

**COMMISSION ON WARTIME RELOCATION AND
INTERNMENT OF CIVILIANS**

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HEARING
BEFORE THE
**SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS**
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

H.R. 5499

**TO ESTABLISH THE COMMISSION ON WARTIME RELOCATION
AND INTERNMENT OF CIVILIANS; TO PROVIDE FOR PAY-
MENTS TO CERTAIN INDIVIDUALS OF JAPANESE ANCESTRY
WHO WERE INTERNED, DETAINED, OR FORCIBLY RELOCATED
BY THE UNITED STATES DURING WORLD WAR II**

JUNE 2, 1980

Serial No. 55



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COMMISSION ON WARTIME RELOCATION AND INTERMENT OF CIVILIANS

MONDAY, JUNE 2, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m. in room 2236 Rayburn House Office Building, Hon. George E. Danielson (chairman of the subcommittee) presiding.

Present: Representatives Danielson, Mazzoli, and McClory.

Also present: William P. Shattuck, counsel; James H. Lauer, Jr., assistant counsel; Alan F. Coffey, Jr., associate counsel; and Florence McGrady, clerical staff.

Mr. DANIELSON. The hour of 9:30 having arrived and a quorum for taking testimony being present, the subcommittee will come to order. We have more than one bill on the agenda for this morning. However, the one of the greatest priority, I might say the subject of greatest priority and the subject we will take up first, is dealt with in a series of bills which address themselves to the problem which flows from the internment of Japanese Americans during the period of World War II.

There are three such bills before us at present, one of them being H.R. 5499 under the authorship of our distinguished majority leader Mr. Wright of Texas, who has been joined by our own chairman, Mr. Peter Rodino of New Jersey, Congressman Mineta, Congressman Matsui, and a host of others, down to and including myself.

It addresses the problem under the theory that we should create a commission which would investigate and review the problems resulting from that internment program, and then make recommendations to the Congress and the President as to what solutions should be made.

Another bill, H.R. 5977, which has been introduced by the distinguished Congressman Mr. Lowry of Washington, has a different approach to the same problem. It would provide for cash payments, under the caption of the Japanese-American Human Rights Violation Redress Act. In substance, it would provide for certain fixed-sum payments; namely, a payment of \$15,000 to each person found eligible. Basically, that means each person who was interned. There would also be a sort of per diem payment in addition to the flat sum based on \$15 per day for each day in internment.

The third bill is a Senate bill, S. 1647, which has just been passed by the Senate, I believe it was on May 22, very recently. At least it reached the desk of the Clerk of the House on May 28 and was so printed. It is, in effect, the same as H.R. 5499 offered by Mr. Wright, but with amendments which were adopted in the Senate.

[Copies of H.R. 5499, H.R. 5977, and S. 1647 follow:]

Union Calendar No. 714

96TH CONGRESS
2D SESSION

H. R. 5499

[Report No. 96-1146]

To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1979

Mr. WRIGHT (for himself, Mr. RODINO, Mr. MINETA, Mr. MATSUI, Mr. BRADEMAS, Mr. PHILLIP BURTON, Mr. YATES, Mr. ANDERSON of California, Mr. SIMON, Mr. AKAKA, Mr. BADHAM, Mr. BARNES, Mr. BEDELL, Mr. BEIL-ENSON, Mr. BLANCHARD, Mr. BONIOR of Michigan, Mr. BONKER, Mr. BROWN of California, Mr. BURGNER, Mr. BURLISON, Mr. JOHN L. BURTON, Mr. BUTLER, Mrs. CHISHOLM, Mr. CLAUSEN, Mr. CLAY, Mr. COELHO, Mr. CORMAN, Mr. DANIELSON, Mr. DANNEMEYER, Mr. DEL- LUMS, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DORNAN, Mr. DUNCAN of Oregon, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Indiana, Mr. FARY, Mr. FASCELL, Mr. FAZIO, Mrs. FENWICK, Mr. FISH, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FROST, Mr. GEPHARDT, Mr. GILMAN, Mr. GRAY, Mr. GREEN, Mr. HANSEN, Mr. HAWKINS, Mr. HEFTEL, Mr. HARKIN, Mr. HOWARD, Mr. HUGHES, Mr. JACOBS, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LEHMAN, Mr. LELAND, Mr. LEWIS, Mr. LLOYD, Mr. LOWRY, Mr. LUNGREN, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCKAY, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. MOORHEAD of California, Mr. MURPHY of Illinois, Mr. OBERSTAR, Mr. PANETTA, Mr. PASHAYAN, Mr. PATTEN, Mr. PATTERSON, Mr. PEPPER, Mr. PRITCHARD, Mr. RAILSBACK, Mr. RANGEL, Mr. RATCHFORD, Mr. RICHMOND, Mr. ROE, Mr. ROUSSELOT, Mr. ROYBAL, Mr. ROYER, Mr. SABO, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SHANNON, Mr. SHUMWAY, Mrs. SPELLMAN, Mr. STARK, Mr. STEWART, Mr. SWIFT, Mr. SYMMS, Mr. SYNAR, Mr. THOMPSON, Mr. VAN DEERLIN, Mr. VOLKMER, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. WIRTH, and Mr. WYATT) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 1, 1980

Additional sponsors: Mr. FITHIAN, Mr. CHARLES WILSON of Texas, Mr. GONZALEZ, Mr. BUCHANAN, Mr. AU COIN, Mr. DRINAN, Mr. JOHNSON of Colorado, Mr. HYDE, Mr. STOKES, Mr. MCCORMACK, Mr. HALL of Ohio, Mr. WILLIAMS of Montana, Mr. SOLARZ, Mr. REUSS, Mr. BALDUS, Mr. SANTINI, Mr. GRISHAM, Mr. ZABLOCKI, Mr. THOMAS, Mr. VENTO, Ms. OAKAR, Mr. LEACH of Iowa, Mr. DE LA GARZA, Mr. WOLPE, Mr. CAVANAUGH, Mr. DOWNEY, Mr. OTTINGER, Mr. FAUNTROY, Mr. EVANS of the Virgin Islands, Mr. MARRIOTT, Mr. ALBOSTA, Mr. BRODHEAD, Mr. GARCIA, and Mr. ANDERSON of Illinois

JULY 1, 1980

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a Commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order Numbered 9066, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SHORT TITLE**

4 **SECTION 1.** This Act may be cited as the "Commission
5 on ~~Wartime Relocation and Internment of Civilians Act~~".

6 **FINDINGS AND PURPOSE**

7 **SEC. 2.** (a) The Congress finds that—

8 (1) Approximately one hundred and twenty thou-
9 sand civilians were relocated and detained in intern-
10 ment camps pursuant to Executive Order Numbered

1 9066, dated February 19, 1942, and other associated
2 acts of the Federal Government; and

3 (2) no inquiry into this matter has been made.

4 (b) It is the purpose of this Act to establish a factfinding
5 commission to determine whether a wrong was committed
6 against those American citizens and permanent resident
7 aliens relocated and/or interned as a result of Executive
8 Order Numbered 9066 and other associated acts of the Fed-
9 eral Government, and to recommend appropriate remedies.

10 ESTABLISHMENT OF COMMISSION

11 SEC. 3. (a) There is established the Commission on
12 Wartime Relocation and Internment of Civilians (hereinafter
13 referred to as the "Commission").

14 (b) The Commission shall be composed of fifteen mem-
15 bers, who shall be appointed as follows:

16 (1) Eleven members shall be appointed by the
17 President.

18 (2) Two members of the House of Representatives
19 shall be appointed by the Speaker of the House of
20 Representatives.

21 (3) Two Members of the Senate shall be appointed
22 by the President pro tempore of the Senate.

23 (c) The term of office for members shall be for the life of
24 the Commission. A vacancy in the Commission shall not

1 affect its powers, and shall be filled in the same manner in
2 which the original appointment was made.

3 (d) The first meeting of the Commission shall be called
4 by the President within sixty days following the date of en-
5 actment of this Act.

6 (e) Eight members of the Commission shall constitute a
7 quorum, but a lesser number may hold hearings.

8 (f) The Commission shall elect a Chairman and Vice
9 Chairman from among its members. The term of office of
10 each shall be for the life of the Commission.

11 (g) Each member of the Commission who is not other-
12 wise employed by the United States Government shall re-
13 ceive compensation at a rate equal to the daily rate pre-
14 scribed for GS-18 under the General Schedule contained in
15 section 5332 of title 5, United States Code, including travel-
16 time, for each day he or she is engaged in the actual perform-
17 ance of his or her duties as a member of the Commission. A
18 member of the Commission who is an officer or employee of
19 the United States Government shall serve without additional
20 compensation. All members of the Commission shall be reim-
21 bursed for travel, subsistence, and other necessary expenses
22 incurred by them in the performance of their duties.

23 DUTIES OF THE COMMISSION

24 SEC. 4. (a) It shall be the duty of the Commission to
25 gather facts to determine whether a wrong was committed

1 against those American citizens and permanent resident
2 aliens who were subjected to relocation and/or internment by
3 the issuance of Executive Order Numbered 9066 and other
4 associated acts of the Federal Government.

5 (b) The Commission shall hold public hearings in Los
6 Angeles, San Francisco, and Fresno, California; Portland,
7 Oregon; Seattle, Washington; Phoenix, Arizona; Salt Lake
8 City, Utah; Denver, Colorado; Chicago, Illinois; New York,
9 New York; Washington, D.C.; and any other city that the
10 Commission deems necessary and proper.

11 (c) The Commission shall submit a written report of its
12 findings and recommendations to Congress not later than
13 eighteen months after the date of the enactment of this Act.

14 POWERS OF THE COMMISSION

15 SEC. 5. (a) The Commission or, on the authorization of
16 the Commission, any subcommittee or member thereof, may,
17 for the purpose of carrying out the provisions of this Act,
18 hold such hearings and sit and act at such times and places,
19 and request the attendance and testimony of such witnesses
20 and the production of such books, records, correspondence,
21 memorandum, papers, and documents as the Commission or
22 such subcommittee or member may deem advisable.

23 (b) The Commission may acquire directly from the head
24 of any department, agency, independent instrumentality, or
25 other authority of the executive branch of the Government,

1 available information which the Commission considers useful
2 in the discharge of its duties. All departments, agencies, and
3 independent instrumentalities, or other authorities of the ex-
4 ecutive branch of the Government shall cooperate with the
5 Commission and furnish all information requested by the
6 Commission to the extent permitted by law.

7 **ADMINISTRATIVE PROVISIONS**

8 **SEC. 6.** The Commission is authorized to—

9 (1) appoint and fix the compensation of such per-
10 sonnel as may be necessary, without regard to the pro-
11 visions of title 5, United States Code, governing ap-
12 pointments in the competitive service, and without
13 regard to the provisions of chapter 51 and subchapter
14 III of chapter 53 of such title relating to classification
15 and General Schedule pay rates;

16 (2) obtain the services of experts and consultants
17 in accordance with the provisions of section 3109 of
18 title 5, United States Code;

19 (3) enter into agreements with the General Serv-
20 ices Administration for procurement of necessary finan-
21 cial and administrative services, for which payment
22 shall be made by reimbursement from funds of the
23 Commission in such amounts as may be agreed upon
24 by the Chairman and the Administrator of General
25 Services;

1 (1) *approximately one hundred and twenty thou-*
2 *sand civilians were relocated and detained in intern-*
3 *ment camps pursuant to Executive Order Numbered*
4 *9066, issued February 19, 1942, and other associated*
5 *actions of the Federal Government;*

6 (2) *approximately one thousand Aleut civilian*
7 *American citizens were relocated and, in some cases,*
8 *detained in internment camps pursuant to directives of*
9 *United States military forces during World War II*
10 *and other associated actions of the Federal Govern-*
11 *ment; and*

12 (3) *no sufficient inquiry has been made into the*
13 *matters described in paragraphs (1) and (2).*

14 (b) *It is the purpose of this Act to establish a commis-*
15 *sion to—*

16 (1) *review the facts and circumstances surround-*
17 *ing Executive Order Numbered 9066, issued February*
18 *19, 1942, and the impact of such Executive order on*
19 *American citizens and permanent resident aliens;*

20 (2) *review directives of United States military*
21 *forces requiring the relocation and, in some cases, de-*
22 *tention in internment camps of American citizens, in-*
23 *cluding Aleut civilians, and permanent resident aliens*
24 *of the Aleutian and Pribilof Islands; and*

25 (3) *recommend appropriate remedies.*

1 (f) *The Commission shall elect a Chairman and Vice*
 2 *Chairman from among its members. The term of office of*
 3 *each shall be for the life of the Commission.*

4 (g) *Each member of the Commission who is not other-*
 5 *wise employed by the United States Government shall re-*
 6 *ceive compensation at a rate equal to the daily rate prescribed*
 7 *for GS-18 under the General Schedule contained in section*
 8 *5332 of title 5, United States Code, for each day, including*
 9 *travelttime, he or she is engaged in the actual performance of*
 10 *his or her duties as a member of the Commission. A member*
 11 *of the Commission who is an officer or employee of the*
 12 *United States Government shall serve without additional*
 13 *compensation. All members of the Commission shall be reim-*
 14 *bursed for travel, subsistence, and other necessary expenses*
 15 *incurred by them in the performance of their duties.*

16 *DUTIES OF THE COMMISSION*

17 *SEC. 4. (a) It shall be the duty of the Commission to—*

18 (1) *review the facts and circumstances surround-*
 19 *ing Executive Order Numbered 9066, issued February*
 20 *19, 1942, and the impact of such Executive order on*
 21 *American citizens and permanent resident aliens;*

22 (2) *review directives of United States military*
 23 *forces requiring the relocation and, in some cases, de-*
 24 *tention in internment camps of American citizens, in-*

1 *cluding Aleut civilians, and permanent resident aliens*
2 *of the Aleutian and Pribilof Islands; and*

3 *(3) recommend appropriate remedies.*

4 *(b) The Commission shall hold public hearings in such*
5 *cities of the United States that it finds appropriate.*

6 *(c) The Commission shall submit a written report of its*
7 *findings and recommendations to Congress not later than the*
8 *date which is one year after the date of the first meeting*
9 *called pursuant to section 3(d) of this Act.*

10 *POWERS OF THE COMMISSION*

11 *SEC. 5. (a) The Commission or, on the authorization of*
12 *the Commission, any subcommittee or member thereof, may,*
13 *for the purpose of carrying out the provisions of this Act, hold*
14 *such hearings and sit and act at such times and places, and*
15 *request the attendance and testimony of such witnesses and*
16 *the production of such books, records, correspondence, memo-*
17 *randum, papers, and documents as the Commission or such*
18 *subcommittee or member may deem advisable. The Commis-*
19 *sion may request the Attorney General to invoke the aid of*
20 *an appropriate United States district court to require, by*
21 *subpoena or otherwise, such attendance, testimony, or*
22 *production.*

23 *(b) The Commission may acquire directly from the head*
24 *of any department, agency, independent instrumentality, or*
25 *other authority of the executive branch of the Government,*

1 *available information which the Commission considers*
2 *useful in the discharge of its duties. All departments, agen-*
3 *cies, and independent instrumentalities, or other authorities*
4 *of the executive branch of the Government shall cooperate*
5 *with the Commission and furnish all information requested*
6 *by the Commission to the extent permitted by law.*

7 **ADMINISTRATIVE PROVISIONS**

8 *SEC. 6. The Commission is authorized to—*

9 *(1) appoint and fix the compensation of such per-*
10 *sonnel as may be necessary, without regard to the pro-*
11 *visions of title 5, United States Code, governing ap-*
12 *pointments in the competitive service, and without*
13 *regard to the provisions of chapter 51 and subchapter*
14 *III of chapter 53 of such title relating to classification*
15 *and General Schedule pay rates, except that the com-*
16 *penetration of any employee of the Commission may not*
17 *exceed a rate equivalent to the rate payable under*
18 *GS-18 of the General Schedule under section 5332 of*
19 *such title;*

20 *(2) obtain the services of experts and consultants*
21 *in accordance with the provisions of section 3109 of*
22 *such title;*

23 *(3) enter into agreements with the Administrator*
24 *of General Services for procurement of necessary fi-*
25 *nancial and administrative services, for which pay-*

1 (D) sections 4067 through 4070 of the Re-
2 vised Statutes of the United States; or

3 (E) any other statute, rule, regulation, or
4 order;

5 (3) the term "World War II internment period"
6 means the period beginning on December 7, 1941, and
7 ending on December 31, 1952.

8 PAYMENTS

9 SEC. 4. (a)(1) The Attorney General shall locate, as
10 soon as practicable after the date of the enactment of this
11 Act, each eligible individual and shall pay to each such indi-
12 vidual the sum of \$15,000 plus an amount equal to \$15 mul-
13 tiplied by the number of days, if any, during which such indi-
14 vidual was interned or detained during the World War II
15 internment period, as determined by the Attorney General by
16 a preponderance of the evidence.

17 (2) If an eligible individual is deceased or can not be
18 located by the Attorney General, the Attorney General shall
19 locate, as soon as practicable after the date of the enactment
20 of this Act, and shall pay the sum of \$15,000 plus an amount
21 equal to \$15 multiplied by the number of days, if any, during
22 which such individual was interned or detained during the
23 World War II internment period, as determined by the At-
24 torney General by a preponderance of the evidence, to the
25 following individuals—

1 (A) any legal spouse of such individual on the
2 date the Attorney General determines that such indi-
3 vidual died or can not be located;

4 (B) any sons and daughters of such individual who
5 are legal heirs of the individual, in equal shares, if the
6 Attorney General determines that such spouse is de-
7 ceased, can not be located, or that the individual had
8 no such spouse;

9 (C) the parents of such individual who are legal
10 heirs of the individual, in equal shares, if the Attorney
11 General determines that such legal spouse, sons, and
12 daughters are deceased, can not be located, or that the
13 individual had no such spouse, sons, or daughters; or

14 (D) the brothers and sisters of such individual who
15 are legal heirs of the individual, in equal shares, if the
16 Attorney General determines that such legal spouse,
17 sons, daughters, and parents are deceased, can not be
18 located, or that the individual had no such spouse,
19 sons, daughters, or parents.

20 (b) In determining for purposes of subsection (a) the
21 number of days that an eligible individual was interned or
22 detained or forcibly relocated, the Secretary shall use any
23 available records from the Wartime Civil Control Adminis-
24 tration and the War Relocation Authority and shall obtain, if

1 the Attorney General determines it is necessary, affidavits
2 from eligible individuals and witnesses.

3 (c) In finding eligible individuals and their legal heirs
4 residing in nations other than the United States, the Attor-
5 ney General may use any available facilities or resources of
6 the International Committee of the Red Cross and shall pay
7 to the International Committee of the Red Cross for each
8 such individual or heir located with the assistance of such
9 committee an amount equal to 2 per centum of the payment
10 made to such individual or heir.

11 (d) No individual shall be denied a payment made pursu-
12 ant to subsection (a) because of the residence or citizenship of
13 the individual.

14 (e) Any payment made pursuant to subsection (a) shall
15 not be considered income or receipts for purposes of any Fed-
16 eral taxes or for purposes of determining the eligibility for or
17 the amount of any benefits or assistance provided under any
18 Federal program or under any State or local program fi-
19 nanced in whole or part with Federal funds.

20 **AUTHORIZATION OF APPROPRIATIONS**

21 **SEC. 5.** Effective October 1, 1980, there are authorized
22 to be appropriated to the Attorney General such sums as
23 may be necessary to carry out this Act.

96TH CONGRESS
2D SESSION

S. 1647

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 1980

Referred to the Committee on the Judiciary

AN ACT

To establish a commission to review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive order on American citizens and permanent resident aliens, to review directives of United States military forces requiring internment of Aleut civilians, and to recommend appropriate remedies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3

SHORT TITLE

4 SECTION 1. This Act may be cited as the "Commission
5 on Wartime Relocation and Internment of Civilians Act".

6

FINDINGS AND PURPOSE

7

SEC. 2. (a) The Congress finds that—

1 (1) approximately one hundred and twenty thou-
2 sand civilians were relocated and detained in intern-
3 ment camps pursuant to Executive Order Numbered
4 9066, issued February 19, 1942, and other associated
5 actions of the Federal Government;

6 (2) approximately one thousand Aleut civilian
7 American citizens were relocated and, in some cases,
8 detained in internment camps pursuant to directives of
9 United States military forces during World War II and
10 other associated actions of the Federal Government;
11 and

12 (3) no sufficient inquiry has been made into the
13 matters described in paragraphs (1) and (2).

14 (b) It is the purpose of this Act to establish a commis-
15 sion to—

16 (1) review the facts and circumstances surround-
17 ing Executive Order Numbered 9066, issued February
18 19, 1942, and the impact of such Executive order on
19 American citizens and permanent resident aliens;

20 (2) review directives of United States military
21 forces requiring internment of Aleut civilians; and

22 (3) recommend appropriate remedies.

1 ESTABLISHMENT OF COMMISSION

2 SEC. 3. (a) There is established the Commission on
3 Wartime Relocation and Internment of Civilians (hereinafter
4 referred to as the "Commission").

5 (b) The Commission shall be composed of seven mem-
6 bers, who shall be appointed as follows:

7 (1) Three members shall be appointed by the
8 President.

9 (2) Two members shall be appointed by the
10 Speaker of the House of Representatives.

11 (3) Two members shall be appointed by the Presi-
12 dent pro tempore of the Senate.

13 (c) The term of office for members shall be for the life of
14 the Commission. A vacancy in the Commission shall not
15 affect its powers, and shall be filled in the same manner in
16 which the original appointment was made.

17 (d) The first meeting of the Commission shall be called
18 by the President within sixty days after the date of enact-
19 ment of this Act.

20 (e) Four members of the Commission shall constitute a
21 quorum, but a lesser number may hold hearings.

22 (f) The Commission shall elect a Chairman and Vice
23 Chairman from among its members. The term of office of
24 each shall be for the life of the Commission.

1 (g) Each member of the Commission who is not other-
2 wise employed by the United States Government shall re-
3 ceive compensation at a rate equal to the daily rate pre-
4 scribed for GS-18 under the General Schedule contained in
5 section 5332 of title 5, United States Code, for each day,
6 including traveltime, he or she is engaged in the actual per-
7 formance of his or her duties as a member of the Commission.
8 A member of the Commission who is an officer or employee
9 of the United States Government shall serve without addi-
10 tional compensation. All members of the Commission shall be
11 reimbursed for travel, subsistence, and other necessary ex-
12 penses incurred by them in the performance of their duties.

13

DUTIES OF THE COMMISSION

14 SEC. 4. (a) It shall be the duty of the Commission to—

15 (1) review the facts and circumstances surround-
16 ing Executive Order Numbered 9066, issued February
17 19, 1942, and the impact of such Executive order on
18 American citizens and permanent resident aliens;

19 (2) review directives of United States military
20 forces requiring internment of Aleut civilians; and

21 (3) recommend appropriate remedies.

22 (b) The Commission shall hold public hearings in Los
23 Angeles, San Francisco, and Fresno, California; Portland,
24 Oregon; Seattle, Washington; Anchorage, Unalaska, and
25 Saint Paul, Alaska; Phoenix, Arizona; Salt Lake City, Utah;

1 Denver, Colorado; Chicago, Illinois; New York, New York;
2 Washington, D.C.; and in any other city that the Commission
3 finds appropriate.

4 (c) The Commission shall submit a written report of its
5 findings and recommendations to Congress not later than Oc-
6 tober 1, 1981.

7 **POWERS OF THE COMMISSION**

8 **SEC. 5. (a)** The Commission or, on the authorization of
9 the Commission, any subcommittee or member thereof, may,
10 for the purpose of carrying out the provisions of this Act,
11 hold such hearings and sit and act at such times and places,
12 and request the attendance and testimony of such witnesses
13 and the production of such books, records, correspondence,
14 memorandum, papers, and documents as the Commission or
15 such subcommittee or member may deem advisable. The
16 Commission may request the Attorney General to invoke the
17 aid of an appropriate United States district court to require,
18 by subpoena or otherwise, such attendance, testimony, or
19 production.

20 (b) The Commission may acquire directly from the head
21 of any department, agency, independent instrumentality, or
22 other authority of the executive branch of the Government,
23 available information which the Commission considers useful
24 in the discharge of its duties. All departments, agencies, and
25 independent instrumentalities, or other authorities of the ex-

1 ecutive branch of the Government shall cooperate with the
2 Commission and furnish all information requested by the
3 Commission to the extent permitted by law.

4 ADMINISTRATIVE PROVISIONS

5 SEC. 6. The Commission is authorized to—

6 (1) appoint and fix the compensation of such per-
7 sonnel as may be necessary, without regard to the pro-
8 visions of title 5, United States Code, governing ap-
9 pointments in the competitive service, and without
10 regard to the provisions of chapter 51 and subchapter
11 III of chapter 53 of such title relating to classification
12 and General Schedule pay rates, except that the com-
13 pensation of any employee of the Commission may not
14 exceed a rate equivalent to the rate payable under
15 GS-18 of the General Schedule under section 5332 of
16 such title;

17 (2) obtain the services of experts and consultants
18 in accordance with the provisions of section 3109 of
19 such title;

20 (3) enter into agreements with the Administrator
21 of General Services for procurement of necessary fi-
22 nancial and administrative services, for which payment
23 shall be made by reimbursement from funds of the
24 Commission in such amounts as may be agreed upon

1 by the Chairman of the Commission and the Adminis-
2 trator;

3 (4) procure supplies, services, and property by
4 contract in accordance with applicable laws and regu-
5 lations and to the extent or in such amounts as are
6 provided in appropriation Acts; and

7 (5) enter into contracts with Federal or State
8 agencies, private firms, institutions, and agencies for
9 the conduct of research or surveys, the preparation of
10 reports, and other activities necessary to the discharge
11 of the duties of the Commission, to the extent or in
12 such amounts as are provided in appropriation Acts.

13 **TERMINATION**

14 **SEC. 7.** The Commission shall terminate on February 1,
15 1982, unless extended by a subsequent Act of Congress.

16 **AUTHORIZATION OF APPROPRIATIONS**

17 **SEC. 8.** To carry out the provisions of this Act, there
18 are authorized to be appropriated \$1,500,000 for the period
19 beginning October 1, 1980 and ending February 1, 1982.

Passed the Senate May 22 (legislative day, January 3),
1980.

· Attest:

J. S. KIMMITT,

Secretary.

Mr. DANIELSON. For those in the audience who have not attended hearings on this side of the Congress, I might state that the manner in which we approach a hearing is to consider a subject, not necessarily a bill. Sometimes we have one bill, sometimes we have three bills as we do today. Sometimes we have as many as a dozen bills on a given subject. We consider the subject, and then after hearing the testimony, the subcommittee goes through a process which we call markup; namely, we take one of the bills as the vehicle, and we amend it to fit what the subcommittee feels are the proper needs.

Having done so, we amend that vehicle bill accordingly and recommend it to the full Committee on the Judiciary, which again goes through a similar process, and has its own markup, because the subcommittee's acts are not binding on the full committee. After that, the full committee reports the bill to the full House of Representatives, where it is again considered, and is subject to being further amended. That is what we are going to do today.

We are going to consider this subject. We will use the bill, the vehicle H.R. 5499, which is a House of Representatives bill, and which is the bill with the lowest number, meaning it was introduced first. Also it has a unique honor of having as the lead author, our distinguished majority leader, Mr. James Wright of Texas, plus half the Members of the House of Representatives, that last being a figure of speech, but many Members.

Mr. McCLORY. Will the chairman yield?

Mr. DANIELSON. I will be pleased to yield to our most distinguished Republican Member from Illinois, the only Member I know of who is old enough for social security and young enough to be drafted.

Mr. McCLORY. Thank you very much, Mr. Chairman,

I notice that many in the audience are too young to have a direct recollection of this period or the events that occurred at that time. While it may seem a little unusual, being a Member from Illinois, I do have a very distinct recollection of the period, because to have received into my home one of the young men who was interned in a post in Arizona. He came to us and lived as a member of our family, and I regard him as a sort of stepson. He has always regarded himself as part of our family as well, Tyler Tanaka.

I might say he is a highly successful individual. He has achieved tremendous success in the business world in spite of his ordeal. He, his sister, his mother, and father were removed from their homes and lost their business. Many of these wonderful Japanese-Americans came to us in the Midwest, and we developed a great affection for them.

So, I approach this subject with some firsthand knowledge. I want to indicate that I do have a special interest in this subject, almost a family interest in the subject. I just want to call that to your attention, Mr. Chairman. I will be very interested in the hearing that we have on these various pieces of legislation.

Thank you, Mr. Chairman.

Mr. DANIELSON. Thank you, Mr. McClory.

Mr. MAZZOLI of Kentucky, would you care to make an opening comment?

Mr. MAZZOLI. I have no statement.

Mr. DANIELSON. Thank you very much.

Before we open, I will state that we have notified and we have received word back from the following Members of the Congress: Senator Inouye and Senator Matsunaga of Hawaii, Senators Stevens of Alaska, and Representative Don Young of Alaska, all of whom have informed us that they cannot be present at this hearing, but they are in full support of the bill S. 1647, which is the version of the bill which passed the Senate. They have supplied or will supply written statements for the record. In fact, a statement from Senator Stevens has arrived while I was making that announcement.

We will lead off with Hon. Jim Wright, our distinguished majority leader from Texas. Mr. Leader, without more, the floor is yours. Your written statement will be received in the record in its entirety, and you are free to proceed in your own very distinguished manner. Jim Wright of Texas.

PANEL: HON. JIM WRIGHT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS; HON. NORMAN Y. MINETA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; HON. ROBERT T. MATSUI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; HON. MICHAEL E. LOWRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. WRIGHT. Thank you very much, Mr. Chairman.

It might be useful, if it would be pleasing to the committee, for my colleagues, Norm Mineta and Bob Matsui, to join me.

Mr. DANIELSON. I would simply be delighted if they would come forward.

Mr. WRIGHT. Mike Lowry as well, whose bill differs in slight measure from ours, but nonetheless is on the same subject. I would be happy to have them flank me.

Mr. DANIELSON. Thank you very much. Consider yourself flanked, and we will consider ourselves confronted with a distinguished panel. But I am going to let you be the startoff man on this relay race.

Gentlemen, all of our written statements are received in the record without objection. Will you proceed.

[The statements follow:]

STATEMENT OF HON. JIM WRIGHT, MAJORITY LEADER, U.S. HOUSE OF REPRESENTATIVES

Mr. Chairman: Thirty-eight years have passed since the United States Government ordered the internment of thousands of American citizens on no ground other than their racial heritage. They were effectively incarcerated solely because their ancestry was Japanese.

Like the suspension of habeas corpus by Abraham Lincoln during the Civil War, this act was one of those grotesque aberrations of the American political system—one of those outrageously wrong things that we do in moments of great national stress and which we sometimes later regret.

There is no way in which we can ever repay those proud and loyal Americans for having questioned their patriotism. We cannot give them back the months of their lives nor redress the shame to which we subjected them by impugning their loyalty to this land.

The best we can do, therefore, is to take official notice that what we did under the severe pressure of that wrenching emergency was completely out of character for us—to apologize to those on whom we afflicted the insulting assumption

of their disloyalty, and to avow that never again will any group of American citizens be subjected to such humiliations on grounds no more valid than the blood that runs in their veins.

With still remembered pain, I recall reading from the Southwest Reporter in 1944 the digest of the Supreme Court's ruling in this case. I had just returned from a tour of military duty in the Pacific where I had participated in combat missions against the armed forces of Japan. But I could not agree with that ruling. Ingloriously and to our everlasting shame, the Court upheld as constitutional the act of our government in rounding up the Japanese-American citizens, almost as though they were cattle, and herding them into corrals. Barely more than 21 years of age at the time, I knew nevertheless that the ruling of the United States Supreme Court on that occasion was temporizing with eternal truth. I swore then that whenever I had a chance to do so I would speak out against it. For it was an unconstitutional undertaking, totally inconsistent with our most fundamental precepts. It deserves to be condemned today, just as it deserved to be condemned even then.

During World War II, American citizens of Japanese ancestry established a record of patriotism unexcelled by Americans of any other racial strain. Hawaii's native son battalions endured the heaviest battlefield casualties of any American field unit. Theirs justly became the most highly decorated organization in the entire history of the United States Armed Services.

Many of my very good friends in Texas who served in the 36th Division during World War II owe their lives to the selfless, heroic and sacrificially patriotic devotion of the men of the 442d Infantry Regimental Combat Team. Those Americans of Japanese ancestry who comprised that unit broke through the enemy lines in Italy after other units had failed and, at great cost to themselves, they rescued that substantial part of the 36th Division which had found itself trapped and surrounded. No Texan and no American should ever forget that act of marvelous heroism.

In our unreasoning fear and misguided zeal at the outset of World War II, we did a great disservice to our fellow Americans of Japanese heritage those 30 odd years ago. At the very least we now should say that we are sorry. We might recall in this connection the words of Abraham Lincoln who said:

"Those who would deny freedom to others do not deserve it themselves. And, under a just God, they will not long retain it."

RESOLUTION ON WORLD WAR II REDRESS FOR JAPANESE AMERICANS

(Adopted by the General Conference of the United Methodist Church, Indianapolis, Ind., meeting, April 15-25, 1980)

Whereas, during World War II, the United States of America did forcibly remove and incarcerate, without charges, trial, or any due process of law, 120,000 persons of Japanese ancestry, both citizens and resident aliens of America and citizens from Latin America; and

Whereas, this action was initiated by a presidential order, enabled by Congressional legislation, and supported by the Supreme Court, thereby implicating the total government; and

Whereas, despite the government's claim of military necessity, this action proved to be made solely on the basis of race, there having been not a single case of sabotage or espionage committed by such persons and there having been no such sweeping action taken against Americans of German or Italian ancestry; and

Whereas, the American Convention on Human Rights, to which this country is signatory, states: "Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice," and

Whereas, legislation has been submitted in the 96th Congress "to provide for payments to certain individuals of Japanese ancestry who were interned, detained, or forcibly relocated by the United States during World War II."

Therefore, Be It Resolved:

(1) That we urge a study of the facts surrounding the evacuation and incarceration without trial or due process of law of nearly 120,000 Americans of Japanese ancestry;

(2) That this General Conference acknowledges the flagrant violations of human rights, and affirms the need for the United States of America for redress legislation;

(3) That we call upon Congress to support legislation that would determine appropriate remedies and;

(4) That the General Board of Church and Society be instructed to communicate this resolve to all members of Congress, and to adopt support for redress as part of its program for this quadrennium.

STATEMENT OF HON. NORMAN Y. MINETA

Mr. Chairman and Members of the Subcommittee, I want to thank you for allowing me to appear before you today to discuss H.R. 5499, a bill to create a "Commission on the Wartime Relocation and Internment of Civilians."

As one of the more than 110,000 persons of Japanese ancestry who were evacuated from our homes and placed in internment camps as a result of Executive Order 9066, I have given much thought to the implications of this experience. At the time of the internment, back in 1942, although I was too young to experience the frustration and confusion that my elders felt so strongly, I was old enough to know that Executive Order 9066 set into motion a puzzling and serious chain of events that profoundly affected the lives of many loyal American citizens and resident aliens.

In the ensuing 38 years since we were sent to the camps, we have often discussed the meaning of this experience and have time and time again agreed that as citizens, we have a special responsibility to ensure that no person—citizen or resident alien—is ever again subjected to such an order.

We now feel that our best hope of conveying the true message of the internment experience is through the establishment of a Presidential commission, with the primary goal of educating the American people. The questions we believe the commission must ask are these: What caused the evacuation and internment? Were these measures necessary for the security of our nation in a time of war? What effects did the experience have on those who were interned? And, most important, how can we prevent its ever happening again?

The commission would also provide a legitimate forum for the discussion of a wide range of redress proposals from the many groups and individuals affected by the internment. These proposals range from financial redress, to establishing a trust fund for the study of constitutional issues, to funding projects that would directly benefit those internees now living below or near the poverty level, to a project that would utilize the media and our educational system to ensure that the internment experience and its lessons continue to be taught.

The idea of setting up a commission to study a problem in our society is not new or radical. To recall just a few during the past 20 years, we have had commissions to study urban riots, violence in our society, and campus unrest. For the most part, these commissions have been surprisingly effective.

For example, in 1963, the Kerner Commission on Urban Riots and Racism issued a report that contained a rather startling message: that white America was largely responsible for the urban riots which tore our cities apart in the 1960's. This official document lent an official legitimacy to the ideas of people who had been considered outside the mainstream of public opinion. The findings of the Kerner Commission forced us to realize the part our attitudes played in fueling racial tensions, and, most important, made us aware that changes in those attitudes were necessary.

In the late sixties, the Eisenhower Commission on Violence had a profound effect on the American people with its message that police brutality was responsible for a great deal of violence in our society. Again, this commission's report lent legitimacy to the message of minorities and dissidents that police brutality had reached tremendous proportions. Again, America took note: The report found its way into the nightly news and onto drugstore racks. Scholars have even said that by uncovering the roots and causes of violence in our society, the Commission created a new field of study.

Then in 1970, the Scranton Commission on Campus Unrest examined the killings of students at Kent State and Jackson State. Its message was very simple, yet very memorable: the killings were unnecessary, unjustified, and inexcusable. Its recommendations were equally simple: We need a return to restraint and presidential moral leadership.

While the mere existence of these commissions didn't guarantee that we will never repeat the errors of the sixties and early seventies, they undeniably contributed to our heightened awareness as a nation that we as individual citizens must take responsibility for the errors of our past.

Mr. Chairman, the messages and benefits of these commissions can easily be related to what we hope to accomplish through a commission on the relocation and internment. It would provide an important framework for a factual discussion of this sad chapter in our not-so-distant past. Such a comprehensive study is long overdue. Instead of focusing on second-hand accounts, inaccuracies, and accepted myths, the Commission will force us as a society to concentrate on the facts: What really happened, and what were the consequences.

In addition, the work of the Commission will educate or remind people about an event they may not remember or know much about. It came as a surprise to me to realize that only one Member of Congress currently serving was in office back at the time of the internment in 1942. There are hundreds of thousands of citizens and public officials who are too young to remember much about the internment. And the history textbooks in our schools are notorious for their lack of mention of the evacuation and internment.

Mr. Chairman, I am convinced that the message we hope to communicate has meaning for every citizen in our country, regardless of race, ethnic background, or religion.

That message is this: What happened in 1942 can happen again. Civil liberties cannot be taken for granted. Our greatest hope is that the knowledge gained from the proposed Commission will guarantee that this tragic abuse of civil rights will never occur again.

STATEMENT OF HON. GEORGE E. DANIELSON

Mr. Chairman, distinguished members of the Subcommittee, ladies and gentlemen, I sincerely appreciate this opportunity to testify before you today regarding this important legislation, H.R. 5499 (S. 1647).

Thirty-eight years have passed since President Roosevelt signed Executive Order 9066, which broadly authorized any military commander to exclude any person from any area. Congress, also, was involved in this decision, validating the Presidential action by imposing criminal penalties for violation of this order. This sweeping delegation of power to the military ultimately led to the relocation and internment of more than 120,000 persons of Japanese ancestry during World War II.

Historians, academicians and constitutional law authorities, as well as those who suffered the injustices and indignities of being uprooted and forced to evacuate with only a few days notice to "internment centers," have attempted to explain the rationale and consequences for the government's action during the early months of America's involvement in World War II.

Yet, the American people still do not know how the decision to evacuate and intern persons of Japanese ancestry was made at the highest levels of government.

As an American of Japanese ancestry, and as a Member of the United States Congress, my reason for testifying before you today is two-fold. I would like to share with you some of my personal observations regarding this period in our history, as well as discuss H.R. 5499 and the importance of its implementation.

When I was just 6 months old, I was sent with my mother, my father, my grandmothers and their immediate family to the Heart Mountain Relocation Camp, where I spent the next 4½ years of my life.

While I must admit that I have no direct recollection of what went on during that time, there were other consequences which resulted from the years I spent in that camp. During my high school and college days, I was reluctant to talk about the period from 1941 to 1945. And I noticed among my friends of Japanese heritage that they also felt similarly.

The reason for the reluctance to discuss this period was aptly stated by Edison Euno, a member of the Japanese American Citizens League who did historical research on this topic. Euno explained that Japanese Americans who lived through this period were a little like victims of rape. They were the ones who were embarrassed. It is they who suffered the indignities and suffered very permanent scars from this experience.

It was very difficult for us to talk about our experience, especially those who were older than I, during this time. And that really held true for my parents also. My mother has told me she has nightmares once a week or more about those days in the camp. Yet she is reluctant to tell my sister and me what happened there.

When I tried to discuss it with my father on occasion, he would just say it was terrible, "but I really don't want to talk about it because the scars are still with me . . ."

Mr. Chairman, the reason I relate these personal experiences, as well as those of my family and friends, is to call to your attention the multi-faceted needs of establishing this Commission to study this era in our history.

Last year, those of us who are concerned about this issue conducted lengthy discussions regarding the legislative options for effectively addressing the problems involved.

From our meetings emerged two very clear goals. We needed to decide how best to educate the American people about this period, especially with regard to the civil and constitutional questions involved. In addition, we discussed how we best could determine whether or not compensation should be provided to those interned, and if so, in what form.

We decided that establishment of a Commission on Wartime Evacuation and Relocation could best meet these goals.

In meeting our first goal, we felt that the establishment of this fact-finding panel would be the best possible mechanism to answer questions about this period in our history, and to provide answers to the American people.

It is clear that not all Americans have learned from our lessons of the not-so-distant past. An example of this is the recent suggestion that Iranians in this country be rounded up and treated similarly to the Japanese during World War II.

In addition to the educational benefits of this legislation, the Commission would address our second goal by providing a forum for discussion of the many redress proposals which have been offered. Various options range from direct financial redress for those who were interned, to the establishment of a trust fund to study the constitutional questions involved. Other alternatives include the possible funding of projects of direct benefit to former internees living at or below the poverty line, and educational endeavors regarding this period in our history.

The Commission would serve as the focal point for these concerns.

However, the ultimate decision on appropriate actions in response to this situation would be left with the U.S. Congress and the American people only after we have fully examined the reasons for and consequences of the internment of persons of Japanese heritage during World War II.

Mr. Chairman, I believe it is important that this panel act quickly on H.R. 5499, so that all Americans of all backgrounds will be afforded the opportunity to review our errors of the past, and at the same time make sure it never happens again in the future.

Thank you.

TESTIMONY OF HON. JIM WRIGHT

Mr. WRIGHT. Thank you, very much, Mr. Chairman.

Thirty-eight years have passed since the U.S. Government ordered the internment of thousands of American citizens on no other ground than their racial heritage. They were effectively incarcerated solely because their ancestry was Japanese.

Like the suspension of habeas corpus by Abraham Lincoln during the Civil War, this act was one of those grotesque aberrations of the American political system—one of those outrageously wrong things that we do in moments of great national stress and which we later regret.

There is no way in which we can ever repay those proud and loyal Americans for having questioned their patriotism. We cannot give them back the months of their lives nor redress the shame to which we subjected them by impugning their loyalty to this land.

The best we can do, therefore, is to take official notice that what we did under the severe pressure of that wrenching emergency was completely out of character for us—to apologize to those on whom we inflicted the insulting assumption of their disloyalty, and to avow that never again will any group of American citizens be subjected to such humiliations on grounds no more valid than the blood that runs in their veins.

With still remembered pain, I recall reading from the Southwest Reporter in 1944 the digest of the Supreme Court's ruling in this case. I had just returned from a tour of military duty in the Pacific where I had participated in combat missions against the Armed Forces of Japan. But I could not agree with that ruling. Ingloriously and to our everlasting shame, the Court upheld as constitutional the act of our Government in rounding up the Japanese-American citizens, almost as though they were cattle, and herding them into corrals.

Barely more than 21 years of age at the time, I knew nevertheless that the ruling of the U.S. Supreme Court on that occasion was temporizing with eternal truth. I swore then that whenever I had a chance to do so, I would speak out against it. For it was an unconstitutional undertaking totally inconsistent with our most fundamental precepts. It deserves to be condemned today, just as it deserved to be condemned even then.

I did not then know, as since I have learned, of the great indignities and physical hardships resulting in many deaths from our official dereliction, which we visited upon the Aleut people of the Aleutian Island chain. The Senate bill includes that episode in its provisions, and I recommend that we do likewise.

During World War II, American citizens of Japanese ancestry established a record of patriotism unexcelled by Americans of any other racial strain. Our native son battalions of Japanese-Americans endured the heaviest battlefield casualties of any American field unit. Theirs justly became the most highly decorated organization in the entire history of the U.S. armed services.

Many of my very good friends in Texas who served in the 36th Division during World War II owe their lives to the selfless, heroic, and sacrificially patriotic devotion of the men of the 442d Infantry Regimental Combat Team. Those Americans of Japanese ancestry who comprised that unit broke through the enemy lines in Italy after other units had failed and, at great cost to themselves, they rescued that substantial part of the 36th Division which had found itself trapped and surrounded. No Texan and no American should ever forget that act of marvelous heroism.

In our unreasoning fear and misguided zeal at the outset of World War II, we did a great disservice to our fellow Americans of Japanese heritage those 30-odd years ago. At the very least we now should say that we are sorry. We might recall in this connection the words of Abraham Lincoln who said:

Those who would deny freedom to others do not deserve it themselves. And, under a just God, they will not long retain it.

MR. DANIELSON. Mr. Leader, your statement is eloquent and right to the point. If the gentlemen have no objection, I will hear from the other witnesses and then we can pose our questions at random.

Norm Mineta from California, I think you are the senior of the remaining group, so you have the floor.

TESTIMONY OF HON. NORMAN Y. MINETA

MR. MINETA. Mr. Chairman and members of the subcommittee, I want to thank you for allowing me to appear before you today to discuss H.R. 5499, a bill to create a "Commission on the Wartime Relocation and Internment of Civilians."

As one of the more than 110,00 persons of Japanese ancestry who were evacuated from our homes and placed in internment camps as a result of Executive Order 9066, I have given much thought to the implications of this experience. At the time of the internment, back in 1942, although I was too young to experience the frustration and confusion that my elders felt so strong, I was old enough to know that Executive Order 9066 set into motion a puzzling and serious chain of events that profoundly affected the lives of many loyal American citizens and resident aliens.

In the ensuing 38 years since we were sent to the camps, we have often discussed the meaning of this experience and have time and time again agreed that as citizens, we have a special responsibility to insure that no person—citizen or resident alien—is ever again subjected to such an order.

We now feel that our best hope of conveying the true message of the internment experience is through the establishment of a Presidential commission with the primary goal of educating the American people. The questions we believe the commission must ask are these: What caused the evacuation and internment? Were these measures necessary for the security of our Nation in a time of war? What effects did the experience have on those who were interned? And, most important, how can we prevent its ever happening again?

The idea of setting up a commission to study a problem in our society is not new or radical. To recall just a few during the past 20 years, we have had commissions to study urban riots, violence in our society, and campus unrest, and for the most part these commissions have been surprisingly effective. For example, the Kerner Commission on Urban Riots, the Eisenhower Commission on Violence, and the Scranton Commission on Campus Unrest.

While the mere existence of these commissions didn't guarantee that we will never repeat the errors of the sixties and the early seventies, they undeniably contributed to our heightened awareness as a nation that we as individual citizens must take responsibility for the errors of our past.

Mr. Chairman, the messages and the benefits of these commissions can easily be related to what we hope can be accomplished through a commission on the relocation and internment. A commission would provide an important framework for the factual discussion of this sad chapter in our not so distant past. Such a comprehensive study is long overdue. Instead of focusing on secondhand accounts, inaccuracies, and accepted myths, the commission will force us as a society to concentrate on the facts, what really happened, and what were the consequences.

In addition, the work of the commission will educate or remind people about an event that they may not remember or know much about. It came as a surprise to me to realize that only one Member of Congress currently serving was in office back at the time of the internment in 1942.

There are hundreds of thousands of citizens and public officials who are too young to remember much about the internment, and the history textbooks in our schools are notorious for their lack of mention of the evacuation and internment.

Mr. Chairman, I am convinced that the message we hope to communicate has meaning for every citizen in our country regardless of race, ethnic background or religion. That message is simply this: What happened in 1942 can happen again. Civil liberties cannot be taken for granted, and our greatest hope is that the knowledge gained from the proposed commission will guarantee that this tragic abuse of civil rights will never again occur.

I hope that our bill on the House side would include the Senate provisions relating to the Aleuts. I would also like to submit for the record a resolution of the General Conference of the United Methodist Church at their Indianapolis, Ind., meeting in April 1980, and I would like to submit for the record an article that appeared in the San Jose Mercury News in its Sunday magazine section called "California Today," dated May 11, 1980.

Mr. DANIELSON. Is there objection to the introduction of these items? Hearing none, it is so ordered. They are received.

[The information follows:]

[From the San Jose Mercury News, California Today, May 11, 1980]

THE JAPANESE AMERICANS—IS IT TIME TO SAY SORRY?

(By Bill Strobel)

They had come a long way, on a journey that began in shame and humiliation in the dust. They all remembered the dust. It sifted through the thin, tar-papered walls of the barracks. It began there and it led them these 38 years later into the ballroom of the plush Bonaventure Hotel in Los Angeles, where they were listening to their leaders discuss what must be done to complete their journey.

They had come from around the nation at the invitation of the Japanese-American Citizens League (JACL), to talk openly about what a majority of them had tried for decades to forget. From their appearance, it was obvious that they had benefited from the American Dream. But it was a dream that began as a nightmare. And here in the luxury hotel, where they had gathered to pay tribute to congressmen of Japanese ancestry, they remembered the nightmare and they talked about it.

On Feb. 12, 1942, President Franklin Roosevelt signed Executive Order 9066, and more than 77,000 American citizens and 43,000 others classified as Japanese nationals began to pack up for the internment camps.

San Jose Congressman Norman Mineta was one of them. He was also one of the principal speakers at the banquet, where he recalled the camp at Heart Mountain, Wyo., 70 miles from Yellowstone.

"It was like being the victim of a rape," he said. "You don't want to talk about it, but you can't forget it. You know that you are the innocent victim, but all of a sudden you become the guilty one."

This year, Mineta is confident, Congress will create a commission to thoroughly investigate the evacuation and internment of Japanese-Americans during WW II. That's why the *issei* (first generation), the *sansei* (third generation) and the *yonsei* (fourth generation) had gathered with the *nisei* (second generation) in Los Angeles—they want to know how and why it had happened, and who made it happen. And they don't want it to ever happen again to any group of Americans whose loyalty is questioned without reason.

Until these questions are answered, their leaders say, the Japanese-Americans will journey under a dark cloud. Yet in comparison with many other ethnic minorities, they seem to have it made. A high percentage of them are in the professions and own businesses. For a population nationwide of some 600,000, their representation in government is far greater than their numbers. As a minority, they represent less than a quarter of one percent of the population.

They made it in the United States without government handouts, and this is a source of pride to them. What, then, is their beef? Sooner or later, it all goes back to those internment camps. There were 10 of them established throughout the barren regions of the West when the Japanese were evacuated from the Pacific

Coast. And it was there that conflicts developed between the generations, and deep emotional wounds were inflicted and left to fester for decades.

The Japanese caught the late waves of the tide of immigration that flowed into the New World. The first of them arrived in San Francisco in the late 1860s, when Japan opened its doors to the outside world. Students were among the first to come, hoping to learn Western ways which they could take back home and adapt to the *miji*, the age of enlightened rule.

"The Japanese," points out Seizo Oka, vice president of San Francisco's California First Bank and director of its Japanese-American History Room, "are in many ways like the British—an island people of many mixtures who find it easy to adapt."

The first immigrants were mostly Christians who had practiced their religion underground for more than 250 years, when feudal leaders tried to stamp out all vestiges of Westernization. In San Francisco, they got jobs as servants or laborers, and went to school to learn English. In 1875, they formed the first Japanese organization in the United States, the San Francisco Gospel Society. The Buddhist and Shinto churches did not cross the Pacific until two decades later.

With San Francisco's Japantown as their capital, they moved into agricultural areas to work as laborers or fieldhands. Some saved enough money to return home and claim brides, but generally they were a community of men without women. Before the Oriental exclusion acts were passed, others sent to Japan for "picture-book brides." Some men, having selected a pretty bride in a kimono from a marriage broker's book of postcards, sent their own photos back to Japan. Often, the pictures had been taken from 15-20 years earlier. At the outbreak of WW II, Oka points out, the average age of *issei* men was 60, their wives were at least 10 years younger.

The *issei* man reigned supreme in the home. He expected his family to obey him without question, and to uphold at all cost the honor of the family. He also expected his children to get an education; it was a matter of family honor. Yet when they completed their education, they found that few jobs for which they had been trained were open to them.

In the meantime, Oriental exclusion laws had made it impossible for them to buy property, and many found themselves sharecroppers on property that they had developed from scratch.

The *nisei*, in many ways, were torn between two cultures, but the majority of them considered themselves Americans, and had little taste for the culture and traditions of their ancestors. When the Japanese Air Force attacked Pearl Harbor, the Japanese-Americans felt that their fellow Americans would recognize this. They were wrong.

At the gathering in Los Angeles, Mike Masaoka, a JACL veteran, reminded the audience that no Japanese-American was ever involved in espionage or sabotage against the U.S.

"Hawaii was 3,000 miles closer to the enemy, and the evacuation and internment of its huge Japanese-American population was not considered a military necessity," he said.

Yet when the bombs fell on Pearl Harbor, their Occidental neighbors and friends on the mainland began asking themselves, "What do we *really* know about these people?"

Those who attended school with the younger members knew that there were subtle differences. For one thing, they didn't "monkey around in class," and they showed devotion to their studies and a respect and courtesy towards their teachers.

Other, older neighbors knew them as a hard-working people who took little or no part in the community as a whole. Also, they had an uncanny ability to make things grow and flourish on land that most Occidentals had no patience with. They were also a people who never had any problems with the law, paid their debts and lived up to their word.

But others said they couldn't be trusted. They were "an unknown quantity." And when the evacuation order was issued, few voices were raised in protest.

Today, Sam Sato is vice president and manager of the California First Bank in the San Francisco Japan Center. He is an active member of the Lions Club, master of a Masonic Lodge and served as chairman of last year's Cherry Blossom Festival. At the outbreak of the war, he was typical of many *nisei* in a family where parental control was absolute, and pride and honor were so valued that "it was a damned disgrace to get a parking ticket."

Sam's father, who raised flowers in Half Moon Bay, was from the Old Country, but Sam was American.

"All my friends were Caucasians," he recalled. "I didn't read or write Japanese, and I didn't give a damn about Japanese traditions or culture."

When the order to evacuate came, the Satos sold most of their belongings to buyers who waited until the last minute and made the lowest possible offer, and moved to a hastily constructed relocation center.

"A friend allowed us to store some of the things we've saved in his barn," Sato recalled. "We learned later that he used a shotgun to defend them against a member of his own family who wanted to set fire to them."

Sato also remembered "the kindness of people of German and Italian descent, who stuck their necks out to help us."

When the family arrived at a camp near Delta, Utah, Sato got a job driving the camp bus. And for the first time in his life, he made friends with other *nisei*. He also learned something about his father. The elder Sato, then in his 80's, was a recognized *shi* poet. Later, after the war, the 86-year-old man returned to Japan for a visit, and a book of his poems was published.

"But I didn't know that until after his death," Sam said. "He never mentioned it. A friend gave me a copy and told me that he was recognized for his talent here among the older Japanese-Americans, and in Japan."

But the camp experience, with its conflicts, did little to change Sato's opinions about Japanese culture or traditions. Like most *nisei*, he was determined to become more American than ever. His interest in his heritage, as it did for many *nisei*, came much later, when he went to Japan on a trip.

"I visited the village where my father was born, and learned that he had been a builder. He built the Christian church in the village. He also built a steel suspension bridge across a river that flowed through the village when he returned for a visit in 1903. There is a monument to him near the bridge."

Sato was taken to a plot in the village cemetery and shown the graves of his ancestors. "Their graves had been carefully tended for more than three centuries," he said. "I sat down and thought about the devotion that took. And I thought about my father, and for the first time I felt real pride in my heritage. When I got home, I told my father, who was dying, about it. For the first time in my life, I saw tears in the old man's eyes."

If anything good came from the camps, it was probably the realization that it wasn't necessary to turn away from our heritage to become an American. But it was a humiliating experience, and Sato doesn't want to see it repeated ever again to any group of Americans.

Florence Yoshiwara tried to forget about the camp for more than 20 years. Today, she wants to remember it—and she urges all Japanese-Americans to remember it. She is an instructor in Asian-American studies at the College of San Mateo, and president of the Japanese-American Curriculum Project.

She was 13 when her family was moved from their San Joaquin Valley ranch to a camp on a desolate section of the Kansas-Colorado border. "My father insisted until the last minute that we wouldn't be sent because we were American citizens, and the United States wouldn't do that to its citizens." But it did. And Mrs. Yoshiwara says it "completely wiped out our family." The family was never able to recover the three ranches they lost.

When they arrived at the camp, all six of them were confined to two small rooms in a barracks thrown together with boards and tar paper. Her father couldn't eat the beans, bread and potatoes, which was the major part of the camp diet. Within six months, he contracted tuberculosis and died slowly.

Her mother, she remembers, had the only sack of rice in the camp for a long time. She parceled it out slowly to the aged and the ill.

Florence also remembers the tension between the generations, and the arguments between those who supported the government's action and those who felt it was wrong.

"We couldn't leave the camps without an escort. If we went into the town to shop alone, they told us we would be attacked.

"We couldn't retaliate against our captors, so we picked on each other instead. We felt ashamed that it was happening to us. It's the worst thing that can happen to a family—or a people."

She resumed school when she returned to California, and for 20 years, like many other *nisei*, "tried to be white."

Ten years ago, she decided to confront what she had tried to forget, and concluded that to erase the shame, she would help Japanese-Americans and all Asians look to their past to find their future. Five years ago, she began to study Japanese.

Judy Niiizawa Ellwanger is a speech-language specialist in the Palo Alto Unified School District, and president of the San Jose Chapter of JACL. She was born, the youngest of eight children, in Camp Amache in Colorado. Her father came to the United States in 1902. Her mother came in 1930. When the family returned home after the war, they lived in a tank house and worked in the fields for 35 cents an hour.

Although she is technically a *nisei*, Mrs. Ellwanger is closer in attitude to the *sansai*, the second generation. Many believe the younger generations helped to bring the shame and humiliation out into the open, but not without conflicts with their parents.

Perhaps it began during the student unrest of the '60s and '70s when, as members of a new generation who would challenge parental authority, they demanded to know why the JACL had cooperated with the government in the evacuation, instead of fighting back. Often it was not easy to explain to young people who had not lived through WW II, and especially to those who saw militancy as a method of getting their way.

They fought back, the parents explained by keeping their cool. They fought back through the system. They fought back by proving themselves. And while their families remained in the camps, thousands chose to prove themselves by shedding their blood on the battlefields of the Pacific and Europe. More than 10,000 *nisei* served in the Pacific as interpreters, in military intelligence and in combat.

"They bought an awful big hunk of America with their blood," said Gen. Vinegar Joe Stillwell, commanding general of the U.S. Armed Forces in Asia. On the other side of the world, the 442nd Regimental Combat Team, "The Go For Broke" outfit, was writing its own chapter of military history. It won seven Presidential Distinguished Unit Citations in seven major campaigns, and more than 18,000 of its members won individual decorations. But when they returned home on leave, many of them were confronted by signs which warned, "We don't serve Japs."

Congressman Mineta recalls that the Department of the Army would not even allow the Buddhist wheel to appear on the tombstones of the Japanese-Americans who were killed in action in Italy. It wasn't until after the war that *nisei* Buddhists, like their Christian and Jewish comrades, were allowed the symbols of their faith over their graves.

When the war finally ended, the Japanese-Americans tried to pick up the pieces. But with few exceptions, they were unable to recover their losses, which the Federal Reserve Bank of San Francisco estimated at \$400 million, based on 1941 values.

There were other conflicts within the community with Japanese war brides, many of whom didn't fit the mold of *nisei* mores. "They thought we were pretty square," one *nisei* confessed.

The proliferation of Japanese business enterprises in the United States has also created problems, although Japanese-Americans are reluctant to discuss them.

"It gets damned annoying to take the heat for things that Japan does," said one Japanese-American shopkeeper in San Francisco. "My family has been in business here for three generations, yet my place gets picketed because the Japanese are killing whales."

Some complain that a subtle form of discrimination exists in Japanese-owned businesses which employ Japanese-Americans. "You may rise to a certain level," one said, "but you know you'll never go beyond it."

One *nisei* said there is also a tendency by a certain level of management in Japanese-owned businesses to look on Japanese-Americans "as sons of peasants, and a little below the class they consider themselves."

Surprisingly, there seems to be minimal social contact between Japanese businessmen and their Japanese-American counterparts. "Our lifestyles are different," said one. "We seldom go to their homes or meet their families. In Japan, the men go out on their own for entertainment, and their wives stay home. You see them here in bars around Japantown, living it up night after night. I can tell you that no *nisei* wife would stand for that."

Today, the Japanese-American stands at the crossroads, and probably for the first time is preparing to demand a piece of the action which he feels he has earned. That may be one of the few good things that came out of the camp experience. When they were interned, Buddhists and Christians for the first time forget the differences that separated them and learned by necessity to work together.

The *sansai* and the *yonsei* who were exposed to the demands of other ethnic minorities during the '60s and '70s are not as reticent about seeking a fair share of the pie.

Mineta and others who have fought to achieve respect and power believe that they must push harder to find their rightful places in the policy-making level of industry and government.

"We have been considered a 'super minority,'" he explained. "We may be considered a credit to our ancestry, but this has made it difficult to get a piece of the action. Japanese-Americans have never been considered socially or economically disadvantaged among Asians."

As a result, many *issei* are living in poverty or near the poverty level, denied housing assistance, health programs and the other benefits available to other citizens.

"Part of the reason for this," he said, "is that there is a very strong feeling in the Japanese-American community that one should take care of one's own, and that each individual should take care of himself. Consequently, there are a number of programs available to the general public that are not being utilized by Asian-Americans."

Mineta and his congressional colleagues have introduced legislation to extend these benefits, along with assistance from the Small Business Administration, to Asians, as well as blacks, Hispanics and American Indians.

While more Japanese-Americans are becoming involved in the community, they continue to encounter subtle forms of discrimination, which must be overcome, said Florence Yoshiwara.

"You can move into a white suburb, acquire an education and become involved in the same organizations as your neighbors, and it is bound to crop up sooner or later. I deal with it, and all of us must learn to deal with it. I am proud to be an Asian-American educator, and I believe that it is my duty to help other Asians take pride in their culture and heritage.

"I am also a futurist. I feel strongly that we should prepare for the world of tomorrow. We are going to have to deal with Japan and China and other Asian nations. America may not have all the answers. I think we can learn from them. And Asian-Americans have an important role to play in this."

Judy Ellwanger agrees: "I am a very aggressive person, but too many Japanese-Americans are not. They are reluctant to articulate their abilities or the contributions they can make. As a result, many highly trained, highly qualified persons are not in the positions they should be."

But as younger generations find their way on paths that were denied their parents and grandparents, are they in danger of losing the values that made them unique? Most observers believe that the traditional values of love for family and pride will not be lost in assimilation.

The Japanese term *kodomo no tame ni*, which translates as "for the sake of the children," was a phrase familiar in every family. Today, it is getting a reverse twist.

Historian Oka and others point out that the young are playing leading roles in providing assistance for the elderly. It is a two-way street of communication between the generations. The young are interested in the customs and tradition. And the elderly, many of whom never learned to read, write or speak English, are learning so that they can communicate with the youngsters.

Some in the Japanese-American community worry that the traditional values which gave them strength may be cast aside as succeeding generations become more and more like their Caucasian peers. Is there a chance that the Japanese-American may become lost in the melting pot of America? More and more of the community are marrying people from other races—an unforgivable sin in most families two generations ago.

"But things have changed," said one community leader. "I know a girl who was literally cast out of the family 20 years ago for marrying someone who was not Japanese-American. Today, half of the children in the family are married to people of non-Japanese ancestry, and they are welcome in the family."

Norman Mineta is one who is not worried: "My vision of the United States is that it draws its strength from a variety of peoples who bring their own culture and vitality with them and work for the common good. I think of it as a quilt of different colors, held together by vibrant, different-colored yarns. And I don't mind being treated as a member of a minority, but I want to be treated with equal respect and dignity. Every American is deserving of this."

