March, 1945

Preliminary Chronology

① The Revokation of Mass Exclusion

Note: ~~The following notes~~ These pages are a preliminary report on certain recent events in the history of the War Relocation Authority. ~~They were hastily written~~ No attempt has been made to smooth the obvious rough spots, ~~[illegible]~~ ~~because~~ ~~because~~ since the report cannot yet even approximate its final ~~form~~ form. That final form is unpredictable, ~~because~~ the events on which it will be based ~~are~~ have yet to take place. This is partial, ~~[illegible]~~ and therefore almost purely chronological, history. Some random comments ~~appear~~ are appended at the end.

Indent

~~[illegible]~~

(1A)

Revocation of Mass Exclusion

Note: This section will follow the discussions of (1) opposition to relocation; (2) ~~transfer~~ Tule Lake disturbances; (3) transfer of WRA to the Department of the Interior. An introductory statement will assess the effect of these events on the general relocation program of the WRA.

In May, 1943, the War Department had made segregation a pre-requisite to any relaxation of mass exclusion from the West Coast, and the WRA had reluctantly undertaken segregation largely as the result of War Department insistence. (Cf. supra, p. ——.) As segregation movements were concluded, Mr. Myer continued his efforts to bring about an alteration in the mass exclusion principle. He discussed the intensified relocation policy of the WRA with John J. McCloy, the Assistant Secretary of War, on October 5, 1943, and later wrote that "in making plans for the future we cannot overlook considering the problems involved in the ultimate return to the West Coast . . . . of those persons who may wish to return."

(2)

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There are, of course, a number of alternatives to be considered in connection with the opening of the evacuated area ~~to the return of evacuees~~. One would be to announce that there will be no return of any evacuees, except those for whom exceptions have already been made, until military operations have ceased. Another would be to outline a series of steps which would provide for the gradual opening of the area to certain groups of evacuees during the war period. As you know, the War Relocation Authority believes that the latter procedure is highly desirable.

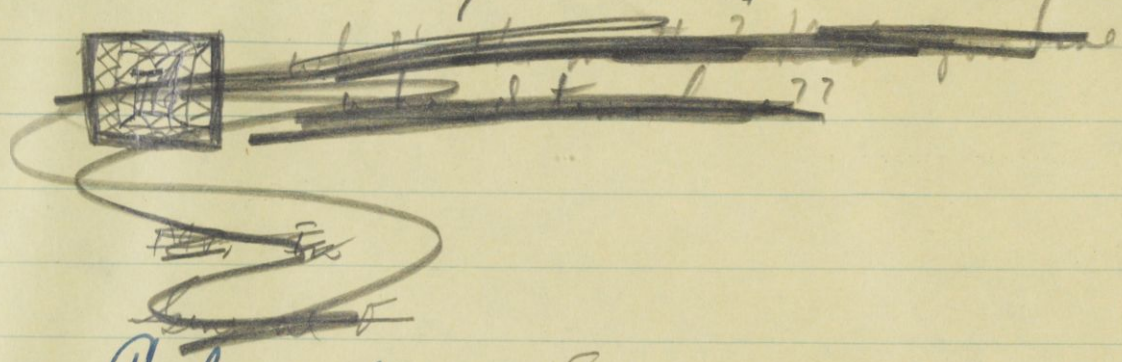
Mr. Myer disclaimed any purpose to urge the immediate announcement of a new policy. Rather he asked that the entire problem be ~~reviewed~~ jointly reviewed by representatives of the War Department and the War Relocation Authority (so that a policy agreeable to both agencies might be carefully planned). A major reason making this review necessary was the ~~legal status~~ possibility of ~~such~~ cases coming to the Supreme Court that would ~~test the~~ contest the validity of the continued detention of Japanese Americans and their ~~Nisei~~ continued exclusion from the West Coast. ~~The~~ He doubted whether continued detention and continued exclusion could be sustained by the Courts. In the event of an adverse Court decision, "a very chaotic situation" might result.

(Myer to McCloy, Oct. 16, 1943)

Mr. McCloy replied that he did "not believe that any substantial change in policy will be possible for some time to come. . . ." Nevertheless, it seemed "wise to give some thought to the problem now," ~~and Mr. McCloy~~

(3) ~~He~~ And he would write ~~to~~ General Ellis Emmons, ~~the~~ Commanding General of the Western ~~Defense~~ Command, to that effect.

(McCloy to Myer, October 25, 1943)



~~The~~ The reaction of General Emmons was (largely) negative. Mr. Myer had previously discussed the matter with ~~him~~ Emmons and had pointed out ~~that only~~ that the public ~~relations task is reduced in any return~~ ~~of Japanese to the West Coast~~ the success of any relocation of Japanese to the West Coast depended upon War Department cooperation in handling public relations. General Emmons wrote to Mr. McCloy:

> I recommend that the War Department confine its interest in this matter to military security... That we do not enter into any joint policies or agreements reference the return of the Japanese to the West Coast but that we do retain veto power. It is true that the Army evacuated the Japanese from the Coast but they did it because there was no other agency that could do it. In the meantime, the WRA has been organized and, as I understand it, it is their job to relocate evacuated Japanese and our job to determine what Japanese may be brought into critical areas.

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General Emmons realized that the War Department was "in a very weak legal position." ~~For that reason he was advocating the~~ all individuals especially since on November 1, 1943, the West Coast had "cleared

(4) to be classified as a theater of operations." For that reason, he was recommending "all individual relocation cases, except Japanese, with a view of permitting the return to the Coast of a large proportion of non-Japanese cases."

The general pointed out that the disturbances at Tule Lake had "aroused a tremendous amount of anti-Japanese feeling in the West Coast."

Newspaper reporters are concocting the wildest kind of stories and the papers are giving wide publicity to them because it is a popular issue. Of course the politicians are riding along at full speed. I think it would be very good policy, therefore, to let this feeling subside before any considerable number of Japanese are returned to the Coast. I would like to suggest to Mr. Myer that it would be good policy for him to endeavor to obtain the support of Governor Warren and other Western States governors on a sound plan for relocating Japanese in these areas, both during and after the war. I am quite sure that if we ram down their throats any plan to return Japanese to the Western States, such political opposition would be aroused as to completely nullify even a perfectly sound plan.

Student's title page

General Emmons further voiced opposition to detailing Army officers to work with WRA and reiterated his recommendation that "the War Department take the attitude that this relocation problem is purely a civil matter and a responsibility of the WRA and that our only interest in the matter is that of military security."

DO NOT indent

(Emmons to McCloy, Confidential, Nov. 10, 1943)

This statement was referred to the War Relocation Authority ~~(Hall~~ (Captain John M. Hall to Myer, Nov. 19, 1943) ~~to to~~ and caused Mr. Myer considerable perturbation. He wrote to Mr. McCloy:

This is a footnote

(5)

At no time did I indicate that the Army should take over the full public relations responsibility. You may assure General Emmons that I will be glad to try to obtain the support of Governor Warren and the Governors of any other western states on a sound program for relocation of Japanese Americans, as we have done in other areas, and that I have no intention of "ramming down their throats" a plan to return Japanese to the western states. On the contrary I suggested that plans should be well thought through jointly by the War Department and the War Relocation Authority, both of whom I feel have a responsibility, in order to avoid the very thing that General Emmons suggests should not be done. I disagree that the relocation problem is purely a civilian matter. I do agree that it is largely our responsibility but in the coastal areas that responsibility, in my judgment, should be shared by the military. I believe that our program cannot be executed unless this responsibility is properly shared.

(Myer to McCloy, Jan 17, 1944)

Re conviction of the Director of the War Relocation Authority that the Army had to share public responsibility for the return of Japanese to their former homes was a point of considerable importance and one that had much to do with the method by which the lifting of mass exclusion was finally accomplished. In January, 1944, however the point was premature. The first and prime decision was ~~as to the~~ when, rather than how, mass exclusion should be lifted. This was a question that rested entirely with the ~~War Department~~ decision of the War Department and the President. And Mr. McCloy had indicated in his letter of October 5 that the War Department was unwilling to alter the mass exclusion principle "for some time to come."

In the interim, the War Relocation

(b) Authority received [redacted] its most vehement ~~public~~ and most widespread public criticism as the result of the disturbances at the Tule Lake segregation center in November, 1943. (~~Supra~~, Chapter ___) The disturbances were followed by a series of Congressional investigations. And in February, 1944, the ~~War~~ Authority lost its independent status and became ~~a~~ incorporated into the Department of the Interior. ×

(Supra, pp. ___)

~~two or three weeks after~~
~~This transfer was made, Mr. Myer~~

~~Gene was one more step in~~
~~the removal of the Authority from the~~
~~result of the transfer. Mr. Ickes,~~
~~Secretary Ickes,~~ ~~In my own confidence~~
~~that had led to the removal of the~~
~~WRA from Indian Service to~~

→ the Circular of Indian Affairs (i.e. Department of the Interior) Administration of the Postwar Relocation Centers, Secretary Ickes had expressed a ~~interest~~ for the idea of making ~~the~~ Relocation projects ~~was duration~~ productive ~~war duration communities.~~ ~~and~~ ~~to~~ (Cf. Supra, p. ___) This ~~land~~ ~~it~~ was directly opposed to the relocation

(7)

~~Reports Secretary Ickes had previously~~

In previous correspondence that had lead to the cessation of Indian Service (i.e. Department of the Interior) administration of the Poston Relocation Center, Secretary Ickes had expressed a tolerance for the idea of making Relocation projects productive war-duration communities. (Cf. supra, p. —) ~~But In commenting on the transfer~~ In "welcoming" WRA into his Department, however, Mr. Ickes had declared that the Authority's program ~~would~~ (i.e. emphasis on relocation) would be continued. ~~and less than three weeks after the transfer Mr. Myer~~ Transfer to the Department of the Interior ~~[illegible]~~ gave to ~~the~~ War Relocation Authority the prestige ~~of a~~ ~~and weight~~ of a cabinet member, and Mr. Myer turned his efforts to ~~[illegible]~~ utilizing this ~~[illegible]~~ weight in further efforts to prod the War department into ~~bring about~~ abandoning ~~[illegible]~~ mass exclusion. ~~[illegible]~~ His first communication ~~to Secretary Ickes~~ to this end was sent less than three weeks after WRA lost its independence. Mr. Myer wrote ~~[illegible]~~:

(8)

Incidents

The government's policy relating to the return of evacuees to California and the evacuated portions of Washington, Oregon, and Arizona is controlled by the War Department. The ultimate and satisfactory completion of the relocation job depends, in my judgment, upon reopening the evacuated zone at the earliest possible moment to the evacuees who remain in the nine relocation centers. Consequently, I recommend that negotations be resumed with Secretary of War Stimson at an early date regarding revision of the present policy, so as to allow an orderly movement of eligible evacuees into the evacuated areas.

Mr. Myer reviewed the progress of negotiations to that date, recalling the rejection of his Plan "C", but pointing out that

a) the Hisei combat team had been organized;

b) selective service procedures were again applicable to American Japanese; ~~He applied to~~ c) Japanese-Americans in uniform ~~were being allowed to return to~~ (and other individuals) were being allowed by the War Department to return to the West Coast; and (d) the largest part of the segregation program had been completed. Though Plan "C" (a return of only limited groups of evacuees to their former homes) had been rejected by the War Department the previous summer, Mr. Myer wrote that "enough progress has been made in the segregation program and that the military situation has so changed that plan "B" ~~should be adopted with~~ [illegible] [i.e. stepping] → "the West Coast for the return of all evacuees who have not been denied leave clearance by the War Relocation Authority" ~~should~~ be adopted in short order."

(9)

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If the plan were adopted I would then recommend that within a reasonable time after the excluded area was opened the residents of Tule Lake should be ~~xxx~~ transferred to the custody of the Department of Justice. The War Relocation Authority could then devote full time to liquidation of the relocation centers. This would involve assisting all eligible evacuees either to return to the Coast or to relocate elsewhere. With the exclusion orders revoked the government would be justified in doing what it cannot now do, force all eligible evacuees to relocate. If plan B could be made effective by July 1, 1944, WRA can be liquidated by July 1, 1945. . . .

~~I should like to discuss this matter with you in more detail since there are many questions not covered in this memorandum and the accompanying file.~~ Naturally, this is a subject that must be thoroughly thought through before it is given any public notice. It is the type of program to which the antagonists of WRA would seriously object. That is one of the good reasons I think it should be considered seriously.

(Myer to Felles, March 6, 1944)

This was the first of a series of such recommendations made by Mr. Myer. On March 9 he put his viewpoint vigorously and in no uncertain terms:

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Government policy requiring the continued exclusion of persons of Japanese ancestry from the evacuated areas of the Pacific Coast is controlled by the War Department. The policy should be revised. An announcement should be made by the War Department not later than July 1, 1944, that the evacuated areas have been opened to all evacuees who have not been denied leave clearancy by the War Relocation Authority. ~~Immediate Development of careful plans to meet the problems involved in such a change of policy and to provide for the orderly movement of eligible evacuees who wish to return to the exclusion zone should be initiated immediately. To assure that adequate attention is given to all phases of the problem these plans should be made jointly by the Department of the Interior, the War Department, and the Department of Justice. Areas of responsibility to be assumed by each agency should be clearly outlined.~~

In this communication Mr. Myer again urged the ~~immediate necessity~~ of careful joint planning by the WRA, Department of Justice and War Department. If the program were carried out, WRA would devote its energies during the 1945 fiscal year "to the task of liquidating relocation centers" by expanding and accelerating

(10) Individual ~~Re~~ relocation. Re WRA director listed ten "important reasons" why his recommendations should be put into effect:

INDENT

1. Since the danger of West Coast invasion has decreased to the vanishing point, continued exclusion can no longer be justified on grounds of military necessity.

2. Segregation of evacuees who are really pro-Japanese is now practically accomplished and will be entirely finished by July 1.

3. Such a program will help to relieve the crucial manpower situation and to increase food production in 1945.

4. It will avoid further institutionalization of relocation centers and consequent future costs to the Government.

5. Opening the evacuated zone will help to encourage relocation not only in the West Coast area but throughout the country generally. The reasons are largely psychological. Once the discrimination involved in exclusion is removed, many evacuees will feel more confident to leave the centers and resume private life in normal communities.

6. Antagonists in other areas will no longer be able to use the argument that "if the evacuees are dangerous in California they would be dangerous anywhere."

7. Millions of dollars worth of evacuee controlled property in the evacuated area will become an increasing problem if evacuees are not allowed to return to care for it themselves.

8. Individuals and organizations that have opposed the administration's relocation program to date will continue to do so with increased vigor until the exclusion area is reopened.

9. Since Japanese-American citizens are now being inducted into the armed forces through Selective Service, there is more reason than ever why we should eliminate insofar as practicable all measures and restrictions that apply only to persons of Japanese ancestry and not to other groups.

10. Lifting of the exclusion order will remove one argument the Japanese have used in their propaganda aimed at other nations in the Americas, and nations of the South Pacific.

(Myer to Ickes, March 9, 1944)

Less than a month later, the WRA director ~~Mr. Myer~~ again wrote Secretary Ickes on the same subject. ~~How~~ By this time, Mr. Myer's ~~plans had~~ ideas had crystallized and he ~~made~~ recommended "most strongly" ~~to Secretary Ickes recommendations~~ a three-point program: (1) That

(11) military orders revoke exclusion ~~fact~~ from the West Coast for all persons except for those "interned or segregated;" (2) that the segregation center be transferred from the War Relocation Authority to the Department of Justice within three months after revocation of exclusion was announced. (3) that an orderly plan be instituted looking forward to the "liquidation of the relocation centers and the War Relocation Authority as an organizational entity by July 1, 1945."

~~WRA respect to the first point,~~

Mr. Myer wrote these men "overwhelming" reasons favoring the immediate revocation of mass exclusion. In addition to the ~~reasons factors to that previously named~~, factors named in previous communications, ~~Mr.~~ the WRA Director pointed out:

NOTE BELOW

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(1) The President has stated publicly that loyal evacuees will be permitted to return to the coast when the military situation permits.[1] Determination of military requirements is, of course, a question for War Department judgment, but the Army has taken a number of public actions (such as revoking the West Coast dimout and changing the Western Defense Command from a "theater of operations to a "defense command") indicating that the urgency of the military situation is greatly diminished. The opinion that military conditions no longer in fact justify exclusion is widely held even in the evacuated area.

(2) Continued exclusion of persons of Japanese descent from the Pacific coast when the military necessity for such exclusion no longer exists is plainly unconstitutional.

(3) I regard it as essential in the national interest that the right of the government to detain persons to whom the Authority has

1. (Note above) This statement was made in 78th Congress, 1st Session, Senate Document No. 96, September 14, 1943, p. 8.

(12)

denied leave clearance for the duration of the war be sustained in the courts. It would enormously strengthen the moral tone of the whole program and, hence, the probability that the Supreme Court will sustain the constitutionality of detention of the segregated group at Tule Lake, if the government were to be obviously making every effort to be fair to the loyal evacuees by revoking the exclusion orders.

(4) The inconsistency of the government's position in urging loyal evacuees to relocate everywhere except in the area from which they came, in accepting their services in the Army in highly confidential capacities, and in restoring to them the application of the [redacted] Selective Service laws, while excluding them from the West Coast on the ground of military danger, is preying increasingly upon the morale and spirit of the evacuees. This inconsistency is greatly emphasized by the contrast between the government's Japanese American policy in Hawaii and the one it has followed on the mainland. The loyal evacuees have preserved their loyalty in the face of discriminations which would have driven many Americans to virtual rebellion. We should end all unnecessary discriminations as soon as possible.

Evident

(5) The manpower of several hundred soldiers, more than 2,000 appointive staff members, and at least 25,000 evacuees is almost entirely lost to the national war effort by being tied up in relocation centers.

(6) If the population now in relocation centers is not returned to normal life during the war period when the demand for labor is high, a substantial part of it may remain a [redacted] public charge for an indefinite period in the future. So long as the relocation centers remain, the possibility that they will become permanent government reservations is always great.

