CHAPTER ONE

THE BURBAU IS CREATED

Pages 1 - 9

1, Page 3, line 3

The Federal Bureau of Investigation had a somewhat unorthodox beginning. First proposed in 1907 by Attorney General Charles Joseph Bonsparte and repeatedly requested by him, authorisation of the Bureau was withheld by the Sixtieth Congress in 1908.

Mr. Lowenthal begins his book on the premise that the Federal Bureau of Investigation had a very shaky beginning. He points out that it was first proposed in 1907 by Attorney General Bonaparte and repeatedly requested by him. The sources used by Mr. Lomenthal for his opening paragraph are the hearings before the House Appropriations Committee in the years 1908, 1909 and 1910. Mr. Lowenthal gleases over the reasons given by Attorney General Bonapurte during the various discussions on the necessity of an investigative arm for the Department of Justice. Actually, Congress cut off the borrowing of Secret Service men and the Department was left without any means of conducting necessary investigations. For example, in testifying on April 2, 1905, on the Appropriations Hill of 1909, Attorney General Bonsparte asked for an appropriation for the hiring of a small permanent force so that he could do away with the practice of using Secret Service agents, bank examiners and other personnel loaned to the Department for conducting inquiries. Mr. Bonaparte indicated that the system was not efficient; that it did not provide a mobile force and that some of the delicate cases had to be referred to men not permanently under the Department's control. There was an objection raised that such would constitute a "spy force" but the Attorney General assured the Committee that all he wanted was a small force to investigate crimes against the United States and to be able to better prepare and collect evidence for handling of such cases.

2. Page 3, line 6

The temper of the times was unfavorable to Mr. Bonaparte's proposal, in spite of the fact that the Treasury and Post Office Departments had long maintained special police forces. The grounds for opposition were expressed in Congressional debates, Committee hearings and in comment in the press.

One of the sources used by Mr. Lowenthal was Attorney General Bonaparte's testimony before the House Appropriations Committee on Appropriations in 1910. Mr. Bonaparte emplained very clearly that he had been forced to create since July 1, 1908, a special agent force because the Sundry Civil Appropriation Bill for May 27, 1908, prohibited his borrowing Secret Service agents to investigate crimes for the Department of Justice. He said very frequently that he had twice recommended such a force as an efficiency measure but that he felt he had to act without waiting for Congressional approval in face of the restriction placed on the Secret Service. Congressmen did express concern that such a force might go beyond its authority. Mr. Bonaparte explained his procedures and precautions to insure that he would be kept advised as to what investigators were doing and that the Agents would not engage in irregular practices.

Another source used by Mr. Lowenthal in substantiating this paragraph is the Byrd Report dealing with the investigation of the Executive Agencies of the Government (1937). It is noted that in this report Mr. Lowenthal overlooks a statement that on March 3, 1871, less than a year after the creation of the Department of Justice, Congress appropriated \$50,000 for the use of the Attorney General in the "detection and prosecution of crime against the United States."

In regard to the statements on the beginnings of the FEI made by Er. Lowenthal it should be noted that he does not come close to treating the subject with any degree of objectivity. It is true that Congress had refused the Attorney General's request, and as a retaliation against the Executive Branch of the Government cut off the use of Secret Service men by the Department of Justice. This retaliation grew out of the investigation of land fraud cases prior to 1908 which resulted in the conviction of Congressman John N. Williamson and Senator John H. Hitchell. Had the author been honest and pointed out the real facts prompting Attorney General Bonaparte to create the Bureau of Investigation by the consolidation of the investigative activities in the Department of Justice under the Chief Examiner, he would have been forced to come to a different conclusion. Instead of insinuating that Attorney General Bonaparte and the late Theodore Roosevelt acted illegitimately in creating the Bureau, he would have concluded that their action had ample precedent, was legal, and, in fact, was confirmed by Congress itself in the subsequent Appropriations Acts after Attorney General Bonaparte issued his order of July 26, 1900, which in effect created the Bureau of Investigation.

3. Page 3, line 21

Reporting for the Senate Appropriations Committee, Senator Hemenway of Indiana said, "It has never been the intention of any Congress to build up a spy system of that character."

The source for this statement reveals that it is a report of the Committee on Appropriations which was read into the Record at the request of Senator Hemenway. It was a report based on a Senate Resolution which was adopted December 16, 1908, directing the Committee to inquire as to whether the legislation, referred to in the message of the President having to do with the Secret Service, had impaired the efficiency or sufficiency of the force employed in the Secret Service. The Committee was also directed to determine if the Secret Service had been paid from the public treasury any monies from any other government department to be used in connection with investigations of violation of the law.

The President's message, referred to above, resulted from the Congressional move which prohibited the transfer of Secret Service men. In it the President stated that the action would be of benefit only to the criminal classes.

The Committee found from its examination of the statutes that it had been the intention of Congress since 1857 to limit the operations of Secret Service employees to protecting the person of the President and investigations dealing with counterfeiting and the like. The Committee also noted that in the land frauds case Secret Service employees were loaned to the Justice Department and were assigned to these cases.

The Committee also learned from the head of the Secret Service that he thought it would be desirable to give to the Attorney General a well-trained force which could be used for the purpose of gathering evidence in cases. The Committee felt it would be unwise to give the Secret Service authority to conduct all Government investigations, and furthermore it might result in conflict and friction between the various departments.

In conclusion the Committee also stated as follows: "It has never been the intention of any Congress to build up a spy system of that character. The Department of Justice, to which ultimately all prosecutions for violations of law must be referred, should have secret-service agents to enable that department to properly conduct such prosecutions. It has not appeared to your committee that there are any violations of federal laws that the Department of Justice has not authority

to investigate...except perhaps con infeiting. That department now has a secret service force of its ewn which will no doubt be increased as future needs demand it.

The details from this report have been set forth in view of the fact that they give an insight into the facts as they existed at the time -- an insight which Mr. Lowenthal does not give the reader.

4. Page 4, line 5

Congressman Smith of Iown warned that "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.

Mr. Lowenthal omits the Congressmen's statement which led up to this quotation. The Congressmen said that there was no limit whatsoever upon the power of any Department in the selection of its numerous special agents and inspectors which were authorised by law. But he went on to say: "I think we ought all to be able to agree that some detective force is necessary in the enforcement of the sriminal laws; and that on the other hand, in a free country, no general...."

5. Page 7, line 16

Congressman Michael Driscoll of New York, while attempting to relieve Congressional fears regarding the new detective force found himself embracing some of his opponents' own conclusions. Mr. Driscoll said: "I admit that a man who is a detective...cannot be a man of high moral ideals.... Of necessity they must and do live lives of deception...."

The quotations given by Mr. Lowenthal of the Congressman's remarks are correct, but certainly it is unfair to set forth in 1950 the concept of a detective as expressed in 1909. It is a complete denial of the fact that there has been any progress at all in the field of law enforcement. It is an implication that a man in law enforcement today cannot be a man of high moral ideals.

6. Page 8, line 18

Attorney General Bonaparte was disposed to be impatient with the whole discussion. It was his view that if Congressmen wanted to be practical, they would turn their minds to just one thing — what was the most effective way to detect criminals. Furthermore, he could see nothing offensive in Federal police surveillance over the innocent citizen and the innocent public man.

This is a warped interpretation of Mr. Bonaparte's full

testimony which he gave before the House Appropriations Committee on February 8 and 9, 1910. On one of the pages referred to by Mr. Lowenthal, Mr. Bonaparte says: "My own view is that the first end in the enforcement of laws is to punish people who break them. I believe that end is very imperfectly attained under our system of criminal law, and that a very large proportion of eriminals escape punishment. On still another page Mr. Bonaparte testified that innocent individuals should have no fear of an investigation and that an investigative force should be able to check on a person to see if he is doing his duty properly or see if his morals are causing scandal or disrepute on his agency. If Mr. Lowenthal had desired to be specific he could have quoted Mr. Bonaparte from one of the pages which he cites in his com sources. Mr. Bo naparte said, "I do not approve...of the use of a detective force either by the Government or by anybody else for the ascertainment of mere matters of scandal and gossip that could affect only a man's purely private life ...

7. Page 8, line 23

The Attorney General testified: "Anybody can shadow me as much as they please. They can watch my coming in and my going out. I do not care whether there is somebody standing at the corner and watching where I go or where I do not go."

Again Mr. Lowenthal refers to House Appropriations Committee hearings for 1910. In this same testimony, Mr. Bonaparte did make the statement quoted about not fearing surveillance, but immediately after it, he said, "Where I go or where I do not go, and so far as properly relates to the discharge of his public duties, any man in the employ of the Government ought to be free from any reason to be afraid of that."

CHAPTER TWO

SURVIVAL IN THE EARLY MONTHS

Pages 10 - 13

1. Page 10, lines 10 thru 22

The new detective force survived in spite of its unorthodox origin and its elequent Congressional opponents. President Theodore Roosevelt effectively tied the hands of its enemies by creating diversionary attacks upon them. Roosevelt charged that in preventing the use of the Treasury detectives by other government departments they were siding the criminals. Congress meticulously disapproved the President's charges by drawing from one Department head after mother the admission that criminals had not escaped because of the restriction on the use of Secret Service men.

Mr. Lowential relies upon numerous references in the Congressional Record and Hearings before Appropriations Consittees. He fails to give fair treatment to the entire problem. For example, he overlooks those portions of Attorney General Bonsparte's testimony in which the latter explained that he was not limited in authority in any way by not being able to use Secret Service wan but that he was embarrassed and restricted in having to go outside and hire men whom he could not rely on for confidential assignments.

2. Page 11, lines 5, 9

Various Congressional leaders were very much concerned over the creation of an investigative agency and questioned attorney General Bonaparte on what restrictions would be placed on the new investigative force. They wanted to know if the Attorney General would know at all times what the Bin were doing. They also wanted to be sure that none of his detectives wantered off into forbidden territory.

The only conclusion which can be reached is that Mr. Lowenthal brings out all of the testimony which was in opposition to the greation of the Bureau for the purpose of having the reader apply the Congressional discussion of those early days to the present-day Bureau. Perhaps he would like to have the reader wonder about the controls and restraints exercised ever present-day agent personnel.

3. Page 12, line 18

Chief Stanley W. Finch was chosen head of the new "police bureau" and he was confronted at once with the practical consideration that up to that time all criminal detection work, both local and Federal, had been handled by other agencies. The wast bulk of the policing was done then, as is done now, by tewn and city police forces below the Federal level.

As one of the sources used by Mr. Lowenthal to substantiate the fact that the vast bulk of law enforcement was below the Federal level, he turns to the introduction of the FEI law Enforcement Bulletin for March, 1950, in which Director Hoover expresses his thoughts on the subject of a national police force. If Mr. Lowenthal had cared to use this subject in its proper perspective he would also have pointed out that the Director condemned the concept of a national police force and pointed to the ability of local, county, state and Federal law enforcement authorities to cooperate together.

4. Page 12, line 25

What Federal work there was - for example, tracking down smugglers, counterfeiters, checking tax evaders and protecting the mails - was handled by the long-established Treasury, Post Office and other departmental forces. Ones Finch had what was left over.

In checking the sources used by Mr. Lowenthal it is noted that even in those early days there were many duties assigned to Special Agents of the Bureau. For example, according to the 1910 Annual Report of the Attorney General, national bank violations, antitrust matters, fraudulent bankruptcies and impersonation, to mention several, were covered. Mr. Lowenthal apparently wants to leave the impression that the FEI had nothing to do to start with and that it has, throughouts own activities in the field of legislation, created its own responsibilities.

5. Page 13, line 1

The big epportunity for increasing the Bureau's work was provided by the commerce clause of the Constitution. This clause empowered Congress to regulate commerce involving more than one state. The clause was interpreted to permit Federal jurisdiction over crimes associated with the crossing of state boundaries. Such offenses thus became subject to detection by the "Federal police."

Mr. Lowenthal in referring to the use of the "commerce clause" in the Constitution for the control of crime fails to give one reason for the need of such a concept. From one of his own sources he emits material which points out that crime was becoming less local in character, etc.

6. Page 13, line 10

Congress passed a number of laws which enabled the Bureau of Investigation to work on crimes in this ostegory (interstate matters). These laws forbade the interstate shipment of stolen goods, contraceptives, obscene books, and prisefight films, and the transportation of liquor into dry States.

It is, of sourse, true that Congress passed the laws mentioned by Mr. Lowenthal, but considered in the light of present-day concepts of crime, the conclusions to be drawn appear rather ludicrous. Mr. Lowenthal does not mention the fact that the law on prizefight films has been repealed and that all liquor matters were turned over to the Alcohol Tax Unit in May of 1934.

7. Page 13, line 14

Fut these were more odds and ends. In 1910, when the Bureau was two years old, Concress passed the Man. Act, which gave the Bureau of investigation its first big push toward an important place in the detective world.

The terminology used by Mr. Lowenthal in this last paragraph of this chapter is an illustration of the type of terminology which he employs throughout the book. The words "first big push" and "the detective world" were apparently deliberately chosen by the author to ridicule the FFI and do not indicate the writing of a "conservative lawyer."

CHAPTER THREE

THE MANN ACT -- THE FIRST BIG ASSIGNMENT

Pages 1h - 21

1. Page li, line 26

Congressman Adamson said: "If I understand the gentleman...this is not an effort to prevent prostitution, but to purify (interstate) commerce....

I am...opposed to the prostitution of governmental functions by interference...with...local authorities...."

The quote by Congressman Adamson is correct; however, in the same volume of the Congressional Record, Mr. Lowenthal could very easily have cited comments of Representative Sanders who described the bill as having a most "meritorious purpose" and stated that it rested upon the well-established power of Congress to regulate interstate and lorsign commerce. He said that Congress should exercise its power to break up the villainous interstate and international traific in innocent girls and women. "e added that the mere fact such traffic existed in any proportions was a blot on modern civilization. Mr. Sanders also stated that the purpose of the bill was not to displace the police power of the various states.

2. Page 15. line 6

The Mann Act became law; but no particular rederal detective unit was given responsibility for its enforcement. It was clear that this detective assignment might involve one of the most spectacular tasks in police history. Hr. Finch's Bureau took it.

To support this statement, Er. Lowenthal refers to the Annual Report of the Attorney General for 1910. The source which he cites is a factual statement dealing with the various investigations conducted by the Bureau. There is nothing at all to support the inference the author obviously intended that his readers draw.

3. Page 15, line 26

The chief (of the Bureau of Investigation), now adequately financed, prepared his plans. Those plans, and their faithful execution by his detectives, were a forerunner of the nationwide dragnet methods which the Fureau of Investigation found so useful in later years. His methods were discussed on one occasion when he asked for money. Vongressmen wanted to know how the Fureau learned in which cities to find the places it was looking for.

Mr. Stanley W. Finch testified in Pebruary of 1913 before the House Appropriations Committee as the Special Commissioner of White Slave Traffic. He said that he had worked out a plan for enforcing the statute. He noted that if he used regular Special Agents it would cost about one million dollars; therefore, he appointed local attorneys throughout the country at nominal sums for listing and checking local houses of prostitution on a voluntary basis. It is also noted that Mr. Finch had been taken out from under Mr. Bielaski and made Special Commissioner for the job, and expected to use some 160 officers at 1/10 the cost of using agents. Mr. Lowenthal inaccurately refers to Mr. Finch as chief.

4. Page 16, line 23

As a result of the plan worked out by Mr. Finch every "G-man" (as the Bureau's detectives are presently called) assigned by Bureau head-quarters to represent the Federal Coverment in any city was able to inspect all the employees in these places (houses of prostitution) personally and, thus, to know each "at sight and when a new face appears (even if the madam should fail to bring the matter to his attention) he would recognize the party."

Mr. Lowenthal is in error by saying every "G-man" could as a result of inspections recognize new faces. Mr. Finch's plan, according to the source cited by Mr. Lowenthal, contemplated the use of Agents of the Bureau of Investigation only to get the system moving. The local attorneys appointed in the communities were to do the inspections and checking to see about interstate prostitution traffic. Mr. Finch's force was to be separate from the Bureau.

5. Page 17, line 23

The stuff (noncommercial aspects) seemed to be about matters commercial, but inadvertently concealed the noncommercial. No one of the hasty legislative leaders stopped to consider what this new law actually covered. Few realized that as a result of this legislation the Federal police would be able to get into the business of arresting people for private immorality.

Mr. Lowenthal, as one source for this paragraph, quotes from the FBI Director's 1938 article, "Some Legal Aspects of Interstate Crime." An examination of the Director's analysis of the problem is completely different from the impression left by Mr. Lowenthal. Mr. Hoover's a ticle on this point reads as follows:

"Immediately after the passage of the act, considerable con-

trovercy arcse as to the facts which might be included within its wording. In the cases of Caminetti, Diggs, and Hays, the Supreme Court held that the transportation of a woman in interstate commerce for the purpose of becoming the concubine or mistress of the transporter is a violation of the act as interstate transportation of a woman for immoral purposes is what is prohibited by the act and pecuniary gain either as a motive for the transportation or as an attendant of its object is not an element in the offense defined.

"The pessibility that the reaction to the decision in the Caminetti case might amount to a nullification of the law through attempts to punish in Federal courts matters of a purely local police character was eliminated by the adoption of policies within the United States Department of Justice defining elements of aggravation which were considered sufficient to warrant investigations and prosecutions and the intention behind the White Slave Traffic Act of preventing and punishing the introduction of women to a life of commercial debauchery has been maintained."

6. Page 17, line 29

One of the first men to run into the noncommercial aspect of the law was Jack Johnson, America's heavyweight champion. He had induced a woman previously employed in this forbidden field (prostitution) to forsake it and to enter into a personal, noncommercial relationship. This enterprise involved a trip across a state border without benefit of clergy. Their marriage did not occur until later. Mr. Johnson was arrested by the Federal police under the terms of the new law and sentenced to prison.

The facts of the Johnson case are as follows: Johnson became heavyweight champion of the world July 4, 1910, when he defeated James J. Jeffries at Reno, Hevada. Thereafter he toured the United States, appearing in vaudeville. Johnson had a weakness for white prostitutes and usually had two or three of them with him during his travels. He married one of them, Etta Duryea, in 1910, but continued to include two others, Belle Schreiber and Australian Hattie, in his party. He treated these women brutally and beat them unmercifully when angry.

In 1912 he met an eighteen-year-old white girl named Lueille Cameron who was thereafter with him, frequently introduced as his "secretary." His wife, Ftta, committed suicide in Chicago, September 12, 1912, and his affairs with Cameron continued. In view of many public demands the Eureau of Investigation instituted

a White Slave investigation. Johnson learned of it and, fearful that it concerned his relations with Cameron, married her late in 1912. However, Johnson was indicted by a Federal Grand Jury in Chicago, April 30, 1913, for interstate transportation of Belle Schreiber for purposes of prostitution and personal immorality. He was found guilty May 13, 1913, and released on 515,000 bond pending appeal. On appeal the sentence was partially reversed, and a new trial was set for October 5, 1914. Johnson did not appear. He fled to France and later to Ouba, where he was defeated by Jess Willard April 5, 1915. Then his income dwindled, and on July 20, 1920, he surrendered at Tia Juana, Mexico. He was resentenced in Chicago, September 14, 1920, to serve a year and a day in Leavenworth Penitentiary and pay a fine of \$1,000. He was released July 9, 1921.

7. Page 18, line 15

Supreme Court Justice Oliver Wendell Holmes added to the detectives' difficulties, suggesting that talk about victims in such affairs was slavishness to an illusion.

This is the case of United States versus Holte which was decided by the Supreme Court on February 1, 1915. There wer two defendants, one a woman by the name of Holte, who had been indicted for conspiracy which caused the defendant to be transported from Illinois to Wisconsin for the purpose of prostitution. The District Court sustained a demurrer on the grounds that although the offense could not be committed without her, she was no party to it but only the victim. The Supreme Court reversed the decision of the "istrict Court, saying as follows: "So we think that it would be going too far to say that the defendant (Nolte) could not be guilty in this case We see equally little reason for not treating the preliminary agreement as a conspiracy that the law can reach, if we abandon the illusion that the woman always is the victim. The words of the statute punish the transportation of a woman for the purpose of prostitution even if she were the first to suggest the crime."

While the author did pick from the language of the decision words which seem to support the text, i. e. "added to the detectives" difficulties," actually the Supreme Court decided that the woman could be ruilty of conspiracy to violate the Mann Act and certainly the decision did not "add to the difficulties."

8. Page 18, line 17

Mr. Hoover's 1(3) treatise turned away such philosophic objections

(of Justice Holmes) by his willing-victim doctrine, to the effect that "in many instances the victims willingly consent."

An examination of the full text of the Director's article entitled, "Same Legal Aspects of Interstate Crime," puts an entirely different concept on the statement appearing in Mr. Lowenthal's book.

"It is true that the term 'white elave traffic' is at times misleading, as in many instances the victims willingly consent to the practices in which they are engaged. However, all too frequently they are led into the racket by lurid promises and kept there by threats. The methods of operation advocated by a ring of colored procurers of white women, operating between the Middle West and the Atlantic coast, were set forth in outline form. This outline was found by Special Agents at the time one of the procurers was taken into custody, and a portion of the outline entitled, 'A Pew Methods of Holding a Girl Captive' advocated that the victim be kept 'behind locked doors, second or third floors or basement or sub-basement,' by 'duress — force or clothing taken away; threats or act of injury, punishment, torture,' through the use of 'guards, preventing escape,'" etc.

9. Page 19, line 10

Mr. Hoover, writing in a criminological journal in 1933, told his expert readers that "the average case (Thite Slave) concerns usually one man and one woman or two men and two woman."

This statement appeared in an article by the Director in the Journal of Criminal Law and Criminology, Volume 24, page 480. The quoted portion is completely out of context. The balance of the paragraph reads, "In others, however, there have at times been investigated what are known as clearing houses or employment agencies for prostitutes which operate in an organized way."

The statement preceding Mr. Lowenthal's quote was: "In each case there are involved from two to 200 individuals."

10. Page 19, line 29; and page 20, line 3

The FBI found that many cases of those seized fell into the category described in the Faltimore press as local businessmen making visits at the time. These were prountly released. In Baltimore is seems that in the elaborate pre-raid parapheroulia an error had been made. The FEI had been wire tanning telephone conversations of members of the 'aryland State legislature. Evidently they thought that plans were being made to

transport some of the Baltimore prostitutes to entertain Federal legislators. This would have involved interstate travel and it would give the FBI an opportunity to intervene. As it turned out the so-called entertainment was intended for Maryland legislators at the state capital, thus involving no interstate transportation.

> To support this contention, Mr. Lowenthal relies exclusively upon Baltimore newspapers. There is no basis for his conclusions in the references cited. It was clearly explained in the newspaper accounts that the information regarding the Maryland Senator which was picked up during the FBI investigation was turned over to state authorities for prosecution under state laws. State authorities were working closely with Federal investigators during the whole investigation. There was no need for the FBI to use the State Legislature incident to "intervene." There was no error in "elaborate pre-raid paraphernalia" as Mr. Lowenthal states. The actual investigation by the Bureau in Baltimore was instituted in June of 1936. The investigation culminated in a series of raids in the middle of May, 1937, on ten houses of prostitution. Fifty-one persons were arrested. Thirty were held as defendants or material witnesses by the United States Commissioner and the remaining twenty-one were released after questioning. Thereafter during the investigation twenty-seven more defendants and material witnesses were taken into custody. Prosecution resulted in fifteen defendants being convicted by plea of guilty or by trial on White Slave Traffic Act charges.

With regard to the wire tapping, it is a fact that this was done by the PBI in view of the nature of the matter under investigation. The tap was on the disorderly house which the Maryland legislator called. Considerable evidence was secured by the PBI indicating violation of the State laws and the State's Attorney requested that the taps be disclosed before the State Grand Jury. Director Hoover vigorously opposed the granting of this request. Mr. Hoover pointed out that the United States Attorney had secured convictions in Federal Court without the use of information from the wire taps. The Assistant Attorney Ceneral, however, ruled that the information should be supplied to the State's Attorney and, accordingly, it was done. The evidence was used to prosecute successfully several persons who violated Maryland State laws. FBI Agents testified in the State trial.

11. Page 20, line 7

A bipartisan report of a Senate Committee in 1937 warned that preoccupation with vice, as distinguished from crime, may "become a corrupting influence" on the rederal police. The raids continued, however, with attendant publicity, until the winter of 1940, when the Bureau made a major assault on vice in Mismi at the height of the winter tourist season.

An examination of the source in this regard reflects that it is the Byrd Report which deals with the proposed transfer of the Bureau of Marcotice to the Bureau of Investigation. The following quotation from this report is far more enlighten ing than Hr. Lowenthal's implication that the Bureau, because of its White Slave activities, was subjected to a "corrupting influence": "Furthermore, it is generally agreed among students of law-enforcement that vice, as distinguished from srime, should not be put within the jurisdiction of a regular police department or other general law-enforcement agency. When such an agency is made responsible for the suppression of vice, its responsibilities in this connection are likely either to be neglected or to become a corrupting influence. On the whole, it may be expected that the Bureau of Investigation will develop most satisfactorily if it is kept free of narcotic control.

12. Page 20, line 20

Its work in the field of vice continues, however, even though in silence. But in recent years the results have been subjected to limitations imposed by lawyers in the Department of Justice who were impressed by Attorney General Mitchell's views. They agreed that the FBI's enforcement of the law in cases of personal immorality had forced the Federal Government into areas not properly its own. The Department's prosecutors told the detective force that they would no longer take to court every case in which the G-men made an arrest.

In connection with the statement, "The Department's prosecutors told the detective force that they would no longer take to Court every case in which the G-men made an arrest," Mr. Lowenthal has neglected to take into consideration the fact that the FBI makes no arrests except on the authority of the Department of Justice or its representatives.

13. Page 20, line 28

Besides its effect in greatly augmenting the business of the FBI, the Mann Act of 1910 has had an important effect on the dessier collection of the FBI. Distressed citizens from all over the country write in to give the detectives all kinds of information about the travels of strangers, acquaintences, relatives, or even themselves. Hundreds of thousands of such communications have found their way into the swelling permanent records of the Bureau, registering and perpetuating the names, the failings (alleged or real), and the private affairs of as many victime and victimizers.

One of the sources relied upon by Mr. Lowenthal to support this paragraph is the Director's article in the Journal of Criminal Law and Criminology which was previously mentioned in this chapter. In the article it is pointed out that many unfounded complaints had been filed which did not warrant investigation or prosecution.

The statements by Mr. Lowenthal are not an accurate conclusion to be drawn from Mr. Hoover's article. There is no indication that "hundreds of thousands of communications" had been received, although Bureau activity was increased. Here again Mr. Lowenthal mentions "dossier collection." By this line of reasoning he is trying to make the FBI files a "bugaboo" and a threat to civil liberties. He neglects to mention how frequently these same files have protected the innocent by disproving fulse allegations, information which was easily available to him either through published reports or which he could have secured direct from the FBI.

CHAPTER FOUR

THE BUREAT TAXLE UP WALL NORK

Pages 22 - 35

1. Page 23, line 12

The Justice Department police were invited to participate in various advisory boards. But when invited by the Post Office detectives, old hands at inspection of enemy seil, to sit on an advisory board, the Justice police spoke with self-deprecation; perhaps after all, there was "no use in littering up the board" with one of their men.

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A. Bruce Bielaski, Chief of the Bureau of Investigation, was testifying as to the war work done by his agency. He was asked specifically by one of the Representatives if his Department had any connection, directly or indirectly, with Post Office Department censors. Mr. Bielaski said that the Post Office had asked if the Department desired to have a representative on the Censorship Board but Mr. Bielaski said that there was no use "littering up the board" with a large number of representatives in that the Military Intelligence representative was covering the Bureau's interest in the matter. He said that it worked out as satisfactorily as if one of his own men were on the board. There was no self-deprecation at all.

2. Page 24, line 16

The Chief of the Bureau was pictured in terms of praise by one of his superiors as slaving day and night, though Senator Smoot of Utah commented that the other detective forces were doing the same. Day and night the G-men sat combing all the hundreds of thousands of stories sent them by alarmed citizens. The detectives found that most of their reading was nonsense.

Attorney General Thomas W. Gregory appeared before the Appropriations Committee on January 4, 1918, and urged that the salary of the chief of the Bureau be increased from £3500 to £4500. We pointed out that there had been a tremendous increase in the work being done by the Bureau of Investigation. and that it was necessary to process a thousand letters a day. The Attorney General went on to say, "Rine-tenths of it, after it is run down, turns out to be nonsense, but the other one-tenth is important...." The text fails to point out that a

mass of "nonsense" sometimes has to be scanned to pick out the matters of importance, particularly when one deals with the field of espionage and internal security.

3. Page 24, line 22

The Bureau was able to get some knowledge of the Covernment's wartime detective work by the other intelligence services at the weakly conferences of all these agencies conducted in the office of John Lord O'Brian, in charge of the Department of Justice's war work. By this means and with the help afforded by Mr. O'Brian's co-ordinating afforts, the Justice Department's police were enabled to participate to some extent in the general wartime activities of the Covernment.

Mr. Bielaski was testifying on January 9, 1919, before a subcommittee of the Senate Committee on the Judiciary. He testified that the Bureau of Investigation had the cooperation of the Navy Intelligence and the Army Intelligence. He also pointed out that the Military Intelligence agencies had their own particular fields and in addition they had a field that measure with the Eureau's. Mr. Bielaski said that a conference was held each week in 2r. O'brian's office in which the heads of the various intelligence services met to discuss matters, plan cooperation, and exchange information.

Mr. Longathal presents the matter by saying that through these meetings the "Justice Department's police" could participate to some extent in the general martime activities. He classifies the Bureau of Investigation as merely interlopers.

4. Page 24, line 33

A New Jersey newspaper, for example, described the activities of the Justice police in a raid at Trenton as something never before seen in hts police history.

The source in this particular matter was a newspaper olipping from the New Jersay State Gazette. It described the raids as being carried out under instructions of the Nar Department, under the direction of the draft boards and as being headed by the Director of Public Safety. According to the article, the police and home guards actually did the rounding up.

5. Page 25, line 2

The raids depended in considerable part on the factor of surprise. Thus, when Atlantic City slackers were to be gathered into the Buroau's net, its

motorised column was liddo. miles away from the target, so that mone of the inhabitants of Atlantic City know of the police operation until the great army of raidors' cars reserts up to all the piers of test pleasure reserts.

This is a story of raids of Atlantic City Piers, made by Justice agents, American Protective League and the local police. The mayor of Atlantic City helped in the plans. Notices had previously been posted about the city warning the rem to have their proper draft cards in their possession at all times.

AND THE PROPERTY OF PERSONS ASSESSED.

6. Page 25, line 15

Local headquarters of the Bureau of Investigation ran 24 hours a day to direct and push the slacker raid "assaults."

The source of this article is the Chicago Daily Tribune for July 13, 1915. It states that the local office of the Bureau of Investigation was kept open to process the men picked up. It also polited out that the draft loands were kept open so that the status of the man could be varified as quickly as possible. The item also included a statement to the effect that men were not held any longer than absolutely necessary. Fr. temporals order that statement from his book.

7. Page 30, 1: 0 3

Thus, when the Durosu's agents stop od a dance in Minnespolis, and lined the suspected draft despors along one wall, their partners up against the opposite wall, with the G-zen in the middle, the women became hypterical.

One of the secrees used for this article is the Min.eaptlise Tribuns for April 7, 1918. Be mention is made of the Bureau of investigation and the story reflects that the raid was conducted by the Minnesota Hama Guard.

8. Page 30, line 7

Other troubles stalked the O-mon. One episode meanly ended in disaster; a woman at an Atlantic City pier, apparently misconstruing the purpose of the O-mon's assault, was frightened and almost dromed. All the agents were busy excepting, and all available males were being arrested, but from some where some male turned up with unmanacled hands to event the possible tragedy.

The newspaper source reflects that during the excitoment caused by the raids on Steele Pier, a worse bather was suept far out beyond the breaker line. Two guards named Supplies and Farmicus, attired in their civilian clethes, manned a best and reserve baresites a hand struggle.

It is noted in this chapter that ir, lowenthal devotes the rajority of the space to the so-called slacker raids. Through the liberal use of the term "G-men" he creetes the impression that the PBI of today and the old Bureau of Investigation of World War I are very similar.

Director Roover has an numerous occasions expressed his apposition to the tactics used in connection with the slacker raids in World War I. To cite just one example, in a press release of the Department of Justice in May, 1943, the following is noted: "Despite the large number of arrests, Director J. Edgar Roover exphasized that the tactics of the mass raids or dragnet have not been employed. He said that each arrest resulted from careful and painstaking investigation by the FEI to locate an individual who was delinquent with his draft board. In the majority of cases the violation consisted of failure to report for physical examination and induction," etc.

CHAPTER FIVE

INVESTIGATION OF OPINIONS

Pages 36 - 47

1. Page 36, line 6

The Bureau of Investigation's inquiry into the political epinions and affiliation of citisens came to light in December, 1918, as an indirect consequence of a political quarrel between ex-Congressman A. Mitchell Palmer and Senator Penrose, of Pennsylvania. Palmer accused Penrose of being a tool of the brewers in their anti-prohibition propaganda. Palmer added the charge that American brewers were pro-German and unpatrictic. The "dry" element in the Senate pushed through a resolution to investigate both charges, and turned to A. Bruce Bielaski, wartime 'hief of the Bureau and others in the Bureau, who revealed the Bureau was already cataloging all kinds of persons they suspected of being pro-German.

Senate Resolution 307 authorized the Committee on the Judiciary to call on Palmer, Alien Custodian of the Department of Justice, to produce evidence of his charges. The charges were that 12 or 15 German brewers, in connection with the United States Brewing Association, had raised money to purchase a large city newspaper to print articles favorable to the German view — propaganda.

The record of proceedings reflects that A. Brace Bielaski testified that the Bureau of Investigation by an appropriation effective July 1, 1916, received the necessary funds to investigate matters of interest to the State Department upon the request of that Department and with the approval of the Attorney General. Hr. Bielaski further testified as to the various individuals connected with German propaganda in the United States.

2. Page 36, line 23

Among the Bureau of Investigation's suspects were persons from all walks of American life: Senators, other important officials, (e.g., William Jennings Bryan, President Wilson's first Secretary of State, and Judge John F. Hylan, soon to become mayor of New York City), and many persons and organisations not connected with the Government (e.g., William Randolph Hearst, his International News Service and various newspapers, his New York American and Chicago Tribune); Americans agitating for Irish independence (including editors of the American Catholic Weekly and the Freeman's Journal); some of the foremost men in academic life; political leaders such as Roger

Sullivan of Chicago; and men of prominence in the financial and business world.

Among the material turned over to the committee by Mr. Bielaski was a letter dated July 22, 1915, from the German Comeul at Chicago to someone addressed as "Your Excellency." The letter gave information concerning a German movement in the United States, to stop the export of arms and ammunition, known as the Embargo Conference. This letter reflected that Senator Mitchoock, Congressman Buchanan and others agreed to cooperate with plans of the Embargo Conference. It would appear that the only inference that the Senators were pre-German would have to be drawn indirectly. The Senators were interested in fighting any embargo of products produced by their constituents and were not even aware of the existence or nature of the Conference.

Mr. William Jennings Bryan, according to the record of the hearings, was a pacifist and as a pacifist was a target as were all pacifist supporters of the German diplomatic corps' efforts to establish a daily paper in New York to present the German view. The paper was to be sponsored by well-known Americans free of the German label. Judge John F. Hylun was listed among the sponsors.

Mr. Bielaski also gave the committee a list of names found among the papers of Dr. K. A. Pushr, Financial Manager of the German Information Bureau, New York City, labeled "Important List of Names." William Randolph Hearst's name appeared on the list as well as the former Federal Judge Peter S. Grossoup, Chicago, Illinois.

Mr. Bielaski testified that James K. McGuire, owner of several papers among which was the Mational Catholic, was organiser of the Irish Press and Hews Service for which the Germans put up the money. The names of the Reverend Father Thisrney, American Catholic Weekly, and Robert I. Ford, the Presman's Journal, were on the list which, according to Bielaski, "contains many names which are familiar to us as having been active in favor of Germany."

Mr. Bielaski put a letter in the record dated July 20, 1916, from the German Consul at Chicago, to his superior in which it was stated, "We have assured ourselves of the cooperation of the local Democratic boss, Roger C. Sullivan."

ir. Fielaski also made available a list of various financial institutions with which the German Falassy did business.

It would appear that these financial arrangements were made before the United States was in war and the basis for these financiers being under suspicion is very remote. The testimony referred to one company driving a hard bargain with the Germans.

3. Page 37, line 6.

The Bureau was promptly criticised for inacouracy and for drawing wrong conclusions even when it had its facts right. The criticism was aired in the press, in the committee hearings and in Congress.

The testimony reflects various Senators explaining their embarge stand, but are critical of their names being used by the Germans. Other individuals issued statements to the press and to the semmittee explaining how their names happened to be in the German official files. Others protested being listed on the list submitted by Colonel Archibald E. Stevenson, of Military Intelligence, called, "Who's Who in Pacifism and Radicalism."

It appears from an examination of the testimony record that the great bulk of criticism concerned the testimony of Er. Stevenson which resulted in a statement by Secretary of War Baker that Stevenson was not employed by MID of the War Department; however, the New York Times on January 27, 1919, commented that according to their source, Stevenson was connected with MID in New York and Daker abolished the office after Stevenson testified.

Mr. Bielaski was criticised for putting into the hearings names and unverified information such as the exhibits of German papers, and the committee was criticised for giving these names and testimony publicity.

4. Page 87, line 11

Others condemned by the Bureau had powerful friends who could secure for them the privilege of a hearing.

It would appear from the record of testimony that the words "condemned by the Burcau" are inspt. These individuals were mentioned because of their associations as reflected by German documents and organisational membership lists.

Senator Hitchcock stated, "I have no disposition to criticise Mr. Bielaski for revealing all the secret correspondence of these German agents and conspirators with each other. It is evident, however, that they, in correspondence with each other, have used the names of a number of public men recklessly if not falsely."

5. Page 37, line 21

Counter-attacks directed against the Eureau's performance by prominent persons made it possible also for others on its lists to defend themselves at the Senate Committee's public hearings.

The record of the testimony reflects that the committee members asked Major Edwin L. Humes, who had been detailed by the Secretary of War to aid the committee, to evaluate the letters with a view of placing them in the record. It would appear that the committee used its own judgement in allowing individuals to appear.

6. Page 40, line 7

Mr. Alfred L. Becker, Deputy Attorney General of New York State, had conducted investigations into pro-Germanism for the Federal detective Bureau at its request, serving as its undisclosed arm, and enabling the Bureau to remain in the background when it did not wish to show its hand.

According to the testimony appearing on page 1656 of the record of the hearing, Mr. Becker, acting for the Prench Covernment, developed facts with respect to about \$1,700,000 or \$1,800,000 being paid to Belo Pasha to get control of a paper for the purposes of the German Government. In connection with that investigation, it was necessary for Mr. Becker to examine a large amount of papers of Hugo Schmidt. Mr. Becker secured a very intimate knowledge of these papers, and on the request of the Justice Department continued his examination of them and made other inquiries for the Department. Me had the advantage of proceeding under a statute of New York which permitted him to call in and examine people under cath.

7. Page 41, line 22

When Senator Reed requested that the Deputy Attorney General furnish the names of the informants on whose evidence he had based his testimony, the Deputy Attorney General said he would never disclose the names of his investigators.

The text fails to explain that New York had a state law which prohibited such disclosures.

8. Page 44, line 27

The Eureau was accused of making the hearings "a medium of public pillorying."

Actually the charge was not made against the Bureau but against the committee.

CHAPTER SIX

INVESTIGATION OF OPINIONS CONTINUED

Pages 48 - 66

1. Page 43, Line 10

The new postwar theme - peacetime redicalism - made its debut before
the Senate Senattee on January 9, 1919. The witness was Bureau Chief
Rielaski, making his final appearance before taking up his new post
has a corporation executive. Chief Rielaski, as his concluding contribution, called attention to "radical" anti-militaristic organisations which
were trying to amalgamate, he said, on the model of the Russian Soviet
Councils.

The text infers that Rielaski was talking about a posture group. Actually the groups he referred to terminated long before. "You see," he explained, "those organisations were active particularly from the first of 1917 on until August and September and October; I should may in August, 1917, those things probably reached their height and were gone—ancient history shortly afterwards." In another part of his testimony he stated, "They did not amalgamate at all."

This testimony by Mr. Rielaski was dited in the text to show why the Bureau of Investigation's budget was not out, as had been contemplated, after the Armistice on Rovember 11, 1918. It leaves the impression that Hielaski sounded a warning about postwar radicals which was taken up by a Senate Committee and as a result the Bureau of Investigation continued to grow and expand in the anti-radical field.

2. Page 49, line 7

A solution of this difficulty (whether Senator Overman's Committee could investigate radicalism instead of the brownes) was offered by Archibald h. Stevenson, a New York lawyer, who had become an agent of the Bureau of Investigation. Mr. Stevenson's job at the Bureau was to investigate the opinions and beliefs of individuals and organizations.

itr. Stevenson, according to his testimony to the Committee, explained: "I became chairman of the committee of aliens of the Hayor's Committee of Mational Defense of New York, under Mayor Witchell, and that committee established the first translation bureau of the foreign - language press. I continued in that position until the first of January, 1918, and then became a

Special Agent in the Department of Justice, Bureau of Investigation, to study propaganda there, and later I became connected with the Military Intelligence." It appears from the text that Mr. Stevenson was testifying as an agent of the Bureau of Investigation, while he stated plainly in the testimony on which the text was based that he was connected with Military Intelligence. It is also noted in the New York Times, January 23, 1919 - page 4, one of the sources used by the author for other statements in this chapter, that in a news article captioned, "ITM Caining Here, Senators Are Told," Mr. Stevenson who had testified before the committee on January 22, 1919 was identified as "of Military Intelligence Service."

3. Page 49, line 20

In the course of Wr. Stevenson's three days of testimony the spotlight was turned exclusively on "individuals and groups who were interested in or favored political and economic change."

These groups were described in the testimony as Bolsheviks.

4. Pare 49, line 32

Somehow, within ten weeks following the Armistice, redicalism second to have come back in full and growing strength, so that in January, 1919, it had become so he (Stevenson) testified, "the gravest menace to the country today."

It would appear in the text that Mr. Stevenson was making a general statement regarding redicalism as "the gravest menace to the country today." Actually, as it appears in the record of testimony, Mr. Stevenson was talking about the Rand School of Social Sciences, publishers of such works as the "Letters of Lenin," etc. He stated that this propaganda was "the gravest menace to the country today."

5. Page 50, Line 5

Mr. Stevenson in giving examples of radical groups and individuals agitating on the subjects of war and peace and underwining what the American Army had accomplished on the battlefield, condenned the secretary of the Church Peace Union for polling the clargy on conscription and conscientious objection and for permitting the results of the poll to be made public.

The record of testimony reflects Mr. Stevenson's statement as: "The Church Peace Union, which is an organization founded by Andrew Carnegie, and, I believe, a very conservative and excellent organization, was used by its secretary to

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gather information for the use of the Bational Civil Liberties Bureau on the question of pacifism and the question of conscription; in other words, the secretary issued letters to the pastors and rectors and elergy asking them to express their opinions on the question of conscription and conscientious objection; and the results of the canvass were turned over for the use of the National Civil Liberties Bureau in their propaganda literature." Mr. Stevenson had previously testified that the National Civil Liberties Bureau agitated against the Conscription Act before and after it became law.

6. Page 52, Line 15

The propaganda expert (Ur. Stevenson) told of National Civil Miberties Pureau," raided by his detective associates."

At the time of his testimony Mr. Stevenson had no associates in the Bureau of Investigation; he was a representative of Military Intelligence.

7. Page 53, line 13

In the opinion of some members of the Committee, an opinion shared by the Rureau of Investigation expert, the worst of the native-born redicals were at the Universities.

> Here again the identity of Mr. Stevenson is misstated. Also there was nothing in the sources cited by the author for his statement that "the worst" were at the Universities. This appears to be the author's own evaluation.

8. Page 54, line 10

To demonstrate whether John Reed was radical the text attributes the following quotation:

"... I am just told that there is an order from the police that we are not to criticise at this meeting the United States Covernment or the Allies... I claim the right to criticise the Government as much as I please... It is not a democratic enough government for me.... In New York City free speech is suppressed, socialists are not allowed to meet,...periodicals are barred from the mails, and all the evidences of Prussianism appear.... Now, the war is ended, but a new war is begun,... war between two ideas for the first time in history.... On one side is private property and nationalism, and on the other side is property for the people and internationalism."

It is noted that the source pages of ted for these statements by Mr. Reed reflect other statements by Reed, such as: "Most this war, which is supposed to have been finished by now, was supposed to be a conflict between two ideals, democracy and subcoracy. What is finished, occardes, and where in hell is democracy? Now in Hew York City froe speech is suppressed, socialists are not allowed to meet, the red flag is berned. I want a more democratio government. I consider the Soviet Government of Russia, a more democratio government. I consider the present than our can government, and colored while the present than our can government, and colored.

We Heed also made sontion of his own arrost and indictment a few months previous for criticating the intervention of the allies in Bussia. He included in his speech statements of wordn and incldents of the Bolsberik revolution in Bussia exphasising the struggle of the working class against the emphasising socialist party of Russia and others as anti-prosteing socialist party of Russia and others as anti-Bolsberik forces. Bussia

The text also neglected to point out that Wr. Reed fied in Russia while attending the Third International and lies buried today just outside the Kremlin walls, a Communist hero.

. Page 57, line 31

Accept the witnesses testilying before the Constitues on conditions in Russia was a Congregational electyman, Albert Rhys Williams, who had been arroneously described by Mr. Stevenson as one of "several sycmed agants of the Rolebsvild Covernment here." Mr. Williams criticised action taken by the Covernment under the wartise sedition law.

ir. Williams made a speech at the New Star Casino in New York on November 7, 1918 at which time he was introduced by the Chairman as "Commede" Williams and began his speech by addressing the sudience as "Commedee" in November, 1918, he spoke at a meeting of the Russian Remode of the Socialist Party in Rew York City and was introduced as the Representative of the Russian Soviet Hapublio. At a meeting hald under the susjices of the Woman's International League, November 26, 1918, in New York he spoke on Russia and sand among other things, "I do not want to occurre the people who are already converted. I want to occurr the pople who are already converted. I want to occurr the some of the plain elothesses and some of the reporters and I know this ... there is not a sen in this room and there is not a soldier outside there is not a sen in this room and there is not a soldier outside there they have done in the first the truth about the Polshevikis and what they have done in the stat that he would not any out, "Long live the Polshevikid!"

It is noted that Mr. Williams testified before the Committee that he had left the church about three years prior to his testimony.

10. Page 60, line lh

The Committee learned that mistakes had grept into the experts' (Hr. Stevenson and apparently Chief Bielaski, of the Bureau of Investigation) list.

It is to be noted that the source material reflects that this list had been found among the papers of Dr. K. A. Feehr, German propaganda agent, under the heading of an "Important List of Names."

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11. Page 61, line 6

Blanket condemnation of the practice of classifying opinions as dangerous and of the specific lists publicised at the Conmittee hearings and in the press was made by Secretary of War Hewton D. Baker, who denied that Mr. Stevenson was an employee or officer of the War Department.

The January 28, 1919, issue of the New York Times, which was sited by the author as the source for Mr. Baker's statement, also reflected that according to its sources, Mr. Stevenson, a former Bureau of Investigation agent under Bielaski, had no doubt been identified with a special bureau in New York of the Military Intelligence Branch and served without pay for patriotic motives. Baker allegedly issued an order elosing that bureau after Stevenson testified before the Senate Committee.

12. Page 61, lime 17

Paul U. Kellegg, Editor of "The Survey" Nagasine, suggested that the attempt to classify persons for their views under labels was an impossible task, bound to lead to untruth. Hr. Stevenson's list, the editor said in a public protest, "is about as intelligent as it would be to take Brighem Toung, Cardinal Gibbons, Robert O. Ingersoll and Billy Sunday and bring them together as advocates of religion." He added: "There is only one type of mind that could seemit that blunder, and that the mind of the extreme reactionary who denies that this was a war for democracy, and is afraid that democracy will some out of it."

It is noted that the New York Times for January 26, 1919, page 8, reflects that Paul U. Kellogg, sent a telegram to Secretary of War Newton D. Baker, in which he said:

"In the name of common sense, fair play, and a decent regard

for the public service to our common country of seme of truest, most farscelln, and courageous citizens our generation has produced, let as urge you to repudiate that indiscriminate, brutally unjust, fool-in-the-head list of Americans put under the ban by the kilitary Intelligence Division of the United States har Department at the Semate hearing yesterday..."

CHAPTER SEVEN

THE BOMB PLOTS

Pages 67 - 79

1. Page 68, line 3

Insistence on the part of the Bureau of Investigation that the IWW had set the Chicago bomb in revenge for the conviction of its leaders, seemed to be based on inside knowledge of the confidential affairs of this organisation. The Bureau had captured many IWW secrets, including plans and membership lists by raiding the premises of local branches.

One of the sources relied upon by Mr. Lowenthal for this statement is the New York Times for September 6, 1917. This news item reflected that the seisure of documents from IWW headquarters was carried out under a plan perfected by William C. Fitts, Assistant Attorney General, working under the direction of the Attorney General. The seisure was made in connection with the Federal Grand Jury investigation of the IWW at Chicago, Illinois. The item pointed out that among the papere seized was a plot for cabotage. The same item stated that the IWW was active in the West, instigating strikes in critical industry and had attempted to destroy grain fields. "A favorite device was to throw phosphorus balls from railread trains which ignite wheat fields." Though he used this source, Mr. Lowenthal omits this from his account of the material taken in connection with the IWW.

2. Page 68, line 12

Following the 1919 bomb outrages the task of detection was divided between Post Office Department and Justice Department agents. The Post Office men were to find the bombs while the Justice agents were to find the bombers. The Post Office inspectors were able to intercept most of the bombs so that few did any harm.

In support of this statement Mr. Lowenthal cites the testimony of Attorney General Palmer which presents a somewhat different picture. Mr. Palmer testified that the matter in question was primarily a violation of the postal laws and that the direction of the investigation was left in the hands of Post Office inspectors. He said that the Bureau of Investigation made no definite attempt to investigate these outrages but investigated only those features requested by the Post Office inspectors and local authorities. The Bureau, according to Mr. Palmer, also furnished information coming to its attention to other agencies when such information might have a bearing on the case.

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3. Page 69, line 3

A further difficulty arose in that some of the bombs were sent to minor businessmen and to relatively minor local officeholders, while most of the top government officials whose death would have been of particular importance to revolutionaries were not included among the potential victime.

Here again Mr. Lowenthal could have named names, but he resorted to generalisations. It is most difficult indeed to pick the "minor businessmen." There were 29 intended victims of the May plots and 9 places involved in the June explosions. Thus of the total of 38, there were two bombs in a church and all but five of the remaining victims were city, state or Federal efficials. Who were the five "minor businessmen" who are left? One was J. P. Morgan and another was John D. Bockefeller. William M. Wood of Boston, President of the American Woolen Co-pany, was a third. Max Gold, Paterson, New Jersey, silk manufacturer, and Frederick Bullmers, editor of the Daily News of Jackson, Mississippi, completed the list.

Among the "relatively minor local efficiences" were the Mayors of several cities, state judges, etc. There were only 30 intended victims and Mr. Lowenthal implies most of these were "small fry." There were three Cabinet officers, one Supreme Court Justice, four members of the Senate, two members of the House, one United States District Judge and two Covernors.

It would seem that the victims included several in rather responsible posts. It should be noted too that of the five who were not public officials, Mr. Wood and Mr. Gold had been having labor troubles at their plants.

4. Page 71, line 28

Detection of the 1918 bombing crime was at first in the hands of A. Bruce Bielaski, wartime Chief of the Bureau; he was succeeded in 1919 by Chief William J. Flynn, and in 1921 by William J. Burns. When the Bureau's anti-radical Division was created on August 1, 1919, and J. Edgar Hoover became its first Division Chief, Mr. Hoover also assumed responsibility for finding the radicals believed to have set off the bombs. His responsibility continued after 1921, when he became Assistant Bureau Chief.

In 1919 Mr. Hoover was a Special Assistant to the Attorney General who acted in an administrative capacity only.

5. Page 72, line 2

Every time the top personnel changed the new chiefs insisted that the techniques for discovering criminals were vastly improved. The "new Flynn management of the detective Bureau" said it was up against the necessity...of reorganising that Bureau, and lifting it to a higher point of efficiency.

As a source for this statement, Mr. Loventhal goes to the testimony of Francis P. Carvan before the Appropriations Committee relative to funds for the Department of Justice and for the detection and prosecution of crimes. Mr. Garvan explained that he was asking for an increase in funds "because of the condition which prevails throughout the country with reference to anarchism and bolshevism, and the necessity which has come upon the Department of reorganizing that Bureau and lifting it to a higher point of efficiency." He also said he needed funds because of the loss of the American Security League and also the help which the Bureau received from the Military Intelligence and Maval Intelligence during the war. Mr. Carvan also explained that he felt that the Russian Bolsheviks were sending as much money into the United States a month as he wanted to spend for the year. He noted that the only protection the American people had against bomb throwers and anarchists was the investigative branch of the Department of Justice. Mr. Lowenthal does not include this pertinent background information.

6. Page 73, line 1

Considerable space is devoted to recounting the case of Andrea Salsedo, an Italian immigrant printer, who committed suicide by jumping from the Bureau of Investigation headquarters in New York City. The account given states that Mr. Salsedo was held incommunicado for eight weeks during which time he was questioned by Agents of the Bureau of Investigation regarding various bomb plots.

It is submitted that the account given by Mr. Lowenthal is not a complete or true picture of the Salsedo a: fair. Salsedo was a member of the Galliani group which was suspected of being involved in the bomb plots. He worked in a printing plant where it was thought the publication "Plain Words" was printed. This circular was found at the scenes of the June bomb plots. Arrangements were made for Salsedo not to be questioned except in the presence of his attorney. He saw his attorney on a daily basis and it can hardly be said he was held incommunicado.

7. Page 74, line 29

In addition to the Salsedo affair, there was the one dealing with one Roberto Elia who was suspected of possessing clues to the bomb plots. He was also held at the office of the Bureau of Investigation in New York City and his presence there was revealed to the press at the time of Salsedo's suicide.

An examination of the sources referred to by Mr. Lowenthal reflects that Elia was publishing anarchist literature in New York City. Agents and police went to his room and found he had a revolver which was a violation of the Sullivan Act. Police arrested him after an agreement with the agents in view of the fact there was no Federal warrant. The judge suspended sentence under the Sullivan Act when told that Elia might have information of value to the Government. Elia them went to the Bureau office and was given comfortable quarters. It was agreed that Elia would remain at the Bureau office and with his presence there being known only to his family and his attorney. The attorney was present at each interview. Elia schmitted that he had long been an anarchist.

While the quotations of Mr. Lowenthal on this point are accurate, he leaves out sufficient data so that the readir is left without a complete picture of all the circumstances.

CHAPTER EIGHT

THE O'NERAL INTELLIGENCE DIVISION

Pages 83 - 92 11 11 11 11

1. Page 83, line 1, and page 84, lines 25, 36

The Bureau of Investigation created its new Division for the War against radicalism on August 1, 1919. Coincident with the creation of the new Division, the Bureau selected J. Edgar Hoover as Division chief. He called it an intelligence force, in substitution for the names with which it started — "Badical Division" and "Anti-Redical Division." Mr. Hoover avoided one action of the War and Navy Intelligence Agencies; their scope had been narrowed by the qualifying prafixes in their titles. He named his force the General Intelligence Division — OID.

Mr. Hoover entered the Department of Justice July 26, 1917, and became an Attorney in the special division on Mational Security and Defense. By 1919, when war security work declined, he had become one of four Special Assistants to the Attorney General charged with Departmental administration of matters relating to the Bureau of Investigation. He bloame an Assistant Lirector in the Bureau in 1921 and Director in 1924.

As a Special Assistant to the Attorney General, Mr. Hoover's activities were purely administrative in nature. I was not engaged in operational activities. The Special Agents were not under Mr. Hoover's supervision and he had no right to give orders to them. The various reports on radical activities prepared by Bureau Agents were reviewed by the Division under Mr. Hoover. In other words, his work consisted of preparing legal briefs, correlating the evidence in the deportation cases and related duties.

2. Page 86, line 32, and page 87, line 19

Since investigating agents would receive information of all sorts from sources of varying reliability, the question arose as to what kind of data

should be reported to headquarters. The Bureau decided that everything received by agents and informers should be reported, but warned that there was a difference between what GID would accept for its persanent dossiers and what would be evidence in court proceedings.

