

Description

This document is a transcription of a meeting between Lieutenant General John L. DeWitt and representatives of the Department of Justice and the Army who had traveled to San Francisco, California, to meet with him at the Office of Commanding General, Headquarters, Western Defense Command and Fourth Army.

In this conversation, General DeWitt stated his concern with “enemy aliens” on the West Coast, especially in relation to defense installations and factories. The meeting took place one month before President Franklin Delano Roosevelt issued Executive Order 9066 that resulted in the internment of Japanese Americans.

About Japanese-Americans, he said “I have no confidence in their loyalty whatsoever.” (He was speaking about both foreign born, called issei, and U.S.-born American citizens, called nisei.) He wanted blanket search and seizure authority “without waiting for normal processes of the law” and “to go in and search the house or residence and premises of every alien beginning with the Japanese right now.”

This document was filed as Exhibit L in the case of *United States v. Korematsu*, which was a criminal action brought against Japanese-American Fred Korematsu for resisting relocation and internment as an enemy alien during World War II. His conviction in 1942 was affirmed by the Supreme Court in 1944. In 1983, Korematsu succeeded in winning a court order which vacated and recognized the injustice of the original conviction, and in the process, the injustice of the World War II Japanese internment program.

This primary source comes from the Records of District Courts of the United States.

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HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY
PRÉSIDIO OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL

4 January 1942

Conference in Office of General DeWitt:

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Present?
Refer CG -
G-2 e1B = 45
Rowe
Bentley

General, it wasn't so much telling you, as the Attorney General wanted me to come out here to see what we could do. I thought we could just talk about the general problems- - -

Well, here's the situation. I might say that we are at war and this area— 8 states—has been designated as the theatre of operations. I have approximately 240,000 men at my disposal including Alaska. Of course, my Command extends from Dutch Harbor to the Mexican border. There are two threats that we have to fact, and they are serious threats. First, the presence of approximately 288,000 enemy aliens — or alien enemies — which we have to watch. Of the two threats, I am concerned with their seriousness to the large number of very important defense installations and factories on the coast. Not necessarily the Navy yards, but primarily the aircraft factories — Boeing up north, and a large number in the San Diego and Los Angeles area. We are holding a large number of troops for the protection of those installations. The threat is a constant one, and it is getting to be more dangerous all the time. I have little confidence that the enemy aliens are law-abiding or loyal in any sense of the word. Some of them, yes; many, no. Particularly the Japanese. I have no confidence in their loyalty whatsoever. I am speaking now of the native born Japanese — — 117,000 — and 42,000 in California alone. In order to meet that threat, we have got to do two things. We have got to be able to enter their homes and premises, search and seize immediately without waiting for normal processes of the law—obtaining a search warrant to make an arrest. So much of the President's Proclamation, Paragraph 65?, Section 5 has been implemented only so far as pertains to radios and cameras. What I want, Mr. Rowe, are two things: The centralization of authority under the President's Proclamation. the centralization of authority in the FBI, to search, enter, and arrest without going to the United States Attorney for a warrant every time. In other words, blanket authority.

That is something I didn't know about. It is beyond my power to say that. That is a legal problem that would have to be a matter of policy with the Attorney General.

.and full implementation of the President's proclamation. If we locate—the FCC or ourselves through our Intelligence—we locate a sending or receiving set, we want to act at once. There has got to be complete and accurate registration. . . .There is a registration that was made by the Immigration Service but which apparently is very incomplete. The registration has got to be of a character that is of some value. a picture of the man, thumb prints, his travel to be restricted, and to keep track of him at all times. I want to go in and search the house or residence and premises of every alien beginning with the Japanese right now.

Page 2. Conference in General DeWitt's office. 1/4/42

I have a list of those we have reason to suspect of pro-Axis activities who are dangerous, but I appreciate the fact that those discrepancies. . . . Now, you are the Attorney General, .. do that. It is hopeless to do it any other way.

I'll tell you, General, there is a lot of preparation has to be made to do a thing like that What we

What we are doing now with the alien registration: We have got a committee working. We have got to have an enemy alien registration. I can't guarantee how soon that will be done. The preliminary work has been done The FBI had a report on that last December, 1940. . . . We have got men working on it and ought to have at least the whole plan worked out in another week. Unfortunately we are unable to report much progress. . . . I don't think there will be any argument on it.

. . . .
. . . .

I think we have got...how many alien enemies have we got, 1,800,000?

Something like that.

That, I gather, was the original alien registration?

It was the national registration. We want to break it down into so in California you would have a complete list of everyone here, and it has got to be kept up to date. Now, I had hoped that that might all be done. Now let's see, what you are

We can go ahead at it here.

Where would you get your lists? How would you go about it? You would have to plan to require all enemy aliens within an area to report at certain places at certain specified times, and then we would have to — I don't presume, all of them would do it — and then we would have to go out after them and make all Japanese in the community show who he is we would have to keep after it and go out after them. We can't fool around.

