

Report of the Commission on
Wartime Relocation and Internment of Civilians

Personal Justice Denied



Foreword by
Tetsuden Kashima

Personal Justice Denied

THE COMMISSION ON WARTIME RELOCATION
AND INTERNMENT OF CIVILIANS

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Angus Macbeth, *Special Counsel*

Personal Justice Denied

Report of the Commission
on Wartime Relocation
and Internment of Civilians

With a New Foreword by Tetsuden Kashima

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The map on page 26 is reprinted from *Years of Infamy: The Untold Story
of America's Concentration Camps*, by Michi Weglyn (University of
Washington Press, 1996).

[I]t remained a fact that to loyal citizens this forced evacuation was a personal injustice, and Stimson fully appreciated their feelings.

—Henry L. Stimson and McGeorge Bundy,
On Active Service in Peace and War

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Prologue

We often take our civil rights and civil liberties for granted. When we vote, we go to a polling place and privately vote our conscience, casting our ballot for a candidate or issue of choice. We are free to express our opinions on any controversial issue among friends, family, or others. We also can go to an after-hours grocery store to pick up something for a late-night snack. Moving about freely and expressing our opinions are not only socially acceptable, they are guaranteed under the Constitution and Bill of Rights.

But how would you respond if your civil liberties were taken away? How would you feel if the police arrested you because you were wearing a certain color shirt that was coincidentally the color worn by a local street gang? What if the minister at your neighborhood church were suddenly taken away for questioning because he was a respected leader in your community? What if vandals broke into your home, sprayed graffiti, and ransacked your property simply because of your race, gender, or religious affiliation? You would be angry and stunned! Yet these were exactly the outrages directed against an innocent group of American citizens and legal residents during a period of wartime hysteria. They happened during World War II, and could happen again, not just to citizens and permanent resident aliens of Japanese ancestry but to any other group, for an arbitrary reason, if we fail to learn the lessons of history.

That is why *Personal Justice Denied* is an important document for all Americans. We need to understand that our civil and constitutional rights, however precious and important they may be to us, are vulnerable to arbitrary intrusion from our own government, especially during times of crisis.

In many ways this publication was an extension of the Civil Rights Movement of the 1960s, which helped raise the nation's consciousness about the negative effects of racial prejudice and discrimination. In the sixties, nearly all segments of the country were struggling to understand the seeds of prejudice and hatred. For the Japanese American community, this period was also an opportunity to raise issues regarding its identity, culture, and experience in America. Through its own initiative and leadership, the community struggled to learn more about the wartime experience of Japanese Americans forced to leave their homes and businesses. Americans of Japanese ancestry struggled to understand issues of forced detention without due process, the rationale of military necessity and racial discrimination, and the emotional pain and suffering of those detained while their sons were serving in the military, defending the very rights their families were being denied.

The learning process was both enlightening and empowering. The lessons from this experience were important not just for one community but for the general population. In bringing this issue to the forefront of national attention, the Japanese American community sought to educate the American public about the violation of constitutional rights and the potential for abuse of power by the government and the military. They also appealed for redress for those directly affected.

In response to the advocacy for redress by a broad spectrum of the Japanese American community, Congress created the Commission on Wartime Relocation and Internment of Civilians (CWRIC) to review and analyze the official government contention, historically accepted, that the exclusion, forced removal, and detention of Americans of Japanese ancestry were justified by military necessity. The Commission was charged with issuing a report to Congress and with making appropriate recommendations based on its findings. One of the Commission's recommendations was to establish a program to educate the American public on the issues involved.

Based on CWRIC recommendations, the Congress adopted, and the President signed into law, Public Law 100-383 (The Civil Liberties Act of 1988), which created The Civil Liberties Public Education Fund (CLPEF). Specifically, the legislation mandates the CLPEF:

to sponsor research and public educational activities, and to publish and distribute the hearings, findings, and recommendations of the Commission, 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 that the causes and circumstances of this and similar events may be illuminated and understood.

Our collaboration with the University of Washington Press to publish the second edition of *Personal Justice Denied* partially fulfills the Congressional mandate. However, the CLPEF's interests were not limited to compliance with the mandate.

We collaborated on republishing this book because we believe it contributes to the advancement of knowledge about civil and human rights in general, as well as it illuminates the specific injustice aimed at Americans of Japanese ancestry. The wartime treatment of Japanese Americans was promulgated under Executive Order 9066, which was signed by President Franklin Roosevelt on February 19, 1942. After extensive hearings and deliberations, the Commission published its findings and conclusions in *Personal Justice Denied*, which stated:

In sum, Executive Order 9066 was not justified by military necessity, and the decisions that followed from it—exclusion, detention, the ending of detention and the ending of exclusion—were not founded upon military considerations. The broad historical causes that shaped these decisions were race prejudice, war hysteria and a failure of political leadership. (“Recommendations,” p. 459)

This conclusion and the supporting documentation contained in the publication are important in many respects. First, *Personal Justice Denied* was the catalyst for a series of historic public policies that addressed the violation of constitutional rights of a segment of its citizenry. Utilizing the findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians, Congress, in its 100th session, deliberated upon and adopted House Resolution 442, which offered an apology to those whose constitutional rights were violated during World War II. Not only was this resolution adopted by Congress, but the legislation implementing it was signed into law by President Reagan at a ceremony in which he stated that “this is a great day for America.” Civil rights attorneys used the testimony to the CWRIC as a basis to vacate U.S. Supreme Court convictions based on military necessity in the exclusion, forced removal, and detention of U.S. citizens during times of crisis.

