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THE WHITE HOUSE

WASHINGTON

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December 19, 1974

MEMORANDUM FOR

THE ATTORNEY GENERAL

I have carefully reviewed the issues raised in your request for confirmation of authority and delegation with respect to warrantless electronic surveillance within the United States for foreign intelligence (including counterintelligence) purposes. I am satisfied that programs requiring such surveillance are important to the national security, and therefore reaffirm and renew the delegation of power to you, and to your successors in office, and the authorization of you and them, to approve, without prior judicial warrant, specific electronic surveillances within the United States which may be requested by the Director of the Federal Bureau of Investigation.

It is my understanding and desire that this power and authority shall be exercised pursuant to the following standards and procedures: A warrantless electronic surveillance in the United States will only be authorized upon the personal approval of the Attorney General (or the Acting Attorney General), upon submission of a written request by the Director of the Federal Bureau of Investigation providing complete justification for the conduct of such surveillance, including identification of the agency and the Presidential appointee initiating the request. Authorization will not be granted unless the Attorney General (or the Acting Attorney General) has satisfied himself:

- A. That the requested electronic surveillance is necessary
 - 1. To protect the nation against actual or potential attack or other hostile acts of a foreign power;
 - 2. To obtain foreign intelligence information deemed essential to the security of the nation;
 - 3. To protect national security information against foreign intelligence activities; or

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DECLASSIFIED
E.O. 12958 (as amended) SEC 3.3
MR # 10-012-42
state dept. ltr 1/27/10
By dal NARA, Date 3/16/10



4. To obtain information which the Secretary of State (or a Presidential appointee who is his personally designated representative) or the Assistant to the President for National Security Affairs has certified is necessary for the conduct of foreign affairs matters which are important to the national security of the United States.
- B. That the subject of the electronic surveillance is assisting a foreign power or foreign-based political group, or plans unlawful activity directed against a foreign power or foreign-based political group.
 - C. That the minimum physical intrusion necessary to obtain the information sought will be used.

I have been advised by you and by the Department of State that such surveillance is consistent with the Constitution, Laws and Treaties of the United States.

I will expect you to keep the electronic surveillances you approve under regular review to assure that they continue to meet the aforementioned criteria. I also will expect you to advise me of any changes in the statutes or of relevant judicial decisions bearing on these matters.

This delegation and authorization is intended to subsist until revoked by my order acting as President, or the order of a successor President of the United States. Should you have a serious question as to the validity of the claim of importance to the national security in any particular case presented to you for approval, I request that you forward the matter to me for my consideration.

