

Davis, James Kirkpatrick. *Assault on the Left: the FBI and the Sixties Antiwar Movement.* Westport, CT: Praeger, 1997.

This is another rendition of a now-familiar story of how in the late 1960s the Federal Bureau of Investigation (FBI) undertook to surveil, penetrate, and disrupt the American "New Left." James Davis, the president of an advertising agency in Kansas City, has made a specialty of writing about the FBI and domestic security operations, and in this volume he is able to quote extensively from internal Bureau documents in order to lend vividness to his narrative.

The original FBI Counterintelligence Program or (COINTELPRO) was directed against the Communist Party of the United States. It began in May 1956 and, relying on massive infiltration and sowing of discord within the ranks of the party, it "devastated what was left of the CPUSA." By 1971, party membership had declined from 22,000 to about 3,000, "a considerable number of these undercover FBI informants." The next such operation, COINTELPRO-SWP, was aimed at the Trotskyite Socialist Workers Party. This was a smaller disruption effort against an already marginalized communist group and it had inconclusive results. In September 1964, COINTELPRO - White Hate Groups was launched. Targeting the Ku Klux Klan and other violence-prone far rights groups, such as the American Nazi Party and the National States Rights Party, this was spectacularly successful and decimated the Klan. But the next program, initiated in the summer of 1967 (COINTELPRO - Black Hate Groups) while aimed primarily at the Black Panther Party, was less well-focused and less successful.

COINTELPRO - New Left, the subject of this book, was the last of the sustained disruption operations. It was begun on 28 October 1968 and lasted until 27 April 1971. It was terminated by Director J. Edgar Hoover after stolen FBI files were released to the press disclosing the program's existence. During the years of its existence 381 COINTELPRO - New Left proposals for action were submitted by field offices to Bureau headquarters. As Davis reports "[o]f this total, 285 actions were implemented with documented results obtained in seventy-seven actions."

There were a number of wiretaps of New Left Groups (arguably legal at the time), there were informants cultivated and run by the Bureau within the antiwar movement (legal as long as the "asset" did not function as an *agent provocateur*), and there may have been some warrantless physical searches or "black bag jobs" (which were certainly illegal). But the bulk of the "actions" undertaken to "destabilize" New Left targets were letters from "a friend" or "a concerned citizen" to parents, employers, school administrators and so on, informing them about the activities of children, employees or faculty. In addition, FBI field offices engaged in a kind of anti-radical press agentry, plying friendly media with copies of anti-radical news stories and articles. Finally, phoney letters intended to create discord within target groups were more broadly distributed. In February 1967, for instance, a thousand copies of a letter were distributed to those attending a National Council meeting of Students for a Democratic Society (SDS) in Austin, Texas. "Brothers and Sisters," it began, "[I]f you want to know where the FBI is at in the SDS, you need not look any further than the nearest PL." This referred to members of the Progressive

Labor Party, a fiery little sect that had separated from the CPUSA and was active in a number of New Left causes. The letter went on to name a number of persons with PL and formally CP backgrounds who were alleged to be longtime FBI informants, migrating from one radical organization to another at the behest of "the feds."

While such disruption tactics may not rank high on a list of the "hundred dirtiest tricks of the world's secret police forces," they were deeply shocking in the American context. Not only was COINTELPRO - New Left a failure (the anti-war movement dissipated on its own as the Vietnam War ran down to its disgraceful conclusion), it has been universally regarded, ever since its full "ventilation" by Church Committee in the mid 1970s, as a national disgrace. But that said, it is disappointing that Davis, writing now from the perspective of a quarter century after the fact, settles for a simplistic "good-kids-bad-cops" treatment of his subject. Most of the New Left *was* simply a political protest movement, but embedded in it were genuinely terrorist elements. And because the bombers and the bank robbers and the cop killers operated across state lines, the American people had every reason to expect that the premier national law enforcement agency would be on the case. Today we should be asking what it is we can learn from the unhappy history of the 1960s and 1970s about how internal security operations *should* be conducted in a liberal society.

Here are a few issues that the author might have reflected upon with profit. First, in his closing pages Davis notes with approval the adoption on 5 April 1976 of Attorney General Edward Levi's famous guidelines for domestic intelligence investigations, but he fails to mention that these quickly proved inadequate. They were revised in 1984 to allow some greater investigative flexibility, and in the wake of the Oklahoma City bombing there was a lively debate over whether they should be revised again. The problem is what investigative techniques should be allowed on the basis of what sort of information? The more effective techniques (physical surveillance, cultivation on informants, and so on) are also the more intrusive. There is reluctance to authorize them unless the information suggesting the likelihood of terrorist activity is quite good. Yet it is often difficult either to confirm or invalidate thin but alarming information (to see whether it is "good" or not), without resorting to intrusive techniques. If you don't know you shouldn't look, but unless you look how can you know?

Second, Davis notes and applauds Director Clarence Kelley's 1976 decision to transfer all domestic security operations from the Bureau's Intelligence Division to the General Investigative Division. The superficially appealing idea underlying this move was that politically motivated crime should be treated like ordinary crime, and that leaving it in the Intelligence Division (the primary responsibility of which is coping with foreign espionage within the United States) would invite the use against purely domestic targets of the sorts of prolonged, free-wheeling information gathering and retention efforts appropriate against foreign intelligence operations. But how much sense does this really make in a "world without borders?" The World Trade Center bombing demonstrates how where politically motivated crime is concerned, the line between "foreign" and "domestic" can quickly become blurred. And when the counter-intelligence function is itself already divided (by the terms of the National Security Act of 1947) between the

Central Intelligence Agency, with overseas responsibility, and the FBI, with internal responsibility, it may be questioned whether a further division of authority within the Bureau makes sense. It does not take much of a crystal ball to foresee that many future investigations will involve three different "shops" - with all the problems of interface and coordination that entails.

Third, beyond the technical issues of how guidelines should be drawn and bureaucratic responsibility apportioned, there is a fundamental practical problem at the heart of all the debates over the proper scope of "domestic intelligence" operations, and Davis seems unaware of its difficulty. Edward Levi, issuing his guidelines in 1976, declared that "government monitoring of individuals and groups because they hold unpopular or controversial political views is intolerable in our society." No one disagrees, but does the situation change when the political rhetoric begins to evoke the necessity or desirability of illegal means or even violence to advance the cause? Is this different from simply "controversial" or "unpopular" speech? As one defensive FBI veteran once put it, "if we had people going around talking about the desirability of hijacking interstate shipments we would want to keep an eye on them too." This is where the going gets hard. Ought "monitoring" be undertaken simply on the basis of words that endorse violence? Or must there be some additional, nonverbal indication that the utterances should be taken seriously? And if there should be, must this involve actual lawbreaking?

In all the years of hand wringing we have had over the COINTELPROS, it is interesting that nobody has had much bad to say about COINTELPRO - White Hate Groups. In part this may reflect the overwhelming left-wing bias of American academic commentators - what happens to groups on the right simply worries them less than what happens to groups of the left. But it may also reflect the commonsensical judgement that the Klan and other white supremacist outfits really had it coming. There was a significant track record of violence in this case, and when, after the Chaney-Goodman-Schwerner murders in Mississippi in the summer of 1964, the FBI (in the words of one senior Bureau official) set out to "bust the balls of the Ku Klux Klan," even the most ardent civil libertarians might have thought "about time!"

The hard problems of domestic security operations - of dealing with politically motivated lawbreaking - will not yield to bromides about government not picking on people because of their politics. Davis, with his intimate knowledge of the record of FBI abuses back in the bad old days, might have offered us more help in trying to think about the future.

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