

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

~~SECRET/SENSITIVE XGDS (2) and (3)~~

August 13, 1976

National Security Decision Memorandum 335

TO: The Secretary of State  
The Secretary of Defense  
The Attorney General  
The Director of Central Intelligence

SUBJECT: Army Special Operation Field Office in Berlin

The President has reviewed the recommendations of the responsible departments and agencies concerning Army's Special Operations Field Office in Berlin and has made the following determinations:

1. Wiretap [REDACTED] activities will continue in the United States Sector, on a strictly controlled and limited basis, for purposes of gathering significant foreign intelligence and counter-intelligence information, and to support criminal investigations. These activities will be conducted only to the minimum extent necessary to meet the requirements of the security or public order of Berlin and the Federal Republic of Germany, the security of the United States or of the Allies, or the combatting of terrorism and illicit narcotics traffic.

2. The United States Army will continue to be responsible for the provision, management, supervision and control of these sensitive activities in the United States Sector, within the framework of Executive Orders 10608 and 11905 and in strict conformity with applicable United States laws, regulations; and administrative procedures.

3. The Chief of Mission, Berlin, shall provide for such additional guidelines, procedures, and supervision as he determines appropriate and shall, in particular, be responsible for assuring

XGDS of E. O. 11652 by authority of  
Brent Scowcroft; Exemption Category  
Section 5(B) (2) and (3).

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that these and other sensitive methods of investigation are used in a manner consistent with the foreign relations interests of the United States and the governmental responsibilities of the United States in Berlin.

4. The Central Intelligence Agency shall be responsible for advising on the appropriateness of wiretap [REDACTED] in foreign intelligence and counterintelligence cases, under the criteria set forth in paragraph 1. above.

5. The United States Army shall be responsible for determining the adequacy of requests for wiretap [REDACTED] under the applicable laws and regulations and, in cooperation with the Department of State, for the development and maintenance of an adequate regulatory regime, appropriate to the special situation in Berlin.

6. In addition, the following procedures shall also apply:

(a) No non-consensual wiretap, other form of electronic eavesdropping, [REDACTED] shall be targetted against the communications of a United States person as defined in E.O. 11905, by any United States agency in Berlin or any other agency in Berlin at the request of a United States agency, without the approval of the Attorney General of the United States;

(b) When in the course of a non-consensual wiretap, other form of electronic eavesdropping, [REDACTED] not otherwise requiring the approval of the Attorney General, the communications of a United States person are regularly intercepted, the details of the surveillance, including nature and frequency of interception of US citizen communications, will be brought to the attention of the Attorney General by the using agency;

(c) No non-consensual wiretap, other form of electronic eavesdropping, or mail intercept shall be targetted against any person or organization by the United States Army in Berlin on behalf of a United States agency without the approval of that agency at the level of Assistant Secretary

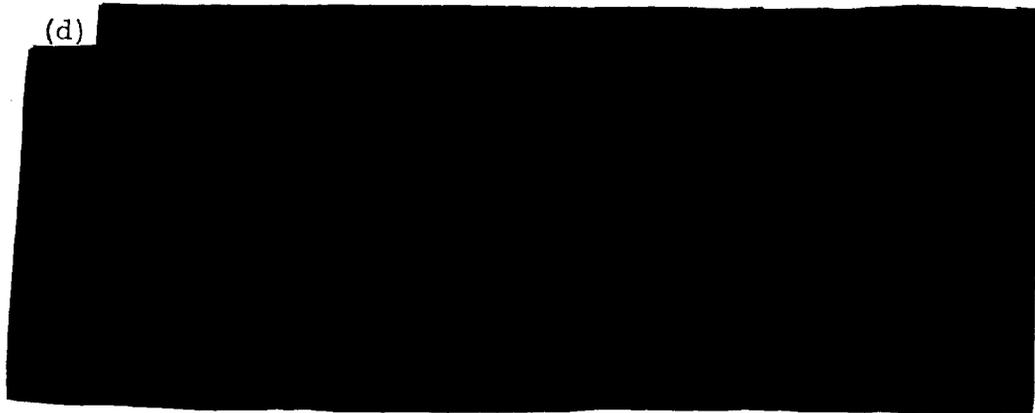
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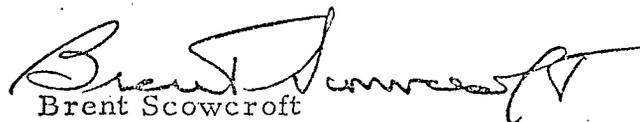
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or above or, in the case of a branch of the armed services,  
the Secretary or Under Secretary of that service;

(d)



7. In unusual situations, where the investigative urgency dictates the institution of a particular non-consensual wiretap [redacted] more rapidly than possible under the normal procedures, the Chief of Mission or his designee may authorize the institution and maintenance of such coverage for a limited time, usually no longer than 48 hours, to permit the expeditious processing of the request to be completed.

  
Brent Scowcroft

cc: The Chairman, Joint Chiefs of Staff  
The Secretary of the Army

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