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DEPARTMENT OF THE AIR FORCE  
OFFICE OF SPECIAL PROJECTS (OSAP)  
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MEMORANDUM FOR MR PLUMMER

14 April 1976

Subject: Restrictions on Electronic Surveillance

The President's new Executive Order 11905 on foreign intelligence contains a restriction on the testing of electronic equipment within the United States or against U.S. persons. The principal paragraph of concern is Section 5, Para (b) (2) Page 27 quoted below:

"(b) Restrictions on Collection

Foreign intelligence agencies shall not engage in any of the following activities:

- (2) Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General; provided, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law."

I do not believe the restrictions are intended to curtail our type of testing. However, in a literal interpretation of the Order, they should be reported. A paper has been forwarded to the staff (C██████████) containing a description of each known test that may be interpreted as coming under the purview of the restrictions in the Executive Order. As an extra precaution, domestic photo operations for R&D and ground truth comparisons have also been included.


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I suggest that this information be provided to the proper oversight authority for review. The Attorney General has given 90 days to identify activities that require approvals under the Executive Order. I have sent a copy of the paper describing the tests to General Allen because of his direct interest in this area of activity.

  
JOHN E. KULPA, JR.  
Major General, USAF  
Director

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