

A12.01

67/14

C

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 58TH STREET
CHICAGO, ILL. 60637
(312) 937-1234

Vol. 1

The United States Senate

Report of Proceedings

Hearing held before

Committee on Military Affairs

S. 2352

Not printed

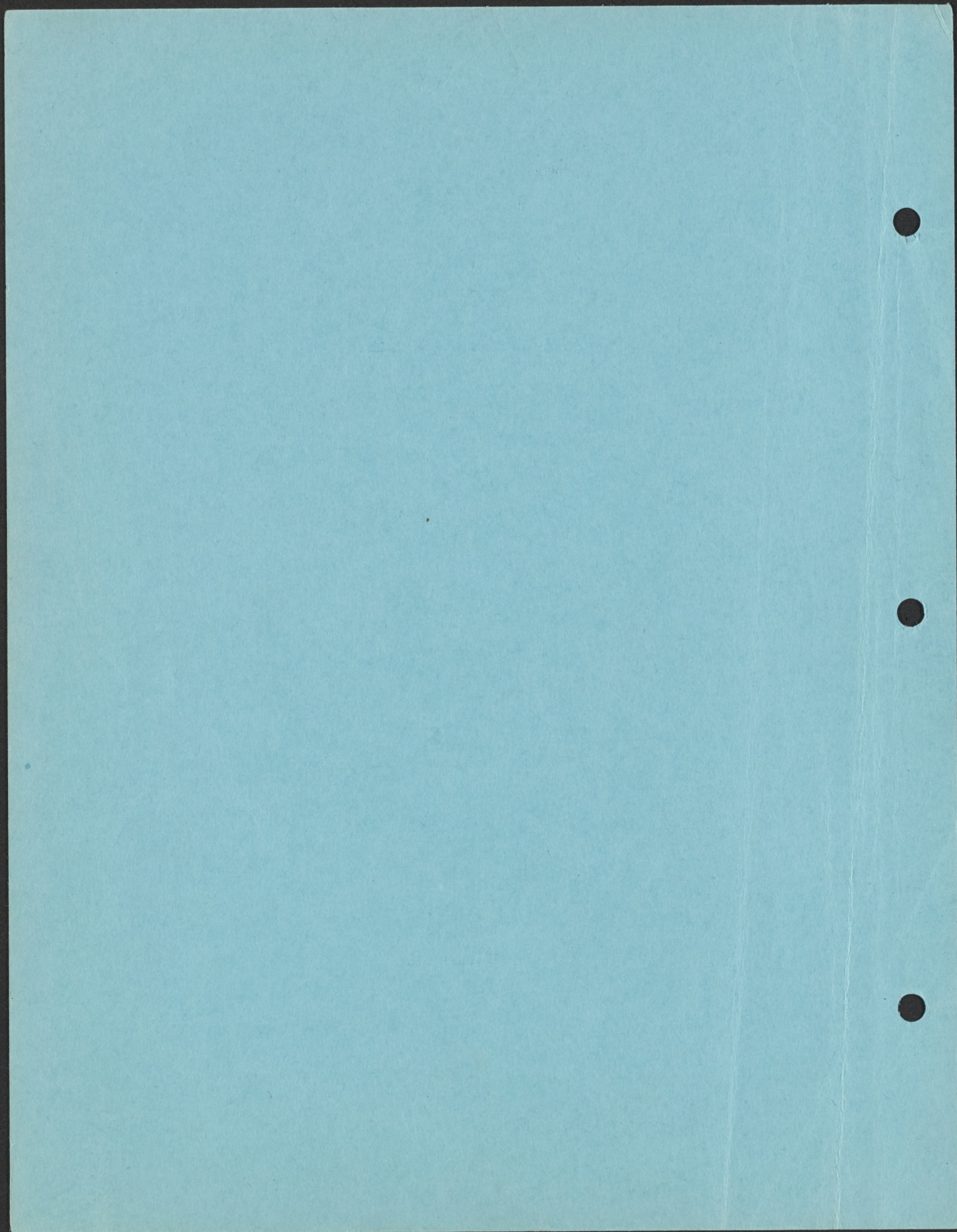
March 13, 1942

Washington, D. C.

WARD & PAUL

NATIONAL { 4266
4267
4268

OFFICIAL REPORTERS
1762 PENNSYLVANIA AVE., N. W.
WASHINGTON, D. C.



dk
kl

S. 2352

Friday, March 13, 1942

United States Senate
Committee on Military Affairs
Washington, D. C.

The Committee met at 10:00 a.m., pursuant to call, in the committee room, Capitol, Senator Robert R. Reynolds (chairman) presiding.

Present: Senators Reynolds (chairman), Austin, Hill, Thomas (Utah), Murray, and Schwartz.

The Chairman: The committee will be in order. We have before us for consideration this morning S. 2352, a bill to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones.

(S. 2352 is as follows:)

(Letter to Chairman Reynolds from Henry L. Stimson, Secretary of War, March 9, 1942, is as follows:

("There is inclosed herewith draft of a bill entitled "A Bill fo provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones", which the War Department recommends to be enacted into law.

("The purpose of the proposed legislation is to provide for enforcement in the Federal criminal courts of orders issued under the authority of Executive Order of the President No. 9066, dated February 19, 1942. This executive order authorizes the Secretary of War to prescribe military areas from which any and all persons may be excluded for purposes of National Defense.

("It is impossible to estimate the probable cost to the Government consequent upon the enactment of such legislation.

("The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation for the consideration of the Congress, as the enactment thereof would not be in conflict with the program of the President.

Sincerely yours,

(Signed) Henry L. Stimson
Secretary of War.")

*(Chief of Alien Division), Office of Provost
Marshal General)*

2

DKL 2

STATEMENT OF COLONEL B. M. BRYAN

Senator Austin: I wish you would tell us where this zone is and how it is circumscribed and how you are going to carry out -- execute -- this.

Here is a penalty you ask us to provide. You say this is a bill to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones, and I understand from the Chairman that this is particularly addressed to the areas in which these Japanese evacuees are --

Colonel Bryan (interposing) From which they will be moved, sir.

Senator Austin: From which they will be removed?

Colonel Bryan: Yes, sir, Senator, that is correct.

Senator Austin: I misunderstood.

Colonel Bryan: This is the general plan: -- I presume you have read about this in the newspapers -- This is the zone that has been prescribed (indicating).

Senator Austin: Will you put a mark on it, please, Mr. Reporter?

(The map referred to was marked for identification as Exhibit A, S. 2352.)

Senator Austin: You are referring to Exhibit A, S. 2352, in your testimony?

Colonel Bryan: Yes, sir.

dk3

The shaded area here is the military ^{area No. 1} ~~zone~~. It is divided into two parts.

The part with the horizontal shading would be the first area to be evacuated, and with the shading at 45 degrees we have the second area.

You will notice, in addition thereto, that the numbers are, I believe, from 2 to 99, sir.

Those are also --

Senator Austin: Wait a minute.

Colonel Bryan: These little dots here (indicating)

The Chairman: What do those little dots represent?

Colonel Bryan: Those are critical points -- power plants, radio stations, dams, important railroad bridges, and the like.

Senator Austin: Apparently this is a document that should be protected carefully, shouldn't it?

Colonel Bryan: That is right. I am going to come to that in just a moment.

This has been published, sir.

Senator Austin: Well, then, it doesn't have to be guarded with that secrecy?

Colonel Bryan: It has been published -- a public proclamation, *(Public Proclamation No. 1, 4th Western Defense Command and Fourth Army March 2, 1942)*
This is the map in general.

Senator Austin: Aren't these dots indicating the

dk4

location of vulnerable spots published?

Colonel Bryan: Yes, sir. They are published and described in the proclamation.

Senator Austin: They are?

Colonel Bryan: Yes, sir.

Senator Austin: All right. You understand that when the idea comes to me first it sounds peculiar.

Colonel Bryan: General DeWitt wants to move from this area first certain persons, and that has been announced in a radio address.

