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NATIONAL SECURITY AND FBI SURVEILLANCE ENEMY ALIENS



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Date Range: 1940-1978

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Source Library: FBI Headquarters Library.

Detailed Description:

Source Note: Records of the Federal Bureau of Investigation, Department of Justice, Custodial Detention, Headquarters Library, Washington, D.C.

N.B.: This collection comprises the entire contents of the Primary Source Media microfilm product entitled "National Security and the FBI Surveillance of Enemy Aliens."

Enemy Aliens. Terrorism. Patriot Act and civil liberties. "Accusations that the Patriot Act infringes on the rights of Americans and aliens alike..." "Without surveillance of aliens-national security could be compromised." "FBI surveillance in wartime..." These issues have been prominent in the news media for several years. But, the history of the twin issues of national security and surveillance of aliens is not new. Since the founding of the nation, these issues have been in the forefront of political debate. From the Alien and Sedition Acts in 1798, to the Enemy Aliens Act of 1917, the Federal government has maintained surveillance of those opposed to the American way of life. This collection provides insights into the recent

history of the surveillance of aliens and national security during World War II and the early postwar period.

Pre-World II Surveillance Efforts

Before the United States entered the war in 1941, the FBI concentrated its efforts on locating, infiltrating, and dismantling political organizations sympathetic to German and Italian Fascism, and Soviet Communism, despite the latter nation's wartime alliance with Britain and France. President Franklin D. Roosevelt, and Secretary of State Cordell Hull, pushed for increased power for the FBI to investigate perceived subversives, even if these people were ordinary American citizens. A 1939 presidential directive, followed by the Smith Act of 1940, outlawed public advocacy of overthrowing the government. President Roosevelt in May 1940, authorized the FBI to conduct warrant-less electronic surveillance of persons suspected of subversion or espionage; surveillance was to be limited insofar as possible to aliens.

In June 1939, J. Edgar Hoover reactivated the dreaded General Intelligence Division and compiled a secret Custodial Detention list of persons to be jailed summarily during wartime. FBI officials opened first-class mail and regularly practiced, with Roosevelt's explicit blessing, wiretapping, despite the 1939 Supreme Court ruling that the Federal Communications Act of 1934 proscribed government wiretapping. The executive branch instituted a loyalty program for federal job holders and the Attorney General drew up his first list of subversive organizations.

The Custodial Detention Index

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"This division has now compiled extensive indices of individuals, groups, and organizations engaged in subversive activities, in espionage activities, or any activities that are possibly detrimental to the internal security of the United States. The Indexes have been arranged not only alphabetically but also geographically, so that at any rate, should we enter into the conflict abroad, we would be able to go into any of these communities and identify individuals or groups who might be a source of grave danger to the security of this country. These indexes will be extremely important and valuable in a grave emergency."

Leftist and liberal members of Congress criticized Hoover for resurrecting the General Intelligence Division and the Custodial Detention Index. Congressman Vito Marcantonio called it "terror by index cards."

The Custodial Detention Index was a list of suspects and potential subversives, classified as "A", "B" and "C"; the ones classified as "A" were destined to be immediately arrested and interned at the outbreak of war. Category A were leaders of Axis-related organizations, category B were members deemed "less dangerous" and category C were sympathizers. The actual assignment of the categories was, however, based on the perceived individual

commitment to the person's native country, rather than the actual potential to cause harm; leaders of cultural organizations could be classified as "A", members of non-Nazi and pro-Fascist organizations.

The program involved creation of individual dossiers from secretly obtained information, including unsubstantiated data and in some cases, even hearsay and unsolicited phone tips, and information acquired without judicial warrants by mail covers and interception of mail, wiretaps and covert searches. While the program targeted primarily Japanese, Italian, and German "enemy aliens", it also included some native-born American citizens. The program was run without Congress-approved legal authority, no judicial oversight and outside of the official legal boundaries of the FBI. A person against which an accusation was made was investigated and eventually placed on the index; it was not removed until the person died. Getting on the list was easy; getting off of it was virtually impossible.

According to the press releases at the beginning of the war, one of the purposes of the program was to demonstrate the diligence and vigilance of the government by following, arresting and isolating a previously identified group of people with allegedly documented sympathies for Axis powers and potential for espionage or fifth column activities. The list was later used for Japanese American internment.

Wartime Surveillance Efforts

When the United States entered the war, FBI agents aided national defense efforts by placing trained agents at key military and defense industry sites. Wartime agents received more intense training in counterintelligence measures, and the FBI established special counterintelligence units for covert operations at the government's discretion. FBI agents thwarted German and Japanese attempts at sabotaging national interests, including fuel reserves. The FBI's surveillance workload during World War II was enormous: over 1 million registered "enemy" aliens were living in the U.S.; many were nationals from Axis power nations awaiting citizenship.

Postwar Surveillance Efforts

When World War II ended in August 1945, increasingly hostile relations between the United States and the Soviet Union led to the Cold War, a diplomatic and military standoff that lasted over six decades. In the early Cold War years, the American government, and many members of the public, worried about the presence of Communist organizations and spies within the United States. The need for extraordinary national security surveillance measures remained high, leading to widespread use of wiretapping by law enforcement.

During the postwar period and into the 1960s and 1970s, J. Edgar Hoover maintained a new list of possible subservices and enemies of the state, under the title of the Security List and, later Administrative List. The information included the same types as that collected for the former Custodial Detention Index. These programs and lists ended in 1978, but the various FBI office and the headquarters maintained the former lists for several years afterwards.