

EXHIBIT 8



NATIONAL SECURITY AGENCY
 FORT GEORGE G. MEADE, MARYLAND 20755

4 October 1973

The Honorable Elliot L. Richardson
 Attorney General
 Washington, D. C. 20530

Dear Mr. Attorney General:

This replies to your letter of October 1, 1973 concerning the dissemination to the Federal Bureau of Investigation and the United States Secret Service of information derived from the interception of foreign communications.

Our missions include the production and dissemination of intelligence information in response to needs expressed to us by the United States Intelligence Board and its members. We carry out that mission in part by the interception of messages transmitted over certain foreign communications facilities.

[DELETED]

For some years, the FBI and the Secret Service have been asking us to provide, and we have been providing to them, copies of any messages contained in the foreign communications we intercept that bear on named individuals or organizations. These compilations of names are commonly referred to as "Watch Lists." No communications intercept activities have been conducted by NSA, and no cryptologic resources have been expended solely in order to acquire messages concerning names on the Watch Lists; those messages we acquire always are by-products of the foreign communications we intercept in the course of our legitimate and well recognized foreign intelligence activities.

The NSA has no facilities or charter that would allow it to ascertain whether specific Watch List entries are appropriate, and has always

depended upon the agencies compiling the lists to warrant that they are entitled, in the context of their authorities, to the information they request, and that the names they have entered on their Watch Lists are lawful objects of their inquiries, and are necessary and appropriate to their missions.

For this reason, I recently requested that Mr. Kelley and Mr. Rowland review and re-certify the lists they currently have on file here, and that they reaffirm the adequacy of their procedure for modifying the lists. They both have done this, and I plan to meet with each of them later in order to discuss in detail this same subject.

I believe that our current practice conforms to your guidance that, "relevant information acquired by you in the routine pursuit of the collection of foreign intelligence information may continue to be furnished to appropriate government agencies." However, to insure that our procedures are proper I request your consideration of providing the guidance you feel necessary to the FBI and the Secret Service for them to follow in the preparation of requests to NSA for information. I wish to add that the information we have provided appears to have been very useful to these agencies in the proper pursuit of their responsibilities.

In light of your concern, I have directed that no further information be disseminated to the FBI and Secret Service, pending advice on legal issues. I look forward to hearing further from you at an early date; in the meantime, I would be pleased to provide you whatever further detail might assist in your review.

Sincerely,



LEW ALLEN, JR.
Lieutenant General, USAF
Director