

A 7.03:2

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A 7.03

U S ATTORNEY FRANK J HENNESSY  
POSTOFFICE BUILDING  
SAN FRANCISCO CAL

DECEMBER 30, 1941

YOU ARE AUTHORIZED AND INSTRUCTED IMMEDIATELY UPON WRITTEN APPLICATION OF THE FBI TO ISSUE TO THE FBI OVER YOUR SIGNATURE A WRITTEN EXECUTIVE SEARCH WARRANT TO ENTER AND SEARCH ANY PREMISES INHABITED OR CONTROLLED BY ANY ALIEN ENEMY FOR THE PURPOSE OF ASCERTAINING WHETHER SUCH ALIEN ENEMY POSSESSES OR CONTROLS ARTICLES PROHIBITED BY THE ATTORNEY GENERAL'S REGULATIONS OF DECEMBER 27, 1941. THE FBI AGENT WILL CARRY THE EXECUTIVE WARRANT WITH HIM WHEN MAKING SEARCH AND WILL NOTE THEREON ACTION TAKEN THEREUNDER AND FILE WITH YOU. IN ANY CASE OF AN ALIEN ENEMY POSSESSING OR CONTROLLING SUCH PROHIBITED ARTICLES ON PREMISES NOT INHABITED OR CONTROLLED BY AN ALIEN ENEMY YOU ARE AUTHORIZED AND DIRECTED IMMEDIATELY UPON APPLICATION OF THE FBI TO ISSUE TO THE FBI OVER YOUR SIGNATURE A WRITTEN EXECUTIVE APPREHENSION WARRANT TO APPREHEND THE ALIEN ENEMY ON SUCH PREMISES AND THERE TO SEIZE THE PROHIBITED ARTICLES. SUCH ARRESTED ALIEN ENEMY WILL BE BROUGHT BEFORE YOU PROMPTLY ~~Q~~ FOR DETERMINATION BY YOU WHETHER HE SHOULD BE HELD FOR A HEARING BY THE HEARING BOARD FOR ANY CAUSE OR RELEASED BY YOU IF NO PROHIBITED ARTICLES ARE FOUND. FORMS OF APPLICATIONS AND FORMS OF EXECUTIVE SEARCH AND APPREHENSION WARRANTS ARE BEING FURNISHED YOU.

FRANCIS BIDDLE  
ATTORNEY GENERAL

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Repeat message to all U.S. Attorneys on attached list. 2



COPY

WESTERN UNION

2/5/42

Edward Ennis, Esq.  
Director Enemy Alien Control  
Department of Justice  
Washington, D. C.

We are taking care of expediting delivery of identifications  
by postmasters. Less than one hundred involved in areas  
effective fifteenth.

Tom C. Clark



COPY

WESTERN UNION TELEGRAM

7.03  
Enemy Alien  
Moving Boards

Edward Ennis, Director  
Enemy Alien Control Unit  
Department of Justice  
Washington, D. C.

Submit the names of following persons who will serve  
on alien appeal boards as soon as appointments can be  
effected: William A. O'Brien, attorney, Mills Tower,  
San Francisco, Stephen M. White, attorney, 550 Montgom-  
ery Street, San Francisco, George Hoteling, investments,  
225 Bush Street, San Francisco, Walter A. Genesy, cloth-  
ing business, 55 First Street, San Francisco, Dan P.  
Maher, paint manufacturer, 55 New Montgomery, San Fran-  
cisco.

TOM C. CLARK  
Coordinator, Enemy Alien Control

Charge Antitrust Division  
Government Rate  
Straight Wire

Telephoned to Western Union  
February 8, 1942, 11:00 A.M.  
E. Mc



DEPARTMENT OF JUSTICE

In. 17

*Clark*  
A7.03

The regulations provide that an alien of enemy nationality will not be required to vacate a prohibited area if the movement of such an alien from the premises in which he now resides would be dangerous to his life.

The alien must obtain a physician's certificate to the effect that movement would endanger his life. The certificate must outline the condition of the alien, the causes therefore, and the medical reasons why any movement would be dangerous to his life. The permanent residence address, and the place of confinement, if different from that of residence, and the alien registration number of the patient should also be noted in the certificate. One copy of the physician's certificate must be kept by the alien and one copy must be sent to the nearest office of the Federal Bureau of Investigation, which in Northern California is 111 Sutter Street, San Francisco, California.