Mr. Lowenthal, as a lawyer, should be able to realize that there is an essential difference between information used as legal evidence and that which might be used for investigative leads and identifications in intelligence cases. He tries, however, to leave the impression that while the Bureau knew this information would not be legal in court, it was willing nevertheless to use it to condemn radicals for its own purposes. Actually, the instructions to agents were that, while they should report everything, rumor and hearsay were not proof, and they should trace every piece of information to its source, securing affidavits and corroborating witnesses whenever possible. This was to insure that legal proof was obtained if possible.

3. Page 88, line 17

In the search for radical literature, the Bureau had men join radical organizations, attend radical meetings and bring back whatever they could lay their hands on. Raiding agents were directed to find places where specially valuable literature might be guarded against possible burglary; they were to ransack desks, to tap ocilings and walls; carpets and mattresses had to be ripped up, and safes opened; everything "hanging on the walls should be gathered up" — so the official instructions to the detectives read.

The instructions Mr. Lowenthal referred to were for assistance of agents in searches incident to the arrest of alien Communists for deportation. The purpose was to secure evidence as to the revolutionary teachings involved, not merely to collect literature. Furthermore, the author has so worded the paragraph as to imply that agents were instructed to burglarize hiding places of literature and rip up carpets and mattresses during searches. Ho such instructions were issued.

4. Page 89, line 19

Senator Wheeler estimated later that sometimes private detectives for antilabor employers constituted as much as seventy-five percent of the total attendance at radical meetings.

Mr. Lowenthal supports this with a question asked of Gaston B. Heans on May 29, 1924 when Means was testifying that "Reds" in New York did not amount to much. Senator Wheeler said:

"About seventy-five per cent of them were either Burns or Pickering detectives, weren't they?" There is no evidence the statement was anything more than conjecture. (Undoubtedly "Pickering" was intended to be Pinkerton.)

5. Page 90, lines 11, 20

Another of the big projects instituted by Mr. Hoover was the enumeration and recording of every radical in the United States. There was set up, in effect, a census of every person and group, believed by his detectives to hold dangerous ideas. Mr. Hoover had once been employed in the Library of Congress where he had become familiar with its immense card-indexing system. As chief of the anti-radical Division in 1919, the first piece of equipment he installed was a similar card index.

The Special Agents were not "his detectives." As a Special Assistant to the Attorney General, kr. Hover's duties were purely administrative. He had no control ever the "detectives" and did not issue orders to them.

6. Page 90, line 37

The GID assured Congress that man hoover had a group of experts "especially trained for the purpose" of handling the radical index.

No mention was made of Mr. Hoover in this connection in the sources.

7. Page 91, lines 11, 13

In 1923 the Bureau took over the Bureau of Identification and its 750,000 - name index of criminals. Whether the two indices were merged or kept separate has not been announced. Hence, when kr. Hoover stated in 1926 that his Bureau's index contained 1,500,000 names, it is not clear whether this was the total for both indices or for only one.

It is abundantly clear in all the sources Mr. Lowenthal cites for this passage that Mr. Hoover was discussing the index of the identification Division when he mentioned the fagure 1,500,000 names. It is no secret what the index to the FLT fingerprint identification files is completely separate from the general indices of the Bureau. This has been almost necessarily so in recent years, inasmuch as if neerprint identification remainder of P. I neadquarters. The method is so obvious that it can only be inferred that the author index to con use the issue.

8. Page 91, line 22

Ar. Hoover directed his bivision to write biographies of the more important radicals. Eithin 3, months after founding of GID, its biographical writers had written "a more or less complete history of over 60,000 radically inclined individuals." Included were biographies of authors, publishers and editors connected with the ultra-radical movement, how this feat was accomplished in so short a time has never been answered.

The answer is that no one ever said 60,000 biographies were written in 32 months. An examination of the sources cited reflects that biographies were prepared on only a portion of the radicals, many of them authors, publishers and editors of revolutionary literatures. The ascembling of a more or less complete history of 60,000 radically inclined individuals merely referred to information gathered by investigations and filed, relating to these persons. No actual biographies are indicated.

9. Page 92, line 23

As a result of all its work on radicalism, GIP was able to do a job for selected officers of the Covernment of the United States that, in the words of the detectives, "enabled the Covernment to study the situation from a more intelligent and broader viewpoint."

.r. Loventhal omitted a very pertinent part of the quotation, which indicates that "...the collection of information has enabled this department not only to achieve results in the more practical application of the Federal statutes to the unlawful activities of the ultra-radicals in the United States," but had also "enabled the Government to study the situation from a more intelligent and broader viewpoint." The major objective, to detect and prosecute crimes against the United States, is ignored by Mr. Lowenthal.

CHAPTER NINE

THE OID AND THE DAN

Pages 93 - 102

1. Page 93, line 25

The historical section of Mr. Hoover's Division described the beginning of the IWW among transient laborers. After a description of "the hard and dirty work" they did in all sorts of industries, the GID account said they were in jail frequently. This foundation, according to GID, was a mixture of fanatic elements varying from socialist to syndicalist. The federal police report described the ability of IWW leaders.

Hr. Lowenthal says the report described hard and dirty work INT recruits did in all sorts of industries. Actually, the report mentioned that "they did the hard and dirty work upon ships and wharves." Mr. Lowenthal has used his favorite tactic of making deletions from a specific statement so he can use it as a generality.

2. Page 94, line 20

Among the IWW publications GID experts described as most incendiary and revolutionary was "IWW Songs to Fan the Flames of Discontent." GID specialists studied all editions of this work and called Congressional attention to the most dangerous songs and editions, indicating they advocated overthrow of our government.

The evident implication is that the Bureau was wasting its time studying such things as songs which could have no significance. But what did they say? One, "Christians at War" was reprinted in the report. Sung to the tune of "Onward Christian Soldiers" it read, in part: "Onward Christian Soldiers, rip and tear and smite. Let the gentle Jesus bless your dynamite." Mr. Lowenthal significantly omits reference to this blasphemous and insendiary chant. Again, as above, the report cited was presented to Congress by the Attorney General, not the Bureau.

3. Page 94, line 35

The industrial relations experts of GID made a study of important strikes in which Ind was involved. GID researches went as far back as the Lawrence, Massachusetts, textile strike of 1912 and took up the INA strikes of the period of World War I. One such industrial disturbance recalled to Congressmen's attention by GID, had been conducted from INA headquarters for the eight-hour day and other working conditions changes. The President's Mediation Commission investigated that strike and concluded that deplorable working conditions among the lumber workers, which operators had refused to remody because of hitter opposition to any legitimate labor organisation among workers, had left a vacuum filled by INW.

Mr. Lowenthal cited nothing to show that OID had "industrial relations experts" and evidently used the phrase to imply that the radical investigations of the Bureau were similar to the work of industrial relations men in private industry. Many such officials are not, of course, highly regarded by labor. The report he cited made no study of the textile strike of 1912 or the Seattle lumbermen's strike of 1917. It specifically stated that an account of INK activities in such affairs as Seattle, Lawrence, and others, now history, "is deemed unnecessary." Wr. Lowenthal tries to imply that the lumber strike was justified by the Mediation Commission as having been called for beneficial purposes only. It merely concluded that the operators left uncorrected abuses, causing a condition which the Ika exploited to its own advantage. Benefit to the workers was entirely incidental to the revolutionary purposes of the Incidental calling any strike.

4. Page 96, line 1

TWE claimed they were prosecuted for seeking correction of industrial injustices, but GID said in 1920 they were only inviting martyrdom, and that in spite of it public condemnation and prosecution crushed this vicious revolutionary effort to earth.

Since Mr. Lowenthal has the thesis that the Burcau was perhaps prosecuting the INA for merely trying to correct labor abuses, he cannot include the full quote of the report which says "the loyalty of American labor" and public condemnation, coupled with prosecutions, crushed the INNA. He does not choose to show that legitimate American labor also fought the INNA as it clearly did.

6. Page 96, line 14

GID described the miners' strike in Butte, Montana, as an INH attempt to start "the revolution" and spoke of violence the miners committed. Federal Judge Bourquin held a different view, stating that INH operations were orderly and peaceful whereas it was Federal agents who engaged in violence and unlawful acts which were more dangerous to the country than the evil teachings.

In the first place, Judge Bourquin actually said that if there was no more evidence of evil advocacy and toaching by John Jackson than was produced in his court, the acts of the Government were more dangerous. He was making no general statement regarding the 18% as a whole but ruling on the habeas corpus application of Jackson, an alien 18% number held for deportation. Firthermore, it is petilment to observe that due to his heldings in this and other cases, Judge Bourquin was publicly, criticized extensively as nullifying federal statutes by close construction of laws, directed acquittals and slight sentences. His resignation or transfer was demended and the legislature of Montana was said to have considered passing a state espionage or sedition attitute since the Judge had allegedly made the Federal law inoperative.

7. Page 97, line 33

GID claimed that the 1919 steel strike was a plot to rid the A.P. of L. of conservative leadership and form a great revolutionary labor movement. The IWW called it, but the Department of Justice exposed the plan, and the strike ended with a complete victory for the A.F. of L. Actually, says Hr. Lowenthal, the strike ended with a complete defeat of the strikers, destruction of the A.F. of L. steel workers' union, and discentinuance for years of effective efforts to unionize the industry. It was authorized by the A.F. of L. and called after Judge Carry of U. S. Steel refused President Compers' request for a conference, and the employers refused to deal with the unions, proclaiming it was impractical to shorten the 10 and 12 hour day.

ir. Lowesthal has distorted this matter out of all semblanes of proper perspective. The Schate investigation of the steel

strike revealed that there were many complicated fawtors contributing to its origin. The author has chosen two, the refusal of steel executives to meet with labor representatives and their refusal to consent to shorter working hours. These were listed by the Counttee Report. But Mr. Lowenthal studiously ignored the committee holding - that, in spite of A.F. of L. President Samuel Compers! wish that the union honor Phesident Wilson's request that a strike not be called pending the forthcoming industrial conference, William Z. Foster and two others defied him and called the strike. The Committee specifically singled out Foster, now Mational Chairman of the Communist Party, for criticism and said many of the leaders of the strike were IVI members, amarchists, revolutionists and Russian Soviets, who used it as a lever in seaking to elevate themselves to power in the A.F. of L. Hr. Inwenthal says the strike was authorized by A.F. of L. according to evidence submitted to Congress. One of the three major leaders, John Fitzpatrick, did claim 98% of the men voted for the strike. But no figures as to the vote were presented and the Committee refrained from making any finding as to the accuracy of the statement. The workers had no opportunity to vote on the Prosident's request that strike action be delayed. The things crushed by stopping the strike were the parasitic efforts of revolutionarie like Foster to feet off the steel industry; not the legitumate efforts of labor to better its CO 141 T. C. W.

8. Page 98, line 15

The ex-United States Attorney at Philadelphia said the Justice Department had taken sides at prejudged the strike. There was also evidence of collaboration between undercover operatives of the steel collaboration between undercover operatives of the steel collaboration had been placed on such cooperation.

Francis Fisher Lane, who had been United States Attorney at Philadelphia until a dispute with Attorney General Palmer over deportations, did make the statement but he was speaking of the Justice Department, not the Bureau, and also admitted on questioning that he knew nothing of Bureau operations in the strike as it occurred in the Bustern District of Pennsylvania and outside his jurisdiction. The quotation from the Interchurch Report is also accurate, but both it and Mr. Lowenthal failed to note that the Bureau accepted steel company agent reports in the same way as it would take information from any source, to be used and evaluated in the light of all facts present, ancluding the nature of the source. We wond a reliance or cooperat out with the companies and proved.

9. Page 98, line 37, and page 99, line 16

OID claimed the 1919 coal strike was the most dangerous industrial disturbance in which IND tried to take part. However, Congressman Bland cited increase in cost of living and the dangerous and uncomfortable working conditions of the miners.

All of Representative Bland's observations can be conceded without altering the fact that participation of the I'm in the strike was for revolutionary purposes and only incidentally to aid the lot of laborers.

10. Page 99, line 34

OID claimed the culmination of THW effort was in the railroad strike of 1920 "which was headed by an outlawed organization.... The leadership...was able to agitate among the railroad brotherhoods to such an extent that in April, 1920, the railroad strike took effect."

Mr. Lowenthal omitted statements immediately preceding to the effect that William Z. Foster, then an IWW member but now head of the Communist Party, realised he could not achieve his ends without the A.P. of L., and hence decided to join it. and bore from within with marked success:

11. Page 100, 11mm 21

GID noted that strikes caused losses to business and blamed these losses on radicals, particularly the Lee, "these preschers of sabotage and lawlessness."

Wr. Leventhal has again turned limited, specific language into a sweeping generality. The full statement in the Palmer report, cited by Mr. Lorenthal, says regarding such Tum leaders as William Z. Foster that "Thousands upon thousands of dollars have been lost west of the Mississippi in agriculture and in business through the efforts of these prechers of sabotage and lawlessness."

12. Page 100, line 30

We true appraisal of the industrial disputes of 1919-1920 could be made, according to Attorney General Paimer, except by considering the background of the revolutionary movement.

Attorney General Palmer, in the quotation used, was discussing "alien anarchists" and not industrial disputes.

12. Fage 101, line 6

Mr. Hoover interpreted INW platforms, writings and stickers as advocating sabotage. But he encountered difficulty in getting his interpretation accepted. He approached officials of the Labor Department, who enswered that the "stickers" he sent were capable of innocent meaning, as well as of his interpretation.

Hr. Hoover did not interpret the stickers. He merely acked the Commissioner General of Immigration if aliens distributing them would come within the deportation statute of October 16, 1918. The Buream of Immigration replied that the stickers advocated sabotage, which some INN members interpreted as anything from slow down to destruction of property, and that if handling the stickers were deportable it would be on the ground that the alien thereby advocated unlawful destruction of property. The Labor Department would not take judicial notice that to the INN sabotage necessarily meant unlawful destruction of property. Hence, it would have to be proved just what was meant by the stickers. This was quite different from Mr. Lowenthal's loose "interpretation."

13. Page 101, line 16

Attorney General Palmer told Congress the INE contained many desperate and criminal characters. But this merely served to embarrass the GID; if crimes against the Government had been sommitted, the entire Eureau, including GID, it was suggested, sught to know of such occurrences and go out looking for the criminals.

If anyone were embarrassed, it should be in Lowenthal, who has fabricated this entire passage, except Mr. Palmer's statement, and is left unsupported by his sources. Evidently Mr. Palmer was referring to the criminal character and background of some INC members and not to any specific crimes against the Government by them. Meither is there any suggestion of crimes that the Bureau ought to be sware of.

15. Page 101, line 32

The difficulty sometimes encountered by the Hursau (in covering THE cases) was illustrated in a report submitted by an Dmaha agent of the Bureau who informed headquarters he could not recall exact language of Chris L. Johnson, released IWH member but recalled he said enough to convince the agent he was a firm believer in the IWH doctrine of industrial revolution.

The item cited by Mr. Lowenthal is not a report to headquarters at all, but simply a letter the agent wrote to an lumigrant Inspector in Omaha in response to the latter's request for his knowledge of Johnson and his attitude toward the Government. The agent was furnishing all that he could recall from previous interview with Johnson on a subject which was apparently incidental to the reason for the interview and on which he had not made notes. The author attempts to make it appear that the agent was having difficulty and doing a poor job of reporting.

TI AMELICA ACKLIGHT MARGETST WILLIAM

Pages 103 - 112

1. Page 103, line 12

The GID also referred to "every...diseased and dissatisfied force at work for the ultimate overthrow of the Covernment of the United States by force and wislance."

The source from which this statement was taken, when read in its entirety, creates an entirely different impression. The comment was on the ruling that the Communist Labor Party was not unlawful and it was stated that it would become a haven for diseased and dissatisfied forces. The entire passage reads: "There is no doubt but that it will now prove to be a haven for all the radical and lawless elements in the United States and its folds will include anarchists, I. . . W.'s, Union of Hussian Workers, communists, and overy other diseased and dissatisfied force at work for the ultimate overthrow of the Covernment of the United States by force and violence."

2. Tage 105, line 16, and page 164, line 23

The American first situae (on accredisting projes was on the Ariete, the prosecution ending in a fiasco.

Attorney General Palmer explained that he had caused to be brought several test cases, of with this was one, to test the efficiency of Section 6 of the Fenal Code of 1910. Upon the failure of the proscontion he recommended certain legislation to Congress to correct the situation and further recommended to the Department of Labor the deportation of the perhers of El Ariete. This is not the situation which the reader would gain from Mr. Lowenthal's discussion of the El Ariete case. The judge too said that the government had failed to prove a conspiracy under the statute.

3. Page 1.3, Line 23

The judge in the di Arieto case declared: "The manifesto contains a dissertation on historical wrongs asserted to have been committed by kings, monarchs, and other potentates against the workingman, first, in the pages period, and later under the guise of Christianity...."

Here in lower that avoids quoting the entire statement of the judge. In addition to the material quoted, Judge Hagel also said: "The manifesto in evidence contains many objectionable phrases — phrases of disloyalty, phrases which are seditions — of course, the manifesto is to be highly condemned."

4. Page 104, line 34, and page 105, lines 1, 5:

The El Ariete fiasco taught the Bureau a lessen which it used in its investigation of L'Era Nuova during which it traced the history and leadership of this group as well as the personal life and connections of each member. This was an amerchistic group in Paterson, Hew Jersey.

The group was formed by Malatesta, an Italian enarchist, and had as a member, at one time, the assassin of the King of Italy. The society had as an objective, in addition to those mentioned by the author, the abolition of the "State, law and property."

5. Page 105, line 28

The official or an of Libra known made "passing" references to meeting the authorities at the "barrioudes."

On the occasion of the deportation of certain Italians the organ sale that it was income that there could be no discussion with trants, that the only method was in the open square on the only argument is "bohind the barricades." Further in another issue it was stated in a short time the assassing of the proletariat would be entertained by (the members of the group) "on the barricades." It is not clear how these references are "passing."

6. Page 100, line 33

The offspring of this group will be found in the...Ferror Modern School at Stelton, N. J.... The natural subjects, such as astrology (sic), mathematics, physics, botany, are taught, as well as philosophy, buglish, etc., the object being to inculcate in the minds of the young the proper mental tendency toward the realization of the ideals of anarchy."

Er. Lowenthal does not state what his source slows in its entirety. The source adds that the course "scrupulously eliminates subjects such as religion, history, political economy, and, above all, patriotism or the love of one's country."

7. Fa c 101, line 10

Thilosophic anarchism was exposeded by Jesus Jose Barragan who was "put on trial for deportation."

The author devotes over a page to this individual, but does not say harra an was deported as an alien anarchist in December, 1919. Mr. Lowenthal thus permits the inference that although he "was put on trial for deportation," the possibility existed he was not deported.

8. Page 110, line 25

The GID gave Congress a sample of the propaganda bearing the name of this group, circulated during the 1920 railroad strike. The propaganda distributed by the American Anarchist Federated Commune Soviets conveyed injunctions such as the following: "We call upon all the passengers, railroad workers to coase working at once...."

Another quotation which gives a better picture of the circular than the one Er. Lowenthal uses is as follows: "Then start taking over every industry in the country and reorganise into 'Anarchist Communes,' based on the principle: From each according to his ability and to each according to his needs!"

CHAPTUR BLEVEN

THE EAST I COMMUNISTS

Pages 113 - 119

1. Page 118, lines 1, 2

Secretary Wilson ruled that the "changes proposed by the Communist Labor Party did not involve the overthrow of the American Government."

Secretary Wilson's ruling in the case of Carl Willer, May 5, 1920, held that the Communist Labor Party did not advocate the overthrow of the government by force and violence. He said its methods did not exclude parliamentary methods, as did the Communist Party of America.

2. Page 119, line 23

The OID was pictured as the savior of the A. P. of L. and of all conservative workingmen, etc.

One page cited as a source refers to the success of Milliam Z. Foster in bringing about the strike of steel workers in September, 1919, "but through the action of the Department of Justice in exposing the plan of William Z. Foster to destroy the American Federation of Labor" the strike ended with a victory for the A. F. of L.

Mr. Lowenthal very carefully avoids being specific with regard to Mr. Foster who, of course, is the head of the Communist Party in the United States today.

CHAPTER TWELVE

RACIAL PROBLEMS

Pages 120 - 129

l. Page 121, line 29

The Messenger, a Megro newspaper, drew support from white people whom the GID regarded as radical. One of those was John Haynes Holmes, a clergyman, whose letter wished the editors Godspeed in their work "for truth and right-ousness in these chaotic days."

The author fails to quote from other public sources such as:

The Daily Worker for July 81, 1985, page two, solumn eight, quoted a letter of Holmes criticising the imprisonment of Charles Erumbein on a passport violation, purely because of his Communist political affiliations.

The Daily Worker for December 6, 1935, page five, solumn two, quoted from a sermon of Holmes in Newton, Massachusetts, saying "I pray to God Communism will win and Pascism will be destroyed in the coming struggle in Europe. Capitalism has done "its work and must go."

The Daily Workers for January 25, 1885, page one, column five, and January 26, 1985, page one, column four, reflect Holmes was chairman of a City Affairs Committee in New York chosen to question the right of District Attorney William C. Dodge to "resurrect" the oriminal anarchy statute for prosecution of the officials of the Daily Worker and the Jewish Morning Freheit, also a Communist dominated paper.

The Daily Worker for December 25, 1936, page one, column six, sarried greetings from Holmes calling for "coming of the commonwealth of man."

2. Page 123, line 22

The future envisioned by the Regro press, so the GID reported to Congress in 1919, was something that these Regro writers shared with write radicals in the United States and in Russia. "The more salient points to be noted in the present attitude of the Regro leaders" included, the GID said, "the identification of the Regro with such radical organisations as the 185 and an outspoken advocacy of the Bolshevikh or Soviet doctrines...."

The pertinent portion of the paragraph read: "Among the more salient points to be noted in the present attitude of the Negro leaders are, first, the ill-governed reaction toward race rioting; second, the threat of retaliatory measures in connection with lynching; third, the more openly expressed demand for social equality, in which domand the sex problem is not infrequently included; fourth, the identification of the Negro with such radical organizations as the ISW and an outspoken advocacy of the Bolsheviki or Soviet doctrines; fifth, the political stand assumed toward the present federal administration, the South in general, and incidentally, toward the peace treaty and the league of Nations."

3. Page 126, line 5

The detectives found in the "Hessenger" an editorial under the caption, "The Hum in America," that seemed to them to proceed to the "very extreme of radicalism."

The evaluation of this editor alias in Losenthal's own statement. There is nothing at all on the page of cited reference showing how "extreme" the Bureau thought this particular editorial was.

4. Page 126, line 23

The GIC also quoted as radical propaganda an editorial in the "Messenger," reading: "We want no landless patriots in a country of almost unlimited lands... We want a patriotism which practices that 'any man who protects the country's flag shall be protected by that flag... We want more patriotism which surges with turbulent unrest while men...are lynched..."

The first sentence of this editorial from which Mr. Lowenthal handpicks some quotations reads: "We want more bolshevik patriotism in this country." Another sentence reads: "We want a patriotism represented by a flag so red that it symbolizes truly the enemes of blood runing through each one of our velne."

5. Page 127, lino 17

Another OID-produced sample of the alleged insolence of the Nogro papers read: "When the Cracker shave frees his might of the nightcore of race equality,

when he finds out that his paramite politicians have been fooling him for years, when he takes back the soil from his nourbon exploiters and is willing to till it alongside of the hog, o and tries to forget that he is a 'migger,' while the latter ceases to think of him in terms of poor trash...then the artificial hate that beeds lynchings and race riots might suddenly die."

This is a letter from Claude Rekay which appeared in the "Regro World," on September 20, 1919. There is also contained in the letter: "If the Russian idea should take hold of the white masses of the Western World, — then the black toilers would automatically be free!"

CHAPTER THIRTES!

THE BEREAU DEALS WITH ITS CRITICS

Pagos 130 - 143

1. Page 132, line 21

One individual who had been outspoken in his criticism of the Bureau of Investigation and the GID was Assistant Secretary of Labor Louis F. Post. The House Rules Committee investigated him on charges of obstructing the GID's work against radicals.

The purpose of the House Rules Committee's investigation was to determine whether officials of the Government, principally Post, could be charged with contempt for and disregard of the immigration laws. If so, impeachment should be sought. If not, purhaps the laws should be charged to tighten up immigration and deportation procedures.

2. Page 134, 11:e 8

Employ to how o follow (conditted investigation of Post, he was asked about the own politics - whether they were of the "rod variety" pictured by the not retain of saltice.

It would be inferred from the way this was stated in the text that ir. Post was being called a radical because he had not gone along this the CID's anti-radical policies. Actually, as Congressing Pou said, there had been so many different stories as to Post's political opinions that he would be given an opportunity to state them, if he so desired.

3. Page 13%, line 10

In one of the famous cases of the time, Mr. Post rejected Mr. Hower's contention that a Mexican-born editor named Magon should be deported as an anarchist.

This appears to be a misrepresentation of fact as the recommendation for Magon's deportation was made by the Immigration Inspector who heard the case rather than Mr. Moover.

Enrique Flores Magon came to the United States in 1903 as a political refuges from Maxico. He had started a newspaper in the Advisor but see a save, to the looks there in what a defendant and a civil label sout in which a jumpment was returned.

against him. he started a newspaper in los Angeles in 1910 but was arrested for violation of the Neutrality laws (shipping arms to Mexico) on 1911 and was convicted in 1912. Le was arrested in 1916 for mailing non-mailable matter and was convicted the same year. Its stated that he was not an American citisen and had not attempted to become one. He said he believed in a Constitutional America.

4. Page 135, lines 15, 19

Congressman Albert Johnson, who became chairman of the House Immigration Committee after the Republicans took control in 1919, completely agreed with the detectives and charged Mr. Post with trying to aplit hairs in his discussion of anarchism. The Congressman said: "...It must be apparent to all that under the guise of Telstoian or philosophical anarchists, a let of dirty devils are in the United States doing their work to urge these United States into one grand world conglemeration."

Hr. Johnson also brought up other considerations witch Er. Lowenthal fails to mention in convection with his discussion of the raids. For instance: "Here is the Department of Justice making a number of arrests, 2,700 or more, for deportation. The cases are turned over to the Department of labor. The Commissioner of immigration recommended deporta-The Department of Justice cannot make a charge against another department of the government or does not want to. But, if it answers the gentleman, here is the Department of labor, through the Assistant Secretary, Mr. Post, resolving in favor of the alien whenever he can. The net result is that the large amount of money authorized by this Congress to be placed in the Department of Justice for arrest of radical and revolutionary persons has gone for little, and the further great amount placed in the hands of the Department of Labor for the deportation of such undesirable aliens has likewise gone for little. The law says the decision of the Secretary shall be final."

5. Page 135, lines 29, 32

The GID finally felt compolled to register with Congress notice of the "iffort...of various so-called defense societies to propagate and carry on agitation in behalf of ultraradicals in the United States."

This would appear to be only a frament of the full thereit. What oches is not easi "There has been a not really

effort upon the part of various so-called defense societies to propagate and carry on agitation in behalf of ultra-radicals in the United States... In many instances the so-called defense organizations are found to be merely a camouflage for such movements as the United Communist Party which must conduct its activities underground.

6. Page 137, line 7

Mr. Truss's labor union spoke highly of him and the detectives thereupon publicised their charges against this organisation as one that should be distrusted by good Americans. The Bureau of Investigation told of placing "information on file in the Department of Justice" to show that this objectionable labor union "is engaged upon activities detrimental to the best interests of the country...they have set as a goal the 43-hour week and 50 per cent increase in wages." The OID interviewed officers of the union to ask why the wage some of them were already receiving "was not enough." The GID said that the union had "a large fund at their command and could raise approximately \$2,000,000 by assessment." The union was building up its membership at the expense of a rival labor group, the detectives stated. All in all, for these and other reasons of the sort, the OID told Congress that this union's recommendation about the character of any of its members was not to be relied upon.

This material is based on statements on the Truss Case presented to the Rules Committee by Mr. Palmer. The "detectives" did not publicize "their charges," Mr. Palmer presented the material to the Rules Committee. With regard to the wage issue, the pertinent statement was: "The of the officers of this organization (Amalganated Clothing borkers) who was questioned recently, stated that at the present time his sages amounted to \$56 per week, and when asked why they were not enough, replied it was not and nothing would be enough until all the factories had been taken over by the organization." The man was then asked why a large number of the men did not join and buy the plant. To this he replied this was not what they wanted and "that they intended to take over the industries without paying for them." Only one officer was interviewed although it would appear in the text that nore than one officer was interviewed.

Then, too, ir. Lewenthal says in substance the purpose of the interview was to ask about sayes. The source does not support this.

7. Page 141, lines 11, 14

hrs. Helens Hill Weed of Horsalk, Connecticut, who testified before a Congressional Committee on behalf of an inter-city group of clubsones, told of a "reign of terror" which resulted from the Department of Justice anti-radical activities. Attorney General Falmor produced for the investigating committee detailed reports by the Bureau's detective force answering item by item, all charges made at the hearings, insofar as the Bureau thought there were satisfactory defenses. In this instance, Mrs. Weed's statements were not challenged.

On March 3, 1921, a letter from Mr. Palmer answering the charges was offered for the record. He said he did not feel it necessary to reply in detail to all of Mrs. Weed's charges. She admitted most of her information was based on hearsay and relied for her facts on a memorandum of a Miss Helen Todd. On the committee helping Miss Todd assist the deportees was Louise Bryant, wife of John Reed who died while in Moscow attending the Third International of which he was a member. Mr. Palmer said Louise Bryant had been particularly active as a communist worker. Elizabeth Gurley Flynn was another member of the same committee.

Mr. Lowenthal omits these names which would have enabled his readers to size up Miss Todd's committee.

8. Page 142, 11:6 3

A lawyer from Detroit described to a degreesional Committee a case of family suffering following the incorporation of the head of the family by the Gib. The GID replied with a personal attack on the man was furnished this account, "calling him a radical...."

ir. Lorential dismisser the GHI reply lightly by saying the Detroit attorney was called a "radical." Actually, the man, who was a native of Hussia, stated according to the information received, he intended to return to Hussia after conditions in that country became settled. He was counsel for the Soviet of Hussian Workers' deputies in Detroit and made the statement that the capitalists in this country are so strongly entrenched that they cannot be gotten out of these transles except by means of "guns and bloodshed."

CHAPTER FOURTERN

THE DEPORTATION RAIDS

Pages 147 - 155

1. Page 147, line 1

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In October 1918, a month before the end of hostilities in World War I, Congress enacted a sedition law providing for the deportation of aliens in the United States who held objectionable views on economic and political matters.

This is a perfunctory understatement as to the provisions of the Act of October 16, 1918. It provided that: "Aliene who believe in or advocate the overthrow by force or violence of the Covernment of the United States, or of all forms of law; aliens who disbelieve in or are opposed to all organized government; aliens who advocate or teach the assassination of public officials; aliens who advocate or teach the unlawful destruction of property; aliens who are members of or affiliated with any organization that entertains a belief in, teaches or advocates the overtimow by force or violence of the Government ment of the United States, or of all forms of law, or that entortains or teaches disbelief in or opposition to all organises government...shall, upon the warrant of the Secretary of Labor, be taken into custody and deported." Mr. Lowenthal's description is scarcely adequate and was patently intended to. miarepresent the statute.

2. Page 149, lines 13, 15

One of the dangers against which the GID thought it had to guard was that local and State authorities might try to get in on the antirodical work. The Bureau forbade its agents to advise local police of proposed raids or use thom except where absolutely necessary. Then they should be advised at the last moment.

This contention overlooks the fact that it was felt the raids should be conducted simultaneously to prevent the escape of subjects by going underground. To do so it was essential that no "look" occur as to the plans and that local action not be taken which would prematurely cause the Communists, etc., to destroy important evidence. Unfortunately, the full cooperation of all local officers could not then be counted on. The ones who could be were used. Mr. Lowenthal's endeavor to drive a wedge between the FBI and local law enforcement fails when their close cooperation on both security and crisinal work is sonsidered.

3. Page 149, 14m 32

A quotation is set forth from the letter of instructions dated beceaser 27, 1919, from Mr. Frank Burks of the Bureau to Mr. Kallaher of the Bureau to Mr. Kallaher of the Boston Office and this reads as follows: "If possible, you should arrange with your undercover informants to have mostings of the Communist Party and Communist labor Party held on the night set."

Judge Anderson in the Colyer case and others relied on this to support their claim the Ruyesu was using provocateur agents. Later in the same dispter in Losenthal quotes at length from it. Ruyes's letter of April 20, 1920, to Mr. Kelleher in explanation of the price letter of Pecacher 27. He did not, however, quote or mention Mr. Burke's explanation of the passage set forth above.

hr. Burks explained that Jamary 2, the night of the raids, was Friday and Friday night was the usual secting night for the Communists to assemble. Feeling that some meetings might be postponed, hr. Burks intended that the confidential employ where this was being surfacely considered would attempt to have meetings on the regular night so as to facilitate the adverse. Hr. Burks said he did not see how this could be considered as "provocateur work" since the mostings were to be bold acquary. anployees.

151, 1500 9, page 153, 11m 18 and page 154, 15mes 3, 11

During the Colyer trial, Judge Anderson tried to find out how many undercover informants the European had in the redical groups; the Covernment hosever, objected to that dischance, Judge Anderson found that the Covernment spice were not more enlockers but an active and efficient part of the Commanist Party. The report of the tenies language accused them of being "agents provocatours," men who indied the allons to punishable activities instead of just informing on them. Former Secutor Albert 4. clained liberias.

Storling to the effect that no evidence had been introduced to the society bies of information included provocative acts or that they participated in fracing the documents or apposite of the group advocabing force and violence. But he leaves the definite improved the information were noverthalese propositive agents. Actually, so epidence was produced before independently, at the least respect and ore

with a quotation from lay's "constitutional History of england" deploring spies and informers and saying that "next in importance to personal freedom is immunity from suspicions and jealous observation." It seems clear that, insofar as Communist and similar groups are concerned, hr. Lower that desires no immediationant coverage of any sort. The matical security and public spinion demand otherwise.

CHAPTER FIFTEEN

THE DRAGNET

Pages 156 - 172

1. Page 156, line 1

The Bureau used nighttime for the raids on members of radical organizations.

This is true. The arrests were made at night. Elsewhere in the book the Bureau is criticised on this score in connection with the so-called Spanish Loyalist Arrests in Detroit in 1940. The arrests were made at night, and the special representative of the Attorney General who investigated this matter found no basis for criticising the FBI on this matter.

2. Page 157, line 34

At a tailor's shop in East St. Louis, where men were standing about chatting with the proprietor, "customers" were arrested.

The statement of John Ruk, the tailor, said there were a lady customer and three or four men in the shop at the time of the arrests, and that he had been going over the books of a sick benefit society with the men. Two of the men were arrested and later released. It is apparent that no customer was arrested since there was only one, the woman, in the shop, and she was not arrested.

3. Page 158, line 23

Those arrested in Detroit included a college professor who had come down for the holidays "to touch...physical geography."

The omission indicated by the dots read "this revolutionary class in."

4. Page 158, line 36

Among the prisoners in New York City were twenty-five women, half of them apparently girls of high school age.

The complete story as it appears in the source cited shows that the girls were seized in a descent on the Communist World's publication establishment at 207 East Tenth Street. Four of the girls were later released.

5. Page 159, line 36

Francis Fisher Rane, former United States Attorney at Philadelphia, was quoted as saying: "I came down to Eash ngton here and looked at some of the records syself.... The soldiers were turned up pretty frequently."

The full statement from which the last portion of this was taken reads: "I think that was the only soldier in the batch that I looked up, perhaps, but the soldiers were turned up protty frequently."

6. Page 160, line 11

A man who was a member of the American Legion "informed the committee."

Any information which the committee got from this men Victor Risman, was obtained in the form of an affidavit put in the record by Attorney Jackson Ralston. Naturally Risman was not subject to cross examination under this procedure, although Fr. Lowenthal is successful in creating the impression that Risman testified personally.

7. Page 162, lines 11, 15

The Bureau condemned the judge (Judge Anderson in the Colyer case) for his reliance on the "unsupported" testimony "of this active radical."

The witness was Minnie Federman who was the State Secretary (Massachusetts) of the Socialistic Unions. She was reported to be a friend of

frequently engaged in distributing communist literature. She was released following her arrest after the agent checked her citizenship.

8. Page 166, lines 4, 8

The case of Henry O. Steiner is considered in detail. He was a native-born civizen arrested in Boston.

Ar. Lorenthal does not mention that according to Steiner's own story he was taken from his place of busiless because the officers were unable to verify his birth record. He said that all papers were returned to him with the exception of those require for evidence. The author does not set out that on cross-enginetical it was brought out that the place where Steiner was

arrested was the headquarters of the Communist Party and that Steiner was the business manager of the "Revolutionary Age," a paper edited by Louis Frains.

9. Page 167, line 18

Congressman Sabath, in referring to the raids before the House Rules Conmittee, said: "You cannot deport American citizens and when they went out to make the arrests they did not inquire whether people were citizens or aliens; they arrested everybedy...."

Mr. Sabath's full statement was: "Because of the fact that he (Assistant Secretary of Labor Post) has jurisdiction over the deportation of aliens. You cannot deport American citizens and when they went out to make the arrests they did not inquire whether people were citizens or aliens; they arrested everybody, and properly so, whenever they had any evidence of wrongdoing, but as to the execution of the law of deportation, that has been placed at all times, since I can remember, in the Bureau of Immigration which is the Department of Labor."

10. Page 169, 1 ne 3

According to Senator Walsh, the Senate Judiciary Cosmittee had received reliable evidence that of 1,000 arrested in Detroit, one-half were American cit.zens.

The text is supported by the paragraph which reads in part:

"A witness of high character, in no manner associated with
one of the prescribed parties, estimates that about one-half
of those taken in Detroit, in all about 1,000, were citizens.
But it is not unlikely that in the number estimated by him
to have been citizens were included a considerable number of
aliens who succeeded in convincing the examining officers of
their innocent character."

CHAPTER SIXTEES

GUILT BY MEABURSHIP

Pages 173 - 104

1. Page 173, line 1

The statute under which the Department of Justice raids were conducted was designed to secure the deportation of aliens holding "objectionable visus" or belonging to organizations advocating such visus.

"Objectional views was a term used in the text for "...entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law."

2. Page 176, line 32

One case of guilt by membership was that of Joseph Polalech; the only organization to which he belonged was the Methodist Episcopal Church. When the church was unable to continue its usual evening classes, hr. Polulech began attending classes at the People's House which was under the operation of the Union of Russian Workers which was condemned by the GID as anarchist in its beliefs. All of Mr. Polulech's activities bespoke of loyalty to the inited States, yet, he was held "incomen cade" for six weeks and then deported before he could establish contacts with friends.

The actual facts in this case are these: Mr. Poluloch was a member of record of a school which was part of the activities of the Union of Russian Workers. As a matter of fact, he was very active in the Union of Russian Workers itself. He was represented by an attorney at his hearing and friends and relatives were allowed to visit the aliens where he was held on specific days and converse with them at will, during the time he was in custody.

3. Page 178, line 10

Mr. Hoover contended that "Congress assumed that an alien belonging to such an organisation knows the purpose of that organisation..." Congressman Vaile of Colorado thought the contrary: "If we are going to deport him we should establish the fact of his acquaintance with the principles of the Communist Party."

The quotation of Compressman Vailo is only textually accurate. In his discussion in. Valle clearly states that from the

circumstances of the case (the Truss case), "...it is simply an absurdity to say that Truss did not know of the call or the purpose of the Communist Party."

It would appear that Congressman Vaile actually thought the ruling of Mr. Fost, Assistant Secretary of Labor, was a technicality, and that Truss did know the aims and purposes of the party, and that the proof that Truss attended meetings and took part in the arrangements was sufficient proof on that point.

4. Page 183, line 23

Mr. Gilson Gardner, Scripps correspondent, told of his investigation for his newspaper chain; he found that men and women arrested by the Bureau detectives for their membership in organisations had joined because "they were very fond of the Russian hymn, and the Russian songs generally."

ir. Gardner, at the beginning of his tostimony, stated he did not "profess to have made a full and complete—a thorough investigation of all the facts pertaining to these raids...." With regard to the "Russian hymn," he was referring only to one man and his wife. Er. Gardner later brought out the woman admitted being a member of the Communist Party. The woman only smiled when Er. Gardner asked if she were in favor of overthrowing the Covernment by force and violence.

5. Page 184, line 24

The net results of the GID raids 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.

The sources cited show there was a difference of opinions on what the raids accomplished or showed.

Mr. J. H. Ralston, who was attorney for Assistant Secretary of labor Post during the House Rules Committee investigation of his administration of the deportation proceedings, said that the raids showed that the law was unimportant.

Representative Albert Johnson, according to one source, said it showed revolutionaries were being allowed to stay in the United States.

CHAPT IN SHYSWITCH

SANGYOF APP SBIZURES

Pages 185 - 198

1. Page 185, line 10

The Eurest of Investigation in instructions to its agents in 1919 recognized the need of scorring warrants before arresting an alien. The question whether this requirement was thereafter respected by QID in the simultaneous arrests of 1919-1920 was asked at the very beginning of the Senate Judiciary Committee's investigation by Senator Borsh of Idaho. The Senator asked Attorney General Palmer if it was not a practice not to arrest any man without a warrant. The Attorney General replied, "Yes, sir." Mr. Hower was asked about his agents' affidavits in support of their applications for the issuance of warrants. Mr. Hower replied that most of the warrants issued by the Department of Labor, at the instance of the Department of Justice, were issued upon sworn affidavits, and that they were issued upon these affidavits and the Director replied, "I would not say all...."

A check of the sources reflects that Er. Lowenthal emitted to add that some telegraphic warrants in emergency cases were assued where the languation inspector would say that the evidence would follow. This was allowed by the regulations of the Labor Department.

2. Page 187, line 15

Earlier, before the House Rules Committee, the Attorney General pointed out: "I do not maintain that in nationwide arrests there are not certain instances which occur in which persons may be taken into custody without warrants, but such have in no sense been general.... In the cases of those apprehended without warrants, it was the exception rather than the rule to make the arrest."

Wr. Palmer was discussing the "charge of errest and search without warrant." In addition to the quotations set forth, he also said marrants were obtained in advance where ne bership in the organization had been established by previous investigation. About 3,000 marrants were issued in advance. Er. Falmer also said the action of an officer seemed warranted if the alien was apprehended in the complission of an unlawful act. Hr. Palmer had reference to actual Communist meetings where all more arrested even if there were no warrants for all present.

3. Page 188, line 4

Senator King of Utah asked, "The warrant, though, was in existence?" To which Attorney General Palmer replied, "No." Mr. Hoover said that the warrant was wired for the following day.

This deals with the case of Themas Tress at Baltimore. Mr. Lowenthal fails to point out that Truss' wife had several times advised him to leave the Communist Party and coase his activities. Mr. Palmer explained the local effice of the Bureau was closed for the night end the Department asked for no warrant since it was thought Truss was out of the city.

4. Page 188, line ?

Senator Sterling, in a report he later submitted, maintained that the Bureau's agents had acted with entire legality. There was no law specifically forbidding arrest without warrants, he said; and besides, they caught the aliens at meetings, and thus in the very act of committing the crime -- i. e., political or economic heresy.

Mr. Lowenthal could have set this out much more clearly. Senator Sterling actually said: "Your committee believes in administrative cases involving the control of immigrants the Government through its executive departments has and must continue to have what might seem to be but which are really not extraordinary powers. So far as arrests on telegraphic warrants are involved in the present charges against the Department of Justice, it is very evident that the department was but following Rule 22 of the Department of Labor governing the proceedings in deportation cases, which rule and the practice under it was sustained by Judge Westenbayer in the Koposud case."

Senator Sterling also asked what difference there was in principle between arresting a man without warrant when caught committing a public offense and arresting one attending a meeting of a proscribed organization who to all appearances is a member of the group.

5. Page 188, line 35

The whole course of the Bureau's conduct with respect to warrants was condemned by witnesses who had had years of experience with the use and issuance of warrants. Former United States Attorney Kane said that the Bureau's conduct was "absolutely indefensible." Hr. Kane was asked by Sonator Ealsh to state his view on arresting people without warrants. Hr. Lowenthal picks only two words from Mr. Eane's reply which was: "My view is that it is absolutely indefensible. I do not mean to say that as district attorney I would not have done it. I do not mean to say that I am any better than anybody else in the United States who is a district attorney, and I have done unlawful things; but it is not right, and certainly we all of us suffered from a most benumbed conscience in this matter of aliens. We treated them brutally, and we did not respect their rights at all. It was not right." Hr. Kane did not mention the Bureau at all.

6. Page 189, line 12

Alleged violation of the Constitutional protection against unlawful search and seisure was another serious matter taken up by Senator Walsh. The Fourth Amendment, he noted, protects "the right of the people to be secure in their...houses, papers, and effects against unreasonable searches," and forbids searches and seisures except "upon probably cause, supported by oath or affirmation, and particularly describing the place to be searched and the things to be seized."

Senator Walsh said that obviously no "sworn statement" could be before the Department until the arrival of the affidavite and that warrants sent by wire were mithout the support required by the Fourth Amendment. Wr. Lowenthal misquotes the Fourth Amendment. The words "persons or" are left out between "the" and "things" in the last line. He does not show that material has been emitted.

7. Page 190, 1ine 31

The key to the whole affair, according to the Attorney General, was the consent of the person whose premises were to be searched. Er. Palmer while pointing out that he could not be expected to know any of the details of what had been done said that "in no instance was any search made over the protest of the person involved."

An examination of the source used by ir. Lowenthal for this quotation reflects that on the same page there is a statement by ir. Palmor that at the first protest meeting held in Boston on February 23, 1920, the Communists openly stated "that the Department of Justice men acted the part of gentlemen and treated the slienc with avery consideration." Ir. Lowent al orits this from his book.

8. Page 192, line 33

Senator King: "...Did not the agents...testify...that there was no obstacle interposed to their entrance, and when they were in, that they only took these papers which were epen and there in sight, and to the taking of which he objection was effered? ...Was there my apposition effered...?" Professor Chafee: "I do not suppose so. Hobely remists a Coverment official." ...Benator King: "Was there any brutality...?" Professor Chafee: "They were entered to stand up against the wall and hold up their hands and he searched...." Senator King: "Here there any papers taken from ...receptacles for papers that were not open?" Professor Chafee: "Yes....."

This is the portion of the Walsh report dealing with the testimony of Preference Chafes of Barvard. Immediately prior to Senator King's statement quoted by Mr. Leventhal, Mr. Chafes referred to 555 Washington Street in Boston and said the testimony was that Errests were made without search warrants. This address was the headquarters of the Communist Party. After the word "testify" Mr. Lowenthal exits the words "with reference, for instance, to the raiding of the headquarters that they were in." He also on its after the word "offered" in the last line the words "to their going into the headquarters."

In brief, this testimony pertained to a particular situation, but Mr. Lowenthal uses it generally. It pertained to the headquarters.

Just prior to the comment of Senator King about brutality, he asked Mr. Chafes: "When they went in there, did they serve those warrants?" Mr. Chafee said, "I suppose they did."

Eenstor King's full statement was: "Mes there any brutality in the service of the war:ante?"

Er. Lowenthal omits "That is according to the letter of instructions" after the words "and be searched."

Professor Chafee added after the word "Yes," the following: "We had at least one case of that sort,"

9. Page 197, line 19

Thereafter the Appellate Court in Chicago, deciding against Federal police attempts to search and seize books and papers, said "in a ruling incorporated in Judiciary Committee's hearingst" "The applicable principles of law...aro...

well settled...obvious from a reading of the constitutional and statutory provisions.... One's person and property must be entitled, in an orderly democracy, to protection against both mob hysteria and the oppression of agents...in the administration of laws, " etc.

This material is taken from the opinion of Vecder Vs. United States which was a Federal Trade Commission matter. By emissions after the word "agents" Mr. Lowenthal makes it appear to the casual reader that the Bureau of Investigation was involved. The sentence actually reads: "...igents whom the people have chosen to represent them in the administration of laws which are required by the Constitution to operate on all persons alike."

CHAPTER KIGHTEEN

TREATMENT OF PHISOSERS

Pages 199 - 208

1. Page 201, line 27

The corridor in the Federal Building in Detroit in which 800 aliens were held was said by Bureau Agents to consist of 4,512 square feet of space. However, it "was found to have an area less than one-tenth that sise."

This conclusion which Mr. Lowenthal chooses to draw from the testimony appears slightly prejudicial. It is absurd to believe that 800 men could be crowded into less than 450 square feet. That would allow approximately one-half of a square foot of floor space for each individual. Actually a chart of the building which was introduced in the testimony showed well over 4,000 square feet of floor space in the detention area. This chart appeared a few pages further on in the source cited by Mr. Lowenthal.

CHAPTER MINITUEN

CORPESSIONS AS TRIALS

Pages 209 - 222

1. Page 209, lines 1, 1

The biggest job the 0-men had after arresting radicals was to get confessions from them. Instructions to the special agents directed them to question every prisoner thoroughly, immediately after his arrest, and to obtain a prompt, signed confession of his heresy in economic or political matters, and of his status as an alien. With such confessions in hand, the Bureau had, so Mr. Hoover said, perfect cases for deporting the prisoners.

The instructions were in a letter dated December 27, 1919, from to of the Boston Office. of the Boston Office. It said that at the time of arrests every effort should be made to establish that those arcested were members of one of the two Communist groups. If possible, "admissions" were to be obtained that they were members of either of these parties, together with any statement concerning their citizenship status.

Mr. Lowenthal has beclouded the true facts by talking of "heresy in economic or political matters." hr. hoover's name was not mentioned in the source material cited by Mr. Lowenthal nor is the anything said about "perfect cases for deporting the prisoners."

2. Page 210, lines 15, 18, 20

Some of those arrested were impressed by their first encounter with the law. A shop keeper told about the "awe inspiring atmosphere and surroundings."

This is from the statement of John Knk, an East St. Louis tailor. His affidavit was submitted by Attorney Ralston. Knk also said, "I cannot say that any of the officers were brutal or even insistent. But their attitude was commanding and earnest, and I could not escape the awe and intimidations that their presence and conduct inspired." Er. Lowenthal leaves out the statement that the officers were not brutal or even insistent.

3. Page 210, line 24

Attorney General Palmar presented the Department of Justice viewpoint on aliens having attorneys at hearings: "Certainly, in an administrative proceeding not criminal in its nature, the Government should have the right to secure from the alien such admissions or information as he is willing to voluntarily give."

Mr. Falmer also said: "If proceedings are to determine whether or not the alien may remain in this country, and as long as the rules and regulations permit an alien to have counsel at some stage of the proceedings, there can be no charge, it seems to me, that the rules are illegal or arbitrary."

4. Page 211, line 3

Charges by Assistant Secretary Post and others that the Bureau agents had resorted to various kinds of pressure to secure confessions were supported by the conclusion at which the interchurch investigators arrived, that prisoners sappear to have been forced to sign statements which were later introduced as evidence against them."

This is taken from the Interchurch report which, it should be noted, was predicated upon the study of only 200 cases. Mr. lowerthal uses the word "prisoners." Actually the report reads: "At the police stations or other places of detention, a number of aliens appear to have been forced to sign statements which were later introduced as evidence against them."

Mr. Lowenthal, by his usual protice of carefully selecting the material to quote, makes it appear that the statement applied to all arrests whereas actually it was only to a "number" of them.

5. Page 211, line 14

Wr. Hoover collected affidavits of "G-men" that no force was used, only persuasion.

The source material contains statements by various Bureau representatives in regard to the treatment of Gaspare Cammone who was arrested in New York.

Here again ir. Lowenthal follows his practice of mentioning ir. Hoover's name wherever possible. There is nothing on the pages referred to in the source about Mr. Hoover.

6. Pag 211, lines 23, 27, 25

The Department of Justice declared that the G-men were wholly worthy of the trust of the Congressional Committees, whereas the arrested persons, who claimed they were abis d, threatened, or beaten in order to force them to answer questions satisfactor by were entrustworthy.

ir. Lowenthal who continually brings in are knower's name when there is no justification omits are "almer's name at this point and refers to the source as the Department of Justice. Mr. Palmer was testifying in defense of the Department at the time. Mr. Lowenthal is specific with regard to Mr. Hoover's name, but when Mr. Palmer is testifying here he merely refers to the "Department of Justice."

7. Page 212, line 22

Three days thereafter (after December 27, 1919), a subordinate official in the Department of Labor changed the rule about the right of prisoners to consult lawyers immediately following arrest. The change enabled the "G-men" on January 2, 1920, to make their simultaneous arrests and to question all prisoners without a lawyer.

Mr. Lowenthal refers to a subordinate official. The subordinate official was John W. Abercrombie, "Solicitor and Acting Secretary of the Department of Labor" during the absence of Secretary Wilson.

Mr. Lowenthal repeatedly uses the term "G-mon" whereas the term did not come into existence until years later when "Macline Gun" Kelly was arrested in Memphis in 1933. He is apparently attempting through this device to the FBI of today to the earlier period.

8. Page 213, line 13

Judge Anderson concluded that "it is difficult to conceive a case in which the right of aliens to be represented by counsel could be more vital..." The Judge is also quoted as follows: "Deliberately to plan to cut these aliens off from the advice and assistance of counsel until they were involved in apparent admissions...is utterly inconsistent with every notion involved in the concept of 'due process of law."

It is significant to note that after the word "admissions" Wr. Lowenthal left out the following: "that they were members of or affiliated with an organization teaching the overthrow of this government by force and violence, the practical equivalent of a charge of trouson if against citizens." By doing this are Lowenthal has left out of the quotation words which would indicate the fact that the aliens under discussion were more than just innocent pawns in the hands of the GID.

9. Page 214, line 22

Senator King: ".... Tour contention is that no police offscer or representative of the Government, when a person is under arrest, may interrogate him without the presence of counsel?" Mr. Niles (Baltimore lawyer): "... Then a person is interrogated, when he is under arrest on a criminal charge, he has a right to counsel and must be warned that those answers may be used against him, and nothing of the sort was done in this case."

This is the testimony of Emory R. Niles, Attorney of Baltimore. Yr. Lowenthal, however, gives a distorted impression of the views of Senator King. The Senator asked if Mr. Niles thought it was a violation of a citizen's rights for an arresting officer to interrogate him. Wiles said he thought it was a "technical violation."

Senator King also cald: "Of course, you know as a langer that there is not a court in the land that would uphold your contention, but, upon the contrary, statements made by a person arrested are admitted every day in court, unless upon the prima facie showing tendered to the State, if you raised the question that his answers were obtained under duress, the court should find that issue in his favor."

10. Page 214, line 37

Even after the rule was restored Bureau Agents tried to dissuade prisoners from insisting on their right to see a lawyer before answering questions. In one case the Agents admitted that the prisoner asked to see a lawyer before sighing a statement prepared for him but they "persuaded" him to sign first and see a lawyer afterwards.

Mr. Lowenthal's language presents a rather flippant view of the true facts. It involves the case of one Gaspare Cammone. One of the agents involved said Cammone was willing to talk freely and was not mistreated in any way. As a matter of fact, he seemed to desire to talk. Cammone made the statement that he thought he should be allowed to have a lawyer present to advise him as to whether or not to sign. The Agent told him that if he was satisfied the an wers were true he could sign the statement, and later on when he was given a hearing at iller island he could then have a lawyer present. Cammone, after clear a up a few questions, said he was willing to sign. The statement that the prisence was "persuaded" is in. lowenthal's own interpretation.

11. Page 217, line 21

Some of those circumstances which led to unfairness at the trials were noted, in particular the fact that the G-men, though acting as prosecutors, acquired an influence over the trial proceedings that tended in some cases to become a species of control. The special agents provided the stemographers to record the trial evidence, the guards in charge of the prisoners detention and the interpreters in the numerous cases where the defendants could not speak or understand English.

In one of the sources used by Mr. Lowenthal it is pointed out very clearly that it was necessary to use Department of Justice stemographers for taking hearings because the Immigration Service was financially unable to meet such expenses.

12. Page 218, line 31, and page 219, line 2

Professor Chafee informed the Senate Committee that just as in the preliminary period where G-men tried to get confessions, so at the "trials," defense counsel were not permitted in the trial chamber until the hearing was practically over, so that the defendants were in effect unrepresented by counsel.

Here kr. Lowenthal refers to the proceedings as "trials," whereas, in fact, they were hearings. Further, in regard to the Bureau's responsibility with regard to counsel, Senator Starling said in the source material used by Mr. Lowenthal that "if...they were not represented by counsel until the hearing was nearly concluded, that must have been the fault of the immigration department." To this Professor Chafee answered, "Yes."

Yet Mr. Lowenthal blames it all on the "G-men."

EAIL

Pages 223 - 230

r. Page 223, line 5.

Some of the prisoners were simily mislaid.