As things now stand he has the power to move a man outside of one of these ^{areas} ~~zones~~ (indicating).

Senator Austin: Let me ask you a question: This represents California alone?

Colonel Bryan: No, sir. This is to the Dominion of Canada.

The Chairman: It goes up to beyond Seattle?

Colonel Bryan: Yes, sir.

The Chairman: And down to Mexico?

Colonel Bryan: This is the Mexican border (indicating).

The Chairman: You mean that this is the Mexican border (indicating)?

Colonel Bryan: No, sir. Down in here (indicating).

The Chairman: I see.

Colonel Bryan: So that you will see ^{that military area} ~~the zone~~ comprised ^{Humber}

dk5

the western portions of Washington, Oregon, California, and the southern portion of Arizona, sir.

Senator Thomas: What do you propose to do with those fellows?

Colonel Bryan: With the aliens, sir? ✓

Senator Thomas: Yes, sir.

Colonel Bryan: General DeWitt intends to move them out initially into two points: one in the vicinity of Owens Valley and the other is purely tentative and has not been announced at the present time.

Senator Thomas: What is he going to do: put them in camps?

Colonel Bryan: Not all of them. He wishes as many as possible to go out voluntarily. Those that can not move out voluntarily he wishes to move into the Owens Valley area at the present time, and the Army *in all probability* will have to provide for them with the help of other government agencies.

Senator Austin: Where is the Owens Valley?

The Chairman: It is in the state of California.

Colonel Bryan: Yes, sir. It is in the state of California. Right here (indicating) is the little town of Owenyo, right here. The area is right north of that, right in here, sir (indicating).

Senator Austin: Is that a highway that is marked up there running to that town (indicating)?

Colonel Bryan: I believe that is a highway.

dk6

Senator Austin: Is this the number of it (indicating)?

It would be nice if we could have it on the record.

Colonel Bryan: No. 6, *I believe*

I think it would be best to mark on here the approximate location. This is the approximate location, sir. This is the area right in here (indicating).

Senator Johnson: Where was the second area?

Colonel Bryan: The second one has not been definitely announced, sir.

Senator Johnson: Is it also in California?

Colonel Bryan: *No* ~~Yes~~, sir. *That is in Arizona*

Senator Thomas: You are not moving any of them up into Utah, Idaho, or Colorado?

Senator Austin: Or Vermont?

Senator Thomas: The people are naturally very much exercised about that.

Colonel Bryan: That is true, sir.

Senator Johnson: Is it contemplated moving them into C.C.C. camps?

Colonel Bryan: That was a planning phase of this action, sir, in the event that the orders came out to move all of these persons out of this area simultaneously, but that is not an excellent solution. It disperses the forces of the United States Army all over the United States, in

dk

dribblets. ~~That is the maximum number.~~

Senator Johnson: It will take as many to guard 200 as 2,000?

Colonel Bryan: It will take fifty men for 200. We contemplate guarding them in groups of approximately 3,000, and the guard there is much more economical.

If we have to guard them in these C.C.C. camps, we have no wire or anything we would have to have to patrol the whole area, sir.

Senator Thomas: Is there any plan to use them?

Colonel Bryan: You mean, should we be forced to evacuate them?

Senator Thomas: In an emergency.

Colonel Bryan: Only as a temporary expedient, should it be absolutely essential.

Senator Austin: What did you have in mind?

Senator Thomas: Our people have been concerned about reports that have gone out that they were going to use those people in beet fields, and so forth, and farmers, of course, are going to need some labor, but they are very much opposed to the plan you suggest.

Colonel Bryan: We realize that, but if we have to move those people for the safety of the United States, it seems only reasonable and fair that the whole United States should help absorb ~~the ones~~ *those persons evacuated*!

dk

Senator Thomas: Put them in a camp.

Senator Johnson: Put them in concentration camps and we will take our share of them.

Colonel Bryan: We ~~are not going to use those~~ *do not desire to use C.C.C. camps* and I don't think at the present time it will be necessary to use any of them.

That is my personal opinion: that we will not have to use those C.C.C. camps, and we are doing everything in our power to avoid it.

Senator Johnson: How many enemy aliens do you have that you will have to keep under guard?

Colonel Bryan: Do we have now?

Senator Johnson: Will have under guard?

Colonel Bryan: I wish I could state. You are referring to the West Coast?

Senator Johnson: Yes.

Colonel Bryan: I wish I could give you the figures.

Senator Johnson: Approximately.

Colonel Bryan: There has been no estimate available at this time.

Senator Austin: Let me suggest, Senator Johnson: We are now considering in another branch -- I think it is in the Judiciary Committee bill -- legislation that would empower the Secretary of State to requisition from the Secretary of Commerce, Bureau of the Census, what the census

dk

shows about these people.

That would give an enumeration of Japanese and it would also give names and residences, so that, when the Army makes its evacuation it can, it can compare its list of evacuees against the census and have some knowledge of whether this has been an effective protection or not.

I suppose that is what you are aiming at.

Senator Johnson: I am interested in that. For instance, Colorado has a relatively large population of Japanese. We can take care of them all right; that is our problem. But we don't want all the Japanese from California thrown on C.C.C. camps, and forest reserves, and mountains, and out in the places where they build those camps -- we don't want that sort of policy adopted.

It isn't a wise policy for the War Department to follow. It would cause our citizens great alarm and they would be disturbed about it.

If they want to build concentration camps in Colorado where they will be properly guarded, we will furnish them all the land they want.

Senator Austin: I think that is a reasonable position myself.

Colonel Bryan: I should like to add that, if we put these people anywhere, we will properly guard ~~them~~ *those interned*.

Senator Austin: You don't mean "probably guard them".

dk

I don't like to hear you say "probably".

Colonel Bryan: Properly. We will properly guard them, sir.

Sen. Johnson: The bill we have, S. 2352, makes it a violation of law for any person to enter, remain in, or leave a military area.

The military area, as I understand it, will be designated by the ^{authorized} Commander of any specific area, or could be designated by the Secretary of War.

Colonel Bryan: Yes, sir. Under executive order.

Sen. Johnson: Now, the law we have before us for enactment will cover everything in the United States?

Colonel Bryan: That is correct, sir.

Sen. Johnson: However, at this moment we have before us a map that portrays to the members of this committee, by way of drawing, all of that territory on the West Coast from the Canadian border to the Mexican border.

Now, the census reports reveal that under the registration of those called upon to register, it designated places, and there were designated, during the latter part of the registration date, approximately six million aliens in the United States.

Colonel Bryan: Yes, sir.

Sen. Johnson: Now, of those six million that were registered and finger-printed, how many were of enemy

dk

nations?

That is to say, of Germany, Italy, and Japan.

Colonel Bryan: I think I can go directly to the point in this way:

I believe we are contemplating here on the West Coast -- the best figure at this time on the move from the West Coast is ^{over 100,000} ~~approximately 135,000~~ persons. That is this area affected in here (indicating).

Sen. Johnson: On the West Coast?

Colonel Bryan: That is the amount ^{estimated by} ~~that~~ General Dewitt ~~wishes to work out.~~

Sen. Johnson: But is that the answer to my question?

Colonel Bryan: No, sir, and I can not give you specifically that information throughout the whole country. ~~It is in census bureau figures.~~

Senator Johnson: All I know in reference to the census is that there were approximately 6 million aliens of all kinds registered and finger-printed in the United States. I was trying to ascertain how many aliens there are and from how many countries, in order that we might get in mind initially information in connection with that, in order that we could formulate some idea as to plans that you might have in mind now, and formulate in our minds plans about the handling of this situation throughout the United States, because the same thing is going to have to be done on the

dk

East Coast.

At least, you are going to have to take charge of enemy aliens whether you move them or not -- the Army is going to have to take charge of enemy aliens. Isn't that true?

Colonel Bryan: Let me go back just a moment. Enemy aliens ordered interned that the Federal Bureau of Investigation turns over to the Army, we put those people ~~in concentration camps rather than~~ ^{under guard} in internment camps, and we intend to be humane in that, ~~because people will be under guard.~~

Senator Johnson: Right there, I have some letters in regard to this thing.

