

FBI Opposes Restraint By Courts on Actions

By Laurence Stern

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FBI Director Clarence M. Kelley resisted the suggestions of Senate investigators yesterday that federal judges be required to approve the opening of full-scale FBI investigations as well as the use of informants.

There were strong indications, during a hearing of the Senate intelligence committee, that these were the first issues on which the battle would be joined between Congress and the executive branch over reform of FBI practices.

Sen. Philip A. Hart (D-Mich.) objected to Kelley that informants of the type regularly used by the FBI were "human eavesdropping devices...more intrusive to my privacy than a bug or a tap. He can follow me anywhere, ask me questions and get information the government wants out of me."

Kelley replied that the FBI operated its informer system under careful controls. Requiring prior court approval, he said, would pose "a great many problems."

Kelley cautioned against what he called "a too ready reliance upon the courts to do our tough thinking for us. He protested the proposals advanced during the hearing would move the judiciary to "take over what historically have been executive branch decisions."

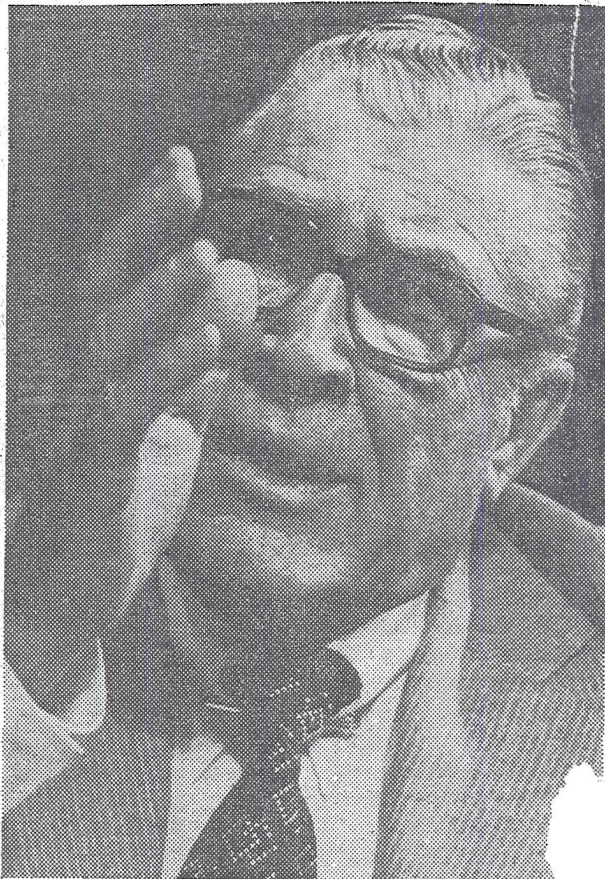
Nonetheless Kelley appealed to Congress for a "clear and workable determination of our jurisdiction in the intelligence field..."

It was apparent from yesterday's opening skirmish that the bureau's political intelligence role will also figure heavily in the committee's effort to draw guidelines governing bureau operations.

Sen. Walter F. Mondale (D-Minn.), arguing for a reduction in political intelligence operations, cited the words of Attorney General Harlan Fiske Stone in 1924, the year J. Edgar Hoover was appointed head of what was then called the Bureau of Investigation:

"The Bureau of Investigation is not concerned with political or other opinions of individuals," Stone said. "It is concerned only with such conduct as is forbidden by the laws of the United States. When a police system goes beyond these limits it is dangerous to the proper administration of justice and to human liberty."

Kelley said that "life has become more sophisticated" since Stone's day and that political concerns are much more important than they were in 1924.



By James K.W. Atherton—The Washington

FBI Director Kelley testifies at Senate hearing