

OUR LAWLESS G-MEN

THE secret police of totalitarian countries, whether Communist, Fascist, or Nazi, need refer to no statute books in order to investigate, arrest, or imprison. They, and not the law, decide what constitutes a crime. Our G-men, like those other G-men of the Gestapo and GPU, are beginning to act on similar principles. Our evidence for this statement comes from J. Edgar Hoover himself. His testimony last November and again in January before the House Appropriations Committee shows that the Federal Bureau of Investigation is engaging in activities for which it has no legal authorization. We believe it the Senate's duty to forbid activities of this kind when it passes upon the FBI appropriations in the new budget. Not to do so is to encourage the Bureau to repeat its performance of the days of the post-war red hysteria.

In September, 1939, the FBI organized a "General Intelligence Division," and when Hoover appeared before the House Appropriations Committee to ask a supplemental appropriation in November, he described the activities of this division. He said it had "compiled extensive indices of individuals, groups, and organizations engaged in these subversive activities, in espionage activities, or any activities that are possibly detrimental to the internal security of the United States." The detection of espionage is part of the bureau's duty, but what does Hoover mean by "subversive activities" and "any activities that are possibly detrimental to the internal security of the United States"? Either category can be as broad as the head of the FBI chooses to make it, and neither is made a subject for inquiry by any federal law. What is the purpose of these "extensive indices"? They have been arranged "not only alphabetically," Hoover explained, "but also geographically, so that at any time, should we enter into the conflict abroad, we would be able to go into any of these communities and identify individuals or groups who might be a source of grave danger to the security of this country. These indexes will be extremely important and valuable in grave emergency." That is, lists of persons he considers dangerous have been compiled by J. Edgar Hoover for a mass roundup in the event of war or "grave emergency." No such compilation is authorized by law. Is the Senate content to let Hoover be his own law? Is it prepared to let him decide who are dangerous persons? Is it ready to appropriate funds for activities unauthorized by statute? Is Hoover to act as an American Himmler?

Hoover's notions of what constitutes the "subversive" are sufficiently well known. They parallel the views of his greatest booster, William Randolph Hearst, and it is sufficient to say that they are broad enough to include among the "enemies to society" advocates of as mild a reform as parole. We quote the words from Hoover's address in July, 1935, before the International Association of Chiefs of Police. Hoover's methods of operation were dramatically demonstrated the other day in Detroit when he chose five o'clock in the morning as the hour to rouse twelve reputable citizens of Detroit from their beds and bring them into court in chains on charges the Attorney General several days later dismissed. The early

morning raid, as a means of striking terror into the victims, is part of the technique of every totalitarian secret-police agency. Some idea of the breadth of Hoover's ambitions may be obtained from the release he sent out last September suggesting that local authorities throughout the country, in granting permits for public meetings, notify the FBI of such meetings in advance. In September, Hoover testified, he wrote to many persons and organizations, including "banks, business houses, railroads" asking for their cooperation in the "general intelligence" work. The definition of "subversive" held by some bankers, business men, and railroad executives is apt to be a broad one, sometimes broad enough to take in the whole of the New Deal from Mr. Roosevelt down. Later in the same month Hoover issued a statement which invited the cooperation of citizens everywhere in "ridding America of those who desire to undermine the federal government."

This is not the country's first experience with either a General Intelligence Division of J. Edgar Hoover. Hoover was head of the General Intelligence Division from 1919 to 1924 when it was abolished by Harlan F. Stone, now a justice of the United States Supreme Court, when he became Attorney General. William J. Burns was then head of the FBI. The division played a part, according to Felix Frankfurter, in framing Sacco and Vanzetti. It compiled biographies, according to the Attorney General's report in 1920: "of all authors, publishers, editors, etc., showing any connection with an ultra-radical body or movement." The ramifications of the FBI's "general intelligence" work were protested by the American Civil Liberties Union in a famous report of May, 1924, entitled "The Nation-wide Spy System Centering in the Department of Justice." According to an article by Ray Tucker in Collier's for August 19, 1933, former President Hoover was among the dangerous radicals shadowed by the FBI in that period, and "at one time or another the bureau's files have contained reports on such prominent Americans as Justice Stone, the late Senator Thomas, Senator Wheeler, Senator Borah, Dean Roscoe Pound, Professor Felix Frankfurter, Professor Zechariah Chaffee, Jr., Frank P. Walsh, and John L. Lewis."

The FBI is now asking for \$10,000,000 during the next fiscal year, much of it to revive illegal practices of the kind that marked its conduct during the days of A. Mitchell Palmer and William J. Burns. That amount is roughly fifteen times as great as the bureau's appropriation in the year we entered the war, 1917. The Senate will fail in its duty if it votes that \$10,000,000 as a routine matter, consenting by silence to the continuation of activities totally at variance with American principles of government. Congressman Woodrum, when he objected last year to the bureau's continued failure to live within the appropriations made for it, said that the FBI "ought to be the first one to live within the law." Will the Senate assure that J. Edgar Hoover will "live within the law" by eliminating funds for illegal activities and confining the FBI to its statutory job? That job is not to be a combination of Dick Tracy and Mrs. Dilling.