January 6, 1943

Dear Mr. Fahy:

From time to time doubt has been informally expressed by the Department of Justice as to the enforceability of the provision in the form of individual exclusion order which prohibits entry into military areas outside the command of the Military Commander issuing the order. You will perhaps recall that this specific problem arose in the Andriano case where it was suspected that Andriano might, after exclusion from the Western Defense Command, come to Washington within the Eastern Military Area in direct contravention of General DeWitt's order.

In order to clear up the matter, General DeWitt has suggested in a letter to me, copy enclosed, that the War Department issue a proclamation prohibiting an excluder from entering such military areas as are designated in his exclusion order, whether they come within the jurisdiction of the Military Commander issuing the order or not, in order to safeguard the national security. In considering the question, you should doubtless have before you the Secretary of War's letter to General DeWitt of July 15, 1942. I enclose a copy for your convenience.

Sincerely,
Honorable Charles Fahy  
The Solicitor General  
Department of Justice  
Washington, D. C.

Encs.  
3. Cy Proclamation

OASW: JMH: MCB