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Address by

The Honorable Francis Biddle  
Attorney General of the United States

Before The

Conference of Mayors

Mayflower Hotel  
Washington, D. C.

Monday, January 12, 1942  
2:30 P.M., E.S.T.

We who are not brought face to face with the enemy in distant lands or on the high seas stand, nevertheless, at battle stations. We are in a war imperiling not only our persons, but our way of life and all the hard-won gains, the freedoms, which that precious phrase encompasses today. In the safeguarding of those freedoms here at home, we are all privates of the rear rank, we are the selectees, and among us there can be no deferments, no exemptions. The name of each of us, from the engineer charting our war production to the man at his office desk, has now been drawn. To the defense of our freedoms there can be no conscientious objectors.

We have gone into the conflict with the resolve to keep the standards of our way of life held high. But at once, adherence to that resolve begins making demands upon us. Against the all-out barbarity long demonstrated by those powers which are pitted against us, such adherence becomes all the more exacting.

Charged with the dual responsibility of safeguarding the nation from fifth-column activity, on the one hand, and of protecting innocent persons from the threat of undemocratic treatment on the other, the United States Department of Justice has long been aware of the magnitude of its assignment. It is prepared accordingly.

Having equipped itself more thoroughly than ever before to anticipate and stamp out espionage and sabotage, and at the same time having determined not to allow a repetition of the many injustices and cruelties that were inflicted during the first world war on innocent victims of hysteria--enemy aliens, so-called, for lack of a better term--the Department of Justice has adopted certain policies which are especially intended to meet the needs of the present emergency. Some of the machinery for carrying out these policies is new. There remains, therefore, the task of informing the public of them and of their proper use. The American people should know how this machinery works, and they must know what they themselves can do to cooperate, and what they cannot do, what parts of this anti-fifth-column buzz-saw are not to be tampered with by the layman, or by the amateur detective, the super-patriot, the self-appointed sentinel.

In briefly addressing your conference, I am afforded, through the courtesy of your dynamic chairman, Fiorello H. La Guardia, a unique opportunity to advance this necessary public exchange of ideas; to pass on to you, and through you to the millions of citizens in your respective communities, certain recommendations which are essential to the coordination of this nationwide wartime duty. I hope that you will communicate them to your colleagues in municipal government, and to your neighbors as well, in their homes, their churches, their business and civic organizations, and their schools.

I am pleased to report to you at this time that with the exception of a relatively few scattered instances, the record of city and county administrations in this matter of maintaining sanity and fairness to enemy aliens has been very good indeed. Some ill-advised attempts to undertake federal law enforcement have been made by local experimenters. The

inspiration has popped up here and there to take over the role of the FBI, or to project home-made concentration camps, presumably to be filled without benefit of investigation. There have been isolated suggestions to set up local alien registers. In some small communities unwarranted proclamations have been issued by the local constabulary, such as "Special Orders for Watching Friends of the Axis Nations." Such endeavors, though for the most part merely misguided, are dangerous. On the whole, however, thanks in large part to your cooperation, we have been doing better thus far than was done in the comparable stage of the last war. This record must be further advanced, and carried forward consistently to the end of the present emergency.

We shall have to do more than that. We shall have, not only to check any unfair or disruptive action on the part of public officials, but also to see that all unnecessary discrimination is eliminated from our industries, and that persecution in any form is barred from our home neighborhoods, from our assemblages and our schools. Those of you whose responsibility is the government of large industrial centers are asked, as a part of this program, to impress employers in your communities with the obligation that now rests squarely upon them, to keep aliens employed wherever such employment is feasible. In their hiring practices, employers in defense industries are not to bar qualified applicants from jobs regardless of their country of origin. In no industry should the management direct wholesale layoffs of present employees on the ground that they are aliens - or even enemy aliens. On the contrary, to keep these people employed now is to perform double service for the national well-being, and in your several communities the suggestion is in order that forehanded management would do well to keep such men and women at work, rather than to subject them to discriminatory layoffs.

I believe we can expect faithful adherence to the ideals of democracy in our schools. Our children have been taught that way. And yet, here too, it will be necessary to guard against the spread, from a few maladjusted persons, of hysteria which under certain circumstances can infect a wide area. Children need guidance. They can be very kind, and they can be very cruel. In the last war, some of the harshest persecution, the keenest mental sufferings, were undergone by utterly innocent youngsters who could recite the pledge of allegiance to our flag with as much pride in their Americanism as any of their schoolmates. That sort of persecution injures both victim and perpetrator. It is very damaging, and the damage is not easily undone. It must not be repeated. Through you, school boards and teaching staffs can be persuaded to maintain vigilance against it.

