

Telephone conversation between Capt. Fisher and Mr. Wechsler, Justice Dept.,
2 October 1944 at 11:30 a.m.

W: On both alternatives the first sentence of the footnote remains and it is unobjectionable as I understand it.

F: I haven't any objection to it.

W: The second sentence on one alternative is this: We have specifically recited in this brief the facts relating to the justification for the evacuation, of which we ask the court to take judicial notice; and we rely upon the final report only to the extent that ^{it} relates to such facts.

Second alternative:

We do not ask the court to notice judicially such particular details recited in the report as justification for the evacuation as the use of illegal radio transmitters and shore to ship signaling by persons of Japanese ancestry, which conflict with information derived from other sources.

F: Can I run those off and give you a ring back?

W: Yes, I'm about to go up to court. Would you call John Darling.

F: I will, indeed.

W: In other words, I think we could drop out any specific reference to matters in controversy, you see, and that's the theory of the first possibility but I don't think we can do that without putting in a negative because otherwise I'm afraid we're going to get caught fishing around on particular points.

F: The negative is

W: The negative is put in the gentlest conceivable way. We rely upon the final report only to the extent that it relates to such facts.

EXHIBIT

DD

Korematsu