

TO: Commission on Wartime Relocation and Internment of Civilians
FROM: Joseph J. Thalhoffer, District Judge for Deschutes County, Oregon

In the Spring of 1942, a few months after the United States entered World War II, a young, green-haired lawyer in Portland, Oregon was arrested for being on the street after 8:00 P.M. He was convicted of violating a federal law enforcing an executive order which allowed the Army to exclude any person from certain "military areas". The Army had decreed that all enemy aliens and all U. S. citizens with green hair were subject to a night-time curfew.

The U. S. Supreme Court affirmed the conviction and ruled that the curfew affecting United States citizens with green hair only was within the boundaries of the president's war power.

You may recognize the above story as the facts and decision in Yasui v. United States, 320 US 115 (1943), particularly if you substitute "Japanese-American" for "green-haired". You are undoubtedly acquainted with Minoru Yasui who was the defendant in that case. He is now a respected resident of Denver, Colorado, and chairman of the Japanese-American Citizens League National Committee for Redress.

How could this happen to Mr. Yasui and thousands of others? Almost 40 years after the fact it is difficult for those of us who lived through it to believe that the United States government first imposed a night-time curfew and then uprooted 110,000 people of Japanese descent from the West Coast and incarcerated them without due process of law for three years. For those Americans unborn or too young to remember at the time, it probably seems that such a thing could not happen in this "Land of the Free."

110,000 people is approximately the population of a city such

Eugene, Oregon; Alexandria, Virginia; Albany, New York; Peoria, Illinois; or Scranton, Pennsylvania. It is twice the number of people living in Everett, Washington. I cannot conceive any combination of circumstances which would allow the United States government to round up the citizens of Scranton, Pa., or any other similar-sized group, and imprison them without due process of law. But it did happen in 1942 and it might happen again. Perhaps the result of this commission's investigation and its conclusions will help ensure that such a thing does not happen ever again.

I am a life-long resident of the eastern part of Oregon who lived through the World War II era and served in the U. S. Army from March, 1943, to May, 1946. After being commissioned a second lieutenant in the Field Artillery in December, 1945, I remained in the Army Reserve and later transferred to the Oregon National Guard. In the Guard I served as an officer in three branches: Air Defense Artillery, Armor and finally Judge Advocate General Corps. I retired from the Oregon National Guard in 1974 as a lieutenant-colonel after serving four years as the state Judge Advocate General. I had graduated from Harvard Law School in 1952 and returned to Oregon. After four years as a deputy district attorney and a private practitioner, I was elected a district judge. In January, 1982 I will have been a judge for 25 years.

I strongly endorse the concept of reparations for Japanese-Americans who were dragged off the West Coast in 1942 and interned in "Relocation Camps". That internment could probably be justified if applied to enemy aliens of all nationalities in wartime. It is almost incomprehensible that the government of the United States could, and did, treat both citizens and aliens worse than other enemy aliens because

they were of Japanese descent. No other racial or national group of aliens was so treated either in World War I or World War II. U. S. citizens of Japanese descent were treated like convicted criminals while German and Italian aliens were generally allowed complete freedom.

The Japanese-Americans were uprooted from their homes and shipped to God-forsaken areas surrounded by barbed wire. Many lost homes, farms, and businesses with little or no monetary return. Their lives were disrupted and they suffered as prisoners while productive years went down the drain. The officials in charge of this program did not even nod in the direction of "Due Process of Law".

Wartime hysteria by the public, politicians and military authorities on the West Coast after the disaster at Pearl Harbor is the usual explanation for the internment of the Japanese-Americans. But this hysteria was superimposed on long-standing racial prejudice against non-white Asiatics which focused on those of Japanese descent.

Since our national sense of fairness usually results in trying to make whole any innocent victim of a miscarriage of justice, this same spirit should persuade us to make what amounts to a token payment to the innocent victims of national hysteria and prejudice almost 40 years after the fact.