

The FBI, Past and Future

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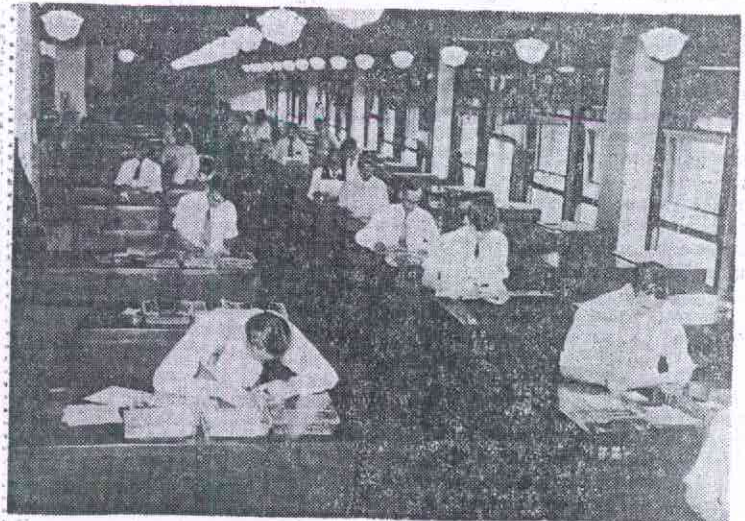
THE DEATH of J. Edgar Hoover is akin to the passing of a monarch. His departure marks not only an end to his hegemony over one of America's most revered and feared social institutions, the Federal Bureau of Investigation, but also creates a succession crisis that inevitably follows the death of a charismatic leader. No other American civil servant presided over a major federal agency for so long a period as Hoover during his incumbency of 48 years spanning the terms of eight Presidents.

Both his admirers and detractors would have to agree on one point: He transformed the FBI from a marginal, discredited agency into one with an annual budget in excess of \$350 million, 15,000 employees and a history of virtual independence of, and at times dominance over, its parent organization, the Department of Justice. As final evidence of his shrewd entrepreneurship, the new FBI building, which will serve as his monument, is to be the most expensive structure ever put up in Washington. It will cost about \$110 million, nearly \$50 million more than the original planned estimate, and its 11 stories will tower over the

nearly 7-story Department of Justice building, which is technically in control of the FBI. In square footage the new FBI building will be exceeded only by the Pentagon and the Rayburn building. The cost and size of the FBI building tells much about Hoover's impact on American life, his virtual immunity from criticism, the absence of any real restraints upon him and his agency's lack of accountability, and it epitomizes his grandiosity.

A Federal Baron

HOOVER WAS MORE than just another bureaucrat who managed to



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FBI clerks before Hoover built up and modernized the bureau.

survive all his bosses, enemies and competitors. He was a feudal baron who ruthlessly crushed all internal opposition, generously rewarded loyal retainers, was alternately compassionate and harsh in his treatment of subordinates. He kept the bureau out of the usual Civil Service structure, ostensibly to enable him to recruit the most able, talented and devoted personnel.

In practice, however, hiring patterns tended to select few blacks or other minorities, put virtually no women in jobs of importance, and resulted in the recruitment of a league of frightened functionaries whose tenure in large measure was dependent upon the pleasure of the director.

A typical special agent's job is a mixture of tedium, harassment by petty rules, meaningless busywork, emotional insecurity, threats of transfer to a remote post for even minor infractions, plus the usual hazards of law enforcement. His salary schedule, however, is the envy of every police officer in the country.

