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That 38-Year Investigation

IT WAS THE FIRST appearance of the director of the FBI before the new Senate Intelligence Committee, and Clarence Kelley's disclosures made the most of it. Mr. Kelley announced that the FBI's domestic intelligence caseload had been reduced by 97 per cent, from 21,414 investigations in 1973 to 626 cases currently. This was, Mr. Kelley said, in line with the bureau's new emphasis on "quality over quantity." It's not every day that an agency of government announces the virtual abolition of an activity, and the significance of Mr. Kelley's announcement cannot be overemphasized, for it represents further evidence that the FBI is emerging from the dark shadow of its past.

But it ought not to be forgotten that Mr. Kelley's announcement is also a stark indictment of that past. His very use of the words "quality over quantity" in describing the elimination of practically all domestic intelligence cases tends to confirm what many had suspected about the bureau's activities: that the FBI had become a bureaucracy in relentless pursuit of political groups that gave top FBI officials ideological or social offense.

And nothing better illustrates this point than the saga of the FBI and the Socialist Workers Party. It may never be known or understood what aroused the interest of J. Edgar Hoover's FBI in the SWP back in 1938. One might guess that it was the inevitable result of a time of great concern about communism, socialism and "isms" generally. Still, nothing can justify or excuse the infiltration, bugging and harassment of a legitimate political party in the manner of the FBI operation. That the FBI enterprise lasted for 38 years and was closed down by the Justice Department only two weeks ago defies all understanding.

To this day, the FBI's justification for this affront to the democratic process has not been made public. No particular crime was alleged, no violence on the part of the SWP was suggested, and no evidence of espionage was brought forward as far as we know. In short, none of the reasons a police agency should have for being interested in a political group appears to have played any part in the FBI's decision.

Nevertheless, the FBI had 1,600 informers in the SWP over those four decades, and 66 of them were still functioning in the party at the time the Justice Department finally decided enough was enough. The SWP has brought a \$40 million lawsuit against the FBI and others associated with the campaign against the party. In one poignant paragraph, the lawsuit says that the party has been so thoroughly infiltrated that it is impossible for its leaders to tell when some aspects of the party's work might have been directed by FBI infiltrators.

Within the FBI, there appear to have been no brakes and no place where the effort was evaluated or where some rigorous standard was set for what constituted a proper use of agency manpower. Surely any such review at any point along the way in nearly 40 years

might have suggested to someone at the top of the agency that perhaps it would do well to shut down the Socialist Workers desk.

Instead, something quite different appears to have happened: What was done to the SWP was done to others. By the mid-1960s, that kind of operation was standard operating procedure, and it even had a name of its own; COINTELPRO, standing for counterintelligence program. The program had as its major and enduring target the Communist Party, of course, but it soon came to include many others. The same slovenly standards for what should be a target of government attention applied to all—they needed only to have offended some FBI standard of conduct, or to have had the name "black" or "liberation" in their title. Some had shown violent tendencies, but many, if not most, had not.

Regardless, they were spied upon, had their mail covered, their phones tapped, their meetings bugged. They became the victims of government-sponsored pranks and dirty tricks, some quite deadly. As far as anyone can tell, the biggest intelligence yield from the FBI's labors in the Socialist Workers' vineyard was a great deal of intelligence, if we can use that word, on the sex lives of SWP members, stuff that is no business of the FBI.

As Mr. Kelley's Senate testimony suggests, there is a great struggle going on to clean up the FBI and make it a police agency again and not a malevolent busybody. That effort is laudable and necessary. But those files of dirty information about members of the SWP and other groups should have been destroyed long ago. An FBI task force at the Justice Department is now in the process of studying the accumulation of such files to determine their future disposition. Where the files contain information about the personal lives of individuals having no bearing on crimes and law enforcement, that material should be destroyed—period. This kind of information has a great potential for harm—and virtually no potential for good.

Others have obligations too. Those of us who were pleased to leave all the crime-busting and Red-chasing to the FBI without asking what they were doing can see now why citizens should continue to show an active interest in what government does in our name—and what Congress does on our behalf. The FBI had so many friends in Congress it never had to give any real account of itself. The bureau has said that it sent reports to the various Attorneys General over the years describing COINTELPRO. Practically all living former Attorneys General express surprise at that, claiming to have heard little or nothing of the sort of thing now coming out. That is not good enough. Those responsible in the executive branch should be put on notice that the public expects them to know what the government's police agencies are doing. Not knowing, in these situations, is not a matter of mere ignorance; it is a matter of gross negligence.