

E-21

Executive Registry
7C-98546

20 September 1976

NOTE FOR: Mr. Knoche

SUBJECT: Response to Deputy Secretary of Defense Ellsworth
on Relationship of NSA SIGINT Procedures to CIA

1. The attached letter for your signature was prepared by the General Counsel's office and has received the concurrence of the IG, DDO and

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2. Since the letter from Mr. Ellsworth (Tab A) was addressed to "The Director, Central Intelligence Agency" with a copy to the DCI you may wish to touch base with the DCI before sending the attached response. After Mr. Ellsworth's letter of 14 July, General Allen wrote the DCI on 17 August and suggested that the Inspectors General of NSA and CIA meet to discuss interpretation of the Executive Order and Attorney General procedures regarding SIGINT (Tab B). The DCI informed General Allen on 25 August that the IG's would have a meeting. (Tab C)

3. John Waller's report of this meeting is attached as a separate item at Tab D. In this report he asks that you approve his letter to the NSA Inspector General which takes the same position as the attached letter to Mr. Ellsworth.

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Attachments:
As Stated
(Tab A - TOP SECRET - COMINT)

EXECUTIVE REGISTRY FILE E-21
Approved For Release 2005/06/06 : CIA-RDP79M00467A001100190009-1

Response to 88-09073-76

Approved For Release 2005/06/06 : CIA-RDP79M00467A001100190009-1

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Executive Registry
76-9854/4

22 September 1976

The Honorable Robert Ellsworth
Deputy Secretary of Defense
Washington, D. C. 20301

Dear Mr. Ellsworth:

This is in response to your memorandum of 14 July 1976 to several addressees concerning the conduct of SIGINT activities. In your memorandum you state that all departments and agencies authorized to conduct SIGINT activities are to be guided by procedures approved by the Attorney General and published by the Director, NSA, in United States Signals Intelligence Directive (USSID) 18. Subsequently, on 17 August 1976, the Director, NSA, in a memorandum to the Director of Central Intelligence, proposed that in light of your memorandum, the Inspectors General of CIA and NSA be tasked to develop jointly a plan of action to ensure that the procedures in USSID-18 are followed carefully and that each of the concerned departments have mechanisms to assure full compliance. The purpose of this letter is to clarify the relationship of the USSID-18 to CIA SIGINT activities.

This Agency, of course, shares your concern that all U.S. SIGINT activities be in compliance with Executive Order 11905 and with procedures promulgated pursuant to the Order by the Attorney General. At the same time, however, you should be aware that certain legal limitations and authorities unique to CIA as well as operational differences between CIA and other agencies which conduct SIGINT activities dictate a slightly different approach to CIA's SIGINT operations. The Attorney General's procedures incorporated within USSID-18 are specifically directed to NSA. Although CIA is currently operating under Attorney General pro-

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cedures which require, as an interim measure, that CIA practices parallel those contained in USSID-18, the Attorney General, in recognition of the differences noted above, is developing separate guidelines which will apply specifically to CIA. We understand his finalization of these guidelines will take place very shortly.

In any event, the Attorney General procedures applicable to CIA will be consistent with the procedures incorporated in USSID-18, and if you wish we will gladly provide copies of the procedures when they become effective. Moreover, CIA has made every effort to establish appropriate internal mechanisms and instructions to ensure that its obligations under the executive order and relevant Attorney General procedures are being met. Recently, in this regard, in response to the suggestion of the Director, NSA, mentioned above, the Inspectors General of CIA and NSA met to compare their respective control mechanisms with highly reassuring results. We would be more than happy to schedule additional meetings with NSA to discuss this matter further.

Sincerely,

~~E. H. Knoche~~

E. H. Knoche
Deputy Director

cc: Director, NSA

Distribution

DDCI

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IG

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OFFICIAL ROUTING SLIP

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TO	NAME AND ADDRESS	DATE	INITIALS
1	[Redacted], Assistant to the Deputy Director Rm 7E12 Hqs.		
2			
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5			
6			

<input type="checkbox"/> ACTION	<input type="checkbox"/> DIRECT REPLY	<input type="checkbox"/> PREPARE REPLY
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DISPATCH	<input type="checkbox"/> RECOMMENDATION
<input type="checkbox"/> COMMENT	<input type="checkbox"/> FILE	<input type="checkbox"/> RETURN
<input type="checkbox"/> CONCURRENCE	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> SIGNATURE

Remarks:
 George:
 Suggest the last sentence of the next to the last paragraph be slightly revised: "We understand his finalization..." Also, suggest the letter to Ellsworth indicate that a copy is being forwarded also to General Allen. *(Bernis has permitted me to make these comments.)*

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FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
Associate General Counsel	16Sep76
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Next 5 Page(s) In Document Exempt

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