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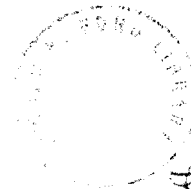
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NSA's VersionSHAMROCK

It is factual to say that the U.S. Government was provided substantial amounts of telegraphed information by a number of private companies over the years, beginning in World War II and continuing through the Korean period, the Cold War era, and the SE Asian wars. This information was asked for by the Government, under the authority and with the knowledge of the highest levels, and freely provided by a number of firms.

The firms did not ask about nor know the use to which the information was put, but they had our assurance that it was needed for legitimate national security purposes -- which in fact it was.

The question of possible impropriety in NSA's use of some of the information provided by the companies should be addressed, in my view, without reference to the source of the information. The procedures used by the companies to provide the information were dictated by the technology they employed in going about their own business, and these procedures were not influenced by the subsequent use of the information. In other words, nothing they did was designed to provide NSA access to private U.S. citizen communications. It was designed to support the U.S. in pursuit of legitimate national security activities.



Incl 3

DoD

TAB A

1. A complete explanation of the kinds of communications obtained by NSA which may unavoidably include communications of U.S. citizens.

2. A description, in general terms, of the computerized processes which are employed to select our desired messages from those which are not desired. This will include what happens to the acquired communications which are not processed as well as those which are subject to further analysis.

3. NSA is also prepared to testify on the so-called watch lists which were in effect between 1967 and 1973 and which did contain names of United States citizens. NSA will discuss from whom the names were received, the number of names involved and NSA's dissemination of information pertaining to these names. NSA will also give a generic description of the categories of names.

4. NSA is prepared to testify on one method of collecting international commercial traffic which was discontinued in May 1975, the so-called operation "Shamrock." NSA is prepared to offer pertinent records and documents.



TAB A

1. Documents furnished the House Select Committee on Intelligence Activities pertaining to the FBI's electronic interception of cable traffic, deleting references to targets.

2. Documents setting forth scope and procedures of the FBI's "drop copy" cable traffic operation.

3. Generic list of individuals and organizations included in the NSA Watch List at the request of the FBI. The NSA Watch List was furnished to the Senate Select Committee on Intelligence Activities with a few deletions based upon national security reasons. Approximately 25 names appearing on one page of the NSA Watch List were deleted as they contained the identity of a sensitive source of the CIA.



TAB B

1. The sophisticated collection and processing techniques associated with NSA operations.
2. Information which would disclose NSA's total capabilities in this area, or as they relate to obtaining foreign intelligence.
3. The names of U.S. citizens and organizations that appeared on the Watch List maintained by NSA.
4. The kinds of information described in the FBI's Tab B, to the extent that they involve or relate to NSA operations.



TAB B

1. Interagency correspondence covering discussions of foreign diplomatic communications targets, the responsibilities and interests in these matters of the FBI, NSA and its predecessors, the military intelligence services, the United States Department of State, and the Special Adviser to the President for National Security Affairs.

2. Specific, detailed information regarding foreign diplomatic establishments and targets in the United States varying from a minimum of approximately 40 to a maximum of approximately 100 sovereign countries.

3. Requests, authorizations, approvals and procedures governing collection, handling, analysis, and dissemination of foreign diplomatic, political, and commercial traffic by both manual and technical means, wherein target nations are identified or easily ascertainable.

4. Actual decrypted and/or plaintext messages.

5. The results of code-breaking efforts, successes, and failures by the FBI Laboratory, NSA, and its predecessors.

6. Information impacting upon and relating to the opening and conduct of an unknown number of counterespionage cases.

7. Information identifying human sources within cooperating United States communications companies, who, over this period of time, made information available in good faith to representatives of the United States Government.

Some documents in categories 1 and 3 could be made available if excisions, in the interests of National Security, were allowed.



October 20, 1975

BACKGROUND MEMORANDUM FOR OVERSIGHT HEARINGS OF THE GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE ON THE INTERCEPTION OF NON-VERBAL COMMUNICATIONS BY INTELLIGENCE AGENCIES.

This memorandum is prepared pursuant to Rule 2 of the Government Operations Committee House Rule XI, 2(b) and provides required information for the subcommittee's upcoming public hearings on the interception of cable and telex traffic by members of the Federal Bureau of Investigation and/or National Security Agency.

Background

On July 22, 1975, an article in the New York Daily News (attached herewith) charged that "for at least five years, the Federal Bureau of Investigation and the National Security Agency have routinely monitored commercial cable traffic to and from the United States, including messages between foreign embassies here and their governments around the world." A preliminary staff examination of this allegation shows the practice has been carried on by Fed. intelligence agencies on a selected and continuous basis, since W.W. II. interception has apparently taken several forms: These include the physical examination of all cables to selected countries in one company office, the physical examination of all cables to selected countries in another company office, and the securing from cable companies of telex "line channel" numbers of selected accounts which, with telephone company cooperation, allow a federal intelligence agency to intercept all telex traffic on those lines.

Purpose of the Hearing

To determine the nature of Federal intelligence agencies' intervention in non-verbal communications, with a view to establishing the intrusion of such practices on individual rights, and the extent to which communications companies give Federal intelligence agencies carte blanche to the communications entrusted to them. Subsequent hearings can examine the criteria by which ~~XXXXXXXXXXXXXXXXXXXX~~ non-court ordered communications targets are selected, who determines the targets selected, how the information received is filed and disseminated, and the value of information received by intercepting "national security" traffic transmitted through commercial facilities.



LEGALITY OF FOREIGN INTELLIGENCE  
SURVEILLANCE AND INTERCEPTION

The Nixon administration took the position that the President's constitutional responsibility to protect the nation empowered him to engage in warrantless tapping or other ~~interception~~ <sup>oral</sup> communications where the "national security" was involved. Under the Nixon theory, this responsibility extended to both domestic and foreign threats to national security. Further, went the Nixon hypothesis, since the responsibility was of a constitutional nature, Congress could not limit it by statute.

In enacting certain limitations on, and procedures relating to wiretapping and interception and disclosure of oral communications generally in the Omnibus Crime Act of 1968, Congress recognized ~~the Nixon position~~ the Nixon position. 18 U.S.C. § 2511(3) provides:

[insert text of statute]

In United States v. United States District Court, decided June 19, 1972, the Supreme Court held that ~~the President~~ ~~the President~~ the President did not have the constitutional power to intercept communications relating to domestic threats to national security without a warrant. The Court also held that section 2511(3) was not a statement of approval of the Nixon position, but merely a statement that Congress did not





by the enactment of the provision intend to limit such constitutional power as the President might possess in this area. The Court expressly reserved decision on the issue -- present in these hearings -- of whether the Fourth Amendment applies where the target of the interception is a foreign threat (real or imagined) to our national security. <sup>9</sup> ~~It is~~ ~~my understanding that~~ several courts inferior to ~~the~~ Supreme Court have subsequently decided that a warrant is required even if the target is foreign in nature, but the Supreme Court itself has yet to speak ~~on~~ the issue. [The Library of Congress was supposed to get me the subsequent cases, but has not yet done so.] If the Court rules the President has the power to order foreign intercepts without a court order - as some communications companies suggest - the companies' ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ activities in ~~xxxx~~ this area will probably be protected.



Legality of Foreign Intelligence Surveillance & Interception:

(Insert Eric memo)

Witnesses

Representatives of ITT World Communications, RCA Global, Western Union, Western Union International, the American Telephone & Telegraph Company, and the Chesapeake & Potomac Telephone Company.



A.T.&T. Wm. CAMING → A) Chief of Security  
B) Gen Counsel  
C) legal Div

N.Y.  
I.T.T. McMullen → OPERATIONS SUPERVISOR  
WASH., DC.

WESTERN UNION Richard Hofsteler GEN. COUNSEL  
N.Y.  
WALKER WASH. DC.

RCA Global — Algire WASH, D.C. + ?

C&P Telephone. — CONNER — Chief of Security





NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755

October 23, 1975

Dear Madam Chairwoman:

I appreciate your taking the time to meet with Assistant Secretary Hall and me yesterday concerning the hearing which you plan to hold this morning. As I mentioned to you, there are matters of importance to the national security of the United States which could come up during this hearing. They involve "communications intelligence activities" as defined in 18 U.S.C. 798.

