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 Item No. 3

ASW 014.311 General - Exclusion Orders

HEADQUARTERS EASTERN DEFENSE COMMAND
 AND FIRST ARMY
 OFFICE OF THE COMMANDING GENERAL
 GOVERNORS ISLAND, NEW YORK

SEP 27 1943

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Honorable John J. McCloy,
 Assistant Secretary of War,
 War Department,
 Washington, D. C.

Dear Mr. McCloy:

I have your letter of 14 September 1943, enclosing a photostatic copy of a memorandum sent to the Chief of Staff by General DeWitt. You state that you would like to have my thoughts on his suggestions as they might apply to the East Coast. Although I have read the memorandum carefully, I am not entirely clear from its context precisely what is suggested, but I am replying to your letter very frankly in the hope that I may be helpful.

The memorandum naturally is an argument for conditions as they exist on the West Coast. I feel that it does not furnish any remedy for the conditions on the East Coast. The problem on the West Coast primarily involves Japanese and persons of Japanese ancestry. The problem on the East Coast primarily involves Germans and persons of German sympathies. On the West Coast, evacuation of the Japanese has already been accomplished and that area has largely been cleared of persons dangerous to its security. On the East Coast, however, only 59 individuals out of a large potentially dangerous population have been ordered excluded. Possibly many more would have been excluded had we a less thorough and exhaustive process of investigation and less consideration for the rights of the individual as balanced against the demands for national security.

The memorandum in paragraph 5 as well as in paragraph 8 a, makes it very clear that it is not to be construed as applying to the continued exclusion of persons of Japanese ancestry, the military necessity for which continues unabated. This statement, which very properly safeguards the principal exclusion problem in the Western Defense Command, immediately suggests its counterpart, in so far as the Eastern Military Area is concerned, which would require that the memorandum be construed as not applying to the continued exclusion of persons of German ancestry, the principal exclusion problem in the Eastern Defense Command.

The statement at the bottom of page one of the memorandum that "Any conception of the program which assumed that it was and is a preventive is patently erroneous," cannot be concurred in. Evacuation was

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effected from the West Coast for the prevention of subversive activities. Exclusion, the parallel measure on the East Coast, is designed to fit the same needs.

The memorandum refers to an enclosure of an excerpt of a letter to all Pacific Coast United States Attorneys. This letter attempts to make a distinction between national security and military security. Personally, I do not agree with the distinction drawn. I believe that the two subjects are so closely interwoven that a potentially dangerous individual would threaten the national security as well as the military security. In addition, Executive Order No. 9066 provides in its preamble that the successful prosecution of the war requires every possible protection against espionage and against sabotage. Such terminology must include both national security and military security.

I do not believe that this is an appropriate time or that there is any need at this time for a reappraisal of the exclusion program. In my considered opinion, the exclusion program is the most potent weapon in the hands of the military authorities to preserve internal security in the Eastern Military Area. The fact that there may be a shift in public opinion with respect to the necessity of measures by the military is not persuasive. Relaxation by the general public is a factor which all responsible authorities from the Chief Executive down have deprecated. Military measures should be dictated by military considerations; not by uninformed public opinion.

Finally, no evidence or reason has been advanced to justify a re-examination of any exclusion order issued by this Headquarters. None was issued until after a most thorough investigation; a process of investigation which elicited unqualified praise from a member of the judiciary in the Southern District of New York.

Due to the attitude of the Department of Justice, the exclusion program has never had a really fair trial on the East Coast. However, even with its limited scope, it has nevertheless, in my opinion, been of considerable assistance in the preservation of security measures. Accordingly, I feel that instead of this being a time for reappraisal of the program, this is a time when it should be pressed so that either prosecution will be instituted or forcible expulsion may be availed of. Until the exclusion program has been given a fair test, no appraisal could accurately gauge the inherent effectiveness which I feel so confident that it possesses.

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While, as previously stated, I am not entirely clear with reference to the recommendations contained in the memorandum, nevertheless, in so far as I understand them, I feel that their application in the Eastern Military Area would be harmful and in lieu thereof, invite attention to the recommendations contained in paragraph 17 of my comments on correspondence between the Assistant Secretary of War and the Attorney General with reference to forcible exclusions and other features of the exclusion program, which I forwarded to you with my letter of 11 September 1943.

With kindest personal regards, I am

Very sincerely yours,



GEORGE GRUNERT,
Major General, U. S. Army,
Deputy Commander

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