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25 July 1950

COMMENTS ON STATE/DEFENSE STAFF STUDY RELATIVE TO  
ORGANIZATION OF CIA FOR NATIONAL INTELLIGENCE PRODUCTION

I. Analysis of the Staff Study

1. The effective result of subject study and its implementing NSC directive is to change the individual statutory responsibility of the Director of Central Intelligence for the production of national intelligence, to that of a collective responsibility of the Intelligence Advisory Committee.

2. The study accomplishes its actual objective in the NSC Directive as follows:

a. by reading into the National Security Act of 1947, as amended, in paragraph 10 b and 10 c the following:

(1) ". . . Until the emergence of a national estimate or study from the IAC, collective responsibility is inescapable under the Act of 1947."

(2) ". . . The full statutory responsibility of the D/CI for the production of national intelligence becomes operative only when . . . final drafts of national estimates or studies are recommended by the IAC to the D/CI."

b. by defining national intelligence in paragraph 2 in such a way as to prescribe its production as being a "cooperative process of preparation" (production by committee) for the purpose of integrating (i.e., incorporating the substance of) the best intelligence opinion of the departments.

c. by providing the IAC in paragraph 3 with responsibilities for planning, prescribing scope and terms of reference, initiating projects, reviewing and accepting or rejecting drafts, and, in certain cases, producing national intelligence estimates and studies, including related liaison and coordinating functions, presently allocated to the D/CI and CIA.

d. by providing in paragraphs 5, 6, and 7 an organizational realignment of the intelligence production facilities of CIA which transfers the current intelligence and estimating facilities from the jurisdiction of the D/CI (except for administration) to the functional direction and operational control of the IAC, and

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which provides the IAC with responsibilities for functional direction of the remainder of CIA's intelligence production and collection machinery. (See Chart attached)

3. Using the National Security Act of 1947 as amended, the NSCID's, the Dulles Report and NSC 50 as terms of reference, the study asserts:

a. that experience has indicated that the quality of national intelligence estimates has not substantially improved since issuance of NSC 50 (1 July 1949).

b. that unwarranted duplication of effort as between the various agencies has continued.

4. In support of these assertions, the study states that the above conditions result in large measure from:

a. disagreement between CIA and departmental agencies as to the meaning of national intelligence.

b. inadequacies of existing mechanisms and procedures for the production of national intelligence.

c. continuing internal CIA confusion between its responsibility for producing national intelligence and miscellaneous research and reporting.

5. The study concludes that remedial action required consists of:

a. re-defining national intelligence in such terms as to prescribe the principle of collective responsibility of the IAC for its production as the criterion which distinguishes it from all other kinds of intelligence.

b. revising existing mechanisms and procedures in accordance with the principle of collective responsibility.

c. reorganizing CIA to place its current intelligence and estimating facilities under the functional direction and operational control of the IAC, and the remainder of CIA's production and collection facilities under the functional direction of the IAC.

6. Accordingly the study recommends that the NSC:

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a. approve and issue the implementing NSC directive attached to the study.

b. place a limit on the strength of the proposed National Intelligence Group, not to exceed 100 officer and/or professional personnel of whom not more than 20 may be detailed by the departmental agencies. (Note: After the accumulation of operating experience, the D/CI, with advice and assistance of the IAC, will recommend to NSC such modifications in strength and composition of the National Intelligence Group as may be necessary.)

c. Note that the D/CI with advice and assistance of the IAC will submit revisions of existing NSCID's and D/CI's as may be required to bring those directives into conformity with the attached directive.

## II. Discussion

1. The principle of collective responsibility of the IAC for the production of national intelligence is neither present nor implied in the National Security Act of 1947 as amended. On the contrary this responsibility is clearly an individual statutory responsibility of the Director of Central Intelligence and the Central Intelligence Agency, as evidenced by the references cited below.

a. Reference Section 102 d: ". . . it shall be the duty of the Agency, . . . (3) 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. . . Provided further, that the departments and other agencies shall continue to collect, evaluate, correlate and disseminate departmental intelligence.

b. Reference Section 102 e: ". . . such intelligence as relates to the national security and is possessed by such departments and other agencies of the government. . . shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: . . ."

2. Moreover, the National Security Council in NSC 50 has disavowed the principle of collective responsibility for the production of national intelligence as follows:

". . . we do not believe that the Director and the IAC should bound by the concept of collective responsibility because this would inevitably reduce coordinated national intelligence to the lowest common denominator among the agencies concerned."

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3. It is therefore the intent of the Congress and of the NSC that the responsibility for national intelligence production should be the individual responsibility of the D/CI and CIA, and not in any way a committee or collective responsibility.