When you gather these enemy aliens through the offices of the F.B.I. you put them in concentration camps, is that correct?

Colonel Bryan: Internment camps. We intern them in internment camps.

Senator Johnson: How do you guard them?

Colonel Bryan: We are required by the Geneva Conference to provide for those people satisfactory housing, bathing facilities, food, and decent living places.

We build places for them just as we build for our soldiers. We have those ^{places} divided so we can put aliens in ~~any one~~ group *s.*

dk

Each company has an army officer over them, and there is a very small administrative crew. We make the company do all of its own work -- cooking and everything else.

Senator Johnson: You make the interned aliens do all the work?

Colonel Bryan: Yes, sir. We build the companies up into groups of about 3,000 so we will have, ~~say~~ 12 ~~000~~ ^{companies} ~~there~~ ^{per camp.}

That forms ~~that~~ ^{the} camp, and around that camp is a double barbed wire fence which is guarded at all times, and the inside of the camp is cut ~~up~~ into 250-man units, and we have the necessary guards, provide the necessary overhead, mail is censored, and the proper precautions are taken to see that this thing is run in an open, decent fashion.

I might say that the International Red Cross -- Mr. ~~Mark DeTonne~~ ^{MARC PETER}, who is here in Washington, is authorized to inspect those places, and I have provided that whenever he wishes to inspect any camp I will send a representative with him and while at the camp he will have an opportunity to speak to these people alone. He is required to report back to Geneva, ~~because that~~ ^{this a} retroactive matter.

Senator Schwartz: Mr. Chairman, might I ask a question?

The Chairman: Yes, sir.

Senator Schwartz: Have you jurisdiction over the Italian camp at Missoula, Montana?

dk

Colonel Bryan: That is under the Immigration Bureau at the present time.

Senator Schwartz: Your system is the same as theirs practically?

Colonel Bryan: With certain exceptions.

Senator Schwartz: They make the internees do all of the work?

Colonel Bryan: Yes, sir.

Senator Schwartz: I had lunch there one day, and it was a better meal than you get at the restaurant here.

Senator Johnson: As I recall, about the first enemy aliens we interned in the United States, according to my recollection, were from a German ship off the coast of California, and they were interned at the barracks about twenty miles from San Francisco. They carried out the same program that you have here.

Colonel Bryan: That is right.

Senator Johnson: In placing these men in concentration camps do you place the Italians with Italians, and Germans with Germans, or do you mix them up in units of 250?

Colonel Bryan: In the units of 250 we ^{do not} ~~don't~~ mix them

up.

Senator Johnson: You have, in one concentration camp, a number of units, but each unit is composed of men of that particular nationality?

dk

Colonel Bryan: That may occur. We may have mixed units in one group, but we would like to hold them all to one nationality.

Senator Johnson: In the companies?

Colonel Bryan: In the camps, too, as far as it is possible. We have differences of food *to consider*.

Senator Johnson: Have you any idea, for the information of the committee, as to how many actual enemy aliens have been designated by the F.B.I. to be interned in the United States?

Colonel Bryan: Unofficially I can answer that by a directive I received this morning to make plans to prepare for the *ultimate* internment of *approximately 100,000* ~~12,000~~ people.

That is unofficial. That is not approved.

The Chairman: That is, in the United States?

Colonel Bryan: Yes, sir.

The Chairman: Those who will have been declared as enemy aliens?

Colonel Bryan: Yes, sir.

The Chairman: Of course we have some from Italy and Japan, who are enemy countries, but will not be classified as enemy aliens.

Colonel Bryan: They will not be interned *unless so ordered*.

The Chairman: You say a hundred thousand for the United States: for that hundred thousand how many soldiers

dk

are we going to have to maintain for the guarding and caring for and protection of these enemy aliens?

Colonel Bryan: I believe I could do the job with approximately between 10 and 12 thousand. It would run about one to ten, including the overhead of these camps.

The Chairman: That would include transportation and supplies?

Colonel Bryan: That is just an added load on the corps area. The corps area supply system is now set up.

The Chairman: Without additional aid? You said it would take one soldier for every ten men?

Colonel Bryan: Yes, sir.

The Chairman: And that would be ten thousand soldiers for the United States?

Colonel Bryan: Approximately. ✓

The Chairman: What is your general estimate of the number of aliens we are called upon to intern and to guard in the Hawaiian Islands, in Karelia, and in Alaska, and other territorial and insular possessions -- Panama, and so forth? Just an estimate of that.

Colonel Bryan: Senator, I have an estimate of that. It is secret information and I am unfortunately not at liberty to divulge it.

I have an estimate of that, sir. I am not permitted to state it, unfortunately. That is particularly true with

dk

to Hawaii.

The Chairman: The same ratio of men, soldiers, required to guard them, would apply there, too, I suppose?

Colonel Bryan: Yes, sir.

Senator Thomas: Might I ask a question?

The Chairman: Yes, sir.

Senator Thomas: Is the American-born Jap a problem?

Colonel Bryan: Yes, sir, decidedly so, sir, because of the dual citizenship status which he has.

Senator Thomas: What is your policy toward those fellows?

Colonel Bryan: The policy on that is that they will be treated below -- that is, in the order of severity. That is, the Japanese alien will be treated, first, as an actual alien himself. Below that is American-born Japanese, and persons of that lineage.

The Chairman: Who enjoy dual citizenship?

Colonel Bryan: Yes, sir.

The Chairman: The same thing applies to Germany: they have the dual citizenship?

Colonel Bryan: Yes, sir.

The Chairman: That is one of the privileges they have in Brazil, because about a million Germans also have Brazilian citizenship.

Colonel Bryan: Yes, sir.

dk

The Chairman: What about Italian citizenship?

Colonel Bryan: Italians are in the lowest class, sir, considered the least harmful.

The Chairman: Is that so?

Colonel Bryan: For your information, the first and foremost, of course, are those known or suspected of sabotage. The next are the Japanese aliens themselves, and the American born Japanese, and then the Germans, and lastly the Italians.

The Chairman: Now, you stated a moment ago to the committee that you approximated that there would be 100,000 enemy aliens for incarceration in these concentration camps.

Colonel Bryan: That is the figure I was given for planning purposes.

The Chairman: Now, how is that proportioned: the number of Italian, Japanese, and Germans.

Colonel Bryan: Roughly speaking I should imagine that that would be approximately 60 per cent Japanese, sir.

The Chairman: 60 per cent?

Colonel Bryan: Pretty close.

The Chairman: What percentage of Germans?

Colonel Bryan: Approximately an even split in the Germans and Italians.

The Chairman: 20-20?

Colonel Bryan: Yes, sir.

The Chairman: 60 per cent of Japanese, 20 per cent of

German and 20 per cent of Italians.

dk

Those are the ones to be actually interned; this is not a proportion of the population of the census.

The Chairman: I mean the interned portion.

Colonel Bryan: That is just an estimate, purely. No one can give you those figures definitely.

The Chairman: Let me ask you this: -- I rather feel the members of this committee will be interested in it -- What are you doing with residents -- I mean with natives of enemy alien countries who are in this country under passports issued by other nations?

We have no right, under the law, to prohibit an alien from traveling from state to state in this country if he is from a friendly nation.

For instance, I have in mind this: I know of one case brought to my attention just the other day, of a German who was residing in Switzerland.

He held German citizenship. While a citizen he procured citizenship of the Republic of Panama without ever having been in Panama.

As a result of having procured citizenship from the Republic of Panama, which he was entitled to under the dual citizenship system of Germany, he was issued a visa from the Panamanian Government to come to the United States. Now he is in the United States, and he can travel from state

dk

to state without registration, because it is my understanding that there is no law providing our government with the authority to prohibit his going anywhere he wants to.

Colonel Bryan: He is not an enemy alien, is that true?

The Chairman: Yes, he is an enemy alien, because he is a citizen of Germany.

