

SECRET

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Authority NND 730027

By JAB NARA Date 9/13/05

under provisions of the proclamation, said there were several factors which will have a tendency to deter any mass return of excludées.

"Such factors," he said, "are economic and social, such as limitation of available housing, inability to re-establish business enterprises due to changed conditions, reduction of capital because of frozen deposits in Japan and West Coast Japanese banks, and the reluctance to face the known antipathy of a portion of the resident civilian population."

The screening board that will determine the loyalty of Japanese seeking to return to the Coast will be composed of one representative from each of the following agencies:

- 1, — Attorney General's Office, Department of Justice. Charged with prosecution of violators of federal statutes.
- 2 — Federal Bureau of Investigation, Department of Justice. Charged with internal civilian security.
- 3 — War Relocation Authority, Department of the Interior. Charged with relocation of civilians.
- 4 — Office of Naval Intelligence, Navy Department. Primarily responsible for intelligence matters in the Pacific Theater.

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5 -- Office of The Provost Marshal General, War Department. Charged with internal military security.

6 -- Commanding General, Western Defense Command. Charged with the defense of the Pacific Coast.

The text of the proclamation, including a detailed description of the boundaries of the reduced area of the Western Defense Command which will continue prohibited to persons who are considered dangerous or potentially dangerous, follows:

- 7 -
SECRET

HEADQUARTERS WESTERN DEFENSE COMMAND
OFFICE OF THE COMMANDING GENERAL
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

c/c - JA
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CONFIDENTIAL FILE 355//
#224 /pwm
1535 PWT
12 June 44

Transcript of telephone conversation between General EMMONS and Mr. McCloy, Assistant Secretary of War, Washington, D. C.

Mr. McCLOY: I wanted to see what you thought about that proposal, particularly if we added to it a right to review individual cases if we wanted to under the exclusion program.

General EMMONS: Let me give you a statement on this whole business. I have just had Mr. Cousins out here who has been in contact with Dillon Meyers over the telephone a half dozen times and I understand Mr. Cousins is to be charged with all this business on the West Coast so I wanted to get directly from him what his complaints were and I got them and they really amount to this: That they don't want to be put in an embarrassing position, that's one. Two, that they don't want the people that they have relocated elsewhere to be dissatisfied. Now, the way I answered that was this . . . the Department of Justice doesn't want to put a man on this board, we want two men from the W.R.A. on this screening board and those two men are there to see that we do not embarrass the W.R.A. in any way, shape or form; as a matter of fact we want to help them because they have a tough job and certainly those people who have been relocated will never have to be examined by this board because they are already relocated, so we will do everything that we can to avoid any embarrassment on them. Now I have given Mr. Cousins a copy . . . he is working with me right now . . . of the proposed press release and the proposed proclamation so that he can go over it in detail and scratch out anything that may be embarrassing or objectionable to them. Secondly, I have asked him in case I have a press conference, to get authority from his boss to issue a simultaneous statement with me which seems to satisfy him very well. Now here is why we have to have a screening board. We can not, at this time, return all Japanese; some of them are dangerous . . . the only person who has a right to exclude any Japanese is the Commanding General, Western Defense Command, under this Executive Order #9066. It is a military responsibility, it is also a bitter pill which has to be sugar-coated so we are the fellows who are going to sugar-coat it. Now we don't propose and never did propose to do anything more than examine the intelligence records that have been accumulated from many sources including the W.R.A. except in rare cases, in other words, we are not going to have these Japs make out a lot of forms and appear before this board . . . we are just going over the things and then clear them by family but there will be one or two cases perhaps out of every 100 or 150 that we will want to make a further investigation of, that we must do because after all it is our responsibility. The Office Provost Marshal General has not accepted the screening by W.R.A. for military purposes . . . now, we don't want to pass that responsibility on the W.R.A., it is our responsibility but we propose to work it in such a way as to be a burden to nobody but a big help.

