

~~TOP SECRET - U.S. EYES ONLY~~FINAL

USCIB: 29.20/15 Item 3 of the Agenda for the 115th Meeting of USCIB,
held on 20 May 1955.

Subject:

The ACTING CHAIRMAN (General Cabell) introduced this item by suggesting that the paper containing recommendations by the Director, NSA (USCIB 29.20/9) be used as a basis for discussion. He invited comments.

GENERAL CANINE said, with reference to his report, that he is unable to explain the British concern about this matter at this particular time, and suggested the possibility that the impetus originated within the Foreign Office, rather than in LSIB or the Ministry of Defense. In any event, he said, the action proposed by the British is foreign to our basic method of operation and would necessitate a change from our "vertical" type of COMINT organization. He expressed concern that we may be forced into a course of action which we would not choose of our own volition.

The CHAIR explained that the British can, on their own, take the action they have outlined if they choose to do so. He said that he thought our main effort should be to persuade them not to take such action.

GENERAL CANINE referred to the UKUSA Agreement and questioned the moral, if not legal, obligation of the U.K. not to deal unilaterally in this matter.

The CHAIR asked Mr. Armstrong if he considers the political implications of the problem to be greater than the technical implications.

MR. ARMSTRONG said that he could not really say because he has not been able to get to the bottom of the British thinking on the juridical basis for their proposal. He suggested one possible element affecting the British that does not affect us, viz, the Brussels Pact, of which we are not a signatory. He indicated that it may contain provisions concerning forces in Europe which would not apply to us. He stated further that under the NATO agreements, with particular reference to the resolutions on placing forces under SACEUR adopted at the London Conference last October, member nations or forces of member nations must be put under the authority of SACEUR or other appropriate NATO Commander with the exception of those forces intended for the defense of overseas territories and other forces which the NATO organization has recognized as being suitable for retention under national command. He continued by

USCIB: 29.20/15

- 7 -

(Corrected page)

Declassified and approved for release by NSA on 05-16-2014 pursuant to E.O. 13526

~~TOP SECRET~~

~~TOP SECRET - U.S. EYES ONLY~~

USCIB: 29.20/15

saying that in view of inability to assess the juridical basis advanced by the British, he is not in complete accord with the Executive Secretary's proposal, because until a full study of the legal aspects is made we are not in a position to recommend officially that the British take, or refrain from taking, certain action.

The ACTING CHAIRMAN asked if the members were willing to ask the Department of State, with assistance from NSA, to take the leadership in making representations to the British, leaving it to the discretion of the State member as to whether the matter should be handled in political or COMINT channels.

MR. ARMSTRONG, pointing out that the involvement of military forces makes this matter of greater concern to the Department of Defense than to his Department, suggested that leadership be in the hands of the Department of Defense. He offered such assistance as his Department might be able to give.

GENERAL ERSKINE suggested that the solution of the problem lay in the Defense understanding of that portion of the London-Paris Agreement which required all forces of NATO member nations in the area of Allied Command Europe to be placed under SACEUR except those forces which NATO "has recognized or will recognize as suitable to remain under national command." He reported that the Defense member of the U.S. element of the Nine Power Conference Working Group reveals that there was an understanding in arriving at those words that military forces now in place, but not listed in the SHAPE Annual Review of Forces, have already been recognized by NATO as suitable to remain under national command.

GENERAL CANINE expressed some surprise that he has had no word from the Director, GCHQ on this subject, since he usually receives informal notice in advance of official proposals. He said that this leads him to conclude that this matter is being pressed by the Foreign Office rather than by LSIB.

The CHAIR suggested that our first step be to object to the contemplated U.K. action at the USCIB-LSIB level, and proposed that the draft message prepared by the Executive Secretary be used as a basis for discussion.

The members considered the draft message to LSIB (enclosure with USCIB 29.20/10) and after approving paragraphs 1 and 2, directed the Executive Secretary to prepare an alternate paragraph 3 which would (1) suggest that LSIB inform USCIB of its views, with particular reference to the juridical basis, (2) offer to provide USCIB views to LSIB after the LSIB position has been studied, (3) suggest the possibility of a conference between USCIB and LSIB representatives in London, if deemed desirable after the exchange of respective views.

USCIB: 29.20/15

~~TOP SECRET - U.S. EYES ONLY~~

USCIB: 29.20/15

CAPTAIN TAYLOR said that he would circulate such a revised paragraph 3 without delay to all members for comment.

GENERAL CANINE's suggestion that the moral, if not legal, prohibition in the UKUSA agreement against unilateral action be brought to LSIB's attention was not concurred in.

DECISION: (20 May 1955) USCIB, being opposed to the LSIB recommendations contained in USCIB 29.20/7, agreed to forward to LSIB a reply consisting of the first two paragraphs of the draft message contained in USCIB 29.20/10 plus a third paragraph, to be drafted and circulated for comment by the Executive Secretary, which will request British views on their proposed action, with particular emphasis on the "juridical basis" aspect, offer to provide USCIB views in return after the LSIB views have been studied, and suggest the possibility of a conference between USCIB and LSIB representatives in London, if deemed desirable after the exchange of respective views.

USCIB: 29.20/15

- 9 -

(Corrected page)