

Japanese American Redress: Statements, Congressional Records Statements, Testimonies, 1976-1992: 1986 (1 of 2)

Senator Daniel K. Inouye Papers

Japanese Latin American Internment, Box JL6, Folder 5

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HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

H.R. 442 - CIVIL LIBERTIES ACT OF 1985, AND
H.R. 2415 - "ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION ACT"

JULY 23, 1986

9:30 A.M.

ROOM 2237 RHOB

WITNESSES

Honorable Don Young

Dr. Arthur Fleming, representing the Commission on Wartime
Relocation and Internment of Civilians

PANEL

John C. Kirtland, Esquire, Bishop, Liberman, Cook, Purcell
and Reynolds, accompanied by Dimitri Philemonof, Executive
Director, Aleutian/Pribilof Islands Association, Inc., and
John C. Carpenter, Esquire, Senior Vice President, Aleut
Corporation

Alice Petrivelli, President, Axtam Corporation

Agafon Krukoff, Jr., President, The Aleut Corporation

Father Paul Mercurief, Chairman, Aleutian Housing Authority

Mr. Michael Zacharof, Mayor, City of St. Paul

Mrs. Hilda Berikoff, General Delivery

Mr. Perfinia Pletnikoff

Adrian (Doug) Melovidov, President, IRA Council

STATEMENT OF THE HONORABLE DON YOUNG
BEFORE THE SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENT RELATIONS
JULY 23, 1986

THANK YOU, MR. CHAIRMAN, I APPRECIATE BEING GIVEN THE OPPORTUNITY TO APPEAR BEFORE THIS DISTINGUISHED SUBCOMMITTEE AGAIN AND EXPRESS MY VIEWS ON LEGISLATION TO IMPLEMENT THE RECOMMENDATIONS OF COMMISSION ON WARTIME RELOCATION. I COMMENT YOU AND THE OTHER MEMBERS OF THE SUBCOMMITTEE FOR YOUR EFFORT TO FULLY CONSIDER THE LEGISLATIVE PROPOSALS TO IMPLEMENT THE COMMISSION'S RECOMMENDATIONS.

NO MATTER HOW HARD THIS TASK IS, I BELIEVE IT IS THE OBLIGATION OF A FAIR AND JUST GOVERNMENT TO REPAY CITIZENS FOR PROPERTY TAKEN BY THAT GOVERNMENT, EVEN WHERE THE MOTIVE IS TO PROTECT THE NATION IN TIME OF WAR. THE OBLIGATION TO REPAY INNOCENT CITIZENS FOR PROPERTY TAKEN BY GOVERNMENT IS NOT LOST SOLELY THROUGH THE PASSAGE OF TIME. IT REMAINS OUR OBLIGATION.

IN ORDER TO MEET THIS RESPONSIBILITY FOR ALASKA NATIVE CITIZENS WHO WERE INTERNED AND RELOCATED DURING THE WAR, THE RELOCATION COMMISSION MADE SEVERAL RECOMMENDATIONS SEPARATE FROM THOSE FOR JAPANESE-AMERICANS IN OTHER PARTS OF THE COUNTRY. THE RECOMMENDATIONS FORMED THE BASIS FOR THE PROVISIONS OF THE LEGISLATION I HAVE INTRODUCED TO COMPENSATE RESIDENTS OF THE ALEUTIAN CHAIN WHO WERE RELOCATED AND THE SURVIVORS OF THOSE WHO DIED WHILE INTERNED.

THE BILL I HAVE INTRODUCED, H.R. 2415, WAS DEVELOPED IN CONSULTATION WITH THE ELDERS OF THE 7 VILLAGES OF THE AREA, MOST OF WHOM ARE SURVIVORS OF THE RELOCATION CAMPS. THE BILL HAS THE STRONG SUPPORT OF THOSE WHO SUFFERED DIRECT LOSSES DURING THE INTERNMENT.

THE LEGISLATION CALLS FOR A PER CAPITA PAYMENT TO EACH SURVIVING RESIDENT OF THE ALEUTIAN AND PRIBILOF ISLANDS WHO WAS RELOCATED AND INTERNED DURING THE WAR. 350 INDIVIDUALS ARE ESTIMATED TO BE ELIGIBLE FOR THESE PAYMENTS.

THE BILL ALSO CALLS FOR THE ESTABLISHMENT OF A TRUST FUND TO MEET THE COMMUNITY NEEDS OF THESE ISOLATED VILLAGES. THIS FUND IS DESIGNED TO PROVIDE FOR THE SONS AND DAUGHTERS OF INDIVIDUALS WHO DID NOT SURVIVE THE YEARS OF INTERNMENT. OTHER PROVISIONS ARE DESIGNED TO REPLACE CHURCH PROPERTY AND CLEAN UP DANGEROUS WARTIME DEBRIS STILL FOUND ON THE ISLANDS.

MR. CHAIRMAN, TODAY, YOU AND THE MEMBERS OF THE SUBCOMMITTEE WILL HEAR FROM A NUMBER OF WITNESSES WHO WILL DESCRIBE THE HARDSHIPS, SUFFERING AND LOSSES ENDURED BY CITIZENS INTERNED DURING THE WAR. I WILL NOT ATTEMPT TO DESCRIBE THESE EXPERIENCES ON BEHALF OF THE INDIVIDUALS INVOLVED. THE EXPERIENCES ARE TOO PERSONAL, THE LOSSES TOO GREAT, AS WERE SO MANY OTHERS FOR ALL AMERICANS DURING WORLD WAR II.

I WOULD LIKE TO SAY, HOWEVER, THE COMPENSATION TO CITIZENS WHO WERE INTERNED DOES NOT IN ANY WAY REDUCE OUR RESPECT FOR ALL THOSE WHO SACRIFICES ALLOWED US TO WIN THE WAR AND REMAIN A NATION OF FREEDOM AND LIBERTY. BUT IT IS FROM RESPECT FOR THAT FREEDOM AND LIBERTY THAT OUR GOVERNMENT SHOULD REPAY CITIZENS FOR PROPERTY FORCIBLY TAKEN DURING THE WAR.

FOR THE RESIDENTS OF ALASKA WHO FACED THE UNIQUE SITUATION OF BEING THE ONLY U.S. TERRITORY INVADE DAN OCCUPIED DURING THE WAR, THE RELOCATION LEFT MANY VILLAGES DESERTED AND ABANDONED IN AN AREA WITH ONE OF THE HARSHEST CLIMATES IN THE WORLD.

RESIDENTS FORCED TO ABANDON THEIR HOMES AND PROPERTY WOULD RETURN THREE YEARS LATER WITH ONLY THE SHELLS OF HOMES REMAINING. THE EVACUATION MAY HAVE BEEN JUSTIFIABLE DUE TO THE INVASION OF THE ISLANDS. HOWEVER, A GOVERNMENT WHICH TAKES PROPERTY FROM INNOCENT CIVILIANS, AS WELL AS LIBERTY, SHOULD REPAY THOSE CITIZENS WHO ACTED IN ONLY IN GOOD FAITH.

AS THE MEMBERS OF THIS DISTINGUISHED SUBCOMMITTEE WELL KNOW FROM CONSIDERING PRIVATE RELIEF LEGISLATION SIMILAR TO THIS TYPE OF RELOCATION COMPENSATION, A BASIC PRINCIPLE OF JUSTICE IN A FREE SOCIETY IS THAT GOVERNMENT SHOULD COMPENSATE INDIVIDUALS WHO ACT IN GOOD FAITH AND WHOSE RIGHTS ARE TAKEN BY THAT GOVERNMENT.

WE TOOK THE RIGHTS THE RESIDENTS OF THE ALEUTIAN CHAIN DETAINED DURING THE WAR. IN JUSTICE AND FAIRNESS, I BELIEVE WE SHOULD RECOGNIZE THOSE RIGHTS AND PROVIDE COMPENSATION.

FIRST, I COMMEND YOU AND THE MEMBERS FOR THIS HEARING. I HOPE THAT THE SUBCOMMITTEE WILL BE ABLE TO ACT FAVORABLY ON THIS LEGISLATION THIS YEAR.

THANK YOU, MR. CHAIRMAN.

Statement

By

Arthur S. Flemming, Chairman, Citizens Commission on Civil Rights
To The
Subcommittee on Administrative Law and Governmental Relations
Committee on the Judiciary
U. S. House of Representatives
July 23, 1986

Mr. Chairman and Members of the Subcommittee:

I appreciate very much having the opportunity of appearing before this Subcommittee in behalf of the Commission on Wartime Relocation and Internment of Civilians in connection with your consideration of H.R. 442--"Civil Liberties Act of 1985" and H.R. 2415--"Aleutian and Pribilof Islands Restitution Act".

Over the Fourth of July weekend I listened to one of the programs on television related to our nation's commitment to liberty and freedom. Four persons were asked to convey to the viewers what it had meant to them to be deprived of their freedom. One of the participants had been placed in a Nazi concentration camp, another had been a prisoner of war in Vietnam, a third person was one of our diplomats who had been held as a hostage in Iran, and the fourth was a citizen of the United States who had been deprived of his freedom not by a foreign government but by his own government during World War II because he was a Japanese-American.

As I listened I had a vivid recollection of the hearings our Commission held in Los Angeles. I could hear again one of the witnesses saying:

"So much we left behind, but the most valuable thing I lost was my freedom."

And then I could hear again the witness at our hearing in San Francisco who said:

"I lost my identity. I lost my privacy and dignity."

I recalled the description of the Independence Day celebration in one of the assembly centers which concluded with this observation:

"It was our Independence Day celebration, though we were behind barbed wire, military police all around us..."

Yes, those of us who were privileged to serve as members of the Commission on Wartime Relocation and Internment of Civilians will never forget the testimony that came from hundreds of evacuees in hearings in Washington, D.C., Los Angeles, San Francisco, Seattle, Chicago, New York, Unalaska and Anchorage.

We were impressed with the fact that many of the witnesses were expressing for the first time the devastating impact, over a span of forty years, on their lives of the decision by their government to deprive them, without cause, of their freedom.

In the chapter in our report entitled, "After Camp" we said:

"In city after city, the Commission heard testimony from former evacuees who for the first time openly expressed pain and anger about evacuation and its aftermath. Many had never articulated their feelings even to their children, or within the ethnic community that shared their experience. It became obvious that a forty year silence did not mean that bitter memories had dissipated; they had only been buried in a shallow grave."

The decision on the part of these witnesses to break their forty years of silence and to share with the members of a Commission established by the Congress their innermost thoughts of what it means to be deprived by your own government of freedom, without cause, was an expression of faith on their part--an expression of belief that at long last the government which had deprived them of their freedom was prepared to recognize the wrong and pay an appropriate penalty for having taken from them what we have just finished celebrating as the most precious right that can be bestowed on us, the right of freedom.

Five years have now elapsed since these hundreds of evacuees carried on this dialogue with our Commission. In our report to the Congress we made specific recommendations as to steps that could and we believe must be taken to right this wrong.

We appreciate the willingness on the part of the members of this Subcommittee to give consideration to our recommendations by holding hearings on H.R. 442 which incorporates those recommendations.

I have read the views of the Department of Justice on H.R. 442 as transmitted to you by the Honorable John R. Bolton, Assistant Attorney General.

The conclusion of the Department of Justice is that, in spite of the overwhelming evidence leading to the conclusion that the Government of the United States, without cause, deprived Japanese-Americans of their freedom at the outset of World War II the response of the Government should be to do nothing. The communication does not include a single constructive recommendation for action.

I believe that a "do nothing" response to the hundreds of evacuees who responded in good faith to the action of Congress in establishing the Commission on Wartime Relocation and Internment of Civilians would be disastrous. It would seriously undermine faith in the ability of our Government to recognize and to right a serious wrong rooted in racism. It would convey a similar message to many others both at home and abroad.

The cornerstone of the Commission's recommendations calls for the establishment of a special foundation of \$1.5 billion with the understanding that it would be used in part to provide a one-time per capita compensatory payment of \$20,000 to each of the surviving persons who were uprooted from their residences and placed in relocation services.

As we stated in our report:

"No amount of money can fully compensate the excluded people for their losses and sufferings. Two and one-half years behind the barbed-wire of a relocation camp, branded potentially disloyal because of one's ethnicity alone--these injustices cannot be neatly translated into dollars and cents. History cannot be undone; anything we do now must inevitably be an expression of regret and an affirmation of our better values as a nation, not an accounting which balances or erases the events of the war."

It is five years since the Commission the Congress established listened to the testimony of our fellow Americans who had been deprived, without cause, of their freedom. It is three years and seven months since the Commission recommended that action be taken to rectify this wrong.

The response? The Administration says, "Do nothing."

Do we really comprehend what a "Do nothing message" does to the lives of those who went through this experience? I do not think any of us really can.

We hope that Congress will send another message by acting favorably on H.R. 442. If it does, such action will not only have a positive impact on the lives of Japanese-Americans but it will have the support of millions of our citizens who know that when the foundation on which freedom rests is undermined as it was forty years ago we can straighten the foundation by recognizing our mistake and doing something about it.

H.R. 2415

When the Japanese attacked and captured the two westernmost Aleutian islands, Kiska and Attu, the military evacuated the Aleuts from the Pribilofs and from many islands in the Aleutian chain. They were transported to southeastern Alaska and housed in camps set up at abandoned gold mines or canneries.

Housing, sanitation and eating conditions in most of these camps were deplorable. Medical care was inadequate; illness and disease were widespread. The treatment accorded the evacuees clearly failed to meet the government's responsibility to those under its care.

On returning to their villages, the Aleuts found that many houses and churches had been vandalized by the U. S. military. Appropriate compensation clearly has not been made to the Aleuts.

In addition, the island of Attu, now used in part by the Coast Guard, was never fully returned to the Aleuts after the Second World War. There also remains in the Aleutians large quantities of wartime debris, much of it hazardous. A great deal, but not all, of this material rests on federally-owned land.

The Commissioners agreed that a claims procedure would not be an effective method of compensating for this situation. Therefore, we have included in our recommendations sums of money designed to recognize fundamental justice as we perceived it on the basis of testimony and evidence presented to us.

The cornerstone of our recommendations is the establishment of a fund of \$5 million for the beneficial use of the Aleuts, and provision for payment of \$5000 per capita to each of the few hundred surviving Aleuts who were evacuated from the Aleutian or Pribilof Islands by the Federal Government during World War II.

The Aleuts who were involved in this evacuation were clearly the victims of mismanagement, indifference, and lack of even minimum consideration for their welfare by the United States Government. We believe that the adoption of our recommendations would help to compensate for these acts of injustice. We urge favorable action on H.R. 2415.

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1200 SEVENTEENTH STREET, N.W.

WASHINGTON, D.C. 20036

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IN NEW YORK

BISHOP, LIBERMAN & COOK
1155 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036

(212) 704-0100

July 23, 1986

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F. EUGENE WIRWAHN

COUNSEL
ROBERT M. BARATTA
CHARLES S. CORBEN
THOMAS M. DEBEVOISE
H. ORREN MERREN
CORNELIUS C. SHIELDS

*NOT ADMITTED IN DC.

WRITER'S DIRECT DIAL

(202)

Honorable Dan Glickman (D-Kansas)
Chairman
Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Under date of April 25, 1986, your committee has received Assistant Attorney General John R. Bolton's letter conveying the views of the U.S. Department of Justice on H.R. 442, a bill to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians (the "Commission"). The Department of Justice recommended against enactment of this legislation.

I am respectfully submitting this letter as a supplement to your hearing record of July 23, 1986 on H.R. 442 and H.R. 2415, as those bills relate to the Aleut people of Alaska. In the material that follows, I will address the principal objections of the Department of Justice to the payment of Aleut compensation, as recommended by the Commission and provided by the bills before your subcommittee.

The Commission's Aleut recommendations, it must be remembered, were based upon an unchallenged factual record. The documentary evidence proved beyond doubt that the government failed in its duty to provide reasonable care to those 881 Aleuts in its charge, resulting in epidemics of disease and great loss of life in the camps. The evidence showed that Aleut property was looted and destroyed by government troops billeted in the villages, and that full restitution was not made following the war. Finally, the record showed that the six affected Aleut villages have never fully recovered from the devastation of the war years.

The Department's response sadly lacks an appreciation of the Aleuts' special hardships and great property losses, as well as an acknowledgement of the precedents which justify compensation. The Department views the bills as providing "especial, favorable treatment for this group as opposed to other individuals whose lives were disrupted and who suffered hardship or death during World War II."

Apparently the Justice Department, in considering the Aleuts' claims, has ignored the precedent of the American-Japanese Claims Act, authorizing compensation, as the Department itself noted in its views on H.R. 442, "for 'any claim' for damages to or loss of real or personal property as 'a reasonable natural consequence of the evacuation or exclusion of' persons of Japanese ancestry as a result of governmental action during World War II." The Department has also ignored the precedent of the Philippine War Damage Commission, authorized to make compensation "on account of physical loss or destruction of or damage to property in the Philippines . . . as a result of . . . enemy attack, . . . action taken by or at the request of the military, naval, or air forces of the United States to prevent such property from coming into the possession of the enemy . . . [and other perils]." 50 U.S.C. App. 1752(a) (1976).

The Department has also apparently ignored the precedent of the Act of July 3, 1948, 62 Stat. 931, 50 U.S.C. App. 2001 et seq. (1976 and Supp. 1984). That Act established a War Claims Commission to determine the compensation due, based upon equitable considerations, to persons who, as civilians, were captured by Imperial Japanese forces during World War II. The claims of religious organizations, prisoners of war, employees of contractors, and others were adjudicated by this ad hoc Commission as well.

The Justice Department's views on Aleut compensation would lead one to believe that Aleuts are being singled out for favorable treatment. In fact, H.R. 442 and H.R. 2415 extend to the Aleuts nothing more than those benefits of compensation enjoyed by other, similarly situated, American civilians who suffered losses in war zones or relocation camps. The Aleut villages of Alaska were the only American communities on the North American continent that were caught up in a theater of war. Under the Congressional precedents, they deserve the fair compensation that has been recommended, after extensive investigation, by the Commission.

The Department complains that H.R. 442 (like H.R. 2415) provides for direct designation of a non-profit corporation to perform statutory functions which "may be performed only by an officer of the United States." Citing Article II, section 2, clause 2 of the Constitution and Buckley v. Valeo, 424 U.S. 1 (1976), the Department concludes that the "Administrator" of Aleut compensation "must be appointed in the manner provided for in the Appointments Clause of the Constitution, i.e., by the President by and with the advice and consent of the Senate, or, where authorized by the statute, by the President alone, or by the courts or the heads of departments." This problem, if it is a problem, can be easily remedied.

In reporting H.R. 2415, the committee, if it believes that the "Administrator" of Aleut compensation "performs significant governmental duties pursuant to the laws of the United States [and] is an officer in the constitutional sense," can simply amend the text of the bill to provide for appointment by the Secretary of the Treasury of an "Administrator." The Aleut people respectfully request, in that circumstance, that the Committee Report on the bill recommend that the Aleutian/Pribilof Islands Association, Inc., the non-profit arm of the Aleut people of Alaska, be designated by the Secretary as "Administrator." We are confident that the Secretary would respect the congressional request.

Finally, the Department of Justice expresses "First Amendment concerns" about the "governmental involvement in the manner in which the funds allocated for church repair or reconstruction are to be spent." In relation to church reconstruction or repair, the elaborate provisions of H.R. 442 and H.R. 2415 are designed to balance two potentially competing interests: first, the wishes of the Aleut congregations regarding the repair or reconstruction of their houses of worship should be respected; and second, the taxpayers' interest in accomplishing the necessary repair or reconstruction at reasonable cost should be accommodated.

If the negligence of the United States destroyed church property in Wichita, Kansas, for example, compensation surely would be provided by the United States. In restoring such property, the congregation's wishes, to the extent possible, would be respected. But the Government, in making compensation, would not extend a "blank check."

There must be some appropriate means of balancing those equities, and the provisions of H.R. 442 and H.R. 2415 are an attempt to do that. We are prepared to work with the committee in drafting alternative language, if the committee

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shares the Department's view that the Establishment Clause is threatened by the specific means of restoring churches and church property set forth in the bills.

Thank you for this opportunity to provide supplemental materials for the hearing record of your subcommittee.

Very truly yours,

BISHOP, LIBERMAN, COOK,
PURCELL & REYNOLDS

By: 

John C. Kirtland

Statement of John C. Kirtland, Esq.
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

The Aleut Experience in World War II

Mr. Chairman, Members of the Subcommittee, my name is John C. Kirtland. I practice law in Washington, D.C. with the firm of Bishop, Liberman, Cook, Purcell & Reynolds. Our firm represents the Aleut people of Alaska in their effort to obtain just compensation for the losses sustained during World War II.

I am accompanied today by seven Aleut leaders. They are Doug Melovidov, Chairman of the Board of the Aleutian/Pribilof Islands Association ("APIA"); Agafon Krukoff, Jr., President of The Aleut Corporation; Father Paul Mercurief, Chairman of the Aleutian Housing Authority; Michael Zacharof, Mayor of St. Paul Island; Alice Petrivelli, President of Axtam Corporation of Atka; Hilda Berikoff of Unalaska Village; and Perfinia Pletnikoff of Nikolski Village. With the permission of the Chairman, we will each make a short prepared statement. Then our panel will be pleased to answer any questions the subcommittee may have.

Mr. Chairman, in addition to the seven Aleut leaders who will testify this morning, we are very pleased to recognize two additional leaders from Alaska -- Dimitri Philemonof, Executive Director of the APIA; and John C. Carpenter, Esquire, Senior Vice President of The Aleut Corporation. Dimitri is the principal manager of APIA, the legally-recognized tribal governing body of the Aleut people of Alaska. Dimitri and John are available to assist our panel in responding to your questions.

Mr. Chairman, our law firm was retained more than eight years ago on the matter of the Aleuts' treatment in World War II. We were asked by APIA to research the facts and the law, and to make recommendations that Congress might consider fitting and proper restitution for the losses sustained by the Aleuts in the wartime years. In 1980 the Commission on Wartime Relocation and Internment of Civilians (the "Commission") was given the same mandate. Our own research paralleled that of the Commission and its staff. The archives were combed for relevant documents. The Commission evaluated the evidence we submitted, and uncovered more evidence on its own.

As the Commission's report reveals, the facts and circumstances of the Aleuts' treatment are now beyond dispute. The record of the injustices suffered and losses incurred by the Aleut people is based almost entirely on contemporary U.S.

government correspondence, memoranda, and other official documents. After the fall of Attu and Kiska Islands to the enemy on June 7-8, 1942, the Aleut villages of St. Paul and St. George on the Pribilof Islands, and the Aleut villages of the Aleutian Island Chain west of Unimak Island were evacuated on very short notice. The Commission concluded that the evacuation of some 881 Aleuts from these villages was a rational wartime measure to protect civilians in an active theatre of war, and we do not challenge that finding.

The Aleuts' case for compensation derives not from the relocation orders executed by military commanders on the scene, but rather from the treatment suffered at the hands of the government following the evacuation of the villages. The Aleuts were transported to temporary camps in Southeastern Alaska. These camps were established by Department of the Interior officials in abandoned fish canneries, an abandoned gold mine, and an abandoned CCC camp. The conditions were deplorable.

The people in the camps suffered from inadequate medical care, inadequate shelter, inadequate sanitation facilities, lack of potable water, and other life-threatening conditions. For the most part the camps were isolated, transportation in and out was controlled by government supervisors, and the people were impoverished. Although food apparently was adequate to sustain life, the complete breakdown of other

services resulted in epidemics of disease that ravaged the camps. The very old and the very young, in particular, could not survive. More than ten percent of all the people died in these camps established for their "care and protection."

While the Aleuts were in the camps, their homes and community buildings were occupied by military forces under the Alaska Defense Command. The local commanders in these remote outposts lost all control of the troops. As official Boards of Inquiry determined after the war, the Aleuts' homes and property, left behind out of necessity, were ransacked and looted. Their churches were desecrated, and religious icons of immense cultural value to the Aleuts were taken for souvenirs. Incredibly, the situation in all the villages was the same. There was not a single case where the local commanders were able to protect the Aleuts' property, as it was their duty to do.

Mr. Chairman, the Commission correctly has concluded that no effective system of records exists by which to estimate the Aleuts' losses exactly. A dollar value cannot be placed on the suffering and death brought to the Aleuts in the camps. Therefore, traditional claims procedures cannot be regarded as appropriate for determining the level of compensation due the Aleuts for the grossly negligent treatment they suffered while under the domination and control of government officials in that difficult wartime period.

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The Aleut people therefore respectfully petition the Congress for redress in the nature of private relief legislation, along the lines of H.R. 2415, offered by Congressman Don Young of Alaska. That bill is identical to companion legislation in the other body, offered by Senators Matsunaga, Inouye, Stevens, Murkowski, and others (title III of S. 1053).

Mr. Chairman, for the convenience of members and staff, we have prepared a detailed section-by-section analysis of H.R. 2415, the "Aleutian and Pribilof Islands Restitution Act," as introduced by Congressman Young and the Senators. I ask that a copy of that analysis be inserted in the transcript of these hearings immediately following my remarks.

The Aleut leaders that accompanying me will address specific aspects of the pending bill and other relevant issues. Mr. Chairman, this concludes my prepared statement. Now I will introduce Doug Melovidov, Chairman of APIA.

Thank you, Mr. Chairman.