Mr. McCLOY: Have you told all this to Cousins?

General EMMONS: Yes. He is going over this proclamation and this thing and make some suggestions about it and then he will call up Meyers. I think he will tell Mr. Meyers that he thinks everything is going to be all right but of course you don't know what his reaction is going to be.

5
CONFIDENTIAL

Page Two
#224

General Emmons and Mr. McCloy

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Mr. McCLOY: Okay, I will stick for that . . . at least unless the President overrules it . . . we will try to get the President to decide the main thing; that is, whether or not they are to come back. Get him to decide that and then we will work out the procedure and it may be that we will have to put some other words in the papers you left with me to convey this spirit with which you say the thing will be approached.

General EMMONS: We are working on that too with Mr. Cousins . . . right now. There is one more thing, if it comes up, the President may if he wants to revoke this Executive Order and throw the whole thing in the hands of the W.R.A., if that is the case we don't want anything more to do with it because it is going to end up in a mess.

Mr. McCLOY: In that case, all we would do if he did that . . . all we would have to say was that there was no longer any military necessity for keeping these fellows "mass-excluded" so to speak and say no more or do no more than that.

General EMMONS: That is all we can do but it is going to end up in a mess because the people out here in California will not accept the W.R.A.'s screening and we are going to have a hard enough time anyway. There is no use making it any tougher. . . my name is going to be mud.

Mr. McCLOY: Okay, I have the picture.

General EMMONS: Okay, if you get any "dope" will you let me know. I am going to Los Angeles . . . I have to go down on Thursday on one of these bond things . . . Wednesday and if you can give me some "dope" tomorrow it would be helpful. Thank you, sir.

Mr. McCLOY: Okay, goodbye.

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HEADQUARTERS WESTERN DEFENSE COMMAND
OFFICE OF THE COMMANDING GENERAL
PRESIDIO OF SAN FRANCISCO, CALIFORNIA#223/pwm
1237 PWT
12 June 44355/11
36

Transcript of telephone conversation between Colonel BATHURST and Colonel GEARDT, Office of the Assistant Secretary of War, Washington, D.C.

Colonel GEARDT: Mr. McCloy just asked me to get in touch with General Emmons. We received a copy of an administrative memorandum from the Department of Justice regarding this proposed plan that General Emmons came in to Washington about. They have an alternative proposal here and Mr. McCloy would like to have General Emmon's comments on it and would like to get them as soon as he can. We would have to get another decision, as you know, before anything can happen and that decision will have to be gotten in the next day or two because people might not be around. The alternative proposal is this . . . or first to go into the argument . . . Justice believes that the War Relocation Authority clearance should be the clearance which is acceptable and not an additional War Department clearance set up for the return and in their plan, this is what they propose: The War Relocation Authority has already set up a complete and elaborate system for clearance which is as good or better than any system which can be set up since they have had the Japanese in their custody as well as having all the available records. Then they go on to say that they believe that this is a better check than the Joint Board . . . now here is the concrete part of their proposal: It would be more helpful if the War Department would announce at the time the military ban is lifted that it has examined the W.R.A. _____ clearance procedure and is satisfied with it for return. If the War Department is not prepared to do this on the basis of its present knowledge it could appoint a committee of officers to study the clearance procedure and make this decision for it. Then he recommends that the representatives of such a committee should be the chiefs of the Japanese-American section of the PMGO; the Chief of Counter-Intelligence, G-2; the representative of the Western Defense Command; and Captain Fisher of this office.

Colonel BATHURST: That, of course, presents several problems . . . in the first place, it is just my opinion that there is no reason why a W.R.A. clearance could not in fact be as good as a military clearance. On the other hand, we couldn't without some kind of control . . . I don't believe the General would concur in giving them "carte blanche" authority, however, that is a matter I will have to take up with him.

