

Mr. Hoover during his illustrious career and the lamentable fact that he resembles other men in one respect—mortality—one wonders what there will be left to say when he finally shuffles off this mortal coil.

Yet even while he is in our midst, terrorizing evildoers of every description, Hoover has his troubles within the government he serves so selflessly. On May 4, the Supreme Court refused to review the conviction for income tax violation of Fred B. Black, Jr., a Washington lobbyist. His attorney asked for a review on the ground that a wire-tap issue was involved. On May 21, Solicitor General Thurgood Marshall submitted a memorandum to the Court in which he stated that wire taps or electronic eavesdropping devices had been used, *without the knowledge of the Department of Justice and without its authorization*. The Court responded by ordering that more information be supplied; specifically, who did order the bugging?

The effect of this sequence of events was to point the finger at J. Edgar Hoover, who has not yet responded. Marshall's action is said to have provoked a confrontation between Justice Department officials and Hoover in which the latter was described as "furious." This is not hard to believe. Even under the best of circumstances Hoover is a choleric sort, and his present situation is a trying one. As a folk hero he is probably immune from chastisement, but his temper is being put to a severe test.

However, more is at stake than prerogatives and passions. Marshall's action highlights a basic problem: that under Hoover's administration the FBI has assumed practically unlimited investigative powers. It can investigate almost anyone it wants to investigate, by almost any methods it sees fit to use.

In a series of articles in *The Washington Post*, Richard Harwood recounts some recent FBI investigations. A national magazine discovered in 1964 that the FBI had compiled a dossier on the ex-wife of one of its writers. The material in the file was then used by Hoover's associates to bar the writer from sitting in on an interview with Hoover. The managing editor of a prominent newspaper in the Midwest was advised by a U.S. district attorney in 1965 that a reporter for the paper has become *persona non grata* at the Federal Building because of "derogatory information" in the possession of the FBI. Americans traveling abroad—university professors in particular—have been put under surveillance by the FBI. The authors of books critical of the federal establishment can be reasonably certain of acquiring dossiers in the FBI files.

The folk hero has the wherewithal and the power. His annual budget is about as large as the State Department's and more than twice the size of that available to the Attorney General. Hoover commands the equivalent of an oversize army division—16,000. No one, right up to the President, can deal with him as an equal, much less a subordinate. Attorney General Nicholas Katzenbach once joked in private: "Sure I could fire him on Monday. The only thing is that I'd be looking for a new job on Tuesday."

The more credit, then, to Thurgood Marshall. What he did took courage. If Katzenbach abetted him, so much the better. They cannot fire Hoover, but they have given him some explaining to do.

'The Christian Virtues'

Newsweek once pointed out that J. Edgar Hoover is an "authentic folk hero." If any doubt remained on that score, it has been removed by the installation in the Capitol Hill Methodist Church in Washington of a stained glass window, 22 feet high and 33 feet wide—about the size of a modest ranch house—dedicated to the great G-man with the inscription, STATESMANSHIP THROUGH THE CHRISTIAN VIRTUES. When one contemplates the honors showered upon