
DEMOCRACY

and

JAPANESE AMERICANS



By

NORMAN THOMAS

"Remember the Nazi technique: 'Pit race against race, religion against religion, prejudice against prejudice. Divide and conquer.' We must not let that happen here. We must remember what we are defending: liberty, decency, justice."

January 2, 1942

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THE POST WAR WORLD COUNCIL
112 East 19th Street New York City

Price 10c.

INTRODUCTION

This pamphlet was written in July, 1942. The year has brought important developments, but all of them along lines indicated by the pamphlet itself.

Today, there are more than 100,000 persons of Japanese blood, in large majority American citizens, concentrated in ten isolated barracks cities behind barbed-wire. The administration of them by the War Relocation Authority is humane, but life in them is futile and, for the best of their inmates, very unhappy. Wages run from eight dollars to nineteen dollars per month, plus subsistence. The situation is unfavorable to the preservation or cultivation of American loyalty.

The War Relocation Authority, aided by voluntary committees of the churches, is pushing, with indifferent success, the resettlement of these people with jobs in normal communities. Except for the West Coast area, which is still closed to the return of its former citizens, the government has cleared the way for resettlement. But fear of hostile legislation, public antagonism, and possibly of ultimate deportation from America, leads many of the evacuees to shrink from life outside their concentration camps. The organized campaign of intolerance in many States tends to justify these fears. The same sort of feeling was a large factor in holding down voluntary enlistments from the relocation centers into the segregated Army units which the War Department authorized. In Hawaii, where there was no mass evacuation, the percentage of such enlistments was high.

As I write, the Dies Committee and its agents, with their usual disregard of accuracy, are aiding the propaganda of racial hate. The War Relocation Authority in Washington and the Japanese American Citizens League, 25 East Second South Street, Salt Lake City, Utah, have issued statements, doubtless available on request, in answer to some of the worst propaganda. This pamphlet remains timely!

NORMAN THOMAS

July 14, 1943

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THIS is the story of an act unprecedented in American history both in itself and in its implications: the evacuation of more than 70,000 citizens, charged with no crime, into concentration camps, by Presidential fiat. The validity and significance of the plea in extenuation or justification of this act we shall examine.

I

THE FACTS

On the day of the perfidious surprise attack by the Japanese on the unready American forces at Pearl Harbor there were about 130,000 Japanese and Japanese Americans living within the 48 states. By far the greater number of them lived and worked on the west coast. They tended to form communities of their own and to concentrate in certain trades and types of agriculture. Despite the agitation against them culminating in the exclusion act of 1924 and discriminatory legislation in the matter of land ownership, they had made a remarkable record of self support, literacy, freedom from juvenile delinquency, and generosity to all community causes. They were the virtual creators of the valuable business of raising and marketing fresh vegetables.

Many of the original Japanese settlers (who like all Asiatics were denied the right to become American citizens) had sent their children over to Japan for longer or shorter visits, but by general consent most of the Nisei or American born Japanese were well Americanized. Many of them achieved very high honors in our colleges and universities. Even after Pearl Harbor some of them were elected to important positions in student organizations. One of them was the highest honor student of the graduating class of

the University of California. This spring his degree and prizes were sent to him in a concentration camp. But that is getting ahead of our story.

Even after December 7th there was no general outbreak of resentment against the Japanese. Their papers and organizations hastened to express loyalty to the United States. Except for some attacks by Filipinos in certain districts in California, there was no mob violence. It has been alleged that these Filipinos were motivated by economic rivalry as well as by nationalistic feelings and were stirred up by unscrupulous white Americans. The F.B.I. rounded up a considerable number of Japanese aliens whom they regarded as suspicious and they were confined in Missoula, Montana. Otherwise life went on much as usual and a good many complacent editorials on the situation as a credit to our American democracy appeared in the press.

Six Weeks After Pearl Harbor

It was only some six weeks after Pearl Harbor that the public temper began to change. The occasion for the change, according to the Tolan Committee of the House of Representatives (which is investigating national defense migrations) was the appearance of circumstantial stories in the newspapers of elaborate sabotage by Japanese residents in Hawaii on December 7th. The official Roberts report, made public on January 25th, dealt with espionage, but made no mention of any sabotage in Hawaii. Later on, all stories of sabotage by Japanese residents in Hawaii were vigorously and categorically denied in affidavits from responsible Hawaiian officials and citizens published by the Tolan Committee. To this day there have been no charges of any sort of Japanese sabotage on the west coast. But the truth about Hawaii never caught up with the sensational falsehoods. It cannot be said that the press or radio did much to help circulate the truth.

