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8 April 76

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MEMORANDUM FOR:   
Assistant General Counsel,  
General Law Division

THROUGH : Associate Deputy Director for  
Administration

FROM : Robert W. Gambino  
Director of Security

SUBJECT : CIA Audio Countermeasures Activity  
Under Executive Order 11905

REFERENCE : Memo for Director of Security from  
Asst. General Counsel, General Law Division,  
dated 25 March 1976, OGC 76-1525.

1. This memorandum responds to your request for additional information on audio countermeasures inspection procedures under EO 11905.

2. The following is a list of types of communications which can be and occasionally are heard during audio countermeasures inspections. They are listed by titles consistent with the Federal Communications Commission and International Radio Regulations in accordance with the Geneva International Telecommunication and Radio Conference.

- a. Maritime  
(1) Navigation Mobile
- b. International Broadcast Bands
- c. Aeronautical  
(1) Navigation; fixed & mobile
- d. International Fixed Public
- e. Public Safety
- f. Navigation
- g. Industrial
- h. Fixed

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- i. Land Mobile
- j. T.V. Relay
- k. Telemetry
- l. Meteorological
- m. International Control
- n. Domestic Public
- o. Radio Location
- p. Common Carrier
- q. Civil Air Patrol
- r. Radar
- s. U.S. Government
- t. Radio Astronomy
- u. Scientific & Medical
- v. Amateur & Experimental
- w. Amateur & Citizens Bands

3. We agree completely with Mr. William Funk, Office of Legal Counsel, Department of Justice, that "the fact that you incidentally pick up such communications should not make the entire operation an electronic surveillance any more than turning on a citizen band radio would be electronic surveillance because it is capable of picking up radio-telephone communications."

4. In connection with your request for more information about signals in the microwave region, our experience shows that our audio countermeasures specialists occasionally encounter telephone communications. Microwave is line-of-sight transmission from one tower to another. Encounters with these signals occur when the location we are surveying for hostile transmitters is located in close proximity to a microwave beam or tower. When we encounter such signals they cannot automatically be eliminated from suspicion. A clandestine listening and transmitting device is a miniature replica of a communication station and is built using the same knowledge and technology. What can be done in the field of normal communications can and is also accomplished in the building and use of clandestine listening/transmitting devices.

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5. We know that the opposition has the capability to build clandestine listening/transmitting devices which operate in the microwave region of the radio frequency spectrum. As far back as the early 1950's the Soviets were actively using hostile devices which operate in the microwave region. In 1952 a clandestine listening/transmitting device operating at 1.7 GHz was found to be concealed in a hand carved replica of the U.S. Great Seal presented as a gift to a U.S. Ambassador by the Soviets. More recent "finds" have been made of hostile audio devices operating up to 1 GHz. The recent disclosures in the public news media of the microwave signal flooding the American Embassy in Moscow is a clear example of the intent and practice of the Soviets to operate in the microwave region. For these reasons it is essential to include an examination of the microwave region of the RF spectrum in our searches for hostile transmitters. Once again, the occasional encounter of legitimate telephone communications in the microwave region as we conduct audio countermeasures inspections is incidental to the primary mission. No recording or transcription is made of such communications. No records of any kind of any identities are made. No dissemination by any means of any overheard legitimate communication is made by the Agency employee conducting the audio countermeasures search.

6. In connection with the ACM activities of other agencies, on the one hand we question the advisability of including in a letter from the DCI to the Attorney General any definitive statement which identifies all Government agencies (a) that currently conduct detection operations within the U.S., or (b) that have conducted them in the past. This should be a matter between the Attorney General and such agencies.

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7. We are of the opinion on the other hand that any DCI request for approval of ACM procedures by the Attorney General should be generic in its application to those foreign intelligence activities of departments and agencies supervised by the Committee on Foreign Intelligence. We hold this opinion in consideration of the fact that these departments and agencies share in the responsibility of the DCI for the protection of intelligence sources and methods and that audio countermeasures inspections are a positive effort contributing to the discharge of this statutory responsibility. As you are aware the DCI, through the Committee on Foreign Intelligence supervises the foreign intelligence activities of the CIA, the Department of Defense, including the NSA, the Department of State, Treasury Department, Energy Research and Development Administration and the FBI. These agencies have an audio countermeasures capability. Further, under provisions of Director of Central Intelligence Directives 1/11, the Security Committee of USIB includes a Technical Surveillance Countermeasures Subcommittee. This Subcommittee, chaired by Victor H. Dikeos, Deputy Assistant Secretary for Security, Department of State, serves as the focal point of the Intelligence Community in the audio countermeasures arena and we refer you to the Chairman of the Security Committee, [redacted] Room 7C35, CIA Headquarters Building, for further information on the functions of this Subcommittee .

8. We hope this information satisfies your needs. As previously mentioned, we will be pleased to supplement it and we are willing to provide representatives of the Department of Justice with a detailed briefing and demonstration of our audio countermeasures procedures including the types of clandestine hostile audio transmitters that have been located over the years.

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Robert W. Gambino

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