

C.F. Federal Communications Commission

Box 7

THE WHITE HOUSE
WASHINGTON

November 5, 1941.

MEMORANDUM FOR COL. DONOVAN: *x4485*

Please take this up with
Chairman Fly.

F.D.R.

x144 Copy of "Confidential" memorandum for the President from Hon. James Lawrence Fly, Chairman, Federal Communications Commission, 10/31/41. In re reports in the public press indicating that international broadcast transmissions from stations located in various countries have been deliberately "jammed" by signals of unknown origin. Of particular interest were reports concerning "jamming" of the transmissions of Columbia Broadcast System station WCBX, Brentwood, Long Island, and *x1059*
x General Electric station KGEI, San Francisco, Calif. *x256* The Commission's monitoring stations have made careful observations of the transmissions of international broadcast stations and, through the use of long-range direction-finding equipment, have determined, in so far as possible, the origin of reported interfering signals.

x136-Misc

MISSIONERS

ADDRESS ALL COMMUNICATIONS
TO THE SECRETARY

JAMES LAWRENCE FLY, CHAIRMAN
RAY C. WAKEFIELD
PAUL A. WALKER
NORMAN S. CASE
T. A. M. CRAVEN
GEORGE HENRY PAYNE

file
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C.

October 31, 1941
~~CONFIDENTIAL~~ *file*

T. J. SLOWIE, SECRETARY

MEMORANDUM TO THE PRESIDENT:

Recent reports in the public press have indicated that international broadcast transmissions from stations located in various countries have been deliberately "jammed" by signals of unknown origin. Of particular interest were reports concerning "jamming" of the transmissions of Columbia Broadcast System station WCBX, Brentwood, Long Island, and General Electric station KGEI, San Francisco, California. The Commission's monitoring stations have made careful observations of the transmissions of international broadcast stations and, through the use of long-range direction-finding equipment, have determined, in so far as possible, the origin of reported interfering signals.

Our preliminary observations indicate that the interference to Columbia's transmissions originates in Central Europe, apparently in the vicinity of Vienna. With regard to interference to the short wave broadcasts of the General Electric station, the Commission's monitoring station at Santa Ana, California, obtained a direction-finder bearing lying along the great circle from northeastern Brazil, through Santa Ana, and Japan. Although it has not been possible to obtain a cross bearing which would indicate definitely the area from

which this signal emanates, consideration of radio transmission conditions would indicate most strongly that the source of the signals lies to the west of California. So far as is known, these two cases represent the only current indications of deliberate interference to the transmissions of United States international broadcast stations.

Attention is directed to the fact that it is often difficult to determine whether an interfering signal is deliberate or is the result of the multiple assignment and simultaneous use of a particular frequency by several stations throughout the world. The frequencies available for international broadcasting are limited in number and there are many existing cases of unavoidable mutual interference. If, however, an interfering signal is of a type which is inimical to the laws governing international broadcast operations, it may be readily assumed that such interference is a deliberate attempt to interfere with or to "jam" the operations of international broadcast stations.

The following instances of "jamming" being experienced by foreign international broadcast stations have been observed by the Commission's monitoring stations:

Interference to GSP, Daventry, England, appears to originate either in Italy or North Africa.

Interference to GSW, Daventry, England, appears to originate in France.

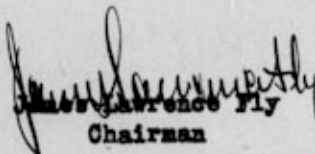
Interference to GSE, Daventry, England, appears to originate from a station in France, although the smaller countries occupied by Germany, or Germany itself, are also possibilities.

Interference to Rome, Italy, appears to be caused by a "jamming" signal from London.

Interference to the reported Nazi-controlled Chinese station XGRS appears to originate from Australia.

Interference to DJR, Zeesen, Germany, is believed to originate from Australia.

Interference to the Brazzaville Free French Station appears to originate from Dakar.


James Lawrence Fly
Chairman

Fed. Comm. Comm. folder

THE WHITE HOUSE
WASHINGTON

C. F.

*Fed. Communications
Comm.*

February 16, 1943

MEMORANDUM FOR

THE DIRECTOR OF THE BUDGET

x79

For recommendation.

P. D. R.

Enclosures

x161 Let to the P. from Secy War and Navy
joining with U. S. Chiefs of Staff in *x25* *x18*
recommending promulgation of executive *x5014*
order transferring from Fed. Com. Com. *x1059*
to the Dept of War certain radio intelli-
gence functions - executive order - pro-
posed - also attached 2/8/43

DECLASSIFIED

By Deputy Archivist of the U.S.

x136-Misc. By W. J. Stewart Date FEB 2 1972

x285-6

x C. F. Federal Communications Commission

~~SECRET~~

WAR DEPARTMENT
WASHINGTON

FEB 8 1943

Dear Mr. President:

We join with the United States Chiefs of Staff in recommending that you promulgate the attached executive order transferring from the Federal Communications Commission to the Department of War certain radio intelligence functions.

Through radio intelligence activities, the military forces of the United States and our Allies obtain military information of the utmost importance. Radio intelligence is an important military weapon.

Participation by the Federal Communications Commission in radio intelligence should be discontinued, because:

Since radio intelligence develops information as to the movements and dispositions of the enemy, it is essential, for reasons of coordination and security, that there be full military control;

Since the responsibility for military action rests with the armed forces, the responsibility for obtaining the technical information governing that action must also be in the armed forces;

Military activities have been hampered by severe shortages of trained personnel and critical equipment essential to radio intelligence.

The Secretary of the Navy, on September 11, 1942, requested the Joint Chiefs of Staff to study the problem of responsibility and security of radio intelligence. The Joint Chiefs of Staff have made a thorough and comprehensive study, and their response (based on that study) is attached hereto. They, as well as the responsible military commanders in the field, are of the belief that radio intelligence, the location of clandestine stations, the supervision of military communications security and related activities must, in their very nature, be under the sole control of the military forces.

Enclosed herewith is a copy of a letter from Admiral Leahy recommending this action.

Yours respectfully,

Frank Knox
Secretary of the Navy.

Henry L. Stimson
Secretary of War.

The President,
The White House,
Washington, D. C.
Enc. (2)

DECLASSIFIED
JCS memo, 1-4-74
By RHP, NLR, Date

APR 11 1974

~~SECRET~~

THE JOINT CHIEFS OF STAFF
WASHINGTON

February 1, 1943.

[REDACTED]
The Honorable,
The Secretary of the Navy,
Washington, D. C.

My dear Mr. Secretary:

In response to your memorandum to the Joint Chiefs of Staff, dated September 11, 1942, on the subject of responsibility for the conduct of security of military communications activities, the Joint Chiefs of Staff have had made a thorough and comprehensive study of the problems referred to therein in which full consideration has been given to the views of the military and naval commanders in the field who are charged with responsibility for military action based on radio intelligence. A summary of the findings is given in the following paragraphs.

In general, radio intelligence is the method of determining the enemy's plans and dispositions through observation of his radio communications. The facilities used for this are also used to assist our own forces through monitoring of communications channels to enforce security standards and to render assistance to our own craft.

Both the Army and Navy are engaged in radio intelligence and related activities. In addition, the Federal Communications Commission has set up an elaborate system of its own which is engaged in:

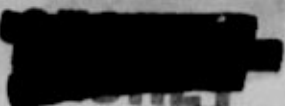
- (a) the location of enemy units at sea and abroad;
- (b) the interception of enemy army, navy, and diplomatic traffic;
- (c) the location of clandestine stations;
- (d) the giving of bearing aids to lost planes;
- (e) the maintenance of a "marine watch" at distress frequencies; and
- (f) the monitoring of military radio circuits.



[REDACTED] **DECLASSIFIED**

[REDACTED] JCS MEMO, 1-4-74

[REDACTED] By RMP, NLR, Date **APR 11 1974**


These activities of the F.C.C. are constantly expanding and are a substantial drain upon available material and personnel.

Radio intelligence activities of the F.C.C. tend to be less and less useful as the art progresses. This is due to integration into proper radio-intelligence systems of large quantities of secret military information accumulated through special processes by the armed forces, including exchanges of military information with our allies, knowledge of present and proposed disposition of forces, and other special information which for obvious reasons cannot be disseminated to an agency such as the F.C.C. Moreover, information obtained by the F.C.C. through its own radio-intelligence activities is not, in the military sense, secure, due to inherent tendencies toward publicity of F.C.C. activities, use of non-secure methods of reporting and correlation, and the necessarily close relationship of F.C.C. military-intelligence activity with other phases of the agency's work.

Because of the essential differences between military and F.C.C. standards and methods it has not been possible to integrate their information, with the result that the attempted duplication by the F.C.C. of work that is being more effectively done by the military has in fact endangered the effectiveness and security of military radio intelligence.

In view of the foregoing it is concluded that the better prosecution of the war will be served by terminating all military and quasi-military radio intelligence activities of the Federal Communications Commission and confining such activities to the Army and Navy.

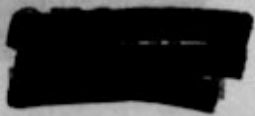
Since the Army's present need for personnel and equipment in the field of radio intelligence is greater than that of the Navy, all of the radio-intelligence facilities of the F.C.C. should forthwith be transferred to the Army entirely. The personnel of the F.C.C. heretofore engaged in radio intelligence should be made available initially as civilian employees of the Army, pending decision by the Army as to which shall be placed in military status, which replaced by military personnel, and which would best be retained in the Army as civilian employees.

The foregoing conclusions are supported by the views of the Army and Navy commanders in the field who are charged with responsibility for military action based on radio intelligence.

DECLASSIFIED

JCS memo, 1-4-74
By RHP, NLR, Date

- 2 -

APR 11 1974 

[REDACTED]

The Joint Chiefs of Staff therefore request the Secretaries of War and Navy to join in a recommendation to the President that he transfer to the Army the personnel and equipment now used by the F.C.C. in the field of radio intelligence. A proposed Executive Order is enclosed.

From the standpoint of the present problem, the promulgation of this Executive Order would leave the F.C.C. in the radio field, with the responsibility for monitoring, processing and disseminating foreign voice, news, and propaganda broadcasts (its Foreign Broadcast Intelligence Service), the monitoring and inspection of stations licensed under the Communications Act of 1934, all necessary licensing procedures, including revocation and suspension, and the institution of prosecutions of licensed stations and operators for violations of treaty, statute, or regulations.

The Army and Navy (in accordance with divisions of function between themselves) would have full and exclusive responsibility for the conduct of military radio intelligence as described in the present report.

Sincerely yours,

For the Joint Chiefs of Staff:

William D. Leahy
WILLIAM D. LEAHY,
Admiral, U.S. Navy,

Chief of Staff to the
Commander in Chief of the Army and Navy.

DECLASSIFIED

JCS memo, 1-4-74

By RHP, NLR, Date APR 11 1974

PROPOSED EXECUTIVE ORDER

Executive Order

Transfer of Radio Intelligence Functions

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. Transfer of functions.

