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COL. ROAMER. We'll take a 10 minute break now.

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COL. ROAMER. We wish to request that future speakers try to stick to the time limit, please. Two minutes before the expiration of the time limit, I'll make a little noise back here. If your speech is written up, it doesn't make so much difference, if you miss the ending, as they will be put into the minutes and everyone will get a chance to read it. Let's try to speed it up. We are getting behind time.

Our next speaker is Capt. Walter H. Gahagan who is pinch-hitting for Col. Howze. Col. Howze is the civil affairs officer of the Eastern Defense Command. The topic will be The Exclusion Program.

CAPT. GAHAGAN. Until the last moment Col. Howze hoped to be with you this afternoon to discuss civil affairs and answer any questions you might have, and to receive your suggestions on that topic. However, due to matters which could not be avoided, Col. Howze has been detained in New York and accordingly has directed me to deliver to you a discussion which was prepared on the civil affairs of the Eastern Command.

On December 7, 1941, when the Japanese attacked Pearl Harbor, the primary responsibility for the defense of our Atlantic and Pacific coastal areas was vested in the defense commands. Less than two weeks after the initial attack in the Pacific, the Eastern Theater of Operations was established for the defense of the Eastern Seaboard area. The military mission of the theater commander included the protection of the theater from subversive activities.

Ordinarily, a theater commander has inherently the power to take all necessary military measures in the theater, including the power to take the necessary precautions to prevent espionage and sabotage.

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In the case of the Eastern Theater of Operations, however, inasmuch as it was a theater of operations located within the continental United States, a somewhat different problem was presented because the Commanding General, although charged with the defense of the theater, was in fact in many respects subordinate to the civil authorities and amenable to existing civil law. Even endowed as he was with many of the prerogatives of a theater commander, he lacked authority, except in cases of emergency, to prevent action by enemy agents or sympathizers. In the early days of the war, the problem with respect to subversive activities on the East coast was an entirely different one from that existing on the West coast. On the West coast the situation was critical because of the enormous territorial gains and initial naval successes of the Japanese. The loyalty of the Japanese population dwelling in the Western coastal area was doubtful and their presence therefore constituted an extremely dangerous threat to the security of the Pacific Seaboard.

The situation was so critical that mass evacuation was decided upon as a military measure. As a grave emergency existed, the Commanding General definitely possessed the necessary power to evacuate the Japanese. This power is one historically possessed by military commanders in similar situations; a power which is recognized in the Rules of Land Warfare. The evacuation of the Japanese, however, was effected under the authority of Executive Order 9066 promulgated by the President of the United States on 19 February 1942, to aid in substantiating the evacuation order of the military.

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Executive Order 9066 stated its purpose that the successful prosecution of the war requires every possible protection against espionage and sabotage to national defense material, national defense premises and national defense utilities. It authorized and directed the Secretary of War and military commanders, whom he might from time to time designate, to prescribe military areas in such places and of such extent as might be determined, from which all persons might be excluded and with respect to which the right of any person to enter, remain in, or leave, would be subject to whatever restrictions the Secretary of War or the appropriate military commander might impose in his discretion. Enforcement machinery to carry out the mandate of Executive Order 9066 was provided by the passage by the Congress of Public Law 503. This prescribed fine and imprisonment for violation of restrictions or orders promulgated pursuant to Executive Order 9066.

Pursuant to the Executive Order, Gen. DeWitt set up military areas and proceeded most effectively with the evacuation of persons of Japanese ancestry from the coastal regions of the Western Defense Command. On the East coast, however, a different situation prevailed.

On March 20, 1942, the Eastern Theater of Operations was designated as the Eastern Defense Command. On May 16, 1942, the Commanding General of the Eastern Defense Command, acting also under this authority of Executive Order 9066, designated the entire Eastern Defense Command within the continental United States as the Eastern Military Area. When the Eastern Military Area was designated as such, it was with the immediate thought and the stated purpose that it was necessary for a coastal dimout to be instituted due to the surprisingly successful campaign waged at that time by enemy submarines along the Eastern Seaboard.

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In addition to prescribing restrictions with respect to the control of artificial lighting, Public Proclamation No. 1 designated the corps areas, now the service commands, and the Military District of Washington as the functional agencies responsible for the administration of restrictions and orders promulgated by proclamation or otherwise pursuant to Executive Order 9066.