Statement of Adrian (Doug) Melovidov
Chairman of the Board
Aleutian/Pribilof Islands Association
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

Statement in Support of H.R. 2415

Mr. Chairman, Members of the Subcommittee, my name is A. (Doug) Melovidov. I am Chairman of the Board of the Aleutian/Pribilof Islands Association, the tribal organization of the Aleut people. I also serve as President of the Traditional IRA Council of St. Paul Island.

[Insert - to be supplied]

We recognize the decision to relocate the Aleuts was not based upon race prejudice or any other bad motive. We certainly were not considered security risks by anybody in the region. Our ancestors were truly the first Americans. Our villages had been home for 8,000 years -- or more. The decision to remove the Aleuts from the Aleutians and the Pribilofs was based upon a desire to reduce the overall number of civilians in the region, and to make way for the troops who

needed shelter, hospital facilities, food supplies, and other life-sustaining support. With the Aleuts gone from the region, the military supply lines could serve more effectively the military personnel stationed there. This was all very logical.

As John Kirtland has pointed out, however, the government had a duty to provide reasonable care for the Aleuts under its control, no less than for the troops stationed on the Islands. The failure of that duty, in a word, is the basis for the legislation before your subcommittee this morning.

Mr. Chairman, the Commission's findings and recommendations are consistent with our own. While I am an Aleut from one affected village, I speak today for all the affected villages in supporting H.R. 2415, the legislation drafted specifically for the consideration of Congress to implement the Commission's recommendations with respect to the Aleut issues.

Mr. Chairman, our view is that H.R. 2415 is consistent with traditional private relief legislation approved by Congress in unique and difficult cases for nearly 200 years. The Aleut people were United States citizens and residents of the Territory of Alaska during World War II. Our sons were subject to the Selective Service laws, and more than 50 Aleuts were drafted out of the camps for army service.

When our American boys stormed ashore to liberate Attu Island from the Japanese enemy, they were led by Aleut scouts familiar with the territory. In that battle, the Japanese defenders, cut off from all hope of reinforcement or escape, fought to the last man. The Aleuts clearly had the same rights and responsibilities, under the Constitution and laws of the United States, as any other citizens. The government's obligation to them, accordingly, was no less than that extended to any other group of citizens.

The claims before your subcommittee are claims recognized, at least in part, by the Roosevelt and Truman Administrations at the time. As the evidence shows, at President Roosevelt's direction, there was some rehabilitation of the villages and some monetary payment for property losses. Unfortunately, the Commission's record proves that this compensation was grossly inadequate. Alaska was a remote territory. The Aleutians were the most remote region of that territory. There was no air service. There was no communications system. There was for most people a substantial language barrier, as English was a second language and spoken by relatively few people at the time. Some villages were more than 1,000 miles from their Territorial Capital, let alone from Washington, D.C.

The paperwork too often simply was not filed or forwarded. There was not practical opportunity to press the case. The people were returned to a subsistence village life,

and left for the most part to cope alone with the readjustment problems. They did the best they could -- and time passed.

Mr. Chairman, our counsel has prepared a memorandum that demonstrates the historic basis for private relief legislation to compensate the Aleuts for the losses they have suffered. The bill before your subcommittee, in our judgment, is consistent in theory and practice with other private relief measures approved over many decades. I ask that this memorandum be made a part of the subcommittee's record.

As the Commission has recommended, the Aleut people should be compensated in five ways: first, a trust fund should be established for the beneficial use of the Aleuts; second, there should be a per capita payment to each surviving Aleut who was in the camps; third, the village churches damaged or destroyed should be restored and rehabilitated; fourth, the World War II debris should be removed from inhabited areas in the region; fifth, the Island of Attu -- or in lieu compensation as provided in H.R. 2415 -- should be conveyed to the Aleut Corporation. Each of these points will be addressed in more detail by other members of our panel.

These are all reasonable recommendations. Each is designed to provide compensation for specific losses sustained, but never redressed adequately until this time.

Under the terms of H.R. 2415, APIA is designated as "Administrator" of two parts of the relief recommended by the

Commission. First, APIA is assigned the responsibility to establish a trust in the principal amount of \$5 million for the beneficial use of the Aleut people. A process is established under the bill for designation of trustees to manage this trust, ensuring that each village has a role in determining how the earnings from the trust will be applied, consistent with the Commission's intent. Second, APIA is charged with responsibility to oversee the rehabilitation and restoration of Aleut churches that were damaged or destroyed, but never fully rehabilitated, in the course of occupation by military forces in World War II.

There is no question that APIA is fully qualified to administer these programs under the terms and conditions of an Agreement to be negotiated, as provided in H.R. 2415, with the Secretary of Treasury. Over the years, APIA has taken the initiative of addressing the unique social and cultural problems caused by the World War II dislocation. The Association has long experience in administering social service contracts with the Department of Labor, the Department of the Interior, the Department of Health and Human Services, and other Federal and State agencies.

Mr. Chairman, this concludes my formal presentation. I should now like to introduce Agafon Krukoff, Jr., the President of the Aleut Corporation.

Thank you, Mr. Chairman.

Statement of Agafon Krukoff, Jr.
President
The Aleut Corporation
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

Statement in Support of H.R. 2415

Mr. Chairman, Members of the Subcommittee, my name is Agafon Krukoff. I am President and Chief Executive Officer of The Aleut Corporation, the Aleut regional business corporation established under the terms of the Alaska Native Claims Settlement Act of 1971.

One of my responsibilities is the management of lands conveyed to the corporation by that landmark legislation. Another is to make investments and secure earnings for the Aleut shareholders of our corporation. The success of our enterprise will mean greater economic security for the Aleut people.

I am here, Mr. Chairman, to discuss one specific recommendation of the Commission. That recommendation is for Congress to declare Attu Island to be Native land, and to direct that the island be conveyed to the Aleut people through The Aleut Corporation.

The basis of this recommendation may be stated in one sentence: Traditionally, Attu has been Aleut land, and were it not for the events of World War II and its aftermath, Attu Island would be Aleut land today. The circumstances which kept Attu Island in the public domain are both profoundly tragic and little-known to the general public. I will summarize those circumstances.

On June 8, 1942, units of the Imperial Japanese Army made an unopposed landing at Holtz Bay on Attu Island. The main force attacked the undefended Aleut village at 7:30 a.m. Forty-two Aleut citizens of the United States and two Alaska Indian Service employees were taken prisoner. One of the Aleut elders died in July and was buried on Attu. The remaining Aleuts were taken from Attu in September, and transported to Hokkaido Island in Japan, there to remain prisoners of war until they were discovered by American occupation forces in 1945. The AIS employees were Mr. and Mrs. Foster Jones, a non-Native couple in their mid-60's. Mr. Jones died at the hands of the Japanese on the first night of his capture. His wife was transported to Yokohama, and remained there under detention until after V-J Day.

When the Attuan people were repatriated from detention in Japan, they were not rehabilitated to their home island. Instead they were involuntarily merged for the convenience of the Interior Department into the village of Atka. This

failure resulted in their loss-of-right when land selections were made following enactment of the land claims settlement act.

Mr. Chairman, Attu Island is about 1,100 miles from the tip of the Alaska peninsula. It is about 45-miles long, from east to west, and about 18-miles wide, from north to south at its widest point. It is now part of the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge. At the present time the U.S. Coast Guard maintains a 24-person LORAN station on Attu. The Coast Guard leases 1,800 acres for its station from the Fish and Wildlife Service, and maintains an airstrip served by Coast Guard C-130's and Reeve Aleutian Airways Lockheed Electras. On Attu Island a portion of the World War II battlefield has been proposed for addition to the Register of Historic Sites.

Of special concern from an environmental standpoint, Attu has a large seabird population nested on the island, and many Asiatic species of migratory birds pause there during migration. At least one Asiatic species, the white-tailed eagle, nests nowhere else in North America.

Mr. Chairman, Attu Island is an important part of the Aleut heritage. The lands were occupied by Aleuts for thousands of years -- until 1942. And, but for the war, Attu would be Aleut land today. The Interior Department, however, failed to rehabilitate Attu following the war. The Aleut

people should not be denied the benefits of traditional lands because of the tragic circumstances of the war years.

Mr. Chairman, your subcommittee in the 98th Congress took testimony on legislation implementing the Commission's recommendation that the Island of Attu be conveyed, subject to the Coast Guard leasehold, to the Aleut Corporation. There were a number of concerns expressed by the environmental community. Our Aleut representatives conducted extensive consultations with representatives of the Sierra Club, the Audubon Society, the World Wildlife Fund - U.S., and many other groups. In the end it became apparent that conveyance of Attu, now designated as a wilderness area, would be inconsistent with provisions of the Alaska National Interest Lands Conservation Act. The rightful development of the Island by the Aleut Corporation, in other words, would jeopardize environmental values recently reflected in public law.

As an alternative, the Alaska Congressional delegation, with the support of environmental groups and others, has recommended that The Aleut Corporation be extended other compensation in lieu of the Attu acquisition the Commission recommended. That compensation would take the form of a Property Account, which would be available to The Aleut Corporation for the purpose of bidding on surplus Federal property. The initial balance, reflecting the equivalent of

\$500 per acre for each of the 35,737 acres traditionally occupied and used by the Aleut people on Attu Island, would be bidding rights in the equivalent amount of \$17,868,500.

Under the procedures established in H.R. 2415, The Aleut Corporation would bid, by using the credits in the Account, as any other bidder for surplus Federal property, wherever located, in accordance with the requirements of law. The General Services Administration would give no preference to any bid by the Corporation. The procedures established in the bill for The Aleut Corporation are comparable to those extended to another Alaska Native Corporation, the Cook Inlet Region Incorporated. In the case of Cook Inlet, the traditional Native lands were occupied by the metropolitan Anchorage area -- so bidding rights for surplus federal property were established as an alternative. In our case, the Aleut traditional lands on Attu are occupied by the Coast Guard and by the Department of the Interior as "wilderness" lands. Therefore, the sponsors believe, The Aleut Corporation should be extended the same rights as the Cook Inlet Region. Using the Cook Inlet statutory language as a guide and as precedent, H.R. 2415 so provides.

Mr. Chairman, section 1613(h)(1) of title 43, United States Code, provides that the Aleut people may select the actual site of the traditional village of Attu on the Island. This provision of current law is preserved in the terms of

Statement of Agafon Krukoff, Jr.
July 23, 1986
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H.R. 2415, but the selections of The Aleut Corporation are limited to the traditional village site, and only that site, under the bill. H.R. 2415, in other words, provides even more protection of the wilderness status of Attu than existing law.

On a personal note, Mr. Chairman, I am from St. Paul Island in the Pribilofs, and my parents were at Funter Bay's abandoned fish cannery, on Admiralty Island, during World War II. I was born shortly after their return to St. Paul. I urge that the full measure of relief recommended by the Commission be granted, principally for the benefit of the villages themselves, and for the people who continue to maintain the Aleut culture and traditions there.

I should now like to introduce Father Paul Merculief, who has served as village priest in Nikolski, and who also serves as Chairman of the Aleutian Housing Authority.

Thank you, Mr. Chairman.

Statement of Mr. Michael Zacharof
Mayor, City of St. Paul, Alaska
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

Statement in Support of H.R. 2415

Mr. Chairman, Members of the Subcommittee, my name is Michael Zacharof. I presently serve as an elected member of the City Council and as Mayor of the City of St. Paul, St. Paul Island, Alaska. St. Paul and St. George Islands are the two inhabited islands of the Pribilof group, about 200 miles North-Northwest of Unalaska/Dutch Harbor in the Bering Sea. They were evacuated by U.S. Army personnel on June 15 and 16, 1942.

[Insert -- to be supplied).

Mr. Chairman, the Pribilofs were administered until 1966 as a federal preserve by the U.S. Fish and Wildlife Service, as the islands are the principal breeding grounds for the North Pacific fur seal. The Aleuts living on the islands were employed primarily by the Service to conduct the annual fur seal harvest pursuant to U.S. Treaty obligations.

With about 24-hours notice, the St. Paul Community, consisting of 294 Aleuts and 15 non-Aleut FWS employees, was loaded aboard the USAT DELAROF on June 15, 1942. The St. George community of 183 Aleuts and 7 FWS employees was evacuated the next day. On St. George, the cattle were shot; the cattle on St. Paul were returned to the wild. As the DELAROF sailed from the Pribilofs, neither the ship's captain nor Interior officials knew the destination.

Ultimately, on June 25th, the Pribilof Aleuts were landed at Funter Bay. This location is on the west coast of Admiralty Island, about sixty miles from Juneau by water. On one side of the bay was located the abandoned fish cannery owned by the P.E. Harris Company; on the other side was an abandoned gold mine. My own Community of St. Paul was established in the abandoned fish cannery, and the St. George Community occupied the abandoned gold mine. The gross inadequacy of these facilities was immediately apparent to the officials in charge. At the cannery site, for example, there was no sewage disposal system, there was no community laundry, and bathing facilities were entirely lacking.

The Funter Bay location was a virtual prison. The only access was by boat, as the camp was located on the beach and was surrounded by impassable forest. If an Aleut could not obtain permission to board a vessel for departure -- he stayed. In few cases, indeed, was permission to leave the

encampment granted by the FWS officials who had complete command.

Mr. Chairman, the terrible conditions suffered by my people were made worse when the decision was made to return the able-bodied male Aleuts to the Pribilofs to conduct the Government's seal harvest of 1943. Only the very young children, the elderly men, and the women remained behind at Funter Bay. Of course, these people could not conduct the work of the camp. There were ravages of disease, and many elders, many children died. At this time of greatest vulnerability, there was no doctor in residence at Funter Bay. The nurses simply could not treat the most seriously ill persons, and boat trips to the Juneau hospital were never timely enough to ensure adequate care.

The conditions at Funter Bay were described by the Attorney General of Alaska in an emergency report to the Territorial Governor, following his September 1943 visit to the facility:

I have no language at my command which can adequately describe what I saw; if I had I am confident you would not believe my statements. Just one instance: there is a large two story frame building which the Mining Company intended for a bunkhouse and which it practically completed. The upper floor was provided with incompleated partitions for some eight or ten rooms. These rooms are about 8 X 10. In them, that is, in each of them are housed families composed of from six to ten persons; there is absolutely no privacy. Parents and children, both male and female, of all ages, are huddled together.... There are between 75 to 100 people...in this one building.

There are no sanitary installations of any kind; in short, the situation is shocking. I have seen some tough places in my days in Alaska, but nothing to equal the situation at Funter.

Mr. Chairman, these were the conditions that caused nearly one-in-ten of the Aleuts to die at Funter Bay. The people were without resources and without recourse. They suffered and there was virtually no relief until they were repatriated to the Pribilof Islands in 1944.

The compensation recommended by the Commission is clearly inadequate to overcome the losses of those times at Funter Bay. There could never be adequate compensation. Nevertheless, we strongly support the terms of H.R. 2415, as offered by our Congressman, Don Young. We urge the subcommittee to report the legislation to the full committee and to the House for prompt action.

Thank you, Mr. Chairman.

Statement of Alice Petrivelli
President, Axtam Corporation
Representing Atka Village
Before the Subcommittee on Administrative
Law and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

Statement in Support of H.R. 2415

Mr. Chairman, Members of the Subcommittee, my name is Alice Petrivelli. I am president of Axtam Corporation, the Village Corporation of Atka, Alaska. Our village is the westernmost community of Alaska, located in the Aleutian Islands some 4,080 miles from Anchorage.

(Insert -- to be supplied)

Mr. Chairman, on June 12, 1942, the U.S.S. GILLIS and the U.S.S. HULBERT, seaplane tenders, were anchored in Nazan Bay, off the village of Atka. At 8:00 p.m. in the evening, GILLIS received message orders to evacuate all of the Aleuts in Atka. The sailors came ashore, spread gasoline throughout the buildings of the village, and burned them to the ground. Our people, fearing possible Japanese attack, had earlier moved to their fishing camps, about three miles from the village itself.

The sailors from the ships burned our village, including our church with its priceless icons and church utensils, without removing any personal property from the buildings. As

our people were in the fishing camps, they could not salvage any of this property themselves.

When the Atka people landed at Killisnoo camp on June 25, 1942, they had nothing but the clothes on their backs. The Killisnoo camp was an inactive fish cannery located on a small island of the same name in Southeastern Alaska, about three miles from the Native village of Angoon. Although Killisnoo was once the location of a Native village, the community had burned in 1928 and was never rebuilt.

Mr. Chairman, the conditions at Killisnoo were very harsh. At least ten of our people, out of some 81 who were initially located there, died before they could be returned to Atka after the war. There was a lack of adequate medical support, and conditions in the poorly-constructed cannery buildings were made worse because the winter of 1943 was the coldest in many, many years.

After the war, a total of 24 homes were rebuilt in Atka; 18 homes for the people of Atka, and 6 homes for the people of Attu who had been liberated from prison in Japan. Also, the church and community buildings were replaced. But our people from Atka, who had lost virtually everything they owned when the village was burned by military order, were never compensated for their lost personal property.

The Commission has recommended, among other things, that compensation be paid to surviving Aleuts for the suffering and

for their losses of personal property. The Commission has also recommended that the communities receive support from a trust established for their benefit. And the Commission has recommended that the lost church properties be restored or replaced. The community of Atka needs all of these things.

I urge the subcommittee to approve H.R. 2415.

Thank you, Mr. Chairman.

Statement of Perfinia Pletnikoff
Representing Nikolski Village
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

Statement in Support of H.R. 2415

Mr. Chairman, Members of the Subcommittee, my name is Perfinia Pletnikoff.

[insert - to be supplied]

Our village of Nikolski was evacuated on July 5, 1942. We were first taken by army barge to Chernofski harbor on Unalaska Island. Then we boarded the steamship COLOMBIA, which took us to Wrangell Institute.

There were 72 Aleuts from Nikolski on that voyage, along with 41 Aleuts from Akutan, 20 from Kashega, 18 from Biroka and 9 from Makushin. All of us arrived at Wrangell on July 13th. We lived in tents on the Wrangell Institute's grounds until we were taken to Ward Lake, an abandoned CCC camp near Ketchikan, some weeks later. We were taken to Ward Lake on a barge we built at Wrangell, along with some materials to build cottages at the Ward Lake facility.

Although we arrived at Ward Lake in good health, the conditions there were very bad for our people. Within one year 20 people out of 160 had died at the CCC camp. According to the official records, a higher death rate existed at Ward Lake than at any other camp for the Aleuts.

The newspaper at the time, The Alaska Fishing News, in an editorial of May 24, 1943, speaking about the Aleuts at Ward Lake, concluded:

It was their friendly spirit in greeting and welcoming all comers that betrayed them and turned their camp into mourning over the loss of loved ones.

Too late it is now to begin passing the buck as to the responsibility of their condition. What is needed is immediate emergency care. Moving the camp will not provide the cure.

End of Quote. Mr. Chairman, that emergency care did not come in time. There was simply a lot of neglect in the camps, and the people's health did not improve until they returned to Nikolski in 1945.

Mr. Chairman, the village has never recovered the losses. In 1942, Nikolski was a healthy village of more than 70 people. When we returned in 1945, we found that our village had been occupied by units of the Army's 42nd Engineers, the Army's 677th Aircraft Warning Company, civilian crews of the Army Transportation Service, and personnel of an Air Force Weather Detachment. Also, Navy personnel were stationed at Nikolski.

According to the official Board of Inquiry report on conditions at Nikolski, dated April 26, 1944:

- a) Certain property and equipment chargeable to Alaska Indian Service and individuals was appropriated by the Armed Forces for use, and that an incomplete accounting was made of property and equipment so used.
- b) Extensive pilfering and looting of private property occurred in the homes of Nikolski natives.
- c) It has been impossible to fix responsibility for such pilfering and looting.
- d) Certain efforts were made to prevent pilfering and looting, such as policing and boarding up homes to prevent breaking and entering, but these precautions were not established soon enough or were in general ineffective.

Mr. Chairman, these conditions were a shock to the Aleut people of Nikolski. Our homes had been used by the troops, but there was ^{no} respect for our property. And we had no opportunity to take anything with us to the Ward Lake Camp. It all had to be left behind.

Today Nikolski is struggling to survive. We were 72 people in June of 1942. We are less than 40 people today. The recommendations of the Commission, if they are approved by the Congress, will help us in saving Nikolski from the continuing effects of the destruction of our homes and property, and from the continuing effects of the reduction in our numbers at the camps.

Thank you, Mr. Chairman.

Statement of Father Paul Mercurief
Chairman
Aleutian Housing Authority
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

Statement in Support of H.R. 2415

Mr. Chairman, Members of the Subcommittee, my name is Paul Mercurief. I am a Russian Orthodox priest now serving in the village of Tyonek, and I also serve as Chairman of the Aleutian Housing Authority, the Regional Native Housing Authority for the Aleut region established pursuant to the laws of the State of Alaska. For many years I was village priest in Nikolski.

I should like to address a number of the Commission's recommendations as contained in H.R. 2415, the bill offered by the bipartisan Senate sponsors and Congressman Don Young of Alaska. The bill differs from the Commission's proposals in only three material ways. I will address two of these differences. The other will be discussed by Mr. Krukoff. First, H.R. 2415 provides that each surviving Aleut shall receive an individual payment of \$12,000, rather than the \$5,000 payment recommended by the Commission. The sponsors have adopted this per capita payment to recognize more fully

the Aleuts' terrible suffering in the camps, and the deaths sustained by nearly every family as a result of the conditions there.

There are other reasons for increasing individual payments. The Aleuts unquestionably have the right to compensation for the use of their homes by military personnel during the war. As early as 1913 the Court of Claims recognized this right, but the Aleut people have never received any payment for the use of their homes to billet troops. Additionally, the bill more nearly compensates families for lost property that was not replaced or paid for in the haphazard restitution program following the war.

Second, the bill differs from the Commission's recommendations because it provides per capita payments to each of the five surviving Attuans who suffered as prisoners of the Japanese. The Aleut community strongly recommends that these few people, who really endured the most, be granted this relief in recognition of their sacrifices as slave laborers in the bentonite mines of Hokkaido Island, Japan. They persevered through it all, and then returned to find that their government would not return them to their home Island.

Mr. Chairman, the Commission recognized the losses sustained by the Aleut communities when their churches were damaged or destroyed. The people maintained in their churches and homes religious articles of the highest value to them. A

number of these church utensils and icons were originally brought from Tzarist Russia. They were taken for souvenirs or destroyed by fire or weather damage. Under the terms of the pending bill, a careful inventory would be taken of these losses. There would be efforts made to restore or replace the church utensils, the icons, and the structures themselves to their condition before the war.

The proposals for church reconstruction and restoration would be subject to review by an independent panel of Federal officials. The plans would be developed in the first instance by APIA, and the construction work itself would be under the direction of the Aleutian Housing Authority. The Aleutian Housing Authority, of course, has the most extensive experience in construction work throughout the region.

Mr. Chairman, over the years I have attempted to evaluate the cultural impact of the World War II relocation experience on my people, the Aleuts. It was more severe than the impact an army or air force base had on nearby communities in the lower-48. The Aleuts were relocated to camps where most of their traditional leaders perished before they could be returned to their homes. The loss of the elders, in many communities, also resulted in the loss of skills that had been passed down from generation to generation. Let there be no mistake, the Aleut people are survivors, but the impact of this experience was profound and lasting.

If it is established as the Commission has suggested, I believe the trust fund can be used effectively to finance projects that will enhance traditional Aleut crafts and other important cultural values. The impoverished young can be educated, the elderly can be better cared for in their last years. The preservation of the language can be undertaken. There are many initiatives that will help reverse the destructive trends that originated in the World War II camps.

Mr. Chairman, I should like to introduce at this time Hilda Berikoff, representing Unalaska village.

Thank you, Mr. Chairman.

Statement of Hilda Berikoff
Representing Unalaska Village
Before the Subcommittee on Administrative Law
and Governmental Relations
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C.
July 23, 1986

Statement in Support of H.R. 2415

Mr. Chairman, Members of the Subcommittee, my name is
Hilda Berikoff.

[insert -- to be supplied]

Mr. Chairman, the village of Unalaska, across an inlet
from Dutch Harbor on Unalaska Island, was the last Aleut
village to be evacuated from the Aleutian Island Chain. Our
community was evacuated on July 19, 1942. The Aleuts were
taken aboard the Alaska Steamship Line vessel, S.S. ALASKA,
together with only such portable baggage as the people could
carry. The directive extended to all persons who were so much
as one-eighth Native blood, but the employees of the Seims-
Drake Puget Sound Company, engaged in military construction
projects, were exempt from the order.

The Unalaska community -- some 111 Aleuts in number --
arrived aboard the ALASKA at Wrangell Institute on July 26th,

and remained there until late August, when they were taken to abandoned fish cannery facilities at Burnett Inlet on Etolin Island. Initial facilities at Burnett Inlet consisted of 11 rundown and dilapidated cottages and one large bunkhouse, but the people constructed more cottages from lumber that was available.

The Unalaska Aleuts remained at Burnett Inlet until April 1945. One of the findings of the Commission, of course, was that the Aleuts were required to remain in the temporary camps long after any danger to their communities from wartime operations had passed. The failure of the Interior and military authorities to rehabilitate the villages in 1944 contributed to the substantial losses sustained by the Aleut villagers in those war years.

