

Now That The Mighty Hath Fallen

By Tom Wicker

Not even the Central Intelligence Agency in all its travail has undergone a more precipitous drop in public repute than the once untouchable Federal Bureau of Investigation. Merely to summarize the bureau's various troubles is becoming difficult:

Internally, investigations are going forward of allegations concerning misuse of the agents' recreation fund, malfeasance in the purchase of supplies and equipment, misappropriation of bureau equipment, misuse of a confidential fund to pay informers, and improprieties in the management of an \$18 million annual insurance program covering agents and ex-agents.

A suit by the Socialist Workers Party has resulted in continuing disclosures of illegal F.B.I. burglaries and other crimes; knowledge of the more recent of these was withheld from Clarence M. Kelley, the current F.B.I. director; and when Mr. Kelley did become aware of those burglaries, the information for some reason was not transmitted to the Senate intelligence committee, which was then investigating the bureau.

Richard G. Held, just appointed by Mr. Kelley as his top deputy, has had to acknowledge a responsibility for a program of disruptive tactics against political dissidents when he headed the Minneapolis F.B.I. office in the late 1960's and early 1970's—part of the

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much wider Cointel program recently detailed by Congressional investigators.

All of this has followed the forced resignation of L. Patrick Gray 3d as bureau director, for complicity in the Watergate cover-up, and further Congressional disclosures concerning the F.B.I.'s campaign to discredit Dr. Martin Luther King Jr., its inadequate investigation of President Kennedy's assassination, and its frequent use for secret political purposes by Presidents going back to Franklin Roosevelt.

Various investigations are going for-

ward within the Justice Department, and apparently are being pushed with more zeal than is usually the case when one bureaucracy investigates another. But even without such inquiries, at least three reasons why the F.B.I. accumulated so much dirty linen over its "untouchable" years can be discerned.

The first, of course, is the long tenure and the sanctified status attained by J. Edgar Hoover in his unparalleled half a century as F.B.I. director—owing as much to his bureaucratic and public relations mastery as to his control of the F.B.I. files of secret and personal information.

This prime fact led directly to a second—that in the Hoover years there was literally no Congressional oversight of the F.B.I. Its budget requests at one time were not even subjected to line-by-line analysis, but simply approved without question.

The F.B.I., moreover, has semi-autonomous status. Technically it is an arm of the Justice Department and subordinated to the Attorney General, but in practice the latter official cannot conceivably control or even monitor all F.B.I. activities. One inevitable result is that a direct line of authority runs informally from any President to the F.B.I. director, opening up—as Watergate showed—all sorts of dubious possibilities.

To some extent, these problems have been dealt with by exposure of past excesses, by the law requiring a nominee for the director's job to be confirmed by the Senate, and by new Congressional arrangements that theoretically subject the bureau to more stringent oversight, both as to its budget and its operations. A single, fixed term of eight years or less for a director was recommended by the intelligence committee; and whoever appoints Mr. Kelley's successor probably would do well to nominate a total outsider with authority enough to dominate the bureau's old-boy network and Hoover traditionalists.

Administrative responsibility for the F.B.I. seems more troublesome. Giving greater authority over the bureau to the Department of Justice, as recommended by the intelligence committee, may be sufficient in the bureau's present shattered condition, and with an attorney general of Edward Levi's stature in the Ford Administration. In other administrations and with a more pliable attorney general, however, that course could give a President even greater ability to make the F.B.I. his political instrument. Circumstances are easily imaginable, in fact, where the F.B.I. ought to be free to investigate the Justice Department or the President himself without administrative inhibition.

What may really be needed is less, not more Presidential control—which can too easily become political direction—over the Government's most powerful investigative arm. But if so, where is administrative responsibility for the F.B.I. to be lodged?

See letter, Robert F. Drinan, NYT 9 Aug 76, this file.