All functions, powers and duties of the Federal Communications Commission in the field of radio intelligence and, particularly: in the conduct of direction-finding activities; the location of enemy radio transmissions abroad and at sea; the interception of radio traffic of foreign countries (excluding voice broadcasting); the detection, location and suppression of clandestine or illegal stations both abroad and within the limits of the United States, its territories and possessions and the areas occupied by its armed forces; the giving of radio and direction-finding navigational aids to vessels and aircraft; the monitoring of United States Army and Navy communication circuits and the maintenance of distress frequency watches are transferred to the Departments of War and Navy in accordance with distribution of function established between them.

2. Transfer of records, property and personnel.

All records and property (including radio transmitting and receiving equipment) and all personnel of the Federal Communications Commission used primarily in the performance and administration of the functions transferred by this order are transferred to the War Department for use in the performance and administration of functions transferred by this order; but any personnel so transferred who are found by the War Department to be in excess of the personnel necessary for the performance and administration of such functions, powers and duties shall be retransferred under existing law to other positions in the government or separated from the service. So far as possible, personnel transferred who are found qualified therefor shall be placed in a military status.

DECLASSIFIED

JCS memo, 1-4-74

By RMP, NLR, Date

APR 11 1974

3. Transfer of funds.

So much of the unexpended balances of the appropriations or other funds available, including those available for the fiscal year ending June 30, 1943, to the Federal Communications Commission in the exercise of functions transferred by this order as the Director of the Bureau of the Budget, with the approval of the President, shall determine, shall be transferred to the War Department for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidations of obligations incurred against such appropriations or other funds prior to the transfer.

*Case, Budget Bureau on Civil Rights
Nov. 26, 1952*

DECLASSIFIED

JCS memo, 1-4-74

By RHP, NLR, Date

APR 11 1974

Enclosure:
Executive order draft
Memorandum for the President

[REDACTED]

THE WHITE HOUSE
WASHINGTON

April 2, 1943.

MEMORANDUM FOR R.F.

If and when Budget returns the executive order relating to the transferring from Federal Communications Commission to the Department of War certain radio intelligence functions, which the President sent to them under date of Feb. 16th, asking for a recommendation, will you make a note on it before sending it to the President reminding him that he talked to Chairman Fly about the matter and told the Chairman before he took any action he would give him a chance to come in and see the President.

G.G.T.

*Cow. Willenbacher or Cow. Segal.
Wells Navy 3675-*

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON, D. C.

MAY 21 1943

MEMORANDUM FOR THE PRESIDENT:

Subject: Termination of Radio Intelligence Functions
of the Federal Communications Commission

Attached is a revised draft of a proposed Executive order submitted for your approval by the Secretaries of War and Navy in their joint letter of February 8. This order would terminate various so-called radio intelligence functions of the Federal Communications Commission and vest them exclusively in the War and Navy Departments.

At the outset, it seems clear to me that some kind of adjustment needs to be made at this time. This is in no sense a reflection upon the Federal Communications Commission or its work. On the contrary, the FCC took the leadership and furnished necessary services to the War Department, and to a lesser extent to the Navy Department, at their request before and subsequent to the outbreak of the war. It has also rendered services to a number of other Federal agencies which consistently speak favorably of such services.

However, circumstances have recently changed to some extent. The volume of work being requested of the FCC by the Navy Department is now almost negligible. While certain commands of the Army are currently requesting FCC to perform some of the services which the order would terminate, it is evident that the volume of service requested of FCC by the War Department is also declining materially. The War and Navy Departments quite evidently feel that secret radio information is not wholly secure in FCC (however, I find little evidence of insecure procedures in the FCC). The War Department is particularly anxious to acquire some of the FCC personnel and equipment.

Any disposition of this matter would involve various combinations of the following five steps:

1. Discontinue the following FCC activities and perform them exclusively through the War and Navy Departments: the operation of the mobile coastal patrol, the monitoring of marine distress transmissions — except as required under the Communications Act of 1934, the giving of radio and direction-finding navigational aids to military aircraft, and such limited monitoring of United States and foreign military transmissions as FCC now performs.

2. Limit FCC monitoring, interception, and location of the source of non-voice radio traffic originating outside of areas subject to the Communications Act of 1934, to requests submitted to the FCC by appropriate Federal agencies.

3. Terminate FCC monitoring, interception, and location of the source of non-voice radio traffic originating outside areas subject to the Communications Act of 1934, and require the War Department to furnish service with respect thereto to appropriate Federal agencies except as military considerations prevent it.

4. Vest in the War Department the detection and location of the source of unauthorized radio traffic originating in Alaska, Hawaii, and Puerto Rico.

5. Vest in the War Department the detection and location of the source of unauthorized radio traffic originating in the United States proper.

The first and least drastic approach would be to effectuate points 1 and 2 above. This approach would leave with the FCC the entire administration of the Communications Act of 1934 and the rendering of services to appropriate Federal agencies with respect to foreign non-voice traffic. (The Foreign Broadcast Intelligence Service of FCC would continue to record and analyze foreign voice broadcasts; it is not affected by any of the proposals discussed in this memorandum.) Under this method, the FCC would probably feel unable to give up any sizeable amount of equipment and personnel, other than in connection with the mobile coastal patrol.

A second alternative disposition would effectuate points 1, 3, and 4. Under this approach, the FCC would continue, and be limited to the administration of the Communications Act of 1934, exclusive of the detection and location of unauthorized radio traffic originating in Alaska, Hawaii, and Puerto Rico, which would be vested in the War Department. The Director of the Bureau of the Budget would determine, subject to the approval of the President, the amount of equipment, personnel, and funds to be transferred to the War Department. I would expect that at least one-half of the personnel and equipment of the Radio Intelligence Division would be so transferred.

The third and most drastic alternative disposition would effectuate points 1, 3, 4, and 5. This is the proposal of the Secretaries of War and the Navy. The FCC would be restricted to granting licenses and to policing licensed radio stations. It would be unable to determine the location of any unauthorized radio station even though located in this country, since it could not engage in direction-finding activities. The entire Radio Intelligence Division of FCC, including some 835 employees — 37 percent of all FCC employees — would be transferred to the War Department.

I recommend adoption of the second alternative approach outlined above. In so doing, I am guided by the following basic considerations which seem to me to cover the disposition of this problem. First, the War Department undoubtedly needs radio equipment and personnel badly and the FCC has considerable equipment and very competent personnel. Second, the War and Navy Departments should not become involved in non-military communications except as urgent military necessity requires it. Third, the FCC should not engage in activities for Army and Navy purposes except as the Army and Navy desire it. Fourth, Federal civilian agencies dependent upon radio services should continue to receive them as far as military considerations will permit.

Viewing the matter in this light, the disposition recommended above appears to be suitable. It may be mentioned that this disposition also meets in considerable measure what I construe to be the real objectives of the War and Navy Departments, namely, to terminate certain FCC activities with respect to foreign non-voice radio traffic and to incorporate FCC personnel and equipment into the Army's radio intelligence system.

I recommend approval of the attached revised order draft, which is designed to implement the solution recommended above.

Chas. C. Bennett



Office of the Attorney General

Washington, D.C.

June 19, 1943

The President

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Redistribution of Certain Radio Functions." The purpose and effect of the proposed order are fully discussed in a memorandum addressed to you by the Director of the Budget and attached to the order.

The proposed order has my approval as to form and legality.

You may wish to consider, however, whether as a matter of policy the situation would be improved by disrupting to this extent the work of the Federal Communications Commission, which the Director of the Bureau of the Budget, in his memorandum to you of May 21, 1943, indicates took leadership in this field and built up its organization and equipment to cope with the problem.

Respectfully,

Charles Fahy
Charles Fahy,
Acting Attorney General.

MAY 21 1943

My dear Mr. Attorney General:

I am transmitting herewith a proposed Executive order entitled "Redistribution of Certain Radio Functions," together with self-explanatory memoranda to the President concerning the order.

While a representative of the Bureau of the Budget presented informally a copy of the order, as originally submitted by the Secretaries of War and the Navy, to Mr. James H. Rowe, Jr. of your Department on March 6, I am not informed as to your views with respect to the policy in this matter. If you have such views which you care to express, I would suggest that you transmit them directly to the President.

The order as revised has my approval.

Very truly yours,

(Signed) HAROLD D. SMITH

Director

The Honorable,

The Attorney General

Enclosures:

Executive order draft

Memoranda to the President (2)

EXECUTIVE ORDER

REDISTRIBUTION OF CERTAIN RADIO FUNCTIONS

By virtue of the authority vested in me by Title I of the First War Powers Act, approved December 18, 1941, and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

1. The following functions, duties, and powers shall hereafter be performed and administered only by the Department of War and the Department of the Navy (in accordance with the division of responsibility between said departments as provided by a certain joint memorandum entitled "Joint Action of the Army and Navy, 1935," short title FTT-155, or as may be otherwise agreed upon between the Secretary of War and the Secretary of the Navy), and none of such functions, duties, or powers shall hereafter be performed or administered by the Federal Communications Commission: (a) the monitoring, intercepting, and locating of the source of (1) non-voice radio traffic originating outside of areas subject to the Communications Act of 1934, exclusive of foreign news and propaganda non-voice radio traffic, (2) United States and enemy military radio traffic, and (3) marine distress radio traffic, except to the extent necessary for the administration of the Communications Act of 1934; (b) the giving of radio and direction-finding navigational aids to military aircraft; (c) the operation of mobile coastal radio patrols; and (d) the detection and location of unauthorized radio

transmitting stations in Alaska, Hawaii, and Puerto Rico. This order shall not be construed as modifying or limiting in any way any other functions, duties, or powers of the Federal Communications Commission.

2. Such services pertaining to the functions set forth in paragraph 1 of this order as may be required by other Federal agencies in the performance of their respective functions shall upon the request of such agencies be furnished by the Secretary of War insofar as military considerations shall permit.

3. There is transferred to the Department of War for use in connection with the functions set forth in paragraph 1 of this order such part of (a) the personnel, records, equipment, and other property used by the Federal Communications Commission in the administration of the functions so set forth, and (b) the unexpended balances of appropriations, allocations, and other funds available to the Federal Communications Commission for the administration of the functions so set forth, as may be determined by the Director of the Bureau of the Budget with the approval of the President to be necessary or appropriate to carry out the provisions of this order. In determining the sums to be transferred, the said Director may include amounts to provide for the liquidation of obligations previously incurred against such balances of appropriations, allocations, or other funds.

4. This order shall become effective immediately and remain in force and effect until the termination of Title I of the First War Powers Act, 1941.

THE WHITE HOUSE,

June , 1943

Copies of Memos of June
6th and June 25th to
the Secretary of War and
Navy respectively sent to
the Attorney General in re-
sponse to his telephonic request of
June 26 to Gen. Watson

THE WHITE HOUSE

WASHINGTON

June 5, 1943.

MEMORANDUM FOR

THE SECRETARY OF WAR

I understand that Colonel Guest has been asked to testify before the Cox Committee in regard to a purely administrative matter relating to the exercises of war powers as between the Army, Navy and the FOC.