Yet, for the first time, Japanese-American parents are facing the same problems with their children as their Caucasian neighbors. Karl Nobuyuki, the youthful

national executive director of the JACL, is concerned about a developing drug problem. He became aware of it as coordinator of a drug-rehabilitation program in Gardena before he became an executive with the JACL.

"It was there, and it was growing," he said. "But nobody wanted to recognize that it existed."

Working with the youth of the community, he became convinced that "it was a symptom of a bigger problem—the problem of who we are and what we are within the community."

On the wall above his desk in the group's San Francisco headquarters, there are framed copies of the Japanese exclusion order, and a sign which reads "Jap Hunting Licenses Sold Here." A red line is drawn through the words "sold here," and the word "Free" written above it.

Sharing the wall space are framed calligraphs which translate to "truth," "patience" and "I can do it." The decorations could just as well serve as signs pointing the way to the road that Japanese-Americans must take.

The signs had led them to the hotel in Los Angeles, where they paid \$100 a plate to talk about the thing they had tried to forget—and now want their fellow citizens to remember.

Mike Masaoka told them it was their duty to make certain that "no other American will be humiliated as we were," and he proposed the formation of a National Political Action Committee to make certain that all Asians will get a fair share of what they have earned.

And the memories brought bitterness to the surface, as Senator S. I. Hayakawa attempted to defend his proposal for the incarceration of Irianians. For many, the proposal smacked too much of their own nightmare, and some showed their displeasure in a very untypical Japanese-American way by walking out on his speech.

Some have suggested that the government pay \$3 billion to compensate them for their loss. It would amount to about \$25,000 to everyone who was interned. But it would exclude those who put their lives on the line in the armed forces.

Mineta believes that such legislation is impractical: "As Sen. Dan Inouye points out, \$25,000 is not enough, and \$3 billion is too much."

Then what is it they want? "We want our fellow citizens to look at what happened to us and resolve that it will never happen again to any loyal American because his customs and his culture are different," said one of them. "What we want is for somebody to say, 'We're sorry.'"

Mr. MINETA. The article is entitled "The Japanese-Americans—Is It Time to Say Sorry?"

Mr. Chairman, I would like to make one comment relative to the Senate bill: that is, in section 3, it does call for the first meeting of the commission to be called by the President no later than 60 days after the enactment of the bill. I would hope that there is going to be some language either in the committee report or in the bill itself to insure that there is not a delay in the naming of commissioners.

Our bill called for 15 members to be appointed by the President, the Speaker and the President of the Senate. The Senate bill reduces that number to seven. I don't believe that there is any objection to the number of commissioners being at seven, but the fear is that if there is a delay in the appointment of the commissioners with the 60-day provision here in section 3, there might be a call of the commission, with no commissioners having been appointed at that point. I would hope that the life of the commission would begin after the commissioners are sworn in, so that the full benefit of the work of the commission will be realized.

With that, I thank you, Mr. Chairman and members of the committee.

Mr. DANIELSON. Thank you very much, Mr. Mineta. The last point you made is very important. There should be a deadline on naming the commissioners constituting the panel as well as for commencing their work, it is a good point and we will watch that in markup.

Mr. Bob Matsui of Sacramento.

Mr. MATSUI. Thank you very much.

Mr. DANIELSON. We do have your formal statement. It is in the record. You are free to read it or to speak at length.

TESTIMONY OF HON. ROBERT T. MATSUI

Mr. MATSUI. Thank you very much, Mr. Chairman, Mr. McClory, Mr. Mazzoli, and staff of the subcommittee. I would like to take this opportunity to thank the chairman and the members of the subcommittee for holding this very important hearing not only to ourselves but to all Americans in this country today. We appreciate your efforts very much.

I am here to speak on behalf of H.R. 5499, as amended and modified by the Senate. I think it is very important that we have in the House bill the language of the Senate version as it pertains to subpoena powers, and I would hope that the subcommittee would add that provision in there.

Mr. DANIELSON. The subpoena power?

Mr. MATSUI. Yes.

I would only like to briefly speak of my reasons for support of H.R. 5499. I think there are basically four points that I would like to briefly address myself. One, as the three members of the subcommittee know because they are attorneys, the U.S. Supreme Court in *Korematsu v. The United States* held that the internment of Americans of Japanese ancestry during the wartime period was indeed constitutional. We have not had either from the executive branch of this Government, the courts nor the Congress any statement that what happened in 1942 was wrong.

I think it is very important that this subcommittee and the full Judiciary Committee and this full House finally tell the American public and Japanese-Americans in particular that indeed the actions of interning these 110,000 Americans of Japanese ancestry was unjust, inhumane and actually unconstitutional. I think by passing H.R. 5499 you will indeed make that statement to the American public.

Second, I think it is very important that we give to a neutral body such as this commission made up of 15 individuals, the responsibility not only to look into what occurred but also if they should determine what redress and what remedies they might have. Mr. Lowry's bill that you will be hearing about in a few minutes addresses the issues of remedies and redress. He proposes \$15,000 and per diem amounts for each day spent in these camps. That figure may or may not be correct. It may be the commission's ruling that more should be given or less should be given or nothing should be given.

We think, however, that it should be done in a very rational, reasonable and objective approach by having not only 15 objective members but also testimony taken during the period of time and also to look into the various past aspects of what occurred.

For example, Americans of Japanese ancestry who spent time in the camps were given 10 percent of provable claims in the early 1950's. That means that most of them were left with 90-percent losses of actual physical assets. In addition to that, many of them lost time from schools, professional schools. Their occupation was delayed by 4, 5,

and 6 years in many cases. These were some of the things that also should be taken into consideration by this commission.

Mr. Mineta indicates to me that the maximum amount was \$2,500, so even if you could prove 10 percent of your claims, if your claims were \$2 million or \$3 million, you would still be entitled to only \$2,500.

The third point, which is really related to my fourth point, is that this commission could play a very important educational need for this country. I think it is important that we look into the causes and the reasons that Americans were interned, 110,000 Americans were interned during wartime hysteria, and I think it is important not only for those of us like myself, who spent my first 5 years in these internment camps, and so I am therefore too young to really know what happened, but it is also important for all Americans today to understand what happened so that such a thing could not happen again. I wouldn't have made that statement 2 years ago when I was a candidate for Congress, because I didn't think anything like this could happen again, until I saw what happened after November 4 of last year, and some of the hysteria and some of the statements made by some of our elected officials, that we should put Iranians or Iranian diplomats in concentration camps. Then I came to realize that perhaps it is very important for us to study these kinds of issues, so that these things won't happen again in the future.

I urge this committee to look at this issue, to support this particular bill that I urge your support of, and move it out of the committee and the full House and put it on the desk for the President's signature.

Thank you very much.

Mr. DANIELSON. Thank you very much, Bob Matsui, for a very excellent statement, including some very excellent suggestions.

Our next witness on this panel is Hon. Mr. Lowry from the State of Washington, who is the author of the bill H.R. 5977, which addresses the same problem but in a slightly different manner. Again, sir, your statement is received in its entirety, and you are free to proceed in whatever manner you choose.

TESTIMONY OF HON. MICHAEL E. LOWRY

Mr. LOWRY. Thank you, Mr. Chairman and members of the committee, for taking this time on this obviously very important issue. It is of course a great honor for me to sit at this table with two of the outstanding Members of this Congress, as we all know of their great service. It is also a honor for me to sponsor, along with approximately 20 other Members of Congress, H.R. 5977, which I think cuts right to the quick of what we are talking about in this hearing.

This Government of the United States more than any government in the history of the world has protected and developed the protections for individual rights. The thing that has made this country great is the Constitution of the United States and the Bill of Rights, the protection of individuals against government abuse, against abuse by their own government. That is what started the United States. The Bill of Rights and the Constitution are written to protect individuals against abuse by our own Government.

In 1942, by order of the President of the United States, upheld by the Congress of the United States and upheld by the Supreme Court of the United States, we violated all of those principles. We violated

the principles of the protection of property, protection of individual rights, and the guarantee to due process.

When a government that is dedicated to the protection of individual liberties abuses those individual liberties, the answer is compensation. The answer is compensation. Now, there is no compensation for 3 years of people's lives, and the eloquent statements made before, made on this panel and also made by the members of the committee, clearly point that out. I don't believe any of us in this Congress are trying to say there is some monetary figure that can be put on 3 years of internment and 9-foot-high barbed wire fences, of Americans who happened to be of Japanese ancestry. But it is very important that there is compensation given.

H.R. 5977 utilizes the figure of \$15,000 in a lump sum for every individual, plus \$15 per day for every day interned, and that was an average of 3 years. That compensation is an effort to repay part of that 90 percent that has not been repaid to individuals and their heirs who did have that loss.

By March of 1942, following the executive order, all persons of Japanese ancestry within 100 miles of the west coast were given an average of 5 days in which to dispose of their businesses, farms, homes, furnishings, and pets. Many had to sell for pennies on the dollar. Others lost their property while they were being interned. More than one-quarter of the families were evacuated with less than \$100. Less than one-tenth held on to more than \$500. Within a month after February, 75,000 Americans of Japanese ancestry were put into internment camps. Their families were broken up in some cases. It was an abuse of the very premises that make this great country.

I would hope that this committee would look strongly upon favorably passing out H.R. 5977. There is nothing magical about \$15,000 and \$15 a day per diem. We just picked that figure working with the committee in Seattle, which it is my pleasure to represent and in which many members now reside. The 442d Regiment was principally out of Seattle and Hawaii. There is nothing magical about the figure. That is the committee process. I do hope this committee will cut through to the real quick of the question, and act favorably upon H.R. 5977.

Thank you very much for your time.

Mr. DANIELSON. Thank you very much, Mr. Lowry.

That concludes the testimony of these four witnesses. As I have stated, their statements are in the record, both the written statements and of course now their oral statements. I would just like to make a couple of comments. Each of the members I believe have referred to the famous 442d, and it truly is famous. Our own colleagues on the other side, Senator Inouye and Senator Matsunaga were members. One of my longtime friends, Jim Mitsumori of Los Angeles was a member of the 442d. I have known him for more than 30 years. Their distinction is shared uniformly. Every member of that group was distinctive in his American service beyond my power to describe.

As I recall, that unit had the lowest level of disciplinary problems, maybe none, and the highest per capita level of decorations of any unit in the American forces, and that is hard to beat.

As to each of you, I am not sure, Norman Mineta, whether you were in the Congress at the time that we did repeal under the leadership of Senator Spark Matsunaga, the law which the provision for the erection

and maintenance of internment camps. I know we did finally repeal it. It may have been the Congress before you.

Mr. MINETA. That was before my time, repeal of title II of the Internal Securities Act of 1950, and I believe that was 1971.

Mr. DANIELSON. I was here.

Mr. MINETA. Right.

Mr. DANIELSON. But I didn't remember whether you were. Anyway, we have done that. But again, as you pointed out, each of you, constitutional rights appear to have been violated in this situation, the basic ones, and I would only like to observe that the rights in the Constitution have to be protected, supported by laws. The Constitution speaks for itself, but it needs implementing law to bring these things into effect.

It is easy to believe in freedom of speech if you agree with the persons who are speaking. The test comes when you disagree with them. It is easy to believe in freedom of assembly if the assembly is for purposes with which you sympathize, but when a bunch of people for whom you have no sympathy assemble, it is very difficult to be sure that we keep in mind the lodestone of freedom of assembly. It is easy to respect freedom of religion when we have no quarrel with the religion of those with whom we are dealing. It becomes difficult only when we disagree with them. Those are the circumstances in which the Constitution is our bulwark of freedom. It is intended to protect these basic rights even in a time of stress. Without stress, they are self-executing. With stress, we have to stay on our job. As Mr. Matsui pointed out, with respect to the Iranians, for example.

It is easy to understand how quickly we lose sight of these lodestones of constitutional behavior, once we find ourselves in an adversary relationship. That is why we have to be on the lookout. Eternal vigilance is the price of liberty.

I have made note of the suggestions that each of you have made, and we will certainly take them up in connection with markup. I will now yield to my distinguished colleague from Illinois, Bob McClory, who, as I, recalls clearly the period of World War II.

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. Matsui, you indicated that there had been no expression or repudiating what was done back in 1942. I want to call your attention to the fact that President Gerald Ford on February 19, 1976, which was precisely 34 years to the date that Franklin D. Roosevelt promulgated the executive order, rescinded the order. So there was action taken by President Ford, and as I recall, we had some kind of a ceremony, and we had some action on it on the floor of the House at about that time, praising the President, and recalling that we were at long last rescinding what was so wrongfully done.

Mr. MINETA. Mr. McClory, might I comment on that. That was a proclamation which was issued by President Ford at the time, because we felt that there had not been any specific discussion about Executive Order 9066. Executive Order 9066, as I recall, was for the duration of the Second World War, and then there was an executive proclamation in 1946 which formally proclaimed the cessation of the hostilities of World War II. That proclamation was perfunctory, however, and contained no specific mention of the termination of Executive Order 9066.

A number of us, however, felt it was important that in the year of

our bicentennial there be a formal statement of the termination of Executive Order 9066, and that was the reason for the proclamation issued by President Ford. It was something that we appreciated very much, and as you say, did bring focus on the rescission, so to speak, of Executive Order 9066.

Mr. McCLORY. I would not want to suggest that the experience of the Japanese is unique in our history. People who can remember long enough back to World War I will recall the egregious denial of civil rights of those of German extraction, and the terrible denial of civil rights on the part of the Irish.

Mr. Lowry, whose name is identical with the name McClory in the Irish geneology, will know that in the book "The Hungry Years" it describes very graphically the terrible denial of civil rights which the Irish experienced, until they found that they could find a better way of life in politics. But the question I have, I guess, that I want to direct to Mr. Lowry is this. I am thinking of the Tanaka family.

Mr. Tanaka, who was the man who lost his business and lost his home and who with his wife and family was sent to the concentration camp, as I always call it—of course they had to build the camp; there was nothing there when they got there. They built it and then they lived in it, but the heirs are not wanting more money, and we did have a program to compensate them. What is going to be different about your program? What is the justification for paying a grandchild, for instance, possibly \$28,500, which would be 3 years at \$15 a day plus the lump sum of \$15,000. Do you know how much this total program would cost?

Mr. LOWRY. It is estimated together about \$2½ billion. There were approximately 12,000 persons interned. Our estimate is about \$2½ billion.

As has been stated before, the compensation for those few who did receive compensation was limited to \$2,500.

Second, simply because some of the individuals of the 110,000 prospered very well and have done very well does not mean that the Government should not compensate for loss of value that was caused by Government action.

We all know if somebody, through Government action, had a loss of value of property today, whether they happened to be a millionaire or happened to be making \$10,000 a year—which many of these 100,000 do—or their heirs make the Government should compensate for action taken by the Government.

I have also talked to many people, just as you say, who say we appreciate the thought. I don't need the money, I don't want the money. If course, that will be up to the individuals under the idea of the way the Justice Department would approach people within this bill.

But there are many people who have lost much during this action and we should compensate them for that loss.

Mr. McCLORY. I judge you regard it as yet another claim. There are initial claims and it is not going to be based only on the monetary loss. It is going to be a penalty imposed against the Government for denial of civil rights.

Unfortunately, civil rights have been denied to virtually every ethnic or racial group at one time or another.

We have had prejudices which have been visited upon all the racial and ethnic groups that come to this country and were struggling to overcome them.

I would say, Mr. Matsui, there is a vast distinction between Japanese Americans who were Americans and whose loyalty was never questioned, and Iranians, especially Iranian students who not only didn't indicate loyalty toward our country but engaged in demonstrations of discord and antagonism and hostility.

While I am not suggesting they should be interned, I think it is very well to keep track of these Iranian students, or at least some of them.

Mr. MATSUI. Mr. McClory, I would not want some of my friends back here to be under the impression from your statement that you are not sympathetic to human rights because I did serve on the full Judiciary Committee and two subcommittees with you.

I have to say to my friends in the audience that you were very sympathetic to human rights and the fundamental freedoms we have under our Constitution. I would not want anyone to be misled.

Mr. McCLORY. I don't think anything that I said indicates that I am not sympathetic.

Mr. MATSUI. Yes; I do want them to understand that because I know how you feel about these kinds of issues.

I would only point out to the full subcommittee that my grandmother came to this country in the 1890's and she never was able to obtain her citizenship because the Government would not allow her to. She came as a picture bride. My grandfather met her in San Francisco. They then resided in Sacramento where I was born, my mother and father were born there also.

I find the distinction between citizens and noncitizens a little difficult in some cases with respect to the Iranian and Japanese Americans also because my grandmother supported five children, all of whom were citizens of this country. They went through high school, a couple of them went to college, and she witnessed my arrival here in the U.S. Congress, and she subsequently passed away. But she was a very proud grandmother who had loyalties to this country not only when she died last year but during the World War II period when she had been here for almost 50 years.

So I would not want to say because a person is not a noncitizen they should not be afforded certain rights. Obviously, they should not be given full rights of citizens but at least there are many cases among Japanese Americans who were not citizens of this country.

Mr. LOWRY. May I make one further comment?

Mr. DANIELSON. Yes.

Mr. LOWRY. I, too, know of the outstanding record of Mr. McClory on the protection of civil liberties and we all appreciate that. I would like to point out the basis of our bill is that this was a Government action, not discrimination that came within the society, society provoked by living through our discrimination, but it is an action by the Government of the United States, and that action placed people into internment camps regardless of what their property was for over 3 years. It is compensation for that.

Mr. DANIELSON. I believe we have covered that point. In the interest of hearing all the witnesses, we will not be able to hear cumulative testimony. I have recognized Mr. Mazzoli.

Mr. MAZZOLI. Thank you very much. In keeping with our need to get to our witnesses, I want to thank our colleagues for taking their time this morning to help us with this bill. I think certainly we will now have a complete record of the law as well as personal involvement in these chapters of American history with which we can use to draft the best bill.

Mr. DANIELSON. Thank you very much, Mr. Mazzoli. I have only a couple of parting points. One, Mr. Lowry, it is my understanding that the figures of \$15,000 plus the \$15 per day are arbitrary figures. You have no factual data to support them; is that correct?

Mr. LOWRY. Those figures were simply chosen as a compensation figure.

Mr. DANIELSON. But you have gone through no measure of damages calculation?

Mr. LOWRY. That is correct, Mr. Chairman.

Mr. DANIELSON. The second point, Mr. Lowry and others of us have commented on this being a Government action, I believe, not an action of society. On that point I cannot agree. In the United States the Government is the people of the United States; I have been here for only 10 years, but I have never observed a Government policy put into effect, and remaining in effect for very long, which did not have the support of at least the vocal majority or the majority of the vocal Americans.

There may be some silent people who hang back but those who make policy ordinarily are heard. As the gentlemen all know, it doesn't take much to induce a flow of mail and telephone calls and whatever. This is one of the only true governments of the people in the world. I think we err when we think of the Government as being some third force. We are the Government. No policy can be enacted and stay in effect very long without the support of the majority of the people.

We do these things to ourselves and it is up to us to correct our behavior as I see it.

There is one other comment that I wish to make. I have personal recollection of this and, therefore, I want to put it in the record. This evacuation and internment was Government policy, it was officially promulgated by the Government and executed by the administration. But today, when it is fashionable to say all kinds of derogatory things about J. Edgar Hoover, who was the Director of the FBI, the mechanism through which part of this was carried out, I think it is only fair to point out that he opposed it as vigorously as he could. He recommended against it to the President. He recommended against it to the Department of Justice.

He did what he could to prevent it. But when he could not prevent it he did the job he was told to do and did do a considerable part of the marshaling together of the evacuees, along with the army.

In a day when it is fashionable to cast every sling and arrow against Mr. Hoover, I think it is useful to remember that in this context he thought this was a terrible thing and should not be done.

Mr. McCLORY. I just want to say my computation indicates the Lowry bill would cost \$3 billion estimated.

The other thing I mentioned, the Irish and the Japanese and I just want to indicate my feelings are not distinguished between the Orientals and Occidentals. My son is married to a Chinese and my grandchildren look quite a bit like you, Mr. Matsui.

Mr. DANIELSON. As a parting reminder, we have been talking about Asians, Japanese, et cetera, Irish. Let's not forget the American Indian. They, too, are people born or naturalized within the United States and subject to the jurisdiction thereof. Thank you, gentlemen, very much for your contribution.

Our next witness or group of witnesses will be from the U.S. Department of Justice. The Honorable Stuart E. Schiffer, Deputy Assistant Attorney General for the Civil Division.

TESTIMONY OF STUART E. SCHIFFER, DEPUTY ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION, DEPARTMENT OF JUSTICE; ACCOMPANIED BY C. WILLIAM LENGACHER, ATTORNEY, DEPARTMENT OF JUSTICE

Mr. SCHIFFER. With me this morning is Mr. C. William Lengacher, who is an attorney in the Department of Justice.

Mr. DANIELSON Your formal statement will be received in the record. Hearing no objection, it is so ordered. You may read it or proceed as you wish.

[The prepared statement of Mr. Schiffer follows:]

STATEMENT OF STUART E. SCHIFFER, DEPUTY ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION, DEPARTMENT OF JUSTICE

Mr. Chairman and members of the Subcommittee: It is my pleasure to appear before you today to present the views of the Department of Justice on H.R. 5499 and S. 1647, the proposed "Commission on Wartime Relocation and Internment of Civilians Act". I will also present preliminary views on H.R. 5977, the "World War II Japanese-American Human Rights Violations Redress Act", about which we will submit further views in the near future.

On February 19, 1942, President Roosevelt issued Executive Order 9066. Pursuant to the Executive Order, some 120,000 Japanese American citizens and resident aliens were evacuated and interned during World War II.

H.R. 5499 and S. 1647 would establish a commission to review the facts and circumstances surrounding Executive Order 9066 and its impact on American citizens and permanent resident aliens, and to "recommend appropriate action".

The Department of Justice supports the goal of review of Executive Order 9066 and its impact on American citizens and permanent resident aliens. Thus, we endorse H.R. 5499 and S. 1647.

We do have two suggested amendments which were incorporated into the Senate version of the bill which passed by voice vote on May 22.

Section 2(a)(2) of H.R. 5499 states that "no inquiry into this matter has been made". However, there was at least some review of Executive Order 9066 by the Congress in connection with the passage of the Act of March 21, 1942, 56 Stat. 173, which gave congressional sanction to the Executive Order. It was also scrutinized in *Hirabayashi v. United States*, 320 U.S. 81 (1943), *Ex parte Endo*, 323 U.S. 283 (1944), *Korematsu v. United States*, 323 U.S. 214 (1944), and *Acheson v. Murakami*, 176 F.2d (9th Cir. 1949).

Moreover, the Japanese-American Evacuation Claims Act, 50 U.S.C. App. 1981-1987, was enacted on June 2, 1948. That statute authorized the Attorney General for a period of 18 months or until January 3, 1950, to receive, adjudicate, and compromise claims submitted by persons of Japanese ancestry for damages or losses of real or personal property which occurred as the result of their evacuation. Under the program which officially commenced on July 1, 1949 and was concluded with the last award on November 18, 1958, the Department received 26,568 claims and awarded \$36,974,240 in settlements to the claimants.

Thus, we believe that the language of section 2(a)(2) of S. 1647, which provides that no "sufficient" inquiry has been made, is preferable.

In addition, section 3 provides for appointment "for the life of the Commission" (subsection (c)) of two members each of the House of Representatives and Senate (subsection (b)). This raises the question of whether the members of Con-

gress appointed to the Commission would retain their membership if they ceased to be members of the House from which they were appointed. S. 1647 clarifies this point by permitting the Speaker of the House and President pro tempore of the Senate to appoint two members, without specifying that they be members of either House. Again, this language is preferable.

In summary, we would recommend the speedy enactment of this legislation, so long as the language discussed above is incorporated.

Finally, I would like to make only brief comments about H.R. 5977 which, rather than establishing a commission to investigate this matter and recommend appropriate action, would "recognize and redress the injustices * * * perpetrated during the World War II internment period against individuals of Japanese ancestry by the United States" (section 2). The remedy prescribed by section 4 of the bill would be the payment to each "eligible individual" (or appropriate relative if the individual is deceased or cannot be located) of \$15,000 plus \$15 for each day of internment. The Attorney General would be charged with locating such individuals.

We are currently evaluating this legislation and will, in the near future, submit for your consideration a comprehensive report on its scope and impact. Our preliminary review indicates, however, that locating these individuals could place a costly—and possibly impossible—burden on the Federal Bureau of Investigation. Moreover, the payment portion alone could run well in excess of \$3 billion. In short, it appears that we will suggest that further study of this matter is indeed necessary and that H.R. 5499 and S. 1647 adopt by far the more prudent approach.

I would be pleased to answer any questions that members of the Subcommittee might have.

Mr. SCHIFFER. I appreciate the opportunity to appear before you this morning. The Department of Justice fully concurs in the Department with the testimony which has just been received from the distinguished panel of Congressmen regarding the desirability of H.R. 5499. As the panel has indicated, some 110,000 to 120,000 persons of Japanese ancestry, the majority of whom were citizens of this country, were affected by the events which transpired under Executive Order 9066. That order was issued in February of 1942 and the programs which were brought about pursuant to the order continued for virtually the duration of the war. Most of the exclusion orders were lifted in January of 1945. The last relocation center was not closed until March of 1946.

Mr. DANIELSON. What were the opening and closing dates?

Mr. SCHIFFER. The Executive order came about February 19, 1942, and the last camp was closed in March of 1946.

Mr. DANIELSON. Were there any persons who remained interned after the closing of the camps anywhere?

Mr. SCHIFFER. Not to my knowledge. My colleague may know.

As the panel also indicated, Congress has taken limited measures to address some of the losses that were incurred by the persons who came within these programs. The Japanese American Evacuation Claims Act was passed in 1948 and a program continued for some 9 years until 1958 under which some 26,000 claims were received for limited types of property losses and compensation in the area of \$36 million was paid.

Obviously, the heightened awareness brought about by this commission would have beneficial effects that would go far beyond the limited programs that have been enacted in the past. It is for this reason the Department supports that legislation. I would be pleased to answer any questions.

Mr. DANIELSON. Mr. Mazzoli of Kentucky.

Mr. MAZZOLI. Thank you. I notice in your testimony you have a couple references to two specific points dealing with the Senate bill and you said those provisions were preferable to the House bill. I guess you sort of endorse that in your statement.

Mr. SCHIFFER. Yes. There was at least some scrutiny, and the addition of the words "significant" and "substantial" by amendment indicate there has been some inquiry into this program.

Mr. DANIELSON. Mr. McClory of Illinois.

Mr. McCLORY. Mr. Schiffer, you are supporting both the bills for the establishment of the commission but you question, or you are not indicating at this time any support for Mr. Lowry's bill which would provide a blanket compensation program. You want to study that, is that correct?

Mr. SCHIFFER. We hope to have a position in a few weeks.

Mr. McCLORY. Do you think the establishment of the commission would have any other goal or any other result than the establishment of a new compensation program?

We have gone into the subject of the injustice, and books have been written about it. We are convinced of the terrible blot on our history. We are apologetic. I don't know what more we can do outside of compensation. What can the commission do? Do you think maybe the commission could make some comprehensive statement about this was terribly wrong and we hope it will never be repeated and we apologize and we are sorry and we hope that the Japanese Americans and their progeny now will be forgiving and understanding and they will join in in helping us prevent any such recurrence?

What do you think the commission should do?

Mr. SCHIFFER. Congressmen Mineta and Matsui referred to the heightened awareness that would be brought about by the commission. I personally have very limited knowledge about the events that transpired during those years. There might well be a beneficial effect brought about by the scrutiny and intense study of the commission.

Mr. McCLORY. Throwing aside some recommendation that we ought to have a big compensation program such as Mr. Lowry would contemplate, which in your testimony you estimate is more than \$3 billion, do you think it can have all these other beneficial effects other than providing compensation which could total \$3 billion?

Mr. SCHIFFER. I would hope so.

Mr. DANIELSON. Mr. Mazzoli, any other questions?

Mr. MAZZOLI. No.

Mr. DANIELSON. On the specifics, sir, of the proposed commission, assuming we go that way, one of the bills calls for, as I understand it, 15 members, and another for 7 members. Do you have any feelings on that?

Mr. SCHIFFER. I think we would defer to the Congress on that.

Mr. DANIELSON. You do not have any particular feelings? Very well.

I wonder if you would be kind enough to send us a letter determining when were the first persons arrested. I think probably the date of the order would be enough but in case that is not enough a little more precise beginning time is needed and also a closing or termination.

When was the last person released from any internment camp per se or any other form of internment assuming they were restricted somewhere else?

Mr. SCHIFFER. I would be happy to do that, Mr. Chairman.

[The information follows:]

It is important to distinguish between those detained as internees and those detained as evacuees. Both groups were held in custody in relocation centers

operated by the War Relocation Authority (WRA) and in internment camps operated by the Department of Justice.

Internees were incarcerated under either an order of the Attorney General pursuant to the Alien Enemy Act or by an order of the military authorities acting under martial law. The first of 5,000 internees were apprehended in the wake of Pearl Harbor, received hearings during which their potential as security risks was established, and were incarcerated at internment camps operated by the Department of Justice. After June 1942, when relocation centers were established, 1,735 internees were paroled to such centers. Additionally, the records of WRA indicate that 3,121 inhabitants of relocation centers, including the families of internees (who were evacuees), were also transferred to internment camps. The last internment camp was closed in March 1946.

Evacuees were detained and interned pursuant to evacuation orders issued to them by military authorities under Executive Order 9066, dated February 19, 1942. The first of 108 evacuation orders were issued about March 1, 1942; the first of more than 110,000 evacuees were detained at one of 16 nearby assembly centers on March 21, 1942. Beginning May 8, 1942, and until the assembly centers were closed October 30, 1942, most of the evacuees were transferred to one of ten inland relocation centers. These evacuees were joined by 1,735 internees and almost 6,000 newborns. The last relocation center was closed after its 2,500 inhabitants were released on March 20, 1946. The records of WRA indicate that 4,724 of the inhabitants of relocation centers were repatriated to Japan; 3,121 were transferred to internment camps operated by the Department of Justice, and about 500 were transferred to institutions—mental health facilities, prisons, etc. We do not know the date of these transfers.

Mr. DANIELSON. I think there is a third point that should go into the record. I do know that within the Department of Justice there was a Japanese Claims Section or Division which was functioning in the late forties and early fifties.

Could you give us the beginning and closing dates of that and to the extent that you can, do it without it being unnecessarily burdensome, could you tell us how many claims were received; how many claims were finally processed?

Mr. SCHIFFER. That section functioned, as the chairman indicated, from 1949, approximately when the legislation became effective, until 1958 when the final claim was paid.

Mr. DANIELSON. Whatever the data is, I think it would be useful at this time to have that data brought together and recorded somewhere where it can be of easy reference in the future for historians, if nothing else, and primarily for the benefit of the commission if one should be constituted.

If you can do that—I don't want to drain out the Department's entire budget on this project.

[The information follows:]

On July 2, 1948, the Japanese American Evacuation Claims Act, 50 U.S.C. App. 1981-1987, was enacted. The Act authorized the Attorney General to receive, adjudicate, and compromise claims submitted by evacuees and some internees for damages or losses of real or personal property resulting from their evacuation and internment. Under the evacuation program, which ran between July 1, 1949, and November 10, 1958, the Attorney General, acting through the Civil Division's Japanese Claims Section, received and resolved 26,569 claims and awarded \$36,974,240 in settlements to the claimants. We are not aware of any comparable evacuation claims program to compensate Alaskan Aleut Indians for their property losses.

Mr. McCLORY. Mr. Chairman?

Mr. DANIELSON. Mr. McClory.

Mr. McCLORY. We haven't had the testimony yet but I believe the testimony will reveal while we have had a partial compensation or claims program for the Japanese Americans, we have not had one for

the Aleuts. There were a small number of Aleuts—or relatively small—and they were displaced and they suffered similar humiliation and losses but they were not compensated.

Would you consider likewise whether or not you think there should be some claims for the Aleuts which was apparently an oversight on our part?

Mr. SCHIFFER. We would be happy to do so.
[The information follows:]

The Department of Justice believes that any official inquiry into our wartime treatment of civilians should include a review of the evacuation, relocation, and internment of the Alaskan Aleut Indians.

Mr. DANIELSON. Thank you.

We are going to move as quickly as we can on this bill bearing in mind we are on the 2nd day of June and we would like to have this legislation acted upon by the full Congress during this session. Thank you very much. Your presence is greatly appreciated.

Our third panel will be represented by John Tateishi, redress chairperson, Japanese American Citizens League; also the National Council for Japanese American Redress, William Hohri, president; and the Nisei Lobby, Mike M. Masaoka, president, and the Aleutian Pribilof Islands Association, Mike Zaharof, executive director, and Phil Tutikoff, chairman of the board.

Your written statement is in the record if there is no objection. There is no objection. You may read it. The floor is yours.

[The prepared statement of the Japanese American Citizens League follows:]

STATEMENT OF THE JAPANESE AMERICAN CITIZENS LEAGUE

RATIONALE FOR THE COMMISSION

One of the strengths of our American democratic process is the ability to acknowledge past mistakes through critical self-appraisal, while at the same time setting forth precedence for future democratic action.

The Japanese American Citizens League believes the fact-finding commission proposed by this legislation will indeed reinforce that democratic process, and have tremendous implications for the future of our American way of life.

Without such a fact-finding commission, without such an examination, without such an opportunity to investigate past wrongs, the historical precedence which we inherit from that period of our American history can have disturbing implications for the future.

INFERENCE OF WRONG

Over the years, Congressional and Presidential actions have inferred that the wholesale suspension of constitutional rights of persons of Japanese ancestry during World War II was not justified.

Over the years, Senate and House members have placed into the Congressional Record, remarks as to the tragic wrong which was committed against persons of Japanese ancestry during the war years.

Below is a listing of Congressional and Presidential actions taken in the past which infer that the wrong committed against persons of Japanese ancestry.¹

Evacuation Claims Act of 1948.—Reviewed property losses suffered by the evacuation orders to the internees. Partial compensation was provided which amounted to less than ten cents on the dollar of the amount claimed.

Immigration and Nationalization revisions.—Allowed for the naturalization of Japanese aliens—among other provisions. Enacted 1952.

¹ Complete statistics and analysis on Japanese Americans incarcerated can be found in U.S. War Department. "Final Report: Japanese Evacuation from the West Coast, 1942" (Government Printing Office, Washington, D.C., 1943).

Repeal of Title II of the Internal Security Act of 1950.—Act originally established procedures whereby apprehension and detention, during internal security emergencies, of individuals likely to engage in acts of espionage or sabotage. Reviewed legal implications of the evacuation and detention of the persons of Japanese ancestry in World War II. Repealed in 1971.

An American promise February 19, 1976.—Termination of Executive Order 9066 by President Gerald R. Ford. Proclamation by the President which in part read, "I call upon the American people to affirm with me this American Promise—that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated."

Asian Pacific American Heritage Week Proclamation.—Signed by President Carter, on March 28, 1979, proclaiming the observance of the contributions of Asian Pacific Americans to the American way of life, and reading in part, "Unfortunately, we have not always fully appreciated the talents and the contributions which Asian Americans have brought to the United States . . . and during World War II our Japanese American citizens were treated with suspicion and fear."

Yet, despite these aforementioned governmental acts, there has never been an official federal review or investigation of the events and facts which led to the United States government's decision to "relocate" persons of Japanese ancestry.

The legislation before the Governmental Affairs Committee will authorize for the first time in 38 years the official federal inquiry into this matter.

THE GOVERNMENT'S RESPONSIBILITY

Over the years, there has been much study and discussion surrounding the incarceration of Japanese Americans by historians, constitutional law authorities, political scientists, sociologists, as well as the victims themselves.

Each of the aforementioned authorities can recount facts as to the consequences of Executive Order 9066. The historians can piece together the acts and events, which in hindsight, suggest a rationale for the government's action. Constitutional law authorities can explain the impact of the Supreme Court cases which upheld the military orders for curfew, relocation, and detention. Political scientists can suggest that the cause of the relocation and internment was the breakdown in the separation of powers. Sociologists can reveal case studies which suggest increased familial conflicts as a result of the communal style of life in the concentration camps. The victims themselves can recount to you their personal fright, frustration, and feelings of hopelessness.

Yet, despite these sources of information, despite these efforts to detail and recount the relocation and internment experience—not one of these individuals can with reasonable certainty explain for the American government—how the decision to relocate and intern persons of Japanese ancestry was made. This is the responsibility of the government.

PART I—MAJOR AREAS OF INQUIRY FOR THE COMMISSION

A major area of inquiry for the commission is the review of the arguments in favor of the evacuation of the Japanese Americans from the West Coast, and how the government incorporated these arguments in its plans for evacuation.

Morton Grodzins, in his authoritative book on the politics and evacuation of the Japanese Americans, "Americans Betrayed," lists eleven classes of arguments justifying evacuation.² They are as follows:

1. *Sabotage, espionage, fifth column.*—The Japanese were actual or potential saboteurs, fifth-columnists, or espionage agents.

2. *Public morale.*—Widespread distrust of the Japanese population lowered public morale on the West Coast; correspondingly, evacuation would lift public morale.

3. *Humanitarian.*—The Japanese (a) were themselves in danger from actual or potential vigilantes, and the evacuation (b) would be carried out with decency and without hardship.

4. *Approval of Japanese militarism.*—The Japanese in America had earlier favored Japanese aggression in Asia; had been informed of Pearl Harbor in advance but had not revealed the secret; and in no single instance gave adverse

² Morton Grodzins, "Americans Betrayed: Politics and the Japanese Evacuation" (Chicago: University of Chicago Press, 1949).

information about dangerous members of their own race to the intelligence agencies.

5. *Influence of Japanese Government.*—The Japanese military government exerted great influence over Japanese in America, and even American citizens of Japanese ancestry were citizens of Japan.

6. *Migration and distribution.*—The Japanese had invaded America by fraudulent immigration, and they located themselves in strategic areas.

7. *Race.*—Because of racial prejudices, Japanese Americans were not assimilable, their thought-processes were inscrutable, and the loyal could not be distinguished from the disloyal. Their high birth rate was a mark of special danger.

8. *Culture.*—Cultural practices (language schools, vernacular press, sending children to Japan for education) enhanced the racial barrier to assimilation and were further evidences of disloyalty.

9. *Economics.*—Economic practices made Japanese undesirable competitors, and their productive contribution to the nation's economy was negligible. In any case, evacuees could be employed in productive work at points of concentration.

10. *Appeal to patriotism.*—Loyalty of the Japanese would be demonstrated by acceptance of evacuation; if they refused to co-operate, they thereby showed their disloyalty.

11. *Necessity for drastic measures.*—Constitutional rights had to give way, in total war, to drastic measures. Historians and political scientists have suggested that all of the arguments in favor of evacuation which Grodzins lists became the basis for the government's decision to evacuate the Japanese-Americans and resident aliens alike.

The principle problem the government faced was that none of the arguments in favor of evacuation were constitutionally legal. Therefore, a way to legitimize the evacuation was needed.

MILITARY NECESSITY

At the time of the incarceration, the justification for the acts of relocation and internment of persons of Japanese ancestry was said to be "military necessity." Since it was apparent any civilian attempt to relocate and intern, otherwise loyal American and legal resident aliens, would be fraught with constitutional questions, the decision to give the Army the responsibility and authority to relocate and intern persons of Japanese ancestry became imperative. The Army was given the authority upon President Roosevelt's signing of Executive Order 9066. Thus, the government's action of relocation and internment under the guise of "military necessity," was legitimized.

MILITARY NECESSITY QUESTIONED

During the early part of the relocation program in March of 1942, the Army's justification of "military necessity," was coupled with the Army's desire to secure the West Coast of the United States from espionage, sabotage, and other "fifth column" activity which could be expected from persons of Japanese ancestry. Why was Executive Order 9066 issued when the Administration had in its possession a report from Curtis B. Munson, Special Representative of the State Department, a report which was completed in early November, 1941, certified a remarkable, even extraordinary degree of loyalty among residents of Japanese descent on the West Coast?⁸ Why was Executive Order 9066 issued when both the Federal Bureau of Investigation, and Naval Intelligence protested the need for the evacuation plan? If "military necessity," was the justification for the evacuation from the West Coast of persons of Japanese ancestry, why were not the Japanese in Hawaii, who were 2,400 miles closer to the enemy, evacuated?

Perhaps the most damaging evidence that "military necessity," was not the true justification for the relocation and internment of persons of Japanese ancestry, as cited in Weglyn's "Years of Infamy: The Untold Story of America's Concentration Camps," can be found in reading a document from the Secretary of State's office, dated December 17, 1943. The document indicates official sentiment to deport all persons of Japanese ancestry—citizens, aliens, as well as those Japanese Americans who fought for the United States in the European and Pacific theatre of operations. Quoting in part from said document:

"I think the far larger part of official sentiment is to do something so we can get rid of these people when the war is over—obviously we cannot while the war

⁸ See Michi Weglyn's "Years of Infamy: The Untold Story of America's Concentration Camps" (New York: William Morrow and Co., 1976), for the most descriptive analysis of report by Curtis B. Munson, pp. 33-33.

continues. But sentiment is liable to wane if the authorization measures are not adopted before the war ends. We have 110,000 of them in confinement here now—and that is a lot of Japs to contend with in postwar days, particularly as the west coast localities where they once lived do not desire their return.”⁴

It would therefore appear that “military necessity,” was not the true basis for the mass incarceration of persons of Japanese ancestry, but rather an initial step in a plan to legitimize racism, meet the needs of political expediency, and serve the needs of some governmental officials in exercising their private brand of discrimination and prejudice.

Note: A detailed account of the Root Causes of anti-Japanese American racism is discussed under Root Causes-Historical Perspective of Pre-Evacuation of Japanese Americans, in sections which follow. In addition, a detailed discussion of “military necessity,” can be found in subsequent sections.)

Finally, if “military necessity,” was the justification for the relocation and internment of persons of Japanese ancestry . . . why were German and Italian enemy aliens not included in the evacuation and exclusion orders? As noted by Professor Roger Daniels, “there was never a mass movement of German and Italian enemy aliens. This policy was never formally enunciated; they simply were not affected by the 108 civilian exclusion orders which uniformly specified Japanese.”⁵ In a Memorandum for the President, from Attorney General Francis Biddle, dated April 17, 1943, it is explained that:

“You signed the original Executive Order permitting the exclusions so the Army could handle the Japs. It was never intended to apply to Italians and Germans. Your order was based on ‘protection against espionage and against sabotage.’”⁶

The question remains, why were not the Germans and Italian enemy aliens evacuated and interned in camps like the Japanese citizens and aliens alike?

The JACL believes that the commission, with its independent investigatory powers, can answer these questions and others, which have never been answered.

PART II

Who were the government officials who laid the “constitutionally legal” plans for the issuance of Executive Order 9066? Why didn’t the Justice Department, through the Attorney General, handle the movement of civilians in the military zones? Why weren’t individual charges, and trials given to suspected disloyal persons of Japanese ancestry? The courts were in operation . . . why weren’t they used?

What was the role of Colonel Karl Bendetsen and General De Witt in persuading the President to sign Executive Order 9066?

What were the roles of Henry L. Stimson, Secretary of War; Earl Warren, Calif. Attorney General, and running for Governor of California; and John J. McCloy, assistant to the Secretary of War in the evacuation plans?

Some writers suggest that polarization of public sentiment against the Japanese Americans allowed key Administration officials and military officers to exercise their private brand of racism. Is this true? Who were those officials and officers?

The government by creating the commission, may in part, meet its responsibility for self-appraisal. At the same time, the commission will enjoy a position of review which all previous historical investigators did not have—specifically, the ability to obtain still classified documents which may be examined and reviewed, and thereby determine how the decision to relocate was made.

PART III—RECOMMENDATION OF APPROPRIATE REMEDIES

One of the responsibilities of the commission, is to recommend appropriate remedies, if they determine the wrongs which were committed against persons of Japanese ancestry can be remedied.

Those who were interned or otherwise affected, feel that the United States government should redress them in some way for the wrongs which were inflicted upon them.

Some Americans today, as during 1942, believe that the relocation and internment of persons of Japanese Americans was justified under the circumstances.

⁴ *Ibid.*, pp. 190–191.

⁵ Roger Daniels, “Concentration Camps U.S.A.: Japanese Americans and World War II” (New York: Holt, Rinehart and Winston, Inc., 1971).

⁶ Weglyn, op. cit., pp. 200–201.

The federally created commission may undertake an objective, unbiased study to determine whether some form of redress is warranted under the circumstances, and report its findings and recommendations to the President and the Congress.

PART IV—IMPLICATIONS OF THE SUPREME COURT

The JACL believes that the commission in its investigation will review the so-called Evacuation cases. The *Hirabayashi v. United States*, *Yasui v. United States*, *Korematsu v. United States*, and *Ex parte Mitsuye Endo* cases held that the evacuation process was constitutional.

Despite the Supreme Court's unique opportunity during the war years, to undertake its Constitutionally mandated responsibility to act as a final arbiter, the final check—of the Executive and Legislative branches of the government—the Court failed to seize the chance to over the judgments of the military orders.

The JACL wishes to direct attention to the fact that in the *Endo* decision, the Court ruled that admittedly loyal American citizens could not be imprisoned indefinitely. This decision was handed down on December 18, 1944. One day earlier, the Western Defense Command had rescinded the exclusion and detention orders . . . on December 17, 1944. One cannot help but wonder what circumstances and forces were at play between the highest judicial and Executive positions in our land to render a rescission of the exclusion and detention orders and Supreme Court decisions concerning those orders within a day of each other.

A full and complete discussion of the Supreme Court cases can be found in section H 17, which follows.

PART V—NATIONAL PUBLIC HEARINGS

Under the proposed legislation, the commission must hold public hearings in Los Angeles, San Francisco, and Fresno, California; Portland, Oregon; Seattle, Washington; Phoenix, Arizona; Salt Lake City, Utah; Denver, Colorado; Chicago, Illinois; New York, New York; Washington, D.C.; and any other city that the commission deems necessary and proper."

This mandate affords Americans across the United States to raise their concerns and express their views to the commission. This mandate allows "persons of Japanese ancestry," to come forth and share with the commission their experiences, detail their losses, and suggest possible remedies for the government's consideration.

During the evacuation process, persons of Japanese ancestry were denied the right to have a hearing, and confront those who wished to deny their constitutional rights. The national public hearings, to a small degree will be their "day in court."

PART VI—TIMELINESS OF THE ISSUE

Professor Eugene V. Rostow, of the Yale University Law School states in 1945, "Time is often needed for us to recognize the great miscarriages of justice. . . . As time passes, it becomes more and more plain that our wartime treatment of the Japanese and Japanese Americans on the West Coast was a tragic and dangerous mistake. That mistake is a threat to society, and to all men. Its motivation and its impact on our system of law deny every value of democracy. . . .

"One hundred thousand persons were sent to concentration camps on a record which wouldn't support a conviction for stealing a dog."⁷

In recent days, there has been an outcry in the halls of Congress and across the United States that some retaliatory action should be taken against Iranian nationals who are in the United States, as a possible response for the breakdown in the United States attempt to have the American hostages in Tehran returned.

The JACL shares with all Americans the concern for the safety and early return of our American hostages.

Some Members of Congress have suggested that the United States should be rational and constitutionally acceptable. The JACL believes that we should not allow our constitution to be dismantled for the sake of international and even domestic political expediency.

In view of these developments, the passage of S. 1647 becomes substantially more important, not only for Japanese Americans, but for all Americans . . . because what happened to persons of Japanese ancestry may well happen to another group of our constitutionally protected citizens and residents.

⁷ Eugene Rostow, "Japanese American Cases—A Disaster" (The Yale University Journal, v. 53, n. 3, June 1945).

PART VII—CONGRESSIONAL SUPPORT

On August 2, 1979, S. 1647, was introduced by Senators Daniel K. Inouye and Spark M. Matsunaga of Hawaii; Senators Alan Cranston and S. I. Hayakawa of California; and Senators Frank Church and James A. McClure of Idaho.

Today, over 20 Senators have sponsored S. 1647. In the House, Majority Leader, Jim Wright introduced H.R. 5499, which is identical in language with S. 1647, on September 28, 1979. Congressman Norman Y. Mineta, Robert T. Matsui are co-sponsors, as well as 133 additional House members.

It would appear likely that the favorable action by this Judiciary Subcommittee would be met with strong support in both houses of Congress.

WHAT FOLLOWS IS A DEFINITIVE COMPILATION OF THE JAPANESE AMERICAN
RELOCATION AND INTERNMENT EXPERIENCE

ROOT CAUSES

The seeds of prejudice which resulted in the incarceration of Japanese Americans during World War II were sown nearly a century earlier when the first immigrants from Asia arrived during the California Gold Rush. California was then a lawless frontier that harbored a climate of indiscriminate antireignism. The Japanese, who were to arrive three decades later, inherited the hatred reaped upon their forerunners—the Indians, the Mexican Californians, and the Chinese.¹

Approximately 25 percent of the miners in California during the Gold Rush came from China and almost from the moment of their arrival became the objects of hatred and violence. The Chinese miners were limited to working abandoned or inferior diggings, and frequently the white miners drove them bodily from towns and seized their claims. The Chinese became the victims of fraud and abuse in the absence of active public opinion which might have alerted the police and courts. Acts of terrorism, robbery and murder were regularly reported and utilized as the tools in driving the Chinese out of the mining areas.²

"In 1875, the Supreme Court of the United States held unconstitutional a California statute that assumed the right of California to exclude the Chinese from entering the United States via California."³ Thus, the attempt to transform attitudinal prejudice into legal discrimination was established, setting the tone for binding discriminatory rulings in the following years.

"On May 7, 1879, the new California Constitution lumped into one class all persons to be denied the right of suffrage—all natives of China, idiots and insane persons."⁴ Article XIX of the same constitution authorized cities to totally expel or restrict Chinese persons to segregated areas, and prohibited the employment of Chinese persons by public agencies and corporations. Other federal, state, or local laws or court decisions at various times prohibited the Chinese from becoming citizens, testifying in court against a white person, engaging in licensed businesses and professions, attending school with whites, and marrying whites. Chinese persons alone were required to pay special taxes, and a major source of revenue for many cities, counties and the State of California came from these assessments against the Chinese. The political demand and public sentiment were persistent in their pursuit of exclusion legislation, and these efforts paved the way for a series of steps which culminated in the passage of the restrictive Immigration Act of 1882.⁵

Thus, during a period of thirty years, lawmaking agencies at all levels of government, from miners' councils to the federal Congress, approved measures aimed directly at the Chinese. The movement which was begun in the gold mines of California went on to capture the public opinion of the Pacific Coast and reach fulfillment with the signature of the President on legislation for the total exclusion of the Chinese. The prejudice of the California miner and workingman had become the policy of the nation.

JAPANESE ARRIVE

The Chinese population rapidly declined due to the lack of women and the return of men to China. As a result, an acute labor shortage developed in the Western states and the Territory of Hawaii in the 1880's. The agricultural industry

¹ "The Japanese American Incarceration: A Case For Redress," 2nd ed., The National Committee for Redress, JACL, February 1979, p. 5.

² *Ibid.*, p. 5.

³ Frank Chuman, "The Bamboo People," Publisher's Inc., 1976, p. 8.

⁴ *Ibid.*, p. 9.

⁵ "The Japanese American Incarceration: A Case For Redress," p. 5.

wanted another group of laborers who would do the menial work at low wages, and looked to Japan as a new source.⁶

At the time of the Chinese Exclusion Act, Japan prohibited laborers from leaving the country. "In 1884, the Japanese government adopted a policy of allowing its laboring classes to emigrate to foreign countries to work. In this year, a convention was signed between the Japanese government and the Hawaiian sugar plantation owners, permitting the owners to import Japanese labor under contract."⁷ "Thus, in January, 1885, 994 Japanese labor contract emigrants sailed for the sugar plantations of Hawaii."⁸ The numbers of immigrants from Japan coming directly to the mainland slowly began to increase, adding to those who were coming via Hawaii. "Between the years 1884 and 1890, 2,270 Japanese immigrants entered the United States. During the next decade, 27,440 arrived."⁹

"As long as the Japanese remained docile, their hard labor was welcomed. The Japanese immigrants served as laborers in various fields but mainly within the growing agricultural industry in California, Washington, and Oregon. The hop fields of Northern California and Oregon attracted many young Japanese immigrants, because the Japanese ability and willingness to work long hours on piece-work basis resulted in good pay. From the beet fields and the hop farms, the Japanese found their way into seasonal work in the fruit orchards, vineyards, and vegetable farms."¹⁰

"These young immigrants were in great demand as laborers, but they were ambitious and they wanted to better themselves. As they learned the language and ways of America, they began to lease or purchase land, or go into business so as to establish families and live a normal life. California and other West Coast farmers resented having their field laborers suddenly become competing farm operators. This resentment was economic, but racists saw in this transition from day laborer to operator another threat, like the Chinese before."¹¹ "As a result of the impassioned cry of 'The Chinese Must Go!', the Chinese had finally been excluded. Now the slogan was 'The Japs Must Go!'"¹²

"During this period, newspapers took up the cry against the Japanese. The clearest early manifestation of the intensity of the anti-Japanese feeling was a campaign initiated by the San Francisco Chronicle in 1905. The frontpage headlines were reflective of the racist sentiment.

"Chinese and Poverty Go Hand in Hand with Asiatic Labor"

"Japanese a Menace to American Women"

"The Yellow Peril—How Japanese Crowd Out the White Race"¹³

"Myths regarding the Japanese were manufactured and propagandized by racists throughout the years after 1905. For example, the population myth involved greatly exaggerated claims regarding the total population of Japanese in this country. This was aided and abetted by official sources in California who issued badly juggled statistics. Further, there was the charge that the birth rate of the Japanese was very high and that they 'bred like rabbits.' The public was told that for these reasons it would only be a matter of time before the Japanese population would be in the majority."¹⁴

Like the Chinese before them, the Japanese became victims of legal discrimination due in no small part to the racist campaigns of groups of such as the Japanese and Korean Exclusion League, The Native Sons of the Golden West, and the Oriental Exclusion League.¹⁵ The 1906 San Francisco School order segregating oriental students from white students, was the first official discriminatory act of importance.

"On October 11, 1906, the San Francisco Board of Education formally approved a resolution to segregate the grammar school children of Japanese ancestry into a separate institution. To the Japanese press and the public, anti-Japanese agitation in the United States had heretofore been based solely on a fear of competition and a loss of work if Japanese laborers were permitted into the United States. Now, when the news of the school segregation in San Francisco reached Japan, the Japanese public discovered that the discrimination against the Japanese in the United States was really based upon an alleged racial inferiority of the Japanese people."¹⁶

⁶ *Ibid.*, p. 6.

⁷ "Bamboo People," p. 10.

⁸ *Ibid.*, p. 10.

⁹ *Ibid.*, p. 11.

¹⁰ Dillon S. Myer, "Uprooted Americans," The University of Arizona Press, 1971, p. 10. 11.

¹¹ *Ibid.*, p. 11.

¹² "Bamboo People," p. 11.

¹³ Roger Daniels and Harry Kitano, "American Racism," Prentice-Hall, Inc. 1970, p. 47.

¹⁴ "Uprooted Americans," p. 13.

¹⁵ *Ibid.*, p. 11.

¹⁶ "Bamboo People," p. 20.

"Japan was a proud nation with a history and culture reaching into antiquity."¹⁷ Their religion and philosophy had been conceived of before the dawn of the Christian era of the Western world. For the Japanese as a race to be held in contempt as barbarians and to be abused and discriminated against was, at the very least, an insult.¹⁸ The San Francisco school board issue had become international in scope.

"President Theodore Roosevelt, after hearing protests from the Japanese Ambassador, had his Secretary of State look into the matter. It was found that treaties with Japan guaranteed Japanese citizens certain civil rights in America, and the Secretary of State felt that attendance at school was one of these rights. He had a federal suit prepared against San Francisco to protect the alien students from segregation. For the American-born citizens in an age when 'separate but equal' was the law of the land, the suit could do nothing; however, something could be done for aliens protected by treaty."¹⁹

"President Roosevelt summoned the school board members to Washington and succeeded in having the school board rescind the offending order. At about the same time—early 1907—the President managed to prevent the California legislature from passing anti-Japanese legislation. In return for this restraint, which was highly unpopular among most Californians, the President promised to do something about Japanese immigration which was the major concern. It was not so much the presence of the Japanese already in California, as it was the imagined threat of thousands more to come that was apparently frightening. However unrealistic and irrational these fears, they were deeply felt."²⁰

"In January, 1908, a series of correspondence was commenced between United States Ambassador O'Brien and Foreign Minister Hayashi for further discussions. The correspondence ultimately formed the basis of a series of understandings now known as the 'Gentlemen's Agreement'."²¹ Consummated in 1908, this series of notes committed the Japanese government itself to restrict the immigration of Japanese laborers and farmers to the United States. Both governments hoped this would quiet the agitation on the Pacific Coast and make it unnecessary for the United States to pass restrictive legislation barring Japanese.

"The growing resentment against the Japanese was responsible for the passage, in 1913, of the California Alien Land Act, which made it illegal for aliens ineligible for citizenship to buy agricultural land or to lease such land for a period exceeding three years. It is important to emphasize here that the Japanese and Chinese were not eligible for American citizenship because of America's first immigration law in 1790, allowing only "free whites" to become naturalized citizens. This gave a convenient 'handle' to the racists and most of the discriminatory legislation passed by the states was based upon ineligibility to citizenship.

"During World War I (1914-1918), the campaign of the anti-Japanese group was muted somewhat because Japan was at least technically on the side of the United States in that conflict. Almost immediately after the close of the war, the anti-Japanese campaign was renewed with new vigor and new recruits. The American Legion in its first convention of 1919 passed a resolution recommending exclusion of Japanese."²²

"In 1920, a massive petition campaign placed a stronger anti-Japanese land law on the state ballot. Under its terms, all further transfers of land to Japanese nationals were prohibited as were all further leases of land."²³ "A final provision, quickly struck down by the courts, barred noncitizen parents from serving as guardians for their minor children. The sovereign people of California approved this measure by an overwhelming 3 to 1 vote. Whatever else the anti-Japanese movement was, it was certainly popular."²⁴

"In the early 1920's, the Joint Immigration Committee was formed and comprised of individuals from influential organizations within California. This committee formed the basis of political support in behalf of the anti-Japanese campaign. In July, 1921, the executive director of the Joint Immigration Committee prepared and filed with the United States Senate a brief stating the case of the racist groups for an exclusion act. The brief was presented to the Senate by Senator Hiram Johnson. Like the Chinese Exclusion movement before, the subsequent regional pressures resulted in the Asian Exclusion Act of 1924, denying admission

¹⁷ *Ibid.*, p. 20.

¹⁸ *Ibid.*, p. 21.

¹⁹ "American Racism," p. 49.

²⁰ *Ibid.*, p. 49.

²¹ "Bamboo People," p. 33.

²² "Uprooted Americans," p. 12.

²³ "American Racism," p. 47.

²⁴ *Ibid.*, p. 51.

to the United States of all immigrants ineligible for American citizenship, including 'Mongolians, Polynesians, and races indigenous to the Western Hemisphere'—which meant American Indians."²⁵

This exclusion law remained in effect for all mentioned groups until 1940, when it was revised in regard to American Indians. The law was subsequently revised in regard to Chinese in 1943, and for Filipinos and East Indians in 1946. The Exclusion Act provisions affecting other Asians, including the Japanese, were finally repealed in 1952.²⁶

To the dismay of the exclusionists, the Japanese population did not quickly decrease as the Chinese population did earlier. There were sufficient numbers of Japanese women pioneers who gave birth to an American-born generation, and families decided to make the United States their permanent home. As the exclusionists intensified their efforts to get rid of the Japanese, their campaign was enhanced by the development of a powerful new weapon—the mass media.²⁷

Newspapers, radios, and motion pictures stereotyped Japanese Americans as untrustworthy and unassimilable. The media did not recognize the fact that a large number of persons of Japanese ancestry living in the United States were American citizens. As Japan became a military power in the years preceding World War II, the media falsely depicted Japanese Americans as agents for Japan. Newspapers inflamed the 'Yellow Peril' myths on the West Coast, and radios, movies, and comic strips spread the disease of prejudice throughout the United States.²⁸

Trapped in segregated neighborhoods and with no access to the media, Japanese Americans were unable to counteract the false stereotypes. Even though those born in the United States were culturally American, spoke English fluently, and were well educated, they faced almost insurmountable discrimination. Theirs was a legacy of a century of discrimination that would place in motion in the months following Pearl Harbor, events leading to the wholesale suspension of constitutional rights of an entire group of American citizens.²⁹

PEARL HARBOR—THE AFTERMATH OF FEAR

"Immediately following the attack on Pearl Harbor, December 7, 1941, surprisingly little agitation occurred against the Japanese Americans. There were rumors of poisoned vegetables, which the Los Angeles Times reported as untrue, and one small California newspaper proposed evacuation. In general, a quiet period continued until after the turn of the year 1942, when the campaign of the racists picked up, reaching its peak about February 13.

"During January and early February of 1942, various organizations urged action, ranging from surveillance by the army to complete evacuation or internment of all Japanese. These organizations included the California Department of the American Legion and many local posts, the Associated Farmers, the Grower-Shipper Vegetable Association, the Western Growers Protective Association, California Farm Bureau, Americanism Educational League, some labor unions, the Pacific League, and the Joint Immigration Committee.

"In the meantime, the Hearst publications and the Los Angeles Times kept up a drumfire of editorials, columns, and slanted news stories that pressured officials and caused the public generally to become fearful and emotional regarding the alleged dangers in their midst."³⁰

"Among the actions of various groups and of members of the press during this period, perhaps the most effective in stirring up fears and in bringing pressures on officials, were the resolutions adopted by local posts and state departments of the American Legion. These actions were reinforced by resolutions at the national level of the Legion on January 19, calling for evacuation and internment of 'all enemy aliens and nationals.' This resolution was later interpreted to include all persons of Japanese descent."³¹

"Morton Grodzins, in his book, 'Americans Betrayed,' describes how in early January, 1942, the campaign for evacuation really got underway. He tells how radio commentator John B. Hughes and others, along with West Coast newspaper editorials, local law enforcement officers, and Pacific Coast congressmen directed

²⁵ "Uprooted Americans," p. 12.

²⁶ *Ibid.*, p. 12, 13.

²⁷ "The Japanese American Incarceration: A Case for Redress," p. 7, 8.

²⁸ *Ibid.*, p. 8.

²⁹ *Ibid.*, p. 8.

³⁰ "Uprooted Americans," p. 15.

³¹ *Ibid.*, p. 16.

a campaign of criticism against the departments of both War and Justice. Demands were made for the mass evacuation of all Japanese—citizens and aliens alike.”²²

“The Los Angeles Chamber of Commerce through its Washington representative, Thomas B. Drake, presented a Chamber resolution of January 30th to the West Coast congressional delegation, along with a draft resolution sponsored by Congressman John Costello, that called for army control over aliens and dual citizens, and for mass evacuation of aliens and their families. The Joint Immigration Committee, which had been active and politically powerful for more than 20 years, met on February 1, 1942. The members urged evacuation and planned for further propaganda activity, which was their specialty. In early February, the California State Personnel Board issued an order barring from civil service positions, all citizens who were descendants of alien enemies. Although it covered all groups, this order was applied only against Japanese Americans.”²³

“In the meantime, the Los Angeles Times and the Hearst press in particular, were carrying on a day-to-day campaign. On January 29, and again on February 5, the San Francisco Examiner, a Hearst paper, published columns of a race-baiting and irresponsible nature.”²⁴

“On January 15, Congressman Martin Dies, chairman of the Un-American Activities Committee, addressed the House of Representatives on the ‘fifth column’ in America. Then on January 28th, he declared that ‘a fear of displeasing foreign powers, and a maudlin attitude toward fifth columnists was largely responsible for the unparalleled tragedy at Pearl Harbor.’ He said further that a report of his committee would ‘disclose that if our committee had been permitted to reveal the facts last September, the tragedy of Pearl Harbor might have been averted.’ The report referred to was not actually released until after authority had been given to the military for the evacuation.

