

Hoover's revenge?

Why should North Carolinians care about the newly revealed FBI activities at UNC-Chapel Hill more than a decade ago? History aside, we should care because FBI authority to investigate dissident political activity recently has expanded.

In March, after six years of tighter limitations on FBI "domestic security" cases, the Justice Department issued looser guidelines. Civil-liberties groups warned these rules threaten a return of the excesses of the J. Edgar Hoover era, excesses whose revelation in the mid-'70s led to the first meaningful cutback in FBI political surveillance.

Under Hoover, FBI agents regularly "bugged" and burglarized homes and offices of citizens without outside supervision. Although telephone wiretaps required approval from the attorney general, the bureau operated as an independent political police force subject to no law except the whims of its cantankerous director. The FBI took on the mission of combatting every movement, organization and individual that seemed to threaten the status quo.

The exposure of these violations of Americans' constitutional rights led to demands for control of the FBI and other intelligence agencies. Ford administration Attorney General Edward H. Levi issued guidelines that drastically reduced the case load of the bureau's Domestic Intelligence Division and led many "internal security" specialists to take early advantage of the FBI's generous retirement plan.

Those restrictions barred investigation of domestic dissenters except those few who actually employed criminal violence; but they never set well with Hoover loyalists and "law-and-order" conservatives. Right-wing voices asserted that America's "national security" could be protected only by a return to aggressive surveillance of political dissidents; "terrorism" supplanted "communism" as the catchword for the menace that extreme conservatives saw threatening the U.S.

The Reagan administration has responded with a wide-ranging program to gut the mid-'70s intelligence reforms. In Congress the administration won approval of the Intelligence Identities Protection Act (50 U.S.C. 421), which makes it a crime for scholars or journalists purposefully to disclose the names of U.S. agents or informants; a parallel effort to vitiate the Freedom of Information Act is underway. The new FBI domestic security guidelines are only one product of the administration's effort to grant intelligence agencies more freedom, as recent events in Central America graphically indicate.

These new guidelines authorize the bureau to undertake a domestic security investigation "when the facts or circumstances reasonably indicate that two or more persons are engaged in an enterprise for the purpose of furthering political or social goals wholly

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or in part through activities that involve force or violence."

That key passage is loaded with vague and expansive language. Other provisions encourage "the investigation of entire enterprises, rather than individual participants," whenever a "reasonable indication" of possible criminal conduct is uncovered.

The new rules also call for monitoring groups "whose prior record or stated objectives indicate a need for continued federal interest," and allow the FBI to use informants and other "intrusive techniques" during preliminary inquiries when the bureau does not yet have even a "reasonable suspicion" that criminal activity is in the offing.

FBI Director William H. Webster called the guidelines "an extremely balanced and positive law enforcement initiative." But civil-liberties groups charged that the rules reduced key First Amendment rights of association and speech. Singled out for criticism was the authorization of inquiries based on "pure speech"—that is, directed at people who advocate illegal conduct but do not pursue it.

In mid-April a federal district judge enjoined the FBI's implementation of the new guidelines in that jurisdiction. Congressional critics have sought to persuade the Justice Department to revise the rules, and the bureau has promised to construe them narrowly, but the new provisions remain unchanged.

Only careful public scrutiny will ensure that the illegal excesses of the Hoover era do not reappear in the 1980s.