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# NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 9

## COMMUNICATIONS INTELLIGENCE

Pursuant to the provisions of Section 101 and Section 102 of the National Security Act of 1947, as amended, and to the Presidential directive approved October 24, 1952, which

a. Stated that the communications intelligence (COMINT) activities of the United States are a national responsibility, and that they must be so organized and managed as to exploit to the maximum the available resources in all participating departments and agencies and to satisfy the legitimate intelligence requirements of all such departments and agencies;

b. Designated the Secretaries of State and Defense as a Special Committee of the National Security Council for COMINT, which Committee shall, with the assistance of the Director of Central Intelligence, establish policies governing COMINT activities, and keep the President advised of such policies through the Executive Secretary of the National Security Council; and

c. Further designated the Department of Defense as executive agent of the Government, for the production of COMINT information;

the Special Committee of the National Security Council for COMINT hereby authorizes and directs that:

1. Directive to the United States Communications Intelligence Board (USCIB).

a. USCIB shall be reconstituted as a body acting for and under the Special Committee, and shall operate in accordance with the provisions of this directive. Only those departments or agencies represented in USCIB are authorized to engage in COMINT activities.

b. The Board shall be composed of the following members:

"(The President in approving this directive also directed that the Attorney General shall be a member of the Special Committee whenever matters of interest to the Federal Bureau of Investigation are before that committee.)"

(1) The Director of Central Intelligence, who shall be Chairman of the Board.

(2) A representative of the Secretary of State.

(3) A representative of the Secretary of Defense.

(4) A representative of the Director of the Federal Bureau of Investigation.

(5) The Director of the National Security Agency (NSA).

(6) A representative of the Department of the Army.

(7) A representative of the Department of the Navy.

(8) A representative of the Department of the Air Force.

(9) A representative of the Central Intelligence Agency.

c. The Board shall have a staff headed by an executive secretary who shall be appointed by the Chairman with the approval of the majority of the Board.

d. It shall be the duty of the Board to advise and make recommendations to the Secretary of Defense, in accordance with the following procedure, with respect to any matter relating to communications intelligence which falls within the jurisdiction of the Director of NSA:

(1) The Board shall reach its decision by a majority vote. Each member of the Board shall have one vote except the representatives of the Secretary of State, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and of the Central Intelligence Agency who shall each have two votes. The Director of Central Intelligence, as Chairman,

will have no vote. In the event that the Board votes and reaches a decision, any dissenting member of the Board may appeal from such decision within 7 days to the Special Committee. In the event that the Board votes but fails to reach a decision, any member of the Board may appeal within 7 days to the Special Committee. In either event the Special Committee shall review the matter, and its determination thereon shall be final. Appeals by the Director of NSA and/or the representatives of the Military Departments shall only be filed with the approval of the Secretary of Defense.

(2) If any matter is voted on by the Board but

(a) no decision is reached and any member files an appeal;

(b) a decision is reached in which the representative of the Secretary of Defense does not concur and files an appeal;

no action shall be taken with respect to the subject matter until the appeal is decided, provided that, if the Secretary of Defense determines, after consultation with the Secretary of State, that the subject matter presents a problem of an emergency nature and requires immediate action, his decision shall govern, pending the result of the appeal. In such an emergency situation the appeal may be taken directly to the President.

(3) Recommendations of the Board adopted in accordance with the foregoing procedures shall be binding on the Secretary of Defense. Except on matters which have been voted on by the Board, the Director of NSA shall discharge his responsibilities in accordance with his own judgment, subject to the direction of the Secretary of Defense.

(4) The Director of NSA shall make such reports and furnish such information from time to time to the Board, either orally or in writing, as the Board may request, and shall bring to the attention of the Board either in such reports or otherwise any new major policies or programs in advance of their adoption by him.

e. It shall also be the duty of the Board as to matters not falling within the jurisdiction of NSA:

(1) To coordinate the communications intelligence activities among all departments and agencies authorized by the President to participate therein;

(2) To initiate, to formulate policies concerning, and subject to the provisions of NSCID No. 5, to supervise all arrangements with foreign governments in the field of communications intelligence; and

(3) To consider and make recommendations concerning policies relating to communications intelligence of common interest to the departments and agencies, including security standards and practices, and, for this purpose, to investigate and study the standards and practices of such departments and agencies in utilizing and protecting COMINT information.

f. Any recommendation of the Board with respect to the matters described in paragraph e above shall be binding on all departments or agencies of the Government if it is adopted by the unanimous vote of the members of the Board. Recommendations approved by a majority, but not all, of the members of the Board shall be transmitted by it to the Special Committee for such action as the Special Committee may see fit to take.

g. The Board will meet monthly, or oftener at the call of the Chairman or any member, and shall determine its own procedures.

