

FBI Gets Guidelines On Spying

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The Justice Department yesterday issued guidelines designed to curb illegal domestic intelligence activity by the FBI.

Mary C. Lawton, chairman of the Attorney General's Committee on FBI Guidelines, said the regulations would help to prevent a recurrence of illegally disruptive activities that took place during the FBI's now-defunct counter intelligence program (COINTELPRO). From the mid-1950s to 1971 COINTELPRO sought to harass and disrupt such targets as the Communist Party, Ku Klux Klan, Black Panthers and antiwar groups.

Lawton said the guidelines prohibit incitement to riot, illegal entry and the anonymous dissemination of information designed to hold "an individual or group up to scorn, ridicule or disgrace"—activities that were the hallmarks of COINTELPRO.

She said that the guidelines would, with authorization from FBI headquarters, allow FBI agents to infiltrate groups, engage in electronic surveillance and check (without opening envelopes) suspects' mail in special circumstances.

The Justice Department became the target of congressional criticism in December, when Attorney General Edward H. Levi issued a first draft of the FBI guidelines authorizing the use of "preventive action," the illegal and extra-legal steps involving deception or intimidation that an FBI agent might use to try to prevent imminent violence.

See FBI, A12, Col. 1

Guidelines Issued For FBI Spying

FBI, From A1

In the guidelines issued yesterday that authorization was deleted.

Lawton, a deputy assistant attorney general, said that the controversy surrounding "preventive action" was caused by the way it was employed in COINTELPRO.

Levi has said that his intention in the first draft was to point out that the FBI needed the accepted investigative tools, such as group infiltration, to combat certain crimes.

"The problem, in [the first draft of] the guidelines was that we were trying to be very specific as to what the bureau could do and could not do," Levi said earlier this week. He said there was never any intention to reinstate "preventive action" as applied in COINTELPRO.

Lawton said the guidelines dealing with domestic intelligence could be implemented "sometime this month or next," pending the creation of a department committee to oversee their implementation. Other regulations—including those dealing with FBI background checks of potential White House employees—would have to be implemented by presidential order because such employees are outside Justice Department jurisdiction, she said.

Lawton said the new regulations "are not the final guidelines."

"This is just a test period," she said. "The FBI is willing to give it a try. We don't know that they'll work, and they (the FBI) don't know that they'll work," she added.

FBI Director Clarence M. Kelley said he believes the guidelines are workable.

"The guidelines which have been released are a product of many hours of deliberation on the part of the Attorney General's Guidelines Committee, of which the FBI was an active participant," Kelley said.

But he said that "experience may indicate a need for adjustment" of the guidelines. "If such be the case, we have confidence that we can work together with the attorney general and the Department of Justice . . . to consider (changes)," Kelley said.

Some guideline changes may come in areas regulating the FBI's use of informers, Lawton indicated.

The new regulations would not allow the FBI to place informers in groups in preliminary investigations, undertaken on allegations that a group may be involved in illegal activity, or limited investigations, which would be used as a follow-up to the preliminary probe to determine if there are grounds for a full scale probe.

"There is concern that the provisions on the informants may be too restrictive," Lawton said.