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REPORT BY THE JOINT INTELLIGENCE COMMITTEE

to the

JOINT CHIEFS OF STAFF

on

THE WARTIME STATUS AND RESPONSIBILITIES OF THE CENTRAL
INTELLIGENCE AGENCY AND ITS FIELD AGENCIES

19 May 1950

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REPORT BY THE JOINT INTELLIGENCE COMMITTEE

to the

JOINT CHIEFS OF STAFF

on

THE WARTIME STATUS AND RESPONSIBILITIES OF THE CENTRAL
INTELLIGENCE AGENCY AND ITS FIELD AGENCIES

THE PROBLEM

1. To make recommendations concerning the wartime status and responsibilities of the Central Intelligence Agency and its field agencies.

FACTS BEARING ON THE PROBLEM AND DISCUSSION

2. See Appendix "B".

CONCLUSIONS

3. National Security Council Action 95, approving J. C. S. 1735/10 provides authority for the Joint Chiefs of Staff to exercise necessary control in wartime over those covert operations which the Central Intelligence Agency (CIA) may conduct in theaters of operation, and provides for coordination of planning therefor with the Joint Chiefs of Staff.
4. Similar control by the Joint Chiefs of Staff is essential over the espionage and counterespionage activities which CIA may conduct in theaters of operation under NSCID 5 and appropriate provisions therefor should be incorporated in this NSCID or a separate NSCID.
5. Coordinated planning with respect to NSCID 5 activities in probable theaters of operation should be undertaken without delay, with guidance and support provided to CIA by the Joint Chiefs of Staff.

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6. Other functions and activities of CIA, as now organized, such as those of the Foreign Broadcast Information Division (FBID) and the Contact Branch need not be under control of the Joint Chiefs of Staff in wartime.

RECOMMENDATIONS

7. It is recommended that:

- a. The conclusions in paragraphs 3-6 above, be approved.
- b. The memorandum in Appendix "A" be forwarded to the Secretary of Defense.

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APPENDIX "A"

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MEMORANDUM FOR THE SECRETARY OF DEFENSE:

1. NSC 50 states that "It may be determined that certain functions and responsibilities (of CIA) should be under the control of the military in time of war". The Joint Chiefs of Staff have studied the functions and responsibilities of Central Intelligence Agency (CIA) and consider that in time of war or national emergency, the covert activities which the CIA conducts in theaters of operation should be under the control of the Joint Chiefs of Staff and that the plans for such activities, both those prepared in time of peace and war, should be coordinated with the Joint Chiefs of Staff.
2. The National Security Council, in action 95, approved the recommendations in J. C. S. 1735/10, which provide authority for the wartime control by the Joint Chiefs of Staff over the covert operations which CIA may conduct in theaters of operation. J. C. S. 1735/10 states that "In time of war or national emergency, or when the President directs, all plans for covert operations shall be coordinated with the Joint Chiefs of Staff, and the execution of covert operations in military theaters shall be under the control of the Joint Chiefs of Staff." J. C. S. 1735/32 (3 November 1949) established under the control of the Joint Chiefs of Staff an agency known as "The Joint Subsidiary Plans Division (JSPD)," which, in wartime, would become the agency by means of which the Joint Chiefs of Staff would provide continuous direction and guidance to the commanders under their control and effect policy control and direction over those functions of CIA relating to covert operations in theaters of military operations.

Appendix "A"

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3. The Joint Chiefs of Staff believe that they should exercise similar wartime control of such espionage and counterespionage activities of CIA authorized by NSCID 5, as are conducted in theaters of operation.

4. The Joint Chiefs of Staff recommend that National Security Council Intelligence Directive No. 5 (NSCID 5) be revised to include provisions essentially as in the attached draft, or that a separate NSCID be issued to contain such provisions, and that, if you agree with this proposal, this draft be presented by you to the National Security Council.

