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THE WHITE HOUSE

WASHINGTON


December 10, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

ROBERT T. HARTMANN

FROM:

JAMES E. CONNOR 

SUBJECT:

Proposed Rescinding of Executive Order
9066 which Authorized the Internment
of Japanese-Americans during World
War II

The President reviewed your memorandum of November 28 on the above subject and approved the following recommendation:

"That February 19 be set as a target date for such a proclamation, unless another logical occasion presents itself in the meantime."

With a copy of this letter to James Lynn, we are requesting that OMB prepare the necessary action to accomplish the President's decision.


cc: Dick Cheney
Jim Lynn -- with file for action.

THE WHITE HOUSE

WASHINGTON

November 28, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT T. HARTMANN 

SUBJECT: Proposed Rescinding of Executive Order 9066 which Authorized the Internment of Japanese-Americans during World War II.

In addition to the initial request from Governor Evans, other correspondence has been received from Members of Congress, Japanese-American businessmen, and others, endorsing the suggested rescission and public repudiation of the Executive Order which was signed by President Roosevelt in 1942. Copies of these letters and background information on the Executive Order are collected at TAB A.

The proposal for Presidential action, which was originally referred for comment to Mr. Buchen, has been referred for further comment to the Attorney General, and to Mr. Marsh, Mr. Buchen, Mr. Lynn and General Scowcroft. Their individual comments are collected at TAB B. Inquiries regarding the political impact among the Japanese-American community have been made by my staff.

Two occasions have been suggested as appropriate for such a Presidential declaration: (1) the 34th anniversary of the issuance of the Order, next February 19 and (2) on December 7 in Hawaii, upon your return from China.

The consensus view is that it would be an excellent political idea to recognize the contributions of Japanese-Americans in World War II and to publicly deplore the ordeal undergone by those Japanese-Americans who were evacuated from the West Coast as a result of the internment order. However, the strong consensus of all, both in the White House and among the Japanese-American community, is that raising the issue on Pearl Harbor Day would be politically unwise if not disastrous -- particularly in Hawaii where sensitivity to the Pearl Harbor attack is still deeply felt among members of the Japanese-American community. See Mr. Calkins' memo at TAB C.

As pointed out by Mr. Buchen and Mr. Lynn, there is a risk that a legal proclamation of rescission will appear senseless and unnecessary, since the Order, operative only during World War II hostilities, has long ceased to have any legal effect. Such a legal proclamation may also raise extraneous issues which might be better left at rest. For example, there exists a very small minority of Japanese-Americans who seek additional reparations for alleged damages resulting from the internment. Creating the impression that the Order still had legal existence might unnecessarily fan the embers of hope for their cause.

The appropriate course of action would seem to be the issuance of a proclamation or commemorative statement, carefully drafted so as not to raise legal issues, recognizing the loyalty and long record of contributions by Japanese-Americans, both of those who fought in World War II and those who were displaced as a result of the Executive Order.

RECOMMENDATION: That February 19 be set as a target date for such a proclamation, unless another logical occasion presents itself in the meantime. Consideration could be given to bringing in representatives of the Japanese-American community for a White House ceremony. (The four Japanese-American Members of Congress are all Democrats, and two of them are thinking of taking on Senator Fong next year, but they would certainly have to be included in any such ceremony.)

Approve _____



Disapprove _____

cc: Mr. Cheney
Mr. Buchen
Mr. Marsh

THE WHITE HOUSE
WASHINGTON

JC

This seems to be a problem
between Buchen and Hartmann in
which we unfortunately got involved.
I suggest we let them settle it
themselves.

E.


