

THE FBI NOBODY KNOWS

BY FRED J. COOK

**Prize-winning reporter Fred Cook raises pertinent questions for all Americans
delight others. But no one can remain indifferent to the awesome power**

■ The young man was of medium height, compactly and solidly built. He had close-cropped dark hair, bright dark eyes, and that thoroughly clean-cut, all-American-boy look that one almost automatically associates with a Special Agent of the Federal Bureau of Investigation. But he was no ordinary agent. He was, indeed, virtually unique—that rarity of rarities, a former agent who was willing to talk about the FBI nobody knows.

Jack Levine was his name. A qualified lawyer, he had gone through the FBI training school and had spent nearly a year as an agent in the Detroit office. It was an experience that had been virtually the reverse of his expectations. He had been lured at the outset by the FBI's public image, by the lofty ideal it projected of honest, dedicated law enforcement and unselfish public service. He had been revolted by the reality—by his discovery that the FBI was in fact a ruthless autocracy reflecting the whims and beliefs of the one man who dominated every facet of its existence.

Such, in essence, on intimate acquaintance, had become the conclusions of Jack Levine. I asked if he could give me an overall, capsule impression of his feelings toward the FBI.

"I guess the closest I can come to it," he said slowly, "is to say that I have come out of it with a mixture of love, fear, and hate."

The disillusionment began early. Jack Levine was one of 41 special agents in the FBI's New Agents Class No. 2, 1960. They began their training in mid-September. Almost from the outset of the three-months program, Levine later reported, the men were "heavily indoctrinated with radical right-wing propaganda." He added: "This propaganda is taken by the men as the truth or 'inside story.'"

On one occasion a Bureau official, in deriding the suggestion that a National Crime Commission be established to ride herd on big-league crime, commented, according to Levine, "that 'this proposal was the product of Harvard and Yale pseudo-intellectuals who are presumptuous enough to think that they know more about crime and law enforcement than the Director.' He further stated that these people would be putting their energies to better use if they did something about the Communists that they have teaching at those schools. He also stated that 'they have more Communists in Harvard Yard than you can shake a stick at.'"

In September, 1960, a Bureau official commented to the class "on the growing sentiment for the impeachment of Chief Justice Earl Warren and several other members of the United States Supreme Court." According to Levine: "He stated that the Director is very much in sympathy with this movement and that the Director feels that this country would be a lot better off without Communist sympathizers on the Court."

To Jack Levine, the right-wing indoctrination of agents went hand-in-glove with another distasteful aspect of the FBI—the dictatorial rule of its remote god, J. Edgar Hoover. New agents quickly learned that throughout the Bureau the slightest Hoover whim was the first law of the universe. They came to know the abject, almost slavish, terror inspired not only by an actual frown from the great man but even by the prospect of a possible frown. From the outset, in addition to their technical training in such matters as taking fingerprints and gathering evidence, the new agents received almost constant instruction on the likes and dislikes of the master of their destinies, and on the steps to be taken properly to placate this austere and august power.

The entire training period was pockmarked, according to

Levine, either with the recitation of horrendous examples of misconduct or direct incidents that drove home to the new agents how circumspect they must be to avoid unwittingly giving Hoover mortal offense. One example cited to them, Levine recalled, was the fate of an Assistant Director who was forced to resign in December, 1960. The two supervisors under him were severely disciplined. Their offense: they had had the bad judgment to hire a filing clerk with pimples on his face.

Quite early in the training program, it becomes clear to most agents (indeed, they are usually frankly told by their instructors) that the FBI harbors a split personality. There is the Bureau—the central office staff dominated by Hoover and jitteringly responsive to his slightest nod—and there are the field divisions, 55 of them strategically scattered throughout the nation. The Bureau's ideological brainwashing, its virtually old-maidish prejudices about whether a man smokes or how he parts his hair, are annoying foibles that agents have to put up with while in training or close to Washington under the direct scowl of the Man. But once they are out in the field, they are told, they will find many things are different.

"And this," says Jack Levine, "is largely true. If you get a good field office, with a good SAC (Special Agent in Charge) and a good supervisor—and there are lots of them—it can be pretty nice. Also there is this great camaraderie that develops among the agents; they're rather high-class fellows, and they have this tremendous pride in just being themselves, being FBI agents. Out in the field, if you have this kind of setup and if you can just take it and not worry about the implications of certain things you see and do, it's a pretty good life, and that's why a lot of good guys stick with it."

But when a man knows that he may be severely disciplined or even driven from the service for the slightest minor misstep, he tends to avoid taking any step at all that could possibly put him in harm's way. This elementary fact of life in the FBI was impressed graphically on Jack Levine only a few months after he went to work in the Detroit office.

In July, 1961, he was riding in a Bureau car with three other agents when a bank robbery alarm came over the radio. The bank was only a short distance away in the direction that the car was traveling. To Levine's amazement, the agent who was driving, instead of speeding to the scene, whipped the car around and trod down hard on the accelerator to go as fast as possible in the opposite direction.

Several years ago, they said, an agent in another field office had sped to the scene of a bank robbery and had had the misfortune to be the first to arrive. Automatically, in such circumstances, the FBI agent first on the scene assumes charge of the case and responsibility for it. In this instance, the second and third agents to reach the scene, in trying to lift some fingerprints, had unfortunately smudged them so badly that the FBI laboratory was unable to identify them. The agents who had bungled the job were disciplined with proper severity, but—and this was the point—the first agent on the scene, himself innocent of any dereliction, had been disciplined with equal severity because he was theoretically in charge of the case and therefore responsible.

The moral, Levine's fellow agents pointed out, was obvious. There wasn't, they said, an experienced agent in the Bureau who, if he could help it, would risk his record by indiscreetly appearing first on the scene of a bank robbery. It was a case, as the

intimidated investigators saw it, of all risk and no gain.

Aside from such dictatorial aspects of the Bureau's rule, there are deep-seated elements of prejudice and at times a disregard for individual rights in the sacred cause of investigation. Jack Levine quickly discovered that he, as a Jew, was a distinct novelty in the FBI. Wherever he went, circulating among other agents, his very presence caused discussion because none of them could recall ever having encountered an active Jewish agent in the Bureau previously. The same was true of Negroes. There were a couple who served as receptionists in the Director's office; some were used as chauffeurs or in strictly menial capacities. But of full-time, full-fledged Special Agents there appeared to be virtually none.

On the Negro issue, about which the Bureau was as sensitive as it was about any public display of anti-Semitism, its private attitude was even more obvious. A great number of the Bureau's agents, Levine found, were recruited from the South, and their bitter prejudice was clear in almost every thought and deed. To them a Negro was always "a nigger."

This personal attitude inevitably showed in their actions, as a number of incidents indicated. In late October, 1960, during the training period, a Bureau official was lecturing the class about techniques of interviewing and the necessity of establishing rapport with a prospective witness. Always shake hands, he advised. A new Special Agent asked whether it would be necessary for him to shake hands with "niggers." The official replied that it was the Bureau's policy to shake hands with everyone, no matter how distasteful it might be. During a recess period following the lecture, a number of the new agents discussed this mandate, and the agent remarked that he didn't care what the Bureau's policy was, he wasn't going to shake hands with "any goddamn niggers." Several of the other agents heartily agreed with him.

Throughout his tour of duty with the FBI, Levine encountered constant expressions of anti-Negro sentiment among its agents.

In addition, Levine found the pressure for convictions and the awesome reputation of the FBI both combine at times to foster actions that are carried out with scant regard for individual or human rights. The right of the individual to privacy, his right to be secure in his home and his person unless the law can show adequate reason for intruding upon him is regularly flouted in the FBI's preoccupation with obtaining convictions at whatever cost. Wiretapping, for instance, has been repeatedly held by the federal courts to be illegal, and the evidence so obtained has been banned. Yet the FBI admittedly wiretaps.

"In each of the FBI field offices," Levine stated in a report to the Justice Department, "there are carefully concealed rooms in which the wiretaps are monitored. The information received from wiretaps is credited to 'informants' which are designated by symbols and numbers. These informant records are kept in top-security files in the field offices. . . . It is a matter of common knowledge among the Bureau's agents that much of the wiretapping done by the field offices is not reported to the Bureau. This is the result of the pressure for [Continued on page 123]

to ponder in this bombshell of a book. Cook's thesis will outrage some, wielded by J. Edgar Hoover—and to the uses and abuses of the power

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convictions. A still greater number of taps are not reported by the Bureau to the Attorney General or to the Congress."

Expanding on this statement, Levine pointed out that the FBI, with its power and prestige, has little difficulty in establishing a close liaison with telephone companies throughout the nation. This simplifies its task of electronic eavesdropping, since the easiest, most foolproof way to tap a telephone is to "bridge" a pair right in the telephone exchange into which subscribers' lines feed. If the tapping is done in this way, even the most suspicious or the most concerned telephone user could never prove it, for an expert could check his line until Doomsday without discovering a thing, as there would be no actual, physical tap of the line anywhere near the premises. Hence a cozy relation between telephone officials and the FBI—a fact of life that may almost be taken for granted—eliminates all possibility of detection and, in Levine's words, lets the FBI "use the company's trunk lines with the cooperation of the company officials."

A similar invasion of privacy is sometimes practiced on a person's mail. The FBI and the Post Office Department, brethren in the federal stable, usually work closely together. "This is not widely known," Levine said. "Neither the Post Office Department nor the FBI likes to advertise the fact that this is going on. But in incoming mail, particularly, it's easy for the FBI, through contacts that they have at the local post offices, to keep a close watch on this. They generally will not open mail unless it's a case they're very, very concerned with."

To wiretapping and mail surveillance, the FBI adds what is known in the Bureau as a "bag job." This is nothing less than the entering of a person's home in his absence without a search warrant, in direct violation of the Fourth Amendment to the Constitution. "This is very often resorted to," Levine said, "although it's generally unknown that the FBI engages in this kind of practice." Bag jobs were, he said, "done every day in the Bureau."

Under such circumstances, Levine decided that a long career in the FBI was not for him. He wrote out a brief letter of resignation, stating his intention of returning to New York and resuming the practice of law. The resignation was accepted without prejudice, a significant point, on August 4, 1961.

Once out of the FBI, Levine decided to see whether something could be done to eliminate the flaws he had observed. While an agent in the ranks, he had not been able to criticize openly; for, as he had well known, the slightest criticism, the slightest deviation from Bureau protocol, would have brought swift retribution. But, he reasoned a bit naively, once out he could talk. It might be that Hoover himself was not aware of the true situation in his vast organization; it might be that Hoover, if his eyes could be opened, would be willing to change. Assigning himself this eye-opening task, Levine went to Washington and tried to see the Director. He tried several times, but Hoover was never at home to an agent who had just quit the FBI.

Almost everybody would talk and listen, but it soon became obvious that nobody was going to do anything. Levine now began to appreciate the true extent of the Hoover muscle about which he had heard so much. It was a muscle that intimidated virtually all of official Washington. You could hear it talked about, you could hear it discussed for years, and you would never really appreciate it unless you saw it working, firsthand.

What was the source of this amazing power? Levine concluded, as many others had before him, that a major portion derived from the FBI Director's close relationship with the Southern Democratic-Conservative Republican coalition that, for approximately a quarter of a century, has controlled the legislative machinery of Congress.

This means that any move against Hoover would touch off a political war in which the administration would have to be prepared to jeopardize its entire program in Congress. This is an awesome and daunting prospect, but even so it is not the ultimate prospect. Political support in Congress is only one of the high trumps in the pat hand that Hoover holds.

Power in Congress—power that overwhelmed and intimidated—this is the prime source of Hoover's immunity. But there is still another element, a secret weapon of intimidation that most effectively reinforces Hoover's power: the enormous secret

investigative resources of the FBI, its freedom to probe into any man's background and uncover the things that he might wish to remain hidden.

Turned down on almost every front, Jack Levine finally had an article published by *The Nation* in October, 1962. In his article he made these statements: FBI sources showed that Communist Party membership had declined from a peak of about 80,000 to a mere 8,500. Of these 8,500 "Communists," 1,500 were FBI informants, an average of one informant for every 5.7 legitimate Party members. As a result of paying this small army of informants, the FBI had become the Communist Party's largest financial angel.

Levine pointed out that the idealistic and altruistic who had been lured into Communist ranks in pursuit of some Utopian dream during the harsh days of the depression of the 1930's had been to a great extent disillusioned by the ruthless Stalin purges and the callous Soviet-Nazi Pact. The first Berlin crisis, the Cold War, Korea, the bloody suppression of the Hungarian revolt, completed the job of disillusionment. And the Communist Party, numerically never a very great force in American public life, suffered an attrition that left it practically gasping at the point of extinction. Levine put it this way:

"By 1960 the end of the Communist Party U.S.A. as a viable organization already was in sight. In a highly confidential memorandum to all Bureau Offices, Hoover announced that the development of additional Communist Party informants, except at the highest policy-making levels, would serve no useful purpose. This momentous decision was motivated by a number of factors.

"First of all, the Bureau had discovered that they had at last reached the point of diminishing returns. Much of the information being developed by informants was in many instances being duplicated by other informants. Secondly, because of their desire to protect the identity of their informants, informants were not told by the Bureau who other informants were. Consequently, informants began informing on informants with increasing regularity. Thirdly, the vast sums of money being expended for the payment of informants was constituting a severe drain on FBI appropriations. It was also a source of some anguish to the Bureau that they had become the largest single contributor of financial aid to Communist Party activities through their dues-paying FBI contingent.

"So thoroughly does the FBI dominate the party, Levine explained, that should United States-Soviet relations ever deteriorate to the point where armed conflict seemed imminent, it was prepared to put 'Operation Dragnet' into action, rounding up and sending off to concentration camps every Communist offender whose name was on its list. Levine wrote that 'the Bureau estimates each and every potential saboteur in the United States can be located and arrested within a matter of hours.'"

The lack of a Communist menace, Levine declared, was the reality, a truth that had been withheld from the American public, even from the White House. During his visits to Washington, he said in a subsequent radio interview, he had talked to members of the White House staff and had been astonished to find how little they knew about the thorough manner in which the FBI had penetrated the ranks of the Communist Party, how completely it had reduced the Party to "a paper tiger." It was after this discussion, Levine said, that Hoover had been called to the White House for a conference, and it was after this conference that he had issued a decidedly uncharacteristic statement warning that right-wing extremism and irresponsible charges could have a very divisive effect on the country.