“However, a committee spokesman, in summarizing what the report would contain, said that it would describe the activities of Japanese nationalistic organizations engaged in espionage and similar details. This report, called the ‘Yellow Report,’ after February 5, supplied material for scare stories for the racist press. For example, the Los Angeles Times headlined the first disclosure of the Dies Committee findings as: ‘Dies Yellow Paper Reveals Jap Spying Attempts, Probably Successful, to Learn Los Angeles Aqueduct Secrets, Disclosed.’ This item was based on a request for information made by the Japanese consul twenty years before. Several days after the report was released, the Times devoted six full columns to its contents.”²⁵

“On February 11, Mayor Fletcher Bowron of Los Angeles, State Attorney General Warren, and Tom Clark of the U.S. Department of Justice, met with General DeWitt. After the meeting, Attorney General Warren announced that he felt that the problem was a ‘military one, not civil.’ Mayor Bowron said, ‘I feel that DeWitt is awake to the situation and doing all he can’.”²⁶

“The Mayor returned to Los Angeles in time to make a Lincoln’s Birthday radio address in which he posed the question, ‘If Lincoln were alive today, what would he do . . . to defend the nation against the Japanese horde . . . the people born on American soil who have secret loyalty to the Japanese Emperor.’ Bowron answered the question as follows: ‘There isn’t a shadow of a doubt but that Lincoln, the mild-mannered man whose memory we regard with almost saint-like reverence, would make short work of rounding up the Japanese and putting them where they could do no harm.’ He said further; ‘The removal of all those of Japanese parentage must be effected before it is too late’.”²⁷

“On February 12, Walter Lippman, a nationally known and highly respected columnist, wrote a syndicated column entitled ‘The Fifth Column on the Coast;’ in it, he advocated setting aside the civil rights of citizens of Japanese ancestry. He put forth a specious argument that had been used by General DeWitt, Attorney General Warren, and others, which read like this:

“Since the outbreak of the Japanese war, there has been no important sabotage on the Pacific Coast. From what we know about Hawaii and the fifth column in Europe, this is not, as some have liked to think, a sign there is nothing to be feared. It is a sign that the blow is well organized and that it is held back until it can be struck with maximum effect.”²⁸

²² Ibid., p. 16.

²³ Ibid., p. 17.

²⁴ Ibid., p. 18.

²⁵ Ibid., p. 18, 19.

²⁶ Ibid., p. 21.

²⁷ Ibid., p. 21.

²⁸ Ibid., p. 22.

"On February 13, the West Coast congressional delegation—under the goading of Leland Ford, John Costello, A. J. Elliot, and Jack Z. Anderson, all congressmen from California—passed a resolution demanding 'immediate evacuation of all persons of Japanese lineage and all others, aliens and citizens alike, whose presence shall be deemed dangerous or inimical to the defense of the United States from all strategic areas'.³⁹

"On February 14, General DeWitt forwarded to the Secretary of War his recommendations on the subject of the 'Evacuation of Japanese and other Subversive Persons from the Pacific Coast.' After pointing out the probability of attacks on shipping, coastal cities, and vital installations in the coastal area, of air raids, and of sabotage of vital installations, DeWitt set forth his convictions about the nature of Japanese Americans."⁴⁰

"Following this statement, DeWitt set forth in detail his formal recommendations, including a request for presidential direction and authority to designate military areas from which all Japanese and all alien enemies or suspected saboteurs of fifth columnists could be excluded."⁴¹

"After five more tumultuous days, on February 19, the president signed Executive Order 9066. On February 20, Secretary of War Stimson designated General DeWitt as military commander empowered to carry out an evacuation within his command under the terms of Executive Order No. 9066."⁴²

MILITARY NECESSITY AND THE DECISION TO EVACUATE

The decision to exclude all persons of Japanese ancestry from the West Coast following the bombing of Pearl Harbor was based on arguments of military necessity presented by the Commander of the Western Defense Command, Lieutenant General John DeWitt. The Government accepted with only a cursory examination General DeWitt's contention that the Japanese residing in the West Coast constituted a threat to the security of the nation. And in thereby establishing the policy for the evacuation, the government knowingly failed to protect the constitutional rights of American citizens.

Military justifications for the mass evacuation of over 120,000 persons, the majority of whom were American citizens, were to a large degree the product of regional pressures which reflected historical animosities towards the Japanese immigrants and their citizen children.¹ That the evacuation was racially motivated is evidenced by the fact that what was originally intended as a selective plan for the exclusion of all enemy aliens (German, Italian and Japanese) by the Western Defense Command was developed by the Department of War into a plan which called for the total exclusion of only persons of Japanese ancestry.

In a broad historical perspective, it becomes quite clear that "military necessity" became a rationale rather than a reason for the evacuation.

During the days immediately following the attack on Pearl Harbor, there were a number of reports of enemy ships offshore along the Pacific Coast, and although these reports proved to be false, they nevertheless contributed greatly to a sense of alarm in the states of Washington, Oregon, and especially in California.

Despite the alarm at these reports, there surprisingly remained a general calm throughout the West Coast.² However, on December 15, 1941, upon his return to Washington from a hurried inspection of Pearl Harbor, Secretary of the Navy Frank Knox stated at a press conference that "the most effective fifth column work of the entire war was done in Hawaii, with the possible exception of Norway."³ Knox's statement resulted in a proliferation of rumors along the West Coast, implicating Japanese Americans as dangerous agents of the enemy.

In his Final Report, General DeWitt stated:

"The Pacific Coast had become exposed to attack by enemy successes in the Pacific. The situation in the Pacific theatre had gravely deteriorated. There were hundreds of reports nightly of signal lights visible from the coast, and of intercepts of unidentified radio transmissions. Signaling was often observed at prem-

³⁹ *Ibid.*, p. 22.

⁴⁰ *Ibid.*, p. 22.

⁴¹ *Ibid.*, p. 22, 23.

⁴² *Ibid.*, p. 23.

¹ Morton Grodzins, "Americans Betrayed: Politics and the Japanese Evacuation" (Chicago: University of Chicago Press, 1949), p. 362.

² War Relocation Authority, "Wartime Exile: The Exclusion of the Japanese Americans from the West Coast" (U.S. Government Printing Office, Washington, D.C., 1946), p. 100. Hereinafter to be cited as "WRA Report: Wartime Exile."

³ Roger Daniels, "Concentration Camps U.S.A.: Japanese Americans and World War II" (Hinsdale: The Dryden Press, 1971), p. 35.

ises which could not be entered without a warrant. . . . *The problem required immediate solution. It called for the application of measures not then in being.*" [Italics added.]⁴

In a note to the above statement, DeWitt added the following:

"It is interesting to note that following the evacuation, interceptions of suspicious or unidentified radio signals and shore-to-ship signal lights were virtually eliminated. . . ."⁵

However, in a meeting with General DeWitt and his staff on January 9, 1942, the Chief of the Federal Communication Commission's Radio Intelligence Division reported that "there had been no illegitimate radio transmission or signaling from Japanese or other coastal residents."⁶ And more than two years later, the Chairman of the Federal Communications Commission wrote to Attorney General Francis Biddle regarding DeWitt's statements in his Final Report. In his letter of April 4, 1944, the Chairman stated that the "reports of . . . signaling by means of signal lights and unlawful radio transmitters" proved "without exception, to be baseless."⁷ Furthermore, instead of the "hundreds of reports nightly" of unidentified radio signals, 760 reports had been reported and investigated, none of which were found to be "illicit."⁸ Indicating that General DeWitt and his staff were "kept continuously informed . . . through day-to-day liaison," the Chairman concluded with a specific reference to the Final Report and to the Department of Justice's conclusion that:

" . . . although no unlawful radio signaling or any unlawful shore-to-ship signaling with lights was discovered, a great number of reports of such activity were received, and that *these did not diminish in number following the evacuation.* It is likewise the Commission's experience that reports of unlawful radio signaling along the West Coast—which in each case were unfounded—*were not affected by the evacuation.*" [Italics added]⁹

The primary concern of General DeWitt was "the mission of defending this coast" (i.e., the Western Defense Command) predicated on the assumption that Japanese Americans could not be trusted to be loyal to the United States. General DeWitt, in the Final Report, gave the following assessment of the Japanese American in 1942:

"Because of the ties of race, the intense feeling of filial piety and the strong bonds of common tradition, culture and customs, this population presented a tightly-knit racial group. It included in excess of 115,000 persons deployed along the Pacific Coast. Whether by design or accident, virtually always their communities were adjacent to very vital shore installations, war plants, etc. While it was believed some were loyal, it was known that many were not. To complicate the situation, no ready means existed for determining the loyal and the disloyal with any degree of safety. It was necessary to face the realities—a positive determination could not have been made."¹⁰

And in testimony presented before the Subcommittee of the House Committee on Naval Affairs on April 13, 1943, DeWitt reiterated the point that "there is no way to determine their loyalty," and provided the evidence that the evacuation was determined by other than objective considerations:

"You needn't worry about the Italians at all except in certain cases. Also, the same for the Germans except in individual cases. But we must worry about the Japanese all the time until he is wiped off the map."¹¹

The major issue raised by General DeWitt, and indeed the justification of military necessity and for the evacuation, was the questionable loyalty of the West Coast Japanese population—the legal permanent residents and native born citizens alike. The arguments cited as the justification for the evacuation could, with equal cogency, have been applied to Italians and Germans. Like the Japanese, the Italians and Germans maintained dual citizenship, had inadvertently located in areas considered to be strategic, had demonstrated regard for the country of their origin, maintained language schools, maintained fraternal organizations and continued their Old World cultural patterns. And yet, the authorities did not impugn the loyalty of resident Italians and Germans for these reasons. These factors served to magnify the dangers of Japanese Americans and yet were

⁴ Lt. Gen. John DeWitt, "Final Report: Japanese Evacuation from the West Coast" (Government Printing Office, Washington, D.C., 1943), p. 8.

⁵ Loc. cit.

⁶ "WRA Report: Wartime Exile," p. 167, n. 50.

⁷ Ibid., p. 155.

⁸ Ibid., p. 156-57.

⁹ Ibid., p. 157-58.

¹⁰ Final report, p. 9.

¹¹ "WRA Report: Wartime Exile," p. 154.

minimized in viewing the Italians and Germans. The evacuation, then, would seem quite clearly to have been carried out surgically on racial lines.

If there was a questioning of the loyalty of Japanese Americans, this had been determined by investigations by Army and Naval Intelligence, the Federal Bureau of Investigation, and by a Special Representative of the State Department, Lt. Commander Curtis B. Munson (known as the Munson Report). While the G-2 operations of Army and Naval Intelligence had conducted their investigations for approximately ten years prior to the bombing of Pearl Harbor, and the F.B.I. for approximately five years, the Munson Report was compiled from investigations conducted, at the orders of the President, during the months of October and November of 1941.¹³

In short, there was over a decade's worth of intelligence gathering on the Japanese communities on the West Coast by the finest intelligence agencies in this nation. The agencies and Munson had secretly investigated businesses, organizations, and individuals, and, in the view of Munson. "The opinion expressed with minor differences was uniform."¹⁴ Describing the native born Japanese as demonstrating "a pathetic eagerness to be Americans,"¹⁵ Munson addressed the key question of the investigation: "What will these people do in case of a war between the United States and Japan?"¹⁶

"As interview after interview piled up . . . the story was all the same. There is no Japanese 'problem' on the Coast. There will be no armed uprising of Japanese. . . . We do not believe that they will be at the least any more disloyal than any other racial group in the United States with whom we went to war."¹⁶

Expressing a similar view, F.B.I. Director J. Edgar Hoover felt that the demand for the evacuation was "based primarily upon public political pressure rather than upon factual data."¹⁷ He also felt that the F.B.I. was fully capable of handling those individuals who had been identified as potentially dangerous.

If the basis for the "military necessity" argument was lodged (as it was) in the questionable loyalty of the Japanese Americans, and if the intelligence services—including the military's own intelligence operations—dispelled the question of betrayal by Japanese Americans, the rationale for the evacuation becomes highly suspect.

And if, as DeWitt stated, "There is no way to determine their loyalty," it is even more curious that the Japanese Americans in Hawaii were not similarly subjected to wholesale and indiscriminate incarceration. Hawaii was 3,000 miles closer to the enemy and in far greater danger of invasion and sabotage. While only 1 percent of the Hawaiian Japanese population, identified as potentially dangerous, was incarcerated, it was the judgment of the military commander in Hawaii that "military necessity" there required the vast majority of Japanese Americans to remain free to help maintain the islands' economy.

The fear of invasion of the Pacific coast may have been maintained in the public mind throughout most of the war, but the military leadership was aware that such a threat did not exist after the early days of June 1942, when naval intelligence reports indicated that the Japanese naval fleet had been so badly crippled at the Battle of Midway there was no possibility of an invasion on the West Coast.

By June 1, 1942, a little more than 17,000 persons of Japanese ancestry, both citizens and aliens, had been placed in government concentration camps,¹⁸ and that number would subsequently grow to over 112,000. In other words, the military, who argued that Japanese Americans could not be trusted in the event of an invasion, demanded the further incarceration of an additional 95,000 persons after it was known that the threat of an invasion no longer existed. The question then remains, why did it happen? The answer is obvious: the evacuation was racially, politically and economically motivated. In short, "under the guise of national defense, evacuation became an end in itself, a fortuitous wartime opportunity to rid the western states"¹⁹ of their Japanese populations.

But questions of greater import and profundity require closer examination: How did the evacuation come about? At what levels of government were the

¹³ The most thorough and authoritative discussion of the Munson investigations can be found in Michi Weglyn's "Years of Infamy: The Untold Story of America's Concentration Camps" (New York: William Morrow and Co., 1976), p. 33-53.

¹⁴ "Years of Infamy," p. 40.

¹⁵ *Ibid.*, p. 45.

¹⁶ *Ibid.*, p. 45.

¹⁷ *Ibid.*, pp. 45, 47.

¹⁸ *Ibid.*, p. 284, n. 6.

¹⁹ "Americans Betrayed," p. 362.

²⁰ War Relocation Authority, "The Evacuated People: A Quantitative Description" (U.S. Government Printing Office, Washington, D.C., 1946), Table 5, p. 17.

decisions for the evacuation made? And why did the government fail so completely to protect the rights of American citizens?

The answers to these questions can be found in part by tracing the manner and events by which the decision for the mass evacuation took place.

The initial plans for evacuation specified the exclusion only of aliens of the three Axis nations. Under the provisions of Presidential proclamations issued by President Franklin D. Roosevelt on December 7 and 8, 1941, there was a round up of individual aliens who had been identified by the F.B.I. as potentially dangerous. The proclamations authorized the exclusion of aliens from locations which were considered strategic to the safety of the United States. Although the round up was largely centered along the West Coast, it was not restricted to aliens of Japanese ancestry alone; Italians and Germans were also arrested by the authorities.

In the early stages of the discussions about evacuation and the treatment of aliens, General DeWitt was opposed to the evacuation of citizens. During a telephone conversation on December 26, 1941 between General DeWitt and the War Department's Provost Marshal General, Major General Allen Gullion, DeWitt said:

"If we go ahead and arrest the 93,000 Japanese, native born and foreign born, we are going to have an awful job on our hands and are very liable to alienate the loyal Japanese from disloyal. . . . I'm very doubtful that it would be common sense procedure to try and intern or to intern 117,000 Japanese in this theater. . . . I told the governors of all the states that those people should be watched better if they were watched by the police and people of the community in which they live and have been living for years. . . . and then inform the F.B.I. or the military authorities of any suspicious action so we could take necessary steps to handle it . . . rather than try to intern all those people, men, women and children, and hold them under military control and under guard. *I don't think it's a sensible thing to do. . . . I'd rather go along the way we are now . . . rather than attempt any such wholesale internment. . . . An American citizen, after all, is an American citizen. And while they all may not be loyal, I think we can weed the disloyal out of the loyal and lock them up if necessary.*"²⁰ [Italics added]

At the same time, General DeWitt opposed the Provost Marshal General's proposal that the responsibility for the alien program be transferred from the Justice to the War Department. However, Gullion had arranged for DeWitt to deal directly with the Provost Marshal's office on the alien situation, and for the latter to keep General Headquarters informed of developments. This seemingly insignificant event had far-reaching effects, for Army Headquarters had little to do in the early months of 1942 with the plans for evacuation.

In a meeting with General DeWitt on January 4 and 5, 1942 in San Francisco, Colonel Karl Bendetsen, Chief of the Aliens Division of the Provost Marshal General's office, urged the determination of strategic areas in the Western Defense Command from which all aliens were to be excluded. This resulted in the definition of "Categories A and B" as restricted zones, and was later expanded into "Zones I and II" as the exclusion areas for the evacuation.

As the racial campaign increased on the West Coast, DeWitt's attitudes noticeably began to change vis-a-vis the evacuation. In a conversation with General Gullion on January 24, DeWitt expressed what was to become one of the principal arguments for the evacuation: "The fact that nothing has happened so far is more or less . . . ominous in that I feel that in view of the fact that we have had no sporadic attempts at sabotage there is control being exercised and when we have it it will be on a mass basis."²¹

One week later, Bendetsen reported to the Chief of Staff's office that DeWitt had recommended the evacuation of the entire Japanese population from the coastal states, but the Attorney General Francis Biddle was opposed to the evacuation of citizens. In an earlier meetings, Biddle had stated that the Justice Department "would have nothing whatever to do with any interference with citizens or with a suspension of the writ of habeas corpus."²² In a letter shortly thereafter to Secretary of War Henry Stimson, the Attorney General stated that if evacuation were to be carried out on any kind of a large scale plan, the Department of Justice did not have the physical capability to handle it. He added that "the

²⁰ Stetson Conn, "The Decision to Evacuate the Japanese from the Pacific Coast," Command Decisions, ed. Kent Roberts Greenfield (Office of the Chief of Military History, Washington, D.C., 1960), p. 128, hereinafter cited as Command Decisions.

²¹ Ibid., p. 132.

²² Ibid., p. 135.

Department of Justice was not authorized under any circumstances to evacuate American citizens; if the Army for reasons of military necessity wanted that done in particular areas, the Army itself would have to do it.²³

In response, Stimson met with President Roosevelt on February 11 to discuss the mass evacuation proposal and to present the President with four questions of major impact which required his decision. The most significant question was, "Is the President willing to authorize us to move Japanese citizens as well as aliens from restricted areas?"²⁴ The result of the meeting was that the President specifically authorized the evacuation of citizens and, it was felt, "was prepared to sign an executive order giving the War Department the authority to carry out whatever action it decided upon."²⁵

Consequently, General DeWitt, with the assistance of Colonel Bendtsen, began to draft his final recommendation for an evacuation plan. Dated February 13, 1942, it was addressed to the Secretary of War and forwarded to General Headquarters in Washington, D.C., where it was received on February 18th. On February 19th, "it was decided at a [General Headquarters] staff conference *not* to concur in General DeWitt's recommendations, and instead to recommend . . . that only enemy aliens leaders be arrested and interned."²⁶

However, the following day General Headquarters forwarded DeWitt's recommendations with an endorsement to the War Department "in view of the proposed action already decided upon by the War Department."²⁷ General DeWitt, on February 23, received directives from the War Department for the evacuation, but these directives differed significantly from DeWitt's own recommendations.

The major difference between the two plans was the proposed treatment of American citizens. The objective of DeWitt's plan was the removal of alien and American-born Japanese from restricted areas ("Category A") and being "opposed to any preferential treatment to any alien irrespective of race"²⁸ (despite his distrust of the Japanese population), the plan called for a similar removal of German and Italian aliens. Citizens evacuees, under DeWitt's plan, would either accept internment voluntarily or would relocate themselves outside of the restricted areas.

Under the War Department plan, however, the entire Japanese population would be excluded from the restricted areas, but only German aliens identified for evacuation would be excluded from the "Category A" area, while there would be no evacuation of Italians without the specific permission of the Secretary of War. Additionally, the Japanese would not be allowed to relocate outside of the restricted areas in the states of California, Oregon, and Washington.

In other words, it was the harsher War Department plan for evacuation, and not DeWitt's, which was implemented by the government. This plan had been largely designed by the Provost Marshal General's office under the guidance of Colonel Bendtsen.

The authorization for the evacuation was implemented by Presidential Executive Order Number 9066, signed by President Roosevelt on February 19, 1942. The Executive Order had been drafted by General Gullion and Colonel Bendtsen, and accepted by Attorney General Biddle because "the President had already indicated to him that this was a matter for military decision."²⁹ One month later, Congress accepted a resolution to implement into law the Executive Order. It was signed by the President on March 21, 1942 as Public Law 77-503.

And so, in March of 1942, there began a process in which 120,313 persons of Japanese ancestry, 76,000 of whom were American citizens, were forcibly removed from their homes along the West Coast. Although the civil courts were fully operational, the Japanese American population was not given an opportunity to defend itself by trial or hearing and consequently were denied their rights of protection guaranteed by the United States Constitution. In essence, through the suspension of the writ of habeas corpus, they became the victims of a governmental racial policy.

That the evacuation was necessary in the first place is questionable in light of the reports of the government's own intelligence agencies. But apart from these reports, the military leaders who became the chief architects of the evacuation plan cast some strong doubts on its necessity. Colonel Bendtsen, in a letter to General Gullion on February 4, 1942, "stated at the outset his conclusion that an

²³ *Ibid.*, p. 142.

²⁴ *Loc. cit.*

²⁵ *Loc. cit.*

²⁶ *Loc. cit.* Italics added.

²⁷ *Command Decisions*, p. 124.

²⁸ *Ibid.*, p. 147.

²⁹ *Ibid.*, p. 146.

enemy alien evacuation 'would accomplish little as a measure of safety,' since the alien Japanese were mostly elderly people who could do little harm if they would."³⁰ And in a letter to corps area commanders from the Provost Marshal General's office, it was explained that of the total numbers evacuated, "60,000 . . . would be women and children."³¹

And at the highest levels of government, the President's Cabinet itself, there were some serious doubts raised. Labeling the incarceration of Japanese Americans as "clearly unconstitutional"³² in light of a pending U.S. Supreme Court decision, and "a blot upon the history of this country,"³³ Secretary of the Interior Harold Ickes voiced a strong questioning of the governmental policy of the evacuation. In an interview in 1946, Ickes stated:

"As a member of President Roosevelt's administration, I saw the United States Army give way to mass hysteria over the Japanese . . . it lost its self-control and, egged on by public clamor, some of it from greedy Americans who sought an opportunity to possess themselves of Japanese rights and property, it began to round up indiscriminately the Japanese who had been born in Japan, as well as those born here. Crowded into cars like cattle, these hapless people were hurried away to hastily constructed and thoroughly inadequate concentration camps, with soldiers with nervous muskets on guard, in the great American desert. We gave the fancy name of 'relocation centers' to these dust bowls, but they were concentration camps nonetheless . . ."³⁴

Similarly, War Relocation Authority Director Dillon Myer was highly critical of the evacuation, stating that there had been a total lack of justification and that once the eviction process began, the Army did an "all out job trying to justify the move." Myer added that "I found out very quickly after I became Director that most of the reasons were phony."³⁵ Myer later stated that "after the evacuation order was issued here on the mainland, he (Colonel Bendetsen) tried for weeks to get a large group of people evacuated from Hawaii with the idea, I am sure, of justifying their West Coast evacuation."³⁶

James Rowe, Jr., aide to Attorney General Biddle, reported that 'there was no good military reason for it . . . the whole story lies in the single fact that the Army folded under pressure.'³⁷

The extent to which the government "folded under pressure" is evidenced time and again. The collusion of the government regarding the evacuation seems to have been widespread at the highest levels and, in some cases, with ominous intent. In a memorandum, dated December 17, 1943, to Secretary of State Cordell Hull, there is specific discussion of stripping American-born Japanese of their citizenship and deporting them and their alien parents from the United States:

"I have appeared before two committees of the Senate where the subject has been discussed and I may say where an avid interest in the future of the Japanese in the United States has been manifested. Legislation will be needed if any large-scale operation is desired . . . The Attorney General is reported to have said recently to one of the Committees that he had a formula under one of our statutes by which a native-born Japanese . . . could be divested of his American citizenship—thus making his eligible for deportation."³⁸

Attorney General Francis Biddle, the Administration's lone voice calling for tolerance and understanding of Japanese Americans in the days immediately following the attack on Pearl Harbor, fell prey to pressures of another kind. While Biddle was successful, on arguments based on the rights of citizens, in blocking the early moves to evacuate the American-born Japanese, by February 19, 1942, he had conceded to the wishes of the President and the Army. It was he who wrote the government's justification for Executive Order No. 9066.³⁹

From December 7, 1941 to February 19, 1942, a whole series of events had taken place that had prompted the government to act in an unprecedented and extraordinary manner. The decision for the evacuation had been made at the

³⁰ *Ibid.*, p. 139.

³¹ *Ibid.*, p. 145.

³² Letter from Secretary of the Interior Harold Ickes to the President, dated June 2, 1944. Cf. Appendix I.

³³ *Ibid.*

³⁴ "Years of Infamy," p. 316, n. 21. Italics added.

³⁵ *Ibid.*, p. 314, n. 7.

³⁶ *Ibid.*, p. 86.

³⁷ *Ibid.*, p. 314, n. 7.

³⁸ Michi Weglyn's "Years of Infamy: The Untold Story of America's Concentration Camps" (New York: William Morrow and Co., 1976), p. 190-191.

³⁹ Letter from Attorney General Francis Biddle to the President, dated Feb. 20, 1942.

highest levels of government, and it was at this level that the decision had been made to suspend the constitutional rights of American citizens.

Executive Order 9066, the key instrument for the evacuation, did not specify any one particular racial group, but it is clear that the machinations of government designed the fates of alien and American citizens of Japanese ancestry. Whatever doubts remained were expelled by the Attorney General in a memorandum to the President, dated April 17, 1943: "You signed the original Executive Order permitting the exclusions so the Army could handle the Japs. It was never intended to apply to Italians and Germans. Your order was based on 'protection against espionage and against sabotage.'" ⁴⁰

The circle, then, was drawn to a close on Japanese Americans in 1942, and they unwittingly became the fateful victims of a breach in the traditions of American democracy. There was within the highest ranks of government, shared by the President and the members of his Cabinet, a conscious decision to abrogate the rights of citizens. But the manner by which this decision was reached by this nation's leadership remains unanswered.

The concluding words of historian Morton Grodzins ⁴¹ lend perspective here to an episode that can only be viewed as tragic for the cause of American democracy:

"The immediate goal presumably served by the Japanese evacuation was clear cut: protection of the West Coast as a war measure. But the national government, in addition to winning the war abroad, had an equal responsibility for maintaining democracy at home. The evacuation violated fundamental liberties of Americans.

"Evacuation was a radical departure from traditional American ways and a disturbing model for the future. . . . Regional considerations, emotional half-truth and racial prejudice colored the public discussion and the original military decision in favor of evacuation. Neither at this point nor at any subsequent point in the entire history of evacuation policy-making did the necessity of evacuation receive full, impartial discussion.

"Japanese Americans were the immediate victims of the evacuation. But larger consequences are carried by the American people as a whole. Their legacy is the lasting one of precedent and constitutional sanctity for a policy of mass incarceration under military auspices. This is the most important result of the process by which the evacuation decision was made. That process betrayed all Americans." ⁴²

In examining the evacuation, our concern should not be with the past, but with the present and the future. It is we Americans who must discover answers for the questions raised by the tragedy of the evacuation in order to prevent a similar threat to the liberties of Americans in the future.

APPENDIX I

THE SECRETARY OF THE INTERIOR,
Washington, D.C., June 2, 1944.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I again call your attention to the urgent necessity of arriving at a determination with respect to revocation of the orders excluding Japanese Americans from the West Coast. It is my understanding that Secretary Stimson believes that there is no longer any military necessity for excluding these persons from the State of California and portions of the States of Washington, Oregon and Arizona. Accordingly, there is no basis in law or in equity for the perpetuation of the ban.

The reasons for revoking the exclusion orders may be briefly stated as follows:

1. I have been informally advised by officials of the War Department who are in charge of this problem that there is no substantial justification for continuation of the ban from the standpoint of military security.

2. The continued exclusion of American citizens of Japanese ancestry from the affected areas is clearly unconstitutional in the present circumstances. I expect that a case squarely raising this issue will reach the Supreme Court at its next term. I understand that the Department of Justice agrees that there is little doubt as to the decision which the Supreme Court will reach in a case squarely presenting the issue.

⁴⁰ Michi Weglyn's "Years of Infamy: The Untold Story of America's Concentration Camps" (New York: William Morrow and Co., 1976), pp. 200-201.

⁴¹ "Americans Betrayed."

⁴² *Ibid.*, p. 374.

3. The continuation of the exclusion orders in the West Coast areas is adversely affecting our efforts to relocate Japanese Americans elsewhere in the country. State and local officials are saying, with some justification, that if these people are too dangerous for the West Coast, they do not want them to resettle in their localities.

4. The psychology of the Japanese Americans in the relocation centers becomes progressively worse. The difficulty which will confront these people in readjusting to ordinary life becomes greater as they spend more time in the centers.

5. The children in the centers are exposed solely to the influence of persons of Japanese ancestry. They are becoming a hopelessly maladjusted generation, apprehensive of the outside world and divorced from the possibility of associating—or even seeing to any considerable extent—Americans of other races.

6. The retention of Japanese Americans in the relocation centers impairs the efforts which are being made to secure better treatment for American prisoners-of-war and civilians who are held by the Japanese. In many localities American nationals were not interned by the Japanese government until after the West Coast evacuation; and the Japanese government has recently responded to the State Department complaints concerning treatment of American nationals by citing, among other things, the circumstances of the evacuation and detention of the West Coast Japanese Americans.

I will not comment at this time on the justification or lack thereof for the original evacuation order. But I do say that the continued retention of these innocent people in the relocation centers would be a blot upon the history of this country.

I hope that you will decide that the exclusion orders should be revoked. This, of course, would not apply to the Japanese Americans in Tule Lake. In any event, I urge that you make a decision one way or another so that we can arrange our program accordingly.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

LIFE IN THE CAMPS

Faced with the exacuation orders, Japanese Americans had to leave their homes with only a few days notice and could take only what they could carry with them. Property had to be hurriedly sold, abandoned, given away, left to insecure or unpredictable trusts. Crops were left unharvested. Many lost titles to homes, businesses and farmlands because taxes and mortgage payments became impossible to pay. Bank accounts had already been frozen or confiscated as "enemy assets," and there was little source of income within the camps.

"The camp life of the evacuees can be divided into two distinct periods. The first period began in March 1942 and ended later that year. It involved residence in 15 temporary detention camps scattered throughout Arizona, California, Oregon and Washington. They were mostly county fairgrounds, race tracks and livestock exhibition halls hastily converted into detention camps with barbed wire fences, searchlights and guard towers. Each camp held about 5,000 detainees, except for the Santa Anita Race Track near Los Angeles, California which held over 18,000 and Mayer, Arizona which held only 247. Living quarters for many consisted of horse stalls, some with manure still inside.¹

The experience of life in America's concentration camps is best described in the following passages taken from Michi Weglyn's "Years of Infamy"²

"Quarters in the assembly centers were generally a bare room comprising a "family apartment," provided only with cots, blankets and mattresses (often straw-filled sacks). The apartment's only fixture was a hanging light bulb. Each family unit was separated from the adjoining one by a thin dividing partition which "for ventilation purposes," only went part way up.

"Evacuees ate communally, showered communally, defecated communally. Again with an eye toward economy, no partitions had been built between toilets—a situation which everywhere gave rise to camp-wide cases of constipation. Protests from Caucasian church groups led, in time, to the building of partial dividing walls, but doors were never installed. Equally abhorrent to the Issei, for whom scalding baths were a nightly fatigue-relieving ritual, were the Western-

¹ *The Japanese American Incarceration: A Case for Redress*, 2nd ed., the National Committee for Redress, JACL, Feb. 1979, p. 14.

² Michi Weglyn, "Years of Infamy: The Untold Story of America's Concentration Camps" (New York: William Morrow & Co.), 1976.

style showers, from which they usually walked away unsatisfied and shivering, for the hot water supply was never dependable.

"In interior California camps, the hot summer sun beating down on paper-thin roofs turned living quarters into sizzling ovens, sometimes causing floors to melt.³

"Despite concerned efforts of humanitarian groups, the Public Health Service could not be moved to condemn the stables as unfit for human habitation though the stench became oppressive in the summer heat, especially in stables which had been merely scrapped out and no floors put in. At the largest of the assembly centers, the Santa Anita Race Track, then housing over 18,000 evacuees, hospital records show that 75 percent of the illnesses came from the horse stalls.

"In the early days of the Army-controlled assembly centers, camp fare consisted largely of canned goods: hash, pork and beans, canned weiners, beans of an infinite variety. Conspicuous by their absence were the fresh fruits and vegetables which the Issei had once raised in succulent profusion.⁴

"In this caged-in government-made ghetto without privacy or permanence, the adolescent Nissei also experienced their first exhilarating sense of release—from the severe parental restraint placed upon them. Until their camp experience, such phenomena as youth gangs and social workers, for example, were virtually unheard of in Japanese communities. In the free-and-easy contacts now available to the army of teenagers involved, the carefully inculcated discipline, the traditional solidarity of the Japanese family and its extremely rigorous moral code all underwent a steady weakening.

"While order was gradually being established in the assembly centers, work crews under the supervision of Army engineers were toiling at a feverish pace to meet the near-impossible governmental deadline on relocation camps in the far interior. While most of these sprawling encampments were located on hot desert acres or on drought-parched flatlands, two of the relocation projects (Rohwer and Jerome) were taking shape on swampland areas in distant Arkansas. This marked the second period of camp life—"The Relocation Centers."⁵

"Again, with scant regard for the elderly in fragile health, roughhewn wooden barracks—the flimsy "theater-of-operations" and meant for temporary housing of robust fighting men—had been speedily hammered together, providing only the minimum protection from the elements. Though lined on the inside with plaster board and almost totally wrapped with an overlay of black tarpaper, they afforded far from adequate protection against the icy wintry blast that swept through the warped floor boards in such northerly centers of relocation as Heart Mountain (Wyoming), Minidoka (Idaho), Topaz (Utah) and Tule Lake (California), where the mercury dipped, on occasion to a numbing minus 30 degrees in the winter.

"A degree of uniformity existed in the physical makeup of all centers. A bare room measuring 20 feet by 24 feet was again referred to as a "family apartment"; each accommodated a family of five to eight members; barrack end-rooms measuring 16 feet by 20 feet were set aside for smaller families. A barrack was made up of four to six such family units. Twelve to fourteen barracks, in turn, comprised a community grouping referred to as a "block." Each block housed 250-300 residents and had its own mess hall, laundry room, latrines and recreation hall.

"The construction "is so very cheap, that, frankly if it stands up for the duration we are going to be lucky," testified Milton Eisenhower before a Senate appropriations committee, noting that "the Arizona camps were in areas which could be as high as 130 degrees in summertime."⁶

These destitute living conditions—the poor construction, the crowded and demeaning facilities—were referred to by Chief Judge William Denman of the Ninth Circuit Court of Appeals, in an opinion of August 26, 1949, in which he noted that in no federal penitentiary were conditions so poor.⁷

"Japanese Americans were known for their pride in rarely having been on welfare or locked up in prisons, but the camps relegated them into wards of the government guarded by armed soldiers. Fathers were no longer the family breadwinners, parents lost control of their children and families rarely ate meals together. Many were terrified because of the unpredictable future and the hopelessness of the situation. Many did not expect to come out alive.

³ *Ibid.*, p. 80.

⁴ *Ibid.*, p. 81.

⁵ *Ibid.*, p. 83.

⁶ *Ibid.*, p. 84.

⁷ *Ibid.*, p. 156.

Overwhelming despair caused some detainees to commit suicide. Many more died prematurely due to inadequate medical facilities and the harsh environment.

All incoming and outgoing communications were censored, including personal letters and newspapers. All internal communications were strictly controlled by the camp administration. The Japanese language was banned at public meetings, and the Buddhist and Shino religions were suppressed⁸.

The detainees tried to make the dreary camps halfway tolerable by foraging scrap materials to make furniture and room partitions. They used indigenous plants to make gardens and surplus materials or adobe to build schools and recreation facilities. Detainees also operated their own camp farms, and many camps became self-sufficient in food.

Milton S. Eisenhower, associate director of the Office of War Information, in a letter dated April 22, 1943, to the President said: "My friends in the War Relocation Authority, like Secretary Ickes, are deeply distressed over the effects of the entire evacuation and the relocation program upon the Japanese Americans, particularly upon the young citizen group. Persons in this group find themselves living in an atmosphere for which their public school and democratic teachings have not prepared them. It is hard for them to escape a conviction that their plight is due more to racial discrimination, economic motivations and wartime prejudices than to any real necessity from the military point of view for evacuation from the West Coast."⁹

In a letter dated June 2, 1944 to the President, Secretary of the Interior Harold L. Ickes called attention to "the urgent necessity of arriving at a determination with respect to revocation of the orders excluding Japanese Americans from the West Coast."¹⁰ In his letter Ickes states reasons for revoking the exclusion orders including: "the psychology of the Japanese Americans in the relocation centers becomes progressively worse. The difficulty which will confront these people in readjusting to ordinary life become greater as they spend more time in the centers."¹¹ Commenting further on camp life Ickes said: "The children in the centers are exposed solely to the influence of persons of Japanese ancestry. They are becoming a hopelessly maladjusted generation, apprehensive of the outside world and divorced from the possibility of associating—or even seeing to any considerable extent—Americans of other races."¹²

In an article printed in the New York "New Leader," April 17, 1943 titled "Inside-Jap-Crow Camps—The Story of West Coast Evacuations" describes conditions in the camps. "Delinquency has become a grave problem in camps. Before the evacuation the Nisei had the lowest delinquency and crime rate of any racial group in the West. They had the lowest rate of relief cases even in the bottom of the depression. In short, they had excellent civic records which in pre-war days the politicians were glad to repeat to Nisei groups whose votes they sought. Now the government is sending social workers to try and check this delinquency. What irony! The blame does not rest with the delinquent children or their parents. It rests directly with the intolerable social conditions of the camps—no privacy, no home—one vast, demoralizing slum."

In conclusion the following is excerpted and adapted from WRA Community Analysis Report No. 1, October 1942:

All evacuees in relocation centers have an uneasy feeling of insecurity that determines many of their actions. This insecurity is due to the war, and especially to the relocation program whereby families often had to move not once but twice or three times. All of this occurred in a few weeks or months. The newspapers carry stories of threats to deport Japanese after the war, threats to deprive Nisei of citizenship, threats to prevent the return of evacuees to California after the war. WRA policy in the relocation centers differs from the policies followed by the Army in the assembly centers, and WRA policy itself has often changed. Small wonder, then, that an evacuee wonders "what next." He is worried and insecure in regard to what will happen after the war, what will become of his children's manners and morals as a result of life in center barracks, with the common mess halls and lavatories. He is worried about tomorrow's food, tomorrow's health, tomorrow's children. It is this basic insecurity and multitude of anxieties that cause so many alarmist rumors to fly through the centers and cause so many people to become apathetic.

⁸ *The Japanese American Incarceration: A Case for Redress*, p. 16.

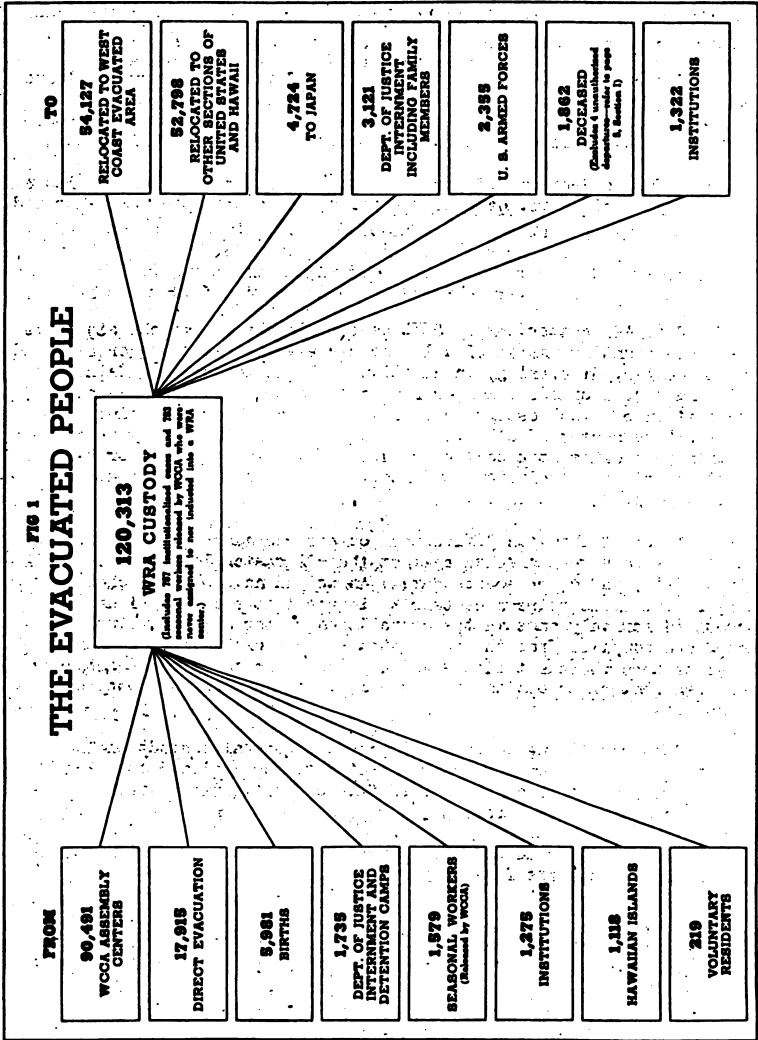
⁹ *Ibid.*, p. 118.

¹⁰ *Ibid.*, p. 219.

¹¹ *Ibid.*, p. 220.

¹² *Ibid.*, p. 220.

QUANTITATIVE LISTING OF THOSE EVACUATED



ROLE OF THE JAPANESE-AMERICAN SERVICEMEN IN WORLD WAR II

ROLE OF THE 442D AND MIS

The Japanese Americans did not foster resentment or anger toward the American people and the government for their evacuation and mistreatment during World War II. Instead, these Americans of Japanese descent accepted their mistreatment as a challenge and sought opportunities to show their loyalty to the United States.

Dr. Noel Leathers, author of "The Japanese in America,"¹ writes of the historic participation of Japanese Americans in the United States military as follows:

During the first year of the war, Japanese Americans had very little chance to participate in the nation's war efforts, except for those who had been drafted prior to December 1941. When the doors to our armed forces were finally re-opened to them, they took an active part in the war. In Hawaii alone, more than 16,000 Americans of Japanese ancestry were drafted into the armed forces through the selective service system. It should be noted that the total number of drafted men of all races in Hawaii throughout the war totaled 32,000. This meant that the Americans of Japanese ancestry made up nearly 50 percent of all drafted men in the territory of Hawaii during World War II.²

On January 28, 1943, the Secretary of War announced the formation of a special combat team of Japanese Americans and called for volunteers—1,500 from Hawaii and 3,500 from the mainland. Anticipating objections in principle to segregation, the War Department provided the following rationale: The important consideration for Nisei was that they be given the right to fight for their country. If troops of Japanese ancestry were diffused throughout the armed forces, they would count only as additional manpower; and there would be no way of taking special account of what the group had contributed. But the performance of a separate unit would be noticed and could serve as conclusive refutation of charges of disloyalty. In support of the proposal, President Franklin D. Roosevelt declared, "The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart. Americanism is not, and never was, a matter of race or ancestry."³

This led to the birth of the most famous units of the Japanese Americans during World War II: the 100th Infantry Battalion and the 442nd Regimental Combat Team.

According to Dr. Leathers:

After the Pearl Harbor attack, the Japanese Americans who were members of the Hawaiian National Guard were formed into a separate group. They were later sent to the United States and became the heart of the 100th Infantry Battalion. This group was first known as the Hawaiian Provisional Battalion, and it arrived at Camp McCoy in Wisconsin early in June 1942. The battalion later moved to Camp Shelby, Mississippi, where it continued its training until August 1943.

The 100th arrived in Italy in September of 1943 and was assigned to part of the 34th Division. From September of 1943 until February 22, 1944, the 100th Infantry Battalion was in constant action. It participated in the landing at Salerno and the heavy fighting that took place there. After nearly six months of action in the Italian campaign, the Japanese Americans had suffered a loss of almost 600 men due to death, wounds, or exposure.

When the 442nd Regimental Combat Team arrived in Italy in June of 1944, it absorbed the 100th Infantry Battalion into its own ranks. This was a happy reunion for many members who were friends or relatives of the members of the 100th Battalion which was by now a veteran infantry outfit. The 100th Infantry Battalion had made the assault landing at Anzio Beach in Italy late in March of 1944, skirted past the capital of Italy, and was finally joined with the 442nd Regimental Combat Team.⁴

The battalion continued its operations as the American Army crossed the Arno River after having fought and marched through the city of Pisa in northern Italy. Following this, they were pulled back from the front lines for a month's rest; and in September of 1944, they joined the Seventh Army and its invasion of France through the south.

¹ Noel L. Leathers, Ph. D., "The Japanese In America" (Minneapolis: Lerner Publications Co., 1967).

² *Ibid.*, p. 49.

³ Tamotsu Shibutani, "The Derelicts of Company K" (Berkeley: University of California Press, 1978).

⁴ Leathers, *op. cit.*, p. 50.

During this time, the 442nd Regimental Combat Team probably performed its most heroic action. This was the rescue of the famous Lost Battalion of the 36th Texas Division of the United States Army. The Lost Battalion had been isolated behind German lines one week; and the German high command was determined that the battalion should not be rescued, whatever the cost. Since the Third and 100th Battalions of the 442nd Regimental Combat Team were the freshest troops in the Seventh Army, they were assigned the task of rescuing the Lost Battalion. During this engagement, the 442nd lost more men than in any of its other operations during the entire war. Casualties ran as high as 60 percent; and in some rifle companies, the casualties ran even higher. Ordinary infantry company strength in the Third and 100th Battalions was considered to be 200 men. The fighting was so heavy that many companies had from only 30 to 40 men left, and one company was down to less than 10. Some companies and platoons operated without their regular officers who had been killed or wounded, and the noncommissioned officers took over the responsibility and continued the battle. After nearly six days of terrific combat, the Lost Battalion was rescued.⁵

In March 1945, the Japanese American units departed from France and re-landed in Italy. At this time, they were joined to the 92nd Division; and here they fought for the rest of the war spearheading the successful drive to Genoa, Milan, and Turin. During this campaign, Sadao S. Munemori earned the Medal of Honor. Munemori was born in Los Angeles, California and volunteered as a member of the 100th Infantry Battalion. On April 5, 1945 near Seravezza, Italy, he gave his life in an heroic gesture when he smothered a grenade blast with his body in order to save two of his men.⁶

The 442nd RCT returned to the United States on July 2, 1946. On July 16, 1946, they were awarded a distinguished honor by the President of the United States, Harry S. Truman. Despite a heavy rainstorm, President Truman reviewed the proud members of the 442nd as they marched down Pennsylvania Avenue. At the conclusion of the review, he awarded the Regimental Combat Team the Presidential Distinguished Unit Citation. Then Mr. Truman stated:

You fought for the free nations of the world along with the rest of us. I congratulate you for that, and I can't tell you how much the United States of America thinks of what you have done. You are now on your way home. You fought not only the enemy but you fought prejudice, and you have won. Keep up that fight, and we continue to win—to make this great Republic stand for just what the Constitution says it stands for: the welfare of all the people all the time.

This was not the only unit citation that these two distinguished groups received during the war. In fact, they received a total of seven separate Presidential Unit Citations for outstanding operations and brilliant tactical operations during their months in combat in Italy and France. The 100th Infantry Battalion was correctly called "the Purple Heart Battalion."⁷

A final tally of the honors earned by the 442nd RCT at the end of the war showed:⁸

- 7 major campaigns in Europe;
- 7 Presidential Unit Citations;
- 9,486 casualties;
- 18,143 individual decorations, including:
 - 1 Congressional Medal of Honor;
 - 52 Distinguished Service Crosses;
 - 1 Distinguished Service Medal;
 - 560 Silver Stars, with 28 Oak Leaf Clusters in lieu of Second Silver Star awards;
 - 22 Legion of Merit Medals and approximately 4,000 Bronze Star awards, with about 1,200 Oak Leaf Clusters representing Second Bronze Stars;
 - 15 Soldiers Medals;
 - 12 French Croix de Guerre, with two Palms representing Second Awards;
 - 2 Italian Crosses for Military Merit; and
 - 2 Italian Medals for Military Valor

According to Pentagon records, this was the most decorated unit for its size in the United States Army in all its history.⁹

⁵ *Ibid.*, p. 51.

⁶ *Ibid.*, p. 52.

⁷ *Ibid.*, p. 53.

⁸ Allan Bosworth, "America's Concentration Camps" (New York: W. W. Norton & Co., 1967), p. 15.

⁹ *Ibid.*, p. 16.

In his book, *America's Concentration Camps*, Allan Bosworth describes the situation of the Nisei soldiers' families :

"Back in the United States, the Army had been sending spit-and-polish teams to present posthumous awards to the families of these fallen heroes. Color guards turned out. Military ceremony was observed as the DSC's, Silver Stars, Bronze Stars, and Purple Hearts were pinned on mothers' blouses.

"The parents, wives, brothers, and sisters of these dead heroes, however, could not go to Washington, D.C. or even to the nearest Army base to accept these honors. They were under machine-gun guard, behind barbed wires, and search-light watch towers; they were being detained in the tar-paper barracks of ten dreary camps called 'Wartime Relocation Centers'.

"Virtual prisoners of war, many of the mothers were in those camps for as long as four years, or many months after their sons had died for America. Neither the Gold Star mothers, nor any of the rest of a total of more than 110,000 people, two-thirds of whom were American citizens, had been charged with any crime. None had any kind of hearing. None had had a day in court."¹⁰

One must not overlook the exploits of the thousands of Japanese Americans who fought in the Pacific theater of operations. Since the activities of the Military Intelligence Service were cloaked in secrecy, the accomplishments of Nisei troops in the Pacific could not be disclosed until late in the war. In August 1944, the awarding of Bronze Stars to six Nisei who had participated in the conquest of Saipan was announced.¹¹

In late 1944 and early 1945, numerous articles were published on individual Nisei who had sacrificed their lives or were highly decorated in the Pacific. Joe Rosenthal, who photographed the memorable picture of marines raising the American flag on Mount Suribachi in April 1945, revealed that many Nisei serving in the Pacific had volunteered for dangerous missions and that they had coaxed countless enemy soldiers to surrender—thus saving American lives.

The Congressional Record of the 88th Congress, first session, acknowledged the many exploits and achievements of the Nisei in the Military Intelligence Service Language School (MISLS). On February 28, 1946, President Truman declared in part :

"It is significant that of the 33,000 Americans of Japanese ancestry who served in the Armed Forces, there were a great number of casualties, including hundreds who died for the American way of life.

"The record is documented by episodes of the highest valor. Yet the noblest evidence of their devotion to America is that in fighting for their country, those assigned to the Pacific theater had to fight people of their own race. This they did, knowing that in victory for the American cause was victory for all mankind.

"Their service is a credit not only to their race and to America but to the finest qualities in human nature."

As Japanese language specialists, they were instrumental in translating the battle plans of the Imperial Japanese Navy. This resulted in the worst defeat in naval history to the Japanese fleet off the northeast coast of the Philippines. It has been said that due to the assistance of the Japanese American Language Specialists that "never before in history did one army know so much concerning its enemy prior to actual engagement as did the American Army during most of the Pacific campaigns."

Graduates of the MISLS translated the entire Japanese battle plans for the naval battle of the Philippines. These plans were captured from the commander-in-chief of the combined Japanese fleets when the plane in which he was hurrying to join his fleet made a forced landing in the Philippines. Likewise, the complete Japanese plans for the defense of the Philippines were also made known long before the landing on Leyte.

Guadalcanal, Buna, New Georgia, Myitkyina, Attu, Munda, Peleliu, Tarawa, Saipan, Iwo Jima, Leyte, Okinawa—these are to mention only a few of the places where American troops were aided by Nisei combat intelligence. And these non-Nisei soldiers will long remember the Japanese American combat intelligence men who lie where they feel—not in a confined cemetery but in the steaming jungles and sandy beaches far from home.¹²

¹⁰ *Ibid.*, p. 16.

¹¹ Shibusaki, *op. cit.*

¹² For more detailed accounts of the Nisei soldier see: "The Story of the 442nd Combat Team" (Company K Club, Information-Education Section, San Francisco, 1979) and Orville Shirey's "Americans—The Story of the 442nd Combat Team" (Washington: Infantry Journal Press, 1946).

The Nisei, who were described as America's "Human Secret Weapon" against the Japanese, were so efficient that captured documents sometimes proved their worth within 20 minutes after seizure by American soldiers when United States troops were sent against the new enemy installations they disclosed. General Joseph W. Stilwell had this to say about the Japanese American soldier at the conclusion of World War II:

"The Nisei bought an awfully big hunk of America with their blood. We cannot allow a single injury to be done them without defeating the purposes for which we fought."

In his autobiography, "I Was An American Spy," Colonel Sidney F. Mashbir, who commanded the Allied Translator and Interpreter Service in which thousands of Nisei served, devotes a whole chapter to "The Nisei". He begins his chapter with these paragraphs:

"I want to make an unequivocal statement in regard to the Americans of Japanese ancestry who, being American citizens, fought by our side in the war. Had it not been for the loyalty, fidelity, patriotism, and ability of these American Nisei, that part of the war in the Pacific which was dependent upon intelligence gleaned from captured documents and prisoners of war would have been a far more hazardous long drawn-out affair.

"The United States of America owes a debt to these men and to their families which it can never fully repay. At a highly conservative estimate, thousands of American lives were preserved and millions of dollars in material were saved as a result of their contribution to the war effort. It should be realized, also, that this group of men had more to lose than any other participating in the war in the Pacific."¹³

CONSTITUTIONAL AND LEGAL IMPLICATIONS

Hirabayashi v. United States,¹ *Yasui v. United States*,² *Korematsu v. United States*,³ *Ex parte Mitsuye Endo*⁴—these Supreme Court decisions concerning the evacuation of persons of Japanese ancestry, their exclusion from the West Coast from the summer of 1942 until January 1945, and their detention for varying periods of time in assembly and relocation centers, have profoundly changed the topography of American constitutional interpretation. Indeed, several eminent legal scholars⁵ have examined the precedence established regarding the scope of national war powers, the method of judicial review over military decisions,⁶ and interpretation of the equal protection clause of the Fourteenth Amendment.⁷ These jurists have specifically focused on the effect which such precedence has had upon subsequent models of constitutional analysis.⁸ However, for all the impact which these cases have had on theories of constitutional adjudication, several constitutional questions concerning the method of adjudication employed in the cases themselves have yet to be examined. A brief examination of the factual setting surrounding these four cases and of the Supreme Court's rationale in each decision may highlight but a few of the questions which could be posed regarding the Supreme Court's decisionmaking process in these cases.

The first two cases to reach the Supreme Court, *Hirabayashi v. United States* and *Yasui v. United States*, involved violations of a curfew order imposed under executive power. The legal foundation for the prosecution in both cases rested on Executive Order 9066, Public Law 503, and Public Proclamation No. 3 of the Western Defense Command. In Executive Order 9066, the President, after declaring that "the successful prosecution of the war requires every possible protection against espionage and against sabotage to national defense material, . . . premises and . . . utilities" authorized and directed the Secretary of War or any military commander designated by him "to prescribe military areas . . . from which any or

¹³ Duane R. Shellum, "America's Secret Weapon," (Minneapolis: Minnisei Printers, Inc., 1977).

¹ 320 U.S. 81 (1943).

² 320 U.S. 115 (1943).

³ 323 U.S. 214 (1944).

⁴ 323 U.S. 283 (1944).

⁵ See e.g., Gunther, Gerald, "Constitutional Law: Cases and Materials," New York: The Foundation Press, Inc., 1976; Rostow, Eugene V., "The Japanese American Cases—A Disaster," *The Yale Law Journal*, Vol. 54, No. 3, pp. 489-533, June 1945; tenBroek, Jacobus, Barnhart, Edward N., Matson, Lloyd W., "Prejudice, War and the Constitution," Berkeley: University of California Press, 1954; Tribe, Laurence H., "American Constitutional Law," New York: The Foundation Press, Inc., 1978.

⁶ See e.g., *Korematsu v. United States*, 323 U.S. 214 (1944) (J. Jackson, dissenting).

⁷ *Id.* at 235 (J. Murphy, dissenting).

⁸ *Korematsu*, for example, established that a strict standard of judicial scrutiny should be applied when classes are defined along racial lines. See footnote 29 *infra* and accompanying text.

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 appropriate military commander may impose in his discretion."⁹

Public Law 503, enacted by Congress on March 21, 1942, had ratified Executive Order 9066, and provided that the violation of any order of any military commander was deemed to be a misdemeanor punishable by fine, imprisonment, or both.¹⁰

Public Proclamation No. 3, issued by General DeWitt, Commander of the Western Defense Command, proclaimed that "military necessity" required "the establishment of certain regulations pertaining to all enemy aliens and all persons of Japanese ancestry" within Military Area No. 1, prescribed by earlier proclamations. Accordingly, Public Proclamation No. 3 ordered that "all alien Japanese, all alien Germans, all alien Italians, and all persons of Japanese ancestry residing or being within the geographical limits of Military Area No. 1 . . . shall be within their place of residence between the hours of 8 p.m. and 6 a.m., which period is hereafter referred to as the hours of curfew."¹¹

Gordon K. Hirabayashi, presently a professor of sociology at the University of Alberta, was born, raised, and educated in public schools in Seattle, Washington. At the time of his arrest, he had never been to Japan, had had no connection or association with Japanese in Japan, and was then a senior at the University of Washington. Hirabayashi was criminally prosecuted for violation of the curfew order, tried by jury, convicted, and sentenced to three months' imprisonment.¹²

Minoru Yasui, now the director of the Denver Commission on Community Relations, was born, raised and educated in public schools in Oregon. He also went to a Japanese language school for about three years. He later attended the University of Oregon, where he received both his A.B. and L.L.B. degrees. He was a member of the Bar of Oregon and a second lieutenant in the United States Army Infantry Reserve. He had been employed by the Japanese Consulate's Office in Chicago before the war, but resigned his position with the consulate as of December 8, 1941, the day after Pearl Harbor.

Yasui decided to test the constitutionality of the curfew order then in effect, and discussed this intention with an FBI agent before voluntarily violating the order. After violating it, he requested that he be arrested so he could then attempt to obtain a writ of habeas corpus for his release, and, in this manner, bring his case before the courts.

Subsequently, Judge Alger Fee of a federal district court in Oregon ruled that the congressional act of March 21, 1942, then in effect as Public Law 503, was unconstitutional as it applied to American citizens. However, he held that in the case of Yasui, Public Law 503 was constitutional as defendant Yasui had renounced his citizenship "by reason of his course of conduct"—that is, by his having been employed by the Japanese consul in Chicago, in spite of the fact that Yasui testified that at no time had he renounced his citizenship. Judge Fee sentenced Yasui to one year's imprisonment—the maximum permitted by law for the violation.¹³

Both of these cases, *Hirabayashi v. United States* and *Yasui v. United States*, were taken to the Court of Appeals for the Ninth Circuit and ultimately reviewed by the Supreme Court as companion cases involving the same constitutional issues.¹⁴ Chief Justice Harlan Fiske Stone delivered the unanimous opinion of the Court, presenting the following issues:

1. Whether the particular restrictions violated, namely that all persons of Japanese ancestry residing in such an area be within their place of residence between the hours of 8 p.m. and 6 a.m., were adopted by the military commander in the exercise of an unconstitutional delegation by Congress of its legislative power,

2. Whether the restrictions unconstitutionally discriminated between citizens of Japanese ancestry and those of other ancestries in violation of the Fifth Amendment.

⁹ 7 Fed. Reg. 1407 (1942).

¹⁰ Pub. L. No. 77-503, 56 Stat. 176 (Act of Mar. 21, 1942).

¹¹ 7 Fed. Reg. 2543 (1942).

¹² He was also prosecuted on a count for failure to register for evacuation from a designated military area pursuant to Executive Order 9066. Upon conviction of this count, he was sentenced to three months' imprisonment, which ran concurrently with the sentence imposed on the curfew count.

¹³ *United States v. Yasui*, 48 F. Supp. 40 (D.C.N. Ore., 1942).

¹⁴ This analysis is found in "The Bamboo People" by Frank Chuman (Del. Mar. California: Publishers, Inc., 1976). Mr. Chuman is a practicing attorney of the California bar and a former national president of the Japanese American Citizens League (1960-62).

With reference to the first issue, the Supreme Court denied that the curfew order of General DeWitt was an unconstitutional delegation by Congress of its legislative power. The logic of the Court was as follows:

1. Congress, by the act of March 21, 1942 (Public Law 503), provided criminal penalties for violation of orders of the military commander. Congress, by enacting Public Law 503, in effect ratified and confirmed the President's Executive Order 9066.

2. Congress, through Public Law 503, thus authorized the implementation of Executive Order 9066 on the part of the commanding officer in declaring the curfew order.

3. Since Congress and the President acted in cooperation with regard to any and all orders of the commanding officer, Congress and the executive both had constitutional authority to impose the curfew through military authorities.

4. Since it was within the constitutional power of the Congress and the executive to prescribe the curfew order, said curfew order of General DeWitt was not an unlawful delegation of legislative power.

As to the second issue, the Supreme Court reasoned as follows:

1. The imposition of the curfew order was an emergency war measure. The war power of the national government is "the power to wage war successfully." This war power extends to every matter and activity so related to war as to substantially affect its conduct and progress.

2. The Constitution placed the responsibility for warring upon the executive branch of the government, and the executive could delegate this responsibility to the military commander.

3. The military authorities determined that because of "attachments" of persons of Japanese ancestry to the Japanese enemy, including United States citizens of Japanese ancestry, these persons, as a group, could be a greater source of danger than those of a different ancestry.

4. Distinctions between citizens because of their ancestry were by their very nature odious to a free people whose institutions were founded upon the doctrine of equality. Legislative classifications or discrimination based on race alone has often been held to be a denial of equal protection.

5. However, danger of espionage and sabotage in time of war and of threatened invasion calls upon the military authorities to scrutinize every relevant fact bearing on the loyalty of populations in the danger areas.

6. For the successful prosecution of the war, citizens of one ancestry may be placed in a different category from others.

7. The fact that attack on our shores was threatened by Japan rather than another enemy power set these citizens apart from others who had no particular associations with Japan.

8. The military commander, acting with the authorization of Congress and the executive, had constitutional power to appraise the danger in the light of the authorized standard and the inferences that he drew from these facts involved the exercise of his informed judgment.

9. These facts, and the inference that could be rationally drawn from them, supported the judgment of the military commander that danger of espionage and sabotage to our military resources was imminent and that the curfew order was appropriate measure to meet it, based on military necessity.

10. Since the findings of the military commander were adequately supported by basic facts in the light of knowledge then available, the curfew order was an appropriate means of minimizing the danger.

11. The Court therefore could not sit in review upon the wisdom of the military action or substitute the Court's judgment for the judgment of the military commander.

In this manner, the Supreme Court sanctified the findings of one man later described as "irrational"—General DeWitt.¹⁵ Although the Court vacated the *Yasui* judgment, remanded the case for resentencing, and also ordered the lower court to strike its findings as to Yasui's alleged loss of United States citizenship,¹⁶ the Court upheld Hirabayashi's conviction and sentence.¹⁷

Mention should be made that Yasui was just one of over one hundred loyal Americans of Japanese ancestry who sought to challenge the military orders in court by deliberately violating one or more of the orders and inviting arrest.¹⁸

¹⁵ Chuman at 189.

¹⁶ 320 U.S. at 116-17.

¹⁷ 320 U.S. at 105.

¹⁸ "The Japanese American Incarceration: A Case for Redress," 2d ed., The National Committee for Redress, JACL, Feb. 1979, at 19.