While the exclusion program is one with which all defense commanders are vitally concerned because it is designed to safeguard the war effort in continental United States, nevertheless, it can be explained more easily when treated from the standpoint of the problems which primarily concern the Eastern Defense Command. As I proceed, each of you will be able to integrate these problems and compare them with the problems existing within your respective commands.

The Eastern Military Area covers less than 14 per cent of the total land area of the continental United States, contains more than 40 per cent of our total population, more than 50 per cent of the registered alien enemies, and more than 60 per cent of all residents of the United States born in enemy countries. This 60 per cent comprises in excess of 1,800,000 persons born in Germany or Italy. There are within the Eastern Military Area some of the largest plants for the production of munitions and other instruments of war. Over the transportation lines within, and out of the ports of the Eastern Military Area, pass the predominantly larger part of all overseas shipments to foreign theaters of war. The Eastern Military Area contains 9 of the 12 larger naval establishments in the United States.

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But most important of all, the Eastern Military Area is one through which direct contact with the enemy may be established, an area which by nature of its frontier position along the Atlantic furnishes even to the most casual observer opportunity to obtain information concerning naval activities and troop and convoy movements. As a corollary, direct contact with personnel of neutral and friendly ships and enemy submarines is possible only in such an area. Recent criminal prosecutions have publicized the case with which enemy agents in the Eastern Military Area have obtained vital information concerning the national defense merely by observation of harbor and other facilities and have succeeded in communicating this information to the enemy. The eight enemy saboteurs who were sent from Germany to America landed on the Atlantic Seaboard and demonstrated the ease with which shelter and assistance may be found in the Eastern Military Area.

In this area, Axis-inspired organizations and societies have flourished and have had their greatest success and development. In the last war, as well as in the present war, there was and has been a definite policy on the part of our enemies to use native American or naturalized citizens instead of aliens in connection with a large part of the subversive activities carried on within the United States. This group forms the skeleton of fifth column organizations in this country as it did in the low countries in Europe at the beginning of the war. Even until America was attacked at Pearl Harbor and Germany declared war against the United States, German Bundist and other organizations flourished to a large extent unmolested and brazenly on the Atlantic Seaboard. Some of these organizations still continue their activities, others have gone under cover, or continue in the guise of social clubs or patriotic societies.

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Many American citizens, particularly those of enemy ancestry, are leaders in these organizations, organized and fostered by our enemies, or are otherwise active in subversive activities.

Some American citizens not even of enemy ancestry are known to be actively engaged in subversive activities. One such individual, fortunately discovered, whose ancestors landed in Massachusetts shortly after the Pilgrims and who was educated at Harvard, stated that he preferred to fight with the Germans against the Americans rather than with the Americans against the Germans. He said that he would shoot his American officers before he would any Germans and admitted that he had tried to enter the military service with a view to being sent abroad to enable him to desert to the Nazi cause. It is the realization of the danger to our war effort which might result from contact by enemy agents with such individuals which emphasizes the importance of measures designed to counteract fifth column activities.

As intelligence officers you will appreciate the fact that the most dangerous enemy agents keep under cover. They are not the type that seek or obtain publicity. Very little evidence may exist with respect to their activities, certainly not with respect to acts which subject them to criminal prosecution.

There are two classes of potentially dangerous individuals from the standpoint of sabotage and espionage. The first class consists of alien enemies, while the second class consists of other aliens and citizens. Now alien enemies may be interned. Any persons who have committed acts of sabotage or espionage may be prosecuted in the Federal courts. The difficult problem arises in the cases of aliens not of enemy nationalities, and citizens, either naturalized or native born.

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American citizens are clothed with a certain inviolability, and an American citizen, even though known to be dangerous to our war effort, is possessed of all the rights and protection of the laws and all the guarantees under the Constitution which are accorded our most patriotic citizens.

The control of alien enemies is vested in the Department of Justice. With respect to such aliens, the Department of Justice may proceed with their internment; the Department of Justice is likewise charged with combatting subversive activities, but with respect to citizens and aliens not of enemy nationality, no preventive measures can be taken until the suspected individual has committed some act which renders him amenable to criminal statutes. Therefore, before Executive Order 9066 was promulgated, no control was possible in a preventive way with regard to citizens and such aliens. Of course, to wait until such individuals have committed themselves is futile, because it is then too late and the damage has been done.

