

CIA (D)

# Levi Requests FBI Exclusion From Oversight

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Attorney General Edward H. Levi yesterday asked that oversight of the FBI's domestic intelligence activities not be in the jurisdiction of any new congressional committee.

Levi was the final Ford administration witness before the Senate Government Operations Committee, which on Feb. 18 is to begin drafting legislation to establish a new committee to oversee the intelligence community.

The House intelligence committee and a majority of the Senate intelligence committee have recommended that the FBI's intelligence operations be within the jurisdiction of the new committee.

Levi argued that the FBI's domestic intelligence and counterintelligence activities "are, as they should be, . . . directed toward the criminal law enforcement function."

That, he said, makes them different from "agencies such as the CIA, whose mission is the collection and evaluation of intelligence..."

"The law enforcement goal must always be kept in front of the FBI," Levi said, implying that if the bureau were linked to the CIA and other intelligence collectors, it would increase its own activities in that area.

Levi suggested that FBI intelligence-gathering done for other agencies — such as the CIA — could be followed by the new committees through questioning those agencies.

Levi's position on the FBI is in line with the desire of FBI officials who want to limit the number of committees they must report to in the future.

During his testimony, Levi also rejected the proposal made Thursday by Sen. Frank Church (D-Idaho) that a special prosecutor be appointed to investigate past actions of the FBI and the CIA

and prosecute where criminal acts are uncovered.

Church, Levi said, "assumes ordinary law enforcement mechanisms cannot be trusted," since his department already is investigating both agencies.

Levi said that the department is going to engage in prosecutions "when it ought to" and "not just to show it can do so."

As other administration witnesses had earlier, Levi raised the question of unauthorized congressional disclosures of classified information as a key issue in creation of new intelligence committees.

"Assurance of tight and enforceable procedures" to keep secret sensitive information, he wrote in a prepared statement filed with the committee, "will be a prerequisite to a conscientious decision to disclose by the executive."

The Attorney General, however, went a step further in suggesting that members of Congress as well as their staffs be made "subject to penalty" if they are "responsible for leaks." Until now, Ford administration officials have directed the idea of penalties only at congressional staff members.

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