

## AT WAR RELOCATION AUTHORITY

In the Spring of 1942, hysteria reigned in many quarters on the West Coast. Japan had destroyed our Pacific Fleet at Pearl Harbor and had fanned out through virtually defenseless Southeast Asia. Rumors were widely circulated that the West Coast would soon be invaded. The newspapers carried frequent reports of shore-to-ship communications with Japanese vessels alleged to have been sighted off the West Coast. The Commanding General of the Western Defense Command, declaring that "A Jap is a Jap", demanded that all persons of Japanese ancestry, numbering about 116,000 -- alien and citizen, young and old-- be removed from the West Coast, i.e., most of the States of California, Oregon and Washington. The President ultimately complied with this demand and entered an Executive Order providing for the removal.

The decision was made that the "evacuees" would be placed in eight camps, two in eastern California, two in Arizona, two in Arkansas, one in Idaho, and one in Colorado. The administration of these camps would be handled by a civilian agency with the Army providing only a small force to control ingress and egress. To head this agency, the President appointed Milton Eisenhower, brother of Dwight who

was later to become Commanding General of the European Theater of Operations and still later President. Mr. Eisenhower had headed the Office of Land Use Coordination where I had worked during the last couple of years of law school. As his Solicitor or top legal advisor, Mr. Eisenhower chose Philip Glick, who had also been in the Office of Land Use Coordination and for whom I was then working as an attorney in the Department of Agriculture.

Mr. Glick chose three of his top assistants, Lewis Sigler, Ed Ferguson and Maurice Silverman, to join his legal staff. I asked to be included and Mr. Glick consented. The five of us went to the Department of Justice Library and spent several days putting together written opinions which were to provide the legal framework for the whole activity. There was no constitutional problem with respect to the internment of the aliens, who comprised about one half of the group, but there was no precedent for treating United States citizens in this manner. The constitutionality of interning citizens was recognized as very doubtful, even under the ill-defined war powers provided by the Constitution. But we had to accept the action which had been taken and from that premise develop rational legal principles for carrying out the assignment.

During these early days, it was decided that the

people would be referred to as evacuees rather than internees; that the camps would be referred to as relocation centers rather than camps (in part, I am sure, to avoid the comparison with the German concentration camps); that every effort would be made to treat the evacuees with respect and dignity; that they would be encouraged to take responsibilities for maintaining order and discipline in the centers; that schools for the children<sup>v</sup> would be maintained; that each person in the centers would be given a small sum of money each month with which to buy personal necessities; that stores would be set up and run by members of the communities for the sale of such items; and that, as soon as public opinion would support it, they would be encouraged to relocate in the interior of the country.

From the start it was obvious that the whole program would be highly controversial and would generate a lot of political flak. On the one hand, because of the highly doubtful constitutionality of almost every step that was taken, civil rights advocates would be expected to heap criticism on the people in charge. On the other side, the "A Jap is a Jap" advocates would be expected to charge that the evacuees were being coddled, compared with the military personnel.

Shortly after he was appointed, Mr. Eisenhower

resigned and was replaced by Dillon Myer, who was then head of the Soil Conservation Service. Although I have no corroboration, I am convinced that Dwight Eisenhower was then being groomed to head the European Theater of Operations and the Administration did not want the Eisenhower name tarnished by association with what was expected to be the unpopular relocation program.

Approximately 10,000 to 15,000 evacuees were placed in each center. They were housed in hastily constructed Army-type barracks with community dining rooms, community bathroom facilities, community hospitals manned by Public Health Service staff members, and community schools. At each center, a cooperative was organized to run a store where the evacuees could buy articles such as clothing, over the counter medicines, toiletries, etc. I was assigned the job of preparing the legal papers necessary for organizing the cooperative corporations and handling the legal problems that arose in their operation.

At each of the centers, a project attorney was appointed. He had a variety of duties, such as helping to handle discipline problems, advising on any legal problems that arose in the operation of the center, and helping the residents try to preserve the unprotected property they had left behind at their homes and businesses.

*It must be remembered that most of the evacuees were given*

only 24 to 48 hours notice that they were to report to an assembly center for internment. For most of them this was a tragedy. Many of them had farms with much equipment and growing crops. Others had businesses that had to be sold or abandoned. All of them had furniture and personal belongings that they could not take with them. Some of them were able to place their possessions with friends or store them in warehouses. Some of them simply had to leave behind everything they owned. Much of the time of the Project Attorneys was spent in writing letters begging friends of the evacuees to try to help save what they could. At most of the Centers there were one or two young Nisei who were lawyers and they did a good job on this work as well as other duties.

I was assigned to work temporarily as Project Attorney at four of the relocation centers. My first assignment was at the Colorado River Relocation Center in Arizona, located on an Indian Reservation. I did what I could in the way of handling the routine work. One troublesome problem was a disciplinary one. Three or four young boys had misbehaved and disrupted life at the center. Lectures by every responsible official at the Center had been unavailing.