I do not wish Colonel Guest to testify. Please see to it that he does not do so. The matter is still under consideration by the White House and is not a matter for Congressional investigation. Already some Army officers have told one side of the story on the Hill and thence, of course, it is in the process of going to the public.

THE WHITE HOUSE

WASHINGTON

-2-

I think you might end definitely all Army talk on this subject. As I stated above, the whole matter is under study by the White House and no action has been taken.

F. D. R.

THE WHITE HOUSE
WASHINGTON

Mr. FORSTER:

BOTH SECRETARY STIMSON AND
THE ASSISTANT SECRETARY WERE
OUT OF THE CITY. THE ATTACHED
MEMORANDUM WAS TURNED OVER TO
COLONEL W.H.S. WRIGHT, ARMY
X AIDE TO SECRETARY STIMSON.
COLONEL WRIGHT WAS IN CONTACT
WITH THE SECRETARY SUNDAY
MORNING.

TEL. & TEL. OFFICE.
(C)

TELEGRAM

~~Copy~~ The White House
Washington

C. F.
Federal Communications
Commission

JUNE 5, 1943 (4:53 P.M.)

MEMORANDUM FOR

THE SECRETARY OF WAR. *x25*

x419

I UNDERSTAND THAT COLONEL GUEST HAS BEEN
ASKED TO TESTIFY BEFORE THE COX COMMITTEE IN
REGARD TO A PURELY ADMINISTRATIVE MATTER RELATING
TO THE EXERCISES OF WAR POWERS AS BETWEEN THE
ARMY, NAVY AND THE F. C. C. *(Wesley J. ?)*

x18
x1059

I DO NOT WISH COLONEL GUEST TO TESTIFY.
PLEASE SEE TO IT THAT HE DOES NOT DO SO. THE
MATTER IS STILL UNDER CONSIDERATION BY THE
WHITE HOUSE AND IS NOT A MATTER FOR CONGRESSIONAL
INVESTIGATION. ALREADY SOME ARMY OFFICERS HAVE
TOLD ONE SIDE OF THE STORY ON THE HILL AND THENCE,
OF COURSE, IT IS IN THE PROCESS OF GOING TO THE
PUBLIC.

I THINK YOU MIGHT END DEFINITELY ALL ARMY
TALK ON THIS SUBJECT. AS I STATED ABOVE, THE
WHOLE MATTER IS UNDER STUDY BY THE WHITE HOUSE
AND NO ACTION HAS BEEN TAKEN.

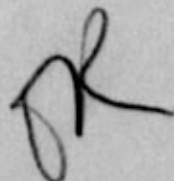
x C. F. Navy
x C. F. War

F. D. R.

Mr. President:

Do you want to send a letter to Secretary Knox along the same lines as the attached to Stimson? As I understand it, a naval officer was called up before the Cox Committee.

GGT



*Stinson file
62-43*

THE WHITE HOUSE
WASHINGTON

June 8, 1943.

MEMORANDUM FOR

ADMIRAL LEAHY

x4189

TO READ AND RETURN

F. D. R.

Secret letter to the President, 6-7-43, from the Secretary of War saying he has recd. the President's ltr. of 6-5-43, in re the request to Col. Guest to testify before the Cox Committee. States that arrangements have been made so that neither Col. Guest nor any other Army officer will testify before this committee in re the matter mentioned. Gives the facts of investigation in regard to the last paragraph of the President's ltr. of 6-5-43 (which is attached and copy of which was sent with above to Adm. Leahy).

THE WHITE HOUSE
WASHINGTON

*file
personal*

June 8, 1943.

MEMORANDUM FOR

ADMIRAL LEAHY

TO READ AND RETURN

F. D. R.

WAL

Franklin D. Roosevelt Library

DECLASSIFIED

DOD DIR. 5200.9 (9/27/58)

Date- **3-17-59**

Signature- *Carl I. Spicer*

WAR DEPARTMENT
WASHINGTON

~~Secret~~

7. C. C. Folder
2-43
June 7, 1943.

Dear Mr. President:

I have received this morning your letter of June 5th in reference to the request to Colonel Guest to testify before the Cox Committee.

Arrangements have been made so that neither Colonel Guest nor any other Army officer will testify before this committee in regard to the matter which you mention.

The suggestion in your letter that officers of the Army may have been indiscreet in a matter which I deem of such great confidential importance has led me to make a careful personal investigation immediately on the receipt of your letter. I believe the following to be the facts:

On September 11th last the Secretary of the Navy wrote a letter to the Joint Chiefs of Staff in which he expressed concern over certain activities being carried on by certain civilian agencies, including the FCC, which activities included the monitoring of broadcasts and radio intelligence activities including intercepts, and also radio direction finding. He asked the Joint Chiefs of Staff to make a careful investigation of this matter and a recommendation thereon. On February 1, 1943, after such an investigation, the Joint Chiefs of Staff reported in detail and recommended that some of these functions in the interest of national security should be handed exclusively by the Army and the Navy. On the basis of this recommendation, on February 8th Secretary Knox and I wrote to you a letter enclosing a proposed Executive Order which had been drafted by the Joint Chiefs of Staff to carry out these recommendations.

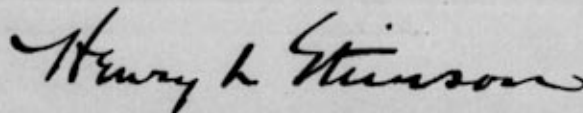
This proposed order was apparently referred by you to the Bureau of the Budget and I believe was referred by the Bureau of the Budget to the FCC for their comment. Thereafter, as I am informed, the Cox Committee commenced a general investigation of the FCC and apparently in the course of this investigation got knowledge of the existence of this proposed Executive Order. I am confident that they did not get this information from the Army. On the contrary, I find that the entire subject has been regarded as a matter of the most secret character in respect to military intelligence and has been handled with the utmost care and secrecy.

I have, however, learned that within the recent past Rear Admiral Hooper, former Director of Naval Communications, and Rear Admiral Redman, present Director of Naval Communications, have appeared before certain representatives of the Committee and have been examined at length. No officers of the Army have been examined by the Committee or its representatives although inquiries were made informally by the Committee's chief counsel, but the War Department's representatives refused to enter into a discussion of the matter in question. On last Friday Colonel Guest of the Signal Corps advised the War Department that the Committee had just requested him to testify before it. One of my assistants promptly advised the Bureau of the Budget and the Department of Justice of this request and further advised them of the earlier appearance of the naval officers.

From the above I think you will clearly see that the Army has not endeavored to argue its position on this matter on the Hill but on the contrary has scrupulously guarded the confidential character of the entire matter.

I think it is proper for me to say that I deem this matter which the Secretary of the Navy and I submitted to you in our letter of February 8th and the proposed Executive Order of such importance in connection with the national security of this country and the carrying on of the war that I sincerely hope that, if you have any doubt as to the correctness of our view, you will give us an opportunity to be heard.

Faithfully yours,



Secretary of War.

The President,
The White House.

~~SECRET~~ file
WAR DEPARTMENT
WASHINGTON

7.C.C. folder
2-43
June 30, 1943.

Dear Mr. President:

On June 5 you wrote to me directing Colonel Guest not to testify before the Cox Committee with regard to the exercise of war powers as between the Army, Navy and the Federal Communications Commission. As I wrote to you on June 7, arrangements were made so that neither Colonel Guest nor any other Army officer would testify before the Committee in regard to the matter which you mentioned.

Nevertheless, thereafter oral request was again made by Committee Counsel for the appearance of Colonel Guest, which request was refused.

On June 28 I received a letter dated June 25 from Eugene L. Garey, General Counsel for the Committee. I annex a copy of the letter. In this letter seven Army officers on active duty, one retired officer and I are requested to attend public hearings of the Committee and to give testimony on a number of subjects, including the one mentioned in your letter. We are likewise requested to produce files relating to such subjects. In addition, no doubt through error, I am requested to have Captain E. M. Webster, a Coast Guard officer, appear before the Committee.

It is clear to me that to comply with the Committee's request with respect to a number of the questions asked would be incompatible with the public interest and contrary to your direction. I refer to items 1, 2, 3, 6, 7, 8, 9, 13, 14, 16, 17 and 20 of Mr. Garey's letter. I shall refuse such information. I shall also refuse to permit the appearance of any Army officer, either active or retired, before the Committee.

I desire your further direction, however, as to those documents referred to in the Garey letter which do not relate to matters presently under your consideration and which may not relate to subjects of military secrecy. I respectfully refer this matter to you in pursuance of Executive Order 1062 of 14 April 1909.

I have made a careful investigation and am convinced that Mr. Garey's apparent knowledge of certain documents and the

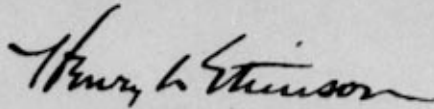
~~SECRET~~

SECRET

- 2 -

conclusions he has reached have in no way arisen from any information given to the Committee or its counsel by any Army officers or any of my assistants.

Faithfully yours,



Secretary of War.

The President
The White House.

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SECRET

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

Select Committee to Investigate
Federal Communications Commission

Washington, D.C.

June Twenty-fifth
1943

The Honorable,
The Secretary of War,
Washington, D. C.

Sir:

The Committee has now completed certain phases of its preliminary investigation into the activities of the Federal Communications Commission, and intends to hold formal public hearings and take testimony on such matters within a short day.

In its public consideration of these matters the Committee will require at such hearings (1) the presence of certain officers of the military and naval forces of the United States as witnesses and (2) the production of certain documents and papers from the files of your Department.

The military personnel whose attendance at such hearings as witnesses will be required by the Committee are:

The Secretary of War.

Col. Howard F. Bresee, U.S.A.

Lt. Col. Armand Durant, U.S.A., Military Intelligence
Service.

Col. Wesley T. Guest, U.S.A., Director of Planning,
Signal Corps.

Major General Dawson Olmstead, U.S.A., Chief Signal
Officer.

Col. Conrad E. Snow, U.S.A., Chief, Legal Branch
Office of the Chief Signal Officer.

Major General Frank Stoner, U.S.A., Army Communications
Service.

Major General George V. Strong, U.S.A., Assistant
Chief of Staff (Military Intelligence).

Captain E. M. Webster, U.S.A.

The Committee will require the attendance of Major General Joseph O. Mauborgne, U.S.A. (Retired), but since he is not now on active duty the Committee presumably will be compelled to require his presence by subpoena, and I will arrange accordingly.

The documents, reports, memoranda and the like which your Department will be required to produce at such hearings are:

1. All Department files and correspondence pertaining to the Army's efforts to obtain approval of the use of ultra-high frequencies, and the difficulty encountered by the Army in getting the Federal Communications Commission to make a study of the subject.
2. All files and correspondence pertaining to the Army's position favoring the passage of a bill to permit wire-tapping, and Chairman Fly's opposition to such bill.
3. All files and correspondence pertaining to the Army's efforts to stop Japanese language radio broadcasts from Hawaii prior to Pearl Harbor and the reports of the Army officers of their activities in negotiating voluntary agreements to that end; and Chairman Fly's opposition to such action and his subsequent actions which are alleged to have caused such voluntary agreements to be abandoned.
4. All files, memoranda, correspondence and the like concerning the mergers (both international and

domestic) of telegraph, telephone, and cable companies; the position of the Army in respect thereof and Chairman Fly's unwillingness to hear or consider the military services' position in respect thereto.

