

USCIB: 13.5/54

20 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.

Reference: USCIB 13.5/51 dated 7 April 1954.

1. Further to the reference, the following information has been received from the Navy Member in answer to questions by the Executive Secretary:

a. As well as can be determined, RADM THEOBALD was never a recipient of COMINT.

b. Neither the article in question nor the book upon which it is based were submitted for review prior to publication.

c. Navy Regulations governing submission for review of articles for publication make no specific provision for retired personnel. The Office of the Judge Advocate General of Navy states that an interpretation applying to retired personnel existing regulations which cover "persons in the Naval Establishment" has never been put to test. It is, however, noted that about half of the retired Naval personnel who write for publication do file copies of the manuscripts with the Navy Department.

d. It is feasible to have and there is in fact a mechanism for bringing to the attention of competent Divisions, Branches, or Sections in the Navy Department articles submitted for security review. Specific provisions for "spotting" COMINT do not exist but experience indicates that writings which may or do contain information based on COMINT do, in fact, get review in the office most competent to handle such matters.

e. It is not practical to attempt to control publication of information already otherwise revealed in official documents of public record.

f. Legal advice available to the Department of the Navy indicates no sanctions against RADM THEOBALD could be upheld in this case.

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2. In response to questions concerning the current use of the "Purple" Machine, the NSA Member has submitted the following information:

"1. Key generated by the 'Purple Machine' still is being used on major lanes, including Tokyo to Brussels, The Hague, and New York. This key also is currently used in circular messages. It is not possible to state categorically that the machine still is used to generate key. The possibility exists that this is not the case and that the Japanese are using key previously generated by the device.

"2. If the Japanese were sensitive about the use of the 'Purple Machine', it is believed they would not have made use of the device again after the information made generally available as a result of Congressional investigations into Pearl Harbor.

"3. Current traffic so far has not revealed any Japanese reaction to the 2 April issue of 'U. S. News and World Report', but a close watch is being kept to note any indication of concern by the Japanese. Should any reaction be reflected, you will be advised promptly.

"4. In addition to the possibility of a COMINT compromise, it is noted that the article in question also makes reference to war-time US-UK COMINT collaboration, citing the US grant of a 'Purple Machine' to the United Kingdom."

3. In view of the above it is recommended that:

a. No action directed against author or publisher be considered in this case.

b. The current effort of the Security Committee towards revision of USCIB policy on the classification of subject matter related to COMINT include suitable statements removing classification requirements from information revealed as a result of official action such as the Pearl Harbor Investigation and instead provide for the following:

(1) That each USCIB member department and agency take all feasible administrative action to require that public utterances which do

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or may contain information based on COMINT and which are originated by persons in any reasonable way controllable by such member department or agency, are submitted in advance of utterance to the cognizant office for review and advice.

(2) That in the event COMINT information already publicly revealed is included in a document submitted for review an attempt by persuasion be made to either eliminate such information or express it in such general terms as to conceal specific associations to the maximum degree possible.

4. Beyond the recommendations set forth above, I can think of little to do about this kind of a situation.

5. This matter will be placed on the agenda for discussion at the next regular meeting of USCIBEC.

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

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