Sumner Welles Papers
Box 62 Folder 2
Office Correspondence
Messersmith, George May 1940

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DEPARTMENT OF STATE

THE UNDER SECRETARY

May 29, 1940

Have PM

STRICTLY CONFIDENTIAL

Eu - Mr. Moffat:

I am sending the attached letter from George Messersmith to you as I believe you will find it of interest.

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EMBASSY OF THE
UNITED STATES OF AMERICA

Habana, Cuba, May 25, 1940.

Personal and Confidential.

Dear Sumner:

You will recall that some time ago I sent you a memorandum which reached me from a banker in Europe who is a naturalized American citizen and who has over a number of years given me some very useful information. You will also recall that while I was home you showed me a letter from Leland Harrison in which he transmitted some information which had been given him by this same person.

I have now received from this same source a letter dated May 6 of which I send you a copy, as well as a copy of the memorandum which he transmitted me. I gather from his letter that the appended memorandum contains very largely information which he conveyed to Leland Harrison and which was the subject of Leland's letter to you. I am nevertheless sending you the memorandum as it I believe contains some amplifications of the information which Leland transmitted to you.

I need not tell you, of course, that it is very important that Dr. Roesler's name should be kept very confidential as I happen to know that the persons with whom he is in contact in Germany are in high places and well informed and among those who realize the dangers to all the world, as well as to Germany, of the objectives of the present Government there.

I shall be writing you shortly on other matters. You have, I am sure, in the meantime received my letter of May 22 with which I sent the memorandum on alien controls. I am delighted to note that action is

so

The Honorable
Sumner Welles,
Undersecretary of State,
Washington, D.C.

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so rapidly under way with respect to the transfer of Immigration and Naturalization from Labor to Justice. This is a necessary part of the program, as you were the first to recognize and it is going to be most helpful to have this done immediately. There are, of course, these other things which must be done without delay also.

I am giving the question of espionage and sabotage activities on behalf of various elements here very careful attention and I shall be able to write you about this next week.

With all good wishes to you and Mrs. Welles, and hoping you will tell her how much my wife and I regret not having seen her during our brief stay at home,

Cordially and faithfully yours,

George S. Messersmith.

Enclosures:
Copy of letter dated May 6,
Copy of memorandum dated May 6.

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COPY.

May 6, 1940.

Dear Mr. Messersmith:

I hope my letter of March 18 reached you. I had occasion to hear more from the same persons and as this information seems to me equally striking I wrote it down and take pleasure in sending it to you enclosed.

Hoping that this letter finds you and Mrs. Messersmith in the best of health and that we may have the great pleasure of seeing you in America this summer, I am with warmest regards for Mrs. Messersmith and yourself, also from Mrs. Roesler,

Most sincerely yours,

(sign.) Rudolph Roesler.

P.S. The day the Clipper train left, on May 8, I saw Mr. Harrison in Berne and mentioned to him some of the news which I said were contained in a memo of about 3 pages which I intended to send you by clipper as I was most anxious to get this information to USA as quickly as possible. Mr. Harrison replied that if this is your wish, the quickest way would be if I pass it on direct to Washington, what he probably has done in the meantime.

Although things are partly "past history" by now I nevertheless am sending you the memo which I prepared for you and which I hope will still interest you.

Mrs. Roesler and I spent the evening of May 3 with Mrs. Dorothy Thompson-Lewis here in Zurich, just during the days of the meetings with my informant. So she heard from me a few of the things which startled me most.

Very sincerely yours,

(sign.) Rudolph Roesler.

May 10, 1940.

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C O P Y

Memo May 6, 1940.

This report is based on information received between May 1st and May 4th from the same persons who supplied the data for my memo of March 18th, 1940.

Of all I mentioned there nothing has to be taken back, much of it and even things which at that time appeared most incredible like the occupation of Denmark and Norway have come true; the rest is unfortunately on the best way.

Progressively with the realization of Hitler's aims - as I outlined them on March 18th - the danger for the USA becomes more real, actually increases, my informant said.

I should mention that he also had told me that the plan was to "wake up" the heads of the Scandinavian countries in the middle of the night to advise them that German troops were marching through the streets of their capitals. I left these absurd sounding details out of my memo of March 18th because I was afraid they would shake the confidence in the reliability of my informant.

Pointing to the proofs showing that his information was correct even in details, he repeated his advice that the United States must assist the Allies at once with everything possible:- credits, raw materials and any goods they need, not to forget our "elan," as they otherwise will probably not win the war which without a question would mean, that the USA would have to fight this war one day alone.