11/24

THE WHITE HOUSE

WASHINGTON

November 24, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: PHIL BUCHEN 

SUBJECT: Internment of Japanese-Americans
in World War II

I have three comments on the latest round of papers:

(1) The whole point is the political value of a symbolic Presidential gesture repudiating the Japanese internment program. This can be done either through an executive order purporting to repeal the obsolete E. O. 9066 as proposed by the Japanese-American Citizens League, or through a proclamation as suggested in my memorandum of October 10. The Citizens League has no firm views on the technical legalities and would be satisfied by any Presidential document declaring a formal end to the legal authority for such a program. The difference between the alternatives is that the proclamation would both accomplish this purpose and be above criticism; purporting to terminate the executive order risks criticism as a rather inept, legally pointless political gesture.

(2) I find nothing in the Attorney General's memorandum that is inconsistent with this conclusion; but the President should be aware of the light in which the issue was presented to the Attorney General. My memorandum of October 10 which questioned the utility of revoking an obsolete executive order was based upon informal consultation with the Department of Justice and oral advice based upon their own research. Questions as minor as this do not ordinarily come to the personal attention of the Attorney General. When the whole package came back from the White House to the same office that had advised me, including my opinion reflecting that advice, and with the unusual request that this minor technicality receive the

personal attention of the Attorney General, the clear implication was that a different opinion was desired. No important issue of legal principle is involved and the Attorney General apparently chose to be cooperative -- as I would have in the same circumstances. I believe the earlier advice reflects a more objective analysis and better advice.

(3) The suggestion that the time and place for this Presidential action be set for December 7 in Hawaii appears wholly inappropriate, and likely to offend the Japanese-Americans.

cc: Bob Hartmann
Jack Marsh

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

November 13, 1975

MEMORANDUM FOR: ROBERT T. HARTMANN
FROM: JIM CONNOR
SUBJECT: Internment of Japanese-Americans
in World War II

We have staffed the material attached to your memorandum of October 21st on this subject as you requested. The views of the Attorney General, Brent Scowcroft, Jim Lynn and Jack Marsh are attached. Let me know if there is anything further you need from us.

Attachments

cc: Phil Buchen

MORANDUM

THE WHITE HOUSE
WASHINGTON

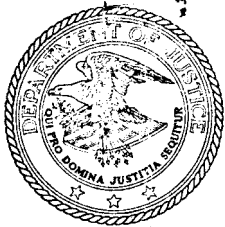
November 13, 1975

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Attachments

cc: Phil Buchen



Office of the Attorney General

Washington, D. C. 20530

November 13, 1975

MEMORANDUM FOR:

JAMES E. CONNOR
SECRETARY OF THE CABINET
THE WHITE HOUSE

FROM:

EDWARD H. LEVI *EL*
ATTORNEY GENERAL

The question which has been raised is my view on the proposal that Executive Order 9066 be revoked or rescinded on February 19, 1976, as a symbolic gesture on the 34th anniversary of the issuance of this order.

It can be urged that the prologue to the Order makes the Order self-terminating. But, on balance, both because of the nature of this Order and because of the general implications which would follow elsewhere if executive orders are to be read as normally self-terminating, there is sufficient ground for justifying a formal revocation of the Order.

It also can be urged that the operative Executive Order was really not 9066 but rather 9102, which established the War Relocation Authority. I believe the answer to this is, however, that it was Executive Order 9066 which permitted the establishment of the prohibited zones and thus became the basis for the forced movement of Americans of Japanese ancestry out of these areas.

It has been urged that a better occasion for the revocation might be an anniversary relating to the attack on Pearl Harbor, and the place be in Hawaii.

My view of the matter is that if something symbolic is to be done, it should be linked to the anniversary of the Executive Order. Whatever one may think of this internment of American citizens, it is regarded, as Mr. Hartmann says, as an "unfortunate chapter." I suggest that if any point is to be made about it, the date for its revocation should not attempt to carry with it the implication that all of this was due to the attack on Pearl Harbor. I believe the symbolic generosity or reconciliation of the move is lost by surrounding it with the more general aspect of the war with Japan.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

NOV 5 1975

MEMORANDUM FOR: JIM CONNOR
FROM: JIM LYNN
SUBJECT: Internment of Japanese-Americans
in World War II

The Japanese-American internment program was not established by Executive Order No. 9066. That program was implemented under the authority of Executive Order No. 9102, which established the War Relocation Authority. The War Relocation Authority was abolished and the program ended by Executive Order No. 9742 of June 25, 1946.

