

P R E S E N T M E N T

TO The District Court of the United States for the  
Southern District of New York.

WHEREAS the undersigned constitute all the members  
of the December 16th, 1948, Special Federal Grand Jury of  
the District Court of the United States for the Southern  
District of New York impaneled to inquire into espionage  
and subversive activities; and

WHEREAS there has been presented for the past four  
months, and is being presented, before this Special Federal  
Grand Jury a volume of testimony concerning activities of  
both foreigners and American citizens which are directed  
from within and without against the security of the Nation;  
and

WHEREAS this testimony and evidence have led this  
Special Federal Grand Jury to certain conclusions it deems  
proper and imperative to be brought to the attention of  
the Executive, Legislative and Judicial Departments of  
the United States Government for such action as may be  
necessary or appropriate, the undersigned members of this  
Grand Jury respectfully show and allege as follows:

1. The Grand Jury is of the unanimous opinion that  
the safety of this country and its institutions is being  
jeopardized because

(a) increasing efforts, since the United States of  
America has been forced by events to take a  
dominant position in world leadership, have  
unlawfully been and are being made by those  
inimical to the Nation to obtain information

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ENCLOSURE

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relating to the national defense and security--  
information which could be used to the Nation's  
injury and to the advantage of foreign nations;  
and because

(b) existing laws, applicable to activities aimed  
at unlawfully obtaining such information, are  
inadequate and unrealistic in view both of the  
Nation's position in world affairs and internal  
menaces from those zealously activating a phil-  
osophy hostile to our constitutional form of  
government.

2. This conviction was arrived at by the Grand Jury  
after hearing, over a period of four months, the testimony  
of a large number of witnesses who, irrespective of their  
widely differing relations to the problems under considera-  
tion, have been able to aid its investigations. Many of  
these witnesses have been summoned by the Department of  
Justice and some by the Grand Jury itself acting independ-  
ently under its own authority as the anciently established  
representative of the people. They have been examined in  
that secrecy which is designed not only to determine those  
who may have violated federal laws but to protect the  
rights and the reputations of the innocent.

Among these witnesses have been men charged with  
ferreting out violations of federal laws and others who  
could be classed as "government witnesses."

Others, men and women whose integrity and innocence  
have not been questioned but who have had valuable informa-  
tion to give, have proven entirely cooperative in the  
Grand Jury inquiries.

Still others--and the number has proven surprisingly large--themselves believed to be guiltless of direct violation of the law as it now exists, have invoked their constitutional rights to refuse to give information they indubitably possess concerning knowledge of violations by others. It has been a matter of grave concern to the Grand Jury that there are in this category of witnesses certain lawyers who, despite the fact that they are by virtue of their profession "officers of the court," have refused to answer questions put to them by the Federal Attorneys and the Grand Jurors on the grounds that the answers "will tend to degrade or incriminate" themselves. This, such witnesses have unquestionably done because they have been alerted through the publicity given by other investigating bodies to the circumstances which the Grand Jury must examine in secrecy,

Lastly, there have been a certain number of witnesses who the Grand Jury is convinced, either by their own confessions or by the incontrovertible evidence of others, have violated federal laws, but who are protected by the operation of the statute of limitations. The Grand Jury is powerless to indict such an individual so that he can be given a fair trial before a judge and jury with all the safeguards of such legal procedures.

3. The Grand Jury has been provided with many object lessons of the looseness with which laws governing espionage, the practical application of which it must determine, are at present drawn. In the light of the situations it has had to face, it believes that the safety and welfare of this country require either the enactment of new legislation or the amendment of existing legislation.

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4. The Grand Jury, without making detailed recommendations, is nevertheless convinced that the espionage statutes themselves should be amended and tightened without meanwhile infringing on those civil rights constitutionally guaranteed our citizens. It recommends, therefore, that laws defining espionage be designed to cover all unauthorized transmission of information relating to the national defense which could be used to the injury of the United States or to the advantage of any foreign nation. It further recommends provision be made that those engaged in such transmission can be prosecuted if they know the information may be used for such purposes.

The Grand Jury holds the crime of acting against one's own country is of such gravity and of such abhorrence to the American people that those so guilty should not be protected in any manner not provided by their constitutional rights. Accordingly it strongly recommends that provision be made to indict at any time any individual guilty of transgressing espionage statutes, now existing or to be enacted, without regard to any statute of limitation as in the case of treason.

Convinced that, despite the vigilance and the efficiency of the Federal Bureau of Investigation, increasing efforts will be made to acquire and transmit information injurious to the Nation, the Grand Jury holds that persons trained in espionage or sabotage by any foreign country should be required to register under the Foreign Agents Registration Act; and that failure to register under the Act shall be considered a continuing

offense for which the statute of limitations will not be operative. It recommends legislation to this end.

The Grand Jury is aware of the legislation on these and related subjects which has been proposed on the recommendations of Attorney General Clark. These recommendations were prepared in close consultation with the Inter-departmental Intelligence Committee, composed of representatives of the intelligence divisions of the Army, Navy and Air Departments and the Federal Bureau of Investigation. It urges the careful study of this proposed legislation by our legislative authorities with the view that laws be passed to achieve these objectives in the proper constitutional framework.

Having seen at firsthand the difficulties in arriving at the truth concerning espionage violations when witnesses have been alerted by publicized charges and countercharges, the Grand Jury recommends that all investigating bodies conduct their inquiries into espionage in secret.

The Grand Jury further recommends that an investigation be made by the proper authorities, by Bar Associations and other similar bodies, to determine those measures that may be taken to disbar from practice in the courts any lawyer who, appearing before any Grand Jury, refuses to answer questions on the grounds of self-incrimination. It is obvious that if such grounds exist the lawyer is not of that integrity which the American people should demand of all officers of the court.

NOW, THEREFORE, the Grand Jury respectfully petitions the Court to accept this Presentment and order it filed,

authorizing the Foreman and the Secretary of this Grand Jury to send copies of it to the members of Congress and to the proper officers of the Executive Department of the Government, and to permit such other use as may properly be made of this document.

New York, N.Y., April 26, 1949.

Members of the Grand Jury


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P R E S E N T M E N T

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WHEREAS there has been presented for the past four months, and is being presented, before this Special Federal Grand Jury a volume of testimony concerning activities of both foreigners and American citizens which are directed from within and without against the security of the Nation; and

WHEREAS this testimony and evidence have led this Special Federal Grand Jury to certain conclusions it deems proper and imperative to be brought to the attention of the Executive, Legislative and Judicial Departments of the United States Government for such action as may be necessary or appropriate, the undersigned members of this Grand Jury respectfully show and allege as follows:

1. The Grand Jury is of the unanimous opinion that the safety of this country and its institutions is being jeopardized because

(a) increasing efforts, since the United States of America has been forced by events to take a dominant position in world leadership, have unlawfully been and are being made by those inimical to the Nation to obtain information



relating to the national defense and security--  
information which could be used to the Nation's  
injury and to the advantage of foreign nations;  
and because

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