By the use of the plural "prisoners" an impression is given that this situation occurred frequently. Actually the source cited to support this statement shows that it is the testimony of an Imagration inspector who said that the incident did occur but that this was the only instance in his district where he felt they had "done a real injustice to a man."

2. Page 223, line 17.

Mr. Hower "complained" that the delays in handling those arrested were due to interference by lawyers, etc.

By using the word "complained" the author creates the impression that hr. Hoover was making an affirmative complaint concerning some action. Actually hr. Hoover merely was answering a question put to him. Hr. Lowenthal, in addition, cited Attorney General Palmer to support this statement. Hr. Palmer stated that the agents of the Department of Justice had worked three days and two nights without sleep in order to expedite the handling of the cases.

3. Page 224, line 1.

The special agent in charge (in northern New Jersey) did not inform the prisoners at the preliminary hearings that they were entitled to have a lawyer.

The statement of this special agent in charge was that he did not inform the prisoners of their right to an attorney at the preliminary hearings but that this was explained to them later at Ellis Island. Actually under rule Ho. 22 of the Immigration Service the alien did not have the right to have an attorney at the preliminary hearing.

4. Page 224, line 20.

lignatz Maritzha was detained for a period of 8d days.

So far as he goes, Ur. Lowenthal correctly quotes the hearing,

but much of significance is left out. After the case was cited Mr. Palmer said: "You understand that that does not mean that he was held without a hearing before the innigration inspector for that length of time." Senator Sterling said he was going on the theory that the Department of Justice had nothing to do with the detention after the hearings. Senator Walsh said that was "quite right." He added: "I make no plea, of course, that anybody delayed unnecessarily."

5. Page 226, lines 21, 24.

Mr. Post instructed that he be furnished with 100 cases a day for review by him so that he might clear up the clutter.

Here Mr. Lowenthal cites the statement of W. A. Blackwood. While it is accurately reported that Post reviewed these cases, Mr. Blackwood pointed out that Mr. Post began to decide these cases without review by the Bureau of Immigration and without an expression of the Commissioner General of Immigration as to what he thought should be the final decision.

6. Page 226, lines 25, 31.

The Detroit volunteer committee recommended some deportations and many releases.

Here Mr. Lowenthal relies on the Committee's findings. Mr. Post was criticized by Mr. Palmer for acting on an unofficial committee selected by rimself while ignoring the recommendations of the Department of Justice. Mr. Palmer said he knew of no law which permitted such a thing.

7. Page 226, line 37.

Senator Sterling concluded that he was not in a position to say to what extent the Department of Justice was responsible for the conditions that had arisen.

Senator Sterling, in addition, stated that presumably the work and responsibility of the Department of Justice ended when the arrests were made and the aliens were turned over to the Immigration Euroau. He further wrote that "But as to whether delay...was caused by the agents of the Department of Justice does not clearly appear."

6. Page 227, line 2.

The Attorney General said that there would have been no long poriods of confinement if the Department of Justice had had its way.

Attorney General Palmer is correctly but not completely quoted, Mr. Palmer added that delays were occasioned by the rulings of Post, and the procedural steps which had to be taken.

9. Page 227, line 7.

The arrested aliens had a right to be free on bail, as Mr. Palmer himself told the Senate on November 15, 1919.

In using the testimony of Mr. Palmer to support this, Mr. Lowenthal does not add that Mr. Palmer also said that the very steps involved — hearings, admission to bail, writs of habeas corpus and appeals — were time consuming and would result in a delay of several months before a specific case could be completed.

10. Page 228, line 5.

The Attorney General was questioned on the amount of bail. He suggested that agents might have been consulted on the amount of bail.

Mr. Palmer is correctly quoted but on the same page he acced that while he felt that (10,000 was pretty large bail he thought that requiring such bail was not an abuse of power and was not a violation of any guaranty against excessive bail if the court held that it was not unreasonable. Mr. Lowenthal does not set forth this further statement.

11. Pago 228, line 36.

Francis Fisher Kane, formerly United States Attorney in Philadelphia, is quoted as saying the bail was too high and along related lines.

Mr. Lowenthal fails to point out Mr. Kane also said that he did not consider too high bail "a very serious abuse."

12. Page 229, line 9.

The Department of Justice, according to a trial inspector of the immigration Bureau, recommended that the bail should be \$10,000 in "several" cases.

The immigration inspector cited to support this said that he had so recommended in four i stances and that it "...was

largely, or partially, on the urgent insistence and recommendation of the Department of Justice." It is, of course, impossible to tell, at this late date, whether the insistence of the Department of Justice was "largely" or "partially" responsible.

13. Page 229, lines 17, 19.

Er. Hoover was commended by Congressman Timeher of Kansas for fighting so vigorously for high bail.

Fr. Lowenthal makes this statement but does not state on what ground Congressman Tincher based his commendation. Congressman Tincher said that he wished that the Department of Justice had an appropriation to prosecute. He said that the Department of Justice did not have enough men to keep one on the trail of the aliens as fast as Assistant Secretary Post turned them loose.

14. Page 229, line 21.

Congressman Hoch reported how the Department of Justice had made "earnest protect" to raise the bond requirements.

er. Lowential does not state on what Congressman hoch based his statement. Congressman Boch mentioned the case of "Wartens, the so-called ambassador from Soviet Russia," who was released on his own recognisance. He said that in many cases the bond had been placed at a low figure over the earnest protest of the Department of Justice.

15. Page 231, line 31, to page 232, line 3.

Attorney General Palmer told the Rules Committee that the claim had been made the Department of Justice recommended excessive bail in order that the alien would not be permitted to be at large. Such was not true. The purpose was that in cases of permicious and active agitators they should be required to furnish bail in sufficient amount to guarantee their production.

Mr. Lowenthal does not state the basis on which Mr. Palmer made this statement. Mr. Palmer cited the case of Martens, the so-called bolshevik ambassador to the United States, and said that though Martens had ample funds Mr. Post cancelled the bail and released him in the care of his lawyer.

16. Page 233, line 1.

Attorney General raiser's address indicated that in rost's por or had not only made escape possible, but had resulted in escapes. The Good lister three cases, two in which the aliens had deported themselves while free on \$1,000

bail, and one in which the detectives said they discovered a man who was free on bail participating in a strike, and "then had lost trace of him."

Mr. Lowenthal does not set out what these cases were or how they were regarded by Mr. Palmer. In the case involving Rugero Daccini, Mr. Palmer said that even if he had gone back to Italy such voluntary exile was quite different from deportation. Robert Parsons had been released on \$1,000 and had gone to Canada.

Andrew Stocklitzky was released on \$1,000 bail over the objection of the Department of Justice and joined in the Gary steel strike. He was described as a "typical, vicious Russian agitator" who was directly instrumental in the formation of the Communist Party in the United States. After being urged four times by the Justice Department to raise his bail, the Department of Labor did order him to surrender himself and then was unable to find him. Mr. Palmer said that in view of such cases he consistently recommended \$10,000 bail in the case of all aliens actively identified with the revelutionary movement.

Er. Palmer said the Department of Labor was the agency unable to find the ma.

CHAPTES T.BENTY-OLE

THE S. S. PULURD

Pages 237-241

1. Page 237, line 4

Former United States Attorney Francis Fisher Kane wrote the Attorney Ceneral that many of these people (aliens who were to be deported) had wives and children, in many cases born in this country, and by the deportation of the father and breadwinner we were inflicting much more cruel punishment than if we put the man in jail.

This is from a letter dated January 12, 1920, to Mr. Palmer. Kane was submitting his resignation. He disagreed with the raids and said he felt an effort was being made to repress a political party which would drive it underground and make dangerous what was not dangerous before. The fact that hane was submitting his resignation was not included by Mr. Lowenthal.

2. Page 235, line 14

The Interchurch study reported mental suffering among wives and the American Women's Consittee told of one wife who went insane after her husband's deportation. The GID had previously heard of the same report and had looked for the woman without success at Bellevue Hospital. QID therefore denounced the report as "false propaganda." The woman had been sent to another hospital.

The sources used by Lowenthal fail to reflect the names of any of the women referred to here. One report reflects that the insane woman was sent to a hospital on Long Island. In answering the report Attorney General Falmer, in a report on the Hadical Division, said that no such case was ever reported at Bellevus Hospital and it should further be noted that under new York law a person cannot be committed to an insane asylum until he or she has been received for observation at Bellevue Hospital.

This is inconsistent with Mr. Lowenthal's comment about another hospital.

3. - Page 234, line 13

As the press carried the stories of more "arks" ready to set sail, families tried to prepare. The American Momen's Condition told of their preparations. Families sold everything they had at a loss. In Letroit wives more informed that they must be ready at any time, and the husbands, being in jail, could not assist them in any way. The momen were unused to business transactions and more frantic with fright and anguish. One women died of preumenia.

An examination of the source reflects that in regard to the Detroit matter, Mr. Lowenthal emits to include the fact that the individuals had been told to sell their belongings at the "request of the representative of the Bureau of Labor." He left this out as he apparently wants the reader to infer that he is talking about the Department of Justice or the GID. The woman who died of pressonis is not identified.

4. Fego 239, line 29

The Department of Justice gave Congress several explanations of the hardship cases. (II) said that after the arrests had been made, there was inacdiate agitation that the families were suffering hardships. It was further stated that there would not have been a single case of hardship had the families accepted the assistance offered. The Department of Justice had taken mains to provide for such exergencies and charitable organizations had offered every assistance.

An examination of the full text of the source reflects that Mr. Lowerthal leaves out the fact that agitation began after the "arrests of the communists" and also the fact that the reports say that "a great proportion of the families were well supplied with funds."

5. fage 239, line 36

Attermey feneral Falmer stated that nowhere in the country were there any real cases of distress or want among women and children growing out of those deportations. Falmer further stated that there was no legal obligation on the part of the Covernment to maintain or provide for families of persons guilty of a violation of the criminal statutes. He pointed out that when a must is sent to a Federal feminal statutes and leave deposite behing but that it is one of the unfortunate incidents of crime.

ir. Lowenthal exits from the quoted portle of er. . Cherristates at the fact that a said he had attempted to find a way to bely the woner and children to go ham with the

people who were deported, but that he could not find any since they had to have passports to Russia. He said he understood that the State Department was not issuing any passports. Er. Palmer also stated the Deportation Statute was in a sense a criminal statute and while there was no legal or moral obligation to take care of families he had asked charitable organizations in cities where dependents were in want to take care of them.

6. Page 240, line 9

Attorney Ceneral Palmer said that the statements submitted to the Senate Judiciary Committee by the American Woman's Committee were exaggerated and that its Detroit branch were "parlor Polshevists" who were successful in securing unlimited space in the Letroit press.

Er. Falmer also said that the data presented by the American Tomon's Condittee was based on hearsay and noted that some of the woman initially associated with the novement had left when they assertained the truth.

7. Pare 240, line 14

It was suggested that there was also so ething the ratter with the study made by the Interchurch grou. Attorney General Palmer directed the GID to check their report. His "ditectives" turned up two errors in the 25,000-word document. One was the statement that the warrant of arrest on which an alien was tried was not issued until 57 days after his arrest. The data submitted to the Senate Committee by Mr. Hoover confirmed rather than 1 pugned the accuracy of the Interchurch group.

Wr. Palmer did talk dis eragingly of the Interchurch report, saying that the entire report lost credibility in view of the fact that the first thing that came to his attention was urong. This was the John Ivanauskas case. This matter all boiled down to the fact that actually an examination of the individual's case reflected that he was not held 57 days without a warrant. There was a warrant for him under one have when arrested on January 2, and a second warrant was iss ed for the same man on hebruary 2d.

.. ideo 241, li o 25

Therefore the enginees of their views about the propriet; and humanity of proposedings. Probablists in the equation of Jertle propers a

report which him. Alber pave to the Rules Committee stating that deportation proceedings "do not involve imprisonment nor....even punishment.... in the last analysis the aliet is deprived of nothing but a continued residence in the writed States."

> Mr. Lowenthal leaves out the fact that Mr. Palmer also stressed that the rules of evidence as observed in criminal or civil procedure did not apply.

9. Page 240, line 30

Congressmen Hoch of Kansas said that alien radicals "are getting off easy by simply being sent home."

Mr. Lowenthal makes Mr. Hoch sound rather callcused. Actually the Congression said that it was evident that many of the individuals were out to Russianize the United States. He pointed out that the rights of free speech, free preas, etc., must not be shridged but on the other hand freedom does not mean license to incite to destroy. The Congression pointed out that we had welcomed these aliens with high purpose to our shores "but there is no room in this country for aliens who come, not to become responsible citizens, but to poison the public thought against our institutions and to preach violence against our Government and its officials." He then made the statement that they were getting off easy by simply being sent home.

CHAPTER TY . ITY-THO

THE LANY OF PLAN OUT

Pages 242 - 259

1. Page 242, lines 9, 26, and page 243, line 3

in Chicago, during the raids, told the Senate Committee investigating the matter that in no instance did he talk to his clients prior to the hearings and that at the actual trial, his clients turned out not to be radicals at all, a matter which should have been determined by Bureau Agents before locking them up.

The text sets out only part of Er. Bachrach's testimony. He also said in addition, "I have no criticism at all of the fairness of the lumigration authorities in Chicago." He also said that he had no complaint against either the Labor or Justice Departments in so far as "having early hearings were concerned."

he also spoke of a group of thirteen Italians accested in Chicago. All but the organizer had joined the group to be educated in music and English. he said he thought "the Department of Justice agents were as frank about it as anybody could be, and when they learned about it, the one person who had organized the branch was held, and he evidently had deceived all the others." He added: "Ty only suggestion with reference to the Italian branch was that it occurred to me that before arresting those men'those things might have been learned from them, anstead of looking them up. They were not as careful about the liberties of the persons as they might have been."

2. Page 246, line 22

Assistant Secretary of Labor Louis 1. Post was investigated by the House Rules Committee on charges of in erfering with GID anti-radical activities.

Mr. Post was being investigated, not for interfering with OTD anti-radical activities, but for alleged disregard of the laws relating to deportation of dangerous aliens.

3. Page 24E, line 1

The preliminary trial of one of the defendants in the elies deportation cases was held in the offices of the prosecutor. Ar. Falmir tola the behave los ittee he saw nothing wrong with this.

kr. lowenthal neglected to show that kr. Palmer pointed out that for convenience the hearing was held in a Department of Justice room by an imagration inspector. He said, "If that be ground for criticism, make the most of it." He also said that the bail had been reduced and that the fact the man was released by Mr. Post did not prove to him that the arrest was improper in the first place.

4. Page 251, line 18

Mr. Francis Fisher Kane, of Philadelphia, who had served as United States Attorney for six years, resigned in 1920 because he could not stomach the Department's anti-radical policies.

Mr. Kane also admitted that there had been other disagreements between him and the Department but said he thought he might have stayed except for the deportations.

5. Page 252, line 6

Mr. Kane, when asked by Senator Welsh of the Senate Committee, his views on arresting people without warrants, replied "... It is absolutely indefensible."

Ent in Mane added: "I do not mean to say that as district attor by I would not have done it. I do not mean to say that I am any better than anybody else in the third states who is a district attorney, and I have done unlawful things..."

6. Page 251, line 33

Er. Kone said as prosecuting attorney he always tried to get a statement from an arrested man, but "I would take care to warn him (of his rights.)"

The testimony reflects that what ir. Kane actually said was:
"If it were under such circumstances that the min would be able
to testify that he had not been warned, I would take care to
warn him, and then talk to him..."

7. Page 253, line 3

Mr. Kane in discussing political or economic reforms urged on .r. almer "the fullest discussion...in order that we may arrive at the truth and really solve the problems before us."

In this same statement Mr. Kane said: "Some people are afraid of what they call the coming social revolution. I, for one, an not. I believe in the unqualified recognition of union labor, the nationalization of the railroads, of the coal industry, and perhaps of other public at lities... I might even vote for the taking over of large portions of what is known as the rekent humaness..."

8. Page 255, line 1

Mr. Charles T. Clayton, formerly an official in the office of the Secretary of Labor, in expressing his opinion on the raids, was quoted as saying, "These things will happen in the instance" of men who are overzealous... I do not think the government should allow their activities to continue."

The text fails to show Mr. Clayton's full statement which was:
"These things will happen in the instance of men who are overzealous in the interest of the government. I do not blame
them for being overzealous, but I do not think the government
should allow their activities to continue." He further said
the blame "lies both ways" but especially with the immigration
field officer for accepting "that kind of affidavit."

9. Page 256, line 5

Former Senator Albert J. Eeveridge of Indiana in an address before the American Ber Associatio, which was introduced into the record of Committee hearings, was quoted as saying: "It is as protosque as it is false to say that speech and press are free, while a single administrative official may prevent the circulation of whitings and publications. It is as if the first anotherst were valid in an uninhabited desert, but void wherever anybody lives..."

This appears in the text in such a manner that by implication it seems to apply to Mr. Hover. Actually Mr. Ecveridge was speaking of the alleged arbitrary power of the Secretary of Labor in evaluating the program of the Communist Party and other organizations. He inquired whether it might not be mise to have a court to pass "upon such broad quest ons" and also to decide questions referred to it by the Postmaster General on excluding publications from the mails. He then says, "Certainly that terrific power should not be imposed upon one man any more than the authority to determ no the meaning of certain party platforms should be thrust upon one man. It is as grotesque..." etc.

10. Page 256, line 25

Of the twelve lawyers who signed the report, Attorney General Palmer singled out Jackson H. Halston as the Chief Harshal of the forces that are directing criticism at the Department of Justice.

ar. Palmer explained that ir. salsto, selected the all the off the other slaves signers of the report is a part of his start of the defending in oak before the hiles corn the off the (Ralston was ar. of the attorney during these hearings. As pointed out that ir. which against describing a form letter to various lawye side wing alreas and doing this acide with a little of

for Post. When Relaton got the replies, according to relater, he got up his report and by getting the other lawyers to signit made it appear it was " a spontaneous outbrack of the outraged feelings of the American Bar." Ir. Falmer said the report would have been "in quite a different light" if ir. Relaton had presented the full facts to the Rules Committee.

CHAPTER THENTY-THREE

WHAT THE RAIDS ACCOMPLISHED

Pages 260 - 266

1. Page 260, line

In June 1920 the GID, after reviewing its activities in its first ten months, informed Congress that "the result of the arrests was ... a marked cessation of revolutionary activities in the United States."

This information is from a report on the Radical Division which Mr. Palmer presented to the Rules Committee in June of 1920.

Between the words "arrests" and "was" the author leaves out "of January 2, 1920." He does not indicate that the material was omitted. The author is very general when he could have been specific.

2. Page 261, line 17

The GID released evidence consisting of various May Day utterances which "disturbed the detectives." There are set forth numerous quotations dealing with May Day from such organizations as the Socialist Party, American Amarchist Federated Commune Soviets, Communist Labor Party, Communist Party of America, Amarchist Soviet Bulletin, etc.

The quotations used by Mr. Lowenthal are taken from a report on the Radical Division of the Department of Justice. It is under the heading, "May Day, 1920." Mr. Lowenthal quotes rather mild statements. For example, "The Awakener" issued in preparation for May Day, 1920, said: "Before we can build a new society based on real freedom the present one must be destroyed." "The Awakener" was distributed by anarchist groups in Canada.

A one-page circular by the American Amarchist Federated Commune Soviets entitled "Today is the Day!" contained the following: "When we march or hold our meetings we must never forget to be armed to repel those misguided soldiers or policemen who will dare to attack us as they have done until now." The only portion of this material appearing in Mr. Lowenthal's book is the title, "Today is the Day!"

3. Page 262, line 14

Mr. Ralston, Mr. Post's attorney, suggested that in view of the actual statistics of arrests, the campaign was "relatively unimportant when you consider the wast population in this country and the few offenders against it...."

This is a part of J. H. Ralston's statement which he made while testifying for Louis F. Post before the Rules Committee of the House of Representatives. Congressional reaction, however, was rather interesting, and is omitted by Mr. Lowenthal. Representative Albert Johnson of Washington retorted: "It shows to an absolute conclusion that the Assistant Secretary of Labor used every possible opportunity to avoid making deportations called for under the direction of the law."

Raiston, after citing the figures, said, "That shows how very unimportant, as applied to the whole population of the United States, the law was." Representative Johnson rejoined: "It shows that alien anarchists, bomb throwers, dynamiters, revolutionists, and red flaggers stay in the united States." Manifestly, the number of aliens deported could not be compared legitimately with the population of the United States anyway, since only aliens could come under its provisions. Furthermore, the law had been in effect only a very short time.

CHAPTER TWEETY-FOUR

BUSINUSS AS USUAL UNDER A NUN ATTORNEY GENERAL

Pages 269 - 281

1. Page 269, line 3

Under the administration of Attorney General Daugherty, in 1921, kr. Hoover was promoted to Assistant Director of the Bureau of Investigation under Chief Burns. The Bureau's "anti-radical" operations continued under Mr. Hoover's General Intelligence Division which now warned that radicalism was tied into foreign Communism.

Wr. Lowenthal would make it appear here that Mr. Hoover was responsible for Mr. Eurns' inadequacies, as well as for Mr. Daugherty's failings. What actually happened was that Daugherty became involved in a vicious fight with his political opponents and used the Bureau's facilities as his meapon in this fight. Mr. Daugherty accused his opponents of being tools of Moscow and Mr. Eurns assisted him in trying to substantiate such charges.

If Mr. Hover had in fact been responsible or involved in these activities, it is difficult to believe that the late Harlan Fiske Stone, who was made Attorney General in 1924 for the purpose of cleaning out the Department of Justice and the Eureau of Investigation, would have retained Mr. Hover, much less make him Director of the Barcau of Investigation.

2. Page 278, line 6

The biggest undertaking of the Bureau of Investigation for the enforcement of State sedition laws was staged at Bridgman, Michigan, where the Communists beld a meeting in 1922.

Mr. Lowenthal neglects to mention in discussing this matter that William 2. Foster, head of the Communist Party in the United States today, was one of the individuals arrested and tried in this case. He also fails to mention testimony before the House Appropriations Committee: "For the first time in the history of the Communist Party the Soviet Government's representatives, together with the representatives from this country, were meeting at Bridgman, Mich pas, and for the first time in history they were arrested at their meeting. heretefore they have been able to evade arrest."

3. Page 280, lines 9, 28

In the famous Sacco-Vanzetti Case in Massachusetts, the Bureau of investigation, according to the testimony of two former agents of the Bureau, assisted the State to secure murder convictions against these two men while the agents attending the trial were sure that the men had nothing to do with the murders.

It is noted that this charge is based on statements of two former agents of the Bureau. Both of these men had been asked to resign from the Bureau because of bad records. At least one of them was known to have engineered a campaign to blacken the character of his associates in the Department of Justice. When called upon to sustain his statements by proof he was unable to produce any evidence.

After obtaining affidavits from these two former agents, the attorney for Sacco and Vanzetti made a demand on the Boston office of the Euleau for an examination of the files relative to the case. When the agent in charge of that office, acting on instructions from his headquarters, requested the atto ney for a more detailed specification of what he desired to ascerta u in the files, the attorney refused to furnish this information, using profate and violent language. The inited States Attorney at boston and the Special Agent in charge of that office advised there was nothing in the files bearing upon the guilt or innocence. After this the files were cent to Eshington where they were carofully reviewed by the Director of the Bureau and he reached the conclusion that the s was nothing in the files pertaining to the guilt or innocence of the two defendants, later, the Assistant Attorney General in charge of the Criminal Division of the Department of Justice, poviewed the files and reached the same conclusions.

CHAPTER THEMTI-FIVE

SURVEILLANCE OVER LABOR DISPUTES

Pages 282 - 288

1. Page 282, lines 1, 3,

American labor unions were objects of the GID's special attention from 1921 to 1924. The GID took a more active part in trying to defeat strikes. Previously the Bureau claimed it was attempting to protect conservative labor against radicals, etc.

One of the sources cited shows the Communist Party of the United States actively participated in the coal strike of 1919.

2. Page 282, lines 9, 16,

"In Congressional quarters there was some support for the antistrike position taken by the Bureau... But others in Congress held that the strikers had sufficient grounds for their action..."

This presentation of source material permits the reader to infer that "others in compress" were in opposition to the Bureau itself. Actually Congressman Huddleston, who is cited by the author to support "others in Congress" was speaking about the coal strike and directed his attack against the mine operators who, he said, wanted to destroy the union. Ruddleston did not mention any branch of the Government whatsoever and most certainly not the Bureau.

3. Page 263, line 7.

"Those who agreed with its (the Bureau's) policies said the employees went on strike to block a wage cut...."

This referred to the strike of the railroad shopmen in 1922. To support this &r. Iowanthal cites Representatives and Senators. Although he accurately quotes the various legislators, a review of their remarks as they appear in the Congressional Record shows that they at no place referred to the Eureau.

4. Page 284, line 7.

The Bureau mobilized all its forces and assigned them to "espionage" in the railroad shopment strike of 1922.

What the agents we's engaged in certainly was not espionage in the technical sense, and unless the meaning of the word is to be extended to cover investigative activity it is an inaccurate term to describe the investigative efforts of the agents. The reference cited by the author deals with all branches of the Department of Justice in dealing with the strike and not solely with the work of the Bureau. Agents, of course, were already assigned throughout the country and were not "sent all over."

5. Page 284, lines 27, 29.

Bureau agents recommended the employment of special deputy marshels in the railroad shopmen strike of 1922.

The author's authority for this statement is found in one telegram, not from an agent of the Bureau, but from a Marshal stating that the agent recommended additional deputies. The use of the plural is not justified. Further, the author's second citation for the same statement does not support it at all but is merely a latter from a Marshal to the Attorney General reporting that he was working in harmony with the Bureau.

6. Page 284, lines 27, 29.

It is stated that these deputies were to be armed and to patrol at points specified by the Federal detectives.

The authority cited by the author here clearly shows that the deputies were selected by the Marshals, but the Attorney General gave instructions that they were to be neutral on the strikes, not being connected either with the railroads or the strikers. Any persons hired in violation of the restriction were discharged if discovered. This statement contains no indication that the Bureau of Investigation had any connection with the hiring or assignment of the special deputy marshals used on the railroad strike.

7. Page 285, line 3.

The GID tried in vain to substantiate its belief that the strike was financed by Moscow and carried out under orders from the Third Intermational.

Mr. Burns testified that it had been shown conclusively that in all strikes is the builted States radical propaganda entered

into the situation and that the Department of Justice had furnished the State Department with evidence which showed that the Third International was directing communist activities in the United States.

E. Page 285, 1ine 24,

The detectives reported occasional instances of violence in the railroad shopmen strike.

The use of this terminology is an understatement. "Lawless Disorders and Their Suppression," the source cited here, is replete with instances of violence which ranged from murders and bombings to arson and sabotage. Too, the arrests of 1200 people and many subsequent convictions do not support this statement.

9. Page 286, line 14.

In some instances in which Federal agents said they could identify persons guilty of assault, the United States Attorneys found the evidence too weak to try the cases.

The only case cited shows that the U.S. Attorney declined to take action because the termination of the civil action on which the investigation was based would have made further proceedings impractical. The evidence was therefore turned over to the local authorities since the acts of the defendants constituted a violation of the state statutes. The United States Attorney praised the work of the Agents.

10. Page 286, line 24.

The fact that there could be local prosecutions for violence also interfered with the Bureau.

There are cited many pages from "Lawless Disorders and Their Suppression," all of which showed that the Department policy was to leave local violations to local police and enforcement agencies. It does not support the claim that such local authority interfered with the work of the Eureau.

CHAPTER THE ITY-SIX

THE BUREAU SURVEYS THE LEGISLATURE

Pages 289 - 293

1. Page 290, line 24

Full details of the Bureau's activities against members of Congress were not obtainable. Employees still at the Bureau could not talk freely. A woman employee who testified under subpoena before the Committee investigating the Attorney General, received a letter the dext day from J. Edgar Hoover, Acting Director, peremptorily demanding her resignation.

Mrs. J. B. Duckstein testified before the Senate Committee investigating Attorney General Daugherty on May 21, 1924. Her resignation was requested on May 26, 1924, not one day after her testimony as indicated in Mr. Lowenthal's book. Mr. Hoover asked for the resignation "with regard to the reduction of the force under the appropriation for 'Detection and Prosecution of Crimes'" and it was "at the directio. of the Attorney General" who, of course, was then Mr. Stone.

2. Page 290, line 37

A former Bureau Agent explained in some detail that during the investigation of the various Senators by the Department of Justice, they were shadowed, private lives investigated, both in Washington and their home states, their mail was examined and their offices and files rifled, etc.

Here the text fails to disclose that the "former Bureau Agent," was none other than Gaston B. Means who testified at length in the Daugherty investigation. Heans, of course, had a criminal record and was notorious for his carelessness with the truth. To have identified him with this testimony would have detracted from its "authoritativeness." Heans testified that he had others with him but they are not described as "Bureau detectives."

On the same page Mr. Lowenthal fully identifies by name another former Special Agent (H.). Scaife) from whom he also quotes. Mr. Scaife's name is listed in the index to the book, but the name of Means does not appear therein.

8. Page 295, line \$2

A Washington newspaperman subsequently claimed that Mr. Hoover played an active part in the so-called Wheeler case which another writer claimed was a dark page in American Government history.

It should be noted that the investigation of Senator Wheeler was initiated before Mr. Hopver became Director of the Eureau of Investigation. The investigation was made by a group of accountants and Agents who had been practically detached from the Eureau and were working under the direction of Special Assistant to the Attorney General Pratt.

A Literary Digest article of May 31, 1924, quotes Paul Y. Anderson, Washington correspondent of the Democratic Raleigh "News and Observer" who claimed that the investigation of Wheeler grew out of the efforts of John T. Adams, Chairman, and George W. Lockwood, Secretary, of the Republican Rational Committee, who were friends of Attorney General Daugherty. When Rheeler started his drive against Daugherty, the latter allegedly consulted Lockwood and William J. Burns. Burns sent Agents of the Bureau of Investigation and Lockwood sent Blair Coan to Montana to "get" something on Wheeler.

CHAPT A T. MITY-SEVER

THE RISING TIDE OF CRITICISM

Pages 294 - 304

1. Page 297, line 18

While changes were taking place in Washington in this field (release of aliens) there were also changes taking place in the various states which reduced the accomplishments of the Bureau of Investigation. State governors such as Alfred E. Smith of New York granted pardons in most of the publicized cases in which conspicuous assistance had been rendered by the Bureau of Investigation.

To support this Mr. Lowenthal relies on the New York Times. His first source was the issue of November 30, 1922, reflecting that the Governor of New York had pardoned a number of men who had been in prison. The Covernor was quoted as saying they were not "criminals," and had suffered severely since their indictment and conviction in 1921. Mr. Lowenthal then turns to the New York Times for January 18, 1923. This article reflects that Governor Smith had granted unconditional release to prisoners declaring that while he repudiated their views they had suffered sufficiently.

The last article which he uses to support this contention is one from the New York Times on January 8, 1924, reflecting that Mr. Smith had pardoned the remainder of the war offenders on the grounds that the prisoners had suffered sufficiently. This reflects the technique used by Mr. Lowenthal. The broad generalities of the book, when analyzed, are supported by three newspaper clippings spread over a period of three years.

2. Page 297, line 34, and page 298, line 4

Following Daugherty's departure from the Department of Justice at the end of March, 1924, President Coolidge appointed Harlan F. Stone as the new Attorney General and the Bureau of Investigation's methods were subjected to various changes. Its GID's anti-radical program was eliminated for the time being. William Allen White in his biography of President Coolidge said that when Stone took charge of the Department of Justice he immediately ordered the "spying, telephone smooping and undercover work of the Department of Justice to cease."

The source cited by ir. Lowenthal is interesting. He citer the book entitled "A Puritan in Habylon, The Story of

President Coolidge." Chapter 24 of the book is devoted to the climax of the Teapot Dome oil scandal, the evente leading up to the exposure of Secretary of the Interior Fall and Secretary of Mavy Denby, and the request of President Coolidge for the resignation of Attorney General Daugherty when the latter refused to give certain papers in his office to the Senate Committee investigating the scandal. Mr. White tells of the appointment of Stone and then makes the exact statement quoted in the text. The only connotation which can be placed on this naterial is that Stone cleared up the practices which existed in the Department under Daugherty and William J. Burns. However, an examination of the text in the Lowenthal book reflects that just preculing this material he is discussing the Bureau of Investigation and in the following paragraphs he discusses the fact that Director Hoover took over. Mr. Lowendial does not state here that Stone appointed in. Hoover as Director and therefore must certainly have had co. . idence in him.

3. Page 295, lines 25, 27

The nature and scope of the future work of the Bureau of Investigation were brought out when the Senate Investigating Committee had Director hower before it on May 15, 1924. This was several days after Burns had resigned, leaving Mr. Hower in charge and one month before he was made Acting Chief of the Bureau. Senator Wheeler asked about the work of the Bureau's "detectives" prior to World War I, and Mr. Hower answered that "Stheir functions were limited to investigating all the violations of Federal statutes and seeking evidence. He (Mr. Hower) hastened to add '... there has just been a circular issued restricting their activities to that particular function. "

An examination of the sources reflects that the testimony was May 17 and not May 15, as indicated by Mr. Lowenthal. The only word omitted between "seeking evidence" and "there has just been" is "incidentally." To have quoted this properly would not have given the exact impression Mr. Lowenthal meant to convoy; thus, he inserts "he hastened to add."

It is also noted in this paragraph that Mr. Lowenthal points out that "Mr. Burns resigned, leaving Mr. Hoover in charge." This was an offhanded way of announcing that Mr. Hoover had taken charge of the Bureau.

4. Page 299, line 15

In October 18, 1924, two months before Mr. Hover's title was changed from Acting Director to Director, he submitted a nero andum to his superior reading, "It is, of course, to be remembered that the activities of torm, a sta

and other ultra-radicals have not up to the present time constituted a violation of the Federal statutes, and consequently, the Department of Justice, theoretically, has no right to investigate such activities as there has been no violation of the Federal laws."

This is taken from Mr. Hoover's memorandum of October 18, 1924, to Assistant Attorney General William J. Donovan. This memorandum transmitted a letter received by the Bureau from George H. Wark, Federal Prohibition Director at Topeka, Kansas, requesting information concerning radical activities in the United States.

The background for Mr. Moover's statement may be found in a memorandum from him to Assistant Attorney General Crim on August 31, 1923, in which it was pointed out that there was no logislation at that time which would permit the Federal Government to take action against the officers of the Morkers Party of America, the Corm mist Party of America, and the Trade Union Educational League. This was based upon the fact that the only Statutes possibly applicable were Sections 4, 5, and 6 of the Crimenal Code. It was pointed out that Section 4 of the Crimenal Code, which was Section 5334 of the Revised Statutes passed in 1862, penalized inciting rebellion, a d the fourts had held that there had to be an overt act of rebellion to make the Statute applicable.

Section 5 of the Criminal Code, formerly Section 5335, Revised Statutes, was passed in 1799 and penalized conversation with a foreign government. This Statute could not be applied to the Communists in the United States because the policy of the Administration at that time was to "positively avoid" the use of the term "government" in speaking of the Bolshevik Regime in Russia and because the Seviet "Government" was not a government therefore under the terms of the Statute.

Section 6 of the Criminal Gode which was Section 5336, Revised Statutes, was passed in 1861. According to Court decisions, printed propagands alone did not come within this Statute and this belief had been expressed by the Repartment of Justice.

The Director pointed out to the Department that, of course, it is ridichlous to consider that a document or a "piece of paper" could "overthrow the Government," "but, nevertholess, a mariner's map, which, although it could not pilot a ship, indicated to the wan at the wheel the way that the ship should go."

5. Page 300, line 16

Ecloss of the GID's activities in the 1919-1924 period were heard in the 1940's following Mr. Hoover's resotivation in 1939 of the GID and its card index.

In this testimony before the House Appropriations Committee on the emergency supplemental appropriation for 1940, Director Hoover said that in September of 1939 "We found it necessary to organize a General Intelligence Division in Washington." He added that it was made necessary by the President's Directive of September 6, 1939. Mr. Loventhal omits this portion of the testimony and also fails to mention the Director's statement about "extensive indices of individuals, groups and organizations engaged in these subversive activities, in espionage activities or any activities that are possibly detrimental to the internal security of the United States."

This paragraph is typical of Mr. Lowenthal's disregard of conditions as they existed in this particular period. War was already raging in Europe, and America was feverishly arming herself. By this clever technique the author leaves the reader to believe that no action should have been taken in regard to protecting the internal security.

6. Page 300, line 22

In the midst of the resultant criticism (which arose from the suggestion that the GID had been reactivated) Alexander Holtzoff, a Department of Justice lawyer, denied that Mr. Hower had any connection with the earlier GID's operations and insisted that Mr. Hover's record of a quarter of century in the Bureau of Investigation was without balanish. Mr. Holtsoff made these statements in correspondence which he initiated following charges b Mary R. Beard, the historian, that the FBI was again becoming a threat to the American system.

Er. Lowenthal then proceeds to set forth in detail the correspondence between Mrs. Beard and Mr. Holtzoff. Mrs. Beard's contention was that the GID was organised in 1919 under the direct supervision of Mr. Hoover and Mr. Moover had been "since 1917 in charge of counterradical activities ..." It is also noted that Mr. Lowenthal continues his discussion in the book with statements that the fact Mr. Hoover had nothing to do with the 1919-1920 raids were made not only by the Director himself but also by Associate Director Clyde A. Tolson.

The was a Special Assistant to the Attorney General at the time charged with responsibility of prosecution the departation cases. The raid, we a conducted by william to light.

Suffice it to say that ir. heaver was not blamed by Attorney General Stone who appoin ed him; the various Congressional Committees which investigated the matter; Er. Morris Matzeff, an attorney the represented many of the aliens in the New England area; or even by Mr. Louis F. Post, Assistant Secretary of Labor who was a bitter critic of the Palmer raids.

It should be noted Mr. Post later wrote a book entitled "The Deporations Delirium of Nineteen-Twenty." Mr. Hoover's name is not even listed in the index of this book which is most critical of the so-called Palmer Raids. In fact, on page 49 of the book Mr. Post says: "Although Congress did not at once make as large an appropriation as the Attorney General asked for, it made one in June and another in December which aggregated more. With these funds at command, the private detective whom the Attorney General had already selected to manage the esoteric activities of the 'red' crusade - his name being William J. Flynn -- a man whom at an appropriations hearing he described as 'the greatest anarchist-expert in the United States, one who 'knows all the men of that class' and 'can pretty nearly call them by name, turned the Department of Justice into an agency for stimulating the popular delirium which the postal bombs of the preceding May and the explosions of June had generated."

CHAPTER TEENTY-EIGHT

THE EDUCATION OF A FEDERAL POLICEMAN

Pages 307 - 329

1. Page 307, line 13

In addition to its "Internal Security" operations of 1919 to 192h the FBI in these, as in subsequent years, entered new fields of activity in crime detection and prevention, and extended lines of work undertaken in the eleven years up to 1919. A full account of the continuing program of these activities would require a separate volume. The "present book" will only sketch, by way of illustration, a few of the important policies and practices developed by the Bureau during the years 1919 - 1950.

This opening to Chapter 28 gives the impression that the Bureau has "entered new fields" and grown of its own accord. Mr. Lowenthal completely overlooks the basic fact that the country itself has grown, new situations have developed and that Congress has passed many new laws for the Bureau to enforce.

2. Page 307, line 22

One of the earliest of the Bureau's procedures in advancing its goal was established by A. Bruce Bielaski, when he succeeded Chief Finch in 1912, and undertook its reorganisation. Mr. Bielaski made it a prerequisite for appointment to his detective staff that applicants must have a law education.

For his authority as to Mr. Bielaski's statement that as a prerequisite for employment applicants must have a law education, Mr. Lowenthal goes to the testimony of Mr. A. T. Seymour, Assistant to the Attorney General, who testified on June 16, 192h, stating that as an "experiment" plans were to get law trained men for anti-trust work. Mr. Seymour expressed the view that this would be the policy of the Bureau of Investigation. Senator Wheeler asked him if Mr. Bielaski, Chief of the Bureau of Investigation had adopted the prerequisite of law training. Mr. Seymour replied: "I think so. I was told that Bielaski would not have any man who was not a lawyer."

It should be noted that Mr. Seymour did not make a positive statement of fact but expressed an opinion. Yet, Mr. Lowenthal turns it into a positive statement.

3. Page 311, line 31

Director Hoover in testifying before the House Appropriations Committee in 1930 and 1932 continued to emphasize his understanding that the requirements of legal training as a qualification for employment in the Bureau's "detective force" had been established in his period as Chief.

Mr. Hoover in testifying on December 1, 1930, before the House Appropriations Committee pointed out that 61.65 per cent of the Bureau's field investigative personnel were men with legal training. He also noted that this was against a percentage of 16.5 in 1921, when the rule was promulgated requiring the investigators to possess legal training. The Director said that he felt the change had been most beneficial. Mr. Lowenthal omits the percentages which would reflect the success of the program between 1921, and 1930.

4. Page 312, line 5

Mr. Hoover also reported to Congress on the schooling of his detectives. Testifying before the Senate Appropriations Committee in 1936, he said: "We did not initiate the training school in the Bureau until 1928, when as Director of the Bureau I initiated a training school...."

In an earlier portion of this chapter Mr. Lowenthal refers to statements made by Attorney General Daugherty and former Director Burns to the effect that Agents were sent to training schools. For example, he quotes a statement made by Mr. Burns in 1922 indicating that training schools had been established at the effices of the Bureau in Chicago and New York City. Mr. Burns pointed out that every new employee was required to complete a course of instruction in one of the training schools. The schools were in charge of experienced and trained investigators and close attention was given to the proper instruction of each new Agent in the fundamentals of investigative work.

In testifying before a Senate Appropriations Committee on April 11, 1936, Hr. Hoover was asked by Senator McKellar whether or not he, Mr. Hoover, had attended a "crime school." Mr. Hoover replied that he had not in that the "training school in the Bureau" was not initiated until 1928. The Director added that he had initiated a training school in that year.

Mr. Lowenthal is attempting to imply that the Director was incorrect in stating that he had initiated the training school program. It is true that the first training school in the true sense of the term was initiated by the Director in 1928. This training school was the first one held in Washington and included a curriculum in addition to merely having new Agents begin their service under the tutelage of an experienced Agent.

The school was inaugurated on January 7, 1928, by a letter from the Director to Hr. J. M. Keith, Special Agent in Charge of the Washington Field Office.

5. Page 318, line 4

The postgraduate course for educating law school graduates to become detectives has varied in length during the years that Mr. Hoover has directed it; the minimum training period has been six weeks, and the optimum period has been sixteen weeks.

An examination of the sources reflects that the training course for Agents has varied in length from time to time. The author omits, however, any explanation given for the necessity of shortening or lengthening the course in any particular period. For example, in connection with reducing the course from 14 to six weeks on one occasion there is set forth in the source the explanation that there was an urgent need for men.

While in all instances the training of new Special Agents is sontinued after they are assigned to the various Field Offices, particular stress is placed on this subsequent training when because of emergency situations it is necessary to shorten the original training period.

6. Page 313, line 7

Mr. Roover described the contents of the course in 1:48 and listed raids, surveillances, mechanics of arrests and searches, ethics, the bill of rights, constitutional law, professional standards, investigative techniques, etc.

The author omits "Civil rights of persons under investigation," which topic was included in the source he cites.

FEDERAL BUREAU OF INVESTIGATION FREEDOM OF INFORMATION/PRIVACY ACTS SECTION COVER SHEET

SUBJECT: Max Lowenthal

Part 4 of 7

Third, even those investigated by the FBI may be appointed in spite of derogatory data developed. That is particularly true of political appointments. Lastly, failure of a Bureau inquiry to develop derogatory data does not thereby charge the FBI with guaranteeing that the person may not later lapse into irregular or illegal practices. Mr. Lowenthal makes no mention of the "rotten apples" the FBI has kept out of such positions.

3. Page 316, line 25 to page 320

Mr. Hoover told Congress his agents understood the rules of evidence. But in January, 1940 the FBI arrested eighteen members of the Christian Front on charges of plotting the overthrow of the United States Government by force. The trial in April, 1940, disclosed that the FEI had mistaken drunken declamations and braggadocio for a gunpowder plot. The newspapers reported court accounts of drunken orgies, ping pong games, and rifle practice, paid for with government funds by an FEI informant. The Bureau was criticized for relying on weak and unreliable evidence and was accused of timing the arrests to increase its appropriation.

This case came to the attention of the FBI in August, 1939. It was investigated by the Bureau and considerable evidence developed. In January, 1940 Alexander Holtzoff of the Department advised that prosecution was desirable, and the United States Attorney of the Eastern District of New York authorised proceedings on charges of seditious conspiracy and conspiracy to steal United States property. At the trial there was much lurid and sensational testimony, of which the newspapers and Mr. Lowenthal made the most. But there was also testimony of a more serious nature concerning plans to seize public buildings and utilities, sabotage, arms practice, bomb study, military training, and possession of guns, as well as threats to shoot Congressmen. The case was concluded in July, 1940 with acquittal of eight defendants, dismissal as to one, and jury disagreement as to five.

The FBI did develop evidence of the crimes charged. Whether the amount and sufficiency of it justified prosecution was entirely within the province of the Justice Department and United States Attorney. Arrests and prosecution took place when authorized and not by FBI "timing."

4. Pages 319 and 320

Another incident of 1940 raised further doubt as to whether FRI agents realised the true purpose of the Constitution and the Bill of Right

related to arrests of Detroit and Milwaukee residents for recruiting persons in this country for participation in the Spanish Civil War some years earlier. Mr. Lowenthal quotes the "Detroit press" to the effect that arrests were made at 5 a.m., doors were broken open wherever necessary to gain entrance, handcuffs and chains were applied, and prisoners were held incommunicade almost until arraignment, without permission to see attorneys. Senator Norris was quoted regarding arrest of one woman in bod, compelled to dress practically in the presence of Agents, and arrest of a doctor on the pretext that a seriously injured patient wanted to see him. Mr. Lowenthal states that the Attorney General sent his own investigator to inquire into the facts, and the latter reported that Agents had engaged in conduct which right constitute a violation of the constitution.

ir. Lowenthal has brushed off with a word the facts of this case as developed by the careful inquiry conducted by Henry A. Schweinhaut, Chief of the Civil Liberties Unit of the Department of Justice and now a Federal judge. It interviewed the defendants, their attorneys and all government officers associated with the investigation. He concluded that the 5 a.m. arrests were justified by the number of persons involved and the nature of their habits, since otherwise some might have escaped. In the two cases where doors were forced, the persons had refused to open them after agents identified themselves, and the force was justified. Use of handouffs was usual to prevent subjects harming agents or themselves, and two pistols and ammunition were found at the home of one subject. He found that chains were not used by Agents in spite of claims otherwise. Defendants were not held incommunicado but were allowed to make phone calls, and a roim was set aside for attorneys to consult with them before arraigment. He found that little credence and be placed in charges of improper conduct or mistroatment by Agents and concluded that "the conduct of the Agents is not subject to justifiable criticism." The statement used by Mr. Lowenthal as the foundation for his clain that the report showed agents' conduct might constitute a violation of the Constitution was ir. Schweinhaut's opinion that some of the seizures made insident to the arrests, even though believed proper by the Agents, apparently were not covered by United States v. Lefkovitz, which limited searches on armst warrant and without search warrant. He pointed out, though, that the decisions left it uncertain as to just how far arresting officers could go in making such searches.

It is partiment to observe that several of the defendants were closely associated with the Communist Party, one was

secretary of the Young Communist League and one an official of the International Workers Order. The Communist Porty was active, therefore, in exploiting the arrests and in calling for dismissal of the charges.

When writing to Senator Horris with regard to the case, Attorney Ceneral Jackson said: "I am convinced that if these liberties (Civil Liberties) are generally endangered in this country it is not by the FRI."

5. Page 320, Line 33

"FBI practices were summed up in March 1940 by a Senate Committee. While the report did not specifically state that its charges were directed against the Bureau, Dairman Burton K. Wheeler of Hontana, in a press interview, admowledged that the report was in fact aimed at that police unit, and the detailed charges rade by the Senate Committee's statement were widely reported by the press services and the Mashington correspondents as directed against the police at the Department of Justice.

"The Committee report, besides constituting a roundup of widespread feeling of the time that the FRI had, in 1939 and 1940, engaged in many illegalities, served to apread that feeling in still wider circles.

"... The illegalities cormitted by the police were catalogued by the Senate Committee. The catalogue rends very much like the list of charges against the Rureau's Agents in the years 1919 to 1924."

Senator Theodore F. Green of Phode Island introduced Senate Resolution 224, directed against use of wire tapping, dictographs and similar devices for monitoring conversations of Federal, State and local officials. The resolution was referred to the Interstate Commerce Committee, of which Burton K. Wheeler was chairman. The Committee submitted Senate Leport 1304, March 12, 1940 recommending passage of besolution 224 and suggesting that it might be broadened to cover monitoring by or against any person for any reason. The report outlined disregard by "some" police of individual rights, and it seems clear that, or its face at least, the report was simed at wire tapping and violation of civil rights by any law enforcement agency or individual. Nowhere does the report sention the FBI by name or direct implication.

Mr. Lowenthal's own sources belie his contenties that Conator Theeler admowledged the report was aimed at the FPI. They

show remarks of Senator Wheeler that the report and recommended resolution were broad enough to cover the FBI and all government agencies. He does not say they were aimed at the Bureau. Some newspapers did ask if the resolution was directed at the FBI, and Senator Green, its sponsor, said in a public statement March 13, 1940, that it was sixed at wire tapping in general and at no agency in particular, that it was definitely not aimed at the FBI, and that he had the highest regard for the work of the Bureau. In fact, he said, the proposed wire tapping investigation was partly due to evidence uncovered by the FBI in Rhode Island. Mr. Lowenthal totally ignores the true facts. A sub-committee under Senator Tom Stewart held hearings in May and June, 1940, on alleged state and private wire tapping in Rhode Island election fraud cases and in November and December, 1940, on local police and private wire tapping in New York City. No claims of FBI wire tapping were involved in any of the hearings.

6. Page 322, line 14

The FBI demanded legislation giving it access to 1940 census data, some of it so intimate that its very collection had raised alarm in Congress. Fear increased that the Bureau might become a central detective force with dessiers on numberless individuals.

The proposal was made initially, not by the FBI, but by a military intelligence representative. A bill was drawn up by a Department of Justice Attorney giving Army and Navy Intelligence and the FBI access to such data for national defense purposes. The proposal was opposed and was promptly dropped. Mr. Lowenthal disregards the fact that it was not an FBI idea, that three agencies were involved, and that it was for national defense purposes, not to build up dossiers.

7. Page 325, line 4

The Senate Interstate Commerce Committee, in its report of March 12, 19h0, on wire tapping and police illegalities, appealed to experience that indicated that police who rely on improper and illegal methods of detection, thereby avoiding the labor involved in doing a thorough job by lawful means, "tend to defeat their own purposes; they encourage inefficiency...." The FRI furnished an example of this when it attempted to trace a California kidnaper in 19h0 by tapping telephone wires. While the Agents were so engaged, the kidnaper was located in the mountains by two lumberjacks.

Wilhelm Jakob Muhlenbroich kidnaped 2½ year old Marc De Tristan September 20, 1940 and was caught September 22 by the alertness of two civilians. Mr. Lowenthal makes the implication that the FBI tapped wires in that case because it was too lasy to do its investigative work. No effort was spared by the Bureau in working on that case, and the arrangements to cover an expected telephone conversation of the kidnaper constituted only a small part of the entire investigative effort expended. These arrangements were made with the express approval of the Attorney General. Obviously any law enforcement agency which depended solely on such tactics for solving cases would be deeply culpable. In the FBI they have always been considered unusual and special techniques of limited application.

As to whether wire tapping as done by the FEI is illegal, it should be noted that the present policy was established by the late President Franklin D. Roosevelt and has been supported by former Attorneys General Francis Biddle, Robert H. Jackson, and Tom C. Clark and is supported by the present Attorney General.

8. Page 325, line 22

Arguments that giving the FBI wire tapping power would serve the national defense were rejected in the press and Committee hearings. Spies, sabotcurs, and criminals would know how to overcome the surveillance.

Some persons did so contend, but Mr. Lowenthal neglects the extensive testimony as to its value. None, except the agency using the technique, would know the extent of its value, at any rate.

9. Page 325, line 28

Indeed, it was claimed by some that to give the FBI the power to tap wires might actually endanger the national defense, by giving it access to State, war and Navy secrets.

This overlooks two elemental propositions. One in that State, war and Navy secrets too important to trust to the FBI could not be discussed by such means as telephone under security regulations. Secondly, wire tapping authority was to have been limited to such crimes as espionage, sabotage and kidnaping. If any Government secrets were involved in such cases they would be in much greater danger than FBI possession could possibly cause. Er. Lowenthal is in the ludicrous position

of holding that because a state secret might be discussed by or with a spy or sabotour, the FBI should not be permitted to listen in on the conversation. When the FBI deals with espionage and similar cases it encounters confidential data at every turn.

10. Page 328, line 13

Fear was expressed that the incresse in the size and prestige of the FBI might allow it, unchecked and unbridled, to become an American Gestapo. It was said the Bureau was moving toward a status of untouchability by the Attorney General or anyone else.

The FBI is definitely under the control of the Attorney General and the President as to its personnel and policies. Under our system of checks and balances its powers and finances are controlled by Congress. Its acts are reviewable by the Courts. Above all it is accountable to the people. The fact that it has been accorded popular acclaim does not at all detract from the very definite limitations within which it operates.

CHAPTEN THIRTY

PROPOSEL REILENIES

Pages 330 - 334

1. Puge 330, line 1

Doubts developed in informed circles about the wisdom of relying on the F. I to monitor itself. The New York Dally News pointed out that if Congress that not want an American CCFU it better and Itself whether or not it was giving br. Forver too much money.

The quoted material relied upon by Mr. Lowenthal is accurate. The general criticism of the editorial, however, was based on the fact that Mr. Hower was allegedly moving into local crime problems and reference was made to the Miami White Slave raids. The following portion of the editorial was emitted by Mr. Lowenthal: "Our point is that Hower ought to go back to his proper job of combating real crime — a job which he and his brilliant staff have done well."

2. Page 330, line 8

In 1940 the FBI was spending money at a rate four times as high as in each of the two war years, 1917 - 1918. In 1950 it spent funds at a rate of more than aix times the 1940 level.

To support this contention Mr. Lowenthal refers to various bearings before the House Appropriations Committee. Those do reflect substantial increases in FBI appropriations throughout the years. Mr. Lewenthal, however, is intending to leave the impression that Congress has been giving the FBI too much money by ignoring that Congress has collaterally given the Fb+ wastly increased duties. He also fails to indicate that all Pederal expenditures have increased greatly, and, of course, it is a simple matter of economics.

3. Page 330, line 20

The Baltimore Sum referred to Senator Morris' charges that the FBI needs a strong restraining hand to keep it within bounds. It said in an editorial that the FBI should not dismiss them as not serious.

An examination of the full text of the editorial indicates that it is far more objective than Mr. Lowenthal is. The editorial stated: "Senator Norris makes the comment that these matters

show that 'the FBI needs a strong restraining hand to keep it within bounds.' So does any police force, but the strong restraining hand should be that of the Chief. It is hoped that Mr. J. Edgar Hoover will be able to show either that the charges are false or, if they are true, that he has already taken such disciplinary action as to make it impossible that the incidents will be repeated."

La oPage 331, lines 4, 6

The New York News pointed out editorially that the Attorney General should lay the law down to Mr. Hoover by telling him how far he may or may not go. This suggestion was in effect a return to the discussion of the problem of Attorneys General Bonaparte and Wickersham. Mr. Bonaparte told Congress in 1908 and 1909 that the only safeguard against abuses by the Bureau would be an effective daily knowledge by the Attorney General as to what his detectives were doing.

It should be noted that when Mr. Bonaparte was testifying regarding safeguards on the investigative force against abuses and misuse, he said that he had employed a system of daily reports which would enable him to tell the committee or anyone else just what any of his men were doing at any particular time. It is submitted that today, with, as Mr. Lowenthal later says, 100 times as many agents as Mr. Bonaparte had, the safeguards are no less effective. The FBI has developed numerous systems and forms which give a daily and hourly check on the activities of its Agents. Not only do they account for their time on an investigative level but regular inspections and self-inspections constantly act as a check on the Agent personnel.

5. Page 331, line 29

By 1950 the Bureau had a 100 times as many "detectives" as in the period when Attorney General Bonaparte said that if practices of political police were to be prevented there should be an everyday check on what the "detectives" were doing.

kr. Bonaparte, in his testimony of February 8 and 9, 1909, stated that each of the 40 agents submitted a daily report to the Chief Examiner of the Department of Justice and that that official summarized those reports for the Attorney General. He said he felt this was necessary so that he could be assured that the Agents were using their time efficiently and acting within the scope of their authority. Kr. Lowenthal leaves his readers with the impression that no checks against the Agent personnel are maintained at this time. The implication is that

because the FBI has grown in size it is impossible to control the activities of Bureau Agents. As previously indicated, the supervision over agents is entirely adequate today despite the growth of the FBI.