To believe all that I stated before, he said, and what I am going to tell you now, you must fully realize that the sole responsibility for all this, Hitler, is a mad man, and actually insane, although in certain respects a genius and that without exception he has surrounded himself with absolute criminals.- A true plebiscite in Germany permitting full freedom of speech would give Hitler not more than 15% of the vote.

But for the time being there is no hope for a revolution in Germany, not even for an uprising, not on account of shortage of raw material and still less for food. Germany has enough to carry them until the winter and perhaps longer with all - especially foodstuff - they found and squeezed out of Austria, Czechoslovakia, Poland, Denmark and Norway.

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No revolution in Germany is possible unless Hitler has suffered two or three setbacks. The first one will only wake the German people up.

But without a setback which only arms can bring about, Hitler will not stop and without a stop the danger is creeping closer and closer on to the United States. There is no compromise with Hitler. They are gangsters and use gangster methods.

My informant insisted the Allies cannot win the war without the full support of the United States, arguing as follows: If South and Middle Norway is given up by the Allies (what unfortunately has been the case in the meantime) three events will follow:-

1) The European Neutrals will from the experience of others probably consider it best to play ball with Germany. Sweden let already pass German ambulance trains filled with -- ?? -- through her territory. They all will come to the conclusion that a compromise with Hitler is perhaps possible after all and therefore the best solution for them.

2) Italy will enter the war at once; take Jugoslavia and Greece, probably also Malta and Cyprus and perhaps even capture or destroy the British and French fleets in the Mediterranian.

3) The attack of the British Isles from Denmark and Norway as my informant pictured it to me according to my memo of March 18th, which was planned for May 1st counting with the immediate occupation of Denmark and Norway - will begin now middle of June, when the airports in Norway are sufficiently rebuilt.

At the same time, he said, that the Germans will march through Holland and Belgium and my informant believes it very uncertain whether France can stop the German troops as she can attack them only from the flank.

And if the British are not very quick in destroying the Railroad Narvik - Lulea and get the Swedish mine workers to strike by paying them their living through the English Labor Unions or use other methods of stopping the Swedish iron mines to operate, Germany will have this rich ore, which is probably now transported to Lulea to be taken from there with a great fleet to Germany in the summer and Britain will not have one ton of it.

Germany's

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Germany's attack on the British Isles with air torpedos, new explosives, new armed huge airplanes will in Hitler's mind lead to a peace with Britain this fall, and consequently with France, as I described it in my memo of March 18th.- That such peace will bring Germany colonies, permitting the erection of flying fields and Submarine Bases thereby becoming an increased threat to USA, would be the obvious result.

But every peace, every truce with Hitler, my informant said, is only the start of further enormous rearming of Germany on land and on the sea; and where will Britain still be able to build ships and manufacture arms if its factories, shipyards, harbours, breakwaters, etc., are destroyed? Where could the United States even land help ?

Practically all the large arm factories in Europe are in German hands. The English have not yet destroyed the Norwegian plants, which now work for the Germans too.

And in a year or two, if not before, my informant said, Germany will take the Northern part of France including Normandy and Brittany. "The rest of France" Hitler says, "is enough for forty million people.

If the West of Europe is in Germany's hands then she will turn towards Russia, grab Ukraine and Eastern Russia, possibly as far as the Ural, he said, and went on: that Russia cannot resist if Germany stirs up the Japs and leaves the Dutch East Indies to them, seems certain.

To undermine South America further, which Germany already started, see Brazil, see Argentine, will be the next step and easy. The United States, he continued, are not so much liked in South America and South America has raw materials which the Germans can barter for finished products. "Germany must export or die."

The United States, he said, may, may go together with Canada, perhaps Mexico and live in "Splendid isolation" - but in constant fear of Germany.

This is what the Americans have to face if they do not help the Allies as quickly and as extensively as possible, and it may be too late if they wait still longer, he said.

It seems possible that somebody will say: why should the United States help the Allies if they are

so stupid -

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so stupid - for instance knowing that only the Alkmar incident prevented the invasion of Norway at that time, knowing all about the German or at least mysterious ships along the Norwegian coast and not doing anything about it - or so incapable as to make such a blunder in regard to Norway.

The United States unfortunately have to do it as they otherwise would apparently commit, he said, the same mistake that the European Neutrals who believed that they could save their interests not better than not to mix into any troubles as long as they do not concern them directly. But there is no compromise, no truce, no peace with these gangsters who are out for power by way of rape, murder, treacheries, lies, kidnapping, torturing and all the other gadgets of criminals. Already 100 000 Danes are forced to work in Germany and # 700 000 Poles who were brought to Germany many work behind iron bars in German munition factories. This, my informant told me, is a certain fact.