Finally, a decision was made to arrest the boys and charge them with some small crime in the United District

Court at Yuma, Arizona. I went to Yuma with the Security Officer for the trial. Thomas Masuda, a Japanese American attorney, a pretty good one, asked to represent the boys. The Assistant United States Attorney handled the prosecution. The hearing lasted almost all day. Finally, the Judge asked what the Government wanted him to do. The Assistant United States Attorney asked the Court to impose a jail sentence. The District Judge told him, "You already have these boys in jail. What you are asking me is to give them a criminal record and transfer them from one jail to another." The Judge gave the boys a lecture, exacted promises they would behave, and sent them back to the Center.

When I was at the Center in Colorado, I did some work on some problems that had arisen in connection with the local cooperative. The directors of the organization decided to have a banquet and invited me. The master of ceremonies introduced almost everyone present. When he came to me he referred to me as a "clear headed lawyer". Even at that time I had lost most of my hair. I immediately said "yes" and pushed my hand across my baldness. The inscrutable Asians broke up and roared with laughter.

At one of the centers in Arkansas, I was awakened one morning with a knock on my door. I was asked to rush to the

Hospital to prepare a will for a man about to die. The old gentleman owned a great deal of property in California. He had two sons who were in the United States Army serving in Italy and two other sons, one in Japan and the other who was pro-Japan and was in a Center in California. The family wanted the will so drafted as to leave the property to the sons loyal to the United States.

The old gentleman had become terribly despondent and tried to commit hari-kari. He had cut his stomach open, pulled out some of his intestines, and chopped off pieces of his intestines until he fainted. When I arrived at the Hospital he was unconscious and heavily sedated. The doctors had sewn him up and sprinkled sulfanilamide throughout the stomach area. I had to explain to his family that in order to make a will he would have to know what he was doing, that he had to have "testamentary capacity". All agreed he was not in such a condition. I left the Center a couple of days later without drafting the will but learned later that the old gentleman survived.

My longest tour of duty was at the Minidoka Relocation Center near Twin Falls, Idaho. Rose and Ross, who was then about a year and a half old, went with me. We were there about four or five months. We rented a small apartment in a local motel. This tour of duty occurred after it was thought

the public was prepared to accept the resettlement of the evacuees into the interior States. A battalion of Japanese Americans had been assigned to Italy and had won great praise for their valor and courage. The unit had experienced an extremely high percentage of casualties. Public statements in support of the Japanese Americans had been made by numerous military and political leaders. And the war had produced a big labor shortage, especially in the farm areas.

I was assigned a young Nisei, Kyoko Tsuboi, to serve as my secretary. She was number one in her senior class at the University of Oregon, majoring in English, and had been interned one month before she was scheduled to graduate. She eventually got her degree but missed all of the accolades that normally would have gone with her academic achievements. She was a nice person. Just before I left Idaho, she took a job in the Library at the University of Michigan in Ann Arbor. We exchanged Christmas cards for several years after the War was over.

One of the stumbling blocks for the relocation program was the refusal of some of the State officials to allow the children of the relocatees to attend the local public schools. I decided that I would try to deal with the situation in Idaho where the State Attorney General had



generated a lot of publicity by refusing the children access to the schools. I prepared a letter to the Attorney General explaining that these children and, in many cases, their parents, were United States citizens and under the Constitution and State law were entitled to access to the public schools. I emphasized the need for farm labor and the unfairness with which the families were being treated.

I made an appointment with the Attorney General and went to Boise to see him. He listened to me courteously and then leaned back in his chair and said, "I don't give a damn what the constitution says. As long as I am Attorney General, those Jap kids are not going to attend our schools". One of my lessons in practical politics.

Before the evacuees were allowed to leave the Centers, their names were submitted to the F. B. I. for a name check to see if it had any derogatory information in its files about the individual. This name check was translated by the press to mean the F. B. I. had investigated and cleared the individual.. In addition, a "loyalty hearing" was give each individual.

One of my jobs that Summer in Idaho as to conduct loyalty hearings and I did dozens, perhaps hundreds of them. Kyoko served as translator and stenographer at these hearings. She also transcribed the proceedings. I would ask

a question and she would translate my English to Japanese. When she got the answer she would translate the Japanese to English, recording the question and answer in shorthand.

Very quickly I noticed that I would ask a short and simple question. Kyoko would then go into an exchange of two or three questions and answers with the individual. They reminded me of an accordion. I asked what was going on. She explained that the individual was much older than she. First, in keeping with Japanese custom, she had to apologize for asking the question, the applicant had to say it was all alright, then Kyoko asked the question, got the answer, and then had to thank the person. I felt that in doing this work I made little or no progress in learning how to cross examine a witness but what we did served the purpose of clearing the way for the people to relocate.

The issues raised by the evacuation of the Japanese Americans from the West Coast were profound. The Supreme first gave its constitutional blessing to the removal in one case and then reversed itself in a later one. Only a couple of years ago the Congress voted to pay a token to the people who had been the victims of the relocation who were then still living.

The Japanese Americans showed great personal restraint and discipline through the whole episode. No

evidence was ever presented indicating that any of them ever committed or attempted to commit any form of espionage or sabotage. Yet they submitted to this awful humiliation and discrimination in as good grace as possible.

Ed Ferguson, who had become General Counsel, recommended me for a job in the Tax Division when the War Relocation Authority work was about to wind up. For me, personally, my experience at War Relocation Authority taught me indelibly that we are all God's creatures with the capacity to love or hate and we gain maturity when love overcomes hate.