

Hard Times

The Enemy Within: The FBI's Forgotten Past

"Deportation hearings and the shipment of the 'Reds' from this country will be pushed rapidly," Hoover declared.

(The current activities of the FBI are not the result of J. Edgar Hoover's senility. Never an independent, objective police operation as the lore suggests, the Bureau has functioned as a secret political police agency from its earliest days. In this context, it is instructive to read The Federal Bureau of Investigation by Max Lowenthal, published in 1950 by William Sloane Associates. This review article is based on the book.—J.R.)

ATTORNEY General Charles J. Bonaparte (a grandnephew of Napoleon I) requested that Congress create a Bureau of Investigation in 1907; but Congress, fearing the growth of a secret police, refused. Walter I. Smith, member of the House appropriations committee, issued a typical warning: "No general system of spying upon and espionage of the people, such as has prevailed in Russia, in France under the Empire and at one time in Ireland, should be allowed to grow up."

At the time, both the Treasury and Post Office maintained their own police—as did the armed forces. In an effort to curb the growth of the Treasury police, Congress passed a law prohibiting further loan of its secret police officers to the Justice Department and other agencies. Bonaparte waited until July 1908, when Congress adjourned,

and then went ahead and created a Bureau of Investigation by administrative action (the name was changed to the Federal Bureau of Investigation in 1935). He later defended the move, calling the new police force an "innovation," and when the Attorney General was attacked in Congress, President Theodore Roosevelt attacked Congress for being soft on criminals.

FROM THE BEGINNING the Bureau's growth was tied to shrewd bureaucratic maneuvering and warm association with members of the appropriations committees. The Bureau first gained power by taking over enforcement of the Mann Act, which banned interstate commerce in prostitution. In asking for funds Chief Stanley Finch said, "Unless a girl was actually confined in a room and guarded, there was no girl, regardless of her station in life, who was altogether safe."

Money in hand, Finch prepared a plan of action foreshadowing FBI tactics of later years. Lowenthal writes, "In each city where vice was found, a Department of Justice detective hired a local lawyer. The two then went to the local city police station and asked for one of the city detectives to help them. All three then went to each of the places to be investigated, and there made a census of its residents. The census was facilitated by detailed advance

planning in Washington. One detail of the plan instructed the Federal detectives to ask every local police department for an order requiring the heads of the places under inquiry to cooperate with the national government." Thus every G-man in a city or town could inspect the employees of the houses and know them on sight. In addition, the Bureau hired as informers madams who were jealous of other madams. Finally, the Bureau assisted the local police in enforcing local laws by giving them information collected in the census. After constructing a census file, Finch devised a dragnet system to apprehend criminals. After meticulous planning, Bureau agents would swoop down on a city, first arresting everyone in a given area, later sifting out the criminals. Most of those arrested were innocent of any crime. The central file and the dragnet, first employed in prosecuting under the Mann Act, became the Bureau's stock in trade.

The Mann Act was loosely written, and soon the Bureau was not only hunting down those who transported women for illicit purposes in interstate commerce, but also arresting persons crossing state lines for non-commercial purposes of immorality. Jack Johnson, the heavyweight champion, was arrested crossing state lines with a former prostitute whom he had persuaded to become his girl friend. Johnson was sentenced to prison. In 1938, looking back on the era, J. Edgar Hoover explained that Congress meant to attack business transactions, but actually struck at private immorality as well. The Mann Act as interpreted by the Bureau provided a great deal of business: As Hoover complained, "In many instances the victims consent."

DURING THE First World War, the Bureau was given the job of catching draft dodgers, and in so doing created a scandal. From April to September, 1918, the Bureau set up dragnets throughout the country, leading to what the newspapers called "a carnival of arrests." As many as 30,000 men were taken in during a single day in New York. At Atlantic City, for instance, long motorized columns were hidden outside the city, and then at the appointed hour they roared into town and up to the piers. Special agents jumped out, arresting all men in sight. They hauled men with lather on their faces from barber shops, took in cripples and men of 75. Commuters about to board trains were arrested. The detectives would then hold court, demanding that each man prove his age and draft status either by producing a birth certificate or a registration card. If neither was available, then the men were shipped off to army camps, where the military didn't know what to do with them. While the detectives reported they were amazed "at the number of plain cases of slackerism," it turned out that of every 200 men arrested, 199 had to be let go.

