

FBI Files Opened To GAO

Unprecedented Shift Follows 7-Month Talks

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For the first time, the FBI has agreed to allow another government agency—the General Accounting Office—to study the bureau's secret files and review the effectiveness of its law-enforcement activities.

The agreement, a copy of which has been obtained by The Washington Post, contains certain restrictions aimed at safeguarding the identities of FBI informers and protecting the privacy of individuals named in FBI investigative reports.

But it represents an unprecedented reversal of the FBI's 50-year policy of resisting efforts by other government agencies to gain access to its files. That policy has been blamed for enabling the FBI to keep hidden for years its controversial use of illegal "counterintelligence" tactics to harass political dissidents of the left and right.

The change means that the GAO, which acts as Congress' watchdog on government operations, will be able to study from the inside the entire range of FBI crime-fighting and intelligence-gathering programs and report its findings to Congress.

Since almost all GAO reports are made public, the agreement could lead to a

big increase in the public's knowledge of how the FBI operates. In the past, the only information regularly made public about FBI activities was that released by the bureau itself to enhance its image.

That was the approach originated by J. Edgar Hoover, FBI director from 1924 until his death in 1972. Throughout his 48-year tenure, Hoover fought a successful battle to prevent even his nominal superiors at the Justice Department from gaining any access to FBI files except for the selective material that he was willing to provide.

However, that secrecy began to come under attack two years ago after disclosure of the "counterintelligence" activities enveloped the bureau in controversy.

Then a number of congressional leaders, chief among them Rep. Peter W. Rodino Jr. (D-N.J.), chairman of the House Judiciary Committee, and Rep. Don Edwards (D-Calif.), began to press for scrutiny of the FBI's operations by an inde-

See FBI, A6, Col. 1

FBI, From A1

pendent outside agency such as the GAO.

The bureau, under its present director, Clarence M. Kelley, did permit investigation of its files by staff members of the Senate Intelligence committee. It also permitted the GAO last year to conduct a limited, one-shot review of FBI practices in the domestic intelligence and security field.

Until now, though, the bureau had continued to insist that its law-enforcement functions would be endangered if confidential files were opened to the GAO.

Well-informed sources said that the FBI's change of attitude resulted from more than seven months of secret negotiation involving Kelley, Comptroller General Elmer B. Staats, head of the GAO, Attorney General Edward H. Levi and congressional leaders.

In the end, the sources said, the agreement was made possible by compromises that saw the GAO give up its demand for unrestricted access to FBI records and the bureau concede the principle of outside review. The details were spelled out in a letter sent by Staats to Kelley on May 21, and accepted by the FBI director in a reply dated May 24.

The sources said that a GAO team is already surveying the total scope of FBI operations and trying to establish a list of priorities for specific studies. Approx-

FBI Agrees to Allow GAO To Study Its Secret Files

mately 70 per cent of the GAO's studies are initiated by the agency, and the other 30 per cent are done at the request of congressional committees or individual members of Congress.

The GAO's first study under the agreement, the sources said, is likely to involve an attempt, requested by a Judiciary subcommittee headed by Edwards, to measure the FBI's effectiveness in apprehending criminals.

In addition, the sources added, Rep. Bella S. Abzug (D-N.Y.), who heads a subcommittee on government information and individual rights, has asked the GAO to look into the operations of the FBI's inspection division, the bureau's self-policing mechanism to guard against internal corruption.

In his letter to Kelley, Staats said that the GAO "will advise the FBI, in writing, of the overall objectives and scope of anticipated reviews, an estimate of the time frame of such efforts, the FBI facilities and locations we will visit, and a general description of how we intend to carry out the reviews. We will also advise the FBI of the nature of interviews of FBI employees . . . and will work through a designated FBI liaison in arranging for these interviews."

The agreement gives the FBI the opportunity to review the drafts of GAO reports and, in cases where disagreements arise about inclusion of sensitive mate-

rial, "the matter will be referred to the comptroller general and the FBI director for resolution." The FBI can also comment on the reports, and its comments will be published with the final GAO studies.

In addition, the GAO promises to safeguard the security of material provided by the bureau and "not to serve as a conduit" for congressional committees or members seeking to obtain FBI files or documents. In such cases, the GAO said, "We will advise the requester that he should deal directly with the FBI."

Where so-called "sensitive material" is involved, the agreement states that "the names of all informants, confidential sources and other appropriate individuals will be excised from all FBI documents provided GAO." However, the GAO will have the right to request and receive copies of FBI policy documents and confidential sources and to specific studies.

In cases where the FBI does not want to provide full investigative files, it agrees to give the GAO "a brief general description of documents in the file, copies of report synopses and letterhead memoranda" and copies of additional file documents that may be pertinent.

Finally, the agreement specifies that "GAO will state in each report the extent to which it had or did not have access to FBI investigative files."