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Senator Wiley (R., Wisc.) made a four-page ringing defense of the FBI and J. Edgar Hoover, with a push on the "red smear" angle. Then Norris rose:

Mr. NORRIS. Mr. Chairman, lest my silence now be misconstrued later, when I expect to address the Senate on the subject, I wish to say only that I have listened with much interest to the address of the Senator from Wisconsin. I do not find fault with the abstract propositions which are laid down by him or which are laid down by Mr. Hoover. I am the last one in the world who would be inclined to try to interfere with the good work of any organization. I have read speeches and have listened to speeches over the radio by Mr. Hoover which I commended. I think on one occasion I wrote him a letter in commendation of a speech of his to which I had listened.

The Senator from Wisconsin has referred to the Detroit arrests. While I would not put a thing in the way of an honest, fair, and competent investigation of anything that pointed to an act disloyal to my country, I do insist that those who have authority to investigate crimes and violations of law should not themselves violate the very law which it is their duty to uphold. I shall not go into the question now, because one case is now pending and being tried, and I do not want anything I say to have even an indirect effect upon that case. I should not have referred to it had not the attention of the Senate and of the country been called to the actions of the F. B. I. in words of praise and exaltation. In doing so the Senator has referred to the Detroit cases.

After I had read some of the newspaper accounts of the Detroit cases I wrote to the Attorney General a letter in regard to them which was given to the press. I received from the Attorney General a reply which he has given to the press, in which he agreed with what I had said, and said he would investigate these cases, although in my letter to him, to which I refer, I called his attention to them merely as an example of what seemed to me to be going on, and what seemed to me to be wrong.

The Attorney General has appointed an assistant to investigate these cases. His report has not yet been submitted; or, at least, it has not been made public. I have had no access to it. When it is made public, I shall comment in the Senate upon what I believe is a just criticism of the F. B. I.

Mr. President, the fact that a man has been a good soldier is no defense if afterward he violates the law. The fact that a man has run many criminals to earth, and has done a magnificent work, is no defense to him if he in turn violates the law. I am not content to leave the matter now, because, following my correspondence with the

Attorney General, which was given to the public with my consent--I am not finding fault with that--some newspapermen, one of whom was referred to by the Senator from Nevada Mr. Pittman in his able address to the Senate today, have charged me--perhaps indirectly, but in language which no one can misunderstand--with being a part of a conspiracy to "smear Hoover," something of which I am as innocent as an unborn child.

Mr. President, I want to help the F.B.I.; but I do not want that organization, in making arrests, to violate the liberties of American citizens which are protected under the Constitution of the United States and by our courts, including the court of last resort. I want them protected. In making arrests or investigations, no bureau or organization--political, governmental, or religious--is justified under any circumstances in doing some of the things which I think have been done by the F.B.I. in violation of the sacred rights which ought to be preserved to every American citizen.

When the report to the Attorney General is made, I expect to take up the Detroit cases and perhaps some other cases. I say the few words I am now uttering only because I fear that my silence might be misconstrued by the Senate.

At this point Wiley hastened to assure the Senate that he, too, thought civil liberties were a good idea. He added that Hoover and the FBI had "stamped out" kidnapping and racketeering. Then Norris resumed his stammering address:

Mr. NORRIS. Mr. President, the Senator refers to making a mountain out of a molehill. He has constructed a mountain out of a molehill, and, standing on the top of that mountain, he waves the American flag and says that if a man has hunted down a criminal anything else he may do is insignificant and unimportant.

I want to help, if I can, any organization which will run down criminals and ferret out crime; but I want to stop the same organization if it undertakes to violate the rights guaranteed to us under the Constitution of the United States. That is all I want to do. I do not want to smear anybody; but I will not stand idly by and have the charge made that, because I want to defend the civil rights of American citizens, I am trying to smear somebody.

It is said in defense of Mr. Hoover that he has done some great and good work, which I frankly admit and have never denied. However, if he is trespassing, if he is doing wrong, I want to stop him in his tracks and help him to go right, which I hope he will do.

Mr. President, I realize that if our civil rights are trampled under foot, our government must go the way of other governments which have been lost to some kind of secret organization having a different motive from what we expect--a different motive from the F.B.I.

I admit the greatness of the F.B.I. We are giving them \$10,000,000. However, they are still bound to respect my rights, your rights, and the rights of the poor, wherever they may be. The F.B.I. is not called upon to strip men and women or to search them when they are charged with some minor offense, handcuff them, parade them through the streets, and subject them to the third degree. That sort of thing cannot go on in any free government without bringing unnamable ruin.

It will bring ruin to us, as it has to so many others, and as it is doing now.

What I have said cannot be construed to intimate that that I do want crime punished and evildoers arrested; but we have a Constitution and laws; we are trying to preserve certain rights; and we must be fair to our enemies as well as to ourselves. Our courts must try our enemies as fairly as they try our friends. If I am a private citizen and an enemy and am charged with crime, I am entitled, under the Constitution of the United States, to as fair a trial as the Senator who sits at my right would be if he had committed a crime. That is all I am asking for; that is all I want; that is what we must have if our government shall continue to live, and we will have it.

History is strewn with the remnants of governments that have undertaken to violate that rule. Our Government, with its civil rights, particularly the fourth amendment to the Constitution, was set up by our forefathers in order that we should not fall by the wayside, as others have done.

