

James Rowe:

After serving as an assistant to  
FDR, Rowe became Deputy Atty General.  
He didn't remain in the Justice Dept.  
too long -- he joined the Navy. Rowe  
died last year. He was a good man.

Rowe wrote to Hiroshi Suzuki, a  
friend of mine, whose dissertation is  
on Dillon Myer. The marks on the  
letter are Hiroshi's.

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CABLES  
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Dear Mr. Suzuki,

Thank you for your letter of September 16th about the mass evacuation of Japanese-American citizens and aliens on the West Coast during World War II.

You are asking me questions about matters that took place 34 years ago and, I am sure, you have already learned the frailty of memories long before you became a graduate student.

With that caveat I will tell you what I remember. A group of lawyers outside the Department of Justice "volunteered" to give the Attorney General a legal opinion stating that the removal and incarceration of Japanese citizens was constitutional. I did not attend that meeting, I vaguely remember the opinion, but I can assure you that the Attorney General was not at all impressed with their opinion and in fact was considerably annoyed, as was I, in their interfering in the Department of Justice business.

Mr. Benjamin Cohen, one of whom you mentioned, is living in Washington at 1727 Massachusetts Avenue, N. W. and, I am sure, would be pleased to talk with you about this subject. The same is true of Joseph Rauh who is still practicing law. My personal opinion, for what it is worth, is that they have both had bad consciences on this subject for many years. They would defend themselves, I am sure, by claiming all they said was that it was constitutional, without their saying they agreed with the evacuation. Indeed, the Supreme Court later did say it was constitutional. Nonetheless I have never understood why they got into the matter in the first place but, as I have said, I would not agree with you that the Attorney General's opposition lost momentum because of that opinion.

I think the Attorney General lost momentum because he was told by the White House to do so. I have no evidence of this. I do know, having talked some years ago to one of the Army historians writing on the subject (and I am sure you have checked those

books) that Secretary Stimson and Assistant Secretary McCloy went to the White House and talked President Roosevelt into it. Stimson was a very impressive figure, one of the great leaders of the American Bar and it is true Biddle was impressed with him. Ed Ennis and I insisted on a meeting with Stimson, and the meeting was held in Stimson's office, but it is clear to me that Biddle felt the decision had been made.

I was in charge of handling the Executive Order because I knew the procedures between Justice, the Bureau of the Budget, and the White House and therefore the Executive Order went to the President through routine channels with no opposing views presented to him.

You must remember that this was the second month of the War, the President had tremendous global problems on all fronts, and all sorts of people expected Japanese attacks on California at any minute. It is my personal view, having known FDR well and having worked for him for 4 years in the White House, that he never really had time to focus on the Japanese evacuation problem. I am sure that comes as a shocking statement to you but I think it is almost impossible for someone not there to realize the atmosphere in Washington during the second month of the War.

I have said in the past, and I say it again, a serious mistake in tactics was made by the Department of Justice which was indeed opposed to the Japanese evacuation. Justice refused to evacuate the Japanese citizens on the grounds it was not necessary and these people were citizens of the United States and should be treated no differently than any other citizens. We then got into the position of saying to the Army if there was to be a Japanese evacuation they would have to do it because we would not. Our mistake was in believing that an Army which had to fight in Europe and the Pacific would not have the time or the manpower to worry about California.

If you are doing a thesis on this matter, call my office and come in and we will talk more if you wish. I am sure you will find Mr. Cohen an amiable and attractive man who would also be willing to see you.

Sincerely,

James Rowe

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