

COPY  
of  
a  
COPY

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY  
Office of the Commanding General  
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

March 9, 1943

*Removal  
Violations*  
201 Ernest, Charles E. (Civ) CAD

Ninth Regional Civilian Defense Board  
Office of Civilian Defense  
1355 Market Street  
San Francisco, California

Gentlemen:

On February 23, 1943, your office reported to this headquarters that Mr. Charles E. Ernest of 2156 N. W. Davis Street, Portland, Oregon, had been charged with two violations of the Portland War Code No. 76947, committed on December 29, 1942, and January 4, 1943.

Mr. Ernest was found guilty of the offenses charged on December 30, 1942, and January 4, 1943, in the Portland Municipal Court before Judge J. J. Quillan. A fine of \$25.00 for the first offense was levied but the sentence suspended. Four days later he was fined \$50.00 for the second offense.

Mr. Ernest is the proprietor of a small restaurant at 524 S. W. Salmon Street in the Portland Bus Terminal. The business is advertised by a neon sign extending over the sidewalk, the dimensions of which are 8' x 2'. The specific violation of law for which Mr. Ernest was convicted resulted from his failure to darken the neon sign outside his restaurant at sundown.

An investigation into the case reveals that the offender is seventy-three years old; that he claims to have had serious difficulty in obtaining competent help; and that he blames the failure to have turned off the neon sign on his employees, whom he says are irresponsible.

Mr. Ernest cannot escape the consequences of the seriousness of his offense by reason of the omissions of his employees. If he cannot rely upon them, then he must insure the observance of dimout regulations on his part by dismantling the sign or removing its electrical connection. Repeated violations of dimout regulations place in jeopardy the safety of the Pacific Coast. Persons who fail to observe them for one reason or another cannot be permitted to remain on the Coastal Frontier. Military necessity required their exclusion from the area in which they can continue to undermine the means which are established to insure and strengthen our defenses. I reaffirm my intention to exercise my authority to exclude persons who are guilty of acts such as these which threaten our military security.

While there are some mitigating circumstances in this case, such as the age of the offender and the difficulty of obtaining competent help, these do not detract from the seriousness of the matter. I request that you take appropriate steps to bring forcibly to Mr. Ernest's attention the gravity of his omissions. I also request that you inform me of the action taken and advise whether Mr. Ernest has fulfilled his agreement either to dismantle the sign or disconnect it. I request further that

Letter to Mr. James C. Sheppard, 3-7-43

you arrange to inform the United States Attorney in Portland of Mr. Ernest's convictions as these constitute violations of Public Law No. 503, 77th Congress.

I am forwarding a copy of this letter to the Commanding General, Northwest Sector, for his information.

Very truly yours,

J. L. DeWitt  
Lieutenant General, U. S. Army,  
Commanding

OFFICE OF CIVILIAN DEFENSE

NINTH CIVILIAN DEFENSE REGION

NORTHWEST SECTOR

WHITE-HENRY-STUART BLDG.

SEATTLE, WASHINGTON

March 15, 1943

TO: Jerrold Owen  
Oregon State Defense Council

FROM: Northwest Sector Office  
Ninth Civilian Defense Region

SUBJECT: TWO-TIME DIMOUT VIOLATOR  
CHARLES E. ERNEST, PORTLAND

*State Fighting Comm*

This is to further bring to your attention our previous correspondence in connection with the two-time violation of the dimout proclamation by Charles E. Ernest, Portland, Oregon. I enclose a copy of a letter from Lt. General John L. DeWitt, Commanding General, Western Defense Command and Fourth Army.

You will note General DeWitt is very firm in his previously announced policy that repeated violations will not be tolerated. While there are mitigating circumstances connected with this particular case, the General has requested that we do three things: (1) bring forcibly to Mr. Ernest's attention the gravity of his omissions; (2) if competent help cannot be obtained, to dismantle or disconnect the sign; and, (3) to inform the U. S. Attorney in Portland of these convictions as they constitute violations of Public Law No. 502, 77th Congress.

Please let me know what disposition you make of this case so that we can report in accordance with the request.

*H. P. Everest*  
H. P. Everest  
Ass't Director

Enc.

*Sent Lusk  
3-16-43.*

*Removal  
Violations*

March 27, 1943

Mr. H. P. Everest,  
Asst. Director, NW Sector, O.C.D.,  
White-Henry-Stuart Bldg.,  
Seattle, Wn.

Subject, Chas. E. Ernest,  
Portland, Oregon.

Dear Mr. Everest:

With reference to Mr. Ernest and his place of business at 524 SW Salmon Street in Portland please be advised that I inspected his place on March 20th and found that the handle on the switch for the Neon sign in question had been removed. I called his attention to the fact that it was still possible to turn on the sign by removing the cover of the switch, which was loose, and taking hold of the shaft.

I advised him that in order to be absolutely safe he had better remove the switch, tape up the wires independently and replace the switch cover on the box with a blank cover.

Upon re-inspection on Monday, the 22nd, I found that this suggestion had been followed and as it now stands the sign is out for the duration.

Trusting the above will give you the desired information I remain

Sincerely yours,

C. H. Lundell.  
Chief Light Control Officer, O.S.D.C.

CHL:v.

CC Salem, ✓  
Potter

Amount Violation

Department of Justice  
 UNITED STATES ATTORNEY

District of Oregon  
 Portland

1-MS

May 8, 1943

Mr. C. H. Lundell  
 Chairman, State Lighting Committee  
 Chief Light Control Officer, O.S.D.C.  
 115 City Hall  
 Portland, Oregon

Dear Mr. Lundell:

Re: Charles E. Ernest, Portland, Oregon

Acknowledgment is made of your letter of May 1. We do not question the seriousness of the violations reported. For the moment, however, we must ask the further cooperation of the municipal authorities in undertaking such action as may be deemed necessary under existing ordinances.

You will recall the decision of the United States District Court in the case of the United States v. Minoru Yasui which related to a violation of the military curfew then in effect but also held that in the absence of martial law that military regulations applied to enemy aliens and not to American citizens.

This case is on appeal and has been certified to the Supreme Court of the United States. In the meantime, the decision by the District Court here would have considerable bearing in any other prosecutions undertaken for violation by citizens of military regulations. For obvious reasons, this information is not being publicized and is given for your confidential official purposes.

Naturally we wish to support the military authorities in every way possible in their measures for the protection of this area.

The legal difficulties suggested, however, are not present in a prosecution in the municipal court as it is within the police power of the state and municipality to enact legislation for the public health, peace and safety. General police power is not vested in the Federal Government.

Respectfully,

s/ Carl C. Donough  
 Carl C. Donough  
 United States Attorney