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Congress Back Then: The FBI under Political Fire



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April 19, 1993: It may not be a day that will live in infamy, but it certainly will be one that lingers for some time in modern memory. On that day, Americans watched on television as an inferno engulfed the Branch Davidian compound in Waco, Texas, killing David Koresh and 80 or so of his religious followers.

The deadly end to the two-month standoff with the Bureau of Alcohol, Tobacco and Firearms and the FBI triggered one congressional probe in 1995, with investigators clearing federal law enforcement of any wrongdoing. Now, after the Aug. 25 disclosure that FBI agents, despite previous denials, indeed launched potentially flammable tear-gas canisters into the Waco compound, Congress has its political sights set on the FBI once again, not just for its tactics but for its forthrightness.

Although perhaps out of character for the law-and-order Republicans now alleging a cover-up, the anti-FBI sentiment in Congress is not unique. The agency's aggressive methods have been the rallying cry of civil libertarians for decades. And in the 1970s, in the last years of FBI Director J. Edgar Hoover, the man who for nearly a half-century *was* the FBI, Congress finally mustered the nerve to question an agency many Americans believed had overstepped its bounds in pursuit of justice.

Birth of the G-men

President Theodore Roosevelt, who created the Bureau of Investigation (BI), the FBI's predecessor, in 1908, no doubt would be stunned by the controversy now plaguing the agency. Back then, the FBI was a minor agency (a director and 23 agents) in a relatively minor government department (Justice). Its powers extended only to investigating antitrust and interstate-commerce cases, according to Hoover biographers Athan G. Theoharis and John Stuart Cox.



The history behind the badge

The outburst of Prohibition-driven organized crime in the 1920s, the kidnapping of renowned aviator Charles Lindbergh's baby in 1932 and the mid-1930s crime spree of John Dillinger all helped trigger calls for greater federal involvement in fighting crime. In 1934, Congress cleared an anti-crime package that greatly increased the reach of the FBI, the new name the agency had been given a year earlier.

As the agency's power expanded, so did Hoover's, who joined the FBI in 1919 -- he was named to lead an investigation of communist infiltration of the United States in the wake of World War I -- and became its director Dec. 10, 1924. The standing of both the FBI and its leader increased in the public eye from the 1930s into the 1950s.

So popular was the FBI that in 1956, Don Whitehead's book about the agency, *The FBI Story: A Report to the People*, climbed onto the best-seller list and stayed there for 38 weeks. Nearly 200 newspapers serialized the tome, according to Richard Gid Powers' 1987 biography *Secrecy and Power: The Life of J. Edgar Hoover*, and Hollywood made it into a movie. Powers said the flick, starring James Stewart as the heroic FBI man and Vera Miles as his wife, portrayed a "new breed of family-oriented G-men."

Hoover and the FBI had their critics, of course. As early as 1935, Senate Appropriations Committee Chairman Kenneth McKellar (D-TN) sought disclosure of secret FBI data and warned that the nation was developing "a tremendous secret service organization" that was capable of "doing great wrong … in a republican form of government like ours."

Public approval, though, overwhelmed the sporadic complaints of critics. And Hoover's political acumen, as well as his propensity to collect gossip on his enemies (and friends) and use it against them if necessary, secured his place among the most powerful and feared government elites.

The *real* FBI story

Hoover's grip on power began to slip during the turbulent activism of the 1960s. Well into his 60s by then, Hoover seemed an anachronism in a nation that had just elected young John F. Kennedy, a president who proclaimed that "the torch has been passed to a new generation of Americans, born in this century."



Hoover and Kennedy before a FBI graduation

Not only did Hoover and his FBI oppose the major movements of the day -- for black civil rights and against the Vietnam War, for instance -- but he also considered them to be as subversive as communism. He employed the tactics of COINTELPRO, the FBI's anti-communist counterintelligence program of the 1950s, to try to discredit and demoralize black and leftist activists.

Hoover's attitude once prompted Attorney General Robert F. Kennedy, the president's brother, to characterize the FBI director as "rather a psycho" and his agency as "a very dangerous organization." Although President Lyndon B. Johnson referred to Hoover as "a pillar of strength in a city of weak men … the only one you can put your complete trust in," in a 1968 letter to his incoming successor, Richard M. Nixon, that view was fading quickly.

Then came the March 8, 1971, burglary at the FBI's Media, Pa., office. A group billing itself as the Citizens Commission to Investigate the FBI

stole confidential documents and distributed them to journalists and members of Congress, adding legitimacy to the Feb. 8 appeal of the liberal journal *The Nation* to investigate the FBI. One of the stolen documents identified the mission of "COINTELPRO-New Left" as convincing leftist activists that "there is an FBI agent behind every mailbox."

In a scathing April 5 floor speech, House Majority Leader Hale Boggs (D-LA) compared the FBI's investigative methods with "tactics of the Soviet Union and Hitler's Gestapo" -- an ironic rebuke of a man who had dedicated much of his life to battling communism. Senate Majority Leader Mike Mansfield (D-MT), Sens. Edmund S. Muskie (D-ME) and George McGovern (D-SD), and Rep. Henry Reuss (D-WI) offered separate condemnations of the FBI. And a *Life* magazine cover story, complete with a cartoonish rendering of the director, dubbed Hoover as "emperor of the FBI."

Hoover loyalists rushed to his defense. Rep. John T. Myers (R-IN) issued a two-page press release, titled "In Defense of the FBI," that said the "baseless allegations … are an insult to every member of the FBI and to the integrity and intelligence of every American."

But even Nixon suggested to Hoover that he resign his post on his 77th birthday come Jan. 1. Hoover, who had stayed in his post past the mandatory retirement age of 70 thanks to a law signed by Johnson, ignored the hint, and Nixon did not demand the resignation of a man still popular in GOP circles.

In control of the FBI's destiny

Hoover's rule was about to end naturally, though. He died at home May 2, 1972, and the agency he had built suddenly was vulnerable. In 1975, temporary Intelligence committees in Congress probed the activities of the FBI, CIA and National Security Agency. The committees revealed evidence of 238 FBI-initiated break-ins between 1942 and 1968, of an undercover campaign to discredit and intimidate Martin Luther King Jr., and of an intentional effort to incite two black militant groups against each other, among other things.

The fallout from the investigations prompted Congress to make the Select Intelligence committees permanent and give them joint oversight responsibility for the FBI. The evidence of FBI abuses also motivated Attorney General Edward Levi to take steps to prevent future investigative excesses.

More than that, though, the congressional probes gave Americans reason to ponder the conclusion Whitehead had reached in his 1956 history of Hoover's agency. "The history of the FBI, in reality," Whitehead wrote, "is the story of America itself and the struggle for an ideal. … In the whole struggle, the FBI represents the people's effort to achieve government by law. … And the FBI in the future will be as strong or as weak as the people demand it to be."

Those words are worth reconsidering again today, as Congress takes another look at the nation's chief law-enforcement agency.