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Office of the Attorney General

Washington, D.C.

February 12, 1942

DEPARTMENT OF JUSTICE
ADMINISTRATIVE ASSISTANT
Robert Marshall (thru Staff)
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The Honorable

The Secretary of War

Washington, D. C.

My dear Mr. Secretary:

In further connection with my letter to you of February 9, with respect to the evacuation of Japanese from the West Coast, there seems to be a misunderstanding with respect to the responsibilities of the Army and the Department of Justice in connection therewith.

As I said in my letter of February 9, the proclamations issued by the President directing the Department of Justice to apprehend and evacuate alien enemies do not include American citizens of the Japanese race; therefore the Department of Justice has no power or authority to evacuate American-Japanese.

The question as to whether or not Japanese should be evacuated, whether citizens or not, necessarily involves a judgment based on military considerations. This, of course, is the responsibility of the Army. I have no doubt that the Army can legally, at any time, evacuate all persons in a specified territory if such action is deemed essential from a military point of view for the protection and defense of the area. No legal problem arises where Japanese citizens are evacuated; but American citizens of Japanese origin could not, in my opinion, be singled out of an area and evacuated with the other Japanese. However, the result might be accomplished

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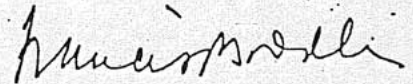
by evacuating all persons in the area and then licensing back those whom the military authorities thought were not objectionable from a military point of view. These suggestions are made to you for your careful consideration in view of your prior recommendations and of the probable necessity of your taking further rigorous action.

Let me add again that the Department of Justice, and particularly the Federal Bureau of Investigation, is not staffed to undertake any evacuation on a large scale - larger, in fact, than has already been undertaken. Obviously the Army is the only organization which can arrange the evacuations.

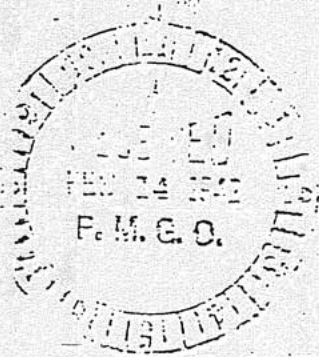
These problems are so serious that I urge that you give them immediate and careful consideration.

You may, of course, count on the Department of Justice, under my direction, for advice and cooperation to the limit of our capacity.

Sincerely yours,



Francis Biddle
Attorney General



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