

20 ag-1/3/46  
4 January 3, 1946.

4 MEMORANDUM FOR THE ATTORNEY GENERAL

4 Res: Japanese-Americans

4 The attached memorandum to the  
President, prepared by the Criminal Division,  
meets with my entire approval.

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HAROLD JUDSON,  
Assistant Solicitor General.

S.A.

4 Mr. Harold Judson, Assistant Solicitor General

4 Theron L. Caudle, Assistant Attorney General

4 Treatment of Japanese-Americans

4 January 4, 1946.

~~TLC:EB:BC~~

The Criminal Division has been concerned for some time with the problem of the mistreatment of the loyal Japanese-Americans returning to California, to which you refer in your memorandum of January 2. In several instances, complaints of violence have been investigated, but no federal jurisdiction was developed. As you know, we can act only in cases in which a federal right has been denied or in which some federal function has been interfered with. It may well be that from now on we will find jurisdiction on these grounds in cases in which Japanese-Americans are prevented from exercising their rights under the G. I. Bill of Rights.

The incidents referred to in the fourth paragraph of the letter to Mrs. Roosevelt, which was transmitted by the President, would appear to involve the denial of the right to equal protection under the laws, if the facts alleged are substantiated. I think that we should obtain further particulars about those incidents.

In connection with the matter of discrimination on the Servicemen's Honor Rolls, I think we might well ask the cooperation of the Legion and other veterans' organizations to correct the situation.

The situation with relation to the mistreatment of the Japanese-Americans is very similar to the lynching situation. Usually the

CC Mr. Caudle, Mr. Fisher, Mr. Smith, Mr. Judson, <sup>Reed</sup> Miss Bontecou

facts are such that the federal government is without jurisdiction. However, there is always the possibility that when all the facts are known, we will find that there has been a denial of a federal right or some other violation of a federal statute. In order to help morale in the wartime, the President directed us to make a full and immediate investigation of every reported lynching to determine the question of federal jurisdiction. I think it would be wise for the President to issue a similar directive with relation to the treatment of the Japanese-Americans and to further order that if we do not find federal jurisdiction, we make the results of our investigation available to the appropriate state officials to assist them in such action as they may be able to take.

I attach a suggested memorandum from the Attorney General to the President and directive from the President to the Attorney General.

Attachment

4 THE WHITE HOUSE

4 Washington

4 January 4, 1946.

4 MEMORANDUM FOR: Tom C. Clark

~~FROM:~~

4 The President

I am deeply concerned by the reports which I have received of the mistreatment of loyal Japanese-Americans in various parts of the country, especially of servicemen and their families. I feel that the federal government should make an immediate and full investigation of all complaints of violence or deliberate discrimination against such citizens, and should take further appropriate action whenever possible. If, as a result of such an investigation, we find that we have no jurisdiction and that only the state can act, the results of our investigation should be made available to the appropriate state officials and we should assist them in every way possible to remedy the situation by prosecution or otherwise.

CC Mr. Caudle, Mr. Fisher, Mr. Smith, Mr. Judson, Miss Bontecou

4 January 4, 1946.

4 MEMORANDUM FOR: THE PRESIDENT

FROM: 4 Tom C. Clark, Attorney General

For some time the Department of Justice has been deeply concerned about the mistreatment of the loyal Japanese-Americans of which you write in your memorandum of December 21, 1945. Our difficulty has been that in most cases the federal government has been without power to act. The situation is somewhat similar to that of the lynching cases. If there is a denial of a right which the Supreme Court has declared to be a federally-secured right, the federal government may take direct action. Similarly, it may be able to take direct action if there is interference with a federal function. Either of these situations might occur, for instance, if the activities against the Japanese-Americans involved interference with their rights under the G.I. Bill.

In order to aid national morale in wartime, the President directed us to make immediate and full investigation of all reported lynchings and to take further action if we found federal jurisdiction. I think it would be advisable for you to take similar steps in connection with the Japanese-American situation, and to direct also that we make the results of our investigation available to the appropriate state officials if we do not find jurisdiction and take all further steps possible to assist the state officials to remedy the situation by prosecution or otherwise. I attach a copy of a proposed directive.

In so far as matters like the discrimination on the Servicemen's Honor Rolls are concerned, I think the American Legion and other veterans' organizations could be helpful and that you might like to take some steps to enlist their cooperation in this matter.

It might be desirable to issue a press release concerning the directive.