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ASW 014.311 WDC Permits-Inter-Live

4 January 1945

Honorable Abe Fortas
Under Secretary of the Interior
Department of the Interior
Washington 25, D. C.

Dear Mr. Fortas:

There is attached a photostatic copy of each of the following:

1. Understanding of Interior, Justice and War Departments on the Japanese Relocation Program.
2. Letter from the Assistant Secretary of War to the Under Secretary of the Interior, dated December 29, 1944.
3. Letter from the Assistant Attorney General to the Assistant Secretary of War, dated January 1, 1945.
4. Letter from the Under Secretary of the Interior to the Assistant Secretary of War, dated January 2, 1945.

With respect to the letter dated December 29, 1944, the attached copy is a photostat of a conformed copy, the original being in your possession.

Sincerely,

(SIGNED) J

HARRISON A. GERHARDT
Colonel, General Staff Corps
Executive to Ass't Secretary of War

Incls.

X- Interior (Fortas)
X- Gerhardt

4 Jan 45

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DOD Dir. 5200.9 Sept. 27, 1958
WMM by PRC Date 3-30-71

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UNDERSTANDING OF INTERIOR, JUSTICE AND WAR DEPARTMENTS
ON JAPANESE RELOCATION PROGRAM

It is understood by the Interior, Justice and War Departments that in connection with the revocation by the Commanding General, Western Defense Command, of the mass exclusion of persons of Japanese ancestry from the military areas of the West Coast, the respective Departments will take the following action:

1. (a) On December 17, 1944, the Commanding General, WDC, will issue an appropriate Proclamation revoking, as of January 2, 1945, the mass exclusion order but ordering the individual exclusion of those persons of Japanese ancestry, about 10,000 persons (exclusive of approximately 1000 Japanese alien internees and 1000 Japanese from Hawaii), whose continued exclusion the Commanding General, WDC, determines to be necessary for the present and pending further and more detailed consideration of their individual cases. The War Department will furnish the Department of Interior with the names of the individuals scheduled in this manner. The Proclamation of the Commanding General, WDC revoking the mass exclusion will contain a provision revoking, except as to persons of Japanese ancestry excluded by individual order, the provisions of Proclamation No. 8. The War Department will issue a similar Proclamation effective as of the same date in respect of all relocation centers not within the Western Defense Command.

(b) In addition to the names of excluded individuals, the War Department will furnish the Department of Interior and the Department of Justice with the names of persons among the excludees, about 5000 who, in the opinion of the Commanding General, WDC, on the basis of his present information, should be detained subject to further examination of their cases individually as set forth herein. The Department of Interior will, to the extent that the law

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permits, detain such designated individuals pending further examination of their cases and the assumption of responsibility for detention by the Department of Justice. Individuals whom the War Department is advised have been relocated will not be designated for detention on the list transmitted by the War Department to the Department of Interior and the Department of Justice.

(c) All exclusion orders served on individuals who have received WRA leave clearance and either are relocated or are in relocation centers, other than Tule Lake Segregation Center, will be accompanied by a statement to the individual to the effect that the exclusion order is on a priority list for review by the Commanding General, WDC. A review of all such orders together with any recommendations of detention made in connection with them will be made as soon as possible.

(d) In addition to the aforesaid review of the cases of individuals who have been given leave clearance, the Commanding General will establish approximately 10 review boards of 3 officers each to review all the individual cases of persons excluded under a procedure which will include a provision whereby any individual may request a hearing before a board. Upon the basis of such further examination exclusion orders will be revoked and any detention recommendations previously made will be withdrawn in appropriate cases, if any.

(e) At the time of the promulgation of the aforesaid Proclamations, the Secretary of War will make public a statement explaining the reason for the revocation of the mass exclusion.

2. (a) On the effective Proclamation date the Department of Interior, through the War Relocation Authority, will remove any legal restrictions upon the departure from the centers of persons other than persons whom the War Department shall have designated pursuant to Section 1 (b) hereof and will advise such

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other persons that they are no longer restrained or prohibited from leaving the relocation centers.

(b) The War Relocation Authority will continue on a voluntary basis a program of relocating throughout the United States evacuees now in its relocation centers and in addition will take appropriate administrative measures, involving no restraint, to control the relocation of evacuees who choose to return to the West Coast Military areas, so as to avoid any immediate large mass movements.

(c) The War Relocation Authority will detain all persons whom the War Department designates pursuant to paragraph 1 (b) hereat pending the assumption of responsibility by the Department of Justice. The War Relocation Authority will segregate, at Tule Lake or elsewhere, all such persons and will, so far as practicable, remove from such centers all individuals not included in this category other than members of the families of persons in this category who remain on a voluntary basis. The War Relocation Authority, however, will not segregate any such persons, if it deems it advisable, until after consultation with the Department of Justice and also will not segregate any such persons to whom leave clearance has been granted until after the review provided for in paragraph 1 (c).