There is no end to it because Hitler has no goal, he is a fanatic who doubled his efforts as he lost sight of his goal - if he ever had one - except unlimited power.

These aims, these methods must be stopped. In our customary way of measuring time one might say Hitler will disappear before all this. But at this pace he may need less than 2 or 3 years for all he said.

We are at the beginning of a world conflagration and if the United States, he said, do not help the Allies as quickly as possible they will themselves be caught and will have to fight alone and perhaps unsuccessfully.

To be honest, he said, the United States have no army and no arms to fight such a machinery alone, especially if it comes so far that they have against them Germany with Italy and Japan, - a Germany reaching from the Atlantic to the Ural with a Roman Satrapy controlling the Mediterranian and Africa about as far down as the Congo and Japan with Manchuko and Nanking.-

Both - the Isolationists and the Interventionists - he said, can agree to help the Allies because this might still keep the United States out of the war, provided they supply the Allies with everything the latter - might - perhaps - eventually need.

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If the United States wait long they will have to mobilize themselves.

The conclusions, he said, are:- The Allies cannot win without the United States; they must bear this in mind.

Liberty and peace are lost for them too and their children if these gangsters subdue France and Great Britain.

This is the second chapter of my letter of March 18th based on the information of the same persons who were unfortunately so correct with everything they told me as my letter of March 18th shows.

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OBSERVATIONS ON, AND RECOMMENDATIONS FOR, THE CONTROL OF ALIENS WITHIN THE UNITED STATES AS A MEASURE OF PREVENTION OF SABOTAGE, ESPIONAGE, AND OTHER FORMS OF SUBVERSIVE ACTIVITY

NECESSITY FOR CONTROLS

There are approximately 4,000,000 aliens in the United States in so-called permanent residence, the great majority of whom have undoubtedly made legal entry into the country. Among these 4,000,000 aliens there is unquestionably an undetermined number, which is a relatively small minority, which, in one way or other, made illegal entry. In addition, there are some 16,000 alien temporary visitors in the United States, the greater number of whom undoubtedly came into the country for a bona fide and proper purpose. Among these temporary visitors, however--very probably among those most recently arrived--there is a goodly number who have been sent to the United States, in this way, at the expense of other governments and for purposes contrary to our laws and institutions.

It must be recognized and realistically dealt with that the national allegiances of some of these aliens, particularly those of German and Italian origin, are especially strong. It is a fact that some of the Germans and Italians who left their countries in recent years because of persecution by their governments have, nevertheless, become in our country strong defendants of their native countries and the practices of their present governments. Among the so-called refugees in our country is a fair number who can be depended upon to act as agents of their government and who will violate in any way the hospitality which they are enjoying among us.

In view of the occupation of various countries in Europe by the German forces, of the German-controlled governments which have been set up there, and of the inevitable extension of such German control or influence should the British and French suffer a military defeat, this problem of the aliens in our country will be tremendously more complex and will have dangerous implications. Most of the aliens in the United States, irrespective of origin, have near relatives in their native countries. The German Government, in particular, and the Italian Government, in a lesser degree, have been exercising direct pressureson their nationals in the United States, this extending even to those who may have become naturalized American citizens. With the extension of German control over other countries of Europe, other national groups in the United States will be directly influenced by these pressures. Experience has already shown us that some of these nationals do

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not need the pressure from European governments, as they are fanatics, critical of the institutions of the country which has given them a refuge; and there is no doubt that, under given circumstances, they would become willing and dangerous elements, being so widely scattered over our country and employed in all kinds of key industries in all kinds of capacities, from executive positions down.

Another factor which must be considered seriously and resolutely at this time is that some Germans and Italians in our country whose attitude has been extremely critical of the whole political, social, and general program of the totalitarian states are being infected with the same disease which gradually took hold of the reasonable people in Germany and Italy. A considerable number of Germans and Italians, more particularly Germans, gradually became drunk with this dream of power and began, therefore, to give their full support to the government which they had abhorred. So it must be reckoned with that in the United States aliens, particularly of German and Italian origin, who have heretofore been completely out of sympathy with the German and Italian Governments and their programs will endeavor to climb on the bandwagon of what they believe to be the winning side. It must not be neglected, in this connection, that the textbooks used in the German schools in recent years, the newspapers, the radio, and all public-opinion-forming means have been directed to the end, among other things, of showing that the people of German origin in the United States are those who are responsible for the position of the United States in the world today: that they have made the principal contribution to its cultural, social, and economic life. In recent years the German people have been inculcated with the idea that the Germans in the United States are a suppressed minority, and even in such formerly responsible papers as the Hamburger Fremdenblatt there have appeared articles to the effect that it is Germany's duty to liberate the German minority in the United States. In Chicago, if only there, there has been a distinct center endeavoring to stir up the population in the United States of German origin to the necessity of their seizing power through the electoral machinery of the country.

