STATEMENT OF ABE FORTAS

BEFORE THE COMMISSION ON WARTIME
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When Justice Goldberg asked me to appear before you to add whatever I could about the work of the Department of the Interior with respect to the subject of your hearings, I explained to him that I did not think I could be of any substantial assistance.

I was Undersecretary of the Interior during the period 1942 to 1946.

There are two principal reasons why my contribution is necessarily quite limited:

First, during the relevant period, my principal activities related to the natural resource responsibilities of the Department - principally coal, hydroelectric power and oil; second, it was my unvarying practice in the various government posts that I occupied to refrain from taking with me any documents relating to my official duties.

I should add a third reason which is the fact that the events under review occurred more than 30 years ago. I am extremely skeptical of memory's reconstruction. I always remember something that Thurman Arnold said in one of his last speeches. He said, "I am an old man and the things I best remember, probably never happened".

I had no connection whatever, so far as I can recall, with the evacuation or relocation of the Aleuts, and I am not familiar with the activities of the Interior Department in that connection.

Nevertheless, I never say no to a request from my friend, Arthur Goldberg, whom I greatly admire; and I am honored and pleased to be here and to be of

whatever assistance I can.

My personal participation in the Department's work with respect to the Japanese and Japanese-Americans, who were interned and relocated, was limited. My association with this problem, so far as I can recall, was restricted to discussions and collaboration with Secretary Ickes and Dillon Myer, Director of the War Relocation Authority, and occasional conferences and correspondence with officials of the War Department - particularly John McCloy, who was then Assistant Secretary of War.

Apart from this, I vividly recall visiting one of the relocation centers. I believe that it was the Jerome Center in Arkansas, and the visit must have taken place in the early part of 1944.

The memory of this visit has remained with me as a dramatic recollection during all of these years. It was a profoundly emotional experience. As I recall, the center was a place of desolation in which a number of Japanese from the West Coast and Hawaii were incarcerated. My basic impression was of the resignation and apparent hopelessness of the Japanese in the camp, most of whom had been confined there for more than a year prior to my visit. But perhaps the primary reason why my visit made such a vivid impression upon me was that I was taken to a schoolroom in the center, probably for children of kindergarten age. As I entered the room, the children, who were all neatly dressed and scrubbed, rose to their feet and sang "America the Beautiful". I am sure you will realize how profoundly affecting this was: These were small children who had been uprooted from their homes and transferred with their families to this barren, quasi-military camp. At the time of my visit, their future was still uncertain. These blameless children, so far as could be known at the time, might well be destined to spend years of their

lives in this dismal, abnormal environment - segregated from the life and people of our Nation, deprived of opportunity for normal development. Nevertheless, in their beautiful innocence, they were singing a tribute to their country.

Interior's association with the problem of resident Japanese during the war involved both the Japanese in Hawaii - which was then a territory - and, commencing in February 1944, the administration of the internment and relocation centers and the people confined in those centers.

Our association with the problem in Hawaii was due to the fact that administration of the territories was a responsibility of the Department, exercised through its division of territories. There was the familiar demand of super-patriots, spearheaded by the Army's Western Defense Command in California, for mass evacuation of the Japanese in Hawaii. The Department of the Interior and Secretary Ickes, in his usual forceful manner, strongly resisted the demands. Fortunately, the military commanders in Hawaii - Admiral Nimitz and General Emmons - were also opposed to this. Instead, there was a selective and restricted removal of a few Japanese whose loyalty was considered to be questionable. - Undoubtedly, there were cases of injustice, even in this process; but it was not a massive, racially defined operation.

President Roosevelt transferred the War Relocation Authority to the Department of the Interior in February 1944. I think the reasons for the transfer are fairly clear: As Leland Barrows has described, the War Relocation Authority was being subjected to massive and sometimes vicious attack. In November 1943, the disorders at the Tule Lake Center had occurred. The Dies Committee, a committee of the California legislature, and a few California newspapers were on rampages. President Roosevelt apparently concluded that the War Relocation

Authority needed a haven and a sturdy defender; and the obvious choice was that great gladiator, Secretary Ickes, who had previously written President Roosevelt criticizing the evacuation and incarceration of the Japanese. Perhaps, also, the President chose Secretary Ickes because, as a result of Ickes' administration of the Public Works Administration and other difficult assignments, the public might be reassured about the administration of the War Relocation Authority centers, which had been under fire.

Let me say at this point that it is my impression that the centers were well-administered; that Dillon Myer and his staff effectively accomplished one of the most difficult tasks of administration that I know of; and that they had done their job with compassion and sensitive concern for the internees, and with extraordinary courage.

Because of the excellence of the staff of the War Relocation Authority and the quality and integrity of the policies which they had adopted, Interior made no changes, so far as I recall, in WRA's policies or procedures. Our task was to facilitate their work and policies.

