

west coast delegation that plans for the partial or complete evacuation of the Japanese from the Pacific coast were being formulated.⁷¹ In consultation with the Department of Justice, War Department officials at this time also prepared a draft of legislation that would put teeth into the enforcement of the new evacuation program, but did not submit it to Congress until 9 March. This draft as a bill became Public Law 503 after brief debate; it was passed by a voice vote in both houses on 19 March and signed by the President on 21 March. Three days later, the Western Defense Command issued its first compulsory exclusion order.⁷²

As already noted, the plan for evacuation embodied in the War Department's directives of 20 February differed materially from the plan recommended by General DeWitt in his memorandum of 13 February. The central objective of the DeWitt plan was to move all enemy aliens and American-born Japanese out of all Category A areas in California, Oregon, and Washington that the general had recommended through 12 February. Although General DeWitt had repeatedly described the Japanese as the most dangerous element of the west coast population, he also made it clear as late as 17 February that he was "opposed to any preferential treatment to any alien irrespective of race," and therefore that he wanted German and Italian aliens as well as all Japanese evacuated from Category A areas.⁷³ His plan assumed that all enemy aliens would be interned under guard outside the Western Defense Command, at least until arrangements could be made for their resettlement. Citizen evacuees would either accept internment voluntarily or relocate themselves with such assistance as state and federal agencies might offer. Although this group would be permitted to resettle in Category B areas within the coastal zone, General DeWitt clearly preferred that they move inland.

The central objective of the War Department plan was to move all Japanese out of the California Category A areas first, and they were not to be permitted to resettle within Category B areas or within a larger Military Area No. 1 to be established along the coast.⁷⁴ There was to be no evacuation of Italians without the express permission of the Secretary of

⁷¹ Ltr, SW to Representative Lea, 21 Feb 42, AG 014.311 (2-16-42).

⁷² Grodzins, *Japanese Evacuation*, pp. 331-39; War Department, *Final Report*, pp. 29-31, 49. On the legal aspects and consequences of the Presidential and Congressional decisions, see Clinton Rossiter, *The Supreme Court and the Commander in Chief* (Ithaca: Cornell University Press, 1951), pp. 42-54.

⁷³ Tel Conv, Gen DeWitt with Gen Gullion, 17 Feb 42, ASW 014.311 EAWC.

⁷⁴ The central objective of the War Department plan is clearly outlined in paragraphs 1-6 of the Outline Memorandum of 20 February, paragraphs omitted in the publication of the memorandum in War Department, *Final Report*, pages 28-29.