Second, *Personal Justice Denied* is a record of injustices. It is

based on countless hours of testimony, and it documents human suffering and the waste of human resources. In 1983 dollars, the Commission estimated that between \$810 million and \$2.0 billion was lost in income and property ("Recommendations," p. 459). In the detention centers, families lived in substandard housing, had inadequate nutrition and health care, and had their livelihoods destroyed; many continued to suffer psychologically long after their release. As their parents and families were detained in the camps allegedly because of military necessity, young men volunteered or were drafted to defend their country in the war. Others spent three years in the federal penitentiary after the camps because of their resistance to the incarceration and their insistence that the camps were a violation of their constitutional rights.

Third, *Personal Justice Denied* is a case study of the violation of constitutional rights of American citizens and of how to remedy those violations when they occur. The story of the Commission is not simply about redressing the past. It is a story about a free society's ability to recognize the vulnerabilities and frailties of a democracy. The Commission's effort recognizes that from time to time in America's history mistakes have been made, and that in the case of the detention of Americans of Japanese ancestry, a clear violation of constitutional rights occurred.

Fourth, *Personal Justice Denied* reminds us that this travesty of justice could easily happen to any other group, especially at times when certain groups are perceived to be unpopular: during periods of social unrest, during political crises, during war, or during economic recession. Educating people about the incarceration of one group will help prevent its happening to other minorities in our American democracy.

Personal Justice Denied was the foundation for these historic findings and conclusions. It provided a paper trail of compelling evidence to document the serious violations of rights inflicted upon Japanese American citizens and legal residents. With mountains of evidence and detail, the book effectively refutes the rationale used to justify the incarceration. It not only serves as an informative case study, it provides a framework for understanding how to deal with future attacks on human rights.

The education of the American public regarding the exclusion, forced removal, and detention of Americans of Japanese ancestry does not begin, nor will it end, with this publication. There are now other tools to educate the public on this shameful episode in American history. Some local school boards have adopted resolutions calling for their schools to recognize February 19 as an official "Day of Remem-

brance.” Museums sponsor exhibits capturing portions of the incarceration experience. State legislatures encourage textbook publishers to include in their textbooks more than just one sentence about the incarceration as a violation of human and civil rights and not an act of military necessity. Workshops are sponsored by community organizations to encourage the teaching of these valuable lessons. Still, ignorance persists. Many are not aware of the terrible story; others deny that the incarceration ever happened. The Civil Liberties Public Education Fund itself will sponsor a grants program aimed at educating the public in an effort to remind Americans that such events must never be allowed to happen again.

We hope that making *Personal Justice Denied* available to a wide audience will provide the foundation for a legacy that will be ingrained in American history and culture, and in the minds of the American people. We firmly believe that the lessons from the incarceration are as important as the lessons of the Revolutionary War, of slavery, of the Civil Rights Movement. We firmly believe that we should treat the Day of Remembrance as we do every other national holiday. We firmly believe that it should be common knowledge that the detention of Americans of Japanese ancestry during World War II was not an act of military necessity but an act of racial discrimination.

The republication of *Personal Justice Denied* is only one part of the education process. But we hope that in its new form, this important government document can stimulate other projects and further thought on the protection and strengthening of the civil rights of all Americans.

The Civil Liberties Public Education Fund
January 1997

Foreword

From December 7, 1941, through September 29, 1947,¹ the United States used its warpowers to incarcerate more than 110,000 American citizens and resident aliens. It confined most of them in barbed wire centers, under armed guard, where they were held for an unspecified time. This action was taken against Americans of Japanese ancestry and their parents—a group who had not committed any crimes or been accused of taking any action to warrant such adverse treatment.

Most other Americans were unaware of this facet of the wartime years. Among the Japanese Americans themselves, there was a noticeable reluctance from the mid-1940s through the 1950s to talk openly about their incarceration.² Then, in the 1960s, a noticeable change occurred, as first a few, then many, Japanese Americans became increasingly involved in various social and political movements. In 1967, for example, many Japanese Americans became involved at the national level in a movement to repeal Title II of the Internal Security Act of 1950. When it was repealed in 1971, the outcome offered proof to numerous Japanese Americans that a national social movement could be successful.³ It was during this time that other Japanese Americans in

I am indebted to Judith Dollenmayer, Jack Herzig, Elsa Kudo, Dale Minami, Don Nakanishi, Shirley Shimada, Aiko Yoshinaga-Herzig, and other members of The Civil Liberties Public Education Fund Board for their comments and assistance.

the West Coast states started “pilgrimages” to the World War II incarceration sites and inaugurated a local “Day of Remembrance” to commemorate that experience.

