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[Redacted]

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26 January 1973

MEMORANDUM FOR: General Counsel

SUBJECT : Intercept of Communications in the U. S.

1. CIA is intercepting at our communications site [Redacted] high frequency, international radio telephone calls originating [Redacted] in New York and being broadcast to South America or being directed to New York from South America. Some calls are relay calls through New York but not originating or terminating there. The calls involve both U. S. citizens and foreign nationals.

2. [Redacted] the intercept team screens the telephone calls for drug-related matters. NSA receives the traffic from CIA [in the form of magnetic tape. [Redacted]

3. I would appreciate your very early views as to where this intercept activity falls with respect to U. S. law. Even if it is legal or we can secure the necessary authorizations, it seems to me there is extra flap potential associated with reports going into the BNDD mechanism, particularly since they may well become the basis for executive action.

[Redacted]

(Signed)

[Redacted]  
Acting Chief,

Distribution:  
Orig & 1 - Addressee

[Redacted]

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[Redacted]

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Page 23      Prohibition against COMINT vs. US citizens

In September 1972 [redacted] Commo to conduct hearability tests of certain HF long-distance commercial telephone circuits between the US and South America. The circuits carried drug-related traffic. [redacted]

[redacted] The tests were successful. The activity was terminated on 30 Jan 73 following OGC determination that they were illegal.

We conduct an intercept operation in [redacted] targeted on radio telephone conversations [redacted]

[redacted] These intercepts contain a large number of unrelated conversations often involving US citizens.

Testing in the US of GRD-developed electronic collection systems occasionally result in the collection of domestic telephone conversations. When the tests are complete, the intercepted material is destroyed.

CIA [redacted] technicians conducted tests in the Miami area in August 1971 of DF gear intended for use against a Soviet agent in South Vietnam. While wholly innocuous, the tests precead the holding of the conventions there and could be construed as being somehow related to them.

In February 1972 CIA asked an official of AT&T for copies of telephone call slips relating to US-China calls. The operation lasted for three or four months and then dried up. OGC stated its belief that the collection of these slips did not violate the Communications Act since eavesdropping was not involved.

Page 29      Mail coverage

Since 1953, CIA has operated a mail intercept program of incoming and outgoing Russian mail and, at various times, other selected mail at Kennedy Airport in New York City. This program is now dormant pending decision on whether to continue or to abolish it.

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