

EXECUTIVE OFFICE OF THE PRESIDENT  
NATIONAL SECURITY COUNCIL  
WASHINGTON

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SECURITY INFORMATION

June 26, 1953.

MEMORANDUM FOR THE CHAIRMAN  
INTERDEPARTMENTAL COMMITTEE ON INTERNAL SECURITY  
SUBJECT: ULTRASONIC LISTENING DEVICE

With reference to Mr. Bienvenu's memorandum of June 19, 1953, enclosing a report with proposed amendments to the Presidential directive on the subject, I suggest that, if you have not already done so, you make a copy of the report and proposed amended directive available to Mr. Don Parsons of the Bureau in view of the past and continuing interest which the Bureau has therein.

I talked with Mr. Parsons concerning the subject today and advised him that when the meeting is called to consider the report and draft directive attached, that I would inform him of the date and time so that he might also attend.

J. Patrick Coyne

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✓ ENCL

cc - Mr. D. J. Parsons  
Federal Bureau of Investigation  
Room 7151 Department of Justice  
Washington, D. C.

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Messrs  
D. J. Parsons  
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June 19, 1953

MEMORANDUM RE ULTRASONIC LISTENING DEVICES:

For the information of the addressees of this memorandum there is attached herewith Copy No. 7 of a draft report on this subject dated June 9, 1953, with a revised Presidential Directive attached thereto. The enclosure was prepared in accordance with the meeting on May 19, 1953, held by Mr. J. Patrick Coyne, National Security Council.

In preparing the report I consulted certain files of the Department of Justice, with the assistance of Mr. C. Edward Nicholson, as well as with Mr. James L. Brewrink, Chief of Division 70, Patent Office (Code 164, Ext. 2870). Mr. Brewrink asked me to inform you that it is very important that the Commissioner of Patents be apprised of the Presidential Directive in view of his responsibilities for the handling of patent matters.

A meeting will be called by Mr. Coyne after the recipients of this memorandum have had an opportunity to examine the enclosed drafts.

SIGNED

Leonard P. Bienvonn

*Handwritten initials and scribbles*

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EXCLOSURE

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~~DRAFT~~  
June 9, 1953

REPORT CONCERNING THE USE AND CONTROL OF  
ULTRASONIC LISTENING DEVICES

THE PROBLEM

1. To review the Presidential Directive dated August 23, 1950 in the light of new developments and prepare recommendations to be submitted to the President regarding any changes in content or classification which will facilitate both workable and secure operations.

DISCUSSION

2. With reference to Paragraph 3 of the report attached to the memorandum of August 17, 1950, to the President, it is known that at least one ultrasonic listening device, in addition to the FBI model, has been constructed. In addition, the ideas embodied in these devices, which are not new, are known to several persons (approximately 8 to 12). The one device known to exist other than the FBI model was voluntarily relinquished to the Department of Justice for safekeeping for an indefinite period of time. The possibility exists that additional models can be constructed by the aforementioned persons having knowledge thereof.
3. With reference to Paragraph 5 of the 1950 report, the inventor has informed that he is not interested in seeking a patent on the device because of the expense involved and since the FBI had already developed such a device prior to his own invention. FBI agents applied for a patent on July 1, 1952 and have assigned all rights to the FBI proper. The device has been classified Top Secret in the Patent Office and the counterdevice is classified Secret. The inventor has applied for a patent on the counterdevice. Insofar as is known, the inventor has continued voluntarily to restrict information concerning the device itself to a selected group of representatives of the federal government.
4. The handling of all applications for patents or any patent matter or case involving security information classified Secret and below, excluding Top Secret, is confined on a "need to know" basis within the Patent Office, Department of Commerce, to twenty examiners and nine docket and administrative personnel all of whom are in Division 70 and have Cus clearances by the Atomic Energy Commission. Seventeen

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- additional personnel in the Patent Office having the same clearances could have access to such information if necessary in processing. Most of the personnel mentioned above have not been cleared by the Department of Commerce for access to Top Secret Security Information but are cleared for access to Security Information classified Secret on the basis of the ABC Que clearances and national agency checks. Within the examining functions of the Patent Office the Commissioner of Patents, two examiners, and two secretaries are cleared for access to Top Secret Security Information by the Department of Commerce and all patent matters so classified are handled solely by this group.
5. The extensive intelligence operations abroad by the Department of Defense in support of U. S. forces will be greatly facilitated through a grant of authority to that department to contract for the acquisition of such devices for use outside the continental and territorial United States.

#### CONCLUSIONS

6. Conclusions 8 and 9 of the report appended to the memorandum to the President of August 17, 1950, pertaining to proper control and utilization of such devices to assure timely acquisition of vital intelligence and the extremely grave menace which would be ensundered by indiscriminate application or use of such devices by unscrupulous or subversive persons, are equally valid today as they were in August 1950.
7. The above referred to development or acquisition since 1950 of knowledge of such devices by non-governmental personnel warrants, and workable yet secure handling of all patent applications and matters involving information regarding such devices seem to require, a downgrading of the security classification of the Presidential directive and such devices to Secret.

#### RECOMMENDATIONS

8. It is recommended that the attached draft dated of a revised directive be approved and issued by the President under a classification of "Secret" security information.

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REVISED DIRECTIVE CONCERNING THE ACQUISITION AND USE OF ULTRASONIC LISTENING  
DEVICES IN THE CLANDESTINE COLLECTION OF INFORMATION

The directive of August 23, 1950 is revised to read as follows: In the over-all interests of the people and Government of the United States and in order to insure the proper control and handling of ultrasonic listening devices, and counter devices thereto, it is hereby directed that:

1. Appropriate arrangements be effected to control such devices for the exclusive use of the United States Government. The security classification of such devices is hereby downgraded to "Secret" Security Information.
2. The use of such devices shall be limited exclusively to matters of vital importance to the national security of the United States in order to avoid any unjust encroachment upon individual rights and constitutional guarantees.
3. The Departments of the Treasury, Defense and Justice, and the Central Intelligence Agency shall be the exclusive agents of the Government responsible for the control of such devices, and the development of appropriate countermeasures applicable to the unauthorized use of such devices.
4. The Department of Justice shall be the sole agency contracting for the acquisition of such devices for use within the continental and territorial United States.
5. The Central Intelligence Agency and the Department of Defense shall be the sole agencies contracting for the acquisition of such devices for use outside the continental and territorial United States.
6. Such devices shall not be used by any agency of the Treasury Department in the absence of the approval in each instance of the Secretary of the Treasury.
7. Such devices shall not be used by any agency of the Department of Defense in the absence of the approval in each instance of the Secretary of Defense.
8. Such devices shall not be used by any agency of the Department of Justice in the absence of the approval in each instance of the Attorney General.
9. Such devices shall not be used by the Central Intelligence Agency in the absence of the approval in each instance of the Director of Central Intelligence.
10. The Secretary of the Treasury, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall be responsible for continuing and close supervision of all activity relating to the control and use of such devices.
11. Information concerning the existence and nature of such devices should be limited strictly to appropriate employees of the Government on a "need to know" basis.

(signed) Approved

Dwight D. Eisenhower

The White House  
June , 1953

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