Why, if the FBI had been so successful in penetrating the Party, wouldn't Hoover proclaim his agency's feat as its greatest victory? Perhaps because to do so would be like killing the goose that laid the golden egg. Levine wrote:

"It is the belief of many in the Bureau that the suppression of the FBI's successes in dealing with the Communists is largely attributable to policy decisions made by Hoover based on the

theory that support for the Bureau's activities in this highly sensitive sphere (which borders on investigating people's political beliefs) can best be obtained by continually stirring up the American public and by playing on their fears of an extensive Communist conspiracy existing here. It is also felt that Hoover's exaggerated estimate of the 'threat from within' is due in part to the personal stature and the autocratic power he has gained from his image as the Nation's No. 1 protector against Communism. If the danger to be reckoned with from the internal Communist subversion was thought to have receded, it would eventually lead to a decline in such stature and power."

Levine was 28 years old, a graduate of New York University Law School, clean-cut, moderate, and sensible in his speech. There was about him no suggestion of the wild-eyed fanatic. Yet it was possible that he could be drawing a distorted picture. Was he? Or did his portrayal hit closer to the eye of truth than any that had been given previously?

The first reaction of the FBI and the Justice Department to the publication of Levine's article in *The Nation* (Oct. 1962) was silence. That same evening, October 15, Levine's two-and-a-half-hour prerecorded interview over Pacifica's New York radio station, WBAI, was to go on the air. Advance text was available, but again the FBI and the Justice Department would not comment.

The radio station, before going ahead with the broadcast, had spent several days attempting to determine whether anyone in official capacity had any refutation of Levine's charges. The best that WBAI could present by way of official rebuttal was a telephone interview with Jack Rosenthal, assistant director of public information at the Justice Department, in which he declared that "the FBI informed me he [Levine] was fired."

This was not true, and the FBI subsequently confirmed that Levine had resigned.

At one point, the WBAI interviewer had asked a pertinent question:

"Do you suppose that, if we broadcast this program, we'll be investigated?"

Levine laughed.

"Well," he said, "that's a pretty difficult question to answer. I really don't know. I think that . . . it's a thought which certainly should be considered, and I mean that seriously."

The event was to prove the vision of the question and the soundness of the answer, for Members of Congress soon moved with feverish alacrity to protect FBI Director J. Edgar Hoover from Levine's stinging criticism.

The offensive was begun by the Senate Internal Security Subcommittee, chaired by Senator James O. Eastland, (D) Mississippi, only a little more than a month after the final broadcast in the Levine-Special Agent series over WBAI. The action took the form of subpoenas against seven officials and directors of the Pacifica Foundation, summoning them to Washington for private hearings before the committee on January 10, 1963. Trevor Thomas, president of the foundation, in a public statement, questioned the authority of the committee and its purposes.

He pointed out that the Pacifica stations do not carry commercials; that they are not "subsidized by government or industry, nor are we endowed by a few. Revenues came from some 30,000 listeners who support the stations, Thomas maintained, and he emphasized:

"Such radio stations exist nowhere else in the world," he said. "They could not exist under a Communist or Fascist government, nor under any government which cannot abide freedom or anything but the official position in matters where it counts. Such freedom—or its absence—marks the main difference between governments.

"The only way to preserve this freedom is by practicing it."

This blunt statement of the basic issue struck a responsive chord on both the East and West coasts. Newspapers, in editorials, expressed disapproval of the committee's action. Some citizens' groups took out advertisements backing the Pacifica stations. The result was that the Eastland committee's probe, after two private hearings, quietly expired.

However, the significance lies not in the failure to control thought but in the attempt.

The FBI is indebted for its birth and its present stature to two of the strongest Presidents of the 20th century. Both were men who believed in stretching executive power to its

utmost limits—in using it almost to the point of abuse.

To Theodore Roosevelt, the FBI owes the fact of its birth. To Franklin Roosevelt, it owes the patronage and support that made it the all-powerful organization it is.

The process of creation and growth makes a fascinating story, for probably no secret investigative agency was ever more aptly born than the FBI. It was created in secrecy, by executive order, in defiance of the will of Congress. And once created, it just grew and grew until, by 1962, it had 14,055 employees and a budget of \$130,700,000—"almost 50 percent of the entire personnel and appropriated funds for the Department of Justice as a whole."

Senator Everett M. Dirksen, Republican Minority Leader from Illinois, "discovered" a decidedly odd situation, to use his own term, and reported on July 10, 1962, in accents of great surprise, that "strangely enough, the Director of the Federal Bureau of Investigation is not legally required to be appointed by the President, nor is confirmation by the Senate required." To remedy this astonishing state of affairs, Senator Dirksen introduced a bill providing for the first time, 54 years after the event, a definite legal procedure for naming the next Director of the FBI. Under Dirksen's bill, which was passed by the Senate and is in committee in the House, both the Director and Associate Director would be appointed by the President for terms of 15 years, subject to the confirmation of the Senate.

The FBI's creator, Theodore Roosevelt, was a President who was always riding to the roundup. His tempestuous Administration was marked by an unceasing series of crusades against the forces of evil—the despoilers of public lands in the West, the railroad barons, the great trusts which threatened to obtain a stranglehold on the economy of the nation, the processors of adulterated foods. In this war he was frequently handicapped by the fact that the Department of Justice had no investigative agency of its own. When detectives were needed to gather evidence, the department had to borrow them from the Post Office Department or from the Secret Service of the Treasury Department. The "lending" institutions were not always happy at being called upon to part with some of their best detectives to help out the Justice Department.

To remedy the situation Roosevelt's Attorney General, Charles J. Bonaparte (a grandnephew of Emperor Napoleon I), appealed to Congress in 1908 to create a permanent detective force within the Department of Justice, and the resulting debate over his proposal contained overtones significant in our own day. A major theme that developed was the expressed fear of Congress that "a secret police" would be created, a force so powerful that it might escape all control and turn its investigative energies against even senators and congressmen.

Congress didn't approve Bonaparte's request and Roosevelt was furious. And when Roosevelt was furious, things happened.

What happened in this case was that on July 1, 1908, a month after Congress had adjourned and gone home, Bonaparte on his own authority quietly established in the Justice Department the very detective force that Congress had refused to authorize. He called it the Bureau of Investigation, the name it was to retain until July 1, 1935, when, by Congressional enactment, it became the Federal Bureau of Investigation.

The reconvened Congress of 1908, not as divorced from the principles of our own Revolutionary era as we are today, was fully sensitive to potential dangers. It greeted with applause Kentucky Congressman J. Swager Sherley's summation when he said:

In my reading of history I recall no instance where a government perished because of the absence of a secret-service force, but many there are that perished as a result of the spy system. If Anglo-Saxon civilization stands for anything, it is for a government where the humblest citizen is safeguarded against the secret activities of the executive of the government.

Not in vain did our forefathers read the history of the Magna Charta and of the Bill of Rights. . . . When our Constitution was adopted, the people's restlessness under it and fear of oppression was not removed until there was embodied in it the 10 Amendments constituting our American Bill of Rights.

The Fourth Amendment declares: "The right of the people to be secure in their persons, houses, papers, and effects,

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against unreasonable searches and seizures, shall not be violated. . . ."

The view of government that called it into existence is not lightly to be brushed aside.

Eloquent though the congressman was, cogent as was his reasoning, no mere eloquence, no mere exercise in logic, could undo the *fait accompli*. Roosevelt charged that Congress had been protecting criminals. The innuendo that some of the congressmen might even be actively in league with the forces of darkness, had registered with the public and placed Congress in a highly untenable position. To abolish the already established Bureau would only lend substance to these charges in the public eye. Congress had no stomach for such an outcome, and so the Bureau, established in defiance of its wishes, remained—with the reluctant acquiescence of Congress—a permanent fixture of the Department of Justice.

Having failed to block the creation of the Bureau of Investigation, Congress had no choice but to live with it and try to find tasks for it. At first the Bureau occupied itself with odds and ends of investigations that did not fall within the purview of other agencies—crimes committed on government reservations, bankruptcy and fraud cases, anti-trust prosecutions. But in 1910 Congress passed the Mann Act, and the Bureau got its first eye-catching national assignment.

The Act, forbidding the transportation of women across state lines for immoral purposes, opened up an entirely new field of detective endeavor and proved an invaluable windfall for the bureaucracy-building purposes of the new Bureau of Investigation. The Bureau was then headed by Stanley W. Finch. He quickly saw the Mann Act as a golden opportunity to apply to Congress for ever more funds and for ever more agents. The technique he developed, it is interesting to note, is virtually the same technique that J. Edgar Hoover has employed during the long years of his directorship. First, there must be a Menace. Next this must be such a tremendous Menace that the entire nation is convinced it stands at a crossroads, shuddering and trembling in need of succor. And who can save it? Only the Bureau.

In their defense of virtue and of every man's daughter, wife, and mother, the zealous agents of the Bureau of Investigation swept swiftly into actions that had hardly been contemplated when the Mann Act was passed. It was, in fact, so loosely drawn that even the practitioners of private pleasure became its targets once they crossed a state boundary.

There was a ripple of public outcry when such instances of injustice occurred. It became obvious that this intrusion by the Bureau into the realm of private morality opened up a Pandora's box of unsavory possibilities.

Eventually, the FBI's Mann Act activities became muted, but vice had been used to good profit. The Mann Act had been a bureaucratic bonanza for the FBI. The Bureau had been expanded and built for the first time into a sizable task force; it had been given freedom to probe into wide areas of American life; it had begun, in the sacred cause of morality, to gather gossip and record the damaging scandals of men. It was, in a word, on its way, ready for its next Menace. And World War I was handy.

From the earliest stages of the war, long before America's direct involvement, German agents embarked on widespread campaigns of sabotage and subversion. Their greatest success was scored in the early morning of July 30, 1916, when two million pounds of dynamite amassed on Black Tom Island in New York harbor went up in one earth-shattering roar. The far-spreading waves of concussion shattered almost every window in Jersey City and dumped plate-glass store fronts throughout Manhattan and Brooklyn in splintered fragments on the sidewalks. Three men and a child were killed, and Black Tom Island's usefulness as a transshipment point for munitions destined for the Allies was destroyed.

The public reaction was a compound of fear and hate. The space under every bed became suspect as the refuge of German saboteurs.

In this climate the Bureau of Investigation entered on its next great undertaking. Once America became directly involved in the war the Bureau's enrollment was increased almost overnight from 300 to 400 agents, its major responsibility: the detection and tracking down of draft dodgers.

Assisting the Bureau in its new endeavor was a volunteer, vigilante-type organization. In March, 1917, with American

entry into the war imminent, A. Bruce Bielaski, then Chief of the Bureau, had received a letter from A. M. Briggs, a Chicago advertising executive. Briggs suggested that a volunteer organization of loyal Americans should be formed to help the Bureau in its war work.

Bielaski, wanting all the help he could get and apparently oblivious of the dangers implicit in bequeathing power to a private force operating beyond the bounds of official control, favored the plan. So did his boss, Attorney General Thomas W. Gregory. Briggs, fortified by these sanctions, promptly formed the American Protective League, with headquarters in Chicago. The idea caught on like a prairie fire, and within three months the League had nearly 100,000 members.

The Bureau of Investigation and its vigilantes went to work to help the Army track down "slackers." Bielaski, whose agents and their APL auxiliary had been rounding up evaders on a spot basis, mapped a massive campaign to corral shirkers in major cities across the nation.

The target date for the great roundup was 7 a.m. September 3, 1918. In New York City, early morning newspapers of that date carried page one warnings that the draft dragnet was about to close and advised all men to have their draft cards with them or, if they were too young or too old, to have proof of their date of birth.

At the fateful hour, the raiders swung into action. It became instantly obvious that the warnings in the papers either had appeared too late or had been missed by the men most vitally concerned, for there promptly developed scenes of confusion and outrage unprecedented in American history. Men were snatched unceremoniously from every walk of life and herded like startled rabbits into bullpens hastily improvised to contain the ever growing mob. Commuters were seized at ferry slips and railroad terminals.

Just how many thousands were subjected to rude, cattle-like treatment by the Bureau and its eager-beaver allies was never determined. Official figures subsequently disclosed that 60,187 were picked up in the New York metropolitan area (another 27,000 had been reported taken into custody in the first day in Chicago).

What had been accomplished by this high-handed deed, this trampling of human rights? In Washington, an indiscreet clerk in the Justice Department let slip a revealing estimate. He told reporters that the Bureau's statistical staff, assessing the results of the nationwide dragnet, had arrived at this proportion: out of every 200 males arrested and jailed overnight, 199 had been mistakes.

Even before this shocking margin of error became known, the callous dragnet procedure had sparked a heated debate on the floor of the Senate. Here attitudes developed that seem significant in our own time.

Senator Hiram Johnson, the fiery progressive from California, denounced the dragnet procedure in his best oratory. He likened the action of the Bureau's raiders to "the Law of Suspects" that had existed in France during the Reign of Terror, and he saw in this rash use of authoritarianism a growing American trend toward militarism.

Not all senators viewed the action with alarm. The attitudes of those who took the happy, constructive view of events still seem significant. Their comments revealed the kind of rationale that has become a virus of our time—the idea that the state's needs must be always paramount, that individual wrongs inflicted in pursuit of the greater good do not really matter, that the ends to be achieved outweigh the methods used.

The proposed senatorial inquiry died a-borning. Instead, the Justice Department was permitted to investigate itself and to report its findings on its own delinquencies to President Wilson.

The Attorney General's report condemned the raids as "contrary to law." He had told the detectives "over and over again," he said, what they might and might not do. But they had gone ahead and acted "without consultation with me or with any law officer of the department." They had acted "contrary to my express instructions." If Attorney General Gregory was correct in his final report, the Bureau was taking affairs into its own hands and functioning as it willed regardless of the wishes of its titular superior.

This was a highly significant development, and events were soon to show there was more—and worse—to come.