Mr. Chairman, the documentation is extensive of the looting and destruction of the Unalaska village while the people were away. According to an official Memorandum for the Commanding General dated January 12, 1944, these were the conditions in Unalaska village, and I quote:

Trespassers have come from all branches of the service represented in this locality and from servicemen passing through here on boats. Perhaps the greatest loss to [the Aleuts'] personal property occurred at the time the Army conducted its cleanup of the village in June of 1943, Large numbers of soldiers were in the area at the time ... and many houses were entered unofficially and souvenirs and other articles were taken.

Most of the native families and rifles, shotguns, small boats and fishing gear. These items along with

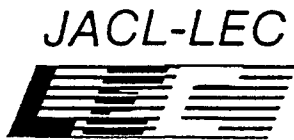
radios, phonographs, ivory articles and photographs have been most frequently taken. It is probable that some of the furniture found in Army and Navy quarters came from Aleut houses. Damage to houses has consisted principally of broken locks, doors and windows.

Mr. Chairman, this documentation from military records of the time is also found for the other villages, to a greater or lesser degree. The personal property losses of the Aleuts, in other words, are not based upon the Aleuts' recollection alone.

The Commission's recommendations are carefully tailored to reflect the actual losses sustained by the Aleut people in the war years as a result of the negligence of both military and civilian government officials and employees. On behalf of the people of Unalaska, Mr. Chairman, I respectfully request that your subcommittee consider favorably the bill offered by the Senate sponsors and by Congressman Don Young of Alaska (H.R. 2415).

Mr. Chairman, I will now introduce Mr. Perfinia Pletnikoff, an elder from the village of Nikolski. Mr. Pletnikoff's personal recollections may prove helpful to the subcommittee.

Thank you, Mr. Chairman.



JAPANESE AMERICAN CITIZENS LEAGUE
LEGISLATIVE EDUCATION COMMITTEE

WASHINGTON OFFICE: 1730 RHODE ISLAND AVE. N.W., WASHINGTON, DC 20036 (202) 223-1240
NATIONAL HEADQUARTERS: SAN FRANCISCO, CA 94115

STATEMENT OF THE JAPANESE
AMERICAN CITIZENS LEAGUE
IN SUPPORT OF H.R. 2415
IMPLEMENTING THE RECOMMENDATIONS
OF THE COMMISSION ON WARTIME
RELOCATION AND INTERNMENT
OF CIVILIANS WITH RESPECT
TO THE ALEUT PEOPLE

The following written statement is being submitted for inclusion in the hearing record for H.R. 2415, July 23, 1986, before the Judiciary Subcommittee of Administrative Law and Governmental Relations. This testimony is on behalf of the Japanese American Citizens League and its Legislative Education Committee in support of H.R. 2415, which seeks to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians with respect to the Aleuts.

There were many fundamental differences between the treatment of Aleuts and Japanese Americans by the federal government during World War II. Those differences are well recognized by historians and were carefully documented by the Commission. Thus the support which the JACL-LEC expresses today for this bill is more than a reiteration of its support for the recommendations and legislation addressed to the treatment of Japanese Americans during the war.

There are two aspects of the Aleut experience to which Japanese Americans can speak out of their own experience and these deserve emphasis here. First, there is the debilitating and destructive nature of life in the wartime camps and, second, the importance of finding a practical remedy at this late date for the events of forty years ago.

The experience of being sent to camp by the federal government is frequently the crucial watershed experience in the lives of Japanese Americans, particularly those old enough to have personal memories of the event. The hardship of the conditions, the demeaning context of camp life, the loss of home and neighborhood

and normal community ties are all things which have left vivid pain in the minds of Japanese Americans in the succeeding years. Thus it is out of a very special and unhappy history, that we have read the testimony and history of the treatment of the Aleuts. Against that background, it is not a light matter to recognize that in most cases the conditions under which the Aleuts lived during the war were in fact worse than the Spartan conditions provided the Issei and Nisei. The most tragic fact which illuminates the Aleut's history is the Commission's estimate that ten percent of those evacuated died during the two to three years that were spent in southeastern Alaska.

That rate of death was the result of housing and food and health care which were cruel in the suffering they brought even if the intentions of the government had a more benign origin. No decent buildings were provided for the evacuees to live in. The sanitation provided was disgracefully poor. The illness that resulted was not properly attended to. It is difficult in a country as prosperous as the United States is today to put oneself in the context of the Aleut camps. But, if one exercises the powers of imagination and attempts to recreate for oneself what life would be like for someone in the Aleut camps, one can only conclude that, as Americans, we did not live up to our own standards of decency and civilization in the way the emergency evacuation of the Aleuts was handled. At Funter Bay, where a great many Aleuts were sent, abandoned buildings which had not been designed for housing and were inadequate for winter use were used to house the evacuees. The water was not clean and illness and disease spread. There was no doctor permanently assigned to the camps. One would have received far better treatment in any government-run institution from the Army to a prison.

Finally, in this regard, one must recognize that for many of the Aleuts the return to their island homes was delayed well beyond the period dictated by the war itself. For those who were unable to return for a prolonged time, there was the added pain of a foreign climate and geography which increased the suffering which resulted from the inadequate and miserable conditions in which the evacuees lived. This sad history fully justifies remedial action by the Government.

Let us turn now to the second area of remedy. It is, of course, obvious to the committee that the Commission perceived differences between the wartime treatment of the Aleuts and the Japanese Americans, and those differences are reflected in the remedies which the Commission recommended to the Congress. But one important aspect of the remedies recommended is the same. Namely, the Commission recognized that in both cases damage and injury had been suffered, but, forty years

later, it was wholly impractical to attempt to devise fine-tuned remedies in which each individual case would be separately reviewed and judged. As a result, the Commission recommended as a part of the remedy for each group a lump sum payment. It is easy to raise theoretical objections to this course of action by emphasizing what everyone knows, that life histories differ and the degree of injury or damage varies between individuals. But criticism of this sort misses two very large and central facts. First, after forty years, it is indeed the rare case in which anyone can prove with satisfying certainty the details of an individual's loss or damage. If written records ever existed, most of them are gone; memories have faded; witnesses have died. Equally importantly, to pit the government against individual evacuees in seeing who can prove what about individual loss, will only renew the wounds and distrust of the wartime experience because it will inevitably appear that the government's effort is designed to minimize and discount the impact of the events which Congress directed the Commission to report on.

Secondly, the lump sum payments recognized in both the Aleut and the Japanese American cases that the government is addressing more than typically quantifiable losses. In the case of the Aleuts, these payments address in part the unduly harsh conditions and the long period of time which the Aleuts experienced in the wartime camps. These are elements of injury for which there are no easily agreed on standards for quantification.

These facts and circumstances argue strongly for a practical remedy such as the Commission has recommended. Now is the time to bring this wartime history to a close while many of those who lived through the deprivations of the war are still alive and can see that fairness and justice are still the guiding light of the United States.

We have not addressed other parts of the Aleut bill or the Commission report because others are more qualified to address those matters, but want to underscore for the Committee that the JACL-LEC supports this entire bill and the broad and significant principles it embodies.

The work of the Commission was an important part of an act of healing the wartime wounds that can never be forgotten by those who passed through the crucible of the wartime experience. The bills before the Committee will complete that act of healing. The JACL-LEC fully supports the bills and urges the Congress to pass them.

Respectfully submitted,

Frank S. Sato
JACL National Pres.

Minoru Yasui
JACL-LEC Chair

Grayce Uyehara
JACL-LEC Exec. Dir.

YOSHIYE TOGASAKI, M. D.
1154 OAK HILL RD.
LAFAYETTE, CA. 94549

FOR PRESENTATION IN

H. R. 442 HEARING

JUDICIARY SUBCOMMITTEE

ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

APRIL 28, 1986

YOSHIYE TOGASAKI, M. D.
1154 OAK HILL RD.
LAFAYETTE, CA. 94549

SUMMARY STATEMENT

This presentation is being limited primarily to a brief statement for members of my family and myself related to experience during WW II with the War Relocation Authority, our situation at onset of war, and the extent of economic disruption and loss of business or professional life.

Due to time restrictions, available facts have been condensed. Our family included: (a) my father (74 Yrs.), his wife and son (11 Yrs); (b) my brother, his wife, son (10 Yrs) and daughter (13 Yrs.); (c) four sisters; an Obstetrician, a General Practitioner, Pediatrician and Public Health Nurse.

YOSHIYE TOGASAKI, M. D.
1154 OAK HILL RD.
LAFAYETTE, CA. 94549

BIOGRAPHICAL SKETCH - YOSHIYE TOGASAKI, M.D.
1154 Oak Hill Road
Lafayette, CA 94549

Born San Francisco, California, January 3, 1904

Age 82 Years

Education - Hearst Grammar, Lowell High - San Francisco

University of California Berkeley, AB 1929

Johns Hopkins School of Medicine, Baltimore 1935 M.D.

Harvard School of Public Health, Boston, MA 1948 M.P.H.

Internship and Residencies

Los Angeles County General Hospital, 1935 - 1941

Bellevue Hospital, New York, 1943 - 1944

Private Practice September 1941 to March 21, 1942

Half time Consultant - City of Los Angeles, Dept of
Public Health, July 1941 - December 1941

War Relocation Authority, Camp Physician

March 1942 - July 1943

United Nations Relief and Rehabilitation Agency

as Medical Officer (Captain U.S. Army) for

Southern Italy, Six Displaced Persons Camp,

December 1944 - December 1946

California State Dept. of Public Health, Medical Officer Northern
and Central California. Bureau of Maternal and Child Health and
Crippled Childrens Services, December 1946 - April 1951

Contra Costa County, CA, Assistant Health Officer and Chief. Divi-
sion of Preventive Medical Services, May 1951 - July 1972. Retired
from active employment.

YOSHIYE TOGASAKI, M. D.
1154 OAK HILL RD.
LAFAYETTE, CA. 94549

During previous years I was involved in community organization activities related to Health social issues and to Civil Liberties. In many instances it was to give support to the many new developing and struggling voluntary agencies that were very concerned with family and community help to the disabled; an attempt to fill gaps not otherwise available.

Since my retirement, due to the needs of my family, I have focused my community activities mainly to serving a few groups such as:

N.I.H. Sub-committee on High Blood Pressure Education for Minority Populations (change of name to Committee on Cardio-Vascular Risks). Japanese American Citizens League. Two sisters with Alzheimers leaves me very little additional time.

Major Professional Associations:

American Medical Association
American Medical Women's Association
American Association Planned Parenthood Physicians.
Planned Parenthood Federation of America and Planned Parenthood Contra Costa.

Community:

American Civil Liberties Union
Council of Civic Unity, Lafayette, Orinda and Moraga
Japanese American Citizens League, National, District and Local
Soroptimist International Association of Concord
Y.W.C.A. Richmond, CA

YOSHIYE TOGASAKI, M. D.
1154 OAK HILL RD.
LAFAYETTE, CA. 94549

H. R. 442 HEARING

To: Dan Glickman, Chair
Judiciary Subcommittee Administrative Law and Governmental Relations

Written Presentation

YOSHIYE TOGASAKI, M.D.

My name is Yoshiye Togasaki. I was born in San Francisco, CA January 3, 1904, the fifth of nine siblings all born in San Francisco. My education was through the Public Schools of San Francisco followed by the University of California Berkeley, 1929. My professional training was at Johns Hopkins University School of Medicine, Baltimore, 1935 and Harvard School of Public Health, Boston 1948. Details of training and employment are listed in the Biographical sketch. My major community involvement and voluntary activities are also listed. I retired in July 1972 from Contra Costa County, Dept. of Public Health, as Chief, Division of Preventive Medical Services.

I had just opened my office for private practice September 1941, after buying a residence and remodeling part of it for office and living quarters. The rest had been converted to five single apartments. At the time of Pearl Harbor bombing I was also half-time consultant to the City of Los Angeles for communicable disease control at the Los Angeles County General Hospital but this was terminated January 1942.

Since I was single, available and concerned regarding the health problems that could arise in a camp situation, I felt it urgent that I offer to go with the first group to leave Los Angeles for Manzanar, the first W.C.C.

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1154 OAK HILL RD.
LAFAYETTE, CA. 94549

assembly center and later War Relocation Authority to set up the first medical services at Manzanar. U.S. Army medical supplies and services could not meet the needs of the infants, children, pregnant women or the elderly; care in camp situation with outside source of water centrally located; only one outlet for electricity, resulted in much confusion and tremendous frustrations. Details of the numerous medical problems have been described in the 1981 "Commission" presentation and oral histories. They have been omitted to save time.

Miss Fumi Gohata, R.N. and I left on 48-hour notice and established the first emergency medical unit in the same barracks as our living quarters. It was almost a month before other doctors joined us. This barrack was in use until July 1942 when a hospital was opened.

The few household items I was able to take to Manzanar were later lost in transit or an apartment fire in Chicago where my sister and brother had just relocated. This included most of my file of correspondence and documents.

Subsequent to Manzanar I left for one and a half years in Pediatric Residency at Bellevue Hospital, New York City, immediately followed by two years of military service with U.N.R.R.A., spent in Southern Italy Displaced Persons Camp, as Medical Officer in charge of six camps for Central European Refugees.

My father, stepmother and half brother were sent to Topaz, Utah: my brother Susumu, wife, two children and sister Teru Togasaki, M.D. to Poston, Arizona. My sister Kazue, M.D., Obstetrician, my sister

Mrs. Chiye Yamanaka, R.N., P.H.N., and daughter were sent to Tule Lake. I went to Manzanar and was promised that some members of the family would be allowed to join me. This was not fulfilled.

FATHER, KIKUMATSU TOGASAKI

My father, Kikumatsu Togasaki, owner of Mutual Supply Company of San Francisco and Los Angeles, had an import/export business that employed fifteen permanent employees. He was 74 years old but had firmly continued to control all decisions. He supplied most of the small Japanese grocers in California from Chico to Calexico and many towns and metropolitan centers from the East Coast to the Pacific Northwest and South. Approximate value then was \$250,000, including the agency in Yokohama. All bank assets were impounded (a major portion in Yokohama Specie Bane) since he was classified as an enemy alien though a resident of San Francisco since 1886.

BROTHER, SUSUMU TOGASAKI

My brother, Susumu was also involved in the Mutual Supply Company. Due to a shift in trade patterns, loss of capitalization, a 6% to 7% reimbursement on "compensation" for stock losses, he was unable to succeed in re-establishing the business.

While in Poston he organized a successful cooperative among residents of Camp III to manufacture Tofu (bean paste curd) and bean sprouts from soy beans and mung beans for all three camps in Poston. In 1969 because of poor health, he, too, retired.

MISCELLANEOUS COST OF MOVING, TEMPORARY LIVING AND OTHER NECESSARY ITEMS

Moreover, any cash reserve had been spent in moving several times from

YOSHIYE TOGASAKI, M. D.
1154 OAK HILL RD.
LAFAYETTE, CA. 94549

San Francisco Bay Area to the "non-military" area, Eastern half of California before final evacuation to Poston and Topaz. There was the added cost of temporary relocation to Chicago and to Salt Lake City until California was again available for Japanese to return to their homes.

For myself: Transportation from Tule Lake to San Francisco for myself and staff escort, (one week) hospitalization and ancillary medical cost were paid by me and not reimbursable. Before leaving for Italy I paid for a trip to California to arrange for personal property, etc.

Each of us (three) physicians were not in private practice until our return to California. Earnings ranged from \$19.00 to \$75.00 a month (except for my military pay) until final return to California

SISTER, KAZUE TOGASAKI, M.D.

Kazue organized the medical services at Tanforan Assembly Center, San Mateo County. At Tule Lake she added supervision and training of the fourth year medical students who had to interrupt their education. This she added to her own clinical obstetric load. In Chicago she worked at various hospitals in obstetrical residencies July 1943 - June 1945.

Kazue, the obstetrician, had to ask the sheriff to evict her tenants from her home and office. They left her house and office in shambles and filth. Vandalizing it extensively, they took with them all appliances: sewing machine, the stove, refrigerator, washing machine, hot water heater, part of the furniture and other portables. This

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LAFAYETTE, CA. 94549

required complete rehabilitation and replacement of necessary missing items plus reorganization of her office. She was unable to save for her old age for she educated three nephews thru Massachusetts Institute of Technology, Cornell, Swarthmore/Harvard and my half brother thru Duke. I assisted three nieces and one nephew thru college. We were the only available resource for our family.

My father's home in Berkeley and Susumu's home in Alameda required the same type of repairs and rehabilitation.

SISTER, TERU TOGASAKI, M.D.

As mentioned, Teru Togasaki, M.D. (in private practice, Sacramento, CA) was sent to Poston. She served there in the clinics; relocated to Kings County Hospital, New York. Became ill and on recovery opened practice in Honolulu, HI and then in San Francisco with Kazue before retirement. Her household goods and office items plus furniture were also never recovered. She donated medicines and supplies to the Camp.

SISTER, CHIYE YAMANAKA, R.N., P.H.N.

As a P.H.N. Chiye Yamanaka served in camp and later in Chicago as R.N. P.H.N. for Chicago City Public Health. She had a daughter, Sachiko, born 1931 who required special care due to retardation. Her husband was in Japan but in prison because he refused to observe the religious military orders for Emperor worship. She was able to return to Japan to work as a Public Health Nurse in Hiroshima under the Atom Bomb Commission in 1948.

OTHER FAMILY MEMBERS

Those who did not go to camp were: Kiyoshi, my oldest brother in Tokyo; Sister Mitsuye in Honolulu, also P.H.N. working in Palama Settlement

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1154 OAK HILL RD.
LAFAYETTE, CA. 94549

as P.H.N.; my sister, Yaye, in training as Psychiatric Nurse, Worcester State Hospital, Worcester, Massachusetts. She served in the Army Nurse Corps two and a half years.

CONCLUSION

The above presentation will seem extremely sketchy and disjointed for this purpose. I shall be happy at any time to enlarge or clarify any portion that the Committee may desire.

In conclusion, it is my very strong hope that the U.S. Government, through the President will officially recognize the error and unconstitutionality of civil right in the "Wartime Relocation of Civilians" and that a monetary compensation be approved and appropriated even though it is a small token in recognition of past injustice.

April 28, 1986

MY TESTIMONY

RE: Hearing on H.R. 442

BY: Sub-Committee on Administrative Law and Governmental Relations

DATE: April 28, 1986

DAY OF DEPARTURE (as recorded in Mary Tsukamoto's Journal)

The day was too early for the sun. In the darkness, I heard my husband call to us to get up. For a brief moment, I tingled with anticipation of another exciting day like many memorable adventures we had shared as a Tsukamoto family in the past.

But, this was no ordinary day! I suddenly realized, as the cold wetness of my pillow shocked me into reality of what was to come. My heart pounded. My entire body suddenly felt weak with fright. The horror of the day dawned as I quickly arose. My throat was dry and my body sore from yet another night of weeping.

Though I had cried continuously deep inside myself for the past months, as a mother and a responsible member of my family, I dared not let my loved ones know how desperately shocked and sick I felt. My angry tears were reserved in the privacy of my bed at night. But, fear and desperation multiplied when I heard my brave, strong husband sobbing under the the blanket in the darkness. I realized then how helpless we were and how hopeless it was. Afraid for the safety of

our elderly Issei parents, now called "enemy aliens," there was nothing for us to do but follow the orders of the Army.

We had only a few hours left and much to do before surrendering our freedom. We were gripped in a nightmare, the nightmare that clutched at the very soul of every person of Japanese ancestry on the West Coast of the United States in those frightening months of 1942.

I kept pondering. Why? What had we done? Why was this happening to us? Why?

I am an American Citizen, my husband and my little girl, too. We have broken no laws, committed no criminal act. We are farmers, growers of strawberries, in Florin, California. We love our country and only ache to prove our loyalty if we could be given a chance.

No one knows where we are going, or how long we'll be gone. We are to be at the train station in Elk Grove at nine bringing only what we could carry. Those are our orders; we have no choice but to obey. This is a sad duty for us, civilian residents of California, this May of 1942. We are criminals because we have Japanese faces.

How will we ever explain this to our children? (It was too painful, and many were never able to speak about this to anyone.)

At the peak of our strawberry season, the military descended upon us. It was incredible. The all important berry crop we had worked the entire year to produce was to be abandoned.

Each year we were deep in debt merely to make it until harvest time. Every crate we sold now meant paying back debts we had accumulated through the winter months to survive. Most families in Florin had to borrow heavily from produce companies and Japanese stores to support families until the berries and grapes were harvested. It was outrageous that we must abandon our important berry crop. To ignore a debt meant shame. This was totally against our cultural values. Reluctantly, we were now forced to leave with debts to dishonor our name. More serious was the fact that we were penniless as we began a frightful journey to destinations unknown. More tears of anger were shed.

2500 persons of Japanese descent, nearly 500 families were removed from the Florin area. Florin never recovered from this ordeal. The community we remembered died on May 29, 1942.

I was extremely anxious for the welfare of my family. They numbered us #22076, but we were the Tsukamotos: my husband's elderly parents, Kuzo, 75, and Ito, 63, his invalid sister Nami, 25, who had TB. My husband Alfred, 30, was ordered to bed by his doctor when he hemorrhaged from an old scar of a near-fatal pleurisy. I was 27 years old, with rheumatoid arthritis, and our daughter, five-year old Marielle, was soon to begin school.

Our privacy and dreams were shattered when we lost our freedom. Grandpa stood a long time taking a last look at his farm. He had planted every tree and grapevine, he had loved

working in this soil, his eyes filled with tears wondering if he would ever see his beloved farm again.

Grandma loved her flower garden next to cuddling her 12 grandchildren. We found her standing there surrounded by her flowers weeping. She would be denied this pleasure in her twilight years.

Marielle could not be quieted as she hugged her pet dog, Uppy, and cried and cried. She couldn't understand why they would not let her take her best friend.

Al, Nami, and I were filled with nostalgia growing up in this special community filled with memories of happier times. Friends and relatives were now scattered by Army orders to four different destinations. This was a shocking last minute decision that was unexpectedly made. The pain of this fractured community of close-knit friendships could never be healed.

We were among the 115,000 persons of Japanese descent removed from the West Coast. Each was a part of a warm community and family, each with a human story.

This is only one person's testimony, but there are more than 100,000 untold personal tragedies. Most of the victims have "exiled themselves to silence." These are lost forever. I will try to give voice to their pain.

By May 29, 1942, every Japanese family in Florin was gone. People who had worked hard all their lives on their farms, who had brought to Florin their strawberries in spring and

flame tokay grapes in September to be shipped away for the past thirty years, all these people were gone. Every store and produce shipping company in Florin town run by the Japanese people was boarded up. Escorted by the military police, they boarded trains and busses. They were confined behind barbed wire enclosures, guarded by armed soldiers. The temporary, hastily prepared fair grounds and race tracks were filled. Florin became a ghost town.

Florin residents were dispersed to Manzanar and Tule Lake, California; Poston, Arizona; and Jerome, Arkansas. We wept bucketfuls of tears all along the way. It was a long sad journey from Florin through the shame of incarceration. Gradually, many scattered all over the Midwest and East, wherever opportunities for education or job offers led them.

The tears and frightening encounters were not over when we were allowed to return home again in 1945. We cautiously drove back to Florin on the 12th of July, 1945.

Three years of exclusion ended and the Tsukamotos were happily united again. Grandpa, Grandma, and Nami were sent to Gila Camp for a year, when Jerome was closed. The younger generation of Tsukamotos had worked in Kalamazoo, Michigan.

It took years of continued struggle to find our way back to a normal way of living. Nearly half of the 500 families returned to Florin once, and, seeing the devastation, they sadly, gradually slipped away to other communities and other jobs.

Recently, we counted only ten percent of the families who had returned to their original farms in Florin to stay. The old Florin we remembered had vanished.

The Government ordered the WRA Camps closed. There were still thousands of Japanese Americans in Camp, unable to move out or try to return to the West Coast. Everything they had was gone. They were afraid to bring their families out to be free and independent again. Their savings had long been depleted. Without jobs or homes the return seemed a formidable task. Hardest times plagued them for many more years.

They returned as victims of an assault of tremendous magnitude. They were scarred deeply and lived with this pain that took many years to overcome.

But the underlying grief was the heartache, a gnawing sense of great tragedy, that this happened in America. I feel an overwhelming sadness for my country.

At a Cultural Heritage School, I faced the fourth generation, the great grandchildren of dear Isseis I had known in my growing years in Florin. They asked this disturbing question, "Was my great grandpa really a criminal? Was he a Traitor? A Spy?"

I was shocked and realized that I could not rest until we could set the record straight and add a hopeful ending to this American tragedy.

How would you answer Americans who ask, "Did it really happen? Why hadn't I learned about it in school in the past

thirty years? They must have been guilty of something for the government to imprison them for nearly three years."

If the Government responsible for the massive violation remains quiet, the episode will remain a haunting unfinished story. It will remain a frightening precedent set into America's history, ready to engulf another unfortunate minority group at another time of crisis. It must never happen to any others again.

All of our children, the future Americans of this land, are entitled to a legacy that can ring true to the promises which our Founding Fathers have established. The truth must now be told, the record cleared. The victims of this experience must be vindicated for the gross denial of personal justice. For 44 years we have lived within the shadows of this humiliating lie. There never was a military necessity to exclude us! Yet we were presumed guilty and condemned.

ALL AMERICANS WERE BETRAYED when the constitution was violated and there was such injustice done to so many.

I firmly believe, and I am determined to prove, Democracy can correct its own mistakes. It is time to model that kind of honest responsible citizenship that will not falter. We must make possible equal justice for all people. We must remain tireless in preserving America's honor and gain back dignity as a people who can all dream of a Nation that truly upholds the promise of Liberty, Equality and Justice for All.

