

# The Top Cop and Snooping Issue

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WASHINGTON, April 15 — When a Republican President is less than zealous in the defense of J. Edgar Hoover against his leading Democratic challenger, it can be fairly deduced that the nation's legendary top cop is in trouble. For the moment, it is easier to understand the causes of the trouble than to know how deep it runs or where it will lead. Responding to Senator Edmund S. Muskie's charges of unwarranted snooping on peaceful assemblies on last year's Earth Day, the White House says that it is against such surveillance and doubts that the Federal Bureau of Investigation has done anything contrary to policy.

## News Analysis

But it is shielding the President from immediate involvement in the controversy. It is avoiding comment on the demands for a citizens commission to control domestic spying. And it is obviously resisting the old political reflex of rushing to Mr. Hoover's side against anyone who dares to question the probity of the G-men.

For the politicians on all sides, the immediate danger is the obvious public revulsion against massive spying by unchecked Government agents. The Democrats of the last Administration have been ducking responsibility for the mammoth intelligence operations of the Army.

## Laird Serves Notice

Defense Secretary Melvin R. Laird has already served notice in this Administration that if his operatives are needed to watch over next week's anti-war demonstrations, someone else will have to take public responsibility for the order.

Catching crooks and chasing subversives is not yet an unpopular activity of Government. Both the Army and the F.B.I. have found their defenders in Congress and elsewhere. But as the equally careful Mr. Nixon and Mr. Muskie have shown, the old virtues must now be balanced against new and uncharted trends of public opinion.

Mr. Hoover has become vulnerable to attack because he allowed his files to be compro-

## Hoover Is Seen Open to Attack as Public Frowns on Prying

mised; because he dealt harshly, even vindictively, with his critics, in and out of his agency; because he chose publicly to assess the character and performance of several Attorneys General, his nominal superiors; because he carried his current campaign against dissidents to the point of personally arraigning the Berrigans even before they were charged with conspiracy to kidnap a Presidential aide and damage Federal buildings.

But Mr. Hoover has maneuvered and stumbled in public before without meeting so much resistance. In the Johnson Administration, he openly lobbied against the President and the Secretary of State when they worked for ratification of a consular treaty with the Soviet Union. They outran him but never dared to risk a confrontation.

## Deeper Reasons, Too

Clearly, there are also deeper reasons for Mr. Hoover's recent loss of standing here:

¶The director is 76 years old in a country young of heart and impatient with the old ways. Even before he had any direct complaints, Mr. Muskie felt safe in calling for Mr. Hoover's retirement on the ground of age.

¶Mr. Hoover has been enshrined as a cold-war sleuth in a society now tired of both the cold war and its sleuthing ways. When the director made his mark against top criminals, Nazis and Communists, he was battling for a united country. Now that he sees pre-eminent danger among blacks, students and other domestic dissidents, he is caught up in the politics of the country.

¶The F.B.I. and Mr. Hoover personally are institutions in a time when all vested institutions are being challenged. Like the Presidency in affairs of war and the Central Intelligence Agency in furtive operations abroad, the bureau operates in ways that often strain the democratic traditions. Their good intentions, as Richard Helms, the Director of Central

Intelligence, put it yesterday, must often be taken "on faith." Yet this is a period of minimum trust in everything governmental.

¶Mr. Hoover has never been convincingly controlled even inside the Government, and he now reports to a Justice Department whose interest in wiretapping and general surveillance is questioned even by some conservative members of Congress.

Attorneys General Robert F. Kennedy, Nicholas deB. Katzenbach and Ramsey Clark negotiated with the F.B.I. as if it were a sovereign and formidable power. Attorney General John W. Mitchell's staff has said that the bureau runs largely under its own regulations under very broad guidelines.

With the nation's confidence thus diminished, Mr. Nixon avoided a full embrace of Mr. Hoover as long ago as last December. Asked about the director's charges against the Berrigans, the President said that he would not comment on the case, paid tribute to Mr. Hoover's great service over the years and said cautiously that he approved "generally" of his actions.

Nothing said since then by the White House has erased the impression that Mr. Nixon would welcome an opportunity to retire Mr. Hoover with honor, provided that it could be done without offending his constituency and without appearing to yield to their common adversaries. That is why some officials think that the recent commotion has made it more difficult to replace the director in the foreseeable future.

That is why the idea of a domestic intelligence review board seems to be gaining favor here. Mr. Muskie's idea was proposed in legislative form today by Senator Gaylord Nelson. Mr. Mitchell had previously said that he was studying a similar suggestion.

## The Issue of Confidence

The very search for greater scrutiny may offend Mr. Hoover. But the idea benefits from the implication that the issue of public confidence goes beyond the director's fate and even beyond the operations of his agency.

It is doubtful, however, that



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the public can be satisfied with an inquiry patterned on the work of the President's Foreign Intelligence Advisory Board. That is a part-time group of busy citizens from difference disciplines who can learn only what officials wish them to know. They can advise on policy, but they cannot oversee operations.

Congress might try to do better, but as long as many of its members suspect surveillance of themselves that they cannot prove or disprove, they would need a staff with direct access to all Federal intelligence activity. Outsiders can represent the public's curiosity and anxiety, but only the President and insiders can make sure that the long protected secret bureaucracies are opened to genuine public inquiries.

Confidence in the Presidency itself probably depends upon an effective response to such obvious symptoms of public unrest.