joint Atomic Information
Exchange Group.

Reference is made to the following:

(a) Memorandum for Secretaries of the Army, Navy, Air Force, and Chairman, Joint Chiefs of Staff, from the Secretary of Defense, dated 29 June 1955, subject: Transmission of Information Under Agreements for Cooperation with Canada and the United Kingdom.

(b) Memorandum for Secretaries of the Army, Navy, Air Force, Chairman, Joint Chiefs of Staff, and Chief, Armed Forces Special Weapons Project, from the Secretary of Defense, dated 28 May 1956, subject: Agreement for Cooperation for Exchange of Atomic Information with the United Kingdom.

(c) Memorandum for Secretaries of the Army, Navy, Air Force, Chairman, Joint Chiefs of Staff, Chairman, Military Liaison Committee, and Chairman, State-Defense Military Information Control Committee, from the Secretary of Defense, dated 18 September 1957, subject: Australian-United States Atomic Defense Agreement.

The amendment to the Atomic Energy Act of 1954, which was enacted on 2 July 1958 as Public Law 85-479, makes possible an increase in the scope and sensitivity of cooperation which is permissible under appropriate agreements for cooperation. In

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the implementation of certain agreements for military cooperation with other nations or regional defense organizations which cooperation involves the transmission of Restricted Data and Formerly Restricted Data (hereinafter referred to as atomic information), The Secretary of Defense, by reference (a), determined that insofar as practicable this type of information would be handled in accordance with policies and procedures established by the State-Defense Military Information Control Committee. Policies, procedures and channels have been established and are now in effect with Canada, United Kingdom, Australia and NATO.

The nature of the agreements for mutual defense purposes negotiated pursuant to the Atomic Energy Act of 1954 as amended is such that the Atomic Energy Commission, Department of Defense and other government agencies will participate in the transmission of atomic information to other nations and regional defense organizations. Further, the terms of such agreements provide for certain restrictions on procedures for the transmission, accountability and reporting of atomic information to other nations or regional defense organizations. These requirements make necessary a centralized release authority, a complete set of permanent files, and a uniform and consistent accounting and reporting arrangement. This centralization will insure that all atomic information transmitted to other nations or regional defense organizations has received the proper determination to assure that it is within the scope authorized by the Atomic Energy Act of 1954, as amended, and is within the scope authorized by the appropriate agreements for cooperation, and that the necessary determination has been made that it will promote and will not constitute an unreasonable risk to the common defense and security.

The Atomic Energy Commission has not yet concurred in the request of the Military Liaison Committee to join the Department in the establishment of or the terms of reference for the Joint Atomic Information Exchange Guide, ^{rev'd} however, the Department of Defense element will be established without delay. These instructions are written indicating Atomic Energy Commission participation and, after the expected AEC approval has been obtained, these instructions will be disseminated in an appropriate Department of Defense Directive.

This memorandum establishes the Defense element of the Joint Atomic Information Exchange Group (JAIEG) within the Armed Forces Special Weapons Project, in the Washington area, and under the policy guidance of the Secretary of Defense and Chairman, Atomic Energy Commission, acting jointly. The following guidelines, which I approve, will apply:

(a) The JAIEG will be jointly responsible to the Secretary of Defense and the Chairman, Atomic Energy Commission, under the policies and procedures mutually agreed to by them. Appeal of any decision of this group as to transmissibility of information will be made to the Secretary of Defense through the Assistant to the Secretary of Defense (Atomic Energy) or to the Chairman, Atomic Energy Commission, as appropriate.

(b) The JAIEG will review all atomic information proposed for release to another nation or regional defense organization by an appropriate agency of the Department of Defense, Atomic Energy Commission, or other agency of the United States authorized by the President to communicate atomic information. The JAIEG will authorize release of such proposed atomic information provided it is considered appropriate and is within previously established policies for transmissibility of such information with respect to content and authority.

