

MASTER OF DECEIT

J. Edgar Hoover
and America in
the Age of Lies

by

MARC ARONSON

ABOUT THE BOOK

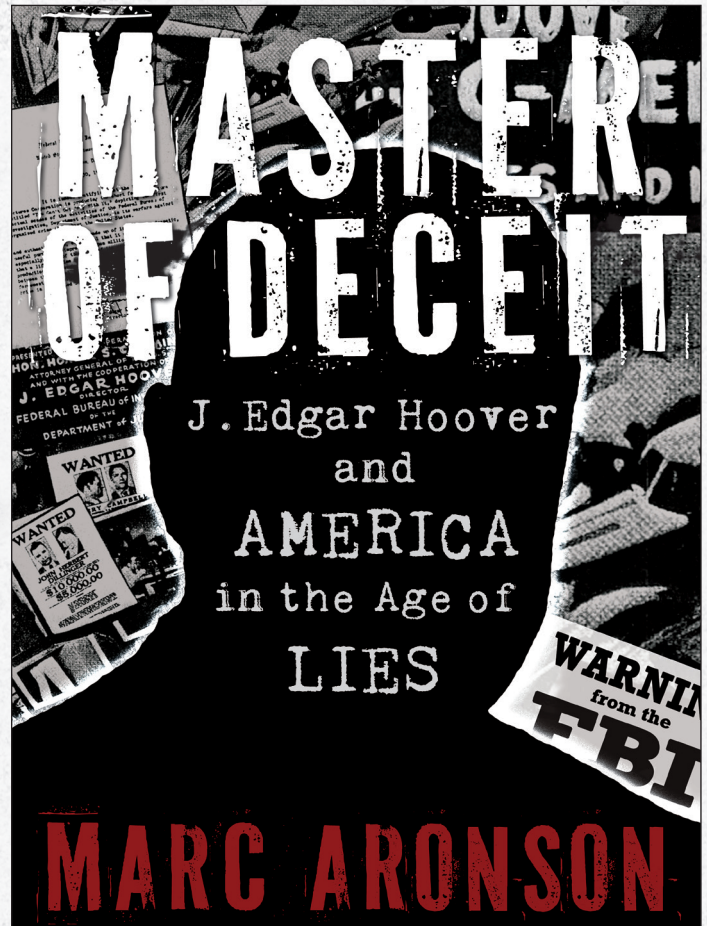
J. Edgar Hoover was the FBI's first director. In this unsparing exploration of one of the most powerful Americans of the twentieth century, accomplished historian Marc Aronson unmask the man behind the Bureau—his tangled family history and personal relationships; his own need for secrecy, deceit, and control; and the broad trends in American society that shaped his world. Using photographs, cartoons, movie posters, and FBI transcripts, *Master of Deceit*

helps readers to understand Hoover's motives and the political climate of the United States in the twentieth century.

Aronson's balanced writing and meticulous research provide readers with ample evidence, allowing them to draw their own conclusions as to whether or not Hoover's methods were justified.

As a teaching resource for the high-school classroom, *Master of Deceit* offers a rich opportunity for students to practice critical thinking skills and to consider the balance that must be struck by a government between providing security and upholding the constitutional rights of its citizens.

This guide provides classroom activities, materials, and suggested movies that can be used in conjunction with *Master of Deceit*. A discussion guide is also available at www.candlewick.com.



Hoover mapping the network of his offices



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FROM THE COLD WAR TO THE WAR ON TERROR

The following lesson and resources draw similarities between Hoover's attempt to control the spread of Communism during the Cold War and the powers granted to the federal government under the USA PATRIOT Act to conduct the "war on terror."

1. Begin the lesson by displaying the following quote on the whiteboard:

"Unthinking respect for authority is the greatest enemy of truth."—Albert Einstein

Ask students to explain what the quote means. Possible questions might be:

- What might people in power have to hide?
- What safeguards are in place to keep people in power honest? What avenues are available to show that we're not happy with governmental decisions? Answers to the first question might include freedom of the press and the Freedom of Information Act. Answers to the second question might include peaceful protests, as protected by the constitutional right to peacefully assemble. The Occupy Wall Street protests offer a current-event idea to include in the discussion.