G: You see . . . Justice's point is that if we can examine their procedure and say that now under their procedure we think their clearance procedure is a good one and will serve the purpose, then we accomplish two things: We have given a War Department approval to this thing, that is the War Department stands behind the people's coming back and at the same time it does not cast any reflection on the War Relocation Authority's existing procedure.

B: The trouble with that whole thing would be that while we might approve a procedure there would be no military control over that procedure to be sure that it continued in perhaps several vital points that we might consider essential. In other words, we are in no way in a position to have any control over the W.R.A. We can approve whatever we please and they can also do as they please. You can see how that would work out.

G: If this is acceptable we might dicker with the W.R.A. on any changes in their procedure.

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Authority NND 730027
By JAB NARA Date 9/13/05

Colonel BATHURST: The trouble with procedure is . . . it's a matter of opinion on certain evidence, which the military mind might consider as important and the W.R.A. mind (I think you know that there could be such a type of mind as that, you know what I mean) might look on things quite differently. I am going to have to discuss that with the General, I will call you back as soon as I have had a chance to talk to him.

Colonel GEARDT: The General talked to Mr. McCloy this morning . . . and as I understood the gist of the conversation which was to be held (I was not there when he called him) the question seemed to center around this . . . if there was any military necessity for the screening (and that was one thing to be decided) and the screening was done for public receptivity as on the part of the people out there to make them feel a little better, then that was another basis for a decision.

B: The whole thing will have to be weighed very carefully. I will take it up with the General. How soon does Mr. McCloy have to know?

G: He said he would like to get it as soon as he can.

B: I think I can probably give you a call around five o'clock your time, this afternoon.

G: Okay, that will be fine.

B: All right, I will expedite it as much as I can. That's the whole story isn't it?

G: Yes. I just wanted him to know that this alternative plan had been submitted and what his reaction to it was.

B: I will take it up with him and let you know as soon as I can. Thank you.

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HEADQUARTERS WESTERN DEFENSE COMMAND
OFFICE OF THE COMMANDING GENERAL
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

#225 /pwm
1540 PWT
12 June 44

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Transcript of telephone conversation between General EMMONS and Mr. McCLOY, Assistant Secretary of War, Washington, D. C.

Mr. McCLOY: you would have to revoke the old one and put a new one in which would modify the procedure if you leave the old Executive Order exactly as it is it would still be subject to legal attack . . . you would have to have a different procedure for them to shoot at rather than the old one because it would condemn the old one and what we want to avoid is an adverse case. Now I think your lawyers will understand that . . . you get your lawyer on it it is a matter of drafting more than anything else but I think that is another important element in the criticism that the Interior make of your existing proposal.

General EMMONS: All right, sir, I will take that up with my Judge out here. It is easy to change our proclamation but it is going to be very difficult to change the Executive Order, not the technique of changing it but there is going to be an interregnum in there which is going to be bad.

Mr. McCLOY: You have to consider that. Tell him to consider that point. In other words, we want to avoid a blot on our escutcheon, we don't want the Supreme Court to render a judgment against us based on the old Executive Order if we can help it and if you can avoid that by a modification of the Executive Order at the same time you modify your proclamation, well and good if you can avoid the adverse decision by modification of the proclamation well and good, that is the point, see?

General EMMONS: Suppose I get ahold of him now and have him work on it tonight and call you the first thing in the morning have him call you directly because he is a lawyer and he can talk your language. All right, sir, I will get right ahold of him. Thank you, sir. Good bye.

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Authority NND 730027

By JAB NARA Date 9/13/05

HEADQUARTERS WESTERN DEFENSE COMMAND
OFFICE OF SAN FRANCISCO, CALIFORNIA

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OFFICE OF THE CHIEF OF STAFF

MEMORANDUM: For CG-WDC

- 1) Herewith for approval or modification is JA summary of directive given reference future exclusion policy. Attached for information are:
 - a) JA comments
 - b) CAD study and comments.
- 2) The problem requiring clarification is whether Exclusion should be dropped entirely, or retained for use against those Japs whose intelligence agency reports are not favorable. Advantages and disadvantages are discussed.
- 3) Recommend: Conference with JA, CAD, and C/S present, to clarify any uncertain questions.