3. When the segregation process has been completed the Department of Justice, upon the request of the Department of Interior, will assume responsibility for the administration of the center or centers at which the segregees are detained. At that time, or at such earlier time as may be agreed by the Departments of Interior and Justice, the Department of Justice will also assume responsibility for examining the cases of persons so detained and determining which individuals may be released from such detention. At the time when the Department of Justice assumes such responsibility, the War Department or the

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Commanding General, WDC, as the case may be, will delegate to the Attorney General such authority as the military may possess for maintaining such detention and for determining release therefrom, and the Department of Justice will assume responsibility pursuant to such delegation to the extent that the law permits. The War Department and the Department of Interior will furnish to the Department of Justice upon its request all available information relating to the individuals detained.

ated: 29 December , 1944.

[Handwritten initials]
HW

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UNIT REPRODUCED AT THE NATIONAL ARCHIVES DEPT.

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Folder 8
Item 8
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WAR DEPARTMENT
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D. C.

29 December 1944

Honorable Abe Fortas
Under Secretary of the Interior
Washington, D. C.

Dear Mr. Fortas:

There is attached a copy of the understanding of Interior, Justice and War Departments on Japanese Relocation Program which I have initialled on behalf of the War Department.

You should be informed, however, that due to the necessity of giving special treatment to those persons to whom leave clearance has been granted, the service of the exclusion orders may not be completed January 2, 1945 and the list provided for in Section 1 (b) of the understanding may not be available by that date. Accordingly it has been necessary for me to initial this understanding on two conditions, both of which are merely temporary and will not effect the permanent operation of the understanding. The first is that the War Department Proclamation referred to in Section 1 (a) will not necessarily be effective on January 2, 1945 but will be effective as of the date that the serving of the exclusion orders is completed. The second is that until such time as the detention recommendations referred to in Section 1 (b) are transmitted, estimated to be by January 20, 1945, the War Relocation Authority will not, except with the concurrence of Western Defense Command representatives, permit any person to leave the centers who is not on the so-called white list which has already been made available. Insofar as the requirements of the Endo case and the provisions of Section 2(a) of the understanding make it necessary that there be a specific request by the Army that you detain these people, for this interim period, you may consider this letter such a request.

In order to avoid errors, I suggest that local War Relocation Authority representatives, even after January 20, 1945 use the white list as a check and consult with the Western Defense Command representatives at the centers as to any discrepancies that appear.

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With these limitations, the understanding is submitted for initialling on behalf of the Interior and Justice Departments as a document stating the present intentions of the several Departments as to action to be taken in connection with the revocation of mass exclusion. I am sure you will agree that it is not intended to be binding in the event of any relevant change in the military situation or other alteration of the circumstances in the light of which it was prepared.

Sincerely,

John J. McCloy
John J. McCloy

Enc.

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CONFIDENTIALASSISTANT ATTORNEY GENERAL
WAR DIVISION

Department of Justice

Washington 25

January 1, 1945



Mr. John J. McCloy
 Assistant Secretary of War
 3-E-961, Pentagon Building
 Washington, D. C.



Dear Mr. McCloy:

I have your letter of December 29, together with a final draft of the understanding between the Interior, Justice and War Departments on the Japanese relocation program.

You state that you have transmitted an initialed copy to Mr. Fortas but that, due to certain practical considerations, your initialing is subject to two qualifications which are set out in your letter to Mr. Fortas of December 29. It is my understanding that the second of these two qualifications presents difficulties of a mechanical nature which give concern to the War Relocation Authority. Since the matter appears, however, to be solely one of the administrative relationship between the Western Defense Command and the War Relocation Authority, I do not believe that the Department of Justice is directly interested and I feel confident that an adjustment of the mechanical problem can be worked out to the mutual satisfaction of the War and Interior Departments. I am, therefore, prepared to initial the agreement as it now stands, subject to the qualifications contained in your letter to Mr. Fortas of December 29.

Sincerely,

Herbert Wechsler
 Assistant Attorney General

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

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

My dear Mr. McCloy:

The proposed Understanding between the Interior, Justice, and War Departments on the Japanese Relocation Program, transmitted with your letter of December 29, 1944, is satisfactory to this Department and we shall proceed in accordance with it.

You point out that service of the exclusion orders may not be completed by January 2 and that the detention recommendations may not be final until January 20. You request that until both those steps are consummated the War Relocation Authority not permit any person who is not on the so-called white list to leave a center unless the concurrence of Western Defense Command representatives is obtained. For the interim period this procedure is acceptable, and the Project Directors are being instructed accordingly. In view of the mechanical difficulties involved in this procedure, however, we should like to be supplied at the earliest possible date for each center with the final lists of excludees and detainees in the center.

It is our understanding that any inability to complete service of exclusion orders by January 2 at the centers will not affect the eligibility of center residents on the white list to depart for any destination in the United States without special permission from the War Department.

Sincerely yours,
Alfred Fortas
Under Secretary.

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