Soon after the draft raids, it was revealed that the Bureau had become active in cataloguing political opinions and affiliations of various citizens. A. Mitchell Palmer, destined to become Attorney General, accused Senator Boies Penrose of Pennsylvania of receiving political support from brewers, and thereupon becoming a mouthpiece for the anti-prohibition campaign. At the same time, Palmer said the brewers were pro-German and unpatriotic. At an ensuing congressional investigation, A. Bruce Bielaski, wartime chief of the Bureau, revealed that the detectives had put together a catalogue of pro-German persons which, as it turned out, included various members of the U.S. Senate, as well as William Jennings Bryan, William Randolph Hearst and others who had belonged to Socialist clubs during their youth.

After the war, Chief Bielaski called attention to the new dangers from peacetime radicalism. Senators raised questions about the loyalty of the Nonpartisan League, which among other things supported the League of Nations. The congressional committee

which had looked into pro-German persons now wanted to investigate the new radicals. But its mandate was too confining. Archibald E. Stevenson, a New York lawyer who worked within the Bureau investigating opinions and associations of various citizens, suggested a way out. He told the committee of the wide range of pro-Germanism within the nation. He said people who agitated for Irish independence were pro-German, and he explained, "German socialism . . . is the father of the Bolsheviki movement in Russia, and consequently the radical movement which we have in this country today has its origin in Germany."

THE COMMITTEE agreed to investigate, and Stevenson began to describe radicalism: Radicals, he said, supported the League of Nations. The Nonpartisan League favored self-determination of nations, and believed in an unfettered press. He attacked the "heathen" Socialists and their Sunday schools. Socialists, the IWW, syndicalists—all were under close surveillance by the Bureau. It was known that these seemingly disparate groups were all "merging in the development of Bolshevism." Radicals believed in free love, and had wives "in rotation," in imitation of the Russians. Surprisingly, many radicals were native American born, and they clustered around universities. Educated and cultured women entertained these radicals. Radicals had infiltrated the Wilson Administration. Radicals had infiltrated the labor unions.

Stevenson said there were large numbers of dangerous foreign-born persons in industrial centers, and proposed that "the foreign agitators should be deported." The immigration laws should be made more stringent so as not to "dilute Americanism any further." The committee chairman asked him, "Would it not do to pass a law that no person should enter this country unless he is a white man—and Anglo Saxon—for the next ten years?"

The Bureau representative replied, "If it could be done I think it would be a good thing." Stevenson added, "The bars should be put up to exclude seditious literature. . . . American citizens who advocate revolution should be punished under a law drawn for

that purpose." Stevenson had promised he wouldn't name names, but he could not restrain himself, and the names of radicals began to pour forth; they were reported in the Congressional Record.

The bombings of 1919 added fuel to the Bureau's anti-radical work. In 1919 an anti-radical division was organized within the Bureau under J. Edgar Hoover. (It later was changed to the General Intelligence Division.) Activities of the new division were described in a report to Congress which tells of the Hoover division's work against the bombers, and includes the story of Andrea Salsedo. Salsedo, an Italian immigrant printer, was brought to the Bureau's New York Park Row office as a suspect in the bombings. He agreed to be "held" there, and stayed eight weeks. Hoover insisted Salsedo stayed at Park Row by his "own choice." The object of his incarceration was to get Salsedo to furnish clues about the bombings. The G-men pointed out to Salsedo that he was probably in violation of state law for printing views the detectives thought were subversive. They also told Salsedo that the Labor Department would deport him. None of this was meant as a threat, the Hoover division reported; rather, "the situation was explained" to Salsedo. After eight weeks in the room, the Hoover report says, "Salsedo put an end to his part of the arrangement by jumping from the fourteenth floor of the Park Row building upon the street, committing suicide."

The Bureau then asked for more money to help solve the bombings, and it revealed that the "wild fellows" in the radical movement were set to rise up and destroy the government "in one fell swoop." Pressed for details as to when this would happen, Bureau spokesmen became evasive. Finally, however, they announced that they had uncovered a plot to assassinate high government officials. Here again, details were vague. No one was assassinated. Hoover's division never captured the bombers.

IN OCTOBER 1918, before the end of World War I, Congress enacted a sedition law providing for deportation of aliens who held objectionable views on economic and political matters. Although administra-

tion of the law was placed in the hands of the Labor Department, Hoover's GID wanted to use the new law to press its fight against radicals. After behind-the-scene negotiations, Hoover's division won control, and plans were laid for mass arrests—the so-called “Palmer Raids,” named after Attorney General A. Mitchell Palmer. The raids were carried out against alleged members of the Union of Russian Workers in November 1919, and against alleged Communists in January 1920. In all, some 10,000 persons were detained.

