

## Attorney General Urges Looser CIA,

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Attorney general Griffin B. Bell yesterday warned that the Carter administration would rather do without a legislative charter for the intelligence community than accept one with "unnecessary restrictions."

In what was billed as a major policy speech at the CIA, Bell said, however, responsibility "in drafting charter legislation for the CIA and FBI.

He said the charter-writing business is "as delicate as open heart surgery." And only at the last minute did he drop from his text a reference that said congressional "operating" procedures might kill the intelligence community "patient."

Bell's remarks yesterday were being watched closely because of the continuing tense debate, both within the administration and between the executive branch and Congress, over the proper balance the charter should take to protect national security and civil liberties.

The drive for charter legislation grew out of Watergate-era revelations of CIA and FBI spying on American citizens. But over the past year the

tone of the charter debate was changed as the administration and Congress have responded to intelligence agency concerns that their hands were being tied by undue restrictions.

For instance, in a speech at Yale University last spring, Bell detailed the abuses of the past and outlined administration steps to protect Americans from a recurrence. He cited an executive order signed by President Carter in January 1978 as the cornerstone of efforts to build a safer intelligence structure.

But then, last month, Bell told a group of top FBI officials he'd "just as soon not have" charters for the CIA or FBI because of fears of restrictions.

In his speech yesterday, Bell said, "If the charter process fails, our intelligence activities will continue and our regulatory system will remain intact, but there will be a loss.

"Without charters, the climate of suspicion will continue—breeding unfounded conspiracy theories and congressional interference in operational management decisions. Second, this atmosphere will be compounded by

continued uncertainty about the law, tending to "chill and deter decisionmaking."

Kenneth C. Bass III, whom Bell recently named as head of a new Justice Department office coordinating intelligence policy, said yesterday that the Bell speech was not cleared by the White House, but reflected the Carter administration's current position on the intelligence charter.

"We want the right kind of charter, not just any charter," Bass said.

Late last month the administration sent the Senate Intelligence Committee two intelligence charter proposals that already have been criticized as a retreat from the current standards expressed in Carter's own executive order.

One legislative proposal would make it possible for the CIA to conduct small-scale covert operations overseas without the president's direct approval, as is now required.

The other would let the CIA spy on Americans overseas in rare cases to collect so-called "positive intelligence" about others, even if the U.S. citizen weren't suspected of any wrongdoing. That proposal would also

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allow the FBI to infiltrate domestic groups in this country for the same purpose.

Bell did not address such specifics in his speech yesterday.

Sen. Walter (Dee) Huddleston (D-Ky.), chairman of the Senate Intelligence subcommittee, which has worked with the administration on both the executive order and the charter legislation, expressed dismay at the proposals last week.

He told National Public Radio that, "We do not intend to lie down and be rolled over by the agencies at this late stage" and give them a blank check to operate as they wish.

Vice President Mondale, a former member of the Senate committee, has strongly opposed the proposals to allow spying on Americans overseas or the infiltration of groups in the United States, according to F.A.O. Schawtrz Jr., former committee chief counsel who is still a Mondale adviser.

Schwarz, a New York lawyer, said yesterday that Mondale's position is based on the principle that "we shouldn't be watching Americans overseas or going into groups here if they haven't done anything wrong.

Proponents of the measures emphasize that the intrusive techniques would be used only if the information is considered "essential" and can be gathered in no other way. The proposal also calls for judicial approval of such activity.

The current executive order doesn't require court approval, but it also doesn't permit spying on Americans here or overseas unless they are suspected of being foreign agents.

Jerry Berman, an American Civil Liberties Union lobbyist on the charter, said yesterday that the latest administration proposals "are slipping away from the framework" set up in the executive order.

"You'd get the impression we need a charter now to save the intelligence agencies from being destroyed, not to protect civil liberties," he said. "Some people seem to have forgotten the abuses of the past."