I share your deep concern that our legitimate collection efforts in the national security area not be used to violate the rights of American citizens which are protected by the Fourth Amendment. As you know, we have discussed our activities concerning, in your words, "intervention in non-verbal communications", with the Select Committees of Congress which are now investigating the intelligence community. We have given these committees and their staffs access to information concerning this subject under procedures designed to prevent disclosure of this information to unauthorized persons.

I respectfully request that any discussion of this subject avoid public disclosure of communications intelligence activities. I believe that this is in keeping with 18 U.S.C. 798 wherein Congress expressed its intent that such information be kept secret and not made available to actual or potential enemies of the United States.

Thank you very much for your consideration of my views on this critical subject.

Sincerely,

Lew Allen, Jr.

Lt. General, USAF

Director, National Security Agency

Honorable Bella S. Abzug, Chairwoman  
Subcommittee on Government Information  
and Individual Rights  
Committee on Government Operations  
House of Representatives  
Washington, D.C. 20515



HEARING

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE

Interception of Non-Verbal Communications  
By Federal Agencies

Thursday, October 23, 1975  
Room 2203 - Rayburn House Office Building  
10:00 a.m.

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WITNESS LIST

RCA Global Communications

Mr. Thomas Algie, Operations Manager, Washington Office  
Mr. Edward Grunberg, Former Operations Manager, Washington Office

Accompanied by Mr. Lawrence McKay, Cahill Gordon & Reindel

ITT World Communications

Mr. George McMullen, Operations Supervisor, Washington Office  
Mr. Joseph J. Jacobs, Vice President & General Attorney

Accompanied by Charles Sifton, LeBoeuf, Lamb, Leiby & MacRae

Western Union

Mr. John Walker, District Manager for Public Operations, Washington Office  
Mr. Raymond Hooper, Technical Manager, Washington Office

Accompanied by Richard Hostetler, General Counsel, and  
Richard Callaghan, Vice President for Governmental Relations

Western Union International

Mr. Thomas Greenish, Executive Vice President, Operations, New York  
Mr. George Callahan, Operations Supervisor, New York Office

Accompanied by Norman Hammer, Stroock & Stroock & Lavan

Chesapeake & Potomac Telephone Company and American Telephone & Telegraph Company

Mr. William Caming, Legal Department, AT&T, New York  
Mr. Earl Connor, Security Supervisor, C&P, Washington

Mr. Joe R. Craig  
Former FBI Agent  
Washington, D.C.



BELLA S. ABZUG, N.Y., CHAIRWOMAN  
LEO J. RYAN, CALIF.  
JOHN CONYERS, JR., MICH.  
TORBERT H. MACDONALD, MASS.  
JOHN E. MOSS, CALIF.  
MICHAEL HARRINGTON, MASS.  
ANDREW MAGUIRE, N.J.  
ANTHONY MOFFETT, CONN.

SAM STEIGER, ARIZ.  
CLARENCE J. BROWN, OHIO  
PAUL N. McCLOSKEY, JR., CALIF.  
225-3741

NINETY-FOURTH CONGRESS

**Congress of the United States**  
**House of Representatives**

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS  
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C  
WASHINGTON, D.C. 20515

October 24, 1975

Lt. General Lew Allen, Jr., USAF  
Director  
National Security Agency  
Central Security Service  
Fort George G. Meade, Maryland 20755

Dear General Allen:

This is to request your presence before the Subcommittee on Government Information and Individual Rights on Tuesday, October 28, 1975, at 10:00 a.m., Room 2247 of the Rayburn House Office Building, to explore with the Subcommittee your reasons for requesting that we not hold open hearings regarding our examination of the National Security Agency's and the Federal Bureau of Investigation's monitoring and interception of cable and telex traffic.

At the Subcommittee hearing yesterday, the Members specifically requested that you be invited to appear to develop more fully your private assertion to me on Wednesday of this week that national security was involved in this matter. When I asked you to specify just what area or areas were concerned, you replied that the national security questions were so intertwined with the entire subject of the inquiry, that, though the inquiry was valid, it should either not continue or, at least, be closed to the public and press.

Sincerely,

*Bella S. Abzug*  
BELLA S. ABZUG  
Chairwoman



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ANTHONY MOFFETT, CONN.  
ANDREW MAGUIRE, N.J.  
LES ASPIN, WIS.

NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 Rayburn House Office Building

Washington, D.C. 20515

MINORITY MEMBERS

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WILLIS D. GRADISON, JR., OHIO

MAJORITY—225-5051  
MINORITY—225-5074

FROM THE SUBCOMMITTEE ON GOVERNMENT  
INFORMATION AND INDIVIDUAL RIGHTS

FOR IMMEDIATE RELEASE  
THURSDAY, NOVEMBER 6, 1975

FOR FURTHER INFORMATION CALL  
TIMOTHY INGRAM AT 225-3741

NEWS RELEASE

ABZUG APPLAUDS CHURCH RELEASE OF "SHAMROCK" REPORT

Rep. Bella S. Abzug (D-N.Y.) today commended the release of the "Operation Shamrock" report by the Senate Select Committee on Intelligence.

The report expands on information recently released by Rep. Abzug's House Government Information and Individual Rights Subcommittee. In hearings held before that subcommittee on October 23, 1975, it was stated that commercial cable companies had been cooperating with the FBI and National Security Agency for over 30 years in monitoring cable and telex traffic.

Rep. Abzug stated: "This finding reinforces my determination that Congress must continue to investigate abuses of the intelligence agencies and must outlaw the abuses disclosed. It is a shame that the American people should have to fear the intelligence agencies ostensibly dedicated to protecting them."

Rep. Abzug said that her Subcommittee would continue its own investigation of the allegations and would hold further hearings on the matter in the near future. Subpoenas will be sought for the cable companies involved and for other necessary witnesses.

Ms. Abzug also stated that she had asked General Lew Allen, head of NSA, to appear before the Subcommittee in open session on Friday, November 15, 1975.

The text of the Abzug-Allen correspondence is attached.



JG, N.Y., CHAIRWOMAN  
CALIF.  
ERS, JR., MICH.  
H. MACDONALD, MASS.  
MSS, CALIF.  
ELL HARRINGTON, MASS.  
EW MAGUIRE, N.J.  
THONY MOFFETT, CONN.

SAM STEIGER, ARIZ.  
CLARENCE J. BROWN, OHIO  
PAUL N. McCLOSKEY, JR., CALIF.  
225-3741

NINETY-FOURTH CONGRESS

# Congress of the United States

## House of Representatives

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS  
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C  
WASHINGTON, D.C. 20515

November 6, 1975

Lt. General Lew Allen, Jr.  
Director  
Central Security Service  
National Security Agency  
Fort George G. Meade, Maryland 20755

Dear General Allen:

Thank you for your letter of November 5, 1975, acceding to the Subcommittee's request that you appear before it in connection with our investigation into the monitoring of cable and telex traffic by the Federal Bureau of Investigation and the National Security Agency.

I appreciate your concern, as noted in your letter, that classified information not be disclosed to unauthorized persons. I have previously stated that should information which would damage the national security be involved, the Subcommittee would receive the information in executive session and appropriate procedures would be taken to safeguard that information.

However, one of our principal concerns is to seek from you guidelines as to what portions of the Subcommittee's inquiry into the question of cable and telex interception, if any, should be conducted in secrecy. A discussion of such guidelines -- much like a discussion of classification standards -- can, it would seem to me, be conducted in open session.

In other words, the session should begin in the open, as with any other hearing of this subcommittee. Should matters arise which would require discussion in closed session, the members can then decide to go into executive session as provided for under the Rules of the House and of the Committee on Government Operations.





Lt. General Lew Allen, Jr.

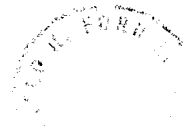
Page 2

I would request, therefore, that you appear before the Subcommittee next Friday, November 15, at 10:00 a.m. in the House Government Operations Committee hearing room, as outlined in my earlier letters.

With best regards, I am

Sincerely,

BELLA S. ABZUG  
Chairwoman





NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: N1276  
5 November 1975

The Honorable Bella S. Abzug  
Chairwoman  
Subcommittee on Government  
Information and Individual Rights  
House of Representatives  
Washington, DC 20515

Dear Madam Chairwoman:

Please accept my condolences upon the recent death of your mother.