Biographical Sketch of Mary (Dakuzaku) Tsukamoto

Presented to the U.S. House of Representatives Committee on the Judiciary, Testimony regarding H.R. 442, April 28, 1986

- 1915 Mary Tsuruko Dakuzaku born in San Francisco on January 17, 1915 of immigrant parents from Okinawa, Taro and Kame Dakuzaku. I grew up in schools during the turbulent anti-oriental era of the 20's and 30's.
- 1925 Parents and five sisters and a brother moved to Florin, California to raise strawberries. I was enrolled in Florin (segregated) Grammar School.
- 1933 I graduated from Elk Grove High School, was sent to College of the Pacific.
- 1936 Married Alfred Iwao Tsukamoto, a farmer and strawberry salesman. Daughter Marielle is born.
- 1942 Evacuated, confined, and relocated.
- 1945 In July we all return to California
- 1949 A teaching job for a Nisei! Florin Grammar School
- 1976 I retired after 26 years of teaching and being selected as Sacramento County Teacher of the Year in 1975. Mary Tsukamoto Tree is dedicated (on Redwood Highway).
- 1977 I became Director of Jan Ken Po Gakko, a cultural heritage program for Yonsei (4th generation Japanese Americans), and retired after 5 years.

I am active in the Florin United Methodist Church, Florin JACL, Florin Historical Society, and am a member of the Smithsonian and of the National Japanese American Historical Society. I have served as the Florin JACL Redress LEC chairman and Area 1 coordinator, and as speaker and presenter of the Japanese Cultural Heritage and Historical of the Japanese American Experience.

Summary of the Testimony

Mary Tsukamoto had kept a journal which helped her recall the terrible experience that began on the Day of Departure.

She was a Nisei mother raised on a farm in Florin, California. Florin had once been a thriving strawberry and tokay grape growing community of Sacramento, nine miles southeast of Sacramento, the state capital of California.

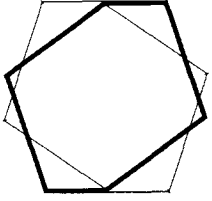
2500 residents of Japanese Ancestry, of whom 75% were American born citizens, were driven out of the strawberry fields at the peak of the harvest season on May 29, 1942. The Japanese American community was fractured into four segments and sent to Manzanar and Tule Lake, California; Poston, Arizona; and Jerome, Arkansas. The community once known as the strawberry capital of the nation never recovered.

The people of Florin were among the 115,000 people of Japanese descent who were singled out to be excluded from the West Coast states of Washington, Oregon, California, and Arizona for more than three years.

The tragedy of this American drama was experienced by Mary Tsukamoto, who was 27 years of age at the time. It is about her Tsukamoto family of six members and the departure from their farm in Florin. The family shared the hardships endured by all who were sent to the ten American Concentration Camps.

Mary Tsukamoto, Summary

Finally, as an educator and leader, Mary tells of her compelling faith in this country and her determination to prove democracies can correct their own mistakes, and to sustain a tireless vigilance to leave a legacy of honor and dignity for all Americans so that no others should ever be treated as unjustly as the people of Japanese ancestry were in 1942.



The Graduate School and University Center
of the City University of New York

Ph.D. Program in Sociology / Box 375
Graduate Center: 33 West 42 Street, New York, N.Y. 10036-8099
212 790-4320

1986 APR 35 AM 8:46

95 Hickory Hill
Tappan, NY 10983
April 30, 1986

Senator Daniel K. Inouye
U. S. Senate
Washington, D.C. 20510

Dear Senator Inouye:

Enclosed is a copy of my testimony prepared for presentation on April 28, 1986, to the House Judiciary Subcommittee on Administrative Law and Governmental Relations re: H.R. 442, 99th Congress.

We appreciate deeply your strong efforts on behalf of redress and reparations for the World War II degradation of Japanese Americans in the evacuation and incarceration on a racial basis. Thus, we wanted to share our concerns directly with you.

While my statement focusses on the research aspects of the proposed legislation, this is not to prejudice consideration of other aspects of H.R. 442 nor of other actions for remedy.

Despite appearances and the relative absence of complaint among Japanese Americans, there are persuasive indications that the long-term social and psychological effects of evacuation and incarceration are serious and continuing, and that there are factors which obscure their recognition. Using the best technology now available, research to contribute to needed knowledge about coping with catastrophe and with the stigmatization of collective identity would be a fitting memorial to the historic experience of Japanese Americans during World War II.

If there are matters about which you may wish clarification or elaboration, I shall be happy to respond--either by correspondence or telephone: Residence, (914) 359-0813; or Office, (212) 790-4320 or 4371.

Again, thank you for your interest and support.

Sincerely yours,

Setsuko Matsunaga Nishi, Ph.D.
Professor

SMN//ai

Encl. testimony, summary, and short biography

SUMMARY

Testimony (H.R. 442) of Setsumo Matsunaga Nishi, Ph.D.,* on the LONG-TERM SOCIAL AND PSYCHOLOGICAL SEQUELAE and EFFECTS ON RENUNCIANTS

While the focus of testimony is on research-related provisions of the bill, this is not to prejudice consideration of other aspects nor of other remedial actions.

Towards the end of its term, the Commission on Wartime Relocation and Internment of Civilians sponsored a meeting of behavioral and social scientists to consider research that would foster greater understanding of the long-term effects of internment and relocation on Japanese Americans who endured this experience. A continuing committee on research was appointed, which has convened several working meetings and consulted with others in developing research plans. Today's comments draw heavily on this work.

Ironically, the usual indicators of adaptation, combined with the low level of complaint among Japanese Americans, create the assumptions that the affected population did not suffer significant pain nor injury, or that they have recovered fully from their wartime degradation. However, there are some compelling indications of long-term and lasting social and psychological consequences: the unresolved emotional conflict evident among many who testified at the CWRIC hearings; unusual and excessive demands upon the self; health and mental health costs of such strained effort; tension in intergenerational relations associated with the wartime violation of Nisei parents; continuing burden of racial stigma; and life-course disruptions in family, education, and work careers.

Research on long-term effects would be of enormous value: to help counter the tendency to minimize the seriousness of the wartime treatment of Japanese Americans; to enable us to learn from the historical experience of Japanese Americans in coping with catastrophic disruption; and to memorialize the World War II degradation of Japanese Americans by contributing to much needed knowledge. The camp generation constitutes an aging cohort, and, if we are to learn the lessons of their historic experience, research must be undertaken now--or never.

It would be appropriate for Congress to mandate that the National Science Foundation and/or the National Institute of Mental Health provide for the conduct of research on the long-term social and psychological effects of evacuation, relocation, and internment on Japanese Americans. (There is recent precedent for Congressionally mandated research: that is, to the Veterans Administration to provide for study of postwar adjustment problems of Vietnam veterans and the long-term effects on their families.)

Feasibility of this avowedly challenging research task is greatly enhanced by the remarkably rich data on evacuated persons in the War Relocation Authority files, and on three generations of Japanese Americans collected by the Japanese American Research Project at the University of California at Los Angeles.

Renunciants. The experiences of those who went to Japan at the end of the war must surely be among the saddest and most heroic of Japanese American efforts to recover lives shattered by evacuation and incarceration and their lost hopes in America. Preliminary findings from my recent interviews with renunciants in Japan are discussed.

*Professor of Sociology, Brooklyn College and the Graduate Center of the City University of New York

- I. LONG-TERM SOCIAL AND PSYCHOLOGICAL SEQUELAE OF THE EVACUATION AND INCARCERATION OF JAPANESE AMERICANS
- II. LONG-TERM EFFECTS ON THE LIFE COURSE OF JAPANESE AMERICANS WHO RENOUNCED THEIR CITIZENSHIP AND WENT TO JAPAN AT THE END OF THE WAR

Setsuko Matsunaga Nishi, Ph.D.
Brooklyn College and the Graduate Center
of the City University of New York

Statement prepared for presentation on April 28, 1986, to the House
Judiciary Subcommittee on Administrative Law and Governmental Relations
re: H.R. 442, 99th Congress

INTRODUCTION

A. Professional Background

My name is Setsuko Matsunaga Nishi, Professor of Sociology at Brooklyn College and the Graduate Center of the City University of New York. My research and teaching specialties are in social psychology and American race relations, and I have served as a consultant to many public and private organizations regarding minority research and policy issues.

Pertaining to Japanese Americans, I have conducted research on:

- o Informal education in the Santa Anita Assembly Center (1942)
- o Wartime adjustment of resettlers in St. Louis (1944)
- o Facts about Japanese Americans for news media (1945)
- o Japanese American personality and acculturation in Chicago (with Charlotte G. Babcock, William Caudill, George DeVos, Lee Rainwater, et al. 1947-1952)
- o Cultural values and the reorganization of Japanese American society in postwar Chicago (1947-1952)
- o Perceptions and responses to discrimination in New York (1977)
- o Effects of the evacuation and incarceration on the life-course and intergenerational relations of renunciants in Japan (1985-1986)
- o Exploratory study in New York of long-term social and psychological effects of evacuation and incarceration (current).

In addition, much of my work on contemporary patterns of discrimination against Asian Americans includes Japanese Americans.

B. Focus on Research-Related Provisions

At the outset, I should like to make it clear that, while my testimony will focus on the research-related provisions of the bill (sec. 205.a.1.2.3), this is not to prejudice consideration of other aspects of H.R. 442 nor other necessary remedial actions. Pertinent excerpts from H.R. 442 sec. 205.a are:

1. to sponsor research and public educational activities so that the events surrounding the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered and so the causes and circumstances of this and similar events may be illuminated and understood;
2. to fund comparative studies of similar civil liberties abuses, or to fund comparative studies of the effect upon particular groups of racial prejudices embodied by government action in times of national stress; . . .
3. for the general welfare of the ethnic Japanese community in the United States, taking into consideration the effect of the exclusion and detention on the descendants of those individuals who were detained during the evacuation, relocation, and internment. . .

C. Organization of Testimony

I shall present testimony on (1) the long-term social and psychological sequelae of the evacuation and incarceration of Japanese

Americans, and (2) those who renounced their citizenship and went to Japan at the end of the war. First, I shall give some background, that is, the Commission on Wartime Relocation and Internment of Civilian's research consultation; second, factors obscuring the long-term social and psychological effects of wartime treatment; third, indications of social and psychological sequelae; fourth, the significance of understanding the long-term and continuing effects; fifth, some comments on procedures. Finally, I wish briefly to give you some preliminary findings from my recent exploratory study of life course effects of evacuation and incarceration among renunciants in Japan.

I. LONG-TERM SOCIAL AND PSYCHOLOGICAL SEQUELAE OF THE EVACUATION AND INCARCERATION OF JAPANESE AMERICANS

A. Commission's Research Consultation

Towards the end of its work, the Commission on Wartime Relocation and Internment of Civilians sponsored a meeting of behavioral and social scientists to consider research that would foster greater understanding of the long-term effects of internment and relocation of Japanese Americans who endured this experience. The proceedings of this consultation were published in Papers for the Commission (see exhibit A). An informal continuing committee on research was appointed, and I was asked to be chair:

- o John A. Clausen, Ph.D., Institute of Human Development, University of California at Berkeley
- o William T. Liu, Ph.D., Pacific/Asian American Mental Health Research Center, University of Illinois at Chicago
- o Setsuko Matsunaga Nishi, Ph.D., Brooklyn College and the Graduate Center of the City University of New York
- o Tom T. Sasaki, Ph.D., Pacific/Asian American Mental Health Research Center, University of Illinois at Chicago
- o Joe Yamamoto, M.D., School of Medicine, University of California at Los Angeles.

More recently, two others have agreed to join the group;

- o Glen H. Elder, Jr., Ph.D., University of North Carolina at Chapel Hill
- o Gerald Gurin, Ph.D., Institute for Survey Research, University of Michigan

Several working meetings have been organized by this group. The first was at the Institute of Social Research at the University of Michigan, when we revisited wartime and postwar studies of Japanese Americans, considered current indications of residual effects and adaptive patterns (including clinical manifestations, bereavement, and responses to contemporary discrimination), and sought to learn from the theoretical and methodological problems confronted in the epidemiological surveys of other minority and Asian populations. We have also met at the Institute of Human Development at the University of California at Berkeley, where so much of the research on the life course has been done, to discuss research strategies and developments. The University of Illinois at Chicago has provided much of the support services for this activity with its network of researchers experienced in related concerns.

Thus, my comments today will draw heavily from the Commission's consultation on long-term effects, and the continuing work of the informal group described above.

B. Factors Obscuring Long-Term Effects

Ironically, the usual and visible indicators of adaptation combine with the long silence among Japanese Americans about their wartime treatment to create the widely held assumptions that the affected population has not suffered significant pain nor injury, or that they have fully recovered from their degradation.

There are a number of factors which help to explain the puzzling phenomenon of silence and general low level of protest. One persuasive interpretation is that the experience was too painful (the stigma that, officially, their collective identity made them untrustworthy was symbolic death for many), and had to be repressed. Indeed, it is possible that their preoccupation with getting on with the business of life was functional--to distance themselves from a traumatic disturbance until a time when they could deal with it in a more supportive setting. Culturally, too, there are many prescriptions for a fatalistic acceptance of what they believe cannot be changed.

Now, however, it appears that a new consensus has emerged that it is permissible and desirable to express one's feelings about these events. The Commission on Wartime Relocation and Internment of Civilians' public hearings seemed to have been a turning point in this regard, but it may also be that the camp generation has reached that late point in life when a retrospective accounting of one's life often takes place.

C. Some Indications of Social and Psychological Sequelae

While it is important to take care not to overgeneralize and to acknowledge that Japanese Americans, as all groups, exhibit wide variability in their characteristics, we suggest the following as worthy of our attention:

- o The unexpected strength and pervasiveness of unresolved emotional conflict such as anger and grief among Japanese Americans who testified at the CWRIC hearings.
- o What appears to be unusual and strained demands upon the self--that is, workaholism, overconformity, constant searching for other's approval, often reflected in chronic anxiety about their achievements and the fragility of their acceptance.
- o Health and mental health costs of such strained effort and tight control of feelings--hypertension and cardiovascular and other stress-related disease, depression, alcoholism, and psychosomatic disorders, which seem unusually common in the Nisei camp generation, especially as compared to the Issei. This is only an impression that, nonetheless, is widely shared among Japanese Americans.
- o Tension in intergenerational relations associated with many Nisei parents' rarely talking to their children about what for most was a central event in their lives. There is some clinical indication of the deep resentment experienced by some Sansei children that their parents quietly accepted being violated of their constitutional rights. The often-noted cohesiveness of

the Japanese American family may not hold up for many reasons, but this is an added source of exacerbation.

- o Residual problems in reconciling self-views with a still-tainted collective identity--hated during the war and the basis of their ouster and loss of freedom, in other words, signs of the continuing burden of racial stigma.
- o Life course effects such as: truncated education with life-long consequences; delay, interruption, and lost time in work careers; family changes such as early and long participation in the work force of women, the effect of the latter on fertility; sudden loss of authority of Issei and premature transfer of responsibility.

In our view, the indications are sufficiently suggestive that the effects of our wartime degradation are long-lasting that it behooves us not to be lulled by the appearance of having "overcome," and by the relative absence of public complaint. This leads to the discussion of the importance of developing a solid understanding of these social and psychological sequelae of evacuation and incarceration.

D. Significance of Research on Long-Term Effects

Research into this area could have many values, among them:

- o To help counter the tendency to minimize the seriousness of the World War II treatment of Japanese Americans,
- o To learn from the historical experience of Japanese Americans in coping with catastrophic disruption in their individual lives, families, and communities,
- o To memorialize the World War II degradation of Japanese Americans by contributing to much-needed knowledge, for example, regarding:
 - * Long-term health and mental health effects of stressful/traumatic events,
 - * The influence of disruptive events on the life course of careers in family, education, and work,
 - * The consequences of racial stigma on self-concept and effective functioning,
 - * Coping adaptations to stressor events,
 - * Conditions for the maintenance and breakdown of family cohesiveness,
 - * The destruction, continuity, and reconstruction of community following catastrophic events.

E. Some Comments on Procedure

If we are to learn from the experiences of the survivors of the mass evacuation and incarceration of Japanese Americans, this research must be undertaken now, for, very soon, it will become never. This is an aging cohort, and we shall have missed the opportunity to learn the lessons of this history as fully as we ought.

Incidentally, there is some recent precedent for Congressionally mandated research. Section 102 of Public Law 98-106 of 1983 directed the Veterans Administration to provide for the conduct of a comprehensive study of post traumatic stress disorder and other problems of adjustment among Vietnam veterans and the long-term effects of their postwar problems on the veterans families.

The seriousness of the task calls for meticulous attention to scientific integrity, and it would be appropriate for the Congress to mandate that the National Science Foundation and/or the National Institute of Mental Health provide for the conduct of research on the long-term social and psychological effects of evacuation, relocation, and internment on Japanese Americans.

We ought also to note that the methodological difficulties of investigating effects of events of more than forty years ago can be mitigated significantly by using existing data files in connection with a new wave of interviews. Two such major data sources are the case files of the residents of the War Relocation Authority and the Wartime Civilian Control Administration in the National Archives, and the rich data collected on three generations of Japanese American families in the Japanese American Research Project at the University of California at Los Angeles. All appropriate safeguards for confidentiality and privacy would need to be observed, of course.

II. LONG-TERM EFFECTS ON THE LIFE COURSE OF JAPANESE AMERICANS WHO RENOUNCED THEIR CITIZENSHIP AND WENT TO JAPAN AT THE END OF THE WAR

The experiences of those who went to Japan at the end of the war must surely be among the saddest and most heroic of Japanese American efforts to recover from the disruptions of wartime. I have recently returned from Japan, where I interviewed renunciants for study of the life-course effects of their World War II experiences. Some preliminary findings are the following:

- o The predominant motivation to come to Japan at the end of the war and to remain was to fulfill family obligations, that is, to obey parental wishes, to reunite family members separated in different camps, to take care of elderly parents, and to maintain the lineage of the household in Japan.
- o The evacuation and incarceration and subsequent repatriation to Japan severely altered the course of lives through
 - * The premature end of their education and the lasting effects of this limitation.
 - * The loss of leased land and small businesses and the loss of owned land and equipment without means of making payments, so that they did not have the resources to resume their prewar occupations.
 - * A significant proportion of women missed out on their marriage chances because of wartime separation from their fiancés, postwar work roles to support parents, and their lack of fit in Japanese society.
 - * High mortality and lasting health effects on infants and young children in the dietary and housing conditions of defeated Japan.
 - * Work opportunities for repatriates were limited primarily to the postwar occupation forces and related services, where English language ability was in demand. This is reflected in their present employment distribution.
- o Their responses for coping with the wartime and repatriation difficulties have been characterized by quiet perseverance in hard work, often referred to as the Japanese way. Many said

they had spoken to no one about these matters for more than forty years.

- o There is unanimity among renunciants that the United States government made a mistake, that the evacuation was not necessary.
- o Those who feel they have found acceptance in Japanese society are reasonably satisfied with their lives, though all express regret or ambivalence about repatriation to Japan and the family and economic circumstances which made them stay. Some report long years of struggle, anger at parents for having decided to go to Japan as a family, thoughts of suicide, and the personal sacrifice necessary in caring for ill and unmarried siblings and aging parents.

I want to thank you for the opportunity to testify regarding the long-term social and psychological effects of the wartime degradation of Japanese Americans and to share with you some of the preliminary findings from my recent study of renunciants still in Japan. There are strong indications that the long-term social and psychological effects of evacuation and incarceration are serious and continuing, and that there are factors which obscure their recognition. Using the best technology now available, research to contribute to needed knowledge about coping with catastrophe and with the stigma of collective identity would be a fitting memorial to the historic experience of Japanese Americans during World War II.

SETSUKO MATSUNAGA NISHI, Ph.D.
Biographical Sketch (April 1985)

SETSUKO MATSUNAGA NISHI is professor of sociology at Brooklyn College and the Graduate Center of the City University of New York. Until recently, she was a Senior Consulting Associate with Clark, Phipps, Clark & Harris, Inc., a firm specializing in equal opportunity/affirmative action and other human relations programs.

She chairs the Continuing Committee on Research on the Long-Term Social and Psychological Effects of the Evaluation and Incarceration of Japanese Americans, an outgrowth of the Congressional Commission on Wartime Relocation and Internment of Civilians. In connection with this research she has just been awarded fellowships from the Japan Foundation and the American Association of University Women.

Dr. Nishi is co-author of several books, Drug Use and Abuse among U. S. Minorities and, with Horace R. Cayton, The Changing Scene. Her long research career has produced numerous monographic reports and focused primarily on problems of American racial minorities, including: the adaptation of Japanese Americans following their evacuation from the West Coast during World War II; institutionalized discrimination in New York City's foster care system and other complex organizational systems such as business corporations, the military, urban high schools, and New York State's health care delivery system; sex and race variations in creativity and achievement; and historical and contemporary attitudes toward Asian immigration.

As a social scientific specialist on race relations and U. S. minorities, Dr. Nishi has contributed to the development of social policies and programs for many public agencies and private organizations. She served on the U.S. Delegation to the Unesco Intergovernmental Meeting in Paris to prepare the Draft Declaration on Race and Racial Prejudice presented to the Unesco Convention in 1978. On the recommendation of the U. S. State Department, she participated as the U. S. expert in the International Conference on the Concept of Race in History, in Montreal.

Recently, she chaired a Conference on Bigotry and Violence for the New York-New Jersey Region of the U. S. Commission on Civil Rights. She is a member and former acting chair of the New York State Advisory Committee to this agency. For the National Institute of Education, Dr. Nishi chaired a national conference in San Francisco to develop a research agenda on the occupational and educational needs of Asian/Pacific women. As a senior fellow of the Metropolitan Applied Research Center, she prepared much of the research and consultation regarding discrimination in the foster care system in New York City for litigation by the New York Civil Liberties Union and the Legal Aid Society. She contributed to the background research on sexism in pharmaceutical advertising, which was the basis of a consultation with advertising and pharmaceutical executives.

She has been a consultant for various programs of the National Institute of Mental Health, the New York State Division of Human Rights, and the Ford Foundation, among others. Professor Nishi has conducted workshop seminars on equal employment opportunity/affirmative action and sexual harassment for executives of Exxon Corporation, Western Electric, for the Defense Race Relations Institute at Patrick Air Force Base, U. S. Army Europe in West Germany, the Office of Minority Business Enterprise of the U. S. Department of Commerce, the National YWCA, and many other organizations.

She is currently a member of the boards of the New York Region of the National Conference of Christians and Jews, and the Pacific/Asian American Mental Health Research Center.

Dr. Nishi received her Ph.D. in sociology from the University of Chicago and M.A. in sociology from Washington University (St. Louis), where she also received her A. B. degree following several years of undergraduate studies at the University of Southern California. She is a member of the American Sociological Association, Phi Beta Kappa, Alpha Kappa Delta, and Sigma Xi, and has been the recipient of many research awards.



AMERICAN BAR ASSOCIATION

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STATEMENT
OF
WILLIAM L. ROBINSON
on behalf of the
AMERICAN BAR ASSOCIATION
before the
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
of the
COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES
on
THE WARTIME INTERNMENT OF CIVILIANS

April 28, 1986

Mr. Chairman and Members of the Committee:

The American Bar Association is pleased to appear before you today to express our views on the wartime internment of civilians. My name is William L. Robinson. As an officer of the ABA Section of Individual Rights and Responsibilities, I have been designated by ABA President William W. Falsgraf to represent the more than 320,000 members of the Association.

Mr. Chairman, the ABA supports legislation before you which would provide appropriate redress, including appropriate monetary compensation, to Americans of Japanese Ancestry who, during World War II, lost their freedom and their property simply and only because of their racial background. In 1984, the House of Delegates of the American Bar Association passed the following resolution:

BE IT RESOLVED, that the American Bar Association hereby urges the Congress of the United States to provide appropriate legislative recognition to those denied equal justice under law pursuant to Executive Order 9066 and subsequent laws subjecting Japanese Americans to detention during World War II.

As you know, on the basis of an alleged "military necessity", over 110,000 persons of Japanese American ancestry, more than 70,000 of whom were American citizens, were herded into detention camps surrounded by barbed wire and machine gun towers and located in remote and desolate areas of the country. They received this unjust treatment without charge or trial, or any evidence of wrongdoing.

Solely on the basis of their racial ancestry, individuals lost their homes, businesses and personal property, endured the harsh life in the camps and suffered the shame and anguish of accusations of disloyalty to the United States. Property losses alone have been calculated to be between \$1 and \$2 billion.

Three American citizens, Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui challenged the constitutionality of the internment program, each believing that a grave injustice was being committed. In 1943 and in 1944, their cases came before the United States Supreme Court. In a series of landmark decisions, the United States Supreme Court upheld the legality of the internment, accepting the government representations that the internment camps were justified by "military necessity."

The Court's finding of "military necessity" was based on the representation of government lawyers that Japanese Americans were committing espionage and sabotage by signaling enemy ships from shore. The government also charged that it was impossible to separate the loyal from the disloyal due to the racial characteristics of Japanese Americans.¹

While this was certainly not the first or only time in American history that a minority group had lost its freedom simply by reason of race, these Supreme Court decisions are the only cases in this century upholding an instance of invidious racial discrimination. It has been said that the hallmark of a democracy is its ability to correct its

own mistakes. So it is appropriate that the Congressional Commission on Wartime Relocation and Internment of Civilians concluded that a "grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II."