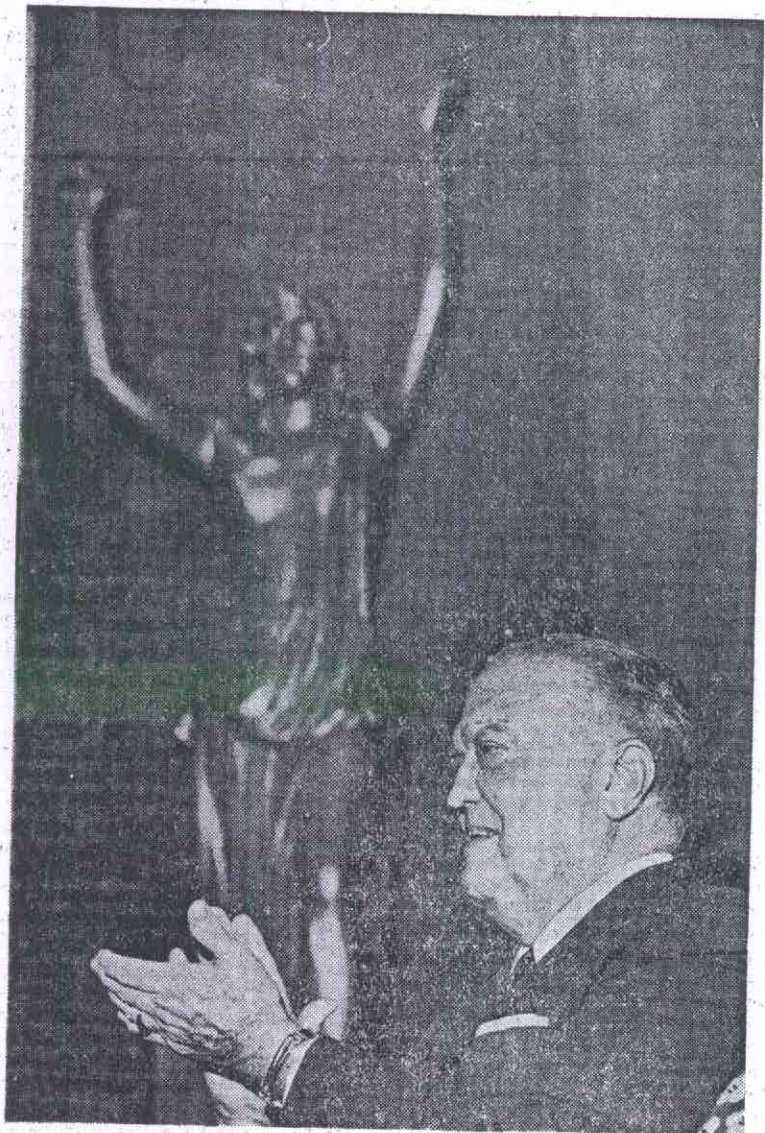
Essentially, in organizational terms, Hoover played two basic roles. Internally, he presided over an agency which was his personal fiefdom, surrounded by a small coterie of personal retainers who hung upon his every word. His power to reward and punish was virtually free of either internal or external review or constraint. Inevitably, therefore, a cult of personality developed in which it became difficult for many purposes to distinguish between the FBI and Hoover; they became one and the same. Indeed, the basic norm that had to be obeyed as holy writ was the admonition, "do nothing to embarrass the director."

Promotion in the bureau followed a bizarre pattern wholly alien to any notions of a merit system. The most frequent approach to promotion was for the candidate to request a personal interview with Hoover. After a previously cleared written request for an appointment, there would be a brief meeting with the director, lasting a matter of minutes, upon which a decision would be made. While there are no data available to pinpoint how many of the bureau's present supervisory personnel and other top administrators were elevated in this fashion, several sources within the bureau indicate that many were promoted in this manner.

Communism to Crime

IF AT THE INTERNAL level of FBI organizational life Hoover played

the role of the sometimes benevolent autocrat, at the external level in the nation at large, he played the role of fearlessly dedicated moral entrepreneur. Just as Harry Anslinger, former director of the Federal Narcotics Bureau, discovered the threat of marijuana to buttress the failing budgetary fortunes of his agency during the Depression, Hoover employed the anti-Communist crusade to expand his funding and to achieve widespread continuing support for his agency. In



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his frequent appearances before what were almost worshipping congressional committees, he never failed to receive ever-increasing financial support to meet new threats posed by "crime in the streets" and other law-and-order slogans, long after the anti-Communist crusade had lost its appeal as a viable issue in support of his budget. Although crime replaced communism, with each annual appropriation the FBI statistics of crime nevertheless soared.

In the press, on radio and television and in films, Hoover always received the most sympathetic treatment as the embodiment of the American creed of clean living, manliness, fearlessness and, above all, incorruptibility. In his occasional public remarks and interviews, he revealed himself as a somewhat puritanical individual who never transcended the late 19th Century suspicion of that which was foreign or alien to the "American way." He appeared naive in matters of foreign policy, the nature of communism and the meaning of the civil rights movement, calling black leaders "rabble rousers," but he was not reluctant to venture firm opinions on all these issues. Many of his personal attitudes and biases spilled over into bureau operations, especially in connection with the bureau's infiltration of peace groups, campus activities and civil rights groups. He posed as a civil libertarian but was not above using "secret" FBI files and dossiers as the basis for leaks to the press or using his organizational base to vent his personal spleen. Given the extent of Hoover's power and the wide-ranging ambit of his authority, he was on the whole restrained in the use of his office.

