

U.S. Begins Major Study Of FBI

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The Justice Department has begun a major study to determine if the FBI should be stripped of many of its historic functions and possibly reconstituted as an independent agency.

Details of the study were revealed yesterday by William D. Ruckelshaus a few hours before his confirmation by the Senate as deputy attorney general.

Ruckelshaus told the Senate Judiciary Committee that the Department of Justice is asking fundamental questions about the role of the FBI, which for more than 40 years has been the premier investigating agency of the federal government.

He said the department will determine:

- Whether or under what circumstances the FBI should engage in wiretapping.

- Whether intelligence gathering should be separated from the bureau's law enforcement function.

- Whether the FBI should remain in the Justice Department or become an independent agency.

- How long the FBI director should serve.

- Whether the bureau's investigative techniques—including the use of informers—ought to be revised.

- What the FBI director's relationship should be with the Attorney General, assuming the bureau stays in the Justice Department. How independent should he be? How should he report to the President and Congress?

- What the FBI relationship should be with other governmental agencies. Should it have more of a role in investi-

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gating misconduct of employees in such agencies?

The study had been mentioned briefly by Attorney General Elliot L. Richardson in an interview with The Washington Post a month ago, but its pervasive nature was not revealed until yesterday.

After Ruckelshaus testified, the judiciary Committee voted unanimously in a closed session to approve his nomination as deputy attorney general. Within a few hours the Senate affirmed that decision by a voice vote.

The nomination had been held up for a month because the committee had demanded more information and certain documents from Justice about its antitrust settlement with the International Telephone and Telegraph Corp.

On Wednesday the department furnished the information and told the committee that Watergate Special Prosecutor Archibald Cox has the documents it wants. It appeared content to leave them with Cox.

Sen. Robert C. Byrd (D.-W.Va.) asked Ruckelshaus if the Judiciary Committee's newly established FBI Oversight Subcommittee will take part in the department's study.

"I think Congress should have a large role of play," Ruckelshaus replied, "giving guidance where it's needed to determine what the role of the FBI should be. Instead of a wide gulf between Congress and the FBI, there should be closer coordination."

He said after the hearing that the study resulted from a memo he wrote Richardson upon leaving the FBI, where

he had served as acting director from April 27 to July 9. Since the deputy attorney general has traditionally been the liaison between the department and the FBI, Richardson named him to head the review.

Clarence M. Kelley, the FBI's new director, is "cooperating fully" with Ruckelshaus on the study, an FBI spokesman said.

Ruckelshaus endorsed a bill introduced by Byrd which would give the FBI director a 10-year term that would be renewed once if he were re-nominated and re-confirmed.

Such a bill would insulate the director from political pressure and would allow him sufficient time to establish his own policies, Ruckelshaus said.

He also favored applying the tenure measure to Kelley,

although he said there may be a legal problem in including the incumbent.

Kelley has said he would accept tenure, but feels it should be for an odd number of years, such as nine, to prevent it from coinciding with the start of a new administration.

Under further questioning during and after the hearing Ruckelshaus made these points about the FBI study:

- "There is unquestionably a need for review of the bureau's intelligence-gathering authority by the executive branch and Congress. It needs to be carefully defined—whether by statute or executive order, I'm not sure."

- "When I was at the FBI, there was a meeting of the American Fascist Party in San Francisco attended by eight people. It turned out seven of them were informers from

state, local, and federal agencies, including the FBI. The only real fascist was the leader of the meeting."

- "Dissemination of FBI information to other agencies should be re-examined."

Ruckelshaus said the FBI director determines what information goes to other government agencies, and that Edward S. Miller, assistant director for the Domestic Intelligence Division, determines, with the director, what information goes to the FBI's 59 field offices.

He said Miller, consulting with the director, also determines whether a group should be infiltrated by the FBI when no prosecution is contemplated.

He admitted that there is no formal procedure for determining when to stop surveil-

lance of a particular group. "I think there should be a procedure," he said.

Asked who in the FBI receives and evaluates raw data, Ruckelshaus answered, "The Domestic Intelligence Division, which often evaluates with other intelligence-gathering agencies."

Asked what can prevent a local field office from investigating a group that should not be subject to such a probe, he replied that an FBI inspection division headed by Odd T. Jacobson, rigidly monitors field offices. "If it finds improper conduct, there is immediate and severe censure, even dismissal," he said.

Later, a committee staffer said with some amazement, "That's the first time we've ever gotten answers to these questions."