By the end of January many influential newspapers were demanding the evacuation of enemy aliens, and especially all Japanese, from the west coast. Early in February the west coast Congressmen and Senators took up the demand that something drastic be done by military authority for the evacuation of "strategic areas". The demand was echoed in ever increasing volume. The seeds of fear found fertile soil in the latent racial prejudice of the white population, and the scarcely concealed greed of certain men and interests for the farms and produce business made prosperous by the Japanese. Indeed some of these men actually proposed dispossessing the Japanese from the lands they owned or leased with the understanding that afterwards, under military or police supervision, the dispossessed were to be returned to work the fields for the new owners.

During this period of increasing agitation rumors came from Washington that inside the Administration there was considerable conflict between the military and the Department of Justice concerning what should be done and who should do it. As early as January 29th Attorney General Biddle had tried to deal with the matter by ordering the evacuation of all enemy aliens within a specified period from certain limited strategic areas. But the order affected in all less than 10,000 persons on the entire coast, and satisfied neither the army, the politicians, the press, nor any of the agitators. Finally on February 19th the President ended whatever internal controversy may have existed, and satisfied the advocates of drastic action. In the name of the "successful prosecution of the war" which requires "every possible protection against espionage and sabotage" he asserted the power to turn over to the army such authority as it had never had over American citizens. The most significant section of this executive order reads:

"Now, therefore, by virtue of the authority vested in me as President of the United States and Commander in

Chief of the Army and Navy, I hereby authorize and direct the Secretary of War and the military commanders who (sic) he may from time to time designate, whenever he or any designated commander deems such action necessary or desirable, to prescribe military areas, in such places and of such extent as he or the appropriate military commander may determine, from which any or 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 the appropriate military commander may impose in his discretion."

Evacuation

Then followed an angry flurry of discussion concerning a great many problems connected with the impending evacuations which it was understood would include not only aliens but American citizens wholly or partially of Japanese origin. Especially sharp was the discussion of the destination of the evacuees. As time went on it became clearer and clearer that almost all localities took the logical view that if American citizens could not be trusted in their own homes in California they could scarcely be trusted as emigrants under compulsion in new homes in Idaho, Arizona and elsewhere. Governors of all the neighboring states except Colorado protested; so did many labor unions and other organizations.

Lieut. General De Witt, commander of the Western Defense area I, ended speculation in a series of proclamations beginning March 2nd. These proclamations set up zones and immediately imposed within them curfew and other restrictions. Progressively, zone by zone, all Japanese were evacuated from Area Number I which covered, roughly speaking, a district a hundred miles in width, extending from the Canadian to the Mexican border. At first voluntary migration had been encouraged but owing to the difficulties

to which we have already referred, on March 27th all further voluntary migration from Area Number I was forbidden. After that, in rapid crescendo, zone after zone from Area Number I was evacuated into assembly centers; Area Number II lying to the east of Number I, was not immediately affected.

Meanwhile on March 18th the President had established a civilian War Relocation Authority with Milton S. Eisenhower as director. To this body was committed the problem of the relocation of the Japanese out of the assembly centers into more permanent camps. This authority soon decided that it would be necessary to locate the camps on federally owned land in regions where agricultural and other work could be done. But the preparation of these permanent camps proceeded far more slowly than the process of evacuation. By the first part of July the evacuation of Area Number 1 had been completed, but only three permanent camps were occupied and nine tenths of the evacuees had to look forward to a whole summer herded together in the assembly centers.

But we are getting a little ahead of our story. In carrying out the evacuation policy the War Department felt the desirability of some sort of legislative authorization for the acts of the commanders whom it might designate. Hence Secretary Stimson requested Congress to impose penalties for violating orders issued by military commanders pursuant to the Presidential order of February 19th. Congress complied, and thus evaded responsibility for itself decreeing the evacuation of citizens. The law as passed was criticized by Senator Taft as "the 'sloppiest' criminal law I have ever seen or read anywhere". He doubted its constitutionality. Nevertheless the law went through and applies anywhere in the United States that the War Department may choose to set up military areas within the meaning of the President's order of February 19th.