Then, through the efforts of some vocal Nisei and Sansei (children and grandchildren of the original immigrants), the Japanese Americans started a grass-roots political and social campaign to redress the wrong committed against them by their government during World War II.⁴ Initially formed at the local level, small groups—such as the Seattle-based Evacuation and Redress Committee—later became national organizations or worked with other existing Japanese American organizations.⁵ The absence of a unified Japanese American community stance for a large-scale redress campaign, however, soon became evident. Roger Daniels estimates that one-third of the Japanese Americans were for a national campaign, a third were against it, and the last third were neutral.⁶ There were various reasons for this situation. Some believed that revisiting such a painful past served little useful purpose; since what happened could not be undone, they argued, the past should be left buried so they could go on with their lives. Others said that even if this effort to obtain an apology and restitution was successful, no amount of money could compensate adequately for the lost years. They asked, “How does one put a price on such suffering?”

Nevertheless, proponents for a redress movement persevered. As time passed, awareness and support increased in the Japanese American community. Support by non-Japanese American individuals and organizations also served to strengthen the nascent movement. There was a growing and widespread awareness that the incarceration experience transcended the history of one minority group in America. The fact that almost two-thirds of the Japanese Americans so incarcerated were United States citizens and that almost all the remaining affected Japanese nationals were permanent residents made this an American issue. Farther north, as part of the wartime actions, the removal of the Aleuts and Pribilof Islanders from their homes, with the destruction of their communities and churches, was, as well, an American tragedy. As these injustices became known, various civil rights groups became interested in the issue as a possible instrument of public policy. Their interest coincided with the growing trend, beginning in the mid-1960s, for Americans to question their country’s conduct in Vietnam, as well as its historical relationships with its minority groups—notably the Blacks, Chicanos, Native Americans, and Asian Americans.

Supporters of this redress movement also realized that there were ways and means by which the Japanese Americans’ petition could

be raised and heard in the government. Key legislators were in place who could become interested and instrumental in gaining the attention of the rest of the nation. Through their local and national organizations, Japanese Americans approached various political leaders for their support.⁷ Eventually Senators Daniel K. Inouye, the late Spark Matsunaga, the late Samuel I. Hayakawa, and Ted Stevens agreed to co-sponsor Senate Bill 1647 (proposed on August 7, 1979); Representatives James Wright, Norman Mineta, Robert Matsui, and 114 others introduced House Resolution 5499 (on September 28, 1979). In response to these bills, Congress proposed the creation of the Commission on Wartime Relocation and Internment of Civilians (CWRIC), which President Jimmy Carter signed into law (Public Law 96-317) on July 31, 1980.

Commission on Wartime Relocation and Internment of Civilians

The CWRIC had three charges: First, to “review the facts and circumstances surrounding Executive Order Numbered 9066 [signed by President Franklin D. Roosevelt, EO 9066 was used to exclude and incarcerate the vast majority of persons of Japanese ancestry] . . . and the impact of such Executive Order on American citizens and permanent resident aliens.” Second, to “review directives of United States military forces requiring the relocation and, and in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands”; and, third, “to recommend appropriate remedies.”

The CWRIC Commissioners held twenty days of public hearings from July to December of 1981, in ten locations, mainly on the East and West Coasts.⁸ They heard testimony from over 750 witnesses, most of whom were formerly incarcerated Japanese Americans and Aleuts or Pribilof Islanders, but who included as well former internees brought up from Peru, noted scholars, and a few apologists of the incarceration or internment experience. The Commission and its staff also perused extensively the available government archival materials, investigated other sources such as the Franklin D. Roosevelt Library, and examined numerous secondary source materials. It issued its report, *Personal Justice Denied*, on February 24, 1983; its *Recommendations* appeared on June 16, 1983. Both reports are included in this volume.

Also in 1983, the CWRIC issued a third publication, *Papers for the Commission*, with limited distribution. In it was an Addendum to

Personal Justice Denied by Special Counsel Angus Macbeth. Here, he specifically addressed the intercepted Japanese diplomatic cables—code-named MAGIC—and their lack of influence on the U.S. government's decision to remove and incarcerate the Japanese Americans from the West Coast. This addendum and remarks by Commissioner Daniel Lungren are also included in this volume (see Part IV).

Personal Justice Denied constitutes an impressive report, centering on the treatment during World War II of persons of Japanese ancestry from the contiguous 48 states, the territories of Hawaii and Alaska, and various Latin American countries, as well as 976 Aleuts and Pribilof Islanders.⁹ One salient feature of this report is that its conclusion is neither unique nor startling: "The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it—detention, ending detention and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership"¹⁰

Much earlier, even during the war years, numerous Japanese Americans argued that their wholesale expulsion from their homes and subsequent incarceration were unjust. Other individuals also condemned the action as a travesty of justice and inimical to basic democratic rights and American values. Outstanding legal scholar Eugene V. Rostow, for example, in 1945 challenged the legality of the incarceration, calling it "a disaster."¹¹ Later, many who had advocated or assisted in the expulsion and incarceration began to question their wartime actions. For example, Earl Warren, who as the Attorney General of California had urged the removal and incarceration; William O. Douglas, Justice of the Supreme Court, who had joined the majority opinion to validate the mass incarceration; and Milton Eisenhower, the first Director of the War Relocation Authority—all in varying ways in later decades publicly questioned the propriety of their previous positions.¹²

If its conclusion is not unique, then what makes this a significant volume? There are three reasons why this report is so remarkable. The first resides in its imprimatur, or to put it another way, its impeccable credentials. This volume represents the findings of an official government agency of the United States of America. The second rests on its solidity. The report represents a tremendous amount of research and study, the distillation of a mountain of information leading to a solid conclusion and recommendations. And the final reason has to do with its influence. It immediately affected American social policy and ac-

tions and continues to influence subsequent writings and scholarship on the incarceration. Let us examine each of these points.