With regard to your request of 30 October 1975 that I appear before your Subcommittee, I would prefer to accept your offer to postpone my appearance until at least Friday, 7 November 1975. Preferably because of the press of other business and to have ample time to prepare for your hearing, I would appreciate a delay, if possible, until early the following week.

As you can well appreciate, the subjects on which you have asked me to testify in public hearings involve highly classified information. In an open forum, I could not testify on them in any meaningful fashion, and if asked questions on these subjects, I would have to decline respectfully to answer for reasons which I would ask to explain in closed session.

While I want to cooperate with the Subcommittee, I must take all reasonable steps in accordance with the law and the President's directions, to ensure that classified information is not disclosed to unauthorized persons.

My staff is available to meet at any time with your representatives to work out appropriate procedures to safeguard this classified information. These arrangements should cover access to and protection of the information. In addition, appropriate arrangements concerning publication



Serial: N1276

of the classified information, such as the procedures agreed to by the House Select Committee on Intelligence, will need to be worked out.

Once these procedures are established, I will be available to meet with your Subcommittee in executive session.

Sincerely,

LEW ALLEN, JR.  
Lieutenant General, USAF  
Director



### WESTERN UNION

(NOTE: We expect Western Union to be available to testify. John Walker, who has been manager of the Washington public office since 1970, stated that Craig visited the office frequently on a social basis. Ray Hooper, manager of Technical Services in the Washington office, stated Craig and his successor requested and received numbers of telex lines. The Western Union people deny that they ever gave the FBI access to cables in the Washington office. Agent Craig refused to confirm or deny that he collected cables at the Western Union office. It should be kept in mind that since Western Union is only involved in domestic traffic, any foreign-bound cables they accept are passed along to one of the international companies (e.g., RCA Global, ITT World, Western Union International) for actual transmission abroad.)

### WESTERN UNION INTERNATIONAL

(NOTE: We expect Thomas Greenish and George Callahan of WUI to testify, though Greenish may not return in time from a trip to Japan.

(Greenish, who is an Executive Vice President for Operations, states that in early 1965, he learned of a Recordak machine located in the company's operations room which was not owned by the company. He learned that the machine belonged to NSA and was serviced once a week by an NSA operative who would take away the exposed roll of film and install a new one. The specific procedure was that whenever a cable was sent under a "foreign government tariff" (i.e., a special rate for foreign governments), the WUI operator would take it over to the Recordak and photograph it. When Greenish discovered the existence of the machine in 1965, he asked the NSA man who



serviced it for an authorizing letter. No such letter was forthcoming, and NSA removed the machine about a week later.)

(George Callahan has been with WUI and its predecessor for 29 years, is presently a supervisor in the operations division. Since 1970 he has been a supervisor in the company's New York operations center. From then until 1971 or 1972, FBI agent Walter Zink (and subsequently Agent David Jenkins) would call or visit the office from time to time and ask Callahan whether they had specified foreign mission or foreign agent accounts (i.e., supplied their telex facilities); if Callahan answered in the affirmative, the agent would request and receive the telex channel number (which, with the cooperation of the telephone company, would permit the FBI to intercept directly telex messages flowing to and from that telex facility). The list of countries about which Callahan was asked included about 50 names, of which WUI had only about four accounts. The countries about which the FBI asked were both communist and noncommunist. Callahan says that this practice was discontinued about a year ago.)

CHESAPEAKE & POTOMAC TELEPHONE COMPANY

(NOTE: Earl Connor and William Caming are expected to testify for C&P, which is a subsidiary of AT&T. Connor is a Security Supervisor at C&P and Caming is an attorney for AT&T.)

(Connor, who has been with C&P for about 30 years, was interviewed on October 20. He stated that C&P routinely cooperated with the FBI on "national security" requests as to which no court order was presented. This practice of cooperation goes back at least to World War II. However, Connor said that C&P makes its facilities available to the FBI without demanding to know whose



phones or telex lines are the subject of interception; accordingly, C&P has no way of knowing whether the interceptions in fact have any connection with "national security".)



10:00 a.m.  
WITNESS LIST

RCA Global Communications

Mr. Thomas Algie, Operations Manager, Washington Office  
Mr. Edward Grunberg, Former Operations Manager, Washington Office

Accompanied by Mr. Lawrence McKay, Cahill Gordon & Reindel

ITT World Communications

Mr. George McMullen, Operations Supervisor, Washington Office  
Mr. Joseph J. Jacobs, Vice President & General Attorney

Accompanied by Charles Sifton, LeBoeuf, Lamb, Leiby & MacRae

Western Union

Mr. John Walker, District Manager for Public Operations, Washington Office  
Mr. Raymond Hooper, Technical Manager, Washington Office

Accompanied by Richard Hostetler, General Counsel, and  
Richard Callaghan, Vice President for Governmental Relations

Western Union International

Mr. Thomas Greenish, Executive Vice President, Operations, New York  
Mr. George Callahan, Operations Supervisor, New York Office

Accompanied by Norman Hammer, Stroock & Stroock & Lavan

Chesapeake & Potomac Telephone Company and American Telephone & Telegraph Company

Mr. William Caming, Legal Department, AT&T, New York  
Mr. Earl Connor, Security Supervisor, C&P, Washington

Mr. Joe R. Craig  
Former FBI Agent  
Washington, D.C.



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(CONFIDENTIAL until filled)

SECURITY CLASSIFICATION

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**DESS - Woodsmith**

PHONE  
**31615**

DATE AND TIME (Local)  
**1975 OCT 28 12 44**

PART I

TO: (Individual)  
**Mr. Lippert  
Rm 112 - East Wing**

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 WHITE HOUSE     CIA OPSCEN  
 STATE OPSCEN     NMCC  
 FAN X III     ANMCC  
 DIA ISIC     DIRDNA  
 DIA AHS     NPIC

SUBJECT  
**Statement**

PRECEDENCE  
**IMMEDIATE**

SIGNATURE (Operator)

VALIDATED BY (SNOO Signature)  
*Cherry*

NUMBER OF PAGES  
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75 OCT 28 PM 1.03

RECEPTION ROOM

PART II

RECEIPT ACKNOWLEDGED BY:

DATE AND TIME (Local)

OPR REMARKS:





October 23, 1975

STATEMENT OF CHAIRWOMAN BELLA S. ABZUG FOR HEARING  
ON THE INTERCEPTION OF NON-VERBAL COMMUNICATIONS BY  
FEDERAL AGENCIES, BEFORE THE SUBCOMMITTEE ON GOVERN-  
MENT INFORMATION AND INDIVIDUAL RIGHTS

This hearing was scheduled to examine allegations that certain Federal agencies -- specifically the Federal Bureau of Investigation and the National Security Agency -- have regularly intercepted and copied personal telegrams and cables for at least the last 30 years, without court order and probably in violation of the Fourth Amendment. <sup>the criminal law and the Communications Act.</sup> Facts relating to these allegations have been fully developed in an investigation carried on by the staff of this subcommittee over the past six weeks and it was our intention to place on the record today the testimony of various witnesses as to the details of these interceptions.

For reasons that I will explain in a few minutes, almost all of the witnesses we had scheduled to appear have refused to do so, though they originally indicated that they would appear. Accordingly, I shall now place upon the record the results of our staff investigation, results that <sup>would indicate</sup> that the FBI and NSA, <sup>apparently engaged in</sup> illegal and unconstitutional interception and copying of private communications sent by private individuals.



Joe Craig is a former FBI agent who has been contacted by our staff and spoken to at some length. I asked him, in writing, to testify in public session. The subcommittee's letter requesting that he testify was answered not by him, but by FBI Director Clarence Kelley, who stated that the FBI would not permit Craig to appear because the matter was under investigation. When I met with Deputy Attorney General Harold Tyler yesterday afternoon, the only <sup>specific</sup> ~~concern~~ <sup>concern</sup> he expressed relative to the claim that the matter was under investigation was that we would fail to warn witnesses of their rights and thus risk tainting any subsequent criminal prosecution. I informed Mr. Tyler that we would inform each witness of his rights under the Miranda decision and asked whether he could cite any other reason why we should not proceed as scheduled. He could not and did not. Nevertheless, FBI representatives later informed me that the Bureau persisted in its refusal to permit Mr. Craig to appear.