Executive Order No. 9066 authorized orders excluding persons from, or regulating their movement within, designated military areas. The exclusion orders were revoked more than six months before the end of the war with Japan. The Executive Order was self-terminating. It authorized the creation of military areas only for the purpose of prosecuting World War II. The United States had declared war against Japan on December 8, 1941 (55 Stat. 795).

Executive Order No. 9066 automatically terminated with the cessation of hostilities marking the ending of the war. The President issued Proclamation No. 2714 of December 31, 1946, which formally proclaimed the cessation of the hostilities of World War II. Executive Order No. 9066 is now dead. It is as dead as the declaration of war against Japan (55 Stat. 795), which has never been revoked.

Any Presidential Executive Order, proclamation, or statement related to Executive Order No. 9066 would be a hollow gesture.

THE WHITE HOUSE
WASHINGTONACTION

November 10, 1975

MEMORANDUM FOR JIM CONNOR

FROM: BRENT SCOWCROFT 

SUBJECT: Internment of Japanese-Americans in World War II

Executive Order 9066 dealt with the internment of Japanese-Americans during World War II. A symbolic Presidential gesture rescinding the Executive Order could have a mildly positive public relations impact in Japan. The alternative of a Presidential message praising the loyalty and contribution of Japanese-Americans may also meet a favorable reception there.

There has been, however, a large number of visits and symbolic gestures over the past year relegating old animosities with Japan to obscurity. I do not think the impact of this particular gesture, or the alternative of a Presidential message, would therefore be significant in terms of our foreign policy interests. If the President chooses to act on this issue, he should base his decision primarily on its domestic impact, and as a gesture to Americans of Japanese ancestry.

OCT 23 1975

THE WHITE HOUSE

WASHINGTON

October 23, 1975

MEMORANDUM FOR:

JACK MARSH ✓
JIM LYNN
BRENT SCOWCROFT

FROM:

JIM CONNOR

SUBJECT:

Internment of Japanese-Americans
in World War II

I'd appreciate getting your reaction to the attached material and the issue raised by Bob Hartmann. Thanks.

Encl.

10/27

Recommend expediting Attorney General's inquiry - if he supports Buchen finding, strongly recommend taking action suggested in Buchen memo - would prefer, however, to keep our memorials separated from our mistakes, i. e., if possible have President do this on West Coast and not at Peral Harbor (to do it at latter location might create as many problems as it solves.)

Jack Marsh

THE WHITE HOUSE

WASHINGTON

October 21, 1975

MEMORANDUM TO JAMES E. CONNOR

FROM: ROBERT T. HARTMANN

SUBJECT: Internment of Japanese-Americans
in World War II

We have been urged by Governor Evans of the State of Washington to have the President, as a symbolic gesture to Americans of Japanese ancestry, rescind Executive Order 9066 under which the Japanese Internment Camps were established during World War II and that he do so on February 19, 1976, the 34th anniversary of the issuance of this Executive Order by President Franklin D. Roosevelt.

I have referred this matter to Mr. Buchen whose opinion, which is attached, is that the Order was self-terminating at the end of World War II and that a "rescinding" of it by the current President would be legally pointless and potentially embarrassing.

I have discussed this with the President and it is his desire to have this question commented upon by a broader spectrum of his advisers, specifically including the Attorney General. Will you please take the necessary steps to circulate it for comment with a minimum delay. It might be appropriate, if any action is to be taken in this area, to do so on the President's forthcoming trip to California.