The physician issuing such certificate to any alien enemy is charged with the duty of notifying the Federal Bureau of Investigation, in writing, of the termination of the condition certified to by him, in order that upon termination of the condition making it dangerous to life to move such alien, he may be evacuated from the prohibited area.

Any alien possessed of such a certificate will be permitted to remain in the prohibited area only upon the express condition that he permit and examination by a physician or public health officer authorized and directed by the Federal Authorities to verify the actual condition of such aliens from time to time.

It is important that all requirements of the certificate, such as the content and the forwarding of same, be fully and adequately met by the alien of enemy nationality and by his physician.

I am returning the documents which were sent to this office.

Very truly yours,

TOM C. CLARK  
Coordinator, Alien Enemy Control  
Western Defense Command



Law Office  
WRIGHT AND MILLIKAN  
Suite 1125-1130 Board of Trade Bldg.  
11 West Seventh Street  
Los Angeles

08  
Alien  
Enemies

March 20, 1942

A 7.03

AIR MAIL:  
SPECIAL DELIVERY:

Honorable Francis Biddle,  
Attorney General of the  
United States,  
Washington, D. C.

My dear Francis:-

I am sorry to have been so long in writing to suggest names for your consideration, agreeable to our discussion in Washington, and also to express my appreciation of the opportunity of having a chat with you and to thank you for the courtesies you extended me.

It so happens that I contracted my perennial cold in New York, and for that reason have been delayed in doing anything until just now.

May I take this opportunity to tell you how much I enjoyed our visit, and even though in retrospect it seems that I contributed nothing to the serious problem which you have on hand, I wish to reiterate that I am firmly convinced that you have handled the matter in the only way possible and that any other action on your part would have been establishing a precedent that none of us who are even vaguely familiar with the problem involved, would wish to see established. I admire you for the courage you have shown in the face of continual pressure from an inflamed public which little understands the question.

I would suggest your consideration of the following men for the committee to advise with the authority to be placed in charge of the Alien problem:

Dr. Robert A. Millikan, President of California  
Institute of Technology, 1201 East California Street,  
Pasadena, California.

Mr. Manchester Boddy, editor of the Daily News, Pico  
and Los Angeles Streets, Los Angeles, California.

Dr. Robert P. Sproul, President of the University of  
California, Berkeley, California.

Mr. Norman Chandler, President of the Los Angeles  
Times, Los Angeles



Mr. J. Marion Wright, attorney, 810 Citizens National Bank Bldg., Los Angeles.

Mr. George T. Cameron, publisher of the Chronicle, San Francisco, California.

Mr. Kenneth G. McGilvray, attorney, Capital National Bank Bldg., Sacramento, California.

Mr. Stephen Wheeler Downey, attorney, Capital National Bank Bldg. Sacramento, California.

Mrs. John P. Buwalda, 2103 San Pasqual, Pasadena, California.

Judge Edgar A. Luce, San Diego Trust and Savings Bldg., San Diego, California.

Mr. Harry Horton, attorney, El Centro, California.

Mr. Richard K. Gandy, 200 Lincoln Office Building, Santa Monica, California.

Mr. Harrison Ryon, 26 East Carrillo St., Santa Barbara, California.

Of these men I think Dr. Millikan would without question, be the best man for Chairman. Incidentally, I know that he views the alien question very much as you view it and as we discussed the situation. He has the respect and admiration of all people here on the West Coast.

Mr. Chandler is President of the company that publishes the Los Angeles Times, and I think he would make a good contribution to the committee. He would not in my opinion, make a good Chairman.

Mr. Boddy we discussed. I must be frank and tell you that I do not believe he would be a good Chairman. In many quarters he is looked upon as entirely too unstable, principally because of his backing of various schemes that have been advanced here in the West from time to time. I have in mind chiefly his announcement some years ago that "Technocracy" was the coming salvation of our country.

Mr. J. Marion Wright, who incidentally is no relative of mine, is Past Potentate of the Shrine here, and is the lawyer in Southern California who has had the largest volume of Japanese legal business. He is a sound, solid citizen, and would undoubtedly bring a reaction of confidence to the Japanese.