Eighteen months after the *Hirabayashi* and *Yasui* cases, when commenting on the circumstances of the evacuation involved in *Korematsu v. United States*, a few of the justices of the Supreme Court were to have second thoughts regarding the "facts" upon which General DeWitt had based his judgment in issuing his curfew and exclusion orders. One justice then declared General DeWitt's findings to have been "an accumulation . . . of misinformation, half-truths, and insinuations that had for years been directed against the Japanese Americans by people with racial and economic prejudice—the same people who have been among the foremost advocates of the evacuation."¹⁹

Most of the members of the bench before (and after) the *Hirabayashi* and *Yasui* cases had been vigorous champions of the human rights and civil liberties of Communists, common criminals, anarchists, and a host of other persons generally considered anathemas by the American people.²⁰ For these persons, these same justices had been meticulously careful in defining procedural and substantive due process and had upheld the doctrine of separation of powers between the legislative and executive branches of government.²¹ One can only wonder what overriding considerations must have prompted these justices to allow a breakdown in the separation of powers doctrine to establish that whether military intentions are justified or merely capricious, that the actions of the military, if based on "findings of 'military necessity,'" would be upheld by the United States Supreme Court.

In the next case to reach the Supreme Court, on December 18, 1944, the Supreme Court upheld the constitutionality of the mass evacuation of Japanese in *Korematsu v. United States* by a vote of six to three.²²

The facts indicated that Fred T. Korematsu, "an American citizen of Japanese descent, was convicted in a Federal District Court for remaining in San Leandro, California, a 'military area,' contrary to Civilian Exclusion Order No. 34, of the Commanding General of the Western Command, United States Army, which order directed that after May 9, 1942, all persons of Japanese ancestry should be excluded from that area."²³ The Court noted that there was never any question as to Korematsu's loyalty to the United States—he had been born in Oakland, California, and was educated in American schools. He could not read or write Japanese, had never been outside of the United States, and was not a dual citizen. The evacuation orders disrupted his plans to marry a Caucasian girl, prompting his decision to evade them and to remain within the forbidden territory. Although he was furnished with bail following his arrest, he was not allowed his freedom awaiting trial—his being free on bail would have violated DeWitt's Order No. 34. The army seized him and confined him at first at the Tanforan Racetrack [Assembly Center], then in the county jail until his trial.

Korematsu was eventually convicted for violating the evacuation order and sentenced to five years' probation. Once again, Korematsu should have been able to walk out of the courthouse, but once again the army seized him, and then sent him to a detention camp. Just as his being at large on bail would have been a violation of Order No. 34, so would his being on probation have violated that same order. The exclusion order was, in the words of Justice Roberts, "nothing but a cleverly devised trap to accomplish the real purpose of the military authority, which was to lock him up in a concentration camp. The only course by which [Korematsu] could avoid arrest and prosecution was to go to that camp according to instructions to be given him when he reported at a civil control center."²⁴

In his majority opinion, Justice Hugo Black stated that the only issue presented by the *Korematsu* case was the constitutionality of the exclusion order.²⁵ In upholding the exclusion order, Justice Black reasoned that:

1. "[all] legal restrictions which curtail the civil rights of a single racial group are immediately suspect," subject to the "most rigid scrutiny,"

2. "pressing public necessity may sometimes justify the existence of such restrictions,"

3. "The Court here found the requisite pressing public necessity to sustain the exclusion order."²⁶

¹⁹ *Korematsu v. United States*, 323 U.S. at 239 (J. Murphy, dissenting).

²⁰ Chuman at 190.

²¹ *Id.*

²² *Korematsu v. United States*, 323 U.S. at 216.

²³ *Id.* at 194 (majority opinion).

²⁴ *Id.* at 232 (J. Roberts, dissenting).

²⁵ *Id.* at 222 (majority opinion).

²⁶ *Id.* at 216 (majority opinion).

The Court justified the exclusion order as a military imperative in the following way:

1. that "the power to protect must be commensurate with the threatened danger,"
2. that because "we are at war with the Japanese Empire, . . . the properly constituted military authorities feared an invasion of our West Coast and and felt constrained to take proper security measure, [and so] decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily,"
3. that the military authorities had found "that it was impossible to bring about an immediate segregation of the disloyal from the loyal,"
4. that the exclusion of *all* persons of Japanese ancestry from the West Coast was therefore justified.²⁷

Ironically, *Korematsu* is one of the very rare cases in which a classification based on race or ancestry has survived this strict Court scrutiny.²⁸

Three of the nine justices dissented in the *Korematsu* cases: Justice Owen Roberts. Justice Robert H. Jackson, and Justice Frank Murphy. The one person on the Court who would have been expected to vote to uphold the validity of the evacuation of *Korematsu* was Justice Roberts.²⁹

Justice Roberts had been the chairman of the commission to investigate the attack on Pearl Harbor. The release of his report to the public in January 1942 had contained unproven allegations of fifth column activities by Japanese-Americans in Hawaii—allegations that had caused hysterical reactions on the West Coast against the Japanese. The Roberts report of January 25, 1942 concluded that there had been widespread espionage in Hawaii by persons of Japanese ancestry. The evacuation order had been, in part, based on the conclusions of Justice Roberts' report.

Therefore, it would seem to follow that Justice Roberts would have insisted that the evacuation order as it applied to *Korematsu* be upheld rather than to have him released. Otherwise, such a person as *Korematsu* would have been at large to commit such acts as the Roberts report had alleged had been committed by the Japanese in Hawaii. However, in contradiction of his own stated opinion in his report, Roberts voted with the minority of the Court to invalidate the exclusion order.

Justice Jackson, former Attorney General and Chief Prosecutor at the Nuremberg war trials, objected to the majority opinion on procedural grounds:

"[A] judicial construction of the due process clause that will sustain this order is a far more subtle blow to liberty than the promulgation of order itself. A military order, however unconstitutional, is not apt to last longer than the military emergency. . . . But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. *The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need.*" [Italic added]³⁰

Justice Murphy wrote the strongest dissent. He balanced the need for an exclusion order, which "necessarily must rely for its reasonableness upon the assumption that all persons of Japanese ancestry may have a dangerous tendency to commit sabotage and espionage," an assumption which he felt could not be supported by "reason, logic, or experience," against appropriate respect due to military judgment in wartime,³¹ and concluded that the public danger here motivating the exclusion order was not so great and imminent to allow a deprivation of individual rights without the intervention of such ordinary constitutional processes such as hearings.³² Of significance is Justice Murphy's statement that "it seems incredible that under these circumstances it would have been impossible to hold loyalty hearings for the mere 112,000 persons involved—or at least for the 70,000 American citizens."³³ He added in a footnote that the British government had been able to determine through individualized hearings whether 74,000 Ger-

²⁷ *Id.* at 197 (majority opinion).

²⁸ Gunther at 698.

²⁹ Chuman at 193.

³⁰ 323 U.S. at 246 (J. Jackson, dissenting).

³¹ *Id.* at 234 (J. Murphy, dissenting).

³² *Id.* at 235 (J. Murphy, dissenting).

³³ *Id.*

man and Austrian aliens were genuine risks or only "friendly enemies." The British had accomplished that task in a six month period after the outbreak of war, and only 2,000 were ultimately interned.³⁴ Therefore, to exclude all persons of Japanese ancestry without individualized hearings to determine loyalty was obvious racial discrimination, and violated the equal protection clause of the Fourteenth Amendment.³⁵ He accordingly dissented from "this legalization of racism" with the following words:

"Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedoms guaranteed by the Constitution."³⁶

Remember, though, that these are the words of dissents only—the ruling of the *Korematsu* case has established that the Supreme Court will not review the findings of the military when a state of "military necessity" has been declared. *Korematsu* has been so cited as the legal authority underpinning Title II of the Internal Security Act of 1950.³⁷

Ex parte Mitsuye Endo,³⁸ decided the same day as *Korematsu*, squarely presented the issue of relocation-center detention which the Court avoided in *Korematsu*.

Mitsuye Endo was a United States citizen of Japanese ancestry, and was a California state employee at the time of the outbreak of World War II. Soon after the war, she was dismissed from state civil service under orders of the state personnel board. She had never attended a Japanese language school, could neither read nor write Japanese, and was not a dual citizen. She had a brother serving in the United States Army. Her family did not even subscribe to a Japanese language newspaper. In July, 1942, she filed a petition for writ of habeas corpus in the United States district court for the Northern District of California, asking that she be discharged from the Tule Lake camp and restored to liberty. That petition was denied in July, 1943. In the interim period, on February 19, 1943, she made application for leave clearance which was available to those found to be "loyal" to the United States to the satisfaction of camp authorities and could meet other requirements, such as having a definite job to which they could go, a home in which to live, and a friendly community to which they could be sent.³⁹ Leave clearance was granted to her on August 16, 1943, but she was not allowed to leave immediately. She had not made application for indefinite leave.

The federal government conceded that the United States Department of Justice and the War Relocation Authority [WRA] found her to be a loyal and law-abiding citizen. No claim was made that she was detained on any charge or that she was even suspected of disloyalty. The attorneys for the government further agreed that it was beyond the power of the WRA to detain citizens against whom no charges of disloyalty or subversiveness had been made. What the government attorneys did insist upon, however, was that detention for an additional period after leave clearance had been granted was an essential step in the total evacuation program. Without such WRA control, there would be uncoordinated migration of "unwanted people" to "unprepared communities," which would result in hardship and disorder. It was also argued that Executive Order 9102 authorized the WRA to make regulations to control situations created by the exercise of the powers conferred upon the WRA for protection against espionage and sabotage.⁴⁰

The Supreme Court, however, invalidated relocation-center detention for persons whose loyalty was granted and who therefore were clearly held in confinement or subjected to leave procedures and conditional release for social rather than military reasons.⁴¹ The Court reasoned that the act of March 21, 1942, which created the WRA, provided a program to *remove* the Japanese from their homes, but not to *detain* them.⁴² In the opinion for the Court, Justice William O. Douglas declared that "detention in Relocation Centers was no part of the original pro-

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 242 (J. Murphy, dissenting).

³⁷ *Chuman* at 194.

³⁸ 323 U.S. 233 (1944).

³⁹ *Id.* at 285, 293.

⁴⁰ *Id.* at 294-95.

⁴¹ *Id.* at 297-98.

⁴² *Id.* at 299-303.

gram of evacuation." He pointed out that the legislative history of the act establishing the WRA and the Executive Order 9066 authorizing the evacuation was silent on the power of the WRA to detain the evacuees. He delineated Executive Order 9066 and Executive 9102, and all the public proclamations including the 108 civilian exclusion orders issued by General DeWitt, as being war measures put into effect only to "remove from designated areas . . . persons whose removal is necessary in the interests of national security."⁴³

Justice Douglas went on to state that "the authority [of the WRA] to detain a citizen or to grant him a conditional release as protection against espionage or sabotage is exhausted at least when his loyalty is conceded." Douglas thereby concluded that Endo was "entitled to an unconditional release by the War Relocation Authority."⁴⁴

Justice Murphy, who had dissented in *Korematsu*, concurred in the *Endo* case, stating:

" . . . detention in Relocation Centers of persons of Japanese ancestry regardless of loyalty is not only unauthorized by Congress or the Executive but is another example of the unconstitutional resort to racism inherent in the entire evacuation program. Racial discrimination of this nature bears no reasonable relation to military necessity and is utterly foreign to the ideals and traditions of the American people."⁴⁵

Justice Roberts added:

" . . . the court is squarely faced with a serious constitutional question, whether the relator's detention violated the guarantees of the Bill of Rights of the Federal Constitution and especially the guarantee of due process of law. There can be but one answer to that question. An admittedly loyal citizen has been deprived of her liberty for a period of years. Under the Constitution, she should be free to come and go as she pleases. Instead, her liberty of motion and other innocent activities have been prohibited and conditioned. She should be discharged."⁴⁶

It is important to remember, however, that the Court in *Endo*, consistent with its holding in *Korematsu*, specifically stated that the original expulsion from the West Coast and the detention for three years without charges, trial, or determination of loyalty were legitimate exercises of presidential and military power during an emergency. The Court merely ruled that Endo and other admittedly loyal American citizens could not be imprisoned indefinitely.

The *Endo* decision was announced on December 18, 1944.⁴⁷ The Western Defense Command (then under General Henry C. Pratt) had rescinded the exclusion and detention orders a day earlier on December 17 to allow most of those incarcerated to return to the West Coast effective January 2, 1945. One cannot help but wonder what circumstances and forces were at play between the highest judicial and executive positions in our land to render a rescission of the exclusion and detention orders and Supreme Court decisions concerning those orders within a day of each other.

The *Hirabayashi*, *Yasui*, *Korematsu*, and *Endo* decisions constitute valid, viable law today. The Japanese American Citizens League proposes that the Commission referred to in S. 1647 undertake an unbiased report to determine what undue presidential and congressional influences, if any, affected the judicial process in the period spanning these four decisions, which would approximate a breakdown in the fundamental Constitutional doctrine of the separation of powers between the three branches of government. To establish that the executive, congressional, and judicial branches acted—or did not act—with independence and integrity in this significant chapter of American constitutional interpretation is to help ensure that our government will operate in the manner envisioned by the Framers of the Constitution.

CONCLUSION

The facts of the period of history under consideration speak for themselves and, in our view, are incontrovertible. The days and weeks following the attack on Pearl Harbor put this nation under great stress and self-doubts, and in the climate that existed, prompted a series of events that culminated in an extraordinary episode in the history of the United States: the evacuation and incar-

⁴³ Id. at 300.

⁴⁴ Id. at 304.

⁴⁵ Id. at 307-08.

⁴⁶ Id. at 310.

⁴⁷ Id. at 283.

ceration behind barbed wire and armed military guards of innocent victims of an identifiable group of American citizens and legal resident aliens.

The evacuation was initiated by regional pressure groups along the West Coast and was subsequently manifested through the highest levels of this nation's government. It was, oddly, a singular event in which a regional attitude, as it were, was implemented into a national policy which was sanctified by the very actions of the government. The fact of the evacuation is evidence of the consequent failure of the government to carry out the responsibility of maintaining the democratic principles of this nation. Through its participation in the evacuation, the government demonstrated the failure of the system of checks and balances which are intended to insure the protections and rights of American citizens.

The President failed when he signed Executive Order 9066, which provided the means ultimately for the evacuation. The Congress failed when it passed Public Law 77-503 and when it failed to question the intent of the Executive Order and the domestic policies being enacted by the military. And the United States Supreme Court, the final arbiter of justice, failed when it refused to examine the argument of "military necessity" and therefore deemed the evacuation constitutional. The system of democracy was placed under stress and was tested by the times, and it failed miserably.

In short, the evacuation exemplifies the tragic failure of American democracy.

Japanese Americans, the hapless victims of the government's policies in 1942, maintained, however, their faith in the very system that denied them their rightful place in this society and remained loyal to the government which had inflicted an unconscionable injustice upon them. They were, after all, American citizens for whom the history, the customs, and the beliefs of the United States were inextricably a part of their existence. In 1942, they acquiesced to the government's demands because, as American citizens, they were given no other alternatives.

Although we delve into the past and make certain historical determinations as to how the evacuation came about, there are many profound questions which cannot be answered in light of the limited evidence available. It is important to understand not only the manner in which the evacuation decision was made, but it is also important to know why such a gross violation of constitutional rights was sanctioned at the highest level of government—by the President himself. It is, we feel, in the best interest of this country as the world's beacon of democratic principles to pursue a close examination of the evacuation in order to help insure that an injustice of the past is not repeated.

To this end, the Japanese American Citizens League (JACL) has endorsed passage of S. 1647 and H.R. 5499, the "Commission of the Wartime Relocation and Internment of Civilians Act", as a means of providing a vehicle for an objective and thorough investigation of the evacuation.

In seeking a resolution for our past experience, the JACL and the Japanese American community throughout this country have been involved in discussions for approximately ten years. These discussions have not been without conflict and strong differences of opinion, for as with any organization, we are not all of a like mind on the issue. Whatever our differences, however, the Japanese American community maintains a unanimous view that the redress issue, so-called, is an injunction to review the moral and constitutional principles of this nation.

Our initial discussions focused on the attempt to seek monetary compensation for our experience of 1942, but through months of consideration and in consultation with various Members of Congress and others, our position has evolved to supporting a Presidential factfinding commission whose task it will be to study the evacuation and to determine whether an injustice was committed against American citizens and legal resident aliens. The JACL, in concert with the concept of S. 1647, places its faith in the commission to view the facts regarding the evacuation and to correct a grievous injustice of the past by recommending appropriate remedies.

It is the hope of the Japanese American Citizens League that, through the commission, there will be an official query into the past events that shaped a fateful policy, and in so doing, to insure the principles of democracy in the future.

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Civilian Exclusion Order No. 5

WESTERN DEFENSE COMMAND AND FOURTH ARMY
WARTIME CIVIL CONTROL ADMINISTRATION

Presidio of San Francisco, California

April 1, 1942

INSTRUCTIONS TO ALL PERSONS OF JAPANESE ANCESTRY

LIVING IN THE FOLLOWING AREA:

All that portion of the City and County of San Francisco, State of California, lying generally west of the north-south line established by Junipero Serra Boulevard, Worcester Avenue, and Nineteenth Avenue, and lying generally north of the east-west line established by California Street, to the intersection of Market Street, and thence on Market Street to San Francisco Bay.

All Japanese persons, both alien and non-alien, will be evacuated from the above designated area by 12:00 o'clock noon, Tuesday, April 7, 1942.

No Japanese person will be permitted to enter or leave the above described area after 8:00 a. m., Thursday, April 2, 1942; without obtaining special permission from the Provost Marshal at the Civil Control Station located at:

1701 Van Ness Avenue
San Francisco, California

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property including: real estate, business and professional equipment, buildings, household goods, boats, automobiles, livestock, etc.
3. Provide temporary residence elsewhere for all Japanese in family groups.
4. Transport persons and a limited amount of clothing and equipment to their new residence, as specified below.

THE FOLLOWING INSTRUCTIONS MUST BE OBSERVED:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 a. m. and 5:00 p. m., Thursday, April 2, 1942, or between 8:00 a. m. and 5:00 p. m., Friday, April 3, 1942.

2. Evacuees must carry with them on departure for the Reception Center, the following property:

- (a) Bedding and linens (no mattress) for each member of the family;
- (b) Toilet articles for each member of the family;
- (c) Extra clothing for each member of the family;
- (d) Sufficient knives, forks, spoons, plates, bowls and cups for each member of the family;
- (e) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with instructions received at the Civil Control Station.

The size and number of packages is limited to that which can be carried by the individual or family group.

No contraband items as described in paragraph 6, Public Proclamation No. 3, Headquarters Western Defense Command and Fourth Army, dated March 24, 1942, will be carried.

3. The United States Government through its agencies will provide for the storage at the sole risk of the owner of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.

4. Each family, and individual living alone, will be furnished transportation to the Reception Center. Private means of transportation will not be utilized. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station at 1701 Van Ness Avenue, San Francisco, California, between 8:00 a. m. and 5:00 p. m., Thursday, April 2, 1942, or between 8:00 a. m. and 5:00 p. m., Friday, April 3, 1942, to receive further instructions.

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



PANEL: JAPANESE AMERICAN CITIZENS LEAGUE

TESTIMONY OF JOHN Y. TATEISHI, REDRESS CHAIRPERSON, JAPANESE AMERICAN CITIZENS LEAGUE; WILLIAM HOHRI, NATIONAL COUNCIL FOR JAPANESE AMERICAN REDRESS; MIKE M. MASAOKA, PRESIDENT NISEI LOBBY; PRESIDENT, ALEUTIAN PRIBILOF ISLANDS ASSOCIATION; AND MIKE ZACHAROF, EXECUTIVE DIRECTOR; PHIL TUTIKOFF, CHAIRMAN OF THE BOARD

TESTIMONY OF MR. TATEISHI

Mr. TATEISHI. Thank you, Mr. Chairman, and members of the committee.

My name is John Y. Tateishi. I am currently the chairman of the National Committee for Redress of the Japanese American Citizens League or the JACL. I would like to thank the committee for inviting me to speak on behalf of the JACL advocating the passage of H.R. 5499.

It is a pleasure for me to come from my home in the San Francisco bay area to speak in favor of this legislation.

In view of the pressing time schedule of this committee, I would like to keep my comments short and address specifically the legislation before you and the proposal to establish a commission to investigate the events of 1942.

I might point out, however, that although I may look young, I was in one of the camps. I was at Manzanar which is in the Owens Valley in California.

One of the questions that arises in discussing the Commission is whether or not this Commission can do any more than a committee of the Congress. I think that one of the important things that we can investigate is to look at why some of the events took place. For example, as you, Mr. Chairman, have pointed out, the Director of the FBI, Mr. Hoover, himself, was against the internment. His agency had investigated the Japanese American communities throughout the west coast.

There was also an investigation by Naval Intelligence, by Army Intelligence, and by a special Presidential representative, Lt. Cmdr. Curtis B. Munson.

All the intelligence reports indicated quite clearly there was "no Japanese problem" on the west coast in the event of an invasion, and those who might be questionable had already been identified by these investigative agencies, to that the very basis which lay for the rationale for the internment itself, the exclusion and internment of Japanese Americans, was this question of loyalty of Japanese Americans in the event of an invasion by Japan. But that question had already been determined.

I think that the benefit of this type of Commission is that it can investigate, gather the facts and come to some determination of why those types of things happened in 1942 that we experienced.

We know from the documents that we have been able to see there was no question of our loyalty as far as the Government was con-

cerned and yet at some high level of office or high level of Government the decision was made contrary to those reports.

So I think the benefit of this type of Commission can be to investigate what happened in 1942 and to make a determination of why the events took place. And also in reference to the Supreme Court decision, the trilogy of the Nisei cases, the cases of Fred Korematsu, Gordon Hirabayashi and Minoru Yasui to determine what happened and why the Supreme Court upheld the decisions of the Government to exclude and intern Japanese American citizens.

I would like to point out that my organization feels very strongly that the Commission is something that can benefit all Americans, and we feel that it is very necessary in view of some of the events that we have seen in this country recently; in the Iranian situation, that it is important to understand how such actions could have taken place in the past.

Our concern is with the future, and we hope no other group of citizens will experience what we experienced in 1942, whether they are Japanese Americans, Irish Americans, or Iranians, or whoever. We feel that in 1942, the principles of American democracy suffered an extreme low and that our experience, although we feel it was a personal tragedy, was also a tragedy for the American people, and that it is our sincere hope that this type of thing will never happen again.

Thank you, Mr. Chairman.

Mr. DANIELSON. Thank you very much for your presentation. Mr. McClory, can we go through the panel?

Without objection, we will hear next from the president of the National Council for Japanese American Redress.

TESTIMONY OF MR. HOHRI

Mr. HOHRI. I appreciate this opportunity to speak before this committee of my peers, my fellow Americans. At the outset, I wish to separate my comments from the case being presented by the Aleuts. I strongly support their case for a commission. I feel it is separate but a very important issue.

I must, however, convey my disappointment that you do not have more representation from all the various groups who requested to testify. There are people representing organizations in Seattle, Los Angeles, and New York, who wanted to be here today. This is an important historic occasion. But they were not invited.

I cannot speak for them. But I do know that they support the Lowry redress bill and oppose the study commission. Were they permitted to be present, you would have received a more accurate image of the opinion of Japanese Americans on this issue.

Last April, our organization, the National Council for Japanese American Redress, conducted a telephone poll of 100 randomly selected Japanese American families in Chicago. Of the 100, only 12 favored the study commission. Almost half, 49, favored direct redress. The remainder were uncertain or uninterested. So, that suggests that the view favored by Congress, that is, the study commission, is a view supported only by a small minority of Japanese Americans.

On the other hand, the Lowry redress bill—H.R. 5977—comes much closer to the desires of most of us. It is a simple, easily understood

proposal to redress the victims of America's unjust internment camps and thereby to repair the damage done to our Constitution.

I am pleased to know that there are Members of Congress who support this bill. But I am frankly at a loss to understand how anyone who believes in the Constitution should choose to oppose it or ignore it.

The amount the bill asks for is nominal, a token of \$15,000, plus \$15 for each day spent in camp. That comes to around \$3 billion. My own inclination is to demand \$1,000 a day. That would come to around \$100 billion. Maybe if we started there, we would wind up with \$3 billion. But I know—I know. We live in a time of the balanced budget and of severe cuts to many worthy programs. We must be practical. There are political realities. You just can't pass a money bill. OK. But I can't pass up the opportunity to observe that it would be convenient if we ordinary citizens could plead the need for a balanced home budget as a way of escaping judicial penalties imposed for our wrongdoing.

But why then the study commission?

Why not simply vote against Mr. Lowry's redress bill? Why must we have insult added to injury?

If America cannot afford redress, if support of the Constitution has a price, if we can negotiate, barter the application of justice, then vote against it.

Why must you saddle the victims with this charade, this exploitation called a study commission?

What do you hope to accomplish by having hearings in various cities? What do you hope to accomplish by asking Japanese American victims to parade before a commission? What are we supposed to say? Are we supposed to prove that we were mistreated and humiliated? Are we supposed to prove that our constitutional rights were violated? Is there some new truth you hope to have revealed to you about the clarity and wisdom of our Constitution?

Or are we, the victims, simply to be exploited in order to protect, to obscure a basic lack of courage in the legislative branch of government? Are we to be actors in a charade that is to be billed and somehow construed as justice?

May I suggest that if you cannot vote for redress, you also vote against the study commission? Spare us, please, the indignity.

But if there is still room for deliberation, may I conclude with a concrete proposal based on the issue. We do have to deal with the issue. For it is in dealing with the issue that we are able to reckon with history. And it is history that will be the final arbiter.

Article I, section 9, of the U.S. Constitution states:

The Privilege of the Writ of Habeas Corpus shall not be suspended unless when in cases of Rebellion or Invasion the public safety may require it.

This is the issue. Without the writ, all other rights fall by the way-side. We were interned without a trial or a hearing or any due process of law, even though most of us were citizens of the United States. The Constitution became a piece of paper. The writ was suspended. A precedent was established. It waits, like a loaded gun, ready to be used against anyone.

There is a remedy. If we possess the simple wisdom to see that the Constitution was violated, we take the first step. The next is to acknowledge the miscarriage of justice by redressing the victims. Redress

by compensation is a well-established practice of American law. Redress by compensation for a miscarriage of justice is stated as a human right in article 10 of the American Convention on Human Rights, to which this Nation is a signatory. Redress would affirm and uphold the Constitution. It would remove the loaded gun.

We have before us two proposals. In my mind, they stand in opposition to each other. But need they? I know there are many people who sincerely support the study as a requirement for reaching redress. So why cannot the two proposals be combined? Why can we not accept the Lowry redress bill as a firm resolve by the Congress to redress the victims?

Why can we not begin with the admission that an injustice occurred which needs to be remedied?

Who of us here really believes that a study of the facts is necessary?

Who of us doubts that the Constitution was severely violated? Let's begin with redress.

Then we can transform the commission into a commission not for study but one to determine the most feasible method of payment. You don't need to study the victims. But the figuring out of how to fit \$3 billion into the next several years could require some real effort.

I thank the committee for this opportunity to be heard. I must admit that I am not at all optimistic. Maybe the gun will have to be fired. Maybe we, the children of those camps, will have to die away before there is justice, just as our parents have done. Maybe it will be for some future historian to say that America was tested and found wanting.

Mr. DANIELSON. Thank you, Mr. Hohri.

Now, Mr. Mike Masaoka of the Nisei Lobby.

[The prepared statement of Mr. Masaoka follows:]

STATEMENT OF MIKE M. MASAOKA

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STATEMENT OF MIKE M. MASAOKA

Mr. Chairman and Members of the Committee: My name is Mike M. Masaoka, with offices in Washington, D.C.

From the summer of 1941 to the spring of 1943, when I volunteered for service, along with four brothers, for the now famous 442nd Regimental Combat Team, I was the National Secretary and Field Executive of the Japanese American Citizens League (JACL), then and now the major national organization of Americans of Japanese ancestry in the United States.

In this capacity, I was as involved as any Japanese American in the events leading up to the subject matter of this legislation and the World War II evacuation, detention, and relocation of those of Japanese origin in this country.

After my honorable discharge from the Army in late 1945, I became the Washington Representative for the JACL and served, first, full-time, and, subsequently, part-time until I retired voluntarily from that professional relationship in 1972.

During my 35 years as a Washington lobbyist, I was privileged to work very closely with this Committee in securing corrective and remedial legislation for those of Japanese parentage, including the so-called Japanese American Evacuation Claims Act of 1948 and its subsequent amendments that provided partial, token payments for certain property losses suffered as a consequence of the 1942 evacuation and detention, the Immigration and Nationality Act of 1952 which extended naturalization rights—for the first time in history—to permanent resident aliens of Asiatic nationalities and which opened up symbolic immigration quotas to those in the Asia-Pacific Triangle, and the 1965 Amendments to the Immigration Act that repealed the racist, infamous National Origins Quota formula of 1924 and abolished the doubly racist Asia-Pacific Triangle of 1952.

This morning, I am appearing on behalf of the Nisei Lobby, a nonpartisan, nonprift organization of Americans of Japanese background who are the first generation of United States-born citizens of this racial minority. Most served with honor in the American armed forces in World War II. All were the innocent victims of American-style concentration camps. Practically all also are members of the JACL.

EXPEDITIOUS ACTION CALLED FOR

The Nisei Lobby respectfully calls on the Congress for the expeditious enactment of H.R. 5499, and particularly as it was passed without objection by the entire Senate with amendments proposed by its Committee on Governmental Affairs on May 22 as S. 1647.

When originally introduced, both measures were identical in purpose and language. Cited as the "Commission on Wartime Relocation and Internment of Civilians Act", their common objective was "to establish a commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order numbered 9066, and for other purposes", including recommending "appropriate remedies".

As approved by the Senate, the essential purpose remains the same but amendments were added which we believe make the legislation more effective and realistic.

In addition to decreasing the number of commissioners from 15 to seven, requiring the Commission to report to Congress earlier, and mandating the termination of the Commission itself, two major amendments were adopted by the Senate.

One would add the Aleuts of Alaska to be the subject of Commission review to the unmentioned by name but understood persons of Japanese ancestry to be the beneficiaries of the bill.

The other was to specifically provide that the "Commission may request the Attorney General to invoke the aid of an appropriate United States District Court to require, by subpoena or otherwise, such attendance, testimony, or production" to better permit the Commission to ascertain the facts in the case.

The sum of \$1,500,000 was authorized to be appropriated "for the period beginning October 1, 1980 and ending February 1, 1982."

And, because time is running out on this 96th Congress, we urge this Subcommittee, this Committee, and the House to accept the amended Senate bill, substitute it for H.R. 5499, pass it as S. 1647, and send it on to the White House for an appropriate presidential signature before Flag Day, June 14.

Such quick action is necessary if the authorized appropriations are also to be approved by the Congress prior to the early October projected adjournment sine die date.

When one recalls that California in pre-World War II times was the notorious poisoned American fountainhead of anti-Orientalism, racism, prejudice, jingoism, and "Yellow Peril" warmongering, it is a remarkable commentary on changed attitudes that 41 of the 43 national Representatives from that State in this session of the Congress joined in sponsoring H.R. 5499, with both of its United States Senators similarly joined in co-sponsoring the companion bill, S. 1647.

Perhaps even more remarkable is that by a 75 to 0 vote the California State Assembly recently passed Assembly Joint Resolution 56 that memorialized the Congress to enact H.R. 5499 and S. 1647. That resolution is now before the California State Senate and near unanimous, if not unanimous, approval is expected in that body soon too.

And, in taking up H.R. 5499 this morning, please keep in mind that almost 150 members of the House, of both parties, from all sections of the nation, are co-sponsoring this bill, including the Majority Leader Jim Wright, the Majority Whip John Brademas, the Chairman of this Judiciary Committee Peter Rodino, and the two Japanese American Congressmen—Norman Mineta and Robert Matsui.

Both of the Japanese Americans, incidentally, spent some time in these concentration camps, Mineta in Heart Mountain, Wyoming, as a junior high school student, and Matsui, as an infant in Tule Lake, California, where medical facilities were so poor that his hearing was impaired for the rest of his life.

Time is of the essence in considering this remedial legislation, for most of the pioneer Issei or immigrant generation have passed on and many of us Nisei are in the twilight of our lives. Every passing day brings news that a few more of those who experienced the concentration camps of World War II are passing away, for the initial movement took place in the early spring of 1942, some 38 years ago, with all the physical suffering, mental anguish, and financial losses that such an arbitrary and unexpected movement took out of the human body and spirit, plus the humiliation and degradation of being unjustifiably suspected by your neighbors, your fellow citizens, and your own government.

There is a lot of truth in the statement that "Justice delayed is justice denied", and we are the living examples of that denial.

Moreover, in these difficult days when American protestations of its ideals and aspirations for human and civil rights for all peoples throughout the world are under scrutiny, enactment of this legislation would be proof positive that these United States remain "the last best hope of mankind".

H.R. 5977 NOT APPROPRIATE

We are very much aware that H.R. 5977 is also before this Committee at this time. This bill provides for individual indemnification of \$15,000, plus an additional \$15 for every day spent in the camps. No explanation or justification is given for concluding that this specific amount, \$15,000 plus \$15 for every day of confinement, is the correct and proper amount to be calculated, let alone a breakdown or itemization of the factors involved in this particular calculation.

The Nisei Lobby is very much opposed to this bill, for it places a nominal price tag on our incarceration that cheapens what happened to us. We are of the opinion that no amount of money can compensate us for what we endured in those tragic times.

Moreover, the bill raises more questions than it answers. For example, should those who left the camps early to resume their schooling in the so-called "normal, outside" communities be penalized? Should the youthful volunteers for military service be paid less than those who, when Selective Service again began to call

qualified Japanese Americans, refused to report for induction and remained in camp to the end of the war? Should those who left camp early to work in the fields, or in the factories, to grow the food or produce the machines for victory be compensated less than those who deliberately stayed in camp and took advantage of the government's food and clothing allowances?

Should infants be paid the same rate as adults? Should professional doctors, dentists, attorneys, teachers, engineers, etc., who were paid only a fraction (\$12, \$16, and \$19 per month) of what was paid to their non-evacuee counterparts, many of whom were only beginners and actually were in training under the supervision of the more experienced, more often highly-skilled evacuees? Should the sick, the lame, and the healthy all be paid the same regardless of whether they sustained their handicaps while in camps? Should those who voluntarily uprooted and relocated themselves outside of the exclusion areas at their own expense on the early urgings of the commanding general of the Western Defense Command be paid less than those who moved only when ordered to do so as a last resort?

Many more questions of this type could be asked, and answered rhetorically.

But the bill itself is unrealistic in the political climate of these days when a balanced budget is the goal not only of the Congress but also of the Administration. When so many urgently needed social and humanitarian programs are being reduced in scope or even eliminated entirely, when our national defenses require considerable modernization and manpower increases, there simply is not enough readily available to pay the approximately \$3 billion or so from the public treasury that is envisioned by H.R. 5977.

The 13 to 0 vote of the Governmental Affairs Committee in reporting S. 1647 after considering the proposal for individual lump sum payments to the evacuees confirms our views on this score, especially since some of the amendments were adopted at least in part for budgetary reasons.

This political judgment was also vindicated when the full Senate without dissent approved the amended legislation.

It may be of interest to the Committee too that the JACL, the largest by far of all Japanese American organizations in the United States, with more than a hundred chapters and members in 32 states, not only polled their own members but also the many communities in which their members reside before deciding to endorse the so-called Commission formula.

In addition, the leaders of two major minorities in this country who have suffered historic racial and religious persecution have indicated their support for this Commission approach. They are Clarence Mitchell, for decades the respected Washington representative of the National Association for the Advancement of Colored People and a founder and legislative director of the National Leadership Conference on Civil Rights, and Nathan Perlmutter, National Director of the Anti-Defamation League of B'nai B'rith.

Furthermore, it should be noted that there is nothing in H.R. 5499 to prevent those who favor lump sum payments from testifying to that effect to the proposed Commission. Indeed, it may well be that in the end the Commission itself may reach the same conclusion. But the Congress will be more likely to approve such a conclusion if it is recommended by an impartial Commission of distinguished Americans after exhaustive and detailed study.

Finally, should the House concur in the Senate amendment to add Aleut civilians to this bill as specific beneficiaries by name, a fundamental public policy question arises: Should the Japanese Americans, the Aleuts, and possibly others who may qualify for relief under this measure, be treated exactly alike, in every way, as groups and as individuals?

The Nisei Lobby believes that only a Commission can determine such issues as these.

ADDITION OF ALEUT CIVILIANS

We welcome the inclusion of Aleut civilians in this proposed legislation, as we would welcome any others, individuals and groups, who were deprived, denied, or disadvantaged by the wartime activities of the United States military on account of race, color, creed, religion, and/or national origin.

Just as most Americans, especially the generations who did not live through World War II as adults, do not know—and appreciate—the epic tragedy of Japanese Americans in those perilous times, there are many more—including American Japanese—who are not at all aware of the plight of the Aleuts.

The Nisei Lobby believes that there may be other minorities who may also have been mistreated by the armed forces as a supposed "matter of military

necessity" in World War II, so we would be opposed in principle and in fact to any restrictions in this bill to just Japanese Americans and Aleuts.

It is our understanding, for example, that under martial law in the then Territory of Hawaii where a mass evacuation and detention of Americans of Japanese ancestry did not take place, certain citizens and aliens were interned in Hawaiian versions of little concentration camps for temporary periods, while several thousand others were sent to the continental mainland to join the Japanese Americans and their parents who were imprisoned behind barbed wire fences and watch-towers with mounted machine guns.

It is also our understanding that in various areas outside of the excluded region itself along the Pacific Coast, special military zones were established by designated military commanders around certain strategic installations and all enemy aliens, Germans and Italians too, were required to leave these proscribed zones for "free zones" where there were no arbitrary limitations on physical movement.

WHY THE COMMISSION FORMULA?

H.R. 5499 and S. 1647 provide for the creation of a seven member Commission, properly staffed, whose duty would be to "review the facts and circumstances surrounding Executive Order No. 9066, issued February 17, 1942 and the impact of such Executive Order on American citizens and permanent resident aliens", to hold public hearings in various specified cities, and to "submit a written report" to the Congress.

Why, some ask, do we need a fact-finding commission to tell us Japanese Americans that we were evacuated and detained simply and solely by what the Supreme Court of the United States described as our "affinity" with the Japanese enemy?

The answer reminds us of the innocent victims of an automobile accident: they know that they were involved in an accident through no fault of their own. But, witnesses to the accident may have different versions of what happened, and why, including mitigating circumstances, if any. Recourse to the judiciary is an obvious procedure, especially when only a few individuals are concerned.

In the case of the World War II travail of Japanese Americans, however, where more than 110,000 aliens and nonaliens—in the words of the Western Defense Command—were evacuated and imprisoned in what euphemistically may be called concentration camps, American style, the nation's highest tribunal, the Supreme Court in a six to three opinion, decided in the early winter of 1944 (Korematsu case) that the so-called evacuation was a constitutional exercise of the President's war powers as of those times and under those circumstances.

Because the Court of Last Resort ruled as it did, the Nisei Lobby, the JACL, and others are appealing to a higher authority, petitioning the Congress of the United States "for a redress of grievances", as authorized by the Federal Constitution.

In times past, ever since the Republic was established more than 200 years ago, it has not been an unusual or uncommon practice of the National Legislature to establish special commissions of distinguished and learned citizens to study general and specific problems and to recommend appropriate remedies and/or solutions.

This has been particularly true when the subject matter is such that a congressional committee or subcommittee cannot, because of the constraints of time and other factors, conduct an exhaustive investigation or study, involving a number of public hearings in several different geographical areas and a considerable variety of opinions, reach definitive conclusions, and recommend appropriate relief or remedies.

This case too is complicated by the fact that the events took place almost four decades ago and many, if not most, of the leading characters are no longer with us. And, complicating this further is the fact that at least two ethnic minorities—the Japanese Americans and the Aleuts—are directly involved. Additionally, since this episode in our history is considered by many "as our biggest wartime mistake"—in the words of then Yale Law School Dean Eugene Rostow—and by others as "The most striking (racial) mass interference since slavery with the right to physical freedom"—as described by President Harry Truman's Committee on Civil Rights in 1947—there may be aspects that remain classified, or deliberately hidden, or even conveniently lost.

Only a fact-finding Commission can investigate the many still unknown definitive facts and the influential actors who played the critical but perhaps lesser and background roles. Only a Commission can begin to try to answer officially the

questions that we have raised in this statement, and many more that we and others can ask out of our personal experience in that wartime tragedy.

To assure that this Commission is not an excuse for continued delay in redressing our 1942 persecution, deadlines are written into the measure for the submission of reports and the termination of the official activities of the Commission.

That so many have agreed that the Commission concept is the most satisfactory and acceptable should be evidence enough that H.R. 5477 and S. 1647 are the only alternatives that should be considered by this Committee at this time.

WHY WE SEEK "REDRESS OF OUR GRIEVANCES"?

Since the JACL has submitted considerable documentation as to what is generally known as the World War II travail of Japanese Americans, we will not burden the record with a repetition of such facts.

There may be some who, however, recognizing that in a global war all segments of the population are called upon to suffer, may wonder why mostly Japanese Americans will be the beneficiaries of this special legislation.

In 1947, this Judiciary Committee in its report recommending enactment of the Japanese American Evacuation Claims Act, addressed itself to this question, as follows:

"... The Committee considered the argument that the victims of relocation were no more casualties of the war than were many millions of other Americans who lost their lives or their homes or their occupations during the war. However, this argument cannot be considered tenable since in the instant case the loss was inflicted upon a special racial group by a voluntary act of the Government without precedent in the history of this country. Not to redress these loyal Americans in some measure for the wrongs inflicted upon them would provide ample material for attacks by the followers of foreign ideologies on the American way of life, and to redress them would be simple justice."

As the Committee also noted in its 1947 report:

"... The Committee was impressed with the fact that, despite the hardships visited upon this unfortunate racial group brought about by the then prevailing military necessity, there was recorded during the war not one act of sabotage or espionage attributable to those who were the victims of the forced relocation. Moreover, statistics were produced to indicate the percentage of enlistments in the Armed Forces of this country by those of Japanese ancestry of eligible age exceeded the nationwide percentage. The valiant exploits of the 442nd Regimental Combat Team, composed entirely of Japanese Americans and the most decorated combat team in the war, are well known. It was further adduced that the Japanese Americans who were relocated proved themselves to be, almost without exception, loyal to the traditions of this country, and exhibited a commendable discipline through the period of their exile..."

Nevertheless, as one Japanese American who was probably more personally involved in many of the major public events of this wartime tragedy than most, in what may be my "last hurrah" before this Committee, may I presume upon the time of the members to explain why I personally feel so strongly about this corrective and remedial legislation?

When one considers how difficult it must have been for the acting heads of families, many in their late twenties, to peaceably surrender their properties, most built in a lifetime of toil and struggle on the part of their alien parents, and move out of their homes and associations with dignity, in a disciplined display of loyalty and faith in the American way unmatched in history, carrying only what they could in their own two hands, to tar-paper barracks in the wilderness deserts and river bottoms, to a dark and unknown future, suspect by their own government, I sincerely believe that they are entitled to everything that a grateful government may provide.

Consider that in the spring of 1942 what would have happened to the West Coast of America if the then Japanese population had refused to cooperate in their own removal and that the Army, with bayonets drawn, backed by tanks and artillery, had to force them out of their homes or hiding places one by one, as they tried to resist as best they could with handmade weapons and instruments, against bullets, cold steel, and chemical warfare.

There would have been bloodshed, and the entire war effort would have been compromised. The United States would indeed have been faced with a race war to be exploited by the German and Japanese military and propaganda machines.

In spite of their public humiliation, to their eternal credit, there was not a single conviction of any resident person of Japanese ancestry before, during, and after World War II for espionage and sabotage against their country and mine, though admittedly there were many inviting opportunities for such anti-American activities.

Then, imagine: out of these prison camps, thousands volunteered for combat duty against the enemy in the same Army that had forced them into the concentration camps. They volunteered—not for ordinary service—but for frontline combat, in order to prove their loyalty and their families' loyalty to the country that suspected them. They became, in the reports of their commanding generals like Mark Clark, the most decorated military unit in American history for their size and length of service. But, at what a price! The 42nd became known as the Purple Heart Regiment, with a casualty rate of 309%, the highest in the armed forces of the United States in World War II.

I know because I was there—with them overseas, along with four brothers, one of whom was killed in action and the other 100% disabled. I know what they were fighting for: for the opportunity for themselves, their families still in the camps, and their posterity to live in the kind of America that we must have if we are to fulfill the great American dream and promise.

When I read of old barracks on Army posts that are considered unfit for today's refugees, I can remember the stinking, freshly painted horse stables in fairground race tracks where so many of my family and friends were first moved into. Then I recall how once strong family ties were broken in that communal life where there was no privacy in those concentration camps where American citizens were housed, fed, and clothed worse than the enemy alien diplomats and businessmen who were protected by the Geneva Convention.

And yet today, most are not bitter and complaining. Most are at their new jobs and new homes, being the exemplary citizens that they are. While activists and militants, most of whom were never in the camps, try to persuade them from time to time that they should be angry and demonstrative against the government, they understand that even in America, in times of hate and hysteria, democracy may be abused. But, from their own experience, they know that in these United States justice in time will prevail and that in this land of theirs today there are opportunities for themselves and their children that not even the most optimistic of them would have dreamed possible half a century ago.

These Americans are unconquered, unbowed, and they are proud to be Americans. Therefore, I feel humble yet honored to speak for them before this Committee this morning.

On behalf of those of my comrades from the concentration camps who did not come back from the war, on behalf of the 110,000 dedicated, loyal Americans who proved by their disciplined, nonviolent demonstration of loyalty—of giving up all that they had worked and lived for—in the spring of 1942 as their contribution to the war effort of the nation they truly loved, I ask that this Committee, this House, and this Congress enact legislation establishing a fact-finding Commission that will judge the value of their sacrifices and contributions to the nation and recommend the appropriate remedy, and thereby demonstrate anew to the world that, in the language of Franklin Delano Roosevelt, "Americanism is a matter of the mind and the heart; Americanism never was, and never will be, a matter of race or ancestry!"

Thank you for your courtesy and attention.

Attachments

JACL Statement to Tolan Committee, House of Representatives, February 1942

Exhibit A—The Japanese American Creed, May 9, 1941

Exhibit B—Declaration of JACL Policy, 1942

"Why Japanese Americans Cooperated", *The Japanese American Story*, 1976

[Reprinted from: Hearings before the Select Committee Investigating National Defense Migration, House of Representatives, 77th Congress, 2nd Session, Part 29, San Francisco hearings, February 21 and 23, 1942: Problems of Evacuation of Enemy Aliens and Others from Prohibited Military Zones, pages 11137-8]

STATEMENT BY MIKE M. MASAOKA, NATIONAL SECRETARY AND FIELD EXECUTIVE OF THE JAPANESE AMERICAN CITIZENS LEAGUE, SAN FRANCISCO, CALIF.

On behalf of the 20,000 American citizen members of the 62 chapters of the Japanese American Citizens League in some 300 communities throughout the United States, I wish to thank the Tolan committee for the opportunity given

me to appear at this hearing. The fair and impartial presentation of all aspects of a problem is a democratic procedure which we deeply appreciate. That this procedure is being followed in the present matter, which is of particularly vital significance to us, we look upon as a heartening demonstration of the American tradition of fair play.

We have been invited by you to make clear our stand regarding the proposed evacuation of all Japanese from the West coast. When the President's recent Executive order was issued, we welcomed it as definitely centralizing and coordinating defense efforts relative to the evacuation problem. Later interpretations of the order, however, seem to indicate that it is aimed primarily at the Japanese, American citizens as well as alien nationals. As your committee continues its investigations in this and subsequent hearings, we hope and trust that you will recommend to the proper authorities that no undue discrimination be shown to American citizens of Japanese descent.

Our frank and reasoned opinion on the matter of evacuation revolves around certain considerations of which we feel both your committee and the general public should be apprised. With any policy of evacuation definitely arising from reasons of military necessity and national safety, we are in complete agreement. As American citizens, we cannot and should not take any other stand. But, also, as American citizens believing in the integrity of our citizenship, we feel that any evacuation enforced on grounds violating that integrity should be opposed.

If, in the judgment of military and Federal authorities, evacuation of Japanese residents from the West coast is a primary step toward assuring the safety of this Nation, we will have no hesitation in complying with the necessities implicit in that judgment. But, if, on the other hand, such evacuation is primarily a measure whose surface urgency cloaks the desires of political or other pressure groups who want us to leave merely from motives of self-interest, we feel that we have every right to protest and to demand equitable judgment on our merits as American citizens.

In any case, we feel that the whole problem of evacuation, once its necessity is militarily established, should be met strictly according to that need. Only these areas, in which strategic and military considerations make the removal of Japanese residents necessary, should be evacuated. Regarding policy and procedure in such areas, we submit the following recommendations:

1. That the actual evacuation from designated areas be conducted by military authorities in a manner which is consistent with the requirements of national defense, human welfare, and constructive community relations in the future;

2. That, in view of the alarming developments in Tulare County and other communities against incoming Japanese evacuees all plans for voluntary evacuations be discouraged;

3. That transportation, food, and shelter be provided for all evacuees from prohibited areas, as provided in the Presidential order;

4. That thoroughly competent, responsible, and bonded property custodians be appointed and their services made available immediately to all Japanese whose business and property interests are affected by orders and regulations;

5. That all problems incidental to resettlement be administered by a special board created for this purpose under the direction of the Federal Security Agencies;

6. That the resettlement of evacuees from prohibited areas should be within the State in which they now reside;

7. That ample protection against mob violence be given to the evacuees both in transit and in the new communities to which they are assigned;

8. That effort be made to provide suitable and productive work for all evacuees;

9. That resettlement aims be directed toward the restoration, as far as possible, of normal community life in the future when we have won the war;

10. That competent tribunals be created to deal with the so-called hardship cases and that flexible policies be applicable to such cases.

Although these suggestions seem to include only the Japanese, may I urge that these same recommendations be adapted to the needs of other nationals and citizens who may be similarly affected.

I now make an earnest plea that you seriously consider and recognize our American citizenship status which we have been taught to cherish as our most priceless heritage.

At this hearing, we Americans of Japanese descent have been accused of being disloyal to these United States. As an American citizen, I resent these accusations and deny their validity.

We American-born Japanese are fighting militarist Japan today with our total energies. Four thousand of us are with the armed forces of the United States, the remainder on the home front in the battle of production. We ask a chance to prove to the rest of the American people what we ourselves already know: That we are loyal to the country of our birth and that we will fight to the death to defend it against any and all aggressors.

We think, feel, act like Americans. We, too, remember Pearl Harbor and know that our right to live as free men in a free Nation is in peril as long as the brutal forces of enslavement walk the earth. We know that the Axis aggressors must be crushed and we are anxious to participate fully in that struggle.

The history of our group speaks for itself. It stands favorable comparison with that of any other group of second generation Americans. There is reliable authority to show that the proportion of delinquency and crime within our ranks is negligible. Throughout the long years of the depression, we have been able to stay off the relief rolls better, by far, than any other group. These are but two of the many examples which might be cited as proof of our civic responsibility and pride.

In this emergency, as in the past, we are not asking for special privileges or concessions. We ask only for the opportunity and the right of sharing the common lot of all Americans, whether it be in peace or in war.

This is the American way for which our boys are fighting.

EXHIBIT A.—THE JAPANESE AMERICAN CREED

(Courtesy, Japanese American Citizens League)

I am proud that I am an American citizen of Japanese ancestry, for my very background makes me appreciate more fully the wonderful advantages of this Nation. I believe in her institutions, ideals, and traditions; I glory in her heritage; I boast of her history; I trust in her future. She has granted me liberties and opportunities such as no individual enjoys in this world today. She has given me an education befitting kings. She has entrusted me with the responsibilities of the franchise. She has permitted me to build a home, to earn a livelihood, to worship, think, speak, and act as I please—as a free man equal to every other man.

Although some individuals may discriminate against me, I shall never become bitter or lose faith, for I know that such persons are not representative of the majority of the American people. True, I shall do all in my power to discourage such practices, but I shall do it in the American way—above board, in the open, through courts of law, by education, by proving myself to be worthy of equal treatment and consideration. I am firm in my belief that American sportsmanship and attitude of fair play will judge citizenship and patriotism on the basis of action and achievement, and not on the basis of physical characteristics.

Because I believe in America, and I trust she believes in me, and because I have received innumerable benefits from her, I pledge myself to do honor to her at all times and in all places; to support her constitution; to obey her laws; to respect her flag; to defend her against all enemies, foreign or domestic; to actively assume my duties and obligations as a citizen, cheerfully and without any reservations whatsoever, in the hope that I may become a better American in a greater America—*Mike Masaoka* (as read before the United States Senate and printed in the Congressional Record, May 9, 1941).

EXHIBIT B.—A DECLARATION OF POLICY BY THE JAPANESE AMERICAN CITIZENS LEAGUE

In these critical days when the policies of many organizations representing various nationality groups may be viewed with suspicion and even alarm by certain individuals who are not intimately acquainted with the aims, ideals, and leadership of such associations, it becomes necessary and proper, in the public interest, that such fraternal and educational orders as the Japanese American Citizens League to unequivocally and sincerely announce their policies and objectives:

Now, therefore, in order to clear up any misconceptions, misunderstandings and misapprehensions concerning the functions and activities of this body, the National Board of the Japanese American Citizens League issues the following statement and declaration of policy:

We, the members of the National Board of the Japanese American Citizens League of the United States of America, believe that the policies which govern this organization and our activities as their official representatives are fourfold in nature and are best illustrated by an explanation of the alphabetical sequence of the letters J-A-C-L.

"J" stands for justice. We believe that all peoples, regardless of race, color, or creed, are entitled to enjoy those principles of "life, liberty, and the pursuit of happiness" which are presumed to be the birthright of every individual; to the fair and equal treatment of all, socially, legislatively, judicially, and economically to the rights, privileges, and obligations of citizenship. To this end, this organization is dedicated.

"A" stands for Americanism. We believe that in order to prove ourselves worthy of the justice which we seek, we must prove ourselves to be, first of all, good Americans—in thought, in words, in deeds. We believe that we must personify the Japanese American creed; that we must acquaint ourselves with those traditions, ideals, and institutions which made and kept this Nation the foremost in the world. We believe that we must live for America—and, if need be, to die for America. To this end, this organization is consecrated.

"C" stands for citizenship. We believe that we must be exemplary citizens in addition to being good Americans, for, as in the case of our parents, one may be a good American and yet be denied the privilege of citizenship. We believe that we must accept and even seek out opportunities in which to serve our country and to assume the obligations and duties as well as the rights and privileges of citizenship. To this end, this organization is committed.

"L" stands for leadership. We believe that the Japanese American Citizens League, as the only national organization established to serve the American citizens of Japanese ancestry, is in a position to actively lead the Japanese people residing in the United States. We believe that we have the inspired leadership and membership necessary to carry into living effect the principles of justice, Americanism, and citizenship for which our league was founded. We offer co-operation and support to all groups and individuals sincerely and legitimately interested in these same aims, but we propose to retain our independent and separate status as the Japanese American Citizens League. To this end, this organization is pledged.

Summed up briefly, the Japanese American Citizens League is devoted to those tasks which are calculated to win for ourselves and our posterity the status outlined by our two national slogans: "For better Americans in a greater America" and "Security through unity."

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WHY THE JAPANESE AMERICANS COOPERATED

In 1941, Mike Masaru Masaoka was an instructor in the speech department at the University of Utah. During that year, he was approached by the JACL to become its first full-time, paid staff member. After much deliberation with friends, he resigned his job at the university and accepted the JACL offer. Right away, Masaoka sensed the seriousness of the problems faced by Japanese Americans in case of war between Japan and America.

Shortly after Japan's attack on Pearl Harbor, talk of evacuation and detention surfaced in the United States. Masaoka and other JACL leaders knew then that the Japanese Americans were in deep trouble for no other reason than the fact that they were born Japanese. When the decision was finally made to evacuate and confine Japanese Americans, Masaoka was among those who saw the futility of resistance. He knew that the nation's wartime mood made it in the best interests of the Japanese to go along with the evacuation and eventually detention. Masaoka and the JACL worked hard to help the government carry out an orderly mass movement while keeping faith in American justice and fair play. Masaoka's recollections of that period are given in the remainder of this chapter.

THE EVACUATION DECISION

More than thirty years after the fact, it is difficult to remember all of the circumstances that caused some of us, then leaders of the Japanese American Citizens League, to decide that we of Japanese ancestry should cooperate with the government in our own evacuation and detention in the spring of 1942. But

there are many aspects that contributed to the temper of those times that I can still recall as having forced me, among others, to conclude that cooperation at that time was the best, and only, course of action for our people to follow.

In this connection, it should be kept in mind that we young Nisei in the JACL leadership, then averaging about thirty years of age, had to make the fateful decision that would affect the lives and the fortunes of more than 110,000 men, women, and children, of all ages and in all conditions of health, not only for the immediate future but for years and possibly generations to come.

If we could have acted as individuals and had not been responsible for the destiny of a whole minority group in its most critical period, some of us might—and probably would have—reacted differently. But we did assume the responsibility for the total Japanese population on the Pacific Coast, and often suffered, as a result, severe criticism and even bodily injury. It would have been easier on us as individuals to have avoided that awesome responsibility, but we could not think and act as individuals, accountable only to ourselves and our own self-interest. We were answerable to, and for, the Japanese on the West Coast, so we had to think and act on behalf of all of the people concerned.

We in the JACL did not want to assume the leadership of those of Japanese ancestry since we all had personal and family problems of our own to take care of, but we had no choice if there was to be any leadership at that critical time. Practically every Japanese American organization, except the Christian churches, became defunct after December 7, 1941, and almost every Issei leader was arrested for one reason or another by the FBI and interned soon after the attack on Pearl Harbor. If the JACL had not stepped in to provide the leadership, there would have been panic and chaos in the various Japanese American communities in the western states.

Some Japanese language newspapers were shut down immediately following the Japanese attack, so the JACL had to provide news and information concerning the intentions and programs of the government—national, state, and local. Personal bank accounts were frozen, so the JACL had to persuade Washington to allow the withdrawal of small amounts in order to purchase the bare necessities of life. Many Japanese American businesses were closed down, and many Japanese Americans were summarily fired from their jobs. Other workers would not plant or harvest crops on farms operated by Japanese Americans. In some cases the families of those who were interned had to be taken care of. So many people were out of work that the JACL had to go into the welfare business. Some stores would not sell goods, including medical supplies, to Japanese Americans, so that special arrangements had to be made for necessary purchases. Plans had to be readied to protect as much as possible the lives and property of Japanese Americans from vandalism, arson, and even mob violence.

For understandable reasons, most public officials were reluctant to cooperate with the JACL even in such simple matters as welfare and home protection.

As soon as the demands for the wholesale removal of those of Japanese ancestry surfaced in late December 1941, the JACL tried to frustrate the outcries. Among those clamoring for evacuation were governors and mayors on the Pacific Slope; the entire West Coast congressional delegation to Washington, D.C.; practically every newspaper, magazine, and radio station in the western states; most—if not all—farm and agricultural organizations; the various chambers of commerce and businessmen's associations; the American Legion and the Veterans of Foreign Wars; all labor unions except a few affiliated with the Congress of Industrial Organizations (CIO), and such special groups as the Native Sons and Daughters of the Golden West.

The JACL was far too weak in terms of membership, finances, staff, and public and political influence to be effective against the combination of events and individuals and organizations arrayed against it. Too few non-Japanese along the West Coast, including the overwhelming majority of Christian ministers and members of their congregations, protested at all. The rest of the country ignored what was happening to the civil, property, and human rights of Japanese Americans in the four westernmost states (Washington, Oregon, California, and Arizona).

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order No. 9066, authorizing the secretary of war, or any military commander designated by him, to establish "military areas" and to exclude therefrom "any and all persons." On March 2, 1942, General John L. DeWitt, Commanding General of the Western Defense Command, by authority of the secretary of war, issued Public Proclamation No. 1. This designated the western half of Cali-

ifornia, Oregon, and Washington, and the southern third of Arizona as a military area, and it stipulated that all Japanese, both alien and nonalien, would eventually be removed from that military area.

"Military necessity" was the excuse used to justify this unprecedented action against native-born citizens and their resident alien parents who could not become naturalized citizens by law. It was done without trial or hearing in court, or even the formality of specific charges citing crimes or misconduct on the part of the prospective evacuees.

Thus, in the days after the presidential order authorizing evacuation, the JACL not only had to take care of almost all of the needs of every Japanese American community, but it also had to decide just what realistic alternatives there were for those of Japanese ancestry and which of these alternatives should be taken for the good of the minority as a whole. At the time the JACL was nothing more than a voluntary civic and educational association. It had been in existence nationally for less than twelve years. It had no paid staff except one untried national executive and a few local helpers working mostly on a part-time basis in the larger metropolitan areas, and it had absolutely no credentials or background for social services.

The decision to evacuate was not reached at a single meeting or a series of meetings of JACL officials when all of the facts, arguments, and options could have been carefully examined and discussed. Rather, because of the unique circumstances of those weeks, decision making was a kind of piecemeal operation, with most of those in responsible positions reaching their own conclusions, based upon the facts, rumors, and pressures that came to their attention. When one JACL official chanced across another, there was an exchange of ideas.

In spite of the seemingly haphazard method used, the fateful decision was not reached arbitrarily or capriciously, for all recognized their responsibilities. There was much too much at stake for the individuals concerned, not to mention the other 110,000 innocent people whose lives would be affected by whatever course might be taken. The consensus was developed by sober reflection, serious projections, and selfless disregard for personal consequences.

The awesome duty to recommend the basic course of action to be followed probably fell to one man more than any of the others. He was Saburo Kido, the national JACL president, who was then a practicing attorney in his late thirties. The decision also fell on me. I was the national JACL secretary and field executive and the first and only paid staff member in the history of the JACL. I was in my mid-twenties at the time: an untried, untrained youngster from Salt Lake City where there were few Japanese Americans and when the problems of the minority, if any, were quite different from those on the West Coast.

Nevertheless, since there were no others to assume the responsibilities, we did the best we could. Whenever there was an opportunity, Kido and I would discuss what course JACL should take in connection with the evacuation orders. Our discussions, of course, were based upon the facts as we knew them at that time, on the rumors that were called to our attention, and on the seemingly never-ending meetings which we held with government officials and army officers of all ranks.

Even after all these years, I still remember how wise and statesmanlike Kido was. He had compassion for all the evacuees and a special sensitivity for the future of the young.

What, then, were some of the considerations that led us to conclude that cooperation with the army in our own removal and eventual detention was our only sane and safe course?

To begin with, both of us were very much aware of the racist, anti-Japanese history of the Pacific Coast, particularly California. Anti-Japanese sentiment, often wrapped in the cloak of patriotism, became so powerful that in 1924 it was able to persuade the Congress, against the wishes of President Calvin Coolidge and the State Department, to enact the infamous Japanese Exclusion Act together with the now thoroughly discredited National Origins Quota System. For a few short years, this racist "victory" against the so-called Yellow Peril softened anti-Japanese bigotry. But, with the great economic depression of the 1930s, when unemployment reached unprecedented numbers, the fact that Japanese Americans managed to stay off relief rolls infuriated many Caucasians. Toward the close of that decade, as the Japanese imperialists launched their military adventure against China, jingoists and warmongers joined the racists in a persecution of the Japanese Americans in their midst.

Then came the war, ignited by the attack of the Japanese militarists on Pearl Harbor. Navy wives and others, repatriated from Hawaii immediately after December 7, 1941, returned to the mainland with stories of espionage and sabotage committed by the Japanese American population before, during, and after the attack. They told of arrow-like marks cut in the sugar cane fields pointing to military installations, of Honolulu high school rings worn by the attacking Japanese airmen, and of Japanese Americans driving their trucks across highways to delay military personnel from reporting for duty during the attack.

Although these tales were rumors that were later proved unfounded, we were not informed of the truth until we were already in the War Relocation Authority (WRA) Centers, bitterly called concentration camps, American-style. Indeed, when members of the so-called Tolan Committee interrogated us in San Francisco in late February 1942, they repeated these rumors and demanded an explanation of such activities.

We were also aware that the governors of all twelve western states, with the sole exception of Ralph Carr of Colorado, had warned the army that they could not be responsible for the safety of the evacuees. They said that if the Japanese Americans were dangerous to the security of the Pacific Coast, they were equally dangerous to their respective jurisdictions. Mayors and public officials, except for Mayor Harry Cain of Tacoma, Washington, insisted upon the immediate removal of all the Japanese in their communities. Mayor Fletcher Bowron of Los Angeles was particularly vehement on this score although he apologized years later for his un-American and unconstitutional demands in 1942. All of the major newspapers except the San Francisco Chronicle editorially called upon the government to immediately evacuate and incarcerate the Japanese "for at least the duration" of the war.

