

# I.R.S. CURBS URGED

## Major Reform of All Surveillance at Home Proposed

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Domestic intelligence agencies, principally the Federal Bureau of Investigation, consciously and repeatedly violated the laws and the Constitution in investigating the political activities of hundreds of thousands of American citizens, many of them law-abiding, the Senate Select Committee on Intelligence declared today.

In a sharply worded report summarizing its 15-month examination of government spy-

*Excerpts from panel's report appear on pages 31-33.*

ing in this country, the committee rebuked the F.B.I. and other agencies for investigating far too many people, often for the wrong reasons or none at all; for employing as a matter of course such "illegal" and "questionable" techniques as burglary, mail opening, electronic surveillance and the use of informants, and for having acted largely without the scrutiny or knowledge of Presidents and Attorneys General.

### Church Headed Panel

The 11-member panel, headed by Senator Frank Church, Democrat of Idaho, concluded that a "fundamental reform" of the domestic intelligence community was urgently needed. It pro-

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proposed that all noncriminal investigations be concentrated in the F.B.I., where they could be closely monitored by Congress and carried out under stringent new safeguards that would protect civil liberties.

Specifically, the committee recommended that the Internal Revenue Service be restricted to dealing with tax matters, that military security services sharply reduce and restrict their domestic investigations, except generally as they touch military personnel, installations and contractors, and that the Central Intelligence Agency be banned from using electronic surveillance, unauthorized entries or mail openings in this country.

The C.I.A. operations had been exposed and criticized in an earlier report by a governmental commission headed by Vice President Rockefeller.

### For Court Approval

More broadly, the recommendations proposed that no Federal intelligence agency be permitted to undertake any activity not explicitly authorized by law, and that court approval be required in advance for the use of such techniques as wire-tapping, the opening of first-class mail and unauthorized break-ins by Federal agents.

Although it put forward 96 detailed recommendations and called for new laws to curb excesses, the committee has not submitted any legislative bills itself. But its report is expected to serve as the basis for action by other Congressional committees.

The committee, which has now completed what it termed the first systematic investigation of the intelligence community in history, said it had uncovered a pattern of illegal,

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# Intelligence Panel Asserts F.B.I. Violated Rights

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"Improper" and "abusive" acts stretching back over six Presidential administrations and four decades that was neither partisan nor the product of "a few willfull men," but an inevitable result of the "excessive" growth of executive power unchecked by Congress.

In its major finding, the committee declared: "Domestic intelligence activity has been overbroad in that (1) many Americans and domestic groups have been subjected to investigation who were not suspected of criminal activity, and (2) the intelligence agencies have regularly collected information about personal and political activities irrelevant to any legitimate governmental interest."

In addition to concluding that Federal statutes had been violated, the committee found that "legal issues were often overlooked" or simply ignored by officials of the F.B.I., the Central Intelligence Agency and others who, in many cases, had "failed to disclose candidly their programs and practices to their own general counsels, and to Attorneys General, Presidents and Congress.

Other major findings by the committee included the following:

¶ That a lack of precise standards for the conduct of intelligence investigations had led the F.B.I. over the last 20 years to conduct nearly one million investigations of "subversive" or "extremist" matters, half of which resulted in the creation of a permanent F.B.I. file, although no prosecutions have been brought since 1957 under the subversion statutes.

¶ That Presidents since Franklin Delano Roosevelt, their aides and the bureau's supporters in Congress have requested or unhesitatingly accepted from the F.B.I. politically useful information about opponents and critics, much of it gathered through a network of improper or illegal electronic surveillances that dates back to the 1940s.

¶ That covert-action programs, like the F.B.I.'s Cointelpro, have interfered with constitutional freedoms of political association, disrupted groups that were "concededly nonviolent," risked or caused "serious emotional, economic or physical damage" to those who were unwitting targets of the bureau



Associated Press

Senator Howard H. Baker Jr., Tennessee Republican, reading report on intelligence agencies.

and, as employed against the late Rev. Dr. Martin Luther King Jr., violated both "the law and fundamental human decency."

¶ That the product of intelligence investigations has been improperly disseminated by the F.B.I. and other agencies, both within the government and to friendly "news media sources" who were offered recordings of Dr. King's sexual activities and sensitive or derogatory information on others the bureau wished to discredit, and who in some cases provided the bureau with information or helped suppress unflattering articles about the F.B.I.

