



Office of the Attorney General

Washington, D. C. 20530

January 6, 1976

MEMORANDUM FOR

The President
The White House

Pursuant to your instructions, we have been reviewing two operations being conducted by the National Security Agency in collecting intelligence communications. As I described to you in my memorandum of September 12, 1975, the two operations are (1) the monitoring of the Soviets' interception of American telephone calls, and (2) the direct interception of radio communications between terminals abroad and between a terminal in the United States and a terminal abroad.

As to the first operation, we have developed a procedure to minimize the retention and dissemination of information intercepted. We have been assured by the Director of the National Security Agency that the procedures are feasible and that the Agency will comply with them. In my view these limitation procedures bring the operation clearly within the reasonableness requirement of the Fourth Amendment. They are very strict. The only information that is retained or disseminated is that which bears on the security of telephone conversations of government employees. Dissemination of information obtained in this operation is made only to secure telephone lines over which classified information is discussed or to cope with the compromise of classified information.

As I indicated in my memorandum to you, I believe this operation could be considered included in the term "electronic surveillance" as it is used in your memorandum of December 19, 1974. The December 19th memorandum delegated to the Attorney General the authority to authorize such electronic surveillance. Nevertheless, I believe it is important to have your confirmation of this interpretation of the December 19th memorandum [and therefore my authority to authorize] before authorizing this and any similar operation.

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MR 94-1571 #19 DOT letter 1/16/97

By lt NARA, Date 3/12/97

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We are attempting to bring an early resolution to the questions presented by the National Security Agency operation which covers the direct interception of radio communications between the United States and abroad. We are in active consultation with the National Security Agency on this matter. I will report to you on our conclusions at the earliest possible date.

Edward H. Levi
Edward H. Levi
Attorney General

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