It was in the era of wartime crisis, when passions ruled and Americans were stirred easily to witch-hunt frenzies by specters of draft dodgers and subversive aliens, that a new personality joined the Bureau—John Edgar Hoover, whose name was to become, and was to remain, synonymous with the Bureau as we know it.

Hoover was born on January 1, 1895, in a two-story stucco house set in a kind of civil servants' colony in the Seward Park section of Washington, D. C. His father, Dickerson Naylor Hoover, was a minor government employee, and his mother, the former Annie Marie Scheitlin, was a niece of Switzerland's first consul general in the United States. She, by all accounts, retained many of the traits of a Swiss matriarch. She ruled her household and her young son with a strict discipline, punishing disobedience with a military impartiality—a trait that was to become one of the dominant characteristics of her son.

For generations now, the face and figure of J. Edgar Hoover have been as familiar to Americans as the flag. The body is that of a bulky man who packs some 200 pounds on a 5 foot 11 frame. The head is large, the face square and heavy, with a spatulate nose and brown eyes so dark and intense they are sometimes described as black. It is a face that now looks its power, and to the millions to whom it is familiar, it must seem incredible that J. Edgar Hoover could ever have given any impression except one of physical force.

Yet when Hoover joined Washington's Central High School ROTC cadet corps, his small size relegated him to the rear rank of the smallest squad. But this did not daunt him. Once he belonged, he could advance, and he did. Four years later, at the Commencement Day dress parade, he strutted out in all his glory, the captain of the entire company, barking his orders with a proud authoritativeness. He was so in love with his uniform that he wore it to church when he taught Sunday school. There, wearing his cadet uniform, he discovered that even older persons listened to him respectfully when he talked. Now, he cultivates a nationwide, almost blind, respect.

On his graduation from Central High in 1913, he went to work in the Library of Congress at a salary of \$30 a month, cataloguing new books and learning the intricacies of card index systems (information that was to be valuable to him later in forming vast fingerprint catacombs). At night, Hoover attended law classes at George Washington University, where he obtained his law degree in 1916. The following year he passed his bar examination and moved into a clerkship in the Department of Justice.

Even at this stage, when young men are usually avid to sample some of the gaudier pleasures of life, Hoover was immersed in the job and in off-hours was solitary and remote. Most evenings, when work did not claim him, he could be found at the University Club—a neat, well-groomed young man seated on a leather sofa, poring over copies of the *National Geographic*. Not for him the foibles of youth.

His dedication and ability so impressed his superiors that they soon gave him charge of an alien registration section of the Bureau of Investigation. It was his first leg up and an important one, for this was a time when, under the pressures of war, an antialien fever swept the nation.

Along the Atlantic Coast, German U-boats torpedoed American ships within sight of land, and tar from the ruptured fuel tanks of sunken ships coated the beaches. The success of the undersea raiders led to wild and irrational rumors that omnipresent German spies ashore were radioing information on ship sailings.

In a panic, victim rather than molder of the national mood, Congress passed the Alien Act in October, 1918. This Act decreed that all aliens who were anarchists or believed in the violent overthrow of the American government or advocated the assassination of officials should be barred from entering the United States. Furthermore, "any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens [above mentioned] . . . shall upon warrant of the Secretary of Labor, be taken into custody and deported." This act was about to become the vehicle of colossal injustice.

Once America had entered the war, the repressions to pro-

duce conformity began. The Socialists were the first victims. Though it seems today to have been virtually forgotten, the Socialist Party in 1912 had polled 897,000 votes for its Presidential candidate, Eugene Debs, and in 1914 it had 30 members in the legislatures of 12 states and some 1,000 members in various municipal offices. From the outbreak of the war in Europe in 1914, the party had opposed it as a crime against humanity and had striven to prevent American involvement—a stand that perhaps today, in the perspective of history, does not seem so radical and irrational as it seemed to many then. American entry into the war did not change this basic Socialistic attitude. The Socialists condemned the repressive legislation as "the greatest victory American plutocracy has won over the American democracy," and this condemnation was their undoing. The public and the public's officials turned on the Socialists in patriotic fury. After a series of trials that brought convictions and long prison sentences, the Socialist Party in America was broken, never to revive as a serious political force.

The second major element that was to contribute to the turmoil of the times was labor. The war had brought a severe inflation. Organized labor was hurting. During the war, in order to maintain production, labor and management had established an uneasy truce, but when peace came the adhesive of patriotism that had ensured their collaboration was removed.

The America that these pressures created was an America whose soul was in danger. It was in danger because the nation was deserting its most honored principles—principles of freedom which had made it great and had given it birth.

The curtain raiser on the scene of national hysteria was the Seattle general strike. A rash of wartime shipbuilding in the Pacific Northwest had caused housing shortages, inflation, economic dislocations of all sorts. On January 21, 1919, some 35,000 Seattle shipyard workers struck for shorter hours and higher pay. Seattle was paralyzed. But amazingly there was no violence. During the entire strike not a single arrest was made.

Into the thick of all this sound and fury now came charging the inevitable man on horseback. He was Mayor Ole Hanson, a maverick politician who had been by turns a Republican, a Progressive, and a Democrat.

Mayor Hanson, riding in a car draped with a huge American flag, led a vanguard of some 1,500 soldiers into his beleaguered city. Backing up the troops with some 1,500 policemen, he then served an ultimatum on the strike committee. They would call off the strike or he would crush it by force and use the troops and police to run all essential services. Faced with this frontal threat, the local unions capitulated on February 10, ending a four-day walkout. Good, old-fashioned forceful Americanism had carried the day, and Ole Hanson, who had draped himself in the flag and become its symbol, overnight catapulted to status as a national hero.

Understandably, there were some extremists who did not admire the man the way editorialists did. This became obvious on April 28, 1919, when a bomb was discovered in mail addressed to Mayor Hanson. It fizzled, but succeeded in setting off a chain reaction of explosions across the nation.

The most sensational of the bombings occurred in Washington. Shortly before 11:15 on the night of June 2, Attorney General A. Mitchell Palmer and his family had retired to the upper part of their home. They had hardly done so when they heard a thump at the front door, followed almost instantly by a terrific explosion.

Across the street young Franklin Delano Roosevelt, then an Assistant Secretary of the Navy, stepped through splintered glass, opened his front door, and almost stumbled over a fragment of the bomber's body that had been deposited on his doorstep. None of the officials in the area had been injured, but the bomb plotter (or plotters) clearly had become, in most gruesome fashion, victims of their own fiendish device.

The public reaction to this outburst of violence was precisely what might have been expected. Here was proof, to most persons, that the Bolsheviks were plotting revolution and were determined to rule the country.

Within 48 hours Attorney General Palmer acted. He appointed William J. Flynn, former chief of the Secret Service, to head the Bureau of Investigation "with carte blanche to deal with the situation throughout the country in his own way." And he created a new General Intelligence Division (GID) to concentrate on a study of subversive activities—to determine their scope and decide what prosecutorial actions should be

taken. Flynn would have full operational control of the Bureau, but GID would be a kind of superagency in the subversive field, and all information gathered by Flynn's agents bearing on radicalism would be funneled to it. To the command of this sensitive center in the radical inquest, Palmer on August 1, 1919 appointed the 24-year-old "live wire" who, in a mere two years, had so impressed the hierarchy of the Justice Department—J. Edgar Hoover.

It has become the fashion to absolve Hoover of all responsibility for any except the meritorious deeds of the FBI. Anyone who takes the trouble to study the newspaper files or the court records of this period, however, can discover that Hoover emerged as a major and authoritative spokesman—and principal defender, under Palmer—for a performance that was to become known as "Government by Hysteria" or "Palmer's Reign of Terror."

The events of late 1919 and early 1920 probably could have occurred only in a nation that had been deprived of all effective leadership. Woodrow Wilson, who in those last hours before the war had seen so clearly war's devastating effect on democratic institutions, had driven himself to the point of physical collapse in battling for approval of the League of Nations. He lay in the White House, a doomed man, unable to exercise the authority of the Presidency. The ship of state, lacking the direction of a skipper, drifted almost rudderless, at the whim of lesser and avidly ambitious men.

Chief among these was A. Mitchell Palmer. There can be no doubt that the Attorney General's attitude—his increasing proclivity to discern the hand of the Bolsheviks everywhere—was colored by the bomb attack on his own home. It could hardly have been otherwise. In fact, there are indications that both Flynn and Hoover purposely played on the attorney general's fears and exploited the whole issue of radicalism in order to enhance the Bureau of Investigation's power and prestige.

Correlating the flood of information that poured into his division from all the FBI's varied sources, Hoover personally prepared detailed studies of the major radical organizations, with emphasis on the faction-riven Left that had embraced, in one form or another and with varying degrees of commitment, the essentials of Communist ideology. Hoover became convinced that Communism was not just another political party but a revolutionary plot.

Hoover's division was engaged in building up a fantastically bloated picture of a great radical menace. The overall canvas—and this is a truth that has been generally conceded for four decades—was so distorted that it had virtually no contact with reality.

To get some picture of what was involved, one has to understand the enormous energy expended in assembling a huge secret file on "radicals" in the United States. It is not clear just what standard of measurement was used in cataloguing ideas as radical ideas, for it is obvious that one man's radical may be another's pale liberal and still another's near conservative. In any event, Hoover, established in the GID an extensive card index system to keep track of radicals. The first report of GID on the system showed that 100,000 radicals had made the card index; a few months later, there were 200,000; and a year later more than 450,000. With radicalism building so swiftly into a virtual army, it became necessary to single out for special attention the names that really mattered. Some 60,000 were selected for "biographies."

Hoover's GID was invading very precious and fundamental fields of human rights. It was analyzing men's minds. It was preparing dossiers about their private lives, their beliefs—and this in a country whose great contribution to the human race had been the proclamation of flat guarantees of freedom of speech and thought to all men. Hoover, in his *Masters of Deceit* long years later, was to write that Communist Party membership by 1922 had "reached" 12,400. There were, of course, other "radicals" in the land in 1919, especially the anarchists, but 12,400 is still a long way from 60,000. Even in the prejudiced atmosphere of the times, the Department of Justice—wielding all the one-sided power of the wartime Alien Act—was never able to charge more than a few hundreds with anything.

Hoover outdid the draft dragnet of 1918 in a massive roundup

of suspected Communists in 33 cities from coast to coast. The raids were planned and synchronized by the GID and the Bureau, with the help of informers inside the alleged radical cells. The Bureau's instructions to its Special Agents in the field for the January, 1920, raids read:

"If possible, you should arrange with your undercover informants to have meetings of the Communist Party and the Communist Labor Party held on the night set. I have been informed by some of the Bureau officers that such arrangements will be made. This, of course, would facilitate the making of arrests."

Disclosure of this order subsequently led to much heated debate over the role played by the Bureau's informers. The evidence seems to indicate that the Bureau was treading dangerously close to the vital borderline that separates the legitimate agent from the *agent provocateur*—the line that separates the investigator, from the inciter leading sheep to slaughter.

When the trap was sprung, some 10,000 victims—by a later estimate of a Senate committee—were swept up in the nationwide dragnet.

Some 800 persons were rounded up in the Boston raids, and about half of them were shipped to Deer Island in Boston Harbor. The prisoners, in accordance with a policy adopted for the raids, were held rigidly incommunicado. In despair, one captive plunged five stories to his death; another went insane; two died of pneumonia.

The various postraid investigations seem to have established beyond dispute that many of those arrested had assembled in clubrooms and meeting halls for purposes that had nothing to do with subversion. Many were foreigners, lonely in a strange land, who liked to meet with others of their own nation and sing native songs. Others were attending classes, trying to learn English and to study American history and citizenship.

Such were the Palmer Red Raids. A Senate committee later reported that in some cities as many as 97 out of every 100 were picked up without warrants; that some 6,500 were released without prosecution; that the vast majority of those prosecuted were ultimately freed.

Indisputable records of the time make it clear that, from inception to execution, no man played a more comprehensive role in the raids than Hoover. The disclaimer of responsibility he made in 1947, his revelation then that he "deplored" the manner in which the raids had been conducted, seems to clash with the facts.

He, for example, opposed letting prisoners talk to lawyers or communicate with anyone until they had submitted to questioning. This rule was, indeed, adopted. His Bureau's orders to the branch offices stated that "persons taken into custody are not to be permitted to communicate with any outside person until after examination by this office and until permission is given by this office."

But the prime outrage was Hoover's going along with the seeming need to convict Palmer's mad bombers. In trying to track down the origin of a flier found at the bombing sites, the FBI had received a tip that the type might have been set in a Brooklyn print shop. The printer, Robert Elia, was picked up by Bureau agents on February 25, 1920, and on March 7 Andrea Salsedo, a typesetter in the same shop, was taken into custody. The Bureau later maintained that pink paper—similar to that on which the flier had been printed—had been found in the Brooklyn shop and that peculiarities of type faces found there matched the printing of the anarchistic tract. Even so, the Bureau had no evidence on which it could hold the two men on a criminal charge; it had, indeed, no authority under the current laws to arrest them. This, to the Bureau, was a technicality which did seem not to matter. Elia and Salsedo were taken to the New York offices of the Bureau, a suite of rented rooms on the 14th floor of the building at 15-21 Park Row. There they were held prisoners without writ, warrant, or charge of any kind preferred against them.

On the evening of Sunday, May 2, after nearly two months (for Salsedo) of enforced confinement (the confinement was longer for Elia), the two men walked up and down in the corridor, and then Salsedo left to go to bed. Elia sat talking awhile with Bureau agents, smoking and telling stories in the most friendly fashion. About 11 p.m., when he retired, Salsedo begged him to turn off the light because he had "a terrible headache." Elia, before he went to sleep, heard Salsedo "groaning and lamenting." When a watchman came to arouse him in the

early morning, he found himself alone. The watchman said: "Your comrade is dead. He has jumped from the window."

It seems incredible that Elia could have slept through the suicide of his roommate or through the hullabaloo that almost certainly would have followed the discovery of a smashed body on the sidewalk. Wouldn't agents have gone storming into the room where the men slept to see what had happened?