We have to do something; we are getting nowhere now. Now, a case came up yesterday at Willapa Bay, where the Japanese occupying a house out on the wharf and who are known to be enemy aliens, and the FBI couldn't take action.

-- --Commanding General there, isn't he?

Well, I have received no report from him.

How much authority do you have under military law in the theater of operations?

I have no authority other than that under the President's proclamation, and that doesn't give me any authority except in Alaska.....But I have no authority under

Page 3. Conference in General DeWitt's office. 1/4/42

the rules and regulations prescribed by the Attorney General under the President's proclamation for the continental United States other than to go to the Attorney General, through the FBI, and get a warrant, and then I have to show reason.

I don't see any solution except having your registration. I just don't see where you would get a list.

I don't see any solution now in such a case other than for the President to delegate authority to the Secretary of War and let him delegate it to me and let the FBI and other agencies concerned function with me and let me go ahead.

I think I can get something done; I can start to do something now.

Where would you get your aliens? Would you have a registration?

. . . .I hope to lay the groundwork within a week. We can take the registration that has now been started by the Immigration Service.

That is just in this district. Now, in the other districts we don't hold . . .

United States Attorney Districts?

No, that is an Immigration District. This district in which Wickson is in charge, Northern California-Sierra Nevada, they have index cards, alphabetically. There are long sheets that are sent out from Washington which I haven't seen which are, I understand, by localities, communities of 10,000 and over, and of scattered units as they call them. Now, they have sheets on Japs, Italians, and other aliens, But Wickson is under the impression that they are not accurate, as I explained to you. There are 3,000 Germans pictured and just 1,000 Italians, which we know just can't be right.

No, in California alone there are 100,000 Germans, 100,000 Italians, and ? 33,500 Japs. That is of the census. Now there is another thing about this registration. We would keep them separate from the

....
....

Oh, no, you couldn't do this in a week. You could start within a week.

It doesn't mean a thing, Mr. Rowe, that a Jap has turned in a receiving and transmitting set. If he thinks he has, at least in his own mind, satisfied the Americans by turning in one set, he could still have another. I am perfectly willing if I can get the authority to undertake that provided the agencies that are now concerned with it—the local police, the FBI, county and state police, and FCC and the Immigration Service will be willing to work with me.

Can you say how you would do it?

No, I haven't talked it over with the FBI—I haven't thought it out, but I believe I would start first with the registration list—at least we know where they are now. That would be a start. I have to get something done. We are liable to wake up any morning, any day, to find on a small scale that I have no reason to believe that the troops I have now and the numbers I now have are going to be left in my command. I hope so. I would be very happy to see a large number of them go to the west. I am disturbed about it and I am anxious to see some activity being done right now. . . . There are a lot of Filipinos in the State, too.

Now, what kind of authority would you have to have to do that?

. executive authority would be

Would you have to have legislature in order to bring about a registration?

The theatre Commander here, if we had the other authority in question, could go ahead with the registration as a military measure.

Much is unintelligible here.

I just got a report here, General, that the mother and sister of one of these men was arrested yesterday in Los Angeles in possession of a revolver, rifle and other arms, a short-wave radio, and a red blinker, in a Japanese hotel in Los Angeles.

Well, General, what do you expect would happen by registration?

I think we will be able to control them. By requiring those people to carry the registration card on their person, restrict their movements, I expect to be able to control them.

And there is those that won't abide by the registration. But after the registration what would your thoughts be on raiding them?

[Well, I would raid anytime I felt it was necessary. Any time I got any information of suspicion.

We have been working on the spot-raiding proposition and it is frankly getting awfully close to the line.

We have lots of aliens who are perfectly loyal who are not American citizens, and somebut it is pretty hard to separate the sheep from the goats. In other words, it is something we can't temporize on. I think we have waited too long.

I know we have waited too long.

Well, I think the thing to do is to go after the other authority. I know I make mistakes, but if I am

Do you think there would be any difference in a case where you have an alien enemy residing in a house owned or controlled by a citizen? Could you not apprehend that person on an ordinary warrant that you would have for searching a house?

. . .
. . .

Well, as an incident, of course, in carrying out a warrant that you have for apprehension, could you not search for contraband?

We are inclined to think there is quite a difference—quite an argument on that. There are two different forms. I don't know if you know of them.

Yes, I am familiar with them.

We do think there is that distinction of going into a citizen's house to search for an alien. We don't want to go to court.If you go to court you have to show your reason.....

The Department is prepared to do all the spot-raiding you want.

When we talk about spot-raiding, I don't look on spot-raiding as 75 raids at one time. I look at spot-raiding as individual instances. In my discussion with you yesterday, your view of spot-raiding was that we would hit 50 or 75 places at one time with the view of seeing what we could find. My reply to him, General, was that that did not, in my mind, meet your desire, because youhaven't got complete coverage.

Are you going to adhere to that "on probable cause". . . .before you can get a warrant?

Reasonable cause.

What constitutes reasonable cause? We have asked the United States Attorney whether the fact that a man is an enemy alien is probable cause and he said no.

I am afraid that it true.