Obviously, it is not possible to read any man's mind and say that he is dangerous to the war effort unless and until he commits himself. The most that can be determined in advance of any act is whether or not the individual is potentially dangerous, that is, whether or not because of his past associations and activities he is apt to help the enemy of his own volition, or, if contacted by enemy agents, he would be responsive to their appeals.

Assume the contemplation by our Government of invasion or sabotage in a foreign country. What type of individual would American agents contact for necessary assistance? Certainly the choice would be made from among individuals known to be sympathetic to our interests, and individuals actively engaged in furthering them.

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Then, what type of individuals in this country would the enemy contact to further enemy interests by espionage and sabotage? The obvious answer is that the enemy selects individuals known to be interested in furthering its cause in this country.

Two examples, taken from actual cases, illustrate what I have said:

First, case E-1 (3-1), German-born, derivative citizenship, 25 uncles, aunts and cousins in Germany; some cousins in German Army; active officer and unit leader of German-American Bund; president and secretary of Kameradschaft Bund; enjoyed confidence of leading Bund and Nazi agents (Kuhn, Kunze); disseminated subversive instructions of German-American Bund with respect to selective service; raised funds for relief of German prisoners in Canada; abundance of Nazi propaganda literature in house; subject's subversive potentialities demonstrated further by his statement that under no circumstances would he turn over an escaped prisoner of war or a fugitive saboteur; when he had opportunity to return to Germany, he said, "My work is not finished. When it is, I will go back."

Then there is case E-6 (2-1), born New York City; German extraction; went to Germany in 1903 at age of 12 and did not return to U.S. until 1920; his refusal to return to U.S. at start of World War I is particularly significant as he was employed in German war plant during that period; subject's German-born wife and child returned to Germany at expense of German government in 1939; subject was active member of VDA (Ausland Institute, an agency of German Propaganda Ministry); frequent visitor to Bund camp; intimately acquainted with friend of Goebbels and with head of German Library of Information;

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associated with many Nazis who are either interned or under investigation; corresponded with several Nazi officials, including head of Brandenburg School of Sabotage; subject's utterances and conduct illustrate without equivocation his enthusiasm for Nazi ideology and his distaste for his native land.

So much for specific instances. The organization and activities of the German "Fifth Column", not only in this country, but in the invaded lands of Europe, are well known to all of us. It is universally known that the German government for years engaged in the development of this technique of warfare and unfortunately, our country has not been neglected. There are citizens and aliens alike who stand ready to carry on this type of warfare in the United States and it is our determination to combat them with the best available means which, in many cases, means the exclusion program.

On the Atlantic coast, the danger of invasion was not imminent. It was a danger of sabotage and espionage carried on within, rather than sabotage and espionage to assist a threat from without.

At the time of the entry of the United States into the war, exclusive of Japanese there were approximately 80,000 alien enemies within the Western Defense Command. Within the Eastern Defense Command, however, there were more than 700,000. In addition, large concentrations of first generation citizens and naturalized citizens of enemy extraction dwelt within its borders. Probably most of this group were and are loyal to the United States, but there were those among them who clung to foreign ideologies in preference to the democratic traditions of the country in which they now chose to dwell.

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Manifestly, the Commanding General of the Eastern Defense Command was faced with a problem quite different from that of the Commanding General, Western Defense Command, so that mass evacuation, as employed on the West coast, was impractical in the East. Accordingly, after a comprehensive study, a policy of individual exclusions of potentially dangerous persons was decided upon. This program of individual exclusions involved a sorting out process with a view to determining the identity of all persons, alien and citizen, potentially or actually dangerous to our military effort in the Eastern Military Area. Such persons would then be excluded from the Eastern Military Area or parts or zones thereof where their continued presence would be a source of danger.

The exclusion program is a preventive measure and no other similar authority exists. It was intended to bridge the gap and to remedy the deficiencies existing in our system with respect to individuals who are potentially dangerous but who are not otherwise subject to preventive measures.

There are two types of cases in which exclusions are primarily applicable. An enemy sympathizer may be dangerous to the war effort either because of his determination aggressively to assist the enemy by acts of espionage or sabotage or because he is the type of person who, although not now actively engaged in work in behalf of the enemy, is, nevertheless, by reason of his affiliations, ready to assist them upon call. As an illustration of the first class of enemy sympathizers, a striking example would be furnished by the two German spies arrested on Staten Island who maintained an information net furnishing the German Command with data concerning the movement of convoys out to sea past the houses which they had carefully chosen as their residences, overlooking New York Harbor. Both were citizens and one was an air raid warden.

