

From the 4-Star edition of the Washington Times-Herald, p. 1:

Tobey Claims  
G-Men' Plot'  
To Use Census

Charges Data Will Be  
'A Police List'

Following is the third paragraph of this story:

" 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. "

J. Edgar Hoover testified several times during hearings on the appropriations for his Bureau. The following extract from his testimony comes from a volume of hearings headed thus:

DEPARTMENT OF JUSTICE APPROPRIATION BILL FOR 1940

Hearings before the subcommittee of the Committee on Appropriations House of Representatives, 76th Congress, Third Session, on the Department of Justice appropriation Bill for 1941 (Printed for the use of the committee on appropriations)

One of the days on which Hoover testified was Monday, January 8, 1940. This testimony commences on p. 149 of this volume. The testimony of January 8, 1940, appears under the following subhead:

"National-Defense Work"

The following quotation for Hoover's testimony comes from the bottom of p. 152 and the top of p. 153 ( on 1/8/40):

" Coordination Between Military and Naval Intelligence Divisions

The procedure which we have followed since this work was assigned to us in September has been to bring about coordination between the Military Intelligence Division of the War Department and the Naval Intelligence Division of the Navy Department. Under the present arrangement the Federal Bureau of Investigation handles all civilian investigations arising within the United States and its territories, dealing with the various phases of the national-defense work. The Military and Naval Intelligence Divisions are confining their activities to the armed forces, and they have also been called upon at times to aid in the handling of those matters in connection with cases occurring

within the military forces of the country.

Mr. Rabaut ( Member of Committee, D. Mich. First name: Louis G.):  
As I understood you, you said that under your agreement with them the Military and Naval Intelligence Divisions are to confine themselves to certain activities?

Mr. Hoover: Yes, sir.

Mr. Rabaut: Are they doing that

Mr. Hoover: Yes; they are doing that; they are conducting no investigations in matters other than those connected with the military forces of the country. We are handling all matters of a civilian character, but in some instances they have called upon us to aid them in connection with their work in the armed forces.

All of the above is directly quoted from the given source, except the indetification of Congressman Rabaut. Also, the above quotation consists of all below the subhead.

The following quotation comes from the same source, from Hoover's testimony of the same day, the bottom of p. 154 and the top of p. 155. All but the last sentence, which is not pertinent, is here quoted of the testimony below the subhead, " Cooperation with Army and Navy Intelligence Services." :

" At the seat of government the cooperation we have developed between the Army and Navy intelligence services of the Bureau has resulted in almost daily conferences among these three branches.(sic.)

There has been, in my opinion, at no time as close and cordial a relationship as exists today between the Army and Navy intelligence services and our Bureau. I cannot pay too high a tribute to Col. E.R. Warner McCabe, chief of the Army Intelligence Division, and Admiral Walter S. Anderson, director of the offices of Navy Intelligence. They have been most helpful, and we have all been working as one in this undertaking."

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According the Jackson's statement, which does not conflict with the previously-quoted Times-Herald story, "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." This is approximately the date of Hoover's testimony before the House appropriations committee in 1939, when he asked for an emergency supplementary increase in his appropriation for the quarriz fiscal year 1940( enclosed with my letter of 3/15/40). all of Jackson's statements as quoted in the Times-Herald follows:

"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 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 ~~only~~ 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."

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Note these things about Jackson's statement:

It says nothing about the connection of the FBI and Hoover, if any, with this thing.

It does not give the identity of the other department.

It does not say that the DJ had nothing to do with this. It says it was originated elsewhere, and gives no authority for such a statement, although he does say that ~~some~~ accompanied the draft of the bill.

The memo is not further identified, nor are any of its contents disclosed.

At no place does he say that at that time this bill did not represent the views of the AG or DJ. Further, he does say that the bill "is not in accord with the present policy of the Department of Justice." This implication that under Murphy the bill was approved is borne out by the following quote from the statement: The proposal... (was)... referred to the Department of Justice to be drafted into appropriate form for ~~an~~ submission if subsequently approved." It was "submitted" hence "approved" by the DJ under Murphy.