My personal opinion, having been a participant in 1942 in this unfortunate chapter of our history, is that an expression by the President regarding the proven loyalty and contributions of Americans of Japanese ancestry would be an appropriate postscript to the Emperor's recent visit and the closing of the book on recrimination of 35 years ago. This might be done at Pearl Harbor or somewhere in Hawaii on the President's return from China and on or about December 7th, the anniversary of the Japanese attack. I see no particular purpose in calling further attention to the February 19th anniversary as proposed by Governor Evans.

cc: Don Rumsfeld
Phil Buchen
Jack Calkins
Gwen Anderson



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

OLYMPIA

DANIEL J. EVANS
GOVERNOR

October 3, 1975

Mrs. Gwen Anderson
Deputy Assistant to
Counselor Hartmann
West Wing - Basement
The White House
Washington, D. C. 20500

Dear Gwen:

I have been on the road much of the time since our meeting last month. However, I want to first of all thank you for your many courtesies, particularly the White House tour. For a boy from the provinces--and perhaps for any American--it is a real thrill to see and be in the offices and rooms in the presidential suite.

Secondly, I want to let you know that I had an excellent reception from Dick Allison in the Vice President's office and Dudley Chapman, Associate Counsel to the President. Dick indicated that he would get the matter of Executive Order 9066 on the agenda of the Domestic Council and Mr. Chapman expressed the belief (admittedly tentative) that there would be no legal bar to the rescission by the President of E.O. 9066. As I indicated to you, this action would have great meaning to all persons of Japanese descent, as well as to the rest of us who feel that the E.O. was and remains a terrible blot in our history.

It is also important that the matter of the E.O. be kept separate from the issue of "reparations". The two are not connected and in my judgment to tie them together would be completely unnecessary and divert us from the main effort of the rescission of the E.O.

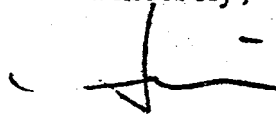
Finally, I believe it is important that the Japanese-American Citizens League, which has been the moving force behind the rescission of the order, deal directly with those of you in the White House who are working on the issue. Mich Matsudaira, Executive Director of our Asian-American Affairs Commission, has been in touch with the Washington, D. C. representative of the JAACL, Wayne Horiuchi, and I understand he either has or will be in touch with your office. The Governor and this office will,

Mrs. Gwen Anderson
Page Two
October 3, 1975

of course, lend any assistance possible in this effort, but I believe the citizens of Japanese heritage rather than this office should be the moving force.

Best regards,

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Dolliver', with a horizontal line extending to the right.

James M. Dolliver
Administrative Assistant

JMD:ks

cc: Dick Allison
Dudley Chapman
Martin M. Matsudaira

THE WHITE HOUSE

WASHINGTON

October 10, 1975

MEMORANDUM FOR: BOB HARTMANN
FROM: PHIL BUCHEN
SUBJECT: Recision of Executive Order
Authorizing Japanese Internment
Camps

Governor Dan Evans of Washington has requested that the President revoke E. O. 9066 under which the Japanese Internment Camps were established during World War II, and that he do so on February 19, 1976, which will be the 34th anniversary of the Order.

The Order (Tab A) did not itself establish the camps, but authorized the Secretary of War to prescribe military areas from which any persons may be excluded and delegated to the Secretary of War or a military commander full authority to restrict the right of any person to enter, remain in or leave the areas.

After E. O. 9066 was issued, Congress gave it legislative sanction under a law still in force as 18 U.S.C. 1383 (Tab B) which makes it an offense to enter or remain in a military zone prescribed in an Executive Order of the President. The internment program was later sustained by the Supreme Court.

As a delegation of authority under a statute still in force, it is understandable that non-lawyers could believe there is still something in existence that could be rescinded. Legally, however, the Order was expressly based upon "the successful prosecution of the War", and under established judicial precedents would be deemed to have expired by its own terms upon the conclusion of that emergency. Any number of executive orders as well as statutes expire or become "functus officio" when their purpose is accomplished without the need for any rescinding or repealing action. To purport to take such an action here would be legally pointless and risk making the President

look foolish. It would also prompt additional requests of this kind that could be politically embarrassing.

