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The Governance of the FBI

The Federal Bureau of Investigation has stood tall in both myth and reality for the last four decades principally because of the towering figure and iron command of J. Edgar Hoover. To some, the organization has been virtually perfect, surrounded by an aura almost magical, in its scientific efficiency and incorruptibility. To others, the FBI has seemed to be the most dangerous organization in the country, threatening the right to dissent and encroaching in a wide variety of ways on the utmost reaches of the private lives of citizens. Any discussion of the FBI during those years, however well meaning the participants, has been drastically skewed by the brooding presence of the Director and the obsessions both his admirers and detractors had about him. Thus, the speed with which Acting Director L. Patrick Gray has begun to change things and the sweep of the review of the FBI he has said he intends to conduct is pleasantly surprising and remarkably daring.

Mr. Hoover's legacy, as we noted the other day, is large and reflects in no small measure his great strengths as well as some weaknesses that appeared in his later years. Mr. Gray's first moves—opening the Bureau to women, promising more agents from minority groups, and eliminating some of the rigid discipline on such personal matters as clothing—simply redress some of those weaknesses and ought not to upset even Mr. Hoover's most devoted followers. Some of the other things Mr. Gray has in mind, including appointing an advisory committee and studying some of the FBI's operations, may not be accepted so readily. Nevertheless, it ought to be possible now to look at the FBI with clarity and precision for the first time in a couple of decades and we trust that is what Mr. Gray has in mind. We would merely carry some of his ideas a bit farther by urging the appointment of a Presidential Commission to study the FBI, a study aimed neither at doling out credit nor assessing blame for the past but aimed at shaping Mr. Hoover's legacy so that it can best serve the nation in the years ahead.

There are three large questions around which such a study ought to be built. These are, (1) What manner and degree of control over the FBI ought to be exercised by the rest of the executive branch and by Congress, (2) Whether the FBI, as some have charged, has begun to develop a political ideology and, (3) Whether the Bureau's efficiency has begun to decline, as others have charged. These seem to us to be the most important questions be-

cause they sum up the concerns and complaints that many citizens have expressed about the directions the Bureau has been taking and the way it has been run. A thorough study by a non-partisan, broadly representative commission could make recommendations to correct deficiencies, if they exist, or could defang the critics if the criticism from the past is unjustified. In either case, such a study would not detract from the Bureau's strengths—its incorruptibility, its dogged determination in areas of its greatest interest, and its symbolic importance throughout the nation in criminal investigation and detection.

The first question arises because of the belief, widely held in Washington, that neither attorneys general nor members of Congress have exercised much supervision over the FBI for the last quarter century. The Director of the Bureau appeared to be able to wag the Attorney General, whomever he might be, almost at will, and the FBI's relationship with the appropriations committees on the Hill seemed far too close to permit the kind of searching oversight and review Congress gives, for example, to the activities of the Bureau of Prisons or the United States Information Agency. Most likely, a presidential commission would determine that the way to maintain a first-rate, non-political investigative agency without running the danger of it turning into a super secret police force would be to put it firmly under the direction of the President and Attorney General. But it is a subject we would like to see carefully explored.

More unsettling questions have been raised in

many quarters about the creation of an FBI ideology and about the secrecy surrounding the Bureau's operations. In an admittedly paranoid age filled with all sorts of exotic status symbols, it has become standard cocktail party currency in Washington and around the country for the mighty and the lowly to assert with false rue and some pride that their homes are bugged and that their phones are tapped. There is clearly not even enough manpower in the flotilla off the coast of Vietnam to man all the recording devices that would be required if all these assertions were true. Nevertheless, the widespread belief that such practices are carried out in a virtually unlimited and unchecked manner does an incredible amount

of damage to a free society which draws strength and its evolutionary forms for the future from the vigor and the creativity of the dissent in its public and private debates.

Moreover, there have been indications in recent years that the views of the Bureau—as expressed in its monthly newsletter, its testimony before congressional committees and in books by the Director . . . were narrowing. The evidence of this has been more than enough to give fire and life to the speculation that the Bureau was tending toward a view of the status quo and a doctrine of orthodoxy which tolerated only to a small degree dissident voices, long hair and angry faces—especially those that were not white.

In that context, the knowledge that the FBI had the capacity, even if not the inclination, to collect and store massive volumes of information on the public and private activities of American citizens came to chill the sensibilities of civil libertarians and non-civil libertarians alike. Information collected in secrecy and judged by some unknown standard of orthodoxy to be stored against some propitious future day is the stuff of the nightmares of 1984. It is clear that the FBI does retain masses of information about millions of Americans, but the standards for determining who is and who is not to be observed, what information is or is not to be retained in the files, and by what standards and procedures and to whom that information is to be disseminated is not at all clear. This, too, is food enough to feed the maw of the largest paranoid monster and is sufficient to raise the question about whether domestic intelligence functions and criminal investigatory functions are ap-

propriately housed in the same agency.

Finally, there is the issue of efficiency. Disaffected former agents have argued that the Bureau has become obsessive about activities that could be easily translated into hard statistical testimony that would impress the Congress. This, they say, has had a number of consequences, from making some of the days of their working lives unreal because of the requirement to put in a standard amount of "voluntary overtime" each month, to ignoring organized crime and civil rights problems, which produce few impressive statistics, to straining relationships with local law enforcement agencies because the preoccupation with statistics outweighed the needs of the local departments for assistance.

This is neither a definite list of the questions that have been raised about the Bureau nor a judgment about its operation. It does suggest, however, the nature and the contour of the concerns which have been voiced by a wide range of citizens over the last few years. The FBI is unique in the federal bureaucracy—it has had only one leader in its 48 year history and he has had a legion of devoted followers both inside and outside his agency. But in a democratic society, assessments of governmental functions are always in order. Because of the way the FBI has been treated by Congress and the executive branch in the past and because of its importance to the country in the future, it is particularly appropriate now to take a prospective look at the needs of the nation so that clear headed judgments can be made about the kind of institution or institutions which are required in the areas of the Bureau's jurisdiction to meet those needs.