6. Page 331, line 37

A third proposal for correcting conditions in the FBI was advanced in the Senate and also in newspaper editorials and columns. In 1940 an investigation by Congress into the affairs of the FBI was proposed. Senator Theeler's committee remarked that there was a need for a sweeping inquiry into "other phases of 'dirty business' by Covernment police." Senator Horris suggested that an inquiry should be made to determine whether the legitimate rights and liberties of the people were being denied.

Senate Report 1304 dated March 12, 1940, recommended the passage of Senate Resolution 224 which authorized the Committee on Interstate Commerce to investigate the use of wire tapping, dictaphones and similar devices. The quotations used by Mr. Lowenthal are accurate, but he aims it all at the FBI and omits the fact that the report was directed at wire tapping and similar procedures by any agency or person.

7. Page 32, line 15

The Washington Daily News approved Senator Sheeler's proposal to investigate wire tapping and the demands for more information about the activities of the FBI. The News said it was good to see "emphasis placed on the protection of civil liberties."

The editorial in question was entitled, "Speaking of Snoopers." The quoted portion of the text is accurate but the full text reveals the editorial was directed primarily at Internal Revenue Agents. The News asked about the "income tax snooping against Paul McNutt" and pointed out that it was something which demanded investigation by Congress quite as much as "wire tapping or the doings of the FEL." The editorial concludes, "while going after snoopers as a menace to civil liberties, let's make a thore job and go after those under whose orders the Revenue Agents became instruments of pumitive politics."

8. Page 332, line 24

An obstacle in the path of the proposal for an investigation was the doctrine of secrecy built up by the Bureau since 1913. In that year the Department of

Justice refused the request of the Senate for details of political espionage which it charged the Bureau was maintaining over Federal judges. Attorney General McReynolds informed the Senate that it would be "incompatible with the public interest" to disclose to Congress what the Bureau's secret police were doing.

The latter written by Attorney General McReynolds dated August 6, 1913, which was directed to the Vice President in answer to Senate Pesolution 126 also stated: "The duties of the special agents being to detect crime and to collect evidence in criminal cases, the disclosure of their names, I think, is incompatible with the public interest." Hr. McReynolds went on to state that he had been informed Committees of both the House and the Senate had accepted this view and had withdrawn their requests for the names of special agents when they were reminded of the nature of the duties performed by them. The fact that Congress had accepted this view was omitted by Mr. Lowenthal.

In fact, every President from George Washington to President Trussen has upheld the view of Attorney General McReynolds.

9. Page 553, line 10

In 1951 the Bureau was again charged with improper conduct and was asked to disclose some of its secret data. Senator McKellar of Tennessee asked Director Hoover when the latter appeared before a Senate Appropriations Committee to request funds about the Bureau's investigation of a Judge in Termessee. The Director replied that his men had not investigated the Judge. Senator McKellar continued his questioning in order to learn how Agents had come to gather information about the Judge. It then appeared that although Mr. Hoover's "detectives" had received Departmental orders not to investigate the Judge these orders had been coupled with an additional Departmental order that "if they received any information relative to the Judge they were to take that and incorporate it in their report."

This matter refers to the testimony of Director Hoover on January 26, 1931. Senator McKellar questioned Mr. Hoover about the Eureau's alleged investigation in Memphis, Tennessee, of Federal District Judge Anderson at the request of the United States Attorney who was at odds with the Judge.

Mr. Hoover explained that in June of 1929 Agents were investigating the bankruptcy of a firm in which there appeared to be certain embezzlements on the part of a trustee. The situation developed to a point where on November 14, 1929, the Eureau was instructed by an Assistant Attorney General to conduct an extensive investigation of bankruptcy irregularities in the Memphis district. Mr. hoover explained that Agents were sent to Memphis to investigate bankruptcy, and not the Federal Judge.

The FEI Director said he would discharge any of the Agents who could be shown to have exceeded their authority. He further pointed out that an Assistant Attorney Coneral had told the Agent in Charge of the Memphis investigation not to investigate the Judge but to report any data received concerning him.

It should be noted that Ir. Iowenthal leaves out all reference to bankruptcy and to the irregularities in this regard in the Memphis district.

10. Page 333, line 22

In 1934, Senator McKollar again asked for information about the Bureau. A Departmental representative objected on the grounds it would be unwise to make such disclosures as we are "particularly careful about this unit...it is the best unit in the world.... They have the toughest job in the world and we do not went to do anything to hamper them." Senator McKellar also said that he did not think a "cheka" should exist in this country.

Wr. Lowenthal obtained the above from the testimony of Kr. William Stanley, an Assistant to the Attorney General, who appeared before the Senate Appropriation Subcommittee on February 21, 1934, with regard to the Department of Justice budget. Senator bedellar asked Mr. Stanley about the salaries and expenses of the Division of investigation. He asked how Agents were appointed and insisted upon being furnished a list of the names and addresses of the men appointed. An argument ensued as to whether such a list should be made public and Senator McKellar replied, "I think the public ought to know. I think the idea of a 'cheka' in this country is screething that ought not to exist."

Er. Stanley and the other Senators present attempted to reason with Senator Mcbellar against putting such a list in the record or even giving it to the Committee, saying that such a practice would be unwise. The natter was finally resolved by Mr. Stanley's agreeing to show the Senator such a list and take it back on the assurance that it would not be made public.

Instead of showing what Senator McLallar was asking for, Mr. Lowenthal merely said that the Senator sought "Information about the Bureau" and made it appear the Bureau refused to tell the Senator about its operations.

11. Page 334, line 4

The off-the-record method of imparting information to Congressional committees has been employed by the FPI with increasing frequency.

To support this contention Er. Lowential turns to the incrings of the issue Appropriations Condittee o. t e Department of Justice for 1951. Er. Biover tentified concerning the Fill's two-way Fi radio stations and there was an off-the-record discussion as to the application of these facilities. In the same hearings the FBI Director asked to go off-the-record after discussing laboratory examinations, Atomio Energy applicants and employees investigated, wire tapping and treason.

Mr. Lowenthal, it appears, would overlook the reasons for such off-the-record discussions. Some are: to protect techniques of criminal and internal security investigations from becoming general public knowledge; to allow discussion of illustrative cases which could not be made public; and to provent disclosure of data given to the FBI in confidence or without anticipation of publication.

12. Page 334, line 12

Remarks in a number of newspapers in 1940 about the great power in the Washington scene amassed by the FBI tended to raise doubt whether a resolution to investigate the Bureau, which some of them were urging, could get through either branch of Congress. The Scripps-Romard newspapers commented that Mr. hoover probably had more "powerful connections" throughout the country than any other Federal bureau of Ficial. The editorial pointed out that the Director was a popular here not only to juveniles and to "most of us adults with suppressed desires to be detectives, but to the simple-mixed whose idea of peril to the republic is a bewhishered plotter rather than 9,000,000 unemployed."

One of the sources used by Mr. Lowenthal was an article by Ludwoll Denny which appeared in the New York World-Telegram on February 26, 1940. Denny, in analyzing the situation, pointed out that what most of the liberal critics of the FBI Director failed to note was that the tremendous growth of the activities of the FBI had been "encouraged by the President and blessed by Congress." The article went on to state, "If the FBI is becoming an CGTU or Costapo as they charge the President who budgets these activities and the Congress which appropriates for them are responsible."

Dency stated that the crusade against so-called subversive activities was not started by J. Edgar Moover but by President Moosevelt. He added: "The incentive for citizens to smoop on their neighbors was the inadvertence not of the FDI but of Attorney General Murphy, an illustrious civil liberties advocate."

CHAPTER THIRTY-ONE

THE BUREAU AND CIVIL SERVICE

Pages 335 - 355

1. Page 335, line 25.

Mr. Hoover told a Presidential Committee in 1939 which was considering recommending the FBI be placed under Civil Service: "I am not opposed to the principle of Civil Service.... I am a bitter opponent of the spoils system."

It would appear from this fragmentary quote that Mr. Hoover stated two diametrically opposing beliefs. Actually the Director in saying, ... I am not opposed to the principle of Civil Service" and "... I am a bitter opponent of the spoils system, " explained, "However, I strongly beliefe that the Federal Bureau of Investigation has had during the past several years and has today more strict standards in the selection of personnel and a better nerit grater than is possessed by any other governmental agency. I earnestly feel that the civil service law and administration should not be applied to the Federal Bureau of Investigation until and unless the Civil Service Commission can correct defects in the existing system and afford to the Federal Eureau of Investigation something at least as good as it now has." Mr. Hoover pointed out that his beliefs were not theoretical but based on many years of actual experience in connect on with administration of the FDI.

During a hearing before the House Appropriations Committee on Department of Justice Appropriations for 1940, Congressian McMillan, Chairman, said: "The Committee is aware of the very great care that your Bureau exercises in the selection of its employees...and I regret very much to see any effort on the part of the Civil Service Commission, or any other age by of the government, to disrupt that program, which, in my judgment, is as fine a one as can be found in any agency of the government."

2. Page 337, line 23.

Mr. Hoover claimed that the list furnished by the Civil Service Commission from which to select fingerprint clerks contained names of persons who

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believe in Communist principles, among others.

Mr. Lowenthal fails to point out that this matter was brought to the attention of the Commission which said, "...being a Communist was not a valid objection, anymore than if the sligible were a Democrat or Republican." Mr. Hoover stated in this connection: "We have been advised with regard to Communists that unless we could find something other than their Communistic beliefs or tendencies, we must accept them.... I do not believe that the Federal Bureau of Investigation is any place for any person with Communistic beliefs...."

The implication contained in the text is that Mr. Hoover was resorting to picayune excuses to avoid having the FBI brought under Civil Service. The general attitude of the Commission is illustrated by its views toward "Communistic tendencies." The question involved was much broader, however; it was a question as to whether Civil Service could offer a better merit system than the one already in operation in the FBI. This was the crux of the whole issue. Had Mr. Hoover thought Civil Service could have improved the FBI he would have had no objection to adopting it. As it turned out, Mr. Hoover's views were shared by the authorities who were to decide on the question.

3. Page 337, line 31, and page 338, line 13

The Chairman of the Committee on Civil Service said the charges of inadequacies on the part of those on the eligible list, were unjust, as Mr. Hoover had agreed to conduct his own investigations of persons on the Commission's list.

> The text fails to show the real objection to this arrangement as far as the FBI was concerned. For example, as Mr. Hoover pointed out, from January, 1936, to November, 1939, 5,109 names of student fingerprint classifier eligibles were certified by the Commission and 363 were found suitable. A conservative estimate of the cost of making the investigations was not less than \$100 for each. Mr. Hoover stated that if the FBI's appointive system had been followed there would have been no need to investigate a large percentage of these eligibles. Another difficulty was getting names of eligibles. A request made on August 17, 1937, was answered by the Commission August 25, 1938. Mr. Hoover explained that he advised the Commission on June 7, 1938, that the Bureau intended to conduct its own investigations, but that it did not desire that Civil Service investigations not be made. It was felt that this was a matter for Civil Service to pass on. In this same letter, Mr. Hoover asked to receive any information with regard to eligibles which the Commission had. He said that none had been received showing the results of any Civil Service inquiries.

4. Fage 340, line 19.

Service the FBI would have to comply with the statutory requirements that war veterans had a preference for appointment as Federal employees and that this, "... would materially hinder the Bureau...."

By omitting pertinent portions from Mr. Hoover's comment, Mr. Lowenthal gives a distorted picture of Mr. Hoover's views. What the Director actually said was: "Due to the nature of the work performed by special agents and the instructional processes applied to develop the newly appointed special agent as an investigator, it has been necessary to confine appointments of special agents to young men between the ages of 23 and 35; consequently, any application of veterans preference would materially hinder the Bureau in successfully carrying out this instructional and development process."

The objection to the veteran was based not on the fact that he was a veteran but on the fact that under the veterans' preference law there would be no control of the age of the veterans who might be appointed. As a matter of fact almost 50 per cent of the FRI Agent personnel at the begin ing of 1931 were note ans. There was also a large percentage of clerical personnel who we e veterans.

5. Page 342, line 18.

In connection with the discussion of FEI objections to being placed under Civil Service, a Washington newspaper reporter stated that placing FEI under Civil Service would "'virtually destroy the political power which FEI officials have exercised on Capitol Hill in the past. Frie ds and relatives of Congressmen were frequently placed on the FFI rolls whenever it wanted larger appropriations or special favors from Congress."

This is an example of the technique used in the text of compounding a bold-face lie by repetition. Political consideration has never been a factor in appointment to the FML. This was one of the conditions on which ir. Hoover accepted the appointment as Director in his discussions with the then Atta may General Harlan F. Stone.

6. Page 344, line 14.

The Brookings Institution staff nembers checked convictions and pleas of guilty in cases investigated by the Fift and six other Federal detective

forces chosen for purposes of comparison and found that the PBI ranked next to the bottom of the list for the 19:5-1936 fisca: year.

Er. howesthal fails to point out that the report states that such figures do not demonstrate comparative efficiency and cites various reasons in this regard. Among the reasons were that prosecuting officials were more effective in one class of case than in another, that one organization might be more conservative than another, etc. It is also significant that the Brookings Institution recommended that the FEI take over the Secret Service work in apprehending counterfoiters and forgers and also the suppression of mail frauds and thefts from the Postal Inspection Service.

7. Page 344, line 31.

In its annual reports the FBI emphasized that the savings to the people witch result from fines and recoveries, etc., as a result of its investigations have always exceeded the cost of operations. However, in recent years this difference has become less and less as the cost of operation increased from the low figure of \$14,500,000 to the 1950 appropriation of £53,000,000.

Er. Lowenthal fails to take into consideration that in recent years a large part of the Burcau's work has had to do with security and applicant investigations under various new legislative eractions as wich, of course, do not result in fines, savings and recoveries for the government as do criminal investigations. A large portion of the increased appropriations for the FBI in recent years has been for the purpose of handling these noncriminal responsibilities which the Congress has placed on the FBI.

8. Page 345, lines 7, 10, 12.

In comparing the success of the FBI and the Treasury Department in protecting Government funds, Mr. Lowenthal says, the Secret Service maintained constant successful protection of some (517,000,000 of the Government's bonds and cash against the "many opportunities of theft" to which they are subject.

This appears to be beside the point. The FBI has no jurisdiction in such responsibilities which are the regularly assigned duties of the Treasury Department agencies.

9. Page 346, line 33.

An allegation of discrimination against Negroes was raised against the FBI by a representative of a Segro Employees' organization in 1941.

Moodless to say, Negroes were at that time and are now employed in various capacities in the FBI including that of Special Agent.

10. Page 349, line 25.

Shortly after Er. Hoover told Congress that the FBI had been free of scandal during his administration, an incident occurred in New York City involving "twine, women and G-men, "" as one of the New York papers put it. Wholesale firing and transferring of Agents resulted. The possibility of an espionage angle was mentioned.

Here Mr. Lowenthal cites sonsation-packed statements from several fantastic stories in newspapers, rather than secure and report truth. In this instance, as he does in frequent other instances throughout the book, he neither came to the PBI to secure the true facts nor apparently did he seek them elsewhere. There were no wholesale firings or transfers as a result of the so-called Beaux Arts hotel incident in New York C. ty.

It is true that three Special Agents were dismissed. Tad the FB1's personnel policies hot been so stringent, there would have been no publicity about the matter at all in the press.

There was no spy angle at all involved. One of the girls involved was named lois lauckner, and previously one of the New York papers had run a story about her reported kinship with the famous Count Felix Von Luckner. As a result of this incident the Lauckner girl received a prison sentence on an impersonation charge.

11. Page 352, line 16.

Editor and Publisher accused the FBI of attempting to suppress news of the swickde of an Agent in Wilkes-Darre, Pennsylvania, in 1950.

The facts in this case were stated in a letter dated April 13, 1950, in which Mr. Boover pointed out to the editor of the magazine, "at no time did any representative of the FBI instruct anyone connected with the incident to suppress the facts. This is contrary so every policy of the Lorent and any an error and

impression was created, it is most regrettable. Certainly, no such action was intended." Mr. Lowenthal fails to quote this portion of Mr. Hower's letter, Agents

Page 353, line 16,

The same of the same of The commercial use by ex-FDI men of information they acquired in the course, of their service as special and confidential FBI Agents has been increasing over the years.

> This is a charge which might be made against any Government agency or any private employes for that matter. They have no way to control the activities of former employees. The FBI has consistently taken the only approach to this problem which can be taken and that is the careful selection of its employees in the beginning. This is one reason why the FEI has insisted that its employees be selected on the basis of its own qualifications rather than on the basis of less rigid requirements. Mr. lowenthal offers no proof that consercial use of information secured by Agents is on the increase in recent years. The text paints a false picture by quoting several published opinions on the matter without developing the whole question.

CHAPTER THIRTY-THO

THE BUREAU CASTIGATES ITS CRITICS

Pages 356 - 367

1. Page 356, lines 5 and 5

The defense against the critics of the FBI in 1940 was undertaken by Mr. Hoover and supported by his sympathizers in and out of Congress. He explained the situation in a series of addresses which he delivered in 1940 and 1941.

In addressing the Daughters of the Arerican Revolution in April of 1940, Mr. Hoover told of the plot against the FBI detected by his Bureau: "You should remember that since the Federal Bureau of Investigation is in the first line of national defense against the substeur, the espicinage agent, and the revolutionist, it also is among the first to bear the brunt of attack.... No method is too foul, no lie too rotten, for these people...."

This quotation from the Director's speech is not set out in its entirety. "These people," whom the Director was referring to were "...who dedicate themselves to the teachings of the leader of all Communism, Lenin, who wrote: "We must know how to apply at need, knavery, deceit, illegal methods, hiding truth by silence...." By using partial quotations Mr. Lowenthal disguises the identity of the critics concerning whom Mr. Hoover was speaking.

2. Page 356, line 24

"Un-American organizations...seek to lead you, by lies, smoke screens and innuendoes, into treacherous trails...'smearing' and discrediting...the Pederal Bureau of Investigation...." (Director's speech before the DAR.)

This paragraph quoted by Mr. Lowenthal is out of context and is from two different paragraphs in the address. The "un-American organizations" to which the PBI Director referred were those represented by "Earl Browder, Fritz Kuhn, and other representatives of un-American organizations..." The other quotes are taken from another paragraph in the same speech in which the Director stated: "Only last week, for instance, orders emanating from the Communist Party of America, demanded national and concerted action against the FBI." It should be noted that Mr. Lowenthal has left out the references to the Communist Party in the material which he quoted.

5. Page 356, line 27

Mr. Hoover informed the DAR that he had no objection to criticism "when constructive," but the criticism directed against the FBI had been of an unwholesome sort. He saids "Remember that all propaganda is not of the direct sort. The most dangerous type is that designed to make you doubt and distrust American methods, American habits, American institutions...."

In connection with the quotations given hers it should be noted that Er. Hoover stated: "Anyone in public life must, of course, expect criticism -- it is wholesome and beneficial when constructive." In connection with this quotation Er. Hoover preceded it with this statement: "Members of the law enforcement profession, in many instances, have faced almost insurmountable odds in overcoming the barriers of apathy and venality, to say nothing of propagandist efforts everywhere, designed to picture the officer as a brute and the civilian as an object of oppression."

4. Page 357, line 17

"These socundrels...are under instructions to permeate our Army and Navy....
Agitators have worked among...sharecroppers...." (Quoted from the Director's
DAR speech.)

The distortion accomplished here is by lifting these few phrases from the complete text. The actual statement by the Director is as follows: "To these scoundrels the sanctity of the American home is meaningless. They dream of the day when every American school shall become their own training ground. They are under instructions to permeate our Army and Mavy with proponents of revolution. Agitators have worked among farmers, particularly sharecroppers, painting rosy pictures of the day when skies shall be red with the flames of destruction, and that which has belonged to others shall change hands -- simply for the taking."

5. Page 358, line 19

In addressing the graduating class of Drake University at Des Moines, Iowa, Mr. Hoover said: "...Your FLI is respected by the good citizens of America as much as it is feared, hated, and vilified by the soum of the underworld, eonspiring Communists, and goose-stepping bundsmen, their fellow travellers, mouthpleces, and stocges..."

This portion of the Director's address is lifted from a much longer paragraph which is fur closer to the real thought being conveyed by the Lirector. The full paragraph is as follows:

Preparedness is a national necessity, whether against criminal elements or foreign foes. It is the absorpest form of safety. It is the absorpest form of safety. It is the absorpest form of safety. It is the absorped form of adventure in public service. Bixteen years ago, the Federal Bureau of Investigation was inspired by the interest and support of that great inspired by the Harlan Fiske Stone, Justice of the United States Supreme Court, then Attorney General of the United States. Under his leadership, the FBI was commissioned to effectively serve the incrican people. His views have been subscribed to by each of his successors in office so that today your FBI is respected by the good citizens of incrica as much as it is feared, hated, and vilified by the soum of the underworld, conspiring Communists, and goose-stepping Bundsmen, their fellow travelers, mouthpleees and stooges."

6. Page 359, line 6

"There is a sneer behind their every smile and a victous lie in their every promise...." (PEI Director's speech to the graduating class of Drake University.)

Here again Mr. Lowerthal fails to identify the Communist Farty leaders about whom Mr. Hoover was actually speaking. The full quote from the Director's speech is as follows: "Many of the Communist Farty's leaders stand convicted, in courts and in the public mind, of falsehood and deseit, but they are still on the march, burrowing deeper and deeper into our system of democracy.

"There is a sneer behind their every smile and a victous lie in their every promise of Utopia. If the land whose banners they carry is Utopia, then let them go there and enjoy it! America is good enough for us and we do not want it tainted by the poisons of foreign lams."

7. Page 362, line 17

The following is quoted from the Director's address before the University of the South at Sewance, Tennessee, in June, 1941: "Youth must take America tight to its heart-and love America for its Americanism. There is no way to face but forward. There is no 'lam' but that of patriotism."

Mr. Lowenthal fails to identify those individuals concerning whom the Firector is speaking. The above quotation was lifted from the following paragraph: "Now that freeden of not only our generation, but of future generations, is threatened. You will have no greater satisfaction than to dedicate your efforts to the continuation of the principles of Christianity and democracy.

Youth must take America tight to its heart--and love America
for its Americanism. There is no way to face but forward. There
is no 'ism' but that of patriotism. There is no course but that
which pays homage to the Stars and Stripes, and those things this
emblem stands for--not what the Communists, Masis or Fascists of
the world have attempted to smear it with in the last generation.

6. Page 363, line 4

In the meantime, the battle was fought in Congress. Senator Styles Bridges (New Mampshire): "... What is the source and what is the purpose of this widespread and incessant attack upon the FBI? ... "The purpose... is to destroy another American citadel of faith and decency. Also, let us not forget that the first step in the demoralisation of a nation is the undermining and discrediting of its law enforcement agencies... "The radical forces, the false liberals, and the 'pinks' throughout the country are up in arms against 'Pr. Hoover and the FMI. Around Mushington... there are rumors that prominent new declars are using some of these radical elements to 'get' J. Edgar Foover...."

Mr. Lowenthal omits from the quotations from Senator Bridges' statement that on the question of a "smear" campaign he did not have to depend upon rumor. He proceeded to put into the Record a photostatic copy of a paper called, "The Review" edited by a Communist named Joe Clark which contained an article headed "G-Hen or Cestape?" This charged that the Department of Justice was engaged in a gigantic um-American consciracy against the people.

9. Page 364, lines 10 and 15

Senator Robert R. Reynolds, of North Carolina, put forth a defense of Nr. Boover during the controversies of 1940. He reminded the Senate of "the fine training he (Director Moover) was fortunate in receiving over the years before he was made Director of that Eureau..." Senator Wiley assured his colleagues that "The character of the PBI Director on the basis of his record...and (his) known integrity would prevent any misuse of his powers..."

The setting forth of complimentary remarks by the various Senators reveals what appears to be a subtle technique being used by hr. Lowenthal. From a close analysis it would appear that he socks to make the remarks of Benator Filey and Senator Reynolds appear ridiculous. Tr. Lowenthal has done this by projecting them against the sordid screen of half-trutis contained in the first 31 chapters. In these chapters he sought to link Mr. Hoover and the modern FBI to the notivities of the Pursau of Investigation prior to the time Mr. Hoover became Director and reorganized the agency in 1924.

The only possible way to logically reason out the tactice used by Mr. Lowenthal at this particular point is to try to read what he had in mind. It would appear that he has now reached the point in his arguments against the FBI that he confidently feels he has succeeded in conditioning the reader to have serious doubts about the cincerity and purpose of the modern FBI. At the beginning of this chapter Mr. Lowenthal devotes page after page to quoting carefully selected fragments from Mr. Hoover's addresses in the 1940 and 1941 period. He does this im such a way that it makes the quotations sound as if they were echose from the 19191920 period.

10. Page 565, line 29

Congress was told about the exacting nature of the qualifications demanded by the FBI and of the training it administered; a G-mun, Congress was informed, was required to have "a phonographic brain and a photographic eye;" he was obliged to "see all things" and to "remember with unerring accuracy."

These remarks are taken from a statement made by Senator Ashurst in which the Senator said, "I wish to put into the Record some remarks...in view of the fact that one of the most able men in Government service has been charged with some things which he derive. I refer to Mr. J. Edgar Hoover..."

There is only one conclusion which can be drawn as to kr.
Lowenthal's purpose in quoting these few words from the remarks
of Senator Ashurst -- the "phonographic brain" and "photographic
eye." They were included solely for the purpose of ridicule.

CRAPTER THIRTY-THEE

THE FILLIS SYSTEM

Pages 368 - 387

The same a second

1. Page 368, line 7

The FEI's Identification Division was established by William J. Burns while he was Director of the Bureau of Investigation.

While the plans were in formation for a number of years and the Leavenworth records were transferred on October 23, 1923, the new division could not be formed until the appropriations granted by Congress became available on July 1, 1924. Er. Hoover was appointed acting Director on Eay 10, 1924. The Identification Division was created with the collection of existing records of the International Association of Chief's of Police and the Federal Prison at Leavenworth and Er. Hoover was the responsible official who created the Division.

2. Page 369, line 28

The searching of fingerprints is routine in nature and requires no special gifts or lengthy training. So routine is it that machines have been employed for some of the tracing of prints.

Mr. Hoover told the Appropriations Committee in 1940 that the use of the machine was confined to prints with ulnar loops on each finger and at its peak was used on approximately 100 thousand cards. (The machine was abolished in May 1, 1950.) The use of the machine has no connection with the "routine" nature of the work. It takes a long time to train a finger-print searcher.

3. Page 373, lines 19, 22

Wr. Burns explained that he had undertaken the new job because the local police chiefs objected to the use of convict labor by the Bureau of Criminal Identification. Mr. Burns said that the local police foared that convicts might be dishonest in tracing fingerprints. The House Appropriations Committee inquired further into this claim and learned that the work had been well done in the Burnau of Criminal Identification.

Mr. Lowenthal overlooks statements by a former head of the Boreau at envenworth to the effect that he had knowledge of

8 or 10 cases when records were destroyed. Others had been changed by the prisoners assigned to operate the files. he also overlooks another difficulty which was mentioned, "the inability to secure prisoners of high intelligence."

4. Page 373, line 29

A quarter of a century later, in 1949, Mr. Hoover, who alone remained of all those present in the House Appropriations Committee room when Mr. Burns testified, told the Congressmen who had thereafter become members of that Committee: "The Identification Division was established by Congress at the request of this Committee, in July of 1924...."

What Mr. Hoover said was: "When the Identification Division was established by Congress, at the request of this committee, in July of 1924, we had a total at that time of 810,188 finger-prints." Mr. Lowenthal fails to show he is only using part of a quote.

5. Page 374, line 29

It took Mr. Hoover eight years to complete the consolidation and to make the old files as useful as they had been under their original management.

In his remarks to the Appropriations Committee in 1932, Er. Hoover referred to receiving the Leavenworth prints in 1924. They were not on the standard form used by police departments. It was necessary to "effect consolidation" of the Leavenworth prints with the "standard records" in the file. It was expected the consolidation would be completed by July 1, 1932, he said.

6. Page 375, line 9

The FEI urged local police to fingerprint "each subject" whom they thought it "desirable to fingerprint" and then send the print in each case to the FEI.

This statement is based on the "Federal Bureau of Investigation, Fingerprints" (1935) in which it was stated: "To obtain the most effective results, every peace officer should forward immediately to the Director, Federal Bureau of Investigation, United States Department of Justice...one copy of the prints of each subject whom he thinks it is necessary or desirable to fingerprint." This publication was distributed to local law enforcement agencies explaining the procedure of making and submitting fingerprints of standard type to the central

file in Eashington. Fingerprints are submitted to the Fal by local police on a voluntary basis and are duplications of prints they maintain in their own files.

4 4 4 5 A

7. Page 376, line 35

The extent to which criminal fingerprints were garnered by the Bureau of Investigation out of such arrests was indicated, in general terms, years later, during World War II. The FEI then told Congress and the press, as proof of the value of the fingerprint collection to national defense, that a large percentage of persons with "police records" were working in some of the big American factories.

> Mr. Hoover cited numerous examples to Congress of instances where persons seeking employment in critical war industry had records for convictions of various types of serious crimes facts mich were only uncovered when their fingerprints were checked against the file. It is obvious that a prior criminal record would reflect on an individual's qualifications as a security risk.

8. Page 379, line 7

Visitors at the FBI Headquarters are urged to have their fingerprints taken.

This statement is based on an article which appeared in New Yorker magazine in 1937. Fingerprinting has not been done on tours of FEI Headquarters as described in this article for years.

Page 380, line 27

Approximately 25,000 sets of fingerprints were obtained by the FBI for its files as the fruits of the WPA project in New York City.

> Mr. Lowenthal makes it appear that this was accomplished for the sole purpose of swelling the FBI's fingerprint files. The truth of the watter was that these prints were checked at the request of WPA Administrator Somervell. The persons fingerprinted were those who had positions which would bring them in contact with school children or with the homes of persons living in New York City. The purpose of the project was to reduce the hugo number of sex crimes in New York, it being the thought that possibly people working on the various projects might be responsible for some of the crims. Approximately 2,200 of the cards received during one period were identified with previous criminal records. Seven fugitives from justice were located.

10. Page 382, line 29

in January, 1940, Mr. Honver reported to Congress that man industrial

employers were fingerprinting employees and prints were sent to Bureau to determine whether they had engaged in criminal or subversive activities.

Mr. Lowenthal neglects to explain that these prints were from plants "engaged in manufacture of supplies and equipment under contract for the Army and Mavy," and that the program was part of the national security program.

11. Page 383, line 17

By early 1944, the FEI had secured for its permanent dessiers the fingerprints of some thirty-seven million American workman. This acquisition was in part due to the FRI's securing, in 1942, a directive from the War Department to all private manufacturers having contracts with that Department, requiring them to fingerprint all their employees and to send the prints to the FRI. This directive was cancelled sighteen menths later.

Wr. Lowenthal failed to point out that the fingerprinting of persons employed in critical industry was part of the nation's general effort to protect itself against spies and sabotours. He makes it appear that the only purpose of the program was to fill FII files with the fingerprints of immocent citizens. This is a gross distortion of the truth which should be apparent to any reasonable person. He neglects to explain that the country was engaged in war at the time the program was in effect. By his line of reasoning, the United States had no right to take even the simplest procedure to protect war facilities and recourses.

12. Page 384, line 26

The FBI refused, stating that for "technical" reasons it had to acquire the prints permanently if it were to make the requested check. (FG prints)

Mr. Hoover explained, "There is a technical reason why these fingerprint cards should be retained in the files of this Bureau; namely the tremendous amount of work involved in the technical handling of the fingerprint cards if they were returned to the FCC. This would necessitate special handling of each print in all sections of the Identification Division."

13. Page 386, line 35

In 1950, Senators Hill and LoCurran asked dr. Reover to disclose the total amount of money spont in building up his fingerprint Tiles and Fr. Forece replied at length without answering the question.

The record shows that Senator Hill asked if kr. Hoover could estimate the cost to gather all the fingerprints in the files adding, "I tlink it is very fine to have them..." Before kr. Hoover could enswer he was interrupted by another question. Later Senator EcCarran said, "One of the Senators asked you just a little while ago, and I do not think you were permitted to answer, what the cost of making these fingerprints has been. Do you care to answer that question now?"

Mr. Roover gave the cost of running the FBI Finger, rint Division for the current year and the past fiscal year. He also gave the total appropriation of \$52,805,141. He was then interrupted by Senator Robertson who inquired whether fingerprinting was infallible.

CHAPTER THIRTY-FOUR

PUBLIC RELATIONS

Pages 388 - 400

1. Page 388, line 1

Senator Byrd of Virginia, in the report he submitted in 1937 in behalf of a special Senate Committee investigating the Executive agencies of the Government, told the Senate that "the Bureau of Investigation engages in promotional activities. Among the things promoted are public interest in the crime problem...."

engaging in promotional activities with a rather lengthy description of the various services which it afforded all law enforcement, such as the laboratory, stolen property file, Identification Division, FBI Law Enforcement Bulletin, collection of crime statistics on a nation-wide basis and its research in connection with scientific aids to crime detection. Actually his full statement, only a part of which is quoted, was: "Partly as a result of its services to police departments and partly through publicity and personal contacts, the Eureau of Investigation engages in promotional activities. Among the things promoted are public interest in the crime problem, knowledge of the character of criminals and oriminality, and better detection methods." Kr. Lowenthal clearly distorts the meaning by quoting out of context.

2. Page 388, line 12

Its (the FBI's) declared purpose is "to lift the standards of law enforcement" by presenting the FBI as the model for all police forces of the country to emulate.

The quotation is from a letter dated August 27, 1941, which Director Hoover wrote to George Seldes, editor of "In Fact" under date of August 27, 1941. The letter was placed in the Record by Congressman Clare Hoffman of Michigan.

In the May 12, 1941, issue of "In Fact," Mr. Seldes accused Mr. Hoover of intimidating and haraseing American citizens, etc. In his letter, Mr. Hoover said, among other things:
"The record of the Federal Bureau of Investigation since I assumed its directorship in 1924 speaks for itself. During that period, a persistent and successful effort has been made to lift the standards of law enforcement by first

illustrating through the activities of the Federal Bureau of Investigation that law enforcement work could be carried on in an orderly and impartial manner and that its activities could be kept on a high plane."

It is significant that Mr. Lowenthal does not identify the source of this quotation in his text. The leftist tendencies of "In Fact" are well-known and have been publicly aired on the floor of Congress.

3. Page 389, lines 10 and 20.

....

The Law Enforcement Bulletin has been made a vehicle for transmitting PBI techniques and teachings to local police through Academy graduates. One offering by a graduate is an article in the May, 1950, issue "advising the reorganisation of local police forces." The writer warns that every program is doomed to failure unless planned with an intimate working knowledge of the Academy's teachings. He tells what he learned from the FBI that is useful for all police forces.

The Bulletin carries articles of interest and value to law enforcement from varied sources. Some are written by the Bureau and reflect Bureau techniques. Some are written by Academy graduates and may reflect information gained through the course as well as from their own experience. Others come from experts in the fields of science, government, etc. The article mentioned discussed a reorganization plan put into effect in Youngstown, Ohio, and cannot be said to advise reorganisation of local police forces. It does not say any program must fail without knowledge of Academy teachings. Chief of Police Edward J. Allen of Toungstown indicated that one must have an intimate knowledge of "recommended systems which many of us have absorbed through the Academy, indicating that a program should be instituted in the light of experiences of others. Mr. Lowenthal appears to be trying subtly to accuse the FEI of dictating to local police, whereas actually its objective is cooperation with them.

4. Page 390, line 8.

FBI promotional work directed toward the general public has included many media for publicising the extent of crime and fostering support for police efforts to curb criminals. The FBI has used radio, magazine articles, books and speeches in this program.

Mr. Lowenthal implies that the appearance of FBI data on crims in these media is principally solicited by the FBI itself. The facts are that motion picture companies, radio stations, book, magazine and newspaper publishers, and

organizations deluge the Bureau with requests for information. The Department of Justice itself must approve any cooperation which is extended as a result of these requests.

5. Page 394, 1ine 5.

In spite of twenty-six years of promotional activity by the FBI, trime continued to increase.

The FBI does all it can to further honest and efficient law enforcement and has accomplished much in elevating respect for that profession and its objectives. The FBI has and desires no jurisdiction over local law enforcement and cannot be held accountable for lapses in that field. The increase in crime can be attributed to numerous factors, varying from population increases to the complex influences of war and economic recession. Who can say what might have been the situation without the contributions of Mr. Hoover and other leaders in the fight against lawlessness? Crime may have increased, but so has the ability of officers to cope with it.

6. Page 395, lines 3 and 11.

In 1931, a year after the FBI began to keep statistics on United States crime, the National Commission on Law Observance and Enforcement said the basis for compiling and presenting them was inherently defective and inaccurate. Even if they had been accurate, it was dangerous to have an agency administering the law responsible for statistics on crime or to have statistics kept to justify expanded powers and funds rather than for strictly objective purposes.

Mr. Lowenthal is in error in several particulars. The Commission report was submitted April 1, 1931, about six months, not one year, after the FBI began keeping crime statistics. Cortainly there had been little time for refinement of procedures. The report did not say the basis for them was inherently defective and inaccurate. It merely stated that crime statistics kept by the various agencies did not fully cover the field and should be integrated and correlated. The report did indicate that the agency administering the law should not be responsible for statistics on it and that the statistics should not be kept as a basis for expansion of powers. It is submitted that, in general, the field covered by the uniform Crime Reports is so much broader than the FEL's own jurisdiction

that the Bureau cannot be imputed to have any self-interest in slanting those statistics. The report questioned the efficacy of adjusting the FBI statistical machinery to the widely varying records systems of the various states, but was able to offer no better method of obtaining data.

7. Page 395, line 30.

Having introduced its Uniform Crime Reports with the caution that the FBI does not wouch for the accuracy of the statistics, the Bureau presents pages of texts, tables and charts based on the statistics for which it no longer wouches.

The mere fact that the FBI gets statistics from numerous enforcement agencies, and cannot itself vouch for their accuracy, should not militate against its using them to draw the best possible conclusions on crime conditions and trends. They are generally highly accurate, and every effort is made to keep them so. Safeguards have been set up, and patent errors must be corrected or the statistics discarded. There is no better source for those statistics, and despite their human fallibility, the best use possible must be made of them.

8. Page 396, line 33.

Mr. Roover's characterizations of criminals have, in the opinion of leading criminologists, been sensational and have tended to undermine efforts of penologists to rehabilitate wrongdoers.

Mr. Lowenthal has over-footnoted so many of his minor statements that it is strange he relies on one isolated article by Mr. Newman F. Baker in the Journal of Criminal Law and Criminology to support so grave an assertion. He has not proved his allegation.

Suffice it to say, Mr. Hoover has merely called a spade a spade and has let the chips fall where they may. He described crime conditions, parole abuses, etc., as he saw them in an effort to get the public to do something about them.

9. Page 397, lines 5 and 10.

The American Prison Association protested a statement by Mr. Hoover that parole was one of the major menaces of our country when improperly administered. It said indiscriminate attacks on parole tended to inflame and confuse the public mind.

The Philadelphia Inquirer on October 15, 1937, gave the

following report with regard to an attack by Austin H. MacCormick on Mr. Hoover:

"Austin H. MacCormick, New York City's Commissioner of Correction, accused J. Edgar Hoover here last night of carrying on a 'machine-gun school of criminology' whose teachings consist mainly of 'such cheap clap-trap expressions as "sob sisters and convict lovers."

"In a bitter reply to the Federal Bureau of Investigation chieftein's attack last week upon the country's prisons and parole systems, MacCormick warned that 'under the impact of such verbal barrages as these our prisons are in danger of falling into even worse oblivion than they now enjoy."

"His address, before the annual banquet of the American Prison Association, was directed specifically at Hoover's talk in New York City, in which the leader of the G-men assailed 'sob sister wardens, country club prisons, and convict coddlers.'

"I had to listen to that eddress,' MacCormick said. 'I had to sit within six feet of the speaker and didn't have a gun on me.'"

Mr. Hoover's views on parcle are well-known and are briefly set forth in the following excerpt from a letter dated June 23, 1938, to Mr. E. R. Cass of the American Prison Association:

"I do hope that the time will come when those who are actively engaged in parols administration will recognise existing faults which are so widespread in connection with this humanitarian policy that a concerted effort will be made to correct them rather than to attack those who cannot honestly countenance a continuance of such widespread maladministration of parols."

10. Page 399, lines 11 and 15.

Doubt has been cast on the soundness of the FBI criterion for determining the percentage of convictions in its cases since it does not consider all cases where the evidence is referred to Department or United States Attorneys for an opinion as to prosecution.

It would serve no purpose to record all cases where facts are presented to United States and Department Attorneys. Prosecution may be declined for so many reasons other than lack of evidence (e.g. state prosecution, national policy,

compliance with the law violated, and technical or insignificant nature of the violation) that the number of cases so referred is not pertinent.

11. Page 399, line 27.

Senator Norris is quoted as saying in 1940 that Mr. Hoover is doing more injury to honest law enforcement in this country by his publicity-seeking feats than any other one thing connected with his organization. He also said that publicity-induced adulation could result in the FBI directing the Government by tyrannical methods and in there being a spy behind every stump and a detective in every closet.

This is a bombastic statement utterly without foundation. Senator Norris said elsewhere in the same speech that the HBI had done some "wonderfully good work."

CHAPT R THIRTY-FIVE

NEW CRIMES TO CONQUER

Pages 401 - 413

1. Page 401, lines 4, 7 and 9

One of Mr. Hoover's biggest early undertakings was enforcement of the law, since repealed, prohibiting interstate shipment of prise-fight films. He sent squads of G-men to cover all important fights.

The attitude today toward prize-fights and films of them is so different from the 1920's that Mr. Lowenthal obviously referred to this aspect of Bureau work to leave the impression the Bureau was frittering away its time and enjoying the fights as well. Actually, the law was the result of intense public feeling. There is no evidence that it was a big "undertaking" or that "squads" of agents were sent to fights. Agents were not known as "G-men" at that time.

Mr. Lowen hal overlooks that if Congress passes a new law within the FEI's jurisdiction, the Euresu has no alternative but to enforce it to the best of its ability.

2. Page 402, line 10

Local police relieved the State courts and prisons of time and expense by getting the FBI to accept for processing in the Federal criminal system cases where there was dual Federal-State jurisdiction.

The FBI has no choice but to investigate substantial allegations brought to its attention concerning violations of Federal law within its jurisdiction. The extent of the investigation and whether prosecution will be instituted is entirely within the province of the Justice Department and the United States Attorneys. If there is any unloading of cases on the Federal government, the remody lies with the prosecutive officials, not the FBI. The Bureau always desires to be advised of facts constituting violation of Federal laws within its purview, and would be derelict in its duty by refusing to do so.

3. Page 402, line 32

As evidence of the extent of local "unloading" of cases on the Federal povernment and Federal authorities "jumping in and taking ever" it was stated that after 13 years of the Eyer Act (in 1932) one-third of confiner auto this were in Federal institutions. In 1946, 14 years later, one-half were in Federal institutions.

This approach overlooks entirely the fact that improved auto engineering and extensive road-building programs have changed the auto theft problem from a strictly local one to one more and more involving interstate or even international transportation. Naturally, the proportion of Federal cases would increase without any unloading or soliciting of eases.

4. Page 403, line 1

In 1948-49 auto theft convictions were a greater persentage of total FBI convictions than anytime since 1933.

Between 1955 and 1948 the number of cars in the United States increased by 17 million. Obviously, the number of thefts would increase somewhat proportionately and likewise the relationship of auto theft convictions to total FBI convictions obtained.

5. Page 403, line 5

By 1940 Federal institutions housed nearly 11 per cent of all prisoners as against $7\frac{1}{8}$ per cent a few years ago.

The complexity of our economy, improved transportation and other reasons have caused Congress to add continually to Federal criminal statutes the enforcement of which must inevitably increase the proportion of Federal prisoners.

6. Page 408, line 16

FBI administration of the auto theft statute resulted in its use against "joy riders," particularly juveniles.

The Dyer Act made interstate transportation of a stolen car a Federal offense. "Joy ride" thefts were interpreted as covered by the statute. The FEI, a fact-finding agency, has no alternative but to collect the evidence and present it to prosecutive authorities. The setting of policy as to what class of cases should be prosecuted lies exclusively with them, not the Fureau. Hr. Lowenthal quotes Representative Dyer to support him, but the full passage reflects that Dr. Dyer blamed the Federal judiciary for that condition.

7. Page 404, line 16

The PRI brings into the Federal system many juveniles, who are often tried far from home and lodged in jails, prisons and training schools also far from home.

The FBI is not the only Federal agency which arrests juveniles. Other Federal enforcement agencies contribute a substantial proportion. In fact, in 1963 one-third of the 2,248 juveniles were not FBI cases. Whether they are prosecuted Federally and where and in what manner they are detained is entirely outside the province of the FBI or the other enforcement agencies. The Bureau has, of course, taken continuing interest in the juvenile delinquency problem

8. Page 405, line 26

In enacting statutes such as the Dyer Act and Mann Act Congress anticipated that, while convictions would be high initially, violations would decrease as the acts had a deterrent effect.

Mr. Lowenthal omits the Attorney General's explanation that population increases and the effect of World War I on morals and attitude toward law prevented the anticipated decreases in violations of those laws.

9. Page 408, line 1

The FBI claimed considerable credit for solving the Lindbergh Kidnaping case. But Hauptmann was traced through a ransom bill turned in by a filling station operator who took down Hauptmann's license number. The Department of Agriculture also traced him through a ladder left at the scene of the kidnaping.

While the FBI had no official jurisdiction in the case, it did enter the investigation at the specific direction of the President. It was the FBI which circulated the lists of ransom bills which caused the bank teller to spot the one on which the station attendant had noted the license number to prevent question as to why he had a gold certificate in his possession. It was the FBI that ran down the license number and located and arrested Hauptmann, assisted by New York and New Jersey State Police. As Mr. Hoover said, the Eureau must have information to solve a case, it cannot solve it out of "thin air."

10. Page 408, line 14

John D. Pennekamp, Miami Herald, charged in the Cash kidnaping case that agents released the kidnaper after the Sheriff arrested him, and rearrested him two days later after all their efforts to find a solution other than the Sheriff's had apparently failed.

Agents of the PBI first suspected McCall and their suspicions were relayed to Cash who asked Sheriff Coleman to take McCall to Miami.

It is true that Eureau Agents had interviewed McCall before his final arrest, but under no stretch of the imagination can it be said that they had taken him into custody and then turned him loose. The crime occurred on the night of May 28, 1938, and the Eureau first learned about it at 8:00 A.M. on the morning of the 29th. Sheriff Coleman was of course well known in the area and he sssisted in bringing various persons to the office of the Eureau for interview. In other words he acted in something of a liaison capacity. McCall was first interviewed by Agents at 2:30 A.M. on May 31.

On June 2, 1938, Bureau Agents desired to see McCall again. They indicated to Mr. Cash they were convinced McCall was the most likely suspect. Without consulting the Agents, whom he knew had no immediate transportation available to them, Mr. Cash requested Sheriff Coleman to take McCall into town on his way so that he might be interviewed at the Miami Office.

viewed.

On June 5 he was brought to the Miami Office for further questioning and at this time made a partial confession. After the case was completely solved McCall was turned over to Sherif Coleman on June 10 for state prosecution.

11. Page 408, 1ine 28

". In some cases handled by the FBI frightened criminals killed the kidnap victims. In the Levine case the child was alive until after the FBI entered the case. Lou Wedemar, New York Daily News, criticized the FBI for "incredible bungling" of the Levine kidnaping case.

This is an attempt to blame the FBI for the death of kidnap victime. It has no foundation in fact.

Medemar is discredited by his own antics in the Levine case, when he telephoned the victim's father, representing himself as the kidnaper, to obtain a statement on the case. That reached a new high in the annals of irresponsible journalism, and such tactics could themselves endanger the victim.

12. Page 410, line 17

Melvin Purvis was in charge of the Billinger arrest, "some" women theater patrons were shot during the arrest, and while Purvis could not understand how they were hit, a possible explanation lay in the nervousness of the Agents.

If . Lowerthal disregards Hr. Hoover's statement in "Persons in Eiding," which is used as a source, that Inspector Sam Cowley, not Melvin Purvis, was in charge of the ease. The Agents went to considerable lengths to avoid danger to bystanders and waited until the theater crowd thinned out as much as possible. Even with these precautions, two women did receive flesh wounds, apparently from bullets which had gone through Dillinger or ricocheted. The implication that nervousness of agents might have caused those injuries is unfounded.

18. Page 411, line 6

Alvin Karpis was traced following the capture of a number of his gang by Post Office Inspectors.

The implication here is that the tracing of Karpis resulted for the capture of some of his gang by the Post Office Inspectors. It "followed" in point of time only. Xarpis was located by the Eureau in New Orleans on the basis of information from a confidential informant as to his contacts and movements. Apparently, the Post Office Inspectors did tie Karpis in with a mail-train holdup, and arrested one of the gang in Barch, 1830. This did not cause the arrest of Karpis as Lowenthal suggests.

14. Page 411, lines 9 and 15

In a hearing before the Senate Appropriations Committee Senator McKellar developed the fact Mr. Hoover had never made an arrest personally.

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Aside from the obvious fact that Mr. Hoover would eeldom be in a position to be present at the time of an arrest, to participate in it, Mr. Lowenthal omitted the statement of Mr. Hoover during the hearing that the Bureau had not been given the power of arrest until about a year before the Senator's question.

15. Page 412, line 15

St. Clair McKelway reported that Lepke did not wish to be prosecuted by District Attorney Dewey, so arranged to be turned over to J. Edgar Hoover. While it was a triumph for the G-men over the New York police, it served somewhat to minimize the efficiency of the G-men in the public mind since they had been looking for Lepks too.

Lepke did surrender himself to Mr. Hoover, with Walter Winchell as intermediary, but Mr. McKelway overlooks the fact that the surrender resulted from tremendous investigative pressure placed on Lepke by the FBI, that Mr. Hoover had authorized Winchell to broadcast the announcement that the FBI would respect Lepke's rights if he gave himself up.

16. Page 412, line 26

Newsweek reported allegations that Agents arresting Harry Brunette unnecessarily imperilled firemen, who came to extinguish a fire from a tear gas shell, by gunfire; that the "melodramatic" raid was to get newspaper headlines; and that after New York police located Brunette, the FBI broks an agreement for cooperative action and staged unnecessary gun play.

Bureau Agents did not break faith with any other law enforcement agency in connection with this case. The apartment which was the scene of the raid was not located until a few hours before the raid took place. In the second place the presence of Frunette in the apartment was not determined until thirty minutes before the raid and then ascertained through surveillance by Bureau Agents without assistance from any other agency. Plans were carefully laid out with regard to the safety of those in the immediate vicinity. When Frunette was commanded to surrender he began firing at the Agents and the fire was returned. After a second firing upon the Agents gas was thrown into the apartment. A fire resulted and the New York Fire Fepartment was

called. There was full cooperation among the police, firemen and the Bureau Agents at the scene.

The fact that no one was hurt other than the wife of Brunette seems sufficient answer to charges that many lives were imperilled. In fact no shots were fired in the front of the apartment following the arrival of the fire department either by Brunette or Special Agents. The only firing which occurred in the front of the building after the fire department arrived was done by several New York police officers.

CHAPTER THIRTY-SIX

JUKOSLICTICHAL PROBLEMS

Pages 414 - 424

1. Page 414, line 24

Mr. Hoover has promoted the idea that the FEI is superior to local police. This has made local law enforcement agencies justoms.

This allegation is based on statements made by the Director before the House Appropriations Committee in 1937. Mr. Bloover said: "It is natural to expect, I think, in work of our character, law enforcement work, that there would be engendered certain jealousies. You find it between your local city police and your State police, and it is reasonable to expect the same sort of attitude to be manifested toward the Federal authorities. However, the really efficient and progressive law-enforcement agencies manifest no such attitude."

2. Page 415, line 33

Duplicate Federal and State jurisdiction has had no effect in decreasing crime.

Mr. Lowenthal is making a charge which he cannot prove. He has neglected to take into consideration the increase in population, faster transportation, and the greatly increased opportunity to commit crime. In addition he has no yardstick with which he could adequately measure the effect of dual jurisdiction in some criminal matters. He also forgets that FEI jurisdiction relates to matters of an interstate nature in which the Federal Government has a legitimate interest. FEI jurisdiction has never extended into natters of purely local character. Along with the increase in the number of offenses being committed there is, of course, an accompanying increase in convictions, which the author also neglects to take into consideration. Here Mr. Lowenthal is attempting to charge the FBI with the deficiencies of society.

3. Page 416, line 9

According to some authorities, local law enforcement, instead of being strongthaned, has been weakened by bringing the FBI into local crime detection.

Hr. Lowenthal confuses local police matters with criminal matters in which the Federal Government has a legitimate and legal responsibility. The author obviously overlooked statements of Mr. Hower which stress the importance of local law enforcement authority. Ir. Hoover has repeatedly indicated that a National Police Force is not only undesirable but that it is also not necessary in this country. For example, in a speech made May 18, 1950, at the annual banquet of the Boys! Clubs of America in Washington, D. C., Mr. Hoover stated, among other things: "Good citizenship like charity, begins at home. That is why, for example, I have always opposed the concept of a national police force. The best type of law enforcement is the home town police. Any other system would be alien to our American way of life. Each community not only deserves exactly what it receives in terms of law and order, but also has within its power the ability to have law observance and good law enforcement if it so desires."

This particular speech was widely quoted in the press and obviously it was available to kr. Loventhal had he cared to use it.

4. Page 416, line 17

A special Senate Committee headed by Senator Byrd in 1937 mentioned the danger that Federal policing of crimes already subject to local authorities "may weaken the incentives for better State and local enforcement."

Mr. Pyrd's Committee also observed that "...an outstanding function of the Bureau of Investigation would be the enforcement of strictly Fede al laws, the coordination of law enforcement agencies in general, research in law enforcement problems and the giving of advice and counsel to the states relative to the reorganization of their forces." It would appear this is exactly what the FEI has attempted to do.

The Byrd Committee also said: "It would seem that the coordinating work of the Bureau would be most effective, its research most fruitful and its advice and counsel most helpful if the Bureau were made responsible for all general law enforcement work of the Federal government."

5. Page 417, line 10

her. Henry L. Stimmon, in 1954, wanned that the tendency to heep local law enforcement responsibilities on the Federal Government would weaken local sense or responsibility and might overwhelm and paralyze the work of the Federal judicial system.

Er. Stimson also said, "Elthout any such enlargement of jurisdiction, the Federal Bureau of Investigation has already developed a system of cooperation between Federal and State authorities which has become a very long and valuable step in the work of crime detection throughout the country.... I am inclined to believe that this success charts out the most feasible line for our future progress." Er. Stimson pointed out that the work of identifying and apprehending criminals has been accomplished by voluntary cooperation between the Federal Bureau of Investigation and the police forces of var.ous States without the need for any amendment of the law or Constitution.

6. Page 417, line 24

Duplicating Federal jurisdiction in cases of some local criminal laws has placed an increasing financial burden on the Federal Government.

Hr. Lowenthal fails to take into account the fact that rederal responsibilities in many fields other than law enforcement have resulted in additional financial burdens on the National Government as evidenced by the gradually increasing national debt. It has never been the policy of the Government to neglect its responsibility to the people because it sould entail necessary and reasonable expense. Here again, Mr. Lowenthal attempts to charge the FBI with conditions over which it has no control - the increasing expense of maintaining order in a rapidly expanding society.

7. Page 419, line 13

Congressman horan cited examples of work long done by local authorities, and more recently undertaken, in part, by the PBL. One example dealt with the long-established practice of local authorities in securing, through extradition, the return of or minals who had fled from the States in which their crimes were committed. Under a Federal statute, the FBI had begun to do the work for the localities in a number of such "flight cases." Mr. Horan said: "...That should be paid for by the States. Have you entertained any meditation on the possibility of the States paying for this service.... You...carry on their work?" Chief howers "We have not given consideration to that because every phase of our criminal statutes are predicated on the interstate transportation feature. In interstate matters, the Federal Government has exclusive jurisdiction. For that reason, if we tried to do it in these flight cases, which has added a great deal of work on to us, the next quest on would be, Why not in the National Hoto Vehicle Theft has, the interstate transportation of a car, and in the case of any passe crossing a "tabe line who has violated any Federal stat tes"

Mr. Lowenthal is off base here. The practice of extradition is fine if you know where the criminal is in another State. But such is not the case in Unlawful Flight matters. The FBI locates the criminal and then the local authorities generally handle the matter as before.

