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AFSA-14/bhd

13 July 1951

MEMORANDUM FOR OOB

Reference: USCIB 13/195

1. In general, I consider that this is an excellent paper which will go far toward improving the security situation. However, I must take strong exception to the provisions of paragraph 17 (page 32). In particular, sub-paragraph (b) places a wholly unrealistic and unworkable limitation on the utilization of Category "A" COMINT. The value and importance of COMINT derives largely from the fact that "substantially identical information based on a genuine less sensitive source" is rarely available. The assignment of all HU high and medium level systems to Category "A" in Enclosure C goes considerably beyond the rules laid down in paragraph 4 (page 18). It is to be presumed that there might be considerable down-grading of systems by mutual agreement between USCIB and LSIB in the event of war but Category "A" might still contain much of the most vital intelligence.

2. It might be useful to examine the application of the proposed rule to some of the situations existing in World War II. Undoubtedly all German "E" traffic would have been classed as Category "A". To use this traffic in ASW, either USCIB and LSIB would have had to agree to a suspension of the rules or the "extreme emergency" provision would have had to be invoked at the departmental level. Either course of action would have required the making of the exception on a blanket basis, and would have completely vitiated the effectiveness of the rule in other fields as well.

3. In the Pacific, I presume that JN 25 would have been Category "A", taking the decision on such questions as Coral Sea, Midway and Yamamoto out of the hands of Admiral Nimitz. The conduct of our submarine warfare would have required a blanket exception covering all pertinent COMINT or the effectiveness of this vital activity would have suffered immeasurably.

4. In the light of the above, I do not see how the utilization of Category "A" intelligence can be any more restrictive than is prescribed for Category "B". There is a real place for the differentiation with regard to closer compartmentation inside the agencies and more limited dissemination outside, but utilization cannot be reduced to rigid rules.

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5. You will no doubt recall that the original drafts in 1946 barred the use of high level COMINT for the purpose of gaining a "momentary advantage". This was changed to "minor advantage" since history shows that a momentary advantage is frequently all that is required to win the most important battle. Similarly, though protection of source is of great importance, it is secondary to winning the war. Protecting a COMINT source will do as little good if we lose.

6. Specifically, my objections can be met by the deletion of paragraph 17 (b) and changing 17 (c) to place the power of making exceptions no higher than the level of a theatre commander.

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