With so large a number of aliens in the United States and keeping in mind, among other factors, the above, it is clear that the question of alien controls in the United States is one that can no longer be postponed, for reasons of public safety.

URGENCY

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URGENCY OF CONTROLS IN VIEW
OF THE DANGER OF SABOTAGE

The so-called Fifth Column activities in Norway, Sweden, Poland, Belgium, the Netherlands, England, and France show that not only aliens, but native and naturalized citizens are affected by these activities instigated by other governments. The first and the classic example was Austria, in which it was definitely Fifth Column activities that prepared the way for the destruction of her sovereignty and separate existence. Although the handwriting was large on the wall, little attention was paid to it; and it took the actual outbreak of war and operations during the war to convince the masses, and in some cases even the leaders of government, of the dangers of these Fifth Column movements. The danger was recognized too late, with the effects which are now apparent in Europe.

by other states;

The adherents of these Fifth Column activities are found among the dissatisfied, the so-called underprivileged, and similar groups. These form the mass on which Fifth Column activities are based. The leadership comes from native and naturalized citizens and aliens who have the hope that, through their activities, they may be able to protect some personal and financial interest through the currying of favor of a totalitarian power with aggressive aims on the country of which they are nationals or in which they are living. Others nourish the hope of power, place, and preferment under the "new order" which they believe is coming. There is no doubt that in our own country the German, Italian, and Japanese Governments, through their open and undercover agents, have already marked people in responsible positions in our country who will be susceptible to their approaches. Among these are people in high places in practically every aspect of our own life in the United States--university, cultural, financial, business, et cetera. The Wennegrens, Rost von Tonninghem, Degrelle, et cetera, have their prototypes in other countries, including our own.

There is, therefore, this immediate danger of sabotage in our business, financial, and economic life, at the top.

There is danger of sabotage on our ships, naval as well as of the merchant marine. The considerable communist element among the personnel of the merchant marine is an easy prey and tool for foreign influence.

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There is danger of sabotage, in our industrial plants producing aircraft, munitions, and other materials for use in our defense, and in plants susceptible of quick transformation to such production.

There is danger of sabotage to our means of transportation, water supply, light service, and similar utilities.

A campaign of sabotage could easily have a tremendous retarding effect on our defense program, and the moral effects of such acts of sabotage cannot be disregarded. There can be no delay in the provision of the necessary controls, for a single bomb can delay or destroy progress for months in an important aspect of our defense program, and destroy in an instant the work of a thousand men of a year.

CONTROL OF SABOTAGE IN THE FIELD OF PUBLIC MORALE AS IMPORTANT AS IN THAT OF PRODUCTION

The effects on morale of sabotage activities have become amply apparent in recent weeks, when there has been a tendency on the part of considerable sections of populations of countries faced by slavery not to fight.

While the endeavors to bring about moral sabotage in the United States would undoubtedly not be as effective as they have been in other countries, it must be recognized that, with our large alien population and with our large population of naturalized citizens who still have sentimental allegiances, the activities of paid agents and fanatics are an element which must be seriously kept in mind.

Attention, therefore, will have to be paid to propagandists, whether they are columnists, commentators, or the press. It makes no difference whether those engaged in these activities are venal, subsidized, fanatic, or self-seeking: the effects of their activities are the same.

Careful consideration will have to be given, and energetic steps taken, with respect to various types of organizations which, while apparently of an innocuous or desirable character, are used, or susceptible of being used, for defeatist purposes. Among these are the frankly political organizations existing among certain alien groups in the United States which have been directed against the governments of the countries of

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their origin. Certain of the so-called peace societies in the United States are a very thin cloak for communist and subversive activity. The benevolent, social, and burial societies among our alien population have already, in a measure, become the instruments of foreign agitators, and this tendency can rapidly become aggravated under developing circumstances in Europe and in the Far East.

