

Invitation to a Bonfire

Everything has its usefulness, including, I suspect, the muscle-bound and accident-prone inefficiencies of our federal government. Consider only the saving incompetence of the Watergate crowd. Frustrated in their attempts to get the great engine of government to do the dirty work for them, in the end they foundered on their own weakness for bureaucratic complication and excess: too many records, too many participants, too much organizational structure, too much junk.

These thoughts are prompted by the current controversy in Washington over the dossier-making and/or file-keeping issue. You do not, I think, have to resolve the still-open questions concerning the latest charges against the FBI and the CIA to accept one general proposition. It is—as any small businessman or student-loan applicant or war protester can tell you—that government at all levels has long since crossed the boundary between legitimate and illegitimate intelligence gathering and file making on American citizens. For the CIA and the FBI are far from being unique among Federal agencies in having investigators in the field or in amassing vast amounts of material of questionable relevance and propriety in their files. And that is where the saving sprawl and ineptness of government come in. For it may be accounted one of the blessings of our time that for all its snooper and storage capacity, the government does not necessarily know what it knows—or even how to find out.

I offer in evidence a personal reminiscence from the Kennedy years. The episode, set off by an angry letter from Bertrand Russell to *The New York Times*, has always struck me as being both illuminating and oddly reassuring. Lord Russell, feeling more scourgelike than informative, in effect had only this to say: it was a sad commentary on America's pretensions to democracy that, for all our talk of freedom, the government had locked up poor Don Martin for expressing his dissent and now was refusing to let him out of prison—for shame.

Don Martin? Evidently along with a posse of other reporters, I rang the appropriate assistant to the Attorney General and asked who Don Martin was and what the Department of Justice had done to him. "God, don't we wish we knew," came the reply, followed by assurances from the harassed aide who was working on it that I would be placed prominently on the "call-back" list of journalists who wanted to know.

Time passed, and so did my faith in my prominence on the list. So I did the obvious, reasonable thing—which is somehow outside government's grasp. Figuring it sounded like something the American Civil Liberties Union would know about, I called a lawyer there and was told at once that Don Martin was a youth who had been jailed for his part in a "row-out" protest against our nuclear-submarine facility in Groton, Conn. I was referred to young Mr. Martin's attorney who, after a helpful chat, in turn put me on to the federal judge in the case. The judge discussed the public aspects of the case and then suggested that I seek Justice Department permission to speak to a person he named over there who was familiar with the status of efforts to secure the youth's release.

No one who works in Washington will be surprised at the greeting I received from the (now frantic) Justice Department aide whom I called to

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seek that permission several hours after our original exchange. "Look," he blurted into the phone, "we're working on it, and we will call you back. We are 90 per cent certain it's something that came out of the civil-rights demonstrations in Albany, Ga., but we want to nail it down."

One cheer, then, for government's inefficiency as keeper and producer of the files. Even when it ought to know, it often doesn't. Still, one cheer is plenty. For this built-in bureaucratic maladroitness has its limits as a virtue—and also its potential as a vice. It's not just that fancy computer retrieval systems now threaten to make the utilization of government files much easier. The fact is that bureaucratic incompetence and point-missing have also managed to stuff government's files with irrelevant, damaging and false information concerning thousands of citizens.

The late Francis E. Walter, who was chairman of the House Un-American Activities Committee during the time of some of its worst excesses, once told me that his own name had turned up on one of the committee's dragnet lists of potential subversives, owing to a contribution he had made to a Spanish

Civil War refugee program. He found this fact inexpressibly funny. But anyone who has ever tried to straighten out a case of mistaken identity with a credit bureau or who has followed the nightmare experiences of those public and private figures who have sought to expunge from the record half-hidden libels that have plagued their careers will know that these things are anything but funny. The Fibber McGee's closet of government-acquired information on the personal lives of citizens may be—happily—a model of disorder and inaccessibility, but from time to time someone is going to open the door.

The recently enacted federal privacy statute attempts to diminish some of these dangers. But since it is limited in scope, and leaves enforcement of new curbs on government agencies largely to the agencies themselves, I think its effect is bound to be modest. For we can take it as the nearest thing we have to an immutable law that institutions involved in intelligence gathering and record keeping can almost always think of a reason to pursue their inquiries, and almost never of a reason to close or destroy the files. It is interesting to note, in this connection, that even as members of Congress express their outrage over the FBI's prying into their private lives, there has been no congressional groundswell to dismantle the notorious files (on others) of the House Un-American Activities Committee, which was allowed to amble along, pursuing its inquiries and making its official notations until just a few weeks ago.

The sad fact is that there is hardly an agency or branch of government or political group or faction that has not somehow contributed to the condition in which we now find ourselves, including, I would add, those of us who have urged an enlarged governmental role in people's affairs over the past few decades—without thinking about this predictable result. Now we are well beyond the point where inquiries into the possible malefaction of certain government employees or passage of modest statutes can have much effect. For we have to decide not just how we wish to control this intelligence-gathering mania in the future but what we wish to do with the mountain of existing government files that clearly exceed the bounds of any decent national purpose or need. On the theory that we can't count on Washington's incompetence forever, I am for a bonfire.