

National Security Agency Reported Eavesdropping On Most Private Cables

*Pentagon Unit Is Said to Use Computers
to Sort Out Intelligence Data From
Messages—Legality Is Debated*

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WASHINGTON, Aug. 30— The National Security Agency eavesdrops on virtually all cable, Telex and other nontelephone communications leaving and entering the United States and uses computers to sort and obtain intelligence from the contents, sources familiar with the operations said today.

The agency's operations make it privy to the inner workings of thousands of American and foreign corporations, the sources said, as well as to the private overseas telegrams of an untold number of American citizens.

The N.S.A. is able to intrude on the communications of news agencies and newspapers, and communications of other governments, and conducts systematic intrusions on telephone communications in foreign countries, often picking up calls between American citizens, the sources said.

The N.S.A., possibly the most secretive of the agencies in what is termed the "intelligence community," is part of the Department of Defense and is charged with coordinating electronic intelligence gathering, along with the developing and breaking of codes.

There is a growing controversy within the intelligence community, several sources said, over whether the agency's activity is legal. Norman C. Boardman, chief of the agency's policy staff, declined to comment on the question on the ground that any comment might endanger national security.

But earlier this month, in hearings before the House Select Committee on Intelligence, an official of the agency testified that the N.S.A. believed all its activities were legal.

In the early nineteen-seventies, the agency's ability to monitor foreign cable traffic provided much of its assistance to a secret surveillance by the Central Intelligence Agency of American political dissidents, the sources said.

The N.S.A. monitored cable contacts between American antiwar groups and personalities and foreign governments and political groups, a source said, and provided material on former Attorney General Ramsey Clark, among others.

The N.S.A.'s contribution to

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the C.I.A.'s domestic surveillance program was mentioned cryptically in the recent report on the C.I.A. by the commission headed by Vice President Rockefeller.

The report said:

"Operation Chaos received materials from an international communications activity of another agency of the Government. The operation furnished a watch list of names to the other agency and received a total of approximately 1,100 pages of materials over all."

According to sources familiar with the N.S.A.'s operations, they are made possible by its "extraordinary" computer technology, which permits the sifting of millions of messages. Though there is no public total calculation of how many messages are transmitted in and out of the United States a year, in one communication category alone, transoceanic telegrams, 24,346,587 messages were transmitted in 1973.

This figure does not include messages sent over leased lines belonging to major companies and Telex Communications. When all three main communications methods are added together, one Government engineer said, "the N.S.A. would have to sift millions and millions of separate messages and billions of words."

The exact technology of the operation is a closely guarded secret, but several sources said it was effected by programming the computer to look for "trigger words." The computer scans the message traffic and automatically selects for recording any message that contains the words it has been programmed to watch for.

Picks Key Words

One source said that "the computer could be programmed to record any message which contained the words oil, Saudi or Mideast and it would deliver messages with these subjects in them."

"Since businesses use cables far more than telephone for international communications, this kind of operation can tell you everything from their marketing plans to the intelligence their people are obtaining in a foreign country," he said.

The most valuable "product" from this program, one source said, is economic intelligence that enabled the United States Government to make international decisions on such matters as energy, grain sales to the Soviet Union and trade policies.

The law covering the disclosure of cable communications is more blurred than are the

regulations covering wiretapping and bugging.

Section 605 of the Federal Code, covering telegraphs, telephones and radiotelegraphs, appears to prohibit the disclosure of material transmitted by international systems, but it is not precise on whether it covers the various modes of cable or written communications, nor is it precise on whether a Government agency has the right to contents.

Bar on Interception

Section 605 notes, "No persons not being authorized by the sender shall intercept any radio communication and divulge or publish the existence, substance, purport, effect, or meaning of such intercepted communication by radio and use such communication (or any information therein contained) for his own benefit or the benefit of another not entitled thereto."

Though the statute uses the term "radio," it covers international communications, several Government experts agreed.

The legal questions would be materially affected if the carriers of international communications were covertly cooperating with the N.S.A. and "feeding" it the cable traffic, these experts said.

Relatively few companies are licensed to transmit international nontelephone messages. The main carriers are the International Telephon and Telegraph Corporation, the Radio Corporation of America and Western Union International. The bulk of cable traffic leaving this country is transmitted either through undersea cables or by communications satellites.

Cooperation Helpful

Government engineers suggest that monitoring satellites is relatively easy, but that picking up material carried by undersea cables would be more easily accomplished with the carriers' cooperation. Many cables are jointly owned by the three main carriers.

According to recently published reports based on remarks by intelligence officials, the Soviet Union also intrudes on international transmissions and uses the material as an intelligence source.

One legislative aide who has done extended research on international communications and eavesdropping said that methods under development would make it possible for computers in the United States to transmit files to computers in foreign countries over international satellite and cable connections.

"There simply is no law guarding this material from eavesdropping by government agencies, yet these transmissions may carry everything from credit files to doctors' reports on Americans," the aide