4. Further objections to the principle of collective responsibility follow:

a. The primary mission of a departmental intelligence agency is to fulfill the intelligence requirements of its own Secretary or Chief of Staff, as the case may be. Because of this situation, it inevitably follows that:

b. Departmental intelligence responsibility in a given field, such as naval affairs, is undeniable. Intelligence estimates in a field of this kind may easily become "national" in importance, but they do not become "national" in character until related to other "national", not departmental, aspects of the situations from which they arise. This process of relating all pertinent "national" aspects of a situation is a truly national intelligence function, not a collective departmental responsibility, which must be performed by personnel selected and trained for the purpose, among whom departmental personnel might profitably be included, provided they become an organic part of the national intelligence machinery.

c. The production of nationally important departmental intelligence is not equivalent to the production of national intelligence, yet the contrary presumption is inherent in the concept of collective responsibility, a concept which gives final control over a carefully synthesized intelligence product to individuals who have no responsibility for, or experience with, the process of intelligence synthesis at the national level.

d. The factor of timeliness in the production of intelligence is important at all levels. This is no less true at the national level. The proposed arrangement would interpose two additional layers in the review and coordination process, namely the IAC Staff, and the assembled IAC. Even if this were sound in theory, it would be monstrous in practice and tend to reduce the intelligence process to an historical process. Timeliness would not be a characteristic of national intelligence under such procedures.

e. The principle of collective responsibility on any basis inevitably invites the participants to consider and assume responsibility for all aspects of the estimate, not merely those within his

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particular departmental fields of responsibility and competence. In effect this principle gives each agency an equal voice on issues outside its normal responsibilities and competence.

f. It is inescapable under any working principle of collective responsibility to avoid the pitfall that national intelligence will become merely coordinated intelligence, which in effect is joint-intelligence, at the mercy of departmental bias. CIA came into being out of the intelligence experience of World War II wherein the JIC/JIS intelligence process resulted in reduction of intelligence to the lowest common denominator.

g. It is the individual responsibilities of the departmental agencies to CIA that are of importance here. Their individual collection effort and production effort is required and must support national intelligence production. The principle of collective responsibility merely involves them beyond their responsibilities and competence and slows down the entire national intelligence production process.

h. CIA cannot support the principle of collective responsibility on any of the bases in which it permeates the subject study. CIA does most assuredly require that the individual responsibilities of the departmental agencies to CIA in support of CIA's mission be recognized unequivocally, and be fulfilled on a priority basis upon request by CIA of the department concerned. These departmental responsibilities are delineated and included in a proposed National Security Council Intelligence Directive accompanying this paper.

6. The assertion in the study that "Experience has indicated that the quality of national intelligence estimates has not substantially improved since the issuance of NSC 50" (1 July 1949) carries with it the implication that CIA's estimates are qualitatively deficient. The study does not identify the source of the stated "experience", nor clarify the nature of the implied qualitative deficiencies.

7. The charge that "unwarranted duplication of effort as between the various agencies has continued" cannot possibly apply to national intelligence production. CIA is the only agency responsible for the production of national intelligence, therefore duplication of any kind in the field is illegal by statute and NSC intelligence directives. If,

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however, the assertion applies to all fields of intelligence production, then it is believed that this assertion is more valid in theory than in fact. CIA has attempted to negotiate interdepartmental operating procedures designed to accomplish an interchange of information on projects undertaken by each of the departmental intelligence agencies. Until very recently only the Department of State has complied with the procedures. When and if the procedures become fully operative within each departmental agency, there will be a basis upon which action can proceed to reduce such duplication as may arise.

8. The assertion that "continuing disagreement between CIA on the one hand and the departmental agencies on the other as to the meaning of national intelligence" is true, as evidenced in subject study. CIA cannot accept the definition of national intelligence which the subject study recommends in view of the fact that the definition prescribes the principle of collective responsibility of the IAC for its production as the criterion which distinguishes it from all other kinds of intelligence. Accordingly CIA has re-defined national intelligence in terms of content and end use and as an individual statutory responsibility of the Director of Central Intelligence and CIA. A copy of this definition is incorporated in Section IV, paragraph 1 of our proposed National Security Council Intelligence Directive.

9. The study further charges that existing mechanisms and procedures for production of national intelligence are inadequate on the grounds that they do not insure its production in accordance with the principle of collective responsibility. CIA, for reasons expressed under Section II, paragraphs 1 through 4 on this principle cannot accept the mechanisms and procedures recommended by the study. Our proposed NSCID prescribes mechanisms and procedures which will provide for the more effective production of national intelligence.