8. Page 419, line 36

Then Federal police assume local law enforcement work, their attention is deflected from the national business, specifically assigned, to the local criminal business.

This charge is based on an opinion expressed by Assistant Attorney General Crim in 1924. It did not relate to the activities of the modern-day FBI although ir. Iowenthal has ambitiously sought to stretch the implication to that point. Then, too, Mr. Crim was not telking about the Bureau alone, but about all Federal agencies.

9. Page 420, lines 6, 20

Shortly after telling the Appropriations Committee in 1940 that many national defense matters were unassigned because of lack of manpower, Agents were assigned to investigate a Mann Act case in Miami.

Investigation of violations of the Ham Act is a responsibility of the FEI as much as any other responsibility. The FBI has no authority to discharge one part of its responsibility and discregard another. This illustrates one of the many fallacies in Er. Lowenthal's effort to pick the FBI to pieces and criticise where no criticism can logically be placed. These investigations resulted in the apprehension in southern Florida of fifty-five individuals on charges of violation of Federal laws.

Hr. Lowenthal cites other investigations by the FEI of violations of Federal criminal statutes during the war period such as copyright law violations in New York City, interstate transportation of obscene literature in Ohio and Pennsylvania, and a Mann Act case in Ohio. But instead of proving his point, it would seem that he has unintentionally proved that the FbI was actually making every effort not to neglect any of its responsibilities despite the new duties placed on it as a result of the war.

In the Ohio Mann Act case seventeen subjects were indicted and two were proceeded against by information for a total of nine-teen defendants. All entered pleas of guilty and received varying sentences which totaled one hundred twenty-eight years. An additional subject subsequently was arrested, indicted, convicted and sentenced to two years.

10. Page 423, line 5

with internal security responsibilities at a peak, the FBI assigned G-men to look for a suspected car thief who was finally located by the local police after FBI Agents had made several fruitless searches. The man was undersized and unarmed.

The subject involved in this case was Lawrence J. Dobias who was not only wanted on a Federal warrant for the Interstate Transportation of a Stolen Kotor Vehicle Statute, but he was also a parole violator and was wanted in New Jersey by State authorities on several robberies. At the time Dobias was apprehended he was carrying two bullet wounds inflicted by a police officer when Dobias and his companion were interrupted while attempting to rob a dry goods store in Paterson, New Jersey, several weeks before. Dobias had been court-martialed in England in 1945 for being AWOL, escaping confinement, attempted assault, carrying a weapon and theft. He was sentenced to 20 years imprisonment but this was later reduced to six years. He was paroled April 9, 1948. The local police interest in this case might stem from the fact that the car which he had stolen and transported interstate belonged to the brother of New York Mayor O'Dwyer. All of this information was available to Mr. Lorenthal as well as the fact that Dobias pleaded guilty to the Federal charge and was given two five year sentences by the Federal District Court, Newark, New Jersey.

The local police did assist in the search, under the directions of the Agents. He was found, however, by two FBI Agents.

11. Page 423, line 24

In April, 1950, the FBI turned its attention to a demonstration of some high school children in New York City. This was at a time when the FBI's internal security work load was the heaviest in its history.

Mr. Lowenthal closes this chapter on a high note of sarcasm. The FBI made no investigation of this matter and made no statement to the press, but only passed on to the New York Police Department information which had been volunteered to it, as a usual routine procedure.

CHAPTER THIRTY-SEVEN

SPIES AND SABOTEURS

Pages 425 - 443 ----

1. Page h25, line h

Director Roover described the FBI's role in World War II on numerous occasions in 1939 and 1940. The Director said that the President had instructed the FBI to take charge in all matters involving espionage, sabotage and subversive activities.

These opening sentences are the underlying theme of this chapter. Mr. Lowenthal, having pointed out that the FBI was charged with a responsibility, develops the rest of the chapter in an effort to show that it utterly failed in carrying it out. He has given the FBI not one iota of credit for all of the work done in World War II.

It is noted that in the source notes Mr. Lowenthal sets forth over a page of excerpts from the FBI Director's articles and addresses. An examination of the sources reflects that he takes only that material which best suits his position.

2. Page 425, line 22

The FBI in combatting sabotage had to rely largely on others. In World War I John Lord O'Brian, head of the War Emergency Division of the Department of Justice said, "No Government on earth has or can have either the manpower or the physical means...for supplying the precautionary methods needed in...private plants and facilities manufacturing war material...."

Mr. Lowenthal's statement that the FBI had to rely on others carries with it the implication that it was incapable of handling the problem. It is ludicrous to assume that the FBI could handle the problem without the aid of the individual citizen. Naturally it would have to rely on the patriotism and loyalty of the many workers in industrial plants and throughout the transportation system to supply it with information which would prevent acts of sabotage. The FBI has never claimed that it has a crystal ball whereby possible acts of sabotage appear from out of nowhere.

3. Page 425, line 29

The FET found that in many important fields experienced Government agencies were already operating to prevent sabotage. An example was in the field of railroad transportation where the Interstate Commence communication had for years been assisting management and employees in proventing damage "whether accidental or deliberate."

It is true that the interstate Commerce Commission has done a great deal of work in the field of accident prevention, particularly in connection with railroads. Er. Lowenthal leaves the impression that the FBI infringed on the work of the ICC. It is rather far-fetched to assume that the ICC is interested in the subject of sabotage in the technical sense. Its work has been designed to assist in the field of safety in order to protect the traveling public.

4. Page 426, lines 11, 12, 14, 18

At the beginning of World War II the PBI Director said that enemy asboteurs were "all over the United States." He warned that espionage and sebotage go hand-in-hand and that "there have been many mysterious efforts at incendiarism, injury to working parts of warcraft," etc. Mr. Hoover was quoted as saying, "The destruction of 500,000 shoe strings could be as important to a foreign adversary...."

All of the quotes given by Mr. Lowenthal are accurate, but he makes every effort to present them in a distorted light. For example, the quotation concerning the 500,000 shoe strings standing without explanation appears semewhat ridiculous. An examination of the full text is this particular regard shows that the FBI Director was explaining that espionage and sabotage agents do not confine their activities to any specific phase in the industrial, commercial and social life of the nation, but reach into every field where damage may be done. The saboteur may strike in an unsuspected quarter and do great damage. Obviously shoes would be useless without shoe strings.

5. Page 427, line 1

Apparently the alarm spread by the FBI on the subject of subotage was unfounded for in 1946 the Attorney General reported that there was not a single act of energe-inspired subotage. This fact "had, by then, been acknowledged to by the FBI, which confirmed reports that many cases of damage were due to carelessness or accident...."

In the early years of the war Director Hover did comment on the danger of sabotago and at that time there was a very real danger in view of the fact that Communists were attempting to prevent America's preparedness program.

hr. Lowenthal overlooks the fact that the absence of sabotage is in itself an indication of the effectiveness of the Fireau's various programs to prevent it. For example the FBI's plant survey program, its contact program with the American Legion, etc., are completely disregarded. He discusses sabotage in 1940 and then skips to 1946 without even considering the work done in the meantime. Ar. Hoover himself first announced the complete absence of foreign-directed sabotage during the war period.

6. Page 427, line 9

The FRI faced a different problem in regard to enemy espionage. A traffic accident in New York City on Warch 18, 1941, led to the discovery of a pre-Pearl Harbor spy ring.

Here Wr. Lowenthal is obviously discussing the Ludwig case. He could easily have ascertained that this case was instituted in January of 1941. It is noted that to substantiate his point the author uses newspaper clippings. An article in the New York Daily Mirror, February 19, 1942, which he did not cite but which dealt with the same case reads in part: "The Government, nearing the end of its case, ... revealed that British censors lifted stamps on suspect letters at Fermuda and found a code which started the investigation of the alleged spy ring on trial in Federal court here."

7. Page 427, lines 27, 35 and page 423, line 10

In the fall of 1939 a special FBI Office was set up in Hawaii and Mr. Hoover made it clear he was aware of the danger of espicaage by Japanese agents. The report of the Commission headed by Supreme Court Justice Owen J. Roberts to investigate the assault on Pearl Harbor, reported that prior to the establishment of the FBI Office in Hawaii, Maval Intelligence handled enemy activities among the civilian population. When the FBI Office was established, Army, Navy and the FBI entered into an agreement whereby the Bureau should take over and become primarily responsible for investigation of matters connected with the civilian population. Despite these arrangements, Secretary of Navy Knox found, after the Pearl Harbor tragedy, Fifth Column work had been "most successful."

At no time did the FBI ever agree to assume the sole or primary responsibility for the coverage of Japanese activities in the United States or its Territorial Possessicus. The original agreement was that the Office of Naval Intelligence and the FBI were to "exercise joint coverage in the handling of Japanese counter—espionage."

It follows, therefore, that any allegation that the FBI had sole, exclusive or primary responsibility for the coverage of Japanese activities in the United States or in the Rawaiian Islands is absolutely without foundation in fact.

It should be noted that the statement by Secretary Knox was made at a time when there were immunerable rumors concerning what happened at Pearl Harbor. No substantiating evidence backing up this statement was ever furnished by the Secretary of Navy.

8. Page 428, line 25

Subsequent to Pearl Harbor, other Government agencies "equipped for counterespionage" did not wait for the FBI to acquire the necessary techniques. For example, the Federal Communications Commission did extensive work in loosting Axis radio facilities, both in this country and in Central and South America.

In examining the source given by Mr. Lowenthal it is noted that it is the testimony of George E. Sterling, Chief of the Radio Intelligence Division of the Federal Communications Commission who testified on May 11, 1944, before a Select Committee to Investigate the FCC. Mr. Sterling discussed methods used by the Cermans and Japanese in transmitting information and pointed out some examples of the work which they had done.

The fact is that during the war period the FCC was the only agency with the necessary equipment which could be called upon by the FBI to give service which was in any way satisfactory. For the Bureau to have set up similar facilities would have been expensive and unwarranted. Mr. Lowenthal does not indicate the FCC's South American operations were at the specific direction of the FBI which had the full responsibility there.

9. Page 429, line 7

In June of 1942 it was the Coast Guard which detected the landing of the saboteurs by German submarine on Long Island. The Coast Guard laid the foundation for the swift apprehension of the saboteurs by checking the marks on a vest found in the caches located on the beach against the laundry mark identification file of the New York City Police Department. The Coast Guard turned the results over to the FBI.

It is, of course, true the Coast Guard received the first information concerning the landing of the Cerman saboteurs on Long Island. The facts of the case are well known and even elementary research would have uncovered the true story. The vest was not the clua that solved the case. It should be noted also the laundry mark file was that of the Massau County Police. Mr. Lowenthal ignores the landing of the four saboteurs in Florida and all the work which led to the apprehension of all eight.

10. Page 429, line 15

Mr. Hoover asked the Admiral at the head of the Coast Guard to reprinand his subordinates for having intruded upon the FBI's jurisdiction.

Director Hoover did not ask the head of the Coast Guard to reprimand his men for intruding upon the FET's jurisdiction but because they withheld information concerning the existence and examination of the vest until the very last. This was a case of lack of cooperation on the part of the Coast Guard.

11. Page 429, line 17

Eight years later, Congressman Rivers of South Carolina joined many of his colleagues in praising the Coast Guard, and said, hif the Coast Guard is guilty of any sin...it is the sin of not publicizing what it has done for this Mation...The Coast Guard has no spokesman....It has only its achievements."

The discussion concerned the Ceneral Appropriations Bill for 1951 and particularly operating expenses of the Coast Guard. Hr. Mivers did not mention the eight Nazi saboteurs. He was speaking in favor of appropriating what was asked by the Coast Guard.

Wr. Lowenthal goes a long way for this reference. Eight years after the incident he cites the remarks of a Congressman to take a slap at the FBI. The important point is that hivers did not mention the saboteur case but the author leaves that thought definitely planted in the mind of the reader.

12. Page 429, line 29

In January, 1945, In. Hoover told a House Appropriations Condittee of a case in which the FMI apprehended two terms agents who had landed from a submarine. Four years later the New York World-Telegram reported

that a 17-year-old Boy Scout had told his father of seeing two men on a Maine road. The father, a deputy sheriff, notified the FBI, and "two more Maxi spies were captured."

With this very brief statement Mr. Lowenthal passes off the entire William Colepaugh and Erich Gimpel Case. The author makes it appear that the 17-year-old boy actually solved the case and that the work of the FBI was inconsequential. The facts are that on December 3, 1944, a ship explosion was reported off the coast of Maine and FBI Agents were conducting an inquiry to determine if enemy agents had landed. Numerous persons were interviewed in the vicinity of Hancock Point, Maine, and it developed through a contact with a deputy sheriff on December 4, 1944, that his 17-year-old son had seen two strangers in the locality on the evening of Hovember 29, 1944. This information was obtained through the initiative of FBI Agents in contacting the deputy sheriff, and it should be noted that neither the deputy sheriff not his son had made any effort to report the incident to the FEI. It should further be noted that the two spies in question left the area on the evening of November 29, leaving no clues as to their whereabouts. The information had nothing to do with the apprehension of the spies.

13. Page 430, line 5

Some spy cases came within the jurisdiction of two or more Government agencies before the FBI was called in. For example, one of the State Department's consular agents in Switzerland discovered that a prospective visitor to the United States was a German spy. When the foreign agent arrived in New York City, the Treasury Department's Customs inspector stopped him, searched his baggage, found incriminating evidence and turned the case over to the FBI.

Wr. Lowenthal was referring to the case of Herbert Karl Bahr, who had been known to the FBI as a possible spy for almost two months before he arrived in this country. The searching of a person coming into this country is under the jurisdiction of Customs, and not the Bureau. Special Agents of the FBI did, however, participate in the questioning of Bahr and developed the case against him. It is also noted that Wr. Lowenthal uses case in the plural, implying there were others, but he failed to cite them.

14. Page 430, line 12

Four years later, one of the State Department agents made a passing reference to his department's counter-espionage force. This unit was given an unrevealing name, "Foreign Activity Correlation." The agent saids "We stay away from the press. We have worked very quietly throughout the war. We have performed some fairly effective work with reference to subversive activities."

This section of the State Department dealt with liaison work and did not actively engage in any counterespionage work. In fact, it carried on liaison between the FBI, Naval Intelligence and Army Intelligence.

15. Page 430, line 18

The privileged position accorded the FBI by the military departments was modified in the months following Pearl Barbor. This was illustrated at the Panama Canal Zone, where the American Army Intelligence itself handled the investigation of an espionage ring. When the Army was ready to close in on the spies, it invited the FBI to participate in the arrest.

Mr. Lowenthal bases this on a July, 1942, newspaper itom when inquiry would have resulted in the true facts. He even failed to examine the newspaper article in detail because it said that the FBI had been investigating the case for some months before the arrests.

The case itself actually dealt with espionage activity between British Honduras and the Panama Canal Zone. The FBI had no jurisdiction in British Honduras since it is a British controlled territory and Army Intelligence had exclusive jurisdiction in the Canal Zone. In fact, the FBI Office in the Canal Zone was closed Earch 4, 1940. Hence the only legitimate connection the Bureau could have had with such a case would be ramifications in the United States or under the general intelligence coverage of Eatin America.

16. Page 430, line 24

In March, 1945, the Office of Strategic Services discovered copies of State Department and other Government papers in the office of Amerasia, a magazine specializing in Oriental matters. General Milliam J. Donovan, head of COS, took the conclusive proof secured by his "detectives" to the Secretary of State. After a secret conference at which Donovan recommended that the matter be turned over to a Federal prosecutor and a grand jumy, it was recommended that the case be given to the FEL.

The basis for these statements was newspapers, but Mr. Lowenthal could have examined the report of the Tydings Committee which sets forth testimony of Department of Justice officials concerning the matter. This testimony points out that OSS overlooked or disregarded the fact that there might have been violations of the Federal criminal laws and they had no investigative jurisdiction in respect to criminal offenses; further that the head of the OSS in New York went to the office of Amerasia magazine and by subterfuge searched for two and a half hours, taking twenty or more documents. One Department of Justice official pointed out that this had a definite effect on the admissibility of the evidence in the case. Furthermore, the testimony failed to reveal that Mr. Donovan recommended the presentation of the case to the grand jury.

17. Page 431, lines 20, 27

In regard to the Amerasia case it is stated that Assistant Attorney General McGranery was explicit in his testimony before the Hobbs Committee that the Federal police investigation of the case had been "very clumsily handled."

As a source for this particular material Mr. Lowenthal uses a story from the Baltimore Sun. Mr. McGranery is quoted as saying that the case "blew up" because of the way "in which the evidence was obtained, presumably by the FBI, asserting that it was very clumsily handled." The story also carries the statement of Assistant Director D. Milton Ladd who disputed the contention that FBI evidence was illegally obtained. Mr. Ladd is reported as saying that the only documents illegally obtained were those taken in an earlier raid by OSS. Mr. Lowenthal apparently preferred to overlook this statement. The truth of the matter is Mr. McGranery subsequently stated he referred to the activities of OSS, and not the FBI.

18. Page 433, line 25

In another case in 1949 Gerhart Eisler, a German Communist convicted of making false statements in an application for a permit to leave the United States, petitioned the Supreme Court to review his case. While this was pending, he slipped through the hands of the FBI and escaped from the country. Eisler was described by Mr. Hoover as a representative of the

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Eisler was free under bond pending appeal, having been convicted for contempt of the House of Representatives. He had also been convicted in a visa matter. On February 2, 1948, he was arrested by Imaigration officials and charged with advocating the overthrow of the government, but on March 6, 1948, was released on bond.

It should be specifically noted that the FBI under no stretch of the imagination was charged with the responsibility of preventing his escape; therefore, he could not have "slipped through the hands of the FBI."

19. Page 433, line 36

When the vessel upon which Eisler escaped arrived back in New York, "Department of Justice agents" boarded it and gave its officers, crew, and passengers what a newspaper described as "a local version of the familiar police-state !treatment.!"

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By referring simply to "Department of Justice agents"

Wr. Lowenthal obviously means to leave the impression that
they were agents of the FBI since he had just previously been
discussing the FBI. The FBI had no part in the questioning
of crew or passengers, did not board the vessel, and did not
investigate the escape of Eisler. In fact, the whole matter
was within the Immigration and Naturalisation Service.

20. Page 434, line 17 to page 437, line 20

In 1949 criminal prosecution was instituted against Judith Coplon, a Department of Justice analyst. She was charged with stealing papers and conspiring to deliver them to a Soviet representative. At her first trial in Washington, D. C., the defense charged that the FBI had tapped wires to get evidence against Coplon. The Government prosecutor told the Judge that the FBI had not engaged in tapping wires for evidence in the case. Months later, however, it was ascertained in the New York case that at least 30 agents had tapped the defendant's wires.

Among the agents present at the Washington trial was one of the Agents who knew of wire tapping and had even participated in "obliterating" the wire tap records. This Agent remained silent, however. Apparently the Burcau did not inform the Judge while the trial was in progress that he had been misinformed. When the defense counsel pressed the charge more vigorously in the New York trial it was revealed that wire tapping had been used. Government prosecutors finally reported to the Court that the bulk of the records made by the FbI had been destroyed. The FbI explained to the

Judge that it was an established routine to destroy wire tapping records within a brief period after they were made. The FBI claimed that its use of wire tapping had been approved by the Attorney General, yet the Judge ruled that such authorisation did not clothe with legality unlawful activities. The press accused the FBI of "deliberately and notoriously" violating a law.

The FBI had claimed that wire tapping is essential for finding spies but in the second criminal prosecution of the Justice Department analyst the FBI itself asserted that wire tapping gave it no relevant information.

In discussing the entire Coplon case Mr. Lowenthal places most of his emphasis on wire tapping. He completely overlooks that Judith Coplon was a convicted spy in the interim between her two trials. Judith Coplon and Valentine A. Gubitchev were arrested March 4, 1949, in New York City for espionage activity. Gubitchev was a Soviet citisen. Both the trial in Washington and New York resulted in Miss Coplon's being found guilty.

Furthermore it should be noted that in the Washington trial the defense attorney did not pursue his line of questioning on the subject of wire tapping to the extent where there was any need to develop the matter further. The Agents testified that they had no personal knowledge of wire tapping which was the truth.

In regard to the destruction of records Mr. Lowenthal overlooks the comment made by Judge Ryan in the case who found that the destruction was "neither contemptuous nor intended to interfere with the administration of justice."

21. Page 437, line 11

Among the vital Government secrets of the past decade are those relating to atomic energy. One of the FBI's highly publicized undertakings in safeguarding atomic secrets was the arrest of several Army sergements and privates who had been stationed at atomic plants before their discharge. They had taken with them snapshots and other photographs of scenes and incidents about the plant. One of these cases involved a GI whose estranged wife informed the Eureau that he had left his souvenirs in her father's garage some 18 months earlier.

Mr. Lowenthal is referring to the case of Ernest Lawrence Paporello.

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22. Page 437, line 28

The most disastrous instance thus far made public of foreign espionage in the field of American atomic energy came to light in February and May of 1950. This involved the arrest of Dr. Fuchs, a British physicist. A Soviet espionage ring operating in the United States had secured secrets from him in 1944 and 1945 while he was working in atomic energy plants. These secrets were transmitted to Soviet Agent Harry Gold, an American chemist.

The press was informed that the Russian Agents who had operated in the United States had left in the winter of 1945-46, more than four years before the plot was detected. The discovery of this plot and its ramifications are of such recent date that there has not been time for a thorough Congressional or other Governmental inquiry into several inquiries raised immediately after the initial discovery. The first is a question as to the allocation of credit for the detection of Fuchs and Gold. The FBI claimed that it uncovered the facts. According to a Canadian weekly the Canadian police did the work.

The FBI did uncover the facts bringing about the arrest of Fuchs by British authorities on February 2, 1950. There is no basis in fact for the allegation that Dr. Fuchs became known as a Soviet espionage Agent through connection with the Canadian spy case.

23. Page 442, line 5

After numerous paragraphs in which Mr. Lowenthal sets out some of the praise heaped upon the FBI and its Director he again opens his attack. There are some indications, however, that the views noted were not universally held by Americans interested in effective counterespionage. President Truman, when he set up the Central Intelligence Agency, disregarded suggestions that Mr. Hoover be made the head. In 1950 when the President made a new appointment to the CIA he disregarded Mr. Hoover. In fact, the President withdrew the FBI from its counterespionage throughout Central and South America.

It would have been significant had Mr. Lowenthal said why Mr. Hoover was not named. He throws no light at all on this particular point. It could hardly be that Mr. Truman lacked confidence in the work done by Mr. Hoover for on February 8, 1946, the President awarded the FFI Director the Medal of Merit "for extraordinary fidelity and exceptionally meritorious conduct."

The withdrawal of the FBI's authority in South America was only natural since the Central Intelligence Agency had been arganised for the express purpose of doing such work.

24. Page 442, line 37

In May 1950 Congressmen Velde of Illinois said: "Why then was not our internal security protected a long time ago? Why have we waited so long to make this first arrest? Why did we allow these Russian agents to convey our atom secrets to Moscow under the very eyes of the State Department and the Department of Justice? Why are we now locking the gate after the horse is stolen?...."

Mr. Lowenthal quotes accurately from Congressman Velde's remarks. The statements were made in connection with the arrest of Harry Gold; however, the Congressman was asking the questions of the Attorney General and not of the FBI.

The truth of this is borne out by Congressman Velde's remarks on the floor of the House on November 30, 1950, when he spoke of receiving a copy of Mr. Lowenthal's book. He said that he had not ordered the book. He pointed out that its author was an artist at twisting the facts and that the book quoted him as criticizing the FBI when he had no such intention. Mr. Velde said he sent the book back to the publishers and suggested that they obtain the autograph of Mr. Lowenthal and send it to Stalin in Moscow.

25. Page 443, page 6

The Department of Justice did not answer these questions (Er. Velde's questions) but instead pointed to the FBI's success in getting informers into Communist organisations.

From his language Mr. Lowenthal makes it appear that the Department of Justice pointed to the FBI's informant coverage in answer to Congressman Velde's questions of May, 1950. One source used in the book is the 1949 annual report of the Attorney General which came out in April of 1950 and could hardly constitute the Department's answer to an unasked question. The newspaper articles used as sources are around the middle of September, 1950, and would not seem to be in relation to what was said in the preceding May.

26. Page 443, line 9

This standard secret police method (informant coverage) was applied by Mr. Hoover against the American Communist Party as early as 1919.

It is submitted that the only way the clendestine operations of the Communists can be covered adequately is through informants. The most noteworthy example of the success of such coverage is the trial of the eleven Communist leaders in New York.

27. Page 443, line 30

In 1950 Admiral Zacharias, who during his active service had been head of the Office of Naval Intelligence, described the FEI as a "political organization" and stated that "counter intelligence should be taken out of the hands of the FBI."

Admiral Zacharias has long been a critic of the FBT. He has made many public statements concerning it which are without foundation. It is perhaps fitting that Mr. Loventhal should use this individual to close this chapter. For his purpose it ties in very well, for as indicated, he began the chapter by describing the FBI's responsibilities and then proceeded in an attempt to show that it did not neet them.

CHAPTER THIRTY-IIGHT

INVESTIGATION OF MELIEFS

Pages 444 - 465

1. Page 444, line 1

In 1924 Mr. Hoover said that theoretically the Bureau had no right to investigate noncriminal activities.

For this reasoning Mr. Lowenthal goes back to a memorandum written by the Director in October, 1924, to Assistant Attorney General William J. Donovan. The author has no regard at all for the historical background of the statement nor the feelings of the times, nor does he consider the court decisions which had limited the enforcement of the various statutes. The full details of this matter are set out under item four in the consideration of Chapter 27.

2. Page 444, line 8

By 1940 Mr. Hoover reached the conclusion that the FBI's jurisdiction included subversive activities.

The author completely disregards the changing conditions, and the Presidential Eirective of September 6, 1939, which placed upon the FBI full responsibility over subversive activities and related matters.

3. Page 444, line 10

The FBI classifies strikes and treason in the same category.

This was a more mechanical matter and was set forth in a chart on appropriations hearings which lumped treason, Federal injunctions, and other matters together.

4. Page 446, line 8

An instance of the FSI's renewed interest in noncriminal matters was provided in the fall of 1940 relative to an airplane factory strike.

The Communist influence in this strike (Vultee) is of common knowledge. Attorney General Jackson issued a statement that the strike was prolonged by Communist influence. Mr. Lowenthal cites

the New York Times of November 24, 1940, as a reference. The pertinent article contained full details on the strike's Communist background which Mr. Lowenthal ignores.

5. Page 146, line 36

He elaborated (Mr. Roover) this in 19hh, when an FRI agent investigated a seventeen-year-old high school boy in Michigan for saying in his classroom that President Franklin D. Roosevelt had lied. The local newspaper condemned such investigation. Mr. Hoover replied that "anything so edious as impugning the freedom of speech would be alien to the characters of the men of the FBI."

This is an incident which occurred in 1944 in Michigan. Information allegedly arising from a "Hazi-inspired source" was reported to the Bureau and it was necessary to make a preliminary inquiry. No investigation, as implied by Mr. Lowenthal, was made.

6. Page hk7, line 7

The FBI calls on the assistance of the general public to get names of persons whom it investigates on charges of being subversive.

Following the Presidential Directive of 1939, an appeal was made to the public to help the FRI in the protection of the internal security. Mr. Lowenthal fails to give the Presidential Directive of September 6, 1939, as the background for this appeal.

7. Page 447, line 12

After discussing plant protection matters, Mr. Lowenthal states: "By November 1939 Mr. Hoover was able to report that the employers had been giving him *excellent cooperation." The extent and possibly the nature of the FBI's relationship with private concerns and banks influential all over the United States is indicated by Mr. Hoover's testimony at the beginning of 1940 that 'we have jurisdiction over 19,240 banks.... We have carried on a very intensive and extensive educational campaign in the banks under the provisions of the Federal statutes...."

Mr. Lowenthal is deliberately misleading here. He mixes two things entirely distinct -- the FBI's plant protection program and the Bureau responsibility under the Bank Robbery Statute.

With regard to the former, Mr. Hoover said, "Yes, we have been getting excellent cooperation from many of the factories in the country. They welcome the suggestions they have received from us."

Mr. Foover mentioned the number of banks to show the increase in bank robbery work and not, as Mr. Lowenthal implies, the expansion of the F2I's sources of information. The purpose of the educational campaign was to enable banks to protect themselves against bank robbers.

8. Page 447, line 22

Early in the past decade, Mr. Hoover said that almost all such complaints have substance -- a view quite different from that expressed by Attorney General

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Gregory during the World War I period when he said that most of the complaints sent in were sheer nonsense.

Mr. Lowenthal is confused over the difference between the number of complaints received and those investigated as well as the administrative handling of a complaint as distinguished from the actual investigation of a complaint. When complaints were called sheer nonsense in World War I the Attorney General made the statement and was apparently referring to all complaints, both good and bad, while the Director was speaking of complaints which merited inquiry. Even the Attorney General eaid that one-tenth of the complaints were important.

9. Page 447, line 26

The FBI builds up dossiers on persons attacked by neighbors and acquaintances as subversives. These mames become a personent part of the FBI record.

The doors of the FBI are open to anyone who desires to make a complaint or volunteer information. The material is placed in Bureau files and maintained according to law. "Dossiers" are not maintained on each name in the file. Files are established on the basis of the case or violation of the subject under investigation. Ur. Lowenthal attempts to leave the impression that dostiers are opened on any person who makes contact with the FBI and that the Bureau is busily engaged in building up personal files on everyone in the country. The author overlooks that maintaining investigative files is absolutely necessary in any investigative agency and that credit bureaus in some large cities contain more names than are in the FBI files.

10. Page 449, lines 1 and 7

In the years 1919 and 1920, the General Intelligence Division reported that the organizations in the United States advocating the overthrow of the American government by force and violence included in their membership almost 400,000 persons, and that of these, the IWN and the Communist parties, with some \$50,000 members, were affiliated with the Third International and with the Moscow government. After thirty years of propagandizing, the parties in America said to be affiliated with the Third International and with Moscow have been reduced to one in number, the Communist Party of America, with a total membership of under 55,000.

of Mr. Hower to the effect that for every member of the Communist Party there are at least ten others ready and willing to aid the Communist cause. These others are, of course, in the literally dozene of front organizations throughout the country. Thus, if

those belonging to the fronts and the actual members of the Party are added together it would be seen that they far exceed the 1919-1920 figures cited by Mr. Lowenthal.

11. Page 453, lines 26 and 26

The proposal (to have the FRI investigate persons nominated to the Atomie Energy Commission) was contested by the Administration and by Prien McMahon, a former Assistant Attorney General in charge of all criminal prosecutions in the Federal courts. . . . Pr. McWahon, noting that the Senate is far abler than detectives, concluded: "May the day never come when the Senate of the United States bases its judgement on that of either the present or the past or any future director of the police agency of this Government."

Mr. Lowenthal goes into a great deal of detail on this point setting out Congressional debate and comments in trying to show that members of Congress held little respect for the FBI. An analysis of the whole problem, however, boils down to a basic concept in our Covernment - the separation of the legislative, executive and judicial tranches. Various Senators, of course, felt that they were fully qualified to pass upon the nomination of an individual. This concept is completely overlooked by Fr. Lowenthal. It should be noted that Senator Foundations a very staunch supporter of the FII despite the implications left by Wr. Lowenthal. To cite only one example, he stated in a letter to Fr. Boover on July 5, 1950, that he "was impressed with the thoroughness and efficiency of your organization."

12. Page 454, line 17, Page 455, line 2

In a Senate debate on whether the FBI should investigate those appointed as commissioners to the Atomic Energy Commission, Senator Hatch of New Mexico was quoted by Mr. Lowenthal as stating: "....Throughout all the world there is a most dangerous trend and tendency to elevate, exaggerate, and give absolute control to agencies of government called police agencies. Cranting everything I say about the ability with which Mr. Hoover has conducted the FFI, every one of us knows that it is a very great power he now exercises. Senators would further broaden that arbitrary power, . . . giving control to the police, just as the people of Czechoslovakia did in their poor country. . . "

These comments were made by Samator Hatch in connection with the discussion of whether persons nominated by the President to the Atomic Energy Commission should first be investigated by the FBI. Undoubtedly the purpose of Mr. Lowenthal in including these comments is to show that Senator Eatoh did not have faith in the Bureau. Had he been interested in the truth he could have obtained by referring to the Congressional Record on May 28, 1948, comments from Senator Hatch indicating quits the contrary as well as a letter from the Director to Senator Hatch dated May 27, 1948.

Included in the material which appeared in the Congressional Record on May 28, is the following statement of Senator Hatchs "Again, Mr. President, I want to commend Mr. Hoover for that attitude. I hope it will always be the policy of the Bureau not to assume powers it does not possess, and certainly not to solicit or seek duties or attempt to discharge duties except those which are granted and given by Congress or other authority.

"I want, again, as I did the other day, to commend Mr. Hoover himself for the attitude he has taken on this and other matters, and for his very efficient administration of the Federal Bureau of Investigation."

18. Page 466, line 84

In April 1950, more than two years later, after the procedure had become the subject of increasing criticism, Mr. Hoover testified before a Senate Foreign Relations subsommittee as follows: "...That procedure of not disclosing the informant was not my decision, it was the decision of the Presidential Loyalty Review Board, and they decided that the identities would be kept confidential in those cases in which the informant desired that there was anything to be kept in such confidence."

While the above is the correct quotation from the Tydings Committee Report, it is misleading in that it gives the impression that Director Hoover of the FBI did not express such views until there was increasing criticism. As a matter of fact Mr. Hoover m.de public statements to the same effect over two years before. One was made on December 10, 1947, before the House Subcommittee on Appropriations.

14. Page 457, lines 25 and 27

Some information was obtained about an FBI informer at the end of April 1960, when he was subposed to testify before a Senate Foreign Relations subcommittee. It was investigating charges made by Senator McCarthy of Wisconsin against the State Department, and hearing witnesses named by him. The informer in question had acted for the FBI within the Communist Party for eight years, and at the conclusion of his services furnished information to a former special agent of the FBI who had gone to work as a writer about "subversives" for the New York Journal-American. The latter was questioned at the hearings by Senator Tydings of Maryland.

in order to bring discradit on the Furcau's work in the delical of penetrating the Communist Party, Mr. Lowenthal makes relevance to the matter concerning John Fuber who, according to the author, served as a confidential informant for the Bureau for approximately eight years. He points to the testimony of a former Special Agent, now a writer, who appeared before a subcommittee of the Senate Foreign Relations Committee and stated that this informant had given him information which he had learned during the course of his relationship with the Bureau. He also points out that the informant, when faced with testifying before the Committee, feared foul play and left Washington.

Fr. Lowenthal presents this in a most unfavorable light, failing to point out the fact that the FBI has no control over its former agents nor does it, in fact, have any control over the activities of informants because the relationship is not that of employer-employee. Fe also ignores the fact that many of the informants who worked for the Bureau have done outstanding work and he would only have needed to refer to the public record on the conviction of the eleven Communist leaders. Host certainly the statements of this former Special Agent and former informant were not authorised by the FBI.

15. Page 459, line 3

In 1949 other FTI informers testified in court proceedings. One of them admitted, on cross-examination, that before becoming an FBI informer he had been a public speaking colleague of Serald L. K. Amith and had been his research assistant. The ex-informer's explanation, as summarized in the New York Herald Tribune, was that "he did not find out who Smith was until years later."

Mr. Lowenthal desires to discredit the informant by pointing to his relationship with Smith. The facts are that the informant, who was William Odell Nowell, a former member of the Communist Party, had in the trial of the 11 Communists during cross examination stated that during 1941 for a period of three weeks he was employed by Smith. He was to look over Smith's files, which mostly contained newspaper clippings to see what data would be most appropriate for apseches which dealt purely with Communism. Howell also admitted that he appeared on the same platform with Smith for several months in 1941. Mr. Lowenthal develops this passing association into a full-fledged relationship for the purpose of discrediting the insurmant. It is significant that while Mr. Lowenthal elsewhere is most critical of the guilt by association process, he himself uses it to full advantage at this point.

16. Page 459, 1tms 9

In the same court hearing another PSI informant testified that while serving the PSI he had recruited many new members for the Communist Party, including a number of his relatives and friends, and that he then turned in their names to the PSI.

Mr. Lowenthal is referring here to William Cummings. Cummings did testify in the trial of the 11 Communist leaders that during his Communist Party career he recruited three relatives — the husband of a first cousin, his first cousin and an individual whose relationship he did not identify. He also testified that he recruited "a good number" of people into the Party. Mr. Lowenthal is attempting to make this informant look like a Judas.

17. Page 459, line 18

Another FBI undersover agent testified that he had submitted to the Communist Party, lists of new recruits but that they were only imaginary persons. On cross-examination, however, it appeared that he had recruited for the Communist Party, while serving the FBI, from thirty-five to fifty living people including persons related to him.

John Victor Blanc was a witness for the Government in the trial of the Communist leaders. He did not, as Mr. Lowenthal implies, change his story on cross-examination. There was no specific questioning on this point on the direct examination.

18. Page 460, line 35, Page 461, line 1

One category of FBI informants is composed of persons drawn from the small warring ideological sects and still another category is made up of non-professional informants -- neighbors, acquaintances and fellow employees of persons they accuse. Mr. Hoover describes this kind of person as one who "patriotically serves his Government by providing information essential to our security."

The quotes from Mr. Hoover are correct. Mr. Lowenthal has made a link between this statement and the distorted picture of informants which he sets forth in the preceding paragraphs. His whole theme is to destroy confidence in the work done by the PBI in protecting the nation's security by the use of confidential informants. He overlocks the fact that it would be impossible to develop any valuable sources of information if the FBI did not maintain the confidence of the individuals who furnish information.

19. Page 461, line 5

The FBI has used both informers and informatte in securing evidence for trials under the Smith Sedition Law of 1940.

The Tydings Committee Report cited by Mr. Lowenthal quotes the FBI Director as follows: "The public record clearly proves that the Federal Bureau of Investigation, because it does maintain confidences, has been able to develop valuable sources of

information which have a direct bearing on the internal security of the nation. I need refer only to the Government witnesses who testified in the trial of the eleven Communist leaders in New York last summer. Seven of these witnesses risked their lives as undergover employees of the FBI.*

20. Page 461, line 24

The FBI use of the 1940 Smith Law was disclosed before an Appropriations Committee in January of 1950 by Raymond P. Whearty. He is one of the Federal prosecutors who disavowed responsibility for the boodwinking of the Federal court in a trial and implied that he also was duped by FBI wiretappers.

Mr. Lowenthal here is referring to the Coplon case. He develops the matter in full in Chapter 57 and brings it up again here during the course of a discussion on the 1960 Smith Law. In this connection it should also be noted that Mr. Whearty was fully informed by the FBI concerning the nature of the evidence in the Coplon case.

21. Page 461, lines 28 and 36, Page 462, lines 4 and 8

Er. Whearty told the House Committee that the Department of Justice planned "extensive suits to prosecute" individuals under the Smith Law. The first persons selected for such future criminal prosecutions, on evidence gathered by the FEI, are Communist Party members. The FEI had already gone far enough, by January 1960, to have 12,000 of them named and docksted for the purpose.

Whether, under the Hoover-Whearty plans for prosecutions for sedition, the policy of wholesale proscription would stop at this point is problematical, in view of Mr. Hoover's testimony before the Senate Appropriations Committee in 1950, that the Communist Party and its front organizations constitute "a potential fifth column of 540,000 people dedicated to this philosophy." In his addresses, Mr. Hoover has emphasized that the "fronts" are as dangerous as the Communist Party.

Mr. Thearty told the House Committee that "that program will come up" for operation beginning "about the fiscal year 1951." He spoke of "the work load which we must look forward to..." That work load will of course necessitate increases in the number of Federal prosecutors, judges, and prison personnel. Increased physical facilities will be required for their needs, and Federal prisons will have to be at least doubled or tripled to provide for the number of prisoners to be convicted under the Smith Sedition Law.

Whearty did indicate that some 12,000 cases pending in the criminal division of the Penartment depended on the outcome of the Communist trial in New York in the appeal to the C. S. Supreme Court and that a "program of extensive suits" would be under way against Communist Darty members, if the case was sustained. Be

indicated that this program would some up about the fiscal year 1951.

Mr. Lowenthal reasons that as of June, 1949, there were 20,227 Federal prisoners. Therefore, if 12,000 persons (in addition to the usual flow of cases) were tried and convicted, the number of prosecutors, judges and prison personnel would have to be increased and prisons doubled or tripled. Actually, he presupposes that (1) all would be convicted and go to prison at one time, and (2) that the Federal Courts and prisons are now operating at capacity load.

The institution of prosecution is entirely a matter for the Department of Justice. The FBI discharges its responsibility after it has collected the evidence.

22. Page 462, line 29

Early in the FBI's investigation of opinions held by Government employees a report came to the attention of a House Committee in the form of a letter written by Kr. Hoover to the National Labor Relations Board about one of its employees in St. Louis. Kr. Hoover informed the Board that the employee studied anthropology and in his letter set forth one or two other items of a similar degree of relevance.

This was Mr. Hoover's letter of November 14, 1940, with regard to Grant Cannon. Mr. Lowenthal omits from his book that portion of the letter which said that the employee had "radical tendencies leaning toward Communism." He leads his readers to believe that the FBI was interested in this employee because of his interest in anthropology. The only reason the Bureau initially referred the matter to the Board was the Communist aspect. The FBI merely reported the full information which had been made available to it by another intelligence agency.

23. Page 463, line 4

Mr. Hoover told the Fenste Foreign Relations Eubcommittee in March, 1950, almost a decade after making loyalty reports, that there had been "a great hue and cry on the part of some of these pseudo liberals" against the FBI and unjust charges that it was engaged in "thought control" or "thought policing."

This is a misleading quotation. Fr. Hoover actually said:
"In the early stages of the loyalty program, Senator Green,
there was a great hue and ery on the part of some of these
pseudo liberals that it was a so-called 'thought control'
or 'thought politing.' It has been found after checking over
2,000,000 loyalty forms that there have been very few abuses,
if any, that have actually taken place, either in the investigating or the hearings that have been reported, and in the
investigations where there was some minor slip, corrective
measures have been, of course, taken."

24. Page 463, line 9

The type of data collected by FNI Agents and transmitted to FBI Headquarters was disclosed at the Coplon trial. The disclosures were not made until the prosecutor pleaded with the judge not to place the "top secret FBI report" before the world lest the nation's security be imperilled."

Wr. Towenthal goes to great lengths over the material revealed during the course of the Coplon trial. The FET reports were not intended for examination by the public. Naturally they contained many bits of information which were unsubstantiated and which actually made little or no sense until connected with other information round in the files. The author does not consider these aspects at all. For example, he quotes from the New York Times as follows: The "discovery that rumors and malicious gossip against persons not charged with any offenses are maintained." Mr. Lowenthal stops his quote here but actually the quotation after the word "maintained" read "along with more substantial evidence in FRI files."

Mr. Lowenthal fails to use as a source the Hational Lawyers Guild which smeared the FSI in almost the same language.

25. Page 463, line 27

One example of the documents which came to light was a confidential report by an informant to the effect that his young son had seen the neighbor go about undrespect.

An examination of the sources as cited by Mr. Lowenthal reflects that in addition to this extremely minor item the informant also furnished information to the effect that there were frequent

gatherings of Army efficers at the home which gatherings were attended by a foreign looking civilian and that while this person was in the home great secrecy was maintained. The author did not even get his facts right from the sources which he used because actually the son saw the neighbor get the paper oif the front porch nude and not run around the homes nude. Nor does Mr. Lowenthal state what the report made part of the court record clearly shows — that the informant cited the reference to nudity as descriptive of the people living next door.

26. Fage 463, line 36

As the Washington newspapermen read more of this type of official and confidential material in the FBI's files, they applied to the FBI's public relations staff for an interview with Chief Hoover. The reporters were unable to find Mr. Hoover. The story was told a the Washington Daily News under the headline; G-MAN HOOVER CLAMS UI. The article read; For rive days The News has asked for an interview with Kr. Hoover. He has been unavailable. There has been 'no comment.' The article in the Washington Daily News then listed one incident after another on which it had asked Mr. Hoover to express anything he had to say, and always, according to the News, "there was 'no comment.'"

Mr. Lowenthal is referring to the fact that the name of Dr. Condon, the head of the Eureau of Standards, appeared in one of the reports which were made public by the judge trying the case. Condon was widely quoted in the press as damanding apology from the Director. The Director obviously would not dignify Condon's demands with a comment nor comment on a judicial proceeding. Mr. Lowenthal fails to point out that his quotes in this particular paragraph pertain to Condon's demand for an apology and leaves the reader to assume otherwise. Mr. Lowenthal does not refer to the fact the report mentioning Dr. Condon would not have been put in evidence had there not been an error on the part of a representative of the Justice Department.

27. Page 465, line 7

The defense of the Bureau's newly revealed practices by other supporters, as well as Mr. Hoover, raises an issue similar to the one that caused a furor in the 60th Congress forty years ago and ten years thereafter in the Senate Judiciary Committee investigation. The defenders of the Bureau maintain that the accumulation of miscellaneous data in the FBI files is justified on the ground that it may come in handy sometime in the future.

This statement by Mr. Lowenthal may be one of the keys to the entire book. He said that the 60th Congress forty years ago feared a Federal police which might adopt the practices habitual to police systems in Europe. It is true that through the years certain members of Congress have expressed such ideas but there has yet to be presented documental manes to prove this thesis.

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Union of Russian Workers Vaile, William N. Veeder v. United States Velde, Harold H. Veterans in the FBI Vultee Strike	395 395 178 442 340	16 17 37 31 38	151 152 60 77 83 178 135 180
Walsh, Thomas J. Weed, Helena Hill Whearty, Raymond P. Wheeler, Burton K. White, William Allen Wickersham Commission Wickersham, George W. Wiley, Alexander Williams, Albert Rhys Williamson, John N. Wilson, William B. Winchell, Walter Wiretapping WPA Fingerprints Wood, William M.	169 185 189 252 403 141 461 89 293 298 320 331 332 297 395 331 364 57	15 17 17 17 20 22 35 13 38 8 26 27 29 30 30 27 34 30 32 6 1 11 35 29 33 7	76 79 81 81 91 100 159 70 187 50 111 113 123 129 112 151 128 142 42 16 63 160 123
Zackarias, Ellis K.	443	3 7	179
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_, 1951

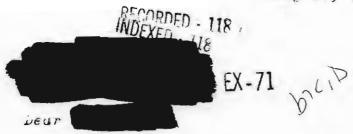
Director ___Mr. Mohr 5744 Mr. Tolson 5744 __Mr. Ladd 5736 ___Miss Gandy 5633 __Mr. Clegg 5256 ___Mr. Nease 5633 _Mr. Glavin 5517 __Mr. Harbo 7625 ___Records Sec. 7235 ___Mr. Nichols 5640 ___Pers. Records 6635 ___Reading Room 5531 ___Mr. Rosen 5706 __Mr. Tracy 4130 IB ___Mail Room 5533 ___Teletyre 5644 ___Mr. Belmont 1742 ___Leave Clerk 2706 _Mr. Laughlin 1742 ___Mechanical B-114 ___Mr. McGuire 5642 ___Supply Room B-118 __Mr. Holloman 5636 ___Mr. Jones 4236 __Mr. Leonard 6222IB ___Mr. __Mr. Waikart 7204 5627 ___Mr. Prepare Reply ___See me Note & return ___Send file For appropriate _For your info action -1 Ma GENERAL CONTAINS TOWN IS EMPLOYED. L. B. Nichols Room 5640, Ext. 691

FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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July 20, 1951

327



I appreciated you taking time out to write me as you also on July Jth. se has heard about Lowenthal being in Chicago, and while I appreciated the report I only wish you had taken him on. Le is the type who cannot stand up then anyone challenges him and I hope you will be on the alert for any of his influences. He certainly has no use for anyone who is, or has ever been, connected with the Bureau, which is contrary to his own interests.

With best wishes,

Sincerely yours,

L. B. Nichols

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Office Memorandum . United States Government

TO : DIRECTOR, FBI

DATE: August 20, 1951

FROM : SAC, WFO

SUBJECT: AN LONGHITHAL

SECURITY MATTER - C

Re report of Special Agent dated June 3, 1951, in the above-captioned matter, wherein the subject was identified as a member of the Mational Lawyers Guild.

A review of reference report indicates that on Page 4, the Mational Lawyers Guild was listed as having been cited by the Attorney General, which characterization is incorrect.

As a result, this is to advise that corrected pages of this report are being transmitted here with to the Bureau and New York for insertion.

Encl.

52-7004

cc - New York (Encl.)

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FOR THIS PAGE

Office Memorandum • United States Government

Mr. Nichol's

DATE: August 9, 1951

FROM :

M. A. Jones

SUBJECT:

MATERIAL ENTITLED, "WAX LOWENTHAL,"

A writing entitled "Max Lowenthal" and address, to the Director under date of July 3, 1951, has been reviewed by Crime Records. The material was prepared by one no address given.

The material purports to be a review of the Lowenthal book, but is more a discourse by the author on "Dialectical Materialism" as it relates to Communism and the philosophy of Marrism-Leninism.

The writing is favorable to the Bureau and is highly critical of Max Lowenthal who is described as a "Termite, Traitor, Betrayer and Deceiver to the American People." It states that Lowenthal is a Communist under the theory of "dialectical" analysis.

Bureau File 105-0-3107 reflects that by letter dated August 2, 1950, a sent his interpretormon

He may be identical with the writer of the piece called "Max Lowenthal."

PECOMMENDATION:

It is recommended that the writing be filed and no further action taken.

> ALL IMFORMATION CONTAMINED HEREIN IS UNULASSINED 3/19/93 9803

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se Lant Tele. pom Lease. Gandy

July 19, 1951

Mr. Nichols

M. A. Jones

REVIEW OF LOWENTHAL BOOK IN "FOCUS" OFFICIAL PUBLICATION OF THE NATIONAL PROBATION AND PAROLE ASSOCIATION BY CHARLES L. CHUTE

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A review of the Lowenthal book appeared in the July, 1951, issue of "Focus," official publication of The National Probation and Parole Association. The review is signed by Charles L. Chute, who is a national Vice-President of the Association and who has a long history of antagonism against Mr. Hoover and the Bureau.

BRIEF REVIEW OF REVIEW:

The review is generally critical of the FBI.

The book is timely, Chute said, "as it is the first substantial analysis of the history, accomplishments and possible dangers inherent in the development of this powerful police-detection agency." He stated that the FBI is said to have attacked and tried to suppress the book.

Tr. Chute qualifies Ir. Lowenthal as being in position to write such a book because of his long service in the government.

He cites Lowenthal's contention that even when it was founded there were fears that the Eureau might grow into another DEPJ. He parrots the reports of the Palmer Haid, Eraft Raids, violation of civil liberties and other criticisms which fr. Lowenthal wrote into the book.

He regrets that the _ureau's work in detection and prosecutio: of crime, its relation to other law enforcement agencies, the accuracy and usefulness of the fingerprint files, were not dealt with in more detail, adding that "It is evident that full data on the files and internal workings of the bureau were not accessible."

He states that no appraisal is made of the accuracy of Tolson __ inferences drawn by the Bureau from its Uniform Crime Reports.

"Only brief references are made to Ir. Hoover's attacks on parole and other constructive methods of crime treatment, but thes have become fewer with the passing years," Ar. Chute said.

Attachment

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16, SEP 6 1951

"The book proves beyond doubt that the FBI has built a powerful agency for law enforcement. It has had a phenomenal success in its public relations program. Another and different study is called for to answer the questions as to how its work may become of greater social and constructive value and as to what safeguards are needed to avoid the dangers inherent in the arbitrary and unregulated powers it has assumed."

FILE REVIEW - CHARLES L. CHUTE

The files reflect that the Bureau does not see eye to eye with Chute on questions on parole and probation. In April of 1936 Chute invited the Director to speak at the Annual Conference of the National Parole Association in Atlantic City. The Director had a prior engagement. During this conference the Association passed the resolution directed to the President of the United States and the Attorney General, requesting that Mr. Hoover be pronicited from speaking on parole abuses. (62-22417-5; 94-1-2736-161)

In September, 1337, Unute was a speaker before the New England Conference on probation, parole and crime prevention. He made critical remarks concerning the Director's stand on probation and parole. At the conclusion of his speech he was approached by a for a copy of his speech and Unute asked, "Is this for your friend Hoover, if it is I always send him appier of my speeches and Mr. Hoover always mails his to me so I will mail nim a copy." (91-1-1403)

Chute, as Executive secretar of the National Probation Association, submitted a resort to the Posel of Juventle Court Laws in September, 1946. In L. L. Since of the Larga described several sections of the reality of the reality of the probational objections less to low enforcement and rould a most last forcement. (62-262:5-704)

to speak as the issociation's National Conference in Indianapolis, Indiana. The Director declined this invitation. (22-1-12)

On February 24, 1938, Chute's name was described from the mailing list. (94-6-2144)

By letter dated March 30, 1938, Chute advised the Director that he would appreciate very much if the National Protession Association could be placed on the mailin: list to receive the Law Enforcement Bulletin. This letter was not answered. (94-3-1-2060)

(62-22417-9)

An editorial in the February 8, 1938, issue of the Washington Herald supported the Director's position in the attack by the National Probation Association. (94-1-2736-23)

On January 20, 1940, Mr. Ladd met Chute in the cafeteria in the basement at which time Chute mentioned that about a year ago he stopped receiving copies of the Uniform Crime Reports bulletin and requested to be reinstated on the mailing list.

In a speech made before the National Probation Association's conference in St. Louis, Hissouri, in April, 1943, Chute stated that he "hardly considered" Mr. Hoover an authority on juvenile delinquency. (94-1-2738-68)

In a memorandum lated August 28, 1946, in connection with the Attorney General's Conference on Juvenile Delinquency, it was reflected that Chute was responsible for legislation passed in Connecticut which made the handling and arrest of juveniles almost impossible. Chute was said to have such legislation set up in other states. (62-26-225-656)

A news story in the January 12, 1948, edition of the New York Herald Tribune quoted Chute as predicting a nation-wide decrease in juvenile delinquency over the next five years. (62-26225-A)

In a letter to that Ir. Hoover of late "has been one of our strongest allies in attacking bad parole" and that the Director had modified his prior position towards parole. It is noted that the Director arrised that his position remained the same as it was in 1316 when the National Production Association passed its Atlantic City recolution. (62-17-11-97)

Vational Provation Additional Provation Additional

FILE REVIEW - JUDGE GEORGE W. SMYTH

The July, 1951, issue of "Focus" reflected in a secret in Smyth as President of the Mational Probation and Language in Sociation. In April, 1950, Smyth was Presiding Judge in the Wesvehester County Children's Johnt, Mitt Paulis, New York. The Association was exertered in New York State in 1921 and is supported by membership dues and voluntary contributions.

In dissursions held in antagetion meti the medianal convention on the control one presention of juvenile celinquency, Judge Smyth supported the Bureau's representative's position that the projection of society is the primary responsibility of the juvenile court. He

argued that society could never be placed in a secondary position. Judge Smyth then prepared a statement to the effect that the court's fundamental duty is protection of society and the protection of the individual child. (62-26225-824)

Judge Smyth participated in a panel discussion of the Summer School of Catholic Action held in New York City August 25, 1944. Based on experience in his court, he held that the deciding question was whether a mother was a good or bad mother. (62-43588-3)

There were no pertinent references in Eureuu files to the magazine "Focus," official organ of the National Probation and Parole Association.

RECOMMENDATION:

It is suggested that Charles L. Chute has seized on the Lowenthal book merely as another medium of criticizing the Director and the Bureau, in his long history of anti-Bureau tactics.

It is believed the most effective approach to this matter would be to have it handled by someone outside the Eureau, probably someone in the judiciary who would be in position to speak very frankly to the probation and parole people. It is suggested that Judge Alexander Moltzoff, might be a joud one to consider. As you know, he is well acquainted with the Lowenthal affair and has been extremely helpful in countering this attack in the past.

It is believed that if this matter was brought to the attention of Judge Holtzoff informally and he were furnished a copy of the article and was made aware of Chute's and the Association's long-standing hostility to the Eureau, he would volunteer to present the matter to them rather forcefully on the Basis that he is unable to understand how an organization such as the National Probation and Parole Association would allow its official organ to be used in promoting a book which has been soundly denounced by members of the Congress, public officials, newspapers and men in high places all over the nation, as a smear attack on the FEI and the law enforcement profession generally.

It might be suggested to Judge Holtzoff that he might want to send the Association a copy of Judge Claude AcColloch's comments on the Lowenthal book.

Photostatic copies of the article, along with the inside cover, which reflects the names of the officers of the Association, are attached. A photostatic copy of Judge McColloch's comments as also attached.