2. Then display the following sentence:

If you have nothing to hide, you have nothing to fear.

Ask students how they feel about this statement. Additional questions might include:

- In order to protect society in general, doesn't a government have the right to know what its citizens are doing?
- When cameras are placed in public places, doesn't that help police catch people who break laws?
- If every citizen of the United States were forced, by law, to submit a DNA sample, wouldn't this make the country a safer place? There are thousands of unsolved crimes for which investigators have collected DNA evidence, so wouldn't this be a good thing for stopping criminals?

As part of the discussion, explain the rights protected by the Fourth Amendment to the United States Constitution. The text of the Fourth Amendment reads:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Prior to passage of the USA PATRIOT Act, the Fourth Amendment protected Americans against unreasonable searches and seizures and required the government to both obtain a warrant and give notice to the person whose property is to be searched prior to conducting the search. The notice requirement allowed a property owner to assert his or her rights under the Fourth Amendment. For example, a person given notice of a warrant might be able to point out that the police are at the wrong address or that since the warrant is limited to a search for a stolen car, the police have no authority to be looking in the person's dresser drawers. The Supreme Court has ruled repeatedly that providing notice is a key Fourth Amendment protection.

3. Discuss with your students two FBI activities that, in the Bureau's zeal to promote Hoover's aims, directly violated the protections provided by the Fourth Amendment: black-bag jobs and COINTELPRO (Counter Intelligence Program).

Beginning in 1942, the FBI engaged in illegal activities commonly known as black-bag jobs. The practice permitted FBI agents to illegally enter offices of targeted individuals and political organizations. The owners of the homes or businesses were not notified, and FBI agents were able to enter and photograph the resident's documents or other personal items.

In 1966, Hoover claimed that he put an end to this practice, which had been used by the agency for a quarter century. In 1972, in the Plamondon case, the Supreme Court ruled black-bag jobs unconstitutional. However, from the late 1960s through the 1970s, the agency routinely violated the Fourth Amendment under COINTELPRO, the federal effort to undermine political individuals and groups that the government opposed.

COINTELPRO began in 1956 and was designed to “cause disruption and win defections” inside the U.S. Communist Party. The program was soon enlarged to include disruption of the Socialist Workers Party (1961), the Ku Klux Klan (1964), the Nation of Islam, the Black Panther Party (1967), and the entire New Left social/political movement, which included antiwar, community, and religious groups (1968). A later investigation by the Senate’s Church Committee stated that COINTELPRO was started in 1956 out of frustration with Supreme Court rulings limiting the government’s power to proceed overtly against dissident groups. Congress and several court cases later concluded that the COINTELPRO operations against Communist and socialist groups exceeded statutory limits on FBI activity and violated constitutional guarantees of freedom of speech and association.

None of the files containing information gathered under COINTELPRO were even known outside the FBI, and because none of the files were considered “official,” members outside the FBI had no access to them.

COINTELPRO was successfully kept secret until 1971, when a group of left-wing radicals calling themselves the Citizens’ Commission to Investigate the FBI burglarized an FBI field office in Media, Pennsylvania, took several dossiers, and exposed the program by passing this information to news agencies. Within the year, Director Hoover declared that the centralized COINTELPRO was over and that all future counterintelligence operations would be handled on a case-by-case basis.

4. Next, bring the discussion up to the current day with a look at the Patriot Act, passed following the terrorist attacks of September 11, 2001.

One provision of the act is the allowance of “delayed-notice” search warrants. Also known as “sneak-and-peek” warrants, these give the FBI the ability to enter a suspect’s home and seize property, take information from computers, and make copies of documents without notifying the owner of the property. Records indicate that in the years immediately following 2001, very few of these warrants were executed. However, beginning in 2007, the numbers have been increasing drastically. *New York* magazine reported that delayed-notice search warrants issued under the expanded powers of the Patriot Act from 2006 to 2009 were significantly higher for drug-related investigations (1,618) than for terrorism (15) (Benjamin Wallace-Wells. “Patriot Act.” *New York*, August 27, 2011. <http://nymag.com/news/9-11/10th-anniversary/patriot-act/>).