Colonel Bryan: If he is an enemy alien, under this proclamation --

The Chairman (interposing): But he is also a citizen of Panama.

Colonel Bryan: If he is an enemy alien, under the proclamation of the President, we have this:

"With respect to the continental United States, Alaska, Puerto Rico, and the Virgin Islands, an alien enemy shall not change his place of abode or occupation, or otherwise travel from place to place without full compliance with any such regulations as the Attorney General of the United States may from time to time make and declare."

The Chairman: Suppose he is a citizen of Panama?

Colonel Bryan: Then this would not apply, sir. We have to watch him, sir. Of course our Intelligence Service ~~will also~~ ^{Could} work on that.

The Chairman: The Attorney General of the United States told the United States District Attorney that we had no right --

dk

Colonel Bryan (interposing): If he has a citizenship of Panama, *I believe* we are powerless.

The Chairman: Excuse me for taking up so much time.

Senator Austin: That is very interesting, because I understand that no particular limit of time is required of Panama to change over from the German nationality into Panamanian. No long period required. It could be done.

Colonel Bryan: Gentlemen, I would like to interrupt just a moment, if I may, because I have information which I believe would be of interest to all the committee.

The first thing, of course you all understand the purpose of this bill is to provide for enforcement in the federal courts of orders issued under the authority of this executive order.

The Chairman: That is the purpose of this bill?

Colonel Bryan: That is the purpose of this bill, sir. As things now stand orders can be issued but there is no penalty provided for violation of *orders and restrictions so issued!*

11 Last evening General DeWitt called me on the telephone from the West Coast, talked to me personally, and he stated that the passage of this bill was necessary to enable him to properly carry out the provisions of *the* ~~that~~ executive order.

Those were General DeWitt's *words* ~~orders~~, to the best of my knowledge. I took them down just as he told me.

dfk

I have here also ~~more or less~~ of a message from Mr. McCloy. It was phoned ~~to me~~ by Colonel Bendetson.

Mr. McCloy, the Assistant Secretary of War, had directed Colonel Bendetson to call to emphasize the importance of the passage of the bill to provide a penalty for the violation of restrictions or orders with respect to persons entering, remaining, or leaving the military areas or zones.

He said: "Mr. McCloy desires that it be brought to the attention of the committee that there can be no doubt that the legislation is sufficient to cover the violation of curfew and similar restrictions."

In other words, Mr. McCloy desires that, within any one of these areas, that there be a penalty provided for the violation of restrictions *or orders*.

The Chairman: There is nothing in there about curfew, is there?

Colonel Bryan: No, sir. I would like to, in view of that point, to clarify this bill and to make it doubly sure that there is no doubt as to the desire to apply this to the curfew restrictions, should they be ^{*announced*} ~~enforced~~, to amend this bill, and the War Department recommends that it be amended as shown on this sheet, sir, and that is in line 3 on page 1. In general, to add a clause "or commit any act in".

Strike out the word "~~leave~~".

Senator Austin: It should be after "leave"?

22
dk

Colonel Bryan: ~~Just~~ ^Right after "leave".

Senator Austin: "Or commit any act in".

Senator Johnson: "Any military area", is that right?

Colonel Bryan: Yes, and that leads on down in line 7
"contrary to restrictions applicable".

The Chairman: Now, let me ask you something: Would that
cover the objectives?

A man is going to be penalized for committing an act. You
want something there to cover the punishment of him if he
fails to comply with an order?

Colonel Bryan: Yes, sir.

The Chairman: That just provides for a penalty for
committing an act?

Colonel Bryan: No, sir. For penalty for committing
any act in one of these zones contrary to the restrictions
in line 7, sir.

Contrary to the restrictions applicable to any such
area.

The Chairman: But suppose he fails to comply, what
about that?

These words here employed just provide for an act --

Senator Johnson (interposing): You are talking about
an omission instead of a commission?

The Chairman: I am talking about an omission.

Colonel Bryan: He fails to comply with the regulation

dk

or order.

Senator Austin: I would make this answer to your inquiry: that for an omission we have extraordinary remedies at law, civil remedies.

I don't recall any case where we make it a misdemeanor or a crime punishable by a penalty or imprisonment, as this does.

I think you must have an act. You can't have punishment of this character for just an omission. I am speaking, you understand, curbstone.

The Chairman: Well, an omission of restrictions --you have your restrictions --if you fail to comply with your restrictions.

Senator Austin: A restriction is hardly a command. A restriction is just the opposite of a command to do something.

The Chairman: In other words, my point is this doesn't cover omissions.

Colonel Bryan: Major ^{MONK}~~Mock~~ just pointed out, contrary to the restrictions applicable to such area, or contrary to the order.

If that order prescribes, let us say, that this man turn out his lights or be in his house, and he fails to turn out his lights, he is acting contrary to the order of the Secretary of War ^{or the}~~and~~ Military Commander.

dk

Senator Johnson: I think that covers it.

The Chairman: I am rather inclined to think so myself. Then, that being the case, why is this necessary: "to commit any act"?

Senator Austin: Because you have specific words.

The Chairman: It makes it more specific?

Senator Austin: "Whoever shall enter, remain in, leave", and it limits it to specific things: that is why.

Senator Schwartz: Mr. Chairman, I would like to go away and be counted in.

The Chairman: The bill that we are considering is authority over these aliens that we are proposing to move.

Senator Schwartz: These army bills -- I want to vote for them, except that I don't want to be registered as voting for 2344 until after the Senate 2025 is disposed of, and I am leaving my proxy, to vote on 2025, with Senator Johnson.

The Chairman: Now, as I understand it, you want to vote for 2352?

Senator Schwartz: Yes.

The Chairman: All right. We are sorry you have to leave us.

Senator Schwartz: You are not as sorry as I am, because my other engagement is not a pleasant one.

The Chairman: If you have any other information you

dk

want to give to the committee we would be mighty glad to hear it, because this is an interesting subject.

Colonel Bryan: One other thing: there is a letter I tried to bring with me this morning which should reach the Chairman some time during today, which would urge quick passage of this bill, and also one going to the house, in view of the message from General DeWitt this evening.

The Chairman: Are you going to the House this morning, Colonel?

Colonel Bryan: No, sir, but we ^{will} ~~have~~ send a letter up there, to try to get the bill amended just as it is here.

The Chairman: There is one thing I want to ask you here, raised by Senator Thomas a moment ago:

We are going to have a hundred thousand people in camp. Are we going to work any of them?

Colonel Bryan: It is my fullest ^{intent} ~~idea~~ to make those camps as self-sufficient and to aid the United States at large as ^{far as} the law allows ~~me~~.

The Chairman: Why can't we use those enemy aliens to help us win the war against their respective countries? The axis powers are making utilization of all the enslaved manpower over there in building railroads and working in munitions plants.

Why can't we make utilization of these men in building roads and defense highways -- or, rather, offense highways?

dk

Colonel Bryan: Under the Geneva conference we can't use them in making munitions of war.

The Chairman: We don't want to.

Colonel Bryan: And the United States intends to live up to that. We have agreed to that.

The Chairman: You are going to live up to that?

Colonel Bryan: Yes, sir. We will use these people in ~~any~~ work that is of value to this country.

The Chairman: Could we use these people in the construction of the extension of the pan-American highway from Seattle to Fairbanks.

Bryan, Provided we can guard them. Every time we have a group out we have to increase our guard force. If my present plan is ~~not~~ approved -- I want to make these people grow as much as they can grow. I want to use them wherever it is possible. I intend to use these people to help recondition shoes. ~~I intend to do that.~~

The Chairman: Of course you find cobblers among them?

Colonel Bryan: Yes, sir. I would concentrate those people and put them into a certain camp so that they can do that work.

The Chairman: That hundred thousand is going to be many thousands who are just ordinary laborers?

Colonel Bryan: That is correct, sir.

The Chairman: And in view of the immediate urge for

dk

the construction of that highway, which we have long needed, up to Fairbanks, and in view of the fact that the Administration estimates now that it is going to take a year and a half, and 30 million dollars, I was wondering why we couldn't use the laborers in these camps as labor regiments, labor organizations, on the construction of these roads.