A considerable number of organizations, in many of which the membership is largely American, have recently grown up which advocate un-American doctrines. While some of these exist largely on paper and have their mainspring in racial prejudice, there are potentialities in these organizations which, until recently, could be viewed with a certain amount of complacency; but which, under existing conditions, become dangerous.

There is, therefore, not only real necessity, but immediate urgency for the establishment of certain controls in the United States. There will be a hue and cry from a very small minority in our country, who will say that a totalitarian state is being erected in our own midst and that civil liberties are being destroyed. As a matter of fact, it is necessary to recognize that the existence of civil liberty and the maintenance of all those principles which we recognize lie at the basis of our Government and our whole political, social, and economic order are at stake. It is only by restricting the so-called civil liberties of a very small group among our population that it will be possible to maintain the civil liberties of all. Among those who will cry loudest that civil liberty is being destroyed are those who, in the struggle for what they believe to be the maintenance of an ideal, are prepared to risk the sovereignty of our country and the complete basis of our way of living. It is such small groups in other countries which have protested against so-called restrictions of civil liberty which have really laid the basis for the destruction of such liberties in their countries.

EFFORTS TO INCULCATE FEARS

There will be very definite efforts emanating from all kinds of unexpected quarters to inculcate fears and a general defeatist policy among the people of the United States. The power of the totalitarian states will be magnified, with the idea of laying the basis for the increasing conviction that struggle against such power is futile. There will be stressing of the deadly effects of raids from the air; the dangers to civilian population from modern warfare will be emphasized in many and insidious ways; and

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the idea of the superiority of German culture, organization, and weapons, and the general German superman idea, will be propagated. Our own relative unpreparedness will be stressed, with a general idea of inculcating a defeatist attitude. These are only a few ways in which, unless such elements are suppressed, efforts will be made to bring about a general preachment of defeatism.

NECESSITY FOR IMMEDIATE RECOGNITION THAT CERTAIN STEPS IN THE WAY OF CONTROL MUST BE TAKEN

The fundamental fact that our liberties, our way of life, and our whole system of freedom of personal, economic, and political action are at stake must not be hidden from the American people. It must be made clear that even if we could live within our present frontiers without any danger of attack from without, developments within and without our country in case of a totalitarian victory would bring catastrophic changes within our own country involving a lowering of the standard of living and a complete readjustment in our political, social, and economic life. It must be brought out that even though the American people were willing to accept this, a victory of the totalitarian states would inevitably eventually involve us in war, as many points of friction would arise which would make it impossible for us to abstain from war in self defense. It must be made clear that the totalitarian states have as their objective the destruction of the power of the United States, just as surely as they have had as their objective the destruction of France and the British Empire and of the sovereignty of small states. The American people must realize that the defense of the United States involves the defense of the whole western hemisphere, as any encroachment on any part of the western hemisphere by the totalitarian states would bring the base of their war machine so much the nearer and would so much weaken our power of defense, no matter what our material resources and defense apparatus might be. It can no longer be concealed from the American people that a totalitarian victory would mean that the production machinery of practically all of Europe would be in the hands of the German Government and would serve as its instrument.

Under these circumstances, it is obvious that our Government must take at once--resolutely and, in some cases, ruthlessly--measures which would ordinarily be taken step by step. It must be recognized that we are faced by the greatest national emergency which our

country

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country has yet had to confront. There is every reason to believe that if public opinion is adequately informed and the events in the rest of the world are accurately interpreted to the American people, they will respond, and the necessary measures which our Government must take for the public safety can be carried through without difficulty and with complete public support.

Alien and certain other controls must be established without delay. The public safety, in view of the foregoing and of other factors which it has not been deemed necessary to adduce here, requires that certain alien and other controls be made effective without delay.

It is desirable that these controls should be based on statutes enacted by the Congress and on administrative steps which these new statutes and existing ones may permit. It is obvious that, in times like these, when we are faced by a real emergency on the issue of which the whole future of our country and its institutions may depend, the President must be given wide powers. It is impossible, through legislative action, to foresee all of the problems and factors which will have to be dealt with in such an emergency. Certain considerations, therefore, which would otherwise prevail, and on which the Congress and our people would usually insist, must be set aside; and whatever legislation may be enacted should include language giving the President wide discretionary powers with respect to these controls. This is of primary importance because, no matter whether the Congress should remain in session continuously, which it is not likely to do, the legislative process is too slow, in the face of an emergency like this, to provide for a statutory basis for all of the measures which for the public safety may be imperative. As the real implications and scope of the problem with which we will have to deal in this hemisphere are becoming apparent to the Congress and to the people of the United States, it is not believed that there would be any difficulty in securing legislative basis very quickly for such broad powers of the President with respect to controls which he may find necessary.

