

Mr. Chairman, I welcome the opportunity to present my views on the use of advanced information and communications technology to improve Federal information services, and to explain the responsibilities of my Office in that regard. I have with me today Mr. Charles Joyce, the Assistant Director for Government Communications in OTP.

The Office of Telecommunications Policy was established in 1970 to provide a focal point for the development of administration policy in the area of electronic communications, and to coordinate the activities of the various Federal Departments and Agencies in this area. The scope of my responsibilities includes electronic communications, and matters arising out of the joint use of computers and communications. I am not responsible for matters involving solely the use of computers, or for matters in the area of information which are totally apart from any use of electronic communications systems. But this latter point is not particularly limiting with respect to the subjects I will be discussing today since most of the issues of public concern in the area of information handling involve electronic communications in one way or another.

I will now try to cover briefly each of the areas listed in your letter, Mr. Chairman.

OTP Role in Federal Information Systems

First, you asked about our role in providing technological services to other agencies, and in planning, operating and coordinating Federal information systems. OTP does not provide technological services to other agencies. Nor do we operate any telecommunications or information systems, except as may be needed for our own internal use.

We are responsible for providing policy guidance to Federal Agencies which do operate such systems, and for coordinating the efforts of these agencies in the interests of Government-wide effectiveness and economy. To accomplish this task in a systematic way, I have initiated a joint planning process in which Federal Agencies with similar operational missions and communications requirements will work together to optimize the communications operations in their respective areas. The five initial mission areas which have been identified for this type of planning are: National Security, Law Enforcement, Transportation, Environment, and General Administrative Communications. In each area, the agencies involved will be responsible for jointly reviewing their telecommunications plans to eliminate duplication and achieve maximum economy and effectiveness. OTP will review

the resulting combined plans to assure overall consistency and adherence to national communications policy.

Sharing and Interconnection

Sharing and interconnection of systems are measures which are pursued within the Government with the objectives of achieving economy and maximizing the usefulness of communications and information systems. These are worthwhile objectives, although I am not convinced that they have been achieved in some of the present programs. In any event, interconnection and sharing are not ends in themselves, and they do entail risks of compromising privacy which must be recognized.

Safeguards

You asked for my views on safeguards needed to protect against misuses of Federal information systems, specifically the invasion of privacy and use for propaganda purposes. In responding to that, let me explain how these concerns present themselves in Government communications planning, and where responsibility lies for action.

While there is no single generally accepted definition of "privacy" or the "right to privacy," it is widely acknowledged that a reasonable freedom from intrusion is essential to normal human growth and stability. The individual should not have information thrust upon

him. The "right to be let alone" implies a degree of protection from unwanted sights and sounds.

The claim to privacy in the information context is based on the dignity and integrity of the individual. These concepts are tied to the assumption that all information about a person is in a fundamental way his own, for him to determine when, how and to what extent it is communicated to others. People also recognize that much of society's business can be conducted only if confidentiality of communications is respected. By protecting this privacy, society ensures its own well-being and development.

Privacy as a fundamental value is essential to a democratic system, which has, as its highest goal, the liberty of the individual. Privacy, however, is not absolute. There is an inherent conflict, for example, between the Government's need for information to pursue justice and an individual's need for personal privacy.

Electronic technology has greatly increased the ability to acquire and disseminate information. Mechanisms to ensure individuals their privacy and the privacy of their communications have not advanced as rapidly. OTP has undertaken to investigate the adequacy of common law, statutes, and Federal regulations to protect individuals regarding the privacy of their electronic communications

and the security of the systems carrying them. This is being done with the view towards identifying what policies, standards, or legislative safeguards are necessary.

Communications, computers and other information technologies lower the cost and increase the speed of large scale information collection and processing operations. These technologies can therefore expand the power of the Government and other large institutions vis-a-vis the individual. They could, for example, increase the ability of Government agencies to assemble confidential information about persons to the detriment of individual privacy. They also could increase to an undesirable degree the power of Government to influence large numbers of citizens with respect to Government policies, that is, to propagandize the public. But such results are not inevitable. They must be prevented, and they can be prevented if we are aware of the dangers and develop appropriate safeguards. What are those safeguards?

Privacy

To safeguard privacy, it is essential to protect the confidentiality of data which, by law, is to be collected and used for limited purposes, such as census data, tax returns, social security data, and investigative files. The

responsibility for protecting such files in most cases must lie with the agencies charged by law with collecting the data. Any breach of confidentiality must be laid squarely at that agency's door. Clear responsibility and procedures for correction are, as they have always been the best safeguards.

But this simple rule is not enough when Federal systems containing confidential data are to be interconnected, or when confidential files are to be used in shared information systems. Admittedly, there are potential benefits to interconnection and sharing in the form of greater overall economy and wider accessibility within the Government of useful information. However, such steps also contain risks or loss of effective control over confidential data. It is in resolving these conflicting considerations of Government economy and effectiveness and sound public policy that my responsibilities come into the picture.

I have been working with the Federal Agencies who have extensive telecommunications systems to clarify Federal policy on interconnection and sharing. We have not yet come to the point of issuing any all-encompassing policy document -- perhaps we never will. But we have come to an understanding that interconnection and sharing are not ends in themselves. OTP has been insisting on a

clearer understanding of the magnitude of benefits and risks involved in interconnecting or combining Government systems.

Looking to the future, I expect that the planning process I referred to will provide more information, for all parties concerned, about plans for the future of Federal Government information systems. To provide guidance for this planning, we have initiated studies to determine more clearly the desirability of shared systems and the risks involved. We are closely following efforts to assess the current state of the art in technology for controlling access within information systems so that we will be well informed on the risks.

Propaganda

The other area of concern is the possibility of abuses in the dissemination of information by the Federal Government. We must recognize that there are important needs for Federal agencies to provide certain types of information to the public. However, two types of abuses can occur: First, undue efforts to influence public opinion in favor of Federal policies, agencies or individuals, and second, extensive provision of routine information services by the Federal Government which could be provided adequately

by the media or other private organizations. We are concerned here today primarily with the former possibility, an abuse which might be called propaganda. Again, the primary responsibility for controlling excessive propagandizing must be with each Federal Department and Agency.

An area which bears watching is the provision of public service announcements by Federal Agencies. Broadcasters are strongly encouraged by Federal regulators to carry public service announcements. Federal Agencies may use this opportunity to support the presentation of a wide variety of messages regarding their activities and programs. But we should be alert to possible abuse of this opportunity by Federal Agencies -- the number and type of such messages produced and distributed by the Government must not constitute an unwarranted intrusion into the public mind.