(7) Even if some evacuees require public assistance for a long time in the future, a substantial part of the cost of the relocation program will be saved by its liquidation. During the fiscal year 1944 the cost will total $48,000,000; for 1945, $40,000,000 is estimated. If the relocation centers are continued beyond fiscal year 1945, substantial replacement of the temporary structures which make them up may increase the total cost for the program, even though the present relocation program will undoubtedly reduce the population in the centers.

With respect to his recommendation that the Tule Lake segregation center be transferred to the Department of Justice, Mr. Myer pointed out that the move was "appropriate" since the Justice Department was "generally responsible" for the internment of alien enemies. But the ~~Tule Lake~~ administration of the Tule Lake center did not offer ~~to date~~ "a close parallel" to the problems of managing internment camps. Tule Lake was much larger; it

(13) ~~It~~ contained a mixed population of ~~women~~, men, women and children (which brought the accompanying problems "of public education ... of maintaining wholesome family life under barracks living conditions"); it had been founded on a partially self-sustaining basis, especially in agriculture; ~~it~~ it suffered from "the strains and conflicts" of a mixed alien-citizen population. For these reasons, Mr. Myer wrote, transfer of Tule Lake to the Justice Department should be made early as a part of a comprehensive plan for liquidation of the relocation program." A prior transfer would relieve WRA of "an administrative burden." This would be a form of relief but Mr. Myer was "convinced that the ... Authority, because no other agency has had comparable experience, ~~can~~ could do a better job of administering Tule Lake than any other agency," ~~and he~~ felt that for the "best interests of the center" the WRA "should continue to handle Tule Lake until ... the general liquidation program."

Mr. Myer elaborated upon the methods he advocated for the lifting of the orders and for the

(14) discontinuance of the War Relocation Authority. The ~~War Labor~~ Authority, since its ~~last~~ establishment, had been involved in the process of evaluating the loyalty of Japanese Americans. It had drawn heavily on the experience of ~~the~~ the Federal ~~Bu~~ and military intelligence services. "We believe that our own methods, in valuing as they do not merely an evaluation of the record secured from all available sources, but also, in doubtful cases, a hearing of the individual in question, are more thorough than any methods which have been used by other agencies in the continental United States for wholesale classification of persons." ~~Since the point was to become the source of considerable later dispute~~ Mr. Ryder's recommendation with respect to the manner in which the Japanese population should be divided after the lifting of mass exclusion ~~was~~ later became ~~of~~ a point of considerable dispute:

On the basis of our experience, we do not believe that it is necessary or desirable to attempt to divide the Japanese American population on the mainland into more than two groups, those whose freedom of movement should be restrained for the duration of the war, and those whose freedom should not be restrained. The first category will include interneed and segregants; the second group, all other persons of Japanese descent.

My judgment in this respect is reinforced when I consider the administrative complexity of trying to lift the exclusion orders for a portion of the evacuees who have been given leave clearance,

Evident

(quotation continued)

(15)

but not for the remainder, and the legal difficulty of justifying such a partial revocation of the exclusion orders. If only a portion of the evacuees that have been given leave clearance are permitted to return to the evacuated area, there would be problems of identification, of policying the boundary, etc. On the legal side, justification for permitting only certain persons to return to the area will rest upon substantially the same ground as the Army's individual exclusion program, which the Army has been advised by the Justice Department cannot be defended in court, and which the Army has in fact abandoned.

In view of these facts, I urge that the entire exclusion program be discontinued, and that security for the Pacific Coast be based upon detention of segregants and internees and appropriate police and intelligence work within the evacuated area. If this principle is accepted, the Authority can then proceed to bring about the orderly discontinuance of the relocation centers and can, if appropriate public assistance has been made available, without violating its obligations to the evacuees, require them to relocate. It will not be easy, even as a part of a general liquidation, if the attempt is delayed much longer and if exclusion of loyal evacuees from the coastal areas is continued.

(Myer to Ickes, April 5, 1944)

~~By May~~ The beginning of ~~May, Mr. Myer~~

On May 10, Mr. Myer proposed an actual chronology for the lifting of the Helen Orders ~~order~~ as well as a program of inter-departmental cooperation in implementing the return of ~~Japanese~~ evacuees to their former homes and for hastening the closure of relocation centers. He suggested ~~May 15, 1944~~ May 20, 1944 as a date for the Commanding General of the Western Defense Command to "issue an order having the effect of revoking previous orders excluding persons of Japanese descent [from the Pacific Coast Areas and Alaska] from such revocation to be effective as to all persons of Japanese who

(16) have not been denied leave clearance by the War Relocation Authority."
On the date restriction became effective, Mr. Myer ~~was~~ recommended that the Commanding General of the Western Defense Command hold a meeting of leading business, civic, and political figures on the West Coast States "for the purpose of announcing the change in policy & calling upon such leaders for ~~assistance~~ assistance and support." ~~Simultaneously~~ It was suggested that the Secretary of War make a similar statement before the Pacific Coast Congressional delegations in Washington, and that two days later that the Attorney General issue a statement setting forth the legal aspects of the new program and, if necessary, making "appropriate reference .... to the significance of protecting civil rights and to the attitude of the Federal Government toward ~~the~~ protection of such rights." On the same day, it was proposed that the Secretary of the Interior announce the liquidation of the War Relocation Authority, ~~to~~ effective ~~before~~ July 1, 1945; and the transfer of the Tule Lake segregation center ~~to be effective~~ to the Department of Justice, to be

(17) effective on July 1, 1942 Immediately following revocation of the orders it was suggested that the Commanding General of the Western Defense Command ~~from~~ formally ask for the full cooperation of the Governors of the four States affected x

~~Instructed~~

In "two extremely important respects" Mr. Myer made cooperation of the War Department and the Federal Security Agency was "essential x "

The War Department should take full public responsibility for protecting the rights of loyal evacuees to return to the evacuated areas ... We felt strongly that if the War Department will support the return of the evacuees by formal public announcement, by the assignment of a picked group of especially competent and well informed officers to ~~this~~ work in the coastal area with the local Committees interested in handling the return of evacuees in an orderly and democratic manner and with the War Relocation Authority ..... revocation of the orders will have no serious adverse effect in the coastal area.

Evident typo

~~adverse effect in the social area.~~

~~As for the Social Security Agency, Mr.~~
Mayer ~~Role of the Social Security~~
~~Agency in the War future dealing with problems~~
~~of the War,~~

"Mr. Mayer pointed out that
"a substantial number of evacuees"
needed to be "unable and unwilling" to
leave centers without social service assistance,
~~Many~~ Evacuees had been maintained for more
than two years at a subsistence level,
and their dependency instinctual American
life was impeded by age, illness,
family responsibilities, the lack of
financial assets and many other
factors. Immediate public
assistance arrangements
would be needed for many persons
as they left the centers. "Liquidation
of the War Relocation Authority will
be difficult at best, but it will
be impossible without a public
assistance program handled by the
Federal Security Agency."

(Myer to Fahy, May 10, 1944)

~~On May 22, the Director of WRA~~

(9) On May 10th deadline suggested
in this letter passed without action and
on May 24 the Director of WRA
again wrote the Secretary of the Interior

(19) urging the ~~adoption~~ institution of the combined program of (1) lifting war relocation orders and (2) legislating the War Relocation Authority. The new date suggested for ~~lifting~~ the Army's action was June 1, 1944. A Kimball-Hume page plan outlined ~~steps for~~ the step-by-step procedure for announcements to the public and evacuees and the mechanics of the necessary inter-departmental cooperation.

Mr. Meyer again emphasized that ~~the lifting of relocation orders would have no effect of revoking or would be applicable to all American Japanese "except ... persons who have been denied leave clearance by the War Relocation Authority."~~ He

↓

The two points that later came to be the subject of controversy: (1) that there should be no further screening of evacuees and that the lifting of relocation orders should be applicable to all American Japanese "except ... ~~those~~ persons who have been denied leave clearance by the War Relocation Authority"; (2) that the ~~War Department~~ the success of the program depended on the assumption of public relations responsibilities by the War Department. With respect to

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(2) the second point, Mr. Myer wrote: ~~At point~~

INDENT 7 SINGLE SPACE

The public announcements of the Commanding General of the Western Defense Command and of the Secretary of War should be made in such a way as to establish as clearly as possible the fact that revocation of the exclusion orders is being undertaken as an independent military judgment, and that Army appraisal of the military situation, which in 1942 determined the necessity for evacuation, now determines the necessity for revocation of the exclusion orders.

out to margin ← And at another point, he said:

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We regard it as essential to the orderly conduct of the relocation program following revocation of the exclusion orders that the Army take full public responsibility for announcing and explaining the change of policy. We feel that the Western Defense Command must be the spokesman in the evacuated area for the government's policy, particularly in the weeks immediately following revocation of the exclusion orders. ~~In my memorandum of May 10 I suggested the Commanding General of the Western~~ Army should meet with key leaders of Pacific Coast opinion, ~~as suggested in my earlier memorandum~~. This will probably have to be done, however, at a series of meetings held in several coastal cities rather than at a single large meeting at the Presidio. We suggest that the Commanding General himself appear at meetings held, if possible, in the week immediately following announcement of the revocation order at Los Angeles, San Francisco, Sacramento, and Seattle, and that he or his chief of staff appear as soon as possible at similar meetings in Fresno, Portland, and perhaps one or two other key places.

INDENT 7 SINGLE SPACE 7

It is our judgment that the War Relocation Authority should remain in the background in this opening series of meetings. We believe, however, that the series of key meetings should be followed by community meetings in all communities in the evacuated area to which any substantial number of evacuees is likely to return. In representing the government's point of view at the local meetings, the War Relocation Authority will take a more active part, but even in conducting such meetings I would like to have assigned to the Authority a small staff of especially selected officers who can speak authoritatively for the Army.

The importance that Mr. Myer attached to the public relations problem was emphasized again in the plan he outlined for administering the relocation program in the West Coast. ~~Placement~~ Assisting evacuees to find jobs, ~~Businesses and homes~~ ~~of evacuees in jobs~~ ~~Hotels and housing~~ the work should be initially handled by the U. S. Employment Service, the War Food Administration ~~the Office~~ the Reconstruction Finance Administration, the Farm Security Administration and the Farm

(21) Credit Administration. This procedure altered WRA practice up to that date in other parts of the country. On the West Coast, however, it would be desirable, at least during the first three months, to allow ~~adj~~ evacuee adjustment problems to be handled by local committees and other federal or state agencies. ~~"We feel that for the the Authority to~~ If the WRA attempted these tasks, it would be put "in much too conspicuous a position" and "might provoke local resentments."

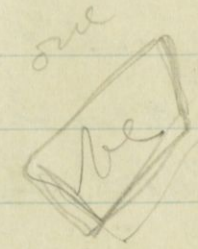
In addition to again making the recommendation that the Tule Lake Segregation Center be transferred to the Justice Department, Mr. Myer pointed out that the latter agency would also have to assume responsibility for provision of property services to segregants after the closure of WRA, now dated at July 1, 1945. He also set forth detailed plans for handling persons who might be released from segregation, for the relocation of dependent persons, for the continued public assistance of relocated evacuees, and for ~~the~~ transferring the care of institutionalized persons to the Federal Security Agency. He proposed that the War Relocation Authority withdraw itself from giving property ~~[illegible]~~ service to evacuees

(22) by the end of June, 1945, and that government warehouses be emptied of evacuee household goods belonging to evacuees before October 1, 1945.

He ~~[illegible]~~ described a modification of center operations, ~~looking to center closure,~~ ~~the~~ that would immediately eliminate "as rapidly as possible" all functions other than essential maintenance operations" ~~[illegible]~~ and those designed to bring center activities to a close. No improvement would be made (after announcement of devolution order) in ~~the~~ existing physical facilities. The school program would close on May 1, 1945. No plantings (except for perennial crops) would be made after June 1, 1945. Livestock production plans would be geared to end by that date. Equipment inventories would be frequent and surpluses disposed from time to time.

Leave regulations would be altered to allow freedom of movement to all ~~[illegible]~~ evacuees except those segregated. Military police guard at the perimeter of the centers would be abolished. No control would be exercised over the ~~out~~- movement of evacuees, except that relocation grants and free transportation would not be given to evacuees who left the centers "before their turn comes in the planned schedule."

Aug. quick one



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We feel confident that we do not need to attempt compulsory detention of the evacuees in the centers merely to prevent a premature or unregulated flow of the evacuees into the evacuated areas. . . .

Aside from the fact that such continued detention is not necessary, we believe it would be highly undesirable. If we continue to detain within the centers evacuees who are eligible to relocate, until such time as we can develop community acceptance for them in the evacuated areas and in other areas, we shall be creating an opportunity for small die-hard groups to organize campaigns to close off particular cities or regions to relocation of evacuees as lacking in "community acceptance."

Similarly, it is undesirable to continue detention pending a showing of means of support, since we are providing relocation grants and are making arrangements with the Federal Security Agency and other Federal and state agencies to provide public assistance for needy cases. Fortunately, this final effort at relocation of the evacuees will still be taking place at a time of serious manpower shortage and the employables should be able to find jobs. Finally, the continued requirement that the War Relocation Authority be notified of changes of address (other than the first permanent address after leaving the center) is undesirable because such a requirement will keep strings tied to the relocating evacuees. We feel it is very important to terminate the special status of the evacuees as soon as possible and to restore them to their former place as completely free agents.

Evident, right here

Mr. Myer outlined an extensive public relations program that would be undertaken in the West Coast, and a personnel policy by which WRA could borrow specialists to form other agencies as needed while relinquishing its own workers under a controlled system as WRA functions decreased in scope. He attached to his memorandum ~~suggested drafts of~~ suggested drafts of a Military Proclamation, Press Releases, for press statements of the Attorney General, the Commanding General of the Western Defense Command, the Secretary of War, and the Secretary of the Interior, and a letter by the Commanding General of the Western Defense Command to the Governor of Washington.

Footnote

Selene

(24) Origin, California and Oregon

(Myer to Ickes, May 24, 1944.)

~~Bu~~ The suggestions made by Mr. Myer to Secretary Ickes in ~~both~~ the memoranda of May 10 and 24 were the results of an intensive period of intra-departmental discussions, directed by a committee of ~~[illegible]~~ leading Washington staff members. Cf., for example, Meeting of Committee to Consider Problems and Procedures Involved in Re-Opening of Evacuated Area, Minutes, April 27, 1944; Plans for R-X Day, May 4, 1944; ~~Public Assistance Program~~ Outside Centers (~~Selene~~ Gifford, Welfare Director); Outline of Final Steps in Liquidation as They Affect Welfare (Selene Gifford, Welfare Director) May 3, 1944; Baker to Myer, May 20, 1944, Organization and Procedures for West Coast Reports Staff; Recommendations to Secretary re Plans for Re-Opening Evacuated Area, Circa May 1, 1944)

~~Mr. Myer received strong backing from Secretary Ickes in the recommendation calling for revocation of mass exclusion. The Secretary of the Interior apparently discussed the matter with President Roosevelt several times. On June 2, he felt his disappointment in committee his~~

Mr. Myer received strong backing from Secretary Ickes in the recommendation calling for revocation of mass exclusion. The Secretary of the Interior apparently discussed the matter with President Roosevelt several times. On June 2, he committed his views to writing. "I again call your attention to the urgent necessity of arriving at a determination with respect to revocation of the orders excluding Japanese Americans from the West Coast," he wrote.

It is my understanding that Secretary Stimson believes that there is no longer any military necessity for excluding these persons from the State of California and portions of the States of Washington, Oregon and Arizona. Accordingly, there is no basis in law or in equity for the perpetuation of the ban.

The reasons for revoking the exclusion orders may be briefly stated as follows:

1. I have been informally advised by officials of the War Department who are in charge of this problem that there is no substantial justification for continuation of the ban from the standpoint of military security.

2. The continued exclusion of American citizens of Japanese ancestry from the affected areas is clearly unconstitutional in the present circumstances. I expect that a case squarely raising this issue will reach the Supreme Court at its next term. I understand that the Department of Justice agrees that there is little doubt as to the decision which the Supreme Court will reach in a case squarely presenting the issue.

3. The continuation of the exclusion orders in the West Coast areas is adversely affecting our efforts to relocate Japanese Americans elsewhere in the country. State and local officials are saying, with some justification, that if these people are too dangerous for the West Coast, they do not want them to resettle in their localities.

4. The psychology of the Japanese Americans in the relocation centers becomes progressively worse. The ~~[illegible]~~ difficulty which will confront these people in readjusting to ordinary life becomes greater as they spend more time in the centers.

5. The children in the centers are exposed solely to the influence of persons of Japanese ancestry. They are becoming a hopelessly maladjusted generation, apprehensive of the outside world and divorced from the possibility of associating--or even seeing to any considerable extent--Americans of other races.

6. The retention of Japanese Americans in the relocation centers impairs the efforts which are being made to secure better treatment for American prisoners-of-war and civilians who are held by the Japanese. In many localities American nationals were not interned by the Japanese government until after the West Coast evacuation; and the Japanese government has recently responded to the State Department complaints concerning treatment of American nationals by citing, among other things, the circumstances of the evacuation and detention of the West Coast Japanese Americans.

Mr. Ickes said he would not comment on the justification of the original evacuation order. "But I do say that the continued retention of these innocent people in the relocation centers would be a blot upon the history of this country." (Ickes to Roosevelt, (Secret, June 2, 1944, carbon copy to the Secretary of War.)

Mr. Ickes' revelation in this letter, ~~concerning the Secret opinion of the Secretary of War~~ with respect to the views of the Secretary of War i.e., that the Secretary of War did not believe there was a military necessity for continuing ~~the~~ mass exclusion, was important. It placed before the President the joint recommendation of the two cabinet members most vitally concerned ~~that there was no longer a necessity for the continued exclusion.~~ that there was no longer a necessity for. Continuation of mass exclusion.