As an alternative to rescinding an already defunct order, the President could issue a commemorative statement on the anniversary date. This could be in the form of a proclamation praising the loyalty of Japanese Americans, expressing his regret for a blot on our history, noting that the Roosevelt order expired with the War, and disclaiming the use of such a practice in the future.

the Civil Service Act (22 Stat. 404), it is hereby ordered as follows:

1. The United States Civil Service Commission is authorized to adopt and prescribe such special procedures and regulations as it may determine to be necessary in connection with the recruitment, placement, and changes in status of personnel for all departments, independent establishments, and other Federal agencies, except positions in the field service of the postal establishment. The procedures and regulations thus adopted and prescribed shall be binding with respect to all positions affected thereby which are subject to the provisions of the Civil Service Act and Rules.

2. Persons appointed solely by reason of any special procedures adopted under authority of this order to positions subject to the provisions of the Civil Service Act and Rules shall not thereby acquire a classified (competitive) civil-service status, but, in the discretion of the Civil Service Commission, may be retained for the duration of the war and for six months thereafter.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 16, 1942.

EXECUTIVE ORDER 9064

AUTHORIZING THE GOVERNOR OF THE PANAMA CANAL TO FURNISH CERTAIN TRANSPORTATION TO PERSONS ENGAGED FOR SERVICE ON THE ISTHMUS OF PANAMA

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act of July 9, 1937, c. 470, 50 Stat. 487, it is hereby ordered as follows:

1. Notwithstanding the provisions of paragraph 3 of Executive Order No. 1838 of February 2, 1914, relating to conditions of employment in the Panama Canal service, the Governor of The Panama Canal is authorized (1) to furnish free transportation, or to make reimbursement of cost thereof, from any point within the continental United States to the port of departure for the Isthmus of Panama, to any person engaged for service with The Panama Canal on the Isthmus; (2) to furnish free transportation from the port of departure to the Isthmus; and (3) to pay to such person a subsistence allowance

not in excess of six dollars a day while en route to the port of departure and awaiting transportation therefrom.

2. The Governor of The Panama Canal may prescribe such regulations as may be necessary to carry out the provisions of this order.

3. This order shall be effective as of February 1, 1942, and shall remain in force during the continuance of the present war and for six months after the termination thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 16, 1942.

EXECUTIVE ORDER 9065

AMENDMENT OF SECTION 11 OF THE REGULATIONS GOVERNING HIGHWAYS, VEHICLES, AND VEHICULAR TRAFFIC IN THE CANAL ZONE

By virtue of the authority vested in me by sections 5 and 321 of title 2 of the Canal Zone Code, it is ordered that section 11 of Executive Order No. 7242 of December 6, 1935, prescribing regulations governing highways, vehicles, and vehicular traffic in the Canal Zone, be, and it is hereby, amended to read as follows:

SEC. 11. Governor authorized to make regulations. The Governor is hereby authorized to make, alter, and amend, from time to time, rules and regulations for the purpose of carrying out the provisions of this order, and in time of war in which the United States is engaged or when in the opinion of the Governor war is imminent, the Governor is hereby authorized, subject to the provisions of Executive Order No. 8232 of September 5, 1939, to amend, modify, supplement, or suspend this order, or any provision thereof, for the duration of any such period, when in his judgment such action is necessary in the public interest.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 17, 1942.

EXECUTIVE ORDER 9066

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against

Chapter II—Executive Orders

E. O. 9067

sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104):

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agen-

cies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 19, 1942.