It is possible for the Government to increase its "information power" indirectly or even inadvertently, through projects designed for other purposes. Efforts to develop, demonstrate or utilize various types of information systems or technologies could possibly become new avenues for Federal propaganda, even though that is not the intended result.

One example of this concern is posed by the new warning system designed by the Defense Civil Preparedness Agency -

the Decision Information Distribution System, or "DIDS." The system, which is still being evaluated, was designed to serve a worthy purpose, namely, warning of impending attack or natural disaster. However, there is some basis for concern about how such a system, once in existence, might come to be used. In view of the possibility of misuse, however remote, I believed that it would be bad policy to force people to have a DIDS receiving device in their homes. We opposed the idea that legislation should be sought to force manufacturers to incorporate such a receiver in every new TV set. OTP established the policy that any purchase or use of home receivers for warning would be on a voluntary basis. Further, we are watching the project closely to assure that no additional functions are planned for the system which might lead to misuse or to competition with the news media or other private sources.

We have also been concerned for some time with Government sponsorship of broadcasting-type communications projects, including the development of broadcasting capabilities on NASA's ATS series of satellites. NASA is discontinuing such development projects, with OTP's concurrence, after the launch of the ATS-F next year.

Our concern is not directed only, or even primarily, toward high technology projects. Indeed, the use of

very commonplace equipment can be a cause for concern. Through the simple expedient of an automatic telephone answering device, some Federal Agencies have made it very simple - perhaps too simple - for radio stations to record and retransmit announcements about Federal programs which were pre-recorded by Federal spokesmen. The technology involved here is trivial. The impact of such arrangements, however, and the potential for abuse, is great. It is important to be aware of this.

Application of Technology to Information Activities

You asked my views about the development of systems to serve the needs of the public for information of all kinds, and about the agency or agencies which should plan and coordinate the use of technology for such activities. I do not believe that any one agency should be charged with developing information systems for the delivery of all kinds of information to the public. Such an arrangement would in all likelihood lead to the design of a massive delivery system which would then have to be filled with all kinds of data to justify it. This would bring the Federal Government into direct competition with numerous elements in the private sector such as publishers, research organizations, and computer service firms. Furthermore, the control which a central agency could exercise in selecting and editing the information to be contained in

such a system would be an open invitation to use it to manipulate public opinion.

Any proposal for the use of a Government controlled, electronic communications system for this purpose should be carefully reviewed by higher levels within the Executive Branch and by Congress. Such a review should evaluate the dangers involved, and determine why there is no alternative way to get the job done. OTP has a responsibility to conduct such reviews, and we look at projects which come to our attention from this point of view.

Communications for Social Needs

I am aware of the Committee's interest in the report entitled "Communications for Social Needs" which was produced by NASA in connection with certain other agencies in 1971. The report was prepared as one part of an effort to determine whether and how the research and development capabilities of the nation could be directed, through Federal policy and funding, toward meeting specific national needs.

We provided our views to NASA during the preparation of this report, but their report was not in accordance with those views. Among the deficiencies I noted was too great an orientation toward Federally owned and controlled systems rather than toward private ownership and control, with the inherent dangers I have just described. I strongly opposed the adoption of this report, and it was never presented to the Domestic Council or the President. Thus, the report never received any Administration approval.

This does not mean that all of the ideas contained in the report were bad. The Post Office has been studying electronic mail handling for some time. The warning satellite idea had been considered by our own warning study group, but rejected in favor of the DIDS system.

Such ideas must be considered openly and each evaluated on its own merits. For example, although the "Wired City" proposal as presented in the report was ill-conceived, there is a need for sensible evaluation of the feasibility of providing public services over broadband cable communications systems. Though there is much talk about the potential for the delivery of educational and social services over cable systems, cable today is devoted almost exclusively to entertainment. Cable's full potential for public service is not likely to be developed by

private industry, and I think that some Federal program in this area is appropriate, with adequate safeguards against the dangers I have described.

In summary, Mr. Chairman, I believe that the potential value of information technology for Government, for society, or for the individual is very high. Much of that potential can best be realized by the private sector in the marketplace. Valid Government functions can also be improved. There are dangers of a subtle but pervasive expansion of Federal influences and activity through the use of these technologies, but such adverse results are not inevitable. They can be overcome, if we set ourselves to the task, by adequate law and policy to assure that only the desired functions are performed. Our responsibility for communications policy, and our location in the Executive Office with a broad overview of Federal activities, gives OTP important responsibilities in the area of protection of the rights and freedoms with which your committee is concerned.

This concludes my prepared statement, Mr. Chairman, and Mr. Joyce and I will try to answer any questions which you and the other members of your Committee and staff may wish to ask.

Witness No. 2: Clay T. Whitehead
Director
Office of Telecommunications Policy
The White House

Office of Telecommunications Policy

Note: In addition to having general responsibility for Administration policies and programs on broadcasting and the communications industry, Whitehead's office is in charge of coordinating planning and evaluating operations of all communications activities in the Executive Branch.

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Questions:

(1) (If not already clearly stated) Is it correct to say that the Office of Telecommunications Policy is responsible for assuring the full utilization of communications to improve functioning of all Executive agencies?

- Do you set certain minimum standards of performance for all agencies?
- Are certain personnel in every agency designated responsibilities for development of communications systems?

(2) In assuring the best use of communications by all agencies, what responsibilities are assigned to the following offices:

- Office of Telecommunications, Commerce?
- Automated Data and Telecommunications Service, GSA?
- Office of Applications, NASA?
- National Bureau of Standards?
- Others?

(Office of Telecommunications Policy - continued)

(3) Does your Office set policies or standards governing the use of communications for various kinds of government information - that is, data, management information, educational materials, public information, and so forth?

(4) Do you set policies governing access to agency communications systems and tie-ins with other government and non-government offices?

(5) Do you have a comprehensive overview of all plans and proposals for utilization of advanced communications technology in all Federal agencies at the present time?

(6) How do you rate the degree of use of advanced communications by Executive agencies at the present time?

- How many agencies do not have an adequate communications capability, if any?
- Of those that have advanced facilities, how many are putting their facilities to the best use?
- How are these agencies utilizing these facilities to improve delivery of information to the public - that is, to local government, to business, to public institutions, to individual citizens, etc.?