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Illustrations of the second type include sympathizers who, by their being in sensitive areas, such as along the lines of important railway trackage leading towards a Port of Embarkation or in vantage points for observing activities in the harbors of Portland, Charleston or Norfolk, are so located as to be in a position to obtain information valuable to the enemy without seeking it. Such individuals, because of their sympathy for the enemy, might easily be tempted to make use of this information so that their mere presence in a sensitive area constitutes a definite threat to the war effort.

The provisions for carrying out the exclusion program in the Eastern Defense Command pursuant to Executive Order 9066 are contained in the Standing Operating Procedure for Exclusions, copies of which I have available should you care to inspect it after I have finished talking to you. To enhance the success of exclusions in test cases in court, the Standing Operating Procedure was purposely made comprehensive in every particular.

Briefly, the procedure is as follows: The functional subdivisions of the Eastern Defense Command for the carrying out of the exclusion program, as previously stated, are the four service commands and the Military District of Washington. Reports on suspected subversive individuals are turned over to service command intelligence officers by Navy intelligence and by the F.B.I. In addition, Army intelligence files are carefully culled. If, after careful study of the case, it is deemed to be one appropriate for exclusion, the individual is notified by the service commander that he is being considered for exclusion and is given an opportunity to have a hearing before a Board of experienced officers appointed by the service commander.

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If the individual elects to accept this offer, he may appear before the Board with a friend who may be a lawyer or a relative or any other person to advise him. He may testify and he may call witnesses to testify in his behalf. Although he knows that he is being considered for exclusion, the specific facts in his case are not revealed to him. To furnish him with the facts upon which the tentative recommendation for exclusion is based might defeat the very purpose of the program by furnishing information to the enemy instead of maintaining military security.

The subject, however, is given opportunity to present any facts bearing on his potential danger or lack of it to the Hearing Board, and may be questioned by the Board, after which the Board considers everything adduced at the hearing in connection with other information which it has been furnished by the service commander and arrives at a recommendation as to whether or not exclusion should take place.

The report of the Board, including the testimony of the individual and his witnesses, is returned to the intelligence officer of the service command who thereupon submits his recommendation to the service commander. The papers are then referred to the United States Attorney having jurisdiction over the district in which the subject resides for his recommendation as to exclusion. After this has been obtained, the papers are returned to the service commander who executes a form of questionnaire and if exclusion is finally recommended, forwards the complete file to the defense commander with his recommendation.

When the file reaches defense command headquarters, it is evaluated in the office of the defense command G-2. If G-2 of the defense command does not concur in the previous exclusion recommendation, the papers are returned to the service commander for such action as may be appropriate. If G-2 recommends exclusion,

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the file goes to a Board of Review consisting of three officers at defense command headquarters, none of whom may be a member of the C-2 Section or of the Civil Affairs Section.

The Board of Review makes a careful analysis of the case, writes a review, and submits a recommendation. The file is then forwarded to the Civil Affairs Section where still another review is prepared by the exclusion sub-section in that Section. If the exclusion sub-section recommends against exclusion, such remedial action as is considered necessary is taken. If exclusion is recommended by that sub-section, the papers are referred to the liaison officer of the Department of Justice with defense command headquarters. They are examined by that officer and are returned to defense command headquarters with his recommendation. If he recommends against exclusion, the case either is returned for further investigation or such action as is deemed appropriate is taken.

If the liaison officer recommends exclusion, the file is forwarded to the Assistant Chief of Staff, Civil Affairs, who examines it and submits a recommendation to the Commanding General, Eastern Defense Command. The Commanding General personally examines the complete record. If he does not concur in exclusion, he directs such action as he may deem advisable. If he does concur in exclusion, he signs an exclusion order which is subsequently transmitted to the appropriate service command for service upon the excludee.

The exclusion order provides that the excludee appear before a commissioned officer and a representative of the War Relocation Authority at a designated place where certain information such as fingerprints are obtained from the excludee. The War Relocation Authority undertakes to advise the excludee with reference to a future home and rehabilitation. The exclusion order also directs

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the excludee to leave the Area within ten days after the date on which the order is served upon him, and may provide that the excludee is prohibited from entering other military areas as well.

