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29 December 1947

Mr. Felix E. Larkin
Special Legal Consultant
Office of the Secretary of Defense
The Pentagon
Washington, D.C.

Dear Mr. Larkin:

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Your letter of 24 November requests our comments on the draft of the bill to amend Section 605 of the Communications Act of 1934. You are correctly informed by [redacted] of our interest in this measure, and I have had prepared a memorandum setting forth the views of this office at length. I enclose a copy of this paper for your information.

Under the statutes by which it was created, this Agency is limited to the field of foreign intelligence pertaining to national security. Our interest in amending the Communications Act is, therefore, limited to a field less broad than that which is comprehended by the present draft. We are not in a position to support a measure which could be construed to authorize "wire-tapping" in the controversial sense discussed in the letter from the Communications Commission Chairman. Our purposes could be served by an authority narrower than that proposed, limited in definite terms to foreign communications. We have some doubt as to whether new legislation is actually required for this purpose, but since, as the attached paper indicates, there is room for considerable argument, we feel that an amendment to clarify the situation would be proper and desirable. Such a proposed amendment is set forth at the end of the attached paper.

We should be pleased to support legislation limited in this manner which would clarify the authority of those agencies properly engaged in intelligence activities and which would protect private individuals or agencies called on to cooperate in these activities.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

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[redacted]
Executive Director

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