

will scarcely decide against the Executive in a matter of such importance. We must therefore expect either that the whole process will be sustained by the courts with at most minor exceptions, or that a final decision by the Supreme Court will be postponed until after the war. Nevertheless supporters of legal action believe that much is to be gained in a democracy by using all means open to citizens, and that the process can be made educational if some high court should produce an impressive opinion, even if like some of Justice Oliver Wendell Holmes' great opinions it should be only a minority dissent.

General Drum and the Atlantic Seaboard

So far we have been concerned with developments on the west coast primarily with reference to the Japanese problem and secondarily with reference to all enemy aliens whose activities were more restricted than in other areas. But the Presidential proclamation of February 19th was applicable to the whole country. The War Department conferred upon Lieut. General Hugh Drum, commanding the Eastern Defense Command, authority similar to that given to General De Witt in the west. On April 27th the General announced the setting up of a military area covering the entire Atlantic seaboard and extending westward to the western boundaries of New York and Pennsylvania. In this territory live fifty-two million Americans. General Drum's statement of April 27th thus set forth his policy:

" . . . the fundamental policy embodied in the plan is not to interfere in any manner whatever with the lives of the great mass of loyal Americans in the States included in the military area, or with the economic life of the area, but it does express the determination of the military authorities to prevent any enemy sympathizer, whether alien enemy, alien of other nationality, or disloyal American, if any exist, from committing any act detrimental to the

national security. Those persons whose conduct reflects their patriotic motives will not be affected by this administration."

The General stated his policy with respect to evacuation as follows:

"Mass evacuation is not contemplated. Instead thereof, such evacuation as may be considered necessary will be by selective processes applicable to enemy aliens, or to other persons deemed dangerous to remain at large within the area or within its zones."

It is obvious that this statement forecast an extension of arbitrary and virtually absolute military power over both enemy aliens and American citizens going far beyond what had happened on the west coast. In that region the number of aliens affected was far smaller than on the east coast, and there had been no suggestion of action by military authority against citizens other than those wholly or partially of Japanese blood. The very uncertainty of the extent and nature of selective evacuation was a threat to morale.

Fortunately there was enough respect in Washington for American traditions of liberty to raise protest in high places against General Drum's statement. The Department of Justice had not been consulted and Attorney General Biddle personally took up the matter with the Secretary of War. The Tolan Committee was outspoken in criticism. It took occasion not only to protest but also to deplore the failure of the Executive to establish on any comprehensive scale the hearing boards which it had earlier suggested to deal with any wholesale German and Italian evacuations. (The Department of Justice had used hearing boards to aid in examining the comparatively few enemy aliens who earlier in the war had been rounded up by the F. B. I.)

As a result of this inter-governmental pressure and public criticism, General Drum's official proclamation, when it was finally issued on May 16th was very different from his statement of intentions. It was concerned mostly with the problems of establishing control, the desirability of which no one would challenge, over lights along the east coast. The responsibility of the Department of Justice for the control of enemy aliens was acknowledged. The only trace of the General's earlier assumption of power to exile individual American citizens from their homes and businesses by such selective process as he might decree was found in the official statement that wilful or repeatedly careless violation of the orders about the display of lights might be punished by prosecution or evacuation. Inquiring citizens got fairly definite assurances in Washington that no further mass evacuations were contemplated.

Evacuation of Military Area Number Two

For some of us the force of this assurance has been weakened because since that time the complete evacuation of the Japanese in military Area Number II of the Western Defense Command has been ordered by General De Witt.

This area is sparsely populated and far back from the coast. Japanese had been encouraged to settle in it during the brief period when voluntary migration was allowed, and General De Witt himself had assured its Japanese population that he did not expect to order evacuation. The imposition of curfew and other restrictive measures with the statement that evacuation was to follow, came on the heels of a meeting in Sacramento on May 25th when representatives of eastern California counties in Area Number II demanded evacuation. Members of that reactionary body, the Associated Farmers, were especially active in this campaign.