Even in the hysteria of the times, the Bureau could not get away with it. To meet criticism, a stout defense was required. On June 1, 1920, Palmer and Hoover went before the House Rules Committee to justify themselves with a long report prepared by Hoover's GID. Criticism of the Bureau was groundless, said the Hoover-GID report, for Salsedo had been "staying in the Park Row building" by his "own choice." He had been given "comfortable quarters," he had been assigned "a clean room," he had been "permitted to occupy . . . clean beds." He had been "given ample opportunity to wash and bathe and change linen." He had been "regularly fed." He had been "taken out for exercise" and "well treated," by his custodians.

After nearly eight weeks of this attempt to gather information, said the Hoover-GID report, "Salsedo put an end to his part of the agreement by jumping from the 14th floor of the Park Row building upon the street, committing suicide."

When Warren G. Harding brought the greedy Ohio gang to Washington, the Bureau of Investigation, like the nation, faced one of its darkest and most shameful hours. Tall, ruggedly handsome, Harding looked the part of a President, but there was precious little substance behind the facade. His cronies were the poker-playing pals and political connivers whom he had attracted during his rise from small-town editor and politician to the loftiest office in the land.

In their foraging, they scoured every department of the Federal Government with disastrous results. One of the major disasters occurred in the Justice Department, to whose command Harding named his long-time Ohio buddy, Harry M. Daugherty. The new Attorney General was a bombastic type who was to adopt the tactic (employed by Hoover and the Bureau to this day) of equating every criticism of himself and his conduct in office with some dark and devious plot hatched in Moscow.

One of the new Attorney General's constant associates was William J. Burns, who had been a boyhood friend back in Ohio. Burns had gone on to found the William J. Burns International Detective Agency, and he billed himself as "the famous international sleuth." In past years, Daugherty had often availed himself of the services of Burns's agents.

Powerful business interests were delighted at rumors Burns would become chief. Burns's detective agency had served them long and well. In this service, it had been accused of offering to spy on workers for a price. There had been charges that Burns's detectives, for their own purposes, sometimes fomented labor discord.

On August 18, 1921, Daugherty named Burns as Director. Four days after Burns was appointed, Daugherty named a new Assistant Director for the Bureau. His benediction fell on 26-year-old J. Edgar Hoover, who as Special Assistant to the Attorney General had been in command of the Red-baiting GID. For Hoover it was a gigantic step up the ladder of command.

The nation, meanwhile, was in the throes of a depression. Jobless men walked the streets by the millions. The Railroad Labor Board had ordered a 12 percent wage cut for almost all railroad employees in 1921. When revenues continued to decline, the railroads sought further payroll slashes, and on June 6, 1922, the Board obliged by decreeing another 12 percent cut. Congressmen charged that, for 100,000 railroad men, this new ruling meant a rollback of their income to only \$563 a year. Fighting Bob La Follette, Senator from Wisconsin, charged that railroad wages had a purchasing power no higher than they had had 20 years earlier. Understandably, labor was in revolt.

On July 1, though trainmen remained on their jobs, some 400,000 shop workers struck. Railroad management, which in the past had often ignored recommendations of the Railroad Labor Board as something less than holy, now held up its hands in horror at the sacrilege labor was committing. Management proclaimed that strikers would be deprived of all seniority

once they did return to work. This for the strikers, became as serious as the original pay dispute, and Harding's efforts at mediation foundered on this new, management-created reef.

When they did, violence broke out. Railroad management imported strikebreakers, many of them gun-toting criminals; railroad guards attacked strikers; and strikers battled both guards and strikebreakers. Engines were sabotaged. The Harding government was shocked to its conservative roots, and it marshaled all the power of the Federal Government to crush the strike.

Daugherty walked into Federal Court in Chicago and, on September 1, obtained what was subsequently called "the most sweeping injunction ever issued" to halt the strike. The Attorney General announced he was going to prevent labor unions "from destroying the open shop." So stringent was the wording of the injunction that any deed—even any word—that could be interpreted as interfering with the railroads' operations could be deemed a violation of the law. Free speech had become suddenly anti-American.

On all kinds of charges, the Bureau arrested some 1,200 railroad employees and secured a large number of convictions for contempt of court in violating the no-act, no-speak provisions of the federal injunction. And the strike of the railroad shopmen was broken.

Then Democratic critics probed Teapot Dome and struck an oily and irresistible gusher, one that was to hoist the entire Republican Administration on a black cloud of scandal. The background was this:

The Navy possessed huge oil reserves in California and Wyoming. Soon after taking office, Harding had turned the administration of these reserves over to Interior Secretary Albert B. Fall. He, in turn, promptly signed a contract with private interests headed by Harry F. Sinclair and Edward L. Doheny permitting them to pump and store oil on a royalty basis—a neat little arrangement that, as was soon to be charged, gave the private oilmen almost carte blanche authority to loot the naval oil reserves.

Shortly after this official and private meeting of minds, neighbors in New Mexico noted that Fall's ranch was undergoing an expensive face-lifting. Montana's Senator Walsh, in one of the most sensational Congressional probes in history, blew the lid off the Teapot Dome scandal. And Sinclair and Doheny explained that they had simply "loaned" Fall some \$135,000.

The Teapot Dome disclosures rocked the country. No scandal since has created such uneasiness. The Attorney General and the Justice Department were squarely in the line of fire, zeroed in by Congressional artillery. Where, asked Congressional critics, had been the watchdog of Justice while the naval oil reserves were being looted?

It was a good question. Too good a question. A lot of people, it became apparent, didn't care to answer.

In the midst of the bursting and brewing scandals, President Harding became ill, and on August 2, 1923, died suddenly. Close-mouthed Calvin Coolidge became President. "Silent Cal" was no reformer. He appears to have tried to accomplish nothing so hard as to sit on the lid. One prime example of his lid-sitting was his retention of the Daugherty regime in the Department of Justice.

But the time had passed when the fires of scandal could be smothered. Montana had sent a second fire-breathing senator to Washington to join Walsh—Burton K. Wheeler. On February 20, 1924, Wheeler, a freshman who, according to protocol, should have been seen but not heard, rose in the Senate to make his maiden speech. He arraigned the Department of Justice for "protecting" instead of detecting "the greatest crooks and those guilty of the greatest crimes against the nation that have ever been perpetrated." It was, wrote the late Paul Y. Anderson of the *St. Louis Post-Dispatch*, "an attack so savage that even the Senate flinched."

When senators and congressmen continued to probe, they themselves became targets of the Bureau of Investigation. The names of Congressional critics of the Bureau were placed on a "suspect" list, and detectives were turned loose to trail them, to bribe their servants, to ransack their offices, to dig up some scandal that might be used to silence a critical voice in Congress.

This legislative espionage was described in detail to congressional committees by the FBI, though no full list of its "subjects" ever became available.

One encounters again the omnipresent figure of Hoover. Just as he had sat at the elbow of Palmer during the investigation of the Red Raids, so he now dutifully aligned himself with the defense of the discredited Daugherty during the Congressional probe of the Justice Department. There are indications that his presence at the defense table could hardly have been reassuring to Bureau personnel compelled to testify before the Senate committee. Samuel Hopkins Adams, in his book on the Harding period, recounted the experience of one female employee of the Bureau who had been served with a committee subpoena. She had to testify or face a contempt citation, but this legal compulsion did nothing to exculpate her in the eyes of her employers. "The next day," Adams wrote, "she received a letter from J. Edgar Hoover peremptorily demanding her resignation."

The outcry was too much for Coolidge. Out of his own inertia, out of a sense of loyalty to Harding, out of disinclination to take action and so admit the existence of another major scandal, he had retained Daugherty, but the Wheeler exposures called for action. On March 28, 1924, Coolidge demanded and received the resignation of Daugherty.

His successor, Attorney General Harlan Fiske Stone who eventually would become Chief Justice of the Supreme Court, recognized the imperative need of a new broom to clean out the house. On May 10, 1924, the day after Burns had been fired, Hoover received a summons to Stone's office. The Attorney General, a huge block of a man, studied Hoover impassively for a moment, then told the young man he had been selected to be acting Director of the Bureau of Investigation.

For Hoover, only 29, it was an overwhelming honor.

In a memorandum to Hoover on May 13, Stone outlined a program that was to become virtually the charter of the Bureau and the FBI. Stone stressed six points. The first and perhaps most important provided that "the activities of the Bureau are to be limited strictly to investigations of violations of the law." Henceforth there would be no ransacking of senators' offices; no GID to classify the possibly wayward thoughts in men's minds.

Other reforms on Stone's list called for the reduction of Bureau personnel as far as practical, the weeding out of "the incompetent and unreliable," the dismissal of "dollar-a-year men" and "honorary" badge holders, and the appointment as agents of "men of known good character and ability, giving preference to men who have some legal training." The Bureau at all times was to conduct investigations only under the direction of the Attorney General or an assigned assistant.

A congressional committee called Hoover before it on May 15, 1924, and questioned him about the Bureau's future role. Hoover told the committee that the Bureau's activities had been cut back and restricted "absolutely" to violations of federal law. Several times, responding in slightly different ways to differently worded questions, Hoover reiterated this assurance.

Three months after Franklin D. Roosevelt brought the New Deal to Washington in 1933, a news article could refer to the Bureau of Investigation as a department "little known . . . to the general public." Despite the Bureau's quarter-century of life, despite the sensational controversies in which it had been involved, the description was an accurate one, for the Bureau had made no impact on the public consciousness during Hoover's first years. Few persons outside official circles knew much about it. Fewer still had any idea that it was to become a household word invested with the trappings of glamour.

Probably the major reason that so little was known publicly about the organization was that its more controversial activities had been eliminated and its functions severely curtailed by the reforms Stone had initiated.

The years out of the public limelight had not been wasted. They had been employed by Hoover in a vigorous housecleaning that was to see the Bureau rebuilt in his own image. It was a program that had a double effect, if it did not have a double motive: it built the Bureau and, in building the Bureau, it built Hoover. Even the abolition of political pull, while salutary, had its side effect. For the acting Director, once freed from political interference and restraint, became a far more independent and powerful figure than he had been previously.

The martinet in Hoover, the meticulous care with dress, the almost religious puritanism regarding personal conduct had been now grafted on the Bureau. Agents were informed in emphatic terms that they must at all times be neat in dress and discreet in their personal habits. They must not drink (this was still the era of Prohibition). They must pay their debts promptly. Not only agents but clerks and stenographers were expected to live by this Spartan code, for Hoover was convinced that the impression employees gave by their appearance and conduct had much to do with the image that the public acquired of the Bureau.

After observing Hoover in action for seven months, Stone had made his appointment as Director permanent on October 10, 1924, and he never afterward wavered in his conviction that, in Hoover, he had given the Bureau a veritable genius as its commander.

There were others, however, who were not so completely convinced. Many Democrats and independents, persons of liberal persuasion, looked askance at Hoover and the Bureau. They had not forgotten its strikebreaking activities and its tendency to pin the "radical" label indiscriminately on all progressive thought.

The result was that, when the New Deal came to Washington, there were persistent rumors that Director Hoover's days were numbered.

But President Franklin Delano Roosevelt enthusiastically supported a national attack upon crime. America, a nation wracked by Prohibition crimes and corruption, was primed to welcome the second Roosevelt ride to roundup. Its fever and impatience were increased by one heart-tugging, catalytic event. This was the kidnapping on March 1, 1932, of Charles Augustus Lindbergh, Jr., the infant son of the nation's first air-age hero. When the baby was spirited from his crib in the family home in Hopewell, among New Jersey's brooding Sourland mountains, national horror and outrage reached a peak. The demand to "do something," *anything*, resounded through the land. And since law enforcement on the local level had brought itself into disrepute, since local and state authorities seemed to be making a perfect botch of the Lindbergh case, the public focused its attention and its hope on Washington, the last recourse.

So the Roosevelt Administration drove through Congress a crime-busting package that put the Bureau of Investigation into action in an unprecedented way. The first measure to be passed was the so-called Lindbergh Law, which gave the Bureau jurisdiction in kidnapping cases if the kidnapers crossed a state line. Another statute made it a federal offense to send a ransom demand or a kidnapping threat through the mails.

All these new headline-catching crimes fell under the purview of just one federal agency, the Bureau of Investigation. And J. Edgar Hoover, its chief, only a few months before a man worried about keeping his job, was transformed almost overnight into the champion of the nation, the knight on the white charger riding down the forces of evil.

The FBI now began to stride—in a blaze of gunfire, heroics, and publicity—across the pages of the nation's press as had no other police agency in history. In the short space of two years, 1934 and 1935, FBI agents engaged in innumerable shoot-downs with tough, machine-gun-toting hoodlums, and, though some agents were killed in the process, the hoodlums always bit the dust in the end. "Pretty Boy" Floyd. John Dillinger. "Baby Face" Nelson. Clyde Barrow. "Ma" Barker and her son, Fred. Alvin Karpis. There seemed no end to the scroll. No sooner had Public Enemy No. 1 been eliminated than a new No. 1 sprang up to take his place—and to be in turn rubbed out.

Newspapers, avid for sensation, gloried in displaying cops-and-robbers features, with Hoover and the men of the FBI cast in infallible heroes' roles. Magazines have followed in the footsteps of the press. Comic strips have featured the FBI in daily sequences of derring-do. Books bearing Hoover's name or, if not his name, his blessing make the best-seller lists. Movies have poured out documentaries and full-length feature dramas, lending visual impact to the promotion of the legend. The barrage has been overwhelming. Never before, on any level of government, have the American people been subjected to such brainwashing on behalf of any agency.

Two strongly pronounced Hoover characteristics appeared: his tendency to lap up praise the way a cat does cream, and the way he reacts to the first whiff of criticism by indulging in

condemnation that almost invariably ends by consigning his critic of the moment to the most convenient Communist doghouse.

The ego that is revealed by these contrasting but complementary reactions certainly must rate as one of the most formidable of our day. No publication was too obscure or too cheap to receive a royal pat on the head if it had seen and done its duty by praising the FBI.

In contrast in 1940, under attack by the late Senator George Norris of Nebraska and others for some of the activities of his Bureau, Hoover let loose a full-scale barrage of vituperation. His critics, he said in speeches and statements, were "un-American"; they were "vipers" who "have sought to wash away our national foundation in an ink stream of vilification." They were "confidence men, seeking to steal our wallets." The FBI was being "vilified by the scum of the underworld."