Share the following excerpted report from the Department of Justice with the students. The purpose of this report was to assert that delayed-notice warrants are legal and have been used successfully by law-enforcement officials.

Excerpted from the U.S. Department of Justice, “Delayed Notice Search Warrants: A Vital and Time-Honored Tool for Fighting Crime,” September 2004:

September 22, 2004

Dear Mr. Speaker,

The USA PATRIOT Act has been invaluable to the Department of Justice’s efforts to prevent terrorism and make America safer while at the same time preserving civil liberties. By passing the USA PATRIOT Act, Congress provided law enforcement and intelligence authorities with important new tools needed to combat the serious terrorist threat faced by the United States.

During the early stages of criminal investigations, including terrorism investigations, keeping the existence of an investigation confidential can be critical to its success. . . . In appropriate circumstances the government can petition a court to approve a delayed-notice search warrant and thus avoid tipping off the suspect to the existence of a criminal or terrorist investigation. A delayed-notice warrant is exactly like an ordinary search warrant in every respect except that law enforcement agents are authorized by a judge to temporarily delay giving notice that the search has been conducted.

The report includes examples of successful operations that entailed delayed-notice search warrants:

I. Terrorism Investigations

In the spring of 2003, a court-authorized delayed-notice search warrant allowed investigators to gain evidence of a plan to ship unmanned aerial vehicle (UAV) components to Pakistan, but to gain that evidence without prompting the suspects to flee the country. The UAVs at issue would have been capable of carrying up to 200 pounds of cargo, potentially explosives, while guided out of line of sight by a laptop computer. Delayed notice of a search of email communications provided investigators information that allowed them to defer arresting the main suspect, who has since pleaded guilty, until all the shipments of UAV components had been located.

II. Drug Investigations

In 2002, as part of an investigation into methamphetamine trafficking, the DEA learned that suspects were preparing to distribute a large quantity of methamphetamine in Indianapolis. Openly seizing the drugs would have compromised an investigation reaching as far as Alabama, Arizona, California and Hawaii; not seizing the drugs would have resulted in their distribution. With a court's approval, DEA agents searched the stash location and seized 8.5 pounds of methamphetamine without providing immediate notice of the seizure. In the wake of the drugs' disappearance, two main suspects had a telephone conversation about the disappearance that provided investigators further leads, eventually resulting in the seizure of fifteen more pounds of methamphetamine and the identification of other members of the criminal organization. More than 100 individuals have been charged with drug trafficking as a part of this investigation, and a number have already been convicted.

The full report is available at <http://www.justice.gov/dag/patriotact213report.pdf>.

5. Have the students engage in a “three-corner debate.” On poster board, write out three different options to answer the question “Should sneak-and-peek warrants be allowed in the United States?” and place them in different corners of the room. The first answer is “No, these laws violate the Fourth Amendment of the Constitution, which allows citizens to challenge warrants.” The second answer is “These warrants should be allowed because they help police enforce laws.” The third answer is “I’m not sure how I feel about them.”

At this point, ask students to take their place in the corner that best fits their opinion. Then ask students in each corner to try to persuade students with other viewpoints to “come to their corner.” It is imperative that the teacher act as “devil’s advocate” and try to convince students to change their mind. It is equally imperative that the teacher does not share his or her personal views on the matter. The activity ends when there is no more movement among groups. However, by the end of the activity, no students may stay in the undecided group.

As an alternative to the three-corner debate, you could ask the students to write an answer to the question “Should delayed-notice warrants be allowed in the

United States?” Point out that students should use evidence that has been provided in the lesson in their answer. Explain to the students that their written response will be read by other students with opposing viewpoints and that the other students will be able to respond to their statements. By doing this, students are writing for their peers rather than writing for the teacher.

