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Defense Denies Wide Wiretaps

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The Defense Department said yesterday that only five of its agencies are authorized "under strictly controlled conditions" to engage in wiretapping and electronic eavesdropping.

In a two-page statement, the Pentagon denied that the practice was more widespread than this despite the interpretation put on a series of affidavits made public Wednesday by the American Civil Liberties Union.

The affidavits, which had been prompted by a recently concluded court-martial in West Germany, suggested that more than 20 federal agencies—including as many as 16 in the Defense Department—were engaged in electronic surveillance either here or abroad.

In response to those reports, Sen. Edward M. Kennedy (D-Mass.), asked for an immediate report from the Justice Department on the precise extent of the practice by government agencies.

He pointed out that former Attorney General William B. Saxbe, in congressional testimony last May, had said that he knew of no wiretaps being carried out, in this country at least, by any agency but the FBI.

The affidavits in question were filed in connection with the court-martial of Lt. Matthew Carroll in an effort to determine whether he or his lawyers had ever been the target of electronic surveillance.

The responses were filed on behalf of more than 20 government agencies—ranging from the Defense Mapping Agency to the Secret Service—who said that a check of their records turned up no such evidence on surveillance. (The charges against Carroll, who had been accused of refusing to obey an order to cut his

hair, were dropped about two weeks ago.)

The most extensive affidavit was filed by David O. Cooke, the deputy assistant secretary of defense for administration, who said he had caused a search of the records of 16 agencies and unit within the Pentagon.

"The inquiry," Cook then added in the affidavit, "encompassed a search of the records of all electronic surveillance conducted by the Department of Defense on national security grounds, criminal ground, and pursuant to counterintelligence needs."

The records of "each of the referenced agencies" showed no electronic surveillance of Carroll or his lawyers, Cook concluded, attaching a list of the agencies that had been checked.

The Pentagon said yesterday, however, that this did not mean that all the agencies engaged in electronic surveillance. "Whenever the Department of Defense is required to respond to a court inquiry whether it has engaged in electronic surveillance of a particular person, all Defense components are routinely queried and required to respond," the Pentagon statement said, without elaborating on why this is done for agencies that do not engage in the practice.

In any event, the Defense Department said, only five of its components "are authorized under strictly controlled conditions" to carry out wiretapping and electronic eavesdropping.

The Pentagon said these include Army Intelligence, the Army's Criminal Investigation Division Command, the Naval Investigative Service and the Air Force's Office of Special Investigations. In addition, the National Security Agency "has a signals intelligence mission which is to produce foreign intelligence information only."