Colonel Bryan: I am not entirely familiar with that. If that highway is in a zone in which it is perfectly safe to work those people we can work them.

Senator Johnson: That highway is apt to be built with machinery more than it is the pick and shovel?

Colonel Bryan: We have to use manual labor too.

The Chairman: There is going to be an awful lot of day labor used.

Senator Johnson: Colonel, a state senator in Colorado made the suggestion that these aliens could be used in the army camps to do clean-up work and kitchen work, and the various odd jobs of maintenance around the camp. He said that that had been done in the world war, and that you would then have them under guard and you would have them in camps where you could guard them, and that you would have your soldiers, and that their services could be utilized to better advantage than any other way.

It seems to me that that was a very sensible suggestion. You take an army camp -- and we have many of them -- having 20 thousand soldiers and 20 thousand soldiers.

dk

If you could use a thousand of these aliens in that camp for that purpose, wouldn't that be a good utilization of their services?

Couldn't you also protect them?

Colonel Bryan: There are many arguments on both sides of that, one of the arguments being that a soldier is trained as a fighting man, and I don't know whether ^{or not} that would have a good morale effect on those soldiers, to place them in those camps. ~~or not.~~

It is perfectly feasible to do the work that you indicate with those men.

Senator Hill: May I interrupt?

Colonel Bryan: Yes.

Senator Hill: Down in my home city of Montgomery they have had for a number of years a federal prison camp where they have housed and have worked federal prisoners.

There has been no bigger asset to that field than that prison camp.

They have done a job down there that, of course, could not otherwise have been done, because they have done so many, many things that you couldn't and wouldn't use your soldiers to do.

It has been a tremendous asset to have that prison camp down there.

Now, of course, you may say this: Take this plan --

dk

some of the things they have done down there you wouldn't use them to do in wartime.

I don't mean that everything they did wasn't a thing that needed to be done, but when you get to wartime you get to the question of priorities -- the most important things will be done -- but that prison camp has been the greatest asset that that field has had: the fact that they have had several hundred of those federal prisoners on that every day, working on that post, doing a thousand and one different jobs.

It has been a wonderful asset.

Incidentally, as you know, so far as that present civilian camp is concerned, it hasn't interfered in any with the military from the standpoint of guarding them. That is a thought I wanted to follow through a little bit.

Are you going to guard all these people with military personnel?

Colonel Bryan: Soldiers that are classified at the present time as over-age or the like, and not actually ^{classified as} fit for front line combat duty.

Senator Hill: I am glad to hear you say that. During the last war I spent part of my time guarding a shipbuilding plant up here at New Jersey, and I don't think there was a man in the outfit who wasn't fit for front line duty, and yet they had us up there doing that kind of work, you see,

dk

where it didn't require a first-line physical condition, to speak of, to do the job.

Senator Austin: May I make a suggestion, Mr. Chairman?

The Chairman: We would like to have you, Senator.

Senator Austin: This bill 2352 can not be effective outside of the United States?

In other words, you couldn't have the sanction that is being provided by this bill in the Dominion of Canada, where the work would have to be done, and if you exported these people to the Dominion of Canada I think you could encounter two possible troubles:

One would be in keeping custody of these people, and the other would be the unfriendly act of turning them loose in the Dominion of Canada.

The Chairman: There would be a protest, no doubt.

Senator Austin: Yes, I think so, so that I believe work on the Alaska highway is not a probable use for them.

The Chairman: I had in mind the utilization of these laborers in the territory of Alaska exclusively, because, as a matter of fact, when the main highway is built to Fairbanks, that is going to mean that we are going to have to build roads such as we find running from Seward now to Mt. McKinley, up to Fairbanks, and we would have to have feeder roads all along the line.

My estimation of the construction of the road would be

dk

75 or 80 million dollars.

Colonel Bryan: I don't believe, from a military point of view, that it would be a wise plan to have those people in Alaska.

It is a part of the same thing we are considering here.

The Chairman: In conjunction with the suggestion which the Senator made in prefacing his statement, in regard to the fact that this bill he has called attention to -- that this bill doesn't cover the territory and possessions outside of the United States, isn't that what you said?

Senator Austin: No. I say this bill enables them to -- enables the President by executive order prescribe an area in which certain acts will be punished if they are committed, and I say this: this power under 2352 could not be exercised outside of the United States. I didn't say "outside of the territory".

The Chairman: You say it shouldn't go in the territory?

Senator Austin: I didn't say so at all.

Senator Thomas: Where the sovereignty of the United States does not exist, of course, you can't exercise jurisdiction.

Senator Austin: It wasn't very well stated, but I meant within the sovereign power.

The Chairman: What authority have we here to enforce,

dk

as you are seeking to, this bill?

What authority have we in Puerto Rico, and the Virgin Islands, and Panama, and Honolulu, and the Hawaiian Islands?

Colonel Bryan: The Hawaiian Islands, Senator, are under military law: you don't need it.

The Chairman: Puerto Rico?

Colonel Bryan: Puerto Rico is not.

The Chairman: How about Panama?

Colonel Bryan: Panama Canal zone.

The Chairman: What about the Virgin Islands and so forth? Don't we have to have authority to give them in those places, as we are seeking legislation within the confines of the United States?

Somebody is going to ask that on the floor of the Senate.

Senator Hill: Why wouldn't this bill apply wherever the sovereign power of the United States exists?

I think it would.

Colonel Bryan: This applies to any executive order. If the President prescribes a certain area this bill will apply to that area.

Senator Hill: In Alaska just as well as it would in the continental United States.

Colonel Bryan: Any executive order.

Senator Johnson: Any area where we had the authority

dk

certainly this would apply.

Colonel Bryan: In any area, yes, where we had authority to establish these zones, we have the authority for this bill, to go ahead and provide the penalty.

Senator Hill: That means in any territory under the sovereign power of the United States.

Senator Murray: Mr. Chairman, it seems to me that we can find plenty of work for them to do within the United States.

I have received some inquiries with reference to using some of these Japs that may be put some place in connection with the beet growing industry.

Is there anything that would prohibit us from using some of these men in the beet industry or in highways, or anywhere?

Colonel Bryan: No.

The Chairman: But you can't work them in munition factories?

Colonel Bryan: Industries directly connected with our war effort?

The Chairman: Industries directly connected with our war effort.

Colonel Bryan: That applies particularly to munition plants and things of that kind.

You couldn't use them to make guns.

dk

The Chairman: Have you got a copy of the Geneva conference regulations?

Colonel Bryan: No, sir, I haven't one here.

The Chairman: Would you be good enough to give me a copy of that particular thing, because somebody is going to ask me about it, and we would like to read it, for those who haven't had the advantage of this little conference here.

Senator Murray: Colonel, some protests have been coming in, objecting to the establishment of these camps for Japs in certain states: they didn't want the Japs.

Colonel Bryan: Yes, sir.

Senator Murray: How are you going to handle that situation? No one wants them. Somebody asked me the other day about that.

Colonel Bryan: Some states have written in, officials of certain states, and I have had people come up and ask to have them put there.

Others don't want them.

Senator Murray: I can't see any objection to it myself.

Colonel Bryan: Exactly how that will come out in the long run I do not know, but it will have to be looked upon in the light of the defense of the United States as a whole.

dk

This, as we see it, must be a union of 48 states, and if it is essential that some particular states suffer *slightly* ~~in an improper degree~~, it may be necessary to do it. We don't want to do it, but we must consider the whole of the 48 states in this case, sir.

There is no other way that we can look at it.

Senator Murray: That is the correct view.

Colonel Bryan: As long as the United States Government properly guards those people, ~~there is nothing we can do~~.

Senator Thomas: Where you run into the objection is that the public has the idea that those sugar beet laborers are going to be brought in there and turned loose, and, of course --

Colonel Bryan (interposing): We have to guard those people if we work them. We can not relinquish the responsibility of guarding them.

we If ~~I~~ wish to work them in the sugar beet fields *we* ~~I~~ have to go out there and guard them, and *we are* ~~I am~~ responsible, but those people are guarded.