RCA Global and ITT World Communications had indicated a willingness to testify before the subcommittee. Suddenly, only a day or so ago, they informed me that they would not appear unless ~~subpoenaed~~ subpoenaed. I don't know for certain what caused them to change their minds so suddenly and so completely, but the circumstantial evidence provided by yesterday's visitations is strong to say the least.

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BACKGROUND

On July 22, 1975, an article in the New York Daily News charged that

for at least five years, the Federal Bureau of Investigation and the National Security Agency have routinely monitored commercial cable traffic to and from the United States, including messages between foreign embassies here and their governments around the world.

The staff investigation shows that such practices have been conducted at least since World War II and that they have taken several forms. These forms include the physical examination of all cables in the Washington office of RCA Global Communications, Inc., the physical examination of all cables to and from selected countries in the Washington office of ITT World Communications (a subsidiary of IT&T) and the securing from cable companies of telex "line channel" numbers which, with telephone company cooperation, permit interception of all telex traffic on ~~the~~ <sup>those</sup> lines. (Telex is a method of written communication, partaking of features of both telegram and telephone. It allows the user of telex equipment to communicate directly from one station to another in private written messages. It is widely used by individuals and businesses having a need for extensive private communication among a network of offices. Written messages are sent over normal telephone lines and interception is done in the same manner in which a telephone line is tapped.)

The subcommittee's staff has talked with numerous potential witnesses, including present and former employees of the cable companies who had direct knowledge of the procedures followed and a former agent of the FBI, <sup>J. P. CRAIG,</sup> who for many years had the job of visiting the cable companies on a regular basis and either going through the cables in the companies' offices or taking them away for a time and returning them later. Since these witnesses are not with us today, due to sudden, suspicious, last-minute refusals to attend, I shall



now set forth the substance of what they said in their interviews with our staff.

RCA GLOBAL COMMUNICATIONS, INC.

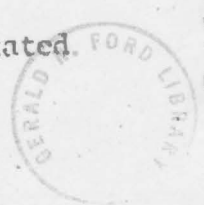
Thomas Algie, Operations Manager of RCA Global's Washington office, was interviewed by investigator Robert Fink on September 10, 1975. At that time, Algie stated that it was the practice of Government agents, either from the FBI or the NSA, to come to RCA Global's office at about 3:00 a.m. each morning and read through all of the international cables, photographing any in which they had a particular interest. This procedure continued until approximately May 1975.

Algie also stated that he was introduced to FBI Agent Joe Craig shortly after taking over the management of the Washington office in early 1973. At that time, Craig requested that Algie allow the FBI to scan all the cables and photocopy <sup>specified</sup> traffic. Algie permitted this because he understood that it was merely a continuation of the long-standing practice of the office. Craig also requested and received from Algie numbers of <sup>various</sup> telex lines.

Agent Craig, whose statements will be covered in more detail shortly, has acknowledge that he picked up cables from company offices daily, but says that his work was done during the day. This claim, if true, suggests that the nighttime visits were from <sup>some one other than the FBI.</sup>

ITT WORLD COMMUNICATIONS

George McMullen, who has been with ITT World Communications (or its predecessors) for 36 years, was interviewed on September 30, 1975. He stated



that FBI Agent Craig would visit ITT's Washington office daily at about 11:00 a.m., would pick up the company's copies of all cable traffic to and from a selected list of countries, and would return the material at about 3:00 p.m. the same day.

I stress here

that all cable traffic to and from these countries was examined by the FBI, whether sent ~~to~~ or addressed to American citizens or not.

The specific procedure was that each operator in the operations room would set aside the cables to and from countries on the current list and give them to the supervisor, who would then place them in an envelope and give them to Agent Craig and, after Craig retired last year, to Agent "Bucky" Loomis.

The prepared statement of Joseph Jacobs, Vice President and General Attorney, which was transmitted to us before ITT's sudden refusal to cooperate, acknowledges the existence of the practice but claims that it is legal as an adjunct of the President's supposed authority to "demand" disclosure of international communications in spite of the prohibitions contained in the Communications Act and the Federal Criminal Code (Title 18, United States Code).

Mr. Jacobs cites in support of his position a committee report on the Communications Act which refers to "the acquisition of counter-intelligence against the hostile action of foreign powers." That is not the kind of activity at issue here. What we are concerned with is the indiscriminate interception of cables sent by and to private citizens.



JOE R. CRAIG

Joe R. Craig, a former FBI agent, was interviewed at his home in Springfield, Virginia, on October 13. Mr. Craig retired last December after 35 years with the FBI, most of which were spent in the Washington field office. For about a decade between 1964 and 1974, Craig was the FBI's liaison man to the telegraph company offices in the Washington area, keeping in close contact with them on an ongoing basis.

Craig  
stated that

he made his pick-ups during the day and never at night; the returns of the messages were made the afternoon of the day they were originally picked up. Craig claimed to have no knowledge of nighttime pickups by any other agencies. (Testimony of ITT's McMullen is that Craig came around during the day to pick up messages; Western Union says that he came by day and did not pick up messages, but Craig refused to confirm or deny whether he picked up messages at Western Union; RCA's Algie testifies that the cables were picked up at night, but did not name Craig or even any specific agency.)

Craig refused to say what messages he picked up, what criteria (if any) governed their selection for pick-up, or who made the selection. He refused to confirm or deny whether cable company employees were paid by the FBI for selecting out or turning over cables, instead launching into an extended discussion of how funds paid by the FBI to informants and nonsalaried individuals had to be carefully accounted for.

Craig believes that arrangements between the FBI and the companies were informal and unwritten, though he thinks that internal FBI records exist relating to the arrangements. He believes that the arrangements included domestic



Issues (now abolished) by the decision in United States v. U.S. District Court, 407 U.S. 297 (1972) as well as "national security".

Craig confirmed that he had requested telex channel numbers from cable companies, but refused to provide any additional information on this subject.

Today is Thursday, October 23. As of last Monday, October 20, the four cable companies -- RCA Global, ITT World Communications, Western Union and Western Union International -- and the C&P Telephone Company had agreed to produce the appropriate individuals today as witnesses. Mr. Craig had cooperated with the subcommittee's investigation and had not refused to testify before the hearing.

Since Monday, RCA Global and ITT World Communications have reneged on their agreements, demanding on almost no notice that they be subpoenaed before they will appear. Although all of our communication with Mr. Craig, who is a former FBI agent, had been directly with him, we received Tuesday a letter from FBI Director Kelley stating that he would not permit Craig to appear because the matter in question is under investigation. As I noted earlier, Deputy Attorney General Tyler, with whom I met yesterday afternoon, was unable to provide any valid reason why Mr. Craig should not appear before this subcommittee.



I had conversations yesterday with representatives of the National Security Agency who made unspecified claims that "national security" required that this hearing be abandoned, postponed or closed to the public and the press. I informed them that we would be willing to hear in executive session any information actually damaging to national security. However, they offered me no guidelines on this point, simply stating that the entire hearing involved "national security". This cannot be the way a congressional committee investigating matters of privacy and individual rights operates.

I am compelled by the course of events I have outlined here today to conclude that while the objections raised by the Justice Department, the NSA and the White House may relate to "national security", they also reflect embarrassment at the crude and unconstitutional way in which the FBI, the NSA and similar Executive branch agencies have for too long been conducting their business in this country. These objections and this pressure are further proof of the need for this inquiry and for greatly increased accountability to Congress on the part of these agencies. Sadly, the record speaks for itself.





BELLA S. AMZLG, N.Y., CHAIRWOMAN  
LEO J. RYAN, CALIF.  
JOHN CONYERS, JR., MICH.  
TOWBENT H. MACDONALD, MASS.  
JOHN E. MOSS, CALIF.  
MICHAEL HARPINGTON, MASS.  
ANDREW MAGUIRE, N.J.  
ANTHONY MOFFETT, CONN.