It will be noted that every effort is made to safeguard the right of the individual, to avoid injustice, and to minimize the effect of the order on him. In this connection, it may be of interest to note the remarks of a Federal judge who, when called upon to consider our Standing Operating Procedure in the trial of a case where a potential excludee was convicted of giving a false statement before an Exclusion Hearing Board, charged the jury in part as follows:

"It has been said that the defendant was subjected to a third degree, - and you have a right to find as you see fit about it - but for myself, as I heard read the statement made by Col. Melniker to this defendant, I was rather proud of the traditions of liberty which prevail in this country under the Constitution, because that statement represented to me a rather meticulous regard for every possible constitutional and civil right which this defendant could claim. I think that that statement represents a very punctilious attention to the constitutional privileges and rights which this defendant has under our Constitution."

Although Public Law 503, which I have referred to before, provides criminal penalties for failure to comply with an exclusion order, Executive Order 9066 itself authorizes military commanders, in carrying out the provisions of the order, to take such other steps as may be deemed advisable, including the use of Federal troops and other Federal agencies, with authority to accept the assistance of state and local agencies.

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Accordingly, under the Executive Order, forcible exclusion of individuals deemed dangerous to the national defense is permissible. In view of the fact, however, that the Congress has provided a penalty for violation of orders promulgated under the Executive Order, it has been deemed advisable, instead of resorting to forcible exclusion in the first instance, to rely on the prosecution of individuals who disobey exclusion orders. This policy requires the cooperation of the Department of Justice to institute proceedings in the Federal courts.

All but the very few of the individuals ~~ordered~~ excluded have obeyed the exclusion order served upon them. A few have disobeyed, and others have gone to the Federal courts for injunctive relief against enforcement by the military commander of the exclusion order. In the beginning, the Department of Justice agreed to assist the military authorities in the exclusion program, but from the time of the first disobedience of an exclusion order, the Attorney General has refused to prosecute. He has, however, agreed to defend all injunction cases and has done so up to the present time. The first two such suits in the Eastern Military Area have resulted unfavorably to the military. In these two cases, the excludees contended successfully in the lower court that the exclusion orders served upon them deprived them of their liberty and property without due process of law, in contravention of the Fifth Amendment to the Constitution. In one case the court held that the President and the Congress had exceeded their authority under the war powers granted by the Constitution; in the other, the court held that the military had exceeded their authority.

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In each case, the basis for the decision was the same, namely, that the tactical situation in the Eastern Military Area did not provide a rational basis for the conclusion by the military commander that military necessity required the exercise of the exclusion power. In each case, this conclusion by the court was based upon the opinion that enemy invasion and air attack were not imminent and accordingly, the threat of espionage and sabotage was not imminent, and hence, insufficient to justify the exercise of the war powers in this manner by the military.

It is believed that the contentions advanced by the excludees are without merit. The Executive Order and Public Law 503, insofar as they authorized exclusions, are an exercise of the war power vested in the Federal government. As such, they vested in the military commander discretionary authority to prescribe military areas and to exclude individuals therefrom. It is well settled that the exercise of discretionary authority may not be arbitrary and must be based on reasonable grounds. The fact that the individual ordered excluded has the right to resort to the courts insures "due process."

In these two cases, the courts failed to appreciate what we believe to be the true nature of espionage and sabotage and the danger to the nation therefrom. The courts have in effect applied the doctrine of the famous Milligan case which dealt with the exercise of martial law and the penal proceedings arising thereunder, to a case which clearly does not involve martial law and which involves not a penal proceeding but a preventive measure. In addition, the courts have assumed military functions by substituting their judgments as to the existence of danger from espionage and sabotage for that of the military authorities. In contrast to these suits that were decided unfavorably to the military authorities, one suit in the Western Defense Command has resulted in upholding an individual exclusion order.

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The decisions in the Hirabayashi case will be appealed because it is felt that they are not in accord with the decision of the Supreme Court in Hirabayashi v. United States, a case involving orders applicable to the Japanese on the West coast and promulgated under Executive Order 9066. In the Hirabayashi case, the Supreme Court held that Executive Order 9066 and Public Law 503 were constitutional as applied to a curfew for persons of Japanese ancestry. However, it went no further, so that the constitutionality of the exclusion program itself has not as yet been reviewed either by a Federal intermediate court of appeal or by the Supreme Court.

Although it is conceded that the courts have a duty to be meticulous in upholding the rights of the individual, nevertheless, as compared with the danger to the nation, undue weight has been given to the former. Exclusion is but an insignificant demand upon the rights of an individual when compared with other war demands such as duties imposed by the Selective Training and Service Act. In this connection, it is interesting to note that the courts in England have sustained action far more drastic than exclusion, that is, they have sustained the detention of a British subject merely upon a statement of the Home Secretary that he had reason to believe that public safety required such detention.

