

# Levi Details Wide Scope Of Hoover's Secret Files

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WASHINGTON, Feb. 27—J. Edgar Hoover, as director of the Federal Bureau of Investigation, kept secret files of derogatory information on Presidents, members of Congress,

Federal officials and those who simply tried to oppose him, Attorney General Edward H. Levi testified today.

Several of the occurrences confirmed in Mr. Levi's testimony have been hinted in published press accounts for years and others have been charged by former F.B.I. officials. But the description and detail on Mr. Hoover's private files was both startling and previously unrevealed.

In the first detailed, official account of the late Mr. Hoover's secret files, Mr. Levi said the Department of Justice had found evidence that in at least one case the F.B.I. director had disseminated derogatory information on a Congressman to members of the executive branch of Government.

The Attorney General told members of the House Subcommittee on Civil Rights and Constitutional Rights that he could also confirm a series of incidents in which the F.B.I. had been misused for political purposes or to serve the whim of past Presidents.

Deputy Attorney General Laurence H. Silberman said after the hearing that it was Presidents Kennedy, Johnson and Nixon who had made a misuse of the bureau's files and manpower.

Midway through his testimony

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ny, Mr. Levi noted that "at this point I believe I must refer to a past practice of the bureau with respect to certain files, not with reference to their subject matter, but to their location."

He said the F.B.I. had found a group of files marked "official and confidential" or simply "OC" that were kept in Mr. Hoover's private office and were not part of the over-all bureau filing system.

These files, he said, consisted of some 164 file jackets or folders, dated back to 1920. When Mr. Hoover died on May 2, 1972, these files were moved to the office of W. Mark Felt, then associate director of the F.B.I.

It was not clear from Mr. Levi's testimony whether the two past acting F.B.I. directors, L. Patrick Gray 3d or William D. Ruckelhaus, were ever advised of the existence of the files, but bureau sources said privately that they were not.

The files apparently came into the hands of the current F.B.I. director, Clarence M. Kelley, fairly recently. They were never mentioned publicly during the term of Attorney General William B. Saxbe who stepped down last month to become Ambassador to India.

The secret Hoover files, Mr. Levi testified, contained, among other things, 48 folders on public figures or prominent persons, which Mr. Levi said included "residents, executive branch employes and 17 individuals who were members of Congress." He said two of the men named in the files were still in Congress.

### 'Derogatory Information'

Mr. Levi said the files told of an instance in which an F.B.I. agent "forwarded derogatory information to Mr. Hoover concerning a Congressman who had attacked the director, "adding, "The file contains a document which indicates that Mr. Hoover disseminated the derogatory information to others in the executive branch."

There was also evidence in the files that Mr. Hoover used material from his files in meetings with Congressmen, Mr. Levi testified.

The files were also instructive about Mr. Hoover's personality, it was said. One file, for instance, covered "five decades" of activity and had been kept up year by year, Mr. Levi said.

He also said there were memorandums regarding efforts of various persons to have Mr. Hoover replaced, as well as information about an alleged smear campaign against him and derogatory remarks made about him. He also kept files on the poor attitude of an F.B.I. employe and letters from F.B.I. men on personal matters, Mr. Levi said.

According to Mr. Levi, Mr. Hoover had maintained such a personal file since 1920 but in 1921 spruced it up and reorganized it. At that time he described his secret file as "various and sundry items believed inadvisable to be included in the general files of the bureau."

Mr. Kelley testified that the



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Edward H. Levi as he testified yesterday.



bureau had no idea whether the material it found was complete. He said that Mr. Hoover had "purged" his personal files for "a year before his death" and that at the time of his death substantial material had been moved from the bureau to Mr. Hoover's home in the northwest area of Washington.

Mr. Kelley said he believed the material moved to Mr. Hoover's home was in the nature of personal financial matters, correspondence and items of historical value, but he said he did not have a clear list.

Mr. Levi said that an internal review of F.B.I. files had revealed the instances of "misuse" of the F.B.I., including several involving Presidents. In one case, he said, the bureau was used to gather political intelligence.

Later Justice officials confirmed one such incident, in 1964, when a former White House aide, Bill Moyers, asked the bureau to gather data on campaign aides to Senator Barry Goldwater, the Republican Presidential candidate.

#### Moyers Request Cited

Mr. Moyers made the request on behalf of President Johnson a few weeks before Election Day, Mr. Silberman said, and no derogatory material was uncovered.

Mr. Levi said that in another instance "a President caused the F.B.I. to gather intelligence relating to a political convention under circumstances that, although cast in legitimate law enforcement terms, could—and some would say should—have been suspected of being politically motivated."

Later department officials confirmed that Mr. Levi was referring to a 1964 case where President Johnson may have derived political information overheard from a wiretap of the late Rev. Dr. Martin Luther King Jr. at the Democratic National Convention.

Department officials also confirmed an incident in 1968 shortly before the election when President Johnson may have derived political advantage from an F.B.I. investigation.

Other Justice sources privately confirmed that this was the incident in which the F.B.I. obtained the telephone toll records of members of the staff of Spiro T. Agnew, then the Republican candidate for Vice President.

The toll records were ob-

tained after a request came to the F.B.I. from a key aide to President Johnson, these sources said, adding that the request was made on the basis of national security at that time.

Mr. Levi cited instances in which incumbent Presidents had ordered the bureau to report on the activities of members of Congress. Justice Department officials later said that Presidents Kennedy, Johnson and Nixon had indulged in this practice.

In another instance, Mr. Levi testified, the F.B.I. was used to conduct an investigation of another Federal law enforcement agency. Justice Department officials later said the incident arose during the 1965 investigation of Bobby Baker, former Senate Democratic majority aide. At that time the Criminal Division of the Department of Justice requested the bureau to fit out an informer with a secret radio transmitter so that his conversations with principals in the case could be recorded.

The bureau refused to do so and, Justice officials said, the Criminal Division turned to the Treasury Department's Federal Narcotics Bureau.

In 1967 when President Johnson found out that the Narcotics Bureau had assumed this task in the case involving his long-time protege, Bobby Baker, Justice officials said, he ordered the F.B.I. to conduct an investigation of the Treasury Department to determine if any of the officials involved were friends or supporters of then Attorney General Robert F. Kennedy.

This was the kind of allegedly whimsical use of the bureau that many top F.B.I. agents have complained about.

#### Response to Testimony

Mr. Levi's nearly two-hour-long testimony was met with criticism and suspicion by several members of the committee, more on the ground of what it revealed about the general F.B.I. practice of accepting and filing unsupported allegations.

Mr. Kelley confirmed that the bureau receives and files allegations that have no connection with any criminal or national security investigation.

The rationale he and Mr. Levi offered was that the material might be useful in the future. Neither man testified on just what proportion of the bureau's 6.5 million files (not counting criminal conviction and arrest records) are made up of such allegations.

Mr. Levi left the committee with a pledge that he and other Justice Department officials were working on "guidelines" to prevent the misuses of the F.B.I. in the future.

"I would be disturbed at the thought of an F.B.I. director maintaining files on specific individuals in his own personal offices with the unavoidable consequences that the files would be generally suspected of being 'dossiers' with various connotations as to purpose or use. N1 N1. Director Kelley and I both agree that such files should not be so maintained."

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SFChronicle, filed  
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