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FBI: The Bad Old Days

By **David J. Garrow**, author of "The FBI and Martin Luther King Jr." and "Bearing the Cross," Pulitzer Prize-winning biography of King.

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Broken: The Troubled Past and Uncertain Future of the FBI

By Richard Gid Powers Free Press, 515 pages, \$30

The FBI and American Democracy: A Brief Critical History

By Athan Theoharis University Press of Kansas, 195 pages, \$24.95

The 10 years leading up to Sept. 11, 2001, were more traumatic for the Federal Bureau of Investigation than were all the scandalous revelations that followed the 1972 death of legendary Director J. Edgar Hoover. Long before the investigations into the Sept. 11 tragedy highlighted missed opportunities where the FBI might have derailed the Al Qaeda hijackers, many other blunders had repeatedly stained the bureau's reputation:

- The 1992 sharpshooter killing of survivalist Randy Weaver's wife, Vicki, in Ruby Ridge, Idaho.

- The 1993 military-style assault on the Branch Davidian complex in Waco, Texas, that left 50 adults and 25 children dead.

- The inept investigations of security guard Richard Jewell, wrongly accused in the 1996 Atlanta Olympics bombing, and Los Alamos nuclear scientist Wen Ho Lee, who allegedly provided warhead designs to China.

- The unmasking, early in 2001, of FBI intelligence division supervisor Robert Hanssen as a Russian spy for more than 20 years.

Compared to that track record, the Hoover-era bureau looks almost like the good old days, notwithstanding all the COINTELPRO domestic-spying abuses that targeted assorted communists and Klansmen, as well as Martin Luther King Jr. Hoover's FBI committed a long list of abuses--illegal break-ins aimed at photographing political groups' membership lists topped the chart--but most histories declare that the pre-1960s bureau also had many important breakthroughs and achievements.

Hogwash, say Richard Gid Powers and Athan Theoharis. In most respects, Powers and Theoharis could not be more different historians, notwithstanding their shared status as the two most knowledgeable scholars of the FBI. Powers, a professor at the City University of New York and author of "Secrecy and Power," by far the best biography of Hoover, is a conservatively inclined cultural historian whose other books have examined American anti-communism and Hollywood's glorification of Hoover's G-men during the 1930s. Theoharis, a professor at

Marquette University in Milwaukee and a prolific, left leaning writer on FBI domestic-intelligence abuses, has spent the last quarter-century using the Freedom of Information Act to ferret out Hoover-era memos and files that the secretive director never imagined anyone outside the bureau would ever see.

Powers' and Theoharis' new books--"Broken: The Troubled Past and Uncertain Future of the FBI" and "The FBI and American Democracy: A Brief Critical History," respectively-- differ even more than do their authors, but both historians robustly challenge the notion that Hoover's FBI ever represented the golden age of law enforcement. Hoover was only 29 when he became director in 1924, inheriting "an agency steeped in scandal and commanding little public confidence," Theoharis writes. Hoover cleaned up the bureau but focused on fighting "low-level crimes against persons and property" rather than public corruption or organized crime, Powers says.

The FBI's mid-1930s pursuit of notorious bank robbers like John Dillinger earned Hoover and his men lavishly excessive public praise. "[E]ight movies glorifying the FBI" came out in 1935 alone, Powers reports, the start of an "amazing flood" of loosely fictionalized popular entertainment that turned "J. Edgar Hoover into a national hero." In retrospect it may have been just one more exaggerated fad, but Powers rightly stresses that "the Bureau's popularity from the thirties became institutionalized, providing the FBI with an unassailably heroic image that lasted until Hoover's death in 1972."

Equally important for the FBI's future was the close relationship Hoover developed with President Franklin Roosevelt. In the years just before World War II, Roosevelt wanted as much information as possible on domestic German and Soviet sympathizers, and the president's appetite pushed the bureau headlong into political intelligence gathering. By the early 1940s, Powers writes, the FBI had become "a private political police force at the beck and call of the president," and Theoharis agrees, calling the bureau "the unacknowledged intelligence arm of the White House." Soviet espionage against the U.S. blossomed aggressively during the 1940s, but the FBI was extremely slow to catch on. Only late in the decade, when the U.S. began deciphering coded Soviet messages from years earlier, did the full scale of communist spying become clear. Even then, Powers notes, "the Bureau's best evidence against Soviet agents" could not be publicly revealed "for fear of letting the Soviets know that their codes had been broken."

Hoover overcompensated for the FBI's tardiness by continuing to emphasize the communist threat long after the spy networks had been rolled up and the U.S. Communist Party reduced to insignificance. In contrast, his stubborn unwillingness to acknowledge the existence of the Mafia made the FBI appear "completely out of touch about organized crime," Powers observes.

"Hoover should have retired in 1960," when he turned 65, Powers rightly argues, and if not "he should have been fired shortly thereafter." But President John Kennedy was unwilling to give him a push, and four years later President Lyndon Johnson formally exempted Hoover from mandatory retirement at age 70. Both presidents may have worried about what Hoover had on their own personal peccadilloes, but Powers rightly emphasizes that "such material is even more potent if it is never used, as long as its existence is suspected, as was always the case with Hoover's files."

Hoover was no more a blackmailer than he was an active homosexual. Hoover's close relationship with Clyde Tolson, his long-time deputy, showed that "in his emotional attachments he was certainly not heterosexual," Powers writes, but reliable evidence goes no further. Powers

rightly emphasizes, as did Theoharis in an earlier book, that conspiracy theorists' accounts of Hoover cross-dressing and taking part in group orgies "are demonstrably false."