5. The letter dated June 12, 1940, from Chairman Fly of the Federal Communications Commission, addressed to the Chief Signal Officer, U.S.A., and to the Director of Naval Communications, stating, in substance, that the Federal Communications Commission had determined that its Chairman should be the Commission's representative on and Chairman of the Defense Communications Board.
6. All files, documents, memoranda and correspondence relating to or bearing on various questions arising between the War Department and Federal Communications Commission, or any of its staff or divisions, or between the Army and the Board of War Communications or its predecessor, the Defense Communications Board, not called for in Item 5 above.
7. All Department files, letters, papers and documents pertaining to the proposed transfer to the military establishment of the Government of the activities of the Federal Communications Commission's Radio Intelligence Division, particularly a copy of the letter dated February 1, 1943, to the Secretary of the Navy, from William D. Leahy, Admiral, U.S.N., Chief of Staff to the Commander-in-Chief of the Army and Navy, a copy of the proposed Executive Order therein referred to, a copy of the joint letter dated February 8, 1943, addressed to the President by the Secretary of War and the Secretary of the Navy, and all subsequent memoranda and letters on the same subject matter, including the studies and reports made prior to the letter dated February 1, 1943, and referred to in such letter.
8. Copies of all requests, if any, by the Department to Federal Communications Commission requesting Federal Communications Commission to monitor,

intercept, listen to or record, either specifically or generally, domestic foreign language or foreign broadcasts.

9. Copies of all requests, if any, by the Department to Federal Communications Commission to locate clandestine radio stations, either domestic or foreign.
10. Copies of all memoranda, reports or letters to the White House and others respecting the creation of the Defense Communications Board, now known as the Board of War Communications, and pertaining to Executive Order dated September 24, 1940, creating such Board.
11. Copies of any and all reports and correspondence between the Army or the Navy, the Interdepartment Radio Advisory Committee, and Chairman Fly with reference to the application of the U.S. Army for frequencies to broadcast in Alaska and elsewhere for the purpose of maintaining morale among the United States armed forces stationed there, and the opposition of Chairman Fly to such broadcasting by the Army for such purposes, and his insistence that such broadcasting be done by the Office of War Information.
12. All correspondence, files and memoranda relating to the difficulties of the Army and Navy in having their views properly presented by Federal Communications Commission representatives to the International Conference in Madrid.
13. Copies of reports from the Federal Communications Commission to the Army as to the alleged direction finding and locating by it of certain enemy ships, particularly those which developed upon investigation by the Navy to be enemy stations located in Japan.
14. Any and all correspondence between the Army and the Federal Communications Commission with reference to Chairman Fly's proposal to establish East and West Coast Central Intelligence services and requesting the Army to contribute to the cost thereof.

15. All memoranda and correspondence with reference to the passage of the resolution (and a copy thereof) forbidding the release of any information unless authorized by the Board of War Communications, which was adopted by such Board for the purpose of curbing Chairman Fly's unauthorized disclosure of the Board's activities.
16. Copies of all correspondence between the Army and the Federal Communications Commission respecting the material compiled by Foreign Broadcast Intelligence Service.
17. Copies of reports received by the Army with reference to certain information improperly evaluated, edited and distributed by the Federal Communications Commission pertaining to the war in Alaskan waters.
18. Proposed constitution of the Interdepartment Radio Advisory Committee proposed by the representatives of the Army, which Chairman Fly opposed and which therefore never became effective.
19. All memoranda, reports and correspondence relating to charges filed (and as changed from time to time during the hearing) before the Board of War Communications, against Neville Miller, President of the National Association of Broadcasters, the Army and Navy's opposition thereto, the transcript of testimony taken at the hearing on such charges, and the findings exonerating Mr. Miller.
20. All reports, memoranda and correspondence in the Department relating to, or dealing or connected with, any of the subjects hereinafter outlined.

For your information and guidance, the testimony of the officers above named, to be presented to the Committee at such public hearings, will not call for the disclosure of any secret military information. Inquiries to the officers of the armed forces will be directed to the establishment of the subjects hereinbelow broadly noted. The existence of these facts has been heretofore substantially established through investigation by this Committee.

A brief outline of the subjects of inquiries to be made of such officers is as follows:

The personal history, training and experience of such officers, particularly in the communications field and generally in respect of the personnel activities, actions and non-actions of the Federal Communications Commission and its related or affiliated agencies.

The participation of such officers in the preparation of the reports, memoranda and papers enumerated hereinabove and generally with respect to their knowledge of the subject matter, facts, opinions and circumstances which are referred to therein.

The composition, functions and duties of the Interdepartment Radio Advisory Committee.

The refusal of Mr. Fly to transmit to the President without comment, for his approval, the constitution of the Interdepartment Radio Advisory Committee as drafted and proposed by the Army and Navy for the express purpose of eliminating Mr. Fly's control of such Committee; the resulting failure to have such constitution adopted and the consequences flowing therefrom.

The conclusion of the Army-Navy Joint Board, reached after a long study by that Board and approved by the Secretaries of War and Navy, that a board or committee should be formed solely to assist the military services in planning the control of non-military communications for war uses in such a manner as to bring them into coordination with the military communications; and that such a board should have no authority whatsoever over military communications.

That the Defense Communications Board, now known as the Board of War Communications, was created by Executive Order pursuant to the approved conclusion reached as stated aforesaid.

The letter dated June 12, 1940, from Mr. Fly to the Chief Signal Officer and Director of Naval Communications, stating that the Commission had determined that its Chairman should be the representative of the Commission on the Defense Communications Board, and had also decided that its Chairman should act as Chairman of such Board.

The insidious steps by which Mr. Fly injected himself into the control of the Board of War Communications which he and his organization

dominate, and the methods and manner in which he brought about and has since maintained that domination and control.

Mr. Fly's successful efforts in defeating the recommendations of the Army and Navy representatives to keep off the technical committees of the Defense Communications Board which handled secret and confidential matters, certain proposed members who had no proper place thereon.

Mr. Fly's assumption, through the Board of War Communications, of power over the communications facilities of all Government departments, including the Army and Navy, contrary to the powers of such Board and over the vigorous protests of the Army and Navy and other Government departments.

The difficulties encountered by the military services in making wartime arrangements for military communications facilities through the Board of War Communications, as opposed to direct action by them, due to the domination of such Board by Mr. Fly.

Mr. Fly's refusal to collaborate with interested Government departments in preparing recommendations to the Congress on the subject of international merger of communications.

Mr. Fly's disposition to speak for the Army and Navy due to his Board of War Communications connection; his testimony before Committees of the Congress on national defense matters contrary to the views of the Army and Navy and without authority from them; the resolution adopted by the Board of War Communications for the purpose of preventing Mr. Fly from making public utterances on matters relating to such Board affecting national defense.

Mr. Fly's insistence on reopening the consent decree and refusing to renew RCAC licenses despite the protests of the Army and Navy.

Mr. Fly's refusal to approve the operation of miniature broadcast stations at isolated combat outposts if the stations are to be soldier operated.

Mr. Fly's insistence that the broadcasting stations operated by the Army in Alaska and elsewhere abroad for the purpose of maintaining morale in the armed forces should be operated by the Office of War Information.

The Federal Communications Commission's consistent effort through the years to exercise jurisdiction, domination and control over the useful radio spectrum, not only in respect of the allocation of standard commercial broadcasting frequencies as provided by law, but also over the allocation of frequencies for use by Government departments and agencies, the jurisdiction of which has not been entrusted to the Federal Communications Commission by law; and the manner by which Mr. Fly, through his domination and control of the Interdepartment Radio Advisory Committee, has prevented Government agencies from having their needs and opinions in such matters presented to the President for his consideration.

Mr. Fly's insistence that the question of sending cable ships to certain places was a matter to be decided by the Board of War Communications, which he dominated, notwithstanding the needs of the armed forces and the primary duty resting on the Navy to arrange a convoy to prevent the loss of such cable ships in transit.

Mr. Fly's insistence that no commercial company could permit the War or Navy Department to take over and operate a transmitter without a license from the Federal Communications Commission.

Mr. Fly's insistence that the Board of War Communications should handle Army and Navy requests of commercial companies for frequencies and stations and the consequent resulting and unjustifiable delay which endangered the national defense.

Mr. Fly's refusal for a period of nine months--and for nearly seven months after Pearl Harbor--to turn over to the Federal Bureau of Investigation, at the request of that Bureau and the Navy, the fingerprints of radio operators aboard American merchant marine vessels, for investigation by the Federal Bureau of Investigation; the importance to the national defense that such investigations should have been

promptly made, and the strategic position occupied by any disloyal or enemy operators to endanger the national defense; the incompetent manner in which such fingerprints were taken by the Federal Communications Commission, compelling the return to the Federal Communications Commission of the fingerprints of some 55,000 operators as useless and of no value.

The protests made by the Admirals in charge of convoys respecting the failure of the Federal Communications Commission to have the ship radio operators investigated by the Federal Bureau of Investigation promptly because of the imminent danger to the national interests in the event that such action was not promptly taken.

Mr. Fly's successful activities in defeating the Army-Navy and Hawaiian broadcasting stations' voluntary pre-Pearl Harbor joint efforts to arrange for the elimination of Japanese language broadcasts in Hawaii; and the contribution of such resulting failure to the Pearl Harbor disaster.

Federal Communications Commission's penetration into the military field of radio intelligence and direction finding; the resulting duplication of such services maintained by the Army and Navy; the fact that the names of Federal Communications Commission's two divisions—Radio Intelligence Division and Foreign Broadcast Intelligence Service—are misnomers and misleading, since such divisions do not perform intelligence services, because it is impossible to impart to an agency like the Federal Communications Commission information which it would have to have, and which the Army and Navy do have, in order to do such work effectively; that such service was first known as Foreign Broadcast Monitoring Service (F.B.M.S.); and the fact that it is impossible to coordinate any civilian agency like the Federal Communications Commission with the Navy's radio direction finding systems, which are coordinated with military systems.

That the Federal Communications Commission is not equipped to do radio intelligence work because of the elaborate systems that the military services maintain, the location of their stations, and the work done by such services with the stations maintained by our military allies, and because of the nature of the secret military information which can be known only to the few military people charged with the responsibility of doing that kind of work; that such work is a form of military work more distinctly necessary than combat work itself.

That military radio intelligence means gaining through the radio spectrum intelligence of the enemy; and that what Federal Communications Commission attempts to do does not constitute radio intelligence but merely constitutes monitoring or more primarily listening to the enemy's transmissions.

That radio intelligence requires a staff of expert people with knowledge of military operations. Such a service must know where its own forces are and, by reconnaissance and other means must also know where the enemy forces are.