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H. .i. Jones

PROF J.H. JAY J. MURFAY AL INFORMATION CONTAIN REVIEW J. THE LOSENTED BOOK HEREIN IS UNCLASSIFIED

ALL INFORMATION COMPANNED DATE 3/19/93 019803

The SAC at Armingham forwarded a copy of a review of the Lowenthal Book which appeared in the Columbia Law Review May, 1951, and which had been written by Jay W. Murphy, Professor o' Law, School of Law, Intuersity of Alahama, Puscaloesa, Alabama. The copy had been turned over to A b. Eurphy.

CONCIT. NING THE TOTAL A :

Hurphy said that it is too early to determine the impact this book will have upon the formulation of public policy and then cited pro and con comment regarding the book which as eared in other reviews.

He states that "Unfortunately, this book gives a distorted view of "r. Houser's policies, and of the PH's present functions and newer responsibilities," adding, "But however distorted this view, _ an restive about the instantaneous condemnation of he book by much o" the inerican press and o' the studied efforts to associa a Mr. Lowenthal with the Con unist arty."

He then indertuck a discussion of fear to exercise freedom in the nited States. he says, "The evidence accumulates that Americans are losing their sense of robust freedom of thinking, speaking and writing. They are jething scared: scared of the presumption of their disloyalty - a presumption which is the antithesis of the presumption of innucence basic to the law. The list of tabased subjects grows. The number of forces questioning one's 'logalty' increases. There must be a constant re-valuation of all forces, public ad private, in our society which induce a car of exercising freedom. To the extent that the Fol investigates men - their acts and ideas - it tends to curtail freedom. Accordingly, the Fall has a national duty continuously to re-valuate its activities with a view toward minimizing the impairment of that freeden alles - is at the weart of democratic vocaety."

ir. Eurohy said that he had the shypestions for jovernment policy -avera. First, each one painstakingly reflect on how to can constitute to the achievement of the maximum freedom from jour

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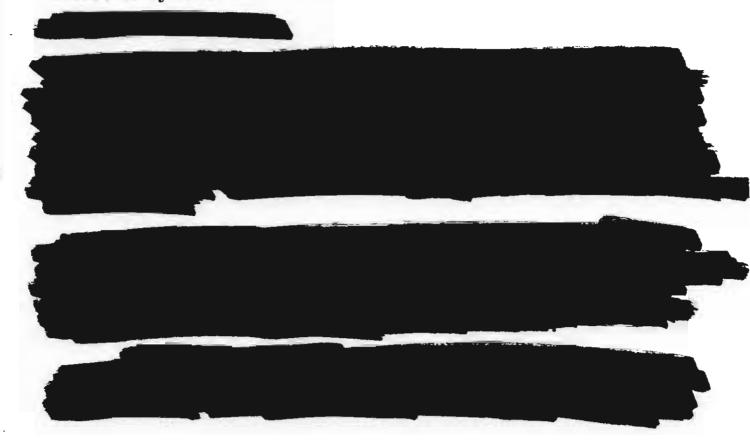
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of thinking, communicating, and acting by the American people. Second, that a permanent Commission be established to study constantly ways to achieve the best compromise between the maintenance of the yeneral security and the preservation of an unlimited freedom of inquiry.

"The nain purpose of this Commission," he said, "would be to help, not hinder, to advise, not direct, such policy makers. They, and Mr. Boover is one, need help. We must demand that they yet it."

the review concludes with this statement:

"The value of Mr. Lowenthal's book, in my judgment, lies in his concern about the inpairment by the FBI of the conditions for freedom. Though one may disagree with his approach, his concern cannot be ignored."





RECOMMENTATION:

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While the general tone of Murphy's review was favorable to the FBI, it is not recommended that a letter of appreciation be sent to him.

ADDENDUM: 8/25/51) Photostat copies of the review by McGeorge Bundy, of Harverd University, which appeared in American Political Science Review (June 1951), and which were mentioned in the Birmingham memorandum are attached.

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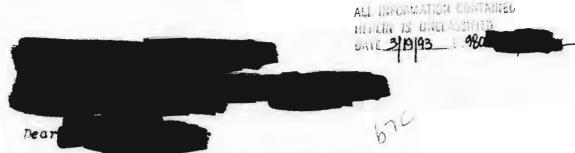
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September 25, 1951

EX-10

Tollean

Laint Alla



Your letter of September 18, 1951, has been received and I appreciate your invitation for me to furnish an appraisal of the book "The Federal Bureau of Investigation" by Wax Lowenthal. While I appreciate your interest in this regard, I wish to advise that since the publication of this book I have adhered strictly to the policy of not dignifying the distortions of fact contained in this publication with an explanatory statement or denial.

In this connection the thought occurred that you might like to approach someone who has followed the activities of the FBI closely over the years such as the Monorable Jerome N. Frank, Judge, nited States Circuit Court of Appeals, United States Court House, Poley Schore, New York 7, New York, and the Honorable Claude McColloch, United States Vistrict Judge, Portland, Oregon.

Sincerely yours,

MOTOR I

TO THE BY

September 26, 1951

MR. TOLSON:

ALL INFORMATION CONTAINED HERFIN IS UNCLASSIFIED DATE 20193 E) 9802

I am a little bit suspicious

of the letter from equesting the Director to review the Max Lowenthal book, in view of the fact that we know that Lowenthal has connections at

thought occurs to me that it would be well to suggest to that they get somebody such as Judge Frank or Judge McColloch of Portland, both of whom I know would do an excellent job.

L. B. HICHOLS V

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OCT 15 1951

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CRIME BELL

	OFFICE OF DIRECTOR	Mr. Tolson
	FEDERAL BUREAU OF INVESTIGATION	Mr. Ladd
	UNITED STATES DEPARTMENT OF JUSTICE	Mr. Nichols
	111	Mr. Belmont
1	1'\	Mr. Clegg
	Date October 30, 1951 Time 10:50AL	Mr. Glavin
		Mr. Harbo
. Į	tele. thru	Mr. Rosen
	and Cua	Mr. Tracy
2	oper. fro	Mr. Laughlin_
B		Mr. Jones
2		Mr. Mohr
1		Tele. Room
\$3	Phone No	Mr. Nease
6		Miss Holmes_
M	REMARKS	Miss Gandy
		- LANS
Enh	en informed of the Director's al	sence I'r.
	consented to speak with an	

Nichols' Division.



told that the Director has not made a statement however there have been some comments made in Congress which could be located in the Congressional Record.

November 7, 1951

Dear

Four inquiry of October 30, 1951, has been brought to my attention and I believe that you understand that it is not possible for me to comment on the matter about which you inquired.

It occurred to me, however, that you might be interested in the enclosed reprints of several ravies of the book which appeared in the public press, as well as the remarks by "r. Dondero on the floor of Congress.

Sincerel; yours,

A gar Hoover

John Edgar Toover Sirector

-clobyje

Congressional Record, Sept. 1, 1950; 'A Lawrer's Indictment in Good of Prosecutor', from "ash. Post-Nov. 5, 1950; 'Books and Things', NY Merald Tribune, Nov. 22, 1950; 'Stearing the FBI', NY Herald Tribune, Nov. 23, 1953; Lawrenthal Book. Assails the FBI', NY-Times, Nov. 20, 1950;

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Office Memorandum • United States Government

DATE: November 7, 1951 TO u. w. Ashe's FROM Clegg Glavin SUBJECT. Nichola ALL INFORMATION CONTAINED Roman HEREIN, IS JUNCLASSIEJED CATE 3 19 93 BY 9803 Mohr Tale. Sc By reference from the Director's Office Agent' a long-distance phone call on October 30, 1951, from an individual who identified himself It was explained to that the Bureau was not in position to comment on this particular book but that there had been considerable comment on the book both in the daily newspapers and on the floor of Congress. It was suggested to him that he might care to review these comments. He was advised that if any of this material were available to the Bureau, it would be sent to him. A review of Bufiles reflects that on March 16, 1950, a routine form request was received from the second in which he requested a Bureau pamphlet entitled "Classification of Fingerprints" for the in which he requested the (62-19767-846)Library. (100-375727-3) MIDENED-17, 1 RECOMMENDATION: It is suggested that the attached 71 etter 14: 1982 essent to EX-60 50 DECA 1950

FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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 Office Meni andum • United : Mes Government

TO : Director, FBI

FROM : SAC, Buffalo (66-00-79)

SUBJECT: Book Entitled "THE FEDERAL BUREAU OF INVESTIGATION"

by MAX LOWENTHAL

Please furnish this office with a copy of Mr. JOHN S. BUGAS' review of the above-captioned book which was published in the April, 1951 issue of the Yexas Law Review.

HCM

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DATE 3/19/93 B 9803.

11/27/51

DATE:

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EX-25

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Director, TBI

ph

Book Entitled "THE FEDERAL BUREAU OF INVESTIGATION"
by Max Lowenthal 25 733 - 336
RESEARCH 62-25733-336

Reurlet 11-27-51.

Attached is a reprint of the review by John S. Bugas of the above-captioned book which appeared in the April, 1951, issue of the "Texas Law Review" per your request.

Enclosure

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JBIL.

STANGARD FORM NO. 64

Office Memorandum . United States GOVERNMENT

Mr. Tolson TO

DATE: January 11, 1952

L. 2. Nichols

SUBJECT:

With reference to the renort that Senctor Taft had something to do with Max Lowenthal's not being called as a witness, it has always been my recollection that told me of this or that had told me.

Mr. Ladd Mr. Belmont cc: cc:

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Attorney General

January 15, 1952

Director, TBI

62-25133-138

I thought you might be interested in the attached summary of information in the files of the Federal Bureau of Investigation concerning Wax Lowenthal.

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MAI LOWENTHAL

He investigation has been conducted by the FBI concerning the above-named person. A review of the files has revealed the following data relative to Max Lowenthal.

BACKOROUND:

Max Lowenthel was born on February 26, 1888, in
Minneapolis, Minnesota. He is the son of Mathan Lowenthal who
was bern in Kaunas, Lithuania. Lowenthal attended the University
of Minnesota where he received his B.A. Degree in 1909; he
received an LL.B. Degree from Harvard University in 1912. He
is married to and they have three grown children, Mis latest address, as reflected by
the New York City Telephone Directory (detel Juney 1802), is
467 Central Park, West, New York City. (100.75733-40x) 100-3411.147;
62.21733-102; 100-11820-348,335

From 1907 to 1909, Max Lowenthal was a reporter on the "Minneapolis Journal." From 1918 through 1918, he was a Law Clerk to Judge Julian W. Mack, United States Circuit Court, New York City; from 1918 through 1914, Lowenthal was a Law Clerk for the firm of Cadwalader, Wickersham, and Taft at New York City.

The following is a brief resume of other positions held by Lowenthal.

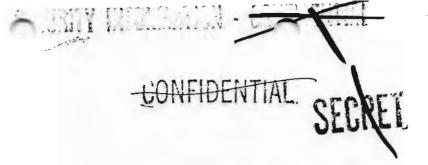
From 1917 to 1918, he was Assistant Secretary and Secretary to the President's Mediation Commission, Washington, D. C.; in 1918 he was Informal Aide in the War Department in Washington, D. C; from 1918 he was Assistant Chairman of the War Labor Policies, Seand, Office 1920 to 1921 he was Assistant Secretary to the Second President's Industrial Conference, Washington, D. C.; from 1929 to 1930 he was Executive Secretary ar the National Commission on Law Enforcement and Observance, Aington, D. C.; from 1933 to 1934 he was Research Director,

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United States Banking and Currency Commission, Washington, D. C. During this time he worked with Judge Fordinand Posers. From 1935 to 1942 he served as Chief Counsel for the United States Senate Committee on Interstate Commerce; from May, 1942, to April, 1944, he served as Consultant for the Board of Reememic Warfare. In August, 1946, he was appointed to join the staff of General Lucius Clay, Allied Military Government, Berlin, Germany. He served in the capacity of advisor on problems of Internal Restitution, Sequestration, and Disposal of Jewish Property. (6>->5733-315;6>->5733-55,4>->6733-55,4>->5733-55,4>->6733-575,4>-

During the periods not covered by the above-lieted pecitions, Max Lowenthal was engaged in private law practice and in writing. He was at one time a partner of the law firm of Lowenthal, Szold, and Perkins, 43 Exchange Place, New York City. He is the author of a book entitled "The Investor Pays", published in 1933 and also "The Federal Bureau of Investigation",

published in 1950. (62.25733-56, ere; 62-75733-318)

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ALLEGATIONS OF COLOUNIST PARTY MICESPENIE

(62-80269-12;D

(C)(100-7660-3994, pg.7 - G-2)

referred

101-2416 Sub A)
ORGANIZATIONS:

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pg.4;

66-2542-3-1045;

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In 1923 Max Lowenthal was the General Counsel for the

Russian American Industrial Corporation, 31 Union Square, New York

Litty. In a prospectus published by this corporation, the purpose

was set out as follows: "To aid and assist in developing the resources

of Russia, thereby furthering the economic progress of Russia and the

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American progress in that country." The prospectus mentions Seviet concessions consisting of six factories in Petrograd and three factories in Mescow, and stated that the control of the concessions would be vested in representatives of the Supreme Council of National Recommon of the Seviet Government and of the Russian American Industrial Corporation. According to the prospectus, the corporation was the outgrowth of a visit of Sidney Hillman (deceased), former President of the Analganated Clething Verkers of America, to Russia in 1921.

(Anonymous; 62-25730-20, pg. 1; 100-1040-120; m/n

This organization has been cited as Communist by the Attorney General.

This organization was also cited by the Attorney General as one which came within the purview of Executive Order 9835. (Anonymous; 62-25733-20, pg. 9; 100-1170-49; D/R 3-29-47)

In February, 1942, the letterhead of the International Juridical Association carried the name of Max Lowenthal as being a member of the National Committee representing the District of Columbia. This organization was cited as a Communist front by the Special Committee on Un-American Activities of the House of Representatives on March 29, 1944. (62-23733-41, pg. 5; 100-25838-14)

Telson

Gandy

The records of the House Committee on Un-American Activities reflect Max Lowenthal of 1 Nest 92nd Street, New York City, was a member of the National Lawyers Guild. These records reflect that "when he headed the Rehabilitation and Recovery Division of the Poreign Economic Administration, his staff included Allan Rosenberg, attorney, who is now actively defending Communist organizations and individuals in Washington, D.C." The National Lawyers Guild was cited as a Communist front by the Special Committee on Un-American Activities of the House of Representatives on March 19, 1944. (62-25733-40X)

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An article in the New York Times for January 15, 1947, reported an attack on the World Federation of Trade Unions by Representative George A. Dendero, Republican of Michigan, as an instrument for world-wide attack on American foreign pelicy. During his attack he referred to Lowenthal as the General Councel for General Clay in Germany and said that he was a man of long-established ties with Communict organizations and one whose loyalty was questionable. (100-260007-Sub A)

ALLEGATIONS OF ASSOCIATIONS WITH COMMUNIST PARTY NEWBERS AND ESPIONAGE SUSPECTS

Bortley Crus

In October, 1947, it was reliably reported that Max Lowenthal gave Bartley Crum detailed instructions on how he, Crum, should handle the case of the Hellywood Actors who were being called at that time to testify before the House Committee on Un-American Activities regarding Communist infiltration into the movie industry.

discontinued, reliable, paid; Tec. Sur. on David Vani; 100-33443-18

In February, 1949, it was reliably reported that Crum, at bit that time a California lawyer, was seeking the assistance of Lowenthal in his efforts to practice law in New York State. (Tec Sur on David Wahl; 100-334436-189; AG-10/17/51;

Philip Dungway

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It has been reliably reported that Philip Dunaway has on occasions given the name of Max Lowenthal as a reference when applying χ for jobs and further that Lowenthal has written letters of recommendation and introduction for Bunaway. (Anonymous; 65-56402-2602)

It has also been reliably reported that Lowenthal and Dunaway, who is a close friend of David Vahl and Mary Jane Keeney, x both of whom will be identified below, repeatedly contacted one discontinuer another, particularly during 1947.

* 100-1387546-287; AG-10/17/51;

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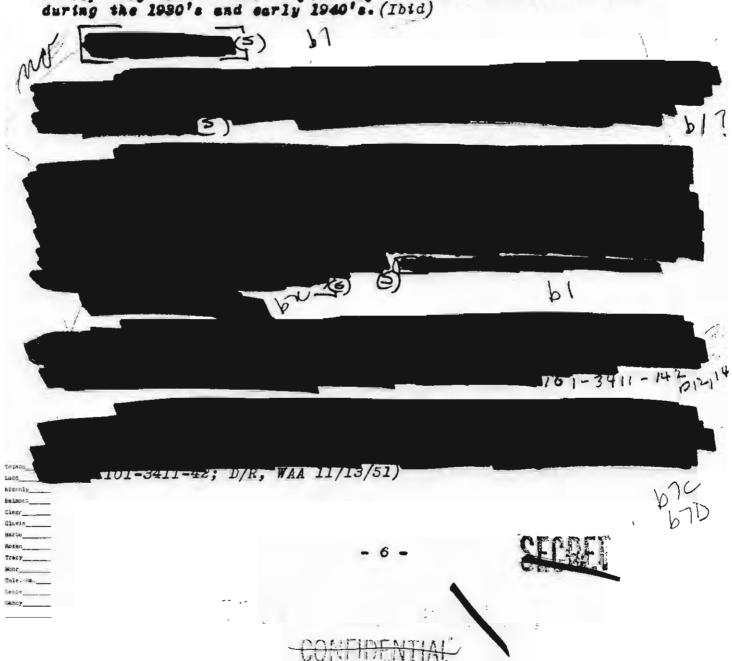
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In February, 1947, it was reliably reported that David Fahl teld Dunaway that there was a possibility that Lewenthal might be interested in giving Dunaway and Radio Station FQQV, Vashington, D.C., to which Dunaway was connected, financial aid. On another escasion, according to the informant, Wahl advised Edward Brocher, Station Manager of Station FQQV, that he would have Lowenthal talk to Alger Rice relative to the possibility of Rice investing money

in Radio Station WOOW. (Tec Sur on Philip O. and Mary Jane Keeney, disc 65-56402-2309; Tec Sur on Edward Wahl, disc.; 65-56402-2399)

Philip Duneway has been identified by reliable informants as a close associate of individuals who are known to have engaged in espionage activities in favor of Russia in the United States during the 1980's and early 1940's. (Ibid)





X

Mary Jane and Philip O. Keeney

According to reliable informants, during the period 1946-1947 particularly, Lowenthal was closely associated, both socially and professionally, with Mary Jane and Philip Olin Keeney.

On April 4, 1947, Lowenthal advised a confidential source that Lavid Wahl had been in contact with him, Lowenthal, about the fact that Mary Jane Keeney had requested a passport so that she might join her husband in Japan, but had been turned down. Lowenthal advised the informant that Wahl had asked Lowenthal for advice in this matter. Lowenthal urged Wahl to see Robert Patterson, who was at that time the Secretary of War.

reliable; Tec Sur on David Wahl; 62-25733-318)

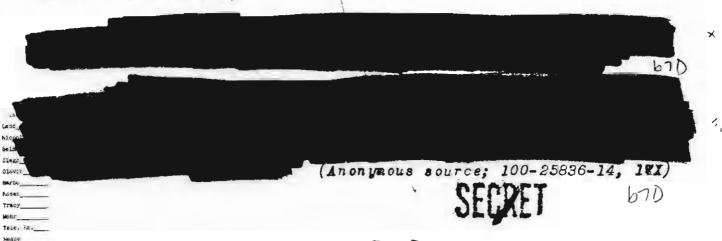
It has been reliably reported that Mary Jane Keeney was a member of the Board of Trustees of the Bashington Bookshop Association x from June, 1940, to June, 1942. (Investigations Division, Civil Service Commission; 62-25733-318)

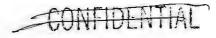
The Washington Bookshop Association has been cited as Communist by the Attorney General.

According to an official report of the House Committee on Un-American Activities, Mary Jane Keeney and her husband, Philip O. Keeney, have in the past associated with persons identified with Communist espionage rings in the United States. This report further * stated that on one occasion. Mary Jane Keeney had actually served as a courier for the Communist Party.

Carol Beiss King

According to Jack Lait and Lee Mortimer, writing in "Bashing ton Confidential," "Carol Weiss King, who represented more Communists than any other lawyer, was a law clerk in Lowenthal's office." (62-25733-A)







HR-6250 was a bill to amend the Nationality Act and provided for the cancellation of citizenship of a naturalized citizen on the grounds that his utterances, writings, actions or course of conduct established that his political allegiances were to a foreign state or sovereign.

The International Juridicial Association has been cited as a Communist front by the Special Committee on Un-American Activities in a report dated March 29, 1944.

Charles Kramer

It has been reliably reported that during 1947, Lowenthal and Charles Kramer were closely associated with one another and met on different occasions. (Tec Sur on David Wahl:

Aramer, while testifying before a Special Subcommittee of Confirmer, while testifying before a Special Subcommittee of Un-American Activities, House of Representatives, on September 1, 1950, admitted that he was acquainted with Lowenthal but refused to comment, when asked if he had attended meetings at the Shorehan Hotel, Washington, D. C., during the Hollywood hearings in 1947, with Wahl and Lowenthal. (100-355470-17)

Kramer has been identified by a reliable informant as one of a group of persons who met early in 1944 in New York City where they discussed the type of information that these individuals would be able to furnish to Earl Browder, Communist Party functionary, who was also present at that particular meeting. Kramer was reported to have stated that he could furnish "Capital Hill gossip." Informant further stated that later Kramer did furnish such information. According to this same informant, Kramer was a Communist Party member. (Elizabeth T. Bentley)

Lee Preseman, when testifying before the House Committee on Un-American Activities in August, 1950, testified that Kramer, while employed at the U.S. Department of Agriculture, had been a member of the same Communist Party underground cell to which he, Preseman, had belonged in 1934-1935. (100-363633-A Washington News" -8/31/50)





Miriam Naigles

During October, 1947, it was reliably reported that Miriam Naigles was to receive some money from Lowenthal. The informant was of the opinion that this was in payment for some typing work that she had done for Lowenthal. (Tec Sur Michael Naigles, discontinued)

About July, 1947, a confidential reliable source made available diaries belonging to Mary Jane and Philip O. Keeney, previouely identified. These diaries had been maintained by Mary Jane Keeney over a period of approximately eight years and contained information reflecting numerous contacts between the Keeneys and Michael Naigles. These contacts usually showed that the Keeneys and Miriam Naigles and her husband spent the afternoons and evenings together. The diaries further revealed that on numerous occasions other individuals were present, among whom was Mrs. Max Lewenthal. (Anonymous 101-3411-12 D/R; WAA 11/13/51)

Lee Pressman

Michol:

Tele. fc.

100-11820492)

According to an article appearing in the Washington "Times-Herald" of September 16, 1950, Lowenthal testified before the House Committee on Un-American Activities on September 15, 1950, and admitted an acquaintanceship with Lee Pressman. (62-25733-A)

100-355470-28; 121-25406-427

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Allan Rosenberg

Lewenthal has been acquainted with Allen Resemberg since at least 1948 when the latter, in applying for a position with the Board of Economic Warfare listed Lowenthal as a reference. It has been reliably reported that during 1948 Rosemberg and Leventhal were extremely close friends.

The records of the House Committee on Un-American Activities reflect that when Lowenthal headed the "Rehabilitation and Recovery Division of the Foreign Rosnowic Administration, his staff included Allan Resemberg, attorney, who is now actively defending Communics organizations and individuals in Washington, D. C." (100-25733-40X)

According to a reliable informant Resemberg was involved in a Soviet espionage conspiracy in New York and Washington, D. C. in the early 1940's and was a close associate of Communist and pre-Soviet sympathizers. This same informant further stated that for a period of time Rosenberg was a dues paying member of the Communist Party and a contact of an admitted Soviet espionage agent. The association between Rosenberg and Lowenthal was continued through, at least, 1947. (Elizabeth T. Bentley 101-344-42 D/R WAA 11/13/51)

00-2042-3-1045) David Vahl

According to confidential and reliable informants during

1946 and 1947, David Wahl and Lowenthal were very closely associated both professionally and socially. According to these same informants the contacts and professional association between Wahl and Lowenthal covered a wide variety of subjects. As late as the latter part of 1950 it was reported that association between Wahl and Lowenthal That the south poll continued. (101-2661; 62-25733-318)

On August 19, 1946, David Wahl was contacted by Mary Jane Keeney and he advised Keeney that he had arranged it so that Lowenthal could go to Germany. According to the informant furnishing this information. Wahl indicated to Keeney that the ostensible purpose of Lowenthal's visit to Germany was to be Legal Counsel to General Lucius Clay in charge of restoration of Jewish property. Wahl further indicated, however, that Lowenthal intended taking care of other matters while there. (Tec Sur Philip O. and Mary Jane Keeney, discontinued, 65-56402-1673)

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(MID 100-7660-3994)

During March, 1947, it was reliably reported that Lowenthal was assisting Wahl in preparing a letter of defence cencerning allegations which had been made against Wahl, that he, Wahl, was a Communiat. (Tec Sur on David Wahl; discontinued, reltable, 65-56402-2477) 67C 67D

62-25733-318)

It has been reliably reported that during April, 1947, David Vahl requested Herbert S. Schimmel to obtain the annual reports of the 7 Justice Department from 1940 and forward them to the home of Max Lowenthal in New York City. (Tec Sur on Charles Kramer, 100-355363-2; 65-56402-261)

At that time Schimmel and Charles Transer were working for former Senator Claude Pepper, helping prepare speeches and doing research work to assist the Senator in his fight against stringent labor legislation.

Reliable informants have advised that Schimmel himself was known to have been in contact with Communist Party members and with an individual suspected of engaging in centanage activities for the Soulet Government. (Tec Sur on 100-334195-37; 65-56402-573)

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According to an article appearing in the "Washington Star" of April 7, 1950, George S. Wheeler, at that time a teacher of economies at the Prague, Czecheslovakia Higher School of Koonomie Science, had requested the Czecheslovakian Government for "asylum" as a protest against "American policies." Wheeler, had previously worked for the Military Government in Germany from 1945 to Nevember, 1947. (101-2416-A)

101-3411-142 D/R; VAK 11/13/51)

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EFFORTS TO DISCREDIT GOVERNMENT AGENCIES

Haz Lowenthal has made a number of efforts to discredit the IBI and other Government agencies. Since 1940 the fellowing writings have been attributed to Lowenthal :

(62-25733-20, memorandum of Assistant Director Tolson dated 3/32/40, confidential source not*

A highly confidential source advised in North 1942,

caroz weres king, an atterney who had represented a number of prominent Communists. (100-49864-3)

(62,25733-24, 20 page 10)
3. Early in 1941 a twenty-page brief appeared entitled "Is the Department of Justice Competent in National Defense?" written by Max Lowenthal. This twenty-page brief urged defeat

*identified.)

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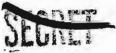
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of legislation initiated by Congressman Hobbs intended to legalize wire-tapping in specific types of cases, particularly those relating to the Hational Defense Program. Lowenthal stated in this brief that the use of wire-tapping in espionage, sabotage, and all other cases involving serious felonies, was a menage and a threat to the American people. (62-25733-20, page 8)

(62-25733-24 20 page 11)

(62-25733-24, 20, page 11)
5. Lowenthal was the author of the book entitled "The Federal Bureau of Investigation", published by Filliam Sloane Associates, Incorporated. This book is based upon fallactes and inaccuractes. The following is an example of the distortions appearing in the book: In the final chapter entitled "Investigation of Seliefs" he states: "By 1940 Mr. Hoover reached the conclusion that the FBI's jurisdiction included subversive activities." The author coupletely disregards the changing conditions and the Presidential Directive of September 6, 1939, which placed upon the FBI full responsibility of subversive activities and related matters. Also in this chapter Lowen thal states: "Ar. Hoover told the Senate Foreign Relations Sub-Committee in March, 1950, almost a decade after making loyalty rejorts, that there had been a great hue and cry on the part of some of these pseudo-liberals, against the FBI and unjust charges that it was engaged in thought control or thought policing." This is a misleading quotation. Mr. Hoover actually said: "In the early stages of the Loyalty Program, Lenator Green, there was a great hue and cry on the part of some of these pseudo-liberals that it was a so-called thought control or thought policing. It has been found that, after checking over two million loyalty forms, there have been very few abuses, if any, that have actually taken place either in the investigating or hearings that have been reported, and in the investigations where there was some minor slip, corrections have been, of course, taken." (62-25733-326)

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A number of prominent and highly regarded individuals have labeled this book as an aid to the Communist Party. Representative George A. Dondero of Michigan said in a speech before the House of Representatives on September 1, 1950, that the author is "Like the Communist Party whose cause he has served so well. He operates on two levels—one is seeningly respectable and the other completely undergound."

An editorial appearing in the New York Hereld Tribune on Hovenber 23, 1950, stated in part: "This lengthy volume with its outward pretence to authoritativeness and objectivity could easily be mistaken for a factual guide to the course of the FBI during its forty-two years of existence. It is only when the text has been examined that the author's manner and aims become clear. Mr. Lowenthal has strung together an exhausting series of quotations from public records, inconclusive, tendentions, and frequently out of context, designed to have the accumulative result implying that the FBI has been ineffectual, prejudiced, concerned chiefly with notoriety for itself, and careless of the civil liberties of the citizens." (66-25733-147)

Lowenthal's book has received favorable publicity in the "Daily Worker", the East Coast Communist newspaper.

(100-3-81-4881)



A confidential informant advised that on October 16, 1947, Max Lowenthal furnished instructions to Bartley Crum of San Francisco, Califernia, as to methods which Crum should use to discredit the hearings being held at Hollywood, California, by the House Un-American Activities Committee. (The informant is identified as 100-138754-337)

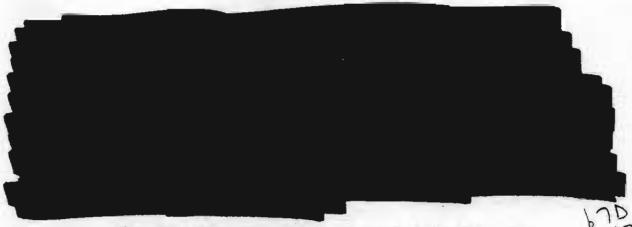
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The American Council on Soviet Relations has been cited by the Attorney General as Communist. The Hational Lawyer's Guild has been cited by the House Committee on Un-American Activities as a Communist front in their report on Warch 29, 1944, page 149. (100-380602-4)

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ALL INFORMATION CUMTAINED HEREIN IS UNCLASSIFIED DATE 2/11/94 BY 9803

ce Memorandum UNITED STATES GOVERNMENT

Mr. D. M. Ladd

DATE: January 15, 1952

FROM

A. H. Belmont

SUBJECT:

MAX H. LOWENTHAL

Actossified by 4603 Declassity on: OADR

PURPOSE:

To submit, pursuant to your request, a blank memorandum summarizing current information in the Bureau files concerning the captioned individual.

BACKGROJND:

You will recall that Max Lowenthal is the author of the book "The Federal Bureau of Investigation" which sets forth a most inaccurate and vicious attack on the Bureau and the Director.

INVESTIGATION:

No complete Investigation has been conducted regarding Max Lowenthal. However, a technical surveillance was maintained on him from April to September, 1943. While Lowenthal has not been the subject of an active investigation by this Bureau, it is noted that the Bureau has received a report dated June 8, 1951, submitted by the Washington Field Office. A review of this report reflects that it was prepared from information appearing in the files of the Washington Field Office and not as a result of active investigation.

DISSEMINATION:

A review of Lowenthal's file reveals that numerous summary memoranda, of varying degrees of comprehensiveness, have been prepared relative to him since 1942. The file review further reveals that the following dissemination of some of the above-referred to summary memoranda was made: RECORDED. referred to summary memoranda was made:

May 4, 1942, to the Board of Economic Walfare October 19, 1946, to G-2
November 8, 1946, to the Department of State

November 15, 1946, to George E. Allen, Director, the Reconstruction Finance Corporation

August 20, 1948, to the Civil Service Commission October 12, 1949, to J. P. Coyne, National Security Council for the attention of Admiral Sidney W. Souers

July 20, 1950, to Rear Admiral Sidney W. Souers, Special

Consultant to the President. 59 FEB 7:11952 1951, to the Department of State. (62**-**25733-<u>2</u>4,38,39,42,47,52,301)



DETAILS:

A comprehensive summary of information in Bureau files was prepared on July 3, 1950. (62-25733-52)

A complete search through the double initial was made for references to Lowenthal since April 30, 1950. Information appearing in the file references as supplementing the existing summary has been incorporated into a blank summary which is attached. In brief the following information is set forth in the attached blank memorandums:

Background W

Max Lowenthal was born February 26, 1888, in Minneapolis, Minnesota, the son of a native of Lithuania. He received a law degree from Harvard Law School in 1912. His latest address is given as 467 Central Park West, New York City. In the past he has maintained a Chevy Chase, Maryland address. Since 1917 he has held various and numerous positions with governmental agencies and quasi-governmental commissions. His last position was that of Advisor to General Lucius Clay, Allied Military Government in Berlin, Germany, on matters involving restitution and disposal of Jewish property.

DJS

Allegations of Communist Party Membership

The Bureau has never definitely established that Lowenthal was or is a Communist Party member. However, Bureau files contain three fairly strong allegations of CP membership on his part. These allegations were made by

Military Intelligence Division of the Army.

Organizations

Bureau files reveal that Lowenthal was connected with three organizations cited by the Attorney General, one cited by the House Committee on Un-American Activities and several whose aims were the furtherance of Soviet Rissian interests.

Allegations of Associations with Known Communists and Espionage Subjects

Bureau files reveal that Lowenthal has had a close association with at least 13 known Communist Party members and Espionage suspects. These include:





Bartley Crum Philip Dunaway Elighu Enstein

Mary valle Keeney Philip O. Keeney Carol Weiss King Charles Kramer Mariam Naigles
Lee Pressman
Allan Rosenberg
David Wahl
George S. Wheeler

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At least ten of the above have been identified by reliable informants as having been connected in a Russian espionage conspiracy operating within the United States during the 1930's and 1940's.

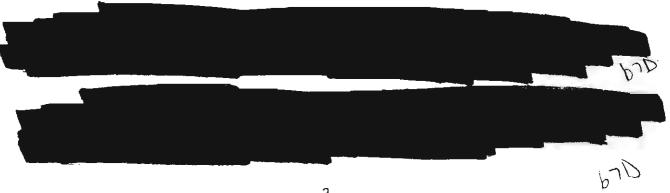
Efforts to Discredit overnment Agencies

A number of writings concerning the FBI have been attributed to Lowenthal.

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(3) A 20 page memorandum entitled "Is the Department of Justice Sufficiently Competent in National Defense?" by Max Lowenthal.

(5) The book "The Federal Bureau of Investigation" by Wax Lowenthal, published in 1950 by William Sloane Associates, Inc., a full length book which constitutes a vicious attack upon the FBI filled with distortions and inaccuracies.







By memorandum dated August 6, 1929, the Director related that Max Lowenthal, in his capacity as secretary of the National Commission of Law Observance and Enforcement (the Wickersham Commission), requested various items of information relating to the investigative work of the Bureau, the most pertinent of which are as follows:

"A memorandum setting forth the percentage of time spent by the Agents and Accountants of the Bureau on the more important phases of the Bureau's investigative work, such as National Motor Vehicle Theft Act, White Slave Traffic Act, Mails to Defraud, Theft from Interstate Shipment, Anti-Trust Violations, etc.

"A memorandum of the course of instriction followed at the training school for Special Agents and Special Accountants.

"A memorandum of the procedure followed in the selection of Special Agents and Special Accountants.

"A memorandum on the procedure followed to check the work and efficiency of Special Agents and Special Accountants after their appointment to the Bureau.

"Three copies of the new manual of instructions.

"Six copies of the efficiency ratings sheets used for field employees.

"Six copies of the personality report sheets used by Inspectors in examining applicants."







During the remaining months of 1929, also during 1930, considerable additional material was furnished by the Bureau to Lowenthal, including three copies of the Bureau's Manual of Rules and Regulations, and one copy of the Manual of Instructions. There is no indication the manuals were returned. (62-21747-17; 62-25733-3, 2)

Some time subsequent to Lowenthal's resignation from the Wickersham Commission, he was an assistant to Ferdinand Pecora during the Stock Market Investigation and

The Washington "Daily News" for August 8, 1930, indicated that Max Lowenthal, a noted lawyer, had resigned his position as secretary to former President Hoover's Law Enforcement Commission because of "disappointment over the failure of the Hoover Law Enforcement Commission to adhere to its announced intention of making a scientific and impartial study of law violations and law enforcement." The article pointed out that Lowenthal served thirteen months without pay "in a position which he entered at the personal solicitation of George W. Wickersham, Chairman of the Commission" and quit in "disgust over what he regarded as its antics in the realm of political expediency." The article claimed that the breaking of the searecy rule by various members of the Commission, bickering over the problem of prohibition, and breaches of admining agreement precipitating several quarrels, caused Lowenthal great distress, and finally led to his resignation.

The New York Times Index indicates that in the June 5, 1933, issue on page 18 there appeared a summary of the book written by Max Lowenthal, entitled "The Investor Pays."

a. (62-25733-6 p 3)

In February, 1941, it was reliably reported that on the suggestion of

Amoassador, Oumansky, concerning a number of Lowenthal's relatives, who were living in Kaunas, formerly a part of Lithuania. These relatives desired exit visas to migrate to the United States.

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SCET

FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

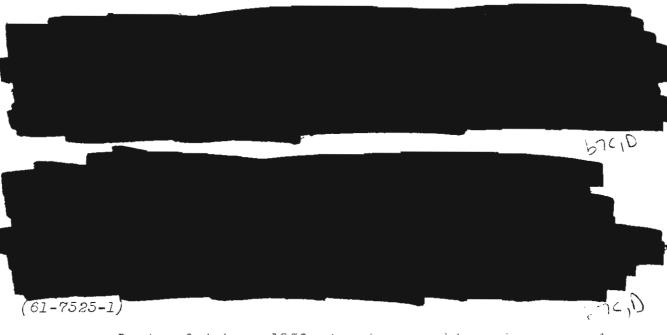
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INFORMATION NOT TO BE DISSEMINATED:

A review of references reflects that much of the information in Bureau files is not suitable for dissemination on account of its source, the nature of the information, or for other reasons. This information is broken down according to subheadings corresponding to the division of the blind memorandum attached.

Allecations of Association with Known Communists and Espionage Subjects:



t is report from the tit contained no tention of Loventhal. (61-7526-6)

The above information is not being included in the blank metorization, inasmuch as the original information formation for building was evidently incorrect.

It as been reliably reported that in lotoler, 1946, was "bothering" for Lowenthal. The informant was unable to elaborate on this matter. (190-33100-351; discontinued, reliable)







(100-33100-316X1; D/R 9-3-49)

The above information is not being included in the blank memorandum because the meaning of the information as furnished by the informant is not clear and does not reveal the degree or nature of association between and Lowenthal.

On August 7, 1950, J. D.vid W. Chambers advised Bureau Leents that Lowenthal's name was vaguely familiar, but he could not place him. He thought he recalled Alger Hiss, in December, 1934, or January, 1935, mentioning that he had to go to New York to see Lowenthal, but Chambers was not certain. (74-1333-462)

This information is not being included in the blank memorandum, because of the uncertainty of Chambers' facts.

Efforts to Discredit Government Agencies:

The followin information was not disseminated, either because of the indefinite nature of the information or because of prominent individuals mentioned:

On March 25, 1940, Malter winchell's column carried the following: "Incidentally, the Littorney General has protested the appointment of Max Lowenthal to the Senate Wire Rapping Probe on the ground that he was the writer of the anonymous brief against John Edgar Toover. It was distributed by Lowenthal's stooge, Literfield -- the irony of it -- that an anonymous letter priter should be against wire tapping." (94-4099-2)



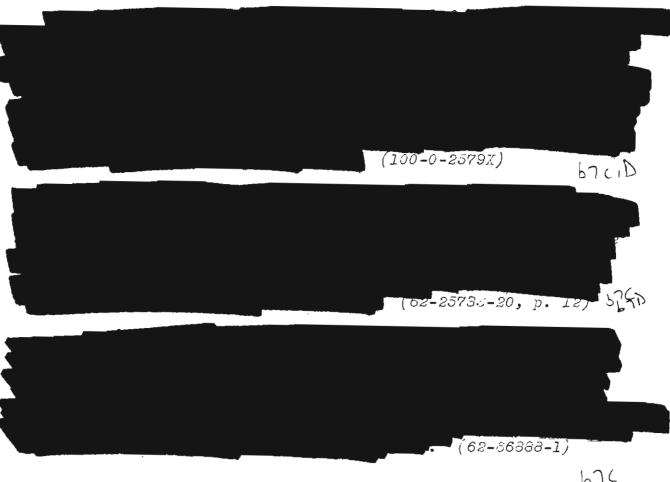




(94-1-8863-3)

An extremely confidential source advised that Carol King wrote to Lee Pressman in Washington, D. C., on May 24, 1940, and asked whether it would be a good idea for the Mine and Smelter Workers to get in touch with Max Lowenthal with reference to the FBI's activities at Ducktown, Tennessee. (62-25733-20)

The above incident which was referred to Pressman by Carol King was the investigation of labor activities in which certain elements of the CIO had destroyed by explosives the power line of the Tennessee Valley Authority. (66-14766-11)



676





On September 5, 1947, Radio Station WRC presented a discussion of the Loyalty Program, in which Clyde Tolson, Associate Director, was a participant. David Wahl secured a transcript of this broadcast for Max Lowenthal. (39-915-1-81x)

(62-25733-321)

Associations:

Persons in important positions with whom his name has been associated include President Truman, a White House Secretary, Justices of the Supreme Court and United States Senators. Such individuals with whom Lowenthal's name has been associated are as follows:

Justice Hugo Black:

(62-25733-58) refund

Matthew Connelly:

of the White House advised Special Agent R. R. Roach about October 14, 1948, that Max Lowenthal is a close friend of Matt Connelly, Secretary to President Truman. (Not disseminated, 62-25733-45)

Justice Felix Frankfurter:

(62-25733-58) No attempt 670



has been made to verify this information but the technical surveillance on Lowenthal reflected a close and friendly relationship between them. (62-25733-58, 41)

The book "Washington Confidential" by Jack Lait and Lee Mortimer, published in 1951, on Pages 104-105 reported that Lowenthal attended Harvard Law School and came under the influence of a man who has manipulated Charlie McCarthys in government and remarked about the "striking kinship between the master, Justice Felix Frankfurter, and the pupil, Max Lowenthal."

George W. Norris:

(62-25733-58)

Justice Harlan F. Stone:

Telford Taylor:

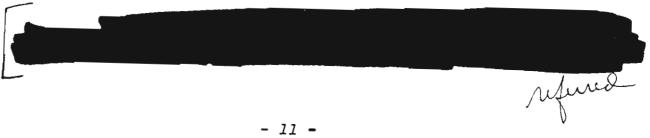
Telford Taylor, now Administrator, Small Defense Plants Administration, Washington, D. C., was employed from 1935 to 1939, as associate counsel to Max Lowenthal, who was then counsel for the Senate Interstate Commerce Committee. (77-10183)

Charles W. Tobey:

The "Times-Herald," Washington, D. C., on March 20, 1951, reported that an individual named M. Lowenthal, whose address was not given, had contributed \$100 to the campaign of Senator Tobey, Republican, New Hampshire, in the November, 1950, general elections. The newspaper speculated that Lowenthal was Max Lowenthal, the New York lawyer who helped engineer the selection of Harry Truman as the vice presidential candidate when it appeared that Roosevelt would die during his fourth term.

(62-91933-A)

Harry S. Truman:





(62-25733-318)

Tangthen Daniela Comer processor to Revision to Re

Jonathan Daniels, former press secretary to President Truman, in his book "The Man of Independence," published in 1950, acknowledged help furnished by Lowenthal in the preparation of the book. The book states that Lowenthal introduced Truman to the late Justice Louis David Brandis of the Supreme Court in about the year, 1936. Lowenthal was reported to have obtained the first contribution for Truman's 1944 vice presidential campaign from A. F. Whitney, President of the Railroad Trainmen. The contribution was prompted on a Truman pro-railroad labor stand taken in 1937. Lowenthal is alleged to have urged Truman to run for Vice President early in 1944. (62-22444-1233, enc. pp 11, 184, 203)

(62-25733-151)

(Mr. Nichols; 62-25733-21)

Burton K. Wheeler:

\$ 62-25733-102)

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MC





Miscellaneous:

Verify this information but it was ascertained through a highly reliable so rec from .pril to September, 1943, that there was a very close and friendly association between Lowenthal and Justice Frankfurter. (62-25733-41)

(61-7559-7878)

b7C.D

(52-25733-22)

(02-20735-22)

Abril to depember, 1923, that Loventhal course disclosed furing Abril to depember, 1923, that Loventhal dus in frequent courses with officials of the mission of Boomonia duffers and other actions with reference to bland as agricumulated for postuur mehabilitation. He was shown to be very free with is advice to





b7C



of the latter agency, for the most part dealt with the meetings of the Coordinating Committee for Postwar Rehabilitation which had been attended by representatives of the State Department, office of Economic Coordination and the Office of Lend Lease Administration. Lowenthal did not appear to have attended all of these meetings, but discussed at length the matters which were taken up at the meetings. He appeared to act in a "behind the scenes" capacity and his advice was constantly sought. (62-25733-2)

During one conversation with

ment of a man "who isn't even known definitely to be a thorough liberal." (62-25733-2)

It was reliably reported that Lowenthal was visiting in Senator Harley Kilgore's residence and home on December 1, 1946. (65-56402-2038, page 99, discontinued, reliable)

Lowenthal, it was reliably reported on January 18, 1947, hid contacted Charles Framer and discissed further efforts to destroy the Frametr Jubcommittee. They careed battit was necessary to delay and secure more time. (discission reliable, and Tesur David Lahl; 60-56402-1922)

On Tabr ary 2, 1847, it was learned from a confidential information that Logenthal was then in Senator Clyde Reed's office.
Sisonatinged, rull, ble; 00-50472-2320, p. 177) 144

On April 2, 1047, it was learned through a reliable source that Lowenthal contacted Ella whalit. It asked are is she remembered a memorandum that Linsley had done for him in the powers of the Brewster Committee. Ella Shalit round it and said it was headed "The Powers of the Brewster Committee." Lowenthal told her to nove fahl send a copy to fob Patterson (then becretary of ar) in a plain envelope with the name "Max" on it. To cover was to be sent. (65-56402-Sub 1, Serial 1810, discontinued, reliable; Tasur David Lahl)





On June 23, 1947, it was ascertained through a highly reliable so roe that Senator Burton K. wheeler contacted Max Lowenthal on June 23, 1947. During the conversation Lowenthal referred to some published statement to the effect that wheeler was going to head the Department of Justice. Wheeler replied that there was "nothing to it." Lowenthal said that he thought it would be a fine move for the President to make. (65-56402-2850, p. 215, discontinued, reliable; Tesur David Wahl)

On June 24, 1947, it was ascertained through this same so ree that Max Lowenthal spoke to Matt Connelly, a Presidential Assistant at the white House. Max Lowenthal said, "Remember, we tal yesterday about the Bulwinkle Bill. Low understand, I didn't sugges any veto or anything or any other bill to him but, if he is going to do it, let's make sure it isn't overridden." Connelly agreed. Lowenthal continued, "That takes some work in advance." (65-56402, p. 217, discontinued reliable; Tesur, David Mahl)

On this same date David sahl contacted Bartley Crum in New York City. Referring to Max Lowenthal, Crum said, "Did he write that last veto message?" Wahl replied, "Well, he ain't saying." Crum then said that it sounded like Lowenthal to him. (65-56402-2850, p. 218, Tesur David Jahl)

STATUS:

والجزرط

As previously indicated, Lowenthal is not the subject of investigation by the FBI.

ACTION:

None. For your information pursuant to your request, there is attached a blank memorandum, suitable for dissemination, summarizing information in the Bureau's files.



Office Memisandum

UNITED ST. IES GOVERNMENT

TO

(

Mr. D. M. Ladd

DATE: January 30, 1952

FROM

Mr. A. H. Belmont

SUBJECT:

MAX LOWENTHAL

INFORMATION CONCERNING

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 211194 BY 9808

PURPOSE:

To advise you concerning the connection between Max Lowenthal and Carol Weiss King as set out in the "Worker" of Sunday January 27, 1952.

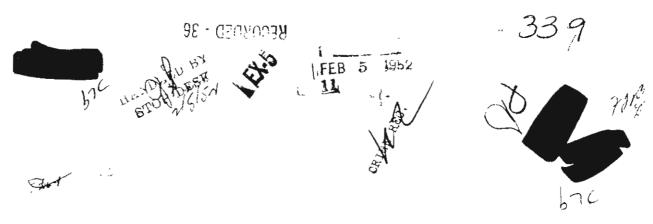
DETAILS:

The January 27, 1952, edition of the "Worker" carried an article reporting the death on January 22, 1952, of Carol Weiss King, attorney in New York City who has been for some time General Counsel for the American Committee for Protection of Foreign Born. The article states that Mrs. King was born in New York on August 24, 1895, and that she obtained a law degree from New York University in 1920. Thereafter the article states that in 1920 "she was employed as a clerk in the law firm of Max Lowenthal. She was busily engaged writing in defense of striking Amalgamated Clothing Workers. One was so good that Lowenthal included her name on it despite the fact she had not yet been admitted to the bar. She was admitted to the bar a few days later."

The article continues to recite her association in the Sacco-Vanzetti, Scottsboro, Schneiderman cases and others but no further reference is made to the association with Lowenthal. It is noted that in the Schneiderman case in 1941 she was associated with Wendell Willkie.

ACTION:

Since the association of Carol King with Max Lowenthal occurred some 30 years ago it is not believed that any further action is desirable.



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FROM

Office Memorandum • United States Government

TO : /r. Nicho

A. Fonds

SUBJECT: "AX LOWENTHAL'S F

T: WAX LOWER FRAL'U PARTS INVESTOURD BY

UNIVERSITY IF CAICAGE LAW CONSCIE

This Conference was sponsored by the University of Chicago Law School.

The Director has noted: "How does it come we never heard of this booklet? \mathbb{R} ."

It is noted that this reprint, entitled "Police Tethods in Crine Detection and Counter-Ispianage" by Lowenthal, is the seventh in the series of proceedings of the conference to be published. Shile the paper was delivered in Tarch, 1951, the publication of it in this form is used recent

You will recall that your memorandum dated Farch 2, 1951, to "r. Tolson (62-25732-289) reflects that SAC column in Chicago had called in rejert to the conference at which Autorney General Modrath as well as lowenthal were to speak. Forwain said re had been with in corrati at the luncheon and that In. Lowenthal you said to have been there but did not sit in the speakers' table. It said Lowerthal's incearance of the Jonference would be covered and he would advise the sureau.

Your memorandum to in. Tolson sated surch 2, 1881, reflects that to which was addisen that late that there were about loo between a diencing the surming session at which the two principal speakers were punied buke, former assistant automney beneral of the state of secrita, and lowenthal. Lowenthal's presentation was nuite viiriolic. Towain outlined the righnoints of this talk, as set out in your remarkable.

During the cocktail hour that evening Loventhal was reported to lave made the spacement transite lineator should be replaced as long of the IBI by soleone like Tanovan or a parson the har been in 200 work and knew with las joing on in the security field. Loventhal had a draft of his retarks but choically livressed from whatever he had written down. There was no press coverage of Lowenthal and the only newspaper comment related to the remarks of the storney seneral which was a part of his tress.

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THE LAW SCHOOL THE UNIVERSITY OF CHICAGO



POLICE METHODS IN CRIME DETECTION AND COUNTER-ESPIONAGE

By MAX LOWENTHAL

Paper delivered at

CONFERENCE ON CRIMINAL LAW

ENFORCEMENT

MARCH 2, 1951

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THE UNIVERSITY OF CHICAGO LAW SCHOOL COMMITTEE FOR THE CRIMINAL LAW ENFORCEMENT CONFERENCE

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The publication of these proceedings has been made possible through the Frieda and Arnold Shure Research Fund which was given to the University of Chicago Law School in 1945 for the publication of legal studies of immediate importance for the public welfare.

POLICE METHODS IN CRIME DETECTION AND COUNTER-ESPIONAGE

MAX LOWENTHAL*

VERYBODY is in favor of law enforcement. Everybody is in favor of protecting the liberties of the people. We try to balance these two considerations when we study law enforcement. When, for example, we are asked-to increase the authority of the police, we examine questions such as the following: Will the new powers help the police to enforce the law? Can results equally as good or better be obtained by other methods? Will the proposed enlargement of police authority endanger the liberties of the general public?

In discussing some present-day aspects of this general problem, I shall refer principally, though not exclusively, to the area of law enforcement which is causing special anxiety, the detection of espionage and unlawful possession of government secrets.

In this area we can observe the play of opposing considerations. One is the feeling aroused by a heinous crime and the consequent impatience with rules established to protect the public against police errors when violation of these rules results in reversal of a conviction. Thus the reversal of the Coplon espionage conviction in December, 1950, led to much bitterness, and helped to remove a safeguard established by Congress 16 years earlier. At that time, in 1934, Congress first granted to the Bureau of Investigation the power to make arrests and at the same time introduced a qualifying rule which did not obtain in many states. The rule sought to protect innocent persons from the damage which might be done to them if they were summarily arrested, by requiring the Federal police to observe certain checks and restraints. They had to obtain a warrant or written permission from the judiciary before making an arrest. This meant that the Federal police were required to show in advance, to a representative of the judiciary, that there were reasonable grounds for suspecting the person to be arrested and that the judicial branch agreed with those grounds and authorized the arrest. Exceptions were provided in cases where a person was caught while committing the crime, or there ap-

^{*} Member of the New York Bar; author of The Investor Pays (1933) and The Federal Bureau of Investigation (1950).

peared to be danger that a suspected person might escape unless arrested

The Pederal Bureau's failure to comply with this law was one of the elreumstation which led the appealate court to reverse the conviction in the Coplers are. The police forcan had known for some time that it was going to arrest her. But not one of the scores of detectives assigned to survellance of the suspect over a period of months stopped in at the United States Commissioner's office to ask for a warrant of arrest before she was actually apprehended, though the most elaborate arrest and post-arrest arrangements were made in advance

After the defendant called the court's attention to this violation of the Vederal statute, the Department of Justice proposed that the safety rule of 1034 be eliminated; a bill for this purpose was introduced and was passed by the Senate without debate and, within a fortnight after the reversal of the conviction, was brought before the House of Representatives. The House Rules Committee set an hour for debate, to enable the legislators to listen, to speak, and to think. This was rejected by the House; not a syllable was said even about the advisability of discussing the proposal to destroy this safeguard of the liberty of the innocent; and the bill was then passed without any question.

No legislator put any of these questions to the House: When police have ample time to comply with the previously established requirement that they must get a warrant of arrest, when they can make their arrest after such compliance, when this safeguard puts them to no inconvenience other than specifying the grounds for their suspicion and getting judicial sanction, why should the public be deprived of this protection? Why was it that not one of the scores of Federal police assigned to surveillance of the suspect could take the time to get a warrant? What may be the effect on police attitude toward law enforcement and on their willingness and ability to obey the law, if the reward for police failure to obey Congress is the grant by Congress of greater authority to that police?

In the Coplon case, as the Court of Appeals poirted out, it would have been the easiest thing in the world to get a warrant. Why didn't the police get one? Was it disrespect? Was it imperious disregard of the law? Why should the policemen in that case have taken the chance? And the miscarriage of justice that caused such great impatience helped to pass a law which got rid of a safeguard for the individual. That miscarriage was at least in part due to the readiness of a large body of police to take a chance on the law, a wholly unnecessary chance.

Some of the ideas and feelings stimulated by the Coplon case can be

found in editorial comment reprinted in the Congressional Record. One idea is to bow to the fait accompli; since the Federal secret police engage in conduct forbidden by Congress, let that body, we are told, legalize the decision of the secret police force to do what it thinks necessary. One feeling, not spelled out, seems to be this: it is better to legalize police conduct presently unlawful than to let spies escape punishment. The direction in which this might lead us is illustrated by some of the other unlawful police conduct in the Coplon case.

At the defendant's first trial, in the District of Columbia, the prosecutors erroneously denied that the Federal police had resorted to wire tapping (interception and divulgence forbidden by Federal statute in 1934). At least one member of the police force, who knew the facts, was in court and remained silent. Others stationed at the Federal police head-quarters in the District of Columbia presumably also had knowledge of the facts and of the erroneous impression conveyed to the court, but remained silent and did not rectify the error.

