

FOR IMMEDIATE RELEASE
March 1, 1940

DEPARTMENT OF JUSTICE

The Department of Justice today made public the attached
correspondence between Senator George W. Norris and Attorney General
Robert H. Jackson.

February 22, 1940

Honorable Robert H. Jackson
Attorney General
Department of Justice
Washington, D. C.

My dear Mr. Jackson:

It is with considerable hesitancy that I write you upon the subject of the activities of the Federal Bureau of Investigation. I have heard so many complaints of the activities of this Bureau that it has seemed to me I ought to write you regarding them.

I have made no attempt to investigate the various charges I have heard, but from what I have heard, from sources I believe to be reliable, I cannot help but reach the conclusion that there is some well-grounded fear that the activities of this Bureau are overstepping and over-reaching the legitimate objects for which it was created.

I have also heard considerable complaint as to the treatment which has been given by this Bureau to persons arrested, tending to humiliate prisoners unnecessarily, often to prevent them from pursuing the ordinary means and methods which, it seems to me, under the Constitution ought to be open to everyone who is charged with a crime. These complaints have been so widespread and some of them have been given such publicity that you are perhaps as well aware of them as I am, and know better than I would know whether the legitimate rights and liberties of any of our people have been frustrated and denied.

For example, it has been alleged and given considerable publicity that in Detroit quite a number of persons were arrested and handcuffed together, and their pictures taken in this condition. As I understand it, the charge against these people was that they had assisted men to enlist in the Loyalist Army in Spain. They were not criminals; there was no reason to believe that any of them would try to escape. They were not charged with an offense that had any odium attached to it, and yet they were treated as if they were well known to be criminals of the lowest type. This treatment of any citizen has a tendency to coerce him, to break him down, to disgrace him unnecessarily, and is, it seems to me, indefensible. About this same time, other similar arrests were made in other cities of the United States.

If these reports are anywhere near the truth, such conduct on the part of officials of the Federal Government, it seems to me is entirely inexcusable.

I understand you have dismissed many of these complaints in the Detroit case.

According to my understanding, this Bureau was created and exists only to investigate violations of law, and its activities ought to be confined, in my judgment, to the respectful treatment of citizens. It does not contemplate the inhuman treatment of them, or excuse it, especially when the people affected are well known not to be outlaws or criminals. Certainly the Government of the United States cannot afford to be given to third-degree methods, inflicted upon men and women, known not to be criminals, and, particularly, when they are charged with an offense which has no odium attached to it.

I fear the activities of this Bureau, covering as they do the entire country, are going to bring into disrepute the methods of our entire system of jurisprudence.

At the same time, Mr. Jackson, I do not wish to interfere with any legitimate activity in which this Bureau may be engaged. I think it has done some good work. As the head of the Department of Justice, however, it seems to me you cannot afford to permit the activities of any of your subordinates, or of any of the Bureaus under your control, to pursue methods which are inhuman and brutal. As I see it, the activities of the Federal Bureau of Investigation should be confined to the apprehension and arrest of persons charged with crime, and the methods pursued ought to be such as not to bring the Department of Justice into disrepute.

It seems to me the former Attorney General, Honorable Harlan F. Stone, now Associate Justice of the Supreme Court of the United States, stated the case concisely and fully when he said on May 15, 1924:

"There is always the possibility that a secret police system may become a menace to free government and free institutions because it carries with it the possibility of abuses of power which are not always quickly apprehended or understood. The enormous expansion of federal legislation, both civil and criminal, in recent years, however, has made a bureau of investigation a necessary instrument of law enforcement. But it is important that its activities be strictly limited to the performance of those functions for which it was created and that its agents themselves be not above the law or beyond its reach.

"The bureau of investigation is not concerned with political or other opinions of individuals. It is concerned only with their conduct and then only with such conduct as is forbidden by the laws of the United States. When a police system passes beyond these limits, it is dangerous to the proper administration of justice and to human liberty, which it should be our first concern to cherish. Within them, it should rightly be a terror to the wrongdoer."

I hope you will not misunderstand my motive in writing you this letter. I have no other interest except to see that the laws of our country are properly enforced and the activities of its officials and officers kept within the bounds of civilized government. I am writing you only because it appears to me you could well investigate the activities of this Bureau, and, if you deem proper, curtail such activities as do not come within the limitations set forth in the above-quoted language of the then Attorney General, now Associate Justice, Mr. Stone.

