

J. M. J.

December 17, 1941

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MEMORANDUM FOR MR. FRANCIS N. SHEA,
ASSISTANT ATTORNEY GENERAL

With reference to our conversation of this afternoon I thought it would be desirable for me to dictate a memorandum covering the various points which we discussed incident to the alien enemy project and the present internal security situation.

1. I have long contended and still believe that there should be a registration of all alien enemies within the United States; that such registration should consist of the filling out of appropriate questionnaires by such alien enemies and photographing and fingerprinting of them; that some identifying card be issued to such alien enemies as are registered which should be carried by them at all times; that rules and regulations should be promulgated pertaining to the movements of such alien enemies and the possession by them of radios and photographic equipment. I submitted many months ago detailed suggestions for this particular project and urged that steps be taken for the approval or development of the same so that it might be immediately applied in the event of war. It is my understanding that this was not done. I am still firmly of the opinion that it should be done immediately if the internal security of the country is to be safeguarded.

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2. I have previously recommended and still am of the opinion that there should be some specific authority permitting the apprehension of any citizen or alien as to whom there may be reasonable cause to believe that such person has been or is harboring or aiding or comfort to the enemies of the United States. I had in mind one authority similar to the "Defense of the Realm Act" existing in Great Britain. Whether this should be through a suspension of the writ of habeas corpus or whether it should be in the form of an enactment of some so-called syndicalism law is not entirely up to me to suggest. That is basically a question of procedure. The point I desire to make is that I have thought for some time that authority should be obtained that would authorize the apprehension and detention of so-called fifth columnists, whether they be citizens or aliens. I understand that no such authority has yet been secured. I am of the same opinion as I expressed some months back that such authority should be replete with the appropriate safeguards but which would enable the Federal authorities to function effectively in the event of a critical situation arising.

within the United States which might come incidental to any bombing or threatened invasion.

3. I am of the opinion that the two matters referred to in the paragraphs marked "1" and "2" should be immediately acted upon and the appropriate authority secured so that the same may be in readiness for application at the earliest possible date. I think the delay that has already taken place in these matters is most unfortunate and certainly should not be continued.

4. As to your inquiry of me as to whether I know of any particular person who I believe should be taken into custody at the present moment should such authority as has been recommended by me in paragraph two be obtained, my answer to you as to that question is no, with these qualifications: In the first place, under the Departmental directives which have been in operation this Bureau has not been designated to reach any conclusions or make any recommendations as to who might be considered as particularly dangerous to the internal security of the country. The procedure as you know has been for the Bureau merely to gather together the information and facts that it could and to submit them to Mr. L. M. C. Smith. It has been the responsibility of his office to reach the decisions as to the degree of dangerousness both of citizens and aliens. Therefore, this Bureau has not studied or evaluated the various dossiers that have been submitted to Mr. Smith upon the citizens and aliens as to their degree of dangerousness. Consequently, when I state that I cannot at this time advise you of any particular person who should be taken into custody under the extreme authority recommended in paragraph two, it is with the limitation that I have indicated under which this Bureau has operated. It would seem to be the definite responsibility of Mr. Smith to answer that question rather than for the FBI to answer it, as it has not been the responsibility of this Bureau to reach that decision. The second qualification to my answer is that conditions of course are changing from day to day and should there arise more definite threats of bombings or invasion the entire picture of so-called fifth column activities might change. However, this Bureau has submitted to Mr. L. M. C. Smith the names of all persons, together with such information as the Bureau has concerning them, who would form any potential fifth column in this country, and as previously indicated the Bureau has not been specifically charged with the responsibility of reaching a decision as to whom to take into custody.

5. I am of the opinion that the various dossiers which are at present in Mr. Smith's division that have been submitted upon citizens to Mr. Smith should be studied and a prompt decision reached by the Criminal Division as to whether there are any present criminal statutes under which proceedings might be initiated against these persons. I further am of the opinion that the group of persons upon which dossiers have been submitted and upon which the citizenship status has not as yet been determined be immediately disposed of by reaching such determination. I am further of the opinion that the Federal Bureau of Investigation should be advised as quickly as possible of the decisions of Mr. Smith's division as to the degree of dangerousness of the citizens or aliens that have not already been classified. It might likewise be desirable for Mr. Smith's division to review those classifications which have already been made in the light of the changed international situation and the physical threat to the Continental United States by our enemies.

In summation, I am definitely of the opinion and have been for some time, and have been on record to that effect, that the alien enemies should be registered and appropriate regulations be issued concerning their movements and activities, and that specific legislation should be obtained authorizing the apprehension and detention of persons who might fall within the category of so-called fifth columnists. Also, I am of the opinion decisions should be made by Mr. Smith's division as quickly as possible as to those citizens who should be taken into custody under any such extreme authority. It has not been and is not now the responsibility of this Bureau to recommend or advise as to the dangerous character of any person, citizen or alien for custodial detention. The Bureau's function has been and is now that of merely being a transmission belt of information which its facilities obtain. I have not assumed and am not now assuming the responsibility for reaching the decision as to who is or is not to be arrested.

Very truly yours,

John Edgar Hoover
Director