

FBI Makes a Case

When Prof. Duane Lockard decided to try the FBI in a kangaroo court on the Princeton campus, he invited J. Edgar Hoover to send one of his agents to offer a defense.

Hoover declined, not unreasonably since several of the judges had condemned the agency in advance.

But Hoover's letter of reply was a defense in itself. It also demonstrated what a formidable adversary the old boy still is and how enduring his own concept of fair play.

The Miranda decision? That's the one which said the accused must be told of his right to remain silent and to see a lawyer.

"I am sure that at least most of those who attend your conference hailed as a great step forward the decision of the Supreme Court in the Miranda case," Hoover said.

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"DO THEY KNOW, also, that for decades prior to the Supreme Court edict in Miranda, all special agents of the FBI were, by our own house rule, over and above the requirements of the courts, advising criminal subjects of these same rights?

"The Supreme Court willingly took cognizance of that fact in the text of the Miranda decision . . . I suggest that no fact-finding investigation of the FBI would be complete without calling public attention to those words of the Supreme Court."

The new enlightened policy that holds a policeman may shoot only in self-defense or the defense of others? That has long been the FBI's policy.

"If the observance of this rule allows a fleeing felon to escape, we hopefully will apprehend him another day," Hoover said. "The rule innovated by the FBI, on its own initiative, raises the sanctity of human life a notch above that required by the law. We

consider this to be significant and hope that you agree."

Recent court decisions admonishing police to put less emphasis on confessions and more on physical evidence? Hoover said his agency set the pace for that trend by establishing the FBI Laboratory — in 1932.

"Scientific examination of evidence leads to proof of guilt or innocence quite independently of anything said by the accused," he wrote to Prof. Lockard.

"We are as proud of the cases showing innocence as of those showing guilt and have not been reluctant to say so. That fact should be of interest to your group, for it is another example of professional and humanitarian law enforcement at its best."

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HOOVER ALSO wrote: "I may as well frankly recognize the fact that your group probably will hear criticism from former special agents of the FBI. . . .

"There is an organization known as the Society of Former Special Agents of the FBI, wholly private and in no way part of the government, whose members number in the thousands. . . .

"If your scales of justice are well balanced, I am sure that you will find that the views of these many greatly outweigh those of a dissident few, and I think that fairness requires that the views of the many be so well represented in your inquiry that the difference in weight is made obvious."

Hoover concluded: "I suggest that if evidence like that which I have briefly described here is fully developed and exposed to public view, the ultimate 'verdict' must be that the FBI is a lawfully composed and operated public agency, staffed by honest and reasonably intelligent citizens doing a difficult job in the best way they know how and, moreover, doing it quite as well as it could be done by anyone else."