But approval of the over-all program by the Secretary of War did not necessarily carry with it approval of the means recommended by the WRA for the implementation of that program. The procedural problem was one that had to be worked out by the WRA in cooperation with the Western Defense Command and it soon became very clear that the Western Defense Command was unwilling to abide by either of Mr. Myer's two most important recommendations: (1) that ~~the Army~~ the military assume public relations responsibilities during the final period of relocation and (2) that freedom be granted all evacuees except those denied leave clearance by the War Relocation Authority.

~~The second of these two problems was the first~~ Disagreement over the second of these two problems emerged on the very day that Mr. Ickes made his strong recommendation to the President. Mr. Myer wrote the Undersecretary of the Interior that ~~he had learned that~~ the Japanese American section of the Provost Marshal General's office was being moved to the Western Defense Command for reasons that were not "fully clear", ~~to him~~. Nevertheless, the move was "alarming." The Western Defense Command and the Provost Marshal General's office "apparently intend to begin reopening the evacuated area to small groups of evacuees, and apparently intend to determine who shall be permitted to go back, by setting up a brand-new system of passing on the loyalties of the evacuees." The War Relocation Authority, Mr. Myer wrote, had "already completed the screening of the evacuees" after more than a year of work. Those evacuees who should be detained had been transferred to Tule Lake.

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All of the rest of the evacuees have been found to represent no danger to internal security. They should be free to relocate anywhere; and when it is determined that military conditions no longer require continued exclusion from the West Coast, all of them should eligible to return to the Coast if they choose. 1

(1. Italics in original)

If the War Department set up a new screening system, Mr. Myer continued, it would evitably become publicized. The Western Defense Command would reply to any criticism with respect to the return of evacuees to the Coast "by pointing to its screening system and insisting that only those evacuees found by them to be 'safe' are being permitted to return."

Inevitably this will cast a cloud on all the thousands of evacuees whom WRA has found to be loyal and safe, but whom the Western Defense Command has either not yet cleared for a return to the West Coast or has denied permission to return. This could easily stop our relocation program in its tracks. If the Western Defense Command should regard as dangerous on the West Coast people whom we have declared eligible for relocation, why shouldn't all other communities regard them as equally dangerous.

Furthermore, Mr. Myer declared, many evacuees would probably remain in relocation centers until processed by the Western Defense Command. The screening of all evacuees by the Army might take "a year or two" to complete. Finally, evacuees inevitably "would suffer from new resentment and frustration at the idea of being checked and screendd and cleared all over again when they know that is a process which WRA has been putting them through during the last two years."

I can see no excuse whatever for the Army, which has been participating closely in our leave clearance procedures, to set up a brand-new system of its own at this time for the purpose of "selective return" to the West Coast. Furthermore, if any such "exemptee" program is to be established it should be publicized -- otherwise we will take the criticism and in my judgment reap little or no benefit.

As you know, I am convinced that the urgent need at present is the lifting of the restrictions on the West Coast. This should permit the return of all evacuees whom WRA has cleared. I can see some point in setting up numerical quotas for return to the West Coast, in the immediate period while we are waiting for the lifting of the Exclusion Orders, but the numerical quotas should, at least, permit return in the order in which applications are received -- and certainly not on the basis of a brand-new system of loyalty clearance to be set up and administered by the Provost Marshal General's office.

(Myer to Fortas, June 2, 1944)

The extent to which the planning of the Western Defense Command differed from that of the War Relocation Authority was soon revealed. Early in June, the Commanding General of the Western Defense Command transmitted to the Chief of Staff a series of recommendations for changing the exclusion program. He pointed out that improvements in the military situation would warrant during the summer a "material relaxation" of the mass exclusion principle. Rather than opening the entire West Coast to all Japanese Americans not denied leave clearance by the WRA, however, the Commanding General proposed ~~a new~~ an elaborate new screening ~~for all Japanese Americans and further proposed that even those cleared by this process should be excluded~~ process. At the same time he proposed to reduce the prohibited area of the Western Defense Command "to approximately that portion of the Pacific coastal states lying westerly of the Cascade Mountains in Washington and Oregon and the Sierra Nevada Mountains in California."

The Commanding General presented a memorandum of legal reasons for relaxing the exclusion program which pointed out that exclusion affected "fundamental constitutional rights" and that ~~the courts~~ with the improvement in the military situation on the Pacific Coast the likelihood is increasing that the courts . . . . will declare continued exclusion on a group basis to be invalid."[1] (Italics in original) (not a ft)

It was believed that the voluntary surrender of the mass exclusion power and the substitution ~~for~~ of an individual exclusion program would meet the legal difficulty and simultaneously protect the internal security of the West Coast. The Commanding General proposed that all evacuees be screened by a board made up of representatives from the Department of Justice, the Department of the Interior, the War Department, and the Navy Department. An adverse decision of the board could be appealed by the individual concerned and all determinations of the board would be subject to review and final decision by the Commanding General himself.

> It is believed that screening can be completed more rapidly than the relocation, hence will not delay that process. Recission of exclusion orders as to an individual screened as loyal should not be withheld pending completion of arrangements for his actual resettlement. The War Relocation Authority should be given sufficient advance notice so that it may make timely plans in coordination with the states, provide necessary funds and proceed promptly with such relations.

The Commanding General suggested that the relocation of persons to areas from which they were formerly excluded, as well as elsewhere, should remain a function of the War Relocation Authority. —— It was the Commanding General's opinion that the plan he proposed limited military control of civilians "to an irreducible minimum." (Commanding General, Western Defense Command, to the Chief of Staff, U.S. Army, "Proposed Changes in Exclusion Program," Secret, available copy dated "early in June, 1944.")

This plan was transmitted to the War Relocation Authority. It received that agency's strongest condemnation. In a memorandum to the Undersecretary of the Interior, Mr. Myer pointed out that the Army's proposal was essentially similar to the "Plan C" ~~plan~~ made in March, 1943, by the War Relocation Authority. Mr. Myer declared that his proposal of more than a year previous had contemplated balancing the ills of segregation with the benefits of the recission of mass exclusion and recalled that the Army at that time had insisted on segregation "without any assurance as to the restoration of rights to those found to be loyal to this country." The WRA, Mr. Myer continued, had "no alternative " to proceed with segregation in view of the War Department's decision. Now circumstances had "changed greatly." The military situation was "materially improved." Leave clearance processing had been "substantially completed." The process of segregation had been carried out. "In short, the selective process

Command
inherent in plan C and in the present Western Defense/proposal, in light of developments since that date, is no longer justified.

. . . .

As I have pointed out to you in discussions of this problem, the War Relocation Authority no longer regards its Plan C proposal appropriate. It is equally opposed to this proposal from the Western Defense Command.

I feel, in fact, that it is impossible at this time. It is my considered judgment that it would be better for the country and for the evacuees to continue on the present basis of total exclusion of persons of Japanese ancestry from the coastal areas than to institute a procedure such as the Western Defense Command has proposed.

Mr. Myer supported his disagreement with the proposals of the Western Defense Command for the following reasons:

1. By setting up a wholly new procedure to review the loyalty of individual evacuees, the plan disregards and inferentially discredits the leave clearance processing and segregation program of the War Relocation Authority. New forms, finger print charts, and applications are to be secured from all evacuees who wish to return to California. A staff of clerks and officers is to be put to work at the Presidio examining and passing upon these applications. I will not emphasize the frustrating and demoralizing effect this new processing will have upon the evacuees who already have reason to feel that they have been sorted, sifted and classified beyond anything citizens of this country should have to endure. What is most objectionable in the proposal is the way it discredits the loyalty determinations of the War Relocation Authority.

It is difficult now for us to argue that persons who have been released from centers can safely be received in New York, Chicago and Denver when they cannot return to their homes on the coast. If this plan is adopted, it will be virtually impossible to argue that people who have been given leave from centers, but have been denied the right to return to California, are safe. The evacuees and the general public have a right to expect the United States Government to take a consistent position on the question of loyalty of individual evacuees. The problem with which the War Relocation Authority will be confronted if this proposal is put into effect is illustrated by the line of questioning taken by Congressman Mundt in the first Dies Committee hearing when he was considering the relationship of Joint Board clearance and leave clearance review by the War Relocation Authority to eligibility to enter the Eastern Defense Command. We were unable to give a wholly satisfactory answer to his question "If a person is safe to be relocated in Omaha, why is he not safe to be relocated in Baltimore?"

2. The relocation process will be further delayed. There is a great likelihood that if this plan is announced evacuees will stop relocating in other sections of the country until after their applications to return to the coast have been processed. On the basis of our experience and that of the Japanese-American Joint Board, I have no confidence in the estimate that 1,000 family groups per week can be processed under the proposed procedure. Moreover, we know from experience that the failure of a single family member to secure clearance will probably delay or prevent relocation of the entire family group.

Because of the evacuee reaction and the problem of community acceptance, I feel certain that the proposed procedure will seriously retard relocation and will be a powerful force toward the permanent institutionalization of relocation centers.

3. The administrative complications of the proposed procedure are serious and unjustified. Creation of a series of new boards, preparation of additional forms and records at the relocation centers and their review by an extensive clerical staff in San Francisco will not add enough knowledge to what is already known about evacuees to justify the work involved. But those complications are only the beginning. Policing the evacuated area will be very difficult. Evacuees who have received permits to return will have to be provided with a positive means of identification. There will be no practical way of preventing evacuees who have been released from centers but have been denied permits to return to the coastal area from entering the area without authorization. The virtual certainty that some evacuees will attempt to enter the area without authorization will invite local police officers throughout the coastal area to harass all the evacuees under the pretext of establishing identification. At best, the problem of identification will be a nuisance; at worst, it can be a very vicious form of persecution.

The basic weakness of this proposal can best be seen by comparing it with the plan suggested by the War Relocation Authority. We have proposed a clear-cut provision that all evacuees who are cleared to go anywhere can go home; all others are to be segregated and detained in segregation centers. Under such a plan there would be no need of positive identification of individuals in the evacuated area and no justification for continually checking the authorization of individuals residing in the area.

4. The legal position of the government in excluding some citizens of Japanese descent from the coastal area and detaining others would be actually weakened by the proposed plan. The insecure legal position in which the government finds itself is fairly adequately presented in the memorandum by Col. Joel F. Watson in the attached file, although Colonel Watson's conclusion that the proposed processing plan will satisfy the requirements of due process seems to me to be entirely unjustified by the facts of the situation. I have little confidence that the courts will sustain even the leave clearance regulations of the War Relocation Authority and the related segregation program. I feel certain, however, that they will never agree that, in addition to the leave clearance processing, evacuees must also submit to a further loyalty review before being allowed to return to their homes. In short, once the government's action establishes the fact that it is no longer necessary, from a military point of view, to exclude all persons of Japanese descent, it will be very difficult to exclude any except after appropriate judicial process.

The Western Defense Command proposal, Rep. Ryer continued, "underlines once more the administrative difficulties inherent in the dual responsibilities within the Federal government for handling the Japanese-American problem." The WRA was responsible for relocation of evacuees, ~~and for~~ It was also responsible for the detention of certain citizens considered of danger to the national security. But the War Department had "always controlled the basic policy by virtue of its authority to order evacuation and maintain the 'clear zone' area." For a time, the WRA subordinated itself ~~in a manner~~ to the War Department "in a number of important questions of policy," i.e. in the ~~detention~~ work of the Japanese-American Joint Board, → agreement to undertake segregation (with added compensations to the non-segregated group) at the Army's insistence. It was also fair to say that the War Department had given consideration to recommendations of the WRA. "But on the basic question of determination ~~determination~~ of legality there has been and apparently there remains

same difference in the joint [illegible] between the two agencies," This was probably "inevitable." But Mr. Myer urged to compromise with respect to the controversy in its present stage:

. . . . I recommend that we oppose the program presented by the Western Defense Command and urge in its place the program I presented to you in my memorandum of May 24, 1944. In effect, our plan proposes that General Emmons accept the findings of the War Relocation Authority as to the loyalty of the evacuees who have been given leave clearance.

If the War Department is not willing to accept our counter-proposal and insists upon proceeding with the plan presented by General Emmons, then I recommend that the responsibility for the entire relocation program be transferred to the War Department. The War Department can then decide whether it wishes to continue relocation outside the evacuated area of persons to whom it denies permits to return to the coast. It can avoid the identification problem in the coastal area by detaining persons to whom it denies permits if it feels such detention can be justified legally. It can deal with the total relocation problem created by its policies and not merely with those phases related to the return of evacuees to the coast.

Needless to say, I hope that the decision will be in favor of the WRA proposal. I think it is fair, reasonable, and gives proper weight both to the public relations and administrative problems involved in this question. The basic difference between our proposal and that of the Western Defense Command is the question whether a new sifting of the population is necessary. Even the Western Defense Command estimates 90% of the people who have been cleared by the War Relocation Authority and who have asked to return to the coast, will be accepted. The other 10%, I am certain, can be explained in terms of slightly different criteria for judging presumed loyalty, not by an application of new information and not because of any failure of the War Relocation Authority to exercise care in the granting of leave.

(Myer to Fortas, June 8, 1944. [illegible] G. Also the unmailed ltr, [illegible] Fortas to McCloy, June 9, 1944.) [illegible]

Mr. Myer received support for his stand from Edward Ennis, head of the Alien Enemy Control Unit of the Department of Justice, On June 6, 1944, Assistant Secretary of War McCloy had stated at a meeting in the Attorney General's office that General George Marshall (the Chief of Staff) had concluded there was "no longer any military reason to continue General DeWitt's prohibition against the return of the Japanese to their homes . . . ." Mr. McCloy stated that "the real puppose of the proposed loyalty test by the Western Defense Command under General Emmons is to assist the civil government in restoring the Japanese to their homes, by using the military to obtain public support for the program through the loyalty check."

It was Mr. Ennis' opinion that General Emmons' plan "might work much more slowly than anticipated and impede or prohibit the return of a great many Japanese to California who are not dangerous." The one advantage Mr. Ennis saw in the military proposal was the fact that it "would supply an additional basis for arguing to the West Coast populace that the Japanese are not dangerous." On the other hand, there were many probable disadvantages.

1. In order for the military to have authority to do it, it would have to be held out to the public as a matter of military security and would indicate ~~=~~ inescapably, even though it is not the actual military situation, that some military security problem exists on the Coast requiring a military loyalty check. Groups opposed to the return of the Japanese will exploit this to the full, the Government will not be able to answer it and, in my estimation, the bad effects will outwiegh any good effects expected from the military clearance procedure.

2. Prior to this new clearance procedure it was generally agreed that the ban should be lifted without any advance notice which ~~six~~ would give anti-Japanese organizations in California the opportunity to put pressure on the War Department thru Congress to stop it. The extent of their pressure to obtain the evacuation is a matter of record although no doubt there is some difference of opinion on the extent to which that contributed to General DeWitt's decision. At any rate, on the basis of past experience, it may be predicted with confidence that formidable efforts will be made to prevent making the abolition of the military ban effective by concentrating publicity and pressure on the Exemption Program. It is understandable that such pressure would have some effect and it will be entirely impracticable to eliminate the clearance system after the pressure is applied. The use of the Selective Exemption Program involves all the risks that we hoped to avoid by announcing a clearcut military decision that military reasons no longer require exclusion of Japanese from the West Coast which would leave the minority opposition element without any means of thereafter enforcing such exclusion.

3. General Emmons stated that he hoped to clear a thousand persons a week under his proposed procedure. I understand that part of the Provost Marshal General's staff and some of the personnel of the War Department's Joint Japanese-American Board are being moved to San Francisco to ~~ex~~ carry over the Joint Board criteria to some extent. Thus, in effect and to some extent, procedures

already applied would be repeated. The Joint Board took almost a year to process 35,000 cases and recommended against leave in 12,000 mostly on the ground that further investigation or processing was necessary. The Selective Exemption Program will either repeat this experience or if it moves much faster and approves almost all people mechanically it will be denounced in California as a fraud. Thus I think WRA's estimate that this new clearance would take over a year is sound.

4. There are 69,000 persons in WRA centers apart from those already segregated and sent to Tule Lake. As a matter of practical administration another segregation will not be permitted to clear everybody even though they have already been cleared and not segregated in Tule Lake as dangerous. Another clearance will result in several thousands more being stigmatized as disloyal although we have plenty of experience to know that there are no mechanical tests to establish this satisfactorily. This will leave an additional large group which cannot be assimilated to be dealt with by some Government agency. The fact that the rejection of some by the Army will assist in getting West Coast acceptance of those cleared by the Army is not sufficient reason to do this. If the West Coast is not satisfied by the segregation which has been made they will not be satisfied by another segregation even if it be made by the military authorities because their real objection is economic.

5. As a political matter, a long drawnout lifting of the ban by the Selective Exemption Program will furnish the Native Sons of the Golden West and other organizations with excellent Summer political campaign material. The political pressure on the Selective Exemption Program would then probably result in it being slowed down until after the Elections, if not longer. On the other hand, if the War Department merely announces lifting of the ban with a strong statement that there is no longer any military reason for it, it will be impossible to reinject it into the situation and there will be no focal point around which the political pressures could gather.

6. A major disadvantage of the proposed Selective Exemption Program is that it will probably profoundly disturb the relocation program for Japanese throughout the country by casting serious doubt on the War Department Joint Board and WRA clearance system. A great deal of effort has been expended on getting some public support for, and confidence in, this clearance system which has been carefully done. An announcement that the military ban is off the West Coast but only for those persons who are given a military clearance, will immediately undermine the present clearance system. Other areas of the country will not accept a clearance system which is not good enough for the West Coast and will demand a military clearance system. Mayor LaGuardia has already pointed out the obvious fact that New York City is as vital a defense center as California. He has been informed publicly and privately that the evacuees relocated in New York have been cleared and has been shamed out of continuing his criticism. But if a new loyalty check system is set up for California it is likely that he will reenter the arena. The proposed new system will cast doubt upon the loyalty clearance of the 25,000 Japanese already relocated throughout the country. If such a system is established it will brand as inadequate the application of the WRA clearance system to anyone now in a War Relocation Center who wishes to go to a community other than on the West Coast.