RMB

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HEADQUARTERS WESTERN DEFENSE COMMAND
 CIVIL AFFAIRS DIVISION
 PRESIDIO OF SAN FRANCISCO, CALIFORNIA

379/8
 C/S
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291.2-Japs

25 May 1944

MEMORANDUM FOR: C/S

SUBJECT : Exclusion Program.

1. Submitted herewith is requested comment and recommendation on JA memo, 22 May 44, attached (Incl 1).
2. Basic memo indicates intention to "terminate the exclusion"; later conference with C/S indicates desire to prevent return of potentially dangerous individuals to selected restricted areas along West Coast.
3. CAD proposes three plans for consideration:
 - a. Plan A for use in case decision is to abandon entire program and let responsibility rest with War Department (Incl 2).
 - b. Plan B for use in case decision is for military to turn responsibility over to Department of Justice (Incl 3).
 - c. Plan C for use in case decision is for military to retain right to deny return of potentially dangerous individuals (Incl 4).
4. Attached for information are memoranda containing detailed comments on screening processes:
 - a. Memo re proposed WDC mass screening (Incl 5).
 - b. Memo re loyalty determinations of Japanese (Incl 6).
 - c. Memo re screening by Japanese-American Joint Board (Incl 7).

Claude B. Washburne
 CLAUDE B. WASHBURNE
 Lt. Col., C.A.C.
 Officer in Charge

7 Incls - as listed

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CONFIDENTIAL

CONFIDENTIAL

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22 May 1944

MEMORANDUM:

SUBJECT : Exclusion.

1. The Commanding General, on 20 May, verbally directed me to prepare the necessary papers for submission to the Assistant Secretary of War the matter of probable need for early rescission, on strictly military grounds, of the exclusion orders, by both Japanese and individuals. Such papers to include the following:

a. A letter or memorandum from the CG outlining the situation, giving the reasons for the contemplated action, the various factors involved and the plan proposed for putting it into effect.

Reasons for rescission. Briefly, that the progress of the war in the Pacific, with anticipated further improvement very shortly, will no longer factually or legally warrant continued exclusion of the Japanese and other individuals from this command.

Factors involved include appropriate changes in orders and regulations of this command; relocation by War Relocation Authority; close cooperation and assistance by the state authorities.

The plan involves the following steps:

- (1) Approval by the War Department of the military decision, at the proper time, to terminate the exclusion.
- (2) Inform WRA that such action may shortly be taken and calling upon it to formulate detailed plans for relocation in excluded areas as well as elsewhere. (Presumably this would continue as a gradual process, but at a much accelerated pace).
- (3) Conference by CG, WDC, with governors, attorney generals, mayors of larger cities, heads of local prominent organizations, all in the coastal states and Arizona, announcing the termination of exclusion orders in WDC, and giving the reasons therefor.
- (4) War Department proclamation placing Tule Lake Center in same category as other Centers created by the War Department outside of excluded areas. (This only in

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Incl 1

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Memorandum (cont'd).

case War Department proposes to retain Tule Lake Center for compulsory internment of Japanese who have not been screened as loyal).

- (5) Proclamation by CG, WDC, rescinding all exclusion orders. Steps (4) and (5) to be practically simultaneous with (3).

2. Accompanying the plans will be a draft of the proposed proclamation by this headquarters and a memorandum from the JA setting forth the benefit, from a legal standpoint, of terminating exclusion on strictly military grounds and before such action is made necessary by an adverse decision of the Supreme Court.

NOTE: Submission of plan to include a suggestion that Japanese excludées be returned and resettled at Federal expense, in the same occupational status so far as practicable, but not necessarily in the same locality from which they were excluded.