Mr. McGilvray and Mr. Downey, both of Sacramento, are attorneys respected in their community and throughout the State, and are men of good judgment. I am sure they would have a sensible approach to the problem. Mr. Downey is a brother of Senator Downey.

Mr. Cameron, publisher of the Chronicle in San Francisco, is a very conservative gentleman, highly respected, and wields a great influence in Northern California.

Judge Edgar Luce is one of the oldest lawyers in San Diego, a man well thought of and would be an able representative from the southern section of the state, as would Mr. Horton of El Centro.

I think it important to get some one of prominence in El Centro, because sooner or later an agricultural problem is going to arise there, and the only solution may be to have some of the Japanese who are known to be loyal, placed in that territory to help raise food stuff.

Mr. Ryon and Mr. Gandy are both members of the Board of Governors of the State Bar. Mr. Gandy would be an excellent man. He possesses a fine balance and very good judgment. Mr. Ryon, working in conjunction with the rest of the committee, I am sure would represent the middle section of the state very satisfactorily.

Mrs. Buwalda has, as you know, made a definite study of the situation and I think would be very helpful in keeping the Women's Clubs in line.

May I reiterate what I told you in Washington, that I think it most essential that a broadcast should be made at the earliest possible date, giving a clear picture of the true situation to the people of the West, and I can think of no better excuse or opportunity for such a broadcast than the appointment just announced on the radio, of Mr. Eisenhower. I hope also that the articles which Mrs. Buwalda wrote, I believe through the auspices of Justice Justin Miller, should be publicized at the earliest possible opportunity.

I think things are a little calmer than when I left here. However, John B. Hughes is still on the air trying to inflame the people of the state, and its officials have but recently shown another evidence of their utter lack of ability to handle the situation. The state personnel board have removed from its eligibility list the names of all persons of Japanese, German or Italian descent, notwithstanding Attorney General Earl Warren of California rendered an opinion holding that such action was illegal and that he would refuse to defend the Board in the event it became involved in litigation by reason of its action. This presents the best illustration that I can possibly give you of the utter futility of placing the matter in the hands of local politicians.

If I can be of any further assistance at any time in any capacity whatever, I hope you will direct me.

With kindest personal regards, I am

Sincerely yours,  
Lloyd

P. S. I enjoyed "Everybody's Lawyer", though I think it is entirely too modest. In any event, I share the same feeling that millions of your other clients share, and that is that our legal work is in excellent hands.

*of Tom Clark in letter to Eisenhower in same idea*



EJE:ler

1942  
April 16, 1942

A 7.03

Air Mail

Honorable Frank J. Hennessy  
United States Attorney  
San Francisco, California

Re: Apprehension of Alien Enemies.

Dear Sir:

I acknowledge your letters of April 10, 6 and 4, 1942, discussing your reasons for using emergency apprehensions and requesting warrants in certain cases, including cases involving violation of military curfew orders.

As a reason for the use of emergency apprehensions instead of applications for warrants you refer to general circulars to the United States Attorneys for use of the Hearing Boards discussing the effect of membership in certain organizations. Those circulars are addressed to the question whether or not, on the merits, a person should be paroled or interned after hearing. They are not addressed to the entirely different procedural question whether or not an alien enemy should be apprehended either as an emergency matter or after application for a ~~warrant~~. Membership and activity in certain organizations may justify internment after hearing but that in itself is no reason why the regular procedure should not be followed and an application be made for a warrant before apprehending alien enemies who are residents, not likely to flee, and against whom there are no facts supporting the belief that they will not be available when they are sought after the issuance of warrants either at their residences or at any reception center to which they may be removed by the Army. The fact that they may be evacuated in Army custody, where they can do no harm, is no emergency reason to place them in Immigration custody.