7. Relocation will be stopped pending Army clearance since Japanese in relocation camps will wait to see if they can go home before agreeing to relocate elsewhere. This will delay the whole relocation program until this additional proposed loyalty check can be made.

8. General Emmons pointed out that since there is no longer any military reason for the West Coast ban there is great risk of an adverse Court decision and an opinion by the Supreme Court in language which will tie the hands of the military for a hundred years so far as its power to deal with this kind of situation is concerned. The risk of such a decision is greatly increased if the ban is not lifted completely but is done over a long period of time thru the Selective Exemption Program.

It was Mr. Ennis' conclusion that "the advantages and dangers greatly outweigh the suggestive possible advantage of application of the Selective Exemption Program." He believed that the WRA system for loyalty clearance ~~of the WRA is~~ was "as good or better than any system which can be set up." He believed that the War Department should publicly express its approval of the WRA's clearance system. If this were done, "the people of California could still be told that only loyal Japanese are coming back to California . . . ." This would make it unnecessary for the Army to make a further check of the evacuees and it would prevent the establishment of an additional group of evacuees who would be classified as disloyal, while at the same time avoid bringing public discredit to WRA's existing leave procedure. (Ennis to Biddle, June 8, 1944, transmitted to the Department of the Interior, Biddle to Fortas, June 10, 1944.)

The point at issue between the War Relocation Authority and the Western Defense Command was over *how* mass exclusion would be lifted. ~~was made academic by President Roosevelt's decision that mass exclusion should not be lifted at all at that time~~

~~This controversy became academic for a period of months.~~

President Roosevelt, replying to Mr. Ickes recommendation of June 2?, ~~decided that mass exclusion would~~ neatly resolved the controversy by answering the larger question: he ordered that mass exclusion not be lifted at all. The president ~~based his decision on~~ did not mention the coming November elections in his letter but it was obvious to all concerned that he was reluctant to allow ~~the return of Japanese to the Pacific Coast States~~ ~~any political~~ ~~the political~~ the delicate political balance of the Pacific Coast States

(36A) to be disturbed by a return of the Japanese. The President's associates freely discussed the possibility of a Republican victory in California in the event the ~~return of~~ return of Japanese into that state became a political issue. One of the leading ~~Republican~~ presidential candidates for the Republican nomination and a number of candidates for local & state office had already shown a disposition to use the Japanese problem as a means of gaining political support (cf. Supra, p1.-) ~~the entire election might conceivably center~~ ~~upon the California results.~~ With the results of the entire presidential race conceivably hanging in California it was pointed out that it ~~would~~ might be a disastrous political error to allow the evacuees to return to the Coast so soon before the elections. ~~All of this~~

All of these considerations undoubtedly lay behind the president's desire to delay the relocation of Nisei veterans during the summer of 1944. His letter simply stated his belief in the wisdom of continuing the present policy of dispersion through relocation and he advised that any return of evacuees to Western areas be carried out "with very great discretion."

(Roosevelt to Stettinius, June 12, 1944, Confidential; The text of this letter is not available. For political considerations behind Pres. Roosevelt's decision, J. Rodgers Notes, Interview with Dillon Myer, Jan 22, 1943)

It was ~~obvious to all concerned~~ (universally understood) that Mr. Roosevelt's decision merely postponed the issues ~~of~~ controversy between the War Relocation Authority and the War Department. Officials of ~~the War Relocation Authority~~ WRA continued to make ~~their~~ plans for liquidating their organization, once mass exclusion was lifted, and continued to plan their program without believing that a further screening of evacuees would be necessary or would, in fact, occur. It was ~~universally~~ believed that the President would reverse his adverse decision very shortly after the November election. The interim period was one of preparation and was enlivened by a brief controversy on a minor point ~~between WRA and~~ with the War Department, and a visit by Mayor Bowron of Los Angeles for the purpose of protesting any alteration whatsoever in the mass exclusion principle.

The controversy was between Mr. Fortas, ~~the~~ Under Secretary of the Interior, and Mr. McCloy, ~~the~~ Assistant Secretary of War, and concerned the manner in which relocation should progress on the West Coast under the terms of the President's letter. For some time previous, the War Department had allowed certain evacuees (principally families of soldiers) to return to the West Coast. WRA had been publically criticized for this in-migration, though WRA had nothing whatever to do with it. On June 18, 1944, Mr. Fortas wrote Mr. McCloy that it was the official view of the Department of the Interior and of the War Relocation Authority that mass exclusion should be revoked. Since the President had made it clear that exclusion orders could not be lifted at that time, the War Relocation Authority would intensify its efforts to relocate loyal Japanese in areas outside excluded zones. Continued exclusion would limit these efforts since it was becoming "increasingly difficult to meet the question raised throughout the country as to why evacuees who had been selected as to loyalty are considered safe for relocation everywhere except in their places of former residence." At the same time, Mr. Fortas believed that the President's memorandum constituted "an authorization slightly to increase the return of evacuees to the excluded area." To aid this movement, as well as to aid relocation throughout the country and problems of center administration, Mr. Fortas suggested that the ~~Army~~ War Department issue a public statement outlining the policy it was pursuing in the granting of individual permits to return to the excluded area. (Fortas to McCloy, June 18, 1944, with attached suggested draft of press release by Commanding General of Western Defense Command.)

Mr. McCloy expressed agreement with this general program, though

he had not yet seen a copy of the President's memorandum. He had discussed the matter with the President, however, and he clearly understood ~~that~~ the President desired that "care should be taken to determine in advance that there will be local acceptance of the evacuees in the region to which they are to be returned." It was also "quite clear" that Mr. Roosevelt "wished that the program be only one of very gradual relaxation rather than any substantial or sudden increase of evacuees who should be permitted to return." Further, "he was also clear that there should not be ~~a~~ any publicity, less local prejudices be excited and the whole matter again become the subject for public debate." For this reason, Mr. McCloy wrote that it would be inadvisable for the Commanding General of the Western Defense Command to issue "any release" on the question. (McCloy to Fortas, Secret, June 20, 1944.)

Faced with the Army's refusal to issue the suggested press release, Mr. Fortas replied that the WRA had "only one alternative" and that was "to proceed with their program as it is now operating carrying out the relocation job in other parts of the country and assume that there will neither be a change in policy regarding the WestCoast, nor an announcement by the War Department of certain actions that have already been taken, but which have not been announced to the general public." Mr. Fortas pointed out that this left the WRA in a troublesome position. It was obvious that some people were being allowed to return to the Coast, yet the Army was unwilling to make an announcement about their return. If the WRA made such an announcement it "would immediately be charged with trying to bootleg evacuees into the area." Furthermore, the situation left "no basis for handling administrative problems at the centers." The Authority would have to say to both evacuees and the public that return to the West Coast was a military matter and that, so far as the Authority had been informed, complete exclusion still existed. Yet, in the meantime, some evacuees were being allowed to return to their homes.
". . . . the position . . . . taken by the War Relocation Authority may lead people to question whether the Authority is keeping fully informed, and I am sure there will be charges that the War Relocation Authority is trying to evade the Army policy." (Fortas to McCloy, Secret, June 21, 1944.)

This line of criticism did not shake Mr. McCloy's stand. The position he took (he wrote) was based solely on what he believed the President desired. He did not believe that, even in the absence of an Army press release, that the WRA should proceed on the assumption that there would be no relocation to the West Coast, ~~he did not believe the President contemplated that the alternatives should be so sharply contrasted, and it seems to me~~ "I do not believe the President contemplated that the alternatives should be so sharply contrasted, and it seems to me" Greer argument is really with him rather than with the War Department."

The fact that President Roosevelt asked that relocation to the West Coast be carried out "with all great discretion," Mr. McCloy continued, convinced him that he did not contemplate the release of a press statement by the War Department.

(McCloy to Fortas, June 26, 1944)

The official correspondence ended on this note which was plainly unsatisfactory to the War Relocation Authority. ~~In a letter that was not sent,~~ This dissatisfaction was plainly set forth in a letter from Mr. Fortas to Mr. McCloy that was not sent.

Mr. McCloy had misinterpreted his previous letter, Mr. Fortas said. It had not been the latter's intention to suggest that WRA would refuse to cooperate in West Coast relocation unless the War Department pubicly announced its policy. "But I did contend--and I still feel--that without such an announcement the Authority's efforts to collaborate will be seriously hampered and the agency will inevitably be placed in an exceedingly awkward position both in relation to the evacuees and to the general public." The President had, of course, called for handling the matter with very great discretion. But there would be nothing indiscreet in a public announcement of policy by the Army. "In fact, to be really frank, I think it would be the height of indiscretion to increase the flow of evacuees returning to the Coast while maintaining publicly the fiction that there has been no change in the exclusion policy." (Fortas to McCloy, Secret, July 8, 1944. For reasons why this letter was not sent, see Fortas to Myer, Secret, July 20, 1944.)

During the summer of 1943 and intensive campaign had been waged by California groups in opposition to the return of evacuees to their former homes. (Cf. Supra __) ~~While this~~ That feeling had not changed was amply demonstrated by a visit to Washington of Mayor Bowron of Los Angeles and W.C. Mullendore, president of the Los Angeles Chamber of Commerce, On August 10, 1944, Mayor Bowron had written to a White House secretary asking for an interview with administrative officials dealing with the Japanese in order that he might make "a factual presentation" in support of his "sincere belief" that mass exclusion "should not be relaxed."

Student Hayde Agee

I feel that while the probability of enemy attack on the West Coast is now remote, the return of Japanese, even those born in this country, would seriously affect war production in this area and might well be quite dangerous in connection with the transportation of troops and material through the Los Angeles Port of Embarkation, as well as other west coast ports. This is particularly true in this metropolitan area because of the very serious situation we have with reference to the Negro problem. By reason of the immigration of sixty or seventy thousand Negroes, mostly from Southern states, the local housing shortage and other circumstances, the situation is so acute that we may at any time have racial disturbances resulting in serious riots. The return of Japanese I feel would seriously affect public morale and result in dangerous consequences.

As a consequence, Mayor Bowron felt "quite definitely" that mass exclusion should be continued, "although the reasons therefor may be different from those that occasioned the issuance of the order." His position was "not based upon prejudice but upon a knowledge of conditions in the Los Angeles metropolitan area . . . ." He felt that information that might influence Washington officials was coming from persons "not fully familiar with the facts." (Bowron to Secretary to the President, August 10, 1944.) ~~An appointment was arranged with Mr. Fortas~~

Arrangements were made for Mayor Bowron and Mr. Mullendore to meet with the Under Secretary and an Assistant Secretary of the Interior and with Malcolm Pitts, ~~the~~ Assistant Director of WRA. Mr. Myer could not attend, since he had previously made arrangements to confer with the Commanding General of the Western Defense Command for the purpose of discussing procedures for cooperative action for the lifting of the very order that Mayor Bowron desired to have continued. In an informal memorandum to Mr. Fortas, Mr. Myer advised:

> It is my judgment that the Mayor ~~etc~~ should be allowed to present his case and that we simply smile and tell him as pleasantly as possible that the return to the Coast is purely a military decision and that we have always complied with military regulations and will continue to do so . . . . Any other position on our part, I think, at this time, will touch off another campaign against return. (Myer to Fortas, August 14, 1944, For arrangement of appointment, cf. W.D. Hassett, Secretary to the President, to Bowron, August 12, 1944.)

The meeting between the Mayor and the President (of the Chamber of Commerce and the Dep't of Interior officials was held on the afternoon of August 18. Mr. Pitts ~~Malcolm Pitts, the assistant director of the WRA,~~ took careful notes of the proceedings. Mayor Bowron (Mr. Pitts' later wrote) was emphatic in believing that all persons of Japanese ancestry should be excluded from the Pacific Coast until the war was completely over. "Although there was not now much ~~possibility~~ probability of an attack by Japan on the West Coast, Mayor Bowron stated he did not trust persons of Japanese ancestry, and it was perfectly possible, in his opinion, for acts of sabotage to be committed in the highly industrialized Pacific Coast states. . . . such acts might be in the nature of reprisals for the evacuation." But, Mayor Bowron said, the possibility of sabotage was ~~not important~~ other

was not as important as other factors. Among these were: (1) The lack of housing facilities, especially aggravated because war workers many of whom were negroes, had filled the housing formerly occupied by Japanese. All told, the population of Los Angeles had increased by more than 350,000 in the previous three years and all housing was filled to capacity. (2) ~~Possible~~ Racial conflicts, ~~made especially~~ acute by the fact that approximately 65,000 southern Negroes had come to Los Angeles. "The public attitude at best . . . . is almost at tinder point, and riots similar to the one in Detroit are expected if the evacuees return . . . ." The presence of large numbers of Filipinos was also an important factor making for possible riot situations. (3) Inadequate police protection ~~which had resulted~~ The city police department had 500 less men than it should have. "It was pointed out that protection could not be guaranteed to persons of Japanese ancestry if they returned to the Coast . . . ." (4) Evacuee-owned property was not available. ~~The~~ Thousands of homes previously occupied by Japanese were now filled by other persons most of whom were war workers. An evacuee might have the legal right to evict current occupants but this "will result in large-scale demonstrations and possible riots . . . ." (5) Public opinion was not conditioned for a return of the evacuees. People on the West Coast still possessed deep-seated resentment against any person of Japanese ancestry. Japanese were still regarded as possible fifth columnists. People believed that mass exclusion had been the correct policy and "now that the persons of Japanese ancestry are gone, they are not wanted back."

Mr. Mullendore reaffirmed Mayor Bowron's position and added as a spokesman for industry and the interests of business "that any conflicts or strife that might take place would disrupt vital war production."

Mr. Fortas thanked the gentlemen and pointed out that the lifting of mass exclusion was primarily a War Department policy; that unless the government moved administratively to lift exclusion orders the Supreme Court might declare it unconstitutional; that the international implications of the problem were great and fairness had to be shown Japanese in America in order to avoid reprisals against Americans in Japan; that public opinion was by no means unanimously

in favor of continued exclusion; that relocation centers were always conceived as temporary havens rather than reservations; that the loyalty of evacuees eligible to leave centers has been well established; that if evacuees were safe enough to go to the eastern coast it did not seem logical that they were not safe enough to go to their former homes on the west coast; that the military record of Japanese Americans was highly laudable; and that there would be no large-scale return of Japanese to the west coast under any circumstances since the progress of relocation up to that date had already brought about a dispersion of the once highly-concentrated minority group. (Pitts to Fortas, August 22, 1944.)

WRA officials continued their intensive planning in the face of such criticisms that were brought to bear by Mayor Bowron. By the end of September the project directors had been confidentially informed that some change in the mass exclusion orders was probably in the offing. Mr. Myer wrote that he could not get the date of such a change, but ~~he stated~~ that once the decision was made, the WRA would proceed with the task of aiding evacuees who wished to return to the Pacific Coast, of further relocating those who wished to establish themselves in other areas and of closing the relocation centers. He transmitted to the project directors most of the information that had been given to Secretary Ickes on May 24. He cautioned the ~~project~~ directors against making any announcement of plans at the centers. (Myer to all project directors, Confidential, September 25, 1944.)

Mr. Myer ~~had~~ also carried on extensive negotiations with General C.H. Bonesteel, Commanding General of the Western Defense Command, though the fundamental issue of whether or not the War Department should again screen the evacuees had not been resolved. In October, Mr. Myer supplied the General with a list of all persons denied leave clearance by the War Relocation Authority and made clear his conviction that those persons granted leave, even ~~though~~ those in this category who had originally answered "no" to the loyalty question and later changed their mind, were of no danger to the internal security of the country. (Myer to Bonesteel, October 20, 1944)

With the approach of the general election, a detailed set of recommendations was prepared as a letter from Secretary Ickes to

Secretary Stimson. Again, emphasis was given the proposal that "the privilege of returning to the evacuated area be extended simultaneously to all persons of Japanese descent except those who are being held in internment camps and those who have been found ineligible for leave under the regulations of the War Relocation Authority."

The evacuated people have now been more painstakingly and exhaustively investigated than any other segment of our population. The War Relocation Authority has had an unaparlleled opportunity to know these people through two years of intimate, day-by-dgy contact with them. It has utilized this knowledge, together with the records and some of the techniques of the intelligence agencies, to identify those evacuees who might conceivably endanger the national security. Of the 33,000 people who have been relocated under the leave regulations by the Authority, not one has committed any act of sabotage or, to our knowledge, shown any actual subversive intentions to interfere with the war program.

Because the leave clearance procedures of the War Relocation Authority are soundly based and because they have amply deomonstrated their effectiveness, we believe that these procedures are the only criteria we need for re-admission to the evacuated area once the exclusion ban is lifted. In fact, we think that any other course would be an exceedingly serious mistake. Any further processing of the evacuees from the standpoint of loyalty would raise serious doubts in the public mind regarding the validity of the War Relocation Authority's entire procedure. It would also complicate immeasurably the job of relocation both on the West Coast and elsewhere. Unless the War Relocation Authority and the evacuees can know at the outset who will be readmitted to the coastal zone and who will not, it becomes virtually impossible to do any intelligent planning looking toward liquidation of the program orcarry the movement forward in accordance with an orderly schedule. Uncertainty and con-

fusion will inevitably prevail at the relocation centers and the rate of relocation in the Middle West and East will unquestionably be retarded as evacuees wait for the decision regarding their individual eligibility to re-enter the evacuated area. Moreover, the situation in the coastal area itself will almost certainly be chaotic. Local authorities, knowing that some of the evacuees are eligible to return and some are not, will be faced with a tremendously difficult policing job and, in their zeal to locate violators of the exclusion orders, may well have a tendency to interfere unduly with the privacy of those who have returned in full accordance with the established regulations. To the evacuees themselves, all of this additional processing and confusion will not only be incomprehensible but actually a very serious strain on loyalties which, in our judgment, have already been too sorely tried. In short, we can see no really worthwhile purpose that will be served by tying up military personnel in another examination of the loyalties of these people. A clearcut decision to re-admit to the West Coast all those who are eligible for free movement elsewhere in the United States would be infinitely preferable from almost every point of view.

