

## A blank-check law hangs on

An obscure law that made possible major government scandals — from massive Army spying at the 1968 and 1972 Democratic conventions to the secret White House slush fund of Richard Nixon — is still on the books. It's called PL 90-331.

Passed as an emergency resolution within hours of the death of Robert F. Kennedy on June 6, 1968, PL 90-331 immediately authorized the Secret Service to protect all presidential candidates — and paid for security arrangements at the Kennedy funeral.

But the real kicker was that it empowered the Secret Service to command the resources of other departments and agencies of the federal government in the performance of these duties. In theory, PL 90-331 put much of the federal apparatus at the beck and call of a relatively tiny government agency. As a result, the following happened:

- A domestic war room in the Pentagon, set up on the heels of the Martin Luther King assassination in April 1968, became fully operational two days after PL 90-331 was passed. Then known as the Directorate for Civil Defense Disturbance and Operations, today the war room is called the Directorate of Military Support.

- PL 90-331 also vastly expanded the swapping of intelligence information between the Army and the Secret Service under the Civil Disturbance Information Collection Plan. In fact, this exchange had been going on informally ever since the Warren Commission recommended it in the wake of the John F. Kennedy assassination. The plan itself had been set

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up in May 1968, following King's assassination, and in anticipation of violent anti-war demonstrations at the Democratic Convention that August.

- Under orders from the War Room Directorate, plain-clothes Army agents moved in en masse on the 1968 Democratic Convention in Chicago, infiltrating the McCarthyite and anti-war forces, mingling with delegates on the convention floor, reportedly intercepting telephone messages from McCarthy's campaign headquarters. As Secret Service spokesman John W. Warner explained to members of the press after the Army spying scandals broke in 1970, the Secret Service had borrowed the military agents to furnish protection under PL 90-331.

- In 1972, Secret Service agents assigned under PL 90-331 to protect presidential candidate George McGovern provided reports on the involvement of

alleged communist sympathizers in McGovern's campaign to White House presidential adviser John Dean. Dean later told Senate Watergate Committee members that he passed the information to Charles Colson, who then tried to have it published.

- From 1969 to 1974, the Nixon Administration, largely through Secret Service requests, tripled the size of the White House staff by drawing on the personnel, and budgets, of other agencies.

Total cost of the expanded staff, according to one Office of Management and Budget (OMB) official: \$100 million yearly. But the fact is that nobody really knew. Because of PL 90-331, the costs of the staff were hidden in the budgets of a wide array of federal agencies and did not appear in the White House budget itself.

In 1974, in the midst of the Watergate scandal, three House committees reported how PL 90-331 had been used as a justification for the \$17 million spent by the federal government on Richard Nixon's properties at San Clemente and Key Biscayne. The General Services Administration had assisted the Secret Service by supplying such equipment as a

fireplace exhaust fan — "in order to provide additional security." As time went on, additional requests for items ranging from den windows to ornamental brass lanterns came directly from the President's personal representatives and were duly ratified by the Secret Service under PL 90-331.

Since PL 90-331 was passed, two waves of sensational revelations have hit the public concerning government violations of citizens' rights — first the Army spying scandal in 1970, and then Watergate.

Yet Congress has failed to take any action on the law that made much of this possible. The two Senate committees which spearheaded congressional investigations into both scandals — the Ervin Committee on Army Surveillance Operations and the Select Committee on Watergate — failed to call witnesses from the Secret Service. And neither of the two committee reports made reference to PL 90-331 itself.

As a result, PL 90-331 remains in force. In theory, its deliberately vague language could still be used by an unscrupulous executive to marshal the resources of federal agencies in domestic surveillance and security operations. Last time it was the Army. Next time it could be the Post Office.

—Peter Dale Scott

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