(7) Did your Office participate in the 1971 study of Federal communications prepared for the President's Domestic Council?

- What has happened to the key proposals contained in that study?
- Is another comprehensive study needed to spur improvement of Federal communications systems?

(Office of Telecommunications Policy - continued)

OTP Content

- 1. Power System*
- 2. OMB RLM*

6 mos from June

*Longman
Cardillo*

(8) In May of this year, HEW announced negotiations for development of a comprehensive plan for demonstrating the use of telecommunications technology for public service delivery.....

- Is this another study of essentially the same questions addressed in the Domestic Council study?
- How many other studies covering portions of the same problem have been conducted in recent years?
- "Telecommunications in Education: A Planning Document for Establishment of a Nationwide Educational Telecommunications System" - Office of Education, by Synergetics, Inc. March, 1972
- The Integrated Municipal Information Systems (IMIS) project - Housing and Urban Development Dept., Federal Urban Information Systems Inter-Agency Committee (USAC)
- And how many more?

Promises and Results in the Areas of Privacy
Computer-Communications and New Technology

New Technology

Major Objectives to be Accomplished During FY 1972;

1. Identify the types of communications and tele-processing applications and services which are likely to emerge in the next 20 years.
2. Identify technical, economic, legal and institutional factors which may affect the introduction or rate of growth of these applications and services, including copyright and privacy considerations.
3. Identify the economic and social impacts that these new services and applications are likely to have.
4. Determine the most significant policy issues which are likely to arise.
5. Assure that government-sponsored research and development efforts adequately cover those areas most likely to be of high value.

Accomplishments: None

The FY 1974 Budget promises to do the exact same things during FY 1974

Contracts:	FY 72	None
	FY 73	Survey of Technological Advances \$25K
	FY 74	Survey of Technological Advances \$25K

None let in this area.

Computers and Communications

Objectives to be Accomplished.

None identified in FY 72.

FY 73:

Overview questions which need to be answered:

... What specific national policies will be required to insure that the benefits of these new technological service possibilities can be realized in a timely way without undue Government control or undesirable economic and social impact.

Major Objectives to be accomplished during FY 73.

1. Identify economies of scale.
2. Assess need and impact of further interface standards.
3. Evaluate ability of communications industry to provide range of services needed to support the development of hybrid networks.
4. Determine whether the industry supplying computer-communications services has taken adequate measures to protect the privacy of their users.

Also a \$100K contract proposed to:

- a. Identify key economic and social impact areas to be affected (page 31).
- b. Prepare technical projections of the potential interrelationship of computer and communication facilities and services as it relates to the development of centralized facilities. DONE
- c. Analyze the degree of impact force associated with varying degrees of facility centralization. DONE
- d. Evaluate the impact of specific degrees of facility centralization on key economic and social impact areas.

Statement from 1971-72 Activities Report: page 20

During 1973 an initial survey will be made of the security issues relevant to shared computer-communications systems, such as the maintenance of confidentiality of personal information.

Accomplishments

In 1973 we did let a contract for a model to evaluate economies of scale in computer-communication systems. It was completed, but model has not been exercised to provide policy-relevant conclusions.

Little else done, especially nothing on the privacy matter.

However, the 1972-73 Activities Report is ok. It refers only to the economic studies.

FY 74:

Repeats same questions in Overview.

Correctly acknowledges scope of FY 73 words.

Promises continued work on the other FY 73 Objectives, including security measures, plus a new objective relating to alternative communications network structures for such systems.

Privacy

FY 72 Program Objective:

Evaluate the safeguards presently being applied in computer and communications systems to assure privacy and security and determine whether additional measures are needed.

FY 72 Research Study Proposed

Teleprocessing Privacy \$50K

1. Identify major Federal teleprocessing systems which handle personal or otherwise sensitive information.
2. Identify measures now in use to safeguard such information and their cost.
3. Evaluate alternative sets of measures that would achieve various levels of privacy for Federal systems and their applicability to private systems.
4. Recommend any actions or policies that should be taken.

Nothing done. But HEW created a panel to study this problem during 1972, so this would have been a duplication.

Major Objective to be Accomplished in FY 1973

Make an assessment of the impact of the interconnection of computers upon Government communications, information handling methods, organization and policies.

This was not accomplished in 1973 -- not even really started. But it could be a major effort for FY 1974.

Was not repeated in FY 74 budget.

Miscellaneous Accomplishments

1. A staff survey of the development of privacy and security concepts relating to computer access controls.
2. A survey of the state of the art and the technical problems involved in controlling access to computers (done under contract -- report not yet published).
3. Survey in progress of legal status of protection of privacy in communication. (Amanda Moore's work).

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- I. Privacy of Communications -- the individual's interests to be protected...
- A. To be free from sights, sound and tangible matter one does not want.
 - B. To be free from...
 - 1. intrusion upon one's seclusion or solitude, or into one's private affairs;
 - 2. public disclosure of embarrassing private facts about oneself;
 - 3. publicity which places one in a false light in the public eye;
 - 4. appropriation, for another's advantage, of one's name or likeness.
 - C. To be protected from intrusion upon oneself, his home, his family, his relationships and communications with others, his privacy and his business affairs by government action.
 - D. To be protected from intrusion upon oneself... by private parties.
 - E. To be able to control the circulation of information relating to oneself. (...to determine... when, how and to what extent information about them is communicated to others.)

II. Current Laws Pertaining to the Privacy of Communications

A. Sights, sound and tangible matter one does not want.

1. Unsolicited printed matter

a. 39 U.S.C. §3008 - prohibition of pandering advertisements

1. Householder (at his sole discretion) determines if matter is "erotically arousing or sexually provocative" and notifies Postmaster
2. Postmaster issues an order (cost \$5.00) to sender and his agents or assigns to refrain from further mailings of such material to the named addressees
3. Sender must delete name of addressee from all mailing lists owned or controlled by the sender
4. Compliance: Postmaster requests Attorney General to seek a prohibitory order from U. S. District Court - noncompliance may be punishable by the court as contempt thereof.

b. 39 U.S.C. §3009 - mailing of unordered merchandise: except for free samples conspicuously marked as such and merchandise mailed by charitable organizations soliciting contributions, the mailing of unordered merchandise or a bill for merchandise (or any dunning communications) constitutes an unfair method of competition and an unfair trade practice in violation of Title 45 U.S.C. §45(a)(1).