There was no necessity for fearing (the document continued) that the clean lifting of the exclusion order would result in an excessively rapid movement of evacuees back into the coastal areas. Every indication pointed to the fact that the rate of return would be slow and that even in the long run no more than one half of the total group would return to the Coast, providing the order were lifted at a time that manpower was still in great demand. The WRA would further control the flow by extending financial assistance for relocation only to those persons who moved in accordance with an approved plan. Finally, the movements could be partially controlled by cooperation with the Department of Justice in timing the grant of travel permits to those aliens contemplating a return to the Coast.

If the WRA's recommendations were followed, "we are confident that the problem created by the West Coast evacuation can be liquidated satisfactorily and promptly."

The War Relocation Authority has now resettled approximately 80 percent of the American citizen evacuees beyond the age of 17 who are eligible for relocation. Those still remaining in the centers are predominantly aliens of advanced age and school-age children. All indications point to the fact that most of these older people will probably not relocate as long as they are sure that the centers will remain in operation. Once they are confronted with a definite closing date, however, they will have to make a decision. ~~Some of them, particularly those who still have properties in the evacuated area, will doubtless choose to return to their former homes. But there are many of these older people whose children have already relocated and who will be strongly drawn to move out to the Middle West or the East in order to reunite their families.~~ If the exclusion orders are lifted in the immediate future, while employment opportunities are still plentiful, I doubt seriously whether more than half of the 58,000 evacuees remaining in the eight centers other than Tule Lake will return to the evacuated area. On the other hand, if reopening of theexclusion area should be delayed until the reconversion period when competition

for jobs will undoubtedly be keen, the great majority of the evacuees would have no choice except to return to their former homes. In fact, a considerable proportion of them might well become permanent public charges.

Aside from bringing about a better dispersion and better economic adjustment of the Japanese population throughout the country, immediate lifting of the exclusion orders would have several other advantages over further postponement. It would be a significant gesture of recognition for the splendid service rendered by Japanese American men in the Army and for the general record of good behavior and cooperativeness maintained by the evacuated people over the past two years under extremely trying circumstances. By speeding up relocation both on the West Coast and elsewhere, it would contribute to the alleviation of manpower shortages. It would eliminate the possibility of an adverse court decision on the necessity for continued exclusion -- a decision which might conceivably be so sweeping in language that it would seriously hamper the military for many years to come. By permitting the War Relocation Authority to push definitely toward the ultimate closing of all relocation centers, it would make possible the elimination of a substantial item of government expenditure for maintenance of the evacuated people. Finally, it would provide clear-cut evidence that in this Nation military controls are extended over the civilian population only in circumstances of extreme national hazard and that the United States Army is ready and alert to abandon those controls once the military necessity for their imposition no longer exists.

(Summary of WLA recommendations .... prepared prior to election of November 7.)

It was planned to deliver this message shortly after the election, which took place on November 7. Events moved more rapidly, however, than even the most optimistic WRA officials thought possible. At the very first cabinet meeting after the election, held on November 10, 1944, ~~the question whether the Japanese could return to the Coast was brought up by Secretary of the Interior Ickes. After short discussion,~~ President Roosevelt approved the ~~principle of allowing Japanese Americans to return to the West coast.~~ all-Presidential approval of the principle was an important factor. The means by which mass exclusion should be lifted, however, were still the subject of controversy between the War Department ~~and the~~ (represented by the Western Defense Command) and the Department of the Interior (represented by the War Relocation Authority).

On the afternoon of November 13, a preliminary conference was held in the office of the Attorney General, attended by representatives of the Department of Justice, War Department, Navy Department, and the Department of the Interior. The Attorney General served as chairman of the meeting and outlined the cabinet discussion of the previous week, at which time he had summarized for the cabinet and the President the issues involved in the cases then pending before the Supreme Court and the possible implications of decisions against the government in these cases. The Attorney General revealed that, in approving the lifting of the general exclusion orders, the President had requested a memorandum from the Secretary of War which would outline a program for putting the new policy into effect.

At this meeting, Mr. Fortas described the effect of the new policy on the War Relocation Authority and made two specific recommendations: (1) that the privilege of returning to the evacuated area be extended to all evacuees, except those denied leave clearance by the WRA; (2) that the Department of Justice be given the responsibility for administration of the Tule Lake Segregation center and for the further leave clearance processing of all persons residing in relocation centers. Mr. Fortas indicated that compliance with these recommendations would allow WRA to concentrate on an orderly and gradual relocation of all eligible evacuees with a view to closing the centers and liquidating the Authority's program within one year. He added that under such a program, the War Relocation Authority felt confident

it would be able to ~~forestall~~ forestall an immediate large-scale movement to the West Coast.

The Attorney General indicated that the Department of Justice was greatly concerned about the legality of detaining United States citizens. Any program which involved either the exclusion or detention of citizens, Mr. Biddle said, would have to be "most carefully considered . . . . with a view to its legal and constitutional validity."

The Navy Department representative stated that he had no interest in the matter except for its effect upon a few coastal installations. He indicated that the Navy considered the military problems involved and the lifting of mass exclusion orders to be the responsibility of the War Department.

~~The Army's point of view of the previous months~~

It soon became clear that the Army's point of view of the previous months had not been shaken by the lengthy interim discussions. The Assistant Secretary of War stated that the military situation had altered considerably for the better since the original evacuation, but asserted there was still a possible danger if all evacuees should be allowed to return to the West Coast. "For that reason, and because of the necessity of West Coast acceptance of any change in the exclusion program at the present time, he added that the Western Defense Command felt it would be necessary to exclude individually a number of evacuees, on the basis of its investigations, when the general exclusion orders are revoked." General Wilbur, as a spokesman for the Western Defense Command, stated that the number of individual excludees would not exceed four or five thousand persons, in addition to recent evacuees from Hawaii and aliens in Department of Justice internment camps. He indicated that a number of these should not only be excluded from the West Coast, but actually detained within some sort of a center. He said that the entire list of persons designated for exclusion or detention could be available by December 10.

Mr. Myer ~~of the WRA~~ voiced his strenuous objections to this re-screening of evacuees by the Western Defense Command, ~~thereby~~ bringing forth the reasons for his objections as outlined in his many recent communications on the subject.

Mr. Myer received the strong support of Edward Ennis of the Justice Department.

The issue of whether or not the War Department should undertake its own screening of evacuees was thus clearly presented and disagreement clearly existed between the spokesmen for the Western Defense Command and the War Relocation Authority.

In the course of the discussion, the Attorney General asked Mr. Myer if the procedure suggested by the Western Defense Command would interfere with the administration of the centers and an orderly program of liquidation for the War Relocation Authority. Mr. Myer replied that he disagreed with the principle of rescreening, but that it was administratively feasible (1) if the number of excludees was limited to 5,000 persons and (2) if the list of excludees were furnished to the War Relocation Authority well in advance of the order rescinding that exclusion. Mr. Fortas indicated that the Department of the Interior was unwilling to make a specific commitment in approval of the rescreening program, despite its administrative feasibility, until the Department was more fully informed with respect to the criteria and procedures that were to be used by the Western Defense Command in selecting evacuees for individual exclusion.

Attorney General Biddle appointed a committee to pursue the detailed planning at greater length, and on November 14 representatives of the War Department discussed the Western Defense Command's proposal at a meeting with Mr. Fortas and Mr. Myer. General Wilbur repeated that the list of persons designated for individual exclusion would not exceed 5,000. The objections in principle to the proposal held by both Mr. Myer and Mr. Fortas were again set forth. But Mr. Myer and Mr. Fortas agreed, in the face of the insistence of the Western Defense Command, that they were willing to proceed according to the terms set forth. (This chronology of the meetings of November 13 and 14 is from a letter, Fortas to Biddle and McCloy, December 6, 1944, which was not sent. Cf. also Grodzins' notes, interviews with Dillon Myer, Jan. 22, 1945; interview with Edward Ennis, Jan 25, 1945. The quotations are from the letter of December 6.)

It must be emphasized that ~~th~~ military rescreening of evacuees was accepted by the War Relocation Authority and the Department of the Interior with the full conviction that the plan ~~was~~ (1) ~~is~~ a detriment to the program of the War Relocation Authority, (2) ~~is~~ an unnecessary ~~&~~ new burden imposed upon the evacuees and (3) ~~is~~ of no ~~the~~ benefit whatsoever insofar as the protection of the country was concerned. ~~All the rest of the sentence~~ The preceding sections have described the reasons supporting WRA's belief in the general disutility of reprocessing evacuees. This belief was further strengthened when, even before the election, the WRA had been supplied an outline of the program to be followed by the Western Defense Command in selecting evacuees for individual exclusion. This military proposal contemplated using a punch-card system, ~~which~~ A card would be set up for each evacuee, 17 years of age or over, and entries on the cards would note the various possible factors that might conceivably indicate a lack of allegiance to America. By then sorting the cards according to pre-determined standards, the Western Defense Command proposed to select those persons to be excluded. By this system large numbers of persons could be examined simultaneously and exclusion determinations made without any time-consuming process of individual hearings, such as the WRA had been holding for the previous year-and-a-half.

This system was contrary to every principle that had been established previously by the WRA in its own loyalty investigations. B.R. Stauber, chief of the WRA relocation planning division, ~~in~~ pointed out this fact in a memorandum to Mr. Myer of November 4, 1944, ~~to Mr. Myer~~ Mr. Stauber (stated) ~~pointed out~~ that entries on the punch card would almost necessarily mask qualititative differences within any given category of presumably adverse information. It would, for example, designate all leave clearance denials in the same fashion, "even though some may be very close borderline cases and others may be extremely clear." All requests for repatriation would similarly be treated alike, though a request for repatriation might be the result of anything from an open hostility for United States to "an obvious desire to visit Japan at somebody else's expense." It was the universal experience of everyone who had spent any time reviewing leave clearance cases, Mr. Stauber continued, that there was "a vast variation in the quality of derogatory

information and in the confidence that can be placed in it." Yet it was precisely at this point of evaluating the quality of information that the punch-card system would fail. "If any attempt at evaluation were to be made, it would not be possible to do it from the punch card; it would be necessary to go back to the original schedule, or hearing, or docket." In addition to this fundamental inequity seen in the punch-card system, Mr. Stauber objected to the fact that only adverse information was to be shown, and no final balancing of factors undertaken.

> . . . . it is proposed to indicate cases in which either citizens or aliens have had active service in the Japanese Army, but no provision is made for recording as a positive factor the fact of children in the United States Army, or purchases of American war bonds or of other favorable factors that might be known about the individuals. The proposal will bring in all types of items that could be considered adverse, with no attempt to weigh good and bad factors and to reach a balanced condlusion which represents a fair determination of loyalty. Neither is there any attempt to include the results of hearings, except as those hearings may have resulted in action by the WRA. Yet we have regarded the hearings as a means of clarifying many of the obscure points, and of evaluating some of the intangibles. (Stauber to Myer, confidential, November 4, 1944.)

Edward Ennis of the Department of Justice attacked the individual exclusion program of the Western Defense Command from a different point of view. He wrote that he had made a thorough study of "hundreds of cases" of individual exclusion from the Western and Eastern Defense Commands, and which had been carried out as a supplement to the alien enemy control program and the general Japanese evacuation. His conclusions were strong and strongly stated:

> This study disclosed the most important fact that the individuals possessed no "coastal attribute" whatever, that is, no factor making them a particular danger to military security on the coast as distinguished from any danger they might be to internal security generally. It also desclosed that according to the Provost Marshal General's own Master Responsibility List of important defense installations there are actually more of these installations in interior areas such as Pittsburgh, Detroit and Chicago, tox which these people were in effect excluded, than in the coastal areas from which they were excluded and where they could be more easily watched because they had regular employment and were known in their communities.
>
> The result of the study was a conclusion that the individual exclusion program served substantially no security purpose. Apparently the Western Defense Command has agreed with this because to date

they have canceled all but approximately a score of approximately 275 individual exclusion orders. I find it hard to reconcile this experience gained at the present proposal to exclude thousands of individuals again on the basis of a danger to expionage and sabotage on the Coast to some substantially greater extent thanxx they might be similarly dangerous inland. The adoption of such a procedure is not only contrary to our entire internal security experience in this war in which there has been no sabotage whateverxx by persons of Japanese ancestry, or espionage for that matter in the continental United States (some espionage by consular officials in Hawaii), but also it is directly in the teeth of themilitary authorities' own experience on the West Coast which resulted in the cancelation of most of the exclusion orders. General Emmons himself said that no doubt any expionage which the Japanese Government wished to conduct it would conduct through German or other Caucasian agents. In fact the several Japanese propaganda agents whom we have caught and convicted were white, not Japanese.

In view of these considerations, the only purpose inxxxx excluding thousands of Japanese is to persuade public opinion xxx by this means that the remainder of the Japanese should be accepted on the West Coast if they wish to go there. If the Government is going to act on any such basis, the least it can do is to keep such a group to an absolute minimum and not seriously accept the military security views which have been again advanced although they have been already abandoned even by the military authorities apart from this special racial application.

(Ennis to Fortas, Confidential, Nov. 14, 1944)

~~[redacted]~~

Despite ~~two~~ fundamental objections that officials of both the Justice ~~Dept~~ and Interior Departments held with respect to the Army pre-screening process, planning for lifting of mass exclusion ~~was~~ was done according to [redacted] the military terms. Not, however, before another clash between the military and civil officials.

At a meeting of November 5, 1942, ~~it was~~ Army officers revealed that it would not only exclude individual Japanese aliens in some 5,000 persons but that it would also recommend the detention (within the confines of a center) of a number of these. ~~Among the~~ Citizens of the United States would be among those recommended for detention.

→ This immediately provoked ~~the~~ Justice Department officials, ~~Ennis, Wechsler, the assistant to the Attorney General,~~ to decide

-55-

[The Assistant to the Attorney General]

Mr. Wechsler indicated that, in his judgment, the only possible basis for further detention of any citizen evacuee after revocation of the general exclusion orders would lie in the authority conferred upon the War Department under Executive Order 9066, and that detention of any citizen evacuee under the authority of that executive order was of very doubtful legal validity. Mr. Ennis agreed with Mr. Wechsler's comments, and further pointed out that in his opinion it would be administratively undesirable for the Department of Justice to administer a center or program where determinations concerning detention of citizens involved lay in the War Department. He recommended that the War Department make no ~~xxxxxxxxxxxx~~ recommendations or orders concerning the detention of specific individuals, and that the War Department, if it believed that certain citizens were more potentially dangerous than others, merely so indicate.

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(~~Memorandum~~ Memorandum of Representatives of War Department, Justice Department, and War Relocation Authority, Room Building, Washington, D. C., ~~Nov~~ November 15, 1944, Minutes, Secret, 7 pp. typed.)

~~The War Relocation Authority was only indirectly concerned in this controversy, & I think it thought~~

The detention issue ~~was~~ was subsequently discussed on numerous occasions and was never settled satisfactorily. ~~The Justice Department persisted~~ It in its refusal to ~~treat~~ treat the American citizen according to the Army's criteria. ~~The Official Letter~~ However, Secretary of War Stimson, in the Official Letter to President Roosevelt describing the post-evacuation policy, stated that a list of citizens would be prepared when the Western Defense Command recommended for detention, "pending the further examination of their cases individually."

(56)

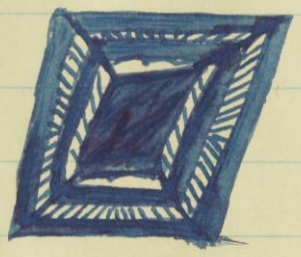
Student - high spec

The cases of persons who are on this list will be automatically reviewed by the Western Defense Command and all such persons will be entitled to request a hearing and present evidence on their behalf. When the final determinations have been made, the War Relocation Authority will transfer all persons to be detained to a segregation center. It is understood that the Department of Justice will ultimately, to the extent that the law permits, take over the responsibility for such detention and for determining which individuals ~~wx~~ should be released from detention. The War Department and the War Relocation Authority will, of course, furnish the Department of Justice with all available information which is requested relating to the individuals concerned.

(Stimson to Roosevelt, Secret, Dec. 13, 1944)

1 — This description of the procedure did not reveal that Justice Department officials believed that no legal authority existed whatever which led to detain American citizens ~~against their will~~, or that they persisted in their determination to undertake such detentions. The Justice Department maintained this stand through the spring of 1945, though in fact citizens were being detained by the War Relocation Authority pending transfer of the segregated evacuees to the Justice Department. ~~The Justice~~ Implementation of the renunciation of citizenship law, however, did much to nullify the detentions. Citizens of draft age who renounced citizenship were considered, ipso facto, aliens subject to

(57) detention. The largest number of citizens ~~to~~ designated for detention by the Army were at the Tule Lake segregation center and the largest number of those undergoing renunciation in the winter of 1944-45.



Final plans for an announcement of the lifting of mass exclusion were delayed for a time while the detention issue was being resolved and while Washington awaited an agreed list of the persons who were to be designated (after exclusion or detainee). ~~A series of meetings were held but minor~~ In a series of meetings, ~~differences~~ minor points of disagreement ~~were readily resolved~~ with respect to the ~~manner~~ timing of public releases were readily solved, a draft proclamation by the Commanding General of the Western Defense Command prepared, and a suggested letter from Secretary Stimson to President Roosevelt discussed.

(Cf. Meetings of ~~November 15, 1944, November 20,~~ Representatives of War Department, Department of Justice and War Relocation Authority, November 15, November 20, December 6, 1944, Minutes, Secret.)

