

# Court Ruling Stirs Debate On Intelligence Charters

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Advocates of stringent legislative charters for the U.S. intelligence community are citing a recent federal court decision in Detroit to back their contention that current administrative rules and proposals are lax.

U.S. District Court Judge Ralph M. Freeman ruled two weeks ago that existing FBI guidelines don't preclude the type of intrusive investigation the bureau carried out for years against Arab-American activist Abdeen Jabara.

However, he also said that the super secret National Security Agency violated Jabara's Fourth Amendment protection against unreasonable searches and seizures by responding to an FBI request for intercepted messages.

Justice Department attorney R. John Seibert said the department does not think the Jabara case set harmful precedents because the judge also ruled in the government's favor on some issues.

In his ruling Freeman seemed to have difficulty balancing Jabara's constitutional rights against the government's duty to conduct national security investigations.

At one point he noted the case was pursued because of "a generalized and legitimate government concern." But at another point, he said his review of secret court documents "has not revealed any evidence to establish that the plaintiff . . . has been implicated in any way with a foreign agent or organization or acting in collaboration with a foreign power."

The FBI started the investigation when it overheard Jabara on wiretaps of other individuals. A source familiar with the investigation said the FBI received information that Jabara associated with members of Al Fatah, the military arm of the Palestine Liberation Organization.

Current guidelines would let the FBI conduct a preliminary investigation of Jabara. But the investigation that actually took place went on for years and included the use of informants, wiretaps, and NSA intercepts.

Freeman said these factors and the FBI's "seeming preoccupation with Jabara's political views" indicated that the investigation was not wholly in good faith.

Attorneys John Shattuck and Jerry Berman of the Washington office of the American Civil Liberties Union said the ruling shows the need for a charter that more clearly spells out the FBI's authority in such investigations.

The FBI domestic charter awaits only a ceremonial unveiling by President Carter before it is introduced.

A separate charter defining the FBI's counter intelligence duties and the authority of the CIA and other U.S. intelligence agencies is being presented piece by piece to the Senate Intelligence Committee in hopes of developing a consensus, according to administration officials.

One of the proposals would let the intelligence agencies get warrants to spy on Americans overseas even if there was no evidence that they had committed a crime or were foreign agents.

Freeman rejected the legality of NSA intercepts of Jabara's overseas messages because there was no such evidence.

The judge also ruled that the FBI had violated provisions of the privacy act by keeping records of Jabara's First Amendment activities.