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UNDERSTANDING WITH RESPECT TO ACTION UNDER
EXECUTIVE ORDER NO. 9066 DATED FEBRUARY 19, 1942.

1. It is understood that, except as herein provided, all matters of policy and all programs pertaining to the control of civilians under Executive Order No. 9066 dated February 19, 1942, other than lighting regulations, will be submitted by the War Department to the Department of Justice and its concurrence obtained before they are put into effect. All proclamations, orders and instructions issued to the public in respect of such policies and programs will be submitted by the War Department to the Department of Justice and its concurrence that they conform to agreed policy or programs will be obtained before they are put into effect. The appropriate local officials of the Department of Justice will be advised of all orders to individual civilians in respect of these matters and of the grounds for any such orders as applied to a particular individual (as distinguished from the grounds for the designation of any particular area as a sensitive area or area from which exclusions may be made), before the order is put into effect unless impracticable in any particular case. No publicity will be issued by either Department which is in conflict with the programs so established or the proclamations, orders and instructions in respect of the said policies or programs and whenever any question of such conflict may arise each Department will endeavor to clear with the other before any such publicity is issued.

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2. The procedure for carrying out matters of general policy and general programs, including any participation by the Department of Justice in any such procedure that may be agreed upon, is included within the

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scope of matters to be cleared with the Department of Justice. However, after agreement upon procedure is reached, it is recognized that all details connected with carrying out such procedure by the War Department must be left to the Commanding General of the particular area. In the case of major or fundamental disagreement on the part of the Department of Justice with any such details of procedure, the matter may be taken up with the War Department to determine whether such details may not be altered.

3. The foregoing provisions do not apply to occasions of threatened or actual invasion or raids, under which circumstances authority has been given by the War Department to the appropriate Commanding Generals to take necessary action. The War Department reserves the right to act without consultation with the Department of Justice in any emergency which in its judgment renders such consultation impracticable, provided that any such action must have the personal approval of the Secretary of War or the Assistant Secretary of War. In case any action taken in accordance with this provision is objected to by the Department of Justice, the War Department will endeavor thereafter to adjust matters to the satisfaction of the Department of Justice.

4. Both Departments agree to cooperate in the enforcement of all proclamations that may be mutually agreed to and issued under Executive Order No. 9066, each taking such steps as may be appropriate in the premises.

May , 1942.

Secretary of War

Francis B. Biddle
Attorney General