Several caravans of trucks and automobiles, filled with Japanese Americans who were acting upon General DeWitt's suggestion that they "voluntarily" leave their homes and possessions in the military area in California, were stopped at gunpoint. Many of the trucks and cars were overturned, and everyone was forced to return to the homes from which they had departed only a few hours earlier.

There were rumors of vigilantism and arson, brutal attacks on individuals, and mob violence against Japanese American communities in some of the rural agricultural regions. The violence was no doubt aggravated by newspaper reports of unidentified planes flying over Los Angeles, lights seen near Santa Barbara on the California coast signaling enemy submarines offshore, and arsenals of weapons and ammunition found by the FBI in many Japanese American homes.

To my mind, however, the most damaging testimony was advanced by Earl Warren, then California's state attorney general. He had maps prepared showing that Japanese Americans owned land near many military and naval installations. He furnished evidence that many Japanese Americans attended Japanese language schools, and he said that perhaps half of the Japanese population were members of the Buddhist faith. Warren charged also that the American-born citizen was more dangerous than his alien parents. Since even then Warren was thought to be a moderate in his attitudes toward other groups and in his outlook on legal issues, his official position was devastating in its influence on people who otherwise might have come to the defense of the constitutional rights of those of Japanese ancestry.

All these incidents, and considerably more, added up to the climate of public opinion against the Japanese in the spring of 1942.

Kido and I, along with a number of other invited Nisei leaders met with California Governor Culbert Olson in Sacramento. The governor warned us that evacuation and detention were imminent. He called upon us to volunteer to go to state-controlled labor camps from which some of us would return each day to harvest our own fields or other farmlands. The money we earned would go into the state treasury! We were informed from time to time of other schemes under which racists would supervise our incarceration and control our activities as laborers—regardless of our experience, education, and excellence in the professions.

As a last effort to prevent the evacuation, some members of the JACL volunteered to serve in combat against the Japanese enemy in the Pacific. But we were turned down summarily and without thanks.

Kido and I often discussed whether one or both of us should not violate the curfew or travel restrictions imposed by the Western Defense Command and test the constitutionality of the military orders. But we eventually rejected such an alternative since we would not have been able to be with the people during

their evacuation and detention and would not share their sufferings and privations and indignities. Moreover, as an attorney, Kido realized that it would take months and perhaps years before such constitutional challenges could be settled by the highest courts. In the meantime, the evacuees would be removed and jailed. Therefore, the two of us agreed that it would be our fate to remain among the prospective evacuees and to try to provide the necessary leadership as best we could. At the same time, we knew of several others who were willing to deliberately violate the curfew and travel restrictions, so we were confident that in time there would be a constitutional test of the issues at hand. We wondered, though, whether in time of war the courts would contradict the commander in chief and his military commanders in their efforts to "protect" the nation from possible invasion, as General DeWitt once claimed in the weeks following the attack on Pearl Harbor.

Both Kido and I were aware from word given us by the military and others that the army at one time was considering the removal and detention of only the enemy alien Japanese. These would be the Issei, who had been lawfully admitted into the United States but denied by federal statute the opportunity to become citizens through naturalization. By definition of law and through no fault of their own, they were enemy aliens. These were our parents, and their removal would not only separate family units but might also leave the aged and the infirm at the mercy of whatever fate awaited them in the camps. For these reasons, the JACL decided to object to the arbitrary separation of families, even though we knew that some of the more independent Nisei would denounce us for that decision. I now doubt that the JACL's beliefs concerning the integrity of the family unit had any bearing on the final military decisions, for more and more people were demanding the complete removal of aliens and citizens alike.

About this time, we were beginning to wonder about the justification for evacuation on the grounds of military necessity. At first, General DeWitt had designated only the western half of the three Pacific Coast states and the southern third of Arizona as the military area from which military necessity required our removal. He had invited those of Japanese background to voluntarily leave this area and to relocate anywhere outside the designated zone. Many, including Kido's family, left their homes and relocated in the eastern half of California. Then, without any advance warning, General DeWitt arbitrarily added the eastern half of California to the military area from which all Japanese Americans were to be excluded. Thus, these evacuees were forced to undergo two evacuation programs: one voluntary and the other involuntary.

About this time, we were also told that the Japanese Americans in Hawaii would not be relocated on the mainland. In 1942 they constituted about a third of the total population of the islands, while we made up less than 1 percent of the total West Coast populace. Hawaii was some three thousand miles nearer to Japan than were the three westernmost states and had actually been under direct military attack. If military necessity dictated our evacuation and detention, what about the Japanese Americans in the Territory of Hawaii?

In the beginning, our wholesale removal and exclusion was demanded because of the fear of espionage or sabotage. Late in February 1942, federal intelligence agencies officially disclosed that before, during, and after December 7, 1941, no person of Japanese origin on the continental mainland had been convicted of either of these crimes. At this point, however, the army and such influential persons as Earl Warren and Walter Lippmann developed the curious doctrine that the actual absence of any espionage or sabotage was even more ominous than widespread treasonable activity. The Japanese Americans, it was alleged, were so well organized and disciplined that they were only waiting for an invasion by the enemy. Then they would rise up to support the Japanese invader.

Finally, it was argued that Japanese Americans had to be evacuated and placed in concentration camps in order to protect them from possible mob action by angry non-Japanese. In other words, the army resorted to the "protective custody" concept to justify our ultimate removal and incarceration.

Where was the "military necessity" in all this?

These actions clearly revealed the racism behind our wartime mistreatment. But what could the JACL have done to overcome racism, when the government, the army, and practically the total population of the West Coast were all united in the demand for evacuation and exclusion?

Even now I remember well the government's presentation of the basic problem to the JACL. We met in early March 1942, with a group of special emissaries from Washington, D.C. They informed us bluntly that the decision had been

made to evacuate all persons of Japanese descent, aliens and citizens alike, from the western half of California, Oregon, and Washington, and the southern third of Arizona. We would first be detained in Wartime Civilian Control Administration (WCCA) assembly camps in racetracks and fairgrounds. Later, we would be taken to the War Relocation Authority (WRA) camps then being constructed by the army in interior wastelands in California, Arizona, Idaho, Utah, Colorado, Wyoming, and Arkansas.

We were urged to cooperate with the army in that removal and detention program, even though it would mean personal sacrifices and suffering and considerable loss of property. If we failed to cooperate, the army would put its contingency plan into operation, and we would be forcibly ejected and incarcerated.

Having been forewarned that the decision had been made to order a mass evacuation, we were not surprised by the announcements. And, since we had discussed the JACL's leadership position on the issue of cooperation with the army, the ultimate decision itself was not difficult to make. We did, however, refuse to commit ourselves at that meeting and requested time to confer with our fellow JACL leaders. But we all felt that we had no alternative to cooperation. Resistance was suicidal.

Our only friend in Washington who might have been able to convince the president and the secretary of war that the evacuation was both unconstitutional and unnecessary was Attorney General Francis Biddle, a noted civil libertarian. He had already capitulated to the military and political demand for total evacuation, however, even though Navy Intelligence and the FBI, as we learned later, opposed the mass evacuation as unnecessary and undesirable. Given the situation, how could we—with little or no influence—continue to "fight" and hope against evacuation?

Furthermore, we were led to believe that if we cooperated with the army in this mass movement, the army, the WRA, and the government would try to be as helpful and humane as possible to the evacuees. Moreover, we feared the consequences if Japanese Americans refused to cooperate, and the army moved in with armed troops and even tanks to eject the people forcibly from their homes and properties. At a time when Japan was still on the offensive and apparently winning the war, we were afraid that the American people would consider us traitors and enemies of the war effort if we forced the army to take drastic action against us. This might forever place in jeopardy our future as United States citizens. As the involuntary trustees of the destiny of the Japanese Americans in this country, we felt that we could do no less than whatever was necessary to protect and preserve that future.

We are quite aware of the personal attitudes of some of the military personnel involved. General DeWitt, who would be in direct charge of any military action against the Japanese, had testified to a Senate Naval Affairs Subcommittee in words to this effect: "A Jap's a Jap. Blood is thicker than citizenship. And giving them a piece of paper to show their citizenship won't change that fact." Colonel Bendetsen, the director of the WCCA, who would supervise the initial movement out of the homes of the evacuees, was determined that any person who was as much as one-sixteenth Japanese, which was double the formula devised by Hitler for the Jews, should be evacuated as a Japanese alien or non-alien.

Probably even more pertinent to our decision to cooperate was the official war policy of the United States government at that time. The policy was to depict the Japanese as an enemy to be defeated at all costs. Therefore, official propaganda promoted the belief that the Japanese were barbarians who could not be trusted and who should be annihilated. Should the JACL give a doubting nation further excuse to confuse the identity of the Japanese enemy with the American of Japanese origin?

Suppose there might be blood shed on the streets of many Pacific Coast communities? We leaders of the JACL could not opt for such a grim and possibly genocidal alternative. With reluctant and heavy hearts, Kido and I joined in calling upon the JACL delegates to the National Emergency Council in San Francisco in mid-March 1942 to urge their members and others of Japanese ancestry in the prohibited zones to cooperate as best they could with the army. We said that they had to move from their homes to temporary assembly centers and then to what might become permanent relocation camps. There were some heated debates and some bitter comments. But, in the end, there was close to unanimity. With sad farewells, not knowing whether they would ever see each other again and weighed down by the decision to cooperate in what amounted to their own banishment

and imprisonment, the delegates returned to their home districts to report on the JACL position.

Frankly, at that time, both Kido and I were quite surprised and pleased that there was practically no public outcry or challenge against the decision to cooperate with the army. We believed that such near total compliance indicated the general agreement of the evacuees that cooperation was indeed the proper arrangement under those tumultuous and threatening conditions.

Despite all that we had to suffer as suspect citizens of our own government, many besides myself must have hoped that if we demonstrated our belief in American ideals and objectives, the people of the United States would somehow more than make up for what we had sacrificed after the hate and hysteria of the war was over.

After more than twenty-five years in Washington, D.C., I am convinced that our decision was the correct and proper one, and the only one that could have been reached at that time by responsible and reasonable people.

I still cannot adequately describe those emotions we felt—fear and fright, anger and helplessness, and hope and faith in spite of frustration and tears. But I am hopeful that the facts and events as I recall them now will provide an insight into why we in the JACL leadership came to the decision that we did in relation to the 1942 mass evacuation and detention of 110,000 human beings of Japanese ancestry.

In checking testimony to congressional committees and to presidential commissions, I have observed how many Americans have called for corrective, remedial, and even beneficial legislation for those of Japanese ancestry because of the unprecedented wartime cooperation shown by the Japanese Americans. I cannot even count the many times over the last twenty-five years that members of the Congress and officials of the various administrations, especially those from the Pacific Coast, have introduced and voted for legislation and regulation that have been most helpful and beneficial to Japanese Americans. I am often reminded that the Japanese experience of 1942 involving wholesale evacuation and detention remains to prick the American conscience. The cooperative spirit and actions of the evacuees themselves shamed many Americans in later years when they learned of the travesty on American justice and constitutional guarantees.

In any event, because of the Japanese American wartime cooperation, the WRA was administered by able and sympathetic officials in a most humane manner under the circumstances, especially considering the continuing racism of many West Coasters who demanded the deportation of all Japanese after the war. Due to this cooperation, the president and the army agreed to the formation of what became the 442nd Regimental Combat Team and the use of Nisei combat intelligence troops in the Pacific. The WRA policy and program encouraged student evacuees to leave the centers to continue their higher education and qualified evacuees to seek housing and employment outside the centers. Many worked in jobs and professions that had been closed to them prior to World War II on the West Coast.

Since World War II, Congress has enacted laws that provide naturalization and immigration opportunities not only for the Japanese but also for all who lawfully enter this country for permanent residence. It has authorized partial compensation for economic losses suffered in the evacuation and exclusion era and has granted statehood to Hawaii, where a large percentage of the population is of Japanese descent. It has extended civil and human rights to all Americans, without regard to race, color, creed, or national origin.

The courts, in turn, have handed down decision after decision defining the rights and opportunities for those of Japanese background and others previously denied justice under the law. Over the years, Japanese Americans have gained assurances of "equality and opportunity under law."

Altogether, it is estimated that some five hundred pre-war laws and ordinances that restricted the lives of those of Japanese ancestry in this country, aliens and citizens alike, are no longer valid and effective. Indeed, it is often said that never before have those of Japanese origin been more respected and able to enjoy the rights, privileges, and opportunities of American citizenship than today. In these and many other ways, the fateful JACL decision, more than thirty years ago, to urge cooperation in the wartime evacuation and detention of the Japanese on the Pacific Coast is vindicated time and time again.

To all of those people who may, in other times, challenge that decision, it can only be said that any review of that determination must be made in the context

of 1942. It must be made with the knowledge that because of that cooperative demonstration, those of Japanese ancestry are now in a position to inquire about the rightness and the consequences of that course of action decided more than three decades ago in what was a very different and difficult period in U.S. history.

TESTIMONY OF MR. MASAOKA

Mr. MASAOKA. Mr. Chairman and members of the committee, I am pleased to be before this committee for I recognize in the chairman and in the ranking minority member we have two veteran members of the California State Legislature, and before they came here I can testify to the fact that they did deal with a number of corrective and remedial bits of legislation involving Japanese Americans in that State.

As for myself, may I say that from the summer of 1941 until 1943 when I volunteered for service in the 442d Regimental Combat Team, of which some reference has been made, I was national secretary and field executive of the Japanese American Citizens League and, therefore, probably of all living Japanese Americans I may be the most familiar with the major events of those times.

After my discharge from the Army in 1945, I started lobbying for Japanese American causes here in the U.S. Congress. I remember when I first appeared in 1945 in the 79th Congress a gentleman from Texas, Congressman William Sumner, was chairman of the Judiciary Committee, so I think it is appropriate that the leading sponsor of this legislation, majority leader Jim Wright, is also a Texan. Incidentally, I am also an honorary Texan because I was among those who helped rescue the lost Texas battalion in World War II.

Together with four brothers, we were in the Army of the United States and we all saw some combat together. One died in the rescue of the lost battalion and another is 100 percent disabled. Today, in making my case for them, I hope you understand why I feel personally so concerned about this matter.

It is curious that when the evacuation claims legislation was considered it was in the 80th Congress, and since that time we have only had one other Republican Congress. At that time Earl Minchener of Michigan was the chairman and our good friend Congressman Emanuel Celler of New York did not become chairman of this Judiciary Committee until after the Democrats resumed control in the 81st Congress.

Thereafter, of course, it was 2 years after I started testifying before this committee that your present chairman, Peter Rodino, a sponsor also of this legislation, first came to Congress.

So I speak from this long background, if you will, and since some questions have been raised about the Evacuation Claims Act, I might refer some of you to your counsel, Mr. William Shattuck, because he was involved in some of the amendments.

Initially I would like to point out that approximately 29,000 claims were filed, of which about 26,000 were paid by the administrative agency to which the gentleman from the Department of Justice—

Mr. DANIELSON. Did you say 26,000 approximately?

Mr. MASAOKA. Yes; approximately 26,000, and they were paid about \$38 million. The last administrative payment was taken in 1958 as

they pointed out. However, the last payment was not made until 1965 when certain claims were adjudicated by the Court of Claims.

The tragedy of the Evacuation Claims Act is not so much that people were paid less than 10 cents a dollar at 1941 rates without interest, but the tragedy is that when Japanese Americans were trying to return to their homes from the camps, the Government had such a formidable and technical bit of legislation as the Evacuation Claims Act, it was costing more to administer the act than what they were paying. And that program was taking too much time.

So Congress decided it would have an expedited program which it called the Compromise Settlement of Claims, so that, regardless of what your claim was you could get up to \$2,500 if you were willing to waive the rest of your claim.

Ninety percent, if not more, claims were paid under that formula of \$2,500 and yet some of the original claims ran into the millions of dollars.

As a matter of fact, the Court of Claims case which was the last one determined by the Court of Claims, was originally set for about \$7 million. This case was settled by the Court of Claims for a little less than a million.

But there were many families who had claims of \$20,000, \$30,000, \$50,000, \$100,000. Because they had no money to go back home, if you will, they settled for the \$2,500, compromise settlement.

I could go on and on and tell you more about that but this remains one of the things that still rankles because, while I can see that the Congress in its wisdom did pass a technical adjudicative legal document rather than a civil liberties measure, the time has come when we have to look at our sights and set them a little higher.

Congressman McClory has talked about Chicago and Illinois, and because of the sentiment in Illinois in World War II it became at one time the largest center of Japanese Americans in the United States. When they left their camps they found Chicago to be among the most hospitable areas.

Nevertheless, as the chairman and the minority leader know, a lot of them have gone back to California. I agree with you, it is too bad because I think they have contributed a lot to their wartime homes.

Mr. DANIELSON. May I interrupt just briefly?

At that stage in my life I was in Nebraska. I was born and reared and educated in Nebraska and a lot of them came to Lincoln and went to the University of Nebraska, which is one of the reasons why we still have the greatest university in the Middle West.

Mr. MASAOKA. I recall that while the chairman was born in Nebraska, he spent most of his adult life at least in California and he served both in the State assembly and in the State senate. He was one of the authors, or at least among the most instrumental in passing one of the most remedial laws in the history of the Japanese-American group.

Excuse my presumption but I would like to refresh your memory, if I may.

In California and 16 other Western States they had the so-called Alien Land Act which said Asian national could not even purchase a home in which to live. During the war when we were already in camp, the State Legislature of California passed a law saying if any informer

could show where Japanese aliens who were interned had intentionally violated that by buying property in the name of their citizen children, that informer could receive one-half of the selling price the State secured for that property.

The chairman was among those who got that infamous law repealed. As I said, this was an alien land law which prevented aliens like my father and my mother—consider my mother had five sons in the Army of the United States—they couldn't own land. That is why they left California very early.

They bought land high in the mountains where there was supposed to be lots of water. But in those days a person of Oriental ancestry could not testify in court against a white person, and the person who sold him land sold him a piece of the great Salt Lake, and my parents could not sue to recover their money. That is why I grew up in Utah.

But to make the circle round, after the war, in which a brother died and another is 100 percent disabled, a grateful Government gave to my mother some \$20,000. With that \$20,000 my mother bought a piece of property in the State of California and the City of Pasadena. The State escheated that property and mother went to court.

Mr. DANIELSON. It is Mr. Moorhead's District.

Mr. MASAOKA. Yes; in the State of California the Supreme Court declared the alien land law unconstitutional in 1952.

So I have a great feel for all the past prejudice against Japanese Americans.

To Mr. McClory I would say that the Germans in World War I suffered and the Irish immigrants and every immigrant group in America suffered, but no other immigrant group in America, or its first generation citizen children, were placed in camp without a trial, without an accusation of any sort at a time when our courts were functioning. That is the great difference in the legislation we are talking about today and the discriminations against other immigrant groups.

I might say the Nisei Lobby which I represent is composed of the older Japanese Americans, we who were victims of this wartime mistreatment. Most of the men were members of either the 442d or the Japanese Americans who served in the Pacific. Most of us, incidentally, are also members of today's JACL.

We have a feeling that the Senate bill should be adopted pretty much as it is because we need to expedite this act. One of the great things the Senate bill did was to include the Aleuts in this particular action. This action as originally drafted and introduced provided not just for Japanese Americans but for all Americans who were mistreated by the military in World War II. I dare say that Aleuts came as a surprise to us. We who thought we were the only major victims of World War II mistreatment now find the Aleuts also share our tragic experiences.

We know in Hawaii there was martial law but we know also that certain Hawaiian Americans, including non-Japanese Americans, were interned in their little Hawaiian relocation centers. At the same time we also know that several thousand Hawaiian Japanese-Americans were sent from Hawaii and put in the mainland camps. We know too that the Japanese Americans in Alaska were given less than 24 hours and they were shipped out to join us in the south.

Congressman Mineta and his family were evicted from San Jose to the Santa Anita Race Track near Los Angeles and their first assembly point home was in a horse stable on the Santa Anita Race Track and, thereafter they were shipped to Wyoming, to the Heart Mountain Concentration Camp near Cody.

As for Congressman Matsui, because of the bad medical facilities—you notice that he wears a hearing aid—because of the lack of medical facilities, Congressman Matsui, for the rest of his life, will bear a mark of what he suffered in this World War II camp.

With that—I could go on forever, as you probably can guess—but I would like to address myself now—

Mr. DANIELSON. Let me interrupt for a moment.

I wish sometime when you have nothing to do—and I don't know when that will be—you would put these things down in writing because the world should not forget those things which did happen. You know you and I are both just young whippersnappers at this stage but there is going to come a time when we won't have the energy to write these things down, and I wish you would do it.

Mr. McCLORY. I don't know the author but there is a very good book, "Nisei," which I have which does delineate a lot of the experiences.

I might say that my Japanese-American family, the Tanakas, were sent, first of all, to the Santa Anita Race Track and then moved to Arizona.

Mr. MASAOKA. I wish you could identify Tanaka because Tanaka is almost a Smith in Japanese.

Mr. McCLORY. I realize that. Later there was a Prime Minister of Japan.

This was Tyler Tanaka. He is head of the Japanese Tourist Agency.

Mr. MASAOKA. I would like to say, Mr. Chairman, I have been asked to do the same and we who are reaching the twilight of our youth, ought to do it before it is too late.

Before beginning on my statement proper, I would like to make categorically clear I am not a candidate to be a member of the Commission or its staff. With that understanding, may I proceed.

Mr. Hohri has made an eloquent plea for H.R. 5977 which provides for individual compensation. We, both in the JAACL and in the Nisei Lobby, oppose this particular bit of legislation. We do, however, not impugn their motives because both groups, all groups, in fact, are seeking the same general objective and we may, of course, differ as to procedures and perhaps as to amount, but we find certain flaws in H.R. 5977 which I would like to call to your attention.

The bill provides under definition on page 2, line 12, "the term 'eligible individual' means any individual of Japanese ancestry who was interned or detained or forcibly relocated by the United States at any time during the World II internment period."

We have already had the Aleuts added to the Senate version of the bill; possibly there are others. This raises a further question as to whether the Aleuts should be paid more or less than the Japanese-Americans will be paid? I certainly am in no position to judge what happened to them and they will speak for their own case but I would like to make clear to this committee, as well as to the Congress of the United States, we believe that the Aleuts and every other group dis-

advantaged or mistreated by the military in World War II under Executive Order 9066 should have a right to redress.

Mr. DANIELSON. You really are in effect saying it should be "any person"?

Mr. MASAOKA. That is right.

Mr. DANIELSON. Thank you.

Mr. MASAOKA. Then under payments we are told that :

The Attorney General shall locate, as soon as practicable after the date of the enactment of this Act, each eligible individual and shall pay to each such individual the sum of \$15,000 plus an amount equal to \$15 multiplied by the number of days, if any, during which such individual was interned or detained during the World War II internment period, as determined by the Attorney General by a preponderance of the evidence.

This raises a lot of questions in our minds because if you pay more to certain people than to others simply because they stayed longer in camp, you raise a lot of injustices. The younger volunteers who went to the 442d left early and didn't stay to the end. The young students left to resume their education. Even the aliens and the older Japanese Americans who left camp to go out to work in the fields or in the factories to help fuel the machines of victory should not be penalized because of the extra pay provided for longer stay in the camps.

You have the question, are you going to pay the same amount to a child, an infant, as to an adult? Are you going to pay the same amount to a doctor, dentist, teacher, as you would pay to someone who doesn't have that background or training?

I could go on and give a long list. Rather than do that, let us look at the different categories of people to whom the payments are going to be made under this proposed bill, not that there is necessarily anything wrong but I would like to point out the deficiencies.

In the first place, eligible individuals, most eligible individuals as of the time of evacuation are getting pretty old. Most of them, at least of the first generation, have passed on. Even we who were somewhat young at that time are getting a little older.

Further, the Attorney General passes payments on to, "any legal spouse of such individual on the date the Attorney General determines that such individual died or can not be located."

A number of these men or women were single at the time of evacuation and detention. They were married later on. Sometimes they were married to non-Japanese. No connection with Executive Order 9066. Should they be paid as a group and be benefited? If the Attorney General can't locate an eligible on that basis, the payment goes to any son or daughter of that individual who is the legal heir.

What if they were born outside camp? What if they are the grandchildren? Should they be entitled to the same amount? Should they now?

Mr. DANIELSON. Could it be someone who might have been, let us say, living in New York and was never interned or even threatened?

Mr. MASAOKA. Even worse, if you read down further you note that if these individuals and their legal heirs are not in the United States the Attorney General has to go abroad to find them, so it is quite possible that you will have Japanese nationals who were never in the United States as beneficiaries of this particular legislation.

Not only that but you have certain Japanese who served the Japanese war effort against the United States. You could have situations of brothers, American citizens, who are Japanese national brothers, fighting each other.

In the case one passes away, is the other who has never made an effort to come to America to be given this redress?

Then the bill states, "No individual shall be denied a payment made pursuant to subsection (a) because of the residence or citizenship of the individual."

There was a group of Japanese Americans who felt so bad about their mistreatment they renounced their citizenship. There were others who came to the United States on immigration visas which had expired or they had done something which violated the terms of entry and they were deported.

Are they also to be paid the same amount since most of the renunciants stayed in the camp longer than most anyone else because the ships were not able to take them back to Japan until after the war? The same is true of deportees.

As Mr. Hohri pointed out, the Commission could agree there ought to be some form of compensation. We in the Nisei Lobby say if a commission makes that determination and makes that a recommendation to the Congress, the Congress is more likely to accept it, so that we think the quicker route, the surer route, is through the Study Commission.

Mr. McCLORY. May I interrupt?

We have two other witnesses on the panel. What I would like you to direct your attention to for another 2 or 3 minutes—and then I think we ought to turn to the other witnesses—is this: What do you think the Commission can do besides make some recommendation for compensation? What good is the Commission going to be? Just give me a couple of ideas on what they are going to do that is going to be helpful to our society.

Mr. MASAOKA. One thing the Commission can do is to ask Congress to invite and direct, if necessary—although I know the question of separation of powers—the Supreme Court of the United States to review the Korematsu case.

Then there will be a problem that the economists may find difficult to determine how much each individual should receive. Therefore, they might make one large lump-sum payment. That payment might be used in building a national civil rights defense fund for the protection of all Americans, regardless of race or ancestry, creed or religion, who have in their belief a civil rights grievance. They could go and receive counsel and get the kind of help we never got.

Or you might establish some other kind of international cultural center or whatnot or in the case of certain people, certain groups, they may decide because of the age they need some additional benefits but they can't quite justify that for heirs and infants. So I think there are a number of things that might be considered.

Besides, we are so close to the forest that we may be missing the trees. This Commission, by studying this whole matter, may come up with some solutions that we have not thought of yet.

Mr. McCLORY. I might say that I doubt that we could direct the Supreme Court to change their opinion retroactively, with no case

or controversy. But I think we could, by legislation, counteract the Supreme Court decision.

I don't think we would need a constitutional amendment to override the decision.

Mr. MASAOKA. I have much more to say, Mr. Chairman, but I will defer in favor of our friends from Alaska. I would, however, like permission to file with the committee the statement which we gave to the Senate Governmental Affairs Committee. In that particular submission to the Senate we do go into the matter of court cases and what the various Justices say.

Mr. DANIELSON. Without objection, it is so ordered.

While we are on the point I would like to incorporate in our record by this reference the hearings before the Senate committee as well as the Senate committee report which will enable us to have within our record the entire scope of testimony presented so far.

Mr. MASAOKA. Thank you. Thank you, Mr. Chairman.

[The information follows:]

STATEMENT OF THE NISEI LOBBY

Mr. Chairman, and members of the Committee: My name is Mike M. Masaoka.

From August 1941 until the summer of 1943 when I volunteered for service with the now famous 442nd Regimental Combat Team along with four of my brothers, I was the National Secretary and Field Executive of the Japanese American Citizens League (JACL), then and now the only major national organization of Americans of Japanese ancestry in this country. After my honorable discharge from the Army in late 1945, I became the Washington Representative for the JACL and served in a full-time or part-time capacity until 1972 when I retired voluntarily.

Because of my active participation in most of the major, historical events of those times of travail for those of Japanese ancestry on the continental mainland of the United States as a leader of the JACL, if I may be presumptuous I believe that I may be helpful to the Committee in its consideration of this—and comparable—legislation.

Being even more presumptuous, if I may, unless my knowledge and memory fail me, my biggest contribution to these hearings may be in answering specific questions and in commenting on other testimony, even though I do have a prepared statement of my own to submit for the record. Except for the actual living in the so-called relocation centers, which many now euphemistically describe as concentration camps American-style, I am probably the only living JACL leader left who participated in what are now thought to be the pivotal and crucial decisions of 1942.

At these hearings, I am speaking on behalf of the Nisei Lobby, whose membership is composed of first-generation, native-born citizens of Japanese ancestry with like minds on most public issues involving Japanese Americans, all of whom are victims of Executive Order No. 9066 and similar wartime proclamations, statutes, and regulations. Most of us too served, and proudly, with the Armed Forces of the United States in World War II.

I requested the opportunity to be heard today because I feel that I owe it to my associates in JACL who were its wartime leaders and to many of my comrades in arms who served with honor in both the European and Pacific Theaters, many—if not most—of whom are no longer with us. It would be no exaggeration—in my opinion—to say that our lives are that much shorter, with much more suffering, because of our wartime experience.

Moreover, I believe that the judgment of history will vindicate that many—if not most—of our major policy decisions, which we made in what we sincerely believed then to be in the best interests of the Japanese American population of the West Coast, were most appropriate to the times and circumstances, and the only viable alternatives then available to us as then suspect Americans.

As for those of who volunteered, with many being "killed in action" on all the battlefields of Europe and the Pacific, including my brother, Ben, who was killed in the rescue of the Lost Texas Battalion in the Vosges, France, in late

October 1944, we were among the few American GIs who really knew what we were fighting for. We have gained most of those objectives. Indeed, it can be truly said of our Army volunteer: They did not die in vain.

Today, Americans of Japanese ancestry enjoy greater dignity and a larger measure of human and civil rights than we ever thought possible only four decades ago, with opportunities for ourselves and our posterity undreamed of in those concentration camp days.

Members of Congress and of the government, as well as most historians and social scientists, have attributed much of the current favorable status of Japanese Americans in this country to the courageous and visionary conduct of the people themselves and to the JACL policy decisions that guided them throughout our years of tragedy and travail.

S. 1647, which was introduced on August 2, 1979, by—among others—Senators Daniel Inouye and Spark Matsunaga of Hawaii, with whom I had the honor to serve in the 442nd, has as its purpose “to establish a factfinding commission to determine whether a wrong was committed against those American citizens and permanent resident aliens relocated and/or interned as a result of Executive Order Numbered 9066 and other such associated acts of the Federal Government, and to recommend appropriate remedies”.

Other major co-sponsors of S. 1647 include your western colleagues, California Senators Samuel I. Hayakawa, a naturalized Japanese Canadian, and Alan Cranston, the Majority Whip, Washington Senator Warren Magnuson, President pro tempore, Dean of the Congress, and Chairman of the Appropriations Committee, and Idaho Senator Frank Church, Chairman of the Foreign Relations Committee.

In the House, more than 125 Representatives already have joined in co-sponsoring identical legislation, H.R. 5499. Among the principal co-sponsors are Majority Leader Jim Wright of Texas, Majority Whip John Brademas of Indiana, Chairman of the Judiciary Committee Peter Rodino of New Jersey, and California Japanese Americans Norman Mineta and Robert Matsui.

At this point, by the way, I wish to state unequivocally that if such a Commission is established by the Congress, I am not a candidate for either the Commission or its staff.

WHY LEGISLATION NOW ?

Many may rightfully ask, why 38 years after the fact, should the Congress now act?

The bill itself provides two of the reasons.

One is that “Approximately 120,000 civilians were relocated and detained in internment camps pursuant to Executive Order Numbered 9066, dated February 19, 1942, and other associated acts of the Federal Government”.

The other is that “no inquiry into this matter has been made”.

As we interpret the first congressional explanation, the “civilians” referred to were mostly, but not necessarily all, of Japanese ancestry.

And, “other associated acts of the Federal Government” mean statutory or regulatory restrictions on the lives of American citizens and permanent resident aliens that were arbitrarily “above and beyond” those imposed on the general citizenry as a whole.

We have in mind that German and Italian “enemy aliens” were also subject to certain restrictions as to military zones and areas, that the Department of Justice conducted an Enemy Alien operation, that the Alien Property Custodian sequestered some but not all of the property of certain citizens and aliens, that the martial law imposed on the then Territory of Hawaii applied to the total civilian population of the Islands and not just its Japanese American minority, that the Selective Service System temporarily decided as a matter of policy it would not call for induction otherwise qualified Japanese American youth, etc.

Perhaps this bill might be amended to include “the associated acts” of the various states and municipalities to that of the Federal Government in order that a greater measure of justice and equity might be done the aggrieved.

While there is little dispute concerning the actuality of “relocation” and “detention”, we have heard some question the finding that no official congressional or governmental investigation “into this (subject) matter has (ever) been made”.

From our knowledge of what has transpired in this regard, we are in complete agreement with that legislative finding.

The so-called Japanese American Evacuation Claims Act of 1948, as amended twice subsequently, only reviewed the property losses suffered as a consequence

of the so-called evacuation and exclusion programs authorized and carried out under Executive Order 9066. It provided partial compensation for certain property losses, actually less than ten cents on a dollar claimed, paid without interest on the basis of 1941 prices as late as 1965, for about a third of the evacuees.

The so-called "Japanese" changes in the immigration and naturalization codes, enacted in the main as part of the 1952 Act and the 1965 Amendments, involved only studies of the racial, economic, and social discriminations suffered by those of Japanese ancestry as consequences of the federal prohibitions against the naturalization of Japanese aliens since the beginning of the Republic in 1789 and against the immigration of all except three categories of Japanese since the 1907 Gentlemen's Agreement and the 1924 Exclusion Act.

In the 1971 repeal of the so-called Emergency Detention Act, more specifically Title II of the Internal Act of 1950, the only discussion centered on the legal implications and experiences of the World War II evacuation and detention.

As far as I can recall, bolstered by a quick survey of my records, these three legislative inquiries were the only ones to touch substantially upon our wartime mistreatments during the past 35 years of my residence in the nation's capital.

The Supreme Court of the United States has passed on the constitutionality of the Japanese American experience, but it has never passed judgment on whether moral, economic, social, mental, or other "wrong" was committed against us. From time to time, courts have resorted to language referring to these Japanese American cases.

Members of Congress have, of course, extended remarks and made comments on these World War II deprivations suffered by Japanese Americans many times in the past almost four decades since they occurred. And several writers, novelists, academicians, historians, lawyers, sociologists, and others have tried to examine and explain the plight of Japanese Americans in World War II.

But, there has never been a formal, official, exhaustive, and definitive investigation into all of the facts—social, mental, health, economic, financial, psychological, sociological, etc.—the implications, and the "wrongs" committed against Japanese Americans and possible others under authority of Executive Order 9066.

Therefore, the congressional conclusion that never has been an official inquiry into this subject matter is not only correct but justified. And such a searching factfinding investigation is long past due.

While the hearings and investigations leading to the 1948 Evacuation Claims Act did not look beyond the question of property losses, the 1947 Report of the House Judiciary Committee on that proposal includes several conclusions that we feel may be of special interest to this Committee, for the comparable report by the Senate Judiciary Committee repeated these findings:

"... The Committee was impressed with the fact that, despite the hardships visited upon this unfortunate racial group brought about by the then prevailing military necessity, there was recorded during the war not one act of sabotage or espionage attributable to those who were the victims of the forced relocation. Moreover, statistics were produced to indicate that the percentage of enlistments in the Armed Forces of this country by those of Japanese ancestry of eligible age exceeded the nationwide percentage. The valiant exploits of the 442nd Regimental Combat Team, composed entirely of Japanese Americans and the most decorated combat team in the war, are well known. It was further adduced that the Japanese Americans who were relocated proved themselves to be, almost without exception, loyal to the traditions of this country, and exhibited a commendable discipline throughout the period of their exile . . .

"... The Committee considered the argument that the victims of relocation were no more casualties of the war than were many millions of other Americans who lost their lives or their homes or occupations during the war. However, this argument cannot be considered tenable since in the instant case the loss was inflicted upon a special racial group by a voluntary act of the Government without precedent in the history of this country. Not to redress these loyal Americans in some measure for the wrongs inflicted upon them would provide ample material for attacks by the followers of foreign ideologies on the American way of life, and to redress them would be simple justice."

In addition to the reasons identified in the bill itself, the Nisei Lobby believes that there are other urgent considerations that call for the early passage of this legislation.

When revolutionary terrorists in Tehran took some 50 Americans hostage early last November in our Embassy there, Washington decided that all Iranian students in this country should summarily be required to report and checked

to determine whether they should be deported to their homeland. Many Americans also decided to boycott Iranian businesses and to slander all who looked like Iranians to them.

Such carryings-on were a melancholy and grim reminder of those days when too many Americans automatically assumed that anyone who looked like a Japanese to them should be subjected to epithets, denunciations, indignities, and insinuations as to loyalty, etc.

Then, after the Soviet troops invaded Afghanistan late in December and when it seemed for a while that the United States was on the verge of a possible confrontation with the Russians, those tensions reminded us Japanese Americans too of those dark and threatening times before December 7, 1941, when for the sake of preparedness there were plans for building up the armed forces and the intelligence agencies, with the latter to be granted privileges and immunities from public and even congressional scrutiny in order that they might more effectively implement clandestine and other such activities, etc.

Earlier, when the so-called boat people in Southeast Asia were seeking sanctuary and asylum, the racism and antipathy against Orientals and Asians that have characterized the thinking of many Americans again came to the fore. Words were used to discourage aid and support for their relief that belied our traditional understanding and sympathy for the refugees of wars and political persecution, let alone the innocent victims of natural calamities and poverty.

At the same time in this country itself, while proclaiming as a national principle and policy the promotion of human rights in all the nations of earth, there seems to be a growing lack of sensitivity to the civil and human rights of many of our own citizens. To many of us who know the meaning of being disadvantaged and denied, it appears that we are retrogressing to those pre-1960 decades when the poor and the racial minorities were treated as second and third class citizens of our proud land, the richest and the most powerful in the world.

In such times as these, we should never forget that "Eternal vigilance is the price of liberty!"

For such vital and critical reasons as these, we believe that it is essential to the freedom of America that this legislation be enacted in order that we may investigate the "wrongs" committed against the Japanese Americans in World War II to assure that, never again, can they be repeated here in the United States.

Not only is there the urgent need but there also seems to be the political will at this particular juncture in history.

For the first time, there are five outstanding Americans of Japanese ancestry in the National Legislature, all proven leaders and dedicated to the proposition that the lessons of the Japanese American experience in World War II shall not again be visited on any group, minority, or individual.

Added to their understandable special concerns are the statesmanlike and humanitarian interests of a substantial number of Senators and more than a fourth of the entire membership of the House, all of whom have already joined in co-sponsoring this legislation.

We are of the opinion that an overwhelming majority of the Congress, in both chambers, will vote for the enactment of this proposal now if provided the opportunity. All signs indicate that S. 1647 and H.R. 5499 are a congressional idea whose time has come!

WHY A COMMISSION?

There are some Japanese Americans, including JAACL members, who understandably urge direct payments for their World War II tragedies, alleging that only by the payments of certain substantial sums of money can their suffering and losses be partially compensated.

We in the Nisei Lobby, and the overwhelming majority of JAACLers, prefer the so-called commission approach proposed by the five Japanese American members of the Congress.

To begin with, candor requires us to note that the political realities as we view them will hardly tolerate an economy-minded National Legislature to appropriate significant funds from the public treasury unless the request is supported by strong and convincing evidence justifying such payments.

If an impartial commission of distinguished Americans carries out an intensive factfinding investigation and finds that the wrongs suffered justify money awards, then there is a more reasonable chance that the Congress will accept such recommendations.

More importantly, however, we believe that only an independent commission is in a position to determine whether money payments to individuals is the most appropriate remedy under the present circumstances when many—if not possibly most—of those who were the older and more needy victims of Executive Order 9086 have, for one reason or another, passed on.

Perhaps, if money damages are suggested as a proper response, it would be more reasonable to use such designated sums to establish a public trust fund that could be used for many needed public purposes, such as a civil rights defense fund for all Americans, and not just Japanese Americans; as an educational and cultural center to promote understanding and cooperation between Japan, the land of our ancestry, and the United States, the country of our citizenship; as a national resources pool to help disadvantaged and denied Americans; as an international operation to help the refugees of political persecution and/or natural calamities; etc.

It may well be too that the commission may come up with a far more appropriate and less obvious remedy than financial reimbursements, as it were.

Indeed, there are many among us who feel that what we suffered cannot be measured in monetary terms, for the price of freedom, health, sanity, dignity, pride, opportunity, and the other intangibles that make life worthwhile in America cannot be counted in dollars and cents. Money could well cheapen our experiences and our present advocacy if granted on an individual basis.

There is little doubt in our minds, Mr. Chairman, that the commission in its investigations will often come across the Supreme Court's decisions in the so-called evacuation test cases—Yasui, Hirabayashi, and Korematsu—that will inhibit its efforts and cause the commissioners difficulties in seeking answers to certain basic questions about this World War II experience.

In those cases, all decided in wartime when the armed forces enjoyed great credibility, our highest tribunal found the courts could not question judgments of the military. Our court of last resort found constitutional these "war powers" of the Chief Executive as the Commander-In-Chief.

The Nisei Lobby hopes that the commission will discover some procedure whereby the courts will have another opportunity to consider this wartime problem from the vantage of hindsight, if necessary, and reverse the judiciary's earlier findings.

In the alternative, the commission might find a means to properly request the Congress to invite our legal system to review their precedents in this matter and square them with the thinking of our times about individual rights and immunities.

We frankly concede the difficulties in such a request because of our doctrine of the separation of powers within our government. We remain hopeful, though, that the commission may yet learn of an appropriate procedure to allow the highest court in the land to reverse these very dangerous precedents to personal liberties.

Should those who remained in the camps longest receive more than those who left early for volunteer service in the United States Army, for further education in college and universities, for normal employment outside the camps in defense industries and plants?

Should those who renounced their American citizenship for any reason or who refused induction when Selective Service was reopened to qualified Japanese Americans, or caused violence and "troubles" in the camps be paid identical compensation with the disciplined and orderly?

Should those who were injured through no fault of their own or became the victims of chronic illnesses and diseases or suffered mental disorders in camps be provided the same awards as the healthy?

Should those who were "voluntary" evacuees, or who were in a real sense evacuated twice, as several hundred families in eastern California were, or who were allowed into these detention centers after being cleared by the Department of Justice's civilian hearing boards in their enemy alien internment camps, or received token money awards under the Evacuation Claims Act of 1948 be compensated?

Should young children and the living heirs of evacuees, even if they spent little or no time in the camps, also be the automatic beneficiaries of this program? Should the professionals among the evacuees—the doctors, dentists, attorneys, engineers, teachers, etc.—who were paid much less than non-evacuee counterparts be awarded the same as the non-professional evacuees, the children, and the aged who received \$12, \$16, and \$19 a month as wages or salaries?

We believe that only a commission, properly staffed, can look into such differentials, and many more, to determine equity to the various categories of evacuees.

Furthermore, the Nisei Lobby believes that only a commission can seek out still classified government documents and information and other as yet undiscovered sources to learn at least some of the answers to questions that continue to haunt us, especially me who happened to be at the center of some of the controversies.

What was the real motivation for Executive Order 9066? Was it to allow the detention of Japanese Americans to subsequently exchange them for American prisoners of war of the Japanese militarists? Was it to hold Japanese Americans hostages to the "good conduct" of Japanese imperialists? Was it in preparation for the decitizenship of Japanese Americans and their eventual deportation to Japan? Was it purely a surrender to political expediency? Or, was it a concession to the historic West Coast racism against the Yellow Peril? Was it a victory for the economic greed of the Pacific Coast states, especially the agricultural interests?

Why did President Franklin Roosevelt select the War Department's West Coast evacuation plans of February 20, 1942, over those proposed by General DeWitt one week earlier, on February 13? Who suppressed the information that no resident Japanese—alien or citizen—had committed any acts of espionage or sabotage before, during, and after December 7, 1941? Who created the fiction of protective custody as the rationale for the detention program and who first fictionalized the theory that, since there were no acts of disloyalty, it was proof of a disciplined fifth-column carefully waiting for an invasion by the enemy before unveiling their true character?

And who were the real triggermen who persuaded the President to sign the Executive Order? Was it Earl Warren, or Colonel Karl Bendetsen, or General John DeWitt, or John McCloy, or Francis Biddle, or Henry Stimson, or someone else whose name thus far has not surfaced generally? Why were only Mayor Harry Cain of Tacoma, Washington, and Governor Ralph Carr of Colorado the only major public officials who dared speak out against the military orders? Who orchestrated the shift in public opinion and in the media from one of understanding and sympathy for Japanese Americans to one demanding their immediate uprooting and removal from their life-long homes and associations in less than six weeks?

If military necessity was the justification for implementing Executive Order 9066, why were not Japanese Americans in the Territory of Hawaii, some 3,000 miles closer to the enemy than we on the West Coast on Islands actually attacked by the Japanese air and naval forces, similarly treated? If military necessity condoned evacuation in the spring of 1942 from the western halves of Washington, Oregon, California, and Arizona, why was only the eastern half of California in early June also declared a military area from which Japanese, aliens and 'nonaliens' alike, would be evacuated and excluded, and not the eastern halves of the other western states? Why was martial law imposed in Hawaii but not on the Pacific Coast?

Why was Executive Order 9066 issued when the Federal Bureau of Investigation, Navy Intelligence, and such Army generals as Mark Clark, then of the Provost Marshal General's Office, protested its need? What caused such Cabinet officers as Attorney General Biddle and Secretary of War Stimson to change their initial judgments and agree to its issuance?

Why were German and Italian enemy aliens not included in the evacuation and exclusion programs as initially intended? Who persuaded General DeWitt, who first opposed mass evacuation, to call for the evacuation of both Japanese nationals and Japanese American citizens? Who is responsible for shifting the program from one of treating the evacuees more or less as unfortunate refugees to that which was ultimately carried out?

Who authorized Colonel Bendetsen to decide that any person with as little as one-sixteenth (as I recall it) Japanese blood had to go to these concentration camps as being a Japanese person? This is double the standard used by Hitler in sending Jews to his genocide camps. Who allowed the War-time Civil Control Administration to order the mass evacuation without providing in all cases for the necessary medical shots for the old, the very young, the women, etc.? Who closed down the Japanese language newspapers so the alien Japanese could not read in their native tongue concerning their immediate futures? Who refused to establish alien property custodians, as was authorized in Canada and in the United States in World War I?

Who changed the original plans to order evacuation on the basis of crop harvests by Japanese farmers to an across-the-board, area-by-area one? Who determined the wage and salary scales: \$12, \$16, and \$19 a month? Who decided that Prisoners of War and beneficiaries of the Geneva Convention would receive more generous treatment than that accorded to native-born United States citizens?

Why did the Army reject a proposal before evacuation for a volunteer combat battalion of Japanese Americans but accepted a similar proposal made a year later in 1943? With at least half of the 442nd volunteers of the Buddhist faith, why wasn't at least one of the three chaplains a Buddhist? Why was the Army so insensitive as to assign the 442nd designation to the Army volunteers when the number four in Japanese signifies death? Why were the Japanese American G-2 interpreters-translators in the Pacific all non-commissioned officers while their non-Japanese American counterparts were mostly officers?

Why were only Minoru Yasui of Portland, who once worked for the Japanese Consulate in Chicago, Gordon Hirabayashi of Seattle, a conscientious objector to war as a Quaker, and Fred Korematsu of San Francisco who had facial surgery to avoid detection, indicted and convicted of violating curfew and travel restrictions and the removal orders, when we know of several more who deliberately violated the instructions and invited imprisonment to test the constitutionality of these military orders?

Who rejected the proposal that civilian hearings boards, such as those used by the Department of Justice to individually "examine" enemy alien internees and those used by Britain to check into the background of German, Italian, and Japanese enemy aliens, screen the Japanese American population and determine those whose questionable individual loyalty might more justly permit their detention? If individuals applying for leave clearances from the camps could be screened on an individual basis, why wasn't this program followed before the mass evacuation and exclusion?

If JACL's decision announced publicly to constructively cooperate in the evacuation process did not represent the majority view, why then did not hundreds and thousands who are alleged by some to have objected, by overt actions demonstrate against it? What reasonable alternatives did they, who now denounce the program, have in mind and why didn't they express and exercise them? If the JACL did not represent them then, did JACL represent them when it insisted that Buddhist, as well as Christian, students be allowed to leave the camps to continue their education in colleges and universities? Did JACL represent them when it advocated the reinstatement of Selective Service, which resulted in the formation of the 442nd? Did JACL represent them when it urged the War Relocation Authority to liberalize the "leave" procedures and to help the evacuees find suitable housing and employment outside the camps? And, finally, if JACL's major policy decisions were so patently wrong and unacceptable, why is the overall status today of Japanese Americans in the United States so favorable, and the future filled with such promise and previously undreamed or opportunities? What would they have done differently, and what would have been the consequences?

Only a commission, in our opinion, can check into these and many other questions, too numerous to mention and detail at this time, and come up with the honest and accurate answers.

We are aware also that there are some few who claim that evacuation was "good" for Japanese Americans.

They note that today Japanese Americans are not confined to Little Tokyos on the West Coast but are located in every state in the Union. They say that instead of working just as clerks in vegetable markets and as menials in other occupations, nowadays Japanese Americans are found in almost every field of human endeavor and that, according to the last Census, they are doing better financially than the average American who is not of Japanese ancestry.

The Nisei Lobby, of course, disputes that our wartime travails were "good" for us individually and/or as a group. Indeed, we estimate roughly that Japanese Americans lost the equivalent of three generations worth of economic growth, professional advancements, and social advantages as a consequence of our World War II experiences and that all of the other so-called benefits would have come to us sooner and more generously had it not been for evacuation and exclusion.

We are confident that the commission will not only refute such evident errors but also demonstrate how the loss of dignity, of freedom, of the understanding and goodwill of friends and neighbors, etc., deprived our generation of Japanese Americans of untold economic, social, professional, and other gains.

There are those who charge that a commission is a clever parliamentary device to postpone and delay action.

The instant measure, and its companion bill in the House, clearly assures quick and expeditious action.

It provides that the first meeting of the commission will be called by the President within 60 days of enactment.

It provides that within 18 months of becoming law the commission transmits its final report to the President and to the Congress. And the commission itself ceases to exist six months after it submits its final report "unless extended by a subsequent act of Congress".

To insure that practically every point of view among Japanese Americans and others is aired, the legislation requires the commission to hold public hearings in Los Angeles, San Francisco, and Fresno, California; Portland, Oregon; Seattle, Washington; Phoenix, Arizona; Salt Lake City, Utah; Denver, Colorado; Chicago, Illinois; New York, New York; Washington, D.C.; and "any other city that the commission deems necessary and proper".

This one paragraph guarantees Japanese Americans in every section of the nation the opportunity to express themselves on their World War II memories in an official forum. As far as many of us are concerned, no other ethnic group in this country's history has been afforded this kind of opportunity to "sound off".

They are free to tell the presidentially appointed commissioners what they remember and think about their wartime sufferings, losses, and travails. They can suggest methods by which the government may redress their grievances.

Most of us are aware that congressional committees, and subcommittees, cannot hold such extensive hearings in so many "concerned" locations simply because its members cannot afford to spend so much time on a single subject that can hardly be described as a first priority national topic.

But a commission can. And this commission must.

Thus, Mr. Chairman, when all of the criticisms are examined, it seems to the Nisei Lobby, as well as the JACL, that the commission proposed by the knowledgeable and sympathetic members of the Congress, who also happen to be of Japanese ancestry, is the most expedient and reasonable means to investigate all of the facts in the recourse to Executive Order No. 9066 and "associated acts of the Federal Government" and to recommend the most appropriate remedy in terms of those who are the innocent victims of this wartime operation and the national interest of the nation as a whole.

COMMENTS FROM NON-JAPANESE AMERICAN SOURCES

The Nisei Lobby believes that, in spite of the several judgments of the Supreme Court of the United States that the implementation of Executive Order No. 9066 by the Western Defense Command was constitutional "as of that time and under those circumstances", there is a great body of opinion—legal, historical, and even military—which seriously refutes the high court's ruling in this regard.

Even the Office of the Chief of Military History of the Department of the Army, in its official documentary entitled "Command Decisions" issued in 1960, concludes its chapter on "The Decision To Evacuate the Japanese from the Pacific Coast", with these words:

"Would the Court's conclusion have been the same in the light of present knowledge? Considering the evidence now available, the reasonable deductions seem to be that General DeWitt's recommendations of 13 February 1942 was not used in drafting the War Department directives of 20 February for a mass evacuation of the Japanese people, and that the only responsible commander who backed the War Department's plans as a measure required by military necessity was the President himself, as Commander in Chief."

Earl Warren, then the Attorney General of the State of California, later one of the "liberal Chief Justices of the Supreme Court, is often identified as one of the officials most responsible for persuading General DeWitt and the Pentagon to order the mass evacuation of all Japanese—aliens and citizens alike—from the West Coast.

In his autobiography "The Memoirs of Chief Justice Earl Warren", released in 1977, Warren himself summarizes his latest feelings in these words:

"... I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens . . . It was wrong to react so impulsively, without positive evidence of disloyalty, even though we thought we had a good motive in the security of our state. It demonstrates the cruelty of war when fear, get-tough military psychology, propaganda, and racial antagonism combine with one's responsibility for public security to produce such acts . . ."

When in 1947 President Harry Truman's Committee on Civil Rights issued its historic report, it declared that "The most striking mass interference since slavery with the right to physical freedom was the evacuation and exclusion of persons of Japanese descent from the West Coast during the past war . . .

" . . . we are disturbed by the implications of this episode so far as the future of American civil rights is concerned. Fundamental to our whole system of law is the belief that guilt is personal and not a matter of heredity or association. Yet in this instance no specific evacuees were charged with disloyalty, espionage, or sedition. The evacuation, in short, was not a criminal proceeding involving individuals, but a sort of mass quarantine measure. This Committee believes that further study should be given to this problem. Admittedly in time of modern total warfare much discretion must be given to the military to act in situations where civilian rights are concerned. Yet the Committee believes that ways and means can be found of safeguarding people against mass accusations and discriminatory treatment."

This Committee also discovered "the issuance by military authority during the recent war of individual orders of exclusion against citizens scattered widely throughout the 'defense zones' established by the Army. These orders rested on the same Executive Order as did the mass evacuation of Japanese Americans. In the case of these individual orders a citizen living perhaps in Philadelphia, Boston, or San Francisco was ordered by the Army to move. He was not imprisoned, for he could go to any inland area. He was not accused of criminal or subversive conduct. He was merely held to be an 'unsafe' person to have around. Fortunately these violations of civil rights were not very numerous. Moreover, the Army lost confidence in the exclusion orders as effective security measures and abandoned them—but not until more than 200 citizens had moved under military compulsion."

We added this particular paragraph to emphasize an earlier statement, that more than Japanese Americans are involved as possible beneficiaries of this proposed commission.

Sociologist Morton Grodzins in his 1949 University of Chicago Press documentary "Americans Betrayed: Politics and the Japanese Evacuation", concluded the first detailed analysis after World War II of this tragic experience in these pungent paragraphs:

"Americans in the past decade have held up to scorn the crudities of the Fascist regimes. Yet the history of the evacuation policy could be an episode from the totalitarian handbook. The resident Japanese minority became the scapegoat of military defeat at Hawaii. Racial prejudices, economic cupidity, and political fortune-hunting became intertwined with patriotic endeavor. In the fact of exact knowledge to the contrary, military officials proposed the theory that race determined allegiance. Civil administrators and the national legislature were content to rubberstamp the military fiat.

"Americans in concentration camps at home provided a bitter irony at a time that Americans were fighting for the Four Freedoms. Ideological issues were presented with bleak clarity in World War II. On the one hand, the nation's principal European enemy found energy in a doctrine of racial superiority, and the nation's Asiatic enemy propagandized its cause in terms of the colored races struggling against their white oppressors. On the other hand, the United States took leadership from a President who affirmed 'Americanism is not, and never was, a matter of race or ancestry'; the strength of the country was conditioned by the unity of its diverse nationalities; millions of Chinese stood foremost among the nation's allies. The lines were clear cut, and the Japanese minority on the West Coast presented the United States with a magnificent opportunity to confound her enemies on both sides, to lend encouragement to her allies, and to build strength out of the diversity of her minority groups. No opportunity was more completely thwarted. The policy adopted was an affirmation of enemy principles . . .

"Japanese Americans were the immediate victims of the evacuation. But larger consequences are carried by the American people as a whole. Their legacy is the lasting one of precedent and constitutional sanctity for a policy of mass incarceration under military auspices. This is the most important result of the process by which the evacuation decision was made. That process betrayed all Americans."

We conclude this section by quoting from the three Associate Justices of the Supreme Court who dissented in the so-called Korematsu case—Owen Roberts, Frank Murphy, and Robert Jackson.

Roberts flatly stated that "an assembly center was a euphemism for prison". He also alleged that the evacuation and exclusion orders were "but a part of an overall plan for forceable detention".

Korematsu's predicament was described thus by Roberts :

"He was forbidden by Military Orders to leave the zone in which he lived ; he was forbidden by Military Orders, after a date fixed (which in this case was May 9, 1952) to be found within the zone unless he were in an assembly center located in that Zone.

"The two conflicting orders, one which commanded him to stay, and the other which commanded him to go, were nothing but a cleverly devised trap to accomplish the real purpose of the military authority, which was to lock him up in a concentration camp. The only course by which the petitioner could avoid arrest and prosecution was to go to that camp according to instructions to be given him when he reported at a civil control center. We know that in a fact. Why should we set up a figmentary and artificial situation instead of addressing ourselves to the actualities of the case?

"It is a case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concern'g his loyalty and good disposition toward the United States . . . I need hardly labor the conclusion that constitutional rights have been violated . . ."

Murphy claimed that the exclusion order, made in the absence of martial law, went over "the very brink of constitutional power" and fell into "the ugly abyss of racism".

"Being an obvious racial discrimination, the order deprives all those within its scope the equal protection of the laws as guaranteed by the Fifth Amendment. It further deprives these individuals of their constitutional rights to live and work where they will, to establish a home where they choose and to move about freely. In excommunicating them without benefit of hearing, this order also deprives them of all their constitutional rights to procedural due process. Yet no reasonable relation to an 'immediate, imminent, and impending' public danger is evident to support this racial restriction which is one of the most sweeping and complete deprivations of constitutional rights in the history of this nation in the absence of martial law . . .

"The main reasons relied upon by those responsible for the forced evacuation, therefore, do not prove a reasonable relation between the group characteristic of Japanese Americans and the dangers of invasion, sabotage, and espionage. The reasons appear, instead, to be largely an accumulation of much of the misinformation, half-truths, and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of the evacuation. . . .

"A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given to judgments based strictly upon military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location, and legal and economic status has been substantially discredited by independent studies made by experts in these matters . . .

"I dissent, therefore, from this legalization of racism . . . All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedom guaranteed by the Constitution."

Jackson, who was nominated to the highest tribunal in the land from his post as the Solicitor General of the United States, charged that, from the evidence before him, he could not say whether General DeWitt's orders were or were not permissible military precautions. "But even if they were permissible military procedures, I deny that it follows that they were constitutional. If, as the Court holds, it does follow, then we may as well say that any military order will be constitutional and have done with it."

As Jackson viewed it, courts cannot appraise military decisions; they must accept the declaration of the military authority and the decisions were reasonably necessary "from a military viewpoint." But the courts "cannot be made to enforce an order which violates constitutional limitations even if it is a reasonable exercise of military authority." The judiciary cannot become mere "instruments of military policy." In other words, a military order may be necessary and reasonable from a military standpoint and yet be unconstitutional.

"A military order, however constitutional, is not apt to last longer than the military emergency. Even during that period a succeeding commander may revoke it all, but once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes . . . A military commander may overstep the bounds of constitutionality, and it is an incident. But if we review and approve, that passing incident becomes the doctrine of the Constitution. There it has a generative power of its own . . ."

These comments are but a few of the many that could have been reprinted for the information of this Committee and the commission.

They tend to suggest some of the lines of inquiry that should be followed, as well as part of the scope and diversity of a factfinding investigation.

They are also supporting evidence that a commission inquiry is not only justified but urgently necessary.

CONCLUDING REMARKS

As we were preparing this statement for the Committee last week, we heard ominous words to the effect that a number of Senators and Representatives, understandably frustrated and angered by the continuing captivity of some 50 Americans in Tehran since early last November and by the recent rebuff to a United Nations Commission by these terroristic captors, were considering some "retaliatory" legislation as a means to try to force the safe and early release of the so-called hostages.

What we heard in the halls of Congress and elsewhere in Washington shocked and frightened us, for it all had a melancholy resemblance to what took place in that period of hate and hysteria that followed the outbreak of the Pacific War and led ultimately for us Japanese Americans to America's only experience with concentration camps, with barbed wire fences and guard towers encircling tarpaper barracks of hurried construction.

Substitute Iranians for the wartime epithet "Jap" and the language heard today could almost be vintage 1942.

A Jap's a Jap, and citizenship is only a scrap of paper to 'em. Round up all the Japs, regardless of whom they are, what they are doing, and where; herd 'em into desert camps and keep 'em until we're good and ready to let them go. The camps, after all, aren't so bad, with the government keeping and feeding 'em.

The "softness" of the civilian government was charged, with the need expressed for arbitrary, harsh action, possibly by the military, as was the case in World War II. Little was heard of the civil rights or the humanitarian consequences to those who would be interned.

While once again a tough, belligerent, and aggressive spirit seemed to be in the land, this time—today—there seems to be many more who are willing to stand up and be counted for the constitutional rights of all, for individual merit and not wholesale group guilt, for the recognition of the worth of ethnic diversity in this nation of many nationalities, etc.

Much of what we hear nowadays in reference to Iranians, we do not like. In fact, we abhor much of what is being said against them. However, because we believe in the constitutional assurance of free speech, we need to defend the right of those who may not speak as we may wish them to do. It is not too difficult for us to remember years ago when Japanese Americans were most unpopular and many individuals and places refused us the right and the opportunity to explain our position. So we understand the necessity now to tolerate free speech in order that we ourselves will never again be denied a public forum for the expression of our views.

Nevertheless, what is happening today makes even more urgent and necessary this legislation, in order that more of the people, and their lawmakers, may understand and appreciate that what happened in 1942 because so many were silent then, could happen again here in these United States.

The "past" does not have to be the "prologue" for human rights in the U.S.A. After the President on February 19, 1942, issued Executive Order No. 9066,

he had to secure congressional sanction for his action in order that it would be effective as law. The Legislature accommodated him, enacting in a sense *ex post facto* Public Law 503, 77th Congress, making it a federal crime to violate any order issued by a designated military commander under authority of 9066. Had Congress refused to rubber stamp this particular presidential request, the history of civil rights in this nation would have been significantly and substantially different—and most possibly for the better.

When the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice was discussing legislation to repeal Title II of the Internal Security Act of 1950, the so-called emergency detention provisions, early in 1971, its members—recalling the World War II chronicle of Executive Order 9066—decided that a similar executive order could not be issued by another chief executive in a period of democratic abuses to arbitrarily and summarily arrest and then imprison any group of citizens, without regard to race, color, creed, national origin, sex, or age.

They implemented their decision by stipulating that only Congress would have the authority in the future to enact bills of this dangerous character. They believed that the Legislative Branch was more sensitive to, and responsive of, the public will be to maintain the constitutional guarantees than was the Executive Branch in times of great crises and confrontations.

In repealing Title II of the Internal Security Act of 1950, Public Law 92-128, First Session of the 92nd Congress, September 25, 1971, specifically declared in its First Section that "(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress".

Significantly, and symbolically, Congress placed the repeal of the Internal Security Act in Section 2, following the prohibition of the detention of citizens except under congressional approval.

The now repealed Title II, the Emergency Detention Act, authorized the Attorney General, or his representative, in times of internal security emergencies, to issue "a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, act of espionage or sabotage".

