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War Relocation Authority

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WRA's Memorandum on Validity of Detention, dated January 1, 1944.

In connection with the preparation of the Korematsu brief, I have once again checked over the memorandum prepared in your office, the mimeographed edition of which is dated January 1, 1944, and is entitled "A Memorandum on the Validity of Detention Under the Leave Regulations of the War Relocation Authority". On Page 15 of the mimeographed edition there is a section entitled "Fifth Column Threat". It is my opinion that it is a mistake to try to justify detention in terms of specific evidence of overt acts indicating a fifth column threat, since there probably is no such evidence.

The first fact you have referred to is the shelling of Goleta, California, by an enemy submarine on February 23, 1942. You rely on General DeWitt's Final Report for the statement that, the day before, the battery had been withdrawn at that place, and that on the day of the shelling it was the only point along the coast where an enemy submarine could have surfaced and fired on a vital installation without coming within range of coastal batteries.

I have, of course, no information as to the circumstances surrounding the withdrawal of the coastal battery at Goleta. I do know, however, that this incident (along with every similar incident) was investigated carefully by representatives of this Department, and that no evidence was developed indicating the activity of enemy agents in this country in connection therewith. I also do know that this incident is recited in General DeWitt's Report as justification for the evacuation. In the same chapter are a considerable number of misstatements of fact (the most important being those pertaining to unlawful radio transmissions and to shore to ship signaling by lights) which cast considerable doubt on the accuracy of the entire recital of the facts suggesting the necessity of evacuation contained in the report.

You then go on to indicate that Japanese aliens were apprehended and interned and that valuable military maps and reports and contraband were found in their possession. You also state that innocent appearing fishermen were found to be reserve officers in the Japanese naval forces. Your footnote reference to these assertions is "Insert here appropriate citations from FBI and Alien Enemy Control Reports and records". I do not know to what reports and records you have reference. It is, of course, true that Japanese aliens were apprehended and interned. It is true that so-called prohibited articles, such as standard commercial radios, the short-wave band of which had not been removed, shot guns and sporting rifles and the like, were seized. I am not aware of any case in which a valuable military map was discovered, and I believe it to be the fact that in no case were prohibited articles seized under circumstances giving rise to the inference that the articles were to be used for purposes of espionage or sabotage.

It may be that some of the alien Japanese fishermen interned by this Department were in fact Japanese Naval Reservists. The familiar story, however, of the captain of the fishing boat who came to rigid attention when an oil-smeared sailor got on board because the sailor was actually an admiral of the Japanese Navy has never been verified. The legends surrounding the Japanese fishing fleet remain legends, and this Unit could give you little help in supplying authority to insert as indicated in your memorandum.

I do not point these matters out in any spirit of criticism, but merely to correct the record, since, as I feel sure you will agree, it is important that the Government not place its official stamp of approval on the vast mass of fifth column folklore which, insofar as concrete evidence is concerned, is almost entirely baseless.