

Bayh Warns on Surveillance in U.S.

By DAVID BURNHAM

Special to The New York Times

WASHINGTON, July 19—Senator Birch Bayh said today that the National Security Agency "has a massive capacity to monitor communications" of Americans and warned that a bill designed to restrict electronic surveillance would not limit the secret activities of the agency.

The assertion by Mr. Bayh, chairman of the Senate Subcommittee on Intelligence and Human Rights, was one of the few instances when an informed United States official has acknowledged the ability of the N.S.A. to operate within the borders of the United States.

Mr. Bayh, Democrat of Indiana, said in a statement introduced into the record at the beginning of hearings on the proposed foreign intelligence surveillance act of 1977 that a serious threat to the privacy of Americans "involves very sophisticated surveillance technology used by the National Security Agency."

The comments by Mr. Bayh were made after The New York Times and other publications reported that the Carter Administration, disturbed by widespread electronic eavesdropping in the United States by the Soviet Union, was preparing a plan to improve methods of protecting Government and private calls from intrusion by foreign governments, by corporations or by criminal groups.

Mr. Bayh said the N.S.A. has a massive capacity to monitor communications without the use of conventional wiretaps or electronic "bugging" devices.

Although his statement went no further

in describing this capacity, other officials have said it involves electronic devices that are capable of "plucking" from the air long distance telephone calls, which frequently are transmitted by microwaves, and high-speed computers that can locate the desired messages in the transmissions.

The Senator said the surveillance activities of the N.S.A. were carried out "on the basis of standards and procedures laid down in classified executive orders, rather than in a legislative charter."

Mr. Bayh added in his statement that he was confident that serious efforts had been made by the Carter Administration to impose self-restraint in the surveillance activities of the N.S.A.

"The intelligence committee is attempting to oversee these efforts, so the executive branch is held accountable for these results. Our task is more difficult, however, because there are no legally enforceable standards," he said.

Mr. Bayh, urging that the Administration and Congress consider broadening the proposed surveillance legislation, said that "most of what N.S.A. does is not covered by the bill."

But the only witness at today's hearing, Attorney General Griffin B. Bell, contended that the great complexity in resolving how overseas surveillance and related activities could best be controlled had led him to recommend separate legislation for this area of concern.