Mention the name of John Dillinger to almost any American who has been reading the press and the magazines during the last 30 years, and it's a safe bet that certain images will flash through his mind: The prince of desperados—"the most brazen killer this nation has ever known," as some FBI literature puts it. The Woman in Red who betrayed him. The trap set at the old Biograph Theater in Chicago. And the sharp, accurate fire of FBI agents dropping the nation's No. 1 menace dead in his tracks before the startled eyes of gaping theatergoers.

But mention the name of St. Paul and Little Bohemia, or Matt Leach, and it's almost a cinch the reaction will be a bewildered "What were they?"

Yet St. Paul and Little Bohemia and Leach are as integral parts of the Dillinger melodrama as the Woman in Red and the Biograph.

To understand what Dillinger means to the FBI, one must appreciate the importance that the FBI itself has attached to what is probably its most famous single case. In the anteroom of the office of J. Edgar Hoover in Washington, millions of Americans, doing the tourist's round of the capital, have found Dillinger enshrined as the No. 1 scalp in the FBI's massive collection.

Was he really the prince of desperados, the most brazen killer in the nation's history? Definitely not. What Dillinger was, as the record makes quite clear, was a daring poseur who was deliberately built into a legend by police and who came to glory in the role detectives had created for him.

Dillinger was the wayward son of a prosperous Indiana grocer, a father so busy that he paid scant attention to the boy's upbringing. In the summer of 1924 he was amusing himself by playing shortstop on a local baseball team. One of his fellow players was a weak-witted drunkard who suggested that they might make themselves a bundle by holding up the owner of the town's grocery store. Dillinger fell in with the scheme and was elected to do the deed. He accepted the honor.

Fortifying himself with liquor, Dillinger lay in wait for the grocer. When the quarry came along, Dillinger jumped him and hit him over the head with a bolt wrapped in cloth. The evidence seems to say that Dillinger's heart really wasn't in such personal violence, for he delivered only a couple of ineffectual swats that, far from silencing the grocer, only stimulated him to loud outcry. Instead of killing the man on the spot, this prince of desperados fled off into the night, went home, and calmly waited for the police to come.

They did. Dillinger was arrested. Not knowing any better, he accepted police assurances that, if he pleaded guilty, he would get off with a light sentence. What he got was 10 to 20 years.

Dillinger felt he had been double-crossed, especially since his baseball-playing confederate, the man who had suggested the holdup in the first place, escaped with a two-year sentence. Bitterness ate him. He came to know and admire two really first-grade toughs, Harry Pierpont and Homer Van Meter. By the time nine years had passed, Dillinger felt that society owed him heavy reparation, and when he was finally released from prison on May 10, 1933, he had no intention of going straight. Indeed, he had made a pact with Pierpont and Van Meter that he would join their former gangs and embark on a series of bank robberies to raise sufficient money to buy guns, pay bribes, and help them break out of prison.

Now began the real career of the prince of desperados.

During the next three weeks, Dillinger helped loot some 10 banks in five states. In the middle of July, he and two confederates were planning to rob the Daleville, Indiana, bank, but before they could put their plans into effect, Dillinger's partners were caught by police. So Dillinger decided to tackle the job alone.

He walked into the bank at 12:45 p.m. Monday, July 17, whipped out his gun, used the ledge of the cage as a step, and vaulted over the six-foot barrier with the athletic agility of a Robin Hood. The teller wondered why he had gone to such trouble when he could simply have walked through the door. The answer seems to be that Dillinger was a great fan of Douglas Fairbanks and was simply acting out a role.

This Fairbanks-like leap over the barrier of the Daleville bank marked Dillinger as a bank robber with a certain distinctive flair and brought him to the attention of the detective who was to spend more time than any other trying to track him down, Captain Matt Leach, commander of the Indiana State Police. Leach had already obtained a confession from one of Dillinger's arrested confederates, who had told of plans to rob the Daleville bank in cooperation with one "Dan" Dillinger. Leach deduced that the high-vaulting bank robber must be Dillinger. He sent pictures to the Daleville bank and got a tentative identification of Dillinger. Newspapers in nearby Muncie, Indiana, broke out with headlines about "Desperate Dan." It was Dillinger's first taste of fame—a fame limited solely to the Midwest.

His fame became national when Dillinger, true to his word to Pierpont and Van Meter, smuggled guns to them in prison, and on September 26, 1933, Pierpont led 10 convicts in a successful break.

Dillinger was soon captured by police, but he had no intention of remaining quietly in prison until the electric chair claimed him. Early on the morning of March 3, 1934, he suddenly whipped out a pistol, cowed a guard, then cowed a whole succession of guards.

This jailbreak by Dillinger created an enormous sensation. The legend was born that Dillinger had braved his way out of the jail with nothing more lethal in his hands than a piece of wood that he had carved into the shape of a revolver. Actually, his break had been made possible by a real gun, smuggled into the prison by confederates on the outside.

More important than the jailbreak was an indiscretion that Dillinger committed during his flight to Chicago. He drove a stolen car across the Indiana state line and into Illinois, where, on the outskirts of Chicago, he abandoned it. This crossing of a state line in a stolen car was a federal offense and made Dillinger, on the instant, legitimate game for the FBI. J. Edgar Hoover, seizing the opportunity, swung into action.

Now the headlines were filled with the clamor of the great all-out war on the new national menace, John Dillinger. "Act first, talk afterward," Hoover said, ordering his men to "shoot straight and get the right man."

Through the years Hoover has given lip service to the ardent desire of his Bureau to cooperate with local police, whom he likes to flatter by calling them the backbone of law enforcement. But in the Dillinger case, as in other notable investigations, cooperation with the FBI was strictly a one-way proposition. It was all take, no give. In fact, local authorities were kept in such ignorance of the FBI's intentions that time and again FBI flying squads were mistaken for Dillinger's gang, and it was one of the lesser miracles of the drama that police and FBI agents managed to avoid being drawn into a tragic shoot-down with each other.

Captain Leach, the policeman who had been earliest and hottest on the Dillinger trail, found himself completely frozen out. It was certainly a cross-purposes way to conduct a great investigation, and some of the results were predictably disastrous. The prince of desperados took several of his bad men, with women for all, and on Friday, April 30, 1934, holed up in a roadhouse known as Little Bohemia Lodge in a secluded area some nine miles from Mercer in northern Wisconsin. They had hardly taken possession of the lodge, terrorizing the proprietors, Mr. and Mrs. Emil Wanatka, before a tip went out to Melvin (Little Mel) Purvis, the FBI special agent in charge of the Chicago office.

Purvis rounded up 11 FBI agents, packed them into two chartered planes, and took off for the northern Wisconsin wilds. Before leaving, he had talked with the St. Paul office, from

where another FBI contingent, headed by Assistant Director H. Hugh Clegg, set out to meet Purvis in Rhinelander. Significantly, and typically, they didn't bother to seek the help of local law enforcement officials, whose intimate knowledge of the area, as it turned out, might well have been invaluable.

On the trip to Little Bohemia, three borrowed cars conked out, and the agents finished the ride clinging to the running boards of other cars. The attack plan called for five agents to close in from the left side of the lodge along with five from the right; three others, wearing bullet-proof vests, would storm the front door. This left only the rear of the lodge uncovered, but since the lodge backed on a lake and there were no boats, the agents did not worry about that. What they didn't know was that there was a steep bank along the lake shore that would effectively mask the flight of fleeing men around the ends of the FBI pincers.

Into these pitfalls, a little before 9 at night, the FBI raiders plunged headlong. Dogs began to bark furiously. All chance of surprise gone, the agents left their cars and dashed for their assigned stations. Those on the left plunged into a ditch. Those on the right became entangled in a barbed-wire fence, and while they were trying to extricate themselves, the front door of the lodge opened and three men came out. Two bartenders also stepped outside to see why the dogs were barking. Seeing five men emerging from the lodge almost together, the FBI agents concluded they must be the Dillinger gang, and they called on them to halt.

The first three men, actually only drinking customers on their way home, either were too groggy to pay any attention or didn't hear. They got into their car and started away. Clegg shouted to his men to fire at the tires, and at his order a fusillade broke out. Bullets riddled not only the tires but the car. Two of the customers were wounded; one was killed. And inside the lodge, Dillinger and his gang were at last alerted. He and his gang partners jumped from the roof, crept about 25 yards, and slid down the steep bank to the lake's edge. Concealed by the bank, they slipped off into the night, leaving the FBI raiders none the wiser. When day broke, the FBI men made their final rush—and found the nest deserted. Only the gang molls were huddled in the roadhouse, waiting to receive them. Dillinger and his crew had vanished. Dillinger headed for Chicago.

To keep himself in funds, Dillinger pulled an occasional bank robbery, which yielded small proceeds for the risks he took. His old touch seemed gone as were most of his brainy confederates.

He cheered himself up by acquiring a new Chicago girl friend—Polly Hamilton, 26, an attractive waitress. Polly had sublet a room from Anna Sage, 42, a husky Slavic woman of Rumanian origin, and Dillinger, a constant caller in Polly's room, came to know Anna. What was more important, she came to know him.

Though Dillinger didn't know it, Anna Sage was a woman in deep trouble. A bawdy-house madam, she had operated establishments in Gary and East Chicago, Indiana. She had been twice arrested and convicted for running disorderly houses, and had exhausted the patience of the law. The federal government was at the moment threatening her with deportation. Anna, who didn't want to go back to Rumania, needed bargaining power to keep from being sent.

The result was that, one day in July, Anna Sage made a little trip into East Chicago and discussed her problem with a police sergeant whom she had known for two years. Her proposition was simple: she would deliver Dillinger to the law, but she wanted two things—a promise that she would not be deported and the \$10,000 reward that had been placed on Dillinger's head. Soon "Little Mel" Purvis promised Anna Sage, if she would help, he would do all he could to help her. Events moved swiftly. Anna told investigators she often accompanied Polly Hamilton and Dillinger to small neighborhood theaters. They were going, she thought, the next night. She would wear a vivid, red-looking dress.

Hoover decided to capture America's Public Enemy Number One in Chicago—without the knowledge of the Chicago police.

Purvis led a squad to the Biograph Theater. Some 15 FBI agents were stationed at every exit, in the mouth of an alley just to the left of the theater, across the street in front of the theater, and up and down the street on both sides of the main entrance.

This concentration of strange men around the Biograph was so obvious and so ominous that theater employees began to get

jitters. They feared a holdup, and the manager telephoned Chicago police to come and investigate. The police, not aware that the FBI was on the prowl for Dillinger, dispatched patrol cars and plainclothesmen to the danger scene.

About 10:20 p.m. one patrol car swung into the mouth of the alley near the theater where two of the strange men were standing. A Chicago detective jumped out and aimed a shotgun at Special Agent Ray Suran. "Find out who he is before you shoot," the detective at the wheel advised. Fortunately, the shotgun wielder heeded this precaution.

Other plainclothesmen, however, had arrived at the theater and talked to the manager. They came out, turned to the right and accosted some of the strangers loitering there. Just as one of the FBI agents on the right-hand side of the theater was presenting his credentials to the suspicious Chicago police, Dillinger and his two companions strolled out. They turned, as had been expected, to the left, not noticing the strange give-away tableau at the right.

Dillinger, with the acute instinct of the hunted, instantly scented trouble and started to run toward the mouth of the nearby alley. The pursuing agents fired a fusillade. Dillinger plunged face downward, as if chopped from behind by a poleax.

The FBI's most dramatic chase had ended in final and bloody triumph. Dillinger, dead, had become a priceless exhibit for the FBI showcase in Washington.

There can be no doubt that Dillinger was a desperado. Cornered, he would no doubt kill the way a rat kills. But the evidence seems to say that he was not a man who savored or sought killing. He may or may not (since there was never a trial to prove it) have killed a patrolman, but this seems to be the only murder directly attributed to him.

What was Dillinger then? He was a police-created symbol of menace, and when he went down in death, he went down in the case of the FBI's glory. He became a foundation stone in building the myth of infallible success.

The fact is that the FBI's performance in the Dillinger case had been something less than perfect, less than brilliant. Its insistence on preserving Dillinger for itself and its own glory had led to situations in which, except for Providence, FBI agents and local officers could have become embroiled in deadly shooting matches. It had led to the fiasco at Little Bohemia and the slaying and wounding of innocent bystanders. These misadventures, in the determination to preserve the Dillinger legend and the FBI legend, are now usually glossed over. An example of such whitewashing is Don Whitehead's rendition of the St. Paul and Little Bohemia episodes in *The FBI Story*: "On two occasions, FBI agents thought they had Dillinger trapped. Each time he escaped in a barrage of machine-gun fire." And that is all he reported about these two gun battles, except for a brief reference in the "Notes" section at the end of the book.

Actually, when Attorney General Cummings and the FBI embarked on a campaign of "Shoot to kill—then count 10," Dillinger had committed no offense under federal law except to drive a stolen car across a state line, for which, *The New York Times* acidly noted, "the offender is seldom shot on the spot." There can be little question that Dillinger was a headline means to an end—the building up of the greater, the infallible FBI. And in this context, he served this purpose well. So well, indeed, that Hoover and the FBI, almost from that shot-punctuated instant in front of the Biograph, have ruled the American law enforcement roost.

The fantastically swift accretion of power that was Hoover's was exhibited for all to see three years later when Captain Matt Leach was fired as head of the Indiana State Police. The State Police Board announced that the action had been taken at the request of Hoover. The FBI director, the board said, had accused Leach of refusing to cooperate in the hunt for the Brady gang of killers and had sent two of his agents to lodge a complaint against Leach and to notify the board that the FBI was severing relations with the state police. Leach responded by disclosing what had occurred during the Dillinger chase. He also said he had information that the FBI deliberately had warned witnesses not to talk to state police about the Brady gang. In Washington, Hoover and the FBI refused all comment and maintained a lofty detachment regarding the Leach affair, but somehow word got out to newsmen that the

official decapitation of the veteran Indiana chief was "the first result of a drive" by Hoover to get the cooperation of local police forces.