Japanese and American Attitudes

During the time when this policy of evacuation was being worked out, the attitude of the overwhelming majority of the Japanese, both aliens and American citizens, was one of acquiescence and even, to a certain degree, of active cooperation. For that the reasons were various. Some of the Nisei saw in their sacrifice a real contribution to the victory of democracy. Some accepted their fate as a desirable alternative to mob violence of which there were many threats and some sporadic examples. Others, probably the majority, would have been willing to run the risk of mob violence, but were cool headed enough to realize that they were in no position to defy the Federal Government and could probably gain more in the long run by uncomplaining obedience. The Japanese American Citizens League which had been organized about 1930 and which numbers more than twenty thousand members played a dignified and useful role in negotiating with various public authorities and in presenting as well as possible such protests as it found legitimate.

This action of the Japanese has been exaggerated by the American press into an enthusiasm for evacuation such as some sentimentalists allege that foxes feel for the hunt. Actually there is an increasing volume of discontent and profound disappointment in American democracy among the Japanese which has found pathetic and even eloquent expression in private letters and statements. But even sharp criticism from the Japanese has been discriminate and they have been quick to acknowledge the personal kindness of many of the army officers and the generally sympathetic view of many officials of the War Relocation Authority.

When the Japanese were evacuated many of their neighbors had the grace to regret the situation and publicly to extol the high character of the evacuees. An especially

strong tribute to the Japanese of Santa Barbara was signed by all, or almost all, of the clergy of the neighborhood, and was given front page space in the newspapers which had led in the fight for evacuation.

One immediate effect of the policy which was followed was to raise the price of vegetables and to threaten very considerable loss in the quantity which could be marketed during the summer and fall. This at a time when food is sorely needed.

Property Loss

While the Federal Government took various commendable steps to try to aid the evacuees in caring for or disposing of their property, these steps were belated and inadequate. Perhaps there was no way in which property which must be stored or disposed of at once could be handled except at great loss to the owners. That loss has been estimated by officials of the Japanese American Citizens League, conservatively, at 60 percent. Very few indeed were the Japanese who went to camp with any considerable cash at their disposal.

The Star Produce Company, run by certain Japanese in Los Angeles, did a gross annual business of five million dollars, but its tangible assets aside from good will were small. It was sold for fifteen thousand dollars. Store keepers and farmers doing business on a smaller scale suffered proportionately in disposing of lands they leased or owned, of tools, buildings, and personal property.

Concentration Camps

Under the best imaginable circumstances the compulsory migration of thousands of people is a pitiful business. Generations of Americans reading Longfellow have mourned the fate of Evangeline and three thousand Acadians. We are discussing the fate of a hundred and ten thousand

Japanese, seventy thousand of them American citizens, who had achieved a fairly comfortable standard of living and to whom their own family life was peculiarly dear. Such were the people who were herded on short notice, not into paradisaical new communities in lovely valleys, as much propaganda, official and unofficial, has made the American people believe, but into assembly centers which are in the starkest sense of the term concentration camps, surrounded by barbed wire and patrolled by soldiers fully armed. Two or three times children playing about near the fences have been shot at. Once a child who had crawled into some bushes was wounded.

None of the assembly centers is fit for the use to which it has been put though some are worse than others. The prevalent type of construction at best was of the army barracks order, quite unsuitable for the proper housing of families. At worst in Seattle and in California, race tracks were used. In Portland, Oregon, the center is in a live stock pavillion. Stalls for horses were often turned over to human beings before they had been properly cleaned.

It had been expected that much of the work of constructing both the assembly and the more permanent camps would be done by Japanese themselves, who would be paid for it. Against this the buildings trade unions protested, and as a result competent Japanese workers in many camps have had to sit by in idleness, without any pay at all, while Caucasian workers, having better living conditions and a separate and much better commissary, receive full union wages.

