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The Heat on the F.B.I.

By TOM WICKER

WASHINGTON, April 14—When a man bites a dog, that's news; but when a front-running Presidential candidate bites J. Edgar Hoover, that's big news. So the most important thing about Senator Edmund Muskie's charges against the F.B.I. may be that the fabled Director at last has lost the special immunity from criticism that for so long characterized him, mother and the flag.

Mr. Muskie disclosed documents that indicate F.B.I. surveillance of Earth Day rallies last spring—a classic case of overkill, if true. Coming on top of the even more sensational wiretap charges of House Majority Leader Hale Boggs, the distribution of stolen F.B.I. spying records, the Berigan case and the arbitrary dismissal of agent Jack Shaw for mildly criticizing the Director, the Muskie charges are a substantial addition to the worst period of controversy Mr. Hoover has encountered in his 47-year career.

Mr. Muskie went beyond criticism, however, and made a valuable proposal that President Nixon might do well to adopt and shape to his own and the country's best interests. The Maine Senator suggested a domestic intelligence review board, responsible to Congress and the President, composed of both public and Government members, and charged with making yearly public reports on the scope of and need for domestic political surveillance.

Good enough, but if Mr. Nixon would take this idea a step further, he might seize Mr. Muskie's initiative for himself and at the same time act to calm the sudden storm that has blown up around Mr. Hoover, the

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F.B.I. and the whole subject of Government spying on citizens.

The President could appoint just such a responsible board as Mr. Muskie suggested, but give it a much broader initial charge—that of surveying the whole field of Federal police work, making recommendations as to what, if any, forms of political surveillance might be needed, who should be carrying it out, under what supervision and restrictions, and for what specific uses.

This would be a badly needed study by concerned citizens of the extent to which, in modern times, a democratic government may be justified in collecting and storing information on the private lives and political activities of its own citizens, and of the ways in which such information might be legitimately used. And it would be a particularly timely study for at least the following reasons:

For the foreseeable future, the nation is likely to be caught in the kind of social and political turmoil it has seen for the last few years, with activist anti-government elements in conflict with a powerful bureaucracy backed by moderate-to-conservative public opinion. In such a period, political surveillance is bound to be attempted, and denounced, often beyond rational limits.

At the same time, technology is vastly extending the possibilities for the determined spy; the computer-operated data bank, interconnected with those of other state and Federal agencies, is only one example. Legal restrictions and ethical guidelines for

the use of these tools are vitally needed, and already overdue.

Moreover, with the American Bar Association recommending that the states permit wiretapping, and the Justice Department pushing in the courts its doctrine that it has the right to eavesdrop without warrant on persons and groups it suspects of subversive activities, some sober reflection and weighing of results in the bugging-tapping field might prove most useful.

Finally, it is obvious that Mr. Hoover cannot for many more years (as Harry Truman no doubt said to Tom Clark) continue to serve as Director of the F.B.I. His impending departure offers a splendid opportunity to review the role and record of the bureau and its one and only Director, in a responsible effort to determine what improvements might be made.

Maybe there should not be another Director with the independent power of J. Edgar Hoover. Maybe the F.B.I. ought to be organized differently, its jurisdiction expanded or limited, its actions made more accountable. Perhaps the bedrock minimum—if there is one—of surveillance required might be handled in more equitable or even more effective fashion.

This field of government activity, after all, has grown with great rapidity in response to events, and most of it has been entrusted, with little question or dispute, to J. Edgar Hoover. There is ample reason for Mr. Nixon to pick a responsible group to study the results, see where we may be headed, and recommend needed changes. And it would certainly be easier and probably more useful than firing Mr. Hoover or backing him blindly.