SAM STEIGER, ARIZ.  
CLARENCE J. BROWN, OHIO  
PAUL N. MCCLOSKEY, JR., CALIF.  
225-3741

NINETY-FOURTH CONGRESS

# Congress of the United States

## House of Representatives

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS  
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C

WASHINGTON, D.C. 20515

October 20, 1975

BACKGROUND MEMORANDUM FOR OVERSIGHT HEARINGS OF THE GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE ON THE INTERCEPTION OF NON-VERBAL COMMUNICATIONS BY INTELLIGENCE AGENCIES

Thursday, October 23, 1975

Room 2203, Rayburn

10:00 a.m.

This memorandum is prepared pursuant to Rule 2 of the Government Operations Committee House Rule XI, 2(b) and provides required information for the subcommittee's upcoming public hearings on the interception of cable and telex traffic by members of the Federal Bureau of Investigation and/or National Security Agency.

### Background

On July 22, 1975, an article in the New York Daily News (attached herewith) charged that "for at least five years, the Federal Bureau of Investigation and the National Security Agency have routinely monitored commercial cable traffic to and from the United States, including messages between foreign embassies here and their governments around the world." A preliminary staff examination of this allegation, shows the practice has been carried on by Federal intelligence agencies, on a selected and continuous basis, since World War II. The interception has apparently taken several forms: These include the physical examination of all cables in one company office, the physical examination of all cables to selected countries in another company office, and the securing from cable companies of telex "line channel" numbers of selected accounts which, with telephone company cooperation, allow a federal intelligence agency to intercept all telex traffic on those lines.

### Purpose of the Hearing

To determine the nature of Federal intelligence agencies' intervention in non-verbal communications, with a view to establishing the intrusion of such practices on individual rights, and the extent to which communications companies give Federal intelligence agencies carte blanche to the

communications entrusted to them. Subsequent hearings can examine the criteria by which non-court ordered communications targets are selected, who determines the targets selected, how the information received is filed and disseminated, and the value of information received by intercepting "national security" traffic transmitted through commercial facilities.

### Legality of Foreign Intelligence Surveillance & Interception

The Nixon administration took the position that the President's constitutional responsibility to protect the nation empowered him to engage in warrantless tapping or other interception of oral communications where the "national security" was involved. Under the Nixon theory, this responsibility extended to both domestic and foreign threats to national security. Further, went the Nixon hypothesis, since the responsibility was of a constitutional nature, Congress could not limit it by statute.

In enacting certain limitations on, and procedures relating to, wiretapping and interception and disclosure of oral communications generally in the Omnibus Crime Act of 1968, Congress recognized the Nixon position. 18 U.S.C. § 2511(3) provides:

(3) Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power.

In United States v. United States District Court, decided June 19, 1972, the Supreme Court held that the President did not have the constitutional power to intercept communications relating to domestic

threats to national security without a warrant. The Court also held that section 2511(3) was not a statement of approval of the Nixon position, but merely a statement that Congress did not by the enactment of the provision intend to limit such constitutional power as the President might possess in this area. The Court expressly reserved decision on the issue -- present in these hearings -- of whether the Fourth Amendment applies where the target of the interception is a foreign threat (real or imagined) to our national security.

The U.S. Court of Appeals for the D.C. Circuit has subsequently decided that a warrant is required even if the investigation is in the name of foreign intelligence and national security, but the Supreme Court itself has yet to speak on the issue. Zweibon v. Mitchell, 516 F.2d 594 (D.C. Cir. 1975) (Court expressly noted that target was not an agent of a foreign power). If the Court ultimately rules the President has the power to order foreign intercepts without a court order -- as some communications companies suggest -- the companies' activities in this area will probably be protected by section 2511(3). So far as we are aware, the specific issue is not presently under consideration by the Supreme Court.

#### Witnesses

Representatives of ITT World Communications, RCA Global, Western Union, Western Union International, the American Telephone and Telegraph Company, and the Chesapeake & Potomac Telephone Company.

# Find U.S. Agents Spy

## On Embassies' Cables

By FRANK VAN RIPER

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Washington, July 21 (News Bureau) — For at least five years, the Federal Bureau of Investigation and the National Security Agency have routinely monitored commercial cable traffic to and from the United States, including messages between foreign embassies here and their governments around the world.

Such activity, possibly in violation of federal law, was carried on with the tacit approval of personnel of the cable firms involved, informed sources told The News.

Section 605 of the Federal Communications Act makes it a crime, punishable by a year in prison or a \$10,000 fine, or both, for anyone to divulge the "existence or contents" of telegraph and telephone messages.

Spokesmen for the FBI and the National Security Agency would not comment on the report.

### A Daily Check

The interception and inspection of the cable traffic, according to the sources, occurred early each morning as FBI and security agency agents visited cable offices in downtown Washington. With the help of willing telegraph employees, the agents photographed copies of cables that the carriers kept on file for billing.

At one of the carriers, RCA Global Communications Inc., the FBI used its own microfilm machine, which was kept in an RCA basement storage room. The agents' key to the room apparently was supplied by RCA, according to the sources.

### "Wouldn't Want to Say"

Thomas Algie, manager of RCA's Washington operations, would neither confirm nor deny that government agents had been granted access to cable traffic. Asked if he was aware of such activity, Algie replied: "I wouldn't want to say one way or the other . . . I don't think I can talk about that." Algie said he was prohibited by the Federal Communications Act from discussing the matter.

Henry Catucci, vice president of another major carrier, Western Union International, denied that "any government agency"

had asked for or been given access to copies of cable traffic.

"Get Court Order" Catucci maintained that, "if anybody, the FBI, the President of the United States, or anybody, asks to inspect our cable traffic, we tell them to get a court order first." Catucci added that he knew of no such requests since he joined the company in 1962.

Jack Horner, a spokesman for the third major carrier of international cable traffic, Interna-

tional Telephone & Telegraph, issued a statement quoting an unidentified executive in ITT's New York headquarters. The statement said that ITT "has never had any dealings of this nature with these agencies (the FBI or the National Security Agency)." Horner would not go beyond this statement.

### Policy of Confidentiality

It is the publicly stated policy of the three carriers that the messages they transmit are kept confidential — that the only persons in addition to sender and recipient who read the messages are the telegraph employees

(Continued on page 24, col. 1)

## Cosmos Do Two-Step

By ALTON SEAGLE

Staff Correspondent of The News

Houston, July 21—Cosmonauts Alexei Leonov and Valery to earth today, ending the Soviet Union's part in a joint flight that has brought new meaning to the word detente. Soyuz 19 landed in Kazakhstan at 6:50 a.m. New York time.

For the first time in the history of Soviet space flight, the event was televised live around the world.

American Astronauts Tom Stafford, Vance Brand and Deke Slayton, who were asleep when the cosmonauts landed, will remain in orbit until 5:18 p.m. Thursday, when they will splash down near Hawaii.

Soyuz 19 had been flying for nearly 142 hours, and was completing its 90th revolution of the

earth when it began its descent to earth. A tracking ship near Ascension Island in the South Atlantic off Africa relayed the braking command from Moscow mission control.

Unlike Apollo, the Soyuz craft is controlled almost entirely from the ground.

Leonov and Kubasov, wearing pressure suits, were strapped into couches in the descent module, which is the center unit of the three stage space ship.

"Moscow, this is Soyuz. We



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ght watches, a Polaroid camera, a few pairs of cufflinks and a sewing machine.

### Await Autopsy Results

Because violence has been ruled out in the deaths, detectives are awaiting the results of the autopsies before investigating further.

Doctors, including colleagues of the two men and interns who had completed their training

The sun returned to the Big Apple yesterday and the monsoon reportedly had ended. It was nice enough for this woman to take a snooze on her lunch break in United Nations Park. Today promises to be warm and sunny but less humid—mid 80s.

with them, said that over the last two years — during which Cyril was divorced — the two seemed to undergo severe psychological strains. The brothers were buried Sunday at Riverside Cemetery, Saddle Brook, N.J.

## Jury to Get Friedgood Mystery

A Nassau County grand jury is expected to begin hearing testimony late this week in the mysterious death of Mrs. Sophie Friedgood of Kensington, L.I., whose physician husband is considered a key figure in the investigation.

The presentation to the panel is expected to be made as soon as County Medical Examiner Leslie Lukash completes tests; either issue taken from Mrs. Friedgood's arms and right buttock. Mrs. Friedgood died of an overdose and Dr. Lukash is studying the body tissue to determine where the drug was injected.

