

An Agenda for

Cleaning House at Headquarters

By Sanford J. Ungar

WHEN A 29-year-old Justice Department lawyer named J. Edgar Hoover took over what was then known as the Bureau of Investigation in 1924, he faced a fearsome task. The Bureau was corrupt; it spent too much time investigating the political views of citizens; its public image was dreadful. For the most part, Hoover dealt effectively and methodically with those problems, building the agency into a position where it enjoyed unique national (and worldwide) esteem.

Ironically, the same kind of challenge now confronts Frank M. Johnson Jr., the federal judge from Montgom-

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ery, Ala., who is President Carter's choice to take over the embattled FBI next January. Although there have been two acting directors (L. Patrick Gray III and William Ruckelshaus) and one full-fledged director (Clarence M. Kelley) since Hoover died in 1972, the problems created by Hoover during the second half of his 48-year reign still remain to be solved. The public standing of the Bureau and the morale of its agents are probably as low as they have ever been.

The very dwindling of the FBI's reputation with the public and the slippage of its enormous constituency on Capitol Hill make this an opportune time for Johnson to take some bold steps. If confirmed by the Senate, he will have a 10-year term, but he will have to move quickly to rescue the Bureau from Hoover's legacy.

Hoover encouraged a no-holds-barred attitude that led men of the law to break the law — wiretapping civil rights leaders, opening the mail of political dissidents and disrupting the personal lives of those it investigated. Even after Hoover, in his dotage, ordered such practices

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to stop because he was afraid they would cause the FBI embarrassment, well-trained minions kept them going; now some of those minions, whether retired or still in the Bureau, find themselves under investigation.

Gray and Kelley, too, ordered an end to improper and illegal tactics, but there have been indications that some lower officials — accustomed to the need to distinguish between what the director said and what he meant — kept up the wiretapping, buggings and burglaries until fairly recently. When FBI agents themselves could not get away with these tactics, or didn't want to run the risk, they simply had their confidential informants or friendly local policemen do the dirty work for them.

Rank-and-file agents, especially the younger ones, will be looking to Johnson for strong leadership in this area. They want him to establish clear investigative standards and then enforce them strictly, making a severe example of those who insist that nothing has or can be changed. At the same time, they need to have confidence that their new director is fully aware of what hap-

An Agenda For the New FBI Director

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For an organization that portrays itself as the paragon of virtue and integrity, the FBI is also plagued by an absence of standards for personal behavior. The recent revelation that agents in Las Vegas may have accepted improper favors from casino owners with ties to organized crime is only the tip of an iceberg. For years, agents in many field offices have received low-interest mortgages from banks, cut-rate prices from automobile dealers and special breaks from other businessmen who might have occasion to depend on the Bureau to solve crimes. A new director, particularly one who has had to worry about codes of judicial ethics for the past 22 years, is in an ideal position to institute reforms.

It is high time for the FBI to have a statutory charter to set out its exact jurisdiction and govern its operations. To this day, most of its responsibilities and procedures are spelled out primarily in presidential executive orders and informal directives, which could theoretically be replaced, modified or drastically expanded at the whim of a President or an attorney general. As the Senate Intelligence Committee has recognized (but been slow to move on), the Bureau desperately needs to have these matters spelled out in clear, precise language.

There has never even been a high-level debate since World War II about whether the FBI should be involved

at all in the areas of counterintelligence and "internal security"; since it was already involved, it simply stayed there, defining many of the threats and fears for itself. Recently, Bureau officials have tended to throw the entire problem to the Congress, saying in effect, "You tell us what to do, and we'll do it." As a newcomer, Johnson will be in a unique position to assess the FBI's capabilities in these fields and to help Congress and the Executive Branch develop a sound charter.

