

Intelligence Aides Score Levi Curb on Wiretapping

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WASHINGTON, Dec. 8—Senior intelligence officials said today that Attorney General Edward H. Levi had refused to approve any requests for wiretaps in counterintelligence cases and that efforts to combat hostile foreign intelligence services were being hampered.

In a series of interviews, officials familiar with the counterintelligence efforts of the Federal Bureau of Investigation and the Central Intelligence Agency, said privately that six requests for electronic surveillance of Americans or resident

aliens had been made to the Attorney General over the last year and he had declined to approve them.

In these cases, the officials said, the requests were all for telephone wiretaps. They were instances where the counterintelligence experts believed that the American or resident alien was in contact with agents of hostile intelligence services and compromising national security.

The instances have thrown in sharp relief the debate over protection of civil liberties in the United States and the need to maintain national security.

The counterintelligence forces do con-

duct electronic surveillance of the intelligence officers and offices of hostile foreign intelligence services operating in this country. It is common knowledge here that the United States wiretaps officials of Communist-bloc nations who are engaged in espionage.

But the counterintelligence surveillance presents a more thorny problem. One senior intelligence described it as a situation where "we believe that Ivan Ivanov, a Soviet intelligence officer, has compromised Joe Zilch, an American or resident alien with entree to national security data,

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and that person is meeting with the Russian and supplying him information." The source added, "They have sought to wiretap Joe Zilch."

Mr. Levi, these officials said, has told them in each instance that they had insufficient "probable cause" to install the tap and he would not sign off on them. They do not fault Mr. Levi's judgment as a lawyer, but suggested that the Department of Justice must "rethink" the criteria for such surveillance.

"I personally do not know the answer," one senior official said, "but there are problems that worry us."

'Agents of Influence'

He said that they have information that foreign intelligence services have developed "agents of influence" in this country, attempted to erode the American political process and made efforts to gather traditional national security data.

The sources said that Mr. Levi had told them that if they "feel" strongly that the taps were necessary they could seek approval from the courts under the provisions of Title 3 of the United States code. The intelligence officials have declined to do so because they would have to disclose their informants or sources of suspicion, the sources said.

Robert Havel, director of public information at the Justice Department, declined to comment on the six cases, but said that Mr. Levi had been "very willing to discuss his standards for such wiretaps."

In a speech to the Los Angeles County Bar Association last month, Mr. Levi said that there were no "warrantless wiretaps" against American citizens. He described the elements of the Justice Department's "guidelines" for approval of such electronic surveillance that were designed to prevent the abuses discovered by Congressional investigations of the F.B.I. and the C.I.A.

System of Review

The system of review, which requires that the intelligence agencies make signed requests that are then considered by the criminal division at the Justice Department and a special committee of officials with Presidential appointments, is an effort to halt such practices as former Attorney General John N. Mitchell's

signing wiretap orders on White House aides at verbal request of political appointees.

It is clear that the senior officials of the intelligence community want to alert the incoming officials of Jimmy Carter's administration to their problems. Whether a Carter-appointed Attorney General will relax the controls is not known.

But Vice President-elect Walter F. Mondale was a key member of the Senate Select Committee on Intelligence and a strong supporter, as was Mr. Levi, of legislation that would set up a court order system for the very type of wiretaps that concern the intelligence officials. This proposal did not come to a Senate vote this year but may be re-introduced in the next Congress.

It set up a system whereby the intelligence services could ask for warrants in closed door sessions with selected Federal judges.

THE WIRE TAP