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Times-Herald

TOBEY CLAIMS G-MEN 'PLOT' TO USE CENSUS

Charges Data Will Be 'A Police List'

Senator Charles W. Tobey (R.), of New Hampshire, last night said he has learned of a plan conceived by the Department of Justice to transform the 1940 census into "the most complete police list in the history of the world."

The plan, according to Tobey, who led an unsuccessful fight to delete "too personal" questions from the census, proposed to amend the census law to make confidential data available to G-men and intelligence officers of the Army and Navy in connection with espionage or other national defense matters.

Disapproved by President

Justice Department officials last night said there was nothing in their files denoting where the plan originated and best information was that it came up at a conference among intelligence officers of the Army and Navy and Justice representatives.

It was sent to the Budget Bureau by Supreme Court Justice Frank Murphy when he was attorney general as a routine procedure to see if it fitted into the President's program. The Budget Bureau returned the suggestion with the notation that Mr. Roosevelt had disapproved it, officials said.

Tobey said he learned the proposal was submitted to the Budget Bureau for approval but the Census Bureau intervened with a plea that the plan be not recommended to Congress.

"If the Department of Justice were to have its way in having

this plan enacted into law, it would mean the creation of a secret police system which at will could delve into the private matters of all the men and women in the country," Tobey said.

'Lesser Light's' Admission

On hearing of the plan, Tobey said he checked it with "top men" of the Department of Justice who denied knowledge of it. A "lesser light" admitted, according to Tobey, that the proposal had

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passed over his desk and that it was supposed to be confidential.

The Senator said he sought to verify his information at the Budget Bureau but was told that memoranda from the Department of Justice are confidential. Later, he declared that the office of Attorney General Robert H. Jackson confirmed the legislation had been drafted and sent to the Budget Bureau.

"Since it was obvious that such a plan made known to the people during the dispute over the census in the Senate would never be tolerated by the people and would jeopardize the carrying out of the census under the wide scope of the questions, the Census Bureau stopped the Bureau of the Budget from going further with the bill," Tobey said.

Jackson's Statement

"But the important consideration is that the Department of Justice has asked for the legislation. When the census inquisition has been completed we may well expect the Administration to exert its efforts for this new power."

Later, Attorney General Robert H. Jackson issued a formal statement in reply to Tobey's charges: "The proposal did not originate

in the Department of Justice. It was conceived by an official of another agency of the Government—not the Census Bureau—and referred to the Department of Justice to be drafted into appropriate form for submission if subsequently approved.

Proposal Abandoned

"A proposed bill and explanatory memorandum were accordingly prepared in the Department of Justice and, under date of November 3, 1939, were transmitted by Attorney General Murphy to the Bureau of the Budget. They were then presented to the President who personally considered the matter and rejected it.

"The proposal was thereupon abandoned. It has never represented the policy of the Administration, and is not in accord with the present policy of the Department of Justice.

"It may be observed that the rejected proposal did not have the broad scope attributed to it by Senator Tobey. It was limited to giving access to census records solely for use in matters involving espionage and national defense, and then only on specific authorization of a Cabinet officer. Yet even in that restricted form it encountered the definite disapprobation of the President."