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Congress and the FBI

The first thing to be said about House Democratic Leader Hale Boggs' accusation against the FBI ("I charge categorically that the FBI has had me under surveillance—my personal life") is that no one outside the FBI can say with certainty whether it is true or mistaken. The sincerity of the congressman's conviction in making the charge can be accepted. So can the sincerity of the categorical denials that have come from the Attorney General, the Deputy Attorney General and the Director of the FBI himself. But none of these men can be absolutely sure of what he says.

Microphones are easy to conceal, difficult to discover. If one is discovered, it is unlikely to disclose who put it in the place where it was found. In his distinguished study, "Privacy and Freedom," Prof. Alan Westin of Columbia University tells us: "By 1966 micro-miniaturization had reduced high-quality microphones to match-head size. Any of the tiny mikes presently available can be attached by adhesive to the underside of furniture or by magnetic force to metal objects. They can also be installed inside telephones, intercoms, doorbell units, radios, TVs, water coolers, desk sets, clocks, picture frames, lamps, mattresses, flowerpots, ash trays, cellophane-tape dispensers, bulletin boards, air conditioners, and a hundred other common objects within the room . . . Special equipment is available which activates a tape recorder automatically when voices are heard in the room and shuts it off when conversation ceases; this makes it unnecessary to 'man' a listening post."

What Messrs. Mitchell, Kleindienst and Hoover mean when they say categorically that no member of Congress has ever been tapped, bugged or placed under surveillance by the FBI is merely that these things have never been done with their authorization. But unauthorized eavesdropping by an FBI agent (or by a telephone company employee, a policeman, a private detective or an amateur sleuth reporting to an FBI agent) is not an impossibility. FBI discipline is very strict, to be sure, but there

have been breaches of it. Agents, moreover, sometimes do, without authorization, what they surmise their principals would not be entirely unhappy to have done.

The one fact that emerges loud and clear from this cacaphony of charge and contradiction is the fact that many a member of Congress believes, or at least suspects, that people working in one way or another for the FBI have been covertly keeping tabs on them. No one has said it so strongly as Hale Boggs; but others have said it, and more have thought it. That powerful undercurrent of anxiety in Congress is a formidable indictment of the FBI under its present leadership.

Deputy Attorney General Kleindienst shows a gross misunderstanding of this anxiety when he proposes a narrow congressional committee investigation of Mr. Boggs' specific charges. Such an investigation is all too likely to prove inconclusive. Mr. Kleindienst came much closer to the real need when he proposed in the course of a CBS television interview Wednesday that investigators "should have fair access in an appropriate congressional investigation to the methods, the procedures and the policies of the FBI, not only now but in the past." Senator Sam Ervin's Constitutional Rights Subcommittee is the logical body to pursue such an inquiry. It should have been undertaken years and years ago. Not only Congress but the country has a right to know the reach of the FBI's surveillance, the kinds of information it is compiling in its limitless dossiers, the extent to which it is invading the privacy of Americans for the sake of protecting them from themselves.

The failure of Congress to undertake such an inquiry long ago is, of itself, a measure of the fear of the FBI felt on Capitol Hill. No federal agency, and least of all a police agency, should be immune from scrutiny and accountability. Congress had better bring the FBI under control, or it will eventually exercise a dangerous degree of control over members of Congress.