Curiously enough, in his 1977 "Memoirs", the late Chief Justice Earl Warren mentions this repeal effort in the following paragraph:

"Recently I had an opportunity to help prevent the recurrence of such an emotional experience (as evacuation). Some years ago Congress gave the United States Attorney General the authority even in peacetime to impound persons believed by him to be subversive. This was a broader and far more dangerous power than that used by President Franklin Roosevelt in removing the Japanese from coastal areas during the War. At the request of (the Japanese American Citizens League), I wrote a letter for use before the congressional committee which was studying a bill to revoke the Attorney General's authority. The letter was used, and happily the nullifying bill was passed by the Congress and signed by President Richard Nixon."

When the concerned Senators and Representatives dropped S. 1647 and H.R. 5499 into their respective legislative hoppers, Iranian revolutionaries had not taken hostage some 50 Americans and Soviet armed forces had not invaded and occupied Afghanistan.

While it was important that this legislation be passed without these international events taking place, it is even more imperative now that they have taken place. Every segment of the American population must be made secure in their lives and their livelihoods by a reassurance of the constitutional guarantees that this bill may well bring.

But, even more crucial in the judgment of the Nisei Lobby is that neither this, nor any other, Congress will ever enact legislation against any group, race, or ethnic minority; or creed or religion; or national origin or racial ancestry; depriving them of their constitutional safeguards and authorizing their temporary arrest and detention, regardless of internal and/or external circumstances and challenges.

As the only Americans in recent times to be suspect by our own fellow citizens and government and arbitrarily imprisoned in American concentration camps in World War II solely on account of our accident of birth as being of the then enemy ancestry, we know the meaning of liberty, freedom, dignity, and opportunity from bitter personal experience.

And yet, we also know that American democracy can—and did—correct its "worst wartime mistake", as Yale Law School Dean Eugene Rostow wrote more than 35 years ago.

We Japanese Americans are living testament to American democracy in action. Almost four decades ago, in a time of war and hysteria, we were abused and deprived of our basic constitutional rights. We were herded like cattle into concentration camps—American style—behind barbed wire fences guarded by American GIs wearing the identical uniforms that were then being worn by our brothers, fathers, and friends overseas in Europe and in the Pacific. Today, 38 years after our trial by incarceration, we enjoy an enviable status that we never thought possible in prewar times and the opportunities for us, and our posterity, are boundless.

As the beneficiaries of a working democracy, we do not want any other individual or group to suffer ignominious detention because of authoritative and capricious action on the part of either the Legislative or the Executive Branches.

Therefore, in order that a factfinding commission may be established and, after a full and complete investigation, recommend an appropriate remedy for our World War II travails, we urge a favorable and immediate vote on S. 1647.

Before terminating this statement, may we submit for the record a copy of the statement of the JACL to the so-called Tolan Committee in the spring of 1942 in San Francisco and a copy of a chapter from the book "The Japanese American Story" entitled "Why the Japanese Americans Cooperated". [See pp. 98-108.]

Thank you for your kindness, courtesy, and cooperation.

Mr. DANIELSON. Thank you sir. It is a real pleasure to hear your testimony. I am going to interrupt for a moment. We have with us—I was going to recognize him before but he walked out, but he is back—Mr. Kaz Oshiki, who is with Congressman Bob Kastenmeier, and has been, I guess, for a real long time, and even though he is not an elected Member of the Congress, there is no one here who will deny that he had done a magnificent job of keeping us mindful of many civil rights problems as well as the ones before us today.

Mr. MASAOKA. May I add that Mr. Oshiki, although he didn't serve in the 442d, did serve in World War II in the Pacific, where in many ways he faced greater danger than those of us who did not serve in the Pacific, for he had been captured I wonder what kinds of tortures he might have endured.

Mr. DANIELSON. I understand and I recognize it.

Thank you very much for your contribution to America, Kaz. It is great. I am going to move on because time marches on. We still have on our panel Mike Zacharof and Phil Tutiakoff of the Aleutian Pribilof Islands Association.

Gentlemen, your statement is too long to read. We will be here for quite a while if we do that. Without objection, it is received in the record.

[The statement follows:]

STATEMENT OF MICHAEL ZACHAROF, ACTING EXECUTIVE DIRECTOR, ALEUTIAN/
PRIBILOF ISLANDS ASSOCIATION, INC.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS ACT

Mr. Chairman, Members of the Subcommittee, my name is Michael Zacharof, and I am acting Executive Director of the Aleutian/Pribilof Islands Association, a non-profit regional corporation established to provide social services and preserve the cultural heritage of the Aleut people.

I am accompanied today by Mr. Philemon Tutiakoff, Chairman of the Board of APIA. At the conclusion of our brief oral statement, Mr. Tutiakoff and I will be pleased to answer any questions about the experiences of the Aleut people during World War II.

Mr. Chairman, the legislation before your subcommittee will ensure that the injustices suffered by the Japanese-Americans who were interned by the U.S. Government order during the war will be fully investigated and that

appropriate remedies will be recommended to the President. We are here today because of the little-known fact that between 850 and 1,000 Native American Aleut citizens were also evacuated from their homes, and interned during World War II under conditions which deprived them of their civil rights, subjected them to the ravages of disease and death, and deprived them of their property without due process of law.

Mr. Chairman, extensive research has been conducted by APIA on the internment of the Aleuts during the war. I request at this time that a paper on this subject, prepared by John C. Kirtland of Cook, Purcell, Hansen, and Henderson, of this city, be inserted in the record of these proceedings at the conclusion of my oral testimony. This paper summarizes the facts and circumstances of the Aleuts' removal from their homes, and detention under inhuman conditions in camps maintained in Southeastern Alaska by officials of the U.S. Department of the Interior from mid-1942 until as late as April 1945.

Mr. Chairman, the facts are essentially as follows: The Aleut residents of the Pribilof Islands, in the Bering Sea, and a number of villages on the Aleutian Island Chain were removed by U.S. military authorities from their homes during June and July of 1942. The initial decision to evacuate the Aleut villages was made in response to the Japanese bombing of Dutch Harbor, on the Aleutian Chain, and the Japanese conquest of Attu and Kiska.

More than 850 Aleut citizens were taken to temporary camps in the Southeastern Alaska area, there to remain without adequate shelter, adequate medical support, or adequate clothing. They were kept in the camps and their movements were severely restricted. There were epidemics of disease, and scores of Aleuts died in the camps. Military censorship was used to ensure that the outside world was kept uninformed about the Aleuts' condition.

Although there was no suggestion that the Aleuts might be a security risk, the fact is that non-Native, or white, residents of the Aleutian Chain, including the white residents of Unalaska, were permitted to remain in their communities while the Aleuts were maintained by military directive in camps as far as 1,500 miles away. The fact is that it proved convenient to segregate the Aleuts from the military units stationed on the Aleutian Chain, and from the civilian non-Native population. The Aleuts' houses were used, in some cases, to billet troops, and Secretary of War Stimson prohibited the early return of the Aleuts to some communities because of this fact.

Mr. Chairman, the Aleuts found, upon returning to their homes after the war was nearly over, that their personal effects had either been destroyed by military order or vandalized by military personnel while they were away. They returned to their communities as refugees and aliens in their own country. And President Roosevelt, in providing emergency appropriations for resettlement, limited payment of claims for more than 850 people to no more than \$10,000 in the aggregate.

Mr. Chairman, I am an Aleut. Mr. Tutiaoff is an Aleut. Our people, the archaeologists have determined, have occupied their villages on the Aleutian Island Chain continuously for more than 8,000 years—except for the years 1942–1945. And in that short three year span, the Aleut people suffered at the hands of their government, perhaps as much as they have ever suffered in their entire existence.

The Senate has approved the "Commission on Wartime Relocation and Internment of Civilians Act" with amendments offered by our Senator Ted Stevens, of Alaska, to include within the mandate of the proposed Commission a full review of the experience of the Aleut community during the war years. Mr. Chairman, we appeal to your subcommittee to approve the Senate amendments to the bill, so that the Aleut experience can be documented fully and appropriate recommendations to prevent further injustices to Native Americans can be made.

At the age of one year, I was transported to the Funter Bay camp, at the site of an abandoned fish cannery, to be interned for more than 2 years with my family and other members of the St. Paul Aleut community. Mr. Tutiaoff, with me today, was 14 years old. He was interned at Burnett Inlet, near Kitchikan, Alaska, from July or August, 1942 until April 1945. There are not many Aleuts of our generation, particularly on the Pribilofs, because so many died from disease and deprivation in the camps.

If the proposed Commission is permitted to consider the Aleuts' relocation and internment during the war, the record of its proceedings, we are confident, will ensure that never again will such conduct be tolerated by the American

people. This will be a great victory for the Aleut people, and a great victory for equal rights and freedom in the United States.

Thank you, Mr. Chairman, for this opportunity to participate in your hearing on this most important measure.

THE ALEUT EXPERIENCE IN WORLD WAR II

I. BACKGROUND

The Garrisoning of Alaska.—At the time of the Japanese attack on Pearl Harbor, the U.S. Army garrisons in Alaska included about 21,500 men. This component had increased to 40,424 men by the end of April 1942, although a considerable portion of these were construction engineers. The Army air forces consisted of one squadron pursuit planes, one squadron medium bombardment, and one B-17 heavy bombardment plane. In May 1942 four radar-equipped heavy bombers were added to the Army forces. On June 1, 1942, additional planes arrived at Fort Glenn and Fort Randall, including one heavy bomber, 12 medium bombers, and 33 pursuit aircraft. The Royal Canadian Air Force sent two squadrons of fighters to Annette Island, and promised reinforcements.

Approximately 45,000 men were stationed in Alaska army garrisons by June 1942, some 13,000 of whom were at Fort Randall and the Aleutian bases. The Navy soon was able to add to its forces eight radar-equipped patrol planes and Task Force 8, which consisted of five cruisers, 14 destroyers, six submarines, and auxiliaries.

The Japanese Attack.—There was good reason for fortification of the Aleutians. As predicted by military intelligence, an enemy task force was spotted approximately 400 miles south of Kiska Island on June 2. Early on June 3, the Japanese bombed Dutch Harbor. Once again the Naval facilities there, and the Army's Fort Mears, were bombed on June 4.

On the evening of June 6, Japanese troops of the Third Special Landing Combat Group, under the command of a Major Mukai, secured a beachhead on Kiska Island. The island was defended only by ten U.S. Navy personnel, all of whom were taken prisoner, although one intrepid sailor evaded capture for 50 days. And in the early morning hours of June 8, 1942, units of the Imperial Japanese Army made an unopposed landing at Holtz Bay, on Attu Island. The main force attacked the village at 7:30 a.m., and 42 Aleuts and two U.S. Government civilian employees were taken prisoner.

War had come to the Aleutians.

II. THE DECISION TO EVACUATE THE ALEUTS

Inconclusive Consultations.—As early as April 1942, intercepted Japanese war communications confirmed enemy plans to launch an attack on the Aleutian Islands, probably in June. U.S. Department of the Interior archives reveal concern at the highest levels about the Aleut people, and other civilians, who lived on the Chain. In a memorandum to Interior Secretary Harold L. Ickes, John Collier, Commissioner of Indian Affairs, described the situation in early April:

"This office must soon answer the question whether or not to arrange the evacuation of Natives from the Aleutian Islands. . . . Indications are that the Navy will provide no protection beyond Dutch Harbor. On two of the islands west of Dutch Harbor are small native villages. . . . The residents of the western islands show no inclination to move, but those at Dutch Harbor Unalaska have indicated that they are willing to move eastward to other islands or perhaps even to the mainland."¹

The Indian Affairs Commissioner mentioned a lack of agreement on the matter among various parties and added:

"I recognize that we might be criticized if Dutch Harbor were bombed with incidental loss or death at Unalaska which is separated from Dutch Harbor only by a narrow strait. Nevertheless, I am inclined to leave the Natives where they are, unless the Navy insists that they be moved out."²

Secretary Ickes' concurrence is recorded ". . . unless they want to move."³

¹ Commissioner of Indian Affairs John Collier, Memorandum to Secretary of the Interior Harold L. Ickes, Apr. 10, 1942.

² *Ibid.*

³ *Ibid.*

The disagreement among responsible officials, regarding disposition of the Native community, extended not only to civilian officials, but also to the military authorities as well. The Commander of the 13th Naval District, Admiral Charles S. Freeman, expressed concern that the Japanese might try to take Attu, the westernmost island on the Aleutian Chain. Because of the dangers, he refused to take responsibility for the welfare of the Aleuts. Admiral Freeman left that to the Interior Department.⁴

General Simon B. Buckner, Jr., Commanding General of the Alaska Defense Command, opposed evacuation. He did not feel the military situation demanded it, and believed that the disruptive effects of a forced evacuation would probably outweigh its benefits.⁵ Governor Ernest Gruening of Alaska, who had related Buckner's sentiments to Ickes, agreed with the Army commander. A majority of the responsible officials opposed evacuation, for they believed the dangers to the Aleuts were not great.

Chaotic Response to Japanese Attack.—Upon discovering that the westernmost islands of Attu and Kiska had been occupied by enemy forces, the local military commanders found themselves completely unprepared to provide defense or an orderly evacuation for the Aleuts residing on the Aleutian Chain and the Pribilof Islands. Almost immediately orders were issued, probably by General Buckner in telephone or personal consultation with Admiral Freeman, to evacuate a number of Aleut villages. The initial decision to evacuate was made, and implemented in part, before any relocation plans had been formulated.⁶

In the midst of a U.S. Navy bombing raid on Japanese positions on Kiska, the Atka Aleuts fled to their fishing camps, thinking they might be safer there.⁷ At 8:00 p.m. on June 12, 1942, the U.S.S. *Gillis* received orders to evacuate and destroy the village of Atka.⁸ When a detail from *Gillis* went ashore, they found only Mr. and Mrs. C. Ralph Magee, a non-Native resident couple of the village. The Magees were given less than a half-hour in which to prepare to leave.⁹ The detail spread gasoline unusable for aircraft on the buildings in the village and set them on fire.¹⁰ Then the *Gillis* left Atka with only the Magees aboard. About 60 Atkans subsequently found by the U.S.S. *Hulbert*, another vessel operating in the Nazan Bay area, were evacuated temporarily to Nikolski on June 14.¹¹ The remaining Atka Aleuts, about 25 in number, were removed from the island by aircraft on the morning of June 15.¹²

The Evacuation of the Pribilofs.—At some point on June 15, the U.S.A.T. *Delarof* arrived in the vicinity of the Pribilofs, a small island group located about 180 miles north-northwest of Dutch Harbor in the Bering Sea. Then, as now, the Pribilof Aleut villages of St. George and St. Paul were the largest Aleut villages in the region. In 1942 the Pribilofs were under the administration of the U.S. Fish & Wildlife Service (FWS), an agency of the Interior Department. The principal industry, then as now, was the annual North Pacific fur seal harvest, conducted under U.S. Government auspices and pursuant to international convention.

The *Delarof* evacuated St. George first, on the morning of June 16. A detail from the *Delarof* shot the Natives' cattle and rigged gasoline pails and explosives in the buildings on the island, but did not destroy them.¹³ The resident FWS personnel and the Aleuts of St. George were given less than 24 hours to prepare for departure. Of course, most of their possessions were left behind. The Aleuts were permitted to leave only with suitcases. After embarking the St. George contingent, the *Delarof* proceeded to St. Paul Island.

The evacuation of St. Paul Island was more orderly, as the FWS personnel and the Aleut community had had the opportunity to organize their departure while the St. George operation was underway. On St. Paul cattle were returned

⁴ *Ibid.*

⁵ Ernest Gruening, Governor of Alaska, letter to Secretary of the Interior Harold L. Ickes, June 4, 1942.

⁶ Donald Hagerty, Interior Department Official, telegram to Claude M. Hirst, Juneau Office of Indian Affairs Official, June 18, 1942.

⁷ C. Ralph Magee and Ruby J. Magee, former Office of Indian Affairs teachers posted to Atka, letter to Allen P. McCartney, Dec. 26, 1960.

⁸ Dispatch from *Compasswing 4* to U.S.S. *Gillis*, June 13, 1942.

⁹ Magee, *supra* note 7.

¹⁰ War Diary of U.S.S. *Gillis*, May 27—June 30, 1942, p. 155.

¹¹ War Diary of U.S.S. *Hulbert*, June 1—June 30, 1942, p. 4.

¹² Edward C. Johnston, Superintendent, U.S. Fish & Wildlife Service, Seattle, Washington, letter to Ward T. Bower, Chief, Division of Alaska Fisheries, U.S. Fish & Wildlife Service, Washington, D.C., ———, 1942 (date of letter obliterated).

¹³ *Ibid.*

to the wild; the buildings were not rigged for destruction. The people were permitted to take some personal gear with them when they embarked on the evening of June 16, but most personal effects were left behind along with Roy Hurd, the FWS storekeeper, who manned the island alone until relieved soon thereafter by U.S. Army units.¹⁴

The *Delarof* sailed late on June 16, 1942 from the Pribilofs, unloaded the Atka Aleuts who by then had arrived at Dutch Harbor, and proceeded in an easterly direction while awaiting orders for disposition of the more than 560 Aleut civilians aboard. There was never any question about the disposition of the Fish & Wildlife Service personnel evacuated with the Aleuts. Ultimately, some of them were dispatched to administer Aleut internment camps. Others returned to their homes in the lower-48, or were reassigned to duties elsewhere with the Interior Department.

The problems of neglect and abuse suffered by the Aleuts throughout their internment commenced almost immediately. One particularly tragic account of events aboard the *Delarof* has been reduced to writing by an eyewitness, the wife of an FWS employee on St. Paul:

"Since once aboard ship the St. George doctor felt completely free of responsibility for his islanders and had no personal interest in any of these patients of his, he could not be coaxed into the disagreeable crowded hold even before all the Aleuts and many non-Aleuts came down after our stay-over at Dutch Harbor with 'ships cold,' a serious gripe infection. He did not come to assist even at the birth of a St. George baby or its subsequent death of bronchial pneumonia because of our inability (Dr. S.R.B. and mine) to separate mother and child from other gripe sufferers, and the mother herself was ill. I think I recall this doctor attending the midnight or after funeral of the poor little mite, such a tiny weighted parcel being let down into the deep waters of the Gulf of Alaska against a shoreline of dramatic peaks and blazing sunset sky."¹⁵

The child was the infant daughter of Innokenty Kochutin and Haretina R. Kochutin, residents not of St. George, but of St. Paul. At the age of three days, the infant Kochutin became the first casualty of the Aleuts' dislocation in World War II.

On January 23, 1978, Haretina R. Kochutin, then 71 years old, wrote down her recollections of the *Delarof's* voyage. In response to the question, "By what means were you removed and under what conditions?", she wrote:

"Transport ship: *Delarof*; in the hold of the ship, with a mattress to sleep on and one bathroom for everyone. The men were on another part of the ship, no baths for about 2 weeks, the very sick were not separated, we had to live with them."¹⁶

Mrs. Kochutin later lost another infant child, a son aged three months, in the camp for the St. Paul Aleuts at Funter Bay, Admiralty Island, in South-eastern Alaska.¹⁷

III. THE ESTABLISHMENT OF THE ALEUT INTERNMENT CAMPS

The Search for Quarters.—Officials at the Interior Department's regional Seattle office learned of the Aleuts' evacuation-in-progress on June 15, 1942 in a communication from Admiral Freeman. The initial decision was for the Fish & Wildlife Service to maintain responsibility for the Pribilof Aleuts, while the Office of Indian Affairs would assume responsibility for all other Aleuts evacuated. A number of camp sites were considered. Edward Johnston of the FWS suggested a CCC camp at Lyman, Washington.¹⁸ One Seattle official, Donald Hagerty, said the "Washington office" had suggested a plant at Fort Walters, but that it was unsatisfactorily.¹⁹

Ultimately, after a number of communications involving Interior officials in Seattle, Juneau, and elsewhere, it was determined that the camps for the Pribilovians would be established at Funter Bay, near Juneau; the St. George group would be maintained at an abandoned gold mine on one side of the bay, and the St. Paul community would be reestablished in abandoned fish cannery facilities on the other side.

¹⁴ *Ibid.*

¹⁵ Written Statement of F. Martin, March 1965, Cuernavaca, Mexico.

¹⁶ Deposition of Haretina R. Kochutin, Jan. 23, 1978, St. Paul Island, Alaska.

¹⁷ *Ibid.*

¹⁸ Donald Hagerty, Interior Department Official, telegram to Claude M. Hirst, Juneau Office of Indian Affairs Official, June 17, 1942.

¹⁹ Donald Hagerty, Interior Department Official, telegram to Claude M. Hirst, Juneau Office of Indian Affairs Official, June 18, 1942.

The Office of Indian Affairs, after consultation, made the decision to locate the Atka Aleuts at the side of another fish cannery, at Killisnoo near Funter Bay. After a short layover at Dutch Harbor, the DELAROF steamed to Wrangell, where orders were received to proceed immediately to the Killisnoo/Funter Bay locations.

The Killisnoo and Funter Bay Camps.—In the early morning hours of June 25, 1942, the Atka evacuees, including 83 Aleuts and the Indian Affairs schoolteachers posted to Atka, Mr. and Mrs. Magee, were discharged from the DELAROF and taken to the Hood Packing Company cannery facilities at Killisnoo.²⁰ Out of concern for the welfare of the Aleuts, the Magees insisted upon remaining, and stayed at Killisnoo at least through the winter of 1942–1943.²¹ Mr. Magee was given authority “. . . to proceed at once with the rehabilitation of the buildings, purchasing necessary supplies, etc., from the traders at Angoon.”²²

Claude M. Hirst, General Superintendent of the Juneau Office of Indian Affairs, was on-scene when the Killisnoo and Funter Bay camps were established. In a detailed report to Governor Gruening dated June 29, 1942, Hirst said that Dr. Langdon White, Medical Director of the Juneau Office, found “. . . the general health of the Atka Natives landed at Killisnoo . . . to be good, and no one requested medical attention.”²³ The buildings, water supply, and other support facilities were found to be adequate, but Hirst reported that “. . . certain repairs are needed to make these houses weather-proof and to prevent injury to occupants. . . .”²⁴ The privies were found to be “. . . in various stages of deterioration . . .” and the recommendation was made to remove them and fill the pits.²⁵

As the Atkans' entire personal effects were burned by Gillis when the village was destroyed, Hirst commented in his report to Governor Gruening about arrangements made for immediate provision at Killisnoo:

“Since the Atka group had to leave all of their personal possessions, including food and clothing on the Island, they were indeed very poorly provided for. However, Captain Downy [of the *Delarof*] was very generous, sympathetic, and co-operative, and furnished these people from his ship's stores a 4-day supply of food, a mattress for each adult, and blankets in sufficient quantities to assure each person protection against suffering.”²⁶

The General Superintendent directed follow-up support activities to ensure the health and welfare of the Killisnoo camp. Mr. George T. Barrett, Principal of Wrangell Institute, Alaska Indian Service, was “. . . instructed to return to Wrangell . . . and proceed back to Killisnoo on our boat the *Institute I* with emergency supplies, especially clothing, for the Atka group.”²⁷ After these arrangements had been made, the *Delarof* proceeded to Funter Bay for the debarkation of the Pribilovians.

As the St. Paul and St. George villagers were offloaded at Funter Bay late in the day on June 25, the *M.S. Penguin*, an FWS vessel, was already on-scene discharging a cargo of food, clothing, and other emergency supplies.²⁸ Apparently initial supplies were adequate to establish the Funter Bay camps; in the haste of the evacuation of the villages, someone had been thoughtful enough to order the delivery of provisions at Funter Bay in time for the Aleuts' arrival. Medical personnel were dispatched to check out the health of the Aleuts. Nine were found to be ill upon arrival at Funter Bay, and five of these were sent to Juneau for hospitalization.²⁹

Altogether 477 Pribilovians were recorded as evacuees from St. Paul and St. George to the Funter Bay location.³⁰ Contemporary reports from officials of the Fish and Wildlife Service and the Office of Indian Affairs indicated optimistically that the Killisnoo and Funter Bay camps, with support and equipment, could be maintained properly. There were plans to ensure adequate medical care, job opportunities for the Aleuts, and other requirements of civilized society.

²⁰ Claude M. Hirst, Juneau Office of Indian Affairs Official, letter to Ernest Gruening, Governor of Alaska, June 29, 1942.

²¹ C. Ralph Magee and Ruby J. Magee, former Office of Indian Affairs teachers posted to Atka, letter to Dr. and Mrs. S. R. Berenberg, medical doctor and spouse formerly posted by the U. S. Fish & Wildlife Service to St. Paul Island, September 1943.

²² Hirst, *supra* note 20.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ William Zimmerman, Assistant Commissioner, Office of Indian Affairs, Memorandum to Assistant Secretary of the Interior, Oscar L. Chapman, Aug. 31, 1942.

Tragically, these honest bureaucrats, having the best of intentions, were soon to become the virtual jailers of their Aleut charges. And conditions in the camps, from records that survive, were to become intolerable as the ravages of neglect and disease took their toll. As the months and years dragged on, the Aleuts suffered as much as any other American group has suffered at the hands of our government.

The Burnett Inlet and Ward Lake Camps.—Additional camps at Ward Lake and Burnett Inlet, near Ketchikan in Southeastern Alaska, were soon established for more Aleuts from the Aleutian Chain. The villagers from Nikolski, some 72 in number, were transferred by private steamship line to Wrangell on July 13, 1942, as were 41 Akutan Aleuts, 20 persons from Kashega, 18 from Biorka, and 9 from Makuskin.³¹ Those from Akutan and Nikolski were ultimately interned at Ward Lake; the others at Burnett Inlet.³²

On July 12, 1942, Secretary of the Navy Forrestal wrote about the evacuations to Secretary Ickes:³³

"My Dear Harold: The Navy Department has investigated the question of the evacuation of natives from Unalaska raised in your letter to me under date of July 9, 1942. The Commandant of the Thirteenth Naval District who is handling the removal of non-combatants from the Aleutian Islands has reported that all natives west of Unimak, with the exception of those in Unalaska, have been evacuated and that the latter will be removed on a ship departing from Dutch Harbor in late July.

"The foregoing information has been furnished to your Division of Territories and Island Possessions.

"Sincerely yours,

"(Signed) Forrestal."

As stated by the Navy Secretary, the Unalaska Aleuts, the last to be evacuated from their homes, arrived at Wrangell on July 26, and soon were transferred to Burnett Inlet.³⁴

Of special significance, non-Native civilian non-combatants—the whites of Unalaska/Dutch Harbor—were not removed from their homes for relocation. They lived throughout the war in their home community while their Aleut neighbors were kept in the camps.

Professor Lydia Black, an anthropologist specializing in the Aleut culture, was interviewed by this writer on June 14, 1978. In research on the Aleut experience, Professor Black, then of Providence College, Providence, Rhode Island, gathered information about the evacuation of Unalaska from Philemon Tutiakoff. Mr. Tutiakoff is now Chairman of the Board, Aleutian/Pribilof Islands Association, Inc., the non-profit Aleut corporation established under the terms of the Alaska Native Claims Settlement Act.

According to Tutiakoff, as reported by Professor Black, the Unalaska villagers ". . . were not allowed to take personal packs, only clothing, and bedding, and they were limited to one suitcase per person." The Aleut residents of Unalaska were given about 48 hours notice of evacuation. In those few hours, in the dead of night, the Aleuts dug deep pits in the churchyard of the Unalaska Cathedral of the Holy Ascension of Christ (Russian Orthodox). They packed all the church utensils—the priceless Icons from 17th and 18th Century Russia, the cross, the chalices—in oilskin and boxes and buried them in the pits. They took down the seven church bells, cast in pre-revolutionary Russia, and buried them in the churchyard as well.

As the final hours passed, the Aleuts "made a solemn pact" with three white residents of Unalaska who were remaining in their homes—Commissioner Jack Martin, Charles Hope, and Vernon Robinson—that the cathedral would be protected from vandalism. Ultimately two Aleut men were also left behind to assist with the protection of the church and its property. One of the two, John Yatchmeneff, was later drowned. The other Aleut left behind, Henry Peters, now resides in Petersburg, Alaska.

Vernon Robinson recalls that local military authorities, in 1943 or 1944, decided to convert the cathedral of the Aleuts at Unalaska into an officer's club. Although

³¹ *Ibid.*

³² George A. Dale, Associate Supervisor of Education, Alaska Indian Service, Memorandum to Ernest Gruening, Governor of Alaska, May 13, 1944.

³³ James Forrestal, Secretary of the Navy, letter to Secretary of the Interior Harold L. Ickes, July 12, 1942.

³⁴ Zimmerman, *supra* note 30.

Robinson, then the Marshal at Unalaska, assured Yatchmeneff that he "... would not let them turn the church into a club, he didn't believe me." According to Robinson, Yatchmeneff threatened to "commit suicide on the church steps, by slitting his throat," in protest of the plans for conversion of the church. The plan was never implemented.

As Charles Hope was white, he was permitted (or required) to remain in Unalaska. Hope's wife, an Aleut woman, was not so fortunate; she was evacuated with other members of her race and remained in the Burnett Inlet camp for the duration of the war.³⁵

Identification of Aleuts Evacuated.—One contemporary recapitulation of the Aleuts removed from their homes in June–July 1942 was made by the Office of Indian Affairs for Interior Department Assistant Secretary Oscar L. Chapman. It showed a total of 881 Aleuts had been removed and relocated, including 831 to the camps in Southeastern Alaska, and 50 to the vicinity of Seattle, Washington.³⁶ This writer has no information about the disposition of those Aleuts who apparently were permitted to go to Seattle; perhaps some of them had employment opportunities or relatives there.

This writer has obtained the *Dclarof's* passenger lists of evacuees from St. George and St. Paul (who departed the Pribilofs on June 16, 1942), and from Atka (who boarded the ship at Dutch Harbor on June 18, 1942). These lists are included in this report as Attachments I, II, and III. Aleut evacuees from Nikol-ski, Akutan, Kashaga, Biorka and Makuskin were identified for Office of Indian Affairs internal use in a listing prepared August 31, 1942, or shortly thereafter. This listing is included as Attachment IV.

As of this date, a census of the 111 Aleuts evacuated from Unalaska has not been obtained.

IV. THE MILITARY SITUATION IN THE ALEUTIANS

Attu and Kiska.—After taking Attu and Kiska in unopposed landings in the first week of June 1942, the Japanese established major garrisons on both islands. Heavy losses suffered by the Japanese at the battle of Midway, however, convinced the enemy high command that further conquest of the Aleutian Chain was impossible or impractical. Nevertheless, the Japanese determined to hold their defensive positions in order to prevent the Allies from using Attu and Kiska as launching points for air strikes against Japan.

On Tuesday, May 11, 1943, D-Day in the battle for Attu, American army units under the command of Major General Albert E. Brown secured a beachhead at Massacre Bay. With massive support from the battleships *Nevada*, *Pennsylvania*, *Idaho*, other Naval units, and Army Air Corps bombers, American ground forces fought a bloody battle for every foot of Attu's terrain. Army commanders had promised the War Department they would have Attu within three days after the beachhead landings. But the Japanese defenders, under the command of Colonel Yamasaki, maintained the fight until May 29, when the last surviving Japanese made a desperate but unsuccessful assault on American artillery positions.

Out of more than 2,700 Japanese defenders on Attu, only 28 survived to be taken prisoner—some after months of guerrilla fighting in the mountain passes. Following the final hopeless Banzai charge against American artillery on Engi-neer Hill, about 500 Japanese soldiers committed mass suicide with grenades at the foot of the hill. Another 400 severely wounded soldiers were given shots of morphine and killed with grenades in their tents. The Japanese defended Attu virtually to the last man.

On May 30, 1943, American burial parties committed 549 American soldiers to their graves on Attu, in trenches with eight bodies to a grave. And 2,351 Japanese soldiers whose bodies had been found were also buried. As General Buckner and Governor Bruening placed wreaths on the Attu graves, the bugler played taps.

Within 60 days following the battle for Attu, the Japanese had successfully accomplished the evacuation of their entire garrison on Kiska—more than 5,100 men—under cover of fog. American forces were to discover the evacuation only after assault units, landed in August 1943, were unable to find—after days of searching—a single Japanese soldier on the island.

Thus, by midsummer 1943, the Japanese had been defeated in the battle for Attu and had withdrawn entirely from the Aleutian Island chain. The active war

³⁵ *Ibid.*

³⁶ *Ibid.*

in the Aleutians was over—for everyone but the Aleuts. They were to remain in the camps for almost another two years.

Initial Discussions of Aleut Repatriation.—A few months after the evacuation of the Aleut villages and the establishment of the camps in Southeastern Alaska, officials at the highest levels of the Interior Department began to realize that the military commanders had overreacted in their treatment of the Aleut residents of the Pribilofs and the Chain.

Secretary of the Interior Ickes wrote about the Aleuts' situation in a letter to Henry L. Stimson, Secretary of War, on November 23, 1942:

"On June 16, without consulting me or any official of this Department, our armed forces evacuated 468 natives and 20 supervisory employees of the Fish and Wildlife Service and their families from the Pribilof Islands, Alaska, moving them to Funter Bay in Southeastern Alaska, about 1,500 miles away, where presumably they would be less subject to enemy attack.

"This action caused great inconvenience and hardship, and resulted in the loss of more than a million dollars by reason of the discontinuance of operations at the Pribilof Islands, where 95,013 fur-seal skins were taken in the summer of 1941 and 834 fox skins were obtained in the preceding winter.

* * * * *

"The armed forces have done such an excellent job in defending Alaska that unless there are wholly unanticipated developments, I urge that arrangements be made to return the natives and supervisory personnel by Naval transport to the Pribilof Islands next April or May to resume sealing and other operations. This will remove the natives from their present unsatisfactory status as refugees, improve their health, enable them to earn a livelihood, and at the same time will produce revenue for the Government."³⁷

In an initial response to Ickes' appeal, Secretary Stimson on December 4, 1942, contended that the evacuation "... was occasioned by military necessity, and conditions in the Aleutians still are not sufficiently stabilized to justify favorable action on your suggestion that the civilian employees of the Department of the Interior and the natives be returned this Spring."³⁸ Stimson then gave the real reason for opposing repatriation of the Aleuts: "[U.S. Army] occupation of the Pribilof Islands was made possible by using the housing of the former occupants, and insufficient housing exists for both troops and the native population. Furthermore, the return of civilians would incur an additional burden on our already overtaxed shipping facilities in that area."³⁹

Less than a month later, Stimson in a further response to Ickes relented to a degree:

"I have . . . agreed to the return, under certain conditions, of about 151 natives and supervisors to the Pribilofs (St. Paul and St. George). The conditions are that, provided the military situation permits, they may return for the sealing season only in order to direct the pruning of the seal herds by military personnel.

"With respect to St. George Island, I have no objection to the return of the natives of that place for rehabilitation.

"As to St. Paul Island, it is impractical to return its natives for rehabilitation at present. As I stated in my letter of December 4 to you on this subject, there is insufficient housing for both the natives and the military garrison.

* * * * *

"Details connected with the rehabilitation of St. George and the temporary return of the 151 natives and supervisors for the sealing season will be coordinated locally between the Army, the Navy, Governor Gruening and other agencies concerned."⁴⁰ (Emphasis supplied).

In summary, the Secretary of the Interior had decided within six months following the evacuation of the Aleut communities, that the Pribilof Aleuts, at least, should be repatriated. The Secretary of War had determined that sealing operations could resume on the Pribilofs, and that the St. George community could be repatriated in the spring of 1943.

³⁷ Harold L. Ickes, Secretary of the Interior, letter to Henry L. Stimson, Secretary of War, Nov. 23, 1942.

³⁸ Henry L. Stimson, Secretary of War, letter to Secretary of the Interior Harold L. Ickes, Dec. 4, 1942.

³⁹ *Ibid.*

⁴⁰ Henry L. Stimson, Secretary of War, letter to Secretary of the Interior Harold L. Ickes, Jan. 2, 1943.

The fortunes of war had turned against the Japanese throughout the Northern Pacific. Their ability to threaten the Pribilofs and the eastern Aleutian islands was not great; they had been routed from the Chain entirely by August 1943. The non-Native civilians in the Dutch Harbor/Unalaska area, in the meantime, continued their lives under relatively normal conditions. Civilian fishing operations and other commercial enterprises were continued in the Dutch Harbor area and the Gulf of Alaska.

Notwithstanding all of this, the Aleut communities were kept segregated in the internment camps of Southeastern Alaska until 1944-1945. Their homes were used to billet troops on the Pribilofs, and perhaps elsewhere. They were the forgotten Alaskans throughout bitter cold winters and deluges of rain in the summers. They suffered and many died.

V. THE CONDITION OF LIFE IN THE ALEUT CAMPS

The Camps at Funter Bay.—Although extensive records about conditions in the Ward Lake, Burnett Inlet and Killisnoo camps have not been discovered by this writer, there are extensive documents now available about the life and times of the Aleuts, under Fish & Wildlife Service administration, in the camps at Funter Bay.

The on-scene supervisor at Funter Bay was Lee C. McMillin, who had for years been Caretaker and Agent for the Fish & Wildlife Service at St. Paul. Mr. McMillin reported to Edward C. Johnston, Superintendent, Fish and Wildlife Service, based in Seattle, Washington. And Mr. Johnston reported to Ward T. Bower, Chief, Division of Alaska Fisheries, with the Interior Department in Washington, D.C. (and later Chicago, after wartime dispersal of Departmental offices).

The initial optimism that the Funter Bay camps could be managed efficiently was reflected in a letter from Johnston to McMillin: "Don't hesitate to let us know of everything we should have sent but failed to."⁴¹ This optimism and good-faith effort to ensure the care and safety of the Aleuts soon deteriorated into pessimism and deep concern, followed ultimately by official efforts to cover up the actual conditions in the camps.

On July 9, 1942, Johnston wrote Bower to inform him that eight barrels of medical supplies and some X-ray film loaded aboard the *Delarof* at St. Paul "... were turned over to the Fort Mears Hospital by the Medical Officer of the USAT *Delarof*." Johnston complained that "... this office had no information of the transfer of medical supplies until Dr. Berenberg notified us upon my return [to Seattle from Funter Bay on June 25]." He noted the "... fact that the Unalaska Hospital was bombed may have caused a shortage of drugs available there for military use. The X-ray machine remains in our possession."⁴²

McMillin soon became disillusioned about conditions at Funter Bay. Along with Agent and Caretaker D. C. R. Benson, assigned with the St. George Aleuts to the gold mine side of the bay, McMillin complained in a letter dated July 11, 1942, to Johnston about the physical state of the facilities:

The Territorial Public Health has moved in and say this place has got to be improved very soon or they will get the necessary supplies and it will be up to the Seattle Office to find a way to pay for them.

* * * * *

"Mr. Green, the engineer, said we would have to put in flush toilets if we stay here and hot water for washing and baths. * * * We cannot dig clams nearer than a mile from the cannery because of dumping all garbage and toilets into the bay.

"He says we cannot build outdoor privies, even though they empty into the water at high tide. The sewage still washes back onto the beach for the flies to walk on and the children to track around. * * *

"[The buildings on the cannery side] are so old and rotten it is impossible to do any repairing what so ever. The only buildings that are capable of fixing is the two large places where the natives are sleeping. All other houses are absolutely gone from rot. * * * We have as many as ten and thirteen persons,

⁴¹ Edward C. Johnston, Superintendent, U.S. Fish & Wildlife Service, Seattle, Washington, letter to Lee C. McMillin, Agent and Caretaker, Funter Bay Camp, July 8, 1942.

⁴² Edward C. Johnston, Superintendent, U.S. Fish & Wildlife Service, Seattle, Washington, letter to Ward T. Bower, Chief, Division of Alaska Fisheries, U.S. Fish & Wildlife Service, Washington, D.C., July 9, 1942.

large and small sleeping, or trying to sleep, in one room. * * * No brooms, soap or mops or brushes to keep the place suitable for pigs to stay in.

* * * * *

"It seems funny if our government can drop so many people in a place like this then forget about them altogether."⁴³

Despite difficult conditions, the Fish & Wildlife Service was determined to keep the Pribilof Islanders together in the Funter Bay camps. In a letter to G. Donald Gibbins, of the Fouke Fur Company, then located in St. Louis, Johnston reported on September 12, 1942, that the ". . . Pribilof natives are being paid from \$25 to \$10 per month in cash, depending on grades . . . for work around the camps such as building construction, cooks and other details."⁴⁴

Bower cautioned in a letter to Johnston dated July 31, 1942, that "If they [the Aleuts] go away from Funter Bay for a while to engage in other work, there is nothing that we can do to stop them." He urged Johnston and other officials to develop local work programs to ". . . hold the natives together."⁴⁵ Notwithstanding this statement of Aleuts' rights as citizens, the on-scene officials had other plans.

These plans became clear in Johnston's letter of September 12 to Gibbins:

"We have been trying to keep our people in as close a unit as we can in case it is possible to return to the Islands within a reasonable time. There are about eight who have been out working. *Practically all the younger men want to get away to work but, so far, we have not let them go.* Our men are subject to Selective Service registration and will probably be registered before long."⁴⁶ (Emphasis supplied).

The fact is that Funter Bay was a virtual island prison. There was no access except by boat; the camp was located on the beach and surrounded by impassable forest. If an Aleut could not receive permission to board a vessel for departure, he stayed. In few cases, indeed, was permission for departure granted.

There was a more compelling reason for holding the Aleut community hostage at Funter Bay. The officials of the Fish & Wildlife Service were determined to conduct the Pribilof fur seal harvest in the summer of 1943. In order to conduct that operation, manpower would be needed. The able-bodied Aleuts were to become that manpower.

The Summer of '43.—The methodical employees of the Bureau of Commercial Fisheries, Fish & Wildlife Service, had for many years maintained a daily log of operations on the Pribilof Islands. In the Funter Bay camps, those logs were continued for much of the Aleuts' interment there. They reveal, together with other available documents, an extraordinarily difficult life for the Pribilof Aleuts during the tragic summer and fall of 1943.

As indicated above, Secretary Stimson personally had given approval for sealing operations on the Pribilof Islands during the 1943 season. On Thursday, May 6, 1943, about 150 able-bodied male Aleuts were recruited (or impressed into service) from the camps, and "after 10 hours of loading cargo" were transported by barge from the dock at Funter Bay to the *Delarof* for transportation back to their home islands to conduct the annual seal harvest.⁴⁷ The women, children, some old men and younger boys were left behind to fend largely for themselves, as most senior FWS officials were returning to the Pribilofs with the sealing gang.

The Pribilof Log for May 6 contains this evocative description of the scene as the Aleut workmen were taken by lighter out to the bay where the *Delarof* lay at anchor:

"As we drew away from the dock, a choir of native voices began a farewell chant in Russian which was answered by those remaining on shore. Many of the women were crying their farewells, never before having experienced a parting with their loved ones; it was a sight not soon to be forgotten."

⁴³ Lee C. McMillin, Agent and Caretaker, Funter Bay Camp, letter to Edward C. Johnston, Superintendent, U.S. Fish & Wildlife Service, Seattle, Washington, July 11, 1942.

⁴⁴ Edward C. Johnston, Superintendent, U.S. Fish & Wildlife Service, Seattle, Washington, letter to G. Donald Gibbins, Fouke Fur Company, St. Louis, Missouri, Sept. 12, 1942.

⁴⁵ Ward T. Bower, Chief, Division of Alaska Fisheries, U.S. Fish & Wildlife Service, Washington, D.C., letter to Edward C. Johnston, Superintendent, U.S. Fish & Wildlife Service, Seattle, Washington, July 31, 1942.

⁴⁶ Johnston, *supra* note 44.

⁴⁷ Pribilof Log, May 6, 1943.

The *Delarof* was loaded by 4:00 p.m., and her course was soon set for the Icy Strait. "Farewell whistles of various pitch from a cannery tender and other fishing craft were acknowledged by the deeper tone reply of the *Delarof*."⁴⁸

That summer on the Pribilofs the sealing gang conducted a massive harvest. On June 10, the first seals were taken, "A reef pickup netted 829 bachelors: 1.6 percent two-year olds, 77 percent three's, and 21.4 percent four's."⁴⁹ Altogether, the seal harvest, completed on August 8, totaled 95,342 skins, "... the largest season on record since management of the seal herd was taken over by the United States Government."⁵⁰ Johnston, McMillin, and other officials were elated by the success of the project.

The Aleut sealing gang was not so elated. Almost certainly word had reached the gang that their families, their parents, wives and children, were suffering ravages of disease, deprivation, and inadequate medical care back at Funter Bay. And their departure from the Pribilofs was delayed, long after sealing operations were completed, by weather and other factors.

The entry in the Pribilof Log for September 13, 1943, on St. Paul Island, reflects strong measures taken to control discontent among the Aleut workmen:

"... the St. Paul natives have been very dissatisfied with conditions on the island; therefore a meeting was called today and the natives asked to air their complaints. Most of the complaints came from the younger men in the gang; all, however, said they were promised in a meeting with Mr. Johnston at Funter... that all they had to do up here was 'seal', then return to Funter. After hearing of this today, the 'mutineers' were informed by the agent that unless they were willing to work, the cook would be instructed to refuse to prepare food for them; that they were the same as government employees who were expected to work every day, even at Funter. * * * The junior foreman was instructed to prepare a roll call for the following morning and any man who did not feel he should work could stay at home; he would be given supplies to do his own cooking and the Sealing Division readjusted accordingly."⁵¹

The following day, September 14, the log notes that the "entire gang, with exception of 5 disabled men, [were] at work this morning. . . . Some [were] very sour all day but much more work [was] accomplished than heretofore."⁵²

On the same day, one Sergie Shaishnikoff "... was intoxicated from brew of his own making, and as he became abusive upon questioning, the sergeant of the guard was called and Sergie was taken to the guard house for the night."⁵³ The next day Sergie's quarters were searched. As he had worked as an assistant cook, and had access to supplies, he apparently had made some liquor "... in a large bowl but he indicated that he had 'drank it all up' "⁵⁴ Sergie's punishment was reduction in rank among the sealers, and a consequent reduction in pay.⁵⁵

In retrospect, one cannot blame Sergie Shaishnikoff for making liquor in a large bowl, and "drinking it all up." The Aleut sealing team at long last boarded the vessel NORTHCOAST on October 4-5, 1943, and returned to Funter Bay.⁵⁶

The Collapse of Support at Funter Bay.—On Tuesday, January 19, 1943, the Funter Bay camp apparently suffered its first fatality when an elderly man, Vlass Pankoff, died at 11:15 a.m. A work detail was assigned to fashion a coffin and dig a grave. The funeral was January 20, and workmen were allowed enough time off to attend.⁵⁷ As Mr. Pankoff was buried in the Tongass National Forest, not on land owned by the cannery company, officials of the U.S.D.A.'s Forest Service became involved in the decision to establish a cemetery near Funter Bay. Acting Assistant Regional Forester Harold E. Smith memoed his superiors about the situation:

"You will note that there has been one burial at Funter Bay and no doubt others will follow if the Aleuts who are now there remain for any considerable length of time. We do not know whether Mr. Pankoff was buried on alienated land or on the National Forest and it probably does not make a great deal of

⁴⁸ *Ibid.*

⁴⁹ Pribilof Log, June 10, 1943.

⁵⁰ Pribilof Log, Aug. 8, 1943.

⁵¹ Pribilof Log, Sept. 13, 1943.

⁵² Pribilof Log, Sept. 14, 1943.

⁵³ *Ibid.*

⁵⁴ Pribilof Log, Sept. 15, 1943.

⁵⁵ *Ibid.*

⁵⁶ Pribilof Log, Oct. 5, 1943.

⁵⁷ Pribilof Log, Jan. 20, 1943.

difference. It might be advisable, however, to look the place over and stake out a cemetery site on National Forest land that would be suitable and available for the use of this temporary colony.

"The usual map and report should be prepared as a matter of record."⁵⁵

The decision to establish a cemetery came none too soon. The February 13, 1943, Funter Bay log reported that the "... territorial health department [reported] that the samples of water examined by them have been found polluted and should not be used for human consumption except if it's thoroughly sterilized."⁵⁶ The deaths among the Aleuts at Funter Bay continued with that of Simeon Kochutin on February 26, Anna Stepetin on March 17, Peter Bourdukofsky on March 27, Helena Mandregan on March 28,⁵⁷ and many others followed.

In the first week of April 1943, the work detail at Funter Bay (cannery side) was down to less than 21 men. The log entry for April 5 reveals the reason:

"Since the 23rd of March nearly every one of the natives have had the influenza. At the peak of the epidemic there was over a hundred cases at the same time. Although there have been two deaths here during this time, the flu evidently was the contributing cause."⁵⁸

The Aleut community at St. Paul camp in Funter Bay was just recovering from that influenza epidemic when the workmen were embarked for sealing operations back on the Pribilofs.

While the sealing gang was away, the Funter Bay camps apparently did not have the regular services of a doctor. A Dr. Bower of the Indian Health Service is reported to have made an inspection of the camps on September 11; on September 12, he performed tonsillectomies on six native children, assisted by his secretary and Miss Beatrice Porter, the camp's nurse.⁵⁹

The Funter Bay log for September 18, 1943, contained the following: "NOTE: 2 cases of measles are reported in the camp."⁶⁰

An epidemic of measles soon ravaged the camp. On September 27, 80 Aleuts were reported sick in bed. The toll by October 1 had reached 90 sick from measles and other ailments. And on that day, Haretina Kochutin gave birth to an infant son, who three months later was to die from complications of the measles.⁶¹

On October 2, 1943, Dr. Bernita Block, Director of the Division of Maternal and Child Health and Crippled Children's Services, Alaska Territorial Public Health Service, arrived at Funter Bay on a surprise inspection. She found no doctor in attendance to the Aleuts of St. Paul and St. George. This is from her report of conditions at Funter Bay:

"The nurse, Miss Porter, took us to the hospital, which is confined to one room about 20 feet square and at that time housed one obstetrical patient with measles; one child with a broken leg; 6 children with measles—3 of whom were in extremis—one newborn baby and 3 infants under one year of age who had been exposed to measles but had not come down with them as yet and were in the hospital because all other members of their families were ill. Before the night was over we had added 3 more very sick children to the list, making it necessary to put two children in each of three army cots.

* * * * *

"As we entered the first bunkhouse the odor of human excreta and waste was so pungent that I could hardly make the grade. * * * The buildings were in total darkness except for a few candles here and there which I considered distinct fire hazards since the partitions between rooms were made mostly by hangings of woolen blankets. The overcrowded housing condition is really beyond description since a mother and as many as three or four children were found in several beds and two or three children in one bunk. * * * Children were found naked and actually covered with excreta.

* * * * *

⁵⁵ Harold E. Smith, U.S. Forest Service Official, letter to Acting Division Supervisor, Admiralty Division, U.S. Forest Service, Feb. 2, 1943.

⁵⁶ Pribilof Log, Feb. 13, 1943.

⁵⁷ Pribilof Logs, Feb. 26, Mar. 17, Mar. 27, and Mar. 28, 1943.

⁵⁸ Pribilof Log, Apr. 5, 1943.

⁵⁹ Pribilof Log, Sept. 12, 1943.

⁶⁰ Pribilof Log, Sept. 18, 1943.

⁶¹ Pribilof Logs, Sept. 27 and Oct. 1, 1943.

"Many of the 118 or so patients had shown a little improvement during the past twenty-four hours, according to Miss Porter, but many were still very ill and complications * * * were showing up.

* * * * *

"I stayed there three more days. During that time the two expectant mothers with measles delivered babies. * * * It was a bit difficult to obtain the use of lights for the delivery. It is hoped that such a handicap can be removed. When oxygen was needed, Mr. Hoverson was able to improvise by fixing up a tank of welder's oxygen which worked very well.

* * * * *

"To begin with, conditions such as these should not have existed at the beginning of this epidemic. I was surprised to find such a low morale on the part of the group which I thought was capable of greater thrift. I have been told that attempts have been made throughout the year to get building materials, adequate facilities for sewage disposal and water supply, but that for several reasons they were not obtained and put into use. * * *

"The water supply is discolored, contaminated, and unattractive. * * * Facilities for boiling and cooling the water are not readily available. * * *

"I have every reason to believe that if these people are to remain at Funter Bay during this winter every effort will be used to help them improve their home situation. If it is impossible to get a doctor to give full-time service to these people it would be well to have a two-way radio system so that help could be obtained when necessary. * * * I sincerely hope that all who are responsible will immediately work together to change the picture."⁶⁵

Dr. Block's extremely damaging report prompted a full and frank explanation by Assistant Supervisor Hynes, of the Juneau Office, Fish & Wildlife Service, to his Chief in Chicago, Ward T. Bower:

"The Funter Bay situation is growing more tense and Mr. Olson, Miss O'Neill and myself have concluded that you should have a comprehensive picture of the entire problem, as we view it, in the hope that it will aid you in taking the necessary steps to rectify it and put the evacuation camps on a workable basis before another winter sets in.

* * * * *

"It has long been apparent that the camps were not operating successfully, even as temporary refuges, and we are convinced that unless adequate measures are taken to improve conditions before the arduous winter months begin there is more than a possibility that the death toll from tuberculosis, pneumonia, influenza and other diseases will so decimate the ranks of the natives that few will survive to return to the islands. * * *

"Being closest to the scene, this office naturally bears the brunt of criticism and it is becoming more and more difficult to defend our position. Scarcely a day passes that some well-meaning person does not descend upon us with recrimination for our heartless methods. *Censorship has kept the press off our necks thus far but this line of defense is weakening rapidly.* A few days ago we were advised for our heartless methods. Censorship has kept the press off our necks thus far but this line of defense is weakening rapidly. A few days ago we were advised by one of the physicians who had inspected the camps and aided in emergency work there, that he was preparing a report to the Surgeon General of the United States and also to Secretary Ickes and had no intention of 'pulling any punches.' *He warned that it was only a matter of time until some publication, such as Life Magazine, would get hold of the story and play it up, much to the disadvantage of the Service and the Department of the Interior as a whole. He pointed out that the value of this year's fur seal take from the Pribilofs would nearly equal the original purchase price of Alaska, yet the people who had made it possible are being herded into quarters unfit for pigs; denied adequate medical attention; lack of a healthful diet and even facilities to keep warm and are virtually prisoners of the Government, though theoretically possessing the status of citizenship.* * * *"⁶⁶ (Emphasis supplied).

⁶⁵ Bernita N. Block, M.D., Director of the Division of Maternal and Child Health and Crippled Children's Services, Alaska Territorial Public Health Service, Memorandum for File, October 1943.

⁶⁶ Frank W. Hynes, Assistant Supervisor, Juneau Office, U.S. Fish & Wildlife Service, letter to Ward T. Bower, Chief, Division of Alaska Fisheries, U.S. Fish & Wildlife Service, Merchandise Mart, Chicago, Ill., Oct. 28, 1943.

Hynes continued by demanding the services of a competent physician, materials to make the camps habitable, two-way radio communications gear, the installation of an adequate water supply and sewer facilities. The Aleuts had been at Funter Bay for more than 15 months; apparently nothing had been done to correct the initial problems identified by Johnson upon his inspection of the facilities the day the Aleuts had arrived there.⁶⁷

Too Little Help Too Late.—On December 29, 1943, the Funter Bay logs reveal the arrival of the new doctor, too late for Gregory Kozeroff, Jr., son of Gregory and Valentina Kozeroff, who had died at 3:00 a.m. on December 27. The log of December 30 lists 42 men as sick and unfit for duty. Apparently another epidemic of influenza had struck the camps.⁶⁸

Throughout the winter of 1943-1944, work gangs were dispatched to erect quonset huts as additional housing for the Aleut residents at Funter Bay. The first huts were ready for occupancy on February 24, 1944. Others became available in March. Apparently the equipment so sorely needed for so long had come—just as plans were being made for repatriation of the Aleuts to their home villages.⁶⁹ Increasing numbers of Aleut internees were permitted day trips to Junea on government vessels. The treatment promised the Aleuts at Funter Bay finally was beginning to be extended by their Fish & Wildlife Service supervisors.

Unfortunately, the availability of a physician on a regular basis, the improved housing conditions, and other improvements were so delayed that large numbers of Aleut internees in the camps, not only at Funter Bay, but also at Ward Lake, and perhaps Killisnoo and Burnett Inlet, had died from exposure and neglect.

Incomplete data have been compiled by the Aleutian/Pribilof Islands Association, Inc., on the number of deaths in the camps during the period of internment. These data, which this writer stresses are incomplete, identify four Aleuts from Unalaska, 18 from the village of St. George, 22 from the community of St. Paul, and 19 from Nikolski village, all of whom died while interned in the government's camps. Those who have been so identified are listed in Attachment V.

VI. THE REPATRIATION

Authorization for Repatriation.—In a letter to the Secretary of the Interior dated December 13, 1943, Secretary of War Stimson gave his formal approval to the return of all Aleuts to their homes. Stimson promised that "War Department funds will be made available for their return and the restoration of homes in [all] areas . . . except for restoration of homes in Atka, which is believed to be a Navy responsibility."⁷⁰

President Franklin D. Roosevelt, in a letter to the Secretary of War dated August 7, 1944, authorized the allocation of \$200,000 from his emergency fund ". . . for the return to their villages and rehabilitation of Aleut natives and certain white inhabitants of the Aleutian Islands, Alaska, who had been evacuated therefrom during the current war because of military and naval operations."⁷¹

Authorization of Payments for Damages.—The President on August 7, 1944, directed the Secretary of the Treasury by letter to release to the Department of the Interior \$200,000 from his emergency fund ". . . for the rehabilitation of certain Aleut natives and white inhabitants of the Aleutian Islands, Alaska . . ." and for the subsistence of the Aleuts; ". . . and including not to exceed \$10,000 for the payment of claims for damages suffered by such natives and white inhabitants due to . . . military and naval operations. . ."⁷²

The funds authorized by President Roosevelt were duly released, but records have not been located to determine the disposition of the funds for claims, limited to \$10,000 to cover personal losses in the aggregate of more than 850 Aleuts, as well as perhaps 50 white employees of the Interior Department. The money available to each dislocated and interned Aleut, on the average, for payment of claims under the President's limitation, could not have exceeded twelve dollars.

The Pribilovians Go Home.—After weeks of preparation by the Aleuts for departure from Funter Bay, the U.S.A.T. *William L. Thompson* arrived from

⁶⁷ *Ibid.*

⁶⁸ Pribilof Logs, Dec. 27, Dec. 29 and Dec. 30, 1943.

⁶⁹ Pribilof Logs, February-March 1944.

⁷⁰ Henry L. Stimson, Secretary of War, letter to Harold L. Ickes, Secretary of the Interior, Dec. 13, 1943.

⁷¹ Franklin D. Roosevelt, President, letter to Secretary of War Henry L. Stimson, Aug. 7, 1944.

⁷² Franklin D. Roosevelt, President, directive to the Secretary of the Treasury, Aug. 7, 1944.

Seattle at 10:50 a.m. on Saturday, April 30, 1944 The women and children went aboard the *Thompson* on May 1. The job of loading stores and equipment was completed about midnight, May 3. And on May 4, the vessel departed Funter Bay with the Aleuts for the return voyage to the Pribilofs.⁷³

After brief layovers at Kodiak Island and Dutch Harbor, the *Thompson* sailed with its Aleut passengers for arrival St. Paul Island at 6:20 a.m. on Saturday, May 13, 1944. The Pribilofians returned to their homes on Sunday, May 14—and on that day a daughter, Erena, was born to Daniel and Theodosia Shabolin, at 7:30 p.m., *at home!*⁷⁴

The condition of the Aleuts' homes on the Pribilofs was a disaster. The May 24 Pribilof Log describes the condition of the facilities:

"The native houses were all in an extremely dirty and upset condition, with many doors and windows broken, and much furniture and furnishing ruined and in bad shape."⁷⁵

In fact survivors' depositions taken in January 1978 show that the Aleuts, not only from the Pribilofs, but also from Unalaska and other villages, lost virtually all their personal possessions, including guns, fishing gear, religious Icons of great significance to them, furniture, bedding, and other personal effects. Apparently that which had not been worn out from military use or destroyed by vandalism, was taken by U.S. military personnel or others as souvenirs.

The Aleutian Chain is Resettled.—After the repatriation of the Pribilof Aleuts, the camps at Killisnoo, Burnett Inlet, and Ward Lake were in due course disbanded and the Aleuts from the Aleutian Island Chain were repatriated as well. Philemon Tutiakoff remembers people cheering, laughing, and crying as they entered their home village of Unalaska for the first time in nearly *three years*—the camps of Burnett Inlet and Ward Lake were not disbanded until *after* President Roosevelt's death in April 1945.

"We could not assemble the church fast enough. Even before we were settled in our homes, work began to reopen the church."⁷⁶

The men of Unalaska returned to the churchyard, and opened the pits in which the Icons, the chalises, the bells and other religious equipment had been buried and hidden. They were all safe; the treasure of the Unalaska cathedral had not been disturbed by any outsiders!

According to Tutiakoff, "every home was broken into. In a lot of cases Icons, holy lamps, personal possessions were taken from the homes by military and civilians."⁷⁷

The Aleuts' civil rights had been denied, their property had been destroyed, their homes burned down or ransacked, their bodies debilitated by disease, and their families reduced by death while in the Southeastern Alaska camps. But now they were home, some sixteen months after Stimson had authorized their repatriation.

VII. CONCLUSION

The Aleut people from the Aleutian chain and Pribilof villages were not considered a security risk. They were evacuated in haste following the Japanese attack on Dutch Harbor and the occupation of Attu and Kiska by the enemy.

They were kept in the camps, virtual prisoners of their government, frankly, because it would have been inconvenient to return them to their homes. In some cases, their homes were used for billeting troops; in others, they were destroyed or left vacant for vandals to plunder. Of equal importance, the Interior Department wanted to maintain the Aleuts in a cohesive group to ensure the successful fur seal harvest of 1943. This required command and control, at least at the Funter Bay camps.

Today, in retrospect, the Aleuts who suffered in the camps do not accuse any individual of harassment or specific cruelty against them during the war years. They suffered from unfathomable neglect, from loss of basic rights, from low priority as human beings and citizens in the war atmosphere of the 1940's, even after the threat of war had long passed from the Aleutians.

The Aleuts' property was taken or destroyed without compensation, they suffered internment without adequate shelter, food, clothing, potable water, or medical support and supplies. They suffered epidemics of disease and they died. When they were repatriated to their homes, the President of the United States

⁷³ Pribilof Logs, Apr. 30, May 1, May 3 and May 4, 1944.

⁷⁴ Pribilof Logs, May 13 and May 14, 1944.

⁷⁵ Pribilof Log, May 24, 1944.

⁷⁶ Philemon Tutiakoff, Aleut resident of Unalaska, as quoted by Professor Lydia Black, Providence College, Providence, Rhode Island, June 14, 1978.

⁷⁷ *Ibid.*

limited any claims for the Aleuts, in the aggregate, to \$10,000 (no more than \$12 per person).

The Aleut citizens of the Pribilof Islands and the Aleutian Island chain today are asking that the proposed "Commission on Wartime Relocation and Internment of Civilians Act," originally introduced to investigate the internment of Japanese-Americans, be expanded to include a mandate that the internment and suffering of the Aleuts be investigated as well.

Under the leadership of Senator Ted Stevens, of Alaska, the Senate has approved amendments to provide full Aleut participation under this legislation. The Committee on the Judiciary of the House of Representatives has the Senate-passed bill under consideration. The Aleut people urge the House Committee to approve the Senate bill, as passed, so that the proposed Commission can be established promptly to begin its important work.

NOTES

Photocopies of the documents referenced in this paper are maintained in the offices of Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street, N.W., Washington, D.C. 20036, and in the offices of the Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501.

The Pribilof Island Logs, maintained by the U.S. Fish and Wildlife Service, were reviewed by the author and the references to those logs are from his notes.

The author's conversations with Professor Lydia Black were taped, and the transcript of those conversations is maintained in the offices of Cook, Purcell, Hansen & Henderson.

Information about the garrisoning of Alaska during World War II, the Japanese conquest of Attu and Kiska, and the recapture of those islands by U.S. forces was taken from secondary sources, including "The Thousand Mile War," by Brian Wynne Garfield (Doubleday & Company: 1969).

