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[Redacted]

D.O 71

7 May 1973

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 [Redacted] 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:

[Redacted]

[Redacted] Therefore on 29 September 1972 NSA asked if Division D would take over the coverage, and on 12 October 1972 we agreed to do so. On 14 October a team of intercept operators from the [Redacted] began the coverage experimentally. On 15 January 1973, NSA wrote to say that the test results were 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. [REDACTED]

[REDACTED]

[REDACTED] since the [REDACTED] link being monitored carries 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.

[REDACTED]

4. An incident which was entirely innocent but is certainly subject to misinterpretation has to do with an equipment test run by CIA [REDACTED] 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. [REDACTED] and a field test was agreed upon. The Miami area was chosen, and a team consisting of Division D, Commo, [REDACTED] personnel went to Miami during the second week of August. Contact was made with a Detective Sergeant [REDACTED] 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, [Redacted]

[Redacted] contacts in U.S. telecommunications com-  
panies [Redacted]

[Redacted] For copies of the telephone call slips per-  
taining to U.S.-China 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  
told DCS to forward the call slips to CI Staff, Mr. Richard  
Ober. Soon thereafter, the source of these slips dried up,  
and they have ceased to come to Mr. Ober. In an advisory  
opinion, the Office of General Counsel stated its belief that  
the collection of these slips did not violate the Communica-  
tions Act, inasmuch as they are a part of a normal record-  
keeping function of the telephone company, which does not  
in any way involve eavesdropping.

[Large Redacted Area]

Atts:

A. DivD memo to OGC 26 Jan 73

B. OGC memo to DivD 29 Jan 73

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