MEMORANDUM FOR THE JUDGE ADVOCATE GENERAL:

Subject: Revision and standardisation of Hearing Procedures in Individual Exclusion Order Cases.

1. The Secretary of War has designated each of the four defense commanders a "military commander" under Executive Order No. 9066 and authorized each of them to prescribe military areas within their respective commands from which persons deemed potentially dangerous to the national security might be excluded.

2. Military areas have been prescribed by the defense commanders and procedures adopted for the exclusion of dangerous individuals. Each of the procedures gives the subject contemplated for exclusion a chance to be heard but constrains his "counsel" to an advisory capacity. Except for the Eastern Defense Command, where apparently no statement is ever made, a statement of the matters to be inquired into is given the subject, but only when the hearing has begun.

3. It is thought desirable that insofar as hearings are concerned the procedures be revised uniformly to provide for:

a. To the extent that sources of information are not thereby compromised, a statement of matters to be inquired into at the hearing, such statement to be furnished the subject contemplated for exclusion sufficiently in advance to ensure opportunity for adequate preparation.

b. Opportunity for subject's counsel to conduct the direct examination of his client, if the client elects to testify, and of other witnesses called in behalf of the subject, if any.

4. It is requested that in consultation with the Military Intelligence Service (Major Lansdale), the Judge Advocate General's Office devise uniform rules governing hearings in individual exclusion order cases, incorporating the revisions set forth in 3a and 3b above.

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as well as any others deemed advisable, and submit the same for the
consideration of the Assistant Secretary of War.

5. No attempt need be made to formulate uniform review
procedures.

6. It is not felt advisable to discuss the matter with the
Department of Justice at this time.

By direction of the Assistant Secretary of War

(Signed)

JOHN N. HALL
Captain, F.A.
Assistant Executive