The GID began by placing undercover men in suspect organizations; some of them rose to leadership positions within the groups. The raids were planned at night, when suspects would be at home, hopefully in bed. The undercover operatives were directed to persuade their organizations to hold meetings on the designated nights, so as to make it easy for the Bureau. Hoover himself directed operations from a command post in Washington. The Bureau told agents to phone in long distance “. . . to Mr. Hoover any matters of vital importance or interest which may arise during the course of the arrests.” The raids, carried forward in a dragnet, brought in many thousands of working men, high school girls, men who happened to be eating at suspected restaurants, and people chatting with one another on street corners. Former U.S. Attorney Francis Fisher Kane later described the thousands arrested as “not dangerous people . . . they were the sort of stuff of which we make good citizens. . . . The great majority of them were workingmen, some men doing well, many of them with families here, with ties that would have kept them.”

Although the law required the Bureau to take out warrants before arrests, in many instances it did not do so. A study showed that in two-thirds of 10,000 arrests no warrant was ever issued. The Bureau ordered agents to search “meeting places and residences of the members.” Headquarters in Washington advised agents it was left “entirely to your discretion as to the method by which you should gain access to such place. If, due to the local conditions of your territory, you find that it is absolutely necessary for you to obtain a search warrant for such

premises, you should communicate with the local authorities a few hours before the time for the arrest is set and require a warrant to search the premises.” The Bureau was accused of mistreating prisoners, beating them, and packing them into small cells.

Following arrests the G-men were told to speedily persuade the radicals to admit to seditious political views, and find out their alien status in order that they might be deported. In secret correspondence Hoover had urged the Immigration Bureau to refuse to free any prisoner on bail unless he answered the questions put to him by Bureau detectives. Hoover explained, it “virtually defeats the ends of justice” if detectives could not get the prisoners to provide evidence on which they could be deported. Hoover believed it was dangerous to let the prisoners have a lawyer present, or let them talk to a lawyer before they submitted to an examination by G-men. A committee of 12 lawyers who later reported on the Palmer raids said, “It has been the practice of the Department of Justice and its agents . . . to question the accused person and to force admission from him by terrorism.”

Lowenthal writes, “A total of about 10,000 persons was arrested by the GID, most for guilt by association. About two-thirds of these were released by the agency after preliminary sifting. Of the remaining 3500, [most] were released by the Department of Labor. The net result . . . was the deportation of some 700 men and women, most of whom were declared guilty by reason of affiliation or association with alleged subversive organizations.”

DEPORTATION was a cruel business. A woman who had been arrested while attending a dance given by the Union of Russian Workers was ordered deported, leaving behind several small children, including a baby, because they were American born. The American Women's Committee came to her defense and the order was set aside.

The GID arranged for some deportations aboard the *SS Buford*—nicknamed the “Soviet Ark”—an army ship commandeered for the purpose by Hoover. Some of the people on board had wives and children in the U.S. who

were not told of the deportation until after the ship had sailed. The GID explained, “The arrangements concerning the sailing of the *Buford* were necessarily kept quiet and secret, due to the fact that it was well known that the radicals, while on the surface desirous of returning to Russia, were not sincere in this proclaimed view.”

Hoover was in charge of the arrangements for the *Buford*, and he invited members of the House Immigration Committee to be on hand for the sailing. They came to New York, and Hoover took them among the deportees so that the members could examine the men and women and question them.

After the *Buford* sailed, Hoover announced that more “arks” would follow. According to a report, Hoover declared, “Deportation hearings and the shipment of the ‘Reds’ from this country will be pushed rapidly. Second, third and as many other ‘Soviet arks’ as may be necessary will be made ready as convictions proceed, and actual deportations will not wait for the conclusion of all the cases.”

By December 1920, the GID reported its raids had brought about the “cessation of revolutionary activities in the United States.” But three months later, in March 1921, the Attorney General appeared before appropriations committees and, while full of praise for the detectives, warned that more money was necessary as the radicals had begun to reorganize themselves. In 1924, Bureau chief William J. Burns, former head of the private detective agency, told Congress, “Radicalism is becoming stronger every day in this country. . . . We have absolute proof of all this: we have documentary proof showing that it is absolutely true.

. . . I dare say that unless the country becomes thoroughly aroused concerning the danger of this radical element in this country we will have a very serious situation.” Undercover men of the Bureau reported that radicals had set up schools all over the country “where they are teaching children from four to five years old.” The radicals had joined labor unions, and during the coal miners' strike in 1922 the Bureau was organized on a war footing under Hoover. Agents infiltrated the strikers and attempted to arouse them to armed insurrection. The Bureau sought to show that the strike was

financed by the Third International, but there was nothing to support this conclusion.

THE BUREAU's expansionist phase was curbed from an unexpected quarter. In the post-war period the Bureau was accused by members of Congress of failing to investigate and prosecute those guilty of fraud in the sale of war materiel to the government. At a hearing of a special Senate committee which investigated the role played by the Justice Department, former agent H. L. Scaife told of his inquiries into fraudulent airplane contracts:

Mr. Scaife: "... when we began to dig up these audits it was apparent it was going to be blocked. . . ."

