

FBI Sought Census List, Tobey Says

Jackson Denies Move to Release Data Originated In Department

A plan to transform 1940 census information into "the most complete police list in the history of the world" was charged to Administration figures last night by Senator Tobey (Republican), of New Hampshire.

The Senator, repeatedly a critic of "personal finance" questions in the census questionnaire, declared that the Department of Justice drafted and submitted secretly to the Budget Bureau legislation to make census records available to the Federal Bureau of Investigation and the intelligence services of the Army and Navy in connection with espionage investigations and other matters relating to national defense.

Jackson Disagrees

Attorney General Robert A. Jackson quickly took issue with the Senator, declaring:

"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."

A proposed bill was sent to the Budget Bureau by Former Attorney General Murphy, now a Supreme Court Justice, and thence to President Roosevelt, "who personally considered the matter and rejected it."

"The proposal was thereupon definitely rejected. It has never represented the policy of the Administration and is not in accord with the present policy of the Department of Justice," Jackson added. "It may be observed that the rejected proposal did not have the broad scope attributed to it by Senator Tobey."

Tobey Comments

Tobey commented:

"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 farther with the bill.

"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."

Quotes Proposed Law

Tobey, saying the proposal had "come to light despite the precautions of secrecy" and had been held up "for the time being," quoted the suggested legislation as adding this provision to the section of the law prohibiting use of census information for any other than analytical purposes:

"Provided however, that the records of the Bureau of the Census, including the individual reports, shall be available to the Federal Bureau of Investigation of the Department of Justice, Office of Naval Intelligence of the Department of the Navy, and to the Intelligence Division of the Department of War in connection with the investigations of violations of the laws against espionage and other matters relating to the national defense whenever, in the opinion of the Attorney General, the Secretary of War or the Secretary of the Navy, the public welfare would be served by according such access to said records."

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

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Tobey Attacks Census Proposal

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plan enacted into law," the Senator continued, "it would mean the creation of a secret police system which, at will, could delve into the private affairs of all the men and women in the country. It would make a mockery of the Bill of Rights and of American liberty."

Tobey sought desperately to put the Senate on record with a resolution opposed to the census questions dealing with personal finances. While he obtained Senate committee approval of the proposal, it has never been permitted to come to a vote in the Senate.