

USCIB: 29.20/5

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18 April 1955

~~TOP SECRET~~MEMORANDUM FOR THE MEMBERS OF USCIB:

Subject: Continuation of CISD Activities.

Reference: Minutes of Item 4 of the Agenda for the 113th USCIB Meeting held 11 March 1955 (USCIB 29.20/4).

1. The enclosure is circulated for information in connection with the understandings recorded in the reference.
2. It is understood at this writing that discussions between the Army representative and Ambassador Conant are about to take place.
3. The Army Member of USCIBEC has indicated his desire to discuss the enclosure together with such additional information as may be available at the forthcoming meeting of USCIBEC if time permits.



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

Enclosure

Dept. of State Memo
dtd 18 Apr 1955.

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DEPARTMENT OF STATE
WASHINGTON

18 April 1955

~~TOP SECRET~~

MEMORANDUM FOR THE EXECUTIVE SECRETARY, USCIB

SUBJECT: Continuation of CISD Activities

REFERENCE: USCIB 29.20/4

For the information of USCIB I enclose herewith Ambassador Conant's reply to our message informing him of the referenced Board decision. We have acknowledged this reply and have informed the Ambassador that it will be presented to USCIB.

FOR THE SPECIAL ASSISTANT, INTELLIGENCE

(SIGNED)

T. Achilles Polyzoides
Director, Special Projects Staff

Enclosure with USCIB 29.20/5 dtd 18 Apr 1955.

~~TOP SECRET~~~~TOP SECRET~~

REF NR: 1027

~~TOP SECRET~~ ARMSTRONG FROM CONANT

REFERENCE 1181.

ANALYSIS OF SITUATION SHOULD TAKE COGNIZANCE OF FACTORS THAT SHOULD MITIGATE ARMY CONCERN. FUTURE STATUS OF INTERCEPT OPERATORS WAS GREATLY IMPROVED DURING PARIS NEGOTIATION LAST OCTOBER AND EMERGENCY THAT THREATENED LAST SUMMER NO LONGER IMMEDIATE THREAT. CONTINUATION OF THESE ACTIVITIES IS BASED ON AGREEMENT WITH CHANCELLOR OF INTERPRETATION OF PARAGRAPH 2 ARTICLE 5 OF RELATIONS CONVENTION. UNLIKE FORCES CONVENTION, RELATIONS CONVENTION WILL NOT BE SUPERSEDED BY NATO STATUS OF FORCES AGREEMENTS AND THEREFORE AGREED BASIS FOR CONTINUED INTERCEPT OPERATORS NOT SUBJECT TO ABRUPT TERMINATION. IT SHOULD ALSO BE REMEMBERED THAT GERMANS HAVE NO REALISTIC BASIS FOR "EFFORTS BY THEM TO OBTAIN THIS TRAFFIC INDEPENDENTLY". ANY EFFORTS OF AN OFFICIAL AGENCY WOULD REQUIRE ALTERATION OF BASIC LAW AND CONSEQUENTLY A 2/3 MAJORITY IN THE BUNDESTAG. OUR PRESENT ESTIMATE IS THAT SUCH MAJORITY IN THIS QUESTION POLITICALLY IMPOSSIBLE AND THEREFORE LITTLE IMMEDIATE LIKELIHOOD OF PASSAGE OF LAW WHICH WOULD TERMINATE OUR RESERVED POWERS AND PUT GERMAN AUTHORITIES IN BUSINESS IN THIS FIELD. WE SHOULD NOT PREJUDICE THIS POSITION BY APPEARING ANTICIPATE TERMINATION AND OFFERING GRATUITOUS CONCESSIONS.

IT SHOULD ALSO BE NOTED THAT ALL ARRANGEMENTS WITH GERMANS ON THIS SUBJECT TO DATE HAVE BEEN NEGOTIATED ON TRIPARTITE BASIS. BEFORE PROCEEDING WITH ANY UNILATERAL ACTION SERIOUS THOUGHT MUST BE GIVEN TO OUR IMPLIED OBLIGATION TO CONSULT WITH BRITISH AND FRENCH OR AT LEAST TO INFORM THEM OF OUR PROPOSED ACTION.

ASIDE FROM TRIPARTITE ASPECT I FEEL THAT THIS APPARENTLY SIMPLE EXCHANGE PROPOSAL OVERLOOKS MANY COMPLEXITIES OF SITUATION. IT SHOULD BE REMEMBERED THAT THIS AND SIMILAR MATTERS HAVE TO DATE BEEN HANDLED WITH GERMAN AUTHORITIES THROUGH THE OCA COORDINATING OFFICE. TOTAL INTELLIGENCE REQUIREMENTS AFTER SOVEREIGNTY ARE BEING NEGOTIATED WITH GERMANS ON COORDINATED BASIS. IT WOULD BE DANGEROUS PRECEDENT TO SET UP ARMY ONLY DIRECT CONTACT ON ONE SUBJECT WHICH MIGHT TEMPT GERMANS TO PLAY ONE ELEMENT AGAINST OTHERS AND EXPLORE OTHER SUBJECTS WITH AIR FORCE ONLY, NAVY ONLY, ETC. IT IS MY POSITION THAT ICCG COORDINATION SHOULD NOT BE SUGGESTED BUT IS REQUIRED. I NOTE IN THIS CONNECTION THAT GENERAL TRUSCOTT IS AWARE OF PROBLEM, BUT

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I PROPOSE TO OBTAIN HIS STAFF OPINION BEFORE APPROVING ANY APPROACH TO GERMAN AUTHORITIES.

LOOKING AT THE GERMAN SIDE OF THE PROBLEM THIS PROPOSAL SEEMS TO RECOMMEND APPROACH AT WRONG LEVEL. GERMAN SECURITY OR INTELLIGENCE OFFICERS WHO WOULD PRESUMABLY BE MADE HAPPY BY RECEIVING PRODUCT HAVE LITTLE OR NO INFLUENCE ON BASIC DECISIONS TO BE MADE IN THIS FIELD, DECISIONS WHICH INVOLVE GERMAN SOVEREIGNTY AND HIGHLY EXPLOSIVE POLITICAL CONSIDERATIONS. THEN, TOO, THERE IS THE PROBLEM THAT THERE IS AS YET NO SPECIFIC RECIPIENT OF PRODUCT ON GERMAN SIDE, AND IT IS INDEED QUESTIONABLE WHETHER ANY GERMAN OFFICE COULD OFFICIALLY RECEIVE IT IN VIEW OF PROHIBITION IN BASIC LAW.

I WILL CERTAINLY DISCUSS THIS MATTER WITH ARMY REPRESENTATIVES, BUT I CAN NOT AGREE, AT THIS TIME, TO ANY DIRECT NEGOTIATION BETWEEN ARMY REPRESENTATIVES AND FEDERAL REPUBLIC ON THIS QUESTION. I HOLD THAT NO ACTION SHOULD BE TAKEN AT THIS TIME OUTSIDE FRAMEWORK OF OUR REGULAR NEGOTIATIONS WITH GERMAN AUTHORITIES AND THAT, ON THIS PARTICULAR QUESTION, NEXT MOVE SHOULD COME FROM GERMAN SIDE.