c. 39 U.S.C. §3010 - mailing of sexually oriented advertisements

1. Post office maintains and makes available for sale a list of individuals who have filed statements notifying the Post Office that they do not wish to receive sexually oriented matter (defined in statute)

- 20 -

- 2. Senders of matter coming within scope of law are required to purchase list, remove names or risk legal action.
- 3. Postal service may request Attorney General to commence civil action in a district
- d. 18 U.S.C. §1461 - "obscene matter" is non-mailable and whoever knowingly mails non-mailable matter shall be fined \$5,000 and imprisoned for up to 5 years (first offense)
- e. Mailing lists: there is no federal law against compiling and selling the names and addresses of individuals
 - 1. Agencies which do sell lists include the IRS, Department of the Army and the FAA

Fed. Ct. uphold duty of agencies to release information (including names) to public

- 2. Both sides cite the Freedom of Information Act as authority - proposed legislation to amend Act to prohibit selling lists for commercial purposes or other solicitations. Cong. Horton (1971) "Gallagher"
- 3. D.M.A.A. has a program - Mail Preference Service - activated by a recipient's request to be removed from a mailing list. It is purely voluntary. (Direct Mail Advertising Association)

2. Unwanted sound

- a. 47 U.S.C. §223: obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications
 - 1. Fine and/or imprisonment for making any comment, request, suggestion, or proposal by means of telephone which is obscene . . . or making a call with intent to annoy, abuse, threaten or harass . . .
 - 2. The tariffs of all U. S. telephone companies include a prohibition against telephones being used for unlawful purposes. Upon the receipt of a complaint, the company will attempt to trace the call station. After interviewing the offending subscriber, it will make the decision to terminate the service.

~~-D-~~

Environmental Protection Agency has responsibility for noise control in general. Penalties & civil remedies for violation of noise control requirements.

42 U.S.C. §4901 ~~et seq.~~

b. ~~43 U.S.C. §1858 - Office of Noise Abatement and Control, was to investigate and study noise and its effect on the public health and welfare and report of December 31, 1971.~~

c. 47 U.S.C. §606 - War Emergency - Powers of the President to utilize public communications systems

1. §606(a) - during continuance of war the President may direct communications which shall have preference or priority with any carrier subject to the Act

2. §606(c) - upon declaration by the President that there exists war or a threat of war, or a state of public peril or disaster or other national emergency, he may authorize the use and control of any TV or radio station by any department of the Government with just compensation to the owner.

3. §606(d) - upon proclamation by the President that a state or threat of war exists, he may among other things "3) authorize the use or control of any such facility [for wire communication] or station . . . by any department of the Government under such regulation as he may prescribe, upon just compensation to the owners."

~~d. State Statutes~~

d. Proposed Legislation: H.R. 2238, H.R. 2271 (1972)
To prohibit unsolicited commercial telephone calls by persons who have notified carrier that they do not wish to receive such calls. H.R. 6315
(Except when for collection of debt or in pursuit of contract obligations due. H.R. 2238. H.R. 2271)

~~4~~

B. Actions under common law

1. Intrusion upon one's seclusion or solitude . . .
 - a. Standard: intrusion must be something which would be offensive or objectionable to a reasonable man.
 - b. Tapping of a telephone by a private party may constitute an illegal invasion of privacy and therefore be actionable
2. Public disclosure . . . of private facts.
Would address what is subsequently done with the facts of the invasion
3. False light and defamation
 - a. Action for publication of a falsehood
 - b. Publication need only to be to a third person
4. Appropriation:
 - a. The exploitation of a name or likeness without permission, usually for commercial purposes
 - b. Judicial interpretation might extend this to protect the commercial use of personal information that invades the individual's privacy with displeasure.

C. Protection from intrusion by governmental action

1. Constitutional

- a. Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

- 1. Protects all citizens (not only those who are defendants in a criminal proceeding) from certain (but not all) kinds of governmental intrusion

- a. Unreasonable searches and seizures

- b. Searches and seizures without warrants

- 2. The warrant is based upon the show of probable cause that a crime has been committed and is written with particularity in the description of the place to be searched, the person or things to be seized

- 3. The warrant requirement is to interpose the deliberate, impartial judgement of a judicial officer between the citizen and the police

- a. For administrative, regulatory, or intelligence gathering searches are generally less strict. Searches conducted without prior judicial warrant are per se unreasonable unless they fall within one of several well-defined exceptions

- b. The test for determining whether an exception to the warrant requirement is justified is whether the burden of obtaining a warrant is likely to frustrate the governmental purpose behind the search

- c. e.g. national security exemption to the warrant requirement is predicated upon the belief that the responsibilities for the conduct of foreign affairs and the national defense vest in the President,^{e.g.} The inherent power to gather foreign intelligence information without judicial authorization.
- 4. The case law has reasoned
 - a. That the Fourth Amendment protects "people, not places" against unreasonable search and seizure [Katz v. U.S.]
 - b. That an individual has a right to rely upon freedom from interference with his privacy. ~~and~~
 - c. That private conversation is protected as well as private premises, ~~and~~
 - d. That electronic surveillance must be conducted pursuant to the warrant procedures of the Fourth Amendment
- 5. The protection is waived if consent is given freely, voluntarily and intelligently
- 6. There must be a reasonable expectation of privacy:
 - a. Business premises, desk, wastepaper basket and the home are protected
 - b. Tax returns and forms given to an accountant, handwriting samples, jails, anything in plain view, ARE NOT PROTECTED.
- 7. The exclusionary rules . . . excludes from a criminal trial any evidence seized from the individual in violation of his Fourth Amendment rights. Fruits of such evidence are excluded as well.
- 8. Suppression of the product of a Fourth Amendment violation can be

successfully urged only by those whose rights were violated by the search itself

a. The person against whom the search was directed

b. Persons with a possessory interest in the area searched

b. General right of privacy

1. Extrapolated from several Bill of Rights safeguards of particular aspects of privacy (such as the privilege against self-incrimination, the immunity from unreasonable searches and seizures, and the prohibition against the quartering of troops in civilian homes in peacetime), J. Douglas in Griswald v. Connecticut (1965) postulated to existence of a general right of privacy that the Constitution itself protects.
2. The general right was again raised, this time grounded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, and found to be broad enough to encompass a woman's decision whether or not to terminate her pregnancy
3. The general right of privacy is NOT absolute and some state regulation in the areas protected by that right is appropriate

