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The Empty Folder in Warren Files

Sacramento

Most of Earl Warren's political and gubernatorial archives were opened to the public yesterday, throwing some light on long-hidden aspects of events in California and the nation before 1953.

But a file marked "Nixon" was empty.

David Snyder, a state archivist, said Warren had probably purged the file — part of the personal correspondence section — before it was turned over to the state.

"As usual, they purge the files before they leave office," he said.

Snyder said he discovered the empty file in 1965 when he was cataloging the contents of more than 550 brown cardboard boxes of material.

Those archives that were available contained only formal letters between Mr. Nixon and Warren, two major figures in California politics in the late 1940s and early 1950s. The files on the political disagreements between the two before and during the 1952 GOP convention have not been made public.

The archives — containing more than a million items — had been sealed since 1953, when Warren resigned as governor, to become chief justice. Most were unsealed as he requested after his death Tuesday at age 83.

The files show that Warren believed the internment of Japanese-American citizens on the West Coast during World War II raised serious constitutional ques-

tions.

Warren's critics have said he, as state attorney general, condoned the massive relocation of U.S. citizens of Japanese ancestry during 1942. Many documents in the files detail his thoughts on the controversy.

"I firmly believe there is a positive danger attached to the presence of so many of these admittedly American-hating Japanese in an area where sabotage or other civil disorder would be so detrimental to our war effort," Warren said at a Sac-

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ramento news conference in November, 1945.

But a 1942 letter to an Oakland attorney about the then-proposed internment program shows a different side of the man eulogized as one of America's greatest civil libertarians.

"When public agencies attempt to stretch the processes of civil government to accomplish objectives in conflict with the Constitution, it always leads to excesses which will destroy, piecemeal, the constitutional system for which we are fighting," Warren wrote in a letter to Gerald H. Hagar.

"On the other hand, military necessity in time of war is rightfully the paramount consideration and whatever is done by the military to effect the security of the nation is both expedient and proper, provided it is done in a manner as humane as circumstances permit," Warren said.

Later in the letter, he said of the relocation: "It contemplates that there will not be internment camps but camps to which evacuees will go voluntarily."

As attorney general, Warren directed the state civil defense program when the internment program was instituted. The files show that Warren was continually faced with the problem

through his first year in the governor's mansion in 1943.

"Your matter is one which is not within the jurisdiction of state government," Warren told a Japanese-American in a 1945 letter shortly before the program was ended.

After Warren's death, the executive director of the Japanese-American Citizens League, David Ushio, praised Warren's accomplishments on the U.S. Supreme Court. He said there have been published reports that Warren said "in a private conversation that this action against the Japanese-Americans was one of his greatest regrets."

The papers, records, tapes, ledgers, news releases and other material in most of the archives are available for inspection. But Snyder said there is a legal problem with the second set of files, principally those of Warren's personal correspondence. Snyder said the Warren family would have to approve the release of that material.

The files show an amiable relationship between President Harry Truman and Warren, who ran as Thomas Dewey's vice presidential candidate against Truman in 1948.

A Sept. 22, 1948, memo to Warren in the files says, "President Truman spoke in

Sacramento today, he did not make reference to Governor Warren."

"From the bottom of my heart I thank you for your message," Truman said in responding to Warren's congratulatory telegram after Truman's upset victory.

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