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MEMORANDUM FOR: Deputy Director for Operations

FROM : Chief, Division D

SUBJECT : Potentially Embarrassing Activities

Conducted by Division D

REFERENCE: Your staff meeting, 7 May 1973

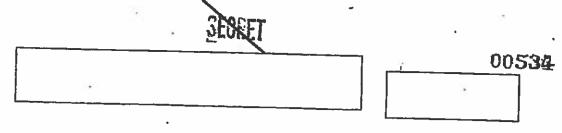
1. There is one instance of an activity by Division D, with which you are already familiar, which the Agency General Counsel has ruled to be barred to this Agency by statute: the collection of international commercial radio telephone conversations between several Latin American cities and New York, aimed at the interception of drug-related communications. The background on this is briefly as follows:

Therefore on coverage, and on 12 October 1972 we agreed to do so. On the large of intercept operators from the

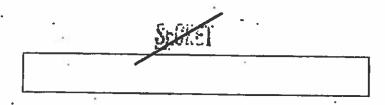
began the coverage experimentarry.

good, and that it was hoped this coverage could continue.

Because a question had arisen within Division D as to the legality of this activity, a query was addressed to the General Counsel on this score (Attachment A hereto). With the receipt of his reply (Attachment B), the intercept activity was immediately terminated. There has been a subsequent series of exchanges between Division D and the General Counsel as to the legality of radio intercepts made outside the U.S., but with one terminal being in the U.S., and the General Counsel



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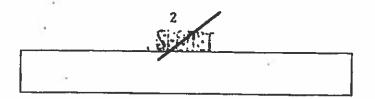


has ruled that such intercept is also in violation of CIA's statutory responsibilities.

2. We are carrying out at present one intercept activity which falls within this technical limitation--i.e., of having one terminal in the U.S.

a large number of totally unrelated conversations, the operators do intercept other traffic, frequently involving U.S. citizens--for example, BNDD staffers talking to their agents. I have described this situation to the General Counsel, and his informal judgment was that, as long as the primary purpose of the coverage is a foreign target, this is acceptable. He suggests, however, that it might be desirable to inform the Attorney General of the occasional incidental intercept of the conversations of U.S. citizens, and thus legalize this activity. We will pursue this with Mr. Houston.

An incident which was entirely innocent but is certainly subject to misinterpretation has to do with an equipment test run by CIA technicians in Miami in August 1971. At that time we were working jointly to develop short-range agent DF equipment for use against a Soviet agent in South Vietnam. a field test was agreed upon. The Miami area was chosen, a team consisting of Division D, Commo, personnel went to Miami during the second week of August. Contact was made with a Detective Sergeant of the Miami Beach Police Department, and tests were made from four different hotels, one a block away from the Miami Beach Auditorium and Convention Hall. A desk clerk in this hotel volunteered the comment that the team was part of the official security checking process of all hotels prior to the convention. (The Secret Service had already been checking for possible sniper sites.) As the team's report notes, "The cover for the use of the hotel is a natural."



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| 5. Another subject worthy of mention is the following: | |
| In February 1972, | |
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| for copies of the telephone call slips per- taining to U.SChina calls. These were then obtained regu- larly by Domestic Contact Service in New York, pouched to DCS Washington, and turned over to Division D for passage to FE/China Operations. The DDP was apprised of this activity by Division D in March 1972, and on 28 April 1972 Division D | 3 |
| and they have ceased to come to Mr. Ober. In an advisory the collection of these slips dried up, the collection of these slips did not violate the Communications Act, inasmuch as they are a part of a normal recording function of the telephone company, which does not any way involve eavesdropping. | |
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| A. DivD memo to OGC 26 Jan 73 | |
| B. OGC memo to DivD 29 Jan 73 | |
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Atts: