

The Washington Post

AN INDEPENDENT NEWSPAPER

WEDNESDAY, APRIL 28, 1971

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Assessing the FBI

House Majority Leader Hale Boggs' transparent failure to back up his specific charge that the FBI had tapped his home telephone should not be allowed to obscure the significance of his contribution to an understanding of the grave threat which the bureau presents to American liberty. It is true—and the fact needs to be acknowledged candidly—that Mr. Boggs said more than he has been able to sustain in his attack on FBI Director J. Edgar Hoover two weeks ago. "I charge categorically," he said, "that the FBI has had me under surveillance — my personal life." This newspaper commented at the time that the charge was, by its nature, unprovable. Certainly Mr. Boggs' glib assertion in a speech to the House that an unidentified telephone company investigator once told him that someone, also unidentified, had at some time placed a tap on his telephone—a tap which had been removed prior to the inspection of his line by the company investigator—fell ludicrously short of proof positive. Mr. Boggs' subsequent appearance on the TV show "Face the Nation" was even more embarrassing. Serious criticism of the FBI suffered a setback in consequence.

Nevertheless, recent events have afforded incontrovertible evidence that the FBI has engaged in widespread surveillance of Americans on purely political grounds and that the FBI has employed techniques of surveillance which high officials of the Department of Justice sought to hoodwink the public into believing it did not employ. In his speech to the House on April 22, Congressman Boggs said some indisputable things about the FBI which he should have said in the first place; and he put the blame for the FBI's excesses for the first time precisely where it belongs—on the shoulders of the United States Congress.

"Today," he said, "I see what until now I did not permit myself to see. Our apathy in this Congress, our silence in this House, our very fear of speaking out in other forums has watered the roots and hastened the growth of a vine of tyranny which is ensnaring that Constitution and Bill of Rights, which we are each sworn to defend and uphold . . . What has occurred could not have occurred without our consent and complicity here on Capitol Hill . . .

"We have established the rule of the dossier.

"We have conferred respectability upon the informer.

"We have sanctioned the use of bribes and pay-

ments to citizen to spy upon citizen. . . .

"No member of this House knows—or can know with any certainty—what the bureaus and agencies involved with the liberties of the American people may be doing. . . .

"Today, as we in the Congress undertake to recover and restore the people's liberty, we find that it is ourselves who are called to account, ourselves who are under surveillance, ourselves who are prisoners of the power which our silence permitted to come into being."

This is a terrible indictment—and a true one. For at least 25 years—of the 47 years during which he served as director of the FBI—Mr. Hoover has

been treated by Congress not as a public servant but as a royal personage. His appearances before the appropriations committees were occasions for sheer fawning and adulation, not for inquiry into his performance. And, indeed, such studies as the appropriations committees may have made as to the ways in which the bureau expended the public funds entrusted to it were made largely by FBI agents assigned to the committee as investigators.

No committee of Congress has ever presumed to demand a sampling of the bureau's reports on government employees to determine whether they are done wisely or foolishly, if they are filled with facts or with unverified gossip and rumor.

No committee of Congress has ever inquired into the extent of FBI surveillance or investigation or eavesdropping or snooping—or whatever euphemism or circumlocution you may want to apply to its activity—into the lives of American citizens concerning whom there is no evidence of criminal conduct, only evidence of political nonconformity.

No committee of Congress has ever inquired into the personnel policies of the bureau, into its hiring standards or its promotion procedures or its treatment of its employees—or even into the question whether there is actually any need for the monster monument or mausoleum now being erected in honor of Mr. Hoover on Pennsylvania Avenue.

An investigation of the FBI by Congress is long,

long overdue. Perhaps there is real merit to Senator Muskie's proposal of a domestic intelligence review board analagous to the Foreign Intelligence Advisory Board organized in 1956 to ride herd, mainly on the CIA. But that, of course, presents a danger of becoming in time a mere gloss or protective umbrella for the FBI. It might, as Senator Ervin observed, "amount to a Band-Aid on a broken leg." The appropriate means of keeping the FBI within proper bounds ought to be determined by the Congress, we think, and only after a thorough examination of the way in which it now functions and of the duties which the Congress wishes it to fulfill. The FBI, like any other federal agency, ought to be subject to searching congressional scrutiny—and more frequently than once very 47 years.

Rep. Ogden Reid has called for hearings by the Foreign Operations and Government Information Subcommittee of the Government Operations Committee. That would at least be preferable to hearings by the Government Operations Committee of the Senate. Senator Kennedy has displayed an interest in taking on such an investigation. Senator Margaret Chase Smith has been suggested as a particularly detached, able and vigorous person to conduct a study of the FBI. But the outstanding senator to head a thoroughgoing investigation of the FBI—of the whole range of domestic intelligence and criminal investigating activity by the federal government — is, in our judgment, Sam Ervin of North Carolina. Tough, fair-minded and with a profound commitment to American constitutional liberties, Senator Ervin has pioneered in the study of incursions into privacy. It would offer reassurance to the whole country if he would now indicate a willingness to take on this difficult and important assignment.