The fundamental problem at the time of the Interior takeover in February 1944, was to help to effectuate Dillon Myer's determination to liquidate the agency that he directed - and to do it quickly. This was not an easy task, for several reasons: First, there was still a great deal of hostility to the Japanese-Americans in many parts of the country, dramatized by instances of violence against evacuees who were released on leave or relocated. Second, as I vividly observed on my visit to the Jerome Center, many of the Japanese in the centers had already become institutionalized and resisted relocation; and many writers and other people of good will, sympathetic to their plight, opposed our decision that the surgery of

closing the camps was necessary in the interests of the internees themselves. Third, many or most of the internees had been deprived of their property; all of them had been ruthlessly uprooted, and forced evacuation from the centers was, in the short run, a harsh and dreadful act.

Nevertheless, there was no doubt that the necessary course of action was to evacuate the centers and to reintroduce their inhabitants to the real world. Otherwise, many of the internees - including their children - would have remained as a more or less permanent population, assigned to a life of destitution.

This was a difficult decision, and a difficult program to carry out. There were many differences of opinion as to timing and technique. I believe that, under the direction of Dillon Myer and with the sturdy and aggressive protection of Secretary Ickes, the program was accomplished about as well as the times and the bitterness of the war permitted. - It is a source of deep regret and perhaps a national dishonor that we were unable to provide for the financial rehabilitation of the returnees at the time they were released; most of them had lost their homes, jobs and farms in the original evacuation; they returned to nothing, with nothing.

The process of releasing the internees was aided by the events of the time. The tides of war had turned; by February 1944, our armed forces were advancing in the Pacific; and despite the claims of a few paranoid super-patriots, there were no instances of sabotage or attempted sabotage on the mainland or in Hawaii. Most important of all, I think, was the extraordinary accomplishments of the Japanese-Americans who had volunteered or who were inducted into the armed forces. The 100th Battalion, composed largely of Hawaiian Niseis, had proved its valor and patriotism. In May 1944, the famous 422nd Japanese-American combat team embarked for the campaign in Italy. Its record of valor and accomplishment was

one of the most brilliant in the history of World War II. The result of their accomplishments, which the War Department and we deliberately publicized, was profoundly to change the attitude of people in this country towards the Japanese-American.

On December 17, 1944, after long and persistent pressure from Secretary Ickes and the WRA, the War Department announced the revocation of the mass exclusion order relating to the West Coast. The very next day, December 18, 1944, the War Relocation Authority announced that all of the centers would be closed by the end of 1945, and that the WRA would be liquidated by June 30, 1946. This was accomplished, and on schedule - despite much opposition.

Looking back on these events, I believe that the mass evacuation of those of Japanese ancestry and their prolonged detention was a tragic error; and I cannot escape the conclusion that racial prejudice was its basic ingredient. As a Nation, we can take some comfort from the fact that the camps were humanely administered and that we put an end to the outrage about as soon as it could be done. This fact, however, does not and should not absolve our Nation or relieve the national conscience: even the trauma of war does not excuse irrational and needless assaults upon humanity and senseless violations of our fundamental constitutional principles, far beyond war's bitter and imperative necessities.

I think it is clear - perhaps it was always clear - that the mass evacuation order issued by General DeWitt was never justified. The example of Admiral Nimitz and General Emmons in Hawaii, reeling from the Pearl Harbor attack, is evidence of this. Surprisingly, it was the conservative Justice Roberts, dissenting in the Korematsu case, who drew the line: He pointed out that the sudden danger

arising from a commencement of a war might justify the expedient of excluding citizens temporarily from a sensitive military area - just as fire lines are drawn in a case of conflagration; but this is quite different from what took place. A vast area of the Nation was indiscriminately barred to persons of Japanese ancestry. Persons selected on a purely racial basis - citizens as well as aliens - were excluded from parts of their native land outside the boundaries of a military area. Inhabitants of this vast area were selected solely on a racial basis and were rounded up and forcibly detained - American citizens as well as aliens. The detained persons were transported to detention centers and then to camps from which they were not allowed to depart. The detained persons, as Justice Roberts emphasized, were denied the opportunity voluntarily to leave the forbidden areas and go elsewhere in their native land.

It is a sad and nationally humiliating story. The only thing that we can say in slight extenuation is that once the unconscionable deed was done, the officials who were burdened with its consequences proved themselves to be compassionate persons of good will and did what they could within the severe limits of the practical situation, to limit and alleviate the hardship and injustice of the original action. In the category of those who did their best in this respect, I would certainly include President Roosevelt, Secretary Stimson, Assistant Secretary of War John McCloy, Attorney General Biddle, the bold and valiant Secretary Ickes, and that splendid and courageous man, Dillon Myer.