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Appendix "A"

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APPENDIX "B"

FACTS BEARING ON THE PROBLEM AND DISCUSSION

1. Some theater commanders in World War II (MTO, ETO and CBI) were faced with the problem of having personnel from the Office of Strategic Services (OSS) operating in their areas under the control of the theater commander but often functioning independently. Since these individuals were generally under the supervision of the Director, of OSS, it was difficult for the theater commanders to coordinate their activities with theater planning. For the same reason some OSS representatives in theaters of operation encountered difficulties in securing rations, billets, transportation and other essentials which made the accomplishment of their missions more difficult. In addition, private channels of communication in some instances resulted in conflicting and uncoordinated information being received in Washington from theaters of operation.
2. It is desirable that, in the event of a future war or national emergency, the situation discussed in the paragraph above shall not prevail. Coordination on a theater staff level -- of the covert activities of the Central Intelligence Agency in theaters of operation will facilitate the accomplishment of the missions and at the same time avail the theater commander of supervisory control.
3. The activities of the Central Intelligence Agency which will probably operate in theaters of operation are those relating to provisions of NSC 10/2 and NSCID 5.
4. The directive for covert operations (NSC 10/2) states: "In time of war or national emergency, or when the President directs, all plans for covert operations shall be coordinated with the Joint Chiefs of Staff, and the execution of covert operations in military theaters shall be under the control of the Joint Chiefs of Staff." J. C. S. 1735/32 (3 November 1949)

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established an agency under the control of the Joint Chiefs of Staff which, in wartime, will become the medium by which the Joint Chiefs of Staff will provide continuous direction and guidance to the commanders under their control and effect policy control and direction over covert operations in theaters of military operations. It therefore appears that there presently exists sufficient Joint Chiefs of Staff control over these activities in wartime theaters of operation.

5. The directive for covert intelligence and counterintelligence activities is provided in NSCID 5 (12 December 1947). Paragraphs No. 1 and No. 2 of that directive state:

"1. The Director of Central Intelligence shall conduct all organized Federal espionage operations outside the United States and its possessions for the collection of foreign intelligence information required to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain agreed activities by other Departments and Agencies.

"2. The Director of Central Intelligence shall conduct all organized Federal counterespionage operations outside the United States and its possessions and in occupied areas, provided that this authority shall not be construed to preclude the counterintelligence activities of any Army, Navy or Air Command or installation and certain agreed activities by Departments and Agencies necessary for the security of such organizations."

6. In order to provide Joint Chiefs of Staff control over espionage and counterespionage activities in wartime theaters of operation, similar to that now provided for covert operations, it will be necessary for the National Security Council to revise NSCID 5 or issue a new directive containing appropriate provision.

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7. NSC 50 (1 July 1949) recommends that OSO, OPC, the Contact Branch and the Foreign Broadcast Information Division of the Central Intelligence Agency be integrated under single over-all direction in an operations division, with its separate administration, within the Central Intelligence Agency. In view of the fact that the latter two agencies function essentially within the continental United States, it is not believed that there is any necessity for Joint Chiefs of Staff wartime control over the Contact Branch, FBID, or any other functions or responsibilities of CIA, as presently organized.

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Appendix "B"

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PROPOSED NSCID OR REVISION OF NSCID 5

- (1) 7. To meet the covert intelligence requirements of a national emergency or war, the Director of Central Intelligence (DCI) will expedite immediately the planning for clandestine intelligence activities necessary for meeting the requirements of U.S. security and intelligence agreements and objectives. The DCI will coordinate such activity with the Joint Chiefs of Staff and other responsible U.S. Government department and agencies, and ensure that such plans are accepted by the Joint Chiefs of Staff as being consistent with and complementary to approved plans for wartime military operations.
- (2) 8. The Joint Chiefs of Staff shall provide continuous guidance and support to the DCI in such planning and insure that those covert capabilities developed on their behalf by the DCI shall receive the necessary logistic support in time of a national emergency or in time of war.
- (3) 9. Paragraphs 1 and 2 [of NSCID/5 (12 December 1947)] shall not be interpreted to limit the implementation of such planning as agreed upon by the DCI and the Joint Chiefs of Staff.
- (4) 10. In time of war or national emergency, or when the President directs, all plans for covert intelligence operations shall be coordinated with, and be acceptable to, the Joint Chiefs of Staff and the execution of covert intelligence operations in military theaters shall be under the control of the Joint Chiefs of Staff.
- () Indicates construction of new NSCID in lieu of NSCID 5 revision.

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