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27 June 1957

MEMORANDUM FOR: THE DIRECTOR

SUBJECT : Proposed Revision of NSCID 5 and
Counter Intelligence Policy

1. Attached hereto is the draft of a proposed revision of NSCID 5 developed in conference and concurred in by Messrs. Helms, Angleton, some Staff Assistants, and myself.

2. In my opinion it provides an adequate basis for coordinating foreign espionage and counter intelligence.

3. This revision should accomplish the objective which the letter of the Secretary of Defense proposed to the National Security Council with regard to counter intelligence policy and which was referred to the DCI, in consultation with the IAC, for recommendations to the NSC.

Specifically with regard to counter intelligence, the revision:

- a. Defines counter intelligence; ✓
- b. Allocates primary responsibility for counter intelligence activities abroad;
- c. Indicates the authority of the Departments and Agencies for engaging in counter intelligence abroad;
- d. Prescribes for coordination of such activities among the Departments and Agencies;
- e. Indicates how liaison on counter intelligence will be carried on with foreign clandestine services and overt government agencies dealing in policy matters;
- f. Indicates how coordination of counter intelligence abroad is to be coordinated with domestic counter intelligence activities;
- g. Indicates difference in peace and war responsibilities.

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4. If you approve the proposed revision, I suggest placing it on the IAC agenda as soon as possible. Also suggest sending copies to the Special Assistant to the Secretary of Defense (Special Operations) and the Director of the Office of Special Investigations of the Air Force inviting them to participate in the IAC discussions of the subject as provided in Paragraph 1 of NSCID 1.

5. In view of the fact that we have delayed distribution of a proposed revision of NSCID 5 because of this counter intelligence problem, we should issue this to the Intelligence Community as soon as possible.



L. K. TRUSCOTT, JR.
General, USA (Ret)

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Attachment

General Cabell suggested a few changes in our draft which I have incorporated in this one.

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Draft, 27 June 1957

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

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ESPIONAGE AND COUNTERINTELLIGENCE

Pursuant to the provisions of Section 102 (d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. The Central Intelligence Agency shall conduct all U. S. espionage outside the United States and its possessions in order to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain agreed activities by other Departments and Agencies.

2. The Central Intelligence Agency shall conduct all counterintelligence outside the United States and its possessions, except that this authority shall not preclude the ~~conduct of~~ ^{Department member counterintelligence activities} certain agreed counterintelligence activities by other Departments and Agencies, necessary for the protection of their respective personnel, operations, installations, material, and equipment. Each Department or Agency with personnel or installations located outside the United States and its possessions is responsible for the counterintelligence protection of such personnel or installations.

See attached "NOTE" re this

3. For the purposes of this directive:

a. Espionage is defined as the clandestine procurement of information.

b. Counterintelligence is defined as that activity, with its resultant product, which is undertaken to protect the security of the nation, and its personnel and installations abroad, against espionage, counterespionage, sabotage, and subversion. As an activity, counterintelligence is the process of procuring, developing, and recording information concerning

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espionage, counterespionage, sabotage, and subversion directed against the national security, and of penetrating, manipulating, or repressing individuals, groups, or organizations conducting or capable of conducting, such acts.

4. The Central Intelligence Agency shall be responsible for maintaining as a service of common concern the central indices and records of foreign counterintelligence information. It shall be the obligation of the Departments and Agencies to assist the Central Intelligence Agency in the execution of this responsibility by contributing to the central file, on a continuing basis, all pertinent material collected by them.

5. To promote the over-all interests of the U. S. intelligence community, the Director of Central Intelligence shall coordinate all activities authorized herein, except in active theaters of war where U. S. forces are engaged in combat, in which event the provisions of paragraph 11, below, shall apply. Where the interests of other Departments and Agencies are involved, the coordination by the Director of Central Intelligence shall be in consultation with the Intelligence Advisory Committee.