The FBI has the information on these persons before they are arrested on emergency apprehensions and in many cases there is no reason why you should not obtain that information and apply for and obtain warrants before the arrest. Moreover, Circular 5616, Supplement No. 4, which you have probably now received, informs you that a review of hundreds of cases discloses a tendency of the Boards to intern for mere membership in organizations without developing the special countervailing factors of a particular case mentioned in the original circulars on organizations. If the trouble is taken to develop these countervailing factors internment may not automatically follow from membership and consequently the argument is not available that since they would be interned for membership they can be apprehended as emergency without waiting for a warrant which would surely be granted. It is desirable that warrants be applied for even though it is clear that they would be granted, and that emergency apprehensions be restricted to cases where facts not merely support the conclusion that internment will follow but specifically establish the emergency reason why you cannot wait for a warrant.

Of course the argument is recognized that if the case is one of membership so that a warrant would be granted automatically, why not make an emergency apprehension? The answer is that if emergency

not clear  
3616?



apprehensions are made in such cases without supplying the facts establishing the emergency which does not permit delay until a warrant can be obtained, the same thing will be done in cases other than membership and may result in persons being detained for a long period of time who might not have been apprehended, at least for so long a time, if a warrant was applied for in the regular course. Moreover, a proper administration of thousands of cases here requires that observance of the rule that emergency apprehensions be restricted to cases where the alien enemy is not a fixed resident and might flee or do something dangerous to internal security pending application for warrant. It is not to be extended to membership cases merely on the theory that a warrant will be granted anyhow. Consequently, you are requested to ~~be~~ obtain the FBI information on membership cases which they contemplate submitting to you and apply for warrants in the regular course and reserve the emergency procedure for cases in which you can submit facts indicating that the alien enemy might not be available if you waited for a warrant or is likely to commit an act dangerous to national security.

Your suggestion that application for warrants is impracticable because it is highly impracticable to keep in touch with Japanese who are either moved out of California or into evacuation centers, does not appear sound now that General DeWitt has prevented voluntary evacuation and there is no trouble in reaching people who have been sent to evacuation centers.

You state that the immediate apprehension of all curfew violators and possessors of contraband under military orders is desirable in order to preserve cooperation between local police and the FBI. This Department and the War Department are now determining the prosecution policy to be followed under which all military orders which the Army wishes to be enforced as criminal laws will be submitted to this Department before they are issued. The reason of this Department for this procedure is to avoid responsibility for enforcing any rigid or unreasonable military orders by criminal prosecution. Exceptions to the ~~the~~ curfew order are to be adopted here and I shall be obliged if you will give us the benefit of your experience. You will recall that when General DeWitt superseded the Attorney General's curfew order he expressly eliminated the provisions for exceptions by United States Attorneys. Experience, of course, has shown that some procedure for granting exceptions is necessary if we are to expect the people to obey these regulations and ~~if~~ if we are to avoid wholesale violations of a character which we might not care to prosecute.

The question of making the FBI responsible for investigation of these offenses is now being determined. The War Department had not requested this Department to designate the FBI as the investigative agency although I understand that General DeWitt published his own designation of the FBI. You will be advised as soon as the investigative and prosecution policy is determined.

5645?  
As to the cases of alien enemy curfew violators which have already been reported to you and the problem of local police cooperation, there appears to be no reason why the regular procedure for prohibited articles in Circular No. 3643 cannot be adopted. There appears to be no reason why minor and perhaps ignorant violators of curfew should be turned over to the Immigration Service, transported to Immigration stations hundreds of miles away and held for weeks or months before the Hearing Board can determine their cases. In all cases one of your assistants should make a preliminary examination and determine whether the offense is serious enough to warrant presenting the case to a Hearing



[Apr. 16, 1942]

Board for parole or internment so that in the least culpable cases release may be allowed. Serious cases may be treated as emergency apprehensions. I note that in a number of cases arrests by the police for drunken driving are involved. As a matter of cooperation the state authorities might proceed to handle the cases on this charge pending settlement of the prosecution policy under Public Law No. 503.

With respect to your recent telegraphic communications advising of the emergency apprehensions of alien enemies warrants will be issued and transmitted to you in due course. It is suggested that you or your assistants conduct an examination of each of these cases involving curfew and contraband regulation violations in order to determine whether the violation was serious enough to justify the Hearing Board in recommending parole ~~or~~ or internment of the subject and whether the national safety ~~require~~ requires the subject's detention pending final disposition of his case.

