



Happy FBI Burglary Day: Celebrating the Citizens Commission to Investigate the FBI and the Demise of COINTELPRO

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Sometimes, a citizen has to break an existing law in order to expose a prevailing injustice or the government's own crimes.

Those who violated the 1850 Fugitive Slave Act faced huge fines and prison time if they were caught helping Black slaves escape from bondage in the American antebellum South. In World War I, the Wilson administration used the Espionage Act to prosecute both individuals and newspapers for speaking out against U.S. involvement in the conflict. In the late 1940s and into the mid-1950s, those who refused to appear before or answer questions from the Congressional "witch hunt" committees of the day—The House Un-American Activities Committee and its Senate counterpart, the Internal Security Subcommittee of the Senate Judiciary Committee—could face contempt charges and related jail time.

As a leading anti-war activist in the late 1960s and early 1970s, Professor William Davidon of Haverford College knew this history well, as it unfolded during his years as a college student. A physicist by training, by the early 1960s, Davidon was active in the anti-nuclear movement, and by 1965 was participating in anti-Vietnam War protests. By the end of the decade, he'd become convinced that the FBI had penetrated the anti-war movement and was trying to destroy it.

The story of what Davidon and several other friends he recruited did about his hunch is chronicled in former *Washington Post* journalist Betty Medsger's excellent book *The Burglary* and the terrific documentary about the same episode, *1971*.

Simply stated, given the level of secrecy surrounding FBI activities, Davidon believed the only way to prove the Bureau was engaged in unconstitutional surveillance against anti-war activists was to break into an FBI office and steal the incriminating records. It would mean committing a felony to expose hundreds, thousands, perhaps hundreds of thousands of the FBI's own felonies. Their target was the small FBI office (known in FBI lingo as a "Resident Agency") in nearby Media, Pennsylvania.

The plan was brazen—even reckless—given that none of the Philadelphia area citizen-burglars had any law enforcement or intelligence gathering experience or tradecraft techniques. Even so, under Davidon's leadership, they thought through the entire operation down to the last detail, from pre-event reconnaissance operations to the timing of the event (March 8, 1971, the night of the Ali-Fraser heavyweight boxing championship fight in Manila) to how they were going to copy and distribute the documents to the press—without being discovered at any point.

Amazingly they succeeded, and not only with the burglary itself but in putting an end to the very domestic surveillance and political disruption operation Davidon believed had been aimed at him and his fellow anti-war activists. FBI Director J. Edgar Hoover lost his mind over the episode, and the investigation—codenamed MEDBURG—would fail to uncover the identities of any of the burglars—although the Bureau would come close.

In the beginning, the press coverage was about the burglary itself and the anonymous claims of responsibility by the “Citizens Commission to Investigate the FBI” (as the burglars dubbed themselves) about why they did it. As Medsger records in *The Burglary* (pp. 331-333), it was then-NBC News Justice Department reporter Carl Stern who saw, in March 1972, a document in the Senate Judiciary Committee office that Davidon’s group had liberated from the Media FBI office. One phrase on the routing slip caught his eye: “COINTELPRO—New Left”.

Stern subsequently filed a Freedom of Information Act (FOIA) request with the Justice Department, which stiff-armed him for nearly a year before Stern and NBC decided to file a FOIA lawsuit in federal court to force the Nixon administration to produce the COINTELPRO material—a first in the history of FOIA. The suit went on all year but Stern and NBC prevailed in getting the first four pages on COINTELPRO released in early December 1973. It confirmed in full Davidon’s suspicion that Hoover had ordered his agents to infiltrate and disrupt not only the anti-war movement but pretty much any activist group on the political left. The effect was politically explosive.

Over the next two years, the exposure of COINTELPRO would become a pivotal event in leading the Senate and House to create investigative committees to examine not only the FBI’s domestic misconduct, but that of the CIA and NSA as well. By 1978, Hoover was long dead, Congress had created specialized intelligence oversight committees, and an Inspector General act had been passed to try to prevent a recurrence of the kinds of abuses unmasked by a tiny group of very dedicated Americans and one relentless reporter.

For a time, it appeared that domestic intelligence abuses might be a thing of the past. But by the early 1980s, the FBI was again found to have engaged in nation-wide domestic surveillance of citizens opposed to Reagan administration policies in Central America—the Committee in Solidarity with the People of El Salvador (CISPES). During the so-called “War on Terror” starting after the 9/11 attacks, the *New York Times* revealed the Bush 43 administration’s electronic mass surveillance program known as STELLAR WIND. In the same decade, Army soldier Chelsea Manning would expose U.S. war crimes in Iraq by exfiltrating the incriminating documents and video to Wikileaks. And in Barack Obama’s second term as president, an NSA contractor named Edward Snowden revealed the scope of NSA mass surveillance targeting Americans by the millions.

It’s worth noting that the Congressional intelligence oversight committees that were created in the wake of the revelations made possible by the Citizens Commission to Investigate the FBI not only failed to stop the abuses cited above, but in many cases became willing partners in keeping the abuses secret. Only through a different kind of burglar—the tech savvy insider whistleblower—willing to risk jail (Manning) or flee into exile (Snowden) were these post-9/11 U.S. government misdeeds exposed.

That American citizens continue to have to risk their freedom to expose criminal acts perpetrated by their own government is a testament to the Kafkaesque perversity of our political and criminal

justice systems. The example of the Citizens Commission to Investigate the FBI is a reminder of both the potential of citizen activism and the need for endless vigilance by citizens to ensure accountability for those who misuse the power of the state in the name of “public safety” or “national security.”