

Civil Libertarians Propose Curbs on FBI

Post 2/16/77
Civil libertarians proposed a comprehensive statute yesterday that would produce the kind of FBI they would like to see.

The result of almost a year's work, the proposed bill would prohibit political surveillance, outlaw wiretapping and other eavesdropping techniques, and limit the FBI to investigations of activities that violate federal criminal laws.

It would sharply limit the use of informants and would give the FBI an inspector general with the specific obligation of reporting any illegal or unconstitutional activity by the bureau to Congress.

The draft legislation was unveiled at a Capitol Hill press conference by the Committee for Public Justice, the American Civil Liberties Union and the Center for National Security Studies.

Former Attorney General Ramsey Clark, one of the participants, said it was important to control the FBI by law and get away from the "guidelines" imposed by the Justice Department last March.

ACLU officials pledged a major campaign to enact the 19-page bill, and reportedly have already lined up some congressional sponsors. Hearings are expected before a House Judiciary subcommittee on the FBI and before the Senate Intelligence Committee, which is drafting its own FBI control law.

Unlike the current FBI "guidelines," which contain no penalties, the proposed statute would subject "any official of the federal government" to three years in prison and a \$10,000 fine for willful violations.

In a preface to the bill, the sponsors pointed out that a General Accounting Office review of 797 FBI domestic intelligence files on various individuals showed only 10 brought to trial for committing any offense.

"... For more than 40 years, the FBI has expanded its domestic intelligence operations essentially by use of executive orders, several of which the FBI has stretched well beyond their intended meaning, and by a vague amendment to the FBI's pre-World War II appropriations act," the three organizations said.

By contrast, they said, the proposed legislation would establish definite legal boundaries for FBI activities, "leaving no doubt as to what is the bureau's criminal enforcement jurisdiction and no room for the executive branch to mold the FBI to fit White House policies."

One of the drafters of the bill, Jerry J. Berman of the Center for National Security Studies, said the threshold test for an FBI criminal investigation of an individual would be a "reasonable suspicion that such person has committed, is committing, or

is about to commit a specific act which violates a federal criminal statute."

Under that test, he said, for example, the FBI could still investigate someone—so long as the Smith Act remains on the books—for advocating the overthrow of the government by force even though court decisions have made the Smith Act a virtual dead letter. Other provisions proposed yesterday, however, would repeal so-called "speech crime" laws such as the Smith Act and the Seditious Conspiracy Act.