Very truly yours,

Edward J. Ennis  
Director, Alien Enemy Control Unit



C O P Y

"America's Victory is Italy's Freedom"

ITALIAN-AMERICAN LABOR COUNCIL  
218-232 West 40th St., N.Y.C.

AG  
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A 7.03

President  
Luigi Antonini

May 4, 1942

C O N F I D E N T I A L

Hon Herbert H. Lehman  
Governor, State of New York  
Albany, N. Y.

My dear Governor:

In the name of the Italian-American Labor Council and the Mazzini Society, we are making an urgent appeal to you to use your influence and authority in the matter explained in the enclosed memorandum.

You are well acquainted with the tragic situation of so many Italian immigrants who are classified as "enemy aliens", although they are loyal and devoted to this Country and its principles of democracy. What would be the consequences if an evacuation order would be issued similar to that in the West Coast?

There is a difference in the point of view between the War Department and the Department of Justice regarding the aliens, and the intervention of President Roosevelt is absolutely necessary. His decision is of great importance, to avoid dangerous effects on the public morale and the spread of anti-alien sentiments.

We are confident that you will be helpful in bringing about a solution of this grave problem, by taking an immediate action. You have our assurance that your efforts will not only be appreciated by us, but by thousands of Italian immigrants, who are unjustly labeled "enemy aliens".

Respectfully yours,

/s/ Luigi Antonini

\_\_\_\_\_  
Luigi Antonini

afoe  
23076



C O P Y

C O N F I D E N T I A L

MEMO: RE: RECLASSIFICATION OF ENEMY ALIENS

(Page 2)

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On the West Coast a grievous injustice is being done to a number of authentic veterans of the democratic movement, to political, religious and racial refugees and to perfectly loyal immigrants. In the meantime the actual safety of the Coast is conspicuously disregarded since automatic exemptions allow aliens whose loyalty has in no way been proved to remain in the defense areas.

With regard to the rest of the Country the position is even worse. It will lead to the same errors and injustices as those which are being committed on the West Coast, but the number of individuals involved being much larger and the categories of exemption being probably extended, the two problems of national safety and of replacement of the evacuated masses will become much more serious.

It would be a fatal mistake to allow ourselves to be lured by the hope that no evacuation needs to take place on the East Coast. In fact it may become necessary at any moment and then we shall find that we have wasted many previous months. This valuable time could have been used in carrying out a careful investigation of individual cases, with the result that the evacuation problems would be minimized and a number of really loyal, faithful and enthusiastic men and women could be allowed to take their place in War industries, in Civilian Defense and in other vital fields of activity, being at last cleared of the insulting label of "Enemy Aliens".



I am informed that you have expressed an interest in the manner in which we treat alien enemies who are found in possession of articles prohibited by your Proclamations of December 7 and 8, 1941 and by my regulations issued pursuant thereto. For this reason I prepare the following summary of the situation.

Your Proclamations of December 7 and 8 forbade alien enemies to use or operate or have in their possession, custody or control a number of articles including firearms, weapons or implements of war, ammunition, explosives, radio transmitters, shortwave radio receiving sets, cameras, signaling devices and photograph pictures or other representations of military or naval installations or instruments of war, etc.

As of December 30, 1941, in the Western Defense Command and as of January 5, 1942, in the rest of the country alien enemies were required to deposit with local police authorities radio transmitters, short-wave radio receiving sets, hand cameras, firearms and other prohibited articles. Internment regulations were promulgated by me executing your proclamation and the definitive regulations were published on February 5, 1942. In these I defined what is meant by a short-wave radio receiver and required a deposit of cameras, radio transmitters, radio receivers with short-wave band, firearms and other prohibited articles. I did not undertake to define in precise terms the other articles prohibited by your Proclamations inasmuch as it is my understanding that the purpose of forbidding such articles as signaling devices, which might vary from simple flashlights to military heliographs, or as graphic representations of implements of war, which might vary from the pictures in every current newspaper or magazine of warships and tanks to detailed plans of the fortifications of the Panama Canal, was to give the Government ample power to detain anyone who possessed anything which might be called a signaling device or graphic military representation in those particular cases in which it was thought desirable to detain such a person. In order to give us the broadest power the definition necessarily had to be vague.