Equally important and fundamental is the necessity that all departmental, personal, and local considerations which might arise in connection with such controls must be set aside, and that only the public interest be considered. As these departmental, personal, and local considerations are very deep-seated and, naturally, general, it will obviously be necessary for the President to give the plainest, most categoric instructions to the various agencies of the

<u>Federal</u>

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Federal Government that it will not be permitted that any such departmental, personal, or local considerations impair or impede the effectiveness of the controls and administrative practices which it may be decided, after due consideration, to set up.

ACTION THROUGH ADMINISTRATIVE STEPS

Uniform visa requirements which aliens would have to meet to enter the United States for a permanent or a temporary stay should be set up, irrespective of the origin of the alien. This is possible, under existing law, through executive action. It involves the removal of the present exemption of nationals of Canada, of British subjects domiciled in Canada, and of citizens of Mexico, Cuba, and other West Indian islands from certain requirements now set forth in the law. This action is imperative in order that the influx into the United States of undesirable aliens from Mexico, Cuba, and other West Indian islands be stopped.

All aliens securing a visa for permanent or temporary admission into the United States should be fingerprinted--either at the American Consulate where the visa is granted or at the port of entry, as may be determined most feasible.

In a separate memorandum now available within the Department of State, other administrative steps which can be taken under existing statute are set forth.

ACTION THROUGH LEGISLATIVE STEPS

It will be impossible, for reasons which it is not necessary to go into within the scope of this memorandum, to secure the most effective administration of our immigration and naturalization laws as long as the Bureau of Immigration and Naturalization remains in the Department of Labor. These two functions of government fall much more naturally within the scope of the activity of the Department of Justice; and immediate action should be taken, through the necessary legislative or administrative steps, to provide for this transfer. Such transfer can be made effective almost immediately and without much difficulty, as it involves a bodily transfer to Justice of what is now really an extraneous function of Labor. It is believed that the Congress and the public would be most eager to see such a step taken, because it is generally recognized that it would lead to better administration and that, in the

emergency

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emergency which we have to face, more effective administration is necessary.

The Stewart Bill, on which favorable action has been taken by the appropriate senate committee, should receive immediate action by the Congress. It provides, among other things, for the fingerprinting of aliens already in the United States and for the registering of aliens in the country. It is believed that this bill will receive almost unanimous support in the Congress, under existing conditions and wide popular approval, and that its enactment can be secured within a relatively short time. The text of this bill is not available: it may be feasible to consider its appropriate amendment in order to provide not only for the fingerprinting and registering of aliens in the United States, but also for the following of the movements of aliens after the original registration.

The public safety clause in existing statute should be extended to cover non-immigrants as it now covers immigrants.

A provision should be enacted giving the President broad general powers to make emergency regulations covering alien controls and the movements of citizens who are suspected of improper activities.

Whatever legislation is enacted should be sufficiently broad so as to require aliens and, in certain cases, citizens to register at their new address when they change their domicile, even temporarily. In order to make this provision effective, the statute must provide a penalty of imprisonment for failure to register promptly on change of address.

In order that the existing machinery of government may be used to the greatest advantage, to prevent the setting up of new agencies, to keep down the cost of administration, and to bring about effective registration, it is believed that the registration of aliens and, in certain cases, of citizens, and the reregistration of such aliens and citizens on their change of domicile, should be in the hands of postmasters. Postmasters have at their disposition the admirable postal inspection service of the Postoffice Department and the whole machinery of urban and rural carriers, who can, in many ways, be helpful in the effective registration of aliens.

<u>AGENCIES</u>

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AGENCIES OF CONTROL AVAILABLE

Primary among the agencies of control and investigation available to our Government is the Federal Bureau of Investigation of the Department of Justice. In that Department, also, are the federal courts and the machinery for the prosecution of offenders. In any system of control, these three agencies of the Department of Justice, together with the Bureau of Naturalization and Immigration, which should be placed therein, can be closely coordinated as a most effective instrument.

The Postoffice Department is able to cooperate, for investigation purposes, through the service of postoffice inspectors, who are a discreet, capable, and effective organization. It can lend its active and wide cooperation through the use of postmasters and of urban and rural postal carriers.

The Treasury can contribute its cooperation through the coast guard, through the Bureau of Customs, through its special agents, and through such secret agents as may be at its disposal.