That such a service must have specially trained operators, who must know the enemy's code and be familiar with the traffic handled, because in wartime, unlike peacetime, the messages are in secret code. Such a service must be able, when they take a bearing, to identify it and know where it is coming from and must have full knowledge of the cryptographic systems employed, which oftentimes vary from message to message.

In none of the respects above noted, as well as in other respects not specifically herein noted, can Federal Communications Commission meet the necessary requirements referred to.

That the Federal Communications Commission personnel is inadequately trained in radio intelligence work and not familiar with the methods and radio activities of our enemies. That essential information to a proper conduct of this intelligence work is of the highest degree of secrecy, which can be given only to the most trusted and experienced personnel, who must also be subject to military discipline. That without this essential information, no matter how technically able any civilian agency might be, the inevitable result would necessarily be information which could not be properly evaluated. That if such information is disseminated it would result in operations based on such improperly evaluated information.

That such an event would be highly dangerous, and that such an incident based on such improperly evaluated information furnished by the Federal Communications Commission actually transpired in Alaskan waters.

That the Radio Intelligence Division of the Federal Communications Commission definitely overlaps functions and operations of the military services in the fields of radio

direction finding overseas, radio direction finding of domestic clandestine stations, the interception of enemy radio telegraph transmissions, the conduct of a distress service, and such matters as the furnishing of information to aircraft in operation. That the War and Navy Departments believe that the above activities should be conducted by the military services, Army and Navy, in accordance with the delineation of fields of responsibility between them.

The fact that the Radio Intelligence Division (R.I.D.) of the Federal Communications Commission is not qualified, either from the standpoint of equipment or personnel, to do other than local monitoring, because (1) its stations are not properly located, (2) its personnel lacks adequate intelligence information respecting the enemy and is not trained to handle direction finding triangulations and other radio intelligence functions, and (3) the military services cannot entrust secret military information essential to the proper functioning in radio intelligence to a civilian agency, and more particularly to one prone to publicize its activities for its own aggrandizement. The fact that the military personnel is trained and equipped to and does perform adequate radio intelligence functions; and the fact that the alleged national defense efforts of the Federal Communications Commission constitute a duplication of no value whatsoever to the armed forces, but, on the contrary, in fact endanger national security.

That the Federal Communications Commission does not and cannot, as claimed by Mr. Fly, render services of any value to the Navy in locating enemy ships or in reporting attacks upon war shipping.

That Federal Communications Commission, through its Radio Intelligence Division, does not perform the services which Mr. Fly has claimed it renders for the Army and Navy in his testimony before various Committees of the Congress, such as the Appropriations, Costello and other Committees. That the Army and Navy have never requested (and do not want) Federal Communications Commission to perform for them the services claimed by Mr. Fly to be rendered to them by their request. That such information furnished the Navy by the Radio Intelligence Division of the Federal Communications Commission respecting the alleged location of enemy ships has necessitated the expenditure by the Navy of days in

checking such reports, only to ascertain that the alleged enemy ships were in fact standard radio stations located in Japan.

That neither the Army nor the Navy is engaged in work which calls for the use of the transcripts of foreign broadcasts prepared by the Federal Communications Commission's Foreign Broadcast Intelligence Service, with the possible exception of Naval Intelligence, and that with the exception noted none of such material is used by either.

That the daily, weekly and other analyses prepared by the Federal Communications Commission's Foreign Broadcast Intelligence Service from the foreign broadcasts are of no value to the Army or Navy, since they are engaged in military operations controlled by Chiefs of Staff pursuant to plans made long in advance.

That the Army and Navy prefer to have information in the form of "raw material" so that they can subject the same to their own intelligence tests and make their own analyses of the same rather than to accept the analyses made by the inexperienced and only partly informed staff of the Federal Communications Commission's Foreign Broadcast Intelligence Service.

That neither the Army nor the Navy makes use of the wire or analysis material put out by the Federal Communications Commission's Foreign Broadcast Intelligence Service, because they have their own well tried and established means of obtaining such material as they require for the purpose of military operations.

That the material gathered by the Federal Communications Commission's Foreign Broadcast Intelligence Service and wired by it through the Office of War Information is nothing more than a sort of glorified, world-wide news-gathering and dissemination agency which serves the national and international press associations, the daily press, and the broadcasting companies.

That the Foreign Broadcast Intelligence Service is a service in which neither the Army nor the Navy is engaged, in which neither service has any desire to engage, and in which neither service would engage, even though no such service were maintained by the Federal Communications Commission.

That the disclosures made by Mr. Fly to the Appropriations Committee of the Congress in respect of the alleged war activities of the Federal Communications Commission in support of appropriations sought by him to maintain these useless divisions, are detrimental to the national security, because the Army and Navy feel that even the existence of the conduct of such services should not be disclosed, much less a description of the manner in which they function. That false impressions have been given to the Congress in the representations made to get appropriations for such services.

That the influx of the civilian employees of the Foreign Broadcast Intelligence Service of the Federal Communications Commission and the Office of War Information in the North African theatre of war operations has presented difficulties and embarrassment to the armed forces there which have necessitated a request for their immediate withdrawal and transfer.

Mr. Fly's domination of the Federal Communications Commission and his control over its actions and activities.

The letter dated February 1, 1943, to the Secretary of the Navy from Admiral William D. Leahy, as Commander in Chief of the Army and Navy, acting for the Joint Chiefs of Staff, requesting the Secretaries of War and Navy to join in a recommendation to the President that he transfer to the Army personnel and equipment now used by the Federal Communications Commission in the field of radio intelligence, and transmitting a proposed Executive Order designed to accomplish that objective.

The joint letter dated February 8, 1943, of the Secretaries of War and Navy to the President, recommending the transfer aforesaid and transmitting to the President the letter dated February 1, 1943, aforesaid.

The thorough and comprehensive study of the problems made by the Joint Chiefs of Staff on the Federal Communications Commission activities last above described, pursuant to the directive of the Secretary of Navy dated September 11, 1942, and a discussion of the facts and circumstances revealed by such study.

Mr. Fly's successful efforts in delaying television, thereby depriving the national defense of the benefits of such development in wartime.

Mr. Fly's delay of frequency modulation (F.M.) by the expenditure of the Commission's time in establishing Commission policy with respect of matters more properly within the competency of the Congress rather than within the lawful jurisdiction of the Commission; and his activities in keeping the radio industry terrorized and in a state of fear, particularly during a period when unity is required and every energy devoted to the winning of the war.

From information in the possession of the Committee, these naval officers can be made available for the purposes stated, and I assume that you will direct the attendance of such officers before the Committee for the purpose of giving testimony, within substantially the limits above stated, on the day(s) which I will in due course advise you the Committee has fixed for such purpose, without the necessity of requiring the Committee to issue its process either to compel the attendance of such officers or the production of the documents desired from your Department.

It will be extremely helpful to the Committee if you would forward to it at once the documents and files herein enumerated for consideration by the Committee and its staff in advance of the public hearings.

Will you be good enough to advise me promptly in your official capacity and over your own signature of your willingness to cooperate with the Committee in the manner and to the extent requested herein so that the Committee may be advised accordingly.

With assurance of high respect and esteem, I am, Sir

Faithfully yours,

/s/ Eugene L. Garey

Eugene L. Garey
General Counsel

①
C. F.
Federal Communications
Commission

Mr. Foster,
say to file
carefully.
E. B.

To Colonel Wesley T. Guest: x

You are hereby directed to take possession of,
to seal and to hold in your custody, for the President
and subject to his orders, all originals and copies of all
papers, correspondence, memoranda, and other documents of
the War Department and of its several divisions and offices
relating to the operation of the communications systems
of the United States and to a transfer of functions from
the Federal Communications Commission. x101-B x859

By direction of the President

(Signed) Edwin M. Watson

EDWIN M. WATSON
Major General, U. S. Army
Secretary to the President

The White House

July 6, 1943

x25
x1059
x136-Misc.
x62
x285-6

To Colonel Wesley T. Guest:

You are hereby directed to take possession of, to seal and to hold in your custody, for the President and subject to his orders, all originals and copies of all papers, correspondence, memoranda, and other documents of the War Department and of its several divisions and offices relating to the operation of the communications systems of the United States and to a transfer of functions from the Federal Communications Commission.

By direction of the President

(Signed) Edwin M. Watson

EDWIN M. WATSON
Major General, U. S. Army
Secretary to the President

The White House

July 6, 1943

OFFICE OF
THE ATTORNEY GENERAL



July 5, 1943

MEMORANDUM FOR MR. FORSTER:

Try this on your harpsichord.

x10

*no memo in file to Justice.
Probably asked*

To _____

You are hereby directed to take possession of ^{to seal} and to hold in your custody, for the President and subject to his orders, all originals and copies of all papers, correspondence, memoranda, and other documents of the War Department and of its several divisions and offices relating to the operation of the communications systems of the United States and to a transfer of functions from the Federal Communications Commission.

By direction of the President

*Edwin M. Watson,
Major General U.S. Army,
Secy to the President.*

The White House

[Signature], 1943

x b. F. War

To _____

You are hereby directed to take possession of and to hold in your custody, for the President and subject to his orders, all originals and copies of all papers, correspondence, memoranda, and other documents of the War Department and of its several divisions and offices relating to the operation of the communications systems of the United States and to a transfer of functions from the Federal Communications Commission.

The White House

June , 1943

8 July 1943

Mr. Eugene L. Garey, ^x
General Counsel, Select Committee to
Investigate Federal Communications Commission
House Office Building
Washington, D. C.

C. F.
Federal Communications Commission

Dear Mr. Garey:

I understand that you inquired of Judge Patterson yesterday whether it would be satisfactory to have Lt. Colonel Telford Taylor appear before the Select Committee Investigating Federal Communications Commission to testify with respect to matters within his knowledge while employed by that Commission and prior to his being on active duty with the Army.

Apart from the considerations which impelled the War Department to take the position which it did in Under Secretary Patterson's previous letter to you on this subject, I have to advise you that Colonel Taylor is on an important mission overseas and has been since April of this year.

Yours sincerely,

(SIGNED) JOHN J. McCLOY

Acting Secretary of War

x25

x1059
x419
x So. F. War.

COPY FOR MAJOR GENERAL EDWIN M. WATSON

WAR DEPARTMENT.
OFFICE OF THE ASSISTANT SECRETARY.

PERSONAL

8 July 1943

FOR GENERAL WATSON.

For your information.

John J. McCloy

PERSONAL

Right

5 (1)
Copies of memos of June 6th and June 25th
to the Secretary of War and Navy respectively
sent to the Attorney General in response to
his telephone request of July 26 to Gen.
Watson.

804
C. F.
Federal Communications Commission
THE WHITE HOUSE
WASHINGTON

June 25, 1943.

MEMORANDUM FOR

THE SECRETARY OF THE NAVY:

x18

x419 I understand that a naval officer has been asked to testify before the Cox Committee in regard to a purely administrative matter relating to the exercises of war powers as between the Army, Navy and the F.C.C.