The Director, who just four years earlier had been worried about his own job, had become so powerful that he could lift the scalp of local police chiefs who had incurred his disapproval.*

Just how efficient is the FBI? Everyone knows that figures can be made to lie. But when Hoover dogmatically asserts that the FBI maintains a 97 or 98 percent conviction record, no one doubts or challenges his figures or speculates about the insidious effect of this kind of reiterated propaganda on the minds of a jury sitting in judgment on a man accused of crime by the infallible FBI.

In the attempt to find an answer there is an important guideline. More than 25 years ago, the Brookings Institution, of Washington, D.C., was hired by a Senate committee headed by Senator Harry F. Byrd, the veteran conservative Democrat from Virginia, to make an impartial survey and comparison of all federal law-enforcement agencies. The Institution's findings were published in 1937, in a volume titled *Crime Control by the National Government*, by A. C. Millsbaugh of the Brookings staff.

Instead of accepting Hoover's statement that the FBI achieves from 94 to 97 or 98 percent of convictions in its cases as bona fide because Hoover made it, the Brookings researchers cross-checked with the reports of federal attorneys, as incorporated in the U.S. Attorney General's own report, on the disposition of cases developed by the different federal detective agencies. They found that the FBI's record of convictions for the 1935-36 period was 72.5 percent—trailing the Narcotics Bureau, the Secret Service Division, the Alcohol Tax Unit, the Post Office Inspection Service, and the Internal Revenue Bureau. The only agency that ranked below the FBI in percentage of convictions was the Customs Bureau, with 71.5 percent.

The Brookings Institution pointed out also that the FBI's statistics on its own performance were greatly improved by the practice of taking credit for a tremendous amount of work performed by other agencies. For years, a major factor in boosting FBI figures has been the recovery of stolen automobiles that have been driven or shipped across state lines. The FBI always claims full credit for the recovery of such cars and for the apprehension of the thieves. It annually points to the millions of dollars it has saved the taxpayers through the recovery of such stolen property. Yet, in many, if not in most, instances, such stolen automobiles are found and recovered by local police.

Such criticism has had no perceptible effect on the FBI. In the spring of 1963, it was viewing hitchhiking with alarm and warning motorists against picking up strangers on the highways. To make its point, the FBI came up with what the *West Virginia Charleston Gazette* called "the unverifiable statistic." It solemnly announced that two out of every five thumbs raised to cadge rides had been fingerprinted in police files. Since there is no electronic Seeing Eye watching every highway in the nation and registering on a computer the number of hitchhikers, such a statistic is patently ridiculous.

Any efficiency rating of the FBI must take into account not only the loose use of statistics for propaganda purposes and its undoubted scientific skills but also the kind of criminals it catches. On this aspect, one of the nation's profoundest mysteries is encountered. The mystery is that Hoover has never challenged the real lords of the underworld. He built two-bit desperados like Dillinger into national menaces and flourished their scalps from the FBI totem pole, but all the time he ignored, with a persistent perversity, the growth of organized, multi-billion-dollar underworld power. It was a power that was symbolized in names like the Mafia, the Combination, the Syndicate. It was a reality that Hoover ignored. He even at times denied its existence.

The extensive powers given to the FBI by the first Roosevelt Congress in 1934 were predicated on the idea, valid enough in itself, that crime was becoming interstate in character, for

the automobile and the airplane gave gangsters mobility, enabling them to commit a crime and then hop across state lines to far-distant hideouts. For this reason, the FBI specifically was given jurisdiction in cases in which a person crossed a state line to avoid prosecution or to avoid giving testimony—a sweeping provision that seemingly would cover a multitude of cases and would embrace, if the effort were made, most of the major activities of the Syndicate.

But President Roosevelt's first Attorney General, Homer Cummings, and Hoover weren't so much concerned at the time with the secretive and important machinations of the underworld. They were preoccupied with the sensational, the spectacular. In speech after speech, Cummings proclaimed the thesis that huge underworld gangs, built up by bootlegging millions in Prohibition days, would become desperate when deprived of their principal source of revenue and would turn to kidnapping.

But kidnapping is largely an amateur crime. The famous kidnapers were not the big names of the underworld. Hauptmann, who took Lindbergh's baby, was an impoverished carpenter; Angelo John LaMarca, executed for the kidnap-murder of the Weinberger baby on Long Island in the late 1950's, was an impecunious laborer driven to the border of insanity by the crushing pressure of debts. The record of the years makes it obvious that the dreaded powers of gangdom, the men who directed vast enterprises and held life and death in their hands—Luciano, Genovese, Costello, Adonis, Anastasia, Lansky—were never so stupid as to mess with a cheap thug's crime like kidnapping. While the FBI was garnering headlines in its wild and gory battles with desperados, these real criminal brains of the nation quietly went about the business of amassing fantastic and untold millions—their rackets such lucrative fields as narcotics, the numbers, bookmaking, and gambling casinos that rivaled the plush of Monte Carlo and ran as openly.

Contrasts are invidious, but anyone who compares the record of the FBI with that of the Federal Bureau of Narcotics cannot help being shocked at the difference between myth and grim reality. While the FBI seemed to be living in a dream world with its Dillingers, the narcotics bureau was recognizing and wrestling with the sanguinary reality of the Mafia, the dread Sicilian secret society transplanted here by immigrants. Based on the family ties of chieftains, founded on a system of murder and terror and extortion, the Mafia became the cement of the American underworld. Its American branch has been called at different times by various names—Mafia for one, the *Unione Siciliano* for another. And since gangsters not of Italian or Sicilian origin have also risen to high levels in the American underworld (Longie Zwillman was a prize example), broader terms like the Combination and the Syndicate are often used. But the murder-enforcement arm, the guts of the system, has always been Mafia-like in organization and control. This reality of a national underworld Hoover has persistently denied.

While he builds FBI statistics with the recovery of stolen cars that are taken across state lines, he consistently belittles the specter of the Mafia and insists that crime-fighting is a local business to be handled strictly by local and state police.

Hoover not only has failed to exhibit any eagerness to lead the fight on organized crime where it really counts, against the top echelons of the Syndicate, but he has resented, fought, blocked every proposal that might have set up a rival federal agency to perform this most important chore. Why? Certainly not because the FBI itself is not willing. Jack Levine asserted that the agents in the ranks are only too eager, in most instances, to be let loose in an all-out campaign against top-level racketeers. But so far these willing agents have generally been kept on a tight leash. Again one asks: Why?

The reasons are not clear, but those who have had close contact with law enforcement suggest what seem like logical possibilities. The estimated 20 to 22 billion dollars' worth of loot the rackets filch out of the American pocketbook each year buys a lot of influence. Some estimate that half the multi-billion-dollar take of top-level gangdom is funneled right back into payoffs and the purchase of political influence. Many a political machine is bankrolled by such tainted money, and in devious ways the purchase pull makes itself felt on Capitol Hill.

Another possible reason: Certainly, it's much easier to catch car thieves than Frank Costellos. Hoover's FBI has grown to

* [An example of the FBI's lack of liaison with another federal law enforcement agency was underlined in the recent Warren Commission Report on the assassination of President John F. Kennedy. "A more carefully coordinated treatment of the Oswald case," which the report earlier stated was being investigated by the FBI, "might well have resulted in bringing Oswald's activities to the attention of the Secret Service." And JFK might still be alive. The Editors]

mammoth proportions by use of statistics and propaganda. Hunting the overlords of crime is quite another matter. A great number of agents would have to put in a great number of man-hours, and they would have to build airtight cases that could stand the battering of the highest-paid defense attorneys in the land. Results might be extremely minimal, and the FBI, instead of the universal praise it gets, might well reap the whirlwind of hostile criticism.

Whether these are the actual reasons that have restrained Hoover and the FBI from an all-out assault on major citadels of crime is less important than the undeniable fact of that restraint.

As the decade of the 1930's drew to a close, the FBI was established as a national institution. It had won its gun battles with desperados. It had tracked down kidnapers. The image of Hoover and the Bureau as the incorruptible and infallible fighters of crime had been implanted in the consciousness of the American people.

This image of Hoover as chief investigator of the 1930's is a natural outgrowth of the earlier Hoover. The strait-laced young man who didn't drink or play poker; the austere, lonely bureaucrat immersed in his job; the ambitious, capable, hard-driving martinet—all of these traits of character had become accentuated in the personality of the powerful Director of the FBI. Hoover remained a confirmed bachelor, living with his mother until her death in the modest civil servant's home in Washington in which he was born. Even after his mother's death, it was some years before Hoover moved into more elaborate quarters in a home in Washington's fashionable Rock Creek Park section.

Hoover was unpopular. Washington hostesses considered him "a cold fellow" because he shunned their parties. Men sometimes disliked him "because he seems to lack the traditional male vices." On those rare occasions when he was seen in a bar, he might have one drink (the youthful teetotaler had weakened this much) but never more than one. He did, however, develop one idiosyncrasy: he became an habitue of the nightclubs, with the result that his name kept popping up in gossip columns. But he was a man so preoccupied with his work that he sometimes went about his nightclubbing in an almost grim fashion, as if determined to enjoy himself in spite of himself.

This was Hoover in his forties, a man growing accustomed to the taste of fame and savoring that taste. There has been little change in him since. In later life, he developed one penchant that seems a bit unusual for a man who in his youth eschewed poker-playing and adhered to an almost Puritanical code of ethics. Hoover became a great racetrack fan and an ardent defender of the fine art of betting on the horses "in moderation."

Though betting on the horses has been disclosed time and again as a major underlying cause of embezzlements, this aspect appears to have made no impact on Hoover.

At 9:15 on the morning of August 24, 1936, J. Edgar Hoover, having received a summons to the White House, was shown into the President's office. The reason that Roosevelt had summoned Hoover was his deepening concern about the ominous state of world affairs. In Europe, Mussolini and Hitler were on the march; Spain was torn by civil war; Stalin was pressing his bloody internal purges. In the United States, Fascist and Communist sympathizers were stirring, and the President felt he had been getting insufficient information about their activities.

A week later, on September 1, Roosevelt and Hoover agreed on the final arrangements that were to put the FBI back into undercover work. The Bureau was to investigate for State Department intelligence purposes only, not for prosecutions in court. On this understanding, Hoover on September 5 sent "Personal and Confidential" letters to his Special Agents in Charge, notifying them that the Bureau desired "to obtain from all possible sources information concerning subversive activities being conducted in the United States by Communists, Fascists," and others advocating the violent overthrow of the government.

With the outbreak of war in Europe in September, 1939, the spy fever soared into the stratosphere. On January 5, 1940, appearing before the House Appropriations Subcommittee, Hoover predicted that espionage complaints during 1940 might reach an average of 214 a day, or more than 70,000 a year. He made the further remarkable statement that comparatively few complaints were without substance, and he raised a specter from the past when he testified that, as a result of Roosevelt's directive assigning the FBI to a broad field of espionage and counter-espionage work, he had revived the General Intelligence

Division. The division, Hoover said, would have "supervision of espionage, sabotage, and other subversive activities." It would investigate persons reported active in subversive activities "or in movements detrimental to the internal security. In that connection, we have a general index, arranged alphabetically and geographically, available at the Bureau, so that in the event of any greater emergency coming to our country we will be able to locate immediately these various persons who may need to be the subject of further investigation." [Italics added.]

Under such conditions, Hoover and the FBI guarded the home front. They guarded it well. According to statistics quoted in Whitehead's best-selling book, *The FBI Story*, FBI investigations of 19,649 cases of suspected sabotage during the war years, turned up not a single case that was the work of enemy agents. This is a typical FBI presentation of its own perfection, but even one who is skeptical of such 100 per cent claims can agree that, in this instance, the boast was justified. One thing is clear: the tragic events of German sabotage in World War I were not repeated in World War II.

However, the postwar witch-hunt which quickly materialized was based on a reinterpretation of the events of the critical war years. The events themselves seemed to say that the war, considering its global nature and the massive effort required, had been fought to its victorious conclusion with a maximum of speed and efficiency. But disillusionment with a victory that had brought not peace but the frustrations of the Cold War rapidly began to alter this common-sense view. The theory was industriously promulgated, and widely adopted, that the new insecurities of the age were attributable to treason and sell-out in high places. To lend substance to the theory, a campaign began to convince the American public that, all during the war years, Communists and "fellow travelers" had been stealing our most precious secrets.

Implicit in this demagogic endeavor was a crowning irony. J. Edgar Hoover and the FBI had been specifically entrusted with the task of ensuring American security. All during the war years Hoover insisted that the counterespionage record of his Bureau was one of absolute perfection; then, suddenly, the war won, Roosevelt dead, Hoover altered his tune to lend support to the thesis that, throughout the war, spies had been having a veritable field day in Washington.

It is basic that truth cannot lie simultaneously at such incompatible extremes. If Hoover's first assertion of FBI perfectability is correct, his amended picture of virtually unlimited and successful espionage becomes automatically suspect. And so does the entire substructure of the witch-hunt.

On December 10, 1945, Hoover had spoken to the International Association of Police Chiefs in Miami. He had warned them, in tones reminiscent of the forecasts of 1919, that the nation's police, on top of all their other duties, would be hard pressed to stop the wave of Communism. "Panderers of diabolic distrust already are concentrating their efforts to confuse and divide by applying the Fascist smear to progressive police departments like the FBI and other American institutions to conceal their own sinister purposes," Hoover declared. Yet, at the same time, he proclaimed that the FBI during wartime had met the menace, eyeball to eyeball, and turned it back.

"Early in the war skeptics proclaimed that we were open to espionage. . . . The record is exactly the contrary. We knew from the very outset of the war that espionage was under control. . . . Foreign powers tried to steal not only the atomic bomb, but other military secrets. . . . The counterespionage program which we developed did more than encircle spies and render them harmless. It enabled us to learn their weakness and their aims."

There can be little question that Hoover at this period, though he held his post at the pleasure of the Democratic Truman Administration, though he sedulously guarded his non-political image, actually was playing a covert game of footsie with Truman's Republican opposition. The material that fueled the Republican-dominated investigating committees clearly was funneled to them straight from FBI files, and anyone familiar with the kind of storms that raged about the names Hiss, Rosenberg, White, and Remington knows full well that such leaks would not have been possible without his collaboration.

The spy case of Judith Coplon is a typical example of postwar FBI investigation.