18; and her husband, Charles, a surgeon, signed the death certificate. He listed a "cerebral vascular accident" as the cause of death. His signature on the death certificate was considered highly unusual by police, and an investigation was undertaken.

Ten days after his wife's death, Friedgood, 56, boarded a plane for Denmark with \$650,000 in negotiable securities in his

possession. Police learned of the trip and radioed the plane to return to Kennedy Airport, where Friedgood was removed from the airliner and his passport was seized.

A police investigation has disclosed that Friedgood's former secretary now lives in Denmark, and that Friedgood reportedly is the father of her two young children.

## Reveal U.S. Agents Spy on Foreign Embassies' Cable Traffic

(Continued from page 2)

being the transmission. These employees, according to the companies, are under strict orders not to divulge the contents of cables to third parties.

Nevertheless, it has been learned that at one of the carriers telegraph operators not only turned over cable traffic to the government agents — who usually showed up between 6 and 7 in the morning — but also segregated the foreign Embassy traffic so that the agents would not have to wade through transmissions between the Embassy and their overseas offices and personal messages.

the service. The going rate, according to the sources, was \$50 a week for cooperative telegraph employees.

"When the agents walked in the door," said one source, all they had to do was pick up the cables they wanted, microfilm them and hand them back as if nothing happened."

### Two-Man Teams

There were indications that inspection of the cable traffic, particularly embassy traffic, had gone on for longer than five years and had started in the cold war. The News has confirmed that the practice went back at least five years.

the agents. In two-man teams, made their visits.

"I asked them who they were and what did they want. They said, 'It's OK, we're from the FBI and we want the traffic.'"

The source said that one of the men flashed an FBI agent's badge; the other displayed a credential in a black leather holder identifying him as an employe of the National Security Agency.

### The agents report

#### Some In Code

The agents reportedly sought all cable traffic involving foreign embassies, whether or not they represented governments friendly to the United States.

Express bus service on First and Second Aves. was proposed by three legislators yesterday as a means of avoiding the bunching of buses. The proposal that buses stop every eight blocks instead of every two was advanced by City Councilmen Henry J. Stern and Robert F. Wagner and State Sen. Carol Bellamy.

—Arthur Mulligan.

## Drop Charges Against DA's Aide

Grand larceny charges against Walter Buchbinder, former chief investigator of the Brooklyn district attorney's rackets bureau; were dismissed yesterday in Brooklyn Supreme Court.

Buchbinder, 52, had been accused of grand larceny and perjury regarding a stolen car he was said to have received in 1970, two years after he left the district attorney's office. Last week, Buchbinder was acquitted of the perjury charge. Justice Vacaro dismissed the grand larceny charges after the district attorney's office had said it lacked the evidence to prove them.

## Staten Island Attorney Disbarred

A Staten Island attorney, charged with embezzling more than \$12,000 from the National Community Bank, was disbarred yesterday by the Brooklyn Appellate Division. C. Dino Efstation of 63 Forest Ave. was originally brought up on charges by the grievance committee of the Richmond County Bar Association. The committee referred the matter to the Appellate Division after Efstation reportedly failed to attend hearings on the case and failed to keep the grievance committee apprised of his where-

## Indict Arson Suspect in Shootings

Ralph Lanzot, the arson suspect who allegedly shot and seriously wounded two fire marshals and was himself wounded in a shootout July 12 in a Bronx apartment house, was indicted yesterday on two counts of attempted murder of a peace officer. If convicted he faces 25 years to life, in prison. —James Dooly

the agents were in code. The Pakistanis, for example, routinely presented their messages for transmission already scrambled in a five-letter code, according to the sources.

These messages, though unintelligible to a layman, reportedly were microfilmed along with scores of others that were not coded.

### Prime Function

The interest in coded messages may explain the involvement of the National Security Agency in the monitoring operation. Created in the early 1950s, the agency had as a prime function the interception and breaking of the codes of foreign governments.

operation recalled a similar interception, involving mail to and from Communist bloc countries, undertaken by the Central Intelligence Agency with the knowledge of at least three postmasters general and one attorney general.

The mail project, begun at the height of the cold war as a "valuable intelligence tool" and ended in 1973, was centered at Kennedy Airport, according to the Rockefeller Commission report on CIA activities. A main purpose of the project was to open and photograph mail going to or coming from Communist countries, especially the Soviet

RED TAG

THE WHITE HOUSE

WASHINGTON

January 19, 1976

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX L. FRIEDERSDORF  
VERN LOEN

FROM:

CHARLES LEPPERT, JR. *CLJ.*

SUBJECT:

House Government Operations Committee

On Thursday, January 22, 1976, Rep. Bella Abzug will request the House Government Operations Committee to issue subpoenas for the appearance of certain individuals before the Subcommittee on Government Information and Individual Rights concerning violation of privacy and individual rights, violations of the fourth amendment and violations of federal communications laws.

The subpoenas will direct the appearance of the following individuals with certain corporate documents:

- (1) Mr. George Knapp, President of ITT World Communications and Mr. George McMullen, ITT Operating Supervisor, Washington, D. C.
- (2) Mr. Howard Hawkins, Chief Executive Officer, RCA Global Communications, and Tom Algie and Edward Grunberg, RCA Global Communications, Washington, D. C. office.
- (3) Mr. Tom Greenish, Executive V.P., Western Union International, and George Callahan, Washington, D. C. representative.
- (4) Mr. Joe Craig Retired FBI Agent  
Mr. Bucky Loomis " " "  
Mr. Walter Zink " " "  
Mr. David Jenkins " " "
- (5) Mr. Joseph J. Tomba, Retired NSA Employee now living in Ellicott City, Md.

Considering the 29:14 membership ratio of the House Government Operations Committee and the disposition of the Chairman Jack Brooks on the issuance of these subpoenas it appears that there are sufficient votes to issue the subpoenas if the matter comes to a vote before the Committee on Thursday, January 22.



Three members of the Government Operations Committee who are sitting members of the Pike Committee could be helpful in this matter if necessary. They are:

Rep. James V. Stanton (D-Ohio)  
Rep. Les Aspin (D-Wisc.)  
Rep. Robert Kasten (R-Wisc.)

Strong proponents for the issuance of the subpoenas will probably be:

Rep. Bella Abzug (D-NY)  
Rep. Leo J. Ryan (D-Calif.)  
Rep. John Conyers (D-Mich.)  
Rep. Torbert Macdonald (D-Mass.)  
Rep. John Moss (D-Calif.)  
Rep. Michael Harrington (D-Mass.)  
Rep. Andrew Maguire (D-N.J.)  
Rep. Toby Moffet (D-Conn.)

Chairman Jack Brooks indicated to me some time ago that if Mrs. Abzug requested the Committee to issue these subpoenas that he saw no reason for the Committee not to go along since the information being sought had already appeared in the newspapers.

cc: Tom Loeffler



[Feb. 1976?]

FNE  
ABZUG HCS.



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
WASHINGTON, D. C. 20301

*the list of topics and information which could  
appropriately be furnished the committee. In  
addition, we addressed*

Honorable Bella S. Abzug, Chairwoman  
Government Information and Individual  
Rights Subcommittee  
Committee on Government Operations  
Rayburn House Office Building, Room B-349-B-C  
Washington, D. C. 20515

Dear Chairwoman Abzug:

This letter is intended to supplement two earlier letters  
from Deputy Secretary Clements to you dated 18 February 1976  
and 23 February 1976 respectively.

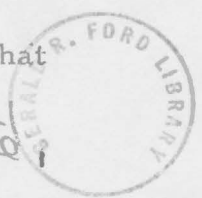
We wish by this letter to reconfirm to you and to the  
members of your Committee the willingness of the officials of  
this Department and of the National Security Agency to cooperate  
in every appropriate way to satisfy your Committee's requirements  
for documents and testimony as they affect the activities of ~~American~~ *United States*  
citizens.

As you know, during the past two days representatives of  
this Department, the National Security Agency, the Department  
of Justice and the Federal Bureau of Investigation met with several  
of your Committee's staff on two separate occasions to discuss  
in detail the national security concerns, which led to the original  
~~correspondence from Secretary Clements relating to testimony and documents~~  
~~sought from any officers or employees of the National Security Agency.~~  
*by your committee.*

At these meetings, we offered to conduct agency briefings,  
and provide background informational documents, *Our offer.* These included  
a specific and detailed list of those topics on which we believed that

*to the committee*

*relating to documents, testimony and  
documents sought by your Committee.*





open session testimony would be appropriate. In addition, we <sup>specified</sup> ~~outlined~~ <sup>^</sup> detailed those topics which, for those reasons previously stated to your Committee, were only appropriate for discussion in ~~Executive~~ session.