I have no fault to find with what the Senator has said. He has read from Mr. Hoover's speech. I have read the whole speech, and I thought it was a good one. I am not finding fault with it; but I am finding fault with the suggestion or insinuation that any man, whether he be of high or low degree, who even criticizes anything the F.B.I. may do must be "smearred" as a man who is against his country, who believes in communism or Hitlerism. We can purge them; we can have our people respect the laws if we obey them ourselves and insist that those whose duty it is to enforce the laws shall likewise obey them.

Communism comes when we fertilize the soil of America with such ideas as that we have a right to trample under foot the rights of the common, ordinary citizen. No matter what he may be charged with, under our law he is entitled to be tried as a man and be treated in the same way as the most respectable citizen in the community would be treated. That is all I want.

Then Wiley interposed a few more remarks and Senator Pepper took the floor.

Mr. PEPPER. Mr. President, in view of the fact that the subject of the Federal Bureau of Investigation has been briefly discussed here on the floor of the Senate, I should like to make a short statement. I wanted to say that I learned, to my consternation, from a friendly Senator that since I made some remarks on the floor of the Senate on this subject, expressing my general sentiments on the subject, the report had been circulated by somebody that my toes had been stepped on by the F.B.I. because my brother had been arrested for the operation of a gambling house in Miami, Fla. Having but two brothers, one of them being in New York and the other with my mother and father in Tallahassee, Fla., I naturally had not been aware that any such rumor had been insidiously circulated among Senators and around Washington. I am glad the Senator was good enough to tell me that it had been circulated, so at least I could denounce that statement as false.

It does happen that a man named Frank Pepper, who is not in any way related to me, has an interest in the Royal Palm Club, which is a night club operated just behind Bay Front Park in Miami, Fla., and which, so far as I know, has been respectably conducted. Whatever may be its virtues or its shortcomings, they are not in any way related to me or to any person who is related to me.

Mr. President, when I rose on the floor of the Senate and made some comment upon the activities of the Federal Bureau of Investigation, I made those remarks, in the first place, as a friend of this administration, and, in the second place, as a friend of honorable and effective law enforcement in America. My father has been a sheriff; he has been a police chief and police officer for many years, and my sympathies go strongly out to those men who are trying to enforce the laws of our country and to protect citizens in the enjoyment of their property and their personal rights. But I know that there is a strong tendency in any centralized police agency, in its zeal and in its enthusiasm, to exceed the discretion which, perhaps, it should always exercise.

I read upon the front pages of the newspapers of my State declarations that were issued by the Chief of the Federal Bureau of Investigation, and at least he was quoted as having issued them, denouncing official corruption in Florida. I knew that, like all other States, Florida has perhaps had some officers who were not what they should have been, but I also knew, from personal knowledge, that all official life in my State was not corrupt, and it was not fair to make such a charge and issue a generalization of that character. A little later I read a statement by another Federal agency to the effect that Georgia was brimming over with corruption; but again there was no distinction between somebody who might have done wrong and all the officials of that great State who have led honorable lives and who were rendering creditable public service.

It was against that kind of generalization that I protested; it was against the growing tendency on the part of this organization to take upon its own shoulders, of its own initiative, the investigation and, it may be, the suppression of matters that are outside the legitimate scope of Federal investigation and even of Federal prosecution that I protested. What may be the sentiment of the people of South Carolina relative to local matters in a South Carolina police problem, and the same statement applies to every other State in the Union.

I know, Mr. President, as you know, enough about human nature to understand that if a man is given a trained personnel, unlimited authority, and unlimited funds, he would not be human if he did not tend to extend his activities into realms which are questionable so far as Federal jurisdiction is concerned. Of course, the Federal Government, with unlimited personnel and funds and with its own court procedure, can enforce the laws of this country better than can the local agencies; but I was not aware of the fact that the American people were willing to turn over all law enforcement even to a good Federal agency.

So what I said sprang from a conscientious conviction which I entertained. I have nobody to protect in my State or anywhere else. So far as I am aware I have no relatives who have been affected by the F. B. I. I have been a booster for the F. B. I. I appreciate the fact that in the past Mr. Hoover has invited me to make speeches at the Bureau. I accepted on at least one occasion and spoke last year at one of the police schools which have been conducted here in Washington and which constitute a

splendid activity. I do not have any quarrel with any Federal agency, but I do tell my fellow citizens and I venture to say to my fellow Senators that that agency had better be under the eye of the American Government or it will get out of hand. I know without some restraint that it is too much to believe that any man of Mr. Hoover's skill, knowledge, great ability, and zeal is not likely to transcend the legitimate activities of a Federal agency, and as his friend and admirer I merely want the sign of caution held up to him before resentment comes about and reaction arises which will undermine the good, the just, and the desirable work which his agency has performed and was designed to carry on.

Mr. ASHURST. Mr. President, the speeches just delivered in the Senate regarding the F.B.I. are timely and pertinent; and it would not appear to be odd that I should agree with all that has been said.

Charging the able senior Senator from Nebraska [Mr. Norris] with attempting to smear somebody is about like charging Abe Lincoln with engaging in a similar endeavor.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly.

Mr. NORRIS. When Abraham Lincoln lived he was charged with that and everything else imaginable in the category of crime and ridicule.

Mr. ASHURST. No one believed it.

Mr. NORRIS. They do not now; they know better now; but many believed it then.