Japanese, Italians, Germans

The Japanese problem did not exist in an acute form except on the west coast. The few Japanese and Japanese Americans in other areas are not settled in colonies, and raise no such questions as are raised by alien Italians, Germans and Hungarians numbering more than 1,000,000. Nevertheless, even in the East, fear and prejudice have been great enough to create proportionately greater economic difficulties for Japanese American citizens than for Italian aliens. Mayor La Guardia of New York who has been exceedingly anxious to emphasize the loyalty of the latter, refused to permit Japanese Americans, organized by the Japanese-American League for Democracy, to parade in the great loyalty demonstration on June 13th. The excuse was fear of possible hostile demonstration by observers along the line of march.

In other words, it is clear that the American feeling about the treatment of the Japanese is not born exclusively of the fact that we are at war with the country of their origin, but arises mostly from race prejudice. In general the American attitude towards German and Italian aliens, and certainly towards their American born children, has been admirable. They are white. But surely the evidence of the cooperation of considerable numbers of them with enemy governments has been far greater than any evidence — even if we give weight to the kind of gossip which has filled western newspapers — alleged against the Japanese.

Race Prejudice and Senator Stewart

It is race prejudice more than any sort of reason which made Senator Tom Stewart of Tennessee, after the west coast evacuation was practically completed, introduce a bill for the internment of all Japanese and Japanese Americans. The Senate Committee which reported favorably recommended that legal cases be begun in an effort to upset

an old Supreme Court decision which said that the children of Asiatics born in America were citizens. A suit to this end was actually begun in San Francisco by the Secretary of the Native Sons of the Golden West. The federal judge dismissed it but the case which was argued by former Attorney General Webb of California may be appealed.

The final irony in this picture of democracy at work, and the conclusive proof of the semi-penal nature of the evacuation process, was furnished by California's present Attorney General Earl Warren, who ruled that Japanese American citizens in evacuation camps in inland California counties could not acquire voting residence because their "residence" under the State Constitution meant residence of choice. But the *New York Times* dispatch of July 13th added, "It is expected that evacuated Japanese who are on registered lists would be permitted to vote by absentee ballot." It should be observed that the War Department has not released the drafted members of this group of second or third class citizens from their obligation to defend democracy — far from their own homes.

II

THE ISSUES

Greater than the quantitative sufferings of 130,000 Japanese in a world of suffering are the issues for all of us implicit in this story.

Humanitarian

The first and most obvious of these issues is humanitarian, and to that the American people, on the whole, have not been blind. Within the Army itself, and still more within the War Relocation Authority there has been much evidence of a conscientious effort to do a distasteful job as well as it could be done. No one accuses American concentration camps of paralleling in sheer and deliberate bru-

talities the camps which, even before the war, were so black a disgrace to the Nazis.

Many American churches have been aware of the humanitarian aspects of the problem and in particular have tried to keep fellowship with the very considerable number of Japanese Christians who are at the camps. But since at least half the Japanese are Buddhists, or at any rate not connected with any Christian church, they are more or less untouched by the activities of the churches and their representatives. If the Japanese American Citizens' League can continue its work, and become more and more truly the democratic spokesman of the evacuated, much will be gained.

Relocation Camps

While the immediate humanitarian problem concerns the treatment of the Japanese in the assembly centers, that phase of the situation will be pretty well over by next fall, or at worst by the end of the year. The more important questions then will concern conditions in relocation camps, wage scales and work opportunities, and ultimately the reabsorption of the Japanese into the American community.

Common sense confirms the views expressed by many students of the situation that as a result of this policy of evacuation we are threatened with the permanent establishment of a group of second class American citizens. We are creating an American pale like the old Russian pale for the Jews. The best government camps cannot be permanent for a racial group unless that racial group is to be stamped with inferiority.

When the war is over, there certainly will be no automatic solution of the problem. The same forces which were so active in bringing about evacuation will be active against the return of Japanese to their old homes and businesses. These will have passed into others' hands who

will have a vested interest in them. Racial prejudice and greed will have been sharpened by the war experience. Even in time of peace other cities and states will scarcely want to take colonies of those whom the west coast has turned out.

The problem here is one of relocating Japanese not in large colonies, but by families, or relatively small groups of families, in communities where they can be absorbed into the general American life. They have shown their capacity to make their way economically and their excellence as citizens.