Red Tape and Priorities Bottleneck

From the considerable number of statements and letters of evacuees and observers which have been made available to me I am selecting certain paragraphs from Galen Fisher's **The Drama of Japanese Evacuation** published by the Council

for Social Action of the Congregational Christian Churches. Concerning the assembly centers Mr. Fisher writes:

"Eighteen Assembly Centers have been set up, practically all of them in race tracks or fair grounds and all but three of them in California. The accommodations are simple to the point of crudity. If the Army had realized from the first that the evacuees, children and delicate mothers, would have to be detained in these crude Centers for several months, it would doubtless have provided more adequate facilities. Observers who have visited several of the Centers say that the managerial Caucasian staff on the whole is kindly and well-intentioned. But good intentions are not always matched by competence, and in some cases they have lamentably failed to butter the parsnips. Governmental red tape and the priorities bottleneck can be blamed for some of the failures, but not for all. To be specific, in one of the better Centers there are practically no medicines or medical and dental equipment even after a month of pleading by evacuee doctors and excuses by the management. In justification of these deficiencies, it should be said that all serious medical cases are supposed to be treated at the regular county hospitals, which have been most cooperative. Scarcity of plumbing supplies has led to the building of old style latrines with no partitions, and to absence of handwashing water in the 'lavatories,' and of sinks for washing the table ware which the evacuees carry to the messhalls. Such deficiencies inevitably undermine morale and they can not be counterbalanced by the appointment of Advisory Councils of evacuees, who too often find their recommendations are pigeonholed.

"One of the best features of the Centers is the policy of using as many as possible of the evacuees in the various service departments. Those who get such a job count themselves lucky, for the rest suffer acutely from nothing to occupy hand or mind during their unwanted leisure.

Wages of Evacuees

“The compensation paid to evacuees working in the Assembly Centers, in addition to food and shelter, is \$8.00 a month for unskilled workers, \$12.00 for skilled, and \$16.00 for technical workers. (More recently wages have been raised to \$12.00, \$16.00 and \$19.00 per month respectively.) The original proposal to pay evacuees approximately what privates and non-coms receive in the Army appears to have been dropped. That might have made the evacuees feel they were a sort of civilian army, and thereby have nurtured their self-respect.

“Extracts from two of the many letters written to me or my friends by evacuees will give a clearer picture of the good and bad points of the Centers than pages of description. The first letter is from a cultivated woman, born and bred in California, who feels keenly the deprivations and the humiliation of her exile. She is in one of the better centers. The English is her own. The stables she speaks of are the race horse stalls, whitewashed and enlarged by the addition of a small sitting room in front.

Eloquent Letters

“ ‘Our camp is getting better in every way. At first it was hard, harder than we ever imagined, but when I think of those ill-smelling, windowless stables, I think I could stand most anything. I’d die if I had to live there. So many of our friends are housed in those awful stables, and I can’t help crying every time I pass there. You have no idea how awful.

“ ‘I spent three days nailing papers on floor cracks to keep the cold out. Some cracks were so wide I could put my finger through. We froze from cold drafts the first few days. It’s a little warmer now.

“ ‘We Japanese love privacy, so our greatest ordeal is taking showers and going to the rest rooms. The

lavatories are just wide enough to pass; two seats to a section and no doors. Showers are single, but also doorless. Volunteer women clean the place every day, so it's kept very clean—but one feels awful. So I take my shower at 5:30 a.m., but others get the same idea, so it is embarrassing.

“I find so many things I brought are useless, and what I need most, I haven't. So will you ask your friends to send me old clothes—especially sportswear—sunhats, for standing in line in scorching sun for a long time at mealtime is an ordeal—I never dreamt a time would come when I'd have to ask for old clothes. I've got no pride left, for these necessities. Please send some old shower curtains. I could put nails up and hook them across when I take a shower. Also old garment bags. Dust here is terrific. The walls are so thin that when I put a screw in, it went through. So when it gets hot, it's like an oven, and during the nights, it's like an ice-box.

“We've all lost weight noticeably. But food is better. . . . Pregnant women and mothers with small children, old people and invalids are pitiful. Mothers and old people walking, groping in the dark to the rest rooms are a sight. Gosh! War is hell, even behind the lines. I think it's worse.

“Did you ever feel an indescribable longing for something you've loved? That is the way I felt when I left dear old . . . , the only city I knew and loved. Part of my life went out when I left it. My childhood, girlhood and womanhood, with all its accompanying sorrows and joys, all were left behind. I can't express the yearning for the place I called my home, and all my dear friends. My only wish is that God will let us return once more to all I hold dear.

“‘Our Sunday services are very simple and impressive. We feel nearer to God here. The very simplicity and earnestness of our hearts make the whole service more touching. In contrast, the young people are a great problem.’”

The last sentence concerning the young people has been emphasized and illustrated in many reports. Inevitably idleness, overcrowding, lack of privacy — rooms 20 by 20 for a family which often includes cousins as well as brothers and sisters — do not make for content or wholesome living. In at least one camp dissatisfaction with the work program led to a sit-down strike.