6. The Director of Central Intelligence shall coordinate foreign clandestine intelligence collection with overt collection abroad. He shall also insure in consultation with the Intelligence Advisory Committee that counterintelligence activity abroad is coordinated with the Departments and Agencies responsible for domestic counterintelligence to the extent necessary to insure conformity with the policies enunciated by the National Security Council. The Director of Central Intelligence shall invite Departments and Agencies not permanent members of the

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Intelligence Advisory Committee which have counterintelligence responsibilities abroad to participate in the Intelligence Advisory Committee deliberations when counterintelligence matters affecting such responsibilities are under consideration.

7. Other Departments and Agencies shall assist the Central Intelligence Agency in its conduct of espionage by providing continuous and timely guidance, specific collection requirements, and assessments of intelligence information collected, and other support including cover as appropriate and available.

8. In a foreign area other than an active theater of war where U. S. forces are engaged in combat, the designated representative of the Director of Central Intelligence shall keep the senior U. S. representative appropriately advised of U. S. espionage and counterintelligence activities conducted in or from the area.

9. In a foreign area where ^{major} ~~large~~ U. S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U. S. military commanders informed of the espionage and counterintelligence operations conducted by the Central Intelligence Agency in or from the area in direct support of the commanders.

10. The Central Intelligence Agency is responsible for the establishment, conduct, and development of liaison concerning clandestine matters with foreign intelligence and security services. Other Departments and Agencies may conduct liaison on non-clandestine matters with foreign intelligence and security services as required for the proper execution

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of their missions. However, all liaison which concerns or affects clandestine matters shall be coordinated in advance and on a continuing basis with the Central Intelligence Agency in order to insure that such relationships are beneficial to the over-all clandestine interests of the U. S.

11. In active theaters of war where U. S. forces are engaged in combat:

a. All resources of the Central Intelligence Agency shall be included in a CIA Theater Force and, through the CIA commander thereof, shall provide espionage and counterintelligence support to military operations in accordance with the requirements of the U. S. Military Theater Commander or the Joint Chiefs of Staff.

b. Such exceptional espionage and counterintelligence operations as may be conducted by the CIA Theater Force in support of national requirements as distinguished from those operations conducted in support of the Military Theater Commander shall be coordinated by the Director of Central Intelligence with the Joint Chiefs of Staff.

c. The Director of Central Intelligence and the Joint Chiefs of Staff shall establish procedures for the coordination of liaison between U. S. military commanders and foreign services concerning clandestine matters.

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NOTE:

1. With reference to paragraph 3a, General Cabell questions the accuracy of the definition of espionage, paragraph 3a. He raises the question of overflights, intercepts, etc and thinks the definition perhaps too broad. After much discussion, thumbing through the dictionary and serious consideration, I have not been able at the moment to come up with a better one. I have discussed the matter with Mr. Houston and he admits that at the moment he is unable to do so either.

2. If overflights, intercepts, etc. are conducted "with security" and "by design" to obtain information illicitly they would certainly be classed as espionage. Then the responsibility indicated in paragraph 1 of the NSCID 5 revision would include them. However such activities would fall within the category included in the term "agreed activities" and provisions of this document only where other mechanisms were not established as to COMINT and ELINT. Certainly the Director of Central Intelligence has a vital interest in all procurement of information and its coordination. For special overflights, the provisions of 5/1 could be interpreted to apply where coordination would be accomplished to the maximum "extent practical at the national level."

3. I think we could accept this definition as a basis for future discussion as may be necessary within the Community. It has the advantage of brevity and common understanding.



L. K. TRUSCOTT, JR.
General, USA (Ret)

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Draft, 27 June 1957

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

ESPIONAGE AND COUNTERINTELLIGENCE

Pursuant to the provisions of Section 102 (d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. The Central Intelligence Agency shall conduct all ^[national] espionage outside the United States and its possessions in order to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain agreed activities by other Departments and Agencies.

2. The Central Intelligence Agency shall conduct all ^[national] counter-intelligence outside the United States and its possessions, except that this authority shall not preclude ^{the conduct of} ~~the departmental counterintelligence activities,~~ ^{counterintelligence} and certain agreed activities ^{by} ~~pertaining thereto,~~ of ^{respective} ~~their~~ Departments and Agencies, necessary for the protection of their personnel, operations, installations, material, and equipment. Each Department or Agency with personnel or installations located outside the United States and its possessions is responsible for the counterintelligence protection of such personnel or installations.

