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November 30, 1942

MEMORANDUM FOR THE ADJUTANT GENERAL:

SUBJECT: Suits for Cancellation of Naturalization Against
Subjects of Individual Exclusion Orders.

The Secretary of War directs:

I. That an immediate action letter subject as above and reading substantially as follows be sent to:

Commanding General, Eastern Defense Command and First Army
Commanding General, Central Defense Command and Second Army
Commanding General, Southern Defense Command and Third Army
Commanding General, Western Defense Command and Fourth Army

*1. A United States citizen may not be interned. However, if, in the case of a naturalized citizen, naturalization was obtained through fraud or illegality, legal proceedings may be instituted to cancel such naturalization, followed, if successful, by internment. Since internment affords more effective protection against subversive activities than mere exclusion from designated areas, it is desired to facilitate, to the greatest extent consistent with military security, the cancellation of the naturalization of disloyal naturalized citizens. Suits for cancellation of naturalization must be brought at the place of last voluntary residence of the individual concerned, and it is considered essential to the validity of the proceeding that the defendant have an opportunity to prepare his defense and appear at the trial. To protect the interests of all concerned in cases where the last voluntary residence of the individual concerned lies within a military area, the War Department and the Department of Justice have made the following arrangements:

ASW 014.311 W.D.C. Exclusion Orders
Classif. No. ASW 014.33 Citizenship

g. When, in accordance with the procedure for exclusion of individuals from military areas, the United States Attorney makes his recommendation to the Commanding General of a defense command with respect to the exclusion of any individual, he will state, in the case of a naturalized citizen, whether any suit for cancellation of the naturalization of that individual is pending or contemplated. If the residence of the individual concerned is not within the district of the United States Attorney

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making the recommendation, the latter will secure the necessary information from the United States Attorney in the district of residence.

b. Notwithstanding the provision of paragraph 1-g above, the United States Attorney in charge will notify the Commanding General when any suit praying for the cancellation of the naturalization of any individual resident within the defense command is filed.

g. If the Commanding General is notified by the United States Attorney that suit for cancellation of naturalization is pending or intended against a person whose exclusion is contemplated, he will not issue an order excluding such person from the place of suit or residence until trial in the trial court is concluded unless in his opinion at any time military security requires immediate exclusion. However, in those cases where the United States Attorney has advised that the filing of suit is intended, but the same is not filed within ten days after notification of intention to file, the Commanding General may immediately issue an exclusion order if otherwise appropriate, without further consideration of the possible institution of suit. In any case where an individual is excluded, he will be permitted to return and defend himself in a suit for cancellation of his naturalization in the manner set out in paragraph 1-d below.

d. When suit is pending for the cancellation of the naturalization of an individual who has been excluded from a military area, the Commanding General will, upon the written request of the United States Attorney in charge of the suit, send notice to the Defendant in the suit, at such address as the United States Attorney shall designate, that he may return to the military area thirty days before the date of trial, as estimated by the United States Attorney, for the purpose of preparing for trial. He will be permitted to remain within the military area only until trial in the trial court is concluded irrespective of whether judgment is reached or appeal taken, or for such additional time as the Commanding General may grant in his discretion to facilitate the apprehension of the subject as a dangerous alien enemy pursuant to paragraph 1-f.

e. When a person who has been excluded from a military area is permitted to return to such area under the provisions of paragraph 1-d hereof, or when a person under consideration for exclusion from a military area is permitted to remain therein under the provision of paragraph 1-g hereof, there may be imposed

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upon him such restrictions, short of confinement or custody, as the Commanding General may deem appropriate for military security.

1. The United States Attorney in charge will expedite all suits for cancellation of naturalization involving persons who fall in the above categories and will not consent to any unavoidable delays or postponements. When the naturalization of such an individual is cancelled, the United States Attorney will expedite the individual's apprehension and internment. The policy of the Department of Justice is to follow denaturalization with the internment of the defendant if he thereby becomes an alien enemy. Immediately upon cancellation of his naturalization, the individual will be taken into custody as a dangerous alien enemy and will be interned, in the absence of some unusual circumstance, such as serious illness. Should such unusual circumstance cause the United States Attorney to deem internment inadvisable, and the defense commander nevertheless feels that the individual should be excluded from the area of his command, the individual will be kept in custody until such exclusion is effected.

2. Defense commanders will observe the arrangements set forth above within their defense commands.

3. In the event of threatened invasion or raid, defense commanders are free to take such action as they deem appropriate under Executive Order 9066, notwithstanding any of the foregoing.

II. That a copy of Action 1 be sent to the Assistant Chief of Staff, G-2, War Department General Staff; the Department of Justice; and Assistant Secretary of War for their information.

By direction of the Assistant Secretary of War:

SIGNED

WILLIAM P. SCOBEEY
Colonel, General Staff
Executive

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