In a letter sent at my request to each member of this conference on December 20, 1941, Mayor La Guardia included a four-point statement of Federal policy relating to enemy aliens, observance of which will be of vital concern in maintaining the morale of the nation. I should like to go over these now, telling you what the Department of Justice is doing about them, and explaining what we are asking of you and your communities in order to attain the complete coordination which will be necessary to make that policy effective.

The first of these points is the fact, which you all know, that apprehension of enemy aliens comes within the jurisdiction of the Department of Justice. To that statement, however, I should like to add that the investigation, apprehension, and handling of all enemy aliens, up to the point of final disposition, are not only within the jurisdiction of this Department, but are functions of this Department exclusively.

Strict and faithful observance of this principle by all local law enforcement and State, county, and municipal government officials is essential both in assuring fairness to unoffending persons who are circumstantially exposed to the danger of wartime persecution and in the detection of real fifth-column activity.

In the first instance--that of aliens who remain loyal to America and to her cause in this war, but who happen to be of German, Italian, or Japanese origin--unauthorized prosecution becomes undeserved persecution. Thus it subverts that cause. Any such departure from the democratic process, any such violation of the democratic ideal, is a subversion of America at war today.

In the detection of espionage or sabotage, the obligation of your administrations and the people of your communities is two-fold: To cooperate by reporting, and to refrain from taking any other action. Information should be transmitted to the nearest office of the Federal Bureau of Investigation; and thereafter the Federal Bureau of Investigation must not be disadvantaged by unauthorized actions of private persons or public officers. The public officer or the private citizen who fails in this obligation can scarcely avoid doing his country a disservice. If he proceeds to act upon ill-founded suspicions, he works injustice upon an innocent person; if he proceeds to act against real spies or saboteurs, he is likely to find himself involved beyond his depth. In either case, the cause of his country suffers.

The second point in Mayor La Guardia's letter informed you that only those enemy aliens whose presence at large is considered harmful to the security of the nation have been apprehended. Wholesale internment, without hearing and irrespective of the merits of individual cases, is the long and costly way around, as the British discovered by painful experience; for by that method not only are guiltless aliens themselves demoralized, but the nation is deprived of a valuable source of labor supply at a time when every available man must be at work.

To date the Department of Justice has apprehended 3,034 enemy aliens--persons whose freedom of movement is considered dangerous to the security of the Nation--among whom are 1,263 Germans, 231 Italians, and 1,540 Japanese. Thus, the number apprehended is less than one-half of one per cent of the total. Of course it is the desire of the Department of Justice to keep the number of these necessary detentions down to a minimum consistent with the absolute safety of the Nation. However, the nation is at war; and if there is to be any error, that error must be on the safe side for America. We cannot afford, and we shall not take any chances.

In order to assure a fair hearing to those enemy aliens who have been apprehended-- the third point covered in the letter submitted to you last month--the Department of Justice has called upon several hundred prominent citizens throughout the country to serve as members of civilian hearing boards. At least one such board, consisting of three members, will function in every judicial district, and will be charged with the duty of interrogating apprehended aliens, accepting affidavits, and recommending to me one of three possible dispositions of each case--namely, unconditional release, parole, or internment. Final decisions in each case will be mine.

In the creation of this set-up, the aim has been to provide the broadest avenue of appeal possible under the difficult circumstances with which the whole problem of treatment of enemy aliens is beset. The objective is a double check, both on the safety of the Nation and on justice to the individual. Of these two, of course the safety of the Nation comes first, and all procedures have been designed so to provide. As for the assurance of justice to the individual, the success or failure of the mechanism will depend primarily upon the character of the men who comprise it. That being so, I am confident that this new set-up will do the job in the fairest, the most American way possible. The personnel of the boards has been chosen with the greatest care. The names on that list carry the assurance of fair dealing in every part of the country. And in passing, I should like to express my personal gratitude to all those men and women for answering the call to an extremely important war-time duty.

Finally, as key persons in the coordination of community and municipal war effort, the members of your conference were asked in Mayor La Guardia's letter to encourage, in all places and in all walks of life, the fullest possible cooperation with the FBI. I am pleased to acknowledge that since the transmittal of that appeal, and in fact since the declaration of war by the United States, that cooperation has been given in full measure. One of my purposes in appearing before you at this time is to express my thanks for what has been done. Another is to ask that the good work be carried on, that our record be even further improved through the ever stronger, clearer realization that the issues of this conflict, both abroad and at home, are issues of life and death for our democracy.

The wartime duty that is entrusted to Mr. Hoover, and to the great staff of highly trained agents which he has built up to cope with just such an emergency, is as vital within its sphere as the duty of our armed forces. The FBI has a job on its hands. But those hands are steady; they are controlled from nerve-centers which insist upon strict adherence to democratic principles. When they close upon forces seeking to destroy the greatest nation ever founded upon such principles, those hands have a strong grip.