10. The so-called "continuing internal CIA confusion" between its responsibilities for producing national intelligence and miscellaneous research and reporting has become an over-worked catch phrase and actually stems from external confusion regarding the individual as distinguished from the collective departmental responsibilities to CIA in support of national intelligence production. As long as the departmental agencies neglect to meet their individual responsibilities to CIA, then CIA is required to engage in the production of such miscellaneous intelligence as may be necessary to provide the intelligence basis and framework required in the production of national intelligence estimates.

### III. Conclusions

1. Assertions in the study are not supported in fact and contain implications which should be clarified prior to referral of the issue raised by this study to the NSC.

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2. The principle of collective responsibility of the IAC for the production of national intelligence is contrary to the National Security Act of 1947 as amended, and thus has no basis in law. This principle has been disavowed by the National Security Council in NSC 50 dated 1 July 1949, and is invalid on the grounds that it violates the concept of a strong Central Intelligence Agency, as it removes the control and authority of the Director of Central Intelligence over mechanisms presently available to him to discharge responsibilities for which he is held solely responsible by law. It also imposes duties upon the departmental agencies which exceed their legal responsibilities and actual competence.

(Signed)

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NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE

Pursuant to the provisions of Section 102 of the National Security Act of 1947, as amended, and for the purposes enunciated in paragraphs (d) and (e) thereof, the National Security Council hereby authorizes and directs that the following policies, duties and responsibilities will govern the conduct of United States intelligence activities in the interest of national security. The recommendations of the Central Intelligence Agency, required by Section 102 (d) (2), on matters concerning such intelligence activities of the Government departments and agencies as relate to national security, will, when approved by the National Security Council, issue as amendments or supplements to this Directive.

I. Jurisdiction

1. The jurisdiction of the Central Intelligence Agency embraces all intelligence activities of the Government relating to the national security. The Central Intelligence Agency shall have no police, subpoena, or law enforcement powers, or internal security functions.

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II. The Director of Central Intelligence and the Central Intelligence Agency

1. The Director of Central Intelligence shall function within his jurisdiction as the intelligence officer of the National Security Council and as its executive agent for the purpose of coordinating the intelligence activities of the several departments and agencies of the Government.

2. The necessary authority is hereby delegated by the members of the National Security Council to the Director of Central Intelligence, so that his decisions, orders and directives concerning the intelligence activities of the Government shall be considered as emanating from them, in their executive capacity, and shall have full force and effect as such, provided that any agency shall have access, through appropriate channels, to the National Security Council, in connection with such directives.

3. The Director of Central Intelligence or representatives designated by him shall make such surveys and inspections of departmental intelligence activities and facilities of the various departments and agencies of the Government as he may deem necessary in connection with his duty to advise the National Security Council and to make recommendations for or to bring about the coordination or improvement of intelligence activities. This authority is subject to the provisions of Section 102 (e) of the National Security Act of 1947, as amended, regarding the Federal Bureau of Investigation.

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4. The Central Intelligence Agency shall function under the Director of Central Intelligence as the intelligence facility of the President of the United States and the National Security Council.

5. The Director of Central Intelligence shall be responsible for the protection of intelligence sources and methods from unauthorized disclosure.

III. Coordination of Intelligence Activities

1. Coordination of intelligence activities by the Central Intelligence Agency shall be designed primarily to strengthen the entire governmental intelligence structure and to achieve a fully integrated United States intelligence effort in objective support of policy planning, strategic planning, and operational decisions at all appropriate levels within the Government. A fully integrated intelligence effort is considered to mean that:

a. the intelligence production effort of the Central Intelligence Agency and the departmental intelligence agencies is continuously oriented toward the requirements of United States national security interests and objectives.

b. the intelligence collection and source exploitation effort of the Central Intelligence Agency and the other

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intelligence agencies effectively meets the requirements and priorities of the intelligence production effort.

c. all categories of intelligence requirements bearing on the national security are specifically identified and defined and the responsibilities for collection and production are appropriately allocated throughout the governmental intelligence structure.

d. the interchange of intelligence, intelligence information, and other information which has utility for intelligence purposes is effected between the Central Intelligence Agency and the other intelligence agencies under appropriate security provisions prescribed by the Director of Central Intelligence.

2. The Central Intelligence Agency shall be responsible for the coordination of intelligence activities to meet the foregoing objectives.

3. In accordance with Section 303 of the National Security Act of 1947, as amended, the Director of Central Intelligence may appoint such advisory committees and employ such part-time advisory personnel as he may deem necessary in carrying out the functions of the Agency.