Imprimatur

For more than forty years, most writers and students of the wartime incarceration, although never a large group, condemned the actions of the United States government. There were some important works that examined critically the actions of the United States government during the War. Carey McWilliams, Dorothy Thomas and Richard Nishimoto, Morton Grodzins, Jacobus tenBroek with Edward Barnhart and Floyd Matson, and Charles Allen, to name a few, wrote influential books during this period.¹³ Yet their criticisms of the government's actions remained almost buried and unrecognized. Most textbooks up to the 1980s did not mention the Japanese American incarceration. When they did so, the perspective taken was that during World War II the government did "evacuate" persons of Japanese ancestry and place them in "relocation" centers because of a military necessity.¹⁴ By implication then, all Japanese Americans were considered to be "dangerous." The contrary view, that this group did not constitute such a dire threat, was never given the same emphasis in such influential sources.

Why the contrary view received so little attention is in part a reflection of life in the United States during those times. Expressing opposition toward the government was much more difficult from the 1940s to the mid-1960s than it was to become later. Soon after World War II and the post-war adjustment phase, America entered into the Korean War. Senator Joseph McCarthy's anti-Communism/infiltration crusade and the start of the Cold War reflected—or resulted in—a national attitude that discouraged criticism of the government. This attitude continued until the late 1960s and early 1970s, when the social climate dramatically changed. Then, in a time of social upheaval and protest, individuals could be more outspoken and could more freely voice their opinions. It was in this changed atmosphere that the CWRIC was conceived and *Personal Justice Denied* issued.

The vital point here is that the CWRIC report represents the government's own findings. The same entity that initiated and justified the incarceration forty years earlier now concluded that it had erred in its basic assertions. The Commission not only declared that there was no military necessity, it recommended a public apology and monetary

restitution to those affected by EO 9066. The Commission's findings rightfully became front- and editorial-page material because they drastically altered an official position held for some four decades. In one volume, the United States government publicly repudiated the rationale of those who had conceived the expulsion and carried out the incarceration.

Solidity

Personal Justice Denied is also significant as sound scholarship. It is based on eighteen months of investigation by the Commission members and their impressive staff.¹⁵ They listened and talked to numerous witnesses, examined publications and resources from a vast number of governmental and non-governmental files resting in the National and other archives. This effort resulted in an exhaustive study whose basic facts have been overwhelmingly accepted. No other volume on the wartime incarceration experience has had the benefit of drawing from such an extensive array of materials, investigatory skill, and assistance from witnesses and other scholars.¹⁶

As a highly readable work of scholarship, the CWRIC report succinctly condensed important aspects of this tremendously difficult time. Few persons have challenged its data and presentation.¹⁷ Moreover, it is eminently interesting, skillfully interweaving gripping stories of human suffering and political intrigue.

Influence

The third reason for the significance of *Personal Justice Denied* has to do with its impact. Rarely has a government report had such far-reaching repercussions in so many areas affecting social policies and actions. Let us take only four areas of influence to illustrate this: economics, law, international affairs, and the academic arena.

There is little doubt that this CWRIC report and recommendations were crucial to effecting the passage of the presidential apology and monetary restitution bills in Congress. Implementing the recommendations was by no means an easy task.¹⁸ Eventually, however, Congress sent to the President for his signature House Bill 442—numbered in honor of the famed Nisei 442nd Regimental Combat Team—which allotted more than 1.2 billion dollars to a fund from

which each surviving Japanese American affected by EO 9066 would receive \$20,000,¹⁹ with additional sums for the Aleuts and Pribilof Islanders. As part of its recommendations, the Civil Liberties Public Education Fund was to be created from the unused moneys allocated for the survivors. This latter fund was dedicated to support research and to undertake a public educational program to be administrated and directed by a Board of Directors. The CWRIC report was not the sole reason for this turn of events, yet its straightforward, unequivocal conclusion and the unanimous stance²⁰ taken by the CWRIC members helped to preclude the introduction of other interpretations or positions.