The immediate occasion was said to have been dissatisfaction with food but the underlying protest was against general conditions including work arrangements.

War Relocation Authority

Mr. Fisher praises the military and civil authorities for working out plans for Relocation areas. He thus summarizes these plans:

“Great credit is due both the Army and the various civil federal departments for the resourcefulness they have shown in devising solutions for the baffling problems set them by the whole evacuation business. And among all the schemes adopted, that of the Relocation areas is perhaps the most satisfactory; at least it will be if the paper plans are carried out.

“It was on March 18th that the President created the War Relocation Authority, to take over full responsibility for the evacuees after they had been evacuated by the Army. Among the essential features of the plans adopted by the Authority are these:

“1. Five large tracts of government land east of Military Area Number I have already been selected, and as

many more are in process of being found, capable of providing homes for the duration for all of the 100,000 evacuees. Each area will have a Relocation Center.

"2. Efforts will be made to give productive work to every able-bodied person above 16 years of age; mainly agricultural, but also manufacturing of things that require hand labor. Teaching, engineering, and other professional skills will also be utilized as far as possible.

"3. Evacuees will be allowed to leave the Areas only for specific and properly guarded work projects. Like the Assembly Centers, the Relocation Areas will be surrounded by barbed wire and under guard, not only to keep the evacuees inside, but to prevent outsiders from intruding and possibly making trouble. Inside, however, largely self-sustaining, autonomous communities will be created, and life will be made as normal and satisfying as practicable.

"4. Elementary schools and high schools will be maintained, in cooperation with the respective states and the U. S. Office of Education. Arrangements for higher education also are likely to be made, either by releasing students to attend outside institutions, or by inviting the establishment of extension courses by colleges.

"5. As in the Assembly Centers, religious worship and related activities will be freely permitted.

"The quality of the staffs now being assembled is so excellent that there is good ground to hope that this program will be executed in accordance with the best American standards. If so, it should go far toward restoring to the evacuees the self-respect which has been so sorely wounded. One thing which might well be done to that end is to arrange for the gradual multiplication of opportunities for intercourse between residents of the Centers and the people of the neighborhood."

Cooperative Colony

Mr. Fisher's evident desire to be fair and even optimistic cannot blind him to the fact that "life within the Centers will not be normal." He stresses the necessity for reincorporating the evacuees into American life and cites examples of successful relocation of Japanese families in northeastern Colorado and western Nebraska. He describes enthusiastically the establishment of a cooperative colony on 4,000 acres of irrigable land at Keetley, Utah. The moving spirit in this successful venture was a local white American rancher named George A. Fisher and a Japanese American named Fred I. Wada, for many years a produce dealer in Oakland, California. At first the settlers were protected by a state patrolman but he was soon found to be superfluous. Today the army order prohibiting voluntary migration and public suspicion make repetitions of the Keetley experiment impossible unless and until they may have the power of the War Relocation Authority behind them.

Evacuation Challenged

Such in outline is the history of the great evacuation as it affected the overwhelming mass who submitted to it and even cooperated with it. But were there no citizens of Japanese-American ancestry to challenge this treatment? The answer is, very few. Some who contemplated it were dissuaded. The first case to reach the United States Courts was that of Mary Asaba Ventura. She was a Japanese; her husband a Filipino. They applied for a writ of habeas corpus from the curfew and other restraints which were imposed upon Japanese residents in Seattle in March. This was before the evacuation of that zone. The application was denied by Judge Black primarily because the restraint upon her did not constitute imprisonment; that had not yet occurred. In his opinion the Judge expressed the belief

that the Constitution of the United States was not "so unfitted for survival that it unyieldingly prevents the President and the Military, pursuant to law enacted by Congress, to restrict the movements of civilians such as the petitioner, regardless of how actually loyal they perhaps may be, in critical military areas definitely essential for national defense." He also suggested that if the petitioner was as loyal as she claimed to be, she ought to be glad to cooperate with the government.

There are at present (the beginning of July) four significant cases pending.