Senator Murray: One other question -- and it probably doesn't come under your jurisdiction -- but I received a telegram from the governor of our state this morning about the purchase by Japs of quite a large tract of agricultural land.

He was protesting the purchase and he wondered what

dk

department would have anything to do with that question.

I expect those Japs were Americans and probably had money to buy it with.

Colonel Bryan:

Offhand I should say that the Federal Bureau of Investigation would be the one to ^{investigate} ~~determine~~ the whole thing.

They should investigate it, sir.

Senator Murray:

I was asking the question because I particularly didn't know where to go.

Colonel Bryan: I don't know the answer, sir. That would be my first lead.

The Chairman: I know, where men are interned from foreign countries, in many instances, the Government to which they owe allegiance provides them with funds each month, which are paid to them through our governmental offices.

Now, prisoners of war: are we required to give them anything -- any money; a few coppers a day -- or something like that -- and if so how much?

Colonel Bryan: It is not definitely settled. That is by agreement between the countries.

In other words I can say that the Italian government has made a proposal, and we have proposed to give a certain small maintenance allowance to these people, not in cash. We will get the cash -- the camp commander will get the cash and he will issue coupons, and there will be a little post exchange.

dk

dk

The Chairman: Redeemable at the commissary?

Colonel Bryan: Yes, sir. He can buy tobacco or a toothbrush -- only certain items that we control.

The Chairman: What amount do they propose?

Colonel Bryan: If I recall correctly it was either five cents or eight cents a day for privates and non-commissioned officers -- or six and nine cents.

The Chairman: What about officers?

Colonel Bryan: ~~Non~~^Ccommissioned officers -- ~~I have for-~~
~~gotten~~. They have full pay. We counted on paying an officer on a sliding scale of \$10 for a lieutenant -- no, 20 for a lieutenant, 30 for a captain, and 40 for everyone else above, and that is all.

The Chairman: Now, does the Italian government pay that?

Are they proposing that they pay it to our officers or that we pay you?

Colonel Bryan: They pay it temporarily, and at the end of the war you have to have a settlement.

The Chairman: They pay it temporarily?

Colonel Bryan: Yes, sir.

Kahn scl

Senator Johnson: Who is your superior officer,
Colonel Bryan?

Colonel Bryan: Major General Allen Gullion.

Senator Johnson: Provost General?

Colonel Bryan: Yes, sir.

Senator Johnson: What is your office number and the
exchange?

Colonel Bryan: Room ~~4528~~ 4529

Senator Johnson: Munitions Building?

Colonel Bryan: Munitions Building. We ^{are being} ~~were~~ moved,
sir, and I can't give you the room number. Telephone
6576, sir, or 6327. That is the War Department exchange.

Senator Johnson: And you are under General Gullion?

Colonel Bryan: Yes, sir.

Senator Johnson: Well, I may be calling you up.

Colonel Bryan: Yes, sir.

The Chairman: I want to ask you another question.

Colonel Bryan: Yes, sir.

The Chairman: Is there any difference in pay proposed
by the Italian Government for men who are just left in
these concentration camps and those who are taken out
and worked?

Colonel Bryan: Yes, sir.

The Chairman: What is that distinction?

Colonel Bryan: When you work a man under the agree-

ment of the Geneva Conference, you have to pay ^{him} ~~him~~. You have to go back to an agreement which was reached by the Secretary of State in which he said that prisoners of war and internees -- those are civilian internees, would be treated similar. That is, they are all just alike to us. If we take a man out and work him, we have to pay him.

The Chairman: How much?

Colonel Bryan: I believe it is proposed that they pay him at the rate of \$21 a month if they work for a full month.

The Chairman: If they are worked, if they are laborers?

Colonel Bryan: \$21 a month.

The Chairman: In the beet field or on the Alaskan Road, \$21 a month?

Colonel Bryan: He doesn't get that money, though. It is put in a trust fund ⁱⁿ ~~of~~ the Treasury for him.

The Chairman: Do we pay them?

Colonel Bryan; Yes, sir.

The Chairman: The Italian Government doesn't pay them?

Colonel Bryan: No, sir, we pay them.

The Chairman: So there is a distinction between the pay of a man who just remains in the camp and a man who goes out and works?

Colonel Bryan: Yes, decidedly so.

Kahn sc3

Senator Hill: If you work these men, then, in the beet field, what arrangement do you have with the owners of the beet fields with reference to pay for the work that they perform?

Colonel Bryan: They would have to make a contract, I presume with the camp commander.

Senator Hill: And they would pay to the camp commander the amount?

Colonel Bryan: Yes, sir. They cannot pay ^{the} ~~this~~ man, himself, ~~no, sir~~. That money has to be put into the Treasury.

The Chairman: And preserved as a trust fund for him?

Colonel Bryan: Yes, sir, I have to carry a special account for each one of those men right here in the City of Washington, because I have to have one ^{agency to} ~~man who can~~ deposit into the Treasury.

The Chairman: Do we have to provide their clothing and shoes?

Colonel Bryan: Yes, sir.

The Chairman: Now, I see Senator Austin looking at the map here, and that reminds me that perhaps we should get back to some original statements you made in regard to this, because this pertains particularly to the bill that we have under consideration.

Before these gentlemen came in, you made a general

Kahh sc4

statement to us to the effect that this map showed the general territory from the Dominion of Canada to the border of Mexico here, sir, and designated the lines.

Colonel Bryan: Yes, sir.

The Chairman: How many enemy aliens do you say there are in this territory designated on the map of the Pacific Coast from Alaska to Mexico that are going to have to be moved?

Colonel Bryan: The estimate at the present time -- not that will have to be moved, but that will move.

The Chairman: That will move?

Colonel Bryan: Some will move voluntarily; some we will have to move.

The Chairman: That is right.

Colonel Bryan: That estimate is ~~135,000~~ ^{over 100,000}.

The Chairman: Of that ~~135,000~~ ^{100,000} how many are going to move voluntarily, according to your estimate?

Colonel Bryan: General DeWitt has stated that he could not state, sir.

The Chairman: And you don't know, therefore?

Colonel Bryan: I can't state. He is in touch with this problem intimately. I can't state if he can't state.

Senator Austin: I don't know that this is of any value, but I noticed it and I thought it was important

if it was true, a statement by a leading Japanese, one that is the American type of Japanese, that there would be 20,000 of those who would move voluntarily, for the purpose of cooperating with the United States and showing to the United States their full loyalty in the effort of the United States. That was a press release, and, of course, I don't know how much weight to give to it. What I wanted to ask the Colonel, in regard to previous testimony, that is, does this executive order include Alaska in this area, in this same zone that is portrayed on the map?

Colonel Bryan: Alaska is a part of the western defense command under General DeWitt, sir. *I believe* General DeWitt has the authority to prescribe similar zones in Alaska.

Senator Austin: So that it really makes no difference whatever where the zone is if it is within the sovereign reach of the United States? <

Colonel Bryan: That is right, sir, on the figure of ^{100,000}~~155,000~~, I would like to add that that includes all the persons in these areas that ^{may}~~would~~ have to move, not necessarily Japanese.

The Chairman: Germans?

Colonel Bryan: Some of them are American citizens of Japanese extraction. <

Kahn sc6

The Chairman: Yes, but who enjoy the dual citizenship?

Colonel Bryan: Yes, sir. *In the* ~~There is no~~ executive order -- it says any person. It doesn't define that person. It says any person.

The Chairman: Are there any other observations you would like to make in support of this bill, Colonel Bryan?

Colonel Bryan: No, sir.

Senator Hill: Let me ask you this question: you may have stated this before I came in. How far from that western seacoast are you going to move these folks?

Senator Austin: Why don't you step over?

Senator Hill: That is all right. Just let me look at the map.

The Chairman: I am glad you asked that question.

Senator Hill: I am interested in knowing.