The Army can contribute its cooperation through the existing organization of the Division of Military Intelligence and by lending the services of such reserve and active officers with special capacities as it may be found desirable to assign to this duty.

The Navy can lend its cooperation through the Office of Naval Intelligence and through the assignment of qualified reserve and active officers.

In this connection, it is believed worthwhile to point out that there are many persons throughout the country now cooperating with M.I.D. and O.N.I. on a confidential and anonymous basis, and the cooperation of such persons should be further extended, through the existing organization. There are many reserve officers who, in view of the emergency, will be called to active service; and among these are men who are admirably adapted by previous training and experience for work in connection with alien controls and prevention of sabotage and espionage. There is no reason why active officers should not be detailed to this duty from both the Army and Navy, as it is believed that such officers will be available for this duty without crippling the other activities of Army and Navy.

The Department of Commerce is in a position to lend its cooperation through the Steamboat Inspection Service.

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The Department of Labor should be able to cooperate in using its good offices in bringing about an understanding by Labor of the imperative necessity in the public interest of the control measures which have to be undertaken.

The Department of State is in a position to render valuable cooperation in the system of controls, both through the Foreign Service and through the organization of the Department in Washington. Some of the most effective information which reaches our Government concerning the activities of foreign agents comes through the Foreign Service of the Department of State; and, particularly in the western hemisphere, the Foreign Service Officers of our Government are the outposts of such control. There are various ways in which the various Divisions and Officers of the Department of State can cooperate in the controls.

NECESSITY FOR COORDINATION OF THE ACTIVITIES OF VARIOUS AGENCIES AND FOR THE PLACING OF SUCH CONTROL IN ONE DEPARTMENT

It would be lack of good administration and would tremendously slow up the organization of alien and other controls if the existing agencies of government above mentioned were not effectively and appropriately employed. In order that these controls which are necessary now and which may be found necessary shall become effective, it will not be necessary to create any special services of government. It will, however, be necessary to place in a single department of government the coordination of these activities, with real responsibility for direction.

In view of the fact that the Department of State maintains no investigating agencies in the United States and is in this sense a neutral agency, and in view of the fact that in the very nature of things it is the Department in which this coordination can be most effectively placed, without creating frictions, it is believed that this coordination should be placed by the President in the Department of State. To this end a high-ranking officer of the Department of State should be named by the President as the coordinator, and he would act as the chairman of the Board of Controls. It is believed that all the other departments and agencies of the Government would prefer to see the coordination of these control activities placed in the Department of State, rather than in any other agency of our Government.

ORGANIZATION

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ORGANIZATION OF THE CONTROLS

A Board should be set up by the President, composed of a high-ranking officer of each of the departments and agencies above mentioned. The member of the Board for the Department of State should be the chairman thereof. This Board would be charged with the duty of carrying through all of the control measures which may be prescribed by law and regulation. The Board, in order to carry through its duties, which will be largely of liaison between the departments and for the determination of action, must be provided with a small personnel. It is not believed that there should be built up around this Board of Control any large personnel of its own, as it should act through existing agencies of government participating in the Board and through the personnel available to these agencies. In order that the representative of the Department of State, who would be a high-ranking officer of that Department and would, therefore, be performing other duties, should be able to exercise these duties, it will be desirable to appoint as his assistant an altogether qualified person to act for him in the active direction of the work of the Board of Control.

OTHER AGENCIES WHICH MAY BE USED IN CONTROLS

In addition to the federal agencies already mentioned in this memorandum, the Board of Controls, through the various departments and agencies represented in it, will be able to secure the effective cooperation of municipal and state police throughout the country. In this connection, it must be frankly recognized that among the police of some of the larger cities there are a certain number of sympathizers with totalitarian and communist doctrines. Wherever such police personnel is known to hold such views, appropriate steps should be taken to secure their elimination from the local and state police, as their very presence can sabotage the effectiveness of any control measures.

The offices of Naval Intelligence and of Military Intelligence, in addition to their organization of active officers in Washington and throughout the country, have the confidential cooperation of citizens who have either been in the armed forces at some time or who have expressed a willingness to do, and who have a capacity for, useful service in this connection. The proper expansion of these affiliations of O.N.I. and M.I.D. may be usefully contemplated.

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Without in any way indulging in witch hunting, it is believed that any system of controls of moral and material sabotage and of espionage will involve the collaboration of citizens in practically every town and city of the country. A system for the securing of such collaboration of appropriate, sound citizens in every community can be worked out by the Board of Controls. It will have to be done carefully, in order to avoid the persecution of individuals.

