

June 28, 1945.

Dear Gene:

I am returning your article together with a memorandum from the War Relocation Authority and a statement from the Division of Territories with respect to the Hawaiian data on pages 5 and 6.

The War Relocation Authority was transferred to this Department on February 16, 1944. We were most reluctant to assume the role of guardian and foster parent. Both Secretary Ickes and I felt that the original evacuation order was a terrific mistake, and we knew that the most that we could do was to ameliorate the evils which resulted from it. The basic pattern had been set; the only thing that remained to be done was to unwind the unpleasant mess with as little damage as possible to the people in the Centers. The immediate occasion for transferring the agency to this Department was the fact that it was at the time being bitterly assailed by the Dies Committee and by innumerable "patriot" groups on the West Coast. President Roosevelt thought that by transferring the agency to this Department we would be able to fend off these attacks somewhat more successfully. The Dies Committee attack, as you will recall, was based principally upon charges of mollycoddling and of releasing, through the relocation program, sinister individuals who would threaten the security of this nation. By vigorous counterattack and by using all of the influence of this Department, we were able to put a stop to the Dies Committee attack. Incidentally, Congressman Costello of California, the member of the Dies Committee who was chairman of the subcommittee on this problem, was defeated for reelection last November.

With your criticism of the Supreme Court's decision in the Korematsu case I am in accord. All of us felt that the Court would sustain the Government in the Korematsu case, as indeed it did. It was only with great difficulty that I was able to get the Endo case before the Supreme Court. The Army wanted to attempt to make the case moot by issuing a permit to Miss Endo which would allow her to go to the West Coast or anywhere in the country that she desired; and the Solicitor General, facing the practically certain prospect of defeat, was inclined to agree. As a matter of fact, this desire to avoid a defeat in the Endo case was so strong that, in the argument, the Solicitor General raised a small but troublesome question of jurisdiction. You will see a comment upon this in the majority opinion. The Solicitor General argued that since Miss Endo had been transferred to a camp outside of the jurisdiction of the District Court in which the proceedings had begun, any mandate of the Supreme Court would be of no avail. I heard the argument of the case, and returned to my office and did the unprecedented--and probably most irregular thing--of writing a letter to the Supreme Court in which I assured the Court that its order or any order of

the District Court would be obeyed. I shan't bother you with the details of this. It merely illustrates the fact that the actual administration—on the firing line—of this program has been a constant struggle, particularly with the Army. On the whole, the Department of Justice has behaved quite decently and has been on the side of the angels. From time to time, however, their lawyers' approach has created real difficulties.

If there is any more information that we can furnish, let me know.

My regards.

Sincerely yours,

(Sgd.) A. B.
Under Secretary.

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Enclosures.