

March 15, 1940

Miss Helen Kay  
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Friday, Inc., 114 E. 32 nd. St.  
New York City, N.Y.

Dear Miss Kay,

For some unaccountable reason your special delivery letter didn't reach me until this morning. Consequently, I haven't been able to get you as much information as I would have liked to.

Enclosed are the letters between A.G. Jackson and Senator Norris, two photographs of the Senator and other items. Norris was not around today so I couldn't get a statement. I was assured by his secretary that the old boy wouldn't make an exclusive statement even if he had been in his office. Tomorrow I will go through the Congressional Record and will send you copies of statements on the FBI that he has already made. I promised to return the photographs, and I'd appreciate it if you return them whenever you have finished with them. The signed picture was made by a prominent Viennese who beat Hitler to the border ~~was~~ by a few hours.

The initial attack on the FBI was made by Vito Marcantonio immediately after J. Edgar Hoover presented the testimony an excerpt from which is enclosed before the House of Representatives Appropriations subcommittee. He sent you a copy of his speech last night and you can get the date from that. At approximately the same time there were some rumors floating around about

FBI "plant protection" activities that undoubtedly had some effect upon Marcantonio and his making of the speech. The record of the Senate Civil Liberties Committee, by the way, contains innumerable examples of labor spies who got their starts in the business by "protecting plants" during the last war. The most prominent case is that of Harry Bennett, Henry Ford's personal Pinkerton.

It was after the Detroit cases that Norris made his attack on Hoover and the FBI, and in quoting the magazine article he was really quoting Marcantonio, whose stuff was used in the magazine.

Also enclosed are copies of the resolution to investigate wire-tapping and related violations of civil liberties, introduced ~~introduced~~ by Senator Theodore Green (D., R.I., one of the richest men in the Congress, who late on the summer of 1937 first attracted attention in liberal circles in Washington by his incisive examination of Tom Girdler when he testified before the Senate Committee on Post Offices and Public Roads relative to the "Little Steel" strike). This resolution was acted upon favorably by the Senate Interstate Commerce Committee, of which Bert Wheeler is chairman, and a copy of the favorable report is enclosed. Bert Wheeler, back in 1934, <sup>the Department of Justice</sup> criticized ~~Wheeler~~ and demanded a Senate investigation. A week later Wheeler was indicted by ~~the~~ a federal grand jury for ~~public~~ bribery. The case hung for a long time before it was dropped. At that time William J. Burns had Hoover's present

job and Hoover was a lawyer in the Department. Burns soon there after devoted his full time to his antilabor detective agency and Hoover succeeded him.

Wheeler is credited with the story of a special file section within the FBI where dossiers on members of both houses of Congress are kept. This story seems never to have been proved or disproved. It came up again yesterday when the Attorney General held his largest and longest press conference ( more than 50 correspondents and more than 3/4 of an hour ). When asked " You have undoubtedly heard rumors that J. Edgar Hoover has dossiers on members of Congress and others" by a newspaperman who was interested in the prospects of a Congressional investigation Jackson replied "If you have any evidence of such a thing as that you bring it to me and I will act. No one has brought any such evidence to my attention." Unofficially, Jackson's friends and associates say that if any "brutality" or "dirty work" by FBI agents were brought to his attention there is no doubt that he would take definite and immediate action. Today I spoke to one of the men within the Department who is closest to Jackson and he confirmed this and added that in the absence of a really substantial, factual case against Hoover and his men Jackson should be expected to stand behind his subordinate, Hoover.

It was a yesterday's press conference that Jackson announced the investigation of the FBI conduct in the Detroit cases. Henry Schweinhaut, who is to conduct the investigation, will report only to Jackson, who will make the report public. While

no statement has been made about the nature or scope of this investigation, it is pretty certain that Schweinhaut will study all the files and complaints and personally interview persons with a direct knowledge of what happened.

Schweinhaut is a former law professor in the Washington College of Law. He is a native of the District of Columbia. In 1937 he had much to do with the prosecution and conviction of an Arkansas constable named Peacher for Peonage. In 1938 he participated in the Harlan Conspiracy case in which 62 Harlan County coal operators and their deputy sheriffs were tried for conspiracy to violate the National Labor Relations Act. The jury was hung and the case was dropped after the coal operators signed a union contract and after 6 of the deputies were murdered by other deputies. Frank Murphey appointed him to head the civil liberties section of the D.J., which H.H. Murphey established. This section is within the Criminal Division, of which O. John Rogge is the Assistant Attorney General, in charge.

Re: wire tapping, any FBI wire tapping is, presumably, pursuant to instructions from the Director of the Bureau, Hoover, because of a regulation adopted in 1931. Between 1928 and 1931 there was no wire tapping by the FBI if the Department's regulations were followed. The Communications Act, passed in 1934, prohibits the "interception or divulgence" of information obtained by wire tapping, and the Supreme Court has held that evidence so obtained may not be used. The

real purpose of wire tapping, however, is not to obtain evidence but to obtain information or leads.

If you have any use for further information about John Edgar Hoover I believe that the best available information can be found in the recent issue of "Uncensored", issued in New York.

Perhaps this additional information may interest you: in any prosecution by a United States District Attorney anywhere in the United States the investigation is conducted by G-men assigned by Hoover. There are a little less than a thousand G-men.

I learned today from one of the attorney general's closest that probably in about a week he will have something to say about wire tapping but could not find out what he will say.

Unfortunately I do not know when your "next issue" will go to press, so I am sending this along. Tomorrow I will send you any Norris quotes that I can find in the Congressional Record and one or two other things about the FBI that I think I can get, such as Dies' charge that William McCuiston, notorious goon and Dies star anti-NMU witness was a DJ agent at the time he allegedly murdered Philip Carey, NMU New Orleans official. McCuiston was re-indicted for this murder day before yesterday.

About the possible wire-tapping investigation. The resolution which provides for this really sets up a permanent investigation. The recommended appropriation need be spent only for

the stenographic reporting of hearings and the transportation of investigators. All other expenses can be borne by the executive branches of the Government and, in the event that the resolution passes, which seems probable, this would undoubtedly happen, as it did in the case of the Senate Civil Liberties Committee. Incidentally, the Senate Civil Liberties Committee has the legal authority to investigate not only wire tapping, but the FBI, but it wont.

Late last night I wrote Cameron McKensie that I would send him my Dies committee stuff tonight. At that time I didn't expect to spend today collecting this information. Will you please tell him that I will send it to him tomorrow, as early as I can, which, I imagine, will be in the early afternoon?

Thank you

Harold Weisberg