6
Conference in General DeWitt's office. 1/4/42.

I have reason to believe that there isn't a ship leaving that they don't know about.

Well, we know that. We have contacted them _____, in fact we have seen them.

Passage not understood.

We have actually sunk ships. There is no question about them being out there. There are 3 things that can happen on this coast from the direct standpoint: the shelling of any one of our _____, a raid _____

Passage not understood.

You will never get to the heart of this thing until I get authority to go after it and tackle it.

Passage not understood.

But I don't care. I have got my responsibility placed upon me now....

Long passage not understood.

Here is a practical problem. In the Monterey Area I have had men out all night working on this thing. I haven't gotten a report yet as to what they have found _____ so I can find that station down there. They are going to spend time in there until we find something. We know something is there all right. Now, under the present setup we cannot go in to Joe Doaker's house down there and search it, even if we think it is there unless we get a clearance, which is a process which is set up and we are abiding by that process. I think that is what the General wanted to get around so that when we are on the hot pursuit type of thing we can go in and that our reasonable cause at that time - I think that is what the General has in mind, isn't it General.

I can't do that. I am not permitted to do that and we are following absolutely the regulations.

We might have to have something like that after.....

Passage not understood.

True, we might be able to raise 100,000 aliens all at one time, but if we can the stuff is floating all over the place and even if we don't find anything but knock over 100 places it is going to make everybody burrow deeper and deeper, and the deeper they burrow the harder it is going to be for them to operate and just the threat, in my opinion, will half solve the problem, and half a solution is better than no solution at all.

Conference in General DeWitt's office. 1/4/42.

You might and you might not. It is a hypothetical thing. I would expect if I went in on my major subject, in other words if I knew that he had a real espionage agent, I wouldn't expect to find anything on him because he is too smart.

.....notice that we are coming in but there is also the other view point, on the other end of the cycle. If you went into every place, if you had the right to go into every place then you would at least have a full coverage. It goes back to that old problem we discussed yesterday; 999 of a thousand of those complaints don't mean anything, but that one - you have got to run over the thousand to get that one.

You will find a lot of that that is bound to be.....

Passage not intelligible.

One way to get to them is to: _____. There is a specific problem there _____. I personally am convinced that there is a portable sending set operating in the Monterey Bay area. I am pretty convinced that there is one operating in the Columbia River area. I would like somebody to have a means of blanket coverage to go out and catch that station. It is a hopeless setup a monitor station. You hear it, you go to the _____, he is gone. We have had repeated evidence of that in the Monterey Bay area. I want to stop every car on the highway for a time and search it - every portable, movable thing there is. Now, whether we catch it or not we will put a stop to it. It happens that I am much more interested in stopping this thing than I am in catching them. I would like to catch them. Counter-espionage works on the principle of prevention. Now, is there a rapid, direct, legal way that I could get after this problem in the Monterey Bay area, a blanket way - to stop that one thing.

Passage not intelligible.

We could do it if they would give me that power, if they _____. That is the only way we are going to stop that. Every single ship that sails from the Columbia River since the outbreak of the war has been subjected to submarine attack, every one of them. That means to me only one thing, that there is a boat watching the _____ system up there with communications with a submarine at sea.

Well, I am convinced that it is a big job, but we can solve it.

Passage not intelligible.

.....work it out and the War Department can take it over, why it is all right with me.

Long passage not intelligible.

Conference in General DeWitt's office. 1/4/42.

I have got to show probable cause. Suppose you have a concrete case, for instance, _____ . I believe they have got it fixed on one of these small sets. I think they had a locator attached down here at Mountain View Ranch. Now, suppose you knew it was in the direction? ; would you have to go back to the United States Attorney. It is gone by that time. You have got to be able to have the man on the grounds and the only restriction on you should be that he has got to exercise his judgment. If there is an abuse, you have got to discipline him. You have got to have a man capable of doing the job on the ground; but you can't make him go back to the United States Attorney. By that time the radio is gone, so....

How much authority do you have.....

It depends on the emergency.

What's that? .

It depends on the emergency at the time. _____ I haven't any legal power to do anything under the President's proclamation.

I am just wondering how far along you ought to go from there.

I can see your point.to the authority, I wouldn't hesitate to do it in order to reduce the.....I would of course interfere for him, I think....

The United States is at war and war has been declared by Congress and any law that would stop the government from protecting itself from enemy action, I can't see.

I was wondering, from a financial standpoint. At the moment to guard the West Coast we want to protect what we have and to spend money for the building of additional facilities and _____ for defense. If anything happens down here to stop production, even a black out for a few hours, it is equivalent to one _____ of 15 planes.....But if anything should happen, an explosion, a wrack _____. I have very definite, specific instructions that it must not happen and I have done everything humanly possible.....

I wonder if we could do this. Let me come back and.....I can come back tomorrow.

All right.

You can call back to General Gullion.....All right. Suppose we do that. I am giving you no guarantee of what we can do but I

I think the sooner we get at it, the better.

All right. Suppose you do that and I will get it.

Thank you very much.