ADDITIONAL RESOURCES

- For more examples of instances in which federal courts have upheld delayed-notice warrants before the Patriot Act, see these rulings:

Dalia v. United States, 441 U.S. 238 (1979)

United States v. Freitas, 800 F.2d 1451 (9th Cir.1986)

United States v. Simons, 206 F.3d 392 (4th Cir. 2000)

United States v. Villegas, 899 F.2d 1324 (2d Cir. 1990)

- The Church Committee Report, more specifically the *Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Book III: Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, 1976. Available at the Mary Ferrell Foundation website, <http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=1159>. This report offers an overview of the tactics (legal and illegal) used by the FBI from 1948 to 1975.
- “The Patriot Act: Key Controversies” by Larry Abramson and Maria Godoy, NPR, December 16, 2005. <http://www.npr.org/news/specials/patriotact/patriotactdeal.html>. This report details the controversial portions within the Patriot Act. It offers the reader opinions of both the critics and the proponents of each provision and is an excellent way to stimulate debate on the issues contained within the Patriot Act.
- The following movies are mentioned in *Master of Deceit* and can be used as additional resources to help students understand important concepts in the book:
 - Advise and Consent* (1962): the first Hollywood film to deal with homosexuality, blackmail, politics, and power (p. 142)
 - Bonnie and Clyde* (1967): an example of how the robber couple had become heroes by the 1960s (p. 186)
 - Creature from the Black Lagoon* (1954): more danger—and desire—welling up from the deep (p. 131)
 - Gentleman's Agreement* (1947): Elia Kazan's Oscar-winning film about anti-Semitism in the U.S. (p. 146)
 - Good Night, and Good Luck* (2005): depicts Edward R. Murrow taking on Senator McCarthy (p. 149)
 - Guys and Dolls* (1955): details New York in the time of Walter Winchell (p. 59)
 - Invasion of the Body Snatchers* (1956): a film about the dangers of conformity (p. 114)

J. Edgar (2011): Clint Eastwood film that includes the Palmer Raids—lacking in historical accuracy in places but useful as counterpoint to *Master of Deceit* (p. 189)

Kiss Me Deadly (1955): depicts the 1950s era, portraying a strong FBI fighting evil, corrupt criminals (p. 119)

Little Caesar (1931): the story of organized crime in Chicago (p. 56)

On the Waterfront (1954): Elia Kazan's film portrays breaking with the union and naming names as an act of heroism (p. 146)

Persons in Hiding (1939): the Bonnie and Clyde story from J. Edgar Hoover's point of view (p. 35)

Point of Order (1964): a documentary that includes actual dramatic highlights of the Army-McCarthy hearings (p. 151)

Public Enemies (2009): a contemporary take on the gangster era, featuring the exploits of Melvin Purvis (p. 189)

The Public Enemy (1931): a depiction of the mood of the United States during the Great Depression as well as the glamorization of the gangster lifestyle (p. 48)

Reds (1981): John Reed, the Russian Revolution, and Communism and the left in America (p. 10)

Spartacus (1960): a popular Oscar-winning film that essentially marked the end of the blacklist, in both its subject matter and by the public involvement of Dalton Trumbo (p. 169)

The Street with No Name (1948): the story of the FBI as Hoover wanted it told (p. 117)

The Sweet Smell of Success (1957): a fictionalized version of true aspects of Walter Winchell's life, capturing his personality and power (p. 161)

You Can't Get Away with It! (1936): a depiction of crime-fighting from Hoover's perspective (p. 62)

Ten Days that Shook the World (1928): film by Soviet director Sergey Eisenstein that details the Russian Revolution (p. 2)

And last, a play rather than a film:

The Crucible (1953): Arthur Miller's brilliant play portrays the refusal to name names as an act of heroism (p. 147).

ALSO BY MARC ARONSON:

Pick-Up Game: A Full Day of Full Court
co-edited with Charles R. Smith Jr.

War Is . . . Soldiers, Survivors, and Storytellers Talk About War
co-edited with Patty Campbell

ABOUT MARC ARONSON

Marc Aronson has a doctorate in American history and is a member of the graduate faculty of the library school at Rutgers. He is an editor and author of many award-winning books for young people, including *Sir Walter Raleigh and the Quest for El Dorado*; *War Is . . . Soldiers, Survivors, and Storytellers Talk About War*, which he co-edited with Patty Campbell; and most recently, *Trapped: How the World Rescued 33 Miners from 2,000 Feet Below the Chilean Desert*.

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