

WXPost FEB 24 1976 FBI-7

GAO Assails FBI Intelligence Probes

By Peter Milius and Walter Pincus
Washington Post Staff Writers

The General Accounting Office, after an 18-month investigation, charged yesterday that the FBI's domestic intelligence investigations often have been opened on "soft" information and produced few tangible results.

The GAO concluded in a report to the House Judiciary Committee that the FBI appeared more interested in "the efficiency and effectiveness of the programs than their propriety."

The 230-page report critically reviewed the bureau's choices of individuals and subjects for investigations, the lists it developed for further inquiries, investigative techniques employed, information disseminated inside and outside government and files retained.

The GAO even questioned whether the FBI has legal authority to carry on domestic intelligence operations.

According to the report, the FBI "rarely" advised the Justice Depart-

ment or other executive and congressional officials of its programs or techniques." And, the GAO report adds, neither Congress nor the Justice Department ever asked.

The FBI was criticized for opening inquiries based on "soft evidence" such as a subject's license plate being noticed during surveillance of a subversive group's celebration; or a subject's car being parked near an extremist group's meeting, or a local police report that "the looks of individuals" in a secluded residence made them believe "the individuals were involved in 'illegal or radical activity.'"

The GAO reviewed 797 randomly sampled domestic intelligence investigations of individuals.

In 47 per cent of these cases, the FBI "could not establish any associations on the part of the subject with subversive or extremist groups."

In 86 per cent of 300 sample cases opened on "soft evidence" no connection was made.

Nonetheless, all the information developed on these and other cases went into permanent FBI files, and information was disseminated to other federal, state and local law enforcement agencies from 21 per cent of the cases where no derogatory facts were developed.

The GAO also was critical of the FBI for collecting personal information on individuals and keeping such material in files although FBI rules say "such data should not be included in reports."

As an illustration, the GAO said one case file contained telephone taps in which two women "discussed various men that they would like to have sexual relations with."

Once an investigation was opened, confidential informants often were used by the FBI. These included utilities employees, educational institutions, banks and state employment agencies. Pictures of subjects, accord-

See FBI, A7, Col. 1

FBI, From A1

ing to the GAO, frequently came from state motor vehicle divisions.

In almost half the sample cases, the FBI interviewed friends, neighbors, relatives and associates of the subjects. Most often, according to the report, the FBI interviews were "pretext contacts," where the agent would pose as a building inspector, lawyer or potential client and not identify himself as an FBI agent. Terming this technique questionable, the GAO reported the FBI said it was used to obscure the fact that an individual is the subject of an investigation.

Of the 797 investigations involving individuals, 24 resulted in referrals to U.S. attorneys or local authorities for possible prosecution.

"All of these were for violations of various criminal statutes which perhaps could have been investigated as

criminal matters" and thus did not require the bureau's extensive domestic intelligence-gathering apparatus, the GAO, the investigative arm of Congress, said. "None involved any of the internal security statutes under which the subject was being investigated."

Of the 24 investigations referred, 10 subjects were prosecuted, and eight convicted, the GAO said. Of the convictions, five were for use or possession of firearms or other weapons or assault, one was in connection with a bombing, one was for making false statements in connection with a passport application, and one for fraud.

In addition to the individual cases, the GAO examined 101 cases involving organizations.

The GAO report traced a series of past FBI domestic intelligence programs, most of which have since been halted.

The Administrative Index, for exam-

ple, listed "those persons (who) would be investigated first in a national emergency." It was the outgrowth of a custodial detention list of the 1950s and the communist index developed about the same time.

On Jan. 14, the FBI stopped keeping the Administrative Index, which contained 1,250 names last fall.

The FBI in 1967 developed a rabble-rouser or agitator index "to follow the activities of extremists," and key activist and extremist investigative programs were begun in the late 1960s and early 1970s, both programs, according to the GAO, "were devised to develop information on the day-to-day activities of subjects and on their future plans for staging demonstrations and acting against the government."

As part of these programs, personal finance information was developed including, in some cases, annual review of income tax returns.

Although the FBI is not authorized to receive income tax returns, they would be requested through an assistant attorney general.

On Jan. 8, 1973, Ku Klux Klan-type subjects and American Indians also were included in this special investigative program. It was terminated, according to the report, on Feb. 4, 1975.

In the early 1970s, the FBI attempted three computer investigative programs without informing the Justice Department or other government agencies. One used information from the computerized national crime information center, another sought to track foreign travel of New Left radicals and black extremists and the third sought to trace through telephone numbers called the location of extremists and members of the Weather Underground.

The first two programs were halted, the report said, because of lack of re-

sults and increasing congressional concern over use of computers. The third program was halted because the telephone company began to restrict availability of phone records.

The GAO began its report by noting that the FBI may not have the authority to engage in domestic intelligence gathering at all.

"We cannot say that it does not exist," GAO investigators said, but at best, they observed, "it is not clearly spelled out" and "must be distilled through an interpretive process that leaves it vulnerable to continuous questioning and debate."

Attorney General Edward H. Levi has proposed draft guidelines for the FBI's domestic intelligence division, which ties all investigations to use of violence and violation of federal laws — criteria that the GAO recommends in its report.