



Wally McNamee—Newsweek
Hoover with LBJ, Levi (right) with Kelley: Knowledge was power

J. Edgar Hoover's Secret Files

For decades, Washington had guessed, gossiped and speculated about it: that the late FBI director J. Edgar Hoover had helped insure his longevity and his power by collecting embarrassing information on men who counted in government. But it took Hoover's death and the arrival of a new and unawed Attorney General, Edward H. Levi, to confirm and document some of the Capital's darker suspicions. Barely three weeks in office, Levi told a House Judiciary subcommittee last week that Hoover had indeed kept a private cache of derogatory files on his nominal employers—several Presidents and at least seventeen members of Congress among them—and that he had willingly obeyed requests from the White House that he try to dredge up still more.

Some of the story had surfaced before, and much of it had simply been assumed through Hoover's long, crotchety reign over the bureau; what counted more was that somebody in authority was telling it, in public and under oath. Levi carefully avoided speaking ill of the dead, and in fact defended some of Hoover's habits of warehousing information wholesale on millions of Americans. But it was nonetheless plain from the moment he settled into the witness chair, puffing at an enormous cigar, that he had come to bury Hoover, not to praise him. He catalogued the errors of the past as distantly as if they had come to him on Dead Sea scrolls—and, with incumbent FBI director Clarence M. Kelley nodding ponderously at his side, he promised never to let it happen again.

Most sobering was his confirmation that Hoover had kept his own secret set of

"OC" (Official and Confidential) file folders, many of them thick with "by and large" derogatory information on the sex lives, drinking habits and miscellaneous other indiscretions of Presidents, senators, congressmen and Federal officials. Levi named no names, and even the exact number perished with Hoover; he had purged some files himself in the year before his death, and others were later shredded or shipped out into the custody of his longtime friend and associate Clyde Tolson. But 164 OC folders survived, many containing routine personal business, thirteen reporting on critics who had dared speak up against Hoover himself—and 48 cataloguing checked and unchecked charges against various governmental VIP's.

The Presidential folders, according to other Justice Department sources, covered every Chief Executive at least since Franklin D. Roosevelt; some included only pre-Presidential material, but others were periodically updated after the subject took office. The trove likewise included files on seventeen members of Congress, a few long-forgotten antiques of the Coolidge era, but most of them active from 1940 to 1960—and two still in office today.* And one bureau source told NEWSWEEK that agents had once

*The contemporary congressmen were unnamed. The alumni said to have rated FBI folders included former House Speaker John McCormack, an implicated bystander in the Nathan Voloashen influence-peddling case; former House Armed Services committee chairman Mendel Rivers, then a known problem drinker; Rep. Cornelius Gallagher, a New Jersey Democrat since imprisoned for tax dodging; another East Coast congressman discovered to have been a homosexual—and Brooklyn's ex-Rep. John J. Rooney, the Democrat who chaired the House subcommittee that reviewed (and regularly rubber-stamped) the FBI's budget requests.

turned up embarrassing allegations on the sexual activities of a former Supreme Court Justice—a find considered so sensitive that it was kept out of the FBI's regular files and was instead hand-carried secretly into Hoover's personal care.

One rationale advanced by Justice officials for having segregated the OC folders in Hoover's office was keeping them out of the hands of low-level agents and file clerks who might have misused them. But by Levi's count, 883 entries on senators and 722 on House members in fact remained behind among the bureau's general files on 6.5 million individual Americans. One investigating congressman, Rep. Robert J. Drinan of Massachusetts, took an unauthorized peek into a "D" drawer during an inspection tour of the bureau last week and, to his outrage, discovered twenty or thirty index cards under his own name—most apparently dealing with his pre-congressional activities as a Jesuit peace activist.

Hint: Hoover was not above using the files under his "safekeeping" as instruments of personal and institutional power. Levi certified one case in which the director passed derogatory material to other government officials—an apparent reference to some allegations fished up on critics of the Warren Commission—and Washington legend is full of instances in which he advanced his purposes with recalcitrant congressmen merely by alluding to their files.

Knowledge was security as well as power for Hoover, and in Levi's gentlemanly recapitulation, the director had shared it willingly with Presidents. The bureau checked out various Congressional critics for John Kennedy, Lyndon Johnson and Richard Nixon, and once, on a push from Attorney General Robert Kennedy, bugged the New York room of a refractory congressman and tapped the

Hoover's most voracious client, by Levi's public and various other private accounts, was LBJ, who loved a secret and understood its uses quite as well as the director. Johnson, according to one knowledgeable source, had more or less regular access to Hoover's store of tales out of school; in a close legislative fight, he might call in a key legislator for a chat, planting a stack of FBI folders obtrusively on one corner of his desk.