(58) On December 6, it was agreed that ~~[illegible] agreement between~~ the Justice & War Departments with respect to Detention Secretary Stimson's letter would go to the President even without full agreement in the case of detention between the Justice & War Departments. It was further agreed [redacted] (despite the earlier commitment that the total list of ~~internees and aliens~~ segregees and internees would not exceed 5,000 persons) that the program would proceed on the basis that the total persons in both categories "would not exceed 8,000 .... and would perhaps be less." The tentative date for announcement of revocation of mass detention was set for December 15.

(D. S. Myer, Memorandum for Files, ~~Dec.~~ Confidential, Dec 8, 1944. For administrative consequences of this increased number ~~of persons to be~~ of evacuees and detainees and of the even larger numbers that were actually listed by the Army, cf. Supra, _____)

~~Despite~~ As a result of the lengthy conferences between the ~~Justice~~ Departments concerned, a memorandum of agreement was drawn up that specifically set forth the responsibilities of each.

News of the impending change in the mass evacuation order ~~in the Valley~~ became known to the California Congressional delegation. ~~and the~~ Members of the group asked to meet with War Department ~~officials~~ officials in order to receive a clarification of ~~current~~ then-current policies. ~~A motion~~ Mr. Ryer strongly advised against ~~anyone~~ ~~keeping a person~~ that the War Department representative ~~be~~ be an officer trained in Congressional liaison work ~~at least~~ rather than a spokesman of the Western Defense Command. He also ~~advised~~ advised the ~~in~~ instance of refraining from making any statement which would give any indication of the date on which the ban will be lifted or of the fact that WRA is making plans in anticipation thereof." (1) Re

(1) (Meeting of Representatives of War Department, Justice Department & War Relocation Authority, Dec. 1, 1944, Minutes, Secret, p. 2.)

meeting was held on December 4 and the War Department representative ~~(Gen~~ (Brigadier General Miles Reber) made a careful statement ~~which~~ emphasizing the military considerations involved in the original mass movements and of the improved military situation that might lead to an amelioration of the

original drastic program. He flatly told the War Department, not the War Relocation Authority, would determine future policy and acknowledged that it was the War Department which had already allowed certain individual evacuees to return to their homes. Congressmen Sheppard and Phillips questioned the advisability of any return of Japanese to the Pacific Coast, giving reasons for their stand: the advantages of training facilities, the concentration of strategic installations on the West Coast, and the possibilities of race riots. [illegible]

(G. Hoyt of the WRA historian, Ruth McKee, WRA Reports Division meeting, Dec 6, 1944)

The Congressional delegation asked the War Department for a public statement of policy, and succeeded in getting [illegible] it in the form of a letter from the Assistant Secretary of War (John J. McCloy) to Congressman Clarence F. Lea, the senior member of the California group. Mr. McCloy pointed out that each case, rather than individual, evacuation had been undertaken in the first place only because of "the difficulties of making an immediate determination of which

(41) persons of Japanese race was legal and which were not ...." The military situation at that time just fixed the act and the Supreme Court had upheld the constitutionality of curfew orders in this cases. It was ~~after the event~~ hoped that the Court would similarly sustain the evacuation. But it was clear .... that continued mass detention can be sustained .... only so long as military necessity requires it."

Mr. McCloy broadly hinted that relaxation of mass exclusion was on in the offing:

Evident Angle Move

We are a lot further along in the war today than we were at the time when the evacuation was ordered. The war has moved a good deal closer to Japan and, although there is a lot of fighting still to be done, it can no longer be said that the West Coast is in danger of large scale invasion. At the same time it has been possible to get information about our Japanese population and to make considerable progress in separating those who are apt to be dangerous from those who are loyal to this country. One of the first steps in this direction was taken by the Army in selecting those persons of military age among the Japanese who were acceptable for the Army, initially as volunteers and later under Selective Service. Although many of these men were inducted from relocation centers and many of them have families still in the centers, their record of courage and devotion to this country in Italy, in France, and in the Pacific has shown that sound judgments of this kind can be exercised. ...

As a result of these considerations I think it is clear that the mass exclusion of persons of Japanese ancestry from the West Coast will be continued only so long as the military situation requires. How long this will be is a military question. No assurances as to time can be given except the assurance that when the Commanding General of the Western Defense Command, the officer who is responsible for the defense of the West Coast, determines that the continuation of mass exclusion is no longer required for the prevention of sabotage and espionage, it must be terminated by him. The question is one which is continually involved in litigation and each lawsuit requires a redetermination of the question.

Certain problems would be raised, Mr. McCloy cautioned, if mass detention were rescinded, but these problems

(42) could be handled by Civilian authorities.

DO NOT INDENT

"If the military authorities determine that military considerations no longer require mass exclusion of persons of Japanese ancestry from the West Coast, we have every faith that the people on the West Coast, as have those of other areas in the United States into which persons of Japanese ancestry originally removed from the coast have been relocated, will show their good citizenship by abiding by the military judgment, and do their utmost to prevent any acts of discrimination against any of these people who may be permitted to return."

(McCloy to Lea, Dec. 6, 1944)

Officials of both the War Relocation Authority were pleased with both the statement made by General Reber and by Mr. McCloy's note. On December 4, ~~the day of the~~ meeting after the meeting in the Congressmen, Mr. Myer summarized for Secretary Ickes the policy WRA would follow after revocation of mass exclusion:

line up

(1) Immediately after revocation of the orders, WRA will braoden its relocation program to include the evacuated area. Field relocation offices will be established at key points in that area, and people at the relocation centers who have a sound plan for returning there will be given the same types ofxx assistance as those who relocate in ether parts of the country.

INDENT

(2) Efforts to relocate evacuees in mormal communities outside the evacuated area will be continued and intensified in line with our previous policy to bring about the widest possible dispersal of people of Japanese descent thoughout the Nation.

SINGLE SPACE

(3) All relocation centers will be closed within a period of six months to one year after the date of revocation of the orders. The actual date of closing at each center will depend primarily on the rate of relocation and the smoothnes of center operations. If it should become difficult to maintain operations at any center, consideration may have to be given to an early closing date some time after the six months' period has expired. In no case, however, will WRA close a center without giving at least three months' advance notice to the residents.

(4) The centers will go on a strict maintenance basis immediately after revocation of the orders. There will be no new construction or development work at any center unless absolutely essentila for maintenance of the center during its final year of operation. Schools woll be continued only through the current school year and will not re-open for the fall term. Farm operations will be held to a

(43)

bare minimum and will consist mainly of the activities necessary for prompt liquidation of the present program. Crops will be planted ~~for next year only~~ in 1945 only at the two Arizona centers where the current winter vegetable programs will be completed. Elsewhere cropping activities will be limited to harvesting. Livestock will be consumed as fully as possible and any surplus on hand at the time of center's closing will be sold. At each center the essential services -- food, housing, and medical care -- will be provided until the actual closing date.

(5) The War Relocation Authority will discontinue all leave clearance processing and will no longer require leave permits of those leaving the centers for purposes of relocation. However, relocation assistance -- in the form of travel grants, relocation grants, and transportation of household goods -- will be provided only to those whose relocation plans are approved. Gate control will be maintained at all centers for record and statistical purposes.

(6) Since the relocated evacuees have cooperated in the WRA program, the Authority feels an obligation to assist them in West Coast relocation if they now have good reason for returning. Relocation assistance will be extended, upon request, to such people provided that they have a sound plan for resettlement in the evacuated area and provided that they comply fully with certain other requirements such as those of the War Manpower Commission and the Department of Justice.

(7) Arrangements will be made with appropriate state and local welfare agencies to provide public assistance throughout the country for those evacuees who are incapable of self-support.

(Myer to Ickes, Dec. 9, 1944,

Mr. Ickes ~~by~~ gave his approval to this policy, only ~~pointing out that~~ questioning the right of WRA to make any determination of ~~the~~ the "reason" that relocated evacuees might have for returning to the coast (Point 6 above) and remarking: "As American citizens, it would seem to me that they can be arbitrary about deciding where they want to go if they can't to be." Mr. Myer ~~replied that~~ indicated his agreement with the Secretary's viewpoint, remarked that no legal restraint would exist but pointed out that by denying relocation aid to only those

(Footnote Continues)

Footnote

(64) who had "a sound relocation plan" some control might be exerted over the return to the coast of Nisei already relocated in other areas. (Tolan to Myer, December 5, 1944; Myer to Tolan, Dec. 14, 1944.)

Footnote continued

On December 13, Secretary Stimson formally informed the President that "the favorable progress of the war in the Pacific," as well as "the developments" had resulted in a determination by the War Department that the continued mass exclusion .... is no longer a military necessity." The Secretary of War reminded the reasons that had led to the original mass evacuation; and the grounds of ~~grounds~~ had asserted that since that movement it had been possible "to segregate those who have indicated that they are loyal to Japan from those whom the military authorities have determined no longer need be excluded".

(65)

This latter group will include over 90% of the population of Japanese ancestry. A considerable number of this latter group have proved their loyalty to this country in the most exacting of all tests--the field of battle. American soldiers of Japanese ancestry, fighting with courage and devotion in ~~[illegible]~~ Italy, in France, and in the Pacific, have shown that loyalty to America is a matter of mind and heart, not of race. Many of these men were recruited from relocation centers. Many of them have families in those centers. The War Department has a definite interest in the morale of these men and feels that from this point of view alone, it is most desirable that the mass restrictions against persons of Japanese descent be not continued a moment longer than is necessary.

Indent 7 spaces

Nevertheless, Mr. Stimson continued, ~~it was still~~ it would still be necessary as a matter of military necessity to designate a number of persons ~~for exclusion~~ who would continue to be excluded from the West Coast. x → The determination of those to ~~be excluded~~ would be excluded would be made as a result of an examination and an evaluation of the information which the various agencies have accumulated relating to persons of Japanese ancestry." ~~Persons to be excluded will be~~ would be those against whom information is available showing their pro-Japanese attitude." It was expected that "less than ~~six~~ ten thousand persons ~~are~~ would be excluded ~~will be~~ and their cases would be "automatically reviewed from time to time and such persons will be entitled to request a hearing and present evidence in their behalf." In addition to those excluded from the West Coast, another group "strongly pro-Japanese in their sympathies" (among whom were persons who had taken their willingness to return to Japan to assist its war effort") would not be permitted to leave

DO NOT INDENT

(6) the centers pending further examination of their cases.

W. R. Glen safeguards, Mr. Stimson stated, "The return of the vast majority of persons of Japanese ancestry to the West Coast could be permitted without adverse effect on our war effort." It would also be necessary to insure the return could be accomplished gradually and the War Department understands that WRA intended "to put into effect a program based on a gradual and orderly return to the West Coast and upon continuation of the efforts to relocate persons ... throughout the United States."

The possibility that disorders might occur when persons of Japanese descent return to the West Coast has been considered. Some initial opposition is to be expected. The War Department is interested in this question because any serious trouble might result in retaliation against American soldiers who are held as prisoners of war by the Japanese. The return should be facilitated by an announcement which the Commanding General, Western Defense Command, plans to make, to the effect that only those persons who are cleared by the military authorities are being permitted to return. When this is known, I am confident that t e common sense and good citizenship of the people of the West Coast is such that the inauguration of this program will not be marred by serious incidents or disorders.

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The matter is now the subject of litigation in the Federal Courts and in view of the fact that military necessity no longer requires the continuation of mass exclusion it seems unlikely that it can be continued in effect for any considerable period. The institution of the system which permits the orderly return of the bulk of the people subject to the safeguards outlined above seems preferable to the alternative of risking an unfavorable court decision with the confusion and disorder which would attend a sudden and unplanned return.

(Stimson to Roosevelt, ~~dated~~
Secret, dec. 13, 1944)

~~At 8:00 P.M.~~ On Sunday afternoon, December 17, 1944, the Commanding General of the Western Defense Command formally

On Sunday afternoon, December 17, 1944, the Commanding General of the Western Defense Command formally announced the lifting of the mass exclusion ~~fr~~ of Japanese Americans from the ~~western areas~~ Pacific Seaboard. The Army proclamation restored ~~the right of the~~ to the vast majority of evacuees "their full rights to enter and remain in the military areas of the Western Defense Command," and rescinded the previously imposed contraband regulation against all American citizens of Japanese ancestry. The effective date of the lifting of the military orders was January 2, 1945, though military controls governing the exit of evacuees from relocation centers were retained in force until January 20 "in order that the departure from . . . . project areas may proceed in an orderly and peaceful manner."

The proclamation pointed out that the relaxation of special control measures over Japanese was made possible as a result of the "substantial improvement in the military situation." At the same time, military necessity still called for "a system of individual determination and exclusion of those individuals whose presence within sensitive areas of the Western Defense Command is deemed a source of potential danger . . . ." Available information, the proclamation noted permitted "the determination of potential danger on an individual basis." ~~and~~

> The people of the states situated within the Western Defense Command are assured that the records of all persons of Japanese ancestry have been carefully examined and only those persons who have been cleared by military authorities have been permitted to return. They should be accorded the same treatment and allowed to enjoy the same privileges accorded other law-abiding American citizens or residents. (Western Defense Command, Office of the Commanding General, San Francisco, Public Proclamation No. 21, December 17, 1944.)

Simultaneously with this announcement, the Secretary of War, released a press statement emphasizing the military nature of the new policy.

> The decision to revoke the exclusion order, first applied on March 24, 1942, was prompted by military considerations. Since the evacuation, our armed forces steadily have pushed the enemy in the Pacific farther from our shores and closer to the Japanese home island. Although hard fighting is ahead in the Pacific, it no longer can be said as it could be said in 1942, that an enemy invasion of the West Coast on a large scale is a substantial possibility.

Mr. Stimson also stressed that all persons of "a pro-Japanese attitude" would continue to be excluded from the Pacific Coast and that "the test of army scrutiny" was based ~~x~~ on intense investigations, carried out

of the group's loyalty "probably more thoroughly [for] than any other segment of our population." He pointed out that "the outstanding record" of American Japanese soldiers fighting for the United States all over the world had "shown conclusively that it is possible to make sound judgments as to their loyalty." "The War Department believes that the people of the Pacific Coast Area will accord returning persons of Japanese ancestry all the considerations to which they are entitled as loyal citizens and law-abiding residents." (Press statement, the Secretary of War, December 17, 1944.)

The next morning, Secretary of the Interior Ickes pointed out that the Army's action meant "in its simplest terms, that the War Relocation Authority will immediately expand its relocation program to cover the entire country including the West Coast." The Secretary made assurances that the order would not result in a hasty mass movement of evacuees into the coastal areas. The War Relocation Authority would continue its efforts to relocate evacuees in all parts of the country, but he made it clear that the Authority would also give assistance to those who preferred "to exercise their legal and moral right to return to the West Coast."

The persons who are eligible for relocation or return to the West Coast have been found by the Army authorities to be loyal citizens or law-abiding aliens. They are entitled to their full constitutional and legal rights, and perhaps to something more than ordinary consideration because they have really suffered as a direct result of the war. In a real sense, these people, too, were drafted by their country. They were uprooted from their homes and substantially deprived of an opportunity to lead a normal life. They are casualties of war.

It is the responsibility of every American worthy of citizenship in this great Nation to do everything that he can to make easier the return to normal life of these people who have been cleared by the Army authorities. By our conduct towards them we will be judged by all of the people of the world.

Secretary Ickes stated that the War Relocation Authority would continue, and intensify, its efforts to relocate evacuees in other sections of the country. One of the major aims of the Authority, from the beginning, had been "to encourage the widest possible dispersal of evacuees throughout the Nation, and this will continue as a prime objective during the final stage of the program." He publicly announced that the WRA would work toward an early liquidation of all relocation centers "which were established originally for the temporary maintenance of a dislocated people."

(War Relocation Authority, Press Release, December 18, 1944.)

On the day following the War Department announcement lifting mass exclusion, the Supreme Court ruled that the WRA's leave clearance provisions requiring ~~that~~ an application for indefinite leave and a showing of means of support and community acceptance at destination were invalid. The Court's opinion was limited to persons who had already received leave clearance and did not pass upon the validity of WRA detention pending clearance or the detention of persons of doubtful loyalty. ~~Since~~ Under the terms of the new selective exclusion program, the War Department had ~~[illegible]~~ assumed responsibility for naming disloyal persons. The Court's opinion, in effect, therefore resulted in the automatic clearance of all persons not on one of the Army's lists and ~~[illegible]~~ made the ~~[illegible]~~d ~~a telegram to all centers on December~~ ~~[illegible], [illegible], [illegible] on December 20~~

invalid the ~~the~~ continued imposition of blanket detention up to Jan 20th, as provided in ~~the~~ the Dec. 17 th military proclamation. On Dec 20th

(71) Mr. Tyler informed all projects that persons ~~to~~ sent in one of the Army's lists shall "be permitted to leave ~~exit~~ ... without application for indefinite leave, approval of destination, or showing of means of support. ... Indefinite leave permits shall no longer be issued." ~~(illegible)~~ This order was immediately applicable, though WRA still controlled movements to some extent by withholding financial grants only to persons with approved allocation plans. ~~Prior to Jan 3~~ Projects were instructed to oppose no plan in making a return to the evacuated area before January 3 for anyone "without special military permit ...."

(Emergency Instruction, Supplement Teletype of Dec. 20, 1944. For full discussion of legal issues involved in WRA detention procedures, cf. ——, Supra, pt. ——; ~~For~~ of administrative alterations in administration as result of court decision, Supra, pt ——.)

