

GAO Wants Agencies to Stop Monitoring Calls

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The head of the General Services Administration has issued a plea to President Carter to ban federal agencies from monitoring phone calls from citizens seeking information.

Paul Goudding, acting GSA administrator, wrote the president on June 18 that agencies have both the legal power and the electronic equipment to have supervisors or other third parties routinely listen in when citizens call for tax information or other matters.

Goudding said the president already has banned such monitoring at the White House, and he saw no reason why other federal offices should have the right to "monitor the conversations of millions of American citizens."

"It's alien to everything I believe in

to the Constitution and the Bill of Rights," Goudding said in a telephone interview. "The fact that federal agencies can monitor conversations of Americans without their consent is terrible."

Goudding's request to Carter is the culmination of a year of bitter fighting in which the Internal Revenue Service, Justice Department, Social Security Administration and other agencies protested a GSA proposal to ban all such electronic monitoring and recording except in national security cases or under court order.

The proposed rule has never been made final and Goudding said yesterday that in practice only the president has enough power to make it stick.

The IRS, in a letter last fall, revealed it routinely has supervisors listen in to about 325,000 calls annually from citizens to tax information centers, and occasionally to calls to

agents where it suspects bribery attempts or criminal activities.

The only notice to the caller is a tiny line in the federal income tax form warning that such listening may take place. IRS commissioner Jerome Kurtz said at that time that such listening is the only way supervisors can check whether IRS personnel are being accurate and courteous.

These practices were condemned by Sen. Max Baucus (D-Mont.), but the IRS said yesterday that it is still listening. The Office of Personnel Management also has supervisors listening when people call its Job Information Centers, and the Social Security Administration wants to reinstate the practice, which it dropped a few years ago. The agency wants to monitor 3,000 calls a week.

According to Goudding's letter, listening in on telephone conversations is permitted without a court order if some form of notice is given to one party to the conversation and he consents. Thus, federal employees may be told upon taking a job that it is possible their calls will be monitored.

Thereafter a supervisor can listen in without further notifying the employees or the callers. This is called consensual monitoring. (However, if

no advance notice is given to either party, monitoring generally is legal only under court order or in special national security cases.)

A Justice Department tabulation last April shows that a number of federal agencies have adopted rules permitting monitoring—or in some cases even recording—with the consent of only one party and sometimes without authorization from a senior departmental official.

Among the agencies whose rules allow supervisors to monitor with one-party consent—which almost always means the consent of the employee, not of the person calling in—are Health, Education and Welfare, Immigration and Naturalization Service, Interior, Nuclear Regulatory Commission, Energy Department, Post Office, Agriculture, Army, National Aeronautics and Space Administration, Commerce, and several more, according to the tabulation.

Sen. Baucus, chairman of the Senate subcommittee on limitations of contracted and delegated authority, was notified last month that the IRS had installed new listening devices in offices in Birmingham, Louisville, Oakland, and Boston last fall and winter.