2. 18 U.S.C. §§ 2510-2520: Title III of the Omnibus Crime Control and Safe Streets Act, 1968 as amended 1970 (hereinafter referred to as Title III)

a. In this legislation, Congress sought to insure a maximum of individual privacy and yet provide law enforcement agencies with a judicially supervised procedure authorizing limited use of electronic surveillance consistent with constitutional safeguards as enunciated by the Supreme Court in Berger v. N. Y. (1967) and Katz v. U.S. (1967)

- b.1. PROHIBITS THE MANUFACTURE, DISTRIBUTION, POSSESSION AND ADVERTISING OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES
- b.2. PROVIDES FOR THE CONFISCATION OF DEVICES
- b.3. PROVIDES FOR THE IMMUNITY OF WITNESSES

b. To assure the privacy of oral and wire communications, Title III (§2511) prohibits all wiretapping and electronic surveillance by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified types of serious crime (§2516), and only after authorization of a court order obtained after a showing ~~- finding~~ of probable cause.

c. The ~~only~~ exceptions to the above prohibition are:

1. §2511(2)(a) - employees of a communication common carrier may intercept and disclose wire communications in the normal course of their employment while engaged in any activity necessary to the rendition of service, or protection of the rights or property of the carrier of such communication
2. §2511(2)(b) - employees of the FCC may, in the normal course of employment, intercept and disclose wire communications in the discharge of the monitoring responsibilities discharged by the FCC in the enforcement of Chapter 5 of Title 47, U.S.C.
3. §2511(2)(c) - wire or oral communication may be intercepted where a party to the communication has given prior consent

4. §2511(3) - the constitutional power of the President to take measures to protect the nation in national security matters is not limited by Title III or §605 of the Communications Act of 1934
 5. Evidence obtained by each one of these situations would be admissible in a court of law
- d. §2518(7) creates an alternative to the requirement of a prior judicial warrant by empowering specified investigative or law enforcement officials to authorize interception when such officials determine that "an emergency situation exists with respect to conspiratorial activities threatening the national security interest." In such a situation, emergency surveillance may be conducted "if an application for an order approving the interception is made . . . within 48 hours." If the order is not obtained or the application denied, the interception is deemed to be a violation of the Act
- e. §2518(8)(d) provides notice to the persons named in an order to intercept a communication no later than 90 days after the termination of the order. The "aggrieved person" may then move to suppress the contents of any intercepted communication if
1. The communication was unlawfully intercepted
 2. The order . . . or approval . . . is insufficient on its face; or
 3. The interception was not made in conformity with the order of authorization or approval

The motion may be made before the trial, hearing or proceeding

- f. §2520 authorizes the recovery of civil damages by a person whose wire or oral communication is intercepted, disclosed, and used in violation of the Act. A good faith reliance on a court order or legislative authorization is a complete defense to any civil or criminal action brought under the chapter or under any other law

3. §605 - Unauthorized publication of communications
 - a. To constitute a violation of this section there must be both an interception and divulgence of the radio communication (wire, oral is left to 2510-25)
 - b. This section was amended but not repealed by Title III and it is directed at communication systems employees (radio or wire)
 - c. The purpose is to
 1. Protect the privacy of those who use facilities in proper and normal manner
 2. Protect the integrity of the communications system
 - d. Intercept - third party receives or overhears the message intended for specific addressee without the consent of one of the parties
 - e. Consent must be actual, voluntary, measured by the same strict standards necessary to validate a consent to search under the Fourth Amendment
 - f. Applies (by court decision) to all private communications by radio or wire, whether that communication is foreign, interstate or intrastate in nature
 - g. It is not only a federal crime to violate §605, the person whose communication was intercepted and divulged has a civil remedy available against the wrongdoer
- 4.. Federal regulations: in general any federal agency rules were pre-empted by the standards of Title III and judicial interpretation of the Fourth Amendment. The agency could have stricter precautions but not lesser.
 - a. By its statutory authority to enforce Title 47, Chapter 5 of U.S.C., the FCC has the responsibility to monitor and intercept

communications in a technical capacity (see §2511) OTP has similar authority under its mandate to coordinate the President's radio frequencies. Evidence obtained by monitoring activities for quality control is admissible.

- b. Agencies have rules governing eavesdropping, etc., on their own employees, but these must be as strict as Title III and the Fourth Amendment: e.g. FCC Administrative Order No. 12 (1961) "... telephone communications by or to officials and employees of this agency shall not be monitored by Commission personnel without prior notification to the other party (generally these were limited to tapping telephones, not other systems.)
- c. In a 1947 rule making proceeding entitled, "In the Matter of Use or Recording Devices in Connection with Telephone Service," (11 FCC 1033), the FCC required the use of a beeper warning signal at 15-second intervals during the recording of telephone conversations. This was written into the tariff schedule of every U. S. telephone company. Violation of the tariff would allow the FCC to seek an injunction under §401(b) and §411(a) to prohibit the offender from engaging in practices that violate the tariff and/or order the telephone company to enforce its tariff by removing the apparatus but in compliance with the tariff. Criminal action could be brought against the telephone company under §502, but the worst that could happen to the subscriber would be loss of service. This rule was amended in FCC 72-1127, adopted December 13, 1972, released December 20, 1972, to waive the "beep tone" requirement as to those telephone conversations that are recorded for broadcast.

-It is not unlawful surreptitiously to record conversations that take place in an office, provided that one party involved, e.g. the one doing the recording, realizes that it is taking place.

5. State laws:

- a. Twenty states as of December 1972 have statutes authorizing the interception of wire or oral communications. These laws may have more protections of privacy, but they cannot be less than those of Title III and the Fourth Amendment.
- b. Right of privacy statutes whereby any unauthorized interceptions of a telephone or telegraph communication is prohibited as a crime against the right of privacy punishable by a fine or by imprisonment or both. "Authorization" in CA is the consent of the subscriber to the telephone or the telephone company without this consent, any evidence obtained would be in violation of the statute and . . . inadmissible. The New York statute finds the interception of sealed private ~~common~~ communications without consent to also be a crime against the right of privacy,

D. By private parties

18, U.S.C.