71 During the lengthy discussions between officials of the War and Justice Departments and the Department of the Interior which preceded the announcement rescinding mass exclusion, it had been agreed that a joint memorandum of agreement would be drawn up outlining the responsibilities of each agency. ~~This agreement had been held up but had not been concluded~~ ~~but had been~~ It was not until December 29, however, that this agreement was finally set forth satisfactorily. It read, in full:

(71)

It is understood by the Interior, Justice and War Departments that in connection with the revocation by the Commanding General, Western Defense Command, of the mass exclusion of persons of Japanese ancestry from the military areas of the West Coast, the respective Departments will take the following action:

1. (a) On December 17, 1944, the Commanding General, WDC, will issue an appropriate Proclamation revoking, as of January 2, 1945, the mass exclusion order but ordering the individual exclusion of these persons of Japanese ancestry, about 10,000 persons(exclusive of approximately 1000 Japanese alien internees and 1000 Japanese from Hawaii), whose continued exclusion the Commanding General, WDC, determines to be necessary for the present and pending further and more detailed consideration of their individual cases. The War Department will furnish the Department of Interior with the names of the individuals scheduled in this manner. The Proclamation of the Commanding General, WDC revoking the mass exclusion will contain a provision revoking, except as to persons of Japanese ancestry excluded by individual order, the provisions of Proclamation No. 8. The War Department will issue a similar Proclamation effective as of the same date in respect of all relocation centers not within the Western Defense Command.

(b) In addition to the names of excluded individuals, the War Department will furnish the Department of Interior and the Department of Justice with the names of persons among the excludees, about 5000 who, in the opinion of the Commanding General, WDC, on the basis of his present information, should be detained subject to further examination of their cases individually as set forth herein. The Department of Interior will, to the extent that the law permits, detain such designated individuals pending further examination of their cases and the assumption of responsibility for detention by the Department of Justice. Individuals whom the War Department is advised have been relocated will not be designated for detention on the list transmitted by the War Department to the Department of Interior and the Department of Justice.

(c) All exclusion orders served on individuals who have received WRA leave clearance and either are relocated or are in relocation centers, other than Tule Lake Segregation Center, will be accompanied by a statement to the individual to the effect that the exclusion order is on a priority list for review by the Commanding General, WDC. A review of all such orders together with any recommendations of detention made in connection with them will be made as soon as possible.

(d) In addition to the aforesaid review of the cases of individuals who have been given leave clearance, the Commanding General will establish approximately 10 review boards of 3 officers each to review all the individual cases of persons excluded under a procedure which will include a provision whereby any individual may request a hearing before a board. Upon the basis of such further examination exclusion orders will be revoked and any detention recommendations previously made will be withdrawn in appropriate cases, if any.

(d) At the time of the promulgation of the aforesaid Proclamations, the Secretary of War will make public a statement explaining the reason for the revocation the mass exclusion.

2. (a) On the effective Proclamation date the Department of Interior, through the War Relocation Authority, will remove any legal restrictions upon the departure from the centers of persons other than persons whom the War Department shall have designated pursuant to Section 1 (b) herof and will advise such other persons that they are no longer restrained or prohibited from leaving the relocation centers.

(b) The War Relocation Authority will continue on a voluntary basis a program of relocating throughout the United States evacuees now in its relocation centers and in addition will take appropriate administrative measures, involving no restraint to control the relocation of evacuees who choose to return to the West Coast Military areas, so as to avoid any immediate large mass movements.

(c) The War Relocation Authority will detain all persons

whom the War Department designates pursuant to paragraph 1 (b) herat pending the assumption of responsibility by the Department of Justice. The War Relocation Authority will segregate, at Tule Lake or elsew ere, all such persons and will, so far as practicable, remove from such centers all individuals not included in this category other than membe s of the families of persons in this category who remain on a voluntary basis. The War Relocation Authority, however, will not segregate any such persons, if it deems advisable, until after consultation with the Department of Justice and also will not segregate any such persons to whom leave clearance has been granted until after the review provided for in paragraph 1 (c).

3. When the segregation process has been completed the Department of Justice, upon the request of the Department of Interior, will assume responsibility for the administration of the center or centers at which the segregees are detained. At that time, or at such earlier time as may be agreed by the Departments of Interior and Justice, the Department of Justice will also assume responsibility for examining the cases of persons so detained and determining which individuals may be released from such detention. At the time when the Department of Justice assumes such responsibility, the War Department or the Commanding General, WDC, as the case may be, will delegate to the Attorney General such authority as the ~~xx~~ military may possess for maintaining such detention and for determing release therefrom, and the Department of Justice will assume responsibility pursuant to such delegation tox the extent that the law permits. The War Department and the Department of Interior will furnish to the Department of Justice upon its request all available information relating to the individuals detained.

(Understanding of Interior, Justice and War Departments in Japanese Relocation Program, dec. 29, 1942. The document was not actually signed until Jan. 2. ~~Unofficially~~ informally, it was also agreed that (1) the Roosevelt proclamation

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would not necessarily become effective on January 2 but would become effective "as of the date that the serving of the exclusion orders is completed;" and (2) "until ~~the~~ all detention recommendations referred to in Section 1 (b) were transmitted, the WRA would not except with the concurrence of the ~~Chas~~ Western Defense Command, permit any person to leave a center who was not on the so-called white list. Cf. McCloy to Fortas, Dec 29, 1944. For agreement on these points, cf. Fortas to McCloy, Jan 2, 1945; Wechsler to McCloy, January 1, 1945.)

There follow some hastily dictated random comments with respect to current problems stemming out of the revocation of mass exclusion. Since none of these questions have been satisfactorily resolved, the comments [redacted] are tentative and incomplete.

[redacted] War Department Clearance Procedures

In the winter of 1942, the Justice Department-War Department controversy over the necessity of evacuation was resolved by the Justice Department withdrawing itself and interposing no objections to the evacuation, though Justice Department officials were at no point convinced of the necessity of the mass movements. In the summer of 1943, the War Department-WRA controversy with respect to the necessity of segregation was resolved by the WRA undertaking segregation (without compensation to the larger Japanese group) ~~even~~ though WRA officials ~~Mr. Myer was~~ totally unconvinced that the segregation would produce beneficial results. In both cases, policy was set by a process of disagreement and in ~~the conformance~~ conformity with what the War Department conceived to be military necessity.

In the controversy of 1944 on whether or not the WRA leave clearance decisions would be accepted in the process of lifting the mass exclusion order, the WRA and the Justice Department, who had been previously defeated as they took issue separately with the War Department on fundamental matters of policy, were defeated when they united their efforts against the War Department on a third fundamental matter of policy. Each of the persons who participated in this controversy on the losing side, gave a different reason for ~~their~~ his defeat. Mr. Ennis of the Justice Department, for example, believed that the Army was given its way "as a trade for full cooperation from the Army in handling the public relations job of the West Coast." (Grodzins' notes, interview with Edward Ennis Jan. 25, 1945. For a similar statement, cf. letter from Ennis to Fortas, Nov 14, 1944, ~~above~~ supra cited ~~above~~ supra.)

Mr. Fortas, the undersecretary of the Interior, later said that his own disposition to accept the Army terms was based on the fact that he wished to save the President from a rebuke from the Supreme Court that might tear down the mass exclusion in sweeping terms. He also was concerned with the necessity for justifying the WRA

~~¶ from the viewpoint of administrative~~

(Grodzins notes, interview with Abe Fortas, Feb 16, 1945)

budget in the hearings that were soon to be held. Mr. Myer ~~who never gave his assent to the principle of screening by the Army,~~ simply gave his ~~honest~~ opinion that from ~~an adm~~ the viewpoint of administrative expediency the re-screening of evacuees was feasible, if the number of persons slated for exclusion did not number more than five thousand. But not a single person on the staff of the Justice or Interior Departments believed that the re-screening was a necessary measure to insure the national safety.

~~It is to be noted that though~~ The WRA believed the War Department made a commitment in the meeting of November ~~13~~ that the number of persons that the Army would designate for continued exclusion would not exceed five thousand. It should be noted that this number increased as time passed; it appeared as eight thousand in the meeting of December 6 and as ten thousand in the memorandum of agreement of December 29. ~~The increase in numbers of persons slated named to~~ ~~It goes without saying that above~~ Doubling the ~~first figure given~~ number of excludees added great administrative burdens to the WRA.

The greatest difficulties encountered as the result of Army re-screening resulted from the fact that there was a great divergence between those previously denied leave clearance by WRA and those named for exclusion or detention by the Western Defense Command. (not a ¶)

(In part this was occasioned by the fact that the War Department, following a WRA recommendation, did not name persons who had offlis after repatriation as ~~ex~~ listees excludees or detainees.)

Even before the formal announcement was made concerning the revocation of mass exclusion, the WRA had been presented with the tentative army list of excludees and retainees. More than forty-five hundred persons were listed for exclusion; almost five thousand additional persons for continued detention. It was immediately obvious that there was a great ~~diversion~~ disparity between those denied leave clearance by the WRA and those slated for detention or exclusion by the Western Defense Command. A hurried sample check of ~~the~~ 1,897 ~~names of~~ detainees who were not at the Tule Lake Center showed than no less than 1,400 had been previously granted leave clearance by the WRA. In other terms, ~~to these 1,400 per~~ the WRA had deemed these 1,400 persons to be eligible to leave the relocation centers; but the same 1,400 persons were considered of such great danger by the Western Defense Command that they not only to be denied the opportunity to return to the Coast, but also were actually to be kept inside the relocation centers. Of even greater embarrassment, approximately 38 percent of the 1897 persons outside of Tule Lake that had been named for detention by the Army were actually already out of the centers under WRA leave procedures.

In a memorandum of December 12, 1944, to the undersecretary, Mr. Myer expressed his surprise that such a large group of army detainees had already received WRA leave clearance. (not a D)

Since we do not know what criteria were used by the Western ~~X~~ Defense Command, we can only guess as to the reasons for this divergence. In view of the fact that a large percentage of them are citizens, we would assume that the major reason for the wide discrepancy could probably be that anyone who gave an original "no" answer to the allegiance question an opportunity to revise their answers and to have hearings before we made a ~~xxxxxxx~~ final decision regarding their cases. It is also possible that the Army's detainee list may include certain Kibei to whom we may have given leave clearance after hearings and a thorough examination. Whatever the reasons for the discrepancy, it will certainly give rise to a great deal of confusion and resentment among the evacuees, and it will probably also lead to a serious public relations problem when it becomes known--as it inevitably will--that two agencies of the government are so widely at varience in their determinations.

(Myer to Fortas, Dec 12, 1944)

(As a result, persons who had leave clearance but who were caught in relocation centers by the Army Proclamation were prohibited from leaving the centers. But others in the same category so far as WRA records were concerned and who had already left the centers only received orders excluding them from the War Zone.)

Since he did not know what criteria had been used by the Western Defense Command, Mr. Myer wrote, he could only "guess as to the reasons for this divergence." A large percentage of those slated for detention by the Army were American citizens and Mr. Myer believed that "the major reason for the wide discrepancy" was the fact that the Army was recommending for detention all persons who originally gave a "no" answer to the allegiance question during the registration. He pointed out that under WRA procedures, these persons had been given an opportunity to revise their answers and to have individual hearings before final decision had been made. It was also possible that the Army's detention list included certain types of Kibei "to whom we have given leave clearance after hearings and a thorough examination."

> Whatever the reasons for the discrepancy, it will certainly give rise to a great deal of confusion and resentment among the evacuees, and it will probably also lead to a serious public relations problem when it becomes known--as it inevitably will--that two agencies of the government are so widely at variance in their determinations.

(Myer to Fortas, December 12, 1944.)

Mr. Myer strongly recommended that the military review the cases of all persons previously granted leave clearance by WRA and that no person who had actually left the centers be ordered back into detention. These recommendations were accepted and were embodied in the memorandum of understanding of December 29. The review took the form of a statement to all those persons previously granted leave clearance that their cases were on a priority list for review by the Commanding General of the Western Defense Command.

The final list from which the Army worked showed 4,961 persons named for continued detention, of whom 3,065 were at Tule Lake and 1,896 elsewhere; additional 4,797 persons were named for exclusion, of whom 2,751 were at Tule Lake and 2,046 elsewhere. An additional 1,330 persons were borderline cases to whom no orders would be served until a formal interview had been held with Army representatives; of this group 168 was at Tule Lake and 1,162 at other centers or already relocated. As in the detention list, a large proportion of those on the continued exclusion and "no category" lists (who were not at Tule Lake) had already been granted leave clearance by the War Relocation Authority.

The punch card system used by the Army in selecting persons for detention or exclusion produced peculiar results. The list, for example, contained fifteen duplicate names and seventeen females, though the army had announced that only males would be designated. Thirteen persons ~~were~~ named for exclusion or detention were deceased. (Fact had been previously changed to Japan.) Twenty-five persons were under seven years of age, this error apparently arising partly because of mistaken identities and partly because some ~~parents~~ had previously given gifts to Japanese organizations in celebration of their parenthood. At one relocation center, it was reported, a woman appeared pushing a perambulator ~~in which she had informed~~ and informed the Army officer that her infant had come to accept the exclusion order which ~~she~~ the mother had been told was awaiting the child. (Grodzins' notes interview with Ruth McKee, Jan. 21, 1943) No less than forty-five persons on the Army lists were either serving in the Army or in the reserve corps; of these 15 had been slated by the Western Defense Command for detention, twenty-five for continued exclusion and five for further examination. ~~Five persons on the Army lists had been previously exchanged to Japan.~~ Several persons ~~held~~ on the lists held responsible jobs with the United States government. (Data principally from WRA analyses of Western Defense Command exclusion and detention lists, before changes by the Western Defense Command. In additions to the numbers given, 445 Hawaiians were on a special detention list.)

The exclusion ~~orders~~ orders served were unusual documents. They informed the individual, whether he was in a relocation center or outside,[1] ~~of~~ the lifting of mass exclusion and the determination that he had been designated for individual exclusion. They contained the fact that the exclusion did not only apply to the Western Defense zone but also to the coastal strip along the Atlantic ocean, and the Gulf of Mexico, as well as ~~territory~~ a strip along the Mexican border. ~~Some orders read~~ The right to appeal was ~~mentioned~~ mentioned and in some cases (classified as suspense cases) the excluded individual was informed that a re-examination of his case was being carried on at the time of his exclusion. Every order also carried a face sheet which (carried a qualification that the order) ~~stated that it~~ was applicable "unless you have a son or daughter in the Armed Forces of the United States ~~and such son or daughter is so serving with~~

[1] Army officers travelled all over the country removing Nikkei in order to have persons who had left the WRA centers.

and said son or daughter is so serving with your full approval."

Parents who have sons or daughters serving in the Armed Forces of the United States, with their full approval, are to be granted complete liberty to travel or reside anywhere in the United States. It is, therefore, requested that if you have a son or daughter in the service, you fill out the form below and return it in the inclosed addressed envelope, no postage is required. If you have a son or daughter serving in the Armed Forces, with your full approval, you are requested also to return the inclosed ~~Suspense~~ Order which will be cancelled.

If you do not have a son or daughter in the Armed Forces; or if you have a son or daughter and he or she is serving without your full approval, then the ~~Suspense~~ Order is applicable in your case.

The application of individual exclusion to the eastern and southern defense commands had not been previously discussed by either the Department of Justice or the War Relocation Authority. Officials of the Authority strongly advised that their application be rescinded and officials of the American Civil Liberties Union strongly protested ~~the action~~ in a wire to the Assistant Secretary of War. Subsequently, the application of individual exclusion orders to all areas outside the Western Defense Command was lifted. (Cf. John ~~H~~. Haynes Holmes, Arthur Garfield Hays, Roger M. Baldwin to John McCloy, January 5, 1945; Colonel Harrison A. Gearhardt to Abe Fortas, January 13, 1945; Fortas to Gearhardt, January 22, 1945.)

The full consequences of the Army rescreening process are not yet ~~at all~~ clear. At the center level, it is undeniable that the Army review boards contributed a great deal to confusion and uncertainty at a time that WRA policy, itself, had thrown center residents into a state of perturbation. It is Hankey's opinion, for example, that the ~~ex~~ hearings by the Army, in combination with the announcement of center closure and with the Justice Department citizenship renunciation hearings, contributed greatly to the rush of renunciations. Hankey reports that the Army hearings gave evacuees the impression that unless they were served with Army exclusion or detention papers they would be pushed out of the camp. Citizenship renunciation operated in the same direction, since it was clear that those who gave up their citizenship would continue to be held within a center. At the same time, the policy of center

closure gave greater moment to the fears that center security would be lost by those who were not detained by the Army or did not renounce citizenship. The three factors in combination undoubtedly were in large measure responsible for what has happened at Tule Lake since the announcement.of the lifting of mass exclusion.

On the West Coast, public reception to the return of Japanese was initially better than expected. (Grodzins' notes, interview with Dillon Myer, Major General H.C. Pratt to J.J. McCloy, January 9, 1942.) It cannot yet be said whether or not the discrepancies between the WRA and Army lists will further reduce public confidence in WRA. The discrepancies, of course, were not announced publicly. But as early as January 5, officials of the American Civil Liberties Union pointed out that Army exclusion orders were being applied against many who had been found to be loyal by the WRA. The Civil Liberties Union officers strongly urged that the civilian heads of the War Department review the military orders. "We would be reluctant to challenge exclusion orders in the courts and will not do so if reasonably applied," they wired. (Holmes, Hays and Baldwin to McCloy, January 5, 1945.) Apparently, in the view of the American Civil Liberties Union, the application of exclusion orders has been unreasonable. All the legal cases testing exclusion, up to this date, have been handled by the Union. And in the arguments, the Union has been quick to point out that the WRA gave leave clearance to the very people the Western Defense Command has excluded. A wide circulation of this fact in the future may have adverse effect upon the program of the WRA.

Hankey, Nishimoto and Sakoda will, of course, record the full reaction of evacuees to the rescreening program, and the consequences of this reaction on the program of the WRA. In the view of WRA officials, the Army program has had an adverse effect in the following ways: (1) it has further shaken the evacuees' faith in WRA; (2) it has impeded some relocation plans because of the delay of the Army in informing persons that they were slated for detention (3) it has generally caused a further unsettling of the evacuee attitudes. Further, the current Army-Justice Department conflict over the detention of citizens (which is described briefly in a later section) has immobilized that group of American citizens whom

the Army has slated for detention but whom the Justice Department says it will not detain. It is believed in Washington that this group of citizens may become the focal point for dissatisfaction and perhaps for waves of citizenship renunciations.