Friends: Levi alluded to, and Justice sources elaborated on, several instances of the Johnson-Hoover partnership. One was the previously reported tap on Martin Luther King's telephone at the 1964 Democratic convention. Another was a Johnson request, transmitted by his then chief of staff Bill Moyers, for a bureau check on some of Barry Goldwater's campaign staffers that autumn (page 84). Movers, now a NEWSWEEK columnist, said he acted as a conduit for a request initiated before he took charge of the LBJ White House. In yet another case, Federal narcotics agents involved themselves in the investigation of LBJ's one-time protégé Bobby Baker, and Johnson, furious, ordered up an inquiry into whether Robert Kennedy had put them

phone records of several of Spiro Agnew's 1968 campaign aides, apparently on Johnson's suspicion that the Republicans were dealing privately with the South Vietnamese for their own political advantage.

Levi treated his discoveries calmly, remarking on the fact that there were rather fewer secret files and misuses of the bureau than Washington in its headiest speculation had imagined. But he confessed to being "disturbed" even by the look of the thing, and said that Kelley was putting a stop to the malpractices of the Hoover past. The AG's disclosures could be seen in one sense as a pre-emptive PR strike—an effort to get the FBI's unseemly secrets out before they are dragged forth inchmeal at House and Senate hearings to come. But in another sense it was a coda to an unhappy piece of the past—a signal that, a half-century after J. Edgar Hoover's arrival at the bureau and three years after his death, a new management was at last ready to finish the job of de-Hooverizing the FBI.

—PETER GOLDMAN with ANTHONY MARRO in Washington

Filibuster Flap

For more than two decades, Senate conservatives and liberals had fought bitterly over Rule 22, the time-tested regulation requiring a two-thirds vote to shut off a filibuster. The issue was raised again two months ago when senators Walter Mondale of Minnesota and James Pearson of Kansas offered a motion to require only a three-fifths vote by the senators present to invoke cloture. Last week a watered-down version of that measure finally was accepted by Senate leaders. But what could have been regarded as an historic reform almost seemed to be beside the point. Instead, the focus of the filibuster fight was the conservative wing's massive displeasure with the Senate's presiding officer, Vice President Nelson Rockefeller.

Rocky's run-in with the conservatives began two weeks ago, when the Vice President ruled, in effect, that the Mon-

Meet the Immovable Object

Filibusters aren't what they used to be. No more around-the-clock readings from "Alice in Wonderland." No more senators in slippers napping on cots in ornate anterooms. Filibusters have become refined affairs, games won by wily technocrats employing esoteric parliamentary maneuvers. Sen. James Browning Allen, 62, Democrat of Alabama, is rapidly becoming the unchallenged king of the new-style talkathon. If his methods differ from such filibustering forebears as Huey Long and Strom Thurmond, his effect is the same: he is the most immovable conservative object on Capitol Hill.

These days, Congress has little patience with long filibusters; they are rarely permitted to last more than a few days. So instead of simply talking nonstop, the modern practitioner has to use every procedural tactic he can muster to keep the matter at hand from coming to a decisive vote. He must know the parliamentary rules better than his opponents. Two weeks ago, for example, filibuster reform was moving steadily through the Senate when Allen spotted a flaw: the measure had been written in two paragraphs. He invoked Senate Rule 18, which states that any motion made in two or more parts is "divisible" and therefore subject to debate. Debate it he did, stalling action for the rest of the week.

Last week, with the reformers tak-

ing more care to avoid mistakes, Allen switched to delaying tactics. He began with the hoary device of suggesting the absence of a quorum; a time-consuming roll call ensued. Then, he made a point of order, which Vice President Rockefeller brushed aside. After inspiring another quorum call, Allen moved for a one-hour recess. That was defeated after a protracted argument. Next, he moved for a recess until 5 p.m. (it was early afternoon). That ploy was voted down, but Allen wasn't licked: he proposed another recess—to 7 p.m. Each of these motions looked a lot like the one before, but Allen knew that the rules would permit all of them to come to a vote.

Sank: A quiet, courtly man, Allen was schooled in the law and won a seat in the Alabama House of Representatives at the age of 25, eventually becoming a state senator and lieutenant governor. In 1964, he was a Presidential elector for his patron Gov. George Wallace, and four years later he won the U.S. Senate seat of retiring Democrat Lister Hill. In the Senate, Allen almost alone sank Sen. Edward Kennedy's comprehensive tax-reform package and the proposed Consumer Protection Agency by filibustering. He also has forced compromises on



Gene Jeffers—DCS



Culver Pictures

Allen and Huey Long: Let's talk about it

or delayed such issues as the 18-year-old vote, postcard voter registration and campaign-finance reform.

Ultimately, Allen's delaying action did not prevent reform of the filibuster rules last week, but it did contribute heavily to the compromise that gave the reformers less than they wanted. His example also inspired other conservatives. At one point, Allen was firing off a barrage of motions as he sucked on a tube of cherry-flavored glucose for energy. Then Arizona's Barry Goldwater asked Allen to yield for a question. Allen did, and in the best tradition of the filibuster, Goldwater launched into a rambling monologue—on whether the House and Senate chambers should have been air-conditioned. (Huey Long would have liked that.)

—JAMES R. GAINES with JOHN J. LINDSAY in Washington