I do not wish this officer to testify. Please see to it that he does not do so. The matter is still under consideration by the White House and is not a matter for Congressional investigation. Already some Army officers have told one side of the story on the Hill and thence, of course, it is in the process of going to the public.

I think you might end definitely all Navy talk on this subject. As I stated above, the whole matter is under study by the White House and no action has been taken.

F.D.R.

x25

16.7 Navy

Orig. to Sec. War 6-25-43

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

JAG:L:HAH:rr

June 30, 1943.

My dear Mr. President:

Your memorandum to me of June 25, 1943, points out that the proposal submitted to you jointly by the Secretary of War and by me on February 8, with reference to the conduct of military radio intelligence activities, is still under study by the White House. You express the wish that no naval officer testify before the Select Committee of the House of Representatives to Investigate the Federal Communications Commission and you direct that I end all Navy talk on the subject.

After receiving your memorandum, I issued appropriate instructions to the officers concerned excepting those officers identified with the Federal Communications Commission, including Chairman Fly, Ensign, U. S. N. (Ret.), Commissioner Craven, Commander, U. S. N. R. and Mr. Jett, Lieutenant, U. S. N. (Ret.). Thereafter I received on June 27, a letter dated June 25, from Eugene L. Garey, Esq., General Counsel of the Select Committee, a copy of which I am attaching as Enclosure (A).

This letter requests some material which comes within the proscription of your memorandum. I shall, of course, not furnish such information. Since the Select Committee was established, the War and Navy Departments have been apprehensive that it would investigate radio intelligence activities and they so advised the Bureau of the Budget several months ago.

Executive Order 1062 of April 14, 1909, provides:

"In all cases where, by resolution of the Senate or House of Representatives, a head of a Department is called upon to furnish information, he is hereby directed to comply with such resolution, except when, in his judgment, it would be incompatible with the public interest, in which case he should refer the matter to the President for his direction."

JAG:L:HAH:ro

COPY

In response to the Garey letter, I have drafted a proposed reply stating that no naval officer will testify and that no information concerning the radio intelligence problem will be furnished. This draft is attached as Enclosure (B). Should any officer be subpoenaed I will ask your further instructions.

It will be necessary to extend Enclosure (B) to make a proper reply to the request for information of other categories specified in Items 2, 3, 4, 6 to 9 inclusive, 14, 15, 16, 19, 20, 23 and 24 of the Garey letter. I am not advised whether or not it is in the public interest to supply these requests.

In compliance with the spirit of Executive Order 1062, and in order that your wishes may be fully complied with, I am soliciting your views as to whether or not the material referred to last above, none of which deals with matters under study by the White House, should be furnished the Select Committee.

Respectfully,

James Forrestal

JAMES FORRESTAL

Enclosures

Acting.

The President,
The White House.

ENCLOSURE

COPY

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
SELECT COMMITTEE TO INVESTIGATE
FEDERAL COMMUNICATIONS COMMISSION

JUN 27 8 46 AM '43

COPY

WASHINGTON, D. C.

June
Twenty-fifth
1943

The Honorable,
The Secretary of the Navy,
Washington, D. C.

Sir:

The Committee has now completed certain phases of its preliminary investigation into the activities of the Federal Communications Commission and intends to hold formal public hearings and take testimony on such matters within a short day.

In its public consideration of these matters the Committee will require at such hearings (1) the presence of certain officers of the military and naval forces of the United States as witnesses and (2) the production of certain documents and papers from the files of your Department.

The naval personnel whose attendance at such hearings as witnesses will be required by the Committee are:

The Secretary of the Navy.

Captain Andrew H. Addons, U.S.N., Communications
Officer, Eastern Sea Frontier.

Captain Jerome L. Allen, U.S.N., former Communi-
cations Officer, Eastern Sea Frontier.

Lieutenant Commander Cecil H. Coggins, U.S.N.

ENCLOSURE (A)

COPY

Lieutenant (j.g.) Edward Cooper, U.S.N.

Captain John Lawrason Driscoll, U.S.M.C.,
Air Station at Cherry Point, N.C.

Captain Chas. F. Fielding, U.S.N.

Captain Carl F. Holden, U.S.N., former Director
of Naval Communications.

Rear Admiral R. E. Ingersoll, U.S.N.

Lieutenant Varner T. Larson, U.S.N.R.,
Office of Naval Intelligence.

Rear Admiral Leigh Moyes, U.S.N.

Lieutenant Commander Duke M. Patrick, U.S.N.R.

Rear Admiral Joseph R. Hedman, U.S.N., Director
of Naval Communications.

Lieutenant Commander Paul Segal, U.S.N.R.

Rear Admiral Harold C. Train, U.S.N.,
Director of Naval Intelligence.

Rear Admiral Theodore S. Wilkinson, U.S.N.

Commander F. O. Willenbacher, U.S.N. (Retired),
Chief of the Legal Section, in the Office
of the Director of Naval Communications.

Captain Ellis M. Zacharias, U.S.N., Assistant
Director, Office of Naval Intelligence.

The Committee will require the attendance of Rear
Admiral Adolphus R. Staten, U.S.N. (Retired) and Rear
Admiral Stanford C. Hooper, U.S.N. (Retired), former
Director of Naval Communications, but since these
Admirals are not now on active duty the Committee pre-
sumably will be compelled to require their presence by
subpoena, and I will arrange accordingly.

The documents, reports, memoranda and the like which your Department will be required to produce at such hearings are:

1. Report of Admiral Hooper recommending that all persons doing monitoring work in wartime should be under complete supervision of the armed forces and should not be under civilian control.
2. Memorandum to the Secretary of the Navy, dated May 14, 1942, regarding the undesirability of chairmanship of Defense Communications Board being vested ex officio in Chairman of Federal Communications Commission, especially during wartime.
3. Memoranda made by Admiral Hooper (from the Department's "Policy Files") concerning disputes with Federal Communications Commission with respect to the assignment of frequencies to the Navy and other governmental departments and agencies.
4. All Department files concerning the establishment on the Fleet of a new type of radio, and the Navy's consequent necessity of promptly ascertaining the frequencies that would be allocated to it to enable the purchase by it of the essential equipment necessary to carry out such purpose, the delay in allocating such frequencies and subsequent change in the frequencies allocated, due to Federal Communications Commission's activities and inactivities, in consequence of which it was necessary for the Navy to purchase new equipment to replace the new equipment already purchased for such purpose and rendered useless as a result.
5. All Department files and correspondence pertaining to the Navy's efforts to obtain approval of the use of ultra-high frequencies, and the difficulty encountered by the Navy in getting the Federal Communications Commission to make a study of the subject.

6. All files and correspondence pertaining to the Navy's position favoring the passage of a bill to permit wire-tapping, and Chairman Fly's opposition to such bill.
7. All files and correspondence pertaining to the Navy's efforts to stop Japanese language radio broadcasts from Hawaii prior to Pearl Harbor and the reports of the naval commanders of their activities in negotiating voluntary agreements to that end; and Chairman Fly's opposition to such action and his subsequent actions which are alleged to have caused such voluntary agreements to be abandoned.
8. All files, memoranda, correspondence and the like concerning the mergers (both international and domestic) of telegraph, telephone, and cable companies; the position of the Navy in respect thereof and Chairman Fly's unwillingness to hear or consider the military services' position in respect thereto.
9. The letter dated June 12, 1940, from Chairman Fly of the Federal Communications Commission, addressed to the Chief Signal Officer, U.S.A., and to the Director of Naval Communications, stating, in substance, that the Federal Communications Commission had determined that its Chairman should be the Commission's representative on and Chairman of the Defense Communications Board.
10. All Department files, letters, papers and documents pertaining to the proposed transfer to the military establishment of the Government of the activities of the Federal Communications Commission's Radio Intelligence Division, particularly a copy of the letter dated February 1, 1943, to the Secretary of the Navy, from William D. Leahy, Admiral, U.S.N., Chief of Staff, to the Commander-in-Chief of the Army and Navy, a copy of the proposed Executive Order therein referred to, a copy of the joint letter dated February 8, 1943, addressed to the President by the Secretary

of War and the Secretary of the Navy and all subsequent memoranda and letters on the same subject matter, including the studies and reports made prior to the letter dated February 1, 1943, and referred to in such letter.

11. All other files, letters, papers, and documents of the Navy Department, in the form of letters from naval commanders, giving their estimate that work being done by the Federal Communications Commission's Radio Intelligence Division was of no value to the Navy and constituted a danger to the national defense, not submitted in response to Item 10 above.
12. Copies of all correspondence between the Navy and the Federal Communications Commission with respect to the opposition of the Navy to the proposal of the Federal Communications Commission to establish stations overseas.
13. Copies of all requests, if any, by the Department to Federal Communications Commission to locate clandestine radio stations, either domestic or foreign.
14. Copies of all reports, memoranda or letters to the White House and others respecting the creation of the Defense Communications Board, now known as the Board of War Communications, and pertaining to Executive Order dated September 24, 1940, creating such Board.
15. Copies of any and all reports and correspondence between the Army or the Navy, the Interdepartment Radio Advisory Committee, and Chairman Fly with reference to the application of the U. S. Army for frequencies to broadcast in Alaska and elsewhere for the purpose of maintaining morale among the United States armed forces stationed there and the opposition of Chairman Fly to such broadcasting by the Army for such purposes and his insistence that such broadcasting be done by the Office of War Information.

16. All correspondence, files and memoranda relating to the difficulties of the Army and Navy in having their views properly presented by Federal Communications Commission representatives to the International Conference in Madrid.
17. Copies of reports from the Federal Communications Commission to the Navy as to the alleged direction finding and location by it of certain enemy ships, particularly those which developed upon investigation by the Navy to be enemy stations located in Japan.
18. Any and all correspondence between the Navy and the Federal Communications Commission with reference to Chairman Fly's proposal to establish East and West Coast Central Intelligence services and requesting the Navy to contribute to the cost thereof and the basis or reasons for the Navy's refusal to do so.
19. All memoranda and correspondence with reference to the passage of the resolution (and a copy thereof) forbidding the release of any information unless authorized by the Board of War Communications, which was adopted by such Board for the purpose of curbing Chairman Fly's unauthorized disclosure of the Board's activities.
20. Copies of all correspondence between the Navy and the Federal Communications Commission stopping the transmission to the Navy of the material compiled by Foreign Broadcast Intelligence Service because it was of no value.
21. Copies of reports received by the Navy with reference to certain information improperly evaluated, edited and distributed by the Federal Communications Commission pertaining to the war in Alaskan waters.
22. The report to Admiral Noyes with respect to the fitness of the persons proposed to be appointed to the various Committees of the Board of War Communications and the letter

requests of the Secretary of the Navy to the Chairman of the Federal Communications Commission for such an investigation of such persons before they were so appointed, including all reports of the Office of Naval Intelligence regarding the importance of and delay of the Federal Communications Commission to investigate and fingerprint the radio operators on board ships in the merchant marine.