The report had an impact on the law as well. During World War II, the Supreme Court found constitutional the curfew and exclusion orders enforced against persons of Japanese ancestry. Three major cases of those who resisted the curfew and exclusion orders involve Gordon Hirabayashi, Fred Korematsu, and Minoru Yasui. Legal scholar Peter Irons, in 1981, uncovered internal Justice Department documents written during the war years charging that high-ranking officers knowingly suppressed vital evidence and misrepresented facts in parts of their presentations of these cases to the Supreme Court.²¹ Irons presented his findings to the Commission and to the individuals and civil rights attorneys who worked to overturn the original convictions of these three persons. Later, when these cases were re-opened through a *writ of error coram nobis*, the evidence that Peter Irons and Aiko Yoshinaga-Herzig²² had discovered, along with that in *Personal Justice Denied and Recommendations*, was entered directly into the legal debate. For example, in *Korematsu v United States* the Court took judicial notice of certain conclusions of the CWRIC that credible evidence contradicted the assertions of the Commander of the Western Defense Command that military necessity justified the exclusion and detention of all persons of Japanese ancestry.²³

In the international arena, during World War II, Canada also excluded and/or incarcerated almost all of its residents who were of Japanese ancestry. One phase of the Japanese Canadian redress movement ended successfully in 1988 when Prime Minister Brian Mulroney issued an "Acknowledgment" and ordered an individual payment of \$21,000 to those survivors affected by Canada's exclusion order. Numerous Japanese Canadians who worked on their redress campaign point to two factors that positively influenced their government's actions toward the Japanese Canadians: the first was the upcoming general election, and the second was the passage of the redress bill in the United

States. Many Japanese Canadians believe that their own redress efforts would have been greatly hampered if Japanese Americans had failed to win redress.

Finally, based on its present influence, *Personal Justice Denied* will undoubtedly have an impact on all future scholarship done on the incarceration experience. It has already become a bench mark that present writers cannot ignore, since almost everything written on the incarceration after 1983 refers to this report. It has also sparked additional academic and media interest in the Japanese American World War II experiences; since its release, numerous books have been issued detailing previously unknown and unexamined facets of the wartime experience. It would be fair to state that many more studies will be forthcoming and that the CWRIC report will be one important standard by which newer volumes will be judged and appreciated.

The entire redress movement, in which *Personal Justice Denied* has played such a key role, has also helped to heal the social wound opened a half century ago. As President George Bush wrote in his 1990 letter of apology to each recipient of a redress payment: "A monetary sum and words alone cannot restore lost years or erase painful memories; neither can they fully convey our Nation's resolve to rectify injustice and to uphold the rights of individuals. We can never fully right the wrongs of the past. But we can take a clear stand for justice and recognize that serious injustices were done to Japanese Americans during World War II." Behind these few words, the United States helped to rectify its grievous wartime error; *Personal Justice Denied* was an important factor in this process.

Tetsuden Kashima
University of Washington

NOTES

1. Yoshiaki Fukuda, *Yokuru Seikatsu Rokunen* (Okayama: Tamashima Kappansho, 1957), translated as *My Six Years of Internment: An Issei's Struggle for Justice* (San Francisco: Konko Church of San Francisco, 1990).

2. Tetsuden Kashima, "Japanese American Internees Return, 1945-1955: Readjustment and Social Amnesia," *Phylon* 41(2):107-15, 1980.

3. See Raymond Okamura, "Campaign to Repeal the Emergency Detention Act: Background and History," *Amerasia Journal* 2:72-94, 1974; and Don T. Nakanishi, "Surviving Democracy's 'Mistake': Japanese Americans and the

Enduring Legacy of Executive Order 9066," *Amerasia Journal* 19(1):7–35, 1992. I am indebted to Don Nakanishi for this point.

4. One person stands out in the memory of many Japanese Americans as an early and influential voice for a redress movement. Due credit should be given to the late Edison Uno, San Francisco, California.

5. Space limitation precludes a listing of all the organizations that worked on the campaign for redress. Organizations at the national level include the Japanese American Citizens League, the National Council for Japanese American Redress, and the National Coalition for Redress and Reparations.

6. Roger Daniels, *Asian Americans: Chinese and Japanese in the United States since 1850*, p. 334 (Seattle: University of Washington Press, 1988). See also Roger Daniels, Sandra Taylor, and Harry Kitano, eds., *Japanese Americans: From Relocation to Redress* (Seattle: University of Washington Press, 1996 [originally published 1986]); and Yasuko Iwai Takezawa, *Breaking the Silence: Redress and Japanese American Ethnicity*, pp. 33–42 (Ithaca, NY: Cornell University Press, 1995).

7. Congressman Mike Lowry, Washington State, was the first to introduce a bill into the United States Congress advocating direct monetary restitution to the Japanese Americans incarcerated during World War II. In 1979 he introduced H.R. 5977, which provided for a governmental apology, \$15,000, and \$15 for each day of an individual's internment. This bill was not passed.

8. The nine CWRIC Commissioners were Joan Bernstein, Chair, former general counsel of the Department of Health and Human Services; former Senator Edward Brooke; former Congressman Father Robert Drinan; Arthur Flemming, U.S. Commission on Civil Rights; Former Supreme Court Justice Arthur Goldberg; Father Ishmael Gromoff; Congressman Daniel Lungren; Judge William Marutani; and former Senator Hugh Mitchell. Hearings or major meetings were held twice in Washington, D.C., and once each in the following cities: Alaska (Anchorage, St. Paul, Unalaska), California (Los Angeles, San Francisco), Boston, Chicago, New York, and Seattle.

