

U.S. Says CIA Gave Court Faulty Data in Snoop Case

Washington

The Department of Justice has asked a federal judge in San Francisco to set aside an order in its favor because it has learned that Central Intelligence Agency affidavits used by the government in the case were wrong.

More important than the particular case are the possible ramifications of the government's admission that the CIA's statements to the court were wrong.

Basically, affidavits of William E. Colby, former CIA Director, and his aides stated that there was a microfilm index with the names of all those whose letters to or from the Soviet Union were opened or whose envelopes were photographed. The government now says that "not all of the materials obtained under the Soviet mail intercept program were included in the microfilm program or index."

This may mean that those

who have asked the agency under the Freedom of Information Act whether their mail was intercepted, and were told that it had not been, were misinformed. A CIA spokesman refused to provide any information beyond the documents filed in court.

(Representative Bella Abzug, chairwoman of the House individual rights subcommittee, said in a statement that in its microfilm files the CIA has found possibly a million additional letters it intercepted between 1958 and 1973.)

It is not clear what caused the CIA to realize its error at this point, after the close of the San Francisco case.

The San Francisco suit was brought by Stephanie Kipperman, who was told by the CIA that it had not intercepted any of her mail because her name did not appear on its index.

Not satisfied, Kipperman brought suit, contending in effect that some of her correspondence to and from the Soviet Union must have been inspected because of the scope of the agency's interception program.

U.S. District Judge Charles B. Renfrew refused her attorney's request to look at the index and granted the government summary judgment on April 28, saying he believed that the CIA "has responded in good faith and with total honesty."

In the brief it filed yesterday, the Department of Justice noted that Judge Renfrew had relied heavily on the facts set out in the affidavits of Colby and his aides. It asked that the judge vacate his judgment "until the extent to which intercepted correspondence was not incorporated into the index can be ascertained and a report made to the court."

The brief concluded by saying that the department had been told by the CIA that an investigation was under way.

The judge set May 27 for a hearing on the government's motion.

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