The FBI's hateful pursuit of Martin Luther King was just the tip of a very ugly iceberg. The bureau's secret use of illegal tactics accelerated rapidly during the 1960s, and no whistleblowers stepped forward. "Hoover's iron discipline had turned the Bureau into an echo chamber resounding with Hoover's passions and phobias," Powers perceptively writes, and the absence of civil-service protections for FBI employees snuffed out dissent. Retirement benefits requiring 20 years of service, Powers adds, ensured "the absolute conformity of agents and their obedience to any whim of Hoover's so as not to jeopardize their pensions."

A 1971 burglary of an FBI office by anti-war activists who got away with COINTELPRO documents put journalists on the trail of the bureau's dirty deeds even before Hoover died in May 1972. When Hoover's temporary successor, L. Patrick Gray, confessed to destroying Watergate-related documents at the request of President Richard Nixon's top aides, congressional and Justice Department probes of the FBI's dirty laundry got a further boost. The bureau spent the balance of the decade completely on the defensive, with criminal charges against several top officials being resolved only when newly elected President Ronald Reagan pardoned the men.

Powers recounts all of this history in far more rich and extensive detail than does Theoharis, but only when their two books reach the era of investigations do their arguments diverge, and dramatically so. Theoharis lauds the limitations that were imposed upon politically oriented domestic intelligence gathering, while Powers forcefully and repeatedly insists that those reforms opened the door to 9/11.

Both books acknowledge the FBI's major victories against the Mafia during the 1980s and 1990s, but Powers contends that the bureau, constrained from pursuing intelligence investigations with political, ethnic or religious overtones, instead undertook misguided initiatives. Setting up the highly armed hostage-rescue team that carried out the Ruby Ridge and Waco assaults tops Powers' list, and he states that the armored tank attack on the Branch Davidians was evidence that "the FBI had collectively lost its mind."

Powers catalogs the many missteps he believes the bureau made under Directors William Sessions and Louis Freeh, but he asserts again and again that echoes of the post-Hoover investigations prevented the FBI from tracking potential threats. For example, he writes, "during the 1990s, while terror cells were sinking roots into the Islamic community, the Bureau shied away from any investigations that might have subjected it to criticism for ethnic profiling."

Assertions like that leave Powers vulnerable to the rebuttal that the 9/11 plotters operated mainly from abroad and that the attackers themselves were new arrivals, not long-term U.S. residents. Theoharis emphasizes that the bureau established a radical-fundamentalist intelligence unit in 1994, followed by a special Bin Laden one in 1999, and that overall FBI counterterrorism spending jumped from \$118 million in 1993 to \$423 million in 2001. But Powers is insistent that by 2001 the bureau was "no longer . . . capable of protecting America," and that the FBI's own political inhibitions, not unanticipated assailants, were largely to blame.

Powers began work on his book long before 2001, and he received unprecedented access to the bureau's top echelon, including Freeh, who left the FBI in June 2001. Powers admits he was "enormously impressed by the creativity and talent" of Freeh's FBI and "entranced" by the director himself. Yet "Broken" reflects an intense anger on Powers' part that his newly beloved

FBI failed to prevent 9/11. At his most careful moments, Powers acknowledges that even if FBI headquarters had aggressively pursued prescient recommendations from agents in Phoenix and Minneapolis, 9/11 would likely still have occurred, but his excessive heaping of blame on the bureau betrays an emotional overreaction that distorts an otherwise superbly impressive book.

In contrast, Theoharis warns that domestic intelligence surveillance of "individuals identified because of their advocacy of militant political views," either before or after 9/11, would represent a waste of time and resources because actual terrorist conspirators are "not likely to call attention to themselves." Theoharis may overstate his point, but he wisely dismisses as false any notion "that absolute security is attainable and that terrorism can be anticipated." Indeed, he adds, history clearly shows that "the motivation to achieve absolute security during past periods of intense crisis produced decisions" that "undermined both civil liberties and accountability without . . . safeguarding the nation's security."

Powers pessimistically contends that "there can be no effective intelligence against terror" without a "willingness in the media and the political opposition not to politicize every move by an investigative agency," particularly those actions that appear wrongheaded or just plain mistaken. Powers understands that this prescription is impossible to fulfill, and he rightly acknowledges that the Patriot Act, a law-enforcement grab bag aggressively championed by Atty. Gen. John Ashcroft, may have actually "hindered the war on terror" because of its proponents' inability to convince many Americans that the investigatory powers it authorizes are "not being used for partisan or ideological purposes or to advance an agenda hostile to civil liberties."

Powers concludes that this is highly unfortunate, for the post-9/11 FBI, under Director Robert Mueller, who took office just a week before the attack, is "a new Bureau" that "has changed enough to deserve a second chance." Powers realizes that this upbeat ending may seem astonishingly incongruous given his anger at the pre-9/11 FBI, and he expressly asks, "Was I simply fooled then, and likely to be fooled again?"

His answer is "no," because, he insists "there are signs that this time the Bureau really has changed" and will never duplicate either the ineptitude of the 1990s or the illegalities of the 1960s. This contention is unconvincing since Powers leaves it undeveloped, but Powers' imperfect conclusion should not dissuade anyone from reading what is a rich and valuable history.

PHOTOS (color): (Book covers.)

PHOTO: President Lyndon Johnson congratulates J. Edgar Hoover on his 40th anniversary as FBI director in 1964. Tribune file photo.

GRAPHIC (color): Tribune photo illustration; Tribune file photos.