

R/c. 346 / 100

JACKSON IN PACT WITH DIES GROUP

Spheres of Activity Defined After Talk With Voorhis, Acting for Committee

COOPERATION IS PLEDGED

Chairman Hails Agreement as Formula Promising to Put an End to Friction

Special to THE NEW YORK TIMES.

WASHINGTON, Dec. 10 — An agreement by the Dies Committee and the Department of Justice to work together to combat subversive elements was disclosed through correspondence made public today.

Letters exchanged by the Attorney General Jackson and Representative Jerry Voorhis of the committee stated that while the department and the committee has separate functions, there was no reason why they should not coordinate their activities. Under the arrangements set forth in the letters, the committee would furnish secretly to the department information which it believed might lead to prosecutions and the department would give to the committee information regarding fifth columnists and other elements when this information seemed not to involve possible prosecutions.

Clashes between the department and the committee brought from President Roosevelt late last month a warning to Mr. Dies that injudicious disclosures might defeat the ends of justice. In a telegram conveying this warning the President suggested that Mr. Dies confer with Mr. Jackson. As a development Mr. Voorhis, as representative of the committee, met Mr. Jackson a day or so ago for a private talk.

President's Telegram Cited

In his letter to Mr. Voorhis, Mr. Jackson expressed his pleasure that "we are agreed that the department and your committee are not in any sense competitors or rivals." The functions of each, Mr. Jackson added, could not be better stated than in the Roosevelt telegram, with which, he stated, Mr. Voorhis seemed to agree completely.

"On that basis," Mr. Jackson went on, "I suggest the following working arrangement to effectuate the general principles stated in your letter:

"I will be satisfied to have your committee determine for itself whether a set of facts which it has developed should be referred to this department for prosecution or should be disclosed in aid of formulation of legislation to better meet the situation.

"In the cases which you decide to expose it is not unlikely that as you proceed conflicts may appear between your investigation and some of the work of this department. I do not think that we can, or need to, work out in advance a formula which will cover such unpredictable situations, but I am confident that you and I can settle such conflicts informally between us as they arise.

"In determining whether to refer cases for prosecution it will be helpful to bear in mind that no convictions can be obtained in the courts because of activities, however objectionable and injurious to the public interest, unless they also violate a specific Federal statute and can be established by technically admissible evidence legally obtained.

For Prevention of "Tip-Offs"

"If the case on these tests is one that you consider proper for prosecution, we ask you not to disclose it or even to disclose that you are referring it to us. This mere announcement is a tip-off that often leads to destruction of evidence or the fixing, or removal, or silencing of witnesses.

"If we are to prosecute a case, it should be developed in the secrecy of the grand jury, which is the lawful forum for the purpose. If the case is developed by the committee in public, the whole case is put in the hands of the defense. Witnesses called before your committee also get certain immunities which complicate cases.

"The Department of Justice will be glad to comply with your request to furnish the committee information which it may obtain which is not involved in probable prosecutive action. Of course you understand why reports of the Federal Bureau of Investigation always have been held highly confidential so long as prosecution is at all likely. The information is often from confidential sources and reports often contain "leads" that are ultimately found to be elusive.

"While the bureau's activities are confined to investigating probable violations of Federal law or acts so closely associated with violations as to indicate probable connection therewith, there is at times information which can properly be made available. Specific information has been given, when asked by yourself, by Congressman Starnes, Congressman Dempsey and perhaps others. Any limitations that we have asked on publicity have in each instance been faithfully observed.

"I suggest, therefore, that matters of this kind be handled informally between yourself or other appropriate members of the committee and this department. Whenever you feel that a conference between us will be helpful to the general understanding I shall be glad to arrange it."

Declarations by Voorhis

Mr. Voorhis said in his letter that Mr. Dies had asked him to discuss with Mr. Jackson, for the committee, "the matter of effecting a mutually beneficial and satisfactory basis of cooperation" in the common endeavor to protect the United States from "forces, organizations and persons within our borders who seek to promote the interests of foreign powers or dictators, to undermine our democracy, or to subvert our constitutional form of government."

Conceding the department and the committee to have definitely separate functions, Mr. Voorhis asserted that the committee's task was to make recommendations to Congress and appraise and warn Americans of subversive activities and propaganda. This work, he added, was "exposing to the light of public knowledge" matters concerning groups and persons which might not be legal violations, but nevertheless, were aimed at American democracy.

"The committee, on its part," he went on, "should continue to keep its files open to the department for the gathering of any informa-

tion that may be of assistance to the department; the committee should on its own motion furnish to the department any evidence or information coming into its possession which might lead to the apprehension of law violators or to prosecution by the department.

"The Department of Justice, on the other hand, can, and I believe should, assist the committee in its work by furnishing to the committee such information as the department may from time to time obtain which bears upon matters which do not afford a basis for prosecution or action by the department under present law but which could and should properly be given to the American people if they are to be on guard against technically legal as well as illegal efforts of the agents of totalitarianism to weaken and undermine our democracy."

Dies Welcomes Agreement

ORANGE, Tex., Dec. 10 (AP)— Representative Dies said at his home here today that he believed "an urgently-needed" agreement had been reached between the committee and the Department of Justice which would prevent further friction or misunderstanding.

"The tentative agreement as I understand it from my telephone conversation with Jerry Voorhis will in no respect curtail the jurisdiction of our committee or restrict the functions of the committee," he declared.

Put on Dies file.
AR

Mr.