Beginning in the Western Defense Command immediately after the deposit of prohibited articles and acting on statements of the War Department that it was believed that Japanese were communicating from shore to submarines with short-wave radio transmitters and that enforcement of the prohibited articles regulation would aid in uncovering such activities, a legal theory was devised in this Department to permit searches of all premises, in which an alien enemy was present, without obtaining a search warrant. We were frequently aware that this procedure might well be in violation of the Fourth Amendment to the Constitution and certainly violated the historic right to be free from search except by search warrant. I felt justified in authorizing this course, however, on the statements of Lieutenant General DeWitt and Mr. Hoover that these procedures would assist in safeguarding the West Coast and would turn up Japanese spies and saboteurs.

I do not regret having made this decision since I feel that every possible step must be taken to protect this country from the Fifth Column, even if necessary at the cost of some of our constitutional rights. I am sorry to say, however, that so far as I am aware searches without warrants conducted on the West Coast were without utility in tracking down Japanese. No Japanese or saboteurs were uncovered in this manner and no illegal radio transmitter was found at all.

After I had authorized the use of these special procedures to search without the traditional warrant in the Western Defense Command it was urged that I extend the use of these procedures throughout the rest of the United States. In view of the grave constitutional doubt concerning the procedures and because in non-military sections it would certainly make the public aware that one of the traditional constitutional limitations was being overridden and also because I had some private doubts as to the usefulness of the procedure from a sectional viewpoint, I declined to authorize the extension of the procedures to the entire United States. I did authorize the extension



of the procedures to the entire United States. I did authorize the extension of the procedures to all states on the Atlantic and Gulf coast and the Mexican border.

Shortly afterward the Federal Bureau of Investigation began a series of mass raids in which they found a very considerable number of people whom they charged with violating the regulations. This raised the problem of what treatment should be given to persons charged with such violation. It soon became apparent that almost none of the persons charged with violations could in any way be thought of as dangerous to our internal security. It further became apparent that a very large percentage of those apprehended had not willfully violated any regulations. In a good many cases there was no doubt that the regulations had been violated but it appeared probable that the alien had not learned of the regulations. The two largest groups of non-willful violators, however, were persons who resided at houses also inhabited by American citizens who owned prohibited articles, and persons who possessed articles which had never been described specifically as being prohibited. An example of the first class is the aged Italian mother who resides with her American citizen son and daughter-in-law who have an ordinary radio with the customary short-wave band. An example of the second group would be an alien enemy who possessed some postal cards showing the Panama Canal which, of course, is a military installation.

Because of these considerations and because it seemed to me that our national morale and particularly the morale of the very large part of our population related to alien enemies would not be improved by the indiscriminate internment of all alien enemies charged with violating the regulations when so many of them could not be charged with willful violation of the regulations or even with negligence in failing to familiarize themselves therewith, I decided that all alien enemies should not be automatically interned. Since, because of inescapable procedural difficulties at least a month elapses between the apprehension of an alien enemy with the subsequent investigation of his case, hearing before a local board, and review in the Department of Justice and my final signing an order for internment, parole or release, I was likewise unwilling to order every person charged with a violation of the regulations to be automatically apprehended and put through this machinery.

The procedure which I did adopt was to direct the United States Attorney to give an immediate preliminary hearing to every person apprehended by the Federal Bureau of Investigation on a charge of possession of prohibited articles. The United States Attorney was then directed to order the continued detention for a hearing before a hearing board of every person under the United States Attorney's consideration, potentially dangerous and whose detention pending the hearing the United States Attorney thought necessary. The United States Attorney was empowered, however, to release, pending the hearing, any persons whom he did not think dangerous and whom he did not think would be unavailable at the time of the hearing. Furthermore the United States Attorney was authorized, in cases in which he found that the release of the alien enemy would not endanger the national security or that the violation was due to an excusable ignorance of the regulations, to release the alien enemy without holding him for a hearing board. With respect to special cases there are of course procedural modifications but substantially this is the procedure now employed. It is to be observed that no United States Attorney is directed or authorized to release anyone unless the United States Attorney is satisfied that such release will not be dangerous. It is also to be observed that in any case regardless of violation of a particular regulation, in which the Federal Bureau of Investigation possesses information showing that an alien enemy is dangerous, this alien enemy may be apprehended without a Presidential Warrant pursuant to the procedures provided for in my regulation or a telegram requesting a warrant may be sent to the Department if the case is of lesser urgency.



