

White House Is Tested On Release of Secrets

By Walter Pincus

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Rep. Bella Abzug (D-N.Y.) is testing how far the White House is willing to go with Congress in turning over sensitive intelligence information.

As chairman of the House Government Operations subcommittee on individual rights, Abzug is leading an investigation into the National Security Agency's interception of international cables sent to or from American citizens.

The electronic intercept techniques of NSA and the global targets against which they are directed traditionally have been among the most closely guarded intelligence secrets.

The administration has not yet decided how to handle Abzug. White House officials want to hold out for some guarantee that classified information turned over to her subcommittee won't be made public without presidential approval.

Justice Department officials, who have been dealing face-to-face with the blustery Abzug and her staff believe some sensitive material will have to be turned over and "just risk the results," in the words of one government lawyer.

Not all Abzug's colleagues on Capitol Hill are pleased that she has an intelligence investigation under way. "I find her irresponsible," said one House Democrat whose view coincided with those of

several others. "Her confrontation immaturity is what is destroying Congress' claim for equality with the executive branch.

Mistrust abounds between the Abzug investigators and the government officials with whom they deal.

The Abzug subcommittee subpoenaed NSA and FBI documents, and the President claimed executive privilege. Five present and former federal employees were subpoenaed to testify and each—under direction of their superiors—refused. The subcommittee promptly cited each for contempt of Congress—an action that still must be approved by the full Government Operations Committee and the House.

Abzug subpoenaed three companies who had supplied international cables to NSA. The government asked them not to respond—but they did.

Meanwhile, behind the scenes, attempts to work out testimony by NSA Director Lt. Gen. Lew Allen Jr. have been bogged down by Abzug's refusal to limit her public questioning.

A government invitation to Abzug's staff for a briefing at NSA on its interception process has yet to be accepted.

One key Abzug staffer said recently, with some sarcasm, "I don't want to take part in some dog and pony show in their underground caves. Anything they want

to tell us they can say at a public hearing."

The government officials who made the offer argue that "without the briefing, they can't understand the NSA operation or know what questions to ask."

At a hearing last Wednesday, Abzug often bullied cable company executives who gave evasive answers. RCA Global Communications, Inc., chairman Howard R. Hawkins said he did not know how the NSA pickup of RCA cables worked although he was the company's chief operating officer. "I guess you were inoperative," Abzug shot back.

An RCA Washington office manager attempted to describe his understanding of how FBI agents picked up cable copies at 3 a.m. in the morning. "Who was the little man who came in at 3 in the morning?" Abzug asked. When the RCA man admitted he did not know, Abzug sharply lectured him that he was under oath and should limit his testimony to what he knew.

Abzug pushed witnesses, but she herself seemed unsure of the facts. "She's a very bright woman, but she is going in 87 different directions," one staff member said later in confessing Abzug was unprepared.

Security is not the only complicating factor in the Abzug inquiry.

The Justice Department's Criminal Division is conducting an investigation to determine if the intercept



REP. BELLA ABZUG

... probes cable intercepts

tion of international cables of U.S. origin—with or without the assistance of U.S. cable companies—might have violated the Federal Communications Act. Under section 605 of that statute, it is illegal to divulge the contents of a cable without "lawful authority" such as a subpoena.

Testimony before the Abzug subcommittee by either the intelligence officials or executives of cable companies under investigation "could be harmful" to the criminal inquiry, according to a Justice spokesman.

Between 1967 and 1973, according to testimony by NSA Director Allen, before the Senate intelligence committee, NSA maintained a "watch list" of 1,600 Americans supplied by the FBI, CIA, Defense Intelligence Agency and the Army, which in 1967 had responsibility for monitoring civil disturbances.

In those days, NSA intercepted cables in two ways—copies were picked up from the offices of American companies such as RCA Global Communications and ITT World Communications. In addition, NSA intercepted cable traffic using its own electronic intelligence facilities outside the continental United States.

The intercepted cables were then screened for information related to the "watch list" names.

According to Allen, 1,900 reports were made from intercepts of "watch list" personnel. These were supplied to various government agencies "for background use only," Allen said.

The communications act has not defined what "lawful authority" is needed if disclosure of cables is to take place.

Furthermore, the law is not clear on whether NSA has legal authority to intercept cables from or to the United States using overseas facilities. In his recent executive order, President Ford said "lawful" electronic interceptions of international traffic can be carried out "under procedures approved by the Attorney General." The Abzug subcommittee plans to explore whether there is any "lawful" way for such interceptions to take place without a court warrant.