

Overseeing the FBI

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SINCE 1971, when the files of the FBI office at Media, Pa., were pilfered, the American people have come to know of an FBI program named COINTELPRO. The acronym stands for counter-intelligence program. And the program, for several years, stood for applying the arts of international espionage to domestic dissenters. FBI agents infiltrated unpopular groups with the purpose of setting faction against faction. They used the mails to transmit falsehoods about dissenters in the hope of damaging their names in their communities. They were instructed to plant information, using FBI letterheads, that would make some members of an organization believe others were police agents or informers. They wiretapped prominent figures in the civil rights movement and made the tapes of illicit involvements available to journalists and others. All this was because J. Edgar Hoover disliked either the individuals or their philosophies.

In the most recent examples to come to light, the FBI sent a spurious and anonymous letter to a civil rights activist in Mississippi that frightened the man into quitting the state. In another, the agency harassed the members of the Socialist Workers Party.

Such behavior by the FBI could only have been possible because it has for years received practically no serious oversight. Its congressional oversight committee meetings were small convivial reunions, replete with the laying on of hands, but quite deficient in the laying out of facts. As a result, from all the available evidence, the agency's power has been frequently put to the task of abusing the rights of Americans. When an activist figure spoke his mind, he was placed on an "agitator index" and marked for harassment in violation of his First Amendment rights. Police departments were advised to arrest certain activists and repeatedly send them to jail until they could no longer afford to make bond; this was in violation of their rights of due process.

Yet, none of this came before the Congress, except in

exclusive tete-a-tetes between the director of the FBI and chairman of his oversight subcommittee. It is obviously time for a different approach to FBI oversight, and the House Judiciary Committee has begun steps in exactly that direction.

Serious oversight begins with the purse strings. If a bill sponsored by Judiciary Committee Chairman Peter Rodino (D-N.J.) passes both houses this season, the FBI's authorization will have to be justified each year; and the committee members express themselves as being in no mood to rubberstamp the agency's requests. The same will be true for the rest of the Justice Department, but such review is needed nowhere more than it is needed at the FBI.

Further, with respect to the spending of money, the Judiciary subcommittee headed by Rep. Don Edwards (D-Calif.) has asked the General Accounting Office to begin a systematic review of FBI activities, taking various aspects of its program at random and giving them a thorough inspection. The purpose will be to establish whether the FBI operation is efficient in terms of the overall criminal justice needs of the country.

There is some question as to the statutory authority for the COINTELPRO operation, quite apart from the question of the constitutionality of specific activities. The Edwards subcommittee has decided to ask Attorney General Edward Levi and others in the Department of Justice to come to Capitol Hill and lay out their understanding of the FBI's legislative charter for counter-intelligence among American citizens. Those should be instructive hearings.

Two select committees, one in the House and one in the Senate, have begun to untangle the entire web of intelligence against American citizens, and the FBI will undoubtedly figure in those inquiries. Something more enduring is needed, and the Edwards subcommittee appears to be willing to offer it in the form of a continuing and penetrating examination of the FBI and its mission.