ATTACHMENT I

PASSENGER LIST U.S.A.T. "DELAROF"

[Voyage 2 leaving St. George Island on or about June 16, 1962]

Number and name	Age (years)	
NATIVE EVACUEES		
1. Galanin, Alexander.....	56	Husband.
2. Galanin, Mary.....	50	Wife.
3. Galanin, Lawrence.....	23	Son.
4. Galanin, Ferman.....	21	Son.
5. Malavansky, David.....	11	
6. Galanin, Alexander.....	6	Grandson.
7. Kashevarof, Laurence.....	31	Husband.
8. Kashevarof, Julia.....	27	Wife.
9. Kashevarof, Peter.....	3	Son.
10. Kashevarof, Lydia.....	1	Daughter.
11. Kashevarof, Hilda S.....	16	Daughter.
12. Kashevarof, Walter.....	54	Husband.
13. Kashevarof, Helena.....	57	Wife.
14. Kashevarof, Nina.....	33	Daughter.
15. Kashevarof, Andronik P.....	14	Son.
16. Kashevarof, Valentine.....	29	Nephew.
17. Kashevarof, Ludmilla.....	26	Niece.
18. Kashevarof, Feon.....	2	Niece.
19. Lakanof, Anatoly.....	51	Husband.
20. Lakanof, Agnes.....	46	Wife.
21. Lakanof, Stefan.....	22	Son.
22. Lakanof, Ermogen.....	19	Son.
23. Lakanof, Pavla.....	17	Daughter.
24. Lakanof, Flore.....	15	Son.
25. Lakanof, Erena.....	13	Daughter.
26. Lakanof, Anatoly, Jr.....	11	Son.
27. Lakanof, Michael.....	9	Son.
28. Lakanof, Anna.....	6	Daughter.
29. Lakanof, Serge.....	50	Husband.
30. Lakanof, Sophia.....	40	Wife.
31. Lakanof, Nina.....	18	Daughter.
32. Lakanof, Peter.....	16	Son.
33. Lakanof, Barbara.....	14	Daughter.
34. Lakanof, Valentina.....	11	Daughter.
35. Lakanof, Serge, Jr.....	9	Son.
36. Lestenkof, Constantine.....	43	Husband.

ATTACHMENT 1.—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued

[Voyage 2 leaving St. George Island on or about June 16, 1942]

Number and name	Age (years)	
NATIVE EVACUEES—Continued		
37. Lestenkof, Agafia	25	Wife.
38. Lestenkof, Alvin	8	Son.
39. Lestenkof, Susie Ann	7	Daughter.
40. Lestenkof, Innokenty	5	Son.
41. Lestenkof, Constantine, Jr.	5	Son.
42. Lestenkof, Leva	3	Son.
43. Lestenkof, Demetri	3	Son.
44. Lestenkof, Innokenty	2	Huband.
45. Lestenkof, Elekonida	26	Wife.
46. Lestenkof, Theodore	1	Son.
47. Lestenkof, Theodore	29	Nephew.
48. Lestenkof, Michael D.	28	Nephew.
49. Lestenkof, Stephanida	22	Niece.
50. Lestenkof, Nicolas	3	Nephew.
51. Lestenkof, June	1	Niece.
52. Merculief, Elizabeth	10	Niece.
53. Lestenkof, Michael	69	Widower.
54. Lestenkof, Anna	43	Daughter.
55. Lestenkof, Jacob	9	Grandson.
56. Shane, William	24	Single.
57. Shane, Martha	19	Single.
58. Shane, William, Jr.	1	
59. Malavansky, Christopher	37	Widower.
60. Malavansky, Elekonida	15	Daughter.
61. Malavansky, Victor	13	Son.
62. Malavansky, Julia	29	Sister.
63. Merculief, Benjamin	36	Huband.
64. Merculief, Anna	33	Wife.
65. Merculief, Benjamin, Jr.	10	Son.
66. Merculief, Agafangel	8	Son.
67. Merculief, James	5	Son.
68. Merculief, Anthony	3	Son.
69. Merculief, George	68	Widower.
70. Merculief, Alexandra	34	Daughter.
71. Merculief, Daniel	29	Son.
72. Merculief, Erena	25	Daughter.
73. Merculief, Peter	13	Grandson.
74. Merculief, Paul	3	Grandson.
75. Galanin, Moses	28	Nephew.
76. Merculief, Isiah	23	Nephew.
77. Lekanof, Pelagia	72	Grandmother.
78. Shane, Anna	18	Niece.
79. Merculief, John	51	Widower.
80. Merculief, Mouza	27	Daughter.
81. Merculief, Anna	22	Daughter.
82. Merculief, Alexay	17	Son.
83. Merculief, Mary	15	Daughter.
84. Merculief, John, Jr.	12	Son.
85. Merculief, Marianna	9	Daughter.
86. Merculief, Mikander	8	Son.
87. Merculief, Mina	7	Daughter.
88. Merculief, Joseph	69	Huband.
89. Merculief, Katherina	49	Wife.
90. Merculief, William	24	Son.
91. Merculief, Andrine	21	Son.
92. Merculief, Serafima	18	Daughter.
93. Merculief, Terenty	15	Son.
94. Merculief, Anfesa	8	Daughter.
95. Malavansky, Matrons	13	Niece.
96. Merculief, Nicolai	61	Widower.
97. Merculief, Angelina	30	Daughter.
98. Merculief, Loonide	2	Grandson.
99. Galanin, Raphael	28	Nephew.
100. Merculief, Nicolai	36	Single.
101. Lekanof, Tatiana	26	Sister.
102. Merculief, Nicolai	32	Huband.
103. Merculief, Alexandera	27	Wife.
104. Merculief, Rufina	8	Daughter.
105. Merculief, Nicolai, Jr.	6	Son.
106. Merculief, Stefan	51	Huband.
107. Merculief, Agripina	44	Wife.
108. Merculief, Nicolai S.	20	Son.
109. Merculief, Mary	18	Daughter.
110. Merculief, Innikenty	17	Son.
111. Merculief, Andrew	13	Son.

ATTACHMENT I—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued

[Voyage 2 leaving St. George Island on or about June 16, 1942]

Number and name	Age (years)
NATIVE EVACUEES—Continued	
112. Merculief, Iuleta.....	12 Daughter.
113. Merculief, Evdokia.....	10 Daughter.
114. Merculief, Raisa.....	8 Daughter.
115. Merculief, John.....	2 Son.
116. Mederazof, Isidor.....	50 Husband.
117. Nederazof, Alexandra.....	50 Wife.
118. Lekanof, Mariamna.....	12 Niece.
119. Nozekof, Paul.....	45 Widower.
120. Nozekof, Mary.....	20 Daughter.
121. Nozekof, Gregory.....	17 Son.
122. Nozekof, Vassa.....	15 Daughter.
123. Nozekof, Paul, Jr.....	2 Grandson.
124. Philemonof, Eoff.....	39 Husband.
125. Philemonof, Katherine.....	32 Wife.
126. Philemonof, Leonty.....	42 Brother.
127. Malavansky, Alexandra.....	45 Cousin.
128. Malavansky, Daniel.....	17 Cousin.
129. Philemonof, Ignaty.....	42 Husband.
130. Philemonof, Polyzena.....	32 Wife.
131. Philemonof, Ilarion.....	9 Son.
132. Philemonof, Ignaty, Jr.....	8 Son.
133. Philemonof, Elizar.....	6 Son.
134. Philemonof, Anna.....	2 Daughter.
135. Philemonof, Issac.....	29 Single.
136. Zacharof, Zoysa.....	49 Mother.
137. Zacharof, Sophia.....	20 Sister.
138. Zacharof, Stefanida.....	12 Sister.
139. Zacharof, George.....	9 Brother.
140. Zacharof, Michael.....	1 Nephew.
141. Galanin, Gavriell.....	32 Cousin.
142. Prokopiop, Afunaslja.....	32 Husband.
143. Prokopiop, Alexandra.....	22 Wife.
144. Prokopiop, Anna.....	3 Daughter.
145. Prokopiop, Alexander.....	39 Husband.
146. Prokopiop, Agnes.....	35 Wife.
147. Prokopiop, Olga.....	10 Daughter.
148. Prokopiop, George.....	8 Son.
149. Prokopiop, Sarah.....	7 Daughter.
150. Prokopiop, Sofia.....	6 Daughter.
151. Prokopiop, Anna.....	4 Daughter.
152. Prokopiop, Zenovia.....	3 Daughter.
153. Prokopiop, Elizabeth.....	1 Daughter.
154. Prokopiop, Laurence.....	38 Husband.
155. Prokopiop, Natalia.....	27 Wife.
156. Prokopiop, Vera.....	8 Daughter.
157. Prokopiop, Mary.....	7 Daughter.
158. Prokopiop, Laurence, Jr.....	5 Son.
159. Prokopiop, Michael.....	25 Single.
160. Prokopiop, Stefanida.....	65 Mother.
161. Prokopiop, Martha.....	31 Sister.
162. Prokopiop, Helena.....	29 Sister.
163. Prokopiop, Sophia.....	28 Sister.
164. Prokopiop, Alexay.....	24 Brother.
165. Prokopiop, Fokla.....	20 Sister.
166. Prokopiop, Natalia.....	2 Niece.
167. Prokopiop, Peter.....	23 Husband.
168. Prokopiop, Nadesda.....	25 Wife.
169. Prokopiop, Eugenia.....	3 Daughter.
170. Swetsof, Paul.....	49 Husband.
171. Swetsof, Julia.....	39 Wife.
172. Swetsof, Forapent.....	21 Son.
173. Swetsof, Simeon.....	20 Son.
174. Swetsof, Ariadna.....	18 Daughter.
175. Swetsof, Evokodia.....	16 Daughter.
176. Swetsof, Paul, Jr.....	14 Son.
177. Swetsof, Platonida.....	13 Daughter.
178. Swetsof, Mendora.....	11 Daughter.
179. Swetsof, Olga.....	9 Daughter.
180. Swetsof, Philip.....	5 Son.
181. Swetsof, Feona.....	4 Daughter.
182. Swetsof, Dorthey.....	2 Daughter.
183. Swetsof, Victor.....	2 Son.

ATTACHMENT I—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued

U.S. FISH AND WILDLIFE SERVICE EMPLOYEES (WEITS)

[Voyage 2 leaving St. George Island on or about June 16, 1942]

Number and name	Age	Position
EVACUEES		
1. Benson, Daniel C. R.....	Adult.....	Agent and caretaker.
1. Benson, Catherine.....	Adult.....	Wife.
3. Gover, Ernest.....	Adult.....	Resident physician.
4. Grover, Marguerite.....	Adult.....	Wife.
5. Schetzle, John B.....	Adult.....	Schoolteacher.
6. Kennedy, Peter J.....	Adult.....	Schoolteacher.
7. Kulchizky, Theodosy.....	Adult.....	Priest.

ATTACHMENT II

PASSENGER LIST U.S.A.T. "DELAROF"

[Voyager 2 leaving St. Paul Island, Alaska, June 16, 1942]

Number and name	Age (years)	
NATIVE EVACUEES		
1. Bourdukofsky, George.....	22	Husband.
2. Bourdukofsky, Mary.....	18	Wife.
3. Bourdukofsky, Benjamin.....	1	Son.
4. Bourdukofsky, Peter.....	62	Husband.
5. Bourdukofsky, Alexandra.....	50	Wife.
6. Bourdukofsky, Victor.....	20	Son.
7. Bourdukofsky, Ludmilla.....	16	Daughter.
8. Bourdukofsky, Julia.....	14	Daughter.
9. Bourdukofsky, Evlampia.....	13	Son.
10. Buterin, Marina.....	51	Widow.
11. Buterin, Maxin K.....	28	Husband.
12. Buterin, Kapetolina.....	29	Wife.
13. Buterin, Michael.....	7	Son.
14. Buterin, Eloknida.....	1	Daughter.
15. Emanoff, Mamant.....	35	Husband.
16. Emanoff, Anna.....	31	Wife.
17. Emanoff, Karp.....	14	Son.
18. Emanoff, Gregory.....	13	Son.
19. Emanoff, Theodore.....	10	Son.
20. Emanoff, Pauline.....	9	Daughter.
21. Emanoff, Maxim.....	30	Husband.
22. Emanoff, Frances.....	24	Wife.
25. Emanoff, Mary.....	7	Daughter.
24. Emanoff, Matalia.....	5	Daughter.
25. Fratis, David.....	31	Husband.
26. Fratis, Alexandra.....	29	Wife.
27. Fratis, Shashane.....	10	Daughter.
28. Fratis, Paul.....	8	Son.
29. Fratis, Terenty.....	7	Son.
30. Fratis, Anna.....	5	Daughter.
31. Fratis, Gavriel.....	3	Son.
32. Fratis, George.....	1	Son.
33. Fratis, John.....	55	Widower.
34. Fratis, Matfoy.....	11	Son.
35. Galaktionoff, Aggey.....	35	Husband.
36. Galaktionoff, Anfesa.....	25	Wife.
37. Galaktionoff, Madesda.....	4	Daughter.
38. Galaktionoff, Nectary.....	3	Son.
39. Galanin, Martin.....	22	Single.
40. Gromoff, Elary S.....	40	Husband.
41. Gromoff, Elisaveta.....	34	Wife.
42. Gromoff, Smilo V.....	17	Son.
43. Gromoff, Alexandra.....	15	Daughter.
44. Gromoff, Angelina.....	9	Stepdaughter.
45. Gromoff, Evgenia.....	6	Daughter.
46. Gromoff, Nicolai G.....	5	Son.
47. Gromoff, Iuliana.....	71	Mother.
48. Hanson, John.....	45	Husband.
49. Hanson, Chionia.....	46	Wife.
50. Hanson, John, Jr.....	21	Son.
51. Hanson, Lubov.....	7	Daughter.
52. Hanson, Xenofont.....	22	Husband.
53. Hanson, Agraffina.....	17	Wife.
54. Hanson, Alexander L.....	1	Son.
55. Hapoff, John.....	33	Husband.
56. Hapoff, Angelina.....	24	Wife.

ATTACHMENT II—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued

[Voyage 2 leaving St. Paul Island, Alaska, June 16, 1942]

Number and name	Age (years)	
NATIVE EVACUEES—Continued		
57. Hapoff, Ignaty.....	4	Son.
58. Hapoff, Nekita.....	55	Husband.
59. Hapoff, Parascodia.....	33	Wife.
60. Hapoff, Arthur.....	21	Son.
61. Hapoff, Stephan.....	13	Son.
62. Hapoff, Mary.....	10	Daughter
63. Hapoff, Matrona.....	7	Daughter.
64. Kochergin, Peter T.....	39	Husband.
65. Kochergin, Helen.....	36	Wife.
66. Kochergin, Victor.....	18	Son.
67. Kochergin, Maretina.....	16	Daughter.
68. Kochergin, Moran.....	13	Son.
69. Kochergin, Virginia.....	11	Daughter.
70. Kochergin, Peter, Jr.....	10	Son.
71. Kochergin, Zena.....	8	Daughter.
72. Kochergin, Anton S.....	4	Son.
73. Kochutin, Alexandria.....	78	Widow.
74. Kochutin, Innokenty.....	39	Husband.
75. Kochutin, Haretina.....	34	Wife.
76. Kochutin, Andrey.....	16	Son.
77. Kochutin, Samuel.....	14	Son.
78. Kochutin, Ludmilla.....	13	Daughter.
79. Kochutin, Tatiana.....	10	Daughter.
80. Kochutin, Evdokia.....	9	Daughter.
81. Kochutin, Sally Mary.....	8	Daughter.
82. Kochutin, Dora.....	7	Daughter.
83. Kochutin, Hestar.....	3	Son.
84. Kochutin, Jacob.....	24	Husband.
85. Kochutin, Olga.....	17	Wife.
86. Kochutin, John.....	71	Husband.
87. Kochutin, Claudia.....	61	Wife.
88. Kochutin, Simeo.....	29	Son.
89. Kochutin, Maria G.....	12	Daughter.
90. Kochutin, Theodore.....	53	Husband.
91. Kochutin, Maria.....	55	Wife.
92. Kochutin, Nekifer.....	28	Son.
93. Kochutin, Mekey.....	20	Son.
94. Kochutin, Anton.....	15	Son.
95. Kochutin, Clement.....	11	Son.
96. Kochutin, Jacob V.....	5	Grandson.
97. Kozeroff, Gregory.....	24	Husband.
98. Kozeroff, Valentina.....	23	Wife.
99. Kozeroff, Agapia.....	4	Daughter.
100. Kozeroff, Anastasia.....	2	Daughter.
101. Kozloff, Ilidor.....	23	Husband.
102. Kozloff, Virginia.....	20	Wife.
103. Kozloff, Olga.....	2	Daughter.
104. Kozloff, Nicolai.....	1	Son.
105. Kozloff, Christopher.....	22	Single.
106. Kozloff, John.....	23	Single.
107. Kozloff, Marina.....	46	Widow.
108. Kozloff, Iustinia.....	12	Stepdaughter.
109. Kozloff, Joseph.....	11	Son.
110. Krukoff, Condrat.....	51	Husband.
111. Krukoff, Vassa.....	46	Wife.
112. Krukoff, Anastacia.....	20	Daughter.
113. Krukoff, John.....	18	Son.
114. Krukoff, Dorothy.....	8	Daughter.
115. Krukoff, Daniel.....	27	Husband.
116. Krukoff, Elena.....	23	Wife.
117. Krukoff, Marfa.....	4	Daughter.
118. Krukoff, Sosepatra.....	2	Daughter.
119. Krukoff, Daniel, Jr.....	1	Son.
120. Krukoff, Matfey.....	32	Husband.
121. Krukoff, Martha.....	30	Wife.
122. Krukoff, Philbert L.....	12	Son.
123. Krukoff, Laurence.....	8	Son.
124. Krukoff, Edna Floy.....	8	Daughter.
125. Krukoff, Paul.....	27	Husband.
126. Krukoff, Ekaterina.....	25	Wife.
127. Krukoff, Edwin.....	7	Son.
128. Krukoff, Pelagia.....	3	Daughter.
129. Krukoff, Xenia.....	2	Daughter.
130. Krukoff, Pegagia.....	54	Widow.
131. Krukoff, Agafon.....	23	Son.
132. Krukoff, Afrikan.....	21	Son.
133. Kushin, Anton.....	24	Husband.
134. Kushin, Anna.....	22	Wife.
135. Kushin, Andrey.....	14	Brother.

ATTACHMENT II—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued

[Voyage 2 leaving St. Paul Island, Alaska, June 16, 1942]

Number and name	Age (years)
NATIVE EVACUEES—Continued	
136. Kushin, John H.....	27 Husband.
137. Kushin, Mary.....	22 Wife.
138. Kushin, Susan.....	4 Daughter.
139. Kushin, Serafina.....	2 Daughter.
140. Kushin, Elena.....	1 Daughter.
141. Lekanoff, George.....	44 Husband.
142. Lekanoff, Erena.....	41 Wife.
143. Mandregan, Nekifer.....	45 Husband.
144. Mandregan, Alexandra.....	39 Wife.
145. Mandregan, Logan.....	22 Son.
146. Mandregan, Andrey.....	16 Son.
147. Mandregan, Christopher.....	12 Son.
148. Mandregan, Harry.....	10 Son.
149. Mandregan, Sally.....	6 Daughter.
150. Mandregan, Tracy.....	20 Husband.
151. Mandregan, Helena.....	22 Wife.
152. Mandregan, Juliana.....	11 Daughter.
153. Melovidov, Alexandra.....	46 Mother.
154. Melovidov, Alexander.....	15 Son.
155. Melovidov, Maria.....	12 Daughter.
156. Melovidov, John.....	8 Son.
157. Melovidov, Afley.....	38 Widower.
158. Melovidov, Nazary.....	15 Son.
159. Melovidov, Mavra.....	10 Daughter.
160. Melovidov, Agnia.....	5 Daughter.
161. Melovidov, Edgar.....	4 Son.
162. Melovidov, Ilarion.....	22 Husband.
163. Melovidov, Anna.....	18 Wife.
164. Melovidov, Ilarion, Jr.....	17 Son.
165. Melovidov, Iosef.....	34 Husband.
166. Melovidov, Platonida.....	31 Wife.
167. Melovidov, Nicolai.....	13 Son.
168. Melovidov, Iosef, Jr.....	11 Son.
169. Melovidov, Simeon.....	10 Son.
170. Melovidov, Anfesa.....	7 Daughter.
171. Melovidov, Benedict.....	5 Son.
172. Melovidov, Nekita.....	4 Son.
173. Melovidov, Vladimir.....	3 Son.
174. Melovidov, Vyacheslav.....	2 Son.
175. Melovidov, Adrian.....	11 Son.
176. Merculieff, Dosefey.....	36 Husband.
177. Merculieff, Varavara.....	22 Wife.
178. Merculieff, Meon.....	9 Son.
179. Merculieff, Agafia.....	63 Mother.
180. Merculieff, Theophilus.....	1 Son.
181. Merculieff, Ilodori.....	21 Husband.
182. Merculieff, Iuliana.....	18 Wife.
183. Merculieff, Paul.....	51 Husband.
184. Merculieff, Alexandra.....	35 Wife.
185. Merculieff, Abraham S.....	27 Son.
186. Merculieff, Julia.....	18 Daughter.
187. Merculieff, Nicander.....	17 Son.
188. Merculieff, John.....	15 Son.
189. Merculieff, Feodosia.....	15 Daughter.
190. Merculieff, Paul, Jr.....	13 Son.
191. Merculieff, Akina.....	12 Son.
192. Misikin, John.....	52 Husband.
193. Misikin, Natalia.....	55 Wife.
194. Misikin, Victor.....	33 Husband.
195. Misikin, Anna.....	35 Wife.
196. Misikin, Anna.....	16 Daughter.
197. Misikin, Maretina.....	15 Daughter.
198. Misikin, John V.....	14 Son.
199. Misikin Torenty.....	12 Son.
200. Misikin, Victor, Jr.....	10 Son.
201. Misikin, Andrey.....	6 Son.
202. Misikin, Erena.....	3 Daughter.
203. Oustigoff, Andronik.....	26 Husband.
204. Oustigoff, Nina.....	23 Wife.
205. Oustigoff, Gail.....	4 Son.
206. Oustigoff, Elizaveta.....	2 Daughter.
207. Oustigoff, Michael.....	1 Son.
208. Oustigoff, Dmitri.....	37 Husband.
209. Oustigoff, Iuliana.....	32 Wife.
210. Oustigoff, Peter.....	16 Son.
211. Oustigoff, Trofema.....	11 Son.
212. Oustigoff, Clement.....	10 Son.
213. Oustigoff, Phillip.....	9 Son.
214. Oustigoff, Constantine.....	6 Son.
215. Oustigoff, Natalia.....	5 Daughter.
216. Oustigoff, Iuliana.....	3 Daughter.

ATTACHMENT II—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued

[Voyage 2 leaving St. Paul Island, Alaska, June 16, 1942]

Number and name	Age (years)	
NATIVE EVACUEES—Continued		
217. Oustigoff, Neil.....	51	Husband.
218. Oustigoff, Mary.....	45	Wife.
219. Pankoff, Vlass.....	53	Single.
220. Philomonoff, Torenty.....	20	Husband.
221. Philomonoff, Alexandra.....	17	Wife.
222. Rukovishnikoff, George.....	29	Husband.
223. Rukovishnikoff, Ifrosenia.....	24	Wife.
224. Rukivishnikoff, Andrey.....	6	Son.
225. Rukovishnikoff, George, Jr.....	5	Son.
226. Rukovishnikoff, Feofaneya.....	3	Daughter.
227. Rukovishnikoff, Daria.....	1	Daughter.
228. Sedick, John.....	44	Husband.
229. Sedick, Marina.....	43	Wife.
230. Sedick, Lavrenty.....	26	Nephew.
231. Sedick, Alexander.....	13	Son.
232. Sedick, Salome.....	9	Daughter.
233. Shabolin, Daniel.....	39	Husband.
234. Shabolin, Feodosia.....	23	Wife.
235. Shabolin, Tatiana.....	6	Daughter.
236. Shabolin, Fokla.....	5	Daughter.
237. Shabolin, Vlass.....	4	Son.
238. Shabolin, Iliana.....	2	Daughter.
239. Shabolin, Isiah.....	1	Son.
240. Shabolin, Moisey.....	24	Single.
241. Shaishmikoff, Sergo.....	36	Husband.
242. Shaishnikoff, Nadesda.....	31	Wife.
243. Shaishnikoff, Maria.....	4	Daughter.
244. Stepetin, Audrey.....	28	Single.
245. Stepetin, Anna.....	70	Mother.
246. Stepetin, Auxonty.....	34	Husband.
247. Stepetin, Kleopatra.....	31	Wife.
248. Stepetin, Ruth E.....	10	Daughter.
249. Stepetin, Boris.....	4	Son.
250. Stepetin, Feodora.....	2	Daughter.
251. Stepetin, Marianna.....	1	Daughter.
252. Stepetin, Dorofey.....	71	Husband.
253. Stepetin, Lubov.....	62	Wife.
254. Stepetin, Epaty.....	32	Son.
255. Stepetin, Label N.....	10	Granddaughter.
256. Stepetin, Maxim.....	9	Grandson.
257. Stepetin, Alexey.....	22	Husband.
258. Stepetin, Olga.....	19	Wife.
259. Stepetin, Gabriel.....	30	Husband.
260. Stepetin, Zena.....	29	Wife.
261. Stepetin, Vasilii.....	48	Husband.
262. Stepetin, Mavra.....	43	Wife.
263. Stepetin, Nicolai.....	24	Son.
264. Stepetin, Justenia.....	21	Daughter.
265. Stepetin, Antanena.....	16	Daughter.
266. Stepetin, Vasilii, Jr.....	14	Son.
267. Stepetin, John.....	13	Son.
268. Stepetin, Lavronty.....	11	Son.
269. Stepetin, Porfiry.....	9	Son.
270. Stepetin, Olga.....	8	Daughter.
271. Stepetin, Fevronia.....	5	Daughter.
272. Stepetin, Vassa B.....	3	Daughter.
273. Swetsof, Elisaveta.....	4	Minor.
274. Totoff, Dmitri.....	44	Husband.
275. Tetoff, Sofia.....	39	Wife.
276. Tetoff, Simeon.....	12	Son.
277. Tetoff, Gavriell.....	5	Son.
278. Tetoff, Agrippina.....	66	Mother.
279. Tetoff, John.....	36	Single.
280. Tetoff, Paul.....	36	Widower.
281. Tetoff, Elisaveta.....	14	Daughter.
282. Tetoff, Vikenty M.....	31	Single.
283. Tetoff, Zachar.....	62	Husband.
284. Tetoff, Daria.....	61	Wife.
285. Tetoff, Peter.....	9	Grandson.
286. Bourdukofsky, Jason.....	12	
287. Kozerooff, Anicia.....	15	
288. Kushin, John, Jr.....	12	
289. Oustigoff, Dmitri, Jr.....	23	
290. Philemonoff, Margarita.....	13	
291. Rukovishnikoff, Gavriell.....	11	
292. Nozeroff, Chionia.....	18	
293. Galaktionoff, Frank.....	35	
294. Philemonoff, Iliodor.....	12	

1 Months.

2 Weeks.

ATTACHMENT II—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued
 U.S. FISH AND WILDLIFE SERVICE EMPLOYEES (WHITE)
 [Voyage 2 leaving St. Paul Island, Alaska, June 16, 1942]

Number and date	Age (year)	Position
EVACUEES		
1. Baranoff, Makary.....	55	Priest.
2. Baranoff, Zinaida.....	53	Wife.
3. Berenberg, Samuel R.....	31	Resident physician.
4. Berenberg, Mrs. S. R.....	36	Wife.
5. Berenberg, Toby-Ann.....	10	Daughter.
6. Hellbaum, R. G.....	41	Schoolteacher.
7. Hellbaum, Mrs. Themla.....	40	Wife.
8. Hellbaum, Eleanor.....	15	Daughter.
9. Hellbaum, Anita.....	9	Daughter.
10. Hoverson, Carl.....	40	Store-keeper-in-charge.
11. Hoverson, Mrs. Geneva.....	39	Wife.
12. Oberg, E. W.....	43	Machinist.
13. Oberg, Mrs. Vivian.....	33	Wife.
14. Stacy, J. R.....	23	Assistant to agent.
15. Stacy, Jacqueline.....	20	Wife.

¹ Months.

ATTACHMENT III

PASSENGER LIST U.S.A.T. "DELAROF"
 [Voyage 2 leaving Dutch Harbor, Alaska, June 18, 1942]

Number and Name	Age (years)	
NATIVE EVACUEES		
1. Dirks, William, Sr.....	60	Single.
2. Dirks, William, Jr.....	30	Husband.
3. Dirks, Mattie.....	27	Wife.
4. Dirks, Annie.....	11	Sister.
5. Dirks, Florence.....	12	Daughter.
6. Dirks, George.....	5	Son.
7. Dirks, Margaret.....	4	Daughter.
8. Dirks, Sophia.....	13	Sister.
9. Gardner, James.....	19	Husband.
10. Gardner, Theresa.....	21	Wife.
11. Gardner, Stepanita.....	1	Daughter.
12. Gardner, Steve.....	33	Husband.
13. Gardner, Matrona.....	25	Wife.
14. Gardner, John.....	10	Son.
15. Golley, Constantine.....	53	Husband.
16. Golley, Anno.....	41	Wife.
17. Golley, Annie.....	10	Daughter.
18. Golley, Dimtri.....	14	Son.
19. Golley, William.....	8	Son.
20. Golley, Julian.....	31	Husband.
21. Golley, Martha.....	25	Wife.
22. Golley, John.....	6	Son.
23. Golley, Sergius.....	4	Son.
14. Golley, Sergius.....	47	Husband.
25. Golley, Jennie.....	42	Wife.
26. Golley, Feodor.....	15	Son.
27. Golley, Nadesta.....	12	Daughter.
28. Petikoff, Valentina.....	27	Single.
29. Kavoroff, Peter.....	41	Husband.
30. Kavoroff, Raymond.....	9	Son.
31. Mercheenen, Annie.....	58	Widow.
32. Creeveden, Titiana.....	9	Orphan.
33. Mercheenen, Mike.....	71	Single.
34. Nevzoroff, Afanasia.....	69	Widow.
35. Nevzoroff, Clara.....	3	Daughter.
36. Novzoroff, Danny.....	40	Husband.
37. Novzoroff, Eva.....	20	Wife.
38. Novzoroff, Lydia.....	14	Daughter.
39. Kudrin, Titiana.....	18	Daughter.
40. Novzoroff, John.....	21	Husband.
41. Novzoroff, Annie.....	19	Wife.
42. Novzoroff, Nicholas.....	1	Son.
43. Novzoroff, Larry.....	71	Husband.
44. Novzoroff, Periscovia.....	64	Wife.
45. Novzoroff, Max.....	17	Son.
46. Novzoroff, Annie.....	25	
47. Nevoroff, Vasha.....	14	Daughter.
48. Nevzoroff, Phillip.....	34	Husband.
49. Nevzoroff, Mary.....	32	Wife.

ATTACHMENT III—Continued

PASSENGER LIST U.S.A.T. "DELAROF"—Continued

[Voyage 2 leaving Dutch Harbor, Alaska, June 18, 1942]

Number and Name	Age (years)
NATIVE EVACUEES—Continued	
50. Nevzoroff, George.....	11 Son.
51. Nevzoroff, Lawrence.....	5 Son.
52. Nevzoroff, Vera.....	8 Daughter.
53. Prokopeuff, George.....	40 Husband.
54. Prokopeuff, Lukenia.....	38 Wife.
55. Prokopeuff, Fanny.....	8 Daughter.
56. Prokopeuff, George.....	3 Son.
57. Prokopeuff, Nick.....	68 Husband.
58. Prokopeuff, Mary.....	45 Wife.
59. Prokopeuff, Daniel.....	20 Son.
60. Prokopeuff, John.....	27 Son.
61. Prokopeuff, Moses.....	11 Son.
62. Prokopeuff, Peter.....	8 Son.
63. Prokopeuff, Steve.....	18 Son.
64. Snigaroff, Andrew.....	51 Husband.
65. Snigaroff, Mary.....	41 Wife.
66. Snigaroff, Affia.....	9 Daughter.
67. Snigaroff, Anfusia.....	6 Granddaughter.
68. Snigaroff, Angeline.....	1 Daughter.
69. Snigaroff, Annie.....	6 Daughter.
70. Snigaroff, Clara.....	17 Daughter.
71. Snigaroff, Mike.....	14 Son.
72. Snigaroff, Oloan.....	8 Daughter.
73. Snigaroff, Codar.....	53 Widower.
74. Snigaroff, Alice.....	12 Daughter.
75. Snigaroff, Poda.....	21 Son.
76. Snigaroff, Elizabeth Golley.....	18 Daughter-in-law.
77. Snigaroff, Vera.....	14 Daughter.
78. Zoachney, Vasha.....	34 Widower.
79. Zoachney, David.....	8 Son.
80. Zoachney, Innikinti.....	5 Son.
81. Zoachney, Mary.....	2 Daughter.
82. Zoachney, Paul.....	8 Son.
83. Zoachney, Spiridon.....	12 Son.
WHITE EVACUEES	
1. Magee, Ralph.....	45 Schoolteacher.
2. Magee, Ruby.....	38 Schoolteacher.

ATTACHMENT IV

NIKOLSKI NATIVES

1. Bezezekoff, Steve—49	24. Chercasen, Alex—37
2. Bezezekoff, Dora—39	25. Chercasen, Afenogin—15
3. Bezezekoff, Catherie—8	26. Chercasen, Emil—17
4. Bezezekoff, Frankie—13	27. Chercasen, Larry—7
5. Bezezekoff, Georgie—5	28. Dushkin, George—55
6. Bezezekoff, Mike—6	29. Dushkin, August—33
7. Bezezekoff, Polly—12	30. Dushkin, Alex—15
8. Bezezekoff, Anton—26	31. Dushkin, Willie—6
9. Bezezekoff, Fred—27	32. Ermeloff, Willie—28
10. Bezezekoff, Polly—44	33. Ermeloff, Mac—22
11. Krukoff, Mary—21	34. Ermeloff, Sergie—2
12. Krukoff, Oliana—19	35. Krukoff, Dan—39
13. Krukoff, Fedey—16	36. Krukoff, Oxenia—18
14. Chercasen, Eva—55	37. Krukoff, Henery—2
15. Chercasen, George—19	38. Krukoff, Jennie—35
16. Chercasen, Jacob—21	39. Krukoff, Joe—65
17. Chercasen, Sergie—11	40. Krukoff, Alex—35
18. Chercasen, Susie—16	41. Krukoff, Zakhar—63
19. Chercasen, Dorothy—29	42. Krukoff, Henry—12
20. Chercasen, Elsie—32	43. Krukoff, Martin—19
21. Chercasen, Angelina—7	44. Krukoff, Robert—25
22. Chercasen, Dosofey—4	45. Krukoff, Walter—28
23. Chercasen, Nick—2	46. Krukoff, John—58

ATTACHMENT IV—Continued

NIKOLSKI NATIVES—continued

- | | |
|---------------------------------|----------------------------|
| 47. Dushkin, Valentin—8 | 60. Dushkin, John—17 |
| 48. Lazanas, Frank—42 | 61. Sovoroff, Horatina—50 |
| 49. Lazanas, Annie—22 | 62. Sovoroff, Christina—18 |
| 50. Chercasen, Lucy—3 Mo. | 63. Sovoroff, Irene—14 |
| 51. Sovoroff, Sara—11 | 64. Ermeloff, Lonety—4 |
| 52. Pletnikoff, Eug—49 | 65. Talanoff, Simeon—65 |
| 53. Pletnikoff, Lavera—15 | 66. Talanoff, Helen—31 |
| 54. Sovoroff, Leonty—29 | 67. Talanoff, Feducia—14 |
| 55. Sovoroff, Nellie—25 | 68. Talanoff, Matruna—4 |
| 56. Sovoroff, Leonty Jr.—10 Mo. | 69. Talanoff, Olga—9 Mo. |
| 57. Sovoroff, Lura—5 | 70. Talanoff, Willie—7 |
| 58. Sovoroff, Sergie—41 | 71. Pletnikoff, Fanny—14 |
| 59. Sovoroff, Agnes—33 | 72. Ermeloff, Afenogin—52 |

AKUTAN NATIVES

- | | |
|---------------------------|---------------------------------|
| 1. Berskin, Matruna—33 | 22. Pettikoff, Mary—18 |
| 2. Berskin, Nick—4 | 23. Pettikoff, Paul—37 |
| 3. Mensoff, Dude—52 | 24. Pettikoff, Tom—37 |
| 4. Mensoff, Mary—13 | 25. Pettikoff, Mark—51 |
| 5. Mensoff, Agnes—9 | 26. Pettikoff, Sophie—44 |
| 6. McGlashen, Hugh—57 | 27. Pettikoff, Irene—2 |
| 7. McGlashen, Mattie—51 | 28. Stepetin, Mattie—23 |
| 8. McGlashen, Agnes—30 | 29. Stepetin, Alice—2 |
| 9. McGlashen, Flecka—17 | 30. Stepetin, Peter—6 |
| 10. McGlashen, Lillian—14 | 31. Stepetin, Agnes—4 |
| 11. McGlashen, Eddie—16 | 32. Stepetin, Arthur—39 |
| 12. McGlashen, George—15 | 33. Tchripanoff, Willie—38 |
| 13. McGlashen, Nicky—11 | 34. Tchripanoff, Annie—30 |
| 14. McGlashen, Helen—8 | 35. Tchripanoff, Olga—11 |
| 15. McGlashen, Paul—38 | 36. Tchripanoff, Paul—6 |
| 16. McGlashen, Alex—39 | 37. Tchripanoff, Helen—3 |
| 17. McGlashen, Anesia—24 | 38. Tchripanoff, Matthew—2 |
| 18. McGlashen, Jeanie—9 | 39. Tchripanoff, Mattie—3 Mo. |
| 19. McGlashen, Anna—7 | 40. Tchripanoff, Christopher—12 |
| 20. McGlashen, Alex Jr.—6 | 41. Shellkoff, Luke—34 |
| 21. McGlashen, Tommy—3 | |

KASHEGA NATIVES

- | | |
|-------------------------------|------------------------------|
| 1. Borenin, Carl—41 | 11. Kudrin, Olga—24 |
| 2. Borenin, Sergie—22 | 12. Kudrin, Efemia—57 |
| 3. Borenin, George—44 (Chief) | 13. Kudrin, Eva—14 |
| 4. Borenin, Marie—5 | 14. Kudrin, Vasa—6 |
| 5. Denesoff, Nickafer—87 | 15. Kudrin, Sophie—31 |
| 6. Kudrin, Mike—27 | 16. Yeahchminoff, Nellie—27 |
| 7. Kudrin, George—17 | 17. Yeahchminoff, Paul—2 |
| 8. Kudrin, Cornelius—43 | 18. Yeahchminoff, Laura—4 |
| 9. Kudrin, Peter—30 | 19. Yeahchminoff, Laressa—61 |
| 10. Kudrin, Sergie—21 | 20. Gordaoff, George—17 |

BIORKA NATIVES

- | | |
|------------------------------|------------------------------|
| 1. Ermeloff, Alex—54 (Chief) | 10. Makiran, Eostna—42 |
| 2. Ermeloff, Sophie—32 | 11. Makiran, Irene—11 |
| 3. Ermeloff, Ralph—30 | 12. Yeahchminoff, Ella—31 |
| 4. Ermeloff, Agapha—25 | 13. Yeahchminoff, Fedey—8 |
| 5. Ermeloff, Anastacia—3 Mo. | 14. Yeahchminoff, Margaret—9 |
| 6. Galiktionoff, Peter—14 | 15. Yeahchminoff, Willie—18 |
| 7. Lukenin, Peter—27 | 16. Yeahchminoff, Mary—3 |
| 8. Lukenin, Molly—22 | 17. Yeahchminoff, George—51 |
| 9. Makiran, Andrew—43 | 18. Ermeloff, Irene—13 |

ATTACHMENT IV—Continued

MAKUSHIN NATIVES

- | | |
|-----------------------|---------------------------------|
| 1. Borenin, Mick—19 | 6. Borenin, Eli—40 |
| 2. Borenin, Eva—55 | 7. Olsen, John Peter—62 (White) |
| 3. Borenin, Eva—15 | 8. Olsen, Katie—46 |
| 4. Borenin, Akanfa—8 | 9. Olsen, Johnny—16 |
| 5. Borenin, Matruna—5 | |

UNALASKA NATIVE

1. Dyakinoff, Andrew—15

ATTACHMENT V

INCOMPLETE DATA ON ALEUT CIVILIANS WHO DIED WHILE INTERNED IN CAMPS MAINTAINED BY THE U.S. DEPARTMENT OF THE INTERIOR FROM JUNE 1942 UNTIL MID-1944

The following incomplete tabulation of civilian Aleut deaths in the World War II camps is based upon the recollections of survivors and was compiled by the Aleutian/Pribilof Islands Association, Inc. :

Persons from Unalaska :

- Lekanoff, Steve, Buried at Burnett.
- Newell, Martha, Returned for burial in Unalaska.
- Shapsmikoff, Sergia, Buried at Excursion Inlet.
- Stepetin, William, Buried at Ketchikan.

Persons from St. George :

- Galanin, Sr., Alexander, Buried at Funter Bay, Alaska.
- Lekanof, Irene, Buried at Funter Bay, Alaska.
- Lekanof, Palagalia, Buried at Funter Bay, Alaska.
- Lekanoff, Polagin, Buried at Funter Bay, Alaska.
- Lekanof, Jr., Serge, Buried at Funter Bay, Alaska.
- Lestenkof, Anna, Buried at Junea, Alaska.
- Lestenkof, Constantine, Buried at Funter Bay, Alaska.
- Mandregan, Helen, Buried at Funter Bay, Alaska.
- Nozekof, Mary, Buried at Funter Bay, Alaska.
- Nozekof, Paul, Buried at Funter Bay, Alaska.
- Prokopiof, Jr., Afanasia, Buried at Funter Bay, Alaska.
- Profopiof, Agnes, Buried at Funter Bay, Alaska.
- Prokopiof, Anna, Buried at Funter Bay, Alaska.
- Prokopiof, Lucy, Buried at Funter Bay, Alaska.
- Prokopiof, Stefanadia, Buried at Funter Bay, Alaska.
- Stepetin, Anna, Buried in Junea, Alaska.
- Swetzof, Helen, Buried in Junea, Alaska.
- Swetzof, Olga, Buried in Funter Bay, Alaska.

Persons from St. Paul :

- Bear, Kenneth, Buried at Funter Bay, Alaska.
- Bear, Susan Della, Buried at Funter Bay, Alaska.
- Bourdukofsky, Peter, Buried at Funter Bay, Alaska.
- Emanoff, Pauline, Buried at Funter Bay, Alaska.
- Emanoff, Buried at Funter Bay, Alaska.
- Emanoff, Polly, Buried at Funter Bay, Alaska.
- Hapoff, Nekita, Buried at Funter Bay, Alaska.
- Kochutin, Buried at sea in the Gulf of Alaska.
- Kochutin, Buried at Funter Bay, Alaska.
- Krykoff, Dorothy, Buried at Funter Bay, Alaska.
- Kuchutin, John, Buried at Funter Bay, Alaska.
- Mandregan, Logan, Buried at Funter Bay, Alaska.
- Merculieff, Alexander, Buried at Juneau, Alaska.
- Nederazof, Alexander, Buried at Funter Bay, Alaska.
- Ousligoff, Anastasia, Buried at Funter Bay, Alaska.
- Panoff, Vlass, Buried at Funter Bay, Alaska.
- Shabolin, Serge, Buried at Funter Bay, Alaska.
- Shabolin, Vlass, Buried at Funter Bay, Alaska.

Stepetin, Dorafey, Buried at Funter Bay, Alaska.

Swetozof, Helena, Buried at Funter Bay, Alaska.

Swetozoff, Julia, Buried at Funter Bay, Alaska.

Tetof, Doria, Buried at Funter Bay, Alaska.

Persons from Nikolski village (from Russian Orthodox records as recorded by reader/Psalomchik Joseph Krukoff) :

Bezezekoff, Fedora, died June 5, 1943, Buried at Ketchikan, Alaska (tuberculosis).

Bezezekoff, Timothy, died September 1, 1942, Buried at Ketchikan, Alaska (tuberculosis).

Chercasen, Dosofey, died July 30, 1943, Buried at Ketchikan, Alaska (tuberculosis).

Chercasen, Susie Zoya, died May 10, 1943, Buried at Ketchikan, Alaska (tuberculosis).

Krukoff, Constantine, died September 29, 1942, Buried at Ketchikan, Alaska (tuberculosis).

Krukoff, John, died October 27, 1942, Buried at Ketchikan, Alaska (tuberculosis).

Krukoff, Ladimar, died August 28, 1944, Buried at Tacoma, Washington (tuberculosis).

Krukoff, Oliana, died March 20, 1944. Buried at Toppenish, Washington (tuberculosis).

Pletnikoff, Eoff, died April 29, 1943, Buried at Ketchikan, Alaska (paralytic stroke).

Sovoroff, Barbara, died June 14, 1943, Buried at Ketchikan, Alaska (tuberculosis).

Sovoroff, Leonty Jr., died November 29, 1942, Buried at Ketchikan, Alaska (pain).

Talanoff, Matriona, died October 10, 1944, Buried at Tacoma, Washington (mumps).

Talanoff, Sara, died February 21, 1943, Buried at Ketchikan, Alaska (whooping cough).

Talanoff, Simeon, died January 1, 1944, Buried at Ketchikan, Alaska (pneumonia).

Persons from Nikolski Village—(the following information was given by Mrs. Laver Dushkin) :

Bezezekoff, Katherine, died in 1943, buried at Ketchikan, Alaska (Tuberculosis).

Emerson (Ermeloff), Sara, died in 1945, buried at Ketchikan, Alaska (found dead).

Savoroff, Irene & Infant, died in 1944, buried at Ketchikan, Alaska (in childbirth).

Talanoff, Helen, died in 1945 or 1946, buried at Ketchikan, Alaska (tuberculosis).

**TESTIMONY OF MIKE ZACHAROF, ACTING EXECUTIVE DIRECTOR,
ALEUTIAN PRIBILOF ISLANDS ASSOCIATION, ACCOMPANIED BY
PHILEMON TUTIAKOFF, CHAIRMAN OF THE BOARD**

Mr. ZACHAROF. Good morning. Mr. Chairman and members of the subcommittee, my name is Michael Zacharof, and I am acting executive director of the Aleutian/Pribilof Islands Association, a non-profit regional corporation established to provide social services and preserve the cultural heritage of the Aleut people.

Mr. Chairman, I do not want to read the whole thing, but I do have some points to address.

Mr. McCLORY. You are accompanied by Phil Tutiakoff?

Mr. ZACHAROF. Yes, I am accompanied today by Mr. Philemon Tutiakoff, chairman of the board of APIA. At the conclusion of our

brief oral statement, Mr. Tutiakoff and I will be pleased to answer any questions about the experiences of the Aleut people during World War II.

Mr. Chairman, the legislation before your subcommittee will ensure that the injustices suffered by the Japanese Americans who were interned by U.S. Government order during the war will be fully investigated and that appropriate remedies will be recommended to the President. We are here today because of the little-known fact that between 850 and 1,000 Native American Aleut citizens were also evacuated from their homes, and interned during World War II under conditions which deprived them of their civil rights, subjected them to the ravages of disease and death, and deprived them of their property without due process of law.

Mr. Chairman, extensive research has been conducted by APIA on the internment of the Aleuts during the war. I request at this time that a paper on this subject, prepared by John C. Kirtland of Cook, Purcell, Hansen & Henderson, of this city, be inserted in the record of these proceedings at the conclusion of my oral testimony.

Mr. DANIELSON. May I inquire, is that the statement I have here?

Mr. ZACHAROF. Yes, sir.

Mr. DANIELSON. Without objection, it is received.

Mr. ZACHAROF. Thank you.

This paper summarizes the facts and circumstances of the Aleuts' removal from their homes, and detention under inhuman conditions in camps maintained in southeastern Alaska by officials of the U.S. Department of the Interior from mid-1942 until as late as April 1945.

Mr. Chairman, the facts are essentially as follows: The Aleut residents of the Pribilof Islands, in the Bering Sea, and a number of villages on the Aleutian island chain were removed by U.S. military authorities from their homes during June and July 1942. The initial decision to evacuate the Aleut villages was made in response to the Japanese bombing of Dutch Harbor, on the Aleutian chain, and the Japanese conquest of Attu and Kiska.

More than 850 Aleut citizens were taken to temporary camps in the southeastern Alaska area, there to remain without adequate shelter, adequate medical support, or adequate clothing. They were kept in the camps and their movements were severely restricted. There were epidemics of disease, and scores of Aleuts died in the camps. Military censorship was used to insure that the outside world was kept uninformed about the Aleuts' condition.

Although there was no suggestion that the Aleuts might be a security risk, the fact is that non-Native, or white, residents of the Aleutian chain, including the white residents of Unalaska, were permitted to remain in their communities while the Aleuts were maintained by military directive in camps as far as 1,500 miles away. The fact is that it proved convenient to segregate the Aleuts from the military units stationed on the Aleutian chain, and from the civilian non-Native population. The Aleuts' houses were used, in some cases, to billet troops, and Secretary of War Stimson prohibited the early return of the Aleuts to some communities because of this fact.

Mr. Chairman, the Aleuts found, upon returning to their homes after the war was nearly over, that their personal effects had either

been destroyed by military order or vandalized by military personnel while they were away. They returned to their communities as refugees and aliens in their own country. And President Roosevelt, in providing emergency appropriations for resettlement, limited payment of claims for more than 850 people to no more than \$10,000 in the aggregate.

That only means that those people each received about \$11 on what they lost, on the average.

Mr. Chairman, I am an Aleut. Mr. Tutiakoff is an Aleut. Our people, the archeologists have determined, have occupied their villages on the Aleutian Island chain continuously for more than 8,000 years—except for the years 1942–45. And in that short 3-year span the Aleut people suffered, at the hands of their Government, perhaps as much as they have ever suffered in their entire existence.

The Senate has approved the Commission on Wartime Relocation and Internment of Civilians Act with amendments offered by our Senator Ted Stevens of Alaska: to include within the mandate of the proposed Commission a full review of the experience of the Aleut community during the war years.

Mr. Chairman, we appeal to your subcommittee to approve the Senate amendments to the bill, so that the Aleut experience can be documented fully and appropriate recommendations to prevent further injustices to Native Americans can be made.

At the age of 1 year, I was transported to the Funter Bay camp, at the site of an abandoned fish cannery, to be interned for more than 2 years with my family and other members of the St. Paul Aleut community. Mr. Tutiakoff, with me today, was 14 years old. He was interned at Burnett Inlet, near Ketchikan, Alaska, from July or August 1942 until April 1945. There are not many Aleuts of our generation, particularly on the Pribilofs, because so many died from disease and deprivation in the camps.

If the proposed Commission is permitted to consider the Aleuts' relocation and internment during the war, the record of its proceedings, we are confident, will insure that never again will such conduct be tolerated by the American people. This will be a great victory for the Aleut people, and a great victory for equal rights and freedom in the United States.

Thank you, Mr. Chairman, for this opportunity to participate in your hearing on this most important measure.

Mr. DANIELSON. I thank you, sir.

Mr. Tutiakoff, did you wish to add something? Won't you just pull the microphone up. Thank you.

TESTIMONY OF MR. TUTIAKOFF

Mr. TUTIAKOFF. As a leader of the Aleut Tribe, having so much in common with the Japanese who built their own incarceration facilities, we had to build our own churches, schools, toilets. We want what took place to finally be brought to the eyes and ears of America and the entire world public. I sincerely hope actions following what take place today are based on basic human intelligence and moral truth. Then, and only then, can the Aleuts finally be allowed to ask questions, and certainly we respectfully request answers to long-unanswered questions.

Thank you for this opportunity to speak.

Mr. DANIELSON. Thank you, sir.

Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman.

I appreciate the testimony of all three gentlemen. I think that I understand their points of view, and I don't think that further interrogation is necessary. I think that this is a subject which the subcommittee must study carefully, and which it seems to me we should act positively with regard to one or the other of the measures before us.

Mr. DANIELSON. I concur and associate myself with the remarks of my friend from Illinois, Mr. McClory. I add only that we are going to act very promptly, being mindful of the fact that this is June 2, 1980, and in all probability the Congress will adjourn somewhere around the first part of October.

As to you two gentlemen from the Aleut groups, I want to thank you particularly for bringing this matter to our attention. I, along with most of us, have been aware of the problem of the Japanese-American internment during World War II, but I have to, in all honesty, plead innocent of having had previous knowledge; that is, previous to this set of bills, of the tragedy that was inflicted upon the Aleut people, and I am fully in accord that we must do some appropriate thing to redress that, and hopefully to ensure that it won't happen again.

I would like to ask any or all of you gentlemen a couple of points. Mr. Matsui urged that subpoena power be granted. To me, it seems like a good idea. Would you care to comment, any of you? Mr. Masaoka.

Mr. MASAOKA. If I may be bold enough to suggest, I did make the suggestion to Senator Jackson of the committee and the Senate committee believes they are providing for subpoena power in one of their amendments.

Mr. DANIELSON. Yes.

Mr. MASAOKA. They said that according to the historical precedents they could not grant a Presidential commission subpoena powers on its own, but it would be authorized to seek subpoena powers through a Federal district judge in that particular court through the offices of the Attorney General.

Mr. DANIELSON. We will check that out then, because I think if we are going to try to do this, we have to do it correctly.

Mr. MASAOKA. Right.

Mr. DANIELSON. Thank you for alerting us to that problem.

Another point, do any of you have suggestions, if there should be a commission, as to the number of persons? One of the bills says 15, another one says 7. I don't know. If you have got a suggestion that goes to the merits, I would like to hear it, or maybe it is just something that is good enough one way or another.

Mr. MASAOKA. We are interested in a quick bill, sir, and if the bill with seven would get through faster, we are all for it.

Mr. DANIELSON. I don't think seven or eight people are going to make a lot of difference. Mr. Zacharof.

Mr. ZACHAROF. I would support seven members of the Commission.

Mr. DANIELSON. Do you have a reason for that?

Mr. ZACHAROF. You only have \$1.5 million to play with. If you had 15 people on board—

Mr. DANIELSON. That is very practical. That goes right to the heart of this. I thank you for your comment. Mr. Masaoka, one question only in parting and it may not be too important. In Hawaii there was martial law for a while.

Mr. MASAOKA. Yes, sir.

Mr. DANIELSON. If my memory serves me right—and I wonder whether it does—wasn't it Judge Delbert Metzger who declared that to be unconstitutional?

Mr. MASAOKA. You are absolutely correct, Mr. Chairman.

Mr. DANIELSON. In about 1944, before the war was over?

Mr. MASAOKA. That is right, sir.

Mr. DANIELSON. In 1949 or 1950 I had the honor of trying three or four cases before Judge Metzger when he was a visiting U.S. district judge in Los Angeles. I am sure he has gone now, to what must be a fine reward. But for a tiny little man he had great courage, and I really enjoyed knowing him.

Thank you all. Are there any more questions?

Gentlemen, all of you, thank you very much. I think that you as well as the audience should know that we don't undertake the consideration of this bill in a vacuum. Most of us fortunately have a few miles on us, and we do remember these circumstances. We had the honor of knowing many of you, and it is not something with which we have to start from scratch. Therefore, we are going to be able to move rather quickly and yet carefully. Thank you very much.

There are no more witnesses. We have agreed that the statements of the Senators as well as Representative Don Young of Alaska will be received in the record, and I might add they have already arrived. The last one just arrived, so they are here.

[The statements follow:]

STATEMENT OF HON. DON YOUNG

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS ACT

Mr. Chairman, Members of the Subcommittee, I appreciate this opportunity to submit a statement on the "Commission on Wartime Relocation and Internment of Civilians Act," a bill which has the support of our colleagues in the House and has been approved by the other body on May 22nd.

Mr. Chairman, a great injustice was suffered by one hundred twenty thousand American citizens and permanent resident aliens of Japanese ancestry during World War II. These citizens, in violation of their civil rights and human rights were relocated and detained in internment camps without any military justification. Their condition has long burdened the conscience of America. This legislation, which you hear today, will initiate an appropriate inquiry by a "blue ribbon" Commission, and lead to recommendations for appropriate relief. The Commission will make recommendations to ensure that no such action is taken by government in the future.

Although the plight of the Japanese-Americans is well known, it is little known that a large number of my constituents, the Native American Aleut people living in their ancestral homes on the Aleutian Chain and the Pribilof Islands, were removed by military orders in June 1942 and detained in camps in Southeastern Alaska until mid-1944.

Mr. Chairman, during Senate committee consideration of this bill, Senator Ted Stevens offered amendments to expand the mandate of the Commission to include an investigation of the facts surrounding the removal and internment of the Aleuts during the war. His amendments were approved by the committee, and the Senate-passed bill, containing the Stevens amendments, is now before your subcommittee.

The representatives of the Aleut people, Mr. Mike Zaharof, from St. Paul Island, and Mr. Phil Tutiaokoff, from Unalaska, will testify today about condi-

tions in the camps and the injustices suffered by nearly 1,000 Aleut citizens. They will submit for the record of these proceedings detailed materials which describe the basis for Aleut relocation and detention. They will appeal to this subcommittee to include the Aleut experience in the mandate of the Commission under this bill.

Mr. Chairman, Japanese war messages intercepted in April 1942 indicated that an attack would be made on the Aleutian Islands, probably sometime in early June. On June 2, a part of the enemy force was sighted approximately 400 miles south of Kiska Island by a U.S. Navy plane. Early on June 3, the Japanese bombed Dutch Harbor (Unalaska). The Navy facilities there, and the army's Fort Mears were again bombed on June 4. And at 1:00 a.m. on June 8, 1942, units of the Imperial Japanese Army made an unopposed landing at Holtz Bay, on Attu Island. Kiska Island was subsequently occupied by the Japanese as well.

These events initiated the chain which led to the removal and the internment of the Aleut people. Local military commanders decided to clear the islands of the Native Americans living there. On Atka, the crew of the U.S.S. GILLIS destroyed the village by fire, and the Aleuts were evacuated by aircraft. The U.S.S. HULBERT, operating in Nazan Bay evacuated about 60 Aleuts. These events occurred on June 12. And on June 16, the evacuation of the Pribilof Islands was accomplished by an Army transport, the S.S. DELAROF. On St. George, the cattle were shot; they were returned to the wild on St. Paul. The people were permitted to take very few possessions. When the DELAROF sailed, the authorities had not yet decided where to land the Aleuts.

Although the initial decision to evacuate the Islands was not malicious, the following two years were a living nightmare for my constituents. They ultimately were interned in abandoned fish canneries and fishmeal plants, and in an abandoned gold mine in Southeastern Alaska. They were not provided with adequate shelter, medical supplies, or other facilities and equipment necessary to maintain health and life. There were epidemics of disease in the camps. Many citizens died from exposure and lack of medical care. They were neglected and nearly forgotten. Military censorship was invoked to ensure that the outside world knew nothing of the conditions under which the Aleuts were kept. The able bodied men were removed from the largest camps, at Funter Bay on Admiralty Island, for work details back on the Pribilof Islands, from whence they came. But the old men, the women and children, were kept in the camps unable to care for themselves. Wholesale disease and death was the result.

Mr. Chairman, soon after the evacuation it became apparent the Japanese had abandoned any plans for occupation of the Aleutian Chain. There was no military necessity for keeping Aleut civilians, or other civilians from returning to their homes. Of course, only the Aleuts and some Interior Department employees had been evacuated. The non-Native civilian population in the Dutch Harbor-Unalaska area was permitted to remain, while the Native Aleut population was kept segregated in the camps.

The wanton disregard for the health and welfare of the Aleut civilians, for a two-year period in the government camps, is a disgrace and is well documented in materials assembled from the U.S. archives by the Aleutian/Pribilof Islands Association, the legally-recognized representative of the Aleut people. The segregation of this race of people, while others had access to their homes, was a denial of civil rights and due process. There has been no compensation for the massive losses suffered by the Aleut people during those tragic times.

Mr. Chairman, I urge your subcommittee to approve the language contained in the Senate-passed bill which includes the Aleut experience as a basis for Commission review and action. I urge you to report the Senate-passed bill so that this Commission can be established, and begin work, at the earliest possible time.

Only after a full disclosure, on the public record, of the injustices suffered by the Japanese-Americans and the Aleuts, can this Nation determine to proper remedies and ensure that similar racially-motivated official actions do not again occur.

Thank you, Mr. Chairman.

STATEMENT OF HON. TED STEVENS

Mr. Chairman, I wish to thank you for your gracious offer to testify on S. 1047, a bill to establish a Commission to investigate the Japanese- and Aleut-American experiences pursuant to their respective relocations and internments

during World War II. As you know, I am a co-sponsor of the original bill and offered the amendment in the Senate Governmental Affairs Committee that included the experiences of the Aleut community into the Commission's investigation.

As my statement accompanying passage of the bill in the Senate stated, "I strongly support the purpose and the provisions of S. 1647. Through the Commission established pursuant to this legislation, the Japanese-American community will, hopefully, not only be completely redeemed from the strain on their integrity, but their experience will also teach us as a society to carefully guard the fundamental freedoms of all people at all times in all situations." However, since most of the witnesses today will discuss the Japanese-American experiences, I will primarily discuss the Aleut experience.

The Aleut people, today, number about 3,200. The large majority live, as they have since earliest times, in villages located on the lower Alaskan peninsula, the Aleutian Island chain, and the Pribiloff Islands in the Bering Sea.

In early 1942, the Aleut people were relocated from their homes by U.S. military directives to camps in Southeastern Alaska. The Aleut citizens of Unalaska, St. George, St. Paul, Nikolski, and other villages were evacuated—in some cases with less than 24 hours notice. The Aleuts suffered almost unimaginable neglect. Their medical supplies were diverted for the use of others without replacement. They were confined to camps without access to medical doctors, adequate shelter, or clothing.

In the camps from mid-1942 until mid-1944, the Aleut people suffered ravages of disease and deprivation. Most young children and older citizens died from exposure, the ravages of tuberculosis, pneumonia, and measles. The able-bodied men from St. George and St. Paul, in the largest camps at Funter Bay, were transported in 1943 back to the Pribilofs to harvest fur seals. The older people, women and children who were left behind could not care for themselves; they died from epidemic disease and from deprivation and neglect.

When the sealers on the Pribilofs, in the fall of 1943, learned of the distress of their loved ones at Funter Bay, they went on strike and demanded to be returned to their families. They were told by officials of the U.S. Fish and Wildlife Service, then in charge of the Pribilofs, that if they did not work, they would not eat. They were, in effect, threatened with starvation if they did not complete the harvest of fur seals and associated duties before returning to Funter Bay.

To illustrate the extent of the horror, let me read a portion of a letter from the Alaska Supervisor, in charge of the Aleut camps, to his chief in the U.S. Fish and Wildlife Service in late 1943.

"Being closest to the scene, this office naturally bears the brunt of criticism and it is becoming more and more difficult to defend our position. Scarcely a day passes that some well-meaning person does not descend upon us with recriminations for our heartless methods. Censorship has kept the press off our necks thus far but this line of defense is weakening rapidly. A few days ago we were advised by one of the physicians who had inspected the camps and aided in emergency work there, that he was preparing a report to the Surgeon General of the United States and also to Secretary Ickes and had no intention of "pulling any punches". He warned that it was only a question of time until some publication, such as *Life Magazine*, would get hold of the story and play it up, much to the disadvantage of the Service and the Department of the Interior as a whole. He pointed out that the value of this year's fur seal take from the Pribilofs would nearly equal the original purchase price of Alaska, yet the people who made it possible are being herded into quarters unfit for pigs; denied adequate medical attention; lack a healthful diet and even facilities to keep warm and are virtually prisoners of the Government, though theoretically possessing the status of citizenship. He paints a dark picture, but there is plenty of food for thought in his observations and one can easily visualize what a story a sensational publication could make out of the situation."

Mr. Chairman, little is publicly known of this tragic period in Aleut-American relations. The enactment of this bill, as amended, however, will provide the public with a more complete understanding of the tragic experiences of both the Japanese-American and Aleut-American communities. Again, thank you Mr. Chairman for so quickly acting upon this bill. I also wish to thank once again my friend, the distinguished original sponsor of this bill, Senator Inouye, for enthusiastically supporting my amendment.

WRITTEN TESTIMONY BY FRANK ABE AND KAREN SERIGUCHI OF THE NATIONAL
COUNCIL FOR JAPANESE AMERICAN REDRESS

To all persons of Japanese ancestry and friends.