1. §§2510-2520

- a. See general, II. §.2.a., *infra* p. 9
- b. "Any person" includes any individual, partnership, association, corporation, agent, or other natural or legal entity
- c. §2512 bars the information. distribution, sale, possession and advertising of interception devices.
- d. An interception of an oral or wire communication by any person without consent violates the act and is the basis for the damage suit at \$100 a day in §2520. The defense to that suit if against an individual would probably be limited to determining "consent" or no "interception." The latter could be particularly thorny as the technology changes

47, U.S.C.

2. §605

- a. Again directed against any person
- b. See II. §.3.a., *infra* p. 12
- c. It is not only a federal crime to violate §605. The person whose communication was intercepted and divulged has a civil remedy available against the wrongdoer

3. F.C.C. "Beep" requirement for recording:

Upon complaint to FCC, the Commission could seek an injunction against the individual offender or the telephone company could discontinue the service

4. State law

- a. Licensing of private investigators: they can lose their license, upon conviction of a felony and most state codes makes eavesdropping a felony. It is unclear whether this curtails their activities or not.

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With the spread of no-fault insurance claims and divorce actions, the need for interception of communications may diminish.

b. General right of privacy: see II. C. 5. b., infra p.14

E. To be able to control the circulation of information relating to oneself - REVIEW NOT COMPLETE

III. Adequacy of the Law's Protection

A. Sights, sound and tangible matter one does not want

1. Unsolicited printed matter

- a. 39 U.S.C. §3008: available to an addressee against the particular mailer involved - mailed item must first be received
- b. 39 U.S.C. §3010: directed against mailers of sexually offensive, although not legally obscene, advertising matter. Does not require that the recipient shall first have received sexually oriented matter and it applies to all mailers dealing in this kind of material
- c. In general, the terms "advertisement" or "merchandise" are not defined. That they cover "every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind" is arguable.
- d. While §1461 would cover all types of communication, it's application hinges on the definition of obscenity now held by the Supreme Court to be according to community standards
 1. An item could not be an advertisement, not be "merchandise," and not be legally obscene. Such an item an individual could not stop from being delivered
 2. Conversely, broad prohibition against mailing of obscene matter is subject to underlying requirements that it have the underlying purpose of preventing trespass upon valid governmental interest which constitutionally justifies invasion of private consensual relationship.

-2*-

- e. Freedom of Information Act can be cited for authority to make mailing list and not to make
 - 1. Hearings have been held but no bills passed
 - 2. DMAA activity is purely voluntary with no compulsion of law. No statistics on the number of people who have requested the removal of their names.

2. Unwanted sound

- a. No protection for the recipient of such calls. His request for a new number would most likely be honored by the telephone company as a matter of policy, but there is no forced FCC regulation or common carrier tariff.

- b. Report never issued?

Shows willingness on Federal Government's part to somehow limit the nuisance of noise under the guise of national security ad.

- c. With just compensation to the owners of the stations, no individual privacy rights are violated by the President taking over and broadcasting on the airwaves upon his own proclamation that there exists war, threat of war, state of public peril or disaster or other national emergency
 - 1. §606(d) has a deadline of 6 months after the determination of the state or threat of war or an earlier date set by concurrent resolution of Congress (September 4, 1970)
 - 2. Executive Order 11556 delegates the President's authority under §§ 606(a)(c)(d) to the director of OTP. That authority may be performed in respect to §606(a) only during the continuance of a war and to §§ 606(c)(d) only upon proclamation by the President that there exists a state of war involving the United States

~~32~~

3. Individual still has prerogative to turn off his receiving set

B. Actions under common law

1. Intrusion

- a. Concept may be useful approach for remedying wiretapping, electronic eavesdropping or physical or sensory surveillance
 1. Deals primarily with the nature of the conduct that constitutes the privacy violation, rather than what is subsequently done with the fruits of the invasion
 2. Few cases brought under this concept. The court in Nader v. General Motors found a cause of action based upon the defendant's wiretapping of plaintiff's phone, but the issue never reached a conclusion as General Motors made an out-of-court settlement.
- b.
 1. Public disclosure, as does the false light and appropriation concepts, ignores the fact that the individual's privacy is violated by the acquisition of facts, not by their disclosure. What constitutes "private fact" would be for the jury, not the individual
 2. False light:
 - a. Truth of the disclosure is an absolute defense
 - b. As in defamation, if the information is "of public interest" or the subject thereof is a "public figure," the plaintiff must prove "intentional malice" in printing the false statement

~~2~~

3. Appropriation:

- a. Judicial emphasis has been on the use of a name and likeness, e.g. a photograph or trademark
- b. There is no cause of action until the party uses the likeness to his advantage

4. In general

- a. Consent to the invasion (either express or by conduct) is a defense to all four concepts
- b. Other defenses include privilege of sovereign immunity for Government action or the qualified privilege of the defendant to protect or further his own legitimate interest, e.g. a telephone company to monitor calls
- c. Disclosure, false light and appropriation deal only with the subsequent to use of information which for disclosure must be private, for false light must be untrue, as for appropriation used to another's advantage.
- d. As shall be seen under subsequent section, the major obstacle is the plaintiff's learning of the invasion and the ascertainment of monetary damages

C. Protection from intrusion by governmental action

1. Constitutional

a. Fourth Amendment

1. Strict interpretation of standing: suppression of the product of a Fourth Amendment violation cannot be urged by those aggrieved solely by the introduction of damaging evidence, e.g. the subject of the conversation who was not a participant or had no interest in the premises
2. Reasonableness of the search - permission to wiretap may be granted for months with wholly irrelevant, private conversations being "seized" at the same time
3. Probable cause basis: very, very few warrants to wiretap are ever refused. Of over 800 requested under Title III, only three were denied, and all those were in court
4. Notice: The existence of a "bug" or wiretap comes to the attention of the accused only under discovery proceedings or at trial when the prosecution seek to introduce evidence on it
5. Outcome: suppression of evidence but no monetary compensation for the unlawful invasion of privacy
6. National security - U.S. v. U.S. District Court for the Eastern District of Michigan (1972)
 - a. By an 8-0 (Rehnquist not participating): a determination by the President or his agents that wiretaps are necessary to protect the nation from a threat to its domestic security does not exempt federal law enforcement officers

from compliance with the warrant procedures mandated by the Fourth Amendment in their conduct of electronic surveillance