9. *Personal Justice Denied* also included new materials at that time rarely found in other publications. This new material included, for example, the shipment to the United States of Japanese, German, and other Axis countries' nationals from Latin American countries. Most of these Japanese came from Peru, and although their story is included in the report, theirs is a continuing story as they seek acceptable redress from the United States government. See C. Harvey Gardiner, *Pawns in a Triangle of Hate: The Peruvian Japanese and the United States* (Seattle: University of Washington Press, 1981); and Seiichi Higashide, *Namida no Adios* (Tokyo: Sairyusha, 1985), translated as *Adios to Tears, The Memoirs of a Japanese-Peruvian Internee in U.S. Concentration Camps* (Honolulu: E & E Kudo, 1993). On the removal of the Aleutians and Pribilof Islanders, see Dean Kohlhoff, *When the Wind Was a River: Aleut Evacuation in World War II* (Seattle: University of Washington Press, 1995).

10. *Personal Justice Denied*, p. 18.

11. Eugene V. Rostow, "The Japanese-American Cases—A Disaster," *Yale Law Journal* 45(1945):489–533; and "Our Worst Wartime Mistake," *Harper's* (September 1945), pp. 193–201.

12. Warren wrote: "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens," in *The Memoirs of Chief Justice Earl Warren*, p. 149 (Garden City, New York: Doubleday and Co., 1977). See also Morse Saito, "Warren 'Regrets' His Role in 1942 Evacuation," *Hokubei Mainichi* newspaper, San Francisco, #8336, p.1, June 3, 1974; William O. Douglas, *The Court Years, 1939-1975*, pp. 279-80 (New York: Random House, 1980); and Milton S. Eisenhower, *The President Is Calling*, p. 125 (New York: Doubleday and Company, 1974).

13. It would be difficult to mention all the important early books. See, for example, Carey McWilliams, *Prejudice—Japanese-Americans: Symbol of Racial Intolerance* (Boston: Little, Brown, and Company, 1944); Dorothy S. Thomas and Richard Nishimoto, *The Spoilage* (Berkeley: University of California Press, 1946); Morton Grodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949); Jacobus tenBroek, Edward N. Barnhart, and Floyd W. Matson, *Prejudice, War and the Constitution* (Berkeley: University of California Press, 1954); and Charles Allen, *Concentration Camp, U.S.A* (New York: Marzani and Munsell, 1966). Later influential books include Roger Daniels, *Concentration Camps USA: Japanese Americans and World War* (New York: Holt, Rinehart and Winston, 1972), and Michi Weglyn, *Years of Infamy: The Untold Story of America's Concentration Camps* (Seattle: University of Washington Press, 1996 [originally published in 1976]).

14. See U.S. Commission on Civil Rights, "Asian Americans and Pacific Peoples: A Case of Mistaken Identity," p. 33, February 1975. Recent middle- and high-school texts now mention the Japanese American experience; one text even mentions *Personal Justice Denied* but offers an ambiguous interpretation: "Historians today agree that the relocation order grew out of more than military necessity. The Order also reflected anti-Japanese racism. According to the Commission [CWRIC], the relocation order had been a grave injustice, motivated by prejudice and war hysteria. The issue remains unsettled." In Ernest R. May and Winthrop D. Jordan, *The American People: A History from 1877*, p. 404 (Evanston, IL: McDougal, Littell, and Co., 1986). See also L. Joanne Buggery, Gerald A. Danzer, Charles Mitsakos, and C. Frederick Risinger, *America! America!*, 2d ed., p. 635 (Glenview, IL: Scott, Foresman, and Company, 1987); and Norman K. Risjord and Terry L. Haywoode, *A History of the United States from 1877*, p. 220 (New York: Holt, Rinehart, and Winston, 1979).

15. The writing of *Personal Justice Denied* was primarily the work of Special Counsel Angus Macbeth, senior editor Judith Dollenmayer, and editor Kate Beardsley, with the approval of the nine CWRIC Commissioners. Under the leadership of Joan Z. Bernstein, Chair, and in close consultation with the staff, the Commissioners then formulated the Recommendations to the President and the Congress.

16. The "Papers of the U.S. Commission on Wartime Relocation and Internment of Civilians, Part I: Numerical File Archives," which includes almost all the documents used by the CWRIC in its *Personal Justice Denied*, is available at various university libraries and may be purchased from the

University Publications of America. I am indebted to Don Nakanishi for this information.

17. Some former government officials and individuals express disagreement with the Report's conclusion and its recommendations. John J. McCloy, then Assistant Secretary of War, and Karl Bendtsen, then Major, U.S. Army, participated in the decision to incarcerate persons of Japanese ancestry. Both continue to defend their actions. See Daniels, Taylor, and Kitano, eds., *Japanese Americans*, pp. 213–16.

18. Accounts are now available on the difficulty of the entire process. See, for example, Daniels, Taylor, and Kitano, eds., *Japanese Americans*, and Yasuko I. Takezawa, *Breaking the Silence*.

19. In order to qualify for the monetary payment, the Japanese American must have been alive on August 10, 1988, when President Reagan signed the redress bill. If he or she then died, the money would first go to the surviving spouse; if there were no spouse, the children would be entitled to it.

20. All nine CWRIC Commissioners agreed unanimously to the Report's conclusions. As for the Recommendations, Daniel Lungren was the lone dissenter, who felt that a monetary restitution should not be offered.