Miss Coplon had been a top student at Barnard College in New York. After her graduation, she had obtained employment in the Department of Justice in Washington. She was 27, an analyst in the department, when on the night of March 6, 1949, trailing FBI agents nabbed her on a New York street in the company of Valentin A. Gubitchev, an attache of the Soviet delegation to the United Nations. In Miss Coplon's handbag, at the time of her arrest, were a number of documents including one memorandum in her own handwriting. This, probably the most damaging evidence against her, read:

I have not been able (and don't think I will) to get the top-secret FBI report which I described to Michael on Soviet and Communist intelligence activities in the U.S. When the moment was favorable I asked Foley (William E. Foley, a security officer in the department) where the report was (he'd previously remarked that he had such a report). He said that some department official had it and he didn't expect to get it back. Foley remarked there was nothing "new" in it. When I saw the report, for a minute, I breezed through it rapidly, remembered very little. It was about 115 pages in length and summarized, first, Soviet "intelligence" activities. . . . It had a heading on Soviet U.N. delegation but that was all I remember. The rest of the report, I think, was on Polish, Urgo, etc., activities and possibly some information on the C.P., USA.

Miss Coplon was indicted on espionage charges both in Washington and New York, one case being based on the theft of information, the other on the attempt to pass it along. In the first trial, held in Washington in April, 1949, Miss Coplon's attorney tried to explain away the remarkable handwritten memo by arguing that it was "allegorical" and referred merely to "prototypes" in a novel she was planning to write. In view of the specific contents of the memorandum, a more far-fetched rationalization could hardly be imagined. Understandably, the jury found some difficulty in swallowing it.

The defense's explanation of Miss Coplon's constant association with Gubitchev was that they were just a couple "crazy, crazy" in love. This, again, seemed a too obviously easy way to explain a dubious association, but the government had some difficulty combatting it because it could not show that Miss Coplon had ever passed Gubitchev anything. When arrested in New York, she had the memorandum, as well as Justice Department papers the government called "restricted," in her handbag. A long parade of FBI agents took the witness stand at the Washington trial, detailing the thoroughness of the surveillance that had been set up over Miss Coplon. They had watched her every movement for weeks. Sometimes as many as five FBI men at a time had tailed her and watched her meetings with Gubitchev. The Russian and the girl had been seen together numerous times, but, as the Associated Press reported on May 16, 1949, when the trial entered its fourth week, "the government has not yet established 'contact' between Miss Coplon and the Russian."

Two other disturbing elements peeped out from the mass of evidence submitted by the government at the Washington trial. Robert R. Granville, the supervising agent in New York, acknowledged that, when Miss Coplon was arrested, the FBI did not have a warrant as required by law. He was also questioned closely concerning defense charges that the FBI had indulged in wiretapping. Asked if he had ever given orders to tap Miss Coplon's phone or the phones of any member of her family, he answered: "No." When the defense, skeptical, pressed the issue, government prosecutors, on their word of honor as lawyers and gentlemen, assured the court that the FBI had indulged in no wiretapping in the case. FBI agents sat there in court and heard them—and said nothing. With such assurances that the investigation, with the exception of that little matter of the warrant, had been handled in the most legitimate of fashions, the case against Miss Coplon went to the Washington jury. And the jury promptly convicted her.

With the defense appealing this conviction, the government decided to proceed with a second trial of Miss Coplon in New York, based on the second indictment accusing her of passing information to Gubitchev. This trial opened in late December, 1949, and Miss Coplon's defense now pressed more vigorously the wiretapping issue that the government had so emphatically denied in the Washington trial. Federal Judge Sylvester Ryan ordered the FBI to produce its records. It suddenly developed

that, despite the flat assurances given to the federal judge in Washington, the FBI had been tapping Miss Coplon's telephone all the time.

There had been, the federal prosecutors assured Judge Ryan, absolutely no intention on anyone's part deliberately to deceive a federal judge in Washington. They themselves as a matter of fact, they said, had had no idea of such a thing until the previous week, when they consulted with FBI agents to get affidavits that there had been no wiretapping—and discovered that, unfortunately, after all, there had been. The prosecutors protested that they still did not know which agents had done the wiretapping.

When Judge Ryan pressed for a fuller explanation. He was assured that the great bulk of the wiretaps had been destroyed. It was FBI routine, he was told, to destroy wiretap records within a short time after they had been made. Judge Ryan, determined to find out just what went on here, called FBI agents to the witness stand. One acknowledged, a bit reluctantly, that he had "reason to believe" the defendant's phones had been tapped, because he had seen the disk recordings and had been responsible, as a matter of fact, for destroying the reports and burning the records.

The disclosures were getting murkier and murkier, and Judge Ryan called on the FBI to supply the court with all the information available anywhere, in New York or Washington, about the conduct of this wiretapping that, originally, had been so vigorously denied. A most curious document turned up, whose discovery was reported by the *New York Herald Tribune* in these words:

This was a Washington memorandum, dated Nov. 9, 1949, from Howard B. Fletcher, FBI inspector, to D. M. Ladd, assistant FBI director:

"The above named informant (Tiger, the code name of the tap) has been furnishing information concerning the activities of (Miss Coplon). In view of the imminency of her trial it is recommended that this informant (tap) be discontinued immediately, and that all administrative records in the New York office covering the operations of this informant be destroyed.

"Pertinent data furnished by the informant has already been furnished in letter form, and having in mind security, now and in the future, it is believed desirable that the indicated records be destroyed."

The scope of wiretapping in the Coplon case was now reluctantly admitted by the FBI. Though the original disks had been destroyed, the wiretap-gathered "evidence" had been preserved, as the Fletcher memorandum indicated, in letter form. From this it developed that the government had wiretapped Miss Coplon's home phone, her phone in the Justice Department in Washington, the phone in her parents' home in Brooklyn, the phone that she used to confer with her lawyer while the first trial was in progress. Some 30 FBI agents, the FBI conceded, had taken part in the electronic eavesdropping—an operation of such scope that it could hardly have been innocently overlooked when the government, with the FBI in attendance, informed the judge in the first trial that it had never happened.

Though the New York jury, like the Washington jury, convicted Miss Coplon on the basis of the evidence found in her handbag and her admitted association with Gubitchev, the wiretap and no-warrant revelations wrecked both convictions on appeal. In the Washington case, Leonard B. Boudin, Miss Coplon's appeal attorney, accused the FBI of "rankest perjury" in denying to the court that wiretaps had been used. He said it was "incredible" that the prosecution could have been ignorant of the fact that Miss Coplon's phone was being tapped even while her trial was in progress. Fred E. Strine, special assistant to the Attorney General, was hard-pressed to justify the government's actions. In his argument before the District of Columbia Court of Appeals, he contended that the wiretapping really hadn't made any difference to the case because the evidence so obtained hadn't been used against Miss Coplon. Chief Judge E. Barrett Prettyman broke in with the tart comment that this was "an extremely optimistic view," and he added: "I'd like it explained to me how any appellant can have a fair trial if conversation between him and his counsel is intercepted."

In arguments on the New York appeal, Judge Learned Hand

clashed sharply with Strine. The federal prosecutor had argued that the government had not been guilty of "deliberate or wanton destruction of wire-tap records." Judge Hand took him up sharply, asking: "Could there have been anything more wanton and deliberate than was shown by the evidence?" He cited the FBI's specific order to destroy. Strine argued that this had been issued merely for "security reasons," but Judge Hand disagreed emphatically. In words that, it seems, should be remembered, he snapped: "You can point a finger at any person and say for security reasons."

Judge Hand later wrote the decision by which the New York Court, by a unanimous vote, threw out the guilty verdict. He softened his stand a bit on the wiretapping, saying that the destruction of the recordings wasn't too vital, since copies had been kept in Washington, but he stressed that the government had failed to show that the taps had not helped its case. He wrote that Miss Coplon's "guilt is plain," but held that the FBI had in effect ruined its own case. He argued that on the validity of Miss Coplon's arrest "concededly depends the validity of the seizure of the incriminating packet (of documents) and its competence as evidence at the trial." Only if Miss Coplon had been a fugitive trying to escape would arrest without a warrant have been justified, he said, and in this case, patently, this was not so. "No sudden emergency forced the hand of the agents," Judge Hand wrote. "They made everything ready except for the one condition which would have made the arrest lawful: a warrant."

Congress, as it usually does when the FBI has been inconvenienced by the necessity of adhering to the niceties of the law, subsequently decided that in the future the Bureau should not be bothered by having to observe such a legal technicality as the obtaining of a warrant in espionage cases. It passed legislation specifically exempting the Bureau from such normal statutory procedures when it was pursuing spies, but nothing could be done to resurrect the Coplon case which the FBI had wrecked beyond redemption. Nothing much could be done either to eradicate the impression that deliberate deceit had been practiced on the trial court in Washington.

The Coplon case is not the only case in which such deceit has been practiced. In February, 1958, an almost identical situation developed in an appeals hearing on an action brought by the Justice Department to make the Communist Party register as a subversive organization. Throughout the entire earlier course of the action, Justice Department lawyers had repeatedly told the courts that no recordings had been made in 1945 of talks between the FBI and Louis Budenz, the Communist leader who had broken with the Party. The Communist Party, not satisfied, petitioned for a rehearing and asked for more explicit assurance on this point. As a result, James T. Devine, a Justice Department lawyer, asked FBI agents to furnish affidavits. Instead of supplying the affidavits, the FBI acknowledged the truth—that, unknown to Budenz, it had taken recordings of the talks; it had had them all the time. Devine assured the court that this sudden admission came as a complete surprise to him and, he believed, to all other government attorneys working on the case.

Clearly, the FBI had become a law unto itself, making its own rules, practicing a degree of deception on even the assistant attorneys general of the Justice Department who, originally, had been supposed to supervise its actions. However, more than the Bureau's blithe disregard for its titular superiors is involved. Basic principles of justice are vitally at stake. Not only does it become impossible for a defendant, whose attorney's phone is tapped, adequately to defend himself, but deceit on the part of the FBI and the Justice Department, both of whom flaunt the prestige of the flag, makes truth the cat's-paw of a desire to convict. In a nation brainwashed into believing that the FBI is always 97 percent right, the word of the FBI and the Justice Department should be above reproach in our own courts of law. No rationalization can justify the solemn insistence of law enforcement authorities on an assertion that is the reverse of truth—when they know it to be the reverse of truth. It will take a very great rationalization indeed to reconcile the wiretap coverups in the Coplon and Budenz cases with the image of the FBI as an organization whose principles are so lofty and whose dedication to ideals is so steadfast that its word on anything and everything must under no circumstances ever be questioned.

The unique power and prestige of J. Edgar Hoover and the FBI have placed them on a pedestal above the law they are

supposed to serve. This power and prestige is such that no Attorney General can contain it or supervise it, and Congress cowers before it. Even the decisions of the highest court in the land, if they draw the Hoover scowl, have to be amended in accordance with Hoover's wishes. If that seems like an over-strong statement, consider the events of 1957.

Clinton Jencks was a New Mexico labor leader, an official of the Mine, Mill, and Smelter Workers Union. He had been tried and convicted on charges that he had committed perjury when he signed a non-Communist affidavit. The principal witness against Jencks had been Harvey Matusow, a professional informer, first for the FBI, next for the late Senator McCarthy's investigators. However, after Jencks had been convicted, Matusow demonstrated that he possessed those traits of instability and unreliability for which informers are often noted. He joined a church, professed to have discovered conscience, proclaimed that he had lied in his testimony involving Jencks and others—and promptly was jailed as a perjurer by an indignant government.

Matusow's startling about-face served only to underscore the legal issue that had already been joined. During the trial of Jencks, Matusow had testified that he made several reports about Jencks's supposedly communistic ties and activities to the FBI. Jencks's attorneys, perhaps sensing that Matusow might be a witness who would tell one story today, another tomorrow, fought a losing battle to obtain these earlier reports. It should be stressed that the attorneys did not seek the privilege of conducting a fishing expedition through the FBI files. They asked only to be permitted to inspect original reports Matusow had mentioned from the witness stand. Their purpose was a time-honored and legally respected one: the right of the defense to examine such original statements as a means of checking the veracity of the witness.

In an age in which the original statements of informers have been distinguished for their notable lack of resemblance to the court-produced case, this would seem to have been an elementary request, except that, of course, once such cases have been court-produced, once the prestige of the government has been staked on them, the sanctity of the informer becomes a cause that transcends all other causes. And so the privilege of inspecting Matusow's first accusations against Jencks was denied to the Jencks defense. The case was fought to the United States Supreme Court, and the court on June 3, 1957, in an overwhelming 7-to-1 decision, threw out the conviction of Jencks. Justice William Brennan, a Catholic and an Eisenhower appointee, wrote the decision that was soon to be smeared from coast to coast as a prime document of subversion. Actually, all that Brennan and the high court had done was to uphold a basic principle of American justice—that the accused is entitled to a full and adequate defense.

The decision did not do precisely what the American public was soon to be brainwashed into believing that it did do. It did not open the door to indiscriminate rummaging in the FBI files; it did not threaten with exposure a single secret informant. It merely held that, once the government had produced a witness and put him on the stand, the defense had a right to examine his prior statements on the subject about which he was then testifying. Brennan called attention to a prior court decision upholding the right of the defense to "specific documents," but not "any broad or blind fishing expedition among documents possessed by the government."

"We reaffirm and re-emphasize these essentials," Brennan wrote. "... Every experienced trial judge and trial lawyer knows the value for impeachment purposes of statements of the witness regarding events before time dulls treacherous memory."

In a memorable paragraph, one that should be enshrined in American law, Brennan wrote: "It is unconscionable to allow it (the government) to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to the defense."

This, of course, was the point, and Matusow's subsequent renunciation of the story to which he had testified for the government should have emphasized, for all to see, the necessity of subjecting informers to the closest scrutiny and protecting the rights of persons who might be recklessly accused by them. But this was not the point that registered; this was not at all what happened. If Brennan in his opinion had traduced motherhood,

the screams from the FBI and its backers could not have been more anguished.