The memory of 120,313 Issei, Nisei, Sansei and others of Japanese ancestry request the pleasure of your company.

For A DAY OF REMEMBRANCE.

Remember the concentration camps.

Stand for redress with your family.

We posted this notice—a notice echoing the 1942 “Instructions to all persons of Japanese ancestry”—on Seattle telephone poles in November 1978. Two thousand Nikkei and their friends joined a 250-car caravan led by two National Guard trucks and three busses and stretching four miles long. They drove to the Puyallup Fairgrounds, once called “Camp Harmony” and home to 7,200 Japanese Americans. That day, Representative Mike Lowry pledged that he would introduce a bill calling for Congressional redress for the World War II incarceration of American citizens and permanent residents.

Since then, popular support for some form of redress compensation has spread up and down the West Coast and across the nation. We posted the notice in Portland, and 1200 Nikkei, half the city’s Nikkei population, drove out to the Expo Center, their hometown concentration camp in 1942, for a Day of Remembrance in February 1979.

That year Senator Hayakawa slapped Japanese America in the face as he credited the camps with giving Japanese Americans new opportunities, and said we “weren’t in prison camps.” He called moves for redressing the wrongs done to us and to American justice “ridiculous and absurd.” Two thousand Japanese Americans contributed an average of five dollars each to publicly declare their support for redress. The *Washington Post* published “An open Letter to the Honorable S. I. Hayakawa” as a paid advertisement on May 9, 1979. Among the two thousand who signed were Michi Weglyn, author of *Years of Infamy*; Jeanne Wakatsuki Houston, author of *Farewell to Manzanar*; Dr. Harry Kitano, UCLA sociologist; Monica Sone, clinical psychologist and author of *Nisei Daughter*; and architect Minoru Yamasaki.

They all read the ad before they signed, and they said: “The redress we seek is not for property losses, but for the violation of civil rights, wrongful imprisonment, loss of income, and psychological, social, and cultural damages.” The ad does not call for a fact-finding study commission.

California attorney general in 1942, the late Earl Warren, is reputed to have been the first to call for the wartime expulsion of Japanese Americans. But July 28, 1979, the Conference of Western Attorneys General, comprising the top law-officers of 16 Western states (including California, Oregon, Hawaii, Utah, Colorado, and North Dakota) voted to support in principle the campaign for direct redress payments. Their resolution supports the efforts of the National Council for Japanese American Redress to “obtain reasonable compensation for the injuries and losses suffered by Japanese American evacuees, detainees, and internees.” The attorneys general said: “Redress for the victims of the wartime expulsion and imprisonment by the United States government is an appropriate method of recognizing the unique nature of the expulsion and imprisonment and of repaying some part of the losses caused thereby.” They conclude: “The defense of the constitutional rights of citizens of the United States and the principles of democracy is a matter of concern to the members of the Conference of Western Attorneys General.”

A series of public policy forums entitled “Japanese America: Contemporary Perspectives on the Internment,” held in Seattle, Tacoma, and Spokane, Washington, in early 1980, were the first public conferences on Japanese American redress ever held. A standing room only crowd of 400 crammed into Seattle Central Community College on January 19 to hear Representative Mike Lowry make public H.R. 5977. He was greeted with a spontaneous ovation.

Other panels in the conference addressed the prewar Japanese American community, the history of the expulsion and interment, the Japanese American vision expressed through literature, the long-term psychological effects of unjust imprisonment, and a debate on current redress legislation. The conference ended with a consensus in strong favor of H.R. 5977. The proceedings of this conference—which will be published soon after this committee hearing—make a compelling argument in favor of redress and provide the documentation that justifies it.

Japanese American organizations conducted several polls nationwide in the mid-1970s. Of the four thousand people who returned their questionnaires, more than 90 percent strongly supported individual compensation as redress. In 1978, a national convention of Japanese Americans held in Salt Lake City, Utah, voted unanimously to support a resolution calling for individual compensation of \$25,000 per former internee. The current legislation follows the sense of that resolution with pro-rated compensation according to time spent in camp.

The need for justice is urgent. Most of the victims of the incarceration are alive today, but many are rapidly dying off. The Issei, first-generation Japanese Americans, are almost gone. A fact-finding study commission, as provided by H.R. 5499, does not serve the real victims of the incarceration. American scholarship and government agencies have already produced a body of work three yards high. The why's and how's of the expulsion and internment have been thoroughly documented, as have camp conditions and the physical and emotional suffering endured by those interned. Let historians and other scholars, writers and film-makers continue their study and depiction of the internment camps. We urge this committee to turn instead to legal remedy for the undeniable violations of the constitutional rights of 120,313 persons. We ask your full support of H.R. 5977.

APPENDIX A

AN OPEN LETTER TO THE HONORABLE S. I. HAYAKAWA FROM JAPANESE AMERICA

Thirty-seven years ago, February 19, 1942, forty years of race hatred exploded against "all persons of Japanese ancestry" in the form of a Presidential Executive Order. Franklin D. Roosevelt's Executive Order 9066 forced three generations of Nikkei out of our homes, birthplaces, businesses; made us give up, curtail, or abandon our property and education; deprived us of all civil rights; stigmatized us as "enemy aliens"; legitimized the race hatred against us; and forced us into concentration camps, where most of us lived regimented lives behind barbed wire, under guard, for an average term of three years.

You, Senator Hayakawa, were not there with us on the West Coast, where the Issei, the first generation to arrive in America, established themselves as working, productive members of this country. You were not with us in the camps.

You have repeatedly, in the press, on radio and television, called the move for redressing the wrongs done to us and American justice "ridiculous and absurd." You have said we "weren't in prison camps," that they were "relocation centers." You credit the mass removal of Japanese Americans for breaking up our "ghettos" and for our higher education in "Antioch, Oberlin, the University of Chicago, Temple University, Mount Holyoke, and so on," and further credit the camps for giving us the opportunities that led to our enjoying the highest per capita income of any group in the nation.

They were concentration camps. Barbed wire, electrified fences, dogs, armed soldiers, machine gun towers made them concentration camps.

The colleges and universities you name are fine schools. We had been attending those schools years before WW II, and did not need the concentration camps to spark our academic achievement.

It was not our removal to camp that opened up the ghettos, but the repeal of the anti-Oriental laws that barred the Issei from U.S. citizenship, owning property, and certain jobs. *After camp we had nothing.* That nothing is what camp gave us, not opportunity. It was hard work, combined with the help of a few good friends, that brought us our present success. That success does not make the concentration camps of yesterday any less heinous a violation of American justice. Our success does not excuse the camps from American history.

What you call the white hysteria of the time does not excuse or lessen the damage done to Japanese America or American justice. The Federal Reserve Bank assessed the value of our property lost in 1942 at \$400 million. The Evacuation Claims Act of 1948 paid out a total of \$38 million—9%. The redress we seek is not for property losses, but for the violation of civil rights, wrongful imprisonment, loss of income, and psychological, social, and cultural damages.

Japanese Americans were as outraged and shocked by the Japanese attack on Pearl Harbor as any other Americans, and as anxious to defend America. The need for revenge against the Japanese enemy in no way justified the willful mistaking of three generations of Japanese Americans for the foreign Japanese enemy.

In camp we maintained our faith in the justice of a nation that had broken faith with us. Our all-Nisei 442nd Regimental Combat Team fought in WW II with a distinction that made them the most decorated of any unit who fought in that awful war. With that same faith in American justice, we seek redress. What you have said about white backlash and forgetting the hardships we endured convinces us that—unless the concentration camps become a recognized and essential part of American history—our ideals and system are vulnerable to the very tyranny Americans loathe. The concentration camps can happen again.

From an obscure Canadian immigrant to noted scholar, educator, and U.S. senator, you have become a prominent Japanese American. We regret that you choose now to make your reputation characterizing yourself as our 'public enemy no. 1.' You call yourself that as if the title brings you glory. In our eyes it does not. And on the concentration camps and our concern for redress, you do not speak for Japanese America.

The white of today are different people. Today the mayors of the cities that once called for our elimination are welcoming us home. In Seattle, Portland, San Francisco, and Los Angeles, the white establishment are joining four generations of Nikkei—Issei, Nisei, Sansei, and Yonsei—to remember, to heal, and to encourage the triumph of law. We firmly believe American law can heal itself. We look to you as one of the physicians and are saddened by your mouthing of the cliches of an ancient mob.

WRITTEN TESTIMONY BY SHOSUKE SASAKI, SEATTLE EVACUATION REDRESS COMMITTEE

[From the Los Angeles Times, Sunday, Mar. 23, 1980]

JAPANESE-AMERICAN POLITICIANS ON WRONG SIDE OF REDRESS ISSUE

(By Shosuke Sasaki)

Three decades after World War II, it's hardly news that more than 100,000 U.S. residents of Japanese ancestry were summarily evacuated from their homes and placed in internment camps between 1942 and 1945, suffering financial loss and psychological damage. Two-thirds of these prisoners were American-born U.S. citizens. Some 93,000 of the inmates were Californians. The Japanese-Americans were "relocated" to camps despite the fact that there had been no charges of espionage or sabotage on the West Coast.

At long last, a formal attempt is afoot in Congress to acknowledge and atone for this injustice. Actually, there are two attempts, of very different sorts.

One, a measure introduced by Rep. Mike Lowry (D-Wash.), called the World War II Japanese-American Human Rights Violations Redress Act, would officially recognize the violation of human rights involved in the internment and provide financial remuneration to the victims and their heirs, in the amount of \$15,000 plus \$15 for each day of internment. The bill is a genuine effort to compensate for the harm done.

The other measure, called the Commission on Wartime Relocation and Internment of Civilians Act, is a belated and inadequate response to the growing redress movement. Despite its co-sponsorship by a number of well-meaning Caucasian members of Congress, it is actually the brainchild of five Japanese-American co-sponsors: Sens. S. I. Hayakawa (R-Calif.), Daniel K. Inouye (D-Hawaii) and Spark M. Matsunaga (D-Hawaii), and Reps. Norman Y. Mineta (D-Calif.) and Robert T. Matsui (D-Calif.).

The bill would establish a 15-member appointed commission mandated to "gather facts to determine whether a wrong was committed" and "recommend appropriate remedies" in a report to Congress within 18 months after enactment of the bill—in short, it would delay any real action on the matter.

Worse yet, the bill does not provide for any form of redress. In fact, in recent years, none of the Japanese-American sponsors has publicly uttered a single word specifically in favor of individual redress to the victims of the evacuation order. Hayakawa, in fact, has publicly opposed the notion.

Privately, the Japanese-American legislators may view the redress issue as a potential threat to their political careers. If they support Lowry's redress bill, they may lose some Caucasian votes; if they fail to support it, they stand to lose Japanese-American votes.

In addition to wasting time and taxpayer money, the commission bill would actually *deny* redress to hundreds of issei (first-generation immigrants) and

nisei (second-generation immigrants) victims of the evacuation. As a result of the delay, some of them will die of illness and advanced age before a genuine redress bill can be enacted.

It is not difficult to foresee what would happen if the commission bill were to become law. The 15 appointees would probably be selected from a group suggested by the bill's authors. Most members of the commission would probably reflect their anti-redress bias. While it is possible that some face-saving "remedial measures" may be recommended by the commission, these would probably be limited to the giving of a few lump-sum grants to Japanese-American organizations, such as the national Japanese American Citizens League—with *nothing* going to the individual former inmates of the camps.

Of even greater seriousness is the possible damage to the principles on which this nation was founded. A precedent has been established that seriously weakens Constitutional protection against arbitrary imprisonment and similar violations of human rights. If the government can commit such violations with impunity, that precedent will be reinforced.

Let us hope that the Caucasian members of Congress will recognize the commission bill for what it is: a calculated maneuver to avoid confronting a terrible injustice that was done on American soil. The Lowry bill, on the other hand, reaffirms and strengthens the constitutional protection of human rights. It should be supported by all Americans concerned with preserving human freedom under our form of government.

CASE FOR INDIVIDUAL REPARATIONS PAYMENTS

There are a number of Japanese Americans who approve of efforts to seek reparations for the World War II evacuation and imprisonment of the Issei and Nisei but are opposed to any plan which would result in the direct payment of reparations to each individual evacuee. Those favoring the denial of direct payments to individuals believe that reparations should be paid to some Japanese American organizations or groups which would then use the money in a manner which they feel is desirable. Their reasons include the following:

1. Japanese Americans do not want individual payments.
2. Payments to individuals will be "wasted" by the recipients and should be used for "better" purposes.
3. A reparations bill involving direct payments to individuals would be either impossible or hopelessly difficult to get through Congress.

Surveys of the past two years have shown that reason No. 1 is simply not true. Questionnaire results indicate that over 90% of former evacuees who were questioned want individual payments.

Reason No. 2 reflects such disdain for the intelligence and rights of others that it should be unacceptable to anyone who truly believes in the American traditions of human dignity and individual rights.

Reason No. 3 is based on incorrect assumptions. Inquiries made by us and by Wayne Horiuchi of the J.A.C.L. Washington Office reveal nothing to indicate that individual payments would be an ymore difficult to get passed by Congress than block payments to groups.

In effect, reparations are the same as damages, from the party who caused the injury, being paid to the persons who suffered the injury. In other words, it is an attempt to "make the injured party whole" by the payment of a sum of money to him. The suggested payment of such money to a third party instead would be equivalent in essence to the unauthorized misappropriation of funds which properly should be going directly to each victim of the evacuation.

Even if the money from block payments were spent for such things as community recreation centers or community old age homes, many former evacuees and especially those living remote from large Japanese American population centers would receive no benefit whatsoever.

Moreover, the record of block grants by the United States Government to Indian tribes for past wrongs indicates a high probability that such a method of payment would lead to endless and costly lawsuits over how the money would be spent. Instead of the former evacuees, the lawyers involved in the court cases would become the main beneficiaries.

Rejecting or ignoring the principle of direct compensation to the individual victims of the evacuation and the sacrificing of justice and principle for the sake of tokenism and assumed expediency could again alienate a large portion of the supported of the J.A.C.L. Although the decision by the J.A.C.L. leaders in 1942,

to cooperate with the Evacuation Order was made under conditions of wartime duress, many of those who had expected the J.A.C.L. to put up some kind of opposition reacted with bitterness. To this day, some of the residual feelings of disappointment continue to hinder the organization from gaining wider support.

If this matter of reparations is handled properly, community support and backing for the J.A.C.L. would undoubtedly rise substantially. Let us hope that the present J.A.C.L. leaders possess the wisdom and foresight to refuse consent to any arrangement which would amount to a denial of direct reparations payments to the individual victims of that outrage of 35 years ago.

[From the Seattle Times, Sunday, Nov. 19, 1978]

NIKKEI DESERVE REDRESS NOW

(By Shosuke Sasaki, Seattle Evacuation Redress Committee)

More than 36 years ago, a few months after the entry of the United States into World War II, the U.S. government—without a shred of evidence of misconduct or disloyalty and without even a pretense of a trial—ordered the wholesale uprooting and imprisonment of all Pacific Coast residents of Japanese ancestry.

We were ruthlessly dispossessed of practically all of our civil rights, and of our jobs, our businesses and our homes. This monstrous violation of the most basic of American traditions and laws relating to human freedom was the culmination of four decades of anti-Japanese propaganda of the most vile, outrageous and pervasive sort, particularly in West Coast newspapers.

This propaganda brain-washed most white Americans into feeling that the Japanese were subhuman creatures deserving of no rights whatsoever. It brain-washed Japanese Americans into thinking that they had been born of an unworthy race and that they had to submit meekly to governmental trampling of their human rights in order to "prove" to others that the Nisei were "loyal Americans."

Even after a lapse of 30 years, no real attempt has been made by Japanese Americans to obtain redress for the wrongs, humiliations and loss of income suffered during their totally unwarranted imprisonment.

It is time that Americans of Japanese ancestry repudiate the pseudo-American doctrine, promoted by white racists and apparently believed in by some Nisei, that there is one kind of Americanism for whites and another kind for non-whites.

If Japanese Americans are as American as some Nisei writers often claim, then they should act like Americans and make every effort to seek redress through legislation and the courts.

Judging from polls taken on the attitudes of people living in the Pacific Northwest, and the amount of anti-Japanese hate mail and phone calls to local media immediately following programs and articles dealing honestly with the incarceration of Japanese Americans, much of the white population believes to this day that the World War II treatment of Japanese Americans was justified and that there was truth in the charges of espionage and sabotage.

By custom and tradition, any American who has been injured by false accusations is expected to bring those responsible into court and obtain a judgment clearing his name and awarding monetary damages from the offending parties. Failure by the slandered or libeled person to take legal action is often regarded by the public as an indication that the charges are true.

But Japanese Americans obviously have done almost nothing against those who systematically vilified and libeled them during the first half of this century. They meekly submitted to mass imprisonment of the government without a formal statement of charges or a trial. Thereafter, they failed until recently even to suggest redress from the government for that unjustified imprisonment.

Therefore, the white majority living on the Pacific Coast hardly can be blamed for looking upon the Japanese Americans as actually having been spies and saboteurs at the start of World War II.

No amount of docile submission to white officials or "demonstrations of loyalty" to the United States by the Nisei ever can disprove the false accusations in the minds of most white Americans. That can be done only when the government of the United States publicly declares that the wartime uprooting and imprison-

ment of Japanese Americans was totally without justification, and awards the victims proper and reasonable redress.

Government recognition of and payment for wrongs done to their ancestors several generations ago have been secured by a number of Native American Indian tribes and Alaska Natives in recent years.

There can be little doubt that someday, Americans of Japanese descent will succeed in getting redress for the World War II uprooting and imprisonment of the Issei and Nisei. And while it is better to obtain redress of wrongs even generations late than not at all, for most Issei, justice delayed would mean justice denied.

In fact, many of the Issei who were most seriously hurt by the evacuation and imprisonment are already dead, and within 5 or 10 years, most of the remaining Issei will have passed away. Even some of the older Nisei are starting to die in slowly increasing numbers.

Except for approximately 10 per cent of the Nisei who are convinced that they "have it made" or have been "accepted by the whites" and are opposed to any action that would "rock the boat," there is general agreement among Japanese Americans that action to obtain redress for the evacuation and related injustices is needed.

In any consideration of redress, the nature of injuries and losses for which we hope to obtain monetary compensation first must be understood. Through the provisions of the Evacuation Claims Act of 1948, former evacuees received (after legal and processing fees), a total net payment of \$34.2 million as "compensation" for their property losses—which were estimated by the Federal Reserve Bank of San Francisco at \$400 million in 1942.

Under the terms of those payments, we are now precluded from asking for a more just settlement for losses of property. Our current efforts, therefore, are directed toward obtaining redress for other injuries and losses.

For the mental and emotional suffering at the time of the evacuation, and the psychological injuries sustained from the exile from our homes, no fair compensation in dollars can be computed.

Almost equally impossible would be any attempt to place a dollar value on the educational losses inflicted on the Japanese Americans of school age by the sudden termination of their normal schooling and by the government's suppression of the teaching of the Japanese language and certain branches of Japanese culture.

On the basis of recent court awards to persons subjected to unjustified imprisonment of even a few days, a payment of \$10,000 to each person forced to abandon or leave his domicile as a result of the Evacuation Order of 1942 would appear to be appropriate.

Furthermore, we believe that we are entitled to seek compensation from the government for the prolonged loss of our personal liberty, for the loss of normal wage and salary incomes, and for the loss of business income for those who owned businesses and farms.

According to our estimate, based on 1942 dollars, the total wages and salaries lost by the Japanese Americans during their imprisonment was more than \$400 million. No amounts for the value of lost pension rights, job security, lost opportunities for promotion, etc., are included in that figure.

The total loss to Japanese Americans of the net incomes of businesses and farms they were forced to leave behind is estimated to be more than \$200 million in 1942 dollars.

To cover these three classes of losses, we are suggesting a payment of \$15 a day to each former inmate of those prison camps for each day of confinement, in addition to the flat payment of \$10,000 mentioned above.

The members of the Seattle chapter of the J.A.C.L. earnestly ask for the help and cooperation of all who truly believe in the principles that led to the founding of this country—not only to obtain justice in the form of redress payments to the innocent victims of the World War II evacuation and imprisonment, but also to have the U.S. government thereby demonstrate to the world that it still has the greatness of spirit to acknowledge and provide redress for past miscarriages of justice.

Mr. DANIELSON. Thank you all very much.

[Whereupon, at 11 :45 a.m., the subcommittee adjourned.]

ADDITIONAL MATERIAL

WASHINGTON UNIVERSITY,
SCHOOL OF MEDICINE,
St. Louis, Mo., July 2, 1980.

Hon. JOHN DANFORTH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DANFORTH: I wish to ask your support of Bill S1647 introduced into the United States Senate concerning the Japanese American citizens on the west coast for redress.

History will record that in 1942 several hundred thousand Japanese American citizens were moved from the Pacific coast. I was living in San Francisco at that time and my personal belongings along with my family possessions were stored away in the basement under lock and key when I left the west coast. Upon our return all of our belongings were missing.

The evacuation experience of the Japanese Americans is a harsh reminder of the frailties of the constitutional guarantees. If civil liberties can be taken away from one group, we hope that similar tragedies will never occur or be repeated again. Certainly it is up to Congress to embrace these ideals of our democracy and I hope that you will endorse these principles.

Very sincerely yours,

JOSEPH H. OGURA, M.D.

SMITH & GRUENING,
Anchorage, Alaska, June 2, 1980.

Re SB 1647

SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENT OPERATIONS,
House Judiciary Committee,
House of Representatives, Washington, D.C.

DEAR HONORABLE MEMBERS OF THE COMMITTEE: The law firm of Smith & Gruening represents Mr. Bernard Wamser, a fisherman from South Naknek, Alaska. About two years ago Mr. Wamser recounted to me the details of his family's dispossession of its property and forced evacuation from Alaska. It is thus with considerable interest that we learned of SB 1647 authorizing a commission investigate and mandating a report to Congress on the circumstances involving the forced internment of thousands of American citizens, principally of Japanese descent, during World War II. I understand the Senate amended the original bill requiring investigation of the similar treatment of Aleuts from the Aleutian Chain. In light of the treatment of Bernard Wamser and his family, the mandate of Congress to the commission to investigate should be broad enough to include similar treatment of all United States citizens. Let me briefly relate the circumstances of the Wamser family.

Bernard was born in June of 1927 to August Peter Wamser, a German immigrant who became a naturalized citizen around 1932 and to his wife, Ellice Von Scheele, an Aleut from Afognak Island whose father was Swedish. In 1932 the Wamser family moved to South Naknek, a fishing village and cannery town on Bristol Bay. Through its industry and savings, the Wamser family, by 1942, accumulated an ice cream parlor, liquor store, tavern and general merchandise business in the community. In the summer of 1942 during the fishing season the United States military lead by a Captain Hunt and Sergeant Wycoff with an additional contingent of privates and corporals appeared at the Wamser residence in the middle of the night, without warning, and with weapons drawn. Ellice Wamser was not present. Bernard and his father, August, were rousted from bed with bayonets and they were told they were being transferred out of Alaska. Bernard and his father were shipped first to Anchorage and then to Seattle, Washington. Bernard attended high school supporting himself as best he could and August Wamser eventually went to work in San Francisco as a stevedore. At the time of evacuation, the military permitted the Wamsers to take only personal effects. No arrangements were made for any other property.

Bernard and August were permitted to return to South Naknek in 1944. They found their store and residence stripped, in great disrepair, the structures nearly destroyed. Creditors demanded and received full payment in excess of \$20,000.00 for the stock of goods and supplies left on hand at the time of evacuation. The Wamser family received not even an apology, although they were slandered in the community as German spies due to the forced evacuation and August's German ancestry.

Such treatment of United States citizens is deplorable even under the exigencies of war. Congress rightfully should mandate the thorough investigation of all similar conduct.

With best regards,

SMITH & GRUENING.

[From the Chicago Sun-Times, Thursday, June 5, 1980]

U.S. GROPPES FOR MEANS TO PAY "SHAMEFUL" DEBT

WASHINGTON (UPI)—The House Democratic leader called it an "everlasting shame," a Chicago man said the government should pay the victims \$100 billion and a congressman said his mother still has nightmares from the ordeal.

They all referred to the impact of Executive Order 9066, signed by President Franklin D. Roosevelt on Feb. 19, 1942, which caused 120,000 Nisei—Americans of Japanese ancestry—to be interned after the Japanese attack on Pearl Harbor.

"There is no way in which we can ever repay those proud and loyal Americans for having questioned their patriotism," said House Democratic leader Jim Wright (Texas).

"We cannot give them back the months of their lives nor redress the shame to which we subjected them by impugning their loyalty to this land," he told a House Judiciary subcommittee.

The panel this week is considering action on several bills that would provide \$3 billion—\$15,000 plus \$15 for every day interned—to the internees or their survivors.

"In our unreasoning fear and misguided zeal at the outset of World War II, we did a great disservice to our fellow Americans of Japanese heritage those 30 odd years ago," Wright said.

"Ingloriously and to our everlasting shame, the [Supreme] Court upheld as constitutional the act of our government in rounding up the Japanese-American citizens, almost as though they were cattle, and herding them into corrals," he said.

Wright said an apology was the least the nation could do.

But William Hohri, of the Chicago-based National Council for Japanese-American Redress, said more should be done. He said internment victims should be paid \$100 billion. "Maybe if we started there, we'd wind up with \$3 billion," he said.

Such payment, he said, would "redress the victims of America's unjust internment camps and thereby . . . repair the damage done to our Constitution."

Nisei is a Japanese word meaning second-generation Japanese and is applied to Americans born of native Japanese parents. The bulk of internees were Nisei, but many were their parents, Issei (first generation born in Japan). Children of Nisei are called Sansei (third generation).

Rep. Robert Matsui (D-Calif.), an American of Japanese ancestry, said his mother "has nightmares once a week or more about those days in the camp. Yet she is reluctant to tell my sister and me what happened there.

"It is clear that not all Americans have learned from our lessons. . . . An example of this is the recent suggestion that Iranians in this country be rounded up and treated similarly to the Japanese during World War II."

JAPANESE AMERICAN RESOURCE CONSULTANT,
AMY UNO ISHII,
Los Angeles, Calif., April 10, 1980.

HON. PETER RODINO,
*Chairman, House Judiciary, Committee,
Rayburn House Office Building,
Washington, D.C.*

DEAR MR. RODINO: Through the recommendation of Mr. William Hohri of Chicago, Illinois and Mrs. Aiko Herzig-Yoshinaga of Falls Church, Virginia, I am writing to you at this time to ask if it would be possible for me to be considered to testify at any of the hearings in relation to Redress/Reparations as I am and have been vitally interested and involved in this movement for some time in my community of Los Angeles, California.

Enclosed with this request to you is some printed material that will tell you who I am and what I do and have been doing for some time. Just last month, I was invited to the New York University School of Law to take part in an all day

program sponsored by the Asian American Law Students. While on the East Coast, I also did my presentation of the Japanese American Experience and the Redress/Reparations presentation at the University of Massachusetts in Amherst, the New York Chapter of the Japanese American Citizens League and at the University of Michigan at Ann Arbor.

I am sorry that I was not aware of the hearing that took place last month for I certainly would have been available to attend it as long as I was already on the East Coast. I only hope that you will consider me for any other time there should be other hearings.

I am full support of the Mike Lowry Bill and have worked with the Seattle, Chicago and Los Angeles groups for the past two years. Thank you very much for any consideration that you might give to me.

In Justice and Peace,

AMY UNO ISHII.

Enclosures : Printed material.

THE JAPANESE AMERICAN EXPERIENCE

This is to introduce Amy Uno Ishii, an American of Japanese ancestry, with a presentation of the Japanese American Experience. This includes a 15 minute slide presentation of America's Concentration Camps set to appropriate music and is available to clubs, organizations, church groups, secondary school teachers and colleges as a supplement to their regular course materials.

The slides, set to contemporary music, give a graphic account of the aftermath of the attack on Pearl Harbor and the anti-oriental feelings advocating the removal of all Japanese from the West Coast. Scenes of the Japanese Americans and their immigrant parents being rounded up and transported to the Concentration Camps come as a shock to many who are viewing this for the first time. The day to day activities of the evacuees are vividly shown through the paintings, sketches and photographs produced within the Camps.

In addition to the slides, a personal account of Camp life is narrated by Mrs. Ishii who was interned in three of the ten Camps. The intent of the personal account is to give additional insight into the feelings and thoughts that the evacuees struggled with during their internment.

In order for people to receive the maximum benefit from this presentation, as much time as possible is allotted for questions and answers. At this time, the "how" and "why" questions of the mass evacuation can be fully explored. Printed material will also be available for those who wish.

Mrs. Ishii has spent the past twenty years in researching the evacuation material and has been doing these educational presentations as a "prof/expert" in her field for teachers, students and many individual groups of interested and concerned people. A nominal fee is charged for the presentation to help cover the costs of equipment, printed materials, transportation and time. Thank you for your consideration.

For further information contact :

Amy Uno Ishii (evenings) at the above address and phone or :

Amy Uno Ishii, Tokyo Towers No. 405, 455 East Third Street, Los Angeles, CA 90013—Phone : (213) 680-2666 (days).

WESTERN DEFENSE COMMAND AND FOURTH ARMY WARTIME CIVIL CONTROL ADMINISTRATION

Presidio of San Francisco, California

May 3, 1942

INSTRUCTIONS TO ALL PERSONS OF JAPANESE ANCESTRY

Living in the Following Area:

All of that portion of the City of Los Angeles, State of California, within that boundary beginning at the point at which North Figueroa Street meets a line following the middle of the Los Angeles River; thence southerly and following the said line to East First Street; thence westerly on East First Street to Alameda Street; thence southerly on Alameda Street to East Third Street; thence northwesterly on East Third Street to Main Street; thence northerly on Main Street to First Street; thence northwesterly on First Street to Figueroa Street; thence northeasterly on Figueroa Street to the point of beginning.

Pursuant to the provisions of Civilian Exclusion Order No. 33, this Headquarters, dated May 3, 1942, all persons of Japanese ancestry, both alien and non-alien, will be evacuated from the above area by 12 o'clock noon, P. W. T., Saturday, May 9, 1942.

No Japanese person living in the above area will be permitted to change residence after 12 o'clock noon, P. W. T., Sunday, May 3, 1942, without obtaining special permission from the representative of the Commanding General, Southern California Sector, at the Civil Control Station located at:

Japanese Union Church,
120 North San Pedro Street,
Los Angeles, California.

Such permits will only be granted for the purpose of uniting members of a family, or in cases of grave emergency.

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property, such as real estate, business and professional equipment, household goods, boats, automobiles and livestock.
3. Provide temporary residence elsewhere for all Japanese in family groups.
4. Transport persons and a limited amount of clothing and equipment to their new residence.

The Following Instructions Must Be Observed:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 A. M. and 5:00 P. M. on Monday, May 4, 1942, or between 8:00 A. M. and 5:00 P. M. on Tuesday, May 5, 1942.

2. Evacuees must carry with them on departure for the Assembly Center, the following property:

- (a) Bedding and linens (no mattress) for each member of the family;
- (b) Toilet articles for each member of the family;
- (c) Extra clothing for each member of the family;
- (d) Sufficient knives, forks, spoons, plates, bowls and cups for each member of the family;
- (e) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with instructions obtained at the Civil Control Station. The size and number of packages is limited to that which can be carried by the individual or family group.

3. No pets of any kind will be permitted.

4. No personal items and no household goods will be shipped to the Assembly Center.

5. The United States Government through its agencies will provide for the storage, at the sole risk of the owner, of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted for storage if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.

6. Each family, and individual living alone, will be furnished transportation to the Assembly Center or will be authorized to travel by private automobile in a supervised group. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 4, 1942, or between the hours of 8:00 A. M. and 5:00 P. M., Tuesday, May 5, 1942, to receive further instructions.

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

SEE CIVILIAN EXCLUSION ORDER NO. 33.



concentration camps American-style

Guard towers, barbed wire fences, military security, loss of civil and constitutional rights... all are evidence that American citizens were prisoners in their own country. There were no charges, no trials, no due process, and most im-

portantly, no guilt; nevertheless, innocent citizens were incarcerated in American style concentration camps. Tule Lake, California. (Photo: National Archives, Washington, D.C.)

RACISM, GREED AND HYSTERIA LED TO CONCENTRATION CAMPS

By EDISON UNO

Lecturer, Asian American Studies
San Francisco State University

From various quarters within and without the Japanese American community there has been vocal opposition to any reference to the wartime incarceration in War Relocation Authority camps of 110,000 persons of Japanese ancestry. That opposition has often raised its ugly head in terms of critics who claim that the entire episode should be forgotten; that it is past history and of very little importance to the children of evacuees and internees during World War II.

Often the critics are second generation Japanese Americans, Nisei or their children called Sansei. It is not surprising that there are segments of the Japanese Ameri-

can community who protest any exposure or illumination of this tragic event in American history. They are probably the same Americans who would deny that America's history is a chain of repressive acts against ethnic minorities and other disadvantaged people. The cruel and inhumane treatment of the Native Americans is the most vivid example—a tragedy which exist to this very day.

The Evacuation and relocation experience is part of the Japanese American heritage. It is history which no one can deny. It is a legacy that will be etched in the annals of history, whether we like it or not. Therefore, it seems to me that we who survived the experience have a responsibility to make certain that our personal perspectives are documented in the many interpretations of this historic event in our lives.

Other critics have arrogantly challenged the personal interpretation of that experience because it conflicts with their biased views.

I suspect the possibilities of two motivations for this opposition as found from time to time in the vernacular press. It is my contention that these people are genuine super-racists and any reference to the Evacuation experience brings forth their true color, while supremacists of the worst kind. Secondly, if not super-racists, they belong to that school who suffer from a deep sense of guilt. A guilt that attempts to justify the great injustice, the violation of basic constitutional rights, the denial of human decency and humanity, the wrongful imprisonment of American citizens and the gross mistreatment of innocent citizens. Their rationale usually attempts to glorify the "good food, the peaceful and protective atmosphere of the camps, the military necessity, and other factors" which they pro-

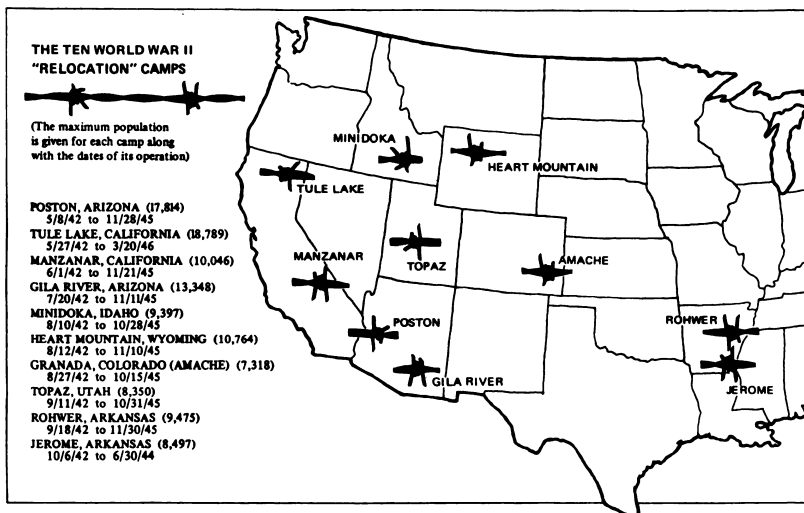
cess made the Evacuation and relocation a good experience.

Unfortunately, those who foster that rationale have access to public media and receive a great deal of exposure to perpetuate their distorted and racist ideas. Any person of Japanese ancestry who falls prey to this line commits the unpardonable sin. Non-Japanese who advocate this rationale are either poorly informed, ignorant, or intentionally bigoted.

A key word

One of the key words which exposes the difference between those who can appreciate the traumatic experience versus those who always attempt to justify it, is the reference made to the camps or centers as "concentration camps."

That term with all of its emotional connotations is often sufficient to trigger the debate between the two schools of thought. No matter how one qualifies the term "concentration camp," the racists can-



not accept its usage in connection with the Japanese American experience.

Many people have charged that the term was invented or created by the radical elements in our community, namely young Sansei students or outspoken Nisei. I have used the term many times myself; however, I usually qualify it by referring to my involvement in an "American-style concentration camp."

From a purely academic point of view, the dictionary definition include: a camp where prisoners of war, enemy aliens, and political prisoners are confined. (The American Heritage Dictionary states: 1. a place where troops are massed, as before distribution. 2. a place in which enemy aliens or prisoners of war are kept under guard. 3. a place of confinement for those considered dangerous to the regime; used especially in Nazi Germany for antifascists, Jews, etc.

If one wishes to become very technical, the camps can be defined in a generic sense as all being "concentration camps" although there were some specific differences in the jurisdiction, classification of inmates, treatment, and control.

There were 15 official Assembly Centers operated by the War-time Civil Control Administration, an extension

of the U.S. Army. The camps were located at Puyallup, Washington; Portland, Oregon; Marysville, Sacramento, Tanforan, Stockton, Turlock, Salinas, Merced, Pinedale, Fresno, Tulare, Santa Anita, and Pomona, California; and Mayer, Arizona. These camps were all temporary quarters for evacuees while WRA camps were being constructed inland.

The War Relocation Authority built ten camps where American Japanese were concentrated. In some camps, the citizen population outnumbered the citizen population outside the barb wire fences and theoretically if the Nisei could exercise their right to vote in that county or district, many evacuees could have been elected to public office because most of the camps were located in sparsely populated areas of the United States. The WRA camps included Topaz, Utah, Poston, Arizona; Gila, Arizona; Granada, Colorado; Heart Mountain, Wyoming; Jerome, Arkansas; Manzanar, California; Minidoka, Idaho; Rohwer, Arkansas; and Tule Lake, California.

Some of the lesser known camps were technically called internment camps and were operated by the U.S. Department of Justice. Many of the Nisei arrested by the FBI were transferred to internment

THE ASSEMBLY CENTERS

Name of Center	Dates	Peak Pop.
Puyallup, Washington (fairgrounds)	Apr. 28 to Sept. 12, 1942	7,390
Portland, Oregon (livestock expo. hall)	May 2 to Sept. 10, 1942	3,676
Marysville, California	May 8 to June 29, 1942	2,451
Sacramento, California	May 6 to June 26, 1942	4,739
Tanforan Race-track (near San Francisco)	Apr. 28 to Oct. 13, 1942	7,816
Stockton, California	May 10 to Oct. 17, 1942	4,271
Turlock, California	Apr. 30 to Aug. 12, 1942	3,661
Salinas, California	Apr. 27 to July 4, 1942	3,586
Merced, California	May 6 to Sept. 15, 1942	4,508
Pinedale, California	May 7 to July 23, 1942	4,792
Fresno, California	May 6 to Oct. 30, 1942	5,120
Tulare, California	Apr. 30 to Sept. 4, 1942	4,978
Santa Anita Race-track		
Los Angeles	May 7 to Oct. 27, 1942	18,719
Pomona, California	May 7 to Aug. 14, 1942	5,434
Mayer, Arizona	May 7 to June 2, 1942	245

U.S. DEPT. OF JUSTICE INTERNMENT CAMPS

Fort Missoula, Montana	Santa Fe, New Mexico
Lordsburg, New Mexico	Livingston, Louisiana
Crystal City, Texas	Seagoville, Texas
Fort Lincoln, Bismark, North Dakota	

camps at Missoula, Montana; Bismarck, North Dakota; Santa Fe and Lordsburg, New Mexico; Livingston, Louisiana; and Crystal City, Texas.

The Crystal City Internment Camp was unique because it was the last camp to close in 1947. Internees at Crystal City included Germans, Italians, Peruvian-Japanese, Japanese from Hawaii, the last contingent of renuncians from Tule Lake, some 300 Indonesian sailors, as well as mainland Issei and Nisei who were reunited with the alien head of household arrested by the FBI.

A research of all pre-evacuation material discloses that no matter what Japanese Americans call their confinement, whether they were assembly centers, relocation camps, detention camps, internment camps, or concentration camps, the records clearly indicate that the most objectionable term, "concentration camp" was used extensively by government officials, military leaders, politicians, and writers, all incidentally being non-Japanese.

A chronology of official statements made by non-Japanese who used the term "concentration camp" extensively indicates that it was widely used and had common acceptance by the majority of people who urged the removal of American Japanese in 1942.

All of the following quotes are documented in the footnote references:

"... all enemy aliens be placed in concentration camps." American Legion, War Council, Jan. 5, 1942 (fn 1).

"... all Japanese, whether citizens or not... be placed in inland concentration camps." Secretary of War, Henry L. Stimson, Jan. 6, 1942 (fn 2).

"A patriotic native-born Japanese, if he wants to make his contribution, will submit himself to a concentration camp." Los Angeles Congressman Leland Ford, Jan. 29, 1942 (fn 3).

"... immediate steps be taken to see that all enemy aliens be placed in concentration camps." Vice-Commander Tracy E. Hicks, Jan. 27, 1942 (fn 4).

"all Japanese who are known to hold dual citizenship... be placed in concentration camps." Joint Immigration Committee, Jan. 1942 (fn 5).

"... word of mouth discussions (continue) with a surprisingly large number of people expressing themselves as in favor of sending all Japanese to concentration camps." Government Intelligence Agency, Jan. 1942 (fn 6).

"... immediate transfer of all Japanese aliens to concentration camps established in the interior regions." Pasadena Chamber of Commerce, Feb. 3, 1942 (fn 7).

"... for catching every Japanese in America, Alaska, and Hawaii now and putting them in concentration camps and shipping them back to Asia as soon as possible." Congressman John Rankin of Mississippi, Feb. 1942 (fn 8).

"Japanese, irrespective of whether they were Nisei or not, were being subjected to much harsher treatment than Germans and Italians and huge numbers of them were being interned in concentration camps." Los Angeles Times, Feb. 21, 1942 (fn 9).

"... kept in concentration camps, not the reception centers Eisenhower had been talking about." Governor Nels Smith of Wyoming, March, 1942 (fn 10).

A resolution urging that all Japanese and their descendants be placed in a "concentration camp under the supervision of the federal government." County Supervisors Association of California, 1942 (fn 11).

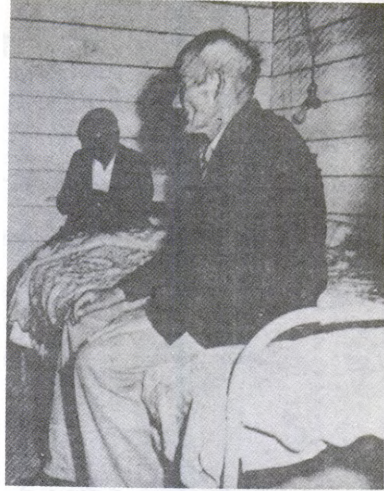
"It was rather, in Life magazine's words, 'a concentration camp designed eventually to mcarserate...' Life Magazine, April 6, 1942 (fn 12).

"The United States could raise (them) 100 victims selected out of (our) concentration camps (for German Bundists, Italian Fascists, and) many Japanese." Westbrook Pegler, syndicated columnist, Dec. 9, 1941 (fn 13).

"The official conception by state officers of the type of program best suited to the situation was one on concentration camps with workers being farmed out to work under armed guards." The Relocation Program, Page 7, 1942 (fn 14).

"... the indisputable facts exhibit a clear violation of constitutional rights... it is the ease of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States." U.S. Supreme Court Justice Owen J. Roberts (Korematsu vs. U.S. 323 U.S. 214; 65 S. Ct. 193-198), 1944 (fn 15).

"A concentration camp is one in which innocent citizens are imprisoned without charge of crime being lodged against them and held without hearing of any sort before a com-



For many of the older evacuees, the internment shattered their hopes of the American dream. The majority lost all of their life savings, families were separated, as life became one of despair, hopelessness and uncertainty.

petent tribunal." American Civil Liberties Union lawyer, 1944 (fn 16).

"... whether or not a citizen of the United States, may because he is of Japanese ancestry, be confined in barbed-wire stockade euphemistically termed assembly centers or relocation centers actually concentration camps." ACLU (Korematsu vs. U.S.) Dec. 18, 1944 (fn 17).

"The logical implication of our present concentration camps is the deportation after the war of all Japanese — aliens and American citizens alike." — by Charles Ogletree. The Nation, June 6, 1942.

"... we must move the Japanese in this country into a concentration camp somewhere, some place, and do it damn quickly." Repr. A. J. Elliott, House of Representatives (fn 18).

The foregoing quotations are but a sample of the many, many references made in the public print using the term "concentration camp" to describe the living compounds of Japanese Americans during the evacuation periods of 1942 to 1946. All of these statements were made a quarter century before the emergence of the Asian American movement.

As much as anyone today among vocal Nisei or Sansei would like to take credit for coining the term, I'm afraid the over-whelming evidence indicates that the common use of the emotional term can be credited to non-Japanese long before it was revived in contemporary and popular usage.

Coincidentally, the term has been further promoted by non-Japanese authors who have published books with such titles as *America's Concentration Camps* by Allan R. Bosworth 1968; *Roger Daniel's Concentration Camps, U.S.A.* 1971; and Paul Bailey's paperback title, *Concentration Camp U.S.A.* Of the many Japanese American authors who have written about the experience, the term has not been used in any of the titles, to my knowledge.

One of my favorite quotes is from Yale Professor of Law, Eugene V. Rostow, an eminent constitutional law authority who wrote in *Harper's Magazine* in September, 1945:

"One hundred thousand persons were sent to concentration camps on a record which wouldn't support a conviction for stealing a dog."

Co-authors Audrie Girdner and Anne Loftis in *The Great Betrayal* state on page 237,

"Though Roosevelt called the centers concentration camps in an October 20, 1942, press conference, the WRA insisted they were not." It seems to me that the President of the United States who issued Executive Order 9066 has a right to call the camps whatever he wants and if a subordinate agency had a different semantic interpretation, the almighty power of the office of the President would and should prevail.

Quoting from *The Great Betrayal* again, on page 251 the authors write: "Perhaps the most inflammatory proposal, because it was more widely publicized, was the so-called 'concentration camp' bill introduced by Senator Tom Stewart of Tennessee. Fortunately, the bill failed in Congress, but its provisions were publicized extensively and reflected the public attitude of that time.

Over the past 25 years I have attempted to read and collect all of the published materials on the Japanese American experience. I have taught a course entitled "Evacuation and Relocation" at San Francisco State University for the past six years.

I do not claim to be an expert on the subject; however I am a serious student of this facet of our history. If I can claim any credentials at all to my personal interest, perhaps the fact that I was one of the internees held for the longest duration.

When I was released in the fall of 1946, I remember the Officers-in-Charge of our camp telling me that I was the last American citizen released and I had the dubious distinction of being held four and a half years, a record for any Nisei.

Two years ago, I had an opportunity to review my government files in the National Archives and it confirmed the fact that I had been imprisoned a total of 1647 days.

I have come to the conclusion that those who have strong objections to the current use of the term "concentration camps" are probably reacting from a deep sense of guilt or shame. In 1942 when Ray Okamura initiated the repeal of Title II of the Internal Security Act of 1950 (the Detention Camp Law), I was privileged to work with him as national JACL co-chairman.

During the three year campaign which followed, we realized how strong the latent racist feelings were still directed towards Japanese Americans.

Over the years, we have attempted to educate our community and the public as to the real reasons for our internment. The popular exhibit and book sponsored by the California Historical Society

entitled "Executive Order 9066" has been read and viewed by millions of Americans.

The documentary film produced by NBC two years ago called "Guilty By Reason of Race" was televised on prime time on national network television with an estimated audience of ten million or more viewers. In my opinion, the story must be told and retold.

Last year, the essence of our heritage was officially adopted by the State of California when it registered historical landmark No. 850 through the efforts of the Manzanar Committee and the JACL. The attractive bronze plaque reads:

MANZANAR

"In the early part of World War II, 110,000 persons of Japanese ancestry were interned in relocation centers by Executive Order No. 9066, issued on February 19, 1942.

"Manzanar, the first of ten such concentration camps, was bounded by barbed wire and guard towers, confining to 10,000 persons, the majority being American citizens.

"May the injustices and humiliations suffered here as a result of hysteria, racism, and economic exploitation never emerge again."

With apologies to Gertrude Stein's famous quote, "Rose is a rose is a rose." I would like to put to rest any controversy by concluding, "Concentration camp is a concentration camp is a concentration camp."

FOOTNOTES

- 1—SanBrook, Jacobus, Barnhart, Edward N. & Matson, Floyd W. *Proletariat, War, and the Constitution*. University of California Press, 1954, p. 276, footnote 22.
- 2—Daniels, Roger, *Concentration Camps, U.S.A., Japanese Americans and World War*. New York: Holt Rinehart & Winston, Inc., 1971, p. 67.
- 3—SanBrook, Barnhart, and Matson, op. cit., p. 77.
- 4—Daniels, op. cit., p. 62.
- 5—SanBrook, Barnhart, and Matson, op. cit., p. 278, footnote 24.
- 6—Ibid, p. 67.
- 7—Ginsler, Audrie & Loftis, Anne, *The Great Betrayal*, Toronto: The Scoville Co., 1950, p. 124.
- 8—Daniels, op. cit., p. 64.
- 9—Ibid, p. 77.
- 10—Ginsler & Loftis, op. cit., p. 146.
- 11—Daniels, op. cit., p. 62.
- 12—SanBrook, Barnhart, and Matson, op. cit., p. 123.
- 13—Ibid, p. 38, footnote 47.
- 14—Peterson, William, *Japanese Americans*. New York: Random House, 1971, p. 28.
- 15—Daniels, op. cit., p. 137.
- 16—Leighton, Alzada, and *The Governing of Man: General Principles and Recommendations Based on Experience at a Japanese Relocation Camp*. Princeton: Princeton University Press, 1948, p. 32.

Reprinted from: *The Pacific Citizen*, Special Holiday Edition, December, 1974.

**WESTERN DEFENSE COMMAND AND FOURTH ARMY
WARTIME CIVIL CONTROL ADMINISTRATION**
 Friends of San Francisco, California
 May 3, 1942

**INSTRUCTIONS
TO ALL PERSONS OF
JAPANESE
ANCESTRY
Living in the Following Area:**

(The following instructions apply to persons of Japanese ancestry living in the following area: ...)

Persons of the Japanese Ancestry living in the following area: ...

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2. You must report to the WRA ...

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KASHU MAINICHI

[From the California Daily News, Thursday, Mar. 6, 1980]

ISHII TAKES SLIDE SHOW EAST

Amy Uno Ishii, a Los Angeles based Nisei, will be taking her slide show "The Japanese American Experience" to the East Coast in March. Her tour is being organized by a group of Asian American law students from the New York Metropolitan area who hope to increase Asian American and non-Asian awareness of the camps—both from the human and legal perspectives.

The main focus of Ms. Ishii's trip will be a conference on March 15 at NYU Law School entitled "Not in the Casebooks: Asian Americans and the Law."

The slide show and commentary will provide the human perspective in a discussion of "Crisis and the Constitution: The Japanese American Internment Revisited."

Other speakers in this program will be Gordon Hirabayashi (professor of Sociology at University of Alberta, Canada and former evacuation resister), Edward Ennis (National ACLU Board member and wartime Director of the Justice Department's Division of Alien and Enemy Control) and Lawrence Sager (professor of Constitutional Law at NYU).

Ms. Ishii will start her trip with a presentation to students at the University of Massachusetts-Amherst. Two quick days in New York City will include the law conference and a presentation, with Gordon Hirabayashi, to the New York chapter of the Japanese American Citizens League.

A visit to the University of Michigan at Ann Arbor will be next, with some Detroit JACL'ers expected to attend.

A program for the Cincinnati JACL is being negotiated at the time of this writing.

While individual JACL chapters are providing forums for Ms. Ishii, National JACL is in no way involved in this undertaking.

"The Japanese American Experience" consists of "a 15 minute slide presentation of America's concentration camps set to appropriate music, supplemented with a personal account of camp life designed to give additional insight into the feelings and thoughts of the evacuees," according to Ms. Ishii, and has been shown to numerous schools, clubs, churches and other organizations in California with occasional trips elsewhere.

For further information on the slide show, contact Ms. Ishii at 1801 North Dillon Street, Los Angeles, California 90026.



CONCENTRATION CAMPS in America



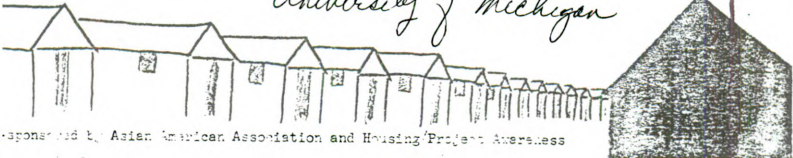
a slide presentation by Amy Uno Ishii

traveling from Los Angeles to appear at the East Coast conference
"Asian Americans and the Law: Not in the Casebook"

monday, march 17
7:30 p.m.

gold room ~

martha cook
University of Michigan



sponsored by Asian American Association and Housing Project Awareness

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH,
Washington, D.C., June 17, 1980.

HON. GEORGE E. DANIELSON,
*Committee on the Judiciary, Subcommittee on Administrative Law and Govern-
ment Relations, Cannon Building, Washington, D.C.*

DEAR MR. CHAIRMAN: The Anti-Defamation League of B'nai B'rith welcomes this opportunity to give you its comments in support of H.R. 5499, a bill to establish a commission to look into the events surrounding the relocation and internment of over a hundred thousand civilians of Japanese ancestry during World War II. More specifically, the bill would "establish a factfinding commission to determine whether a wrong was committed against those American citizens and permanent resident aliens relocated and/or interned as a result of Executive Order 9066 and other associated acts of the Federal government, and to recommend appropriate remedies."

B'nai B'rith, founded in 1843, is the oldest and largest Jewish service organization in the United States. Its educational arm, the Anti-Defamation League (ADL), was organized in 1913 to advance good will and mutual understanding among all Americans and to combat discrimination against Jews and other religious, racial and ethnic groups. It has had a long history of working together with the Japanese American Citizens League and other civil rights groups to assure that every individual receives equal treatment under the law, regardless of race, creed, color, sex or national origin.

On February 19, 1942, shortly after America's entry into World War II, President Franklin D. Roosevelt signed Executive Order 9066 which empowered military commanders to prescribe certain "military areas" from which they could exclude any and all persons. The order did not mention any specific group of persons. Yet, during the following four years, this authority was used by officials of the United States government to remove and incarcerate some 77,000 American citizens of Japanese ancestry, and 43,000 Japanese nationals, most of whom were permanent U.S. residents.

It is generally believed that the justification for the relocation of Japanese Americans was the attack on Pearl Harbor. Military necessity was, in fact, the reason given by the government for this action. But, if national security were the rationale, why were Japanese Americans in Hawaii not similarly interned, and why were German and Italian aliens not subjected to similar restrictions? Why were Japanese Americans subjected to wholesale internment when no person of Japanese ancestry living in the United States, or the then-territories of Alaska and Hawaii, had even been charged with any act of espionage or sabotage prior to the issuance of the Executive Order nor, indeed, at any time thereafter? Why, therefore, was this group of civilians singled out and deprived of liberty and property without criminal charges or a trial of any kind?

What motivated this removal and internment of unprecedented numbers of Japanese Americans and permanent resident aliens of Japanese ancestry? Was it necessary to insulate Japanese Americans from the possible effects of a war-time hysteria? Was it the consequence of prejudice and discrimination against persons of Japanese ancestry which was built up over a long period of time? These are some of the questions which still remain unanswered some forty years after these events took place.

As President Ford said when he rescinded Executive Order 9066, exactly 34 years after its issuance, "An honest reckoning, however, must include a recognition of our national mistakes as well as our national achievements. Learning from our mistakes is not pleasant, but as a great philosopher once admonished, we must do so if we want to avoid repeating them." Committed as we are by our charter adopted in 1913, "to secure justice and fair treatment for all citizens alike," the Anti-Defamation League believes it is time for our government to undertake a full inquiry into the events surrounding this mass incarceration. Therefore, the Anti-Defamation League urges early passage of H.R. 5499.

It is respectfully requested that this statement be included in the printed record of the hearings.

Sincerely,

NATHAN PERLMUTTER, *National Director.*

TESTIMONY OF HON. CEC HEFTTEL

Mr. Chairman: I am pleased to submit testimony to express my strong support of H.R. 5499, a bill to create a commission on the wartime relocation and internment of civilians. Executive Order 9066, issued February 19, 1942, resulted in the evacuation and internment of more than 120,000 Japanese-American civilian citizens and resident aliens. The events and circumstances surrounding this action have never been thoroughly examined. It is well past time to address this issue and provide answers and insight into this unfortunate period in our history.

Issued two months after the attack on Pearl Harbor, Executive Order 9066 was taken as a security measure, based on allegations that persons of Japanese ancestry living in our country were loyal to the Emperor of Japan first, and were secretly assisting their homeland. Up to that time, however, not one person of Japanese ancestry living in the United States, Hawaii or Alaska had ever been charged with an act of espionage or sabotage. Equally noteworthy is the fact that persons of Japanese ancestry living in Hawaii, 3,000 miles closer to Japan, and, therefore, much more capable of assisting in invasion or sabotage attempts, were not interned. Although community leaders were sent to mainland camps, the military commander in the islands determined that evacuation and internment was not necessary. The economy of the islands depended upon Japanese-American labor, and the military in Hawaii depended upon a smooth-running economy. How, then, could there have been any consistency to the Order which claimed that the security of our country was in jeopardy? Why did we further choose to single out only Japanese for internment?

Hearings or any other form of procedural due process were denied the detainees. Yet, the Supreme Court upheld Executive Order 9066. Congress did not challenge the Order nor subsequently conduct an adequate investigation of the facts and circumstances surrounding internment. It becomes apparent that these Japanese-American citizens and legal resident aliens were deprived of their liberty and property based on ethnic origins alone. There can be no question but that this constituted a complete abrogation of democratic ideals.

H.R. 5499 will serve not only to review the facts and circumstances surrounding EO 9066, but will examine the impact this Order had on the detainees. By creating a Commission that will formulate, as a preface, questions besetting the incident, including the cause, necessity, and effects of the detainment, I am confident that we will be able to clear the record. Past commissions have been an important tool in educating the public about particular issues. This Commission, by objectively attempting to solve numerous unresolved questions, can similarly enlighten Americans about this episode, thus serving to deter a reoccurrence of similar injustices.

I look forward to passage of this long overdue legislation and again, thank my colleagues for the opportunity to submit testimony in support of the bill. I am proud to be a cosponsor of this bill, and urge my colleagues to join with me in moving for the passage of this legislation. Thank you.

STATEMENT OF THE HONORABLE SPARK M. MATSUNAGA

Mr. Chairman, I welcome the opportunity to voice my support of H.R. 5499, a bill which provides for a federal study of the relocation and detention of civilians under Executive Order 9066 during World War II. H.R. 5499 is similar to my own bill, S. 1647, which I introduced with Hawaii's Senior Senator Daniel K. Inouye, and a number of our colleagues in the Senate.

Some of those present today will recall vividly the atmosphere which prevailed in the United States following the attack on Pearl Harbor on December 7, 1941. Rumors were rampant that Japanese war planes had been spotted off the West Coast and erroneous reports of followup attacks on the U.S. mainland abounded. A great wave of fear and hysteria swept the United States, particularly the West Coast.

Some two months after the attack on Pearl Harbor, in February 1942, President Franklin D. Roosevelt issued Executive Order 9066. The Executive Order

gave to the Secretary of War the authority to designate "military areas" and to exclude "any or all" persons from such areas. Penalties for the violation of such military restrictions were subsequently established by Congress in Public Law 77-503, enacted in March of that year.

Also in March, the Military Commander of the Western District (General John L. DeWitt) issued four public proclamations as follows:

Proclamation No. 1 divided the states of Washington, Oregon, California and Arizona into two military areas and established "restricted zones" in those states.

Proclamation No. 2 established four additional military areas in the states of Idaho, Montana, Nevada and Utah.

Proclamation No. 3 instituted a curfew in military area number one for all enemy aliens and "persons of Japanese ancestry," and placed restrictions on their travel within the military area even during non-curfew hours.

Proclamation No. 4 forbade all aliens of Japanese ancestry and all American-born citizens of Japanese ancestry to leave military district number one. The first "Civilian Exclusion Order" was issued by General DeWitt on March 24, 1942 and marked the beginning of the evacuation of 120,000 Japanese Americans and their parents from the West Coast.

It is significant to note that the Military Commander of the then Territory of Hawaii, which had actually suffered an enemy attack, did not feel that it was necessary to evacuate all individuals of Japanese ancestry from Hawaii—although it is true that a number of leaders in the Japanese American community in Hawaii were sent to detention camps on the mainland.

Moreover, no Military Commander felt that it was necessary to evacuate from any area of the country all Americans of German or Italian ancestry, although the United States was also at war with Germany and Italy.

FBI Director J. Edgar Hoover, who could hardly be accused of being soft on suspected seditionists, opposed the evacuation of Japanese Americans from the West Coast, pointing out that the FBI and other law enforcement agencies were capable of apprehending any suspected saboteurs or enemy agents. Indeed, martial law was never declared in any of these western states and the federal courts and civilian law enforcement agencies continued to function normally.

Of the 120,000 Americans of Japanese ancestry and their parents who were evacuated from the West Coast and placed in detention camps:

About one-half were below the age of 21 years;

About one-quarter were young children;

Many were elderly immigrants who were prohibited by the Oriental Exclusion Act of 1924 from becoming naturalized citizens, and who had worked hard to raise their American-born children to be good law-abiding American citizens;

Not one was convicted or tried for, or even charged with the commission of any crime.

As a consequence of their evacuation, they lost their homes, jobs, businesses, and farms. More tragically the American dream was snuffed out of them and their faith in the American system was severely shaken. Reportedly, one of the evacuees, a combat veteran of World War I, fervently believed that his own U.S. government would never deprive him of his liberty without due process of law and, when he discovered that he was wrong, he killed himself.

In retrospect, the evacuation of Japanese Americans from the West Coast and their incarceration in what can only be properly described as concentration camps is considered by many historians as one of the blackest pages in American history. It remains the single most traumatic and disturbing experience in the lives of many Nisei. Some, now, middle aged and older, still weep when they think about it. Some become angry. And some still consider it such a degrading experience that they refuse to talk about it. Their children have started to ask questions about the internment of their parents and grandparents. Why didn't they "protest?" Did they commit any crimes that they are ashamed of? If the government was wrong, why hasn't the wrong been admitted and laid to rest forever?

No branch of the federal government has ever undertaken a comprehensive examination of the actions taken under Executive Order 9066. In 1943 and 1944, the U.S. Supreme Court did hear three cases involving the violation of the Executive Order. In *Hirabayashi v. United States* (1943) and *Korematsu v. United States* (1944), the Court ruled that an American citizen could be restrained by a curfew and could be excluded from a defined area. However, in *Ex parte Endo* (1944), the Court held that neither the Executive Order nor Act of Congress au-



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thorized the detention of an American citizen against her will in a relocation camp.

In 1972, the Congress repealed the Emergency Detention Act, a repugnant law enacted in 1950 which provided a procedural means of incarcerating Americans *suspected* of espionage or sabotage during an internal security emergency in camps similar to those established for Japanese Americans in World War II. In 1975, President Ford revoked Executive Order 9066, and Congress repealed Public Law 77-503, and a host of other outmoded emergency war powers granted to the President on a "temporary" basis since the Civil War.

Despite these commendable actions, many unanswered questions remain about the detention of Japanese Americans during World War II, and there remains an "unfinished" chapter in our national history. In recent years, the issue of how to write "The End" to this sad and unsavory episode has been widely discussed in the Japanese American community. From time to time, reports that the Japanese Americans might be preparing to request monetary reparations have been floated in the national press. Some members of the Japanese American community do believe that the federal government should provide some form of monetary compensation to "redress" them for the injustice they suffered. However, members of this Subcommittee ought to know that an almost equal number maintain that no amount of money can ever compensate them for the loss of their "inalienable" right to life, liberty and the pursuit of happiness, or the loss of their constitutional rights.

H.R. 5499 is *not* a "redress" bill. Should the Commission authorized to look into the matter decide that some form of compensation should be provided, the Congress would still be able to consider the question and make the final decision. Whether or not redress is provided, the study undertaken by the Commission will be valuable in and of itself, not only for Japanese Americans but for *all* Americans. Passage of S. 1647 will be just one more piece of evidence that ours is a Nation great enough to recognize and rectify its past mistakes.

Thank you very much.