23. Proposed constitution of the Interdepartment Radio Advisory Committee proposed by the representatives of the Navy which Chairman Fly opposed and which therefore never became effective.
24. Memoranda and reports of Admiral Hooper with reference to the failure of Chairman Fly to cooperate with the Interdepartment Radio Advisory Committee and the tactics employed by him to defeat its recommendations.
25. Reports of Stanford C. Hooper, as a member of the Naval Districts Readiness Inspection Board, relating to the danger arising out of the activities of the Federal Communications Commission in its clandestine station location work outside of the United States beyond the purview of its authority and an encroachment in fields in which the Army and Navy were better qualified to function.

For your information and guidance, the testimony of the officers above named, to be presented to the Committee at such public hearings, will not call for the disclosure of any secret military information. Inquiries to the officers of the armed forces will be directed to the establishment of the subjects hereinbelow broadly noted. The existence of these facts has been heretofore substantially established through investigation by this Committee.

A brief outline of the subjects of inquiries to be made of such officers is as follows:

The personal history, training and experience of such officers, particularly in the communications field and

generally in respect of the personnel, activities, actions and non-actions of the Federal Communications Commission and its related or affiliated agencies.

The participation of such officers in the preparation of the reports, memoranda and papers enumerated hereinabove and generally with respect to their knowledge of the subject matter, facts, opinions and circumstances which are referred to therein.

The composition, functions and duties of the Interdepartment Radio Advisory Committee.

The refusal to Mr. Fly to transmit to the President without comment, for his approval, the constitution of the Interdepartment Radio Advisory Committee as drafted and proposed by the Army and Navy for the express purpose of eliminating Mr. Fly's control of such Committee; the resulting failure to have such constitution adopted and the consequences flowing therefrom.

The conclusion of the Army-Navy Joint Board, reached after a long study by that Board and approved by the Secretaries of War and Navy, that a board or committee should be formed solely to assist the military services in planning the control of non-military communications for war uses in such a manner as to bring them into coordination with the military communications; and that such a board should have no authority whatsoever over military communications.

That the Defense Communications Board, now known as the Board of War Communications, was created by Executive Order pursuant to the approved conclusion reached as stated aforesaid.

The letter dated June 12, 1940, from Mr. Fly to the Chief Signal Officer and Director of Naval Communications, stating that the Commission had determined that its Chairman should be the representative of the Commission on the Defense Communications Board, and had also decided that its Chairman should act as Chairman of such Board.

The memorandum to the Secretary of the Navy dated May 14, 1943, "regarding the undesirability of chairmanship

of Defense Communications Board (now known as Board of War Communications) being vested ex-officio in Chairman of Federal Communications Commission, especially during wartime" and the facts, circumstances and reasons underlying each of such objections which were made.

The insidious steps by which Mr. Fly injected himself into the control of the Board of War Communications which he and his organization dominate, and the methods and manner in which he brought about and has since maintained that domination and control.

Mr. Fly's successful efforts in defeating the recommendations of the Army and Navy representatives to keep off the technical committees of the Defense Communications Board which handled secret and confidential matters, certain proposed members who had no proper place thereon.

Mr. Fly's assumption, through the Board of War Communications, of power over the communications facilities of all Government departments, including the Army and Navy, contrary to the powers of such Board and over the vigorous protests of the Army and Navy and other Government departments.

The difficulties encountered by the military services in making wartime arrangements for military communications facilities through the Board of War Communications, as opposed to direct action by them, due to the domination of such Board by Mr. Fly.

Mr. Fly's refusal to collaborate with interested Government departments in preparing recommendations to the Congress on the subject of international merger of communications.

Mr. Fly's disposition to speak for the Army and Navy due to his Board of War Communications connection; his testimony before Committees of the Congress on national defense matters contrary to the views of the Army and Navy and without authority from them; the resolution adopted by the Board of War Communications for the purpose of preventing Mr. Fly from making public utterances on matters relating to such Board affecting national defense.

Mr. Fly's insistence on reopening the consent decree and refusing to renew NDAC licenses despite the protests of the Army and Navy.

-10-

Mr. Fly's refusal to approve the operation of miniature broadcast stations at isolated combat outposts if the stations are to be soldier operated.

Mr. Fly's insistence that the broadcasting stations operated by the Army in Alaska and elsewhere abroad for the purpose of maintaining morale in the armed forces should be operated by the Office of War Information.

The Federal Communications Commission's consistent effort through the years to exercise jurisdiction, domination and control over the useful radio spectrum, not only in respect of the allocation of standard commercial broadcasting frequencies as provided by law, but also over the allocation of frequencies for use by Government departments and agencies, the jurisdiction of which has not been entrusted to the Federal Communications Commission by law; and the manner by which Mr. Fly, through his domination and control of the Interdepartment Radio Advisory Committee, has prevented Government agencies from having their needs and opinions in such matters presented to the President for his consideration.

Mr. Fly's insistence that the question of sending cable ships to certain places was a matter to be decided by the Board of War Communications, which he dominated, notwithstanding the needs of the armed forces and the primary duty resting on the Navy to arrange a convoy to prevent the loss of such cable ships in transit.

Mr. Fly's insistence that no commercial company could permit the War or Navy Department to take over and operate a transmitter without a license from the Federal Communications Commission.

Mr. Fly's insistence that the Board of War Communications should handle Army and Navy requests of commercial companies for frequencies and stations and the consequent resulting and unjustifiable delay which endangered the national defense.

Mr. Fly's refusal for a period of nine-months—and for nearly seven months after Pearl Harbor—to turn over to the Federal Bureau of Investigation, at the request of that Bureau and the Navy, the fingerprints of radio operators aboard American merchant marine vessels, for investigation by the Federal Bureau of Investigation; the importance to the national defense that such investigations should have been

promptly made, and the strategic position occupied by any disloyal or enemy operators to endanger the national defense; the incompetent manner in which such fingerprints were taken by the Federal Communications Commission, compelling the return to the Federal Communications Commission of the fingerprints of some 55,000 operators as useless and of no value.

The protests made by the Admirals in charge of convoys respecting the failure of the Federal Communications Commission to have the ship radio operators investigated by the Federal Bureau of Investigation promptly because of the imminent danger to the national interests in the event that such action was not promptly taken.

Mr. Fly's successful activities in defeating the Army-Navy and Hawaiian broadcasting stations' voluntary pre-Pearl Harbor joint efforts to arrange for the elimination of Japanese language broadcasts in Hawaii; and the contribution of such resulting failure to the Pearl Harbor disaster.

Federal Communications Commission's penetration into the military field of radio intelligence and direction finding; the resulting duplication of such services maintained by the Army and Navy; the fact that the names of Federal Communications Commission's two divisions--Radio Intelligence Division and Foreign Broadcast Intelligence Service--are misnomers and misleading, since such divisions do not perform intelligence services, because it is impossible to impart to an agency like the Federal Communications Commission information which it would have to have, and which the Army and Navy do have, in order to do such work effectively; that such service was first known as Foreign Broadcast Monitoring Service (F.B.M.S.); and the fact that it is impossible to coordinate any civilian agency like the Federal Communications Commission with the Navy's radio direction finding systems, which are coordinated with military systems.

That the Federal Communications Commission is not equipped to do radio intelligence work because of the elaborate systems that the military services maintain, the location of their stations, and the work done by such services with the stations maintained by our military allies, and because of the nature of the secret military information which can be known only to the few military people charged with the responsibility of doing that kind of work; that such work is a form of military work more distinctly necessary than combat work itself.

That military radio intelligence means gaining through the radio spectrum intelligence of the enemy; and that what Federal Communications Commission attempts to do does not constitute radio intelligence but merely constitutes monitoring or more primarily listening to the enemy's transmissions.

That radio intelligence requires a staff of expert people with knowledge of military operations. Such a service must know where its own forces are and, by reconnaissance and other means must also know where the enemy forces are.

That such a service must have specially trained operators, who must know the enemy's code and be familiar with the traffic handled, because in wartime, unlike peacetime, the messages are in secret code. Such a service must be able, when they take a bearing, to identify it and know where it is coming from and must have full knowledge of the cryptographic systems employed, which oftentimes vary from message to message.

In none of the respects above noted, as well as in other respects not specifically herein noted, can Federal Communications Commission meet the necessary requirements referred to.

That the Federal Communications Commission personnel is inadequately trained in radio intelligence work and not familiar with the methods and radio activities of our enemies. That essential information to a proper conduct of this intelligence work is of the highest degree of secrecy, which can be given only to the most trusted and experienced personnel, who must also be subject to military discipline. That without this essential information, no matter how technically able any civilian agency might be, the inevitable result would necessarily be information which could not be properly evaluated. That if such information is disseminated it would result in operations based on such improperly evaluated information.

That such an event would be highly dangerous, and that such an incident based on such improperly evaluated information furnished by the Federal Communications Commission actually transpired in Alaskan waters.

That the Radio Intelligence Division of the Federal Communications Commission definitely overlaps functions and operations of the military services in the fields of radio

direction finding overseas, radio direction finding of domestic clandestine stations, the interception of enemy radio telegraph transmissions, the conduct of a distress service, and such matters as the furnishing of information to aircraft in operation. That the War and Navy Departments believe that the above activities should be conducted by the military services, Army and Navy, in accordance with the delineation of fields of responsibility between them.

The fact that the Radio Intelligence Division (R.I.D.) of the Federal Communications Commission is not qualified, either from the standpoint of equipment or personnel, to do other than local monitoring, because (1) its stations are not properly located, (2) its personnel lacks adequate intelligence information respecting the enemy and is not trained to handle direction finding triangulations and other radio intelligence functions, and (3) the military services cannot entrust secret military information essential to the proper functioning in radio intelligence to a civilian agency, and more particularly to one prone to publicize its activities for its own aggrandizement. The fact that the military personnel is trained and equipped to and does perform adequate radio intelligence functions; and the fact that the alleged national defense efforts of the Federal Communications Commission constitute a duplication of no value whatsoever to the armed forces, but, on the contrary, in fact endanger national security.

That the Federal Communications Commission does not and cannot, as claimed by Mr. Fly, render services of any value to the Navy in locating enemy ships or in reporting attacks upon war shipping.

That Federal Communications Commission, through its Radio Intelligence Division, does not perform the services which Mr. Fly has claimed it renders for the Army and Navy in its testimony before various Committees of the Congress, such as the Appropriations, Costello and other Committees. That the Army and Navy have never requested (and do not want) Federal Communications Commission to perform for them the services claimed by Mr. Fly to be rendered to them by their request. That such information furnished the Navy by the Radio Intelligence Division of the Federal Communications Commission respecting the alleged location of enemy ships has necessitated the expenditure by the Navy of day-in

checking such reports, only to ascertain that the alleged enemy ships were in fact standard radio stations located in Japan.

That neither the Army nor the Navy is engaged in work which calls for the use of the transcripts of foreign broadcast prepared by the Federal Communications Commission's Foreign Broadcast Intelligence Service, with the possible exception of Naval Intelligence, and that with the exception noted none of such material is used by either.

That the daily, weekly and other analyses prepared by the Federal Communications Commission's Foreign Broadcast Intelligence Service from the foreign broadcasts are of no value to the Army or Navy, since they are engaged in military operations controlled by Chiefs of Staff pursuant to plans made long in advance.

