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PROTECTING THE INNOCENT
—LAW ENFORCEMENT'S SACRED TASK

*J. Edgar Hoover**

One of the most important espionage cases ever handled by the FBI involved Dr. Klaus Fuchs, the bespectacled, shy, German-born communist who transmitted vital atomic bomb secrets to the Russians during World War II.

Never will I forget the day when the FBI first learned of these thefts. The nation's most highly prized secrets stolen! Our job was to find the guilty individuals—and quickly. Step by step our investigation pointed to Dr. Fuchs who had entered the United States and worked on the atomic bomb as a member of a British mission—his loyalty certified by British security officials. By now, however, he had returned to England.

The FBI promptly furnished the information it had secured incriminating Dr. Fuchs to British security officials who interviewed him. The scientist admitted that he was a Soviet agent and had passed confidential atomic bomb information while in the United States to another Soviet agent.

Who was this second espionage agent? Fuchs did not know his name. A few identifying details he could give, but only a few. The man was in his 40's, possibly five feet 10 inches tall, broad build, round face, most likely a first-generation American. Fuchs had met him several times in the United States—in New York City, Cambridge, Massachusetts, and Santa Fe, New Mexico, in 1944 and 1945. He did not know where the man lived. The man appeared to know something about chemistry and engineering but certainly was not a nuclear physicist. A meager outline, indeed—one which could fit millions of Americans!

The FBI continued its investigation. Special agents talked to Fuchs' sister and brother-in-law in Cambridge, Massachusetts, who had seen the unknown espionage agent. Other information was acquired. Gradually a clearer picture emerged. Then another clue. The stranger's first name might have been "James," with his last name starting with the letters, let us say, "D-a-v." "James Dav . . ." — here was something concrete. The question now loomed—was there a "James Dav . . ." in any of the locations visited by Fuchs? This lead was pressed and soon one name stood out above all others, an engineer in New York City whom we'll call James Davidson.

Events now moved rapidly. Of a group of photographs of possible suspects flown to England, Dr. Fuchs rejected all except a picture of the engineer, James Davidson. "I think it is the man," Fuchs said. The investigation now seemed to be paying dividends. What we needed was corroborating evidence. An identification by Fuchs was not enough. Fuchs' relatives in Cambridge next viewed Davidson's photographs. "No," they said, this wasn't the unknown agent. Who was mistaken, Fuchs or his relatives?

As we now know, the unknown espionage agent was a moon-faced, stocky, quiet Philadelphia chemist, Harry Gold, currently serving a prison term for his

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traitorous acts. Gold, as a Soviet agent, clandestinely met Fuchs in the United States, receiving from him technical information about the atomic bomb, which Gold in turn passed to Soviet diplomatic officials.

However, originally the finger of suspicion had pointed to an innocent man—James Davidson. The FBI, by painstaking investigation, proved that he was not the traitor, that he was not the man who had betrayed vital military secrets to the Russians. This case, to my mind, vividly illustrates how thorough, accurate and complete investigations, dedicated to securing the truth, can protect the innocent. In this case, the FBI's investigation reflected the identity of the true traitor—Harry Gold—and a man, identified by Dr. Fuchs as an espionage agent, was proved innocent.

Many citizens probably never take the time to realize that one of the most vital functions of law enforcement is proving the innocence of the falsely accused. To most people, law enforcement's job is to prove guilt. The FBI and other law enforcement agencies, of course, do secure evidence to convict the guilty. However, they also secure evidence which may exonerate suspects. To my mind, this function of law enforcement—the proving of innocence—is truly one of its most noble services. In America law enforcement is the servant of the people, working for the protection of our historic liberties. The proving of innocence is certainly a vital phase in this sacred task.

The very nature of the FBI, with its emphasis on civil liberties, means protection for the innocent. The FBI is a fact-gathering agency.¹ It does not decline or authorize prosecution, make recommendations or evaluations. This is the responsibility of other officials of the government. In making its investigations the FBI is interested in obtaining the facts—accurately, completely and without interpretation. This is the search for truth which enables the FBI to fulfill its many responsibilities.

By no stretch of the imagination is the FBI a national police, working as an agency unaccountable to democratic authority. At all times the FBI is responsible to the Attorney General and the President. I appear each year before committees of the Congress to explain the operations of the FBI. The courts scrutinize the procedures of the FBI when our cases come to trial. Moreover, a free and vigilant press is ever alert to the FBI's activities. These facts are the pillars of proof of the FBI's devotion to protecting civil liberties.

In law enforcement today, high personnel standards and effective training are assurances that civil liberties will be protected. The ability of the FBI to make fair and complete investigations, as shown in the Dr. Klaus Fuchs espionage case, comes from the high quality of our personnel. For this reason, the FBI very carefully selects² and trains its special agents. They are men of

1 The FBI, as the investigative arm of the United States Department of Justice, has the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties required by law or administrative directive. At the present time it has jurisdiction over more than 160 investigative matters, both in the criminal and internal security fields.