Further, Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui filed petitions for writs of error coram nobis, a petition to correct "fundamental errors", alleging that a fraud had been committed upon the Court, and that high government officials and the Justice Department lawyers knew that there was no factual basis for the claim of "military necessity."

The claims of Korematsu, Hirabayashi and Yasui were based upon documents recently discovered under the Freedom of Information Act, revealing that government attorneys suppressed key evidence and authoritative reports from the Office of Naval Intelligence, the F.B.I., the Federal Communications Commission, and Army Intelligence which flatly contradicted the government claim that Japanese Americans were a threat to security.

The Office of Naval Intelligence report issued in February of 1942, before the internment began, was the culmination of a two-year study of the West Coast Japanese American population. Authored by the ONI authority on Japanese Americans, Lieutenant Commander K. D. Ringle, the report concluded that only a small and readily

identifiable portion of the Japanese American people were even potentially disloyal. "The entire Japanese problem has been magnified out of its true proportion largely due to the physical characteristics of the people."²

Edward Ennis, Director of the Alien Enemy Control Division of the Justice Department and the attorney responsible for supervising the drafting of the Justice Department brief in Korematsu v. United States, advised Solicitor General Charles Fahy in April of 1943 that, "We must consider most carefully what our obligation to the Court is in view of the fact that the responsible Intelligence Agency regarded selective evacuation as not only sufficient but preferable (to mass evacuation). I think we should consider very carefully whether we do not have a duty to advise the Court of the existence of the Ringle memorandum and of the fact that it represents a view of the Office of Naval Intelligence.... Any other course of conduct might approximate the suppression of evidence."³

In response to a request by Attorney General Francis Biddle to verify the accuracy of military claims of shore-to-ship signaling, J. Edgar Hoover wrote in February of 1944 before the Korematsu case was argued, "Every complaint (of shore-to-ship signaling and radio transmissions) has been investigated, but in no case has any information been obtained which would substantiate the allegation that there has been illicit signaling from shore to ship..."⁴

In response to a similar request, James Fly, the Chairman of the Federal Communications Commission, wrote in February of 1944:

"There were no radio signals...which could not be identified or which were unlawful."5

In a February 1944 memo to Attorney General Francis Biddle, Ennis criticized the Final Report of General J. L. DeWitt as being highly inaccurate in stating that Japanese Americans were committing acts of espionage and sabotage and were prone to disloyalty. He wrote, "(The Final Report) stands as practically the only record of causes for the evacuation and unless corrected will continue to do so. Its practical importance is indicated by the fact that it is being cited in the briefs in the Korematsu case in the Supreme Court...." 6

Justice Department Attorney, John Burling, also responsible for drafting portions of the Korematsu brief, wrote in a memo to Assistant Attorney General Herbert Wechsler in September of 1944, "You will recall that General DeWitt's report makes statements concerning radio transmission and ship-to-shore signaling which were categorically denied by the F.B.I. and the Federal Communications Commission. There is no doubt that these statements are intentional falsehoods...." 7

Burling attempted to alert the Supreme Court of the falsity of the military claims, particularly with respect to allegations of shore-to-ship radio transmissions, by inserting a footnote in the Korematsu brief stating that such allegations were in conflict with information in the possession of the Department of Justice. War

Department officials objected to Burling's footnote and the printing of the brief was stopped in midstream.⁸ Despite protestations by Edward Ennis that the footnote should remain, the Justice Department ultimately omitted the footnote from the government's Korematsu brief.⁹

On November 10, 1983, in Federal District Court, Judge Marilyn Hall Patel ruled that the government's failure to substantively respond to Korematsu's petition was "tantamount to a confession of error."¹⁰ Referring to the congressional report of the Commission on Wartime Relocation and Internment of Civilians and the documents attached to the Korematsu petition as exhibits, Judge Patel stated that the claim of military necessity justifying Executive Order 9066 was based upon unsubstantiated facts and distortions.¹¹

On April 19, 1984, Judge Patel issued her written opinion formally vacating Korematsu's conviction.¹² Referring to the newly discovered government documents attached as exhibits to the petition, Judge Patel wrote, "The substance of the statements contained in the documents and the fact the statements were made demonstrate that the government knowingly withheld information from the courts when they were considering the critical question of military necessity in this case."¹³ Citing the instance of the original Burling footnote which revealed that the Justice Department attorneys possessed reports contradictory to the allegations of espionage and sabotage, Judge Patel noted, "The record is replete with protestations of various Justice Department officials that the

government had the obligation to advise the courts of the contrary facts and opinions. In fact, several Department of Justice officials pointed out to their superiors and others the "willful historical inaccuracies and intentional falsehoods" contained in the DeWitt Report. Judge Patel stated, "These omissions are critical."¹⁴ Judge Patel continued, "Omitted from the reports presented to the courts was information possessed by the Federal Communications Commission, the Department of the Navy, and the Justice Department which directly contradicted General DeWitt's statements. Thus, the Court had before it a selective record." ¹⁵

In concluding that coram nobis relief exists for a claim of prosecutorial impropriety,¹⁶ Judge Patel wrote, "There is substantial support in the record that the government deliberately omitted relevant information and provided misleading information and papers before the Court."¹⁷ "The judicial process is seriously impaired when the government's law enforcement officers violate their ethical obligations to the Court."¹⁸

Judge Patel closed by stating:

"Korematsu remains on the pages of our legal and political history. As a legal precedent it is now recognized as having very limited application. As historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees. It stands as a caution that in times of distress the

shield of military necessity and national security must not be used to protect governmental actions from close scrutiny and accountability. It stands as a caution that in times of international hostility and antagonisms our institutions, legislative, executive and judicial, must be prepared to exercise their authority to protect all citizens from the petty fears and prejudices that are so easily aroused."

In a decision dated February 10, 1986, Judge Donald Voorhees, of the Western District of Washington similarly found that the government failed to disclose crucial evidence and that Hirabayashi was "in fact very seriously prejudiced by that non-disclosure."²⁰ In making this finding, Judge Voorhees vacated Gordon Hirabayashi's conviction for violation of exclusion orders.

In the latest judicial pronouncement from the United States Court of Appeals on January 21, 1986, District of Columbia Circuit Justice Skelly Wright wrote:

In the spring of 1942, the government of the United States forcibly removed 120,000 of its Japanese citizens from their homes and placed them in internment camps. There they remained for as long as four years. When the constitutionality of this action was challenged in the Supreme Court, the government justified its action on the ground of "military necessity." The Supreme Court deferred. Nearly 40 years later, a congressional commission concluded that the government's asserted

justification was without foundation. It is now alleged that this fact was concealed from the Supreme Court when it rendered its historic decision in Korematsu v. United States. Yet today, now that the truth can be known, the government says that the time for justice has passed. We cannot agree.²¹

The Circuit Court of Appeals reviewed the documentary evidence that the government had engaged in misconduct and had suppressed crucial evidence which undermined the government claim of "military necessity." The Court held that the statute of limitations is not a bar to the property damage claims raised by Japanese Americans if they can prove that the government fraudulently concealed material evidence. This ruling is now on appeal to the United States Supreme Court and it will be some time before a definitive determination is made with respect to claims for damages by Japanese Americans. It should be noted that while the decision, at least at this point, seems to allow property claims to go forward, Japanese Americans are precluded from suing the government for personal injury, loss of business opportunity, false imprisonment or other torts.

The courts seem to be reaching a consensus that our government committed grave acts of misconduct and suppression of evidence before the Supreme Court. However, the prospects for full relief through litigation are still speculative. Regardless of the ultimate availability of relief through the courts, it is singularly appropriate that Congress enact promptly the legislation before you providing for appropriate redress, including monetary compensation, so that Japanese Americans might receive some measure of justice from the U.S. Government for their suffering.

The leading cases upholding the legality of the internment have now been discredited on the ground that the landmark precedents that were issued in 1943 and 1944 were based upon an incomplete and distorted legal record. As attorneys and officers of the court, members of the American Bar Association feels a special duty to ensure the integrity and strength of our basic freedoms. This obligation is even stronger when a Congressional Commission has found a grave injustice was committed, and the Federal Judiciary has found that the government intentionally manipulated the evidence to facilitate that injustice. Accordingly, the American Bar Association urges the Congress of the United States to support legislation which would provide appropriate recognition for Japanese Americans.

Mr. Chairman, on behalf of the American Bar Association, I would like to thank you and the Subcommittee for inviting us to present these views. I would be pleased to answer any questions you or members of the Subcommittee may have.

FOOTNOTES

1. Lt. Gen. J. L. DeWitt, Final Report: Japanese Evacuation From the West Coast, 1942: "There were hundreds of reports nightly of signal lights visible from the Coast, and of intercepts of unidentified radio transmissions. Signaling was often observed at premises which could not be entered without a warrant because of mixed occupancy. The problem required immediate solution. It called for the applications of measures not then in being." Quote, at p.8. "Because of the ties of race, the intense feeling of filial piety and the strong bonds of common tradition, culture and customs, this population presented a tightly-knit racial group. It included in excess of 115,000 persons deployed along the Pacific Coast. Whether by design or accident, virtually always their communities were adjacent to very vital shore installations, war plants, etc. While it was believed that some were loyal, it was known that many were not. It was impossible to establish the identity of the loyal and the disloyal with any degree of safety. It was not that there was insufficient time in which to make such a determination; it was simply a matter of facing the realities that a positive determination could not be made, that an exact separation of the 'sheep from the goats' was unfeasible," at p. 10. See also Hirabayashi v. the United States, 320 U.S. 81 at p. 99, "Whatever views we may entertain regarding the loyalty to this country of the citizens of Japanese ancestry, we cannot reject as unfounded the judgment of the military authorities and of Congress that there were disloyal members of that population, whose number and strength could not be precisely and quickly ascertained. We cannot say that the war-making branches of the government did not have ground for believing that in a critical hour such persons could not readily be isolated and separately dealt with, and constituted and menace to the national defense and safety..."
2. "Report on the Japanese Question", by Lt. Commander Kenneth D. Ringle, U.S. Navy, Office of Naval Intelligence, January 26, 1942.
3. Memorandum from Edward Ennis (Director, Department of Justice Alien Enemy Control Unit) to Solicitor General Fahy, April 30, 1943.
4. Memorandum from J. Edgar Hoover, Director, Federal Bureau of Investigation, to Attorney General Frances Biddle, February 7, 1944.,
5. Letter from F.C.C. Chairman James L. Fly, to Attorney General Francis Biddle, April 4, 1947, at p. 3.
6. "Memorandum for the Attorney General Re: General DeWitt's Final Report on Japanese Evacuation", from Edward J. Ennis to Francis Biddle, February 26, 1944.

7. Memorandum from J. L. Burling to Asst. Attorney General Herbert Wechsler, September 11, 1944.
8. Memorandum from J. L. Burling to Asst. Attorney General Herbert Wechsler, September 11, 1944; memorandum from J. L. Burling to Edward Ennis, October 2, 1944.
9. See Korematsu v. the United States, 584 F. Supp. 1406 (1984) at 1417 and 1418. Judge Patel notes regarding the footnote revision: "The final version made no mention of the contradictory reports. The record is replete with protestations of various Justice Department officials that the government had the obligation to advise the courts of the contrary facts and opinions. Petitioner's Exhibits A to FF. In fact, several Department of Justice officials pointed out to their superiors and others the 'willful historical inaccuracies and intentional falsehoods' contained in the DeWitt Report."
10. Transcript from proceedings of "Motion to Vacate Conviction and Dismiss Indictment of Fred T. Korematsu before the Honorable Marilyn Hall Patel", San Francisco, California, November 10, 1983, at p. 35.
11. Transcript from proceedings of "Motion to Vacate Conviction and Dismiss Indictment of Fred T. Korematsu Before the Honorable Marilyn Hall Patel", San Francisco, California, November 10, 1983, at p. 37.
12. Korematsu v. the United States, 584 F. Supp 1406 (N.D. Cal. 1984), at p. 1409
13. Ibid., p. 1417.
14. Ibid., p. 1418.
15. Ibid., p. 1419.
16. Ibid., p. 1420.
17. Ibid.
18. Ibid.
19. Ibid.
20. Hirabayashi v. the United States, February 10, 1986 No. C83-122V at page 33.
21. Hohri v. the United States 782 F.2nd. 227 (D.C. Cir. 1986) at 231

U.S. INTELLIGENCE PROMPTED WORLD WAR II EVACUATION DECISION
OF WEST COAST JAPANESE

STATEMENT OF DAVID D. LOWMAN

28 April 1986

SUBMITTED TO THE SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS, COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES

RELATIVE TO H.R. 442

*FDR - mad. only decis he cld. hv mad. under those circumstances
"He did what he thought he had to do, + I don't think he has to
apologize for that."*

David D. Lowman
1221 Victoria Street
Apt. 1905
Honolulu, Hawaii 96814
(808) 537-2328

ABOUT THE AUTHOR

David D. Lowman holds a B.A. degree from Stanford University and a J.D. degree from George Washington. He was a career intelligence Officer with the National Security Agency where he received numerous commendations and honors, including the Agency's highest award, the Exceptional Civilian Service Medal. He retired in 1976 as a Special Assistant to the Director. Later he served as a consultant on the release of World War II intelligence. Mr. Lowman is the author of a number of historical articles based on declassified intelligence from World War II.

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MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE.

U.S. INTELLIGENCE IN LATE 1941 AND EARLY 1942 WAS
UNEQUIVOCAL IN WARNING OF LARGE ONGOING ESPIONAGE OPERATIONS
CONTROLLED BY THE JAPANESE GOVERNMENT ON THE WEST COAST OF THE
UNITED STATES. THIS INFORMATION, PRODUCED BY THE U.S.
INTELLIGENCE COMMUNITY, TOLD OF THE RECRUITING OF JAPANESE
RESIDENTS FOR ESPIONAGE BY ALL JAPANESE DIPLOMATIC POSTS IN THE
UNITED STATES. IT NOTED THAT WHOLE COLONIES OF JAPANESE SUCH AS
AT TERMINAL ISLAND NEAR LOS ANGELES WERE HOTBEDS OF ESPIONAGE AND
POTENTIAL SABOTAGE, THAT JAPANESE BUSINESSES, CLUBS, AND LABOR
ORGANIZATIONS HAD BEEN CONVERTED INTO ESPIONAGE UNITS, THAT
SPECIFIED TYPES OF LOCAL JAPANESE ORGANIZATIONS AND ASSOCIATIONS
WERE CERTAIN TO BE GIVEN ESPIONAGE AND SABOTAGE FUNCTIONS, THAT
MORE THAN 25 PERCENT OF ALL JAPANESE RESIDENTS-- ABOUT 30,000
PEOPLE---WERE OF DOUBTFUL LOYALTY, THAT APPROXIMATELY 3,500
JAPANESE RESIDENTS COULD BE EXPECTED TO ACT AS AGENTS AND
SABOTEURS, THAT SEVERAL THOUSAND JAPANESE-AMERICANS EDUCATED IN
JAPAN WERE SO DANGEROUS TO U.S. SECURITY THAT THEY SHOULD BE
PLACED IN IMMEDIATE CUSTODIAL DETENTION, THAT PORTS, AIRFIELDS,
AND MILITARY BASES WERE UNDER OBSERVATION BY LOCAL JAPANESE WHO
REPORTED TO THE JAPANESE GOVERNMENT, AND THAT THERE WERE JAPANESE-
AMERICANS LOCATED IN THE U.S. ARMED FORCES, FACTORIES, AND
AIRPLANE PLANTS FOR SUBVERSIVE PURPOSES.

THE IMPLICATIONS OF THIS INTELLIGENCE MUST HAVE BEEN OMINOUS
TO PRESIDENT ROOSEVELT AND HIS KEY WARTIME ADVISERS IN THE WEEKS
IMMEDIATELY FOLLOWING PEARL HARBOR WHEN THE MILITARY SITUATION
WAS, TO SAY THE LEAST, BLEAK.

THIS INTELLIGENCE WAS A COMPOSITE FROM THE OFFICE OF NAVAL INTELLIGENCE (ONI), THE ARMY MILITARY INTELLIGENCE DIVISION (MID), THE FEDERAL BUREAU OF INVESTIGATION (FBI), THE INTELLIGENCE SERVICES OF THE ARMY SIGNAL CORPS AND THE OFFICE OF NAVY COMMUNICATIONS, PLUS A PRIVATE ASSESSMENT FROM LT. CMDR. RINGLE, ONI'S LEADING EXPERT ON THE JAPANESE SITUATION ON THE WEST COAST. COLLECTIVELY, THIS GROUP REPRESENTED THE BEST INTELLIGENCE AVAILABLE TO THE UNITED STATES ON ESPIONAGE AND SABOTAGE ON THE WEST COAST WHEN EXECUTIVE ORDER 9066 WAS SIGNED.

SOME FORTY YEARS LATER A CONGRESSIONAL COMMISSION WAS APPOINTED TO INVESTIGATE THE CIRCUMSTANCES SURROUNDING THE SIGNING OF E.O. 9066. SINCE THE EXECUTIVE ORDER'S STATED PURPOSE WAS TO PROTECT AGAINST ESPIONAGE AND SABOTAGE, ONE WOULD SUPPOSE THAT THE REPORT OF THE CONGRESSIONAL COMMISSION WOULD BE FILLED WITH ALL THE PERTINENT INTELLIGENCE ON THIS SUBJECT. BUT IT IS NOT.

INSTEAD, THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS (CWRIC), IN ITS FINAL REPORT PERSONAL JUSTICE DENIED, HAS PRODUCED A MISHMASH OF MISINFORMATION. IT TURNS OUT THAT THE COMMISSION DIDN'T EVEN KNOW WHAT CONSTITUTED THE INTELLIGENCE COMMUNITY, LET ALONE WHAT IT WAS PRODUCING. CONSEQUENTLY, THE COMMISSION HAS MISREPRESENTED THE PREVAILING INTELLIGENCE OPINION AT THE TIME, AND WAS UNAWARE OF THE MOST IMPORTANT INTELLIGENCE AVAILABLE TO THE UNITED STATES ON THE SUBJECT WHICH IT WAS CHARGED TO INVESTIGATE.

OBLIVIOUS TO PRACTICALLY ALL THE INTELLIGENCE FLOWING TO TOP LEVEL DECISION MAKERS, THE COMMISSION SAYS IN ITS REPORT THAT THERE WAS NO KNOWLEDGE OR EVIDENCE OF ORGANIZED OR INDIVIDUAL

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NISEI SPYING (P.60 PJD), AND THAT THE GOVERNMENT HAS CONCEDED AT EVERY POINT THAT THERE WAS NO EVIDENCE OF ACTUAL ESPIONAGE AMONG PEOPLE OF JAPANESE DESCENT ON THE WEST COAST IN FEBRUARY, 1942. (P. 50 PJD) THESE ASTOUNDING CONCLUSIONS THAT THERE WAS NO EVIDENCE OF ESPIONAGE WERE MADE WITH TOTAL DISREGARD OR IGNORANCE OF THE FACTS.

THE COMMISSION HAVING THUS CONCLUDED THAT THERE WERE NO SECURITY PROBLEMS, LITTLE TO FEAR FROM SABOTAGE, AND THAT THE U.S. INTELLIGENCE COMMUNITY FELT THE SITUATION WAS WELL UNDER CONTROL, TRIUMPHANTLY PROCLAIMED THAT PRESIDENT ROOSEVELT AND HIS TOP PEOPLE WERE ALL RACISTS, POLITICAL OPPORTUNISTS, AND HYSTERICAL.

THIS WHAT H.R. 442 IS ASKING YOU TO BUY.

I CAN WELL UNDERSTAND THE DESIRES OF TODAY'S JAPANESE AMERICANS FOR VINDICATION. CERTAINLY THE OVERWHELMING MAJORITY OF JAPANESE RESIDENTS WERE ABSOLUTELY LOYAL TO THE UNITED STATES. BUT THE LEGITIMATE ASPIRATIONS OF AMERICANS OF JAPANESE DESCENT MUST BE REALIZED WITHOUT DISTORTING HISTORY. THE UNITED STATES GOVERNMENT AND ITS PRESIDENT ACTED ON WHAT THEY BELIEVED TO BE VALID INTELLIGENCE. AND THEY ACTED IN GOOD FAITH.

MR. CHAIRMAN I WOULD LIKE NOW TO EXAMINE IN MORE DETAIL THE INTELLIGENCE WHICH THE COMMISSION "OVERLOOKED" IN ITS REPORT TO THE CONGRESS.

MAGIC

THE COMMISSION'S REPORT WAS WRITTEN WITHOUT ANY KNOWLEDGE WHATSOEVER ABOUT MAGIC ALTHOUGH IT WAS BY FAR THE MOST IMPORTANT

INTELLIGENCE THE U.S. HAD RESPECTING JAPAN'S ACTIVITIES.

BY LATE 1940 IN ONE OF THE MOST REMARKABLE ACHIEVEMENTS OF WORLD WAR II, U.S. CRYPTANALYSTS HAD SUCCEEDED IN BREAKING ALL OF JAPAN'S WORLD-WIDE SYSTEM OF DIPLOMATIC CODES AND CIPHERS. FROM THAT POINT ON UNTIL THE END OF THE WAR WE EXPLOITED THESE COMMUNICATIONS. THIS OPERATION WAS GIVEN THE COVER NAME MAGIC. THE INFORMATION PASSED ON THESE COMMUNICATIONS WAS DIPLOMATIC, MILITARY, AND ESPIONAGE. MAGIC WAS CONSIDERED SO SECRET AND SO IMPORTANT THAT THROUGHOUT MOST OF 1941 IT WAS KNOWN TO ONLY A HANDFUL OF KEY DECISION MAKERS.

JAPANESE ARMY AND NAVY SYSTEMS WERE ALSO BROKEN AND EXPLOITED DURING THE WAR, BUT MAGIC CONTINUED TO BE HANDLED AS A SPECIAL AND DISTINCT ACTIVITY.

ESPIONAGE DATA RELATED TO THE WEST COAST BEGAN TO APPEAR IN MAGIC COMMUNICATIONS IN JANUARY 1941 WHEN THE JAPANESE EMBASSY AND ITS CONSULATES IN THE UNITED STATES WERE INSTRUCTED TO START EMPHASIZING INTELLIGENCE ACQUISITION RATHER THAN PROPAGANDA IN ORDER TO BE "PREPARED FOR THE WORST."

FOLLOWING THIS, TOKYO ISSUED DETAILED INSTRUCTIONS TO SPY ON U.S. AIRCRAFT PLANTS AND THEIR OUTPUT, MOVEMENT OF MILITARY SUPPLIES TO ALASKA AND THE ALEUTIAN ISLANDS, SHIPPING ACTIVITY, ARMS PRODUCTION, AND ANY ARMY OR NAVAL DATA OF INTEREST. SUPPORT WAS TO BE GIVEN TO ANY GROUP OR ORGANIZATION WHICH COULD BE USED TO FOMENT DISCORD IN THE UNITED STATES. AMONG THOSE MENTIONED

WERE THE NEGRO MOVEMENT, LABOR UNIONS, THE COMMUNIST PARTY AND ANTI-SEMITIC ORGANIZATIONS. ALTERATIONS TO AIRPORTS WERE TO BE REPORTED. ANY STRENGTHENING OF THE DEFENSES OF THE PACIFIC COAST WAS TO BE NOTED. INFORMATION ON MERCHANT VESSELS SUCH AS ANY DEVIATIONS FROM REGULAR SCHEDULES, ANY REMODELING OF THE SHIPS, OR ANY SPECIAL REQUISITIONS BY THE U.S. GOVERNMENT WERE TO BE REPORTED. THE MOVEMENT OF TROOPS, AND THE NUMBER OF PEOPLE GRADUATING FROM AVIATION SCHOOLS WAS WANTED.

TO ASSIST IN THIS MASSIVE INFORMATION GATHERING PROJECT, AGENTS WERE TO BE RECRUITED. THE AGENTS WERE TO INCLUDE RESIDENT JAPANESE NATIONALS AND AMERICAN CITIZENS OF JAPANESE ANCESTRY. IN RECRUITING JAPANESE SECOND-GENERATION AND RESIDENT NATIONALS, TOKYO WARNED THEIR DIPLOMATIC POSTS TO USE THE UTMOST CAUTION, LEST "OUR PEOPLE IN THE U.S." BE SUBJECT TO PERSECUTION.

IN APRIL 1941 TOKYO REQUESTED A STATUS REPORT. IN MAY THE U.S. INTERCEPTED THE ANSWERS OF THE CONSULATES IN SEATTLE AND LOS ANGELES. THE OTHER CONSULATES' REPLIES WERE NOT INTERCEPTED, EITHER BECAUSE WE SIMPLY MISSED THEM ON THE AIRWAVES OR, MORE LIKELY, BECAUSE THEY WERE SENT BY DIPLOMATIC POUCH WHICH WAS THE NORMAL WAY TO SEND ESPIONAGE INFORMATION UNLESS TIME WAS OF THE ESSENCE. IN ANY EVENT, IT IS FAIR TO ASSUME THAT THE OTHER WEST COAST CONSULATES REPORTED SIMILAR INFORMATION.