EXECUTIVE ORDER 9067

PROVIDING FOR THE TRANSFER OF PERSONNEL TO WAR AGENCIES

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and by Section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), and in order to expedite the transfer of personnel to war agencies, it is hereby ordered as follows:

1. For the purpose of facilitating transfers of employees under the provisions of this Order, the Director of the Bureau of the Budget shall from time to time establish priority classifications of the several Executive departments and agencies, or of parts or activities thereof, in respect to their relative importance to the war program, and such classifications shall be controlling as to transfers under the provisions of this Order.

2. The Civil Service Commission is authorized to secure information as to employees of Executive departments and agencies who are deemed competent to perform essential war work in departments or agencies having a higher priority classification, and, with the consent

In Nebraska and the entire state of Nebraska constituted one judicial district, there was no question as to proper allegation of venue in each information and matter then became one of proof. *Holdridge v. U. S.*, C.A.Neb.1960, 282 F.2d 302.

In prosecution of defendants for re-entry into a military reservation after having been removed from it and ordered not to re-enter, evidence including government exhibits consisting of maps showing military reservation within Nebraska was sufficient to establish venue within the judicial district of Nebraska. *Id.*

3. Burden of proof

To sustain charge of an information alleging a violation of former section 97 of this title in that defendant reentered a Marine Corps Reservation Road after having been ordered not to do so by the commanding General, the Government had to show an absolute ownership or an exclusive right to possession of the road, and proof of criminal jurisdiction of the road is not enough. *U. S. v. Watson*, D.C.Va.1948, 80 F.Supp. 649

4. Evidence—Admissibility

In prosecution for re-entry into a military reservation after having been removed therefrom and ordered not to re-enter, trial court did not err in denying admission of evidence by defendant as to purpose of re-entry. *Holdridge v. U. S.*, C.A.Neb.1960, 282 F.2d 302.

5. — Weight and sufficiency

In prosecution for re-entering naval reservation after being ordered by com-

mander not to re-enter, testimony by chief of detectives of naval shipyard that areas in question, though outside perimeter fence, were within perimeter area of reservation and were patrolled by military police of shipyard that there were signs at entrance to the areas, that the areas were United States property and that no peddling or soliciting was allowed was sufficient to prove ownership or possession by United States. *U. S. v. Packard*, D.C.Cal.1964, 236 F.Supp. 585, affirmed 339 F.2d 887.

Evidence that Fuller Road was within the area taken for the Quantico Marine Corps Reservation did not alone justify inference that the taking destroyed the strip as a road and dissolved all rights of user theretofore held by the public or by persons having a special interest therein but merely established the authority of the United States to police the road and to punish a defendant for improper conduct thereon. *U. S. v. Watson*, D.C.Va.1948, 80 F.Supp. 649.

6. Instructions

In prosecution for re-entry into military reservation after having been removed therefrom, instruction of court which included a reading from two informations after court had carefully pointed out that reading was solely for the purpose of informing jury of the exact charges made, was not erroneous as constituting undue emphasis on what was not evidence upon issue of venue. *Holdridge v. U. S.*, C.A.Neb.1960, 282 F.2d 302.

§ 1383. Restrictions in military areas and zones

Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of the Army, or by any military commander designated by the Secretary of the Army, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be fined not more than \$5,000 or imprisoned not more than one year, or both. June 25, 1948, c. 645, 62 Stat. 765.

Historical and Revision Notes

Reviser's Note. Based on Title 18, U.S.C., 1940 ed., § 97a (Mar. 21, 1942, c. 191, 56 Stat. 173).

Words "be guilty of a misdemeanor" were deleted as unnecessary in view of definitive section 1 of this title.

October 23, 1975

MEMORANDUM FOR: THE ATTORNEY GENERAL

FROM: JAMES E. CONNOR
SECRETARY TO THE CABINET

I would appreciate receiving your comments and advice on the attached material dealing with the internment of Japanese-Americans in World War II. As you will note, the President specifically requested that your comments be solicited.

Attachment