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It is realized that the program set forth in this memorandum may seem too thoroughgoing and too far-reaching for immediate execution in all its details. The putting into effect of such a program will undoubtedly cause certain concern among a part of our people. It is doubtful, however, whether, in view of the growing recognition of the emergency and the real dangers with which we are faced, almost complete popular support will not be found immediately. The danger of material and moral sabotage is so real that all the available forces and means for the counteracting thereof must be employed --and employed effectively and without delay. For many reasons drastic action, and immediate action, is necessary. It is because in other democracies certain considerations have restrained governments and peoples from the necessary acts of self-protection that the consequences which we are witnessing have come about. At a time when all our civil rights are in danger, there is no reason why the overwhelming majority of our people who are decent and right-thinking should not be protected and aided in the preservation of those rights, even if it may involve the inconvenience of the detention or seclusion of persons of that small minority who would prejudice those rights and who are potentially so dangerous. The experience of other countries should show that no mercy or consideration should be shown to those persons who would stand in the way of proper protective measures. We might as well realize that <u>some</u> of our rights may, for the time being, have to be restricted, if we are to conserve <u>any</u> for the future.

It is equally clear that, while no person must be deprived of liberty or be sequestrated, the action of the courts must be swift, and in certain cases the right of <u>habeas corpus</u> restricted.

It is equally necessary that immediate steps should be undertaken to prevent the activities of the agents of other governments now so active in our country, whether

<u>they</u>

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they be acting under diplomatic cover or under cover. The size of some of the diplomatic and consular establishments of certain governments in our country has grown beyond all reasonable measure; and the growth of such establishments can only be traceable to their engaging in activities within our country not in the interests of our Government and people. Without in any way restricting the proper activity of diplomatic and consular agents, the Board of Controls should immediately study the size of foreign missions and establishments in our country and should not hesitate to recommend the restriction in personnel and activity which the circumstances may dictate.

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In conclusion, it may be said in resume, therefore, that, in view of the national emergency which we are facing and which is in some respects the most serious we have witnessed in our history, certain controls over aliens and other persons in our country are necessary in order to prevent espionage and sabotage, both moral and material. In order that these controls may be effectively established immediately, the appropriate administrative steps should be taken and the necessary legislation for brought powers of the President and for specific authority should be sought. The existing agencies of federal and local government should be used in the carrying through of these controls, rather than that new agencies be set up. The control should be exercised through a Board of Controls made up of high-ranking officers of the appropriate departments and agencies of our Government. The representative of the Department of State should be designated by the President as the chairman and head of this Board, with the authority to conduct liaison between the agencies and to direct action. Thepersonnel of the Board of Controls should be restricted to that immediately necessary for the carrying through of its functions of liaison and executive control, the controls, themselves, being exercised through the agencies of government already available.

As the emergency is real and the danger already present within our own country, appropriate action should be taken without delay and appropriate measures carried through effectively, even if this may involve, to a certain degree, the curtailment of what we have considered individual liberties. The public will accept this as a measure directed toward the maintenance of these liberties.

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As alien activities in the United States are linked up with similar alien activities in other of the American Republics, it will be necessary for the Foreign Service of our Government, through the Department of State, to provide liaison with those other Governments in order to secure their effective cooperation through the exchange of information, methods, and ideas. Measures will have to be taken to secure the active cooperation of the other American Republics in carrying through this program. This can be done through the Board of Controls, acting through the Department of State and its representatives abroad.

May 22, 1940.

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MEMORANDUM

There is enclosed a draft of the Act of October 16, 1918 (40 Stat. 1012) as amended by the Act of June 5, 1920 (41 Stat. 1008) for the exclusion of dangerous aliens, which contains a proposed further amendment. The amendment now proposed, designated as subsection (a) of section 1, provides for the exclusion from admission into the United States of "aliens who are engaged in, or intend to engage in, activities in the United States in support of a foreign political system or movement, which are likely to disturb the peace or to be contrary to the public safety".

Under the proposed change, persons of the class covered by the new subsection will not only be subject to exclusion but consuls will have authority to refuse to grant immigration visas to such persons, in view of the provision of section 2 (f) of the Immigration Act of 1924. While consular officers have had authority in the past to refuse visas to nonimmigrant aliens whose admission would be contrary to the public safety, they have never had clear authority to refuse immigration visas under similar circumstances. In this manner, a serious defect in the existing law will be removed and the "public safety" provisions will be broadened to meet present day needs.