

Security Agency Denies Phone 'Interceptions'

8/19/75

By William Greider
Washington Post Staff Writer

The supersecret National Security Agency assured congressional investigators yesterday that it does not currently "intercept" any overseas phone calls from American citizens, but the agency's general counsel insisted that such electronic eavesdropping would be legal if NSA decided to do it.

The NSA's answers, both in public and private testimony, created skepticism among many members of the House intelligence committee, including Rep. Otis G. Pike (D-N.Y.), the chairman, who feel that the NSA may be hiding questionable eavesdropping behind semantic distinctions over what constitutes "intercepting" a phone call.

"The best thing you can say is that there remains some doubt in the minds of a great many of the members," Pike said at the conclusion of yesterday's private session with NSA officials.

Pike told reporters that, in private, NSA's director, Lt. Gen. Lew Allen Jr., assured the committee "that at the present time no American phone calls overseas are being monitored."

On Wednesday, however, CIA Director William E. Colby told the committee that Americans are occasionally overheard in NSA monitoring of international phone calls, a practice which several members of Congress insist is a violation of U.S. restrictions on electronic eavesdropping without warrants.

Asked about this conflict, Pike said: "There does appear to be a certain discrepancy between what Mr. Colby said and what Gen. Allen was saying."

At the brief public session of the committee, Allen said his was the first public appearance of any NSA director since the agency was founded in 1952 as the home of the government's international electronic and code-breaking operations. After it issued a subpoena earlier this week, the House committee was given a copy of the secret directive issued by President Harry S.



LT. GEN. LEW ALLEN JR.
... no monitoring

Truman establishing the agency in the Pentagon.

Allen read a 17-page public statement which broadly outlined NSA's history and functions and said Congress has enacted laws which "recognize that the President's constitutional powers to conduct signal intelligence and communications security activities were not limited by the statutes prohibiting electronic surveillance."

In the questioning that followed, Pike cited a June decision by the U.S. Court of Appeals in Washington which holds that government agencies must secure court warrants for "national security" wiretaps conducted in this country, and Pike wondered if that doesn't apply to the NSA operations.

Roy Banner, NSA general counsel, said it does not.

"Would it affect an American citizen making a phone call overseas?" Pike asked.

"No sir, it would not," Banner replied.

"In other words," Pike said, "you think that, although wiretaps are prohibited by that law, interception of telephone calls by American citizens heading overseas is not prohibited by that decision?"

"That is correct," said Banner. NSA monitoring, the law-

yer said, is "for foreign intelligence purposes" only and therefore not subject to the domestic restrictions.

While everyone at the hearing was reluctant to discuss the issue in any clear detail, the questionable NSA activities apparently involve sophisticated electronic monitoring of international airwaves, not telephone wires, and a computerized system which "listens" selectively to only some calls but has the capacity to screen others to see if they are relevant to "foreign intelligence."

While no one would explain precisely how this works, the NSA defense of it apparently rests in part on its claim that it does not have the "intent" of monitoring any private calls by U.S. citizens even though some of them may be picked up, screened and discarded by the NSA system.

Pike said the NSA admitted that in the past it has monitored American phone calls overseas, but contends that the practice was stopped on the agency's own command.