2 To be eligible for appointment as a special agent, applicants must be between 25 and 40 years of age; graduates of state-accredited resident law schools or four-year resident accounting schools with at least three years of practical accounting or auditing experience. Graduates of law schools not requiring at least a resident junior college degree, or its equivalent of resident college work, as an admission prerequisite must have received at least a de-

honor, integrity and high personal principle. They perform their duties efficiently and effectively. They know that as special agents of the FBI, they are expected to do their best. They work to secure the facts—facts which may lead to conviction of the guilty or the established innocence of the falsely accused.

Our agents receive special training in protecting the rights of the individual. Before being assigned to field investigative work, for example, special agents are given a 13-week period of training. Among other things, the new agent is trained in constitutional law and the Bill of Rights. He is taught the rules of evidence, federal criminal procedure and the laws of arrest. Throughout the training course, constant stress is laid on the need of protecting civil liberties.

Another assurance of the protection of the innocent is modern crime detection methods, such as science and fingerprints. They are truly the good right arm of law enforcement. In fiscal year 1960, for example, the FBI Laboratory, which was founded in 1932, conducted an all-time high of 210,745 scientific examinations. The laboratory's facilities are available, free of charge, to any constituted law enforcement agency in the nation. Examinations of many types are conducted by our FBI Laboratory—petrographic, handwriting, chemical, toxicological, metallurgical.

To see the FBI Laboratory in action, working on many types of cases, is to realize how frequently the rights of the innocent are protected. In one case, a brutal murder occurred in a southern state. A suspect was apprehended by the local sheriff and considerable evidence reflecting his possible guilt was submitted to the FBI Laboratory. Our examination, however, reflected no connection between the suspect and the victim. In fact, soil from the victim's clothing and the suspect's clothing were found to be entirely different in physical characteristics and material composition. Later, a shirt button—found near the scene of the crime—led to another suspect. When the laboratory examined the second suspect's shirt, it was determined that the button found at the crime scene had come from that shirt! Local law enforcement officials later wrote to the FBI expressing gratitude "for the valuable assistance rendered in this investigation which resulted definitely in eliminating . . . a suspect in this case and which helped to point to the individual who has been arrested. . . ."

In another case, a government employee was reported to have possibly signed a Communist Party nominating petition. The FBI conducted an investigation and determined that an individual of a similar name, not identical with the government employee, had also resided at the address given by the employee. The second individual was located and voluntarily furnished samples of his signature. The FBI Laboratory concluded, after conducting an examination, that the signature appearing on the nominating petition was not written by the government employee but by the other person. Hence, through field investigation and the work of the FBI Laboratory, the reputation of an innocent person was protected.

Fingerprints are also performing yeoman service today for law enforce-

gree from a resident junior college, or its equivalent in resident college work. The applicant must also be able to pass a rigid physical examination. Before being offered an appointment, qualified applicants are comprehensively investigated to determine whether they possess unqualified personal integrity and character.

ment. The FBI Identification Division, founded in 1924, contains over 157 million sets of fingerprints. These prints are divided into two main categories: criminal and civil. At the present time there are roughly 37 million prints in the criminal file and some 120,600,000 prints in the civil file. The identification division represents a national clearinghouse for fingerprints. Each workday during the 1960 fiscal year, for example, an average of 20,484 sets of fingerprints were received for processing. The facilities of the FBI Identification Division, like the FBI Laboratory, are available free of charge to local law enforcement. In this way, law enforcement throughout the nation benefits. Of almost 2,000,000 arrest fingerprint cards submitted during fiscal year 1960, for instance, the identification division was able to identify almost 77 per cent with fingerprint records of persons who previously had been arrested!

In the final analysis, the best protection for civil liberties is an effective law enforcement, utilizing the latest techniques of crime detection—science, fingerprints, training. Violations of civil liberties, such as brutality and third degree methods, stem from an untrained law enforcement. Today the standards of the profession are rising and there are fewer and fewer infringements of rights. As long as America has law enforcement officers as interested in proving innocence as securing evidence to convict the guilty, our nation will be secure.

In 1936, 10-year-old Charles Fletcher Mattson was kidnaped from his home at Tacoma, Washington. His mutilated body was later found near a road. The FBI—all these years—has been actively investigating this kidnaping. It is not yet solved. To date, over 25,000 suspects have been investigated and eliminated. They were not guilty of the kidnaping. The FBI's investigation continues. This case reflects the FBI's determination to secure the full facts—and in the process it has proved the innocence of over 25,000 suspects!

America can feel proud of the integrity, diligence and efficiency of its law enforcement agencies. The FBI is glad to be a part of this excellent team. This is a law enforcement dedicated to protecting the rights, lives and property of the people. Every year their investigations prove the innocence of thousands of individuals falsely accused. This is a sacred task of law enforcement, a noble obligation in a free society.