As a result of the raiding made by the Federal Bureau of Investigation using the search procedures above referred to, more than 4000 persons have been charged by the Federal Bureau of Investigation with possession of prohibited articles. Many of these have been held in detention for hearing boards. Some have been left at liberty pending a hearing and others have been questioned by the United States Attorney and have been released by him upon his finding that these persons were not dangerous.

It is impossible to summarize the experiences of these 4000 cases statistically since the statistics fail to grasp the essential point which is the national safety. Statistics on the number of guns found, for example, fail to show whether the gun was a high powered rifle or a rust clogged horse pistol. Likewise statistics on objects seized fail to distinguish between objects willfully possessed by alien enemies and objects belonging to American citizens who left them in trunks in their mothers' homes when they went off to war.

In a memorandum dated May 11, 1942 Mr. Hoover has informed me that he has seized a total of 2,592 guns of various kinds, 199,000 rounds of ammunition, 1,652 sticks of dynamite, considerable powder, 1,458 radio receivers, 2,014 cameras, 37 motion picture cameras and numerous other articles.

We have not, however, uncovered through these searches any dangerous persons that we could not otherwise know about. We have not found among all the sticks of dynamite and gun powder any evidence that any of it was to be used in bombs. We have not found a single machine gun nor have we found any gun in any circumstances indicating that it was to be used in a manner helpful to our enemies. We have not found a camera which we have reason to believe was for use in espionage. We have, however, seized a vast quantity of articles such as a broken .22 rifle, radio with short-band that would not work, flashlights, binoculars, subway maps, pen knives, bows and arrows and Japanese ceremonial swords. We have also seized a vast number of guns, cameras and radios which are unquestionably prohibited to alien enemies but which in fact were owned and used by American citizens.

In an effort to make the statistics as meaningful as possible I have at present a number of my men going through the Department's files, digesting every prohibited article case. I hope then to be able to analyze the digest so as to tell how many prohibited articles were clearly prohibited by the terms of the public announcements and also how many of the prohibited articles seized were willfully possessed in violation of the regulations. If you desire it, I will furnish you with the report on this work as soon as it is done.

So far, as I have said, two major problems have arisen. The first deals with an alien enemy who lives in the same house with an American citizen. Until I get my statistics I can only guess but I am informed that at least one third of all the cases of persons apprehended on charges of possessing prohibited articles were persons who lived in houses in which husbands, wives or children or fellow boarders, etc. were American citizens who possessed firearms, radios or cameras. I have never issued an order stating that an American citizen who lived in such a house must give up his radio or his hunting rifle and it is very questionable whether I have the legal power to do so. On the other hand, I have not felt justified in ordering every alien enemy to leave any house in which a citizen possessed such articles. If we go at it slowly we can advise citizens and aliens alike that it is necessary to keep the prohibited articles locked up or put away in such a manner that the alien enemy would not have access to them. If we proceed by raids in such cases the results are unfortunate. An actual example in the District of Columbia was a raid upon the residence of an alien woman on a charge of possessing a radio having a short-wave band. It developed that the radio was the property of her husband who had been in the United States Navy for twenty years and is presently a Chief Petty Officer.



The second major problem is concerned with cases relative to articles which were never announced to be prohibited but which could verbally be brought under one of the prohibited classes. As I have said, in dealing with such things as signaling devices and representation of military installations, in order to give us maximum power over dangerous men we purposely left the definition vague. Through our raids, however, we have turned up a very large number of people with articles which they had no way of knowing to be prohibited. Possibly the largest group of these concerns binoculars and telescopes which are not mentioned in any proclamation or regulation but which have been seized on the theory that they are implements of war. Another large group of cases concerns the apprehension of possessors of flashlights on the theory that they are signaling devices.

As a result of observation of this type of case I have issued instructions that only those articles shall be deemed to be prohibited which are expressly prohibited by the public announcements and regulations or which, under the particular circumstances of their possession, appear to be dangerous.

I believe that these two problems can be worked out and it is my opinion that when this is done the procedures which have already been inaugurated will be continued.