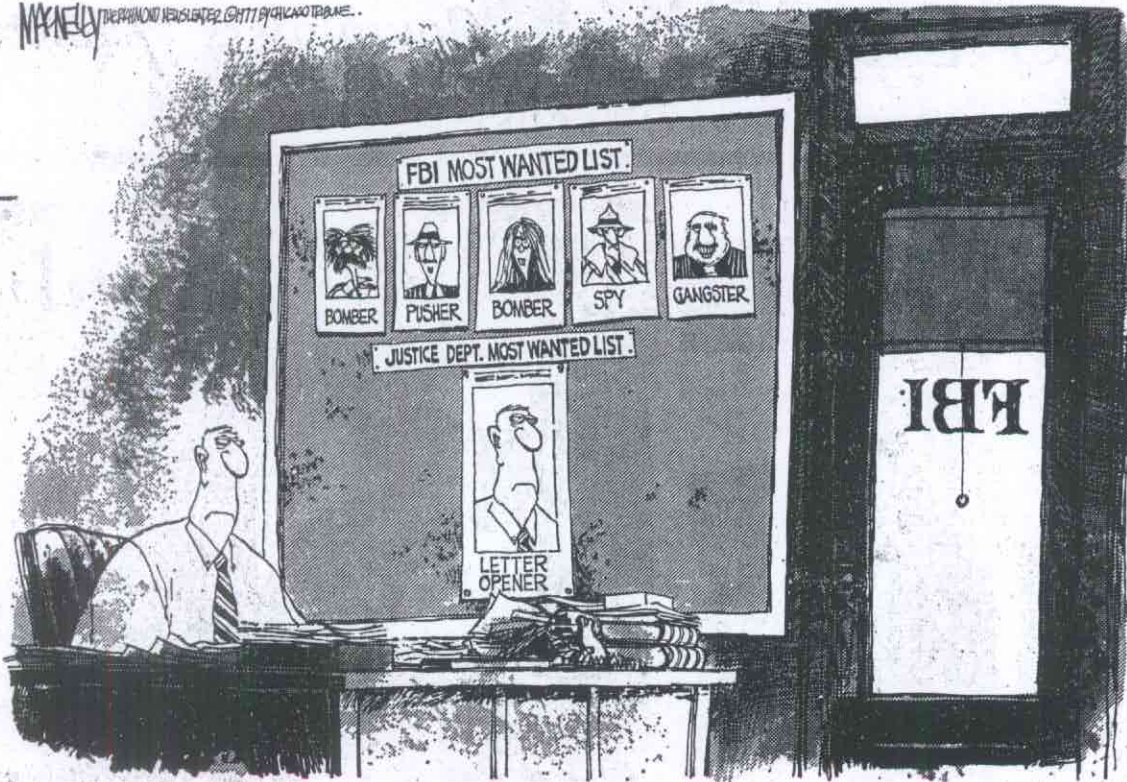
New Priorities

FOR DECADES, Hoover insisted that there was no such thing as organized crime. When he did reluctantly admit that some kind of syndicate must be at work, he would take only scant steps to combat it, preferring the investigation of stolen-car cases and others that provided impressive statistics which the Bureau could shovel up to Capitol Hill as evidence of its effective use of federal funds.

Kelley, like Gray before him, took strong steps to restructure the FBI's investigative priorities, and now the Bureau pays much more attention to cases involving organized crime, white-collar crime and official corruption. Even so, the trend needs to be further encouraged and extended to some field offices which have resisted the change. (Neil J. Welch, special agent in charge of the Philadelphia field office, a man who probably would have become director if Johnson had not taken the job, has set an example by assigning vast teams of agents to work on major breaking cases, letting less urgent ones slide temporarily.) Some agents who handle organized crime matters also complain that the Bureau's interest is still superficial — that it overlooks Mafia activity in black and Puerto Rican neighborhoods, which are considered too dangerous for FBI agents, and instead concentrates on arresting all the small-time numbers runners it can find.

Kelley may himself be sorry that he instituted a "quality-over-quantity" approach to criminal cases. It has apparently led Justice Department budget analysts to argue that since the Bureau's caseload has dropped, its funds should be cut. Johnson may find that the FBI does

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not need all the money it gets, but not because it is opening too few meaningless cases.

The new director will probably discover early on that a fair percentage of the 20,000 people who work for the FBI still consider J. Edgar Hoover to be their boss; his views of life and politics still govern them. The fact that many of those people are in the highest ranks creates an enormous personnel problem, and it means that most rank-and-file agents, who do the FBI's work on the streets, have little respect for the top leadership of their agency. They cannot understand, for example, why Kelley kept James Adams — who is known to have signed his name as a "witness" to a forged signature of Hoover's longtime aide, Clyde Tolson, on Tolson's will — in the number three job in the Bureau. Or why Kelley rewarded, rather than punishing, at least four Old Guard stalwarts who flatly refused to carry out his new policy of "openness" toward the press. (Three of these men still serve as special agents in charge of the Houston, Baltimore and Los Angeles field offices; the other has the fourth-ranking job in the FBI.)

Agents hope that Johnson will discover a way to stop filling the most important jobs in the Bureau with people whose main qualifications are surviving and maintaining close ties to the Hooverites who control the personnel office. (Kelley was generally given three choices for each post, but all of them were men who were guaranteed not to rock the boat.) For some slots the new director may have to bring in outsiders if he wants to be sure of achieving control over operations; but he should also consider skip-promoting junior people in the ranks whose intelligence and outspokenness had previously hurt their careers.

One significant gesture would be to give the job of associate director to Welch, a veteran agent who is popular among young agents and who displays skepticism — indeed contempt — toward the bureaucracy at FBI headquarters in Washington. The feud between headquarters (which Hoover used to call the "seat of government") and the 59 field offices is one of the Bureau's most serious problems. Johnson will undoubtedly think himself back in the courtroom when he discovers that a special agent from the Midwest and an assistant director who has spent most of his career at headquarters give him opposite advice on the same question, such as how to handle a kidnaping case. The field office view is generally more up-to-date and reflects the realities of investigative life, yet Kelley has tended to listen to the people he sees every day at headquarters.