THESE MESSAGES FROM SEATTLE AND LOS ANGELES ARE THE ONES THE APOLOGISTS FOR THE COMMISSION SAY EXPRESS ONLY HOPES AND PLANS, NOTHING MORE. LIKE MOST STATUS REPORTS THEY DO TALK ABOUT PLANS FOR THE FUTURE, BUT ALSO, LIKE MOST STATUS REPORTS, THEY ALSO TALK ABOUT ACCOMPLISHMENTS AND THE CURRENT SITUATION. "WE HAVE

ALREADY ESTABLISHED CONTACTS WITH ABSOLUTELY RELIABLE JAPANESE IN THE SAN PEDRO AND SAN DIEGO AREA WHO WILL KEEP CLOSE WATCH ON ALL SHIPMENTS OF AIRPLANES AND OTHER WAR MATERIALS AND REPORT THE AMOUNTS AND DESTINATIONS OF SUCH SHIPMENTS. THE SAME STEPS HAVE BEEN TAKEN WITH REGARD TO TRAFFIC ACROSS THE U.S.-MEXICAN BORDER....WE SHALL MAINTAIN CONNECTION WITH OUR SECOND GENERATIONS WHO ARE AT PRESENT IN THE U.S. ARMY, TO KEEP US INFORMED OF VARIOUS DEVELOPMENTS IN THE ARMY...WE ALSO HAVE CONNECTIONS WITH OUR SECOND GENERATIONS WORKING IN AIRPLANE PLANTS FOR INTELLIGENCE PURPOSES...WE ARE HAVING NAKAZAWA [A JAPANESE-^{resident}~~AMERICAN~~] INVESTIGATE... WE ARE HAVING INVESTIGATIONS MADE BY...WE HAVE ALREADY ESTABLISHED CONNECTIONS... MEN ARE [BEING] SENT OUT INTO THE FIELD [TO GATHER INTELLIGENCE ON THE BREMERTON NAVAL YARD]. WE ARE SECURING INTELLIGENCES...WE HAVE ...WE ARE MAKING USE OF," AND SO ON, ITEM AFTER ITEM IN THE PRESENT OR PAST TENSE.

DURING THE REMAINDER OF THE YEAR MESSAGES WERE INTERCEPTED DISCUSSING HOW TO GET INFORMATION OUT OF THE COUNTRY IN CASE OF WAR, THERE WERE ORGANIZATIONAL MESSAGES, REPORTS ON WORKING WITH DISSIDENT GROUPS, AND DOZENS OF MESSAGES GOING BACK TO TOKYO WITH U.S. NATIONAL DEFENSE INFORMATION, SHIP AND AIRPLANE MOVEMENTS, MILITARY INFORMATION, AIRPLANE PRODUCTION, AND OTHER DATA. THE GREAT BULK OF INTELLIGENCE, HOWEVER, PROBABLY CONTINUED TO MOVE BY DIPLOMATIC POUCH AND WAS THEREFORE UNAVAILABLE TO US.

AFTER PEARL HARBOR THERE WERE NO LONGER ANY OFFICIAL COMMUNICATIONS BETWEEN TOKYO AND ITS REPRESENTATIVES IN THE U.S. SO THAT PART OF MAGIC CEASED. MAGIC DID, HOWEVER, REVEAL JAPAN'S EFFORTS TO REGROUP IN SOUTH AMERICA, AND PROVIDED DETAILS ON HOW

THE SPANISH GOVERNMENT TRIED TO PERFORM ESPIONAGE IN THE U.S. FOR JAPAN. BUT, AS THEY SAY, THAT'S ANOTHER STORY.

BY FAR THE MOST EXHAUSTIVE STUDY EVER MADE OF PEARL HARBOR WAS DONE BY A JOINT CONGRESSIONAL COMMITTEE. IT LABORED FOR TEN MONTHS. ITS HEARINGS COMPRISE 39 VOLUMES. PRESIDENT TRUMAN DECLASSIFIED PERTINENT MAGIC FOR THE COMMITTEE SO THAT IT WOULD HAVE THE FULL STORY.

THE COMMITTEE CALLED MAGIC SOME OF THE FINEST INTELLIGENCE IN OUR HISTORY (P.253 PHR) AND STATED, "WITH EXTRAORDINARY SKILL, ZEAL AND WATCHFULNESS THE INTELLIGENCE SERVICES OF THE ARMY SIGNAL CORPS AND THE NAVY OFFICE OF COMMUNICATIONS BROKE JAPANESE CODES AND INTERCEPTED MESSAGES BETWEEN THE JAPANESE GOVERNMENT AND ITS SPIES AND AGENTS AND AMBASSADORS IN ALL PARTS OF THE WORLD AND SUPPLIED THE HIGH AUTHORITIES IN WASHINGTON WITH RELIABLE SECRET INFORMATION RESPECTING JAPANESE DESIGNS, DECISIONS AND OPERATIONS AT HOME, IN THE UNITED STATES, AND IN OTHER COUNTRIES."
(P.514 PHR)

AND THROUGH MAGIC "...WASHINGTON AUTHORITIES LEARNED THAT JAPANESE SPIES AND AGENTS, DIRECTED BY THE JAPANESE GOVERNMENT, WERE COLLECTING AND TRANSMITTING TO TOKYO AN IMMENSE AMOUNT OF EXACT AND DETAILED INFORMATION RESPECTING MILITARY AND NAVAL INSTALLATIONS ..." (P.525 PHR)

INTELLIGENCE REPORTS

DOVETAILING WITH ALL THE INTELLIGENCE DATA FROM MAGIC WAS AN EQUALLY ALARMING SERIES OF CONCLUSIONS AND ESTIMATES FROM THE U.S.

INTELLIGENCE COMMUNITY. NOT A SINGLE ONE OF THE FOLLOWING OFFICIAL INTELLIGENCE REPORTS WERE CITED, LET ALONE DISCUSSED, IN THE COMMISSION'S REPORT:

1) AN OFFICE OF NAVAL INTELLIGENCE 4 DEC. 1941 WRAP-UP OF JAPANESE INTELLIGENCE IN THE U.S. DURING 1941 CONCLUDED THAT AN INTELLIGENCE MACHINE "GEARED FOR WAR" HAD BEEN PUT INTO OPERATION UTILIZING BOTH ALIEN AND SECOND-GENERATION JAPANESE-AMERICANS.

2) AN ONI REPORT OF 24 DEC. 1941 STATED "ALTHOUGH HANDICAPPED BY THE DETENTION OF MANY OF ITS KEY INDIVIDUALS [THE FBI SWEEP OF SUSPECTS IMMEDIATELY AFTER PEARL HARBOR] THE JAPANESE INTELLIGENCE NETWORK IN THIS HEMISPHERE CONTINUES IN OPERATION."

3) AN ONI REPORT OF 7 FEB. 1942 WHICH STATED THAT THE CONTINUED PRESENCE OF JAPANESE RESIDENTS ON TERMINAL ISLAND, NEAR LOS ANGELES, WAS A HAZARD TO U.S. SECURITY BECAUSE OF CONTINUING ESPIONAGE ACTIVITIES AND THAT SABOTAGE AND FIFTH COLUMN ACTIVITY WERE BOTH POSSIBILITIES. (THIS REPORT WAS WRITTEN BY LT. CMDR. RINGLE WHO THE COMMISSION QUOTES OUT OF CONTEXT TO SUPPORT ITS CLAIMS THAT THERE WAS NO PROBLEM ABOUT JAPANESE SPYING, AND THAT THIS WAS THE POSITION OF ONI).

4) A PERSONAL ASSESSMENT (NOT AN OFFICIAL ONI REPORT) DATED 26 JAN. 1942 FROM LT. CMDR. RINGLE TO ADMIRAL STARK, CHIEF OF NAVAL OPERATIONS, WHEREIN RINGLE ESTIMATES THAT 25 PERCENT OF ALL JAPANESE-AMERICANS ARE OF DOUBTFUL LOYALTY, THAT ABOUT 3,500 JAPANESE RESIDENTS CAN BE EXPECTED TO ACT AS AGENTS AND SABOTEURS, AND THAT SEVERAL THOUSAND JAPANESE-AMERICANS WHO HAD BEEN EDUCATED

IN JAPAN SHOULD BE IMMEDIATELY PLACED IN CUSTODIAL DETENTION "IN SPITE OF THEIR LEGAL CITIZENSHIP AND THE PROTECTION AFFORDED THEM BY THE BILL OF RIGHTS". (AGAIN THIS IS THE MAN WHO THE CWRIC SAYS WAS THE MOST KNOWLEDGEABLE MAN IN THE U.S. ON THE JAPANESE SITUATION ON THE WEST COAST IN 1942 AND WHO THEY QUOTE IN A HIGHLY SELECTIVE MANNER TO SUPPORT THEIR CONTENTION THAT THERE WAS NO EVIDENCE OF JAPANESE ESPIONAGE OR CAUSE FOR CONCERN).

5) ON 26 JAN. 1942 ONI REPORTED THAT TWO JAPANESE AMERICANS HELPED A JAPANESE PILOT, SHOT DOWN DURING THE PEARL HARBOR ATTACK, TAKE OVER THE SMALL HAWAIIAN ISLAND OF NIIHAU WHILE THEY RADIOED FOR A SUBMARINE TO PICK THEM UP. THIS LED ONI TO CONCLUDE, "JAPANESE RESIDENTS PREVIOUSLY BELIEVED LOYAL TO THE UNITED STATES MAY AID JAPAN IF FURTHER JAPANESE ATTACKS APPEAR SUCCESSFUL."

6) A G-2 ARMY INTELLIGENCE REPORT OF 3 JAN. 1942 REVEALED: "A WIDESPREAD DECENTRALIZED SYSTEM OF JAPANESE 'CLUBS', LABOR ORGANIZATIONS, AND LEGITIMATE BUSINESS GROUPS HAS BEEN CONVERTED INTO AN IMPORTANT UNIT OF THE CENTRAL JAPANESE INTELLIGENCE NETWORK. THERE CAN BE NO DOUBT THAT MOST OF THE LEADERS HAVE BEEN AND CONTINUE TO FUNCTION AS KEY OPERATIVES FOR THE JAPANESE GOVERNMENT ALONG THE WEST COAST."

7) A G-2 ARMY INTELLIGENCE REPORT OF 21 JAN. 1942 CONCLUDED THAT THE JAPANESE GOVERNMENT'S "ESPIONAGE NET CONTAINING JAPANESE ALIENS, FIRST- AND SECOND- GENERATION JAPANESE, AND OTHER NATIONALS IS NOW THOROUGHLY ORGANIZED AND WORKING UNDERGROUND."

8) A NUMBER OF FBI REPORTS WERE PUBLISHED DURING 1941 INCORPORATING MAGIC WITH FBI INTELLIGENCE. OFFICIALLY, THE FBI WASN'T ON DISTRIBUTION FOR MAGIC IN 1941 BUT ONI KEPT THEM SUPPLIED WITH THE INTELLIGENCE IN THE MESSAGES. BY PARAPHRASING THE MESSAGES AND CONCEALING THE SOURCE MAGIC COULD THUS BE SANITIZED AND SENT FORWARD. FBI REPORTS WERE CONSISTENT WITH MAGIC. FOR EXAMPLE, A 27 JUNE 1941 REPORT SIGNED BY J. EDGAR HOOVER POINTED OUT: "THE INFLUENCE OF THE JAPANESE CONSUL IN PORTLAND IS SAID TO REACH INTO EVERY JAPANESE ORGANIZATION IN OREGON. THIS INCLUDES YOUTH GROUPS, SPORT CLUBS, LANGUAGE SCHOOLS, NATIONALISTIC ORGANIZATIONS, AND VARIOUS JAPANESE SOCIETIES. THESE GROUPS HAVE BEEN USED IN THE PAST FOR THE DISSEMINATION OF PROPAGANDA AND FOR OBTAINING INTELLIGENCE INFORMATION." SIMILAR REPORTS WERE FILED ON OTHER JAPANESE CONSULATES.

NONE OF THESE OFFICIAL REPORTS WERE DISCOVERED BY THE COMMISSION. OTHERWISE SUCH CONCLUSIONS AS THE FOLLOWING COULD NOT HAVE BEEN WRITTEN: "WHATEVER ITS INTELLIGENCE OFFICERS THOUGHT, THE NAVY WAS INTENT ON MOVING ETHNIC JAPANESE AWAY FROM ITS INSTALLATIONS AT TERMINAL ISLAND NEAR LOS ANGELES...STRONGER POLITICAL FORCES OUTSIDE THE INTELLIGENCE SERVICES WANTED EVACUATION. INTELLIGENCE OPINIONS WERE DISREGARDED OR DROWNED OUT" (P.60 PJD)

DIAMETRICALLY OPPOSED TO THIS CONCLUSION IS A FOUR PAGE ONI REPORT WRITTEN BY LT. CMDR. RINGLE TITLED "JAPANESE MENACE ON TERMINAL ISLAND, SAN PEDRO, CALIFORNIA", DATED 7 FEB. 1942, TWELVE DAYS BEFORE THE EVACUATION ORDER WAS SIGNED. ALTHOUGH NOT CLEARED FOR MAGIC, RINGLE'S FINDINGS PARALLELED WHAT MAGIC WAS REVEALING.

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RINGLE WROTE: "IT IS EVIDENT THAT OBSERVATION AND ESPIONAGE HAS BEEN GOING FORWARD FOR A GREAT MANY YEARS. THEREFORE, IT IS EVIDENT THAT THE PHYSICAL LOCATION OF ALL FIXED DEFENSE WORKS AND HARBOR IMPROVEMENTS AND THE LIKE ARE ALREADY KNOWN TO THE JAPANESE. INSTALLATIONS WOULD INCLUDE SUCH ITEMS AS THE EXACT LOCATION OF REEVES FIELD, NAVAL OPERATING BASE, FORT MACARTHUR, OIL, GAS, AND POWER LINES, TANK FARMS, MARINE LOADING TERMINALS, IMPORTANT DOCKS, OIL REFINERIES, SHIPBUILDING INSTALLATIONS, RAILWAY LINES AND BRIDGES, ANTI-SUBMARINE NETS AND BUOYS, HARBOR APPROACHES, AIDS TO NAVIGATION, AND THE LIKE...AS LONG AS THIS COLONY, WHICH CONTAINS KNOWN ALIEN SYMPATHIZERS, EVEN THOUGH OF AMERICAN CITIZENSHIP, IS ALLOWED TO EXIST IN THE HEART OF EVERY ACTIVITY IN THE LOS ANGELES HARBOR, IT MUST BE ASSUMED THAT ITEMS SUCH AS ABOVE ARE KNOWN, OBSERVED, AND TRANSMITTED TO THE ENEMY QUICKLY AND EASILY."

RINGLE THEN GOES ON TO DISCUSS HOW SABOTAGE AND FIFTH COLUMN ACTIVITIES ARE POSSIBILITIES ON TERMINAL ISLAND.

IT IS DIFFICULT TO IMAGINE HOW THE COMMISSION'S LARGE STAFF COULD HAVE SPENT MORE THAN TWO YEARS RESEARCHING AND WRITING THIS ISSUE AND THEN TAKE POSITIONS, AS ON TERMINAL ISLAND, WHICH ARE ABSOLUTELY CONTRARY TO INFORMATION PUT OUT BY ITS OWN WITNESSES.

MISTER CHAIRMAN, MY PURPOSE HERE TODAY IS NOT TO TRY AND PROVE DISLOYALTY BY JAPANESE PEOPLE ON THE WEST COAST IN 1942. MY PURPOSE IS TO SUPPLY YOUR SUBCOMMITTEE WITH THE INTELLIGENCE WHICH THE PRESIDENT AND HIS KEY ADVISERS HAD BEFORE THEM WHEN THE DECISION ON E.O 9066 WAS MADE, INFORMATION WHICH WAS NOT PROVIDED

BY THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS.

IT IS NOT TRUE THAT THE U.S. GOVERNMENT ACTED WITHOUT REASON OR CAUSE. PRESIDENT ROOSEVELT AND HIS KEY ADVISERS WERE NOT MOTIVATED BY RACISM AND POLITICAL OPPORTUNISM, AND WITHOUT EVIDENCE AS CHARGED. BASED ON AVAILABLE INTELLIGENCE THE PRESIDENT HAD LEGITIMATE CAUSE FOR CONCERN ABOUT THE LOYALTIES AND ACTIONS OF LARGE NUMBERS OF RESIDENT JAPANESE ON THE WEST COAST OF THE UNITED STATES IN FEBRUARY 1942. OUR GOVERNMENT HAD OVERWHELMING EVIDENCE THAT THERE WAS A MAJOR SECURITY PROBLEM ON THE WEST COAST AT A TIME WHEN THE ENTIRE COAST WAS VULNERABLE TO AN ATTACK BY THE ARMED FORCES OF THE JAPANESE EMPIRE.

THE AMERICAN PEOPLE ARE ENTITLED TO A FAIR ASSESSMENT OF WHAT INFORMATION THE U.S. GOVERNMENT HAD AVAILABLE TO IT, AND ALL THE MOVING FORCES BEHIND THE EVACUATION DECISION WHICH BROUGHT ABOUT THIS GREAT AMERICAN TRAGEDY. INSTEAD, THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS HAS PROVIDED A ONE-SIDED REPORT, FILLED WITH ERRORS, MISCONCEPTIONS, AND FALSE CONCLUSIONS. AS A HISTORICAL DOCUMENT RELATING TO THE INTELLIGENCE BACKGROUND OF EXECUTIVE ORDER 9066, IT IS WORTHLESS.



TESTIMONY OF WILLIAM M. HOHRI

Chairperson, National Council for Japanese American Redress

Presented before the
Subcommittee on Administrative Law & Governmental Relations
of the
Committee on the Judiciary
House of Representatives
on H.R. 442
Monday, April 28, 1986

Mr. Chairman and Members of the Subcommittee, thank you. I wish to address remedies that may seem to lie beyond the reach of Congress -- in the courts. If you will bear with me, I will attempt to demonstrate that these are as germane as they are important to your deliberations.

Six years ago, in June 1980, I testified before this Committee on the-then pending legislation to establish the Commission on Wartime Internment and Relocation of Civilians. At that time I supported Congressman Mike Lowry's redress bill and opposed the Commission as a fact-finding body. I recommended that Congress accept the commitment of granting redress as embodied in Mr. Lowry's bill and establish the Commission to determine the means of payment, recognizing even then that Mr. Lowry's proposed three-billion dollars would have difficulty with budgetary constraints. [As an aside, I am glad that today we are addressing another bill, H.R. 442, since the National Council for Japanese American Redress sees as constructive all measures that would lead to a formal recognition of the injustice done and that would redress our grievances.] After I had testified in 1980, Mr. Mike Masaoka spoke and expressed this potential role for the Commission:

"One thing the Commission can do is to ask Congress to invite and direct, if necessary -- although I know the question of separation of powers -- the Supreme Court of the United States to review the Korematsu case."

Mr. Masaoka pointed to a much-needed remedy -- a review by the Supreme Court of its wartime decision -- and the obstacle, the separation of powers.

Shortly after the Commission bill was enacted and signed into law in July 1980, the National Council for Japanese American Redress began to look to possible legal rights for a court remedy. We also began our research in the National Archives. To make a long story short, we embarked upon a two-and-one-half-year effort of historical and legal research, drafted and prepared our court complaint, and filed our historic class action lawsuit in March 1983. A year later, in May 1984, our lawsuit was dismissed by the United States District Court for the District of Columbia on procedural grounds of statutes of limitations and sovereign immunity. We appealed, and in January 1986 the dismissal was reversed and our cases remanded to trial. This case is now in the process of further judicial review.

I will not go into details but will speak in general terms. Our lawsuit addresses major constitutional violations and other illegalities that befell us as a result of the Government's program of mass exclusion and detention. As a victim, I think the most serious of these was the court's failure to observe the constitutional requirement of *habeas corpus*. Article I Section 9 provides for suspending *habeas corpus* but there is no constitutional provision for ignoring it. Without an opportunity to be charged and tried before imprisonment, all other rights are unavailable. In July 1942, from the temporary detention camp at Tanforan, California, Ms. Mitsuye Endo petitioned for her freedom and the freedom of her interned compatriots under the *writ of habeas corpus*. She was not released until December 1944, two-and-one-half-years later. It should have taken hours, or at most, days. We mock the constitutional requirement by applying it after years of imprisonment. I personally spent two-and-one-half-years in the Manzanar camp. Not only was this constitutional violation a serious deprivation of freedom for us victims, but it set a dangerous precedent, a breach in our Constitution for all Americans. Our lawsuit attempts not only to provide relief to the victims of this unhappy episode but to repair such breaches.

I know there are sound and good reasons for the separation of powers. Indeed, we have found beneficial the leverage of the law in a situation where we clearly lack a political majority. But I believe a bridge exists between the two branches of government, and interdependency between the Congress and the Courts.

Most of the constitutional issues we have brought before the courts have been dismissed because of the cloak of sovereign immunity. Clearly, the United States Congress, acting as sovereign, may yield this protection and consent to be sued through Congressional enactment. Such enablement only allows the presentation of these issues; it does not direct how they are to be resolved. Enablement is judicially neutral. The facts and principles must still be argued, deliberated, and adjudicated solely in the courts. Thus, if Congress confers jurisdiction and waives procedural obstacles, the courts will then be free to apply remedies according to their dictates.

I recognize that a bill for such enablement is not before this Committee. But if, in the range of remedies you seek, you should consider repair of constitutional breaches, I respectfully recommend enablement of our court action as an important and available remedy. If the Committee requires further details, we stand ready to provide them.

Thank you.

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SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
HEARING

Congressman Peter W. Rodino, Jr.
Chairman

April 28, 1986
B-351-A Rayburn House Office Building
Washington, D.C. 20515

Statement: Ms. Miyo Morikawa Hayashi, Japanese American Redress Committee - Chicago, National Peace Academy Campaign/Peace Institute - original founder/member, Ad Hoc Committee, Midwest Buddhist Temple, Buddhist Temple of Chicago, Chicago Council on Foreign Relations, Japan America Society, Japanese American Council - Chicago. (Identification Only).

I appreciate this opportunity to orally testify before the subcommittee. Ever since the testimony before the Commission on Wartime Relocation and Internment of Civilians on September 22, 1981 I have been puzzled and have questioned the scenario that President Franklin D. Roosevelt characterized on December 7, 1941... "THE DAY OF INFAMY"... after Pearl Harbor attack. The battle cry as though we had somehow been responsible for the infamy! He created this hurricane of hysteria, racism and economic greed that incarcerated 120,000 Americans of Japanese ancestry. The loyal citizens with their unsophisticated immigrant parents who taught us to respect the flag and country of our birth and to serve it well. As did the 442nd and 100th battalion with distinction. The incarcerated citizens also made camouflage nets for the war efforts in America's Concentration Camps. The people in government still continue this scenario... this racist attitude to tyrannize the minorities. The Hopi and Navajo Indians with valuable minerals on their reservations are just another example. And the global chaos we still continue to create with our superpower mentality... bullying and manipulating. As though they are evil and we are good! And our way is the only right way. HOW ARROGANT CAN WE BE!

Twisting the ears of Congresspersons and Allies until they say uncle...so that they become accomplices to this tyranny as though governments all over the world could do no wrong! Winston Churchill said said..."DEMOCRACY IS BAD, BUT, EVERYTHING ELSE IS WORSE!"

When I visited Pearl Harbor in '84 and the Yankee Samurai exhibit at the Arizona Memorial Museum there was a picture of Admiral Isoroku Yamamoto on the wall. And it said...COMMANDER-IN-CHIEF OF COMBINED FLEET WAS A POPULAR OFFICER. BRILLIANT STRATEGIST WHO OPPOSED WAR WITH U. S.. He studied at Harvard. And knew that AMERICA'S VAST RESOURCES WOULD ULTIMATELY DOWN JAPAN. NOW, WHY WOULD A CHIHUAHUA TAKE ON A BULLDOG? The whole rationale in a Socratic analytical synthesis did not jive! Since then I have discovered many truths to this..."THE DAY OF INFAMY' that incited this hatred towards us. This racist attitude has escalated and still persists as I have faced many such incidents recently. Naming one while I was fishing with community friends on our lake in Indiana on the bridge a discourteous man of forty came dashing under the bridge almost swamping the fishermen on their boats and creating a havoc. He had a hundred twenty five horsepower motor on his racing boat. So I saw the warden coming down the road and had him watch this spectacle. He flaged him down to the shore and gave him a ticket. He raised his fist and called me a "dirty chink!" I responded spontaneously with a smile and said, "thank you." I flipped him over my little finger and have not seen him since on the lake.

When Professor Robert Dallek, historian, University of California, Los Angeles, came to speak at the 60th anniversary lecture forum of the Chicago Council on Foreign Relations titled the LEGACY OF FDR he said half of the people loved him and half of the people hated him. He also spoke about the book..."AT DAWN WE SLEPT" - The Untold Story of Pearl Harbor

by Gordon W. Prange which also mentions Admiral Isoroku Yamamoto. During the question and answer period I asked him this question...DID WE PROVOKE JAPAN TO BOMB US?...AND DREW THIS SCENARIO...THAT, I READ IN THE WALL STREET JOURNAL THAT CLARE BOOTH LUCE SAID THAT PRESIDENT ROOSEVELT LIED US INTO WAR! THAT WE WERE BASED ON A WARTIME ECONOMY.

Mr. Herbert Hoover's single term of office as president ended in March 1933. But the "infamous Depression" continued through out Mr. Roosevelt's first and second terms, the worst of the times occurring in 1936-37-38. With the passage of the "lend-lease" act whereby our country began to manufacture arms and equipment for use by our European allies then fighting the Hitler-Mussolini-Stalin axis, we entered upon a wartime economy, bringing an end to the "infamous Depression."

