

OF BROAD SCOPE OF SURVEILLANCE

Describes Scanning of Calls
and Cables of Foreign and
U.S. Citizens and Groups

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WASHINGTON, Oct. 29—The National Security Agency secretly scanned international telephone and cable traffic to intercept the messages of 1,680 American citizens and groups and of 5,925 foreign nationals or organizations, its director testified today.

The director, Lieut. Gen. Lew Allen Jr., told the Senate Select Committee on Intelligence that the seven-year program in behalf of six government agencies, was halted in 1973. He said that N.S.A. had not obtained court orders to authorize the electronic surveillance and had not received the specific approval of either Presidents Johnson or Nixon or of any Attorney General.

This was the first time a director of the security agency had described one of its operations in public session. Under questioning, General Allen agreed that his public testimony might be in technical violation of laws against disclosure of communications intelligence data.

His description disclosed that the surveillance was far more vast than hinted at in press accounts or in the report of the Rockefeller commission on the C.I.A.

General Allen said the National Security Agency had supplied intelligence on Americans to the Federal Bureau of Investigation, Central Intelligence Agency, the old Bureau of Narcotics and Dangerous Drugs, the Secret Service and two Defense Department components, Department of the Army and Defense Intelligence Agency.

Action Called Unlawful

Senator Frank Church, chairman of the committee, described the so-called "watchlist" operation as one of two aspects of N.S.A.'s activities that he regarded as "unlawful" and apparent violations of constitutional proscriptions against invasion of privacy.

The Idaho Democrat urged that the committee make public a report on the other aspect, described as "Operation Shamrock," which Congressional sources later said was N.S.A.'s arrangement with cable companies to obtain international traffic.

Senator John G. Tower, a Texas Republican and committee vice chairman, opposed disclosure of Operation Shamrock, as he had opposed the public hearings held today.

"I do believe the people's right to know should be subordinated to the people's right

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to be secure," he said.

Senator Tower and Senator Barry Goldwater, Republican of Arizona, argued strongly that such disclosure would "adversely affect our intelligence-gathering capability," as Senator Tower put it.

At a closed midafternoon meeting, the committee agreed, apparently without a vote, to submit the report on Operation Shamrock to General Allen for his comment on whether it endangered sources and methods of intelligence, before voting on whether to make it public.

Even without the details of Shamrock, the scope of General Allen's testimony was unexpected. He said that as early as the first years of the nineteen-sixties, N.S.A. had occasionally looked at communications of Americans traveling to Cuba.

N.S.A. is part of the Defense Department and is charged with coordinating electronic intelligence gathering and with developing and breaking codes.

On Oct. 21, 1967, testimony and documents disclosed, the Department of the Army formally asked N.S.A. to help in determining whether foreign governments were supporting domestic disturbances.

The following June, after Senator Robert F. Kennedy's assassination, the Secret Service submitted a list of persons and groups that its officials believed posed a threat to persons it was protecting. It also, General Allen testified, submitted the names of the persons being protected.

In the view of informed Congressional staff members, this apparently permitted the service to receive the overseas communications of candidates for President, which it protects, as well as the communications of the President himself, moreover, the N.S.A.'s computerized system, in addition to selecting threatening material, presumably would have selected innocuous overseas messages about campaign activity.

A spokesman for the Secret Service declined to comment on whether it had received political information along with intelligence on potential assassination attempts.

In 1969, the N.S.A. formalized its surveillance on domestic security threats under an "Operation Minaret." Internal documents released today warned officials of the agency not to disclose to other agencies that it was even collecting the information. General Allen said he believed this concern was to insure that the information was not used in criminal prosecutions where its source would have to be made public to the courts.

The data accumulated — reports averaged two a day at one point, he said — were hand-carried to the agencies and marked "background use only." At the height of the various programs, he said, N.S.A. was scanning for information on some 800 Americans at any one time.

This included monitoring to discover narcotics traffickers, conducted from 1970 until 1973, as well as the programs aimed at political dissidents.

In 1971, Vice Adm. Noel Gayler, General Allen's predecessor at N.S.A., briefed John N. Mitchell, then the Attorney General, and his deputy, Richard G. Kleindienst, on the pro-

Security Chief Tells of Program Of Intercepted Cables and Calls

gram. General Allen said that the group had agreed upon "procedures" and that this had implied some consent by the group. He said the agency, however, had found no written authorization from Attorneys General for the activity.

General Allen also said that the members of the United States Intelligence Board, made up of the intelligence agencies, knew of the intrusions because of the fact that the agencies individually submitted names for the "watchlist."

He said the National Security Agency had not conducted surveillances on domestic United States communications and that all its intrusions had involved communications in which at least one "terminal" was in a foreign country.

Benson Buffham, deputy director of N.S.A., testified that no consideration had been given to the legality of the program at any point. After a series of questions on legal aspects, Senator Walter F. Mondale, Democrat of Minnesota, said "what worries me" is that N.S.A. officials still view the activity as legal.

Mr. Mondale said that among the messages N.S.A. had intercepted was a request from a "peaceful" antiwar activist to a foreign singer to participate in a concert to fund the antiwar movement or to make a personal contribution. The message was so innocuous, Mr. Mondale said, it "raises the very serious question about how to contain snooping."

He said the effect of the snooping "discourages political dissent in this country."

General Allen said that the security agency had rejected some names for the watchlist, mainly from the F.B.I. and Department of Justice, as inappropriate to its intelligence-gathering function mainly because they appeared to be targets of law enforcement.

General Allen testified that N.S.A.'s intelligence had helped the F.B.I. avert a major terrorist plot in one city and had contributed to halting the smuggling of several major shipments of narcotics. He declined to specify the incidents. Informed law enforcement sources said that the terrorist plot was presumably one involving Palestinian terrorists in a plan aimed at American Jews.

Concern about the legality of the operations emerged in 1973, at the height of criticism of Watergate matters, and shortly after General Allen became head of N.S.A. First he, testified, the C.I.A. pulled out of the narcotics surveillance project on the ground that it appeared to violate the C.I.A.'s charter forbidding a domestic police role. Though N.S.A. has no such charter, General Gaylor said, it followed suit.

On Oct. 1, 1973, he said, then Attorney General Elliot L. Richardson ordered N.S.A. to supply the F.B.I. and the Secret Service with material.

"Until I am able more carefully to assess the effect of Supreme Court decisions concerning electronic surveillance upon your current practice of disseminating to the F.B.I. and Secret Service information acquired by you through electronic devices pursuant to requests from the F.B.I. and Secret Service," Mr. Richardson wrote, "it is requested that you immediately curtail the further dissemination of such information to these agencies."