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## Judge Rules Against FBI in Spying Abroad

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A federal judge in Detroit has ruled that overseas spying on Americans cannot be undertaken without evidence that they are foreign agents or are involved in the commission of a crime.

The decision, if upheld on appeal, could have a serious impact on the CIA's bid for legislative authority to spy overseas on Americans even if they are not suspected of wrongdoing.

The Detroit ruling was handed down Friday in a lawsuit involving Abdeen Jbara, an Arab-American activist who had been investigated by the FBI from 1967 through 1975. During the course of the investigation, the National Security Agency intercepted a number of Jabara's overseas cable communications at the FBI's request and passed them on to the bureau.

U.S. District Court Judge Ralph M. Freeman, who had already held that Jabara had not been shown to be a foreign agent, ruled that the intercepts were illegal because they were not based on a warrant showing evidence of criminal conduct.

As a result, he issued an injunction barring the NSA from using Jabara's name or any other "personal identifier" as a method of homing in on his foreign cable communications "without first obtaining a judicial warrant" in compliance with constitutional standards.

He also enjoined the FBI from keeping, using and disseminating records about Jabara's political beliefs and other activities "which do not relate to specific criminal acts."

Freeman had presaged his decision in an opinion he wrote last June, but government lawyers had been seeking in the intervening months to make his ruling more palatable.

American Civil Liberties Union law-

yer John H. F. Shattauck, who helped represent Jabara, said the ruling, if it stands up in the higher courts, means that "constitutional standards will apply in any intelligence activity directed at Americans at home or abroad."

The judge has yet to decide on any damages that might be awarded to Jabara, a U.S. citizen born in Hamtramck, Mich. He gave the Justice Department 30 days to decide whether to appeal.

A crucial part of the congressional debate taking place over a legislative charter for the CIA and other U.S. intelligence agencies involves provisions that would permit the collection of "positive foreign intelligence" by means of judicially approved wiretaps, break-ins and mail openings against Americans abroad.

Under the Carter administration's proposals, such spying could be undertaken against Americans abroad if they were believed to have information that the government deemed important to national security. They would not have to be suspected of any wrongdoing.

Shattuck said he doubted that Congress could grant such authority if the courts uphold the Jabara decision. "This is a constitutional ruling," he said. "Any lesser standard would be subject to attack as unconstitutional."