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Bill Is Introduced To Ban Hill Files Maintained by FBI

By Ronald Kessler

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Rep. Robert W. Kastenmeier (D-Wis.), chairman of the Judiciary Committee's Administration of Justice Subcommittee, yesterday introduced a bill that would outlaw compilation of government files such as those maintained by the FBI on the personal lives of congressmen.

Kastenmeier said the bill would also outlaw surveillance of citizens unless they were the subject of criminal investigations or government job application checks.

"This fear of the government spy which has haunted politically active citizens for decades will no longer be tolerated by the American people," he said. "I feel that the 94th Congress will be most sympathetic to this legislative proposal."

Kastenmeier introduced the legislation, called the freedom from surveillance bill, as he announced plans for hearings on the FBI practices beginning Feb. 6.

FBI Director Clarence M. Kelley and Deputy Attorney General Laurence H. Silberman are to be among the witnesses, Kastenmeier said. Subsequent hearings will probe practices of other government agencies, he said.

Hearings on the FBI practices also are to be held Jan. 30 by the Civil and Constitutional Rights Subcommittee of the Judiciary Committee.

Today, the House Democratic Steering and Policy Committee meets to decide whether to recommend a select committee to probe the Central Intelligence Agency, FBI and other intelligence agencies.

The committee, which would be parallel to the recently created Senate select committee, is expected to be pushed by Rep. Michael J. Harrington (D-Mass.) and opposed by Rep. Lucien N. Nedzi (D-Mich.), who is expected to argue for retaining jurisdiction within the Armed Service's intelligence subcommittee, which he heads.

In another development, Sen. James Abourezk (D-S.D.), a member of the Judiciary Committee, said in an interview that President Ford had missed the point of congressional concern over the FBI's practices.

Mr. Ford said through White House press secretary Ron Nessen this week that he has been assured, and has no reason to doubt, that information on members of Congress is used only in criminal investigations or job applicant checks.

Yesterday, Nessen said Mr.

Ford assumes that the FBI has a file on him.

"The President never really made any special effort to find out if there were any files on himself," Nessen told reporters.

"He assumes, without really knowing for sure, that the fact that friends of his were nominated and checked out for federal jobs and he was visited by the FBI as some of you, no doubt, have been when your friends have been nominated and he assumes that out of that kind of contact with the FBI there must be some sort of information at the FBI that relates to him," the press secretary said.

Abourezk, a leading critic of government invasions of privacy, said the number of congressmen who fit into Mr. Ford's categories as subjects of investigations or job checks is small and that any information needed for such investigations could readily be obtained once it was decided to start the investigation.

"The point is why does a police agency keep a file on persons not charged with a crime and not applying for a sensitive job? It might be more convenient for them to build up records, but that's not the way a free society works."

He added: "The FBI leadership appears to have no idea of the delicate balance that's got to be maintained between effective law enforcement and a free society."

In an Associated Press interview, Kelley said this week that information obtained on congressmen and others can prove helpful if they later become the subject of an FBI probe.

He said he had not personally examined FBI files to determine how many members of Congress are included or what type of information is recorded.

Asked by the Associated Press if the files contain derogatory information about personal habits, Kelley said, "I have been told there is, and therefore I say there must be."

He added, "I haven't gone up there and read a file which says congressman so and so is a bum and drinks heavily and so on and on."

Asked if he would support legislation restricting collection of unsubstantiated allegations, Kelley said, "I can only say we abide by the law and will abide by any restrictive legislation."