

# Senators May Attempt to Extend Inquiry To Draft Law Curbing F.B.I.'s Activities

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WASHINGTON, Jan. 4 — The Senate Select Committee on Intelligence Activities, which is scheduled to finish its work by Feb. 29, may seek more time to complete drafting legislative guidelines to limit the domestic intelligence activities of the Federal Bureau of Investigation.

Senator Walter F. Mondale, the Minnesota Democrat who heads the Subcommittee on Domestic Intelligence Matters, said in a recent interview that, while he hoped to try to complete that task before Feb. 29, "it is probably not realistic

that we're going to finish by then."

Mr. Mondale said that he did not expect senators to oppose an extension because the time would be used to complete the committee staff inquiry into the F.B.I.'s counterintelligence operations rather than to open up new areas of investigation.

The subcommittee's chief area of concern, Senator Mondale said, is the Justice Department's proposal that the F.B.I. be permitted to move clandestinely against violence-prone groups if it believed there was a "likelihood" that they were preparing to engage in terrorist or other criminal activities that threatened the national security.

## Guidelines Prepared

The department's proposed guidelines, presented to the full committee last month by Attorney General Edward H. Levi, were prepared by a study group that included F.B.I. officials.

Under the proposal, the F.B.I., with the Attorney General's approval, could take "preventative action" against an individual or organization in cases short of the outright commission or encouragement of a crime.

The Mondale subcommittee has asked the agency to provide case histories in which counterintelligence techniques, such as physical and electronic surveillance, infiltrating violent organizations with informants and "mail covers," have been successful in preventing planned violence.

Mr. Mondale said that over the last year the intelligence panel had seen a "broad pattern" of abuses by the F.B.I. in counterintelligence. Much of this concerned the bureau's 17-year-long "Cointelpro" effort to harass and disrupt violent as well as nominally nonviolent radical groups.

## 'Tremendous Challenge'

The request for legislation giving the bureau standing authority to employ many of the techniques that characterized Cointelpro operations, Mr. Mondale said, had confronted his subcommittee "with a tremendous challenge that we weren't quite prepared to meet."

He said the select committee "had to have the facts in our hands" bearing on the efficiency of F.B.I. counterintelligence efforts and time to study them. Otherwise, he said, deliberations over drafting such a law might be no more than "just a political debate."

He said that Senator Frank Church, the Idaho Democrat who heads the Select Intelligence Committee, had agreed with his request to undertake a fuller inquiry, and that reports that the establishment of the domestic intelligence subcommittee presaged a split between him and Mr. Church over the limits of the committee's task were "exaggerated."

Mr. Mondale conceded that Senator Church, who has been increasingly mentioned as a probable candidate for this year's Democratic Presidential nomination, was "very anxious to get the committee's job done," but he emphasized the



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Senator Walter F. Mondale conferring with members of his staff before attending a hearing of the Senate select committee on intelligence.

absence of any disagreement over the desired extent of the panel's inquiry.

#### Aiming at Code

Mr. Church has made clear that a central contribution of his committee, one that a number of senators on and off the panel believe will perhaps be its most important, is to be the introduction of proposed legislation that will, for the first time, codify what the F.B.I. may and may not do in the internal security field.

The Cointelpro effort, for example—the word is short for Counterintelligence Program—was undertaken by the F.B.I. between 1956 and 1971 on the basis of the bureau's interpretation of generally worded national security statutes and executive orders.

Without any specific authori-

zation—or prohibition—under Federal law, the agency has infiltrated radical political organizations with informants, committed burglaries, forged embarrassing letters, sought to disrupt the internal functioning of some groups and opened mail addressed to others.

Clarence M. Kelley, the F.B.I. director, has conceded publicly that the bureau "has made mistakes" in some of these areas, and has even suggested that Cointelpro itself embodied some abuses. But he has imposed internal restraints against mail openings and burglaries and other activities that, he has said, will guard against future "disregard for individual rights" by the F.B.I.

Mr. Kelley has opposed what he has called "an obsession for restraints" on the F.B.I. and

other intelligence agencies that would prevent the bureau from moving quickly to prevent acts of terrorists if that opportunity arose, and he has called for a legislative endorsement of that authority by Congress.

Mr. Mondale said, however, that one of the alternatives to the Justice Department proposal under consideration was a draft statute that would require the F.B.I. to obtain a judicial warrant before moving against radical groups through "preventative action" programs.

The F.B.I. must now obtain such a court order only when seeking authority to wiretap or bug in connection with criminal or domestic security cases. That process involves convincing a Federal judge that there exists "probable cause" to believe the commission of a crime is imminent.