For the record, the following is a summary of the proposals which we made during these recent discussions. In open session, NSA is prepared to testify on certain aspects of ~~our~~ <sup>its</sup> <sup>^</sup> International commercial traffic operations insofar as they may affect the communications of United States citizens. NSA is prepared to state that ~~within this~~ <sup>see</sup> <sup>^</sup> operation <sup>s</sup> <sup>^</sup> that the communications of United States citizens are sometimes inadvertently acquired and to testify as to current directives which pertain to ~~our~~ <sup>the</sup> processing of and handling of this type of traffic when it is acquired. Additionally, NSA is prepared to testify on one method of collecting international commercial traffic which was discontinued in May 1975, the so-called operation "Shamrock."

NSA is also prepared to testify on the so-called ~~Watch Lists~~ which were in effect between 1967 and 1973 and which did contain names of United States citizens. NSA will discuss from whom ~~we~~ <sup>the names were</sup> <sup>^</sup> received, ~~the~~ ~~names,~~ the number of names involved and NSA's dissemination of information pertaining to these names. NSA will also give a generic description of the <sup>categories of</sup> <sup>^</sup> names.



It is understood in the foregoing that NSA will not discuss sophisticated collection or processing techniques associated with these operations. In closed session NSA is prepared to elaborate in more detail on the above and to discuss the procedures<sup>e</sup> involved when a United States citizen or entity is discussed in foreign governmental traffic. # At the same meetings

Representatives of the Federal Bureau of Investigation also outlined areas which might also be the appropriate subject of both open and Executive session testimony.

The Federal Bureau of Investigation offered to furnish testimony in open session as to the procedures, policy and utilization of international "drop copy cable traffic." The Federal Bureau of Investigation also offered to testify concerning the "Watch Lists" and to provide a generic breakdown of the categories of individuals or entities which appeared on <sup>those</sup> ~~that~~ lists. Testimony would also be provided concerning the dissemination policies with respect to any information obtained by FBI communications intelligence activities. Additionally, in Executive session the Bureau is willing to testify generally concerning the intercept of international cable traffic and in greater detail about the Watch Lists and the "drop copy cable traffic" operation. # National security concerns would, of course, <sup>in any event</sup> preclude identification of foreign countries which may have been the object of communications intelligence activities.



*during our discussions*

We noted ~~at that time~~ that the testimony of the private communications carriers might also raise serious national security concerns, especially if they should be questioned about targeting of any foreign governmental organizations. Furthermore, we indicated that the ~~company~~ <sup>companies</sup> themselves might not be in a position to identify sensitive communications intelligence information.

As was clearly stated by us at the recent meetings with your staff we are quite sympathetic with the objectives of your Committee. We are concerned, <sup>as we are assured you are,</sup> ~~and we know that you and each member of your~~ ~~Committee is concerned~~ that in connection with your inquiries all appropriate steps be taken to insure that the Committee's investigation does not <sup>impinge</sup> ~~encroach~~ upon important national security interests.

We will be pleased at your convenience to engage in further discussions looking toward agreement between the Committee and ourselves regarding the matters appropriate for, and the procedures applicable to, testimony during open and ~~Executive~~ sessions.

We have been authorized by the Department of Justice to state that th<sup>at</sup> ~~the~~ Department joins in the statements made in this letter.



We are not concerned that the companies will testify that international paid traffic was turned over to the United States Government. We are also not concerned that the traffic was selected on the basis of tariff rates, i. e., governmental traffic. We are not concerned that this blanket turning over of traffic may have included the communications of some United States citizens.

We are concerned about any testimony that would pinpoint the targeting of any foreign governmental organizations based in this country. We are also concerned with sophisticated techniques that may have been used to select the traffic of foreign entitites.



In open session NSA is prepared to testify on certain aspects of our international commercial traffic operations insofar as they may affect the communications of United States citizens. We are prepared to state that within this operation that the communications of United States citizens are some times inadvertently acquired. We will testify as to current directives which pertain to our processing of and handling of this type of traffic when it is acquired.

Additionally, we will testify on one method of collecting international commercial traffic which was discontinued in May 1975, the so-called operation Shamrock.

We will also testify on the so-called Watch Lists which were in effect between 1967 and 1973 and which did contain names of United States citizens. We will discuss from whom we received the names, the number of names involved and NSA's dissemination of information pertaining to these names. We will also give a generic description of the names.

It is understood in the foregoing that we will not discuss sophisticated collection or processing techniques associated with these operations.

In closed session we are prepared to elaborate in more detail on the above. Additionally, we will discuss the procedures involved when a United States citizen or entity is discussed in foreign governmental traffic.



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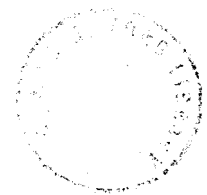
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[Feb. 1976]


CHRONOLOGY OF REQUESTS BY  
ABZUG SUBCOMMITTEE TO FBI

| <u>Date of Request</u> | <u>Description</u>  |
|------------------------|---|
| June 12, 1975          | Letter to Attorney General Levi from Ms. Abzug; requesting by June 23, 1975, information on all FBI non-court ordered wiretapping since 1960: target, duration, purpose, approval.  |
| June 16, 1975          | Letter to Attorney General Levi from Ms. Abzug; requesting tour of FBI wiretap monitoring installation.   |
| June 19, 1975          | Letter from Attorney General Levi from Ms. Abzug; requesting names and addresses of all FBI and Internal Security Division personnel who served on IEC and IES between 1970 and 1973.   |
| June 26, 1975          | Letter to Attorney General Levi from Ms. Abzug; requesting his testimony and all memos on present policy of Department of Justice regarding investigation and prosecution of felonies or civil violations committed by employees of Federal agencies. |
| Aug 16, 1975           | Letter to Mr. Michael E. Shaheen, Dept. of Justice, from Ms. Abzug; requesting disposition of 20 cases referred to Justice by CIA since 1954.   |
| Aug 21, 1975           | Letter to Ms. Abzug from Michael E. Shaheen in reply to her Aug 16th letter, giving dispositions of the 20 cases.   |
| Aug 26, 1975           | Letter to Attorney General Levi from Ms. Abzug; requesting information on alleged improper activities of FBI agent Kenneth Whittaker.   |

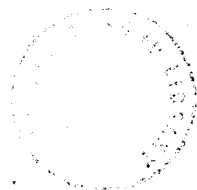




| <u>Date of Request</u> | <u>Description</u>   |
|------------------------|--|
| Sept 4, 1975           | Letter to Attorney General Levi from Ms. Abzug and her Committee requesting information on FBI involvement in case of three Puerto Rican nationals sentenced to 30 years hard labor in Dominican Republic. |
| Sept 30, 1975          | Letter to Director, FBI, from Ms. Abzug; requesting information and testimony on FBI record keeping and on destruction of Hoover Files and Oswald letter sent to FBI.                                      |
| October 8, 1975        | Letter to Mr. Michael Uhlmann from Ms. Abzug; requesting information about a teletype message sent Nov. 22, 1963, to the effect that the assassination of President Kennedy may have been a conspiracy.    |
| October 17, 1975       | Letter to Director, FBI, from Ms. Abzug; requesting hearing about the FBI record-keeping system and the "Do Not File" system.  |
| October 18, 1975       | Letter to Mr. Joe R. Craig from Ms. Abzug; requesting he appear before her Subcommittee to discuss non-voice communication intercepts.   |
| October 20, 1975       | Letter to Director, FBI, from Ms. Abzug; requesting hearing and information on files removed from Mr. Hoover's office following his death.   |
| October 22, 1975       | Letter to Director, FBI, from Ms. Abzug; about present policy of the Archives regarding papers of the Warren Commission.   |
| October 22, 1975       | Letter to Director, FBI, from Ms. Abzug; requesting certain documents referring to Kennedy assassination.  |