2. Directive to the Secretary of Defense.

a. Subject to the specific provisions of this directive, the Secretary of Defense may delegate in whole or in part authority over the Director of NSA within his department as he sees fit.

b. The COMINT mission of the National Security Agency (NSA) shall be to provide an effective, unified organization and control of the communications intelligence activities of the United States conducted against foreign governments, to provide for integrated operational policies and procedures pertaining thereto. As used in this directive, the terms "communications intelligence" or "COMINT" shall be construed to mean all procedures and methods used in the interception of communications other than foreign press and propaganda broadcasts and the obtaining of information from such communications by other than the intended recipients,* but shall exclude censorship and the production and dissemination of finished intelligence.

c. NSA shall be administered by a Director, designated by the Secretary of Defense after consultation with the Joint Chiefs of Staff, who shall serve for a minimum term of 4 years and who shall be eligible for reappointment. The Director shall be a career commissioned officer of the armed services on active or reactivated status, and shall enjoy at least 3-star rank during the period of his incumbency.

d. Under the Secretary of Defense, and in accordance with approved policies of USCIB, the Director of NSA shall be responsible for accomplishing the mission of NSA. For this purpose all COMINT collection and production resources of the United States are placed under his operational and technical control. When action by the Chiefs of the operating agencies of the Services or civilian departments or agencies is required, the Director shall normally

* See Public Law 513, 81st Congress, 1950.

issue instructions pertaining to COMINT operations through them. However, due to the unique technical character of COMINT operations, the Director is authorized to issue direct to any operating elements under his operational control task assignments and pertinent instructions which are within the capacity of such elements to accomplish. He shall also have direct access to, and direct communication with, any elements of the Service or civilian COMINT agencies on any other matters of operational and technical control as may be necessary, and he is authorized to obtain such information and intelligence material from them as he may require. All instructions issued by the Director under the authority provided in this paragraph shall be mandatory, subject only to appeal to the Secretary of Defense by the Chief of Service or head of civilian department or agency concerned.

e. Specific responsibilities of the Director of NSA include the following:

(1) Formulating necessary operational plans and policies for the conduct of the U. S. COMINT activities.

(2) Conducting COMINT activities, including research and development, as required to meet the needs of the departments and agencies which are authorized to receive the products of COMINT.

(3) Determining, and submitting to appropriate authorities, requirements for logistic support for the conduct of COMINT activities, together with specific recommendations as to what each of the responsible departments and agencies of the Government should supply.

(4) Within NSA's field of authorized operations prescribing requisite security regulations covering operating practices, including the transmission, handling and distribution of COMINT material within and among the COMINT elements under his operational or technical control; and exercising the necessary monitoring and supervisory control, including inspections if necessary, to ensure compliance with the regulations.

(5) Subject to the authorities granted the Director of Central Intelligence under NSCID No. 5, conducting all liaison on COMINT matters with foreign governmental communications intelligence agencies.

f. To the extent he deems feasible and in consonance with the aims of maximum over-all efficiency, economy, and effectiveness, the Director shall centralize or consolidate the performance of COMINT functions for which he is responsible. It is recognized that in certain circumstances elements of the Armed Forces and other agencies being served will require close COMINT support. Where necessary for this close support, direct operational control of specified COMINT facilities and resources will be delegated by the Director, during such periods and for such tasks as are determined by him, to military commanders or to the Chiefs of other agencies supported.

g. The Director shall exercise such administrative control over COMINT activities as he deems necessary to the effective performance of his mission. Otherwise, administrative control of personnel and facilities will remain with the departments and agencies providing them.

h. The Director shall make provision for participation by representatives of each of the departments and agencies eligible to receive COMINT products in those offices of NSA where priorities of intercept and processing are finally planned.

i. The Director shall have a civilian deputy whose primary responsibility shall be to ensure the mobilization and effective employment of the best available human and scientific resources in the field of cryptologic research and development.

j. Nothing in this directive shall contravene the responsibilities of the individual departments and agencies for the final evaluation of COMINT information, its synthesis with information from other sources, and the dissemination of finished intelligence to users.

3. The special nature of COMINT activities requires that they be treated in all respects as being outside the framework of other or general intelligence activities. Orders, directives, policies, or recommendations of any authority of the Executive Branch relating to the collection, production, security, handling, dissemination, or utilization of intelligence, and/or classified material, shall not be applicable to COMINT activities, unless specifically so stated and issued by competent departmental or agency authority represented on the Board. Other National Security Council Intelligence Directives to the Director of Central Intelligence and related implementing directives issued by the Director of Central Intelligence shall be construed as non-applicable to COMINT activities, unless the National Security Council has made its directive specifically applicable to COMINT.

"4. Nothing in this directive shall be construed to encroach upon or interfere with the unique responsibilities of the Federal Bureau of Investigation in the field of internal security."