Colonel Bryan: The entire ~~zone~~ *military are. No. 1*, that is, all of the shadowed area, comprises approximately the western half of the States of Washington and California and approximately the southern half of Arizona. That ~~zone~~ *area* is divided into two parts: one and 2. Part 1 is the actual seacoast strip in here. As I say, possibly a little less than a quarter of each of those states. Zone 2 is the other part in here.

Senator Hill: I note on this map that this seacoast

Kahn sc7

strip varies at different points. How do you determine that seacoast strip?

Colonel Bryan: That is determined by the actual ~~territory on the ground~~ ^{terrain} itself.

Senator Hill: By the terrain itself?

Colonel Bryan: Yes, sir, and the importance of the various installations in that area.

Senator Hill: I see. What are all these figures here, Colonel, if I may ask?

Colonel Bryan: Those little points are critical points, some inside and some outside of these zones. For instance, radio stations. They are essential. Dams across rivers for water supply. Hydroelectric points. All types of those, and they are described in General DeWitt's proclamation No. 1. That is an enlargement out of his proclamation.

Senator Hill: Incidentally, do you know how far it is from the coast, Los Angeles, to Boulder Dam?

Colonel Bryan: I don't, offhand.

Senator Schwartz: 300 miles.

Senator Murray: About 300 miles.

Colonel Bryan: They will all be moved out of these areas shown on the map. Not all at once.

Senator Murray: Not all at once.

Colonel Bryan: This seacoast area supposedly will go

first and certain areas ^{within} that will ^{receive priority} ~~be evacuated~~.

General DeWitt has stated that he does not desire any mass evacuation, and that he is faced with two problems: one of them is to avoid harsh treatment to the innocent and the other is to the National Defense. Now, those are his two problems there, sir.

Senator Johnson: Is he under the provost general?

Colonel Bryan: General DeWitt, sir?

Senator Johnson: Yes.

Colonel Bryan: No, sir. He is a lieutenant general. The commanding general. Western defense command.

Senator Johnson: Is Gullion under him?

Colonel Bryan: No, sir. General Gullion is a part of the War Department. General Gullion, ^{is the} ~~the~~ Provost Marshal General, ^{and has} ~~his~~ general supervision of all alien problems.

That is, once they are interned, they come under General Gullion's jurisdiction ~~there~~.

Senator Johnson: Then you are not serving under DeWitt?

Colonel Bryan: No, sir. I coordinate closely with him and I talk to him ^{frequently} ~~daily~~ over the telephone. In other words, it is a question of where we have to cooperate and coordinate with General DeWitt. We have to keep abreast of what he is doing and we do that by tele-

Kahn sc9

phone.

The Chairman: Any other questions, gentlemen?

(No response.)

The Chairman: Senator Austin, have you anything further?

Senator Austin: No, sir.

The Chairman: I suppose the first thing to consider about this thing is as to whether or not we adopt the suggestion made by the Assistant Secretary of War as to the form of that amendment employing the words "or commit any act in"; is that right? Is that the first thing in regard to consideration of this bill?

Senator Murray: I think so.

The Chairman: What is the pleasure of the Committee about that?

Senator Murray: I move that the amendments be adopted.

The Chairman: If there is no objection, they will be adopted.

Now, gentlemen, in reference to the bill itself, what is the pleasure of the Committee?

Senator Murray: I move that the bill be reported favorably.

The Chairman: If no objection, it will be reported.

Colonel Watts, what is the next thing on the agenda?

Senator Austin: I suggest that that map which I put

Kahn sc10

my own initials on, because I was so interested to have that map identifiable in the future. I suggest that be kept here in the Committee where we can have access to it.

The Chairman: Have you many of those maps?

Colonel Bryan: I think there are some in Mr. McCloy's office. I will attempt to get those for the Senate.

The Chairman: If you could provide each man of this Committee with one of those, if you have got plenty of them, I think it would be a very good idea.

What do you think about that, gentlemen?

Senator Austin: Yes, sir.

The Chairman: Can you do that?

Colonel Bryan: I will try, sir. I don't know whether there are sufficient ^{*copies*} in the War Department.

Senator Murray: If we have one or two in the Committee Room, I think that would be sufficient.

The Chairman: If you could provide enough for the members here this morning, then we could employ them for those who were not here this morning.

Colonel Bryan: I could also send along a copy of General DeWitt's proclamation which describes those areas which would be helpful.

The Chairman: We would like to have that.

Kahn sc11

Colonel Bryan: That has the map in it in a smaller form.

The Chairman; That would be good. We would like to have that.

Colonel Bryan: Yes, sir.

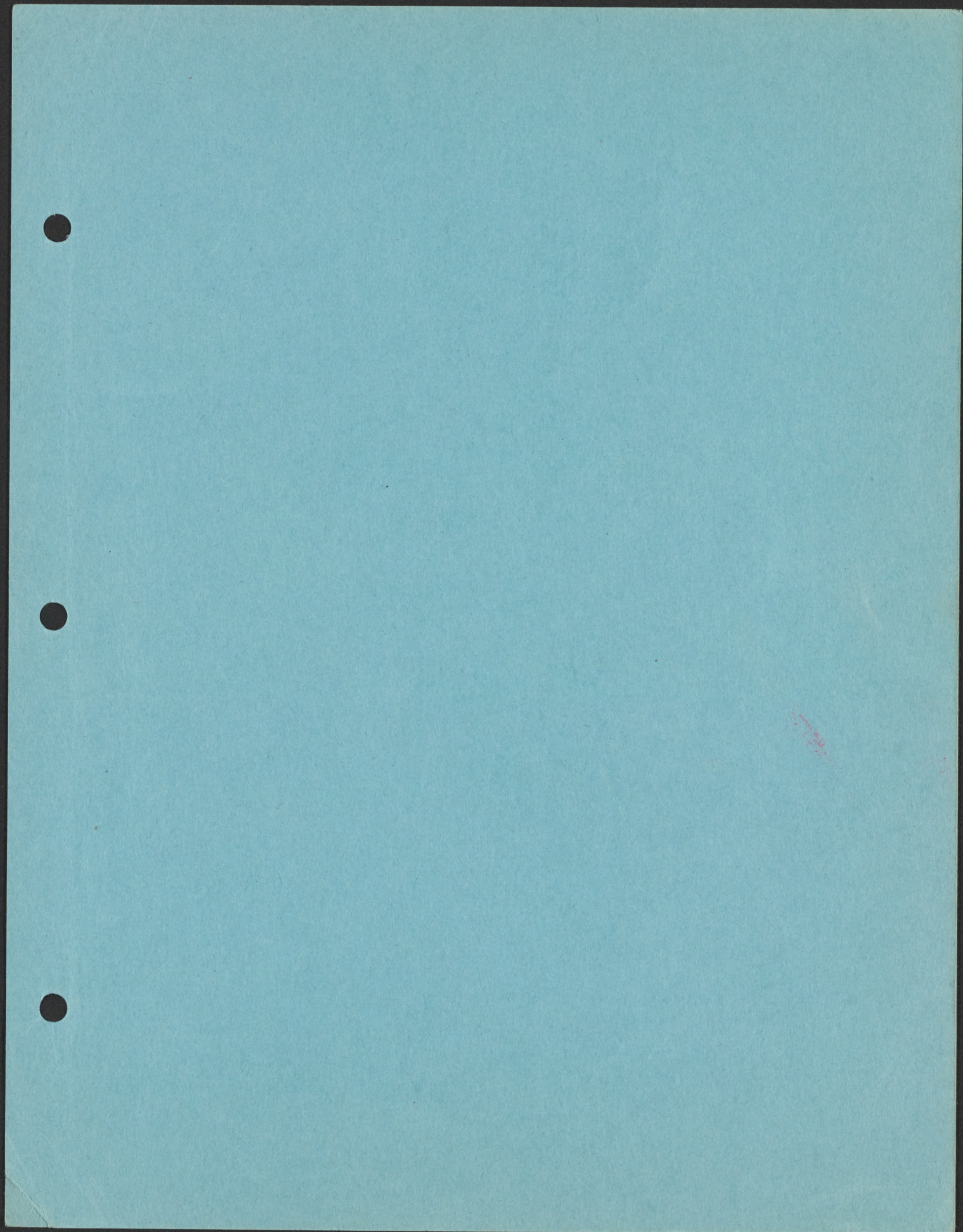
The Chairman: Colonel, we are very much obliged to you. You have said everything you want to say here?