Nowhere does Jackson say that the DJ did not at the time agree with the proposal which it drafted and sent on its way to become law.

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With reference to the "conference" at which this bill came up, as revealed in the 1<sup>st</sup> H story quoted on the first page:

In both quotes from his testimony Hoover takes credit for originating the "conference" of the three intelligence services.

Hoover makes it explicit that under the terms of their working arrangement the military intelligence units would have just about no use for this census information and that "all civilian investigations" are handled exclusively by the FBI.

Because the proposal came up at this "conference" it was, if it actually did originate elsewhere, known to the DJ and Hoover must have

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had the approval of Hoover to get passed him.

Hoover is the one who keeps the files.

McCabe has been replaced as head of the Army Intelligence within the past two weeks by an Army officer who had been stationed in London, I believe as 'military attache' to the embassy. Military attaches are just about espionage agents known to the other governments.

Hoover is the one who would have profited by the passage of such legislation, and through him the DF.

He had nothing to say, nor does Jackson quote him or refer to him.

Jackson did not say that the DF did not want such information, and he did not even mention "civil liberties" in his statement.

After reading FRIDAY's story on the census amendment Senator Burton K. Wheeler (Dem., Mont.) made this observation:

"In times like these when intolerance of all kinds is prevalent, the rights of the American people guaranteed by the Bill of Rights should be more carefully guarded than at any other time."

Senator Wheeler is chairman of the powerful Senate Committee on Interstate Commerce, chairman of the Railroad investigating committee of the Senate and author of the report of the Interstate Commerce Committee of several weeks ago strongly condemning the F.B.I. and wiretapping. He fought for and succeeded in getting passed a resolution providing for an investigation of wire-tapping by the Senate. He is also considered the C.I.O. candidate for the Presidency.

Back in 1934 he initiated an investigation of the Department of Justice and was almost immediately indicted by it, although, after three attorney generals failed to do anything about it, the case was finally dropped.

Congressman Lee E. Gayer (Dem., Calif.), leader of the fight for the abolition of the poll tax and one of the members of the House "liberal bloc" made this statement after reading the proposed bill:

"I am a little alarmed at the turn of events when I consider the illegal activities of the Dies committee. But I am more alarmed, if it is true, that the Department of Justice is attempting use the census records for snooping purposes. The trend in totalitarian governments is such that all people interested in the preservation of civil liberties should be on their guard lest any branch of the government violate our Bill of Rights.

"This might be considered a preparation for our entrance into the war which some evidently hope to bring about.

"It is high time that labor and progressive groups awaken lest we have here in America before we know it a Gestapo or an OGPU.

Frank E. Hook (Dem. Mich.), one of the leaders of the anti-Dies forces in the House of Representatives and a member of the House "liberal bloc" who has recently been in the forefront of the campaign to save the National Labor Relations Act and the Wages and Hours Act, made this statement:

"The group who proposed this iniquitous bill would not hesitate at any time to place upon the statute books any law that violates or abrogates civil liberty. However, the ever-watchful eye of Franklin Delano Roosevelt nipped their little plan in the bud.

"It is now refreshing to see Senator Tobey following the lead of President Roosevelt (Senator Tobey is a Republican).

"I want to congratulate the magazine FRIDAY for exposing this attempt to subvert civil liberty. Any magazine that is powerful enough in its argument to bring Senator Tobey on the liberal side, even though it is for his own benefit, certainly should be praised."

Speaking of Senator Tobey's long and loud fight against the census itself Congressman Hook said, "Senator Tobey's unjustifiable and unreasonable attacks on the census questions vanished into thin air as vapor before sunshine when the census takers went out and started asking questions. He had to do something to justify himself so he adopted the role of a liberal temporarily and picked up the bill from FRIDAY."

Congressman Hook also said that the bill will never reach the floor of Congress,