

# Proposed First Charter for

By Charles R. Babcock  
Washington Post Staff Writer

The Carter administration mustered an impressive array of bipartisan support yesterday for the official unveiling of the first legislative charter for the FBI.

A parade of speakers including Sen. Edward M. Kennedy (D-Mass.), Attorney General Griffin B. Bell and White House aide Stuart Eizenstat lauded the proposed legislation as a careful balance designed to protect American citizens from a recurrence of past FBI abuses while at the same time strengthening the nation's top investigative agency.

Despite the litany of praise at yesterday's ceremony FBI headquarters, it seems clear that several provisions of the proposed charter will be sharply debated.

Kennedy, chairman of the Senate Judiciary Committee, expressed some reservations in a statement delivered when he introduced the bill. An aide

said later that Kennedy agreed to sponsor the troublesome provisions for now to "focus debate on the issues."

Rep. Don Edwards (D-Calif.), chairman of a House Judiciary subcommittee that also will hold hearings on the bill said he plans some changes too.

The American Civil Liberties Union and several other groups monitoring criminal justice activities also announced opposition to parts of the bill.

Among likely areas of controversy:

- Whether the "criminal standard" required for triggering investigations is adequately defined, especially in cases involving suspected terrorist groups.

The proposed charter gives the FBI authority to conduct investigations "on the basis of facts or circumstances that reasonably indicate that a person has engaged, is engaged or will engage in an activity in violation of a criminal law of the United States."

- The need for expanded FBI powers to make "investigative demands"—similar to administrative subpoenas—for phone, insurance and credit records, and to investigate terrorist activities that violate state but not federal laws.

- Creation of broad exemptions from provisions of the Freedom of Information Act if the FBI director decides public disclosure might compromise investigative techniques.

- Lack of specific enforcement provisions for violations of the charter, and a vague section outlining the extent of congressional oversight.

The bill introduced yesterday is the product of more than a year of deliberations by Justice Department, FBI, White House and congressional leaders.

FBI Director William H. Webster has emphasized that the charter is not being forced on the bureau, but is being welcomed as a document that

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clearly outlines the powers and limits of an agent's authority.

The charter establishes a series of "principles" which say the FBI will focus its attention on criminal conduct, not lawful religious or political groups, and will use "minimal intrusion" in its investigations.

The language then spells out how the broad "principles" will be applied. In many instances, this will be by "guidelines" drawn up by the attorney general.

Attorneys involved in drafting the bill said a section-by-section analysis also will be important in establishing the intent of the framers.

The charter would replace the single paragraph of federal law that now provides the FBI with its operating authority.

President Carter said in a statement to the Congress that "the controversies of past year," such as spying on Dr. Martin Luther King Jr. and

other activists, "are in some degree attributable to this lack of statutory direction."

Carter added that enactment of the charter "will enable FBI agents to carry out their duties with greater certainty, confidence and effectiveness."

Bell and his successor, Benjamin R. Civiletti—who was unanimously approved by the Senate Judiciary Committee and is expected to be confirmed as early as today, gave special credit to the groundwork laid by former attorney general Edward H. Levi.

Levi, who returned to the University of Chicago Law School after serving in the Ford administration, said with a smile that he assumed he was invited "as kind of a gracious token" that the problems of law enforcement continue in succeeding administrations. The internal guidelines the FBI now operates under were first set up by Levi in 1976.

Rep. Peter Rodino (D-N.J.), chairman of the House Judiciary Committee, and Sen. Strom Thurmond (R-S.C.), ranking minority member of the Senate Judiciary Committee also endorsed the charter bill yesterday.

John Shattuck, director of the ACLU's Washington office, issued a statement commending the administration for introducing the bill, but he said the FBI charter should "directly address" issues raised by past violations of civil rights. For instance, he said, the charter doesn't specifically prohibit spying on political groups.

Sen. Joseph Biden (D-Del.), a co-sponsor of the bill, also expressed reservations about a lack of enforcement provisions, and said the standard for investigating alleged terrorists was too loose. But, like several other critics of specific provisions, he said he welcomed the draft charter as a well-developed starting point for debate.