We still continue to be based on a wartime economy today and the depression exists now in thirty states. Continuing this scenario...WE WERE AN ISOLATIONIST, BUT THE GOVERNMENT WAS DYING TO GET INTO WAR. HOW DO YOU GET INTO WAR? OR A FIST FIGHT? YOU PROVOKE SOMEONE BY BULLING THEM! The members of the Council were surprised I had asked this question! I said, "I am surprised that there weren't more Niseis asking these questions! Before redress/reparation can become a reality we need to know the truth. And it is now slowly being told in books. One written by John Costello, "AND I WAS THERE" - A book about Admiral Layton Rockford. The breaking of the purple code, day by day intercepted dispatch, Kimmels story, internal squabbling, intelligence provided, scapegoating, Admiral Chester Nimitz, etc.

Article reported by Joseph Leib...EXPLOSIVE TRUTH ABOUT "PEARL HARBOR" THE STORY THE REST OF THE MEDIA WON'T TELL. Uncovering unquestionable factual notice in the HONOLULU ADVERTISER PRINTED ON THE FRONT PAGE STORY ONE WEEK

BEFORE THE JAPANESE ATTACK. THE JAPANESE MAY STRIKE OVER WEEKEND...KURUSU
BLUNTLY WARNED NATION READY FOR BATTLE.

Nine articles written for the MACON DAILY TELEGRAM, entitled..."ROOSEVELT
SAYS..." His racist attitudes. This was in April 1925 when the future
president was attempting to cure himself of polio in Warm Springs, Georgia.

By author Ted Morgan (Simon and Schuster, 1985)... "KEEPER OF CONCENTRATION
CAMPS" A new book on WRA HEAD...DILLON MYER, EXPLORES HIS RACIST ATTITUDE.

Hamilton Fish, Senior's book..."FDR THE OTHER SIDE OF THE COIN"...I believe
that not only the American people, but everyone interested in the truth of
history is entitled to know the naked truth that Roosevelt incited and pro-
voked Japan into war. This is from a very good friend and supporter of
Roosevelt of 20 years according to Fish. Roosevelt approved the ultimatum
given to Japanese Ambassador Nomura on November 26, 1941. This was not re-
leased to the public until after Pearl Harbor, when it went unnoticed.

I would also like to have put into record historian, humanist, Harry Elmer
Barnes book on Pearl Harbor. TRUTH ABOUT PEARL HARBOR" by Charles Beard.
Pamphlet found in the HOOVER WAR MEMORIAL LIBRARY. CONGRESSWOMAN JEANNETTE
RANKIN'S CONGRESSIONAL RECORD ON PEARL HARBOR.

Mike Wallace, CBS, has looked into Vietnam and Government. Ted Koppel, ABC,
into Grenada and Government.

We as citizens of this great nation of ours and the youths with their lives
will be paying "through our nose" by the mistakes of our government if
PEOPLE DON'T BECOME PARTICIPANTS IN THE PARADE INSTEAD OF WATCHING FROM THE
SIDELINE. HISTORY KEEPS REPEATING ITSELF! TO BECOME ACTIVE PARTICIPANTS IN
THE QUEST FOR PERMANENT PEACE/CONFLICT RESOLUTION. WHAT WORKS AND DOESN'T
WORK IN FOREIGN POLICY!

I have come a long ways from America's Concentration Camp and don't call me honey or baby! The seed was sown at that time, but I didn't know it...that I would be working with the NATIONAL PEACE ACADEMY CAMPAIGN as a former Ad Hoc Committee member and original founder/member. President Jimmy Carter signed both the Redress and Peace Commision bill. The Peace Institute became a Public Law 98-525 on October 19, 1984 when President Reagan signed the bill because the people spoke. My hearing statement is found in the Congressional Record from a hundred eighty degree opposite premise/perception. I am now wrapping-it-up with a book, a trilogy titled:

WAR TO PEACE/SOCRATES TO SARTRE

A LOVE STORY

War to Peace because of our incarceration. Socrates to Sartre because I am looking at a belief system from a global perspective in conflict resolution. And the third dimension is a human dimension to tie-it together...A Love Story. My pivotal/essence will be found in the trilogy. Read the experience like a hailu with your total self. Hope to have it published before the end of this year which is the...United Nations Internation Year of Peace!

I believe I sent the Subcommittee members and the Judiciary members materials to support my argument.

Thank You.

Ms. Miyo Morikawa Hayashi
1320 East 48th Street
Chicago, Illinois 60615
(312) 285-1974

Summary of Testimony by Charlotte J. Elam

Judiciary Subcommittee on Administrative Law & Governmental Reins.

re: H. R. 442

My testimony gives evidence on what caused young Japanese Americans to come forward and mouth testimony at the hearings that had been taught them - not sworn in - not giving any testimony of their own (for they were too young to have such testimony).

And it gives documentation (ignored like the Magic cables by the Commission) from rare old book and booklets by the government on the massive LOYALTY TO JAPAN that existed before and after Pearl Harbor, even among the young.

It also gives proof of errors in the Commission's report as a result of questions raised by Senator Charles Grassley at the 1983 Senate Subcommittee hearing.

It gives first-hand evidence of racist attitudes against non-Japanese, and prejudice against testimony given at the hearings where ridicule and taunting laughter occurred.

It shows the need for correction of the Commission's fuzzy and erroneous statistics in many instances.

It shows how false the Commission's claims that they let people speak at hearings is - they wouldn't let the #1 Expert of the world on evacuation speak at their hearings AFTER scheduling her.

Rachel Kawasaki - world's 1st author on evacuat. - didn't be located
(white)

JACL - did not report disloyal AAs
criticized "censoring" of Sargamoyan, Japs TV series
lying abt "machine guns" at camps

BIOGRAPHICAL SKETCH

Charlotte Josephine Elam

Date of birth: August 9, 1914 Place of birth: Mankato, Minn. Parents:
Joseph Alexander Ferris
Ruby B. (Dawson) Ferris

My father, Joseph Ferris, a self-sustaining minister reared two daughters and two sons, he and our mother. Both sons served in the Army in World War II- one was in the Battle of the Bulge and came out alive; the other volunteered but did not see overseas service because of his being used instead as an army scientist. He is still in the Reserves.

When the sneak attack on Pearl Harbor came, I was married to a self-sustaining minister and was the mother of our six months old son, living in the North Sacramento, California area near McClellan Air Force Base. When planes zoomed overhead in numbers we slept lightly, fearing an invasion such as the Japanese did achieve in the Aleutians. During blackout alerts our windows were darkened; even a trip to the grocery store where we lived with no street lighting meant no car lights could be on either. Our West Coast was defenseless and we naturally were afraid but we were anything but hysterical.

I quit my job and went to work at the Air Force Base. My father quit his job to go to work at the Rock Island, Ill. Arsenal and before the war was over he was working at the Mare Island Naval Shipyards where workers were needed. After the war he resumed his insurance work. After the war I went to work for a large communications company, checking applications to the government for hours, etc. changes, because the company was a monopoly. I worked there until I retired in 1979.

CHARLOTTE J. ELAM
F. F., P. O. Box 590506
SAN FRANCISCO, CA 94159-0506

April 28, 1986

re: U. S. House Bill H. R. 442

Honorable Congressman Dan Glickman, Chair
Judiciary Subcommittee on Admin. Law & Gvrnmtl. Relns.
B 351 A Rayburn H. O. B.
Washington, D. C. 20515

Dear Congressman Glickman:

This is written because of the monstrosity of the lie against President Roosevelt and our World War II leaders who saved the freedom of the world when we weren't sure it could be done. Also the lie that the public was hysterical and the lie that people of Japanese descent were told to evacuate the West Coast Military Zone because our country is racist. People were told to leave our defenseless West Coast for the protection of the nation - a nation suddenly thrust unprepared into war by a vicious, mercilous attack during peace time.

Was this the fault of West Coast persons of Japanese ancestry? Not if they weren't financing Japan's war. A grievous fault - is that none of them would report the vicious pro-Japan Black Dragon goons or anything else pro-Japan. Colonel Boris T. Pash testified before the Wartime Relocation and Internment of Civilians Commission * that although Italians and Germans reported disloyalty not ONE PERSON of Japanese ancestry reported disloyalty!
*8-11-81

Colonel Pash was Counter-Intelligence Chief, Western Defense Command and Fourth Army.

There were patriotic Japanese American organizations in those days and the Japanese American Citizens League was chief among them. Inasmuch as the Commission has said "There is no ** evidence that any individual American was actively disloyal to his country", and because the J. A. C. L. claimed super patriotism in pre-Pearl Harbor days, let's see how patriotic they were.
**pg 28 its report

Now most government documentation, like the MAGIC cables, has been ignored by the Commission in its report. It had available in fantastically great detail a 600-page book outlining all aspects of the setting up of the centers, namely FINAL REPORT* yet the Commission ignored most of the facts in the book, instead inserting false statements such as on pages 146 and 180 of its report:
"from most Assembly Centers THERE WAS NO LEAVE"
"a few were released to continue college" or harvest
crops WHICH WAS THE EXCEPTION

When Senator Grassley asked a few questions (see (1)attch. titled "Commissions8-3-83 Response") suddenly the Commission said 777 resettled from assembly centers.

*Final Report - Japanese Evacuation from the West Coast

The Commission also ignored the results of years of hearings on the evacuation and thorough investigation by the government in California, the 1945 Un-American Activities booklet report for the Calif. Senate & its companion booklet report with the same name dated 1943. Both booklets present the facts conservatively and with fairness, backing up what is presented with details- Red Cross investigation, etc.

To get back to the patriotic Japanese American Citizens League. Page 338 of the 1943 Booklet report tells us that the J. A. C. L. was in the process of helping to collect one million yen for Japan's war effort. Pages 337 and 338 tell about a meeting of the J. A. C. L. with 1000 members present where the F. B. I. asked them to report disloyalty. They refused. Page 26 and elsewhere in the 1945 Booklet report tells of some of the pro-Japan activities that Japanese Americans on the West Coast were engaged in before Pearl Harbor.

Fred Tayama, a J. A. C. L. leader who later was beaten and hospitalized by pro-Japan Black Dragons, had been among the 1000 who refused to report disloyalty to the F. B. I. And so was another leader, Togo Tanaka. After Pearl Harbor Fred Tayama admitted that he believed the MAJORITY of the Issei, the aliens, (page 346, 1943 report) were LOYAL TO JAPAN, and both leaders agreed to start reporting disloyalty. Later they admitted they had not really done so. Looking back, Tayama said he was misdirected. Tanaka admitted they had not tried to prevent subversion but in fact had not even admitted it which, he said, was caused by THEIR DUAL LOYALTIES. - THEIR DIVIDED loyalties to Japan and the U. S.

So it is interesting that the J. A. C. L. blocked the scheduled showing of a TV hit* series in the United States- "Two Fatherlands". It depicts just what Tanaka was talking about - divided loyalties of the evacuees in World War II. It's a big hit in Japan, banned in the U. S. now, by the J. A. C. L. *10-19-84 Pacific Citizen

The book "Yamato Colony" tells how they sent their monies and their sons to Japan, wrapped bandages for the JAPANESE Red Cross, and were "PROUD" of Japan's military conquests. Sons who were here and not in Japan were, of course, drafted here. They were all Christians because, as I recall, it advanced contacts that helped them succeed in business. The J. A. C. L. published this book. ** by Kesa Noda

At hearings, Commissioners said nothing to object as various Commissioners announced that the cause of evacuation was RACISM; Comsrs. present sat silently by as Comsrs. Dr. Arthur Fleming announced at the 8-13-81 hearing "of course there IS NO QUESTION by ANY of us about the fact that what happened following Pearl Harbor was a manifestation of RACIAL DISCRIMINATION". Other Commissioners said it before the hearings, loud & publicly!

Inasmuch as our country is being labled "RACIST" by this bunch- the J. A. C. L. and their "puppet" Commissioners - perhaps a little of the racism at the hearings should be quoted. It's a long story but certainly non-Japanese such as myself were not furnished agendas and were refused agendas by the J. A. C. L. altho we told the J. A. C. L. one of us was a witness. *Certainly the public wasn't invited to the hearings-- with time, date and place of hearings provided in advance. The then Redress Chief of the J. A. C. L. John Tateishi told a million or so KGO Radio listeners AFTER the San Francisco hearings that the J. A. C. L. had input and got the word "civilians" put into the Commission's full title because they wanted Italians and Germans to get in on redress benefits. This was 2-20-83. **Well of course, they weren't even told of the hearings. Newspapers in San Francisco, when called, would tell the caller to find out date, place and time of hearings from the J. A. C. L. So did TV Station KTVU**I have the tape. *San Francisco & Seattle

To get back to the racism accusation against our country. Witnesses at the 8-13-81 Commission hearing verbally attacked WHITES: "Why don't WHITES ADMIT they were WRONG? Once the WHITES admit they were wrong... I will get \$50,000." -T. T. Kubota. And here is what T. Hoshiyama said the same day: "JAPAN BEAT THE HELL OUT OF PEARL HARBOR IF YOU REMEMBER. December 7 is a special day; it was a day of infamy." He wanted one million each.

These slurs brought much APPLAUSE. Self-proclaimed Communists at the hearings- leaders who organize groups to visit Relocation Center sites to see "American-style concentration* camps" such as Elaine Black Yoneda and husband Karl Yoneda- when these Communists (just back from a trip to Russia) said that the United States doesn't need the defense fund for nuclear so the billions for redress should be transferred from the defense fund, the APPLAUSE at the August 11-12 1981 hearings was GREAT. Every time someone suggested taking the money for redress from defense funds throughout the hearings the applause was great. K. Yoneda said we don't need any defense fund. *their advocacy of joining the Communist Party, etc. - 5/20-86 San Francisco Chronicle

Of course it wasn't just per chance that there was so much unity at the hearings. Much publicity was given to upcoming hearings in Japanese American newspapers. The J. A. C. L. sent out many thousands of notices soliciting witnesses, sample testimonies were furnished, and work shops and MOCK HEARINGS held with the help of Commissioners, several of them.* And Commission Chair Bernstein was there, making her April 4, 1981* speech which likened the evacuation to the German racial genocide "Holocaust." So these people who testified time after time with the self-same racism claims & sobbing - were well trained and got their cues from Commissioners themselves on how to put it over. (2) *4-17-81 & 5-15-81 Pacific Citizen **Pacific Citizen, pg 756 of 1984 House Subcmte hearing book

Attachment (2) (5-15-81 Pacific Citizen) tells how before the Commission hearings started Commissioner Senator Hugh B. Mitchell was to be at one of the J. A. C. L.'s MOCK HEARINGS. Another article, same date, shown in (2) tells how psychological hurts would be stressed by whoever showed up to be witnesses. So at the hearings, witness after witness sobbed and told of their hurt feelings. It was impressive if one didn't know the truth. Congressman Norman Y. Mineta cried at the Senate's 8-16-84 Subcommittee hearing and the Los Angeles Times wrote it up the following day. At that hearing obscenities were reported during the hearing and when the witness was leaving I witnessed this young redress helper (he drove the elderly ladies in a large bus) THREATEN the life of the witness. That hearing wasn't ever printed.

So psychological hurts were stressed at Commission hearings: One witness said the army insulted those of Japanese descent, and not trusting them made them train with wooden guns. Actually, as is rather well known, wooden guns were used in various places by the army to train. But this charge of racism goes over big with the young generation. Another witness said he was hurt by the showing of old World War II movies (8-13-81 hearing witness McEntee) and that these were propaganda - and showing them was a carrying over of WW II racism.

So psychological hurts and criticizing America were plentiful at the hearings. But Japanese Americans do not in newspapers etc. criticize Japan.

The J. A. C. L. published a book called "Yamato Colony" in which the author says that evacuees COULD LEAVE the centers, but that older ones preferred the centers and "found PLEASURE in their liberation from long hours of work in the fields."

In the charged emotions of the Commission hearings this statement would have incited the 99% Japanese descent crowds to a display of hissing, booing, random clapping to drown out the witness, or shouting their responses at a witness. When Commissioner Senator Edward Brooke chaired the 8-11-81 hearing the latter occurred. Shouts came from the crowd that "no one could leave." One very loud voice shouted that no old person, no children at all could leave the centers. And of course Comsnr. Brooke said they couldn't leave and ridiculed the witness, saying "It's not my purpose to ridicule a witness" but he did so for about 1/2 hour. I have the tape with all the boisterous laughter at each ridiculing by Comsnr. Brooke.

With this BIG LIE BEING put out to the public by the Commissioners, it is no wonder that Senator Ted Stevens appeared so shocked at the August 16, 1986 Subcommittee hearing when Mass Odoi testified. Mr. Odoi is a Southern California politician whose private redress plan calls for a different type of monetary redress. When he testified that "ANYONE WHO WANTED to could move WHENEVER THEY WANTED; all they had to do was re-certify their loyalty." - Well Senator Stevens' eyes flew wide open and he appeared stunned. And a young Japanese American who was interpreting the hearings for elderly Japanese, - her mouth flew open and she reared back in her chair and refused to interpret. It caused a disturbance.

So it is interesting that Senator Charles Grassley asked the Commission for more information on who left the centers, which the Commission shows on page 234 of its report as only 35,000. In responding the Commission said it wasn't 35,000 after all, but 41,210 resettled INCLUDING those who left for inland colleges. - see attchmt (1).

However, page 203 of the Commission's report shows those who left to attend colleges in 1943 were NOT INCLUDED. Many others weren't included in the 35,000 either. These are listed in attachment (1) & they change it to over 50,000 using mostly Commission's figures made available to Senator Grassley. (This over 50,000 does not include a government-estimated 16,000 "Disloyals", a large % of whom signed to go to Japan, nor those who had been picked up by the F. B. I. as "suspect" and INTERNED.) The Commission has no right to put out figures which are so far off. They have no right to say that only "a small number" of offspring were trained in Japan, namely "several thousand by 1940" (pg 40 Comsn. report) when the number of Japanese Americans in Japan at the start of the war was in the tens of thousands. Even the J. A. C. L. shows the number as 30,000 in its pamphlets on the A-Bomb. The Comsn. shouldn't show the nbr. of "eligible" to serve in the army as 10,000 (with something fuzzy about estimated) and show those

eligible as 21,000 in the same paragraph, pg. 195 of their report.

Newspapers who keep printing that 30,000 Japanese Americans "volunteered" from the centers to serve in the army right out of the centers (San Francisco Chronicle Feb. 2, 1983) when only 1110 did and approximately five thousand renounced the United States, such papers should be told the FACTS BY LETTERS from the COMMISSIONERS after they correct their figures.

See figures on those who went into the service in 1943 and those who were drafted in 1944 in Attchmt. (1). And by the way, the most decorated officer in the 442nd Regimental Combat Team was not of Japanese descent but of Korean descent - Colonel Young Kim.*
*11-14-83 San Francisco Chronicle

What was the PROBLEM?

With Japanese "Language" schools for 19,000 in California alone (pg. 326 of the 1943 Un-American Activities report for the California Senate) these young people were being taught by Buddhist and Shintoist priests loyalty to Japan and its descendant -of-the-Sun Goddess Emperor - - with similar numbers of young Japanese Americans being taught this in Japan per page 14 of Final Report. No wonder so many young Japanese Americans were pro-Japan and renounced the United States by many thousands. On the West Coast there were organizations whose stated purpose was "the Japanizing of second and third generations" per pages 13, 14 of Final Report.

Time Magazine for August 1983 says Shintoism (which was banned in the centers and also in occupied Japan) was considered "PART OF THE PROBLEM." The state religion was Shintoism - with SHINTO-BUSHIDO-KADO taught per pages 9 and 10 of the 1945 Un-American Activities report. BUSHIDO teaches treachery and deceit are honorable, as is BRUTALITY and CRUELTY to one's enemies, and KADO teaches that the islands of Japan are holy and Japanese are a SUPERIOR RACE - DESTINED TO RULE OTHERS. Thus the "slaughter" of millions of Chinese, slaughter of Filipinos, starving of our soldiers, also germ warfare experimentation and torture of ours and other prisoners of war at Harbin, China. A young Japanese American who did water torture and other tortures on dozens of American soldiers while assisting the Japanese army during the war, Tomoya "Meatball" Kawakita served 17 years before being pardoned by President Kennedy.(3) Time Magazine also tells that SHINTO, under a new name, is again being taught-- fealty to the Emperor-- to Japan's school children, and the papers have had articles saying there are those in the United States trying to once again establish Japanese cultural schools in this country. Race supremacy means that to this day Koreans, and even children born in Japan with a foreigner father, have no right to citizenship in Japan. An ex-ambassador with a long list of public service positions, wrote the best seller "JAPAN UNMASKED", in its 18th printing when I purchased my copy in 1981. He refers to Japan as "race-conscious Japan" and says, even has a chapter entitled "ONCE a Japanese, ALWAYS a Japanese." N. B. C.'s 4-22-86 documentary, "The JAPAN they don't TALK ABOUT" told of the miseries Japan's elderly are protesting-- their Medicare type payment cut and expected to be cut more, their small government payments (on retirement) cut by one third-- and it told other miseries: 2/3 have no job security, others live in smelly neighborhoods from lack of any drainage in even wealthy neighborhoods and in even large cities such as Tokyo. N. B. C.'s documentation revealed that ALL - every group - indicated they are willing to suffer ALL for one thing. That thing is so that JAPAN will have SUPREMACY - this time "ECONOMICALLY" over all other nations! One hears constant praise of Japan from Co-Anchor on K. P. I. X. Channel 5, San Francisco, Wendy Tokuda, and from other Japanese Americans. But no criticism by Japanese Americans on TV or in print about Japan.

I was asked MY RACE by a Commission Staff member who had in hand my sister's statement on what she intended to testify if permitted. Late on a Friday evening, August 25, 1981, this Dr. Tom Taketa called me long distance and for 20 minutes urged me to say my sister, Mrs. Catherine Treadgold, and I were for redress. When I asked whether my sister would be barred from testifying if she were not for redress he said: "We must screen statements" etc* and he asked "You ARE Italian, aren't you?" He said my sister could not testify about her government work interviewing persons of Japanese descent at the center and so forth; he said she could speak only about her work with Italians and Germans*He qualified it, saying some wanted to talk about other subjects such as Communism and Maoism.

One witness at the 9-9-81 Commission hearing, a Mr. K. T., told how he had for years "a very low feeling about myself as a Japanese." Even after fighting in the war, still the feeling persisted and it was only after "Jesus Christ came into my life did I realize that I was just as good as, I mean He loves you just as much as He does any OTHER RACE and so THIS HAS HELPED ME TO MAKE ME FEEL GOOD about my ancestry."

All the anti-white and anti-United States sentiment at the hearings and the applause for it was so sad. Whatever hardships came in the war, were part of it. I myself had to pull up stakes not once but twice and move across country, following my parents, because the war had driven up the price of a baby sitter and I had to work. When most did not evacuate, Uncle Sam built shelters. There was no racism in it. To me it's ironic that the Japanese American Citizens League, who asked for the centers as they wanted evacuation to be government controlled they said, per page 106 of Final Report, NOW ARE HELPING with lawyers etc. in the \$24 BILLION LAWSUIT against this government, per 10-19-84 Pacific Citizen.

In California, at the war's end there was a housing shortage, and the government asked people to take those of Japanese descent into our homes. And people did. Certainly our family took them into our homes.

A witness at the 9/9/81 Commission hearing said he was worried that the high income of families of Japanese descent in the United States, which is 30% above average according to his quote from the 7-27-81 Wall Street Journal (and more recent statistics bear this out) and he thought their wealth might prevent them from getting redress monies. I understand President Carter wanted to remove them from affirmative action programs but came onto too much opposition.

Frank Abe testified the same day that all the parades stressing Hiroshima and Nagasaki A-bombing in various cities in 1975 was to add to redress money pressure. J.A.C.L. leaders brag about how long this lobbying for redress has been going on. Their paper, Pacific Citizen, has published the over 1/4 million dollars a year they are spending to lobby, plus use of the J.A.C.L. paper etc.

At the Commission August 1981 hearings, Commissioner Senator Edward Brooke asked them how they were coming along with efforts to get TRILLIONS for blacks for "black slave labor days" and their was loud applause. John Tateishi, then J.A.C.L. redress chief, told me the J.A.C.L. was and would support the efforts for TRILLIONS. Indians are in their picture too.

The testimonies of anti-redress witnesses are excluded from the Commission's report. This exclusion involves the testimony of Evacuee Mrs. Rachel Kawasaki, THE EXPERT on evacuation who sometimes laughs, I'm sure, when she sees the testimonies of some historians and their non-factual "history." It involves testimony of Mrs. Catherine Treadgold (government employee), Colonel Boris T. Pash, former Counter Intelligence Chief, Western Defense Command and Fourth Army, Attorney Henry Kane, former Asst. Attorney General, State of Oregon and many others.

The J.A.C.L.'s then Redress Chief John Tateishi, said on 2-20-83 that they had input in creation of the title for the Commission. Which evidently resulted in the word "Internment" being in the Commission's official title, a word not based on fact. Only aliens (and others- some) who were "SUSPECT"- picked up by the F.B.I. were INTERNED. And DISLOYALS.

I urge you not to vote for what amounts to a monstrous lie against this nation.