3. For the purposes of this directive:

- a. Espionage is defined as the clandestine procurement of information.
- b. Counterintelligence is defined as that activity, with its resultant product, which is undertaken to protect the security of the nation, and its personnel and installations abroad, against espionage, counterespionage, sabotage, and subversion. As an activity, counterintelligence is the process of procuring, developing, and recording information concerning

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Where the interests of other Dept. agencies are involved, the Board, by the DCI shall be in consultation with the IAC.

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espionage, counterespionage, sabotage, and subversion directed against the national security, and of penetrating, manipulating, or repressing individuals, groups, or organizations conducting or capable of conducting, such acts.

4. The Central Intelligence Agency shall be responsible for maintaining as a service of common concern the central indices and records of foreign counterintelligence information. It shall be the obligation of the Departments and Agencies to assist the Central Intelligence Agency in the execution of this responsibility by contributing to the central file, on a continuing basis, all pertinent material collected by them.

5. To promote the over-all interests of the U.S. intelligence community, the Director of Central Intelligence shall, in consultation with the Intelligence Advisory Committee, coordinate all activities authorized herein, except in active theaters of war where U.S. forces are engaged in combat, in which event the provisions of paragraph 4, below, shall apply. ✓

6. The Director of Central Intelligence shall coordinate foreign clandestine intelligence collection with overt collection abroad. He shall also insure in consultation with the Intelligence Advisory Committee that counterintelligence activity abroad is coordinated with the Departments and Agencies responsible for domestic counterintelligence to the extent necessary to insure conformity with the policies enunciated by the National Security Council. The Director of Central Intelligence shall invite Departments and Agencies not permanent members of the Intelligence Advisory Committee which have counterintelligence responsibilities abroad to participate in the Intelligence Advisory Committee deliberations when counterintelligence matters affecting such responsibilities are under consideration.

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7. Other Departments and Agencies shall assist the Central Intelligence Agency in its conduct of espionage by providing continuous and timely guidance, specific collection requirements, and assessments of intelligence information collected, and other support, ^{including cover,} or appropriate ^{as available.}

~~8. In the conduct of national espionage and counterintelligence the Director of Central Intelligence shall make arrangements with the Departments and Agencies for such cover support as may be needed by the Central Intelligence Agency.~~

8 9. In a foreign area other than an active theater of war where U.S. forces are engaged in combat, the designated representative of the Director of Central Intelligence shall keep the senior U.S. representative appropriately advised of U.S. espionage and counterintelligence activities conducted in or from the area.

9 10. In a foreign area where large U.S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U.S. military commanders informed of the espionage and counterintelligence operations conducted by the Central Intelligence Agency in or from the area in direct support of the commanders.

10 11. The Central Intelligence Agency is responsible for the establishment, conduct, and development of liaison concerning clandestine matters with foreign intelligence and security services. Other Departments and Agencies may conduct liaison on non-clandestine matters with foreign intelligence and security services as required for the proper execution of their missions. However, all ~~such~~ liaison which concerns or affects clandestine matters shall be coordinated in advance and on a continuing basis with the Central Intelligence Agency in order to insure that such relationships are beneficial to the over-all clandestine interests of the U.S.

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11 12. In active theaters of war where U.S. forces are engaged in combat:

a. All resources of the Central Intelligence Agency shall be included in a CIA Theater Force and, through the CIA commander thereof, shall provide espionage and counterintelligence support to military operations in accordance with the requirements of the U.S. Military Theater Commander or the Joint Chiefs of Staff.

b. Such exceptional espionage and counterintelligence operations as may be conducted by the CIA Theater Force in support of national requirements as distinguished from those operations conducted in support of the Military Theater Commander shall be coordinated by the Director of Central Intelligence with the Joint Chiefs of Staff.

c. The Director of Central Intelligence and the Joint Chiefs of Staff shall establish procedures for the coordination of liaison between U.S. military commanders and foreign services concerning clandestine matters.

