

Kelley Sees 'Crippling Impact' of Wiretap Bills

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By Lawrence Meyer

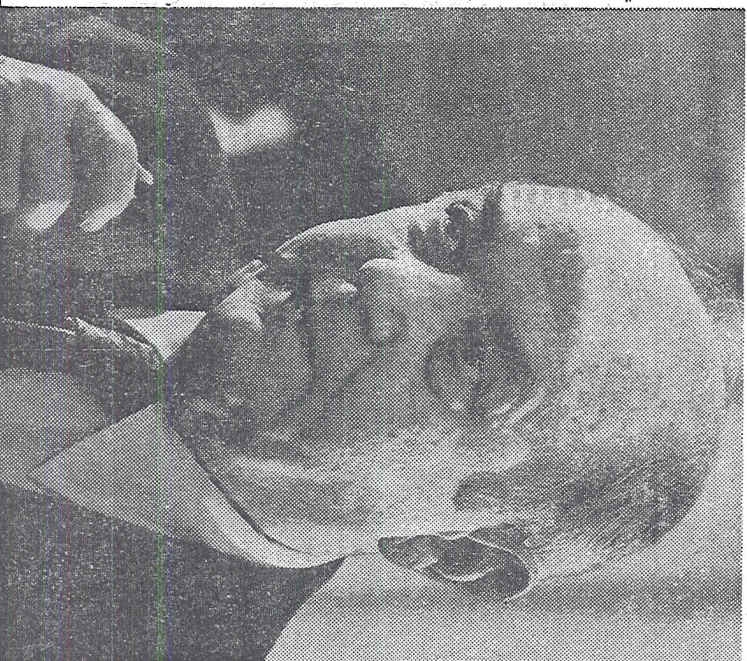
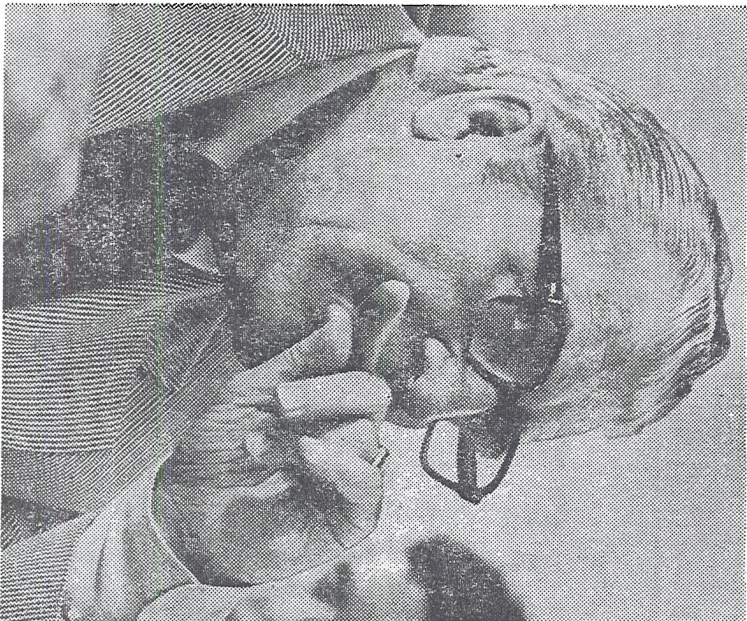
Washington Post Staff Writers

FBI Director Clarence M. Kelley warned a House Judiciary subcommittee yesterday that proposed legislation requiring a court order for federal national-security wiretaps would have "a crippling impact" on the FBI's national-security responsibilities.

Kelley's position disagreed with that of former Secretary of State Dean Rusk, who in preceding testimony said he saw "no objection to bringing all wiretapping" with one exception, under federal court supervision. That exception, Rusk said, would apply to aliens who enjoy diplomatic immunity while in this country.

Rusk, Kelley and Deputy Assistant Attorney General Kevin T. Maroney appeared before the House Judiciary Subcommittee on Courts, Civil Liberties and Administration of Justice to testify on two bills—one that would prohibit electronic eavesdropping without prior court approval, and another that would require a court order not only for electronic surveillance but for opening of mail, surreptitious entry or inspection of private records.

Kelley told the subcommittee the United States has been designated a "prime target"



Photos by James K. W. Atherton—The Washington Post

FBI chief Clarence Kelley, left, and former Secretary of State Dean Rusk before House hearings on wiretap bills.

by Communist-bloc countries. Kelley testified, "Hostile intelligence operations carried out by these individuals are highly sophisticated and varied in nature."

Kelley testified, "It is abundantly clear that we must be able to inspect personal records—such as bank statements and charge accounts—as required. At one point Kelley said that

he failed "to see why law enforcement in the legitimate exercise of its authority must labor under far greater restrictions than are imposed on the public at large" in examining records.

Rep. Edward W. Patterson (D-N.Y.) told Kelley he was "absolutely shocked" by that statement, saying it seemed to show a "fundamental misunderstanding of our system of government."

Maroney told the subcommittee that under present procedures, the Attorney General will not approve a wiretap in the foreign-intelligence area unless the State Department has "at least concurred" in the decision. The best protection, Maroney said, is the procedure used by the Justice Department coupled with congressional oversight.

Rep. Robert W. Kastenmeier (D-Wis.), chairman of the subcommittee, noted that the Rockefeller commission's report on the Central Intelligence Agency has criticized the Justice Department for not monitoring the CIA for violations of the law. As a result, Kastenmeier said, "There is reason for Congress to look for other checks and balances and assurances" than the scrutiny of wiretap requests by the Attorney General.