

National Security Wiretaps Limited Sharply in New Bill

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A bill that would require court warrants for electronic surveillances in the United States for national security purposes was made public yesterday at the White House and on Capitol Hill.

The Ford administration-drafted bill has the backing of an unusual coalition of liberals and conservatives in Congress, some of whom participated in the drafting process.

At present, warrants are not needed for national security wiretaps and bugs, although warrants have been required since 1972 for domestic intelligence and criminal investigation surveillances.

Criticism of the national security taps placed without warrants has grown with disclosures that past administrations used them against officials, private organizations, political parties and reporters.



EDWARD H. LEVI

... describes legislation

Under the legislation introduced yesterday by Sen. Edward M. Kennedy (D-Mass.) and House Judiciary Committee Chairman Rep. Peter W. Rodino Jr. (D-N.J.), American citizens and resident aliens who could be tapped for national security

purposes would be sharply limited.

For a warrant to be issued, the government would have to convince a judge the target of the tap worked for a foreign government or was acting "pursuant to the direction of a foreign power" and was engaged or aiding someone engaged in "clandestine intelligence activities, sabotage or terrorist activities."

Attorney General Edward H. Levi, in describing the bill yesterday, said its limiting provisions "follow what already is being done, and "would have little impact on current surveillance practices."

According to Levi, "no American citizen is the target of a national security tap now.

Since Levi became Attorney General in February, 1975, he has limited national security wiretaps despite criticism from the FBI, CIA

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and other intelligence agencies that the United States is not doing enough.

Ford administration support of the bill reversed the position that had been taken in the past by the White House. According to Capitol Hill sources, FBI and some Justice Department officials opposed the new bill, saying it would place too great restrictions on national security intelligence gathering in this country.

Levi, who pushed the legislation on behalf of the administration, maintained yesterday the bill was needed to "give assurance to American citizens of the care and standards to be observed" in the use of such wiretaps.

Kennedy said he had co-sponsored the legislation "despite reservations" be-

cause "I remain even more uncomfortable leaving the American people with no legislative protections whatsoever governing national security wiretapping."

Under the new bill, the Attorney General would have to tell a judge the type of foreign intelligence information sought as certified by an official in the national security or intelligence field.

He would also be required to state the procedures to be taken during the term of the wiretap to minimize "acquisition and retention of information" not related to foreign intelligence.

National security wiretaps undertaken by the FBI in the Nixon administration overheard political and personal information about individuals and then—FBI Director J. Edgar Hoover passed that material on to the White House.

Under the new bill, the

only incidentally acquired information, other than foreign intelligence material, that may be disclosed is "evidence of a crime."

The legislation permits the Attorney General to authorize a wiretap without a court order is an "emergency," but only for 24 hours during which time a court order must be obtained if the tap is to be continued.

All court-approved national security taps, under the proposal, would last 90 days and would have to be reauthorized then by another court warrant.

As part of their compromise with the administration, congressional liberals who support the measure dropped their demand that targets of foreign intelligence wiretaps be informed after the tap was removed. Such notification, done in

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domestic criminal cases, would give away intelligence activities, according to administration sources.

The Ford administration also insisted that the bill carry a disclaimer clause that would reserve to the President the "constitutional power" to order electronic surveillances "if the facts and circumstances giving rise to such order" are outside the scope of the bill.

That language, according to administration sources, would permit the National Security Agency to continue to intercept without warrants electronic communications from facilities outside the United States.