That the Army and Navy prefer to have information in the form of "raw material" so that they can subject the same to their own intelligence tests and make their own analyses of the same rather than to accept the analyses made by the inexperienced and only partly informed staff of the Federal Communications Commission's Foreign Broadcast Intelligence Service.

That neither the Army nor the Navy makes use of the wire or analysis material put out by the Federal Communications Commission's Foreign Broadcast Intelligence Service, because they have their own well tried and established means of obtaining such material as they require for the purpose of military operations.

That the material gathered by the Federal Communications Commission's Foreign Broadcast Intelligence Service and wired by it through the Office of War Information is nothing more than a sort of glorified, world-wide news-gathering and dissemination agency which serves the national and international press associations, the daily press, and the broadcasting companies.

That the Foreign Broadcast Intelligence Service is a service in which neither the Army nor the Navy is engaged, in which neither service has any desire to engage, and in which neither service would engage, even though no such service were maintained by the Federal Communications Commission.

That the disclosures made by Mr. Fly to the Appropriations Committee of the Congress in respect of the alleged war activities of the Federal Communications Commission in support of appropriations sought by him to maintain these useless divisions, are detrimental to the national security, because the Army and Navy feel that even the existence of the conduct of such services should not be disclosed, much less a description of the manner in which they function. That false impressions have been given to the Congress in the representations made to get appropriations for such services.

That the influx of the civilian employees of the Foreign Broadcast Intelligence Service of the Federal Communications Commission and the Office of War Information in the North African theatre of war operations has presented difficulties and embarrassment to the armed forces there which have necessitated a request for their immediate withdrawal and transfer.

Mr. Fly's domination of the Federal Communications Commission and his control over its actions and activities.

The letter dated February 1, 1943, to the Secretary of the Navy from Admiral William D. Leahy, as Commander in Chief of the Army and Navy, acting for the Joint Chiefs of Staff, requesting the Secretaries of War and Navy to join in a recommendation to the President that he transfer to the Army personnel and equipment now used by the Federal Communications Commission in the field of radio intelligence, and transmitting a proposed Executive Order designed to accomplish that objective.

The joint letter dated February 8, 1943, of the Secretaries of War and Navy to the President recommending the transfer aforesaid and transmitting to the President the letter dated February 1, 1943, aforesaid.

The thorough and comprehensive study of the problems made by the Joint Chiefs of Staff on the Federal Communications Commission activities last above described, pursuant to the directive of the Secretary of the Navy dated September 11, 1942, and a discussion of the facts and circumstances revealed by such study.

Mr. Fly's successful efforts in delaying television, thereby depriving the national defense of the benefits of such development in wartime.

Mr. Fly's delay of frequency modulation (F.M.) by the expenditure of the Commission's time in establishing Commission policy with respect of matters more properly within the competency of the Congress rather than within the lawful jurisdiction of the Commission; and his activities in keeping the radio industry terrorized and in a state of fear, particularly during a period when unity is required and every energy devoted to the winning of the war.

From information in the possession of the Committee, these naval officers can be made available for the purposes stated, and I assume that you will direct the attendance of such officers before the Committee for the purpose of giving testimony, within substantially the limits above stated, on the day(s) which I will in due course advise you the Committee has fixed for such purpose, without the necessity of requiring the Committee to issue its process either to compel the attendance of such officers or the production of the documents desired from your Department.

It will be extremely helpful to the Committee if you would forward to it at once the documents and files herein enumerated for consideration by the Committee and its staff in advance of the public hearings.

Will you be good enough to advise me promptly in your official capacity and over your own signature of your willingness to cooperate with the Committee in the manner and to the extent requested herein so that the Committee may be advised accordingly.

With assurance of high respect and esteem, I am, Sir

Faithfully yours,

(s) EUGENE L. GAREY

Eugene L. Garey
General Counsel

As of June 30

ENCLOSURE (B)

Eugene L. Garey, Esq.,
General Counsel, Select Committee to
Investigate the Federal Communications Commission,
House of Representatives,
Washington, D. C.

Dear Sir:

I have your letter of 25 June, 1943 in which you request the appearance of certain naval officers, active and inactive, as witnesses before the Select Committee of the House of Representatives to Investigate the Federal Communications Commission and for certain documents to be used in connection with the investigation.

From your letter it is apparent that at least some of the testimony you desire from these officers would involve disclosures not compatible with the public interest. I particularly refer to evidence concerning the maintenance and operation of our naval intelligence system. As you have stated in your letter, you are aware that this is an activity which should not be made the subject of public discussion, particularly during wartime.

For this reason I regret that I cannot authorize naval officers to appear as witnesses as you have requested. This applies to retired officers on the inactive list as well as to officers on active duty.

The same principles and the same conclusion must necessarily apply to the documentary evidence relating to the same subject. Therefore, I

ENCLOSURE (B)

am unable to furnish you with the documents requested in items 1, 5, 10, 11, 12, 13, 17, 18, 21, 22 and 25 of your letter.

I note from your letter that much information concerning intelligence activity is already in your possession and that from it you have drawn certain conclusions. I earnestly request that this information be kept secret.

* * * * *

(Here will follow language covering
the transmission of such material as
the President may authorize.)

①

C. F.
Federal Communications
Commission

July 2, 1943.

MEMORANDUM FOR:

The Under Secretary of the Navy. *x18*

The President directs that all papers demanded by the Cox Committee be boxed up and sent to the White House where they will be impounded until further notice. The President authorizes informing the Committee that he, the President, refuses to allow the documents to be delivered to the Committee as contrary to the public interest.

Very respectfully,

re controversy with F.C.C.
x1059
x C.F. War

Wilson Brown,
Rear Admiral, U.S.N., *x50-73*
Naval Aide to the President.

Copy to:

Mr. Adlai Stevenson
Captain Inglis (Asst. D.N.C.)
Mr. Rudolph Forster
Mr. S. T. Early

(Note: Similar memorandum (signed by Lt. Colonel *Chester*
Hammond) sent to Under Secretary of War)

x *x25*

x50
x419
x C.F. Navy

COPY

July 2, 1943

MEMORANDUM FOR:

THE UNDER SECRETARY OF THE NAVY.

The President directs that all papers demanded by the Cox Committee be boxed up and sent to the White House where they will be impounded until further notice. The President authorizes informing the Committee that he, the President, refuses to allow the documents to be delivered to the Committee as contrary to the public interest.

Very respectfully,

WILSON BROWN
Rear Admiral, USN
Naval Aide to the President.

Copy to:

Mr. Adlai Stevenson
Captain Inglis (Asst. D.N.C.)
Mr. Rudolph Forster

DEPARTMENT OF THE NAVY
WASHINGTON

July 3, 1943.

Sir:

Reference is made to your letter dated June 25, 1943, requesting the presence of the Secretary of the Navy and certain naval officers before the House Select Committee to Investigate the Federal Communications Commission. Request was also made in your letter that the Committee be furnished with certain documents and papers from the files of the Navy Department.

I must decline to permit the appearance of the naval officers, active or inactive, before your Committee as such appearance would be incompatible with the public interest.

The President of the United States authorizes me to inform the Committee that he, the President, refuses to allow the documents described in your letter to be delivered to the Committee, as such delivery would be incompatible with the public interest.

Very truly yours,

Mr. Eugene L. Garey,
General Counsel,

Select Committee to Investigate Acting.
Federal Communications Commission,
House of Representatives,
Washington, D. C.

JAMES FORRESTAL,

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

file
Personal
W.T.B.

July 3, 1943.

My dear Mr. President:

The documents and papers requested by the House Select Committee to Investigate the Federal Communications Commission have this date been sent to the White House, in accordance with your instructions.

The above Committee has been informed that the documents and papers requested will not be made available to the Committee, since it has been determined by the President that such procedure would not be compatible with the public interest.

There are enclosed herewith a copy of Rear Admiral Wilson Brown's memorandum of July 2, 1943, transmitting your instructions in this matter, and a copy of my letter to Mr. Eugene L. Garey, General Counsel of the Select Committee, in reply to his letter of June 25, 1943.

Respectfully,

James Forrestal

JAMES FORRESTAL,

Acting.

The President,
The White House.

F.C.C. folder 2-43 General Watson
Check
proceed
THE SECRETARY OF THE NAVY
WASHINGTON
File 7 JUL 1943
Personal

The President,
The White House.

My dear Mr. President:

Reference is made to my letter of 3 July 1943 reporting that the House Select Committee to Investigate the Federal Communications Commission has been informed that certain documents requested of the Navy Department by the Committee will not be furnished.

It is my understanding that you desire that no naval officers testify before this Committee. Accordingly, I have instructed all naval officers, active and inactive, who are named in Mr. Garey's letter to the Secretary of the Navy, of 25 June 1943, that under no circumstances is any of them voluntarily to give any information to, appear before, or testify before the Select Committee or its Counsel. The officers have been told that if any of them receives a subpoena, he should request further instructions from the Secretary of the Navy.

Should any officer receive a subpoena and request instructions from the Secretary of the Navy, he will be given a memorandum similar to the enclosed unless in the meantime you instruct me otherwise.

Respectfully,

James Forrestal

THE SECRETARY OF THE NAVY
WASHINGTON

MEMORANDUM FOR _____.

I am informed that you may be requested or served with a subpoena to appear before the Select Committee of the House of Representatives to Investigate the Federal Communications Commission and that you also may be requested or served with a subpoena to produce certain documents or papers.

By direction of the President, you will not give testimony before the Committee upon any of the subjects of its inquiry nor will you produce for the Committee any documents or papers whatsoever. The President has refused to allow the production of such documents as contrary to the public interest.

If you are served with a subpoena to appear, you will present yourself at the Committee hearing and read this memorandum to the Committee as your reason for refusing to answer questions or produce documents.

Secretary of the Navy.

F.C.C. folder
2-43

THE WHITE HOUSE
WASHINGTON

~~CONFIDENTIAL~~

July 23, 1943.

MEMORANDUM FOR

THE ATTORNEY GENERAL

I wish you would follow the testimony given by Lieutenant Commander T. A. M. Craven, Rtd., a member of the FCC, to the Cox Special Committee of the House of Representatives. This testimony comes very close to:

- (a) Disloyalty to the Commission.
- (b) Disclosing confidential information connected with the war.
- (c) Pure open evidence not supported by facts.

I have got to the point where I may wish to have a hearing which might be called "A hearing to show cause why he should not be removed from the Commission". This would come within the Supreme Court decision in the Humphrey's case, for I assume that the FCC has a

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By Deputy Archivist of the U.S.

By W. J. Stewart Date OCT 27 1972

THE WHITE HOUSE

WASHINGTON

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quasi-judicial status similar to the FTC. In the Humphrey's case I held no hearing and made no charges. However, in the case of the Chairman of the TVA, Dr. Arthur Morgan, I held such hearings and removed him for cause, and the case never even got to the Supreme Court.

It seems to me that a little drastic action these days is a good thing.

F. D. R.