- b. The decision pertains only to domestic organizations with no significant connection or involvement either directly or indirectly with a foreign power
- c. The possibility that the Government's interference might interfere with First Amendment rights helped the court reach its conclusion
- d. The Government's contention that a judicial evaluation would involve security dangers is disposed of by the suggestion that Government itself provides the necessary clerical assistance
- e. The court's opinion seems to invite Congress to enact legislation to address specifically the warrant requirement for domestic security surveillance. This may also foretell of a judicial willingness to consider or an opportunity for Congress to express its intent as to the warrant requirement for cases involving the activities of foreign powers (it is specifically mentioned in case that the court was not addressing the issue)
- b. General right of privacy: the concept is quite amorphous, especially as to what exactly is being protected. It has few standards of its own for application, but holds some promise for adaptability to the privacy invasion capabilities of Government

2. §2510-2520

- a. The Act is a technical anachronism.
It is framed almost entirely in terms of voice communication and its application to the rapidly increasing use of communication in digital form is uncertain
 - 1. "Intercept" is defined as the aural acquisition of the contents of any wire or oral communication through the use of any . . . device. Would not seem applicable to a wiretap on the communications lines of a time-sharing system
 - 2. "Communication" is not defined and technically might not cover eavesdropping on machine responses to a remote user's inquiry or on the direct wire transfer of data from one computer to another
- b. By its definition of "wire communication" the Act would apply to communications over connections provided by a common carrier engaging in interstate or foreign communications. This leaves unprotected the private and governmental communications networks (computers) that transmit over private lines, microway relays, or satellites.
- c. Consent waiver: presents problems of who are the parties to a computer transmission, particularly in the case of a time-share system in which one user may have access to data deposited by some, but not necessarily all
- d. Oral communications, by definition, are dependent upon a justifiable expectation that such communication is not subject to interception to the point that a traditional privileged communication (e.g. husband to wife) can be intercepted if the expectation was not reasonable (e.g. no reasonable expectation for conversation over a telephone intercom system in the visiting room of a jail between a man and his wife)
- e. While the federal offenses for which a wiretap may be ordered is specifically enumerated, the scope for state officials (the states

having laws authorizing the interception) goes more vaguely to "or other crime dangers as to life, limb, or property, and punishable by imprisonment for more than 1 year."

- f. State statutes concerned with interception of wire or oral communications may be more closely circumscribed than federal law, but may not be less restrictive in its protections against unlawful eavesdropping.
- g. For all the requirements necessary to grant an order to wiretap, such applications are infrequently rejected. In 1972, 860 applications were made to state and federal judges: 4 were denied by court judges - 1 to a federal judge who subsequently withdrew. Of the 855 granted, 649 were signed by state judges. In addition, though statute limits the duration of the order to 30 days, but there can be almost limitless extensions upon application for 30-day periods
- h. The efficiency of the damage provision is impossible to gauge. Few cases have been brought under - I have no citation of a successful action to date
1. Members of Dr. Kissinger's NCS is suing the government under this heading. A cause of action may exist under both this section and the Fourth Amendment

RECOMMENDATION

The stated purpose of Title III is to protect the integrity of communications. The protections under Title III are the most extensive and they should be applied to all communication no matter what the medium mechanism, or means, intrastate, interstate or foreign. Title III could offer its protections to current and any future technologies:

1. Define "wire communication" as any communication made in whole or in part through the use of facilities for the transmission of communication

by the aid of any connection between the point of origin and the point of reception

2. Define "intercept" as the acquisition of the contents of any wire or oral communication through the use of any device

These changes recognize the technological realities of modern communication systems and interception devices, and their rapid rate to development.

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3. §605:

This is primarily targeted at telephone and telegraph communication systems employees. It would be preferable, from the technical privacy perspective to bring new communication systems other than radio under Title III. Does not apply to contents of any radio communication which is broadcast or transmitted by amateurs or others for the use of the general public, or which relates to ships in distress.

4. Federal Regulations

- a. The monitoring authority is to be limited to mechanical or service quality control checks. However, the publication or use of communications to law enforcement authorities inadvertently overheard would NOT violate the regulations, federal statute, or the Fourth Amendment.
- b. "Beep requirement" - sanctions are NOT penal against the subscriber. It is left to the telephone company (by the FCC) to enforce its own tariffs. The willful and intentional violation of any rules regulation, restriction or condition made or imposed by the FCC (which a tariff certainly is) is punishable by a fine of \$500 for each and every day the offense occurs (47 U.S.C. §502), in addition to any other penalties provided by law. The violation is by the telephone company which is highly motivated to correct the subscriber. The FCC reserves the right to reimpose the "beep tone" or some other form of notice requirement.

5. State statutes on wiretapping

- a. Technical limitations in definitions and scope
- b. Applicable only to the law enforcement officers of the particular state. Federal officials' power to collect information under federal law is NOT diminished

- c. The only result is the refusal by CA to accept information provided by federal officers (for it would be suppressed at trial) if the tap was placed without the two consents
- d. The standard consent would be the minimal: free, voluntary, and intelligently given consent as basis of waiver of right to be free of unreasonable search

D. By Private Parties

1. §§ 2510-2520

- a. When the wiretap is by a private party an aggrieved person has no notice of an interception nor who is doing it. His greatest problem therefore is discovery whether under this law or state statutes
- b. The prohibits of §2512, banning the distribution, sale, etc., of interception equipment is limited by the crucial test being whether the design of the device renders it primarily useful for surreptitious listening. A device does not fall under the prohibition merely because it is small or because it may be adapted to wiretapping or eavesdropping. As the communications networks become more complex, so will the devices and the "primarily" "surreptitious" will be harder to prove
- c. With the known extended industrial espionage today, the efficacy of Title III is in question
- d. A successful action will probably hinge upon "consent" or "intercept"

2. §605

- a. Limitation to radio communication and limited by requirement of both interception and disclosure
- b. Problem again of discovering the interception

3. FCC beep requirement

- a. Too cumbersome. ~~safeguards of §2510 et seq.~~
broader No case allowing recovery of damages by person who's conversation was recorded without his permission (though w. permission of other party).

4. State law

- a. Penal sanctions for unauthorized wiretapping but no civil remedy
- b. Right of privacy statutes
 1. Too few cases to determine the efficacy of such a right
 2. Dependent upon other statutory sections listing what shall be a crime against privacy which in terms of wiretapping or private communications can turn on whether there was an "inception" or not.
 3. Penal sanctions with few civil remedies. D.C.'s statute recognizes intrusion as an invasion of privacy and will entertain a suit on it (Nader v. General Motors, see infra p. 19).
- c. These statutes along with the ones for which lay down the rules for wiretapping generally have penal sanctions as no civil remedy available to the aggrieved person
- d. Caveat - what is said here about computers holds true for all communication systems as they turn from manual operation to automatic and the computer (using wire radio or cable) is becoming more prevalent as a communications tool.

