

THE TESTIMONY OF CONSCIENCE

For our boast is this, the testimony of our conscience that we have behaved in the world, and still more toward you, with holiness and godly sincerity, not by earthly wisdom but by the grace of God. For we write you nothing but what you can read and understand; I hope you will understand fully, as you have understood in part, that you can be proud of us as we can be of you, on the day of the Lord Jesus.

-- Second Corinthians 1:12-14

Like most Americans of my age and generation, I am still suffering some feelings of guilt over what I consider to be one of the shames of our great nation.

I'm not even sure I understood what was happening to our concept of democracy on March 2, 1942, when General John L. DeWitt began the process of developing "Military Areas" and urging persons of Japanese ancestry to "voluntarily remove themselves" from Military Area Number 1.

I was only 15 years old at the time. And I don't think I really understood Executive Order 9066, nor Public Law 503. I was unmistakably "American" in the sense that I was not Asian. And in my own fifteen-year-old ignorance, I could not distinguish an Asian of Japanese ancestry born in America as I from an Asian of Japanese ancestry ostensibly born in Japan, ostensibly loyal to His Imperial Majesty, the Emperor of Japan, with whom we were at war.

For after all, I was a product of my generation, which was taught through the subtle and not-so-subtle devices of propaganda that some human beings were better than other human beings; that certain political ideals were better than other political ideals; and that certain physical types were better than other physical types.

The irony of all this, of course, is that in my firm roots in the Christian faith, I perhaps even accepted the circumstance that in a nation which claims itself to be largely Christian--at least founded on basic principles of Christian beliefs--there could be double standards for any of our citizens. And it was--in those early years--perfectly alright that all the privileges of citizenship were reserved to a few.

And thus, while I had then (and still have now) an unalterable faith in America as a Christian nation, I could not then fully recognize the inconsistency in the fact that persons of my own racial group (the blacks) could not enjoy the perfectly ordinary manifestations of human dignity. Like the privilege of going to the same schools as whites; or the right to live in any neighborhood where one could afford to live; or the right to obtain an education or a skill and the right to obtain a job; the right to vote; the right to eat in a dining car on a railroad train; the right to travel in comfort; the right to get a fair trial in court; the right to eat in a restaurant; the right to get a room in a public hotel; the right to freedom; and the right to live.

But I am much older now. And I hope much wiser. I have learned a lot that I didn't know when I was fifteen. And I still have a great deal of faith in Christianity. And I still have a great deal of faith in America.

But I do not consider Christianity as it has been practiced a perfect Christianity. Nor do I consider America as it has existed a perfect America.

But it is because of this Christianity and because of this America that I choose to give a testimony of conscience. And my conscience dictates that I admit my own shortcomings; and in admitting my own shortcomings, I admit that (perhaps without knowing it) I committed a form of sin against my brothers and sisters. Because in my heart--in my fifteen-year-old heart--in Christian America in 1942, I did not give it a thought that it was wrong for my country to do what it did to my sisters and brothers of Japanese ancestry.

Oh, I know there will be some among us who will say "Why bring all this up again?" And I am sure there will be some bitter memories that would best be forgotten.

But as I look at the "Pride and Shame" exhibit prepared by a group of Seattle citizens; and as I look at the California Historical Society's "Executive Order 9066"; as I look at television productions like Barbara Tanabe's prize-winning "The Fence at Minidoka" and the production of "Guilty by Reason by Race"; as I listen to conversations and as I read through books like Bill Hosokawa's NISEI: The Quiet Americans, I face the full impact of the injustice of "relocation."

We used to call America the great "melting pot of nations."

There are those of us who do not like the old melting pot theory. It presupposed that everybody would be thrown together and cultural and ethnic identity would merge into an American model, with the consequent loss of language, culture and way of life.

Well, the old melting pot theory may have worked for some--especially if they were European and if they had white faces. But we know now that the "melting pot theory does not make much sense.

