

F.B.I. Control MYT 1/24/75

A long-buried memorandum from the files of the Senate Watergate Committee makes it plain that the Nixon Administration did not invent the abuse of governmental police power to trample on individual rights. According to the memorandum, the former head of the Federal Bureau of Investigation's Atlantic City office told the committee that, at the request of the Johnson White House, the bureau conducted illegal electronic surveillances of Dr. Martin Luther King Jr. and other civil rights leaders at the Democratic National Convention in 1964. The former F.B.I. agent also reported that information gathered in the surveillances was reported directly to President Johnson by Cartha D. DeLoach, then assistant to J. Edgar Hoover, on a direct telephone line set up to bypass the White House switchboard.

The F.B.I.'s response to the disclosure was that at the request of the White House, it "did coordinate the development of intelligence information concerning the plans of subversive, criminal, and hoodlum groups attempting to disrupt the Democratic National Convention at Atlantic City in 1964."

There are several things wrong with that explanation. The first is that the targets weren't hoodlums. Aside from Dr. King, the bureau monitored James Farmer, then national director of the Congress of Racial Equality and later a high Nixon Administration official, and Mrs. Fannie Lou Hamer, another highly respected civil rights activist. Secondly, if disruption had been the sole problem, it is doubtful that the White House and the F.B.I. would have cut out the Secret Service, the regional F.B.I. office, the local police and the then Attorney General, Robert F. Kennedy.

A much more plausible inference from the former agent's statement to the committee was that although the White House may have had some interest in gathering intelligence about planned demonstrations, it also had a substantial interest in knowing where black political support was going and in the political activities of Mr. Kennedy, at that time Mr. Johnson's main rival in the Democratic party. The memorandum says, "Robert Kennedy's activities were of special interest, including his contacts with King. There was particular interest in learning who was seeking the support of the black leaders. . . ."

If the strong inferences to be drawn from the former agent's disclosure are correct, the 1964 incident is an even graver offense than the original Watergate break-in, for it represented the turning of a police instrument of Government to illegal activities for political purposes. At least Messrs. Mitchell, Liddy and McCord had left the Government payroll before concocting the Watergate bugging and burglary.

One of the two great dangers about the F.B.I. is that it could become a plaything of Presidents and the other is that it could run out of anyone's control. History—as

the Atlantic City episode demonstrates—is not reassuring about Presidential resistance to the temptation to toy with the bureau. When Presidents do yield to that temptation, they forfeit a substantial portion of their power of control.

It is somewhat reassuring that the Senate Judiciary Committee is pressing Attorney General-designate Edward Levi to develop guidelines governing F.B.I. surveillance of public officials and private citizens. The committee could, however, go further—by setting a deadline for promulgation of such rules or a proposal for legislative safeguards.