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NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

ESPIONAGE AND COUNTERINTELLIGENCE ABROAD*

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. To promote the over-all interests of the U.S. intelligence community the Director of Central Intelligence will, in consultation with the Intelligence Advisory Committee, insure the coordination of espionage and counterintelligence activities abroad except in theaters of war where U.S. forces are involved, or when the President directs, in which event the provisions of paragraph 12 below shall apply. Coordination comprises those consultative activities undertaken by Departments and Agencies to promote cooperation, resolve mutual problems, exchange operational information, eliminate unprofitable duplication, and, in each instance, evolve a modus operandi on the part of all participants to forestall actions detrimental to the national interest or to each other. Coordination will be effected at the lowest echelon practicable.

2. The Central Intelligence Agency shall conduct espionage operations outside the United States and its possessions in order to satisfy intelligence requirements relating to the National security. Departments and other Agencies may conduct espionage operations outside the United States and its possessions in order to satisfy departmental intelligence needs.

* Outside the United States and its possessions.

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3. The CIA shall conduct counterintelligence operations outside the United States and its possessions necessary in the interests of national security and in furtherance of its assigned missions.

Departments and other Agencies shall conduct counterintelligence ^{activities} ~~operations~~ outside the United States and its possessions necessary for the security of their commands, activities and installations and the execution of their assigned missions. *provided that any classified information considered for release to the public*

4. For the purpose of this objective: *classified*

a. Espionage as defined as those ^{activities} activities which are directed toward the acquisition acquisition of intelligence information or toward the performance of intelligence operations against a foreign power by secret or illicit means.

b. Counterintelligence is defined as all activities exclusive of espionage, devoted devoted to destroying the effectiveness of inimical foreign intelligence activities and to the protection of information against espionage, personnel against subversion, and installations or material against sabotage.

5. There shall be a free exchange of intelligence, intelligence information, and other information which has utility for intelligence purposes, to assist Departments and Agencies in the accomplishment of their espionage and counterintelligence responsibilities. Continuous and timely guidance, specific collection requirements and assessments of intelligence information collected will be included.

6. The Central Intelligence Agency shall be responsible for maintaining as a service of common interest, central indexes and records of intelligence and counterintelligence information on foreign areas. Departments and Agencies shall contribute pertinent material to the central file on a continuing basis.

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7. The Director of Central Intelligence shall insure the coordination of clandestine intelligence collection with overt collection abroad. He shall also insure in consultation with the Intelligence Advisory Committee that counterintelligence activity abroad is coordinated with the Departments, Agencies and interdepartmental committees responsible for domestic counterintelligence. The Director of Central Intelligence shall invite Departments and Agencies not permanent members of the Intelligence Advisory Committee which have counterintelligence responsibilities abroad to participate in the Intelligence Advisory Committee deliberations when counterintelligence matters affecting such responsibilities are under consideration.

8. In the conduct of espionage and counterintelligence activities, bilateral arrangements shall be made, as the national interest may require, among the Departments and Agencies concerned for cover to support these activities.

9. In a foreign area other than a theater of war where U.S. forces are involved, or when the President directs, the designated representative of the Director, CIA, shall keep the senior U.S. representative, as the latter may desire, advised of U.S. espionage and counterintelligence activities conducted in or from the area.

10. In a foreign area where U.S. military commands are stationed, the designated representative of the Director, Central Intelligence Agency, shall keep the designated representatives of senior U.S. military commanders informed of the espionage and counterintelligence operations conducted by the Central Intelligence Agency in or from the area.

11. Liaison arrangements established with foreign intelligence and security services which affect espionage or counterintelligence activities

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shall be coordinated in advance between the U.S. Department and

Agencies concerned, in order to insure that such relationships are
beneficial to the over-all espionage and counterintelligence interests
of the United States.

12. In theaters of war where U.S. forces are involved, or when
the President directs, all resources of the Central Intelligence Agency
shall be included in a CIA Component Force under the direct command of
the commanders of commands established by the Joint Chiefs of Staff.
The CIA Component Force Commander shall provide espionage and counter-
intelligence support to military operations in accordance with the
requirements of commands established by the Joint Chiefs of Staff.
Exceptional espionage or counterintelligence operations, because of
their delicate or diplomatic implications, may be conducted by the CIA
Component Force after coordination by the Director of Central Intelligence
with the Joint Chiefs of Staff.

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