Archaic Notions

UNDERSCORING THE isolation of the FBI from other law enforcement and intelligence agencies, Hoover even severed direct liaison with the CIA in 1971. Effective cooperation with other agencies has ranged from erratic to minimal because of internal rigidities couched in terms of the FBI seeing itself as the professional expert in all areas of law enforcement. In reality, however, apart from the FBI crime laboratory and its vast computerized crime files, much of the FBI's thinking and approach to problems were reflective of Hoover's archaic, unsophisticated and often erroneous notions about modern social science and its contributions to the fields of criminology, penology, the sociology of law, and criminal justice

systems. The FBI's professionalism consists mainly of the adaptation of modern technology and computer systems to solve problems related to their crime laboratory, communications, and information storage and retrieval. Its uniform crime reports are far from uniform, while its reporting procedures and its indexes of crime are statistically inadequate in truly defining America's crime problem.

Of the total of about 15,000 FBI employees, approximately 7,000 are special agents actually involved in the investigation of violations of federal law. However, agent manpower is largely deployed in connection with those offenses calculated to produce a robust set of figures to legitimate their budget requests—interstate theft of automobiles, petty thefts, robberies and the like. Corporate crime and organized crime have received slight attention, while a significant amount of manpower has been employed in building often useless files and dossiers on persons who have not and are not about to commit crimes. Indeed, in the field of intelligence there are, in addition to the FBI, 26 independent, non-cooperating agencies that frequently trip over each other.

It is impossible to estimate the amount of resources and personnel invested in the business of building, maintaining and disseminating files and dossiers, many of which contain dated, useless, irrelevant and often unverified material. Much of this activity

is busywork, performed simply because the funds are available and have to be expended in some fashion.

The Need for Change

THE PASSING OF J. Edgar Hoover presents the solemn possibility of meaningful change in the FBI. On June 8, 1968, Congress enacted the Omnibus Crime Control and Safe Streets Act. Title VI of the act contains the following provision with respect to the FBI: "Effective as of the day following the date on which present incumbent in the office of director ceases to serve as such, the director of the FBI shall be appointed by the President by and with the advice and consent of the Senate . . ."

The implications of this appointment make it quite clear that the Senate will bear a heavy responsibility in determining the caliber of individual to be selected for this critical post. On the one hand, the executive branch could go through the motions of a na-

tionwide search for a candidate and, as is often the case, find the "best" qualified candidate within the FBI itself. In the case of the FBI, this would be disastrous, for almost every person in any significant administrative position who held views differing from Hoover's has been hounded out of the agency or has retired. It is therefore urgent that candidates be selected from a broad group of individuals with appropriate academic credentials in law and/or the

cial ventures such as books, plays and films during the term of his office or afterward.

Democratic systems are fragile, precarious social structures, in large measure dependent upon the integrity, good faith and intellectual qualities of the men and women who administer

social sciences who have had extensive experience in some administrative phase of the criminal justice system. The candidate finally confirmed should have his term limited to six years, renewable by the President with the advice and consent of the Senate, with a mandatory retirement age of 65.

The Senate should also consider a restructuring of the FBI, redefining its areas of jurisdiction to reduce its caseload. A study group should be formed to make specific recommendations to avoid the present grossly wasteful overlapping and duplication of federal law enforcement and intelligence agencies. Ground rules, controls and guidelines must be more clearly established for wiretapping, and new laws should be enacted to regulate the use of files and dossiers of the FBI and other intelligence agencies, and to govern the circumstances in which one's rights of privacy begin and the legitimate need of the government to know ends.

The secrecy and isolation which has characterized the expenditure of the FBI budget and its other activities must also be brought under regular review and accountability by a permanent body constituted outside the Department of Justice. The entire agency should be brought within the federal Civil Service, and the base of its recruitment expanded. Any future director should not be permitted to use FBI materials in connection with commer-

them. Police institutions are at the cutting edge of the social and political ferment of a nation, and for this reason the appointment and confirmation of the new FBI director may be much more important for the preservation of our constitutional system than most others this administration will make.