The new director may want to consider eventual transfers to the field for anyone at headquarters who has been there for at least 10 years or who still has at least 10 years to serve before reaching the FBI mandatory retirement age of 55.

Hoover was always cautious about letting his agents investigate narcotics cases, in part because he feared that they would be corrupted. He thought the Bureau was just perfect with the scope it had. Yet Gray and Kelley both proposed that the FBI incorporate the Drug Enforcement Administration. Johnson would be well advised to put all such ideas aside, at least until the Bureau has its own house in better order. Among other problems, DEA has suffered serious corruption in its own ranks and its agents are not as well trained as those of the Bureau.

Instead of entertaining such empire-building schemes, the new director might concentrate on improving relations between the FBI and other federal law enforcement agencies. One way to start would be to make available to them the excellent facilities of the FBI Academy

at Quantico, where many of the assigned Bureau agents now literally spend much of their time fishing and napping.

Although Kelley made progress on the issue of FBI relations with the press, once he finally found some agents who understood the press, the Bureau still too often weighs what will help it politically and bureaucratically before making information available to the public. It focuses most of its press releases on the Ten Most Wanted list, routine crime statistics and the often banal speeches and testimony of the director. Other members of the hierarchy and some of the most knowledgeable special-agents-in-charge are rarely even introduced or identified to the press, let alone permitted to speak for the FBI at the national level. As a character-building experience, it might be useful for the Bureau to distribute information about, and encourage portrayals of, some of the cases it has not solved, so that the rest of society can help figure out why. (One of Kelley's most popular moments among the rank-and-file came when he declared publicly that the FBI was "stumped" in its search for missing newspaper heiress Patricia Hearst.)

Civil Rights and Politics

A - S A MAN with a well-established record in the field of civil rights, Johnson may find that he has trouble with the agents. After years of ignoring civil rights cases, Hoover was forced into pursuing that area during the Johnson administration, and virtually every field office now has a squad whose job is to pursue complaints of police brutality and other alleged civil rights violations. But many agents have resisted, arguing that the pursuit of every complaint is a waste of time, especially since so few of them are prosecuted by the Justice Department. Agents also do not like to risk alienating the local policemen who are essential to the solution of most Bureau cases.

The new director might want to take a look at the FBI's own internal record on issues of discrimination against minorities and women. Substantial progress has been made since the days of Hoover, who was an overt bigot and thought that women could not do an agent's job. But the numbers are still small (139 black agents and 70 women agents), and there is new restiveness in the ranks about discriminatory recruitment procedures which seem to be aimed at producing the same old standard "regular guys" favored by Hoover. (One new part of the recruitment procedure is an "agent's test," which seeks to determine whether the prospective agents have the proper attitudes and values for the FBI. To get the correct score on one question, an applicant must say that he or she would prefer to use a spare Saturday night to watch football on television rather than reading.)

Because he is such a close friend of Attorney General Bell, Johnson will also have to tread carefully around the old question of the Bureau's relationship with the Justice Department. The independence fostered by Hoover, who was more powerful than any attorney general under whom he served, is not a good model; but neither is the record of Gray, a politician at heart, whose undoing came when he destroyed documents related to the Watergate investigation on orders from the White House.

Bell's immediate predecessor, Attorney General Edward Levi, moved in the right direction: to supervise the Bureau much more closely. Yet more can be done. Johnson may, for example, want to invite the Justice Department to participate in the "inspection" of FBI field offices, so that process becomes less of a token bureaucratic

maneuver than it has traditionally been.

Look Out for Car Polishers

THE NEW DIRECTOR might also want to consider some of these unsolicited bits of personal advice:

- Look closely at everything that was done in the last six months before you take over. The Old Guard, still firmly entrenched, is horrified at the prospect of another outsider in the directorship and will have strengthened their own positions as much as possible. They have money left over in this year's budget and are about to make some 1,500 personnel transfers; that may be one method they use to keep control over key jobs.

- Beware the flatterers. They will try to drive you everywhere you go, make your life easy for you and tell you how wonderful you are. Don't let them polish your car so often. (Kelley, once a humble man, has taken recently to complaining, Hoover-style, when his car in Kansas City is not shiny enough.) Keep a list of your faults in your pocket and look at it from time to time, to remind yourself that the director of the FBI is human.

- Don't let them put your picture up in all the field offices next to that of the President. Despite the Bureau's tendency to treat you that way, you will not be the second most important person in the world. Discourage all such remnants of the cult of personality.

- Cut down on ceremonies. Everyone celebrating his or her 15th anniversary of service with the FBI need not have a picture taken in your office.

- Keep a low profile and don't give so many meaningless speeches. You can spend your time more wisely learning the ropes and visiting field offices to talk with younger agents about their needs from and hopes for the Bureau.

- Do not encourage the Superman myth by telling the agents that they are the greatest law enforcement people in the world and became anointed as soon as they received their badges. Some of them are excellent, but some are not. Praise them for what they do well, but let them know what they are doing wrong, too.