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The Need for a 'Clear Statement'

IT MAY HAVE GOT lost in the dramatic disclosures coming from other committees investigating domestic intelligence, but a House Judiciary subcommittee has been engaged in careful oversight of the FBI's domestic intelligence program. Even though it has made few headlines, the subcommittee, headed by Rep. Don Edwards (D-Calif.), has been developing the kind of information on which reasonable oversight judgments can be made by Congress. Such oversight in the case of the FBI is long overdue, and the information the Edwards subcommittee has developed helps to explain why that oversight is so necessary.

The Edwards subcommittee asked the General Accounting Office to examine the manner in which the agency conducted its domestic intelligence program. At the conclusion of the review, Elmer Staats, the comptroller general, told the subcommittee that "there is need for a clear statement as to what the objectives of the FBI's domestic intelligence operations should be, what functions it should include and what its scope of coverage should be." The reason for Mr. Staats' concern is readily discernible in some of his agency's findings.

The GAO investigators sampled 676 cases of the FBI's program of domestic intelligence. They found that 34 per cent of them were under investigation because of some "hard" evidence given the agency that the persons involved were leaders of a "subversive" group or were otherwise known to be prone to violence on behalf of a political cause. The FBI had "medium" evidence of such proclivities in 30 per cent of the cases and "soft" evidence in 36 per cent of the cases. Of those 676 cases, 3 per cent—16—were referred for prosecution, seven

were in fact prosecuted and four resulted in conviction.

If one takes the view that prosecution and conviction are not the only important objectives of these investigations and that the gathering of useful intelligence is equally valuable, then the GAO report is even more disheartening. It found that the FBI "obtained knowledge of planned activities of a subversive group or individual" in 12 instances of the 676, or in 2 per cent of the cases. Moreover, in 51 per cent of the cases, the agency was not able to establish that the individual under investigation was affiliated with a subversive group or with its activities.

The GAO concludes that the FBI's program, the cost of which runs into the hundreds of thousands of dollars, does not "appear to have had much impact," other than in identifying and gathering information on subversive groups. But Mr. Staats conceded that one could not be categorical about it. "Who is to say," he asked, that "the Bureau's continuous coverage of such groups and their key leaders has not prevented them, to date, from achieving their ultimate subversive and extremist goals." By its mere existence, he said, such coverage "may be accomplishing its purpose." That is why his call for a "clear statement" of society's desires for such a program makes sense. We must, first of all, have a clear understanding of what such programs have been doing, how they have functioned, and with what results. Then, if oversight is working as it should, we will be able to get a full public airing of those findings so that we can decide through Congress the degree to which we should invest in such programs—and for what purposes.