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STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION
REGARDING RELOCATION AND INTERNMENT OF CIVILIANS
BEFORE COMMISSION ON WARTIME
September 10, 1981

Although the American Civil Liberties Union of Oregon was not formed until 1955, individuals in our state, who later were the nucleus around which our organization began, opposed the relocation and internment of Japanese Americans in 1942 and assisted them to return to their communities in 1944 and later. Not enough was done in opposition to this action of the government in removing these citizens and long-term resident aliens to concentration camps, and not enough was done to support these victims when they returned to their home communities. We share in this great national failure of conscience.

A cursory review of press files for the period confirms the panic, prejudice, and greed that produced this injustice. Supported and urged on by political leaders at every level of government, Franklin Roosevelt took to himself the power to abrogate the rights of citizens and to delegate to the army totalitarian control of them. The Congress, the courts, state governors, city councils and other local officials throughout the west joined in blind support of this calculated national policy of government. Except for Harry Cain, then Mayor of Tacoma and Sheridan Downey, Senator from California, no state or municipal leader spoke out even to question.

On the national scene, Norman Thomas, Socialist candidate for President, observed that those who governed accepted the totalitarian theory of justice that, "--the interest of the state, as interpreted by its rulers, is the highest standard of right, to which individual interests must be subordinate." Those who governed sanctified their actions by the phrase "military necessity."

And sadly, that fourth branch of government, the governed, with but rare exception, embraced this act of tyranny.

The late Charles A. Sprague, governor of Oregon from 1939 to 1943, early in 1942 urged "further and prompt action to remove the menace and recommend internment." Sprague later acknowledged his grievous error and joined with others to assist in resettlement of people of Japanese ancestry who returned to Oregon. I cannot speak for Charles Sprague, whose humanitarian reputation is of national record, but I can report to you that in 1962 he publicly apologized for his error in accepting "military necessity" and its consequences.

It is shocking to recall that no leader of national stature - religious, political, humanitarian - except Norman Thomas, spoke out against this outrageous act of cold, impersonal institutionalized racism. We need to know the hazard of silence when there is an obligation to be heard in defense of constitutional rights. Would the shallow argument of "military necessity" have withstood the public question by even one leader committed to the Bill of Rights?

To acknowledge error and to express regret publicly may be partial redress for the injury inflicted by the outrage you consider here today, but it is not compensation for the loss sustained by its victims. Apology and compensation do not assure that we will never again deprive a group of its constitutional rights merely because of its racial or ethnic identity. Unless we learn from the past and erase this shameful precedent by a formal act of government which will deter repetition, another time we may each on the basis of religious, political or economic identity become fearfully aware of the fragile fabric of our freedom.

Neither apology nor compensation can make whole the victims of Executive Order 9066 but they can help to right the wrong. The Commission can establish principles of monetary redress. While a lump-sum award to each victim is simple to understand,

it lacks fairness; deprivation endured was not uniform. Exact fairness to each individual is unlikely, but the Commission should not be put off by the complexity of its task.

Our history of hostility to minorities in the United States contains enough injustice to warrant demand for redress by others than those being considered by this Commission, but no group stands victim of racism by government such as is imbedded in the decisions of Hirabayashi and Korematsu.

Redress is necessary not only for those who suffered but for the soul of the nation that inflicted the suffering. Redress is necessary as a formal statement of our government rejecting the precedent, which Justice Jackson called, "a gun behind the door" , for use by government in panic another day.

The American Civil Liberties Union of Oregon urges your recommendation of monetary redress for each victim of Executive Order 9066, and we support enabling legislation that would permit adjudication of individual claims in federal court.

CHARLES DAVIS
Executive Board Member
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