Some months later, in advance of the defendant's trial on related charges, in New York City, the resort to wire tapping was proved. The Federal police were asked to produce the records they had made of conversations on the telephones that were tapped. The police replied that they had destroyed those records, adding that such destruction was routine. Subsequent to this explanation, the court learned that the destruction of a remaining batch of those records followed a special recommendation of such action to the Federal police headquarters in Washington by one of its higher-ups in charge of the case, and that his recommendation was an emergency measure, because of the imminence of the trial.

Which categories of illegal conduct by a police force are to be authorized, in order to prevent reversals of convictions? Are the police to be the only officials whose errors are to be whitewashed by legalizing hitherto illegal conduct? What about the conduct of prosecutors and judges? What about grand and trial juries? Shall they be granted the right to do things hitherto regarded as improper—e.g., to disclose to favored newspapers the jury proceedings heretofore regarded, in our system, as inviolably secret? Shall jurymen now be given the power to serve their private interests in their jury actions? So far as I have been able to ascertain, no one has made such proposals, at any rate publicly. But in the event that any espionage convictions are reversed by reason of such conduct, will we be free from bitterness against safeguards and from impatience with them?

Another factor in current demands for increasing the powers of police is the argument that we are confronted by an emergency. This may be examined with respect to crime in general, and with special reference to crime against the national security.

As to crime in general, there is an impression that it is on the increase to such an extent that something radical must be done to bring it within narrower compass. However, due to the lack of adequate statistics, we are not in a position to say whether crime has increased or not, or whether any increase there may be is in the categories of heinous crimes. The FBI has noted, in its official statistical reports, that it does not vouch for the accuracy of the basic data it collects. That the data are not of such reliability as to furnish a firm foundation for important policy was explained by the Wickersham Commission as long ago as 1931. Disclosures since that time have reinforced the conclusions of that Commission.

Let us, therefore, examine other material bearing on the prevalence of crime. Current investigations, Federal and local, have again called our attention to gambling and to the corruption of some policemen by gamblers and others. We are without adequate evidence that gambling is more widespread than in the past, that the business of gambling is on a larger scale, in proportion to population, or that, even if it were, this constitutes an emergency calling for the grant of more powers to the police. The newspaper space given to these investigations is greater than has been accorded to gambling or crime for some time past. This, however, may only indicate that the public interest in crime and in gambling and the handling of current investigations have combined to secure news space once again for a subject that should not be forgotten. One need only turn to the chapter in Lincoln Steffens' autobiography entitled "I Make a Crime Wave," to observe how a newspaper or a reporter may convey the appearance of an increase in crime, by providing more space for news of crime than is ordinarily given to it.

Corruption of policemen, another subject in the headlines, has appeared whenever there has been organized police. There is no adequate evidence that a larger proportion of present-day policemen have accepted bribes than in the days of the Horse Guards or the Bow Street runners in the England of a century and a half ago, or of the "Shame of the Cities" described in American magazines half a century ago, or in the periods of our Lexow and Seabury investigations, or of inquiries into police conduct by Royal Commissions in England. Two of our Congressmen were recently sent to prison; that does not show any widespread corruption in our national legislature, or cast doubt on the high character of

a considerable proportion of that body. It may be claimed that some of the police forces are indulgent in their attitude toward the wrongdoers in their midst; this hardly indicates any more of an emergency than the lenient attitude in Congress toward criminals in its membership, or toward other members whose comparable records have not led to any adverse action by either chamber. If the corruption shown to be present in some police quarters today has any bearing on our problem, it may be to demonstrate that police forces include some members whose failings are like those encountered elsewhere in our population, and that there may be good reason for the principle of Anglo-Saxon administration of justice that the police should, so far as possible, not be given any special authority over all the other people in the nation.

Let us now turn from a consideration of crime in general to crimes against the national defense, and more particularly to the subject of espionage. Here is a real emergency problem. I do not mean to suggest that foreign espionage is something new in our country, or in the world. It is, of course, one of the most ancient and ubiquitous characteristics of the relations between countries. However, it is probable that the United States has in recent years been especially singled out for the operations of spies and associated foreign agents. We are one of the great world powers. We are the best equipped, by a combination of industrial plant, resources, and inventive genius, for the production of armament and the other requirements of war. Such production is the special target of espionage at the present time.

In considering whether security against spies requires stronger police powers, we must note what are the aims of counter-espionage. These include the following: (1) to discover and outwit spies and to prevent them from obtaining and transmitting our secret data; (2) if they have transmitted them, to learn this fact at the earliest possible time, so that our military and diplomatic policies may be geared to reality rather than to illusion; (3) to convict spies and thereby to deter others who may be tempted to spy. These points and their relative importance may be illustrated by referring to the theft of our secrets relating to atomic bombs and other high-powered explosives.

The first objective, to foil spies, is of course immeasurably the most important. If our counter-espionage had prevented the theft of our atomic secrets, Russia might have been delayed one or two years longer in manufacturing atom bombs, we might have had that much more time for our own preparations, the Korean affair might have been delayed beyond June, 1950, and, with delay, possibly averted.

The importance of the second objective, to learn of the successes of foreign agents at the earliest possible moment, is given point by the facts in the Gold case. Gold became a foreign agent for Russia in this country in 1935. He was later assigned to espionage dealing with high explosives, including the atom bomb. From 1943 to 1945, he was one of the middlemen between agents, such as Fuchs and Stack, and others who carried data back to Russia, such as Semenov and Yakovley. In those ten years, suspicion and surveillance of some of them, or of any member of these rings, would have facilitated suspicion and surveillance of all of them, one after another.

We were perhaps on the brink of discovery in the years 1045-1047. By 1945, Gold's protective covering had worn so thin, he had had so many meetings with his associates at both ends of the espionage organization, at so many places, and perhaps there had been such accidents or indiscretions, that the Russians themselves thought we could not avoid being on his trail. In 1949, the Canadians notified us that Fuchs' name was discovered in the papers of one of their atomic bomb espionage suspects. In 1947, Gold's name was given to our authorities; he was questioned by the Federal police and was brought for further questioning before a Federal grand jury investigating espionage in general. The public record does not indicate why our recognition of Gold's significance was further delayed until 1950. An explanatory hint was given by a Federal prosecutor in a spy trial late in 1950; according to the press, the prosecutor said that Gold's denials to our counter-espionage police in 1947 had been too confusing.

There have been other important counter-espionage failures. Have there been great successes, unknown to us? One cannot say with finality until there is a searching examination of the files by a staff of the size required to sift, to air, and to study the mountainous accumulations of the Federal police force, and unless there is a staff of such courage and independence that it can decline to rest on the asseverations of the police and can insist on answers to searching questions. We must remember that, after the Russians effected their theft of our atomic secrets, the Federal central police flatly stated that spies tried to steal our atomic data and were completely foiled by that police force. There may perhaps be some basis for concluding, in view of the past policy of this police, that if there had been any great coups against spies, the public would not have been deprived of that information. But whatever the facts about this inadequately explored subject, we know that our counter-espionage has

suffered such impressive defeats that we must look deep for causes and

Would the statutory grant of greater powers to our counter-espionage police have enabled that force to prevent the Russian acquisition of our atomic data, or have given us earlier knowledge of those thefts? Would grant of more authority have enabled our counter-espionage force to discover the unlawful possession of confidential Government papers by Chambers or Amerasia magazine? Was greater authority required to enable us to hold, for punishment, persons described by our Federal police as important espionage figures, who successfully escaped its surveillance, as in the cases of the Nazi spy ring of 1938 and of Eisler in 1949?

During the decade and a half in which we sustained this series of defeats, our Federal police force was, in fact, exercising, in cases where it suspected espionage, powers which it is now proposed to legalize. Thus, despite the Federal statute of 1934 that prohibited wire tapping, the Federal police have engaged in this practice during the terms of six of our Attorneys General. The police obtained their approval of this conduct by representing that wire tapping was essential for the detection of

spies.

In view of the revival, since the upset of the Coplon conviction, of the campaign to get Congress to sanction the Federal police resort to wire tapping, we may do well to recall the warnings given to this force in Congress and at Congressional hearings a decade ago. In the prolonged controversy over wire tapping in the period 1940-1942, responsible critics noted that skillful foreign agents are too smart to use such an obvious instrumentality of self-entrapment. No spy worth his salf would use the telephone on matters that would incriminate him. No skillful spy has been caught by this method. Critics also observed in the debates a decade ago that wire tapping is in the nature of a booby-trap for our own counterespionage detectives; while the detectives are being diverted by listening to other people's lawful business, spies have that much more leeway to do their work. The amount of our counter-espionage energy thus diverted is instanced in the Coplon case, where our Federal police had some forty detectives tapping wires, but failed, they said at the trial, to get any information useful for the trial, which they did not get by other and lawful

means. Such dragnet techniques as wire-tapping are not only ineffective against the skillful wrongdoer (and indeed play into his hands), but they are offensive to our system of justice. They are in the spirit of the Stuarts and of some of the European tyrannical governments of the last hundred years. Now suppose a policeman comes to the chief and says: "I think I can find the criminal in that block of houses. There are two hundred people who are living there. Let me pull them all in." Or suppose he says: "The gun is, I think, in that block of houses occupied by a hundred families." And the chief of police says: "Sure, haul in that hundred. Search the apartments of those hundred families." That is a dragnet, it is contrary to our concepts. It violates our system of liberty and basically it is inefficient. You have got to be an abler policeman than that.

But what about wire-tapping? Wire-tapping enables a person who is tapping to hear everything said on the phone that he taps, by everybody, and, as evidence in the Coplon case shows, it gives the police innocent secrets that have nothing to do with the subject of their suspicion or search, such as the secrets of husband and wife. It gives the police the conversations of counsel and client. It was brought out ten years ago in the Congressional hearings that you cannot limit wire-tapping. You hear everybody that talks on that phone. And that means that you have something very similar to saying: Let's search a hundred apartments belonging to a hundred families because in one of them there may be a lurking criminal or a hidden gun.

In the years in which our counter-espionage force employed wire tapping without detecting spies, it also employed other unauthorized powers. Arrests and searches without warrant, when the law required a warrant, are recorded in the Coplon and Amerasia cases. In the von Moltke case, to cite one more example, the defendant was induced to plead guilty after the Federal police subjected her to various strains, what Mr. Duke has so interestingly called the "softening-up process," such as prolonged questioning while held incommunicado, and after the police, presumably knowing she had no counsel of her own, misinformed her about the legal principles applying to her case. The willingness of our Federal police to employ such means to get convictions would seem to support the conclusion that the police would not have been deterred from employing extra-legal powers to serve the two major purposes of their work, prevention of espionage and the prompt detection of any spying that has been successful. We cannot afford any longer to hug the comforting delusion that we will be protected against spies if we increase the authority of our Federal police. With this idea properly appraised, other and more effective methods may be developed. Further exploration of the subject by the Nimitz Commission or by Congressional committees may bring useful alternatives to light.

Meantime, we may possibly learn something of value by examining

the atmosphere in which our nation's domestic counter-espionage force has been working, and its attitude in the performance of this task. Observation reveals that this police agency has been engaged in practices not consonant with the spirit of our institutions. I have already given one example of its use of dragnet procedures. Another is the practice of placing under police scrutiny the thoughts, the beliefs, the reading matter, and the circle of acquaintances of large numbers of Americans. While our police are thus absorbed, spies are able to operate more freely. Our Federal police have also relied heavily in non-criminal matters on informers of marked instability and of ignoble characteristics, offensive to our best instincts and degrading to our way of life.

It may be said, that even though these police operations have not enabled the police bureau to detect the big-time spy, no harm has been done. But potential harm is always hovering in the background. Such techniques are not used only against today's suspects. We can see the progression clearly if we look back only thirty years. At that time, our Federal police began activities of this type against Russian peasants who had immigrated to this country, were working in our mines and mills, and were sufficiently lowly and contemned so that the public accepted the police description of them as revolutionaries plotting the overthrow of our Government. The police directed similar surveillance and charges against extremist labor groups. Within a few years the Federal police had employed these techniques against conservative labor, and finally against the United States Senators and Representatives who had criticized this force and the Attorney General of the moment. The Federal police put the mail of these legislators under surveillance, broke into their offices at night, rifled their files, shadowed their wives, and enlisted their servants as informers, to report what was said in the home.

It may be argued that, in fighting the spies of autocratic and enslaving governments, we must make full use of their methods. Those methods are, of course, hallowed by time. Long ago the Stuarts and others used informers to learn and punish thoughts and words they feared. The use of informers in suspect societies goes back hundreds of years before that time. The dragnet is an ancient device, only modernized to apply to inventions such as the telephone; all the modern dictatorships have used dragnet methods. Why is it that our use of these devices had not led us to the spies we want to outwit? Is it that we use these techniques insufficiently? Our Federal police indicate that they have flooded suspect organizations with informers. Is it that our police are inefficient in the

use of the dragnet and the informer? The Department of Justice reports that this work has been carried on with brilliance.

May it be that the methods characteristic of tyrannical governments are outworn, basically inefficient? That is the conclusion supported by analyses of the Nazi government's secret records. Analyses have been made by General Telford Taylor of our own army, by Trevor-Roper of England, by our medical men and our scientists, and by other competent authorities. They learned that the Hitler government was not a machine clicking as efficiently as the goosestep, but a jumble of warring cliques. Their conduct of war and their production of war materials were inefficient, their handling of the peoples of conquered areas was so unimaginative as to immobilize divisions from the front, their science was so faulty that their armies were reduced in strength by failure to treat the soldiers properly. The analyses of the records of the Nazi government show it to have been rendered incompetent for peace and for war, by its own practices and outlook.

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Suppose that we turn our counter-espionage from imitation of the methods of such governments. Suppose we look to the Nimitz Commission, to Congressional committees and to others for the devising of methods in accordance with the genius of a free people. The first step should be to explore basic assumptions about the way to combat spies.

I mention some illustrative points whose study might be rewarding. First: is it wise to conduct our counter-espionage as a part-time undertaking? For eleven years, our Federal police force has had the primacy in this work. But this duty has had to compete for the time of the police force, with a number of its other duties. It has the enforcement of more than one hundred Federal criminal laws, based on the interstate aspects of crime. Within that statutory framework, the Federal police have the job of detecting prostitutes and their associates, vendors of obscene literature, violators of copyright, automobile thieves and joyriders, and other

Is not counter-espionage of sufficient importance to be made a full-time kinds of offenders. undertaking, placed in the hands of an agency that can give its full and undivided attention to the critical problem of defeating spies?

Sec not does not the job call for imagination, skill and resourcefulness beyond the command of the police force now in charge? I note in passing the Amerasia case. There, our counter-espionage police had not discovered anything wrong. But a social scientist employed by the Office of Strategle Services deduced, on reading an issue of that magazine, that a breach of security had been committed. That type of person could be brought into counter-espionage if this highly-skilled and challenging job were made an attractive part of government work. Detectives could be used as aides of a counter-intelligence group of the calibre here suggested, but detectives would not continue to make policy, to determine the strategy and tactics for defeating spies.

Third: should not this work be placed in the hands of persons who fully understand the nature and values of democracy? Without such understanding, a counter-spying force may tend to undermine our national effectiveness, not only as against spies, but in even more important matters. We can learn from our counter-espionage experience. While trying to combat the spy by introducing into our society and our life more and more police attitudes and atmosphere foreign to our basic concepts, we have been whittling away those very qualities which have made us successful in our other national activities. Dragnet policing has a harmful effect on the energies and independence of a free people.

Let us take the next procedure that constitutes a large part of our counter-espionage work. In recent years, the thoughts, the beliefs, the ideals, the words, the circles, the acquaintances of large numbers of our population have been subjected to police scrutiny. That dragnet is no good. It did not get us a spy of importance. It harmed a lot of people and it harmed our society.

We have to have high production in this country and we would oppose anything that cuts our production. But when you cut down the inventiveness of our people, the freedom of their thinking, in the long run, as many times we have been warned, you are going to cut down production. What happened to Berlin and Rome? They cut down on the freedom of their scientists and their scientific work. We worked out the atomic bomb and they did not.

Can we afford to sanction anything which cuts down our greatest strength against defeatism—the free and untrammelled discussion possible in a society that has not been made fearful of a secret police? Such a police force is not competent to decide what is essential to the freedom and initiative of the people. Those who are to be entrusted with the delicate and important task of maintaining our liberties and, at the same time, our security, must be above the level of technicians and detectives. Such a task demands the highest possible qualifications in ability, training and democratic ideals.

Who, and what kind of society, will defeat defeatism? It is a free society where people feel free to talk and to discuss. I make one closing remark. The emergency that we face calls for a renewal of our faith in a

system of freedom, not for stripping its strength away. The emergency calls for alliance once again between the resources, the skills, the powers and the freedoms that have not been worn threadbare by Federal or any other police officials raised high above the general population.

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FROM :

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SUBJECT:

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therefore, stated that the purpose of his conversation was to pass this information on to the Bureau with the hope that it might be news to us or might be of some interest.

ACTION TO BE TAKEN:

told him that it would be called to your attention and it is suggested that you may wish to bring this to the attention of the Domestic Intelligence Division so that the exact phraseology in the article can be ascertained and any action indicated thereby taken.

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MRS. CAROL KING, FAMED LAWYER, DIES

RED IN AID TO FOREIGN-BORN

Carol King, samous constitu-ments. It was marked with frequent

According to her wishes, Mrs. and again for crossing Broadway King's body was cremated. She is minus a hat. survived by a son, Jonathan King, From 1916 to 1917 she worked 25, World War II veteran; a for the American Association for

deportation proceedings.

the Horace Mann School and Bar-later.

ical views did not conform to unemployment demonstration. stitutional law. Her major constandards set up by the college. In 1941 she appeared with the tributions was in the field of safe-iter college career was marked late. Wendell Willkie before the guarding the rights of the foreign with outstanding athletic achieve- U. S. Supreme Court in the famous born.

tional and immigration attorney, brushes with the Dean. On at least died Tuesday in Beth Israel Hos-two occasions she was almost expital following an operation. She pelled, once for writing an editorial supporting women's sulfrage,

daughter-in-law Cynthia King, and Legislation. She married Gordon Mrs. Carl S. Stern, her sister. King in 1917. Mr. King, World During the last 10 years Mrs. War I veteran, died in 1930. Mrs. King was general counsel for the King entered New York Univer-American Committee for Protection of Foreign Born. She represented thousands of Americans of ployed as a clerk in the law firm foreign birth in immigration and of Max Lowenthal. She was busily engaged writing briefs in defense Carol King was born in New York on Aug. 24, 1895. Her father, Samuel W. Weiss, was born in Lowenthal included her name on Honesdale, Pa.; her mother, Carri it despite the fact she had not yet Stix, was born in New York City. been admitted to the bar. She was

was spent as a clerical worker for Scottsboro cases. In 1930 she was Schneiderman's citizenship. International Ladies Garment associate counsel with the late was attorney for West Coast long-Workers Union Local 25, college Joseph Brodsky defending William shore leader Harry Bridges in 1943 records show she was eligible for Z. Foster. Robert Minor, Israel deportation proceedings. Phi Beta Kappa. This was denied Amter and Harry Raymond, ar- Carol King was one of the nather because her social and polit-rested for leading the March 6 tion's foremost authorities on con-



MRS. CARON KING

Mrs. King was graduated from admitted to the bar a few days William Schneiderman case. She wrote the briefs and helped prenard College, class of 1916. Al- Carol King was associated as an pare the argument which defeated though most of her school time attorney in the Sacco Vanzetti and a lower court decision to revoke

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January 30, 1952



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Your note of January 22, 1952, has been received, and I appreciate your writing.

In answer to your inquiry, I thought you might like to know that several individuals have commented along this line, and I am enclosing some reprints of items which you may want to read.

Sincerely yours,

John Edgar Hoover Director

Enclosure: A Lawyer's Indictment in Mood of Prosecutor; The FBI--Fow "Chjective" Can You Get?: Snearing the F.BI.

NOTE: Files reflect that one was an unsuccessful applicant for the position of SA in 1942. He did not qualify on the written examination. (67-314966).

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Mr. Nichols

M. A. Dones

STATEMENTS BY MAX COWENTHAL IN HIS BOOK, "THE FEDERAL BUREAU OF INVESTIGATION.

DATE: March 19, 1952

DISHONESTY ON THE PART OF

SPECIAL AGENTS

We have gone through the Lowenthal material, and whi $m{1}$ there is a tremendous amount of criticism of Agents in connection with official matters, there is only one item which attacks their personal lives.

On pages 349 and 350, Lowenthal goes into the Beaux Arts Hotel incident. He quotes from the New York News for September 11, 1941, as follows: "It was learned in Washington that the entire New York office of the FBI was under surveillance and that offices Cal in all key cities were being checked further to find out if wine and women have figured in plots to ferret out FBI secrets, to work fixes, or to extract information valuable in espionage.'

He also quotes from the New York Sun on the same date stating: "Then it developed that two or three Special Agents had been dismissed for misconduct...."

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Mr. Hoover:

Max Lowenthal, the attorney and author who fancies himself an authority on things Federal, had considerable difficulty finding the prominently lettered United States Court House on June 12, 1952. Headed for the United States Court House, he serenely passed it by and rushed up the steps of the New York County Court House, where he stumbled and almost fell on his face. After entering he was apparently advised of his error and came hurrying back to the United States Court House on the double.

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The principal case of the contract of the contract of the contract of by Lowenthal in his book. Inclosed are copies of ning settries and statements concerning Logenthal and his book which you personally should give to a reliable contact of the New York Office who is influential in determining policy matters at NIV. You are requested to review your list of SAC contacts to determine whether any of those contacts are in administrative or withoritative positions either on the invedicie staff of NIV or on its hours of hirectors. It has been noted that your office does not have a special service conjust at NTO, and in the absence of a highly placed SAC contact at that University, you may desire to contact ! Encloapres (3) it page for enclosur See no JAN 1 6 196 ALL INFORMATION CONTAINED HEREIN IS, UNCLASSIFIED

Enclosures (9)

Smearing the FBI
Book Attacking Record of FBI by Fruman Friend Stirs Dispute
Unfair Book About G-Men
Ex-Federal Official, Accused of Loyalty to Reds, Defends Record
The FBI - How "Objective" Can You Get?
Author-Critic of FBI is Old Friend of Truman, Ross Says
'A Lawyer's Indictment In Mood of Prosecutor'
Congressional Record (Sept. 1, 1950)
John S. Bugas Review of the Federal Bureau of Investigation
reprinted from April, 1951, issue of the Texas Law Review.

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

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New York, N. Y. June 20, 1952

Mr. Hoover:

I thought you might be interested in seeing a color picture of Max Lowenthal which has just recently been developed and was taken by one of the Agents on the surveillance of him. Lowenthal lives across from Central Park and it was noted that he took walks quite frequently to the Park. In order to discreetly determine his movements, one of the Agents had with him a color camera of his own, and carrying out the part of a tourist took some pictures of the Park. The attached picture shows Lowenthal watching a ball game. He is the fifth face from the left as you look at the picture, in the top row.

The Agent who took the picture was Special Agent and also on the surveillance were Agents

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Attachment

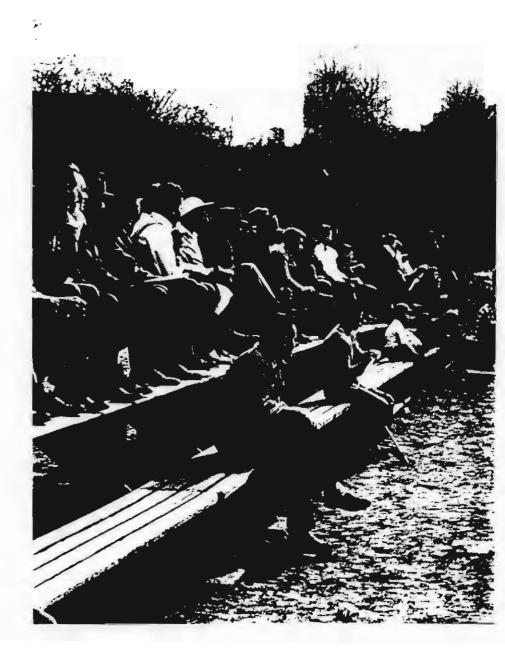
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EDWARD SCHEIDT

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Office Merror indum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd CONFIDENTIAL DATE: August 11, 1952

FROM : A. H. Belmont Subject: MAX LOWENTHAL

PURPOSE:

To furnish a summary of subversive information in Bureau files pursuant to a request from the McCarran Committee for information concerning Max owenthal s furnished the following identifying information:

(McCarran Committee Request

Lowenthal was reported to be a member of the National Lawyers Guild in 1939 and is the author of the book "The Federal Bureau of Investigation," which was favorably reviewed by Harry Raymond and printed in the "Daily Worker," and also appeared in the "Daily Peoples World." stated that the Committee was interested in the "highlights" and particularly Lowenthal's connection with Greenspun.

SCOPE OF SEARCH:

A search was limited to the main file, documented references appearing on summary memoranda, and references since the date of the last summary, January 15, 1952. No arrest record was located in the Identification Division.

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Attachment FOR APPROVINGEXED LIG AUG 29 191.

Attachment Continent Con

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BUREAU INVESTIGATION:

No complete investigation has been conducted regarding
Max Lowenthal. However, a technical surveillance was maintained on
him from April to September of 1943, and the Washington Field Office
submitted a report dated June 8, 1951, reflecting information obtained
from a review of their files and the files of the Civil Service Commission.

The attached blind memorandum contains two allegations of Communist Party affiliation on the part of Lowenthal, association with four cited organizations, and two pro-Soviet organizations.

Source information including reviews of Lowenthal's book, "The Federal Bureau of Investigation."

OTHER INFORMATION IN BUREAU FILES:

It will be recalled that there is considerable information in Bureau files concerning Lowenthal's efforts to smear the Bureau and the Director since 1940. These efforts include numerous writings filled with deliberate inaccuracies and distortions.

(100-7660-3994)

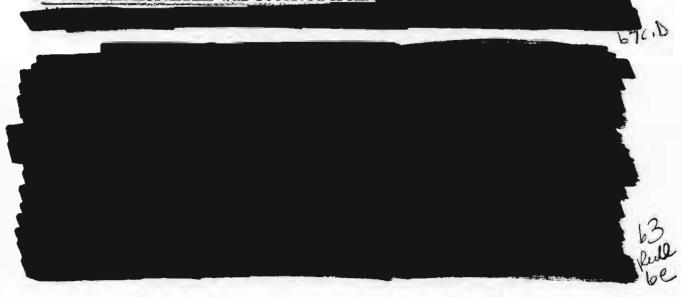
A review of Bureau files failed to reflect any direct contact between Lowenthal and Herman M. Greenspun. However, in November, 1948, it was reliably reported that David Wahl and his associates were exerting pressure at a high political level to influence the prosecution of the Foundry Associates, Inc., under the Neutrality Act at Miami, Florida. It will be recalled that Lowenthal was closely associated with David Wahl. Although





Greenspun was not indicted at Miami, he was indicted on a Neutrality Act violation involving the Foundry Associates, Inc., at Los Angeles in April, 1949. Three individuals who were prosecuted in the Miami trial were also involved at Los Angeles. This information was furnished to the McCarran Committee on a personal basis by Mr. Nichols on March 28, 1952.

One allegation of Communist Party affiliation appearing in the blind memorandum was received from



The attached summary contains the "highlights" of subversive information in Bureau files concerning Lowenthal thought suitable for dissemination to the McCarran Committee. It does not purport to be a complete summary.

DISSEMINATION:

Numerous summary memoranda of varying degrees of comprehensiveness have been prepared on Lowenthal since 1942. The following dissemination has been made of these memoranda:

May 4, 1942 - Board of Economic Warfare October 19, 1946 - G-2 November 8, 1946 - Department of State November 15, 1946 - George E. Allen, Director Reconstruction Finance Corporation

CONFIDENTIAL



August 20, 1948 - Civil Service Commission October 12, 1949 - J. P. Coyne, National Security Council, for the attention of Admiral Sidney W. Souers July 20, 1950 - Rear Admiral Sidney W. Souers, Special Assistant to the President April 13, 1951 - Department of State January 15, 1952 - Attorney General

Substantially all information included in the attached summary has been disseminated to interested agencies.

RECOMMENDATION:

With your approval, the attached summary be furnished to the McCarran Committee representative and that he be orally advised that additional information might be obtained from a review of the files of G-2

and the Civil Service Commission.

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August 11, 1952

MAX LOWENTHAL

BACKGROUND:

Max Lowenthal was born on February 26, 1888, in Minneapolis, Minnesota. He is the son of Nathan Lowenthal who was born in Kannas, Lithuania. Lowenthal attended the University of Minnesota where he received his B. A. Degree in 1909; he received an LL. B Degree from Harvard University in 1912. He is married to the lithuania of the latest address, as reflected by the lowest address, as reflected by the lowest York City Telephone Directory, is 467 Central Park, West, New York City, 100-25733-40X; 101-3411-147; 62-25733-102; 100-11820-348, 335)

From 1907 to 1909, Max Lowenthal was a reporter on the "Minneapolis Journal." From 1912 through 1913, he was a Law Clerk to Judge Julian W. Mack, United States Circuit Court, New York City; from 1913 through 1914, Lowenthal was a Law Clerk for the firm of Cadwalader, Wickersham, and Taft at New York City.

The following is a brief resume of other positions held by Lowenthal.

From 1917 to 1918, he was Assistant Secretary and Secretary to the President's Mediation Commission, Washington, D. C.; in 1918 he was Informal Aide in the War Department in Washington, D. C.; from 1918 to 1919, he was Assistant Chairman of the War Labor Policies Board; from 1920 to 1921 he was Assistant Secretary to the Second President's Industrial Conference, Washington, D. C.; from 1929 to 1930 he was Executive Secretary for the National Commission on Law Enforcement and Observance, Washington, D. C.; from 1933 to 1934 he was Research Director, United States Banking and Currency Commission, Washington, D. C. During this time he worked with Judge Ferdinand Pecora. From 1935 to 1942 he served as Chief Counsel

SECULITY INFORMATION - CONFIDENTIAL

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for the United States Senate Committee on Interstate Commerce; from May, 1942, to April, 1944, he served as Consultant for the Board of Economic Warfare. In August, 1946, he was appointed to join the staff of General Lucius Clay, Allied Military Government, Berlin, Germany. He served in the capacity of advisor on problems of Internal Restitution, Sequestration, and Disposal of Jewish Property. (62-25733-318; 62-25733-58, encl.)

During the periods not covered by the above-listed positions, Max Lowenthal was engaged in private law practice and in writing. He was at one time a partner in the law firm of Lowenthal, Szoid, and Perkins, 43 Exchange Place, New York City. He is the author of a book entitled "The Investor Pays," published in 1933 and also "The Pederal Bureau of Investigation," published in 1950. (62-25733-58, encl; 62-25733-318)

ALLEGATIONS OF COMMUNIST PARTY AFFILIATION:

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AFFILIATION WITH CITED ORGANIZATIONS:

(Anonymous; 62-25733-20 pg. 7; D/R 3-29-47) (This organization has been cited as Communist by the Attorney eneral.)

(Anonymous; 62-25733-20 pg. 9; 100-1170-49 D/R 3-29-47)

The National Federation For Constitutional Liberties was cited as Communist by the Attorney General.

In February, 1942, the letterhead of the International Juridical Association carried the name of Max Lowenthal as being a member of the National Committee representing the District of Columbia.

(62-25733-41 pg. 5; 100-25836-14)

Bichols Belmont Clean

Oleván.

Rose

The International Juridical Association was cited as a Communist front by the Special Committee on Un-American Activities, U. S. House of Representatives.

The records of the House Committee on Un-American Activities reflect that Max Lowenthal of 1 West 92nd Street, New York City, was a member of the National Lawyers Guild. (62-25733-40X)

The National Lawyers Guild was cited as a Communist front by the Special Committee on Un-American Activities, U.S. House of Representatives.

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The Washington Bookshop Association was cited as Communist by the Attorney General.

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SECULITY INFORMATION - CONFIDENTIAL

CONFIDENTIAL

ASSOCIATION WITH BARTLEY CRUM AND DAVID WAHL:

(62-22733-338)

ALLEGATIONS OF ASSOCIATION WITH COMMUNIST PARTY MEMBERS
AND ESPIONAGE SUSPECTS:

Philip Dunaway

According to reliable sources, Philip Dunaway has on occasions given the name of Max Lowenthal as a reference when applying for jobs and further that Lowenthal has written letters of recommendation and introduction for Dunaway. They were frequently in contact with each other in 1947. Dunaway was also closely associated with David Wahl and Mary Jane Keeney. The latter will be identified below. (Anonymous; 65-56402-2602)

Philip Dunaway has been identified as a close associate of individuals who have been reliably reported by Elizabeth Terrill Bentley as members of a Soviet espionage group active in the United States during the 1930's and early 1940's. (101-2261-81, 142; D/R 8-4-49; State 11-27-46;

Mary Jane and Philip O. Keeney

According to a reliable source, during the period 1946-1947, particularly, Lowenthal was closely associated, both socially and professionally, with Mary Jane and Philip Olin Keeney.

In April, 1947, Wahl was reliably reported to have been in contact with Lowenthal concerning Mary Jane Keeney. Specifically, Wahl asked Lowenthal for assistance in obtaining a passport for Keeney to join her husband in Japan 2 disc., reliable, Tecsur on David Wahl; 62-25738-318)

It has been reliably reported that Mary Jane Keeney was a member of the Board of Trustees of the Washington Bookshop Association from June, 1940 to June, 1942. (Investigations Division, Civil Service Commission 62-25733-318)

The Washington Bookshop Association has been cited as Communist by the Attorney General.

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According to an official report of the House Committee on Un-American Activities, Mary Jane Keeney and her husband, Philip O. Keeney, have in the past associated with persons identified with Communist espionage rings in the United States. This report further stated that on one occasion Mary Jane Keeney had actually served as a courier for the Communist Party.

Carol Weiss King

"The Worker," the Sunday edition of the "Daily Worker," east coast Communist newspaper, in an issue dated January 27, 1952, reported the death of Carol Weiss King on January 21, 1952. This article pointed out that Carol Weiss King has been the counsel for such Communists as William Z. Foster, Robert Minor, Israel Amter, William Schneiderman, and Harry Bridges. According to this article, Carol Weiss King began her legal career as a clerk in 1920 in the law firm of Max Lowenthal. (62-25733-341)

Since 1920, and prior to her death in January of this year, Carol Weiss King had been associated with Max Lowenthal on many occasions.

Charles Kramer (V) (Anonymous Source; 100-258236-14 and 174)

Charles Kramer, especially during 1947. (Tecsur on David Wahl; disc., reliable)

Lee Pressman, when testifying before the House Committee on Un-American Activities in August, 1950, testified that Kramer, while employed at the U.S. Department of Agriculture, had been a member of the same Communist Party underground cell to which he, Pressman, had belonged in 1934-1935. (100-363633-A; Washington News, 8-31-50)

Kramer has been reliably identified as one of a group of persons who met early in 1944 in New York City where they discussed the type of information that these individuals would be able to furnish to Earl Browder, Communist Party functionary, who was also present at that particular meeting.

COMPOENTIAL

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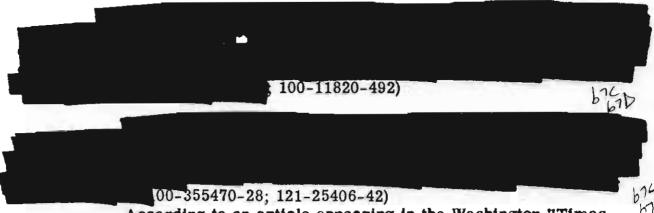
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Kramer was reported to have stated that he could furnish "Capital Hill gossip" and did furnish such information. Kramer was reliably reported to be a Communist Party member. (Elizabeth T. Bentley)

Kramer, while testifying before a Special Subcommittee on Un-American Activities, House of Representatives, on September 1, 1950, admitted that he was acquainted with Lowenthal but refused to comment, when asked if he had attended meetings at the Shoreham Hotel, Washington, D. C., during the Hollywood hearings in 1947, with Wahl and Lowenthal.

(100-355470-17)

Lee Pressman



According to an article appearing in the Washington "Times-Herald" of September 16, 1950, Lowenthal testified before the House Committee on Un-American Activities on September 15, 1950, and admitted an acquaintanceship with Lee Pressman. (62-25733-A)

Allan Rosenberg

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Tele. Ro Mclloman Gend. Lowenthal has been acquainted with Allan Rosenberg since at least 1942 when the latter, in applying for a position with the Board of Economic Warfare listed Lowenthal as a reference. It has been reliably reported that during 1943 Rosenberg and Lowenthal were extremely close friends.

According to a reliable informant Rosenberg was involved in a Soviet espionage conspiracy in New York and Washington, D. C. in the early 1940's and was a close associate of Communists and pro-Soviet sympathizers. For a period of time Rosenberg was a dues-paying member of the Communist Party and a contact of an admitted Soviet espionage agent. The association between Rosenberg and Lowenthal was continued through, at least, 1947. (Elizabeth T. Bentley, 101-344-42; D/R, WAA 11-13-51)

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SECULITY INFORMATION - CONFIDENTIAL



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According to the 1947 records of the House Committee on Un-American Activities, when Lowenthal headed the "Rehabilitation and Recovery Division of the Foreign Economic Administration, his staff included Allan Rosenberg, an attorney, who is now actively defending Communist organizations and individuals in Washington, D. C." (100-25733-40X)

George S. Wheeler

According to an article appearing in the "Washington Star" of April 7, 1950, George S. Wheeler, at that time a teacher of economics at the Prague, Czechoslovakia Higher School of Economic Science, had requested the Czechoslovakian Government for "asylum" as a protest against "American policies." Wheeler had previously worked for the Military Government in Germany from 1945 to November, 1947. (101-2416-A)

"The New Leader," in an issue dated April 21, 1952, contains an article by Victor Riesel captioned "Heard On the Left," which is quoted below in part:

"It is absolutely true that a man who has had great influence on President Truman in some matters for many years has been a friend of John Abt, Joseph Brodsky, Alger Hiss, Carol Weiss King and Nat Witt. That man is Max Lowenthal, a mystery figure around Washington, who employed George Shaw Wheeler as his assistant when he (Lowenthal) became adviser to General Clay during the AMG days in Germany..... Wheeler, a notorious Stalinist, went over to the Communists publicly two years ago..." (100-13)(8754-A)

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MISCELLANEOUS:

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In 1923 Max Lowenthal was the General Counsel for the Russian American Industrial Corporation, 31 Union Square, New York City. In a prospectus published by this corporation, the purpose was set out as follows: "To aid and assist in developing the resources of Russia, thereby furthering the economic progress of Russia and the American progress in that country." The prospectus mentions Soviet concessions consisting of six factories in Petrograd and three factories in Moscow, and stated that the control of the concessions would be vested in representatives of the Supreme Council of National Economics of the Soviet Government and of the Russian American Industrial Corporation. According to the prospectus, the corporation was the outgrowth of a visit of Sidney Hillman (deceased), former President of the Amalgamated Clothing Workers of America, to Russia in 1921.

62-25733-20, page 5) 10 D

"Human Events," published weekly in Washington, D. C., said of Lowenthal on September 25, 1946, "It may be a mere coincidence, but since Mr. Lowenthal's appointment, General Clay has permitted leaders of the Soviet-Sponsored Socialist Workers Party to address mass meetings in the American Zone of occupation." (105-8697-11 page 9)

Lowenthal is the author of the book entitled "The Federal Bureau of Investigation" published by William Sloane Associates, Inc., in September, 1950. This book was favorably reviewed by Harry Raymond and printed in the "Daily Worker," on December 7, 1950, and the "Daily Peoples World" on December 15, 1950, east and west coast Communist newspapers.

(62-25733-338, page 16)
Concerning the author of this book, Representative George T. Dondero of Michigan said in a speech before the House of Representatives on September 1, 1950, "Like the Communist Party whose cause he has served so well, he operates on two levels; one is seemingly respectable and the other completely underground. Lowenthal has always found time for his extra curricular pursuits of aiding and abetting Communism."

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According to the "Washington Post" issue dated November 20, 1950, Morris L. Ernst, counsel for the American Civil Liberties Union, described Lowenthal's book as "viciously and thoroly unfair. It will give great aid and comfort to the Communist Party."

An editorial appearing in the "New York Herald Tribuae" on November 23, 1950, stated in part: "This lengthy volume with its outward pretense to authoritativeness and objectivity could easily be mistaken for a factual guide to the course of the FBI during its forty-two years of existence. It is only when the text has been examined that the author's manner and aims become clear. Mr. Lowenthal has strung together an exhausting series of quotations from public records, inconclusive, tendentious, and frequently out of context, designed to have the accumulative result implying that the FBI has been ineffectual, prejudiced, concerned chiefly with notoriety for itself, and careless of the civil liberties of the citizens."

This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

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SECURITY INFORMATION - CONFIDE TI

Side

The Attorney General

August 25, 1952

Director, FBI

SENATE SUBCOMMITTEE ON CINTERNAL SECURITY (McCarran Committee)

Attached is a memorandum containing data in the files of this Bureau, a copy of which was furnished to a representative of the McCarran Committee, pursuant to a request received from that Committee for information concerning Max Lowenthal.

With further reference to Lowenthal, the Committee's representative was orally advised that additional information might be obtained from a review of the files of G-2 and the Civil Service Commission.

Attachment

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 81st CONGRESS, SECOND SESSION

Vol. 96

WASHINGTON, FRIDAY, SEPTEMBER 1, 1950

House of Representatives

A MAN OF MYSTERY

Mr. DONDERO. Mr. Speaker, I want to discuss a man of mystery this afternoon and for the first time take off the mask behind which he has been hiding for years and even avoiding service from the Committee on Un-American Activi-

The sharp pen and penetrating insight of a Washington editorial writer has caused Washington officialdom to pause and wonder when he asked in an editorial, "Who is this man?" The writer then goes on to describe him:

He places these agents of destruction in our Covernment agencies. He can put his tribe in when our loyal citizens cannot get jobs. He can move his pawns up the scale to better paying and more sensitive jobs. Why? Not so they can get more money, but be-

cause they can spy more effectively.

A man who is not unknown at the White Otherwise, he would not have the power or the knowledge to do the job he is doing.

And now is the time to go after him. It will he a tremendous job. It will mean step-ping on the toes of some very, very high Government officials, and when he is caught the revelation will be a bigger shock to this Na-tion than the expose of Benedict Arnold. It must be done. The Nation can take it. But it cannot win the war of survival with

Russia if this man is allowed to continue his clever, diabolical scheme to undermine our

Never has this man been more aptly dcscribed. Over the years I have acquired item after item of information. I still do not know the full story because he is a man of mystery. He works through others. He has reached pinnacles of great power. A recommendation from him was tantamount to success. There are few men in official Washington today who have dared to stand up against

I do not recall having seen his picture in print in recent years, but the Washington press corps knows his name well. so do the Communists and so do those who have taken a stand against Communists.

His skill and technique are unparalleled. He does his work, lusts and thrives on obscurity. He knows that he could never accomplish what he has in the open. Americans do not like his ilk and once his shroud of mystery is penetrated he knows his usefulness is at an end. Doors that once opened to him will be closed because no good American would care to be contaminated by his known

I have named this man in passing before. Today, I bring him into the open and introduce Max Lowenthal.

Like the Communist Party, whose cause he has served so well, he operates on two levels. One is seemingly respectable; the other completely underground.

He is native born. His name does not appear in Who's Who. To secure even a sketch of his biography has been a task.

Born in Minneapolis in 1888, he attended the University of Minnesota, graduating with an A. B. degree in 1909. Then like many other parlor pinks, fellow travelers, Communists and convicted perjurers, he attended Harvard Law School, graduating in 1912. In those early days he came under the influence of another man who through the years has manipulated the Charlie McCarthys in Government office. There is a striking kinship between the master. Justice Felix Frankfurter, and the pupil, Max Lowenthal. And as is so often the case, the pupil rises to outdo the mas-

Following his Harvard days, he served as a secretary to Judge Julian M. Mack in New York and then infiltrated the highly respectable law firm of Cadwalader, Wickersham & Taft. After a few years he founded his own firm of Lowenthal, Szold & Brandwen.

Later he secured an appointment as Assistant Secretary of the President's Mediation Board in 1917, in 1918 he was Mediation Board in 1917, in 1918 he was in the War Department, in 1920 he was an Assistant Secretary to the President's

Industrial Conference. Then he secured the appointment as executive secretary for the Wickersham Commission on Law Enforcement but when he found he could not run it he resigned in a huff. Later he became research director of the Banking and Currency Commission. In 1935 he was appointed to the staff of the Senate Committee on Interstate Commerce, also becoming affiliated with the Board of Economic Welfare.

By pulling strings he acquired the title of adviser on disposal of Jewish property of Gen. Lucius Clay, head of our rillitary government in Germany.

With a matter of weeks he was known as the general counsel to General Clay and and as an assistant, George Shaw Wheeler, the American traitor, Commung and renegade who shocked all America when he denounced the land of his birth and asked Communist-controlled Czechoslovakia for asylum. I exposed him several years ago on the floor of this House.

Within a matter of weeks a change occurred in Germany. The usually accurate Human Events for September 25, 1946, reported, "It may be mere coincidence, but since Mr. Lowenthal's appointment General Clay has permitted leaders of the Soviet-sponsored SED (Socialist Workers Party) to address mass meetings in the American zone of occupation." This was the opening which the Russians were awaiting because it gave them the opportunity to sponsor a Communist Party under our protection. A few weeks later the com-mentator, Walter Winchell, warned on his Sunday night program that as a result of Lowenthal's activities a rift had occurred between the American and British zones.

Lowenthal's influence began to mount in the early thirties. As his influence grew, so did its effect. Men he had selected and nursed became more power-

Lowenthal acquired some semblance if respectability, but what of the other The evidence of his unswerving loyalty to Soviet Russia is clear and un-equivocal. In the early twenties, the Russian-American Industrial Corp. was formed in New York City to aid and assist in developing the resources of Russia. Large sums of American capital were raised to finance Rus-sian industry. The head of this Communist subsidiary was the late Sidney Hillman, who later became distillusioned and turned on communism, but his onetime general counsel, Max Lowenthal, still follows the party line. There is an interesting sidelight. The California authorities raided the office of the Russian-American Industrial Corp. in September of 1922 and seized their books, records, and a list of members of Friends of Soviet Russia in Los Angeles. Several persons were indicted for violating the California Securities Act; however, the indictments were later dis-missed. Behind the scenes powerful forces went to work. Prof. Felix Frank-furter, of Harvard University, started a chain of letters to his former students who were members of the bar, asking, as a personal favor to him, for them to look after the interests of the de-

Lowenthal also lent his prestige to other groups. He was reported to be one of the endorsers of the Conference of the American Committee for the Protection of Foreign Born in 1940, an organization listed as subversive by the Attorney General. He was a member of the left-wing National Lawyers Guild. He was a member of the National Committee of the International Juridical Association with Lee Pressman, who once defied a congressional committee. He admitted his Communist affiliation this week. Lowenthal also was associated in this organization, cited as subversive by the House Committee on Un-American Activities, with the late Joseph R. Brodsky, the attorney of the Communist Party; Shad Polier, friend of Alger Hiss; Nathan Witt, an accused Communist; Edward Lamb, a left-wing newspaper and radio-static operators; Abraham J. Isserman, who was cited for contempt by Judge Medina in the New York Communist trial, along with others of a du-bious background. The activities of the International Juridical Association incidentally at one time were carried on in the offices of Carol King, the wellknown lawyer for Communists. Some other well-known members of the International Juridical Association are Lowenthal's friend, Prof. Thomas I. Emerson, Yale Law School and president of the National Lawyers Gulld; Ruth Weyand, discharged attorney from the National Labor Relations Board; and Abe Fortas, of Lattimore fame.

Carol Weiss King, who has probably represented more Communists than any other lawyer in America, once was a law clerk in Lowenthal's office, where she was well grounded and trained for her later years.

Lowenthal has always found time for his extracurricular pursuits of aiding and abetting Communists. For example, he has been given the credit for the offensive inunched against the House Un-American Activities Committee in the Hollywood hearings. Lowenthal was conveniently in Washington in October 1947, and naturally was extremely cautious in working behind the scenes with David Wahl, Charles Kramer, Bartley Crum, and others. At the time, word leaked out of the Council of the Hollywood Unfriendly Witnesses that Lowenthal had urged an attack upon the individual members of the committee in order that the Congressmen could be removed. In fact, Lowenthal told the Hollywood group and its lawyers to charge that the Congressmen on the committee should be removed. Everyone will remember the Hollywood Committee of One Thousand who flew to Washington to defend the Communists—that was also Lowenthal's idea.

In the thirties Lowenthal concentrated upon weakening our internal security by aiding an all-out Communist attack against the Federal Bureau of

Investigation in 1940.

Lowenthal sent out anonymous memorandums smearing the FBI, which fact can be attested to by many Washington newsmen, hoping to head off the FBI in its fight to protect our shores against the menace of communism and fascism at a time when the Nazis and Communists were allies. Lowenthal has worked diligently and deviously, but always rentlessly, to destroy the effectiveness of the FBI in its efforts to protect our country from the emissaries of godless communism. He has always realized the FBI is the one agency he could not penetrate or intimidate. He has long known it was the one agency which blocked his efforts to completely undermine our internal security.

Lowenthal's record is one of attack on any American institution which stands foursquare for the American way of life. He has attacked railroads, banks, and that thoroughly fine American institution of B'nai B'rith as a "bourgeois organization." Even the cause of liberalism has felt his vengeance. For example, in 1939, when that great liberal and denouncer of communism, William O. Douglas, was elevated to the Supreme Court, Lowenthal got busy trying to organize opposition because he feared Douglas would some day become the heir apparent to F. D. R., and should this happen communism would have a stalwart foe.

His friends boast of Lowenthal's authoring Presidential veto messages and even more recently of his master-minding the ill-advised move to thwart the enactment of antisubversive legislation at a time when members of both political parties in Congress and throughout the country have united as one to secure a law which would make America safer in its hour of trial and crisis. The Federal Communications Commission, under James Lawrence Fly, was not untouched by the tentacles of Lowenthal's influence.

The influence for evil of this man of mystery can best be gaged by viewing

a few of his intimates:

Al Bernstein, director of negotiations, United Public Workers of America, a union so left-wing and Communistdirected that it was expelled from the CIO several months ago. At one time Bernstein worked for Lowenthal and has been a contact of his for years. Bernstein is known to have been a secret member of the Communist . Party work, with his chief, Abe Plaxer, in Washington.

Bjorne Yngvare Halling, Sausalito, Calif., secretary-treasurer of the old California CIO Council, which was expelled from the CIO because of its Red tinge, has a long record of Communist activities. According to the Communist paper, The People's World, for October 19, 1949, Halling protested the trial of the Communist leaders in New York. Halling's secretary was Sadie Sokolove. member of the executive committee of the Communist Party and wife of Martin Chancey, one-time head of the Communist Party in Washington. But does this have any connection with Max Lowenthal? Halling sought political support to have Max Lowenthal placed in charge of certain phases of the investigation of civil-service employees, because his friend, Lee Pressman, told him to do it.

Allan Rosenberg, another of Max Lowenthal's fair-haired boys, had a phenomenal rise in the Government service. In concert with John Abt, long an undercover Communist and agent, he was one of those who figured prominently in the 1947 New York grand jury investigation of spy activities in Washington where, because of technicalities in the espionage laws, prosecution could not be had. Rosenberg was charged with furnishing information to a confessed Soviet agent. Lowenthal and Wahl saw to it that Rosenberg's advance in the Foreign Economic Administration was rapid.

David R. Wahl was a protégé of Max Lowenthal in the Foreign Economic Administration. The files of the Civil Service Commission and the Committee on Un-American Activities reveal him as one whose loyalty has been questioned several times and also one with powerful forces who came to his aid. In fact, in 1944 the Civil Service Commission ruled Wahl unfit for Government service. Then his friends in the Foreign Economic Administration went to work and urged his reconsideration as eligible. Wahl has long been a legman for the Communist party in Washington.

The Lowenthal influence in one case alone more than documents his activities and reveals his true colors. One of Lowenthal's assistants in the Board of Economic Warfare was George Shaw Wheeler. Wheeler had previously served in Government agencies such as the National Labor Board, the Department of Labor, and the State Department. He also was investigated several times because of his reported affiliations with the Washington Committee for Democratic Action, the American League for Peace and Democracy, the Washington Bookshop, and the American Peace Mobilization, all of which have been ruled by the Attorney General to be subversive organizations.

The files of the Civil Service Comission contain testimony that he was a member of the Communist Party, and if made public, they would reveal that the Civil Service Commission found Wheeler was ineligible for Government service because of his Communist ac-Then, a pressure campaign detivities. veloped that had all the earmarks of a Lowenthal manipulation. In no time at all, the Civil Service Commission reversed its position and Wheeler was When Lowenthal was apcleared. pointed to go to Germany on General Clay's staff, he took as his first assistant none other than George Shaw Wheeler. Soon after Wheeler's arrival in Germany, he established contacts with the German Communist Party. The Army finally dropped him on November 1, 1947. Wheeler, by his acts and words, has proven the correctness of the early Civil Service action insisting Wheeler was a Communist. I hope our Government has taken steps to record Wheeler's nyowal of his citizenship and forever will bar him from our shores.

But Lowenthal is back, living in New York but spending much of his time in Washington; his influence still a menace to the best interests of America. I have no doubt we shall hear further either from him or his stooges and when we do, it will be because of some sinister act designed either to protect Communists, infiltrate further into our Government, or to undermine our internal security.

Every person still in the Government who has had a Lowenthal endorsement, should be identified and their loyalty determined but not by the standards that freed George Shaw Wheeler.

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Tele. Room Nease

DATE: October 28, 1952

MR. LADD

A. H. BELMON

SUBJECT:

MAX LOWENTHAL

RECORDED - M

ASAC Whelan called from New York at 3:45 pm, October 28, 1952, to advise that Roy Cohn had informed him that

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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

Section_	<u>552</u>	Section 552a
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	(b)(7)(F)	☐ (k)(4)
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□ (b)(5)	□ (b)(9)	☐ (k)(6)
☐ (b)(6)		□ (k)(7)
Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you. Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies). Page(s) withheld for the following reason(s):		
For your information:		
	be used for reference regarding to	hese pages:

STANDARD FORM NO. 64 tice Memorandum. • UNITED STATES GOVERNMENT DATE: October 24, 1952 Mr. A. H. Belmont V. P. Kecy / FROM MAX LOWENTHAL SUBJECT: Name Check Request ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED SYNOPSIS: DATE 3/1/44 BY 98031 A summary of information in Byreau files concerning war Lowenthal being submitted for approval in response to an Office of Naval Intelligence name check request. complete investigation of Lowenthal has been conducted by the Bureau; however, a technical surveillance was maintained on him from April to September, 1943, by the Washington Field office. The attached summary contains allegations of Lowenthal's affiliation with the Communist Party, his connections with cited and pro-Soviet organizations and his associations with known Communists and espionage suspects. It does not include information believed incorrect or not clear due to the indefinite nature of the facts or information relating to prominent individuals. Information concerning Lowenthal has been disseminated to other Government agencies since 1942, and the attached summary contains the same data furnished to the Attorney General on January 15, 1952. No other pertinent data containe in Bureau files since toat date. The Office of laval Intelligence is also being referred to G-2 and to the Civil Service Commission. DETAILS: A name check request has been received from ONI con-cerning Max Lowenthal, author of the book "The Federal Bureau of Investigation." No reason was given for this request. and the state of the A May a war in 14. No complete investigation has been conducted regarding Tax Lowenthal. However, a technical structlance was maintained on him in 1943 from April to September, and under the date of June 8. 1951, the Washington Field Office submitted a report on him reflecting information in their files and the files of the CSC. The attached memorandum contains allegations of Lowenthal's affiliation with the Communist Party, his connections with cited and pro-Soviet organizations, and his association with known Communists and espicaage suspects. Also included in the memorandum is information reflecting and information regarding his efforts to discredit government agencies. The Kear to How.

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Attachment

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INFORMATION NOT BEING DISSEMINATED:

There is considerable information in Bureau files not believed suitable for dissemination due to its source or to the nature of the information. This information includes material believed incorrect or not clear because of the indefinite nature of the facts or because of the prominent individuals mentioned.



DISSEMINATION:

A review of Lowenthal's file reflects that numerous summary memoranda, of varying degrees of comprehensiveness have been prepared on him since 1942. The following dissemination has been made of these memoranda:

May 4, 1942, Board of Economic Warfare.
October 19, 1946, G-2.
November 8, 1946, Department of State.
November 15, 1946, George E. Allen, Director, Reconstruction Finance Corporation.
August 20, 1948, Civil Service Commission.
October 12, 1949, J. P. Coyne, National Security Council, Attention of Admiral Sidney W. Souers.
July 20, 1950, Rear Admiral Sidney J. Souers, Special Assistant to the President.
April 13, 1951, Department of State.
January 15, 1952, Attorney General.
August 8, 1952, McCarran Committee.
(62-25733-24, 38, 39, 42, 47, 52, 301, 338, 351)

The attached memorandum summarizing information in Bureau files was furnished to the Attorney General and is believed to be suitable for dissemination to ONI. In addition, a statement is also included referring ONI to the files of G-2 and the CSC.