21. See Peter Irons, ed., *Justice Delayed: The Record of the Japanese American Internment Cases*, p. 4 (Middletown, CT: Wesleyan University Press, 1989). Gordon Hirabayashi, Fred Korematsu, and Minoru Yasui's cases were re-heard after the release of the CWRIC Report and Recommendations. Another legal battle during this time centered around a class-action redress suit brought by William Hohri. See William Hohri, *Repairing America: An Account of the Movement for Japanese American Redress* (Pullman: Washington State University Press, 1988).

22. Aiko Yoshinaga-Herzig was a CWRIC senior researcher.

23. See *Korematsu v United States*, 584 F. Supp. 1406 (1984). The Court continued by quoting *Personal Justice Denied*: the "broad historical causes which shaped these decisions [exclusion and detention] were race prejudice, war hysteria and a failure of political leadership" (1416–1417). I am indebted to Dale Minami for this information. It is also cited in *Hirabayashi v United States*, Opinion of the Court of Appeals, U.S. Court of Appeals for the Ninth Circuit, 828 F. 2d 591 (9th Cir. 1987), September 24, 1987 (footnote 9, in Peter Irons, *Justice Delayed*, pp. 386–410).

Introduction

The Commission's report is rooted in both its hearings and in archival research. Between July and December 1981, the Commission held 20 days of hearings and took testimony from more than 750 witnesses: Japanese Americans and Aleuts who had lived through the events of World War II, former government officials, public figures, interested citizens, and other professionals who have studied the subjects of the Commission's inquiry. Between July 1981 and December 1982, the Commission staff collected and reviewed materials from government and university archives and read and analyzed the relevant historical writing.

The account of decisions made by officials of the federal government is primarily drawn from contemporaneous memoranda, writings and transcribed conversations with a lesser reliance on memoirs and testimony before the Commission.

The account of public events outside the federal government as well as those chapters which deal with background before Pearl Harbor or events in Hawaii or the First World War experience of German Americans, cited for comparison, rely more heavily on secondary sources. For instance, while many of the working papers at the University of California which analyzed press attitudes in the first months of the war

were reviewed by the staff, no effort was made to collect and reread the entire range of press coverage and comment.

The account of the experiences of Japanese Americans and Aleuts relies heavily on the personal testimony given in the Commission hearings, although substantial support is also provided by contemporaneous government reports. It has been suggested that some of these accounts suffer from the fading of memories over forty years; but it is difficult to give greater weight to accounts by a captive population which may well have believed that fully candid statements accessible to a hostile public or government were not in its best interest. The Commission proceeded carefully to develop out of the testimony a fair, accurate account of the experiences of exclusion, evacuation and detention.

The Commission has not attempted to change the words and phrases commonly used to describe these events at the time they happened. This leaves one open to the charge of shielding unpleasant truths behind euphemisms. For instance, "evacuee" is frequently used in the text; *Webster's Third International Dictionary* defines an evacuee as one "who is removed from his house or community in time of war or pressing danger as a protective measure." In light of the Commission's conclusion that removal was not militarily necessary, "excluee" might be a better term than "evacuee." The Commission has largely left the words and phrases as they were, however, in an effort to mirror accurately the history of the time and to avoid the confusion and controversy a new terminology might provoke. We leave it to each reader to decide for himself how far the language of the period confirms an observation of George Orwell: "In our time, political speech and writing are largely the defense of the indefensible. . . . Thus political language has to consist largely of euphemism, question-begging and sheer cloudy vagueness."

* * *

As Special Counsel to the Commission, I wish to extend deep thanks to all the consultants, volunteers and members of the staff of the Commission throughout its existence. They have borne the burden of a difficult and sensitive task with unflinching diligence and patience. They deserve the entire credit for the additions to knowledge and understanding which the Commission's report provides: Paul T. Bannai, Mark Baribeau, Kate C. Beardsley, Donald R. Brown, Jeanette Chow, Michelle Ducharme, Donna H. Fujioka, Aiko Herzig-Yoshinaga, Jack Herzig, Helen Hessler, Toro Hirose, Stuart J. Ishimaru, Gregory G. King, Key K. Kobayashi, Donna Komure, Barbara Kraft,

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Roger Daniels and Bill Hosokawa undertook to read the historical part of the report in draft form and offered innumerable useful suggestions. They bear no responsibility for the content or conclusions of the report in its final form. The Commission staff undertook the research and review of documents and testimony from which the report was written, and any errors or omissions are the responsibility of the staff.

Great contributions to the editing and production of the report were made by Judith Dollenmayer.

Last, but by no means least, I wish to thank my wife, JoAnn, for her understanding and support throughout the time which I have devoted to the Commission's work.

—Angus Macbeth
Special Counsel

Washington, DC.
December, 1982

Personal Justice Denied

Summary

The Commission on Wartime Relocation and Internment of Civilians was established by act of Congress in 1980 and directed to

1. review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens;
2. review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
3. recommend appropriate remedies.

In fulfilling this mandate, the Commission held 20 days of hearings in cities across the country, particularly on the West Coast, hearing testimony from more than 750 witnesses: evacuees, former government officials, public figures, interested citizens, and historians and other professionals who have studied the subjects of Commission inquiry. An extensive effort was made to locate and to review the records of government action and to analyze other sources of information including contemporary writings, personal accounts and historical analyses.