Sincerely yours,

G. W. NORRIS

March 1, 1940

My dear Senator Norris:

Your letter concerning the activities of the Federal Bureau of Investigation raises fundamental questions not only as to the policy of the Bureau, but more importantly, I believe, as to the policy of the Department of Justice itself.

Your letter questions whether the activities of the Bureau have expanded beyond the original intendment. That the expansion of its functions has been considerable is obvious. It does not follow that the Bureau is to be criticized for it. The quotation which you make from Attorney General Stone, in 1924, refers to "the enormous expansion of Federal legislation both civil and criminal in recent years." I do not need to remind you that this trend of 1924 is still with us and that the responsibilities of the Bureau have been increased thereby. In addition to this expansion, in response to Congressional action, there are two directions in which the activities of the Bureau have expanded.

The outbreak of war abroad kindled the hatreds, the plottings, the suspicions, and the fears that always accompany such emotional upheavals. One of the best defenses that we have against the growth of a war hysteria, in my opinion, is that an efficient, professional, and non-political investigatory service, actively satisfy all legitimate demands for the protection of the public against plottings or sabotage or illegal activities. This leaves no excuse for volunteer snooping or private vigilantism, or irresponsible and amateurish private activities which perpetrate great injustices. In this field I recognize that there is the gravest danger that the legitimate protection of the government might be perverted toward such activities as the suppression of free speech and press, toward anti-labor and anti-reform activities, and toward the disregard of civil liberties. This danger we have and will continue to guard against.

Another extension of activity is due to the application of Federal statutes in such a manner as to bring within the scope of Federal enforcement many matters formerly left to local enforcement officers. There is great pressure for Federal intervention in local

affairs. Those who consider local law enforcement lax demand that the Federal government intervene and supersede local authority. Those who consider local law enforcement too stringent demand that the Federal government intervene to protect civil liberties. Every unsolved mystery and every unpunished crime, and every local vice condition creates a demand for Federal interference. Whether this trend is wise or wholesome is too large a subject for this letter.

What I would now point out is that this expansion has been due primarily to departmental policy rather than to the Federal Bureau of Investigation. Obviously, if the Department is going to prosecute in these fields, it is the duty of the Federal Bureau of Investigation to investigate in these fields.

I have reviewed the handling of the Spanish Loyalist arrests in Detroit, with the United States Attorney and his assistant, and with the Federal Bureau of Investigation.

These warrants were given to the Bureau for execution under circumstances which warranted the impression that their service was of the utmost importance and immediacy. Being given a warrant for the arrest of these parties, the obvious duty of the Bureau was to effect their arrests promptly, simultaneously, and without escapes. It was also their duty to do so without unnecessary force or humiliation. Much must be left to the discretion and sound sense of those who are charged with the execution of warrants. Many of the complaints relate to conditions after arraignment at which time the responsibility of the Federal Bureau of Investigation ceased. I have reviewed the facts so far as they are in my possession, and I find nothing to justify any charge of misconduct against the Federal Bureau of Investigation. I will be glad to furnish you a detailed statement of each step and the circumstance which led to it, if you desire to go into the matter in detail.

One of the first steps which I took upon assuming office was to review the activities and attitude of the Federal Bureau of Investigation, with which my previous duties had not made me familiar, with its Director Mr. J. Edgar Hoover. Mr. Hoover is in agreement with me that the principles which Attorney General Stone laid down in 1924, when the Federal Bureau of Investigation was reorganized and Mr. Hoover appointed as Director, are sound and that the usefulness of the Bureau depends upon a faithful adherence to those limitations.

The Federal Bureau of Investigation will confine its activities to the investigation of violation of Federal Statutes, the collecting

of evidence in cases in which the United States is or may be a party in interest, and the service of process issued by the courts.

In carrying out the program I have asked and been promised the continued and efficient service of Mr. Hoover.

As one long interested in civil liberties I can readily understand your concern in this matter, and if my confidence that the work of the Department can be handled without infringements upon civil liberties proves unfounded I hope that I shall be the first to admit it so that remedies can be applied by the Congress.

Very sincerely yours,

ROBERT H. JACKSON

Attorney General

Honorable George W. Norris
United States Senate
Washington, D. C.