RECOMMENDATION:

That the attached memorandum be returned to the Name Check Desk of the Correlation-Liaison Section for transmittal to ONI.

chy. -2- V.J

SECURITY INFORMATION - CONFIDENTIAL



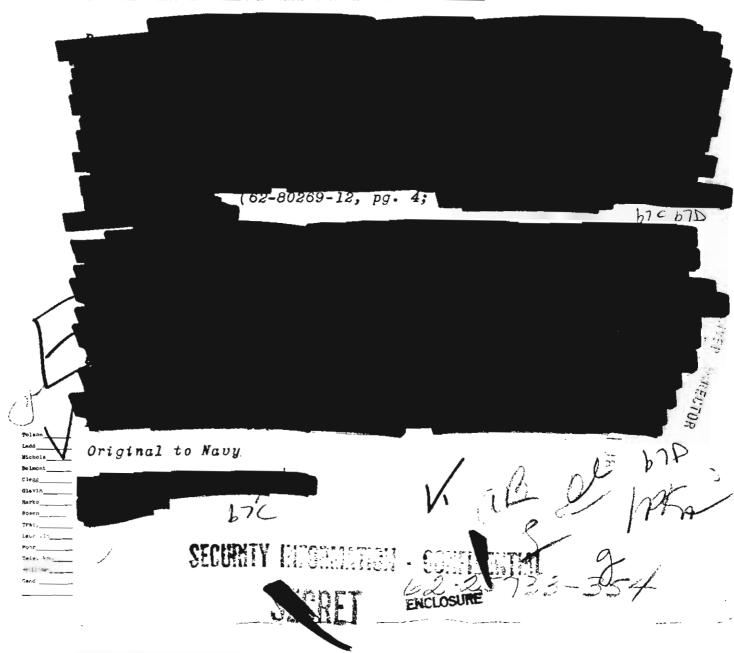
October 24, 1952

Classified by 4803
Declassify on: OADR

MAI LOWENTHAL

No investigation has been conducted by the FBI concerning the above-named person. A review of the files has revealed the following data relative to Max Lowenthal.

ALLEGATIONS OF COMMUNIST PARTY AFFILIATION:



SECURITY INFORMATION -

2542-3-1045; 101-2416 Sub A) ORGANIZATIONS:

Ladd

Wichols

Olavis

In 1923 Max Lowenthal was the General Counsel for the Russian American Industrial Corporation, 31 Union Square, New York City. In a prospectus published by this corporation, the purpose was set out as follows: "To aid and assist in developing the resources of Russia, thereby furthering the economic progress of Russia and the American progress in that country." The prospectus mentions Soviet concessions consisting of six factories in Petrograd and three factories in Moscow, and stated that the Centrel of the concessions would be vested in representatives of the Supreme Council of Mational Economics of the Soviet Government and of the Russian American Industrial Corporation. According to the prespectus, the corporation was the outgrowth of a visit of Sidney Hillman (deceased), former President of the Analgameted Clathing Verkers of America, to Russia in 1921. (62-25733-42)

(Anonymous; 02-25733-20, pg. 7; 100-7046-120; D/R 3-29-47) - drout (A) This organization has been cited as Communist by the Attorney General.

This organization was also cited by the Attorney General as one which came within the purview of b Executive Order 9835. (Anonymous; 62-25733-20, pg. 9; 100-1170-49; D/R 3-29-47)

In February, 1942, the letterhead of the International Juridical Association carried the name of Max Lowenthal as being a member of the National Committee representing the District of Columbia. This organization was alted as a Communist front by the Special Committee on Un-American Activities of the House of Representatives on March 29, 1944. (62-25733-41, pg. 5; 100-25839-14)



SECURITY INFORMATION - CON VOENTIAL

The records of the House Committee on Un-American Activities reflect Max Lowenthal of 1 West 92nd Street, Hem York City, was a member of the National Lawyers Guild. These records reflect that "when he headed the Rehabilitation and Recovery Division of the Foreign Economic Administration, his staff included Allen Rosenberg, attorney, who is now actively defending Communist organizations and individuals in Washington, D. C. The National Lawyers Guild was cited as a Communist front by the Special Committee on Un-American Activities of the House of Representatives on March 19, 1944. (62-25733-401)

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An article in the New York Times for Jenuary 15, 1947, reported an attack on the World Federation of Trade Unions by Representative George A. Dondero, Republican of Michigan, as an instrument for world-wide attack on American foreign policy. During his attack he referred to Lowenthal as the General Counsel for General Clay in Germany and said that he was a man of long-established ties with Communist organizations and one whose loyalty was questionable. (100-260007-Sub A)

ALLEGATIONS OF ALSOCIATIONS FITH COMMUNIST PARTY NEWBERS AND ESPIONAGE SUSPICTS

Bartley Cruz

at that time a California lawyer, was seeking the assistance of Lowenthal in his efforts to practice law in New York State. (Tec Sur on David Wahl; 100-334436-189;AG-10-17-51;

***A**G-10-17-51;

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Philip Dungwey

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It has been reliably reported that Philip Dunaway has on occasions given the name of Max Lowenthal as a reference when applying for jobs and further that Lowenthal has written letters of recommendation and introduction for Dunaway.

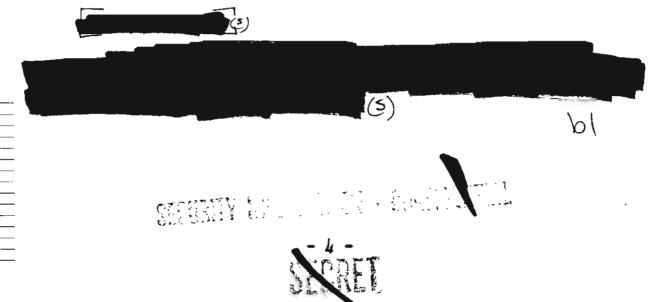
(Anonymous; 65-56402-2602)

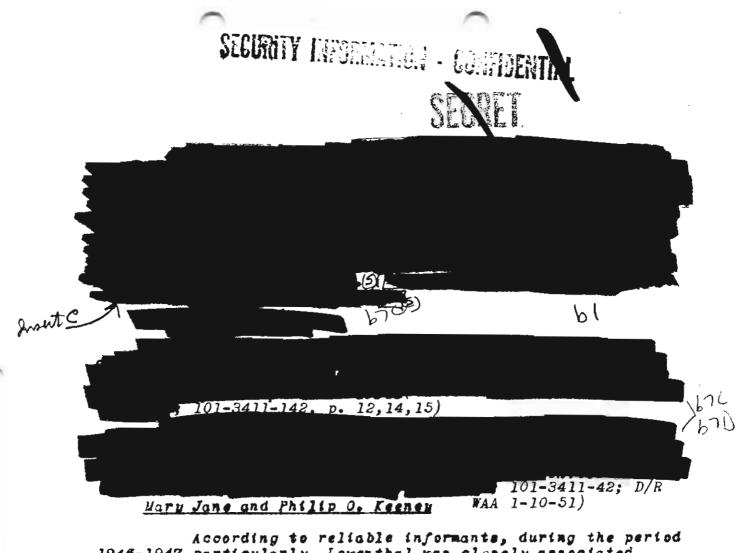
It has also been reliably reported that Lowenthal and Dunaway, who is a close friend of David Wahl and Mary Jane Keeney, both of whom will be identified below, repeatedly contacted one another, particularly during 1947.

discontinued, reliable; 62-25733-318)

In February, 1947, it was reliably reported that
David Wahl told Dunaway that there was a possibility that
Lowenthal might be interested in giving Dunaway and Radio
Station WQQW, Washington, D. C., to which Dunaway was connected, financial aid. On another occasion, according to the
informant, Wahl advised Edward Brecher, Station Wanager of
Station WQQW, that he would have Lowenthal talk to Alger Hiss
relative to the possibility of Hiss investing money in Radio
Station WQQW. (Tec Sur on Philip O. and Mary Jane Keeney, disc.
65-56402-2309; Tec Sur on Edward Wahl, disc.; 65-56402-2399)

Philip Dunaway has been identified by reliable informants as a close associate of individuals who are known to have engaged in espionage activities in favor of Russia in the United States during the 1930's and early 1940's. (Ibid)





According to reliable informants, during the period 1946-1947 particularly, Lowenthal was closely associated, both socially and professionally, with Mary Jane and Philip Olin Keeney.

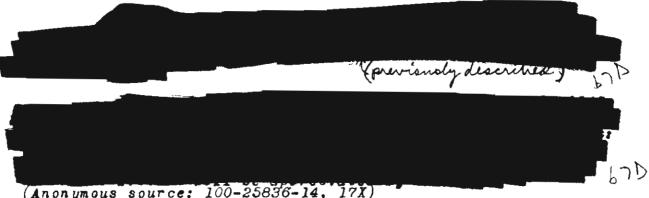
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According to an official report of the House Committee on Un-American Activities, Mary Jane Keeney and her husband, Philip O. Keeney, have in the past associated with persons identified with Communist explenage rings in the United States. This report further stated that on one occasion Nary Jane Keeney had actually served as a courier for the Communist Party.

Carol Veine King

According to Jack Lait and Lee Mertimer, writing in "Mashington Confidential," "Carel Weiss King, who represented more Communists than any other lawyer, was a law clerk in Loventhal's office." (62-25733-A)



(Anonymous source; 100-25836-14, 17X)

HR-6250 was a bill to amend the Wationality Act and provided for the cancellation of citizenship of a naturalized citizen on the grounde that his utterances, writings, actions or course of conduct established that his political allegiances were to a foreign state or sovereign.

The International Juridical Association has been cited as a Communist front by the Special Committee on Un-American Activities in a report dated March 29, 1944.

Insut: D



Charles Kramer

Lewenthal and Charles Kramer were closely associated with one another and met on different occasions. (Tec Sur on David Wahl; discontinued, reliable.)

discontinued, reliable.)

Leaver, while testifying before a Special Subcommittee on Un-American Activities, House of Representatives, on September 1, 1950, admitted that he was acquainted with Lowenthal but refused to comment, when asked if he had attended meetings at the Shorekam Hotel, Fashington, D. C., during the Hollywood hearings in 1947, with Fahl and Lowenthal. (100-355470-17)

Kramer has been identified by a reliable informant as one of a group of persons who met early in 1944 in New York City where they discussed the type of information that these individuals would be able to furnish to Earl Browder, Communist Party functionary, who was also present at that particular mesting. Kramer was reported to have stated that he could furnish "Capital Hill gossip." Informant further stated that later Kramer did furnish such information. According to this same informant, Kramer was a: Communist Party member. (Elizabeth T. Bentley)

Lee Pressman, when testifying before the House Conmittee on Un-American Activities in August, 1950, testified that Kramer, while employed at the U.S. Department of Agriculture, had been a member of the same Communist Party underground cell to which he, Pressman, had belonged in 1934-1935. (100-363633-A "Washington News" 8-31-50)

Miriam Maigles

During October, 1947, it was reliably reported that Viriam Haigles was to receive some money from Lowenthal. The informant was of the opinion that this was in payment for some typing work that she had done for Lowenthal. (Tec Sur Michael Naigles, discontinued)

SECURITY INFORMATION - CONFIDENTIAL

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SECURITY INFORMATION - CONFINENTIAL SECURITY

About July, 1947, a confidential reliable source \$10 made available diaries belonging to Mary Jane and Philip O. \$10 Keeney, previously identified. These diaries had been maintained by Mary Jane Keeney over a period of approximately eight years and contained information reflecting numerous contacts between the Keeneys and Michael Maigles. These contacts usually showed that the Keeneys and Miriam Maigles and her husband spent the afternoons and evenings together. The diaries further revealed that on numerous occasions other individuals were present, among whom was Mrs. Max Lowenthal. (Anonymous 101-3411-12 D/R; WAA 11/13/51)

Lee Pressage

Wichols

Clevin

100-11820492) 676 670

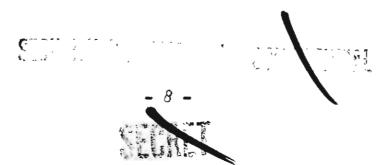
According to an article appearing in the Fashington "fines-Herald" of September 16, 1950, Lowenthal testified before the House Committee on Un-American Activities on September 15, 1950, and admitted an acquaintanceship with Lee Pressman.

(62-25733-A)

100-355470-28; 121-25406-42)

676 570

Lowenthal has been acquainted with Allan Rosenberg since at least 1942 when the latter, in applying for a position with the Board of Economic Farfare, listed Lowenthal as a



SECURITY INFORMATION - COMPREHENTIAL

reference. It has been reliably reported that during 1943 Resemberg and Lowenthal were extremely close friends.

The records of the House Committee on Un-American Activities reflect that when Lowenthal headed the "Rehabilitation and Recovery Division of the Foreign Economic Administration, his staff included Allan Rosenberg, attorney, who is now actively defending Communist organizations and individuals in Fashington, D. C." (195-25733-40X)

According to a reliable informant Rosenberg was involved in a Soviet espionage conspiracy in New York and Vashington, D. C., in the early 1940's and a close associate of Communist and pro-Soviet sympathiners. This same informant further stated that for a period of time Rosenberg was a duespaying member of the Communist Party and a contact of an admitted Soviet espionage agent. The association between Rosenberg and Lowenthal was continued through, at least, 1947. (Elizabeth T. Bentley 101-344-42 D/R WAA 11/13/51)

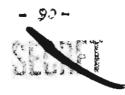
66-2542-3-1045)

David Jon

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According to confidential and reliable informants during 1946 and 1947, David Fahl and Lowenthal were very closely associated both professionally and socially. According to these same informants the contacts and professional association between Fahl and Lowenthal covered a wide variety of subjects. As late as the latter part of 1950 it was reported that association between Fahl and Lowenthal continued. (101-2661; 62-25733-318)

On August 19, 1946, David Wahl was contacted by Wary Jane Keeney and he advised Keeney that he had arranged it so that Lowenthal could go to Germany. According to the informant furnishing this information, Wahl indicated to Keeney that the Ostensible purpose of Lowenthal's visit to Germany was to be Leyal Counsel to-General Lucius Clay in charge of resturation of Jewish property. Fahl further indicated, however, that Lowenthal intended taking care of other matters while there. (Tec Sur Philip O. and Mary Jane Keeney, discontinued 65-56402-1673)



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During March, 1947, it was reliably reported that Lowenthal was assisting Bahl in preparing a letter of defense concerning allegations which had been made against Fahl, that he wall, was a Communist. (Tec Sur on David Wahl; discontinued, reliable, 65-56402-2477)

62-56402-261) b7C B1D

It has been reliably reported that during April, 1947, Lavid Wahl requested Herbert S. Schimmel to obtain the annual reports of the Justice Department from 1940 and forward them to the home of Max Lowenthal in New York City. (Tec Sur on Charles

Kramer, 100-355363-2; 65-56402-261)
At that time Schimmel and Charles Kramer were working for former Senator Claude Pepper, helping prepare speeches and doing research work to assist the Senator in his fight against stringent labor legislation.

Reliable informants have advised that Schimmel himself was known to have been in contact with Communist Party members and with an individual suspected of engaging in espionage activities for the Soviet Government. (Tec Sur on 100-334195-37; 65-56402-573)

Leorge S. Theeler

SECURITY INFORMATION - CURRENTIAL SPORT

According to an article appearing in the "Washington Star" of April 7, 1950, George S. Wheeler, at that time a teacher of economics at the Prague, Czechoslovakia Higher School of Economic Science, had requested the Czechoslovakian Government for "asylum" as a protest against "American policies." Wheeler previously worked for the Hilitary Government in Germany from 1945 to November, 1947. (101-2416-A)

101-3411-142 D/R; WAA 11/13/51)
62-25733-318)

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SEASET

EFFORTS TO DISCREDIT GOVERNMENT AGENCIES

Max Lowenthal has made a number of efforts to discredit the FBI and other Government agencies. Since 1940 the following writings have been attributed to Lowenthal:

of Assistant Director Tolson dated 3/22/40, confidential source note A highly confidential source advised in March, 1948,

Carol Velos King, an attorney who had represented a number of prominent Communists.

(100-49864-3)

(62-257 33-24, 20, page 10)

3. Farly in 1941 a twenty-page brief appeared entitled "Is the Department of Justice Competent in National Defense?" written by Wax Lowenthal. This twenty-page brief urged defeat *identified.)

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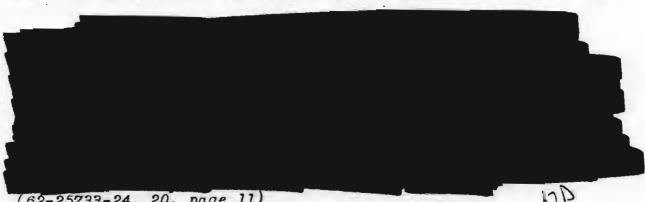
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of legislation initiated by Congressman Robbs intended to legalize wire-tapping in epecific types of cases, particularly these relating to the Hational Defense Program. Lowenthal stated in this brief that the use of wire-tapping in espionage, eabetage, and all other cases involving serious felonies, was a menace and a threat to the American people, (62-25733-20, page 8)



(62-25733-24, 20, page 11)

5. Lowenthal was the author of the book entitled "The Federal Bureau of Investigation", published by William Sloane Associates, Incorporated. This book is based upon fallacies and inaccuracies. The following is an example of the distortions appearing in the books. In the final chapter entitled "Investigation of Beliefs" he states: "By 1940 Mr. Hoover reached the conclusion that the FBI's juriediction included subversive activities." The author completely disregards the changing conditions and the Presidential Directive of September 6, 1939, which placed upon the FBI full responsibility of subversive activities and related matters. "Mr. Hoover told the Also in this chapter Lowenthal etatess Senate Foreign Relations Sub-Committee in March, 1950, almost a decade after making loyalty reporte, that there had been a great hue and cry on the part of some of these pseudo-liberals, against the FBI and unjust charges that it was engaged in thought control or thought policing." This is a misleading quotation. Mr. Hoover actually said: "In the early stages of the Loyalty Program, Senator Green, there was a great hue and ory on the part of some of these pseudo-liberals that it was a so-called thought control or thought policing. It has been found that, after checking over two million loyalty forms, there have been very few abuses, if any, that have actually taken place either in the investigating or hearings that have been reported, and in the investigations where there was some minor alip, corrections have been, of course, taken."

(62-25733-326)

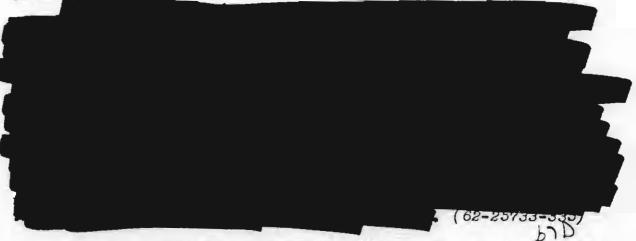


SECOND JAFORMATICAL - COMPIDENTIAL SECRET

A number of preminent and highly regarded individuals have labeled this book as an aid to the Communist Party. Representative George A. Donders of Michigan said in a speech before the House of Representatives on September 1, 1950, that the author is "Like the Communist Party whose cause he has served as well. He operates on two levels--one is seemingly respectable and the other completely underground."

An editorial appearing in the New York Herald Tribune" en November 23, 1950, stated in part: "This lengthy volume with its outward pretense to authoritativeness and objectivity could easily be mistaken for a factual guide to the course of the FBI during its forty-two years of existence. It is only when the text has been examined that the author's manner and aims become clear. Mr. Lowenthal has etrung together an exhausting series of quotations from public records, inconclusive, tendentious, and frequently out of centext, designed to have the accumulative result implying that the FBI has been ineffectual, prejudiced, concerned chiefly with notoriety for itself, and careless of the civil liberties of the citizene." (66-25733-147)

Lowenthal's book has received favorable publicity in the "Daily Worker", the east coast Communist newspaper. (100-3-81-4881)



A confidential informant advised that on October 16, 1947, Wax Lowenthal furnished instructions to Bartley Crum of San Franciscs, California, as to methods which Crum should use to discredit the hearings being held at Hollywood, California, by the House Un-American Activities Committee.

(The informant is identified as

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Fichols

Be lmont

Clegg_ Glavin

Barbo

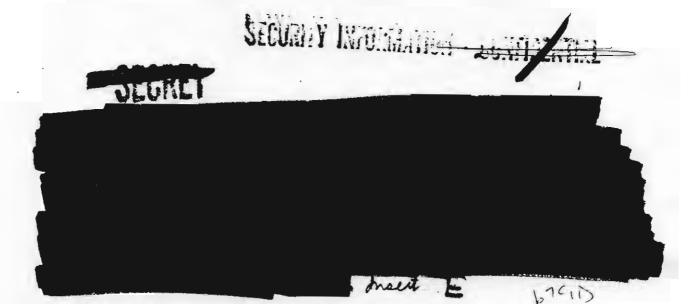
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Tele. Re Holiomat 100-1387546337) 62 b71)

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The American council on Soviet Relations has been cited by the Attorney General as Communist. The National Lawyers Guild has been cited by the House Committee on Un-American Activities as a Communist front in their report on Harch 29, 1944, page 149. (100-380602-4)

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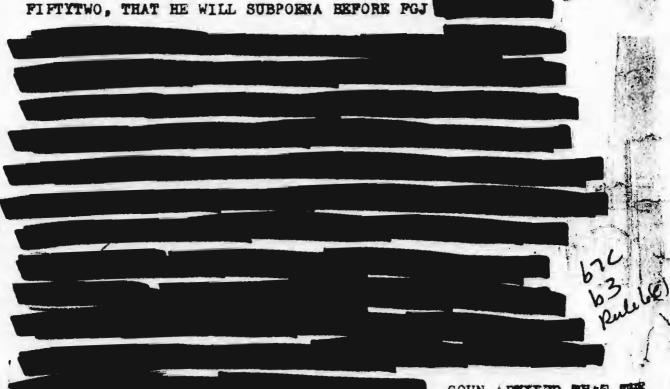
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BRAL BUREAU OF INV

THITED STATES DEPARTMENT OF JUSTICE

NEW YORK, NEW YORK OCTOBER 28, 1952

AIRTEL Transmit the following Teletype message to: BUREAU INFILTRATION OF THE UN BY SUBVERSIVE AMERICAN CITIZENS; IS - R. SAAG ROY M. COHN ADVISED ON OCTOBER TWENTYEIGHT,



COHN ADVISIO THAT THE

MC CARRAN COMMITTEE WILL CONVENE ON NOVEMBER ELEVEN, MEXT, AND THAT SENATOR MC CARRAN WILL PRESIDE. FOR INFORMATION.

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3- Bureau 1- NY

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1- NY 100- (MAX LOWENTHAL)

Special Agent in Charge

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CORRELATION SUMMARY

Main File Mos: 62-25733

65-56402

Date: January 28, 1953

Deach a - 12-31-52

Mcz Lowerthal Subject:

"az H. Lowenthel Found as:

l'ar Jowen that ".- Towenthal Farie Lowen hal Naz Lowenthell

Loewenthal Mat. Loewenthal 'ca Loenthal Mara Towenthal One Lanny

Also secrebed cs: Mourice Lowenthal 5/8/94

Lanny Lowenthal Classified by Se.10

Declassify on: OADR

This is a summary of information obtained from a review of all references to the subject contained in Bureau files except main file references. All references containing acts identical or probably identical with the subject have been included except those listed at the end of this summary as not being reviewed. No interpretation or alteration of the facts set forth in the original material has been made except as set forth in footnotes.

It will be noted that the serial number of each reference is contained in a "source block", setting forth in most instances, a description of the serial and the original source of the informotion reported therein. The number appearing in parentheses beneath each source block is the more number of the secret elin . . . re that reference is listed. The term "SI" preceding a reference incidentes that he seriel so resignates contains the orne in or-mation as the fore oing serial. Unless there is a state into the controry, such information enonated from the same source.

P 25 1053

RECORDED-62



Information from outside agencies has been given a security classification, the same is the incoming communication. Information taken from mail originating within the Rureau and its field offices has not been classified regardless of whether the original communication shows a security classification.

THIS SUMMARY HAS PEEN FREFARED FOR USE AT THE SIATE OF COVERNMENT AND MAY CONTAIN INTORMATION NOT SUITABLE FOR LISTRIBATION.



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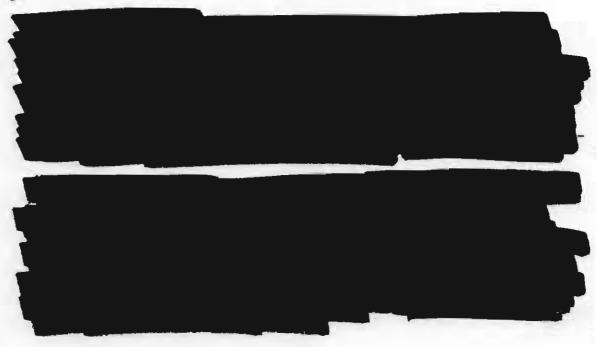


MAIN FILE SUNNARIES

Max Lowenthal has never been the subject of an active investigation by the FFI. However, a technical surveillance was maintained on Lowenthal, from April to September of 1943. The reason for placing this surveillance was not indicated in this review. In addition, the files of the Bureau contain information in regard to Max Lowenthal's contacts with known Communists and espionage subjects, and his consistent efforts to discredit agencies of the U.S. Government.

On August 25, 1952, a summary of information covering 'ax Lowenthol was furnished to a representative of the Magarran Committee. A copy of the same summary was forwarded to the Attorney General, (serial 351 of Lowenthal's main file). This summary set forth detailed information in regard to Lowenthal's association with known Communists and espionage subjects.

Max Lowenthal's efforts to discredit agencies of the U.S. Government have been directed against the FBI, the Loyalty Program of the U.S. Government and security measures in general. Lowenthal's efforts to discredit the FBI have included the following:

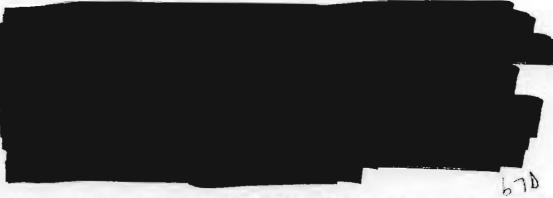


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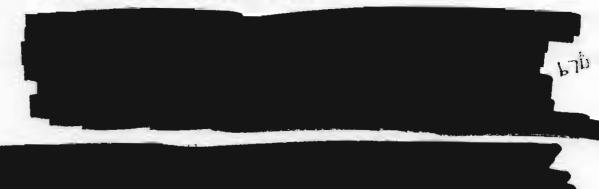
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(3) 1941 - 1 20 page memorandum of Loventhal's entitled: "Is the Lenartment of Justice Sufficiently Computent in Untional Lefense?" which appeared early in 1941. This memorandum urged the defeat of legislation initiated by Compression Hobbs which intended to legislative wiretarping in specific types of cases, particularly those relating to the national defense program.



(5) 1950 - A book entitled: "The Federal Pureau of Investigation," by 'as Lowenthal, Tublished in 1950 by Fillian State Associates, Inc. This was a documented hook which constituted a ricious attack upon the II, the former fact that the book was filled with distortions and incocuracies.



Max Lowenthal has never been a member of the Communist Party, according to the information available in the files of the FPI. While proof of CP membership on the part of Lowenthal has never been established, Bureau files cantain allegations of CP membership on his part. These allegations were named by

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Les Invertiel has been associated with 4 citec organizations. These 4 aited organizations included: the American Committee for Frotection of Foreign Born and the National Federation for Constitutional Liberties, both of which were cited as Communist by the Attorney General; and the International Juriaical Association and National Lowvers Guila, both of which were cited as Communist front organizations by the HCUA.

The name of Max Lowenthal has also been associated with two organizations whose aims were the furtherance of Saviet Pussian interests. These organizations were the Russian American Industrial Corp., 31 Union Square, MYC, and the 20th Century Puna. In 1923, Lowenthal in his capacity as a partner in the law firm of Lowenthal, Szold and Bradwen, 43 Exchange Place, MYC, indicated to an agent of the FTI that he was leneral Counsel for the Russian-American Industrial Corporation, 31 Union Square, MYC. In a prospectus of that corporation, for the purpose of raising capital, it was stated that one of the purposes of the Russian-American Industrial Corp. was: "To aid and assist in developing the resources of Russia, thereby furthering the economic procress of Russia and the American procress in that country."

Max Lowenthal has held various positions with lovermental agencies and quasi-governmental commissions from 1917 to 1946. Lowenthal's last position, durin 1946, was that of adviser on problems of Internal Restitution, Sequestration and Lisposal of Jawish Property, to Teneral Lucius Clay, Allied Military Government, Perlin, Termany. Luring the periods not covered by Lowenthal's government employment, he was enjaged in rivate law practice. Luring his long association with the government the name of Max Lowenthal has been associated with various prominent individuals, including: President Truman, Justices of the Supreme Court and United States Senetors.

Lowenthal's file contains numerous summary nemorated on him prepared since 1942. The following dissemination has been made of these nemorands:

"ay 4, 1942, Found of Economic Arthree October 19, 1946, 3-8 November 8, 1946, lengther to a state

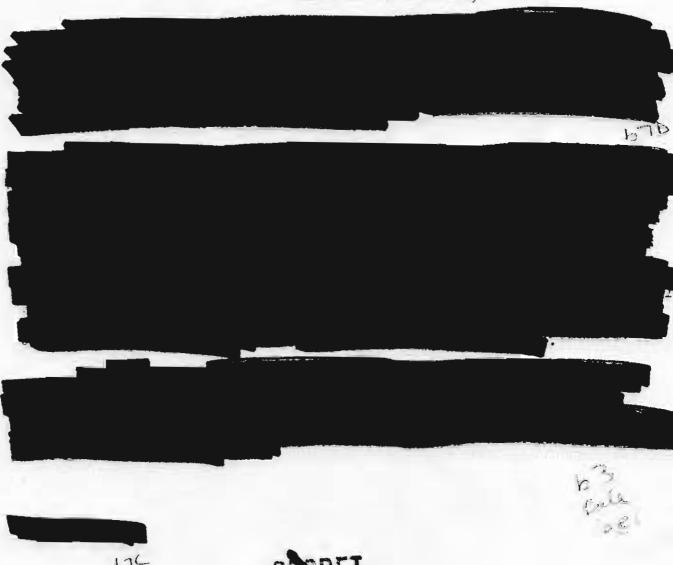




November 15, 1946, Reconstruction Pinance Corporation. August 20, 1948, Civil Service Commission October 12, 1949, J.P. Coyne, National Security Council for the attention of Admiral Sione:

.. Souers July 20, 1950, Rear Admircl Sidney W. Souers, Special Assistant to the President

August 13, 1951, Lepartment of State
January 15, 1952, Attorney General
August 25, 1952, "aCarran Committee (also to the Attorney General on 8-25-53)



1,7C



Background Information

Birthdate: 2-26-88

Birthplace: Minneapolis, Minn.

Family:

Father-Nathan Lowenthal (born in Kaunas Lithuania)

Mother-Gertie Haskel (born in Lithuania)

Wife (born

children Lowenthal

Lowenthal Lowenthal

670

Education:

1909 AB degree, University of Minnesota 1912 LLB degree, Harvard Law School

Residences:

1930 2131 Bancroft Place, N.W., Washington, D.C.

1931 New Milford, Conn.

1942-1944 1 West Irving St., Chevy Chase, Md.

322 Central Park West, New York City

418 Central Park West, New York City

467 Central Park West, New York City; and

New Milford, Conn.

Business Address:

Prior to 1940 Lowenthal Szold and Brandwen, 43
Exchange Place, N.Y.C. (This firm was also referred to as Lowenthal Szold and Perkins.)

Employment:

1907-1909 Reporter on the Minneapolis "Journal"

1912-1913 Law clerk to Judge Julian W; Mack, United States Commerce Court, Washington, D.C. (also referred to as Judge Julian W. Mack a United States Circuit Judge)

1913-1914 Law clerk for the firm of Cadwalader, Wickersham and Taft at N.Y.C. (also spelled Calwalander, Wickersham and Taft)



1917 U.S. State Department Mission, clerk or assistant, Washington, D.C. and Europe (Supervisor or associate-Felix Frankfurter, member of mission)

1917-1918 Assistant Secretary and Secretary to the President's Mediation Commission, Washington, D.C.

1918 Informal Aine, War Department, Washington, D.C.

1918-1919 Assistant Chairman, mar Labor Policies Board (Chairman-Felix Frankfurter)

1920-1921 Assistant Secretary, Second President's Industrial Conference, Washington, D.C.

1929-1930 Executive Secretary, National Commission on Law Enforcement and Observance, Tower Building, 14th and K Streets N.M., Washington, D.C. (also referred to as the Wickersham Committee, and Wickersham Commission on Law Enforcement)

1933-1934 Research Director, United States Senate Committee on Banking and Currency, Washington, D.C. (Chief Counsel-Ferdinand Pecora)

1935-1942 United States Senate Committee on Interstate Commerce as Chief Counsel, Washington, D.C. (Supervisor or associate-Senators B.K. Wheeler and Harry S. Truman, Washington, D.C.)

1942-1944 Consultant, Board of Economic Warfare

Adviser on Problems of Internal Restitution, Sequestration, and Disposal of Jewish Property to General Lucius Clay, Allied Military Government, Berlin, Germany.

During the periods not covered by government employment, Lowenthal was engaged in private law practice.

62-25733







Max Lowenthal is indexed as a subject in the Gregory Case file (65-56402). Serial 1900X of this file indicates that Max Lowenthal was indexed as a subject of this case. This reference was a memorandum to Mr. D. M. Ladd from J. C. Strickland dated 11-19-46 on the subject of Max Lowenthal. This memorandum referred to the Walter Winchell broadcast on Sunday night, November 17, 1946, wherein Max Lowenthal was accused of certain activities which caused a rift between the British and the American zones, presumably in connection with Lowenthal's position as General Counsel to General Lucius Clay of the Allied Military Government in Berlin. Immediately subsequent to the broadcast, a technical source on the residence of David Wahl, Washington Representative of the American Jewish Conference, disclosed that an unknown woman contacted Wahl and discussed the broadcast. recalled that Winchell had indicated that the FBI should look into the matter. Wahl took the position that the information concerning Lowenthal had emanated from the FBI and that the plan was to interfere with Lowenthal in whatever he attempted. copy of the technical log was filed in 65-56402-1-998).

Due to the great volume of this file (3995 serials) it was not considered practical to review every serial in detail. It is believed that the numerous "see" references, in Bufile 65-56402, which are abstracted herein, set forth in sufficient detail the extent of the association between Max Lowenthal and the subjects in the Gregory Case.

65-56402







SECTION II

Fourthle Comments Regarding Lowenthal's Book.



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(11-13-50, Technical surveillance on discontinued)

Teletype from SAC, Washington Field Division; 11-14-50
Re: "National Lawyers Guild; IS-C."
100-7321-581
(10)

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The December 7, 1950 issue of the "Daily Worker" featured an article by Staff-Writer Harry Raymond which favorably reviewed Max Lowenthal's book "The Federal Bureau of Investigation." The article claimed that the "Justice Department was again seeking to use the old police techniques to break the spirit of not only foreign born but native born Americans as well. But today the spirit of peace and democracy is growing stronger under fire of those who, like Hoover, would prop themselves up with the fascist McCarran Law and destroy our constitutional law and all democratic liberties."

Teletype from SAC, New York, December 7, 1950 Re: "CP, USA, International Relations; IS-C." 100-3-81-4831 (10)





The December 15, 1950 issue of the "Daily Peoples World" contained an article entitled "Head of the U. S. Secret Police" by Harry Raymond, which was based on the book of Max Lowenthal entitled "The Federal Bureau of Investigation". This article stated that documentation of this book reflected that investigation of opinions became the chief occupation of the FBI shortly after its unorthodox beginning in 1909. The article mentioned the alleged conduct of the Director during the Palmer raids in 1919. The article continued that the book revealed no one was immune from spying, telephone tapping, mail examination, and trash can snooping by FBI agents. The article draws the conclusion that FBI had worked out methods of torturing confessions from its victims long before Hitler established his Gestapo. The article concluded with allegations that the Department of Justice was seeking to utilize the old police techniques to break the spirit of both foreign born and native born Americans and to destroy the United States Constitution and all democratic liberties.

Jan Francisco teletype, 12-16-50 Re: "Communist Party, USA, International Relations, Strategy in Industry, Criticism of FBI; IS-C" 61-10170-487 (6)





SECRET

On December 18, 1950 there was a forum of the Writing and Publishing Division, National Council of the Arts, Sciences, and Professions at the Hotel Cornish Arms, 311 West 23rd Street, New York City. At this meeting the book "The Federal Bureau of Investigation" by Max Lowenthal was reviewed. The review of the book at this meeting was critical of the FBI and attempts were made to push the sale of the book at that meeting.

Bureau Agent

New York Memorandum,
December 19, 1950 to the attention
of Mr. Nichols,
Re: "The Federal Bureau of Investigation"
by Max Lowenthal.
100-356137-664
(11)



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New York memorandum, February 7, 1951
Re: "National Council of the
Arts, Sciences and Professions,
Incorporated; Internal Security-C"
100-356137-677
(11)
SI 100-356137-792 p. 19
(10)

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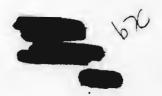
SECRET

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The January 1951, issue of "Facts for Farmers" set out on page 2 a review of Max Lowenthal's book, "This Is Your FBI." The review was favorable to Lowenthal and described his book as a scholarly work which "sounds a warning against the creation of a Gestapo which, just as in Nazi Germany, uses the anti-Communist slogan as the excuse for its own illegal activities and for destroying the democratic rights of the people."

The above issue of "Facts for Farmers" is filed in the publication files.

Los Angeles Memorandum, 3-10-51 Re: "Facts For Farmers" Information Concerning. 100-82513-43 (11)





On page 8 of the January 3, 1951 issue of the "National Guardian", under the caption, "Books for Progress-This is Your FBI", John T. McManus favorably reviewed the book captioned "The Federal Bureau of Investigation" by Max Lowenthal, published by the William Sloane associates, New York.

McManus stated among other things that "The United States Police force, now known as the FBI, was created in 1908 by a US Attorney General named Charles Joseph Bonaparte, a grandnephew of Napoleon I. It was set up over the objections of Congress, whose members at that time voiced fears of a 'general system of spying upon and espionage of the people'".

McManus stated that the closing session of the 60th Congress passed a law early in 1908 forbiding the use of Treasury or other already existing secret service agencies by the Justice Department....

McManus stated that Lowenthal described the career of the FBI since that time. McManus stated that if there is a shred of evidence that the Justice Department police force in all its years has ever served a single democratic purpose, the details certainly do not appear in these pages. McManus stated the book of Lowenthal's is a "carefully documented damnation of the FBI from the time of its first illegitimate breath to date, and while the author carefully draws no conclusions of his own, the facts he presents compel the conclusion that the FBI has operated on trumped-up crises to influence Congress at appropriation time; has in time become an 'untouchable' agency out of control even of the Justice Department itself, and that it has never caught a single important offender against national security or any other national interest." McManus concluded by stating that the Lowenthal book "certainly provides the examples and the facts to act on, if the 1950's can ever muster up the guts of the 1920's to defend our traditional liberties."

New York report
2-26-51
Re.
Internal Security-C"
100-24671-20
Page 13
(11)

67C

SECRET

SECALL

Between December 18, 1950 and February 5, 1951 a series of articles appeared in "Labor Action," official publication of the Independent Socialist League (ISL) concerning Max Lowenthal's book, "The Federal Bureau of Investigation." These articles which expressed agreement with Loewenthal's views and were critical of the Bureau, appeared under the "Books and Ideas" column of "Labor Action" and carried the by-line of one Sam Adams.

It was believed probable that Sam Adams was the pen name used by

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New York letter, 6-4-51
Re:
SM-ISL."
105-14040-3
(38)

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The March 3, 1951, issue of the "Morning Freiheit" on page 3, carried the first of a series of articles entitled "A Sensational Book about the FBI," by Joseph Reeves. This article referred to the book "The Federal Bureau of Investigation" by Max Lowenthal published by William Sloane Associates, Inc., New York. This article was very uncomplimentary to the FBI and stated "Lowenthal's preconception consists of his not hiding the facts, of his telling the truth about this police organization. He begins with the very unlofty start of the FBI, or, as the author writes the FBI had a 'slightly un-orthodox beginning.' This is a polite way of saying that the FBI is illegal, a kind of "bastard organization."

"Just like its birth, so too the future history of the FBI is a history of law-breaking, hypocrisy and chicanery."

New York memo, 4-13-51
Re: "Morning Freiheit Association,
Inc., 'Morning Freiheit;' IS-C"
100-46808-337
(11)



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The April 4, 1951 issue of the "Daily Peoples World" (DPW), page 6, column 3 to 5, contained the second in a series of articles by Adam Lapin, associate editor of "DPW," attacking the FBI. Lapin stated that innumerable cases of FBI bungling in kidnapping cases were cited by Max Lowenthal, a Washington lawyer and former Government official, in his book on the FBI.

Teletype from SAC, San Francisco, April 4, 1951 Re: "Communist Party, USA, Communist Attacks Against the FBI; IS-C." 100-3-95-46 (16)



* '...



In the April 5, 1951 issue of the "Daily Peoples World" (DPW) appeared the final article, entitled "How Hoover Transformed FBI into Menace to Civil Liberties," in a series by Adam Lapin, Associate Editor of the "DPW. Among other things, Lapin referred to the book on the record of the FBI by Max Lowenthal, who suggested that the crime statistics of the FBI were magnified when the FBI wanted new appropriations.

Teletype from SAC, San Francisco, April 5, 1951 Re: "CP, USA, Communist Attacks on FBI; IS-C." 100-3-95-44 (16)

570



This reference contained as an enclosure a copy of the magazine "Focus," of July, 19th, 1954, published by the National Probation & Parole Association. On page 124, of the magazine, was a review of the book "The Federal Bureau of Investigation" by Max Lowenthal, as made by Charles L. Chute.

New Haven memorandum, 7-17-51 Re: "The Federal Bureau of Investigation" by Max Lowenthal - A review 94-3-4-441-6 (17)

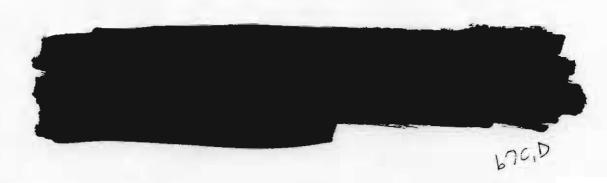
This reference is a memorandum regarding a conversation with on August 24, 1951, apparently regarding getting a retraction or additional editorial presenting the other side of the picture in the publication "Focus" of the review of the book by Max Lowenthal covered in the above reference.

Memorandum from Mr. Tracy to Mr. Tolson, 8-25-51
Re: "Review of Lowenthal's book in "Focus", official publication of the National Probation & Parole Assn., by Charles L. Chute. 94-3-4-441-8 (17)









Letter as above 94-4-1909-18 (17)









Letter from the Legal Attache,
Paris, France dated 12-29-51
Re: "Communist Party of France;
Internal Security-C"
64-200-231-880
(19)





SECTION III

Efforts to Liscredit Agencies of the U.S. Government.



SECRIT

Re: SAC Washington Field Office dated 3-27-40

ant Max Lowenthal attached to a Bureau memo dated Max 1 1950**
Re 62-57984-1 (16)

100

MIN

Correlator's note: No connection was shown in this reference between and Lowenthal.

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25 SECRET



This reference is a blind memo dated December 28, 1940 concerning

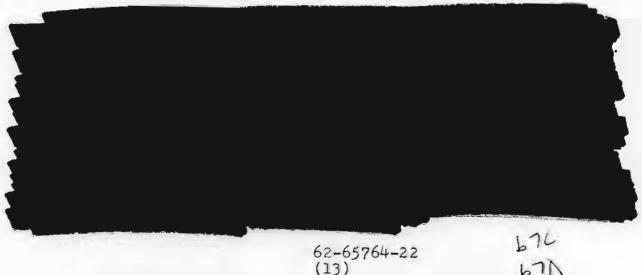
was also mentioned oy Walter Winchell as being responsible with Max Lowenthal for the "smear". bacid

Source not stated. 62-57984-2 (*)

(5)



This reference is a memorandum from the Director to the Attorney General dated January 5, 1942 relative to the John O'Donnell column which appeared in the Washington "Times Herald" on December 29, 1941. It was noted similar articles appeared in "The Nation", "The New Republic", and "The Daily Worker". It was ascertained that Max Lowenthal was largely the instigator of the attack and that he prepared a voluminous and adroit memorandum though factually dishonest. memorandum was peddled around to a number of the unfriendly writers and was the basis for the articles appearing in the "New York Daily News" and the Communist papers. It was indicated Max Lowenthal was also in back of an attack on the Bureau concerning the Pearl Harbor situation.



(13)





SECRET

1-0-

62-65764-19 (7)

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Bureau Memo dated January 10, 1942

Bureau Memo dated January 10, 1942 Mr. Nichols to Mr. Tolson. No caption given. 62-65764-12 (7)

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SELVET

This reference refers to a Bureau memorandum dated January 31, 1942 which contained information concerning William F. Hynes of the Los Angeles Police Department whose picture appeared in the January 9, 1942 issue of the "Labor Herald", official CIO newspaper, along with comments to the effect that Hynes' anti-labor record won him an FBI position. The above referred to memorandum indicated that information regarding Hynes' possible connection with Italians and Japanese was similar and might have been inspired by information appearing

It was believed the (Lowenthal) materials (were supplied to numerous radical newspapers in an attempt to exploit the Pearl Harbor incident at the expense of the Bureau.

Memorandum from Mr. Ladd dated February 3, 1942
Re: "William F. Hynes (article appearing in Industrial Worker of January 10, 1942.)
62-65764-26
(13)
SI 100-69276-6
(13)
SI 100-69276-10
(14)





SECRE

This reference is a memorandum for Mr. Tolson from Mr. Nichols dated March 5, 1942 in which the writer stated he had dinner on the previous evening with

During the evening, prought up the subject of Pearl Harbor and was given the facts as a matter of record. On his own volition he pointed out that he certainly did the Bureau an injustice in his article and and stated he was sorry he had done this but that he was sold a bill of goods. From this statement it was assumed that Max Lowenthal had given him a copy of his memorandum. He replied by stating that he had seen Max's memorandum. He then stated that Max was a very mysterious individual; that he had been led astray on other occasions; and that he certainly would not place any credence in Lowenthal's memorandums in the future without first checking. In this connection stated he knew that Lowerthal was with the Economic Warfare Board. He then wondered if the Bureau knew what was benind Lowenthal. He was advised that the Bureau had never investigated Lowenthal. He then stated that probably Lowerthal was mirroring Senator Wheeler's opinions and was told that this was believed to be doubtful inasmuch as Senator Wheeler and the Director were on very good speaking terms.

On March 5, 1942 contacted the Bureau and advised he had checked further on Max Lowenthal and found that he was employed on a consultant basis in the legal department of the Economic Warfare Bureau working under Monroe Oppenheimer, the General Countel.

62-66888-1 (7)



SECRET

Washington, D.C. report, November 29, 1947.
Re:

Loyalty of Government Employees"
121-66-3
(4)

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was Max Lowenthal.

and one of his two supervisors

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Washington, D.C., Report, August 10, 1951.
Re:

Loyalty of Government Employees" 121-49-104 (5)

.676



SECKET

On September 6, 1942, Mox Lowenthal advised that he planned a meeting of several individuals (not identified).

(Technical Surveillance on Max Lowenthal, not further identified)

Lowenthal was an associate of Carol King and other known Cormunists. Las in the office of Billiam Stone, one of the principal officials in alarge of the Voice of America Program.

(Original sources not reported.)

* Complete name was not furnished.

Memo from Mr. Rosen to Lr. Laed 4-29-48
Re:

121-10972-1X1 (4) SI-181-10973-18 (3)

57C



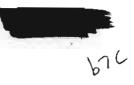


During 1942 and 1944 Max Lowenthal was in contact with Lowenthal, a New York attorney, was known to have closely associated with a number of individuals who were in close contact with subjects suspected of Soviet espionage. He also had been critical of the Loyalty of Government Employees Program.

Lowent'al was quite octive behind the scenes during hearins by the House Un-American Activities Committee on Communism in Hollywood. It was indicated that Lowenthal was interested in the welfare of those individuals who refused to testify before the Committee as to whether they were members of the Commist Party.

The above information a pears in a blind memorandum dated July 16, 1948, entitled The file copy of the memorandum hears the following explanation: "The information reflecting that Lowenthal was in contrat with come from technical surveillances and the surveillance logs reflected no data indication the nature of these contacts."

Serial as described above 124-587-4 (2)







Mashington, D.C. Rpt., 1-28-46
Re: "Nathan, Gregory, Silvermaster, was., et al; Espionage-R" (5-56402-466; p. 165 (24)

*Federal Economics Administration.







The late news issue of July 10, 1947, of "The Sun," New York newsparer, carried an article entitled, "Three-Way Inquiry Launched Into 'A' Bomb Lata Thefts," in which mention is made of Max Lowenthal.

The news article, written by Edward Nellor of The Sun's Washington Bureau, states that the "Rea issue" in connection with the "A" bomb data thefts had been raised by Rep. George A. Dondero (2-Nich.). Dondero, the article points at, told the House that Searctary of War Fatterson's failure to rid his aerartment of Communists and Communist sumpathizers had endangered national security. Wellor wrote that Londero had named ten persons connected with or formerly connected with the War Department, when he listed as having Communist backgrounds or leanings. One of these persons was Lowenthal.

The following information on Lowenthal is quoted from the news crticle:

"Max Lowenthal, former legal adviser in the American occupation zone of Germany, who has a record, Doncero said, of Communist offiliations on file with the FBI."

New York memo 7-10-47 with the obove news clipping enclosed Re: "CINBAL" 117-83-121 (5)







Luring a Loughty investigation conducted by the

Bursau cr.

and he was relieved to be friendly with Max Lowenthal.

(Original sources not states.) by

Lowenthal was a subject of subversive references in the Mashington Field Office.

Toshington, L.C. teletype to Seat of Covernment and Milwaukee, 1-23-48

₽e:

121-787-5

(4) SI-121-787-7

(4)

Not icentified.





No subversive activity in connection with the above contacts was known.

(No source stated.)

Washington, D. C. memorandum, 6-4-48 i̇̀e: ₹

Loyalty of Government Employees*
121-8619-3
(4) MU

SECRET

By Executive Order of January 23, 1951 the President established in the Executive Office of the President, a Commission on Internal Security and Individual Rights. It was recalled that in the report of the Special Committee of the National Lawyers Guild appointed to study certain alleged practices of the FBI, January 17, 1950, it was recommended that the President should direct a thorough investigation of the programs, practices and policies of the FBI. It was not known whether Hax Lowenthal, author of a book regarding the Bureau had anything to do with the President's decision or would have any influence on the commission.

Bureau memo dated 1-24-51
Re: "Executive Order, 1-23-51,
Establishing the President's
Commission on Internal Security
and Individual Rights"
62-93822-1
(19)





The January 20, 1952, issue of the "New York Fost" carried an article entitled "linchell and Hoover" which was one of a series of articles about Walter linchell.

This article stated that the most savage instance of Linchell punishment for the crime of questioning the wisdom and virtue of J. Edgar Hoover was the story of Max Lowenthal.

Lowenthal was described as a maverick liberal who long ago develored the theory that Hoover's FBI was neither efficient, enlightened nor sacrosanct. He was troubled by what he regarded as Hoover's usurpation of rower, he was disturbed by FBI wiretapping. He was, berhaps, most of all, unhappy over the timidity of high-ranking government officials, including Franklin B. Roosevelt, to risk public arguments with the chief G. man.

In the Autumn of 1950, Lowenthal published a book embodying years of research on the failures and follies of the FBI. As most reviewers noted, the book had both virtues and defects. It was earnest, well documented and utterly committed to an initial premise. But at the very least it was a serious work deserving serious comment. In the eyes of both linchell and the FBI it was high treason.

By air and by land, "inchell opened fire on Lowenthal for writing "nothing more nor less than a vicious one-sided attack on J. Edgar Hoover." At no time did he challenge any of the facts set forth in Lowenthal's work including gruesome examples of FBI inantitude. Instead kinchell demanded that the book be dismissed, or burned on the simple ground that Lowenthal was a sinister fellow.

Vinchell did not allege that Lowenthal was a Comminist or a fellow traveler. He just dropped the word that Lowenthal "knew" Alger Hiss and Lee Presoman, as did FDF. Winchell "revealed"





that as early as 1940 Lowenthal had sharply criticized the FBI -- a revelation of somewhat dubious impact since Lowenthal had never hidden his feelings on the subject. And finally as a climatic disclosure, he reported:

"Frofessor Hawkins of the Los Alamos Atomic Pomb project during the war has admitted under oath he was a member of the Communist Party. The FBI has discovered that Professor Hawkins handled draft deferments and security regulations. Doctor Hawkins, under oath, testified that both he and his wife were card carriers. His brother-in-law is Villiam Sloan of William Sloan Associates — the publishers of Max Lowenthal's recent book attacking John Edgar Hoover and the FBI."

Nev York teletype, 1-19-52 Re: "New York Post article, Sunday, Janary 20, 1952." 52-31615-714 (5) SI 62-31615-645 (8)







In October 1947, Max Lowenthal gave Bartley Crum detailed instructions on how he should handle the case of the Hollywood actors who were being called to testify before the House Committee on Un-American Activities, regarding Communist infiltration into the movie industry.

On February 7, 1949 Crum, a California lawyer, sought the assistance of Lowenthal in his (Crum's)efforts to practice law in the 3tate of New York.

(Technical surveillance on residence of David Wahl, discontinued.)

The "New York Times" for November 19, 1950 carried an article reflecting that Lowenthal denied to the House Committee on Un-American Activities that he had "aided and abetted" Communists in government service. The article went on to point out that in a speech made on September 1, 1950, Representative George Dondero charged that Lowenthal was "a menace to the best interests of America" and his government record was "replete with instances where he aided and abetted Communists starting in 1917".

New York report, 10-8-51

Re:

Security Matter-C"

100-33-436-189

(11)

SI 100-33-436-186

(12)

MC



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This reference is a letter to relative to letter to the editor of the Washington "Star" which appeared in the edition of that paper. In this letter, referred to the unjustifiable attacks against the FBI set forth in Max Lowenthal's publication.

A copy of Dondero's statement before the House of Representatives on September 1, 1950 was furnished

62-93470-2 (19)



It was believed that the "Max (?) Loenthal" mentioned above was identical with Max Lowenthal, a New York attorney who was a consultant in the Legal Division of the Board of Economic Warfare and Foreign Economic Administration between 1942 and 1944.

(Original source not stated.)

A technical surveillance in 1946 and 1947 on reflected that Lowenthal was a frequent associate of David Wahl.

Wahl was described as a member of the Communist Party underground movement in Washington, L. C., in the late 1930's and early 1940's, and a close associate of known Communist and Soviet sympathizers.

(Source not identified.)

This association was cited as a Communist front by the Special Committee on Un-American Activities, House of

Representatives on March 29, 1944. アコワ Carol King was formerly a law clerk in Lowenthal's office in New York, and as late as 1951 they were still in

frequent contact with each other. King was described as one of the well-known attorneys representing leading Communists

in the United States courts.

(Source not stated.)



Lowenthal was a "great friend" of a member of the Communist Farty, and of Lee Pressman.

(Source not given.)

101C

A technical surveillance (discontinued) on Fress

A technical surveillance (discontinued) on Fressman revealed that he had been in close and frequent contact with known Communists and persons accused of being active in Soviet espionage.

has hington, D. C., Rerort, 5-7-51 he:

Government Employees"

121-25406-42 (3) 107



When the state of the state of

"Confidential Informant and advised in 1943 that information was obtained through a highly confidential, yet reliable source that Max Lowenthal, an associate of Carol' King and other Communists, on Sertember 6, 1943, during a conversation with o (ph) in Mr. Ailliam Stone's hard office, stated he planned a neeting that date for A

"heeler. Lowenthal asteam one beside and contact and hinself should attend."

Serial as described above pulled 124-587-21

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New York letter to the attention of Nr. Wichols 6-4-51 by CD Re 100-380602-4 (38)

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Reliable informants (not otherwise identified) advised the Rureau on unspecified dates that been in contact with Max Lowenthal.

Yashinaton, L.C. memo June 11, 1951 Re:

Loudity of Povernment Imployees 121-29019-3X (3)