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FBI Asked to Do The Impossible?

I HAVE NEWS that is interesting, healthy, and infuriating. Three members of the Warren Commission apparently raged, behind closed doors, against the projected criticisms of the Federal Bureau of Investigation. But Earl Warren was adamant, and the criticisms were therefore registered.

The official Commission report said that the FBI "took an unduly restrictive view of its role in preventive intelligence work prior to the assassination. A more carefully co-ordinated treatment of the Oswald case by the FBI might well have resulted in bringing Oswald's activities to the attention of the Secret Service."

The three gentlemen who were healthy enough to dissent were Reps. Gerald Ford and Hale Boggs, and Sen. Russell. They made the point that it was unfair to criticize the FBI without suggesting what, of a concrete nature, the agency could have done, and without weighing the meaning of the kind of preventive activity Justice Earl Warren seemed to be recommending on the rights of the individual citizen.

It is all very well grandly to suggest that the FBI should pick up more suspects, or turn the names of those suspects over to the Secret Service to be picked up. Any implementation of such a program would, however, end the FBI up defending its behavior before—guess who? Earl Warren himself, who—and this is what is infuriating about Warren's criticism of the FBI—has during the past years done everything within his power to undermine (a) anti-subversive legislation (for instance, of the kind that might have put the spotlight on Oswald), and (b) criminal-apprehension techniques (there was the famous Mallory case, for instance, where a rapist-murderer was released because he hadn't been arraigned soon enough: who went on to rape again).

The task of sequestering anyone who might conceivably assassinate a President of the United States is overwhelming, and it must dismay J. Edgar Hoover to be castigated for failing to do an impossible job largely by the same group of people who make it difficult for him to do a possible job—and who are always on the alert against any enhancement of the FBI's powers. It is especially curious that the testimony of Hoover to the Warren Commission was not published. Why, one wonders? Because it would have defanged Warren's criticisms?

What, actually, is the Chief Justice recommending? The FBI has estimated that in some areas of the country there are as many as five thousand persons who are as likely to assassinate a President as Lee Harvey Oswald was, judging only from his previous record. They are Communists, subversives, ultras of every variety, neo-fascists, men and women who are emotionally unstable or demonstrably irrational in their behavior. Is it seriously proposed that, let us say every time the President comes to New York, five thousand people be picked up and tucked away somewhere until the President is so gracious as to leave town? The proposal is preposterous and, one would think, utterly unenforceable for so long as we decline to repeal the Bill of Rights.

Clearly the principal responsibility rests on the President himself. It is not fair for him to impose upon the Secret Service or the FBI an undischageable burden. It is in the great tradition of leadership to wave away the bodyguards and mingle with the people, and one's republican blood stirs at the sight of it. Charles de Gaulle entered Notre Dame Cathedral on the day that Paris was liberated and walked majestically up the great aisle even as snipers fired bullets all around him from the choirloft.

He got away with it, but the whole point about personal heroism is that sometimes you don't get away with it (otherwise it wouldn't be called heroism), and when you don't get away with it, it is hardly fair to blame the FBI. It was John Kennedy himself who rejected the protective bubble on November 22: and the Secret Service had no power to overrule him. One would like to think that a President could mingle among his own people with impunity. But we are a free society, free even to the point that men and women who think disorderly and abusive thoughts are nevertheless unmolested until and unless they act overtly, or are known to be afraid to act.

A committee of eminent people should solicit from all presidential candidates the pledge that they will, if elected, submit to elementary precautions against stray wildmen with twenty-dollar rifles and telescopic sights. It is better to ask one man to restrain his impulse to mingle with the crowds, than to ask the FBI to deprive of their freedom every man and woman whose unorthodoxy might conceivably explode into an act of regicide.