

N.S.A. Says It Is Not Eavesdropping

By NICHOLAS M. HORROCK
Special to The New York Times

WASHINGTON, Aug. 8—Officials of the National Security Agency said in a closed session of the House Select Committee on Intelligence today that "at the present time" the agency was not eavesdropping on domestic or overseas telephone calls placed by Americans, the committee chairman reported.

But the chairman, Representative Otis G. Pike, Democrat of Suffolk, said that after more than four hours of testimony he and a "great many members" of the committee still had "doubts" that the agency was not intruding on telephone calls placed in this country by American citizens.

Moreover, Mr. Pike said there were contradictions in what N.S.A. officials said and what was reported to the committee earlier this week by William E. Colby, Director of Central Intelligence, and Albert C. Hall, who is in charge of the Defense Department's intelligence operations. Mr. Pike did not say what the contradictions were.

Though the N.S.A. officials said they do not now eavesdrop on overseas telephone calls placed by American citizens, the agency's general counsel, Roy Banner, said in public session that N.S.A. believed that current wiretapping law does not prohibit the agency from doing so.

'Semantic' Problem Seen

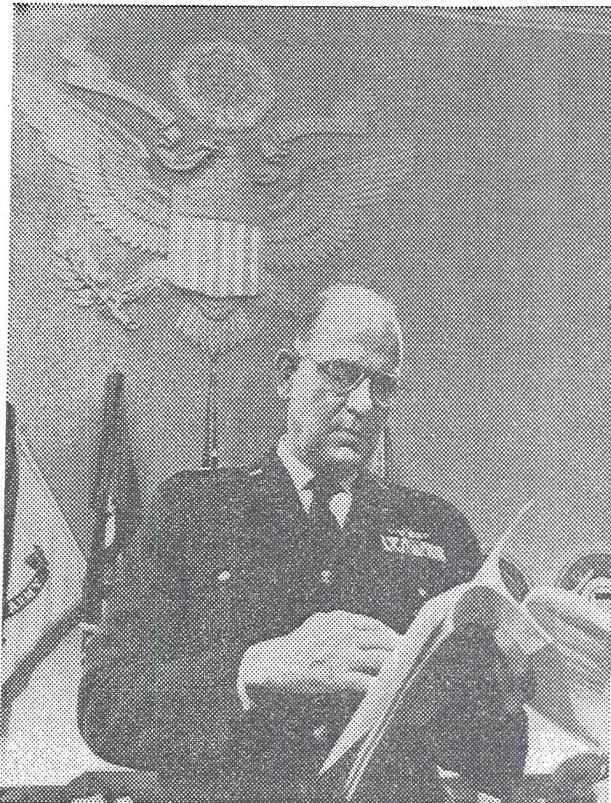
In a brief portion of the hearings held in public this morning, Mr. Pike asked, "You think that although wiretaps are prohibited by the law that interception of telephone calls of American citizens heading overseas is not prohibited by that decision?"

Mr. Banner answered "That is correct."

The confusion over what the agency actually does and what its officials said it does is a "semantic" problem, Mr. Pike said. He said that he would not discuss the details of the operation during a news briefing.

The strongest line of speculation on how the agency operates, tacitly confirmed by two members of the committee, was that it scans all overseas telephone calls placed from this country using a computer and selects calls it wants to record. The scanning, one source suggested, may be done outside the United States and possibly could involve the communications satellites that carry overseas telephone connections.

When agency officials said they do not intrude on the telephone calls of Americans, one source suggested, it meant that the computer rejects calls involving conversations between United States citizens after picking up a few moments.



Associated Press

Gen. Lew C. O. Allen Jr., director of the National Security Agency, reviewing papers before appearing before the House Select Committee on Intelligence.

Mr. Pike confirmed again that, though agency officials said they did not presently eavesdrop on American calls, they did so in the past. He called the attention of reporters to the report of the Rockefeller commission.

According to that report an agency, later identified as N.S.A. produced 1,100 pages of material for Operation Chaos, a Central Intelligence Agency operation to watch domestic dissidents.

Narcotic Smuggling Move

In Operation Chaos, a Government intelligence source said in an interview, calls placed by a selected list of persons in this country were monitored by the computer.

Another part of the Rockefeller report said that, as a move against narcotics smuggling, calls between the United States and Latin America were monitored.

The entire atmosphere of today's hearing was pervaded by the emphasis that N.S.A.'s capability was one of the country's most important national secrets.

Air Force Gen. Lew C. O. Allen Jr., director of the agency, told the committee this morning that "no director of the National Security Agency has ever before been required to come before a Congressional committee in open session."

A few moments before, John O. Marsh Jr., counselor to President Ford, met with Mr. Pike and told him of the White House's concern that the N.S.A.

testimony be treated as "top national security."

An Administration adviser said privately that the White House had become concerned with the committee's activities after its staff members came to the belief that Representative Les Aspin, Democrat of Wisconsin, used material taken in an earlier closed session to pose questions to Mr. Colby in public.

Under Mr. Aspin's questioning on Wednesday Mr. Colby reluctantly acknowledged that the N.S.A. eavesdropped on American telephone calls.

Mr. Aspin said late today that he was unconvinced that much of what the agency officials said in closed session had a legitimate national security reason for remaining secret.

Mr. Pike's question on the legal basis for the agency's eavesdropping was based on a June, 1975, decision by the United States Court of Appeals for the District of Columbia. The court said that the Government must obtain a warrant for any wiretap whether national security was involved or not unless the communication involved an agent of a foreign power or an American was collaborating with a foreign power.

Mr. Pike appeared to imply in his briefing for reporters that the "semantic problem was whether agency officials believe calls placed from this country abroad are covered by prohibitions against eavesdropping in United States law.

*See NYT 24 Jun 75, filed Surv.