
**Letter to George E. Kelleher,
Bureau of Investigation Agent in Boston
from J. Edgar Hoover in the name
of Frank J. Burke in Washington,
April 21, 1920.**

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JEH-GPO

April 21, 1920.

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

Dear Sir:

I note from the morning papers that there appears a statement to the effect that in the habeas corpus proceedings being conducted before Judge Anderson, the conclusion has been drawn that agents of the Department of Justice have engaged in provocateur work in the COMMUNIST PARTY and that they have assisted in stimulating the activities of this organization and disseminating some of its literature.

As I am not familiar with the evidence which has been introduced in the proceedings referred to, I of course can not state as to whether or not the conclusion which has been drawn has been properly or improperly drawn from the testimony. I, however, can most emphatically state that no testimony of any nature truthfully given could in any way lead to the conclusion that agents or confidential employees of the Bureau of Investigation of the Department of Justice have ever engaged actively in the activities of the COMMUNIST PARTY OF AMERICA. One of the long standing rules of the Bureau of Investigation, with which you are no doubt familiar, is to the effect that none of the employees of the Bureau of Investigation

who may be engaged upon investigations of organizations charged with radical activities are to in any way participate actively in the councils of such organizations.

In regard to the specific instance referred to, I gave very definite and specific instructions to all of the employees of the Bureau of Investigation who were assigned to make investigations of the Communist Party of America when that organization was formed in August 1919, that they were under no condition to become actively identified with the pernicious activities of this communistic group. In order that the Bureau of Investigation might be fully advised as to the plans and propaganda proposed by the Communist Party, it was necessary to secure the services of persons who could obtain information as to such matters. The confidential employees of the Bureau of Investigation engaged upon these investigations were employees of long standing, as it is common knowledge to those who are in any way conversant with radical activities that the same groups of persons who were pro-German during the period of the war are to a large extent pro-Bolshevik at the present time and will continue to participate in any movement which has for its purpose the embarrassment of the Government of the United States and the undermining of its institutions and form. Therefore, the persons who were engaged upon these investigations were persons who had been specially trained and who were well conversant with the instructions issued to all employees of the Bureau of Investigation.

As you are well aware the confidential employees of the Bureau of Investigation are specially investigated and no appointment is ever made of this nature until the reliability and trustworthiness, as well as the loyalty, of the employee is definitely established.

The reports of the confidential employees are regularly made and forwarded to Washington and a careful check is made upon the same and information contained therein is forwarded to the respective field offices for their information. In no instance has a confidential employee of the Bureau of Investigation ever participated in the preparation, publishing, or distribution of any of the literature of the Communist Party; likewise, no confidential employee of the Bureau of Investigation has ever appeared upon the platform either publicly or secretly and spoken in favor of the Communist Party of America.

I assume that there has been a wrong interpretation of that section of the confidential letter of December 27, 1919, which states that if possible undercover employees should arrange to have meetings of the Communist Party on the night of January 2, 1920. As Friday evening was the usual meeting night for communists to assemble, it was for this reason that Friday, January 2, 1920, was selected for the date upon which the arrests were to be made. It occurred to me that in some instances postponement of meetings would be made for various reasons to either the 5th or 6th and it was my intention that where such proposals were being seriously considered that the confidential em-

ployees wherever possible were to endeavor to have the meeting held on the regular night, in order that the arrests might be facilitated. I see nothing in this instruction which in any way could be construed as bordering even the outermost fringes of provocateur work, since the meetings were going to be held upon some date and there could possibly have been no objection to the meeting being held on a certain night. I might state that confidential employees have never been instrumental in the calling of any special meetings of any of the unlawful organizations and in the instance referred to in the confidential letter of instructions it was not the case of the calling of a special meeting, but the mere fixing of a date upon which the regular meeting would be held, which certainly is not actively participating in the councils of the organization.

I have communicated the above to you in order that you may be fully informed as to the instructions issued from Washington in connection with the arrests of January 2, 1920. As you no doubt will be called upon to explain fully the operations incident to these arrests, I thought that an understanding of the operations conducted throughout the country would be of assistance to you in this matter.

Very truly yours,

[Frank Burke]

Assistant Director and Chief.

Edited by Tim Davenport.

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