

SOCOMM MESSAGEFO.

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1976 MAY 28 PM 1:21

TYPE MSG

BOOK

MULTI

SINGLE

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PRECEDENCE

ACTION

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FROM

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HANDLE VIA [REDACTED] CHANNELS ONLY

SECUR

[REDACTED] FOR GEN KULPA

[REDACTED] OR MR. DIRKS

[REDACTED] FOR CAPT DARCY FROM MR. PLUMMER

SUBJECT: IMPLEMENTATION OF E.O. 11905

THE PRESIDENT'S NEW E.O. 11905 ON FOREIGN INTELLIGENCE CONTAINS A RESTRICTION ON ELECTRONIC SURVEILLANCE ACTIVITIES WITHIN THE UNITED STATES OR AGAINST U.S. PERSONS OVERSEAS. THE PRINCIPAL PARAGRAPH OF INTEREST IS SECTION 5, PARAGRAPH (B)(2), PAGE 27 QUOTED BELOW:

"FOREIGN INTELLIGENCE AGENCIES SHALL NOT ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES:

(S) ELECTRONIC SURVEILLANCE TO INTERCEPT A COMMUNICATION WHICH IS MADE

SPECIAL INSTRUCTIONS

DISTRIBUTION:

DNRO	X
DDNRO	X
SS-1	X
SS-2 EXEC	X
SS-2 ADMIN	X
SS-3	
SS-4	
SS-5	X
SS-5C	
SS-6	

FILE 5

DATE	TIME
MONTH	YEAR
MAY	1976
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J. W. PLUMMER
DNRO

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<p>FROM, OR IS INTENDED BY THE SENDER TO BE RECEIVED IN, THE UNITED STATES, OR DIRECTED AGAINST UNITED STATES PERSONS ABROAD, EXCEPT LAWFUL ELEC- TRONIC SURVEILLANCE UNDER PROCEDURES APPROVED BY THE ATTORNEY GENERAL; PRO- VIDED, 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."</p> <p>THE E.O. ALSO PROHIBITS PHYSICAL SURVEILLANCE WHICH IS DEFINED AS "...CONTINUING VISUAL OBSERVATION BY ANY MEANS..."</p> <p>THE NRP HAS RECEIVED INTERIM AUTHORITY FROM THE DEPARTMENT OF DEFENSE TO PERFORM ESSENTIAL DOMESTIC SATEL- LITE PHOTO AND ELECTRONIC DATA COLLECTION FOR RESEARCH AND DEVELOPMENT AND ENGINEERING TEST PURPOSES. THE DIRECTOR OF THE NRO HAS BEEN ASSIGNED THE AUTHORITY AND</p>					
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RESPONSIBILITY FOR ESTABLISHING AND IMPLEMENTING PRO- 7
CEDURES TO INSURE THAT OPERATING ELEMENTS OF THE NRP
ADHERE TO THE SPIRIT AND INTENT OF E.O. 11905. ACCORDINGLY,
THE FOLLOWING POLICY AND PROCEDURES ARE SET FORTH FOR
OPERATING ELEMENTS OF THE NRP. THESE PROCEDURES MAY BE
SUBJECT TO CHANGE BASED ON FORTHCOMING GUIDANCE FROM THE
JUSTICE DEPARTMENT.

A. THE SPIRIT AND INTENT OF THE PROVISIONS OF
E.O. 11905 PERTAINING TO ELECTRONICS AND PHOTO ACTIVITIES
WILL BE STRICTLY ADHERED TO BY ALL ELEMENTS AND MEMBERS
OF THE NRP.

B. NRP INITIATED DOMESTIC ACTIVITIES WITH
RECONNAISSANCE SATELLITES UNDER THE PROVISIONS OF THE
AUTHORITY DELEGATED TO THE DNRO ARE LIMITED TO RESEARCH
AND DEVELOPMENT AND ENGINEERING TEST REQUIREMENTS CON-
SISTING OF SIGNALS AND PHOTO INTELLIGENCE SYSTEMS TESTS AND
GROUND TRUTH TESTS, SYSTEM OPERATIONAL CALIBRATION, AND
OTHER ESSENTIAL EFFORTS RELATED TO THE DEVELOPMENT OF
SATELLITE SYSTEMS. THE AUTHORITY TO CONDUCT DOMESTIC
OPERATIONAL REQUIREMENTS, SUCH AS MAPPING, CHARTING AND
GEODESY, IS RESERVED TO THE DCI.

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C. EACH NRP INITIATED DOMESTIC REQUIREMENT 7
WILL BE PERSONALLY APPROVED BY THE RESPECTIVE NRO PROGRAM
DIRECTOR (I.E., GEN KULPA, MR. DUCKETT AND CAPT DARCY).

D. DOMESTIC COLLECTION WILL BE MINIMIZED BY
^{ING} LIMITED RESEARCH AND DEVELOPMENT AND SYSTEM ENGINEERING ETC
TEST ACTIVITIES TO THOSE REQUIREMENTS WHICH CLEARLY
CANNOT BE MET REALISTICALLY BY OTHER MEANS.

E. DOMESTIC PHOTO AND ELECTRONICS DATA INADVER-
TENTLY OBTAINED ON U.S. PERSONS OR ORGANIZATIONS WILL NOT
BE USED FOR ANY PURPOSES AND WILL BE DESTROYED AT THE
EARLIEST PRACTICAL TIME (WHEN THE TARGET DATA IS NO LONGER
OF TECHNICAL OR SCIENTIFIC USE).

F. A WRITTEN RECORD CONTAINING THE DESCRIPTION
OF EACH DOMESTIC RESEARCH AND DEVELOPMENT AND TEST REQUIRE-
MENT WILL BE MAINTAINED.

G. NRP CONTRACTORS WILL BE APPRISED OF THE PRO-
VISIONS OF THIS DIRECTIVE AND COMPLIANCE REQUIREMENTS OF
ALL ORGANIZATIONS SUPPORTING THE NRP.

H. SHOULD ANY UNFORESEEN REQUIREMENTS ARISE
WHICH WOULD DEVIATE FROM THE ABOVE PROVISIONS, THEY WILL
NOT BE INITIATED WITHOUT THE PRIOR APPROVAL OF THE DNRO.

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REQUEST EACH ADDRESSEE PROVIDE BY 1 JULY 1976, A 7
 DETAILED PLAN WHICH IDENTIFIES PROCEDURES FOR:

- A. APPROVING NRP INITIATED REQUIREMENTS BY THE RESPECTIVE NRO PROGRAM DIRECTOR.
- B. MAINTAINING RECORDS ON AUTHORIZED DOMESTIC ACTIVITIES CONDUCTED WITH NRP SATELLITE RECONNAISSANCE ASSETS.
- C. DESTROYING DOMESTIC MATERIAL INADVERTENTLY OBTAINED ON U.S. PERSONS OR ORGANIZATIONS.
- D. REVIEWING NRP CONTRACTOR ADHERENCE TO THE APPLICABLE PROCEDURES OF THIS DIRECTIVE.

THIS PLAN SHOULD BE ADDRESSED TO THE NRO STAFF, ATTENTION COLONEL [REDACTED] -2 IMPDET.

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