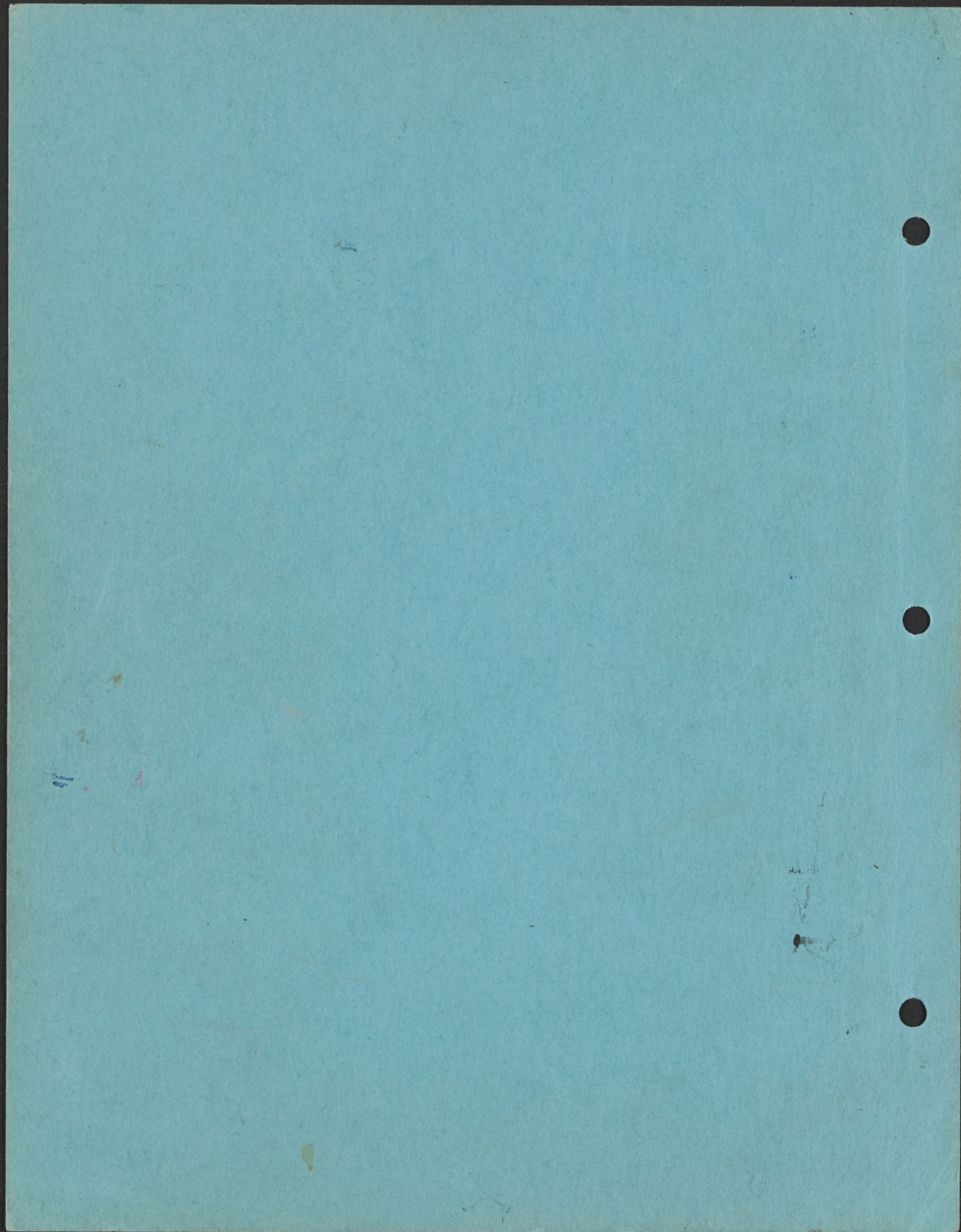
Colonel Bryan: Yes, sir.

The Chairman: Thank you very much.

- - -

(Whereupon, at 11:00 a.m., March 13, 1941, the hearing was closed.)





Calendar No. 1208

77TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1171

PROVIDING PENALTY FOR VIOLATION OF RESTRICTIONS OR ORDERS WITH RESPECT TO PERSONS ENTERING, REMAINING IN, OR LEAVING MILITARY AREAS OR ZONES

MARCH 16 (legislative day, March 5), 1942.—Ordered to be printed

Mr. REYNOLDS, from the Committee on Military Affairs, submitted
the following

REPORT

[To accompany S. 2352]

The Committee on Military Affairs to whom was referred the bill (S. 2352), to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones, having considered the same, report favorably thereon with an amendment and with a recommendation that it do pass as amended.

AMENDMENTS

In line 3, page 1, strike out the word "or" and insert after the word "leave" the following words, "or commit any act in."

The bill, as amended, provides that whoever shall enter, remain in, leave, or commit any act in military areas or military zones prescribed, under the authority of an Executive order of the President, by the Secretary of War or by any military commander designated by the Secretary of War, contrary to the restrictions applicable to any such area or zone or contrary to the order of the Secretary of War or any such military commander, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or orders and that his act was in violation thereof, be guilty of a misdemeanor and, upon conviction, shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than 1 year, or both, for each offense.

The purpose of this proposed bill is to permit the enforcement in Federal criminal courts of orders or restrictions prescribed by military authorities, with respect to military areas or zones under authority of an Executive order of the President. At the present time this bill is essential for the enforcement of orders issued by the commanding

general, Western Defense Command, with respect to military areas on the Pacific coast under the authority of Executive Order No. 9066, dated February 19, 1942. Said Executive Order No. 9066 authorizes the Secretary of War and the military commander whom he may from time to time designate whenever he or any designated commander deems necessary or desirable to prescribe military areas in such places and of such extent as he or the appropriate military commander may determine, from which any or all persons may be excluded, and, with respect to which, the right of any persons to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the military commander may impose in his discretion. The Secretary of War has delegated to Lt. Gen. John L. DeWitt, commanding general, Western Defense Command, the authority to prepare and prescribe military areas in the Western Defense Command under said Executive Order No. 9066.

By Public Proclamation No. 1, dated March 2, 1942, General DeWitt established certain large and extensive military areas in the Pacific coast area including the States of Washington, Oregon, California, and Arizona. It will be impossible for General DeWitt to enforce his orders pertaining to these military areas without the immediate passing of S. 2352. An amendment to this proposed bill is desired to make certain that willful violations of any order pertaining to the conduct of persons within a military area, as for example a curfew restriction, would be punishable under the provisions of the bill.

It is the opinion of the committee that immediate passage of this bill is a military necessity, not only with respect to the Pacific coast region but also with respect to any other part of the United States or its possessions in which it is desirable to create military areas under Executive Order 9066 or other Executive order.

Recommendations of the War Department follow:

WAR DEPARTMENT,
Washington, March 9, 1942.

HON. ROBERT REYNOLDS,
Chairman, Committee on Military Affairs,
United States Senate.

DEAR SENATOR REYNOLDS: There is enclosed herewith draft of a bill entitled, "A bill to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones," which the War Department recommends to be enacted into law.

The purpose of the proposed legislation is to provide for enforcement in the Federal criminal courts of orders issued under the authority of Executive order of the President, No. 9066, dated February 19, 1942. This Executive order authorizes the Secretary of War to prescribe military areas from which any and all persons may be excluded for purposes of national defense.

It is impossible to estimate the probable cost to the Government consequent upon the enactment of such legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation for the consideration of the Congress, as the enactment thereof would not be in conflict with the program of the President.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.