| <u>Date of Request</u> | <u>Description</u>  |
|------------------------|---|
| October 24, 1975       | Letter to Director, FBI, from Ms. Abzug; requesting he appear before her Subcommittee on October 28, 1975.  |
| October 24, 1975       | Letter to Director, FBI from Ms. Abzug; asking for photocopies of all index cards in FBI central card file index for Lee Harvey Oswald.           |
| November 20, 1975      | Letter to Attorney General Levi from Ms. Abzug; noting that information so far received about Mr. Hoover's files was inadequate.                  |
| November 20, 1975      | Letter to Director, FBI from Ms. Abzug; requesting information on FBI record-keeping systems.   |
| December 16, 1975      | Letter to Mr. Thomas Bressnon, FBI, from Ms. Abzug; about review of access policies for documents pertaining to Warren Commission.                |
| December 16, 1975      | Letter to Mr. John McDermott, FBI, from Ms. Abzug; requesting directives on FBI permanent files maintained of all handwritten notes.              |
| December 11, 1975      | Letter to Mr. John J. McDermott, FBI, from Ms. Abzug; submitting 32 detailed questions on Freedom of Information and Privacy Acts implementation. |
| December 26, 1975      | Letter to Michael Uhlmann, Dept. of Justice, from Ms. Abzug; regarding memo on Tolson signing of correspondence.                                  |



| <u>Date of Request</u> | <u>Description</u>   |
|------------------------|--|
| January 15, 1976       | Letter to Director, FBI, from Ms. Abzug enclosing copy of letter from Michael Wells; requesting information on FBI's policy with respect to fingerprints, notarization and advance fees for Freedom of Information requests. |
| January 29, 1976       | Letter to Attorney General Levi from Ms. Abzug; recommending discontinuation of use of polygraphs and similar devices.   |
| January 27, 1976       | Letter to Attorney General Levi from Ms. Abzug; regarding report by FBI to the Criminal Division and other answers to questions concerning U.S. Recording Company.   |
| January 23, 1976       | Letter to Director, FBI, from Ms. Abzug; regarding allegations of FBI agent misconduct made by Mr. Robert Peterson, SBA Counsel.   |
| February 6, 1976       | Letter to Mr. Richard Taylor, FBI, from Eric L. Hirschhorn, Counsel, transmitting six subpoenas for employees of the FBI.  |
| January 23, 1976       | Letter to Mr. John J. McDermott, FBI, from Ms. Abzug referring to her December 16, 1975, letter and requesting an answer as soon as possible.  |
| January 30, 1976       | Letter to Director, FBI, from Ms. Abzug; requesting under the Freedom of Information Act the Pike Report.  |
| January 19, 1976       | Letter to Attorney General Levi from Ms. Abzug; regarding alleged unconstitutional collection of intelligence information by state and local police departments.   |

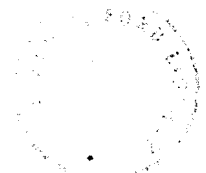
Date of RequestDescription

January 19, 1976

Letter to Mr. John J. McDermott, FBI, from Ms. Abzug; asking what steps are being taken by the FBI to remedy the backlog of Freedom of Information and Privacy Act requests.

February 24, 1976

Letter to Director, FBI, from Ms. Abzug; requesting moratorium on destruction of files and records.



SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS

Hearing on the Interception of Non-Verbal Communications

By the FBI and NSA

Wednesday, February 25, 1976

Room 2154 RHOB -- 9:30 a. m.

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WITNESS LIST

JOE R. CRAIG  
Former FBI Special Agent

JOHN P. LOOMIS  
FBI Special Agent, Washington, D.C.

WALTER C. ZINK  
FBI Special Agent, New York

DAVID G. JENKINS  
FBI Special Agent, New York

JOSEPH J. TOMBA  
National Security Agency Employee



MAJORITY MEMBERS

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 DON FUQUA, FLA.  
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 JOHN L. BURTON, CALIF.  
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 ROBERT F. DRINAN, MASS.  
 EDWARD MEZVINSKY, IOWA  
 BARBARA JORDAN, TEX.  
 GLENN ENGLISH, OKLA.  
 ELLIOTT M. LEVITAS, GA.  
 DAVID W. EVANS, IND.  
 ANTHONY MOPPETT, CONN.  
 ANDREW MAGUIRE, N.J.  
 LES ASPIN, WIS.

NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 Rayburn House Office Building

Washington, D.C. 20515

FROM THE SUBCOMMITTEE ON GOVERNMENT  
 INFORMATION AND INDIVIDUAL RIGHTS

FOR IMMEDIATE RELEASE  
 WEDNESDAY, FEBRUARY 25, 1976

FOR FURTHER INFORMATION CONTACT  
 TIM INGRAM AT (202) 225-3741

MINORITY MEMBERS

FRANK HORTON, N.Y.  
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 JOEL PRITCHARD, WASH.  
 EDWIN B. FORSYTHE, N.J.  
 ROBERT W. KASTER, JR., WIS.  
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MAJORITY—225-5051  
 MINORITY—225-5074

NEWS RELEASE

ABZUG PANEL RECOMMENDS CONTEMPT CITATION  
 FOR FBI AND NSA EMPLOYEES

The Subcommittee on Government Information and Individual Rights, chaired by Congresswoman Bella S. Abzug (D-L-N.Y.), recommended to the House Committee on Government Operations today that three special agents of the Federal Bureau of Investigation, a former FBI agent, and an employee of the National Security Agency be cited for contempt of Congress.

The recommendation was approved by a 6-1 vote after the witnesses refused to testify at a subcommittee hearing on allegations that the FBI and NSA have systematically intercepted international communications of private U.S. citizens.

The witnesses based their refusal on written instructions from Attorney General Edward H. Levi and Deputy Secretary of Defense William P. Clements, Jr. In letters to Chairwoman Abzug, Levi and Clements said they were acting under orders from President Ford.

Special Agents John P. Loomis, Walter C. Zink and David G. Jenkins, former Agent Joe R. Craig, and Joseph J. Tomba of the NSA were judged in contempt by Chairwoman Abzug for their failure to testify. In addition, all but Tomba were judged in contempt for failure to comply with committee subpoenas to produce documents relating to the interception of cables and telex communications.

"What the government has done today is tantamount to interference with witnesses before a congressional committee," said Ms. Abzug. "There is no valid claim for that interference. Executive privilege went out with the American Revolution. That is a privilege of monarchs, not presidents."



(more)

The Government Operations Committee has also subpoenaed documents and appearances of officials of three private cable companies in connection with the inquiry. Ms. Abzug said she had been informed by one of them, Western Union International, that it has been ordered by President Ford not to comply.

"It is absolutely unprecedented for a President to seek to extend his claim of executive privilege to a private company," said Ms. Abzug. She said the cable company witnesses would be called before the subcommittee next week.

As the witnesses, one by one, were called and refused to testify, Ms. Abzug informed them their stated reasons were not valid and that their continued refusal to answer questions would place them in contempt of Congress, subject to fine and imprisonment if convicted.

The witnesses said they were relying solely on their written instructions from their superiors and were not invoking any Constitutional right in refusing to comply with the subpoenas or answer questions.

The four present government employees were represented at the hearing by Irwin Goldbloom, Deputy Assistant Attorney General in the Civil Division of the Justice Department. Craig was represented by private counsel and also by Goldbloom.

Rep. John E. Moss (D-Calif.) a subcommittee member, said "the real contempt" at the hearing had been committed by Levi, Clements and Ford. "They have acted arrogantly and contemptuously of the people's representatives," he said. "This is the most arrogant display by government officials that I have ever seen."

If the full Government Operations Committee accepts the recommendation of the subcommittee, the recommendation will be sent to the House floor for a vote.

In addition to Chairwoman Abzug, the other Members of the Subcommittee are Representatives Leo J. Ryan (D-Calif.), John Conyers (D-Mich.), Torbert H. Macdonald (D-Mass.), John E. Moss (D-Calif.), Michael Harrington (D-Mass.), Andrew Maguire (D-N.J.), Anthony Moffett (D-Conn.), Sam Steiger (R-Ariz.), Clarence Brown (R-Ohio), and Paul N. McCloskey (R-Calif.). Ex officio members are Representatives Jack Brooks (D-Tex.) and Frank Horton (R-N.Y.).



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