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225-3741

NINETY-THIRD CONGRESS

Congress of the United States

House of Representatives

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-371-B

WASHINGTON, D.C. 20515

July 17, 1973

Honorable Clay T. Whitehead
Director
Office of Telecommunications Policy
1800 G Street, N. W.
Washington, D. C. 20504

Dear Mr. Whitehead:

We are sorry that illness prevented you from testifying at our subcommittee hearing on Federal information systems and plans this morning.

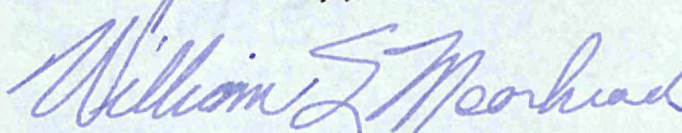
Confirming the conversation regarding rescheduling of your testimony between Mr. Lamb of your staff and the Subcommittee staff director, we will expect both you and Mr. Charles Joyce of your office on Tuesday, July 31, 1973, at 10:00 a.m. in Room 2203, Rayburn House Office Building.

Under the Committee rules, it will be necessary for you to provide 50 copies of your prepared statement to Mr. William G. Phillips, Subcommittee Staff Director, by 10:00 a.m. on Monday, July 30, 1973.

We will look forward to your testimony on the 31st and trust that you will be fully recuperated by then.

With best regards,

Sincerely,



WILLIAM S. MOORHEAD
Chairman

Monday 7/16/73

TESTIMONY
7/31/73
10:00 a.m.

4:00 Mr. Whitehead's testimony before the Foreign Operations
and Government Information Subcommittee (Moorehead) has
been rescheduled for 10:00 a.m., on Tuesday, July 31.

June 26, 1973

MEMORANDUM

TO: Bill McMahon

FROM: Will Dean

SUBJECT: Proposed Testimony on Federal Information Systems

The following comments are forwarded in response to your memo of June 21, 1973:

- o In the third sentence of the proposed testimony, you speak about "the area of telecommunications". The majority of the balance of the proposed statement deals with communications, per se, not telecommunications. At the outset, when explaining the functions of OTP, it might be well to touch on the entirety of telecommunications which embraces communications, radar, navigation aids, telemetering. Basically, U.S. Government radio facilities fall into four major categories: (1) conventional radio communication facilities, (2) radar (radiolocation), (3) radio navigation facilities, and (4) telemetering—radio transmission of measured or sensed quantities or conditions of given physical properties such as hydro/meteorological or stress/strain data including the receipt of such information from spacecraft. Radio astronomy may be considered a form of telemetry in a broad sense.
- o I feel that it also might be well to emphasize the two dominant themes present in the Government's use of radio:
 - 1. The requirement for telecommunications is placed upon Federal agencies by virtue of the missions and programs approved by the President consistent with Congressional legislative and funding support; and
 - 2. The use of radio rather than other forms of communication is dictated by the inescapable elements of time and space.

The essentiality of the facilities themselves is established in the Government's budget and appropriation procedures, pursuant to Congressional approval and Presidential direction. Hence, the basic question is not whether radio should be used

to support governmental activities, but how it may best be used to meet the requirements to which the agencies are committed. In other words, there should be a direct association between telecommunications and the "mission" that such telecommunications are to support on behalf of the Federal Government agencies.

- o On page 3, next to the last sentence at the bottom of page--the language needs tidying up since by my reading of E.O. 11556, OTP does have responsibility for certain planning aspects (standards, etc.) of Federal Government radio systems and, second, we do provide technical assistance in the form of electromagnetic compatibility analysis, spectrum support, etc. The last sentence on the page also needs modification so as to be more compatible with the mission and tasks set forth in E.O. 11556.
- o Top of page 4, second line, insert "permit Government entities to execute their missions effectively and thereby ..." between "will" and "best".
- o Page 7, seventh line from the bottom--the reference to "five" different planning groups is not clear.
- o Page 10, the first full sentence--this is subject to question since President Kennedy must have had serious concern which led to his 1963 Presidential Memorandum calling for the establishment of the NCS.
- o Page 12, first sentence--suggest insert "excessively as regards" as a substitute for "in" in the second line.
- o Page 12, fourth and fifth sentences in first paragraph--urge deletion. Reason: We should not speak about Government control propaganda machinery since such phraseology is highly volatile and subject to gross misunderstanding.
- o Page 12, third line from bottom--recommend delete the word "theoretically".
- o Page 14, first paragraph--delete as it is a duplication.
- o Page 17, fifth and sixth lines from the bottom--again urge delete all reference to a "government propaganda machine".
- o Page 19, first full paragraph, third sentence--this needs modification since the statement is made that we "need a focal

point". If one checks E.O. 11556, we have a focal point in OTP and a question that would naturally ensue would be "Why hasn't OTP done something about this need since the authority is quite clear in the Executive Order?"

W. Dean, Jr.
Assistant Director
for Frequency Management

cc: Mr. Goldberg

WDean:avr:25June73

cc: DO Records

DO Chron

FMD

Director's Reading

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RAYBURN HOUSE OFFICE BUILDING, ROOM B-371-B
WASHINGTON, D.C. 20515

June 14, 1973

Honorable Clay T. Whitehead
Director
Office of Telecommunications Policy
1800 G Street, N. W.
Washington, D. C. 20504

Dear Mr. Whitehead:

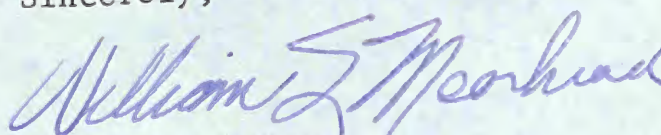
This will confirm telephone conversations between our respective staff personnel changing the date of your testimony before the Foreign Operations and Government Information Subcommittee on the utilization of advanced information and communications technology involving Federal information services.

Instead of July 10 as originally scheduled, it has been necessary to reschedule your appearance for 10:00 a.m. on Tuesday, July 17, in Room 2203, Rayburn House Office Building.

We trust that this change will not inconvenience you.

With best regards,

Sincerely,



WILLIAM S. MOORHEAD
Chairman

RECEIVED

JUN 18 11 51 AM '73

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