

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

July 16, 1943

MEMORANDUM FOR  
HUGH B. COX, ASSISTANT ATTORNEY GENERAL  
AND  
J. EDGAR HOOVER, DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION

I refer to Mr. L. M. C. Smith's memorandum to me dated June 28, 1943, which reviews the history, development, and meaning of the Special Case work and of the danger classifications that were made as a part of that work.

After full re-consideration of these individual danger classifications, I am satisfied that they serve no useful purpose. The detention of alien enemies is being dealt with under the procedures established by the Alien Enemy Control Unit. The Special Case procedure has been found to be valueless and is not used in that connection. There is no statutory authorization or other present justification for keeping a "custodial detention" list of citizens. The Department fulfills its proper functions by investigating the activities of persons who may have violated the law. It is not aided in this work by classifying persons as to dangerousness.

Apart from these general considerations, it is now clear to me that this classification system is inherently unreliable. The evidence used for the purpose of making the classifications was inadequate; the standards applied to the evidence for the purpose of making the classifications were defective; and finally, the notion that it is possible to make a valid determination as to how dangerous a person is in the abstract and without reference to time, environment, and other relevant circumstances, is impractical, unwise, and dangerous.

For the foregoing reasons I am satisfied that the adoption of this classification system was a mistake that should be rectified for the future. Accordingly, I direct that the classifications heretofore made should not be regarded as classifications of dangerousness or as a

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determination of fact in any sense. In the future, they should not be used for any purpose whatsoever. Questions raised as to the status or activities of a particular person should be disposed of by consideration of all available information, but without reference to any classification heretofore made.

A copy of this memorandum should be placed in the file of each person who has hitherto been given a classification. In addition, each card upon which a classification appears should be stamped with the following language:

"THIS CLASSIFICATION IS UNRELIABLE. IT IS HEREBY CANCELLED, AND SHOULD NOT BE USED AS A DETERMINATION OF DANGEROUSNESS OR OF ANY OTHER FACT. (SEE MEMORANDUM OF JULY 16, 1943 FROM THE ATTORNEY GENERAL TO HUGH B. COX AND J. EDGAR HOOVER)."

Attorney General