In sustaining the detention of a British subject merely upon the ground that the Home Secretary had reason to believe that he was a person of "hostile origin or associations," Lord MacMillan, in Liversidge v. Anderson (1942) A.C. 206, said (p.257):

"At a time when it is the undoubted law of the land that a citizen may by conscription or requisition be compelled to give up his life and all that he possesses for his country's cause, it may well be no matter for surprise that there should be confided to the Secretary of State a discretionary power of enforcing the relatively mild precaution of detention.

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The position of the military authorities was stated by a Federal judge in a denaturalization case in which he specifically recognized the right of the military to exclude dangerous persons. The court said, referring to the case of the individual before it:

"There is much indication from the evidence in the case that his influence may still be detrimental or indeed dangerous to our Government's prosecution of the war. It is of such stuff that treason is made. This is no time for maudlin sentimentality for the enemy in our midst, who stealthily sows the invisible seed of sedition throughout the land. Therefore, neither our conclusion, nor anything contained in this opinion, is intended to be construed as in any sense an abridgement of such right as the Army may have, under its very broad military powers and in the exercise of its discretion in the public interest, to require Polzin to take up residence and seek employment outside of any particular part of the country which has been, or may hereafter be declared to be a military area, and in which Polzin now resides, or may hereafter reside or work. Such authority on the part of the military establishment unquestionably exists with respect to all persons, whether they be citizens or aliens, in time of war, and is defined in certain laws and regulations passed pursuant thereto by both the civil and military authorities, to which we, however, need not specifically refer to at this time."

It is, of course, not possible to exclude every dangerous individual from the Eastern Military Area. As previously stated, some of the most dangerous are unknown. On the other hand, there are many who are suspected of sympathy with the enemy and many of these have been investigated.

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The exclusion of the most dangerous of these individuals not only removes them from the sensitive Atlantic Seaboard, but tends to disrupt the enemy net, seriously to embarrass enemy subversive organizations, and undoubtedly has a beneficial and tonic effect upon the rest so as to lessen their activities and to a great extent hamper enemy plans for subversive activities.

It would be preferable to exclude potentially dangerous persons from all sensitive parts of the United States outside the Eastern Military Area but, under the present circumstances, such action is not possible. The most that can be accomplished is to exclude potentially dangerous persons from the Atlantic Seaboard, which is a most vulnerable part of the United States. The most effective solution would be internment not only of alien enemies but of other aliens and citizens as well, which is the practice in England. Apparently, however, the American public does not favor internment, except of alien enemies, so that this solution is not at this time at the disposal of law enforcement authorities and the military. Consequently, the exclusion program represents, in the opinion of the military authorities, the best precautionary measure now available to them.

Although the constitutionality of the exclusion program has been questioned by some authorities, the military has adopted the attitude that the program is a proper military measure. The exclusion program in the Eastern Defense Command has been carried out under a military directive, issued by the War Department, and there is no indication at the present time of any contemplated change in that directive.

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The program is considered of the greatest importance in assisting and enabling commanding generals of defense commands to carry out a part of their military mission and, in the absence of a decision by the Supreme Court, that the program is unconstitutional, the interested military authorities are of the opinion that the program should be continued.

In evaluating the exclusion program, which you have probably unconsciously been doing while listening to this description of it, you may be aware of the fact that some of the statements made in describing the danger to the war effort from subversive activities, the intentions of the enemy, the action of the courts, and the views of the military authorities as to the wisdom and constitutionality of the program, are subject to challenge. The possibility of this is admitted, but our own evaluation of the situation is one which it is felt that we of the military service cannot dispute, because it pictures the potentialities of the enemy and the worst possible eventualities. So we feel that we should be remiss in meeting our responsibilities if we were to relax our efforts in connection with this program for the prevention of subversive activities.

GEN. HAYES. May I ask a question? Captain, how long does it take, the time period to go through that chart, on an average?

CAPT. GAHAGAN. The average time period, sir, will depend upon the difficulty of the case. I believe that some cases have gone through in a period of less than one month. Other cases have taken two or three months. If I may add one further point, sir, some cases have been held up because convictions have been on false statements. In that event the case is automatically stopped.

COL. CONSTANT. I may say some cases have taken 10 months.

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