

FEB 28 1975

FBI II

Secret Files

NYT FILED HOOVER

Washington

J. Edgar Hoover, as director of the FBI, kept secret files of derogatory information on presidents, members of Congress, federal officials and those who simply tried to oppose him, Attorney General Edward Levi testified yesterday.

In the first detailed, official account of the late FBI director's secret files, Levi told the House subcommittee on civil rights and constitutional rights that the Department of Justice had found evidence that in at least one case Hoover gave out derogatory information on a congressman to members of the executive branch.

He told the subcommittee that he also could confirm a series of incidents in which the FBI had been misused for political purposes or to serve the whim of past presidents.

Deputy attorney general Laurance H. Silberman said after the hearing that Presidents Kennedy, Johnson and Nixon had misused the bureau's files and manpower.

Several of the occurrences confirmed in Levi's testimony had been hinted at in published press accounts for

Back Page Col. 6

From Page 1

years, and others had been charged by former FBI officials. But the description and detail on Hoover's private files were both startling and previously unrevealed.

Midway through his testimony, Levi noted. "At this point I believe I must refer to a past practice of the bureau with respect to certain files, not with reference to their subject matter, but to their location."

He said the FBI had found a group of files marked "official and confidential" or simply "OC" that were kept in Hoover's private office and were not part of the over-all bureau filing system.

These files, he said, consisted of 164 file folders, dated back to 1920. When Hoover died on May 2, 1972, these files were moved to the office of W. Mark Felt, then associate director of the FBI.

It was not clear from Levi's testimony whether either Directors L. Patrick Gray or William Ruckelshaus, former acting directors of the FBI, ever were advised of the existence of the files, but bureau sources said privately that they had not been.

The files apparently came into the hands of the current FBI director, Clarence Kelley, in the fairly recent past.

The Hoover secret files, Levi testified, contained, among other things, 48 folders on "public figures or prominent persons, which Levi said included "presidents, executive branch employees and 17 individuals who were members of Congress." He said two of the men named in the files are still in Congress.

Levi said the files contained an instance in which an FBI agent "forwarded derogatory information to Hoover concerning a congressman who had attacked the director. The file contains a document that indi-

cates that Hoover disseminated the derogatory information to others in the executive branch."

There was also evidence that Hoover used material from his files in meetings with congressmen, Levi testified.

One file covered "five decades" of activity and had been kept up year by year, Levi said. He also said there were memoranda regarding efforts of various people to have Hoover replaced as director of the FBI as well as information about an alleged smear campaign against him and derogatory remarks made about him. He also kept files on the attitude of an FBI employee and letters from FBI men on personal matters.

According to Levi, Hoover had maintained such a personal file since 1920 but in 1941 spruced it up and reorganized it. At that time he described his secret file as "various and sundry items believed inadvisable to be included in the general files of the bureau." ^{1921?} _{SEE NYT}

Levi said that an internal review of FBI files had revealed the five instances of "misuse" of the FBI including several involving presidents. In one case, he said, the bureau was used to gather political intelligence.

Justice Department officials confirmed one such incident, in 1964, when former White House aide Bill Moyers asked the bureau to gather data on campaign aides to Senator Barry Goldwater, the Republican presidential nominee.

Moyers made the request on behalf of President Johnson a few weeks before election day, deputy attorney general Silberman said, and no derogatory material was uncovered.

Levi said that in another instance "a president caused the FBI to gather intelligence relating to a political convention under circumstances that, although cast in legitimate law enforcement terms, could —



J. EDGAR HOOVER
Derogatory data

and some would say should — have been suspected of being politically motivated."

Department officials confirmed that Levi was referring to a 1964 case where President Johnson may have derived political information overheard from a wiretap of the late Rev. Dr. Martin Luther King Jr. at the Democratic national convention. Department officials also confirmed an incident in 1968 shortly before the election when President Johnson may have derived political advantage from an FBI investigation.

Other Justice Department sources privately confirmed that this was the incident in which the FBI obtained the telephone toll records of members of the staff of Spiro Agnew, then the Republican candidate for vice president.

The toll records were obtained after a request came to the FBI from a key aide to President Johnson, these sources said.

Levi cited instances in which incumbent presidents had ordered the bureau to report on the activities of members of Congress. Justice Department officials later said that Presidents Kennedy, Johnson and Nixon had indulged in this practice.

New York Times