The committee also found fault with Presidents, White House officials, Attorneys General and Congressional oversight bodies who, "although often unaware of details of the excesses described in this report, made those excesses possible by delegating broad authority" to the intelligence agencies to investigate subversion and political dissent without establishing "adequate guidelines" to control those investigations.

The 96 recommendations for Congressional action set forth in the report included one, occasioned by the panel's finding that laws and liberties had persistently been transgressed in the name of "national security," that Congress "make clear" to the President and his aides that they have no inherent constitutional power to violate an existing statute.

## Curb on C.I.A. Urged

Other recommendations are designed to prohibit a repetition of domestic police activities by the Central Intelligence Agency, such as its 20-year-long program of opening mail and its investigations of American antiwar dissidents, the National Security Agency's interception of cable communications between this country and abroad, and the use of the Internal Revenue Service by a succession of Presidents to harass their political opponents.

Three of the select committee's Republican members—Senators John G. Tower of Texas, the vice chairman, Howard H. Baker Jr. of Tennessee and Barry F. Goldwater of Arizona—said in the report that they could not unanimously endorse the recommendations for

fear that some of them would place "undue restrictions" on the intelligence agencies.

But Senator Goldwater, who proved to be the staunchest defender of the intelligence community in the panel's public hearings, said in a separate statement that over the last decade of the late J. Edgar Hoover's tenure as F.B.I. director, "abuses crept into the operations of the bureau."

The main thrust of the committee's 341-page report, produced under the supervision of John T. Eliff, a Brandeis University professor on leave to assist the committee, was the constant disregard in which F.B.I. agents and officials, and on occasion Mr. Hoover himself, held the laws and constitutional principles they were sworn to enforce.

William C. Sullivan, who for 10 years headed the F.B.I.'s domestic intelligence division and who had risen to become

the bureau's third-ranking official at the time of his retirement in 1971, was asked by committee staff members about the degree to which he and other officials were concerned about the illegality of such activities as mail openings and burglaries by the agents they controlled.

## Legality Not Questioned

"Never once," Mr. Sullivan replied, "did I hear anybody, including myself, raise the question: 'Is this course of action which we have agreed upon lawful, is it legal, is it ethical or moral.' We never gave any thought to this line of reasoning, because we were just naturally pragmatic."

The committee said it had found that, although some of the F.B.I. personnel interviewed had been aware that their intelligence and counterintelligence operations violated Federal and state statutes, there was a "general attitude" among them that the nation's intelligence needs were governed by "a higher law."

As William Branigan, a retired F.B.I. supervisor, told the panel, "It was my assumption that what we were doing was justified by what we had to do . . . the greater good, the national security."

It was just such "imprecision

and manipulation of labels like national security, domestic security, subversive activities and foreign intelligence, the committee said, that had enabled the F.B.I. to justify to itself and others its methods and its investigation of large numbers of Americans who held minority political views but who had evidenced no violent or illegal tendencies.

Much of the committee report's detail about the Government's domestic intelligence activities has already become public, either through the panel's open hearings or in news accounts. But the report marks the first instance in which all of that information has been drawn together along with firm conclusions about the legality, morality and advisability of those activities.

#### Many Violations Found

The committee asserted, for example, that Cointelpro, the F.B.I.'s 15-year attempt to confuse, disrupt and neutralize radical and right-wing political groups who were otherwise acting lawfully, had involved "violations of both Federal and state statutes prohibiting mail fraud, wire fraud, incitement to

violence, sending obscene material through the mail, and extortion."

An internal Justice Department review of Cointelpro, an acronym for counterintelligence program, which concluded in 1974 that it had involved no criminal wrongdoing, was based on "short summaries" of incidents provided to the department by the F.B.I. and was "unable to consider the complete story of Cointelpro," the report said.

The committee also heard testimony from Mr. Sullivan and other F.B.I. officials indicating that the program's 15-year life was largely an artificial distinction, and that the techniques that characterized Cointelpro, such as anonymous inflammatory letters, had been used by the F.B.I. to some extent since 1941 and had been continued after 1971, the year in which Mr. Hoover formally ended Cointelpro.

#### New Targets Found

The Senate report traced the history of domestic intelligence operations from 1936, noting that such techniques as mail openings, burglaries and buggings had been directed by the F.B.I. at different targets: for example, during World War II, at pre-war supporters of Fascism, and in the postwar period

at Communists and other Marxists. Then, later, at the Ku Klux Klan and other right-wing groups, and finally New Left, Vietnam-era dissidents, and the feminist movement.