The Army's Role in Public Relations

In all the early plans for the revocation of mass exclusion and the closure of WRA centers, (Cf. supra, memoranda, Myer to Ickes, May 10 and May 24, 1944.) WRA officials had stressed the importance of the fullest kind of cooperation by military officers in the public relations task. ~~The initial statements made by the Commanding General of the Western Defense Command~~ Army officials had also displayed an early reticence to assume a large public relations burden. But in the discussion that immediately preceded the revocation of the mass exclusion orders, it was believed by WRA officials that full cooperation in public relations work would be forthcoming from the War Department. Mr. Ennis of the Department of Justice believed that this cooperation had been gained by acceding to the Army's reprocessing procedure.

The initial statements made by the Commanding General of the Western Defense Command and by the Secretary of War were well received on the West Coast and were the cause of satisfaction on the part of WRA officials. The Commanding General himself wrote on January 9 that "I am pleased to be able to report that, in general, the public reception to the new program has been better than expected . . . ." (Pratt to McCloy, Confidential, January 9, 1945) Whereas WRA officials believed that these statements would be only the initial step in a consistent program by the Western Defense Command to convince the population of the West Coast of the reasonableness of the return of selected Japanese to their former homes, officers of the Western Defense Command apparently believed that this responsibility belonged to the WRA alone. The WRA, for example, had been unable to secure the services of Western Defense Command officers to appear in public meetings. Army officers have made no statements deprecating the incipient vigilante movements that have appeared on the Coast, and Army officers have taken no part in either investigating these cases or in activating local law enforcement officials. State Attorney General Robert Kenny has expressed the belief that such an active participation by the War Department would considerably aid the law enforcement problem. (Kenny to Fortas, March (?), 1945, see Mrs. Kingman's file)

Rather than actively aiding in the public relations job,

the highest-ranking officers of the Western Defense Command have been forced by the course of events to make statements that actually had the effect of inflaming public opinion. That is to say, these officers have ~~been~~ testified in the recent cases that have been brought to the courts in an effort to invalidate the individual exclusion orders. Their testimony has dwelled on the continued danger of espionage and sabotage and has been reported in the press. At the same time, as noted above, the individual exclusion cases have also ~~brought home to the public~~ made clear the fact that Army determinations of loyalty differ greatly from determinations made by the WRA.

Perhaps the largest consequence of the Army's failure to participate in the public relations job is the reflection of that failure within the relocation centers, ~~rather than on the West Coast itself~~. An aggressive Army policy would probably cut down on cases of violence and sooth public tempers. This would be important on the coast itself. But the cases of violence are themselves must important because of the effect they have in the relocation centers. If it could be said in the relocation centers that the War Department was aggressively aiding in preparing public sentiment and in discouraging extra-legal action, the WRA's task of relocation might be made much easier. Under the current circumstances, no such statement is possible. ~~In summary,~~ In summary: (1) the War Relocation Authority based its final plans on the hope of full cooperation from military officials in public relations work on the West Coast; (2) that cooperation has not been forthcoming; (3) the result is probably reflected in relatively more hostile action than would have occurred if the Army were actively participating; and (4) the result of Army disinterest is certainly having grave consequences within the relocation centers.

Not a footnote (Indeed, partial closure was contemplated as early as March, 1943, in the Plan "C" proposal.)

The Closure Controversy

From the earliest communication Mr. Myer directed to Mr. Ickes with respect to the revocation of mass exclusion

A plan for the closure of the WRA centers and the liquidation of the Authority itself was included in the earliest communication about the revocation of mass exclusion directed by Mr. Myer to Mr. Ickes. In every subsequent discussion of the necessity for dropping the special control measures that had been imposed on the Japanese group, the aim of center closure had been explicitly stated by the WRA director. (Cf. Myer to Ickes, March 6, 1944, and series of subsequent documents quoted above)

Simultaneously with the announcement that the West Coast ban had been rescinded by the War Department, the WRA announced all center operations would be curtailed and that all relocation centers would be closed no later than one year after the revocation of the exclusion orders.

The belief of the WRA officials that centers should close sprang from their belief that the isolated barbed wire communities were a visible contradiction of democratic precepts. The full statement of the reasons for closure have been contained in the documents quoted above and were restated by Mr. Myer in his tour of the centers in February & March, 1945.

(In final write-up, reasons will be summarized, with additional quotations from Mr Myer's center speeches, such as that at Poston in March 7, 1945.)

footnote

Even before the announcement of revocation of mass exclusion was made, the project personnel of WRA had been informed of the closure policy and detailed planning undertaken for the implementation of the policy, which was universally conceded to be the Authority's most difficult task. On the day after the announcement was made, the center an elaborate manual on/post-exclusion program was issued. (The administrative implementation of closure will be described in a separate section. The basic documents so far are letters of December 7 and 8, 1944 from Myer to all project directors, a transcript of a phone conversation from Myer to the directors on December 17, 1944, and, especially, manual section 150, the first portion of which was released as manual release No. 158, December 18, 1944.)

Opposition to closure soon came from many sources. WRA anticipated the resistance of evacuees themselves which was immediately forthcoming, as Nishimoto, Hankey and Sakoda have reported. The first high point of this sentiment was reached in the all-center conference held in Salt Lake City ~~from~~ in February, 1945.

But opposition also came from many unexpected quarters, and persons who had previously been ~~on opposite sides of the fence~~ antagonists with respect to the Japanese problem found themselves united in opposition to closure. Thus, the editor of the Christian Century, who had previously exhibited a great friendliness for both the evacuees and the WRA, opposed closure in common with Mayor Fletcher Bowron of Los Angeles, who had previously exhibited animosity toward both ~~Japanese~~ evacuees and WRA. Each had his own reasons. The Christian Century editorialized that ~~Japanese~~ evacuees needed a refuge at least for the duration. While commending the revocation of mass exclusion, the magazine pointed out the economic dependence of Japanese Americans and their inability to make rapid readjustment outside the centers. (Copies of the editorials are not available at this moment. Up to this date two editorials have appeared.)

Mayor Bowron had been strongly opposed to the lifting of the exclusion order and based his opposition to center closure on his disinclination to have Japanese return to their former homes in Los Angeles. In a letter to William H. McReynolds, an administrative assistant to the President, Mayor Bowron wrote that officials of the Department of the Interior and the War Relocation Authority had

"made an honest mistake in misjudging public opinion" and were "in error when they believed that the majority of the people favor the return of the Japanese." The Mayor reported that he had heard that "a secret anti-Japanese organization has been formed for the purpose of discouraging future concentrations of Japanese population in California and other Pacific Coast states by resorting to illegal methods such as employed by the vigilantes of a half century or more ago." The Mayor thought it was fortunate that few Japanese had returned to Southern California and "so long as the greater number of them now at liberty will remain elsewhere, this will be the happiest and most desirable solution of the problem." He thought there would be no public outbreak if the Japanese continued "to trickle in."

There is, however, great danger if they come in large numbers because, first, of housing shortage and, second, because many people are determined that there must not again be such a large concentration of Japanese population in this area. . . .

Under existing conditions, it will be very difficult indeed to absorb any considerable proportion of the original Japanese population, and their return would produce problems for this area and community beyond the power and ability of local government to handle, and for which we feel the Federal Government has direct responsibility. . . . .

the present situation cannot be met by resolutions of organizations and the declarations of minority groups that all Japanese should be welcomed bak as American citizens. It is far more practial than that. After mature consideration, I feel that the only answer is to keep open certain of the relocation centers, particularly those at Gila, Poston and Manzanar, and to permit Japanese to remain there purely on a voluntary basis. The present announced policy of closing these camps will force many Japanese to return to Los Angeles and other congested industrial areas of the Pacific Coast against their wish and preference.

The Mayor pointed out that there were some thirty-three thousand Japanese ~~from Southern California~~ at the Poston, Gila and Manzanar centers, most of whom had previously resided in Southern California. He had been informed that ninety percent of the persons within the centers preferred to stay there until after the war. It would be possible to accommodate the remaining ten percent who seemed "determined to return to California." The problem was, therefore, "comparitively simple" if relocation centers were maintained. If closure were enforced, however, many Japanese would return to Los Angeles because Los Angeles was their former home and they were unacquainted with other sections of the country. If these persons could have been induced to go elsewhere, this would have already been accomplished, but the War Relocation Authority had been able to relocate eastward only about thirty-five thousand Japanese in the preceding two years.

Therefore, the Mayor argued, the rapid closure of WRA centers would make it impossible "to break up concentrations and secure a wider distribution of population." If sixty thousand Japanese were "set adrift" the Mayor could see "little less than turmoil." "What I fear is that we may have some unpleasant occurrences which will be so magnified by the time the news reaches Japan that our interned American citizens and war prisoners in Japanese custody will receive brutal treatment or be killed on the theory of retaliation."

Mayor Bowron pointed out that it was probably cheaper to keep Japanese welfare cases within centers than outside. He affirmed that hospital cases released from WRA camps could find no adequate facilities in Los Angeles, nor were there places for the 50 Japanese orphans who were then residing at the Manzanar center. He again pointed out the acute housing shortage of Los Angeles and said it was "apparent that if Japanese are to return to Los Angeles they will directly or indirectly displace Army and Navy personnel stationed here, returned veterans, and war workers and their families." He pointed out that the "greatly reduced personnel" in the Los Angeles police and fire departments made it impossible to cope with the normal wartime problems of protecting life and property. " . . . . we fully expect a crime wave to result. On top of this, we are asked to afford protection for returning Japanese

who will move into an overcrowded city and, largely of necessity, will push out of their living quarters whites and blacks, many of whom are war workers." For all these reasons and others, Mayor Bowron strongly recommended that at least the three centers mentioned "remain open for an indefinite period because of the continued existence of an emergency resulting from the impact of war and occasioned, in part at least, by the action of the federal government in removing the Japanese people from their homes in California and elsewhere." (Bowron to McReynolds, January 26, 1945)

The Department of Justice had been friendly toward War Relocation Authority policies throughout the entire history of the latter agency. Justice Department officials had warmly supported the ~~original~~ inauguration of the first WRA relocation program and had been sympathetic to Mr. Myer in his efforts to bring about the cessation of mass exclusion. Altogether unexpectedly to officials of WRA, the Justice Department became the leading force (other than the evacuees themselves) in opposition to immediate center closure.

The 78th Congress had before it a number of drastic bills calling for the deportation of disloyal Japanese. In an effort to forestall the passage of these measures, the Justice Department had introduced a bill making it possible, under certain circumstances, for citizens of the United States to renounce their citizenship, a renunciation that had been impossible during wartime under previous laws. This measure was passed and, after some administrative delay, ~~applications for citizenship renunciation~~ persons were allowed to make application for citizenship renunciation. A considerable group of applications was immediately received from persons at the Tule Lake War Relocation Center and, approximately a week before revocation of mass exclusion, ~~a team of Justice Department officials~~ Mr. John Burling, an official of the Justice Department, visited the Tule Lake Center to interview applicants, ~~and to transmit their recommendations with respect to each the renunciation should be accepted.~~ The statute provided that renunciations would be accepted only if approved by the Attorney General, and ~~the group of officials at Tule Lake~~ Mr. Burling had ~~for~~ the responsibility of making recommendations to the Attorney General.

Shortly after this first processing of applicants for renunciation began, revocation of mass exclusion and center closure was

announced. Almost simultaneously, a group of Army officers appeared at Tule Lake and it soon became apparent that large numbers of persons, previously segregated by the War Relocation Authority, would receive neither exclusion or detention notices from the War Department. According to Hankey, persons interviewed by the Army officers returned from their interview with the definite impression that those not made subject to detention by the Army would be forced to leave the center by the War Relocation Authority. At the same time, it was widely believed that persons whose application for citizenship renunciation were accepted would (with their families) be retained within some sort of a center for the duration. Accordingly, applications for citizenship renunciation mounted rapidly in the weeks following the closure announcement. Just as ~~during the registr~~ persons had been willing to declare their disloyalty during the registration for the sake of ~~security~~ remaining within a center, so apparently did persons now indicate their desire to forsake their American citizenship. More than 6,000 applications for renunciation accumulated before the end of January.

Mr. Burling was greatly disturbed by the spectacle of numerous Americans forsaking their citizenship. He believed that the renunciation had little to do with political allegiance. He ~~and~~ was convinced that ~~unless it is decided to refuse to offered to evacuees who wished to remain within the centers,~~ the announcement of closure had been in error. He believed that it would be impossible to empty the centers and was certain that large numbers of citizens would undertake the renunciation process ~~under~~ as a means of gaining security for the duration unless the War Relocation Authority reversed its closure policy.

Mr. Burling returned to Washington at the end of January and set forth his convictions in a strong memorandum to the assistant to the Attorney General on February 9. He ~~recommend~~ strongly criticized the entire direction of WRA policy and what he considered the inept administration of Tule Lake. He believed that WRA policy was unrealistic, that evacuees, because of the destruction of their former communities and their economic resources, could not be relocated by the end of 1945. He pointed out that adherence to closure by WRA would probably result in demonstrations - perhaps violence ~~[illegible]~~ large-scale citizenship renunciations at all

centers. He wrote that in effect the closure of WRA centers would simply fill Justice Department enemy alien internment camps, since persons who renounced their citizenship immediately achieved the status of aliens subject to internment. He had heard that Mr. Myer was even then embarking upon a tour of the relocation centers in order to convince residents of the finality of center closure and strongly recommended that Mr. Myer be prevented from taking this trip until the closure policy could be re-evaluated. (Burling to Wechsler, February 9, 1945. Copy of this document is not available. The summary above is from a hasty reading of the document by Grodzins. The document should eventually become available.)

This letter was transmitted to the Undersecretary of the Interior, who also held a lengthy conversation with Mr. Burling. The letter did not achieve its immediate purpose of halting Mr. Myer's journey, but it was agreed that a representative of the Department of the Interior with Mr. Burling and an official of the War Relocation Authority would make a tour of several relocation centers and transmit their new recommendations to the Attorney General and the Secretary of the Interior. H. Rex Lee was chosen to represent the WRA and assistant secretary of the Interior, Oscar L. Chapman, made the trip for that Department. With Mr. Burling, these gentlemen are at this time (March 27, 1945) completing their tour.

Officials of the War Relocation Authority were not immediately shaken in their stand on center closure by the criticism of the Justice Department. Mr. Myer pointed out that Mr. Burling had based his conclusions after visiting Tule Lake but without ever seeing any of the other relocation centers. Since Tule Lake contained only the previously segregated group of persons considered pro-Japanese in attitude, Mr. Myer did not believe the basis of Mr. Burling's criticism sufficiently broad. The WRA official further criticized the Department of Justice for making it possible for renunciation applications to be made and processed at the precise time that closure was announced. He believed that if the opportunity for renunciation had not been so immediately available, and that if a cooling-off period could have been arranged, there would have been no such great rush of citizenship renunciations. He agreed

that renunciations were being made as a means for gaining security. He argued, however, that this reason alone was sufficient cause for the imposition of a cooling-off period. During this interval, he believed that evacuees could be convinced of the reasonableness of WRA's closure policy and of the fact that they could make a satisfactory adjustment in ~~the~~ normal communities. Mr. Myer further pointed to the fact that the applications for renunciation from centers other than Tule Lake had been few in number. He took issue with Mr. Burling on the possible future developments at these centers and believed that closure would be possible without provoking large-scale renunciations. He believed that the undeniable hardships inflicted on evacuees by closure were far outweighed by the (undesirable) consequences to both evacuees and the nation that would result if centers were indefinitely retained.

The Justice Department-War Department Controversy.

The most important current inter-departmental controversy is undoubtedly ~~that between~~ the one described above, that between the Department of Justice and the War Relocation Authority with respect to center closure. A second controversy exists between the War Department and the Justice Department over (a) the continued detention of American citizens of Japanese ancestry, and (b) the current individual exclusion ~~order~~ program of the Western Defense Command.

a. ~~The~~ (Now the) issue of continued detention delayed the announcement of the revocation of mass exclusion has ~~already~~ been described above. The interdepartmental agreement of December 29 is purposely ambiguous on the point and Justice Department officials persist in their statement that they will have no part in continuing the detention of American citizens, once the segregation center is turned over to their jurisdiction. Meanwhile, however, the War Department has named a large number of citizens for detention whom the WRA, according to the tri-partite agreement, will detain "to the extent that the law permits" until the "assumption of responsibility for detention by the Department of Justice." In a large number of

~~of~~ cases the War Department-Justice Department conflict has been resolved by renunciations of citizenship. ~~Once citizenship has~~ been renounced, ~~the person renouncing becomes an alien enmy subject~~ to ~~summary detention.~~ Up to this time, there has been a close corresponednce between the citizens named for detention by the War Department and those at Tula Lake who have renounced their citizenship. More than a thousand citizens at other centers, however, have been named for detention by the Army and, so far as present information reveals, have not renounced their citizenship. The WRA is now detaining these persons but the Justice Department, on whom responsibility for their detention will ultimately rest, affirms that this detention is illegal and that it will not undertake it.

(b) The strong criticism of individual exclusion program by Edward Ennis has already been noted (Cf. Supra, Ennis to Biddle, June 8, 1944; Ennis to Fortas, November 14, 1944.) In addition to questioning the necessity of the large number of individual exclusions from the viewpoint of national defense, officials of the Alien Enemy Control Unit of the Department of Justice have grave doubts as to the constitutionality of the exclusion orders. Yet they are in the peculiar position of having to defend those orders in the courts. It seems probable that large numbers of the individual exclusions will be rescinded under the joint impact of criticism from the Department of Justice and the Department of the Interior and of court decisions.

Politics and Military Necessity

As the documents above have pointed out, both the Secretary of the Interior and the Secretary of War were willing to proceed with the revocation of mass exclusion as early as June, 1944. The Revocation, however, was postponed until after the general election of November, and military necessity continued to enforce mass exclusion until the election was over. Obviously, this is a new corroboration of the elasticity of "military necessity", a characteristic ~~property of this concept which was pointed out~~ fully described in the pre-evacuation study.