



Burglaries by FBI

Andrew Tully

THE TEMPTATION is strong to steer clear of the current Justice Department's investigation of burglaries by FBI agents directed against underground terrorist groups.

But I suggest that some comments on the CBS TV program, "Face The Nation," by W. Mark Felt, former associate director of the FBI, deserve thoughtful consideration. They pose a dilemma that must be resolved for both national security and constitutional reasons.

That dilemma involves the question of how far a republican form of government should go to protect itself from those seeking its violent overthrow.

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FELT has admitted he authorized two such break-ins by FBI agents in 1972, and he's not sorry he did so. "I'd do it again tomorrow," he told his television audience. He added that if he were indicted, "my defense would be that the national security interest of the country was paramount."

Felt has an argument that should not be lightly dismissed. He noted that one of the target outfits, the Weather Underground, had claimed responsibility "for hundreds of bombings," including some at the U.S. Capitol and the Pentagon. As for the second break-in, he said it was intended to produce information about an Arab group that was "planning all sorts of terrorism in the United States, and I think we stopped it because we took that action."

We have only Felt's word for this,

but that word has a certain credibility because Felt is not saying "I didn't do it," only that in his judgment the break-ins were necessary. "You're either going to have an FBI that tries to stop the violence before it happens, or you're not," he argued.

How does one reject Felt's viewpoint out of hand? Of course most of us plain citizens would prefer that violence be stopped before it happens. We'd be pretty silly if we didn't favor some means of uncovering the violent plans of terrorist groups in order to thwart those plans.

My objection is to the illegality of the two burglaries. A number of break-ins, many apparently authorized in advance by FBI officials in Washington, took place between 1971 and 1973, according to bureau records. And not one of them was accompanied by a judicial search warrant.

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FELT has conceded that the practice, though necessary, was "extralegal," but he argues that the problem facing the FBI was one serving "the greater good," even though the constitutional rights of a few individuals had been violated.

That just won't wash. If only one person's constitutional rights are violated, the people's government has sinned. Most terrorists belong in jail, but they should be put there by due process.

Attempts by law enforcement agencies to spy on troublemaking groups should be bound by the rules of due process.