Placement of Students

One beginning of this process which has found in theory governmental approval is the placement of Japanese American students in colleges and universities outside the prohibited areas. This process is going far more slowly than it ought. A number of important colleges and universities have refused to take these Japanese American citizens, to say nothing of aliens. It is reported that some army authorities have tried to impose such preposterous conditions as: (1) that no Japanese be taken by colleges and universities doing defense research for the Government — that means about all the good ones; and (2) that no Japanese be allowed to go to an educational institution within twenty-five miles of a railroad station. And that rule would leave the theoretical right an empty and hypocritical thing. There are also financial difficulties. But all these obstacles are likely to be removed or lessened by the higher authorities and the beginning of better things will not be wholly on paper.

At best it will be a very small beginning. What will happen to these young men and women after they are through college? Must they return to camps or may they be absorbed in the general American community? If they

can, what about the others less fortunate who will be left behind in camps?

Work Furloughs

The War Relocation Authority, it is understood, contemplates an effort eventually to place Japanese at regular work in widely scattered American communities. They have arranged for work furloughs from camps as a beginning, with requirements that men furloughed for paying jobs send back money for the maintenance of their families.

The **Pacific Citizen**, organ of the Japanese-American Citizens' League, reports that 500 Japanese workers sent to Idaho "have helped save virtually all of the state's \$16,000,000 sugar beet crop." The usefulness of these workers in Idaho sheds an interesting light on the Governor's previous declaration that "Japs are rats." The Japanese in Idaho were not put under armed guard but deputy sheriffs were assigned to the camps and the movements of the inmates were restricted, particularly at night. Visitors were allowed only under special circumstances. It would be easy for this sort of regulation to stiffen into real military or police surveillance of work camps after the order of Stalin's camps for political prisoners. Against this all decent Americans must be on guard.

The best relocation plans of the government cannot go far unless there is a more cooperative attitude among the people and less race feeling than is now the case. We shall return to this problem in our concluding section.

Civil Liberty

In these obviously humanitarian tasks it is already evident that a great many people will interest themselves who will not face the basic issue of civil liberty implicit in our story.

The theory of justice frankly acknowledged in every totalitarian state is that the interest of the state as in-

terpreted by the dictator is supreme. The individual has no right against it. As far as there is any theory behind brutal anti-Semitism in Nazi Germany, it is that whatever may be the occasional excellencies of certain Jews, the presence of the Jewish people in Germany of itself menaces the well being of the German state and the highest good of the German people.

This is precisely the theory, and the only theory, on which the government's treatment of American citizens of Japanese ancestry can be explained. It is recognized in our domestic law and in whatever may be left of International law that during a war men and women of alien nationality, resident in a country, may be restricted in their movements or interned altogether. In camps they are supposed to be treated decently, and there is always fear that any nation which treats enemy aliens with cruelty will invite reprisals on those of its own nationality in the land of the enemy.

On the whole, enemy aliens have been fairly well treated in this country during this war. To a considerable degree they have received hearings before civilian boards. Those enemy aliens on the west coast, Japanese as well as German and Italian, who were interned by the order of the Department of Justice, pending inquiry, in Missoula, Montana, are in some respect better treated than Japanese aliens and American citizens, against whom the F.B.I. presented no charges.

Bill of Rights

The legal issue, therefore, which we are now discussing concerns the rights of citizens, which rights we were led to believe we were guaranteed in the Bill of Rights of our Federal Constitution. Certainly there is nothing in that famous document, or in the American tradition, or in the logic of American institutions which gives the President or his agents the right to remove any or all of us out of

the districts in which we have lived and worked for reasons the validity of which he and his agents are the sole judges. This is the power asserted in the Presidential proclamation of February 19th. It is strictly in line with totalitarian, not American, theory. The truth of that statement is not refuted by alleging that it is only a temporary measure, and by asserting, what is fortunately the truth, that the intentions of the Government with regard to these Japanese-Americans are better than the intentions of the German Government towards the Jews. More than once in history men have acceded to dictatorial power in the hands of a man with good intentions only to find that they have laid the basis for dictatorship unredeemed by pious aspirations.

Liberals' Attitude Ominous

What is perhaps as ominous as the evacuation of the Japanese is the general acceptance of this procedure by those who are proud to call themselves liberals. We have reported the stand of the American Civil Liberties Union in accepting the constitutionality of the Presidential proclamation of February 19th. Where most liberals, apparently, would part company with it is not in its support of the order, but in its willingness to attack what it regards as abuses of discretion in carrying out the order. It is easier to respect the uneasy conscience of the Union's directors than their logic.