Page 11 of the 1945 Booklet report mentioned above says "HUGE transfers of money went from the United States to Japan before the war in excess of twenty million dollars and Japanese residents in California contributed MANY thousands of dollars to the Japanese war effort." The J.A.C.L. was helping collect one million yen for Japan's war bonds. We are talking about efforts to FINANCE A WAR. And undoubtedly part of the cost of planes and ships and weapons and soldiers used AT PEARL HARBOR was from this financing.

I suspected but had no proof of massive disloyalty in 1942, but I TRUSTED MY GOVERNMENT. I thought the government of Japan despicable, wasting its own people even suicidally wasting them, for RACIAL SUPREMACY and imperialism. I do not admire their treatment of their women and other nationalities today, nor their treatment of their workers, nor restoring worship type fealty to the Emperor (they never really stopped that), nor their stealing our economic secrets, nor trade imbalance, nor "dumping". The Commission, however, says WW II Japanese left "behind a country characterized by pride, MORAL CONVICTIONS and community cohesiveness." -pg 38.

Charlotte J. Elam

THE COMMISSION'S 8-3-83 RESPONSE TO SENATOR CHARLES GRASSLEY, CHAIR of SENATE SUBCOMMITTEE HEARING 7-27-83 ON REDRESS*

Attch. (1)

*pg 72, 73 hearing book, Japn. Amr. Evac. Redress

Senator Grassley's questions:

1. "According to your report approximately 120,000 persons of Japanese descent were living on the West Coast prior to December 7, 1941. (Chair Joan Bernstein has just so stated.)
⇒ How many moved voluntarily to areas east of the West Coast prior to Executive Order 9066?"
2. How many were able to move to areas outside the Relocation Camps including Japanese Americans who entered colleges around the country?
- ⇒ 3. How many persons of Japanese descent were detained in Department of Justice Internment camps?"

(The Commission had said, page 234 of its report: "By Dec. 1944, 35,000 of the 110,000 persons originally evacuated had relocated outside the Western Defense Command area." - incorrect as that statement IS!)

The Commission's 8-3-83 response to Senator Grassley said:

35,000 out of a total of 120,313 resettled out of relocation ctrs incldg. those to colleges
4,889 never entered a center but relocated and reported to the gov't
544 " " " " and never reported relocating to the gov't, so 544 is estimated
777 resettled out of assembly centers (does this include 206 exempted & left? pg 262 F.R.)
41,210 Total who resettled (not incldg. est. 1000 seasonal workers)(incldg. those to colleges)

Which differs from the breakdown shown on page 203 of the Commission's report:

16,000 resettled from relocation centers during 1943
3,500 in '43 went to inland colleges (actually 5000 less est. 1500 seasonal workers per pg 150)
18,500 more resettled by Dec. 1944 when exclusion ended
4,889 voluntary resettled who never entered an assembly center - Final Report pg 356 & 362
544 voluntary resettled who never entered an assembly center, estimated, as gov't not told
777 resettled out of assembly centers
250 "mixed marriage families" exempted having never entered a center - Final Report pg. 362
1,275 753 seasonal workers who never entrd. a ctr. & the institutionalized - pg 150 Comsn. Rpt.
? in '44 went to inland colleges
1,181 in spring '43 "volunteered" for army per "Betrayal fm the East" etc. (Comsn. has 1208 pg. 150)
2,280 drafted into army 1/14 - 11/30 1944 pg 246 Comsn Report
49,196 Total who resettled, or never entered a ctr., or went in army (excludg. seasonal workers)

1,266 "Suspect" enemy aliens picked up by F.B.I., held in Justice Dept. internment camps
263 Convicted draft evaders in 1944

16,000 "Disloyals" estimated- pg. 17 of 1945 Un-American Activities booklet
(Comsn. report pg 208 says 12,173 disloyals were added to the disloyals at Tule Lake Center when it became a Segregation Center)

17,529 Total interned (Over 20,000 renounced the U. S. & signed to go to Japan. A large % of the 16,000 would be among those WAITING to go to Japan.)

NOTE: The 120,313 includes 929 non-West Coast Japanese picked up by the F. B. I., 219 voluntary to the centers from outside the Military Zones, and unknown number of others not from mainland U. S. it appears.* There are other ignored numbers (Some went into Intelligence Language School; some went to Japan before the war ended, etc.).

*Chart on pg. 150 Comsn. Report

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Redress workshops offer tips for hearing testimony. (1981, April 7). *Pacific Citizen*. pp. 1-5.

Redress committee sets guidelines for witnesses. (1981, May 15). *Pacific Citizen*, p. 4.

Mock hearing set for Seattle. (1981, May 15). *Pacific Citizen*, p. 8.

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Witnesses to Tell Of Kawakita Acts. (1947, July 24). *The San Diego Union-Tribune*.

Jap 'Water Cure' Punishment Told. (1948, July 1). *The San Diego Union-Tribune*.

Beating Over Gum Told At Trial of Kawakita. (1948, July 9). *The San Diego Union-Tribune*.

Meatball Plea for Mercy, Set On Death Order. (1952, October 14). *The San Diego Union-Tribune*. p. B-5.

Ex-Prisoners Accuse Nisei. (1948, June 24). *The San Diego Union-Tribune*.

Nisei Released In One Of Last Kennedy Acts. (1963, November 30). *The San Diego Union-Tribune*. p. A-10.

War Criminal Leaves for Tokyo. (1963, December 13). *The San Diego Union-Tribune*. p. A-27.



From the desk of

March '83

CHARLOTTE ELAM

cc Judiciary Subcommittee
Admission Law + Court Rules

To each member of the S. F. Board of Supvrs.

On Supvr. Quentin Kopp's 2/20 KGO Radio Talk Show, his guest John Tateishi, "redress" chief of the Japanese American Citizens League, said his father was "tremendously PATRIOTIC" and that no incident of SABOTAGE could be attributed to any "Japanese" during WW II.

Page 48 of the attached magazine article tells how Tateishi's father at a mass meeting in the Center, gave out his "diatribe" against America while he pledged his full allegiance to Imperial Japan!

The other guest on the Show, Ret. Major Oliver Anjo and Tateishi discussed the fact that around 16,000 "DISLOYALS" of Japanese ancestry at Tulelake Camp, rioted, sabotaged, beat Caucasians and others suspected of loyalty to the U. S., destroyed on a single occasion \$50,000 worth of fire apparatus, and abt 4000 disloyals repatriated to Japan at war's end.

Major Anjo pointed out the fact that DISLOYALS (including those who repatriated to Japan and have since returned and regained their U. S. citizenship) will soon become eligible under anticipated legislation for \$25,000 each. Aliens and born-here Japanese Americans have already, in 1948, received about 40 million dollars.

The outrageous Commission set up to hold hearings, limited witnesses, limited those who had access to hearings (it was announced often only in Japanese American papers in advance (time, date & place). More proof available if you wish it. Soon you may vote for or against billions for "redress" (to lobby Congress). You should have facts, not lies!

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Stang, A. (1983, March). Six Billion Dollars To Finance A Japanese Relocation Guilt Trip [Part II]. *American Opinion*. pp. 43-54

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Furika, M., Minister. (1981, August 13). Black reparations. *The Gardena News*, pp. A-4.

TESTIMONY OF THE
JAPANESE AMERICAN CITIZENS LEAGUE
LEGISLATIVE EDUCATION COMMITTEE
SUBMITTED TO THE
U.S. HOUSE OF REPRESENTATIVES
JUDICIARY SUBCOMMITTEE
ON
ADMINISTRATIVE LAW AND
GOVERNMENTAL RELATIONS

April 28, 1986

* * * * *

Mr. Chairman and Members of the Subcommittee:

I am Grayce Uyehara of West Chester, Pennsylvania, Executive Director of the Japanese American Citizens League - Legislative Education Committee (JACL-LEC) in Washington, D.C. On behalf of JACL-LEC, I want to express our appreciation for this opportunity to speak before you in support of H.R. 442.

This testimony addresses the propriety of and the precedent for enacting a statute which would provide a payment of \$20,000 to each surviving person who was excluded from his or her place of residence pursuant to Executive Order 9066 which President Roosevelt issued in February, 1942. We are aware that the individual payment remedy is a matter of concern to some members of Congress.

Six years ago, Congress established the Commission on War-time Relocation and Internment of Civilians to review the facts and circumstances involved in the issuance of Executive Order 9066 and the impact and effects of that Order and to recommend appropriate remedies. The history of the Executive Order does not need repeating here: in a nutshell, approximately 120,000 persons -- Americans of Japanese ancestry and resident Japanese aliens -- were excluded from the West Coast of the United States from February, 1942 to December, 1944, and most were held in camps in the interior for the greater part of that period.

The Commission unanimously found that the exclusion and detention were not warranted by the military necessity of wartime, but were the result of the broad historical causes of race prejudice, war hysteria, and a failure of political leadership. As a consequence, there was no personal or individual review

or accounting available to the ethnic Japanese. Thousands of people loyal to this country and its government suffered the grave injustice of exclusion and detention as a result of ethnicity alone. The Commission's finding of injustice had been preceded by numerous academic and scholarly analysis which reached the same general conclusion. Of these, Morton Grodzins' Americans Betrayed of 1949 and Eugene Rostow's 1945 Yale Law Journal article, "The Japanese American Cases -- A Disaster," are simply two of the earliest, best argued and best known. Since the Commission issued its findings three years ago, a variety of contexts had indicated that the factual record supports these conclusions. The decision of the United States Court of Appeals for the District of Columbia Circuit in Hohri v. United States and Judge Voorhees' opinion in Hirabayashi v. United States supply two of the most recent and striking decisions to address this issue.

As a result, this testimony takes as its foundation the finding that the exclusion and detention were a grave injustice -- a deprivation of liberty without the individual review and accountability which are central to our most fundamental conception of fairness and due process. Secretary Stimson put it simply and powerfully in his autobiography: "It remained a fact that to loyal citizens this forced evacuation was a personal injustice."

The central issue to be addressed is what remedy is appropriate for these historical events, and what precedent would be set by the remedy of individual payments which the Commission recommended.

It should be beyond debate that in this century the American people and the federal government have made it part of the bed-rock of our legal and political system that, where governments have caused substantial injury through the deprivation of liberty or other fundamental rights, remedies should be available to the damaged or injured parties. Two examples of this principle applied on a broad scale make the point in powerful terms. The first example is the Indian Claims Act of 1946, 25 U.S.C. §70, et seq. In that statute, Congress gave to the Indian tribes the widest possible right to make claims against the federal government and obtain compensation for past injuries. Five types of claims were permitted:

- (i) claims in law or equity arising under the Constitution, laws, treaties of the United States and Executive Orders of the President;
- (ii) all other claims in law or equity, including those sounding in tort, with respect to which claimant would have been entitled to sue in court if sovereign immunity did not apply;

- (iii) Claims which would result if the treaties, contracts and agreements between the claimant and the United States were revised on any ground recognized in equity, such as fraud, duress, unconscionable consideration, mutual or unilateral mistake;
- (iv) claims arising from the taking of lands by the United States without payment of compensation agreed to by the claimant; and
- (v) claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity.

The last provision set out here addressed to fair and honorable dealings not recognized in law or equity is particularly noteworthy. Not only were the tribes permitted to bring all legal and equitable claims they might have against the government, but they were also given the right to present moral claims as well.

The statute provided five years for the preservation of the claims and waived all defenses based on statutes of limitations or laches.

Simply put, the 1946 Act recognized that the history of the federal government's dealings with the Indian tribes had been checkered with unfairness and injustice and Congress acted on that recognition by providing a monetary remedy for all of those past failures.

Second, in the context of deprivation of rights by state governments, the federal government long ago made any individual who, under color of state law, deprived another of any right or privilege secured by federal law, liable to suit, both for damages and for injunctive relief. 42 U.S.C. §1983. Employment is one of the limited areas in which the federal government itself is likely to be able to practice discrimination, and in that context, too, Congress has recognized the propriety of a monetary remedy for discrimination based on race, color, or religion, rather than individual merit and review. 42 U.S.C. §2000(e), et seq. The present debate over remedies in the civil rights field has not put in question the basic understanding that those who are injured not on the basis of individual qualities, but because of race or ethnicity should have an appropriate remedy available to them. For instance, in a 1981 speech to the American Fair Institute, Attorney General Smith, emphasizing the importance to American ideals of color-blind action by the government, said that in such a society "the injuries to individuals would be redressed by the government on the basis of the actual deprivations suffered by the affected individuals."

We thus arrive at two fundamental propositions. First, where the government has deprived people of liberty on the basis of race or ethnicity, rather than on the basis of individual and

personal review according to the norms of our legal system the injured party should received a remedy. Second, the ethnic Japanese were excluded from the West Coast and detained during World War II on the basis of race and ethnicity and deprived of liberty without individual and personal review.

Once these propositions are accepted, a number of questions need to be answered in proposing a monetary remedy, such as that recommended by the Commission:

- * Wasn't the Japanese-American Evacuation Claims Act a sufficient remedy?
- * Wouldn't a monetary remedy invite similar claims from other ethnic groups?
- * How can a figure of \$20,000 in payment be justified?

These questions will be addressed in order.

Japanese-American Evacuation Claims Act. After the war, the government did attempt to make some amends for the effects of the exclusion and detention. In 1948, Congress passed the Japanese-American Evacuation Claims Act, which provided the right to make claims against the government for damages to or loss of real or personal property, not compensated by insurance, which occurred as a reasonable and natural consequence of the evacuation or exclusion. More than 26,000 claims were made, for a total claimed amount of \$148 million, and the government distributed approximately \$37 million in awards under the Act. The Commission looked closely at the Act and its administration and a number of points emerged from that analysis: The Act did not attempt to provide compensation for lost income or lost opportunities in education or professional advancement. It provided no compensation for the deprivation of liberty or for the mental pain, suffering and stigma that added substantially to the injury suffered by those excluded and detained.

The structure of the Act, and procedures under it, added to the post-War need for cash that was undoubtedly felt by many of the claimants, and the difficulty of proving monetary losses by any method other than the testimony of the claimant inevitably led to settlements which were substantially lower than full and fair compensation.

A careful study of the materials presently available indicate that between \$41 and \$206 million was lost in property for which no compensation was obtained, as well as between \$108 and \$164 million in income for which no compensation was offered. These figures are in 1945 dollars. Adjusted for inflation to 1983, the losses for property and income fall between \$810 million and \$2 billion.

In short, the Japanese-American Evacuation Claims Act was not a fair settling of the accounts. It provided nothing for the deprivation of liberty which is a central concern today,

and, in more easily measurable economic terms, the amount of loss not compensated would fully justify the total sum which would be expended if each survivor of the exclusion were given a payment of \$20,000.

Claims From Similarly Situated Groups. In addressing this issue, it is important to recognize the exact nature of the relief proposed by the Commission. The monetary payment is not to be made on an ethnic or race basis. The payments are to those individuals, and only those individuals, who fell under the terms of the exclusion orders. This is important. Precisely because the original mistake and injustice was to treat everyone of Japanese descent on the basis of race without individual review, it is important that the principal remedy reverse this and provide compensation to those particular individuals who were themselves injured by the federal government.

Recognizing this principle as the basis of the remedy, are there other substantial groups who could claim eligibility for relief from the federal government? Forty years ago, Congress provided a remedy to the Indians for any mistreatment suffered at the hands of the federal government. Congress has long recognized the right of anyone who believes himself improperly discriminated against by the officials of state governments to sue those officials for damages or injunctions. In a more mundane sphere, the federal government allows suits against itself for ordinary torts.

This is not to argue that the federal government has a blameless record in matters of race and discrimination, it does not; but when one looks for cases of people alive today who were themselves directly injured by the federal government because of their race or ethnicity, the Japanese Americans stand out as a special group of individuals. We can be thankful that it has not been the policy of the federal government to deprive people of their liberties and livelihood on the basis of race.

The reality is that the fear of a flood of similar claims is not well founded. And even if one finds individuals or groups who can show direct injury from racial discrimination practiced by the federal government, wasn't William French Smith right when he said the injuries to individuals should be addressed by the government on the basis of the actual deprivations suffered by the affected individuals? That principle is sufficiently central to the American policy that it should be upheld even at some modest cost to the Treasury -- and particularly when no persuasive showing can be made that abiding by it will produce unbearable expense.

Why \$20,000? In addressing the recommendation that individual payments of \$20,000 be made, a word should be said at the outset about alternative remedies. The Commission rejected proposals to waive statutes of limitation and similar defenses or to set up a claims commission. I think this was wisely done. Any adjudicatory process would set up the federal government in

the posture of an adversary to the claimants. It is time for that relationship to end. It is time for scars to be healed. It is not appropriate to start now, forty years after the war, a new round of battles between the federal government and the Japanese Americans.

Moreover, there are two very practical considerations to weigh when one proposes to settle this matter through some form of adjudication. First, papers are long since lost or destroyed and the memories of forty years ago may well lack feasibility. Trying issues forty years old would be an agonizing experience and not a fruitful one. Second, the major aspect of this remedy -- the recognition of the unjust deprivation of liberty with the psychological pain, the stigma, the lost hopes and the missed opportunities that went with it -- cannot be readily or easily translated into dollars and cents. For these elements of injury and damage, and award will, at the end, remain speculative and arbitrary. No process of adjudication will change that. The recognition of these facts underlies the choice of a flat sum payment as a remedy. It is arbitrary, but any sum at the end of any process will be arbitrary. It is important that it be an amount that is not trivial, because the injury was not trivial. But it is also important to recognize that no sum of money can fully settle the account and an attempt to do so would be as quixotic as it would be politically unrealistic. Given these competing interests, the Commission recommended a payment of \$20,000. The important thing is not the exact amount, but the principle behind it: The recognition of the injustice and the injury and the attempt to remedy by the only method now available -- compensatory payment -- by an amount that is meaningful, but which makes no pretense to making people fully whole again. This is beyond the power of the Congress or anyone else.

We believe that both the recognition of the injustice and the compensation payment must be inclusive. Otherwise, the grave injustice suffered by the survivors remains an unfinished business.

It has been established that the incarceration of 120,000 Japanese Americans was wrong and unjustified. In order to right a wrong committed by our government, compensation is in order. The loss of freedom through the action taken by the American government was tragic, extraordinary and precedent setting, and, therefore, requires remedies which are extraordinary. Only those who have lost their freedom will understand it is priceless.

It is fitting to close this testimony by quoting from the Commission's report and giving its reasons for the course it chose after three years of wrestling with this intractable and agonizing dilemma:

These facts present the Commission with a complex problem of great magnitude to which there is no ready or satisfactory answer. No amount of money can fully compensate the excluded people for

their losses and sufferings. Two and a half years behind the barbed-wire of a relocation camp, branded potentially disloyal because of one's ethnicity alone -- these injustices cannot neatly be translated into dollars and cents. Some find such an attempt in itself a means of minimizing the enormity of these events in a constitutional republic. History cannot be undone; anything we do now must inevitably be an expression of regret and an affirmation of our better values as a nation, not an accounting which balances or erases the events of the war. That is now beyond anyone's power.

We owe it to ourselves as a nation which cherishes liberty and our Constitutional values in peace and war alike to act to heal this historic wound by granting appropriate redress to those who suffered injustice at the hands of the government forty years ago.

President Reagan in October, 1985, spoke to the United Nations General Assembly and said:

What kind of people will we be 40 years from today? May we answer: free people, worthy of freedom and firm in the conviction that freedom is not the sole prerogative of a chosen few, but the universal right of all God's children.

This is the Universal Declaration of Human Rights set forth in 1948. And this is the affirming flame the United States has held high to a watchful world. We champion freedom, not only because it is practical and beneficial, but because it is morally right and just.

In November of 1985, before his departure for the summit meeting in Geneva, the President said:

The rights of the individual and the rule of law are as fundamental to peace as arms control. A government which does not respect its citizens' rights is not likely to respect its other international undertakings.

Today we call on Congress to send a strong message to the nation and to the rest of the world that, indeed, the United States keeps its promise and commitment to uphold the Constitution for all its people.

JACL-LEC will be happy to provide additional information to the committee if we are unable to answer any questions today.

Thank you again for this opportunity to testify in support of H.R. 442.

Attachment

ATTACHMENT

Examples of damages allowed for false imprisonment might be illuminating, in considering the cases of Japanese Americans confined in detention centers for periods of up to four years, as follows:

<u>AWARD:</u>	<u>DETAINED:</u>	<u>CASE:</u>
\$900 - 3,200	False imprisonment for 1-3 days for the 1971 May Day antiwar protest. Total appropriation: \$3,150,000	<u>Dellums v. Powell</u> 566 F.2d 167 C.A., D.C. Circuit
\$50,000 -	Arrest after scuffle and detained for less than 1 day.	<u>Bucher v. Krause,</u> 200 F.2d 576, 7th Cir. 1952.
\$112,000 -	Wrongfully convicted of murder, and served 12 years in prison.	<u>Hoffner v. State,</u> 207 Misc, 1070 142 N.Y.S. 2d 630 Ct. Cl. 1955
\$10,000 - +10,000	Assaulted and detained by employer who charged shoplifting	<u>Skillern vs. Stewart</u> 379 S.W. 2d 687, Tex. Civ. App. 1964
\$10,000 - + 500	Roughly handled and briefly detained	<u>Quinn v. Rosenberg,</u> 399 S.W.2d 433 Mo. App. 1966
\$20,000 -	Wrongfully imprisoned for murder and on death row for 2 months; total time in prison, 4 years.	<u>State v. Vargas,</u> 419 S.W.2d 926, Tex. Civ. App. 1967
\$100,000 -	Store owner jailed for disturbance in evicting competitors who were checking prices	<u>S.S. Kresge Co. v. Prescott</u> 435 S.W.2d 203, Tex. Civ. App. 1968
\$400,000 - reduced to 75,000	Woman jailed for 3 days for refusal to pay hotel bill until moving out.	<u>Rothschild v. Drake Hotel</u> 197 F. 2d 419, 7th Cir. 1968
\$100,000 -	Arrest for failure to pay articles taken from store, but actually had been paid.	<u>Thomas v. E.J. Korvette,</u> 320 F. Supp 1163, E.D. PA 1971.

\$35,000 -	False imprisonment for 5-6 hours.	<u>Globe Shopping v. Williams</u> 535 S.W. 2d 53, Tex. Civ. App. 1976
\$10,000 -	Compensatory damages for 3-hr detention, on basis of loss of earnings and mental suffering.	<u>Guion v. Ass. Dry Goods,</u> 56 App. Div. 2d 798 393 N.Y.S. 2d 8, 1977
\$5,000 - 10,000	Actual damages, plus punitive damages for 2½ hrs. detention on accusation of shoplifting.	<u>Joseph v. Jefferson Stores</u> 228 So. 2d 103, Fla, Dist. Ct. App. 1969
\$1,500 -	Jailed for refusal to handed over driver's license on arrest for violating dog leash ordinance.	<u>Enright v. Groves,</u> 560 P. 2d 851, Colo, App. 1977
\$40,000 -	23 Day commitment to mental institution by psychiatrist; award for pain and suffering.	<u>Stowers v. Wolodzko</u> 386 Mich. 119, 191 N.W. 2d. 355, 1971

BIOGRAPHICAL SKETCH

Grayce Ritsu Kaneda Uyehara
1535 Marlboro Road
West Chester, Pennsylvania 19382

Birth: July 4, 1919 - Stockton, California
Married: Hiroshi Uyehara
4 children

Education

Stockton High School - 1937
College of the Pacific, Stockton, CA. - Bachelor of Music, 1942
(in absentia)
University of Pennsylvania, Graduate School of Social Work
Philadelphia, MSW 1947

Work Experience

Group and Community Worker	International Institute, 1945-48 Philadelphia, PA.
Director	Chester County Day Care Center 1962 West Chester, PA.
Child Welfare Worker, Intake	Chester County Children's Services 1963-64, West Chester, PA.
Director of Prof. Serv.	Baptist Children's Home, 1965-69 Philadelphia, PA.
School Social Worker Supervisor	Title I Program, Rose Tree Media School District, 1969-75 Media, PA.
School Social Worker Placement Coordinator	Special Education Lower Merion School District, 1975-85 Ardmore, PA.
Executive Director	Japanese American Citizens League- Legislative Education Committee October 1985-

Personal Statement

My given name, Ritsu, translates in Japanese to "law". My immigrant parents recognized that I was born on the day when this nation celebrates its founding as free people.

When the Civilian Exclusion Order was posted in Stockton, I was teaching the Japanese language at the Army Quartermaster base and was scheduled to teach at the Air Force Training base. Though I was inadequately prepared for this appointment I was asked to teach in the program prepared by the Army.

In May, 1942, we were sent to the Stockton Assembly Center at the San Joaquin County Fair Grounds. In October, 1942, we were relocated to the Rohwer Relocation Center in Arkansas.

One brother was drafted from camp and went to serve in Italy and another brother was drafted from Philadelphia for replacement with the 442nd Infantry. Our family resettled in Philadelphia in 1944.

③ If poll of ASAs - re to redress?

Yasui - overwhelming majority would favor

Sato - all JA redress groups support legislation

④ Hayakawa - humiliation in acceptg. \$ payouts

Uyehara - If one has a sense of pride, then ^{one} wants to be treated as Am citizen.

Resent me for Canada spy. on my behalf.

⑤ 13 yrs. old at time - "Don't want to put issue behind them."

⑥ Remedies - based for future court decisions

⑦ Object - if other remedies avail, shld not be imposed

⑧ Apology v/o repara.?

⑨ want all 5 recomm. of Commis put into effect
- then position officially, formally