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IV. Production and Dissemination of Intelligence by the Central Intelligence Agency

1. National intelligence is that intelligence needed at the appropriate levels of the Government in the formulation and execution of national policies. National Intelligence shall be produced only by the Central Intelligence Agency, and shall be produced primarily for the President and the National Security Council, and for other departments and agencies of the Government as appropriate. In the production of National Intelligence, the Central Intelligence Agency may draw upon and review the intelligence production of the departmental intelligence agencies. The Director of Central Intelligence will not be bound by any concept of collective responsibility in the production of National Intelligence, as he has the direct and sole responsibility for such production.

2. The Central Intelligence Agency shall also produce intelligence not otherwise available which is required to support the Central Intelligence Agency production and operations as well as those of other appropriate governmental agencies.

3. Normally the Central Intelligence Agency will, prior to publication for general dissemination, request the appropriate departmental intelligence agencies to examine Central Intelligence Agency reports and estimates for the purpose of ascertaining departmental views on aspects which are related to their respective

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individual departmental or agency intelligence interests. Intelligence so examined shall carry a statement of agency concurrence therein, or a comment which sets forth the substantial points of difference; provided, that delays in the receipt by the Central Intelligence Agency of such comments shall not bar the timely dissemination of national intelligence.

4. The Central Intelligence Agency shall disseminate intelligence and information in its possession to the President, members of the National Security Council and to other departments and agencies of the Government, whenever such dissemination is appropriate to their functions relating to the national security. Such dissemination shall be made under security regulations and procedures established by the Director of Central Intelligence.

5. The Director of Central Intelligence may exchange intelligence and intelligence information with appropriate representatives of foreign governments in accordance with established policies.

V. Additional Responsibilities of the Central Intelligence Agency

1. The Central Intelligence Agency shall perform, for the benefit of the intelligence organizations of the Government, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

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and such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

2. The Director of Central Intelligence may make arrangements with the respective departments and agencies to assign to the Central Intelligence Agency such experienced and qualified officers and members as may be of advantage for advisory, operational, or other purposes, in addition to such personnel as the Director of Central Intelligence may directly employ. In each case, such departmental personnel will be subject to the necessary personnel procedures of the Central Intelligence Agency and the department concerned. Such personnel must be acceptable to the Central Intelligence Agency and responsible solely to the Director of Central Intelligence during the period of their assignment.

VI. Responsibilities of Governmental Departments and Agencies to the Central Intelligence Agency

1. Subject to the special proviso of Section 102(e) of the National Security Act of 1947, as amended, regarding the Federal Bureau of Investigation, all departments and agencies of the Government shall make available to the Central Intelligence Agency all intelligence, intelligence information and other information which has utility for intelligence purposes in their possession. Such

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material shall be made available to the Central Intelligence Agency regardless of its source. To this end, the so-called "Third Agency Rule", which provides that classified information originating in one agency shall not be disseminated outside the receiving agency without the consent of the originating agency, is specifically abrogated insofar as the Central Intelligence Agency is concerned.

2. Each of the departments and agencies of the Government shall maintain with the Central Intelligence Agency and with each other, as appropriate to their respective responsibilities, a continuing interchange of intelligence information and intelligence available to them. "Operational" information and scientific, technological, diplomatic, and other information which has utility for intelligence purposes is included in this directive, as well as information available only under special security handling restrictions. The flow of such material shall be immediate, spontaneous and comprehensive.

3. In cases where the originating agency requests that special security considerations govern the dissemination of specific material to third agencies, such requests will be given the maximum consideration by the Central Intelligence Agency and shall be complied with to the maximum extent which the Director of Central Intelligence shall determine is compatible with the national security.

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4. The departments and agencies of the Government shall provide, produce or collect such intelligence and information in their fields or primary responsibility as the Central Intelligence Agency may request for its use or for that of one of the other departments or agencies. Upon determination by the Central Intelligence Agency that any department or agency so requested does not have the capability to fulfill such a request, the Central Intelligence Agency shall take direct action to meet its needs. Within the limits of their capabilities, the departments and agencies shall provide, produce or collect such additional intelligence and information in other fields as may be requested by the Central Intelligence Agency.

5. In order that the Central Intelligence Agency may adequately discharge its responsibilities to the President and the National Security Council, timely departmental action in meeting Central Intelligence Agency commitments and deadlines is imperative. Upon specific request of the Director of Central Intelligence, first priority shall be given by each department or agency to his requirements for collection, production, and the comments on Central Intelligence Agency reports and estimates.

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