The Presidential order of February 19th was issued solely to make possible what was later done by General De Witt. There was no other purpose behind it. If the President has power to authorize selective evacuation of citizens against whom no special charges are brought, under conditions which do not justify a general declaration of martial law, that power is not made palatable by assuming some judicial supervision of the discretion with which it may be exercised by the President or his agents. The real

question both of constitutionality and civil liberty was raised by the President's order, not the military proclamations which have applied it.

The sole justification offered by supporters of this enormous exercise of power is military necessity which in time of war became the first law of the nation.

Mr. Stimson's Letter

One may fairly summarize the argument in the words of Henry L. Stimson, the Secretary of War, to whom the President referred for reply a letter of protest prepared by the Post War World Council and signed by more than 200 American citizens of standing in the nation. This letter acknowledged the difficulties of the situation and admitted the propriety of vigilance against espionage, but denied that such vigilance could justify the evacuation of all citizens of Japanese origin. The gist of Mr. Stimson's reply is contained in the following sentences:

"I very much doubt if even you could have appreciated the extreme seriousness and difficulty of the situation. Not only did great cities exist along the sea coast with large populations subject to possible attack, but some of our most important manufacturing establishments from which the Army and Navy obtained vital munitions were in the same locality. A successful attack might well have had a disastrous effect upon the war. As a consequence the entire American population of the west coast states was left in a condition of great excitement and apprehension, and the nature of the attack on Pearl Harbor tended greatly to inflame our people against all persons of Japanese ancestry, whether citizens or not, and irrespective of their good or evil record as citizens.

"Thus the evacuation of all persons of Japanese descent from the immediate neighborhood of these strategic key points of our vital defense became at once imperative, not

only for the safety of our country but for their own protection. The number of those persons was so large, amounting to over 115,000, that individual action which would afford adequate protection either to them or to us was impossible in the emergency."

Sabotage Stories False

Neither in this authoritative letter nor in other letters from responsible officials which I have read has there ever been any charge of sabotage against Japanese Americans. Indeed, certain witnesses before the Tolan Committee tried to argue that the very lack of sabotage was proof that the disloyal, who could not be separated from the loyal, (because all Japanese look alike and F.B.I. men don't know their language) were waiting until they could cooperate with Japanese bombers or invaders. It is highly significant: (1) that the agitation did not begin until it was stimulated by false stories of sabotage in Hawaii; and (2) that so many of the agitators had been conspicuous previously for racial prejudice and desire for Japanese farms and businesses. It is more significant that the War Department itself has not found it necessary or perhaps possible to intern the 160,000 Japanese aliens and American citizens resident in Hawaii, where the military necessity might be presumed far to exceed that on our west coast. It is true that all Hawaii is under martial law, and that that martial law has been caustically criticized because of the degree to which the military interfere with the working of civil courts in normal cases, but there are no concentration camps for citizens in Hawaii.

One might be inclined to give the War Department the benefit of the doubt if it had imposed rigid restrictions in certain limited strategic areas, but the evacuation of all persons of Japanese or part Japanese blood from the thousands of miles of sparsely populated desert of irrigated land,

not only in Area Number I but now also in Area Number II, is scarcely consistent with Secretary Stimson's argument concerning the proximity of the Japanese to fortifications and manufacturing plants.

What About Mob Violence?

The further argument suggested in Secretary Stimson's letter, and openly stated by many others, that evacuation was an alternative preferable to mob violence, can be dismissed by saying that if so, or in so far as it is so, it is a disgrace to our democracy. It is a confession of failure of the American way of life which gives no cause for any optimism about its future. Here again one must go for parallel to the practice of protective custody in totalitarian states. As a matter of fact some of the testimony before various investigating bodies minimized the danger of mob action if the Government should take a firm stand.