Senator Jones (Washington): "Tell us the facts showing the obstruction."

Mr. Scaife: "... When we got about just as far as I have detailed it to you I had instructions to begin a bread investigation."

Mr. Chamberlain: "An investigation of what?"

Mr. Scaife: "Of bread—food. . . . I had already dug up cases with audits complete, showing where the government had been defrauded to the amount of \$25 million at that time. And I got instructions to go ahead with the bread investigation. I paid absolutely no attention to those instructions."

Senator Jones: "Who gave you those instructions?"

Mr. Scaife: "I think it was Mr. Hoover of Mr. Burns's office."

Senators and congressmen who pushed investigation into the Department of Justice were then placed under surveillance by the Bureau. When a woman employee was summoned before the special investigating committee and asked to testify or face contempt, Hoover summarily demanded her resignation. A former agent told how he was instructed to investigate Senator LaFollette, who himself had been urging an investigation of Teapot Dome scandals. Detectives were assigned to find out everything about LaFollette, so, in the words of one of them, "he could be stopped in what he was doing."

A former Bureau agent described the methods employed to the investigating committee: "Oh, search his—

find out all the mail that comes in, all the papers, anything that he has got lying around. Find out in his home. Just like you would take—the same principle that you pursue, Senator, when you make a criminal investigation. There is a servant working in this house. If she is a colored servant, go and get a colored detective woman to take her out; have this colored detective woman to entertain her, find out the exact plan of the house, everything they discuss at the table, the family, write it down, make a report. And any information you find that is—report what you find . . . and then if it is damaging, why of course it is used. If it is fine, why you cannot use it. It does no damage. . . . And the next question was to find out what he had up in his office. . . . I had people—people went to his office and went through it."

Senator Ashurst of the special investigating committee summarized what had been discovered: "Illegal plots, counterplots, espionage, decoys, dictographs, thousand dollar bills, and the exploring of senators' offices come and go in the pages of this testimony; and these devices, these plots, counterplots, spies, thousand dollar bills, and ubiquitous detectives were not employed . . . to detect and prosecute crime, but were frequently employed to shield profiteers, bribe takers and favorites. The spying upon senators, the attempts to intimidate them . . . are disclosed by this record."

Senator Wheeler of Montana led much of the investigation of the Justice Department, and the Bureau sought to build a case against him for representing clients in private matters coming before the executive department. But the senator was exonerated by a committee of senators, and was acquitted at the trial. Kenneth Crawford wrote at the time that Hoover had played an active part in the affair.

Harlan F. Stone, the new attorney general, ordered the FBI to stop spying, telephone snooping and undercover work. Amid mounting criticism, Hoover was made director of the Bureau in 1924.

IN 1939, when Hoover reactivated the GID, Mary R. Beard, the historian, charged that the FBI

was becoming a threat to the American system. She recalled Hoover's part in the Palmer raids. At the time, Alexander Holtzoff, a Justice Department attorney and close friend of Hoover, wrote Ms. Beard: "Mr. J. Edgar Hoover was not in charge of, and had nothing to do with, the manner in which the arrests were made of the so-called radicals under the administration of Attorney General A. Mitchell Palmer. Mr. Hoover at that time was not connected with the Federal Bureau of Investigation but was a special assistant to the Attorney General. His function was . . . limited to the handling of legal matters and the preparation of evidence for presentation to the proper authorities in connection with those activities."

In another letter Holtzoff wrote to Ms. Beard: "The mere fact that he was connected with the Department of Justice at the time is of no consequence. . . . There are many officials . . . who were here when Mr. Palmer was Attorney General, and . . . who served in the Daugherty era. Surely you would not visit on them the sins of Mr. Palmer and Mr. Daugherty. In a big organization such as the Department of Justice the various members of its personnel cannot be held morally responsible for actions of other officers or employees. Each one is responsible for what he does himself. Neither is there any moral responsibility on the part of a member of a big organization to resign . . . merely because he disagrees or disapproves of some of the actions of his associates."

Although the FBI's own files, made public by Attorney General Homer Cummings, said the GID was organized under the direct administration of Hoover and that Hoover had been "since 1917 in charge of counter-radical activities as a special assistant to the Attorney General," Hoover himself denied any connection to the Palmer raids. In the foreword to a picture book of FBI history, published in 1947, Hoover said, "I had no responsibility" for the raids. The same year he answered a question about the Palmer raids in the New York Herald Tribune, saying, "I deplored the manner in which the raids were executed then, and my position has remained unchanged." —JAMES RIDGEWAY