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WAR DEPT.

WAR RELOCATION AUTHORITY
WASHINGTON

OFFICE OF THE DIRECTOR

CONFIDENTIAL

16
OCT 18 1943

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

DECLASSIFIED
E.O. 11652, Sec. 3(E) and 5(D) of (E)
Authority 740062
By ERG NARS, Date 6/24/74
NWB

Dear Mr. McCloy:

This letter is for the purpose of summarizing in writing the statements made to you in your office on October 5, not only in the hope that it may clarify my own thinking but also that it may lead to a better understanding of the problems ahead.

The War Relocation Authority is now looking forward to an intensification of the relocation program and plans are being made to expedite this program. As you know, we have nearly completed our analysis of the records of the total adult population in the relocation centers. We have also completed the major portion of the segregation program announced some months ago and instituted in July.

In making plans for the future we cannot overlook considering the problems involved in the ultimate return to the West Coast evacuated areas of those evacuees who may wish to return. Since responsibility for determining the need for evacuation rests with the War Department, it follows that it is also its responsibility to determine when the military necessity for total exclusion from this area no longer exists. Policy determinations in relation to the return of evacuees to the West Coast, and the planning and execution of the procedures, should be a joint activity of the War Department and the War Relocation Authority with the War Department taking the lead.

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.



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However, it is not my purpose at this time to urge the immediate announcement of a particular policy. I do urge a joint reconsideration of the whole problem by qualified representatives of the War Department and the War Relocation Authority for the purpose of reviewing the whole problem. It should be the function of this committee to make recommendations concerning policy and to outline the general procedures of the War Department and the War Relocation Authority in the execution of any program that may be decided upon.

One of the major reasons for making this recommendation at this time is our concern about the possible development of court cases protesting the detention of evacuees or continued exclusion from the evacuated areas. As you know, the constitutionality of the use of the curfew in the early stages of the war has been sustained by the Supreme Court. While the question of the constitutionality of the evacuation has not yet been decided, it is our belief that the evacuation will be considered constitutional by the Court under the conditions existing at the time of the evacuation. On the other hand, we doubt whether continued detention and continued exclusion from the evacuated areas, under present military conditions, would be sustained by the courts. There are a number of reasons why we have arrived at this conclusion. Among them are two recent adverse decisions in the courts regarding exclusion from eastern areas. If we should have an adverse court decision as the result of a suit filed by an evacuee, and if our assumptions are sound, such action may lead to a very chaotic situation.

It is my hope that you and General Emmons will assign representatives to work with representatives of the War Relocation Authority in exploring the problem and to make recommendations. The decisions should be well thought through because the policies and procedures decided upon must be sound and logical, based on military needs and the practical problems involved from the standpoint of public relations. I would like to repeat that the policy determined upon should be jointly supported by the War Department and the War Relocation Authority.

Sincerely yours,

D.S. Myer
Director