No democracy even in war time can completely surrender its own principles to war and look for a victory of anything but dictatorship. In this case, even in terms of winning the war, such dubious advantage as may have been gained by the evacuation of thousands of American citizens has been more than offset by the ammunition it has doubtless given to Japanese propagandists throughout Asia. We need desperately the support and friendship of Asiatic peoples in this struggle. Our record of unilateral exclusion laws, of special privileges extorted from China, and of military help to China which has been both little and late, does not give us an invulnerable place in Asiatic affections. Now we have added wholesale evacuation which will be explained in terms of racial prejudice all over Asia, greatly to our hurt.

Evacuation Sabotages Liberal Asiatic Policy

It is folly to believe that the hatred of the Chinese for the Japanese is so complete that nothing we can do will

make any difference. A Chinese American college graduate reported that in San Francisco's Chinatown the people aren't saying anything publicly, but among themselves they are opposed to evacuation and feel that it's only luck that the Chinese are not evacuees instead of the Japanese.

In Hawaii it is alleged that Chinese and Japanese workers are making common cause against the discrimination in wages of which they were made the victims when the military authorities imported large numbers of Caucasian workers. It would take a great amount of sabotage by Japanese-Americans on the west coast to equal in damage the sabotage of our supposedly liberal Asiatic policy by this wholesale evacuation.

III

WHAT TO DO

This pamphlet is written, published and circulated not only to disseminate information but to arouse action. We hope that its readers will support our whole program which we shall set down in one, two, three order. However, those who feel that they cannot support every proposal because of the desperate emergency of war, have the greater obligation to support plans which will tend to ameliorate the plight of our fellow citizens and assert in the eyes of the whole world the essential humanity of the American people. A well rounded program of action should include all of the following elements:

End Mass Evacuation

1. Insistence that there be no further mass evacuation of any aliens or American citizens by the military on the strength of the Presidential order of February 19th in any district anywhere in the country. Insistence also that there be no further use of this order against individuals by the military. There are drastic enough laws, enough police, and enough courts, to deal in legitimate fashion with of-

fenses which individuals may commit. If a genuine military emergency should be created by imminent invasion, martial law, applied to a whole area without discrimination, is a legitimate remedy.

Civilian Board Hearings

2. The same sort of intelligent and discriminate treatment which, on the whole, the government is trying to extend to enemy aliens of German and Italian nationality, should be granted to enemy aliens of Japanese nationality. In many cases that will require hearings before civilian boards, such as have done good work in handling German and Italian cases. This provision will take care of Japanese who are outside of the zones of evacuation. It could also be applied in principle to relocation of alien evacuees who otherwise will be kept in camps at least for the duration of the war.

Citizenship Rights for Japanese Americans

3. Every practicable means should be taken to reestablish the principle that Japanese Americans are citizens entitled to all the rights of citizens. They should not be brought before courts, civil or military, or even hearing boards, to establish their loyalty unless that is attacked by specific charges against them. To reestablish the full rights of citizens will require either a decision of the Supreme Court of the United States against the constitutionality of their evacuation, or a rescinding of the military order, and probably of the basic Presidential order, under which they were evacuated. As we have said neither of these is likely during the duration of the war. The most famous of the Civil War tests of civil liberty was not decided until after the war was over, but that decision, *ex parte Milligan*, has been a buttress to American rights. Those of us who believe that the Presidential order, the law declaring disobedience to military orders a crime, and the military orders

themselves are unconstitutional, as well as wholly adverse to civil liberty, have no choice but to support as best as we can the pending cases which seek establishment of the rights of citizens.

More Power to War Relocation Authority

4. All authority over the evacuees everywhere, in assembly camps and the more permanent camps, should be centered in the War Relocation Authority rather than the army.

Abandon Temporary Shelters

5. Every effort must be made to see that temporary shelters in which life can scarcely be maintained at a human level shall not through any cause be permitted to become even semi permanent. These camps with their crowding, imperfect housing, lack of privacy, and meagerness of equipment or facilities for normal living must not be tolerated a day longer than is absolutely necessary.

Not Barracks But Villages of Homes

6. Permanent camps should not be built on the model of barracks for soldiers or unmarried workers, but as villages or communities with housing fit for families. Japanese especially would appreciate the opportunity to have their own homes and gardens.