The national consensus that arose in the late 1940's and 1950's of the threat posed by what was perceived as an international Communist monolith led to the F.B.I.'s "vague and sweeping standards" for the conduct of security investigations, the report said.

From the Communist Party, it noted, the bureau's attention was drawn progressively to the Socialist Workers party, a Trotskyist group that does not advocate the violent overthrow of the Government, to suspicions of Communist "influence" over Dr. King and the National Association for the Advancement of Colored People, which was kept under surveillance for 25 years, ending in 1968.

A concomitant feature, the committee found, was the F.B.I.'s security index, which, at its peak in 1955, contained the names and addresses of more than 26,000 citizens to be picked up and detained if a national emergency was declared by the President.

They included, according to the report, professors, teachers, labor union organizers and leaders, writers, lecturers, newsmen, lawyers, doctors, scientists and "individuals who could potentially furnish financial or material aid" to an enemy.

The security index was reduced to about 12,000 names by 1958 and those deleted were placed on a reserve index of persons who would receive "priority consideration" for action in the event security index subjects were rounded up. Persons on the reserve index, the committee said, included Norman Mailer, the author and activist, and an unnamed professor "who merely praised the Soviet Union to his class."

Even after the emergency detention provisions of the McCarran Act were revoked in 1971, the report said, the F.B.I. "continued to evade the will of Congress, partly with Justice Department approval, by maintaining a secret administrative index of suspects for round-up in case of a national emergency."

#### Tax Inquiries Promoted

In addition to its attempts to "neutralize" and publicly discredit radicals and antiwar activists, the F.B.I. provided the Internal Revenue Service with the names of politically active groups and individuals, more than 10,000 of whom were

singled out for special tax examinations.

The committee said that the I.R.S. had first been used as a political weapon, in a less extensive way, in the Administration of President Kennedy, when tax investigations of right-wing groups were begun as a "response to White House and Congressional interest."

The targets of domestic intelligence collection have expanded in recent years, according to the report, to include the feminist movement, about which F.B.I. informants reported that groups of women were gathering to discuss sexual roles, as well as the John Birch Society, the Urban League, and the Anti-Defamation League of B'nai B'rith, all of which were monitored by Army intel-

The F.B.I. has kept tabs on these and other organizations chiefly through paid undercover informants, who, the committee said, had on occasion "provoked and participated in violence and other illegal activities" to maintain their credibility.

As an indication of the priority the bureau gave to political investigations, the panel noted that the F.B.I. had budgeted more than \$7-million to pay its domestic security informants in the current fiscal year, "more than twice the amount it spends on informants [used] against organized crime."

Attorney General Edward H. Levi began last month to issue internal Justice Department guidelines that govern, among other things, the bureau's conduct of domestic security investigations and that bar the recruitment of informants, the use of "mail covers" or electronic surveillance unless there is a strong probability that a group or individual may be preparing to engage in violence or violate Federal laws.

#### Levi's Plan Welcomed

The Senate committee said it welcomed Mr. Levi's initiative, as it did President Ford's executive reform of the foreign intelligence agencies, but that it believed those standards were "incomplete without legislation" to reinforce their provisions.

Among the areas requiring swift legislative attention, the committee said, are the still-murky delineation of responsibility shared by the C.I.A. and F.B.I. for investigating suspected foreign spies, as well as the systemic problems of excessive

executive power and secrecy and the "avoidance of the rule of law" by the nation's intelligence officials.

In addition to proposing that Congress commit Mr. Levi's guidelines to legislation, something Mr. Levi supports, the Senate committee is calling for strict controls on the kinds of allegations the F.B.I. can investigate, the approval of the the Attorney General for each use of an informant or a tax review by the Bureau and the purging from Bureau files of all information not relevant to current investigations.

In concluding the summary of its investigation, the Senate committee noted that its purpose had not been "to allocate blame among individuals" but to trace to their roots the patterns of abuse and lawlessness that it said had become a part of the Federal intelligence system.

"The natural tendency of government," the committee wrote, "is toward abuses of power. Men entrusted with power, even those aware of its dangers, tend, particularly when pressured, to slight liberty.

"Our constitutional system guards against this tendency. It establishes many different checks upon power. It is those wise restraints which keep men free. In the field of intelligence those restraints have too often been ignored."