Mr. & Mrs. Wakayama

The first is a habeas corpus proceeding in Los Angeles to free Mr. and Mrs. Wakayama from the Santa Anita Camp. The petition in this case alleges discrimination in the treatment of Japanese and kindred abuses but does not attack the constitutionality of the Presidential proclamation nor the Congressional legislation making disobedience to military proclamations a crime. Mr. Wakayama and five others were later arrested on the charge of holding an unauthorized meeting in his assembly center, in the Japanese language. The meeting was held before the order, in itself another violation of civil liberties, was promulgated against unauthorized meetings.

Fred Korematsu

The second case is that of Fred Korematsu in San Francisco. He cannot read or write Japanese and speaks it poorly. He was engaged to a Caucasian girl and to be near her and keep his job as a welder he disobeyed the evacuation order and tried unsuccessfully to escape detection by changing his name and having his nose altered.

Minoru Yasui

In Portland, Oregon. Minoru Yasui, a lawyer who is a Second Lieutenant in the Military Reserve as a result

of his training at the University of Oregon, is testing the constitutionality of curfew restrictions on American citizens.

Gordon Hirabayashi

Perhaps the best case of all may be that of Gordon Hirabayashi, American citizen 24 years old, a Senior in the University of Washington who has a fine record. He deliberately chose to test the constitutionality of evacuation by submitting to arrest.

Lincoln S. Kanai

As this pamphlet was about to go to the printers, word came of the arrest in Milwaukee, Wisconsin, of a Y.M.C.A. secretary from San Francisco, named Lincoln S. Kanai. Mr. Kanai, American born and completely Americanized, was arrested for leaving San Francisco after the so-called freezing order forbidding voluntary migration was issued. Habeas corpus proceedings in his case will test especially the statutory right of the military to forbid voluntary migration of an American citizen.

There are also beginning to develop certain other habeas corpus proceedings in various assembly centers.

The Los Angeles, San Francisco and Seattle cases have the backing of local committees.

Originally the American Civil Liberties Union invited a test of the legality of evacuation under military proclamation. Later the A. C. L. U. by a two to one majority decided that the President had the Constitutional power to issue his original order of February 19th. Nevertheless the Union seems still willing to back tests of the military proclamations on the basis of racial discrimination and other examples of what it regards as abuses of discretion. It might also support an attack on the constitutionality of the Congressional legislation criticized by Senator Taft.

Probably not much of immediate advantage can be expected from any legal proceeding. During a war courts

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-

tality 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 re-absorption 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 regards 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 re-establish 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, shown an encouraging appreciation of this problem. There is much to be done.

For all of us there is the task of educating American public opinion and the American government on the significance of the issues raised by the evacuation of citizens into concentration camps. The greatest victim of our procedure against the Japanese is not the Japanese themselves; it is our whole concept of liberty, our standard of justice, and the appeal which American democracy ought to be making to the oppressed peoples of the world.

On June 21, 1943 the Supreme Court, speaking through Chief Justice Stone, unanimously decided that under the Presidential order of February 19, 1942 and the military orders pursuant to it which Congress approved by the Act of March 21, 1942 making disobedience to military orders a crime, Gordon Hirabayashi was properly convicted for disobedience to a curfew order. The court expressly did not pass on evacuation although its reasoning would seem to apply to it. It said it had "no occasion to consider whether the President, acting alone, could lawfully have made the curfew order in question" and it "did not now attempt to define the ultimate boundaries of war power." It ruled that there were reasonable grounds for the Army's judgment of military necessity and that "in time of war" citizens of certain "ethnic affiliations" may be "a greater source of danger than others."

This evidently worried Justices Douglas, Murphy and Ruthledge who in their concurring opinions emphasized that there may be judicial restraints on the exercise of this enormous emergency power, and indicated that possibly some remedy of habeas corpus may be open to evacuees. Mr. Justice Murphy found in the special racial ban "a melancholy re-

semblance to the treatment accorded to members of the Jewish race in Germany and other parts of Europe." That he concurred is proof of the difficulty of maintaining civil liberty against the military in total war even under our Constitution. But it is possible that later proceedings to test the validity of continued confinement of citizens in the relocation centers may have a somewhat different result. That is a difficult road and its end is dubious. Meanwhile the doctrine of "ethnic affiliations" stands as a refined judicial expression of the same racism which inspires mob action in America and Nazi race laws in Europe.

I want to join the Post War World Council and help win the peace. I believe there must be world organization to achieve economic justice, to assure equality for all races and peoples and to end imperialism and all dictatorships. I will work with the Council for the earliest possible attainment of a just, lasting and democratic peace.

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