Justice Tom Clark, always a strong FBI partisan and the lone dissenter from the Jencks decision, had contended that the ruling would open the door to fishing expeditions in the FBI's secret investigative files. This was all that was needed. Hoover, with strong support in Congress and in the ultraconservative press, took up the cry, and almost overnight the impression was created that the Court had given the Communists carte blanche to force revelation of the FBI's most closely guarded secrets.

A brief chronology of events shows how vigorously the campaign against the Court was pressed, how the anti-Court image in the press was cultivated. On June 28, 1957, *The New York Times* reported that Hoover was "understood to have passed the word that his agency will drop out of some espionage and other criminal cases if this becomes necessary to protect its confidential informants." On July 28, in a report to Attorney General Herbert Brownell, Jr., Hoover stressed for the record that confidential informants had been responsible for the arrest of 2,700 persons in the nation in the past year, and he furnished ammunition to the anti-Court faction in Congress by this declaration: "The very basis of our success is the FBI's assurance to this country's citizens that information they give will be maintained in the strictest confidence in our files." Hoover followed this on August 14 by writing a "Dear Joe" letter to Representative Joseph W. Martin, Jr. (Republican of Massachusetts), minority leader in the House, demanding legislation to protect the FBI files from disclosure. He said that some informants already had clammed up as the result of the Court decision and that he had had to drop some cases in preference to opening the files.

In the light of this assertion by the Man himself, a subtle rumor that the FBI publicity bureau industriously purveyed was picked up and flaunted by the press. This was the suggestion that the upcoming espionage case against NKVD Colonel Rudolph Ivanovich Abel would have to be dropped if the Jencks decision were not nullified by Congress. The action of vast sections of the press in uncritically echoing every assertion of Hoover and the FBI about the Jencks decision conveyed such a false impression that even many knowledgeable newspapermen, deluded by the propaganda in their own product, accepted as an article of faith that the Jencks ruling would open the FBI files.

Public hysteria against the Supreme Court was being created by such alarmist statements and Hoover's lobby on the Hill was industriously at work. Lou Nichols, his fast-talking, likable public relations man and lobbyist, was buttonholing Congressmen and urging them to introduce legislation that would "protect" the FBI files from the capricious Court. Congress, having long ago decided that it paid better to worship Hoover than to fight him, was happy to oblige. Representative Kenneth Keating, the New York Republican who was to grow into a Senator and acquire wide fame as the prophet of Soviet missile activity in Cuba, sponsored the FBI-desired bill in the House, and Senator Joseph C. O'Mahoney, a Wyoming Democrat, made it a bipartisan endeavor by taking up the cudgels for it in the Senate.

The language of the bill was cleverly worded so that, without quite giving the appearance of doing so, it would in effect nullify the Court's Jencks decision. The key language limited inspections of FBI records in court cases to such "reports or statements of the witness in the possession of the United States as are signed by the witness, or otherwise adopted or approved by him as correct relating to the subject matter as to which he has testified." Under this provision, all the FBI would have to do to keep its files closed would be to have its agents summarize what a witness told them or to take a statement that had not been signed or specifically reaffirmed by the witness to be true.

Senator Wayne Morse (Democrat of Oregon) sought to amend the language to narrow the loophole. But the propaganda campaign in the press was now in full gear. The *Daily News* in New York, the nation's largest-circulation daily, was running a stream of editorials devoted to the theme that the Bureau's files must be protected from "the secret-pickin' hands of Commie spies." Its Washington columnist, John O'Donnell, was frothing on the subject. So was Westbrook Pegler. So was Walter Winchell, with his immense reading audience.

However, men of high repute and great legal learning insisted that no action by Congress was needed, that all the Supreme Court had done was to reaffirm a basic principle of American justice. Dean Erwin N. Griswold, of Harvard Law School, put it this way: "There is absolutely nothing in the (Jencks) opinion giving the public access to the secret files of the FBI. It simply blueprints procedures used right here in Boston and in every criminal court." No such sober and responsible appraisal could be expected to cope with the nationwide and irresponsible outcry Hoover had stimulated. Only slightly modified, the legislation he wanted was passed.

Full of his triumph, Hoover paraded before the 39th annual convention of the American Legion in Atlantic City on September 19, 1957, and capped with a crow his war against the Supreme Court. He charged that the campaign to "open" the FBI files was the work of "a hard core of propagandists" (there is always, it seems, some monstrous secret conspiracy whenever anyone opposes Hoover), and he put everything in correct perspective with this statement: "The bland refusal to recognize the right of the public welfare and the proper use of common sense result too often in the prostitution of the law in favor of evil." The American Legion, enthralled at having before it the one man on whom our survival depended, passed a resolution praising Hoover and criticizing recent Supreme Court decisions, especially the Jencks ruling that would have "opened" FBI files.

Why did Hoover stir up such a nationwide frenzy on such a distorted issue? An educated guess is that his prestige and the prestige of the FBI had been linked unqualifiedly to the veracity of informers whom they have sponsored—and that the contents of the FBI files with respect to this breed will not bear examination in the full light of the day.

The pattern of drastically altered testimony—testimony that veers from and conflicts with its original version—has been exposed sufficiently in the Hiss, the Remington, and the Rosenberg cases to justify speculation about what might happen in such informer-type prosecutions if the lid were ever fully lifted on their origins. In addition, enough information has seeped out from under the Justice Department rug in a number of other cases to indicate that the cult of the informer is one of the most pernicious a great democracy ever was deluded into sanctifying.

Another example of the FBI's postwar attitude is Hoover's reaction to the San Francisco riot of 1960. The House Un-American Activities Committee, long a favorite partner of Hoover in witch hunts, had brought its road show into California for the fourth time within a relatively brief span of years.

The committee made certain that the hearing would be stacked in its favor even more than is usually the case. William A. Wheeler, a committee investigator, handed out white cards to "friendly" organizations before the hearings opened. Admission to the small hearing room in City Hall was to be by white card only. Students in the Bay Area gathered to protest. They demanded that admission be on a first-come, first-serve basis. The agitation came to a head on the second day of the hearings, Friday, May 13, 1960. When demonstrating students, trying to get into the hearings, pressed against the barriers set up by police, the cops forced them back. The students surged forward again, and the police turned fire hoses on the students. When the students withstood the drenching, refusing to leave the premises, the police went to work with their nightsticks.

Veteran San Francisco newsmen and television cameramen were on the scene. All seem in general agreement on what happened. "Never in 20 years as a reporter have I seen such brutality," wrote Mel Wax the next day. George Draper, of the conservative *San Francisco Chronicle*, reported: "I saw one slightly built lad being carried by two husky officers. One held the boy's shirt, the other held him by the feet. He was struggling, but he was no match for the two bigger men. Then, from nowhere, appeared a third officer; he went to the slender boy firmly held by the other two officers, and clubbed him three times in the head. You could hear the hollow smack of the club striking. The boy went limp and was carried out. . . . Police were now clubbing the demonstrators at will."

The *Chronicle's* Mel Wax added: "I saw teenage college girls pushed down the marble stairs by big, hulking motorcycle policemen who answered the riot call. The girls bounced down, step by step, their skirts flaring above their hips. They screamed and cried, but no one heard."

Sixty-four students were arrested, charged with inciting a riot, resisting arrest, and disturbing the peace. The charges against 63 were quickly dismissed. This did not look too good for the forces of the law that had been so sorely set upon by the youthful revolutionists, and so a desperate effort was made to drum up charges that would stick against at least one of the demonstrators. The selected victim was Robert Meisenbach, 22, a student at the University of California at Berkeley. The official charge was that Meisenbach had precipitated the riot by leaping the barrier, seizing a policeman's nightstick, and whacking him over the head with it. This was the act, said officialdom, that had caused the hoses to be turned on. Unfortunately for this contention, Robert Campbell, a photographer for the *San Francisco Chronicle*, had snapped a picture of the scene just after the hoses went into action—and there, clearly visible in the picture, standing some feet away from the melee and calmly smoking a pipe, was Meisenbach. When Meisenbach was brought to trial in the spring of 1961, he was promptly acquitted.

In the light of this well-established record, what was the attitude of J. Edgar Hoover? On July 17, 1960, in an 18-page report to his favorite Congressional committee, the HUAC, he called the riot "the most successful Communist coup to occur in the San Francisco area in 25 years." The riot had demonstrated, he said, that American youth was no more immune to Communist manipulation than the students of Japan and Uruguay. He charged that California Communist leaders, naming no names, had engineered and financed the San Francisco riot; that the Communists were planning more youth demonstrations of a similar nature (strikingly, in the years since, there have been none); and that the American Communist Party was elated and believed the riot was the best thing that had happened to it in years.

Such protests had no effect. The House committee, with Hoover in its corner, proceeded to produce a distorted film called *Operation Abolition*, giving its and Hoover's "Communist plot" version of the San Francisco riot. This film, which Mel Wax, who was there, has called "distorted and false," which has been branded a distortion by such a non-Communist organization as the National Council of Churches, nevertheless has become a major hit in the propaganda arsenal of the rabid right and has been viewed, under the sponsorship of a number of business and civic organizations, by literally millions of Americans.

There is another field in which the vaunted FBI has been a complete and abject failure—the field of civil rights.

The great moral upheaval of 1963—a nation's outrage at the spectacle of police dogs in the hands of sadistic police attacking Negro demonstrators in Birmingham, a nation's shock at the church bombing that cost four little girls their lives—stirred no wrath and indignation in the soul of the all-powerful master of the FBI. Hoover has thundered from the rooftops about the menace of gun-toting desperados, of bank robbers, of espionage, of subversion, of juvenile delinquency, but one listens in vain for his alarmist shouts on civil rights.

Hoover's long indifference to civil rights activities has become clearly evident. He has even made attempts to have his bureau relieved of all necessity for dealing with the issue.

The United States Commission on Civil Rights, in a 1961 report, described Hoover's lukewarm attitude. It quoted in full a letter Hoover wrote to the Attorney General on September 24, 1946, in which he made it clear that he would prefer to withdraw from the civil rights field. He argued that the Bureau was "expending a considerable amount of manpower" investigating crimes in the South "in which there cannot conceivably be any violation of a Federal statute." When the Bureau investigated such cases, he pointed out, it became saddled "in the public mind and in the press with the responsibility" for their solution. This was not good for the prestige of the Bureau. Is there any wonder that Negroes in the South, from the Reverend Dr. Martin Luther King down, fear and distrust the FBI almost as much as they do the local police? They fear and distrust with good reason, for the record indicates that Hoover and the FBI have not blushed to stand four-square in the corner of the white supremacists, the racists who have made sadism a part of the culture of the South.

Few Americans have any realization of the potential harm they do by their uncritical idolatry of Hoover and the FBI. They remember only the good—and there is undeniable good—that

Hoover and his FBI publicity bureau have propagandized.

The FBI agent has become to the public the clean-cut, square-jawed, pure-as-snow American lad, flawless as a comic-strip hero, and the nemesis of crime. The Bureau's huge fingerprint collection, its scientific methods of crime detection, its successes in gunning down desperados and jailing bank robbers and kidnapers—these are the achievements that have fostered a national faith in the perfection of the FBI.

Hoover has been accorded a reverence, an immunity from criticism, such as has not been the lot of the greatest Presidents in our history. Washington, perhaps the greatest of all Americans, was savagely attacked in his time; so was Jefferson; so was Lincoln; so were Theodore and Franklin Roosevelt—and so, after the honeymoon of his first Administration, was that most popular of recent Presidents, Eisenhower. Some of the criticism was just, much was unjust, but that is not the point. The point is that it existed—and that, as long as criticism exists, the check-reins that are essential to the preservation of democracy exist. Remove those check-reins; enshrine the figure of the infallible policeman above the law, above the Supreme Court, and you create a police-state atmosphere of intimidation that brings on the perversion of the democratic processes.

This treacherous undermining of a free society has already gone far. Hoover's enormous and unchecked power—the clandestine wiretapping, mail checking, and surveillance; the gossip, the rumor, the damaging truth and half-truth that repose in the secret dossiers of the FBI—has served to intimidate the highest officials in government and to repress debate. As Jack Levine reported, there isn't a legislator on the Hill who dares to risk a conflict with Hoover, however good the cause.

It is Hoover's power and his unbridled use of it that represents today one of the greatest dangers to the American democracy.

Given his pivotal position in the federal crime-fighting structure, it was inevitable that Hoover's role would be more important than that of any other chief of detective forces. It is to his credit that he has used his opportunity to elevate the nature of police work across the nation. His establishment of a central fingerprint file as he assumed directorship was a boon to crime-fighting on every level. The FBI scientific laboratory stimulated the use of science in crime detection. The National Police Academy has given advanced training in the most modern methods to police departments throughout the nation. These are solid, valid, praiseworthy accomplishments.

If Hoover could have been content with such important contributions, all would have been well; but Hoover is a man who can never be content. As soon as he embarked on the publicity campaign to create in the public mind the image of the infallible FBI, he began to become an overblown figure, dangerous to himself and to others. The phenomenon of universal praise can hardly be good for Hoover, for the bureau he heads, or for the American people.

The pattern makes it clear that, behind the scenes, loftily above the battle and unsmudged by the battle smoke, Hoover has been the heart and soul of the witch-hunt era. His persistent overestimation of the threat of domestic Communism has been a major factor in creating a national mood of hysteria and unreason. His predilection for the use of such imprecise terms as "fellow traveler" and "pseudo liberal" has fostered the technique, so beloved by the right, of spattering with the treason label all liberal ideas and liberal opponents.

Yet free discussion is essential in a democracy. The public's ability to make a right choice rather than a wrong choice depends upon it. The nation's ability to test the new, the unexplored—to expand the horizons of mankind—depends upon it. Dictators may make the railroads run more efficiently, but democracy nourishes the freedom of the mind, the interplay of ideas that underlie the great advances. Repress that freedom, and you dilute the nation's most precious heritage. It is precisely here, in the final analysis, that the influence of the FBI has been most baneful.

The almost slavish adulation that has been lavished upon the Bureau and its all-powerful director has acted as an inhibiting force. No man wishes to court the scowl of the FBI. No man dares to suggest that it would be healthful for the country if the FBI should be curbed a bit, restricted from investigating the thoughts and associations of men, and confined to its proper task of fighting crime. The fears that we might create a federal "secret police" force seem to have been justified.—Fred J. Cook