I think maybe more than anything else, it was responsible for the climate which gave rise to the tragedy of relocation. While on the one hand, we were saying that all men are created equal, and that they are endowed by their Creator with certain unalienable rights (life, liberty and the pursuit of happiness), we found it expedient in the hysteria of the times to take away from those "equal" Americans in the great melting pot their liberty, their pursuit of happiness, and, I am sure, in some instances, their lives.

And despite the distinguishing marks of culture which makes this group of Americans beautifully unique, those same distinguishing marks (which were submerged under the "melting pot theory") were used to destroy their dignity as human beings and as loyal Americans.

I have been called an "agitator" (and some other names as well) for bringing up the subject after all these years and focusing renewed attention on our American concentration camps.

But I believe it is for all of us as Americans--and particularly those of us whose religions preach the salvation of freedom--as a matter of conscience to not only admit the mistakes of history whenever any one among us has been unfairly deprived of that freedom, but to work towards the perfection of our Christian democracy to make it less likely that the same mistake will be made again.

I believe that America owes our brothers and sisters of Japanese ancestry the right to full freedom and equality now. I do not believe we can any longer afford to equivocate or pretend that everything is fine. True, there are those among us who feel they have it made. If this is so, then so be it. But I cannot in good conscience rest easy as long as any among my brothers and sisters can be the object of scorn.

I have said in my news commentaries on television that I sense an unwholesome creeping racism against our Americans of Japanese ancestry. And, incredibly, this more than thirty years after the order leading to the concentration camps.

Take the destruction of the Teahouse in the Arboretum; or advertising appealing to racial and national hatred against Japan; or statements by public officials in Washington and California insisting there's nothing offensive about calling Japanese Americans "Japs"; or the statement by Washington lawyer John Wilson calling an American Senator "that little Jap"; or the statement by the criminally-deposed former Vice President of the United States Spiro Agnew referring to an American newsman as "that fat Jap"; or the so-called joke told by the comedian Bob Hope at the Boy Scout Jamboree last year which was an insult to all Americans, but particularly to the Seattle Boy Scouts of Japanese ancestry and to my brother, Ben Nakagawa.

I think the classic response I got (from one of the unsigned letter writers who seem to write to radio and television news commentators) was that "we were getting along alright with our Japs until you started agitating. They don't want you coming to their defense."

And I wish I had the time to share with you some of the signed letters I got-- including some from so-called friends--with comments like "there's nothing wrong with calling a Jap a Jap"; or "there's a Japanese woman who lives in my neighborhood and she said she doesn't mind being called a Jap"; or "that's good old American humor (referring to Bob Hope's alleged joke) and we've always called people by names like that just in fun."

Actually, I do not think any single incident, taken by itself, should be the cause for national alarm. But taking the anti-Japanese incidents together, I believe thinking Americans should be put on notice that they could be part of a pernicious national pattern.

And I believe that especially the Christian church in America must take positive action now to eliminate racist scapegoating against any of our citizens. For in the final analysis, no one of us is free, so long as another of us is in bondage.

I have a friend we call Ike. Actually his name is Tsuguo Ikeda. In fact, it was Ike who invited me to share this service with you today.

I got a letter from Ike a few days ago, calling my attention to a court case involving a young man named Minoru Tamesa. And as I looked into the case, I alternately had feelings of shame for my country and its distorted concepts of justice and fairness; and I had pride in the integrity of 63 young Americans (including Minoru Tamesa), who believed so strongly in America that they were willing to risk everything to prove that concentration camps in America were inconsistent with the obligation imposed upon citizens to report for the draft.

My admiration for these young men is without bounds. And I say this in full appreciation for those Nisei who so well and so courageously served this country on the battlefield in World War II--particularly the 442nd Regimental Combat Team.

It was not only an act of courage for Minoru Tamesa and his 62 brethren, but it was, I believe, a testimony of conscience by which they took issue with a manifest injustice in our great United States which added further insult to the injury already inflicted by the forceful evacuation of American citizens into concentration camps under the excuse of "military necessity."