Detailed figures should also be included showing the extent of screening for loyalty and the results thereof.

d. Let WD issue any restrictive orders desired by them in Fran. Is area, Tule Lake or similar areas anywhere in the US restricted for a national benefit.

e. WRA to assume responsibility for

f. Civilian officials to be given the same rights as military officials in enforcing law and order.

g. Proper publicity to accomplish above.

3. Advantages: Means present objection to WDC control over civilians.

4. Disadvantages:

a. CG, WDC, loose control.

b. Most dangerous of them or alien not in equipment have complete freedom of action.

Joel F. Watson
JOEL F. WATSON
Colonel, J.A.G.D.
Staff Judge Advocate.

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PLAN AWAR DEPARTMENT RESPONSIBILITY

1. Basis for Plan: That military situation no longer requires exercise of EO 9066 powers by Defense Command and return is being made to WD level with retention of designated military commander and military areas as a framework for immediate use in case of emergency.

2. General Plan:

- a. Rescind all present Exclusion Orders.
- b. Retain military areas.
- c. Remove all WDC restrictions in military areas.
- d. Let WD issue any restrictive orders desired by them on Proc. 18 area, Tule Lake or similar areas anywhere in the US restricted for a national benefit.
- e. WRA to assume responsibility for relocation.
- f. Civilian officials to be given responsibility of maintaining law and order.
- g. Proper publicity to accomplish above.

3. Advantage: Meets present objection to WDC control over civilians.

4. Disadvantages:

- a. CG, WDC, loses control.
- b. Most dangerous citizen or alien not in confinement has complete freedom of action.

CONFIDENTIAL

Incl 2

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PLAN BJUSTICE DEPARTMENT RESPONSIBILITY

1. Basis for Plan: That military situation no longer requires exercise of military control over civilians in continental limits of US, providing Department of Justice will assume responsibility for any control of civilians necessary for successful prosecution of the war.

2. General Plan:

a. Transfer primary responsibility for civilian control from military to civilian branch of government.

b. WDC to rescind Public Proclamations and Exclusion Orders as requested by Justice Department.

c. WDC to establish restricted areas and issue regulations therefor if Justice Department desires to use EO 9066 powers in carrying out its program.

3. Advantages:

a. Meets objections to military control over civilians.

b. Places responsibility for internal security on Justice Department.

c. Places responsibility for restriction or detention of dangerous individuals on Justice Department.

4. Disadvantages:

a. CG, WDC, loses control.

b. Determination of degree of danger of an individual rests with Justice Department.

CONFIDENTIAL

Incl 3

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PLAN CCG WDC RESPONSIBILITY

1. Basis for Plan:
 - a. That in order to carry out his assigned mission, it is desirable that CG WDC continue to exercise powers under EO 9066.
 - b. That present military situation and acquired intelligence information now permits a shift from mass exclusion on a racial basis to individual exclusion on a security basis.
2. General Plan:
 - a. Accept application for return to prohibited area from any person now excluded therefrom.
 - b. Establish a review board to evaluate all obtainable intelligence information and determine admissability of excludées to prohibited areas. CG to retain veto power where admission is denied by Board.
 - c. Issue exemption to all individuals approved by board or CG.
 - d. Reduce size of prohibited areas as military situation permits.
 - e. Publicize, possibly on Washington level, the plan with full explanation thereof.
 - f. WRA to assume all responsibility for relocation.
3. Advantages:
 - a. CG WDC retains control.
 - b. Permits orderly return of evacuees.
 - c. Indicates intent of military to relax military control of civilians as military situation improves.
 - d. Indicates intent of military to protect Pacific Theatre against sabotage and espionage.

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Incl 4

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PLAN C (cont'd)

- e. Meets legal objection to racial discrimination.
 - f. By selection of membership on review board, permits participation by interested civilian agencies.
4. Disadvantage: Continued WDC responsibility.

2
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