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Levi Plans to Curb F.B.I. On Domestic Operations

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MONTREAL, Aug. 13—Attorney General Edward H. Levi disclosed today Justice Department proposals to curtail the Federal Bureau of Investigation's domestic intelligence operations. The proposals include a ban against using informers to instigate crimes; a requirement that the Attorney General report "periodically" to Congress on "preventive action plans" that he authorized the F.B.I. to conduct, and the limiting of intelligence gathering to those situations where the activities to be investigated "may involve" unlawful force or violence.

Mr. Levi, in a speech to the American Bar Association's annual convention here, also outlined Justice Department proposals that would similarly restrict, but not altogether stop, F.B.I. investigations such as those previously taken at the request of the White House and the F.B.I.'s retention and use of unsolicited derogatory information about people, including members of Congress.

The disclosures of Watergate and of the F.B.I.'s keeping files on Congressional members have prompted calls for severe restrictions on the F.B.I. It appeared to some observers that Mr. Levi's proposals today

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were designed at least in part to ward off Congressional action for controls more stringent than the ones he is proposing.

Mr. Levi noted in his speech some of the excesses that have caused the present reform move

"Before 1972, and for a number of prior years," he said, "the bureau engaged in special programs directed at domestic groups; for example, it improperly disseminated information from its files to discredit individuals, or the publication of material intended to create opposition."

He recounted the general pattern of F.B.I. domestic intelligence operations, saying:

"For decades, the F.B.I. has been conducting investigations of groups suspected by it or other Government agencies of being involved in subversive activities. Unlike criminal investigation, these investigations have no built-in, necessary, automatic conclusion. They continue as long as there is a perceived threat. They are not reviewed outside the F.B.I."

The proposals, described in somewhat general terms, are among a set of "guidelines" that a special committee of six Justice Department lawyers, including one from the F.B.I., have drafted at the request of Mr. Levi. Some of these guidelines reflect current practice, he said.

Mr. Levi said that the guidelines he described were not yet final, but a spokesman said that the Attorney General basically endorsed them.

The proposals seemed compromises between a recognition that many F.B.I. operations have been excessive and, as Mr. Levi put it, "sometimes outrageous," and thus need to be changed, and arguments that broad investigatory operations are necessary.

Balance Is Seen

Mr. Levi contended that the guidelines balanced the arguments in favor of broad and unencumbered investigations against such factors as the "interests of individuals in privacy" and possible effects on "legitimate domestic political activity."

He also said on another point:

"The legal profession is free of some of the tensions of 1974. But the institutions of law and the profession still have the legacy of a skepticism which has grown over many years. Skepticism can be useful. Mistrust can be corrosive. Justified mistrust places the heaviest burden upon us."

The Attorney General picked up some support here. At a news briefing after the speech, the new president of the A.B.A., Lawrence E. Walsh, was asked whether he considered the guidelines sufficient or whether tougher action by Congress was needed.

Mr. Walsh replied, "They sounded to me like a very sensible and reasonable ap-



Edward H. Levi

proach, and one that we should try."

According to Mr. Levi, the committee has now prepared guidelines covering F.B.I. investigations conducted in connection with Congressional and judicial staff appointments as well as those he described. The Justice Department declined to make the complete guidelines for any of these areas available.

Proposals Outlined

The provisions summarized by Mr. Levi for domestic intelligence operations provide that "full-scale" investigations would be reported immediately to the Attorney General, and that he would be required to review them and to close an investigation whenever he determined that it did not meet certain standards.

Also, electronic surveillance could not be used in "limited" operations, but could be used in full-scale operations, subject

to law and "minimization procedures."

Regarding "preventive action"—action that in the past has included the F.B.I.'s disseminating information to discredit people—the guidelines provide:

Preventive action would require the approval of the Attorney General, after his determination that "there is probable cause to believe that violence is imminent and cannot be prevented by arrest"; the action would have to be "non-

violent" and limited to such techniques as using informers "to lead people away from violent plans."

The guidelines for investigations taken at the request of the White House require that the request be in writing. They designate who in the White House may make such requests, Mr. Levi said, require that the purpose of the investigation be stated, and, where a field investigation is initiated, require "an attestation that the subject has given consent."

As for the F.B.I.'s retention of unsolicited mail, Mr. Levi contended that there were certain legitimate reasons to keep such items at least for a while—in the event that there is a subsequent extortion threat, for example. He said that the guidelines required that unsolicited information that did not allege serious criminal behavior be destroyed after 90 days.

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