Minoru Tamesa and his brethren were all American citizens of Japanese ancestry. They were involuntarily detained at the Heart Mountain Relocation Center in Wyoming.

Prior to being "evacuated," each had registered for the draft with their local draft boards, as did all other eligible Americans. After relocation, they were reclassified 4-C and designated "enemy aliens." Later they were reclassified 1-A.

Upon receipt of his reclassification to 1-A, Minoru Tamesa wrote to his draft board:

Dear Sir: I have received from your Board a reclassification to 1-A. Would you please tell me why? I am wondering if the army had not given instructions to fill out Japanese American Citizen Questionnaire Form 304-A, kindly advise.

This classification as I understand it, designates the duty of a citizen to join the armed forces of his country. This is as it should be, were it not for the fact that we are receiving these reclassifications in concentration camps, where we have been held for the past two years.

All that has passed with our enforced evacuation is regarded in the words of Attorney General Biddle and Judge Denham as a mistake. Yet there has been no congressional move toward restoration of full civil rights, the toning down of prosecution, or compensation for damages suffered thru forced evacuation. In fact there have been movements backed by certain congressmen, and others in positions of responsibility to deport all persons of Japanese ancestry. All these acts without due process of law and against the Articles of the Constitution and the Bill of Rights. It seems that we are citizens with civil rights suspended.

I believe that loyalty is like a covenant between a citizen and his country. A man should fight for his country. On the other hand he should feel that his cause is just, that he is accorded the full privileges of a citizen of a democratic nation, as clearly defined under the Constitution and Bill of Rights otherwise he will be fighting without aim in view.

There have been legal proceedings begun to obtain from the Attorney General of the United States, and the Department of Interior, a clarification of the present and future status of persons of Japanese ancestry. Therefore, until such a time as a clear and just decision is forthcoming, I wish to ask for deferment from joining the armed forces.

Despite the eloquence of this plea of Tamesa for fairness and justice, they were ordered to report for induction. They refused. They were charged with and convicted of the crime of wilfully refusing to report for induction into the armed forces of the United States.

Their conviction was upheld in the Court of Appeals for the Tenth Circuit on March 12, 1945. The United States Supreme Court refused to review the case on May 28, 1945.

The opinion from the Circuit Court clearly acknowledged that there was no question about the loyalty of these young men to the United States. There was no question but that relocation was then sufficiently questionable that a writ of habeas corpus would have resulted in freedom. Then the court, in remarkable judicial doubletalk, stated that:

This (habeas corpus) he did not do. Instead he chose to disobey a lawful order because he claimed his rights had been invaded. Two wrongs never make a right. One may not refuse to heed a lawful call of his government merely because in another way it may have injured him.

Appellant was a citizen of the United States. He owed the same military service to his country that any other citizen did. Neither the fact that he was of Japanese ancestry nor the fact that his constitutional rights may have been invaded by sending him to a relocation center cancel this debt.

As far as I know, Minoru Tamesa and his brethren went to jail because, as a matter of conscience, they took for granted that in Christian America our laws and legal processes were governed by fundamental fairness.

And it is believed by some that whatever disgrace may have come with the conviction and imprisonment was overcome when President Harry S. Truman granted pardons in 1947.

As for me, I see no disgrace. I see courage and strength and conscience demonstrated so forcefully by Minoru Tamesa and his brethren.

And in the words of the Apostle Paul in his letters to the Corinthians:

. . . the testimony of our conscience that we have behaved in the world, and still more toward you, with holiness and godly sincerity, not by earthly wisdom but by the grace of God . . .

CHARLES Z. SMITH

The foregoing is the text of a sermon delivered at the Blaine Memorial Methodist Church, Seattle, Washington, on Sunday, July 28, 1974, by CHARLES Z. SMITH, Associate Dean and Professor, University of Washington School of Law; Commentator, KOMO-TV/Radio; and former Judge, King County Superior Court. Dean Smith is also a member of the Seattle JAFL Board of Directors.

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