

Bye, Bye, FBI? The Case for Disbanding the Federal Frankenstein's Monster

The Federal Bureau of Investigation is always under fire for something. As of late January, that something is destruction of evidence. Text messages between agents involved in the Bureau's investigations of Hillary Clinton and Donald Trump, from a key time frame during the presidential transition, are missing. Congress, the Bureau, and the US Justice Department are at each other's throats over the missing messages and what they might say.

It's far from the first time, as James Bovard points out at *The Hill*. In 1973, acting FBI director Patrick Gray was forced to resign for destroying evidence in the Watergate investigation. After the 1992 murder of Vicki Weaver by an FBI sniper, an FBI division chief went to prison for destruction of evidence in that case.

The FBI has had 110 years to prove its worth. A dispassionate look at its history says that it's far more often served as a center for blackmail, corruption, and political manipulation than as anything resembling a legitimate law enforcement agency.

In fact, it was a bad idea in the first place.

The FBI — then merely the Bureau of Investigation, or BOI — was created during a congressional recess and without congressional approval by the Attorney General in 1908 for purposes of “investigating” (read: Drumming up a scare over) the role of prostitution in “white slavery,” a forerunner of today's “human trafficking” panic. It's pretty much gone downhill from there.

The US Constitution defines only three federal crimes: Treason, piracy and counterfeiting. The first two are military matters and the third is handled by the Secret Service. There's no room for an FBI in a constitutional law enforcement scheme.

One excuse for keeping the FBI going has been to facilitate investigations of crimes with an interstate angle. But given today's technology, the states could presumably set up their own clearinghouses to exchange information and track down cross-border bank robbers and kidnappers. The FBI is just another bureaucratic layer inserting itself between the commission of a crime and the arrest of those thought to be responsible.

While the FBI has no particularly compelling, or even legitimate, mission, it certainly has its illegitimate uses. It's probably not going too far to think of J. Edgar Hoover, the FBI's first director, as having been a sort of shadow president for much of his 48 years of service. He used agents to get the goods on aspiring political leaders, and apparently used that

information to get what he wanted from them both for the Bureau itself and in public policy generally.

One big problem with a federal law enforcement agency as big and well-funded as the FBI is that at some points it's almost certain to stop working for the rest of the government and start running the rest of the government. Election? Who needs an election? Just ask J. Edgar what to do.

Unfortunately, the second big problem with such an agency is that it's hard to get rid of after more than a century of nearly uncontested power.

But we should try.