

February 26, 1944

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Mr. James Lawrence Fly  
Federal Communications Commission  
New Post Office Building  
Washington, D. C.

Dear Mr. Fly:

The first two chapters of Lieutenant General John L. DeWitt's final report on Japanese Evacuation from the West Coast, recently published by the War Department, refer to certain events leading to his decision that military necessity required the evacuation. I am interested in the accuracy of General DeWitt's account not only because extensive reference is made to the activities of this Department as one of the agencies involved, but also because of the responsibility of this Department for any statement of facts in support of evacuation in pending and future litigation on the constitutionality of various aspects of the evacuation program.

It appears particularly from Chapter 2 of General DeWitt's report that a very considerable part of the problem which concerned General DeWitt in the early months of the war was that of preventing signaling by persons, presumably of Japanese descent, on shore to enemy surface vessels or submarines off the coast. General DeWitt refers to hundreds of reports of such signaling nightly by means of signal lights and by means of unlawful radio transmitters. It further appears that General DeWitt believed that through the use of detection equipment he would be able to locate unlawful radio transmitters within a general area such as a city block, but would be unable to obtain a search warrant quickly enough or before removal of the transmitter.

The experience of the Department of Justice which, of course, itself investigated great numbers of rumors concerning signal lights and radio transmitters, was that without exception the rumors proved to be baseless; and so far as this Department is aware, there is no evidence of the existence of any illicit signaling by lights or by radio transmitters between December 7, 1941 and the discovery of the two low-power transmitters at the Tule Lake Relocation Center in the fall of 1943.

In view of this fact, I should greatly appreciate it if you would advise me concerning the experience of the Federal Communications Commission in this same field. I particularly should like to know whether the Federal Communications Commission was engaged in monitoring operations on the West Coast between December 1941, and July 1, 1942, by which date the evacuation was substantially complete and, if so,

whether it was engaged in endeavoring to identify radio signals reported to be from unlawful radio transmitters and whether it attempted to locate such transmitters. In the event that the Commission was engaged in this task, I should like, specifically, to have what information you can give me concerning the number of reports received concerning unidentified or unlawful radio signaling and the disposition of the investigations made of such reports such as, for example, the number of cases in which it was found that no radio signaling at all was involved, the number of cases in which it was found that there was radio signaling but coming from an identifiable and lawful station such as radio signaling conducted by the United States Army and Navy or radio signaling conducted by the enemy but from enemy occupied territory, and the number of cases in which it was ascertained that the radio signaling was from an unidentifiable source or from a source determined to be an unlawful transmitter located within the United States. I should also like to be advised of the extent of which the information above requested was transmitted to General DeWitt or his subordinates and, in general, I should like to have whatever information you can conveniently give me concerning the history of the whole problem on the Pacific Coast during the period I have mentioned.

On page 8 of his report General DeWitt states in a footnote that, following the evacuation, interceptions of suspicious or unidentified radio signals and shore-to-ship signal lights were virtually eliminated. As I have said, this Department did not discover any unlawful radio signaling or any unlawful shore-to-ship signaling with lights. Great numbers of all kinds of reports from the public, however, were received but these did not diminish in number following the evacuation. I would be interested in knowing whether the number of reports of unlawful radio transmissions received by the Commission varied in accordance with the pattern suggested by General DeWitt or varied in accordance with the experience of this Department.

You will note that on January 5, 1942 General DeWitt addressed a memorandum to James H. Rowe, Jr., the Assistant to the Attorney General, which is printed at pages 19 to 23 of General DeWitt's report. Paragraph 9 asserts that the proposed course of action agreed upon by Mr. Rowe, who was representing me, would not solve a number of problems which are then enumerated. Subparagraphs (a) and (d) raise the question of what could be done if a fix were established on an unlawful radio transmitter which could not be located more precisely than within an area of a city block or a general area such as Monterey County and where there was evidence of shore-to-submarine communication. It is suggested that available means were inadequate to locate and seize such radio transmitters and their operators. It is my understanding, however, that specialized equipment is available to Government officers which is sufficiently delicate so that it will locate radio transmitters not only within large areas such as counties or even city blocks, but is capable of locating

such equipment within a specified house. If my understanding of the technical problem is correct, it would, of course, be possible to obtain the information required to locate and seize such radio equipment and, if necessary, to obtain a search warrant and, therefore, the hypothetical problems posed by General DeWitt would not arise in practice.

I, therefore, request that you advise me as to whether it was possible with the equipment available in January, 1942, to locate radio transmitters precisely or whether they could be located only within large areas. In view of the fact that litigation arising out of the evacuation of 1942 is now in progress, I should appreciate it if you would let me have this information as soon as you conveniently can.

Sincerely

Attorney General