Abolish Serf Wage Scales

7. Wages of the work projects which the War Relocation Authority has instituted should equal similar pay for similar work done by free labor. To do less is to create a class of serfs. A comparison sometimes is made between these camps and work projects or CCC camps for the unemployed which is misleading. Not only did CCC and WPA pay a much better scale, but work in them was voluntary, a welcome alternative to unemployment. Japanese American citizens were evacuated from

their jobs in which they were self supporting, and while they have not as yet been officially compelled to take the work that has been offered them, as time goes on, more and more they will be under the compulsion of extreme poverty to accept it no matter on what terms.

The government brings psychological pressure moreover, by saying that "Enlistment in the war relocation work corps is accepted as a clear indication of the enlistee's patriotism and loyalty to the United States." Still further pressure is indicated by reports of the policy (already said to be in effect in one or two centers) under which men who refuse to work will be charged with board.

Somewhat ironically, the government states that its guiding principle is that "the relocation projects will be partnership enterprises between the relocated communities and the federal government." So far as the present work projects are concerned, there is no partnership at all and the conditions of enlistment in these projects give to the authorities the absolute power they would have over a work army.

The American standard of life is not maintained on board and bed plus a cash payment of from \$8 to \$19 a month — which is the present scale. This is a condition which should be remedied at once.

Government Should Compensate

8. The sound American principle that compensation should be paid to an individual when for a public purpose his rights are impaired or his property is taken, ought to be applied retroactively to the Japanese. Unquestionably the losses of the evacuees are hard to measure individually in terms of dollars and cents, but when that can be done the government should make individual compensation. But Carey McWilliams is on solid ground in suggesting that governmental compensation should take the form primarily of providing "group opportunities which are essentially the

same as those destroyed." Mr. McWilliams doubts that this can be done during the war. But relocation authorities should be imaginative in the matter of housing at the permanent camps and in the type of work offered even in these difficult days.

Relocate in American Communities

9. Every practicable effort should be made by the Federal Government through the War Relocation Authority or otherwise, as soon as possible, to reestablish Japanese and Japanese Americans within American communities. As we have seen, a simple return to their own old homes will be impossible. Carey McWilliams writing in **Common Ground**, quotes his friend, S. J. Oki as saying: "As far as the Japanese are concerned the evacuation program could become a blessing. Their sweat shops are no more, and slave camps in the field are about to be disbanded." They should not be restored. Ideally Japanese families should be relocated in American communities in relatively small groups, not in such colonies as existed in some west coast cities and agricultural areas. The principle of compensation to which I have referred would make this problem easier.

The all important thing to develop as soon as possible is the attitude and the practical plans which will permit the permanent resettlement of Japanese in families as normal citizens of American communities. Advanced students should be encouraged, not discouraged, in continuing their education in American colleges.

What Is Being Done

Just what each of us can do to help carry out such a program as we have outlined obviously will depend upon many circumstances including our proximity to the affected areas.

Churches and civic groups have a peculiar responsibility for friendly contacts with Japanese in the camps and in the

communities to which they may go for temporary or permanent work. The churches, both locally and nationally, have, as we have said,² shown an encouraging appreciation of this problem. There is much to be done.

Labor unions and farmers organizations have a less satisfactory record. Mr. Louis Goldblatt, the Secretary of the California State Congress of Industrial Organizations, appeared before the Tolan Committee to make a vigorous attack upon local authorities and agitators — he mentioned particularly the Hearst newspapers — for “whipping up” attacks against the native born Japanese. But he believed that public hysteria and threats of vigilante action prevented individual selective treatment of the Japanese.

The Red Caps Union, United Transport Service Employees of America, which numbered Japanese among the predominantly Negro membership, significantly adopted sympathetic resolutions. But, as one might expect, the principal concern of most unions which interested themselves at all in the situation was to protect their jobs, actual and potential, against evacuee competition. Members of unions and of various farmers organizations ought to get the bodies to which they belong to exert their power in behalf of the establishment of the prevailing rate of wages in town and country work. Any other principle jeopardizes labor's hard won standards. Japanese workers should be welcomed into labor unions and farm organizations.

While public opinion on the west coast has been all too easily mobilized against not only the Japanese American people but American freedom, some individuals and organizations have gone all the way in protesting the whole evacuation process. The Socialist Party, the west coast Civil Liberties committees, the California Race Relations Commission, the Fellowship of Reconciliation, and doubtless other organizations have taken this stand. Their supporters on the west coast should grow in numbers and zeal for