

Frank Askin: Happy birthday, J. Edgar Hoover. Thanks for keeping an eye on me



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APThe FBI crest

It may seem passing strange for a general counsel at the American Civil Liberties Union to be celebrating the just-passed 120th birthday (Jan. 1) of J. Edgar Hoover, but in fact the dreaded founding director of the FBI has been a godsend for me. In an age when ubiquitous surveillance makes a mockery of personal privacy, my experience shows there can be an upside to massive government data collection.

For 20 years beginning when I was a 16-year-old in Baltimore, FBI agents tracked my comings and goings. But unlike the many who have suffered greatly from such FBI surveillance, I have found it to have been a great benefit.

Here's one example: My wife took me on a mystery ride for our 25th wedding anniversary. We drove through her old neighbourhood in the Bronx, and when we passed the "Welcome to Harrison, N.Y.," sign, I realized she was retracing the path of our elopement. However, when we reached our destination, the only thing either of us could remember was that we were married by a justice of the peace named Venezia. We could not find a house that looked familiar.

My wife's mistake was not having told me about the trip in advance. If she had, I could have consulted my FBI file, an expurgated copy of which I had obtained under the Freedom of Information Act in the late 1970s. A belated search revealed, as I had suspected, that the FBI knew all about Charles Venezia, who married us in his living room at 3 Calvert Place in Harrison.

My FBI file also comes in handy under various other circumstances, such as when filling out government security forms.

No, the FBI did not accompany us on our elopement. Agents discovered a report of the event on The New York Times social page, which listed the names of my new in-laws. A telephone call to my mother-in-law by an agent posing as an old friend from Baltimore provided other relevant details for the FBI's insatiable files, including the revelation of a proud mother that her daughter "was attending a graduate school of Columbia University under a scholarship."

My FBI file also comes in handy under various other circumstances, such as when filling out government security forms. By a twist of fate, I had to seek security clearance from the FBI in the late 1980s when I was serving as special counsel to a congressional committee that had oversight over the nation's intelligence services.

The form asked me to list every address where I had ever lived and every job I had ever held. For most people my age, that would have been a real headache. But I just let my fingers do the walking — all the information was right there in my FBI file.

What was the reason for my inclusion in the FBI's Security Index, the catalog of dangerous radicals who might be rounded up and interned in the event of a national emergency? At 16, I became a civil rights advocate in Jim Crow Baltimore, leading sit-ins and other protests against racial segregation. In the late 1940s, in Hoover's United States, it was not politically correct to be for civil rights.

I am most thankful to Hoover, however, for keeping me out of the Korean War. I was drafted all right, but I was unceremoniously discharged after six months, even though I was one of the few men in my barracks not actively trying to find a way out. I told my curious comrades in arms that I had a politically connected uncle — leaving out that I meant my Uncle Sam. Indeed, my uncle gave me something called a general discharge, which I later had to sue to change to honourable, since I had done nothing to warrant it.

I was unusually lucky in being able to transform this lemon of FBI surveillance into lemonade. It eventually led me to law school and a career as a civil liberties teacher and lawyer. After discovering the First Amendment in my constitutional law class, I started to question where the

FBI got the authority to gather information and keep dossiers on individuals like me for exercising our constitutional rights. And the first major lawsuits I ever brought on behalf of the American Civil Liberties Union challenged that authority all the way to the U.S. Supreme Court. Those challenges were ultimately dismissed on technical grounds, and the underlying legal issues remain unresolved to this day, although the Federal Privacy Act now appears to forbid such surveillance.

But there can be no doubt that J. Edgar inspired my life's mission and a very rewarding career. Maybe one upside of today's overly intrusive FBI and National Security Agency is that they could inspire the next generation of civil libertarians to take up the mantle.

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Frank Askin is a general counsel emeritus at the American Civil Liberties Union and the director of the Constitutional Rights Clinic at the Rutgers School of Law.