

*File*

USCIB: 13.5/51



7 April 1954

~~TOP SECRET FROTH~~

MEMORANDUM FOR THE MEMBERS OF USCIB:

Subject: Violation of USCIB Policy with Regard to Classification of Subject Matter Related to COMINT.

1. At its 44th Meeting on 27 August 1947, USCICC approved a general policy on the classification of subject matter related to COMINT. This policy was promulgated by the Coordinator of Joint Operations as enclosure (A) to CJO serial 001640 of 5 September 1947 which reads in part as follows:

"Classification

Subject Matter

SECRET

References to Communications Intelligence (identified as such) derived from low-grade military cryptosystems during World War II, and from those high-grade systems in the case of which successful cryptanalysis has already been revealed by official action (e.g., the Congressional investigation of the attack on Pearl Harbor)."

2. Publication of the article entitled "THE FINAL SECRET OF PEARL HARBOR" appearing in the April 2nd issue of "U.S. NEWS AND WORLD REPORT" constitutes a violation of the above quoted policy. The information contained therein appears to be entirely from the various "Pearl Harbor Reports". The Navy Member has been asked for a report answering certain questions with regard to this matter.

3. Meanwhile the Executive Secretary has been considering what he might reasonably recommend with regard to action in this specific instance and towards control of such revelations in the future.

4. TITLE 18 SEC. 798, U.S. Code includes among other things the following provisions:

"That whoever shall knowingly and willfully - - - - - publish or use in any manner prejudicial to the safety or interest of the United States - - - - - any classified \* information - - - - - (3) concerning the communication intelligence activities of the United States or any

Declassified and approved for release by NSA on 04-08-2014 pursuant to E.O. 13526

\* Underlining added.

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foreign government; or (4) obtained by the processes of  
communication intelligence from the communications of any  
foreign government knowing the same to have been obtained  
by such processes, shall be, etc."

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"- - - The term 'classified information' as used herein  
shall be construed to mean information which, at the time  
of the violation under this Act, is for reasons of national  
security, specifically designated by a United States  
Government agency for limited or restricted dissemination  
or distribution."

5. Aside from other aspects of the above quoted law the element of  
"classified information" is of interest. We have here a case wherein  
information which has been made a matter of official public record by at  
least one United States Government agency (Congress) has been declared  
SECRET by another United States Government agency (USCIB) and now re-  
issued in the public press.

6. Even if it were deemed expedient and desirable to apply the  
above law or any other sanction in this case and after overcoming the  
difficulties of proving that publication was done knowingly and willfully,  
we would still be faced with the difficulty of sustaining the classified  
nature of the information. This appears to be an impossible task.

7. One of the considerations that enters into the assignment of  
security classifications is the ability to maintain the degree of security  
required. It appears that insofar as official documents already a matter  
of public record are concerned our policy is not realistic in this  
respect.

8. Whether or not the revelations repeated in the above mentioned  
article have or will damage our current COMINT effort is not yet known.  
It is understood however that the so-called Japanese "Purple Machine" is  
still in use and that we are deriving useful information from it. The  
Director, NSA has been asked to supply information on this point.

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9. The above is submitted for information on this subject. In the absence of objection from any member it is intended to submit recommendations through USCIBEC upon receipt of information requested from the NSA and Navy Members.

  
RUFUS L. TAYLOR  
Captain, U. S. Navy  
Executive Secretary, USCIB

USCIB: 13.5/51

- 3 -