

**I**T IS NOW nearly two years since J. Edgar Hoover died, and the legacy of the man who built and headed the FBI for 48 years is still unfolding. We knew him to have a bulldog's determination in pursuit of his goals, and we debated his targets and his methods throughout most of his tenure.

What we are learning of late is that Mr. Hoover's dislike of certain groups led him to instruct his agents to use unconstitutional and unethical methods to destroy them. We are learning that in the case of black groups, those methods included the kind of "Mission Impossible" trickery that could easily have resulted in turning one group against another in such a way as to thwart their rightful exercise of speech and organizing.

These secret operations were carried out against black and white groups of left and right from 1961 to 1971. Ostensibly, the attorneys general under whom Mr. Hoover nominally served knew nothing of his secret operations. That they were finally stopped is no cause for comfort. The American people deserve to know what resulted from such a pervasive pattern of illegal activity. Only by knowing what Mr. Hoover did can we learn how to prevent a recurrence of such pervasive illegality, carried out in the name of law.

Because a reporter, Carl Stern at NBC, sued the Justice Department under the Freedom of Information Act and won access to a series of documents, we now know a little about Mr. Hoover's counterintelligence operations, and they do not present a pretty picture to a free society. Mr. Hoover wrote to his agents in 1970 instructing them to carry out such "dirty tricks" as planting phony documents in the hands of members of the Black Panther Party that would lead them to suspect one another of being police informers. He told his agents to use FBI stationery to make their pranks appear to be authentic. Police departments could cooperate, also using their stationery for the same purpose. He ordered agents to get personal information on one member of the Panthers and hand it over to another faction. We can only guess at the results of some of this handiwork, but we would be very surprised if it didn't result in bodily harm, brought about by insidious FBI provocation.

It should go without saying that such activity has no place in the American system of justice. And yet, in the case of Mr. Hoover's FBI, it was all in a day's work. Even more disturbing to any system of justice was Mr. Hoover's memorandum to his troops on March 4,

1968. This document on counterintelligence makes it clear that Mr. Hoover decided that the constitutional rights of those he was pleased to call "black nationalist hate groups" should be ignored. His goals, he said, were nothing short of the destruction of the black nationalist movement in the United States. The first goal was to use the power of the agency to prevent all such black groups—his definitions were very broad—from being able to form a coalition, lest they bring off "the beginning of a true black revolution." More than that, he instructed his agents to prevent "the rise of a messiah" and to "pinpoint potential troublemakers and neutralize them. . . ." The agents were also to prevent black nationalist groups from "gaining respectability" by discrediting them with bad publicity, ridicule and whatever other means could be thought up by "imaginative" members of the FBI bureaucracy. Mr. Hoover lauded such programs as that used by one city that placed all of its militant leaders in jail for a summer on one trumped up charge after another until "they could no longer make bail."

Because only about a dozen pages were released by the Department of Justice, and because even those were heavily censored, there is much still to be learned about Mr. Hoover's intelligence program, and we trust somebody will begin a thorough airing soon, as former Attorney General Ramsey Clark has urged. In the interim, other steps seem appropriate. Attorney General Saxbe would do well to make certain that all these practices have indeed been halted, and FBI Director Kelley should be called upon to state what steps have been taken to see that such outrages against the Constitution are not allowed to be repeated by the agency he now heads.

Mr. Hoover based the actions he took on his own notion of what was a "black nationalist hate group." He alone made the decision concerning which groups should become the targets for such practices. In so doing, Mr. Hoover decided to fight his conception of illegality with an illegal program of his own. If any group, irrespective of its name or its color, violates the criminal code of the United States, its members should be prosecuted. For a law enforcement official to decide to whom the Constitution should apply and to whom it should not apply, is to flirt with totalitarianism. If the society sanctions that kind of behavior against the Black Panthers, it sets the precedent for other groups and soon makes meaningless the rule of law.