
Confidential Instructions to Agents in Charge of Offices of the Bureau of Investigation from Frank Burke, Assistant Director and Chief, in Washington, DC — Dec. 27, 1919.

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Strictly confidential.

December 27, 1919.

Geo. E. Kelleher, Esq.
Box 3185, Boston, Mass.

Dear Sir:

I have already transmitted to you two briefs prepared in this department upon the Communist Party of America and the Communist Labor Party with instructions that these briefs be carefully examined and studied for the purpose of familiarizing yourself and the agents under your direction with the principles and tactics of these two respective organizations.

You have submitted to me affidavits upon various individuals connected with these respective organizations, stating that these persons are aliens and members of the organizations referred to. I have transmitted to the Commissioner General of Immigration the affidavits submitted by you with the request that warrants of arrest be issued at once. This action is now being taken by the Bureau of Immigration and warrants of arrest are being prepared and will shortly be forwarded to the immigration inspector of your district.

Briefly the arrangements which have been made are that the warrants will be forwarded to the immigration inspector, who will at once com-

municate with you and advise you of the names of persons for whom he has received warrants. You should then place under surveillance, where practicable, the persons mentioned and at the appointed time you will be advised by me by wire when to take into custody all persons for whom warrants have been issued.

At the time of the apprehension of these persons every effort should be made by you to definitely establish the fact that the persons arrested are members of either the Communist Party of America or the Communist Labor party. I have been reliably informed that instructions have been issued from the headquarters of each of these organizations to their members that they are to refuse to answer any questions put to them by any Federal officers and are to destroy all evidence of membership or affiliation with their respective organizations. It is, therefore, of the utmost importance that you at once make every effort to ascertain the location of all the books and records of these organizations in your territory and that the same be secured at the time of the arrests. As soon as the subjects are apprehended you should endeavor to obtain from them, if possible, admissions that they are members of either of these parties, together with any statement concerning their citizenship status. I can not impress upon you too strongly the necessity of obtaining documentary evidence proving membership.

Particular efforts should be made to apprehend all of the officers of either of these two parties if they are aliens; the residences of such officers should be searched in every instance for literature, membership cards, records, and correspondence. The meeting rooms should be thoroughly searched and an effort made to locate the charter of the Communist Party of America or the Communist Labor Party, under which the local organization operates, as well as the membership and financial records, which if not found in the meeting rooms of the organization will probably be found in the house of the recording and financial secretaries, respectively. All literature, books, papers, and anything hanging on the walls should be gathered up; the ceilings and partitions should be sounded for hiding places. After obtaining any documentary evidence the same should be wrapped up in packages and marked thereon, the location of the place and the names of the persons obtaining the evidence and the contents of each package.

Violence towards any aliens should be scrupulously avoided. Immediately upon apprehending an alien, he should be thoroughly searched. If found in groups in meeting rooms, they should be lined up against the wall and there searched; particular attention being given to finding the membership book, in which connection the search of the pockets will not be sufficient. In no instance should money or other valuables be taken from the aliens. All documentary evidence taken from an alien should be placed in an individual envelope provided for the purpose, which envelope should be marked showing the contents contained in the same, whether they were found in the possession of the alien or in his room, and if in the latter the address of the house should be given as well as the name of the alien and the officer who obtained the evidence. A duplicate record should be kept of all evidence thus obtained. At the time of the transfer of the alien to the immigration inspector, who should also turn over to the immigration inspector the original evidence obtained

in the particular case, plainly marked, so that there may be no complaint by the immigration officers as to the manner in which evidence has been collected by the Agents of this Bureau.

I have made mention above that the meeting places and residences of the members should be thoroughly searched. I leave it entirely to your discretion as to the method by which you should gain access to such places. If, due to the local conditions in your territory, you find it is absolutely necessary for you to obtain a search warrant for the premises, you should communicate with the local authorities a few hours before the time for the arrests is set and request a warrant to search the premises.

Under no conditions are you to take into your confidence the local police authorities or the state authorities prior to making the arrests. It is not the intention nor the desire of this office that American citizens, members of the two organizations be arrested at this time. If, however, they are taken into custody, any American citizens, through error and who are members of the Communist Party of America or the Communist Labor Party, you should immediately refer their cases to the local authorities.

It may be necessary, in order to successfully make the arrests, that you obtain the assistance of the local authorities at the time of the arrests. This action should not be taken unless it is absolutely necessary; but I well appreciate that where a large number of arrests are to be made it may be impossible for the same to be made by Special Agents of this department, in which event you are authorized to request the assistance of the local police authorities. Such assistance should not be requested until a few hours before the time set for the arrests, in order that no "leak" may occur. It is to be distinctly understood that the arrests are being made under the direction and supervision of the Department of Justice.

For your own personal information, I have to advise you that the tentative date fixed for the

arrests of the Communists is Friday evening, January 2, 1920. This date may be changed, due to the fact that all of the immigration warrants may not be issued by that time. You will, however, be advised by telegraph as to the exact date and hour when the arrests are to be made.

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

On the evening of the arrests, this office will be open the entire night, and I desire that you communicated by long distance to Mr. Hoover any matters of vital importance or interest which may arise during the course of the arrests. You will possibly be given from 7 o'clock in the evening until 7 o'clock in the morning to conclude the arrests and examinations. As pointed out previously, the grounds for deportation in these cases will be based solely upon membership in the Communist Party of America or the Communist Labor Party, and for that reason it will not be necessary for you to go in detail into the particular activities of the persons apprehended. It is, however, desirable that wherever possible you should obtain additional evidence upon the individuals, particularly those who are leaders and officers in the local organizations. The immigration inspector will be under instructions to cooperate with you fully, and I likewise desire that you cooperate in the same manner with the immigration inspector at the time of the arrests, as well as following the arrests. At the hearings before the immigration authorities you should render any and all reasonable assistance and the services of any of your

stenographic force. It is of utmost necessity that these cases be expedited and disposed of at the earliest possible moment and for that reason stenographic assistance and any assistance necessary should be rendered by you to the immigration inspectors. An excellent spirit of cooperation exists between the Commissioner General of Immigration and this department in Washington and I desire that the same spirit of cooperation between the field officers of this bureau and the field officers of the Bureau of Immigration also exist.

I desire that the morning following the arrests you should forward to this office by special delivery marked for the "Attention of Mr. Hoover" a complete list of the names of the persons arrested, with an indication of residence, or organization to which they belong, and whether or not they were included in the original list of warrants. In cases where arrests are made of persons not covered by warrants, you should at once request the local immigration authorities for warrants in all such cases, and you should also communicate with this office at the same time. I desire also that the morning following the arrests that you communicate in detail by telegram, "Attention Mr. Hoover," the results of the arrests made, giving the total number of persons of each organization taken into custody, together with a statement of any interesting evidence secured.

The above will cover the general instructions to be followed in these arrests and the same will be supplemented by telegraphic instructions at the proper time.

Very truly yours,

Frank Burke,

Assistant Director and Chief.

Edited by Tim Davenport.

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