

Levi Set AUG 14 1975 To Curb FBI Acts

Outlines Rules For Domestic Surveillance

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MONTREAL, Aug. 13—

The FBI will be limited sharply in its use of informants, wiretaps and other surveillance techniques in domestic subversion cases, Attorney General Edward H. Levi said today.

Outlining proposed new guidelines to the American Bar Association, Levi said the Justice Department will strictly curb investigations sought by low-level White House officials and will keep FBI files free of unsolicited and useless derogatory information about individuals.

The guidelines, tentatively endorsed by Levi but not yet adopted as regulations by the Attorney General, are partial results of a comprehensive review of FBI investigation practices ordered by Levi last spring in the wake of water-gate and disclosures that the bureau violated rights of citizens. The review was conducted by a six-member task force of department and bureau lawyers appointed by Levi.

In a speech to the ABA convention, Levi maintained his position that wiretapping without warrants in the foreign intelligence field is constitutional and that Congress should not require court approval for counterespionage eavesdropping.

Asked later whether he agreed with FBI Director Clarence M. Kelley that Americans "must be willing to surrender a small measure of our liberties to preserve the great bulk of them," Levi replied, "I

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would not have put it that way."

But Levi said he would not prevent Kelley from making such statements nor would he censor other Justice Department subordinates. Kelley made the remark in defending foreign intelligence wiretaps without warrants in a speech here Friday.

Levi said the guidelines would end the decades-old FBI practice of conducting open-ended, unsupervised probes of private groups suspected of domestic subversive activity.

In the future, he said, he proposes to review such investigations to make sure that they are still necessary. He said he will report the results periodically to Congress.

The investigations, which "come close to First Amendment rights" of law-abiding citizens, must be limited "to the pursuit of information about activities that may involve force or violence in violation of federal law in specified ways," Levi said.

He said informants "could not be used to originate the idea of committing a crime or to induce others to carry out such ideas."

Acknowledging that the FBI had improperly circulated information from its files to discredit individuals and had sent anonymous letters intended to create dissension within private groups, Levi said those practices would be stopped. So-called "preventive action" by undercover agents who learn of criminal plots must be non-violent and designed "to lead people away from violent plans rather than encourage them," he said.

The Attorney General said he had rejected the argument,

frequently advanced by intelligence agencies, that all information they receive "may be valuable" and should be retained in the hope that it will become relevant later. The guidelines balanced that claim "against the interests of individuals in privacy," he said.

As a result, Levi said, the guidelines would require that unsolicited derogatory information about individuals—including members of the Senate and House—be destroyed within 90 days of receipt unless it contains charges of serious criminal behavior.

No longer will the FBI undertake investigations by order of low-ranking White House aides, Levi said. The rules will require that White House requests for data be made in writing by a limited number of officials who would be identified in bureau records.

In support of wiretaps without warrants against foreign agents and collaborators, Levi said the Supreme Court, which ruled in 1972 that warrants were necessary in purely domestic subversion cases, "surely realized" that the government intended to follow past practice in the foreign field that had not been specifically prohibited.

Congress also could hardly have been surprised when the Justice Department declared after the 1972 ruling that it would maintain its foreign counterespionage taps without seeking court approval, Levi said.

The ABA concluded its 98th annual convention by passing resolutions endorsing revision of the federal criminal code, reaffirming its stand for gun control and opposing a more liberal program of amnesty for Vietnam war deserters and draft evaders.