(c) State-Defense Military Information Control Committee (S-DMICC) will continue to provide policy guidance on the national disclosure policy for the transmission of classified military information. The military departments or the Joint Chiefs of Staff, as appropriate, as well as the JAIEG will take such action as is necessary to insure that all atomic information proposed for release is in accordance with provisions of the national disclosure policy insofar as practicable.

(d) Existing channels for the exchange of information maintained by the Department of Defense and the Atomic Energy Commission may be continued or new channels may be

established for such employment as mutually agreed desirable by the Department of Defense and the Atomic Energy Commission and the other nation or regional organization concerned.

(e) The JAIEG will establish and maintain a central collection of all atomic information transmitted to or received from another nation or regional defense organization. Each addressee of this memorandum will take such action as is necessary to make available to the Exchange Group such records and information as is required to provide a complete history of foreign exchanges made prior to establishment of the JAIEG.

(f) The JAIEG will be kept informed by all Department of Defense agencies of the requests for atomic information received from another nation or regional defense organization and, the JAIEG in turn will forward all requests received by it to cognizant agencies of the Department of Defense, as appropriate.

(g) The JAIEG will prepare and render such reports as may be required.

(h) The Chief, Armed Forces Special Weapons Project, will provide the necessary administrative support and daily technical advice and assistance as is required for the Group under the broad policies jointly established by the Department of Defense and the Atomic Energy Commission.

The Chief of the Joint Atomic Information Exchange Group will be one of the Deputy Chiefs, Armed Forces Special Weapons Project. Brigadier General R. H. Harrison, Deputy Chief, AFSWP, is hereby designated as the current Chief, JAIEG. Each military department will assign to the Armed Forces Special Weapons Project for duty with the Exchange Group such staff as has been agreed to between representatives of the military department and the Chief, AFSWP. Atomic Energy Commission staff representation shall be designated by the Chairman, AEC.

In connection with existing channels for transmission and other channels as may be established, it is to be noted that each

of the countries involved must be advised of the United States channels, reporting and accounting procedures. It will be the responsibility of the Joint Atomic Information Exchange Group to accomplish such notification in coordination with the State-Defense Military Information Control Committee.

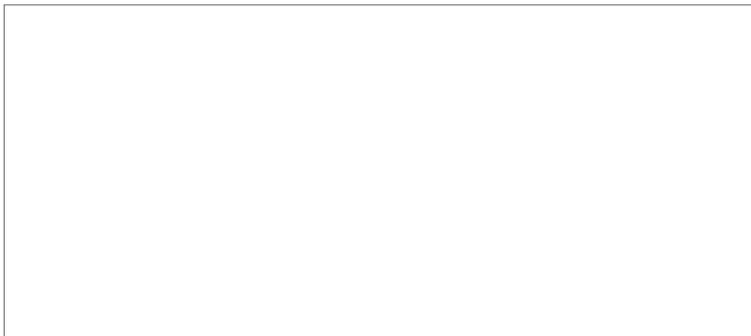
Those portions of the Department of Defense memoranda listed in references (a), (b) and (c) above which are in conflict with this memorandum are hereby superseded.

Effective immediately, all atomic information proposed for transmittal to a foreign nation or regional defense organization will be referred to the Joint Atomic Information Exchange Group for appropriate review and authorization to release as prescribed herein.

Donald A. Quarles

ACTING

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CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
1	General Counsel - Mr. Houston		
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	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
Remarks:			
<p>Larry:</p> <p>The boss discussed the attached letter from General Loper in the Deputies Meeting on 12 December and asked that you prepare a reply for his signature. This was the first that any of those present had heard of the Joint Atomic Information Exchange Group and it was pointed out that we have quite a problem if Loper's memorandum and the memorandum from the Acting Secretary of Defense of 29 October cover the exchange of atomic energy intelligence information.</p>			
			(Over)
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
EO/DCI/ [] 221 Admin			12 Dec
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