By presenting this report to Congress, the Commission fulfills the instruction to submit a written report of its findings. Like the body of the report, this summary is divided into two parts. The first describes

actions taken pursuant to Executive Order 9066, particularly the treatment of American citizens of Japanese descent and resident aliens of Japanese nationality. The second covers the treatment of Aleuts from the Aleutian and Pribilof Islands.

PART I: NISEI AND ISSEI*

On February 19, 1942, ten weeks after the Pearl Harbor attack, President Franklin D. Roosevelt signed Executive Order 9066, which gave to the Secretary of War and the military commanders to whom he delegated authority, the power to exclude any and all persons, citizens and aliens, from designated areas in order to provide security against sabotage, espionage and fifth column activity. Shortly thereafter, all American citizens of Japanese descent were prohibited from living, working or traveling on the West Coast of the United States. The same prohibition applied to the generation of Japanese immigrants who, pursuant to federal law and despite long residence in the United States, were not permitted to become American citizens. Initially, this exclusion was to be carried out by "voluntary" relocation. That policy inevitably failed, and these American citizens and their alien parents were removed by the Army, first to "assembly centers"—temporary quarters at racetracks and fairgrounds—and then to "relocation centers"—bleak barrack camps mostly in desolate areas of the West. The camps were surrounded by barbed wire and guarded by military police. Departure was permitted only after a loyalty review on terms set, in consultation with the military, by the War Relocation Authority, the civilian agency that ran the camps. Many of those removed from the West Coast were eventually allowed to leave the camps to join the Army, go to college outside the West Coast or to whatever private employment was available. For a larger number, however, the war years were spent behind barbed wire; and for those who were released, the prohibition against returning to their homes and occupations on the West Coast was not lifted until December 1944.

This policy of exclusion, removal and detention was executed against

*The first generation of ethnic Japanese born in the United States are *Nisei*; the *Issei* are the immigrant generation from Japan; and those who returned to Japan as children for education are *Kibei*.

120,000 people without individual review, and exclusion was continued virtually without regard for their demonstrated loyalty to the United States. Congress was fully aware of and supported the policy of removal and detention; it sanctioned the exclusion by enacting a statute which made criminal the violation of orders issued pursuant to Executive Order 9066. The United States Supreme Court held the exclusion constitutionally permissible in the context of war, but struck down the incarceration of admittedly loyal American citizens on the ground that it was not based on statutory authority.

All this was done despite the fact that not a single documented act of espionage, sabotage or fifth column activity was committed by an American citizen of Japanese ancestry or by a resident Japanese alien on the West Coast.

No mass exclusion or detention, in any part of the country, was ordered against American citizens of German or Italian descent. Official actions against enemy aliens of other nationalities were much more individualized and selective than those imposed on the ethnic Japanese.

The exclusion, removal and detention inflicted tremendous human cost. There was the obvious cost of homes and businesses sold or abandoned under circumstances of great distress, as well as injury to careers and professional advancement. But, most important, there was the loss of liberty and the personal stigma of suspected disloyalty for thousands of people who knew themselves to be devoted to their country's cause and to its ideals but whose repeated protestations of loyalty were discounted—only to be demonstrated beyond any doubt by the record of Nisei soldiers, who returned from the battlefields of Europe as the most decorated and distinguished combat unit of World War II, and by the thousands of other Nisei who served against the enemy in the Pacific, mostly in military intelligence. The wounds of the exclusion and detention have healed in some respects, but the scars of that experience remain, painfully real in the minds of those who lived through the suffering and deprivation of the camps.

The personal injustice of excluding, removing and detaining loyal American citizens is manifest. Such events are extraordinary and unique in American history. For every citizen and for American public life, they pose haunting questions about our country and its past. It has been the Commission's task to examine the central decisions of this history—the decision to exclude, the decision to detain, the decision to release from detention and the decision to end exclusion. The Commission has analyzed both how and why those decisions were made, and what their consequences were. And in order to illuminate those

events, the mainland experience was compared to the treatment of Japanese Americans in Hawaii and to the experience of other Americans of enemy alien descent, particularly German Americans.

The Decision to Exclude

The Context of the Decision. First, the exclusion and removal were attacks on the ethnic Japanese which followed a long and ugly history of West Coast anti-Japanese agitation and legislation. Antipathy and hostility toward the ethnic Japanese was a major factor of the public life of the West Coast states for more than forty years before Pearl Harbor. Under pressure from California, immigration from Japan had been severely restricted in 1908 and entirely prohibited in 1924. Japanese immigrants were barred from American citizenship, although their children born here were citizens by birth. California and the other western states prohibited Japanese immigrants from owning land. In part the hostility was economic, emerging in various white American groups who began to feel competition, particularly in agriculture, the principal occupation of the immigrants. The anti-Japanese agitation also fed on racial stereotypes and fears: the "yellow peril" of an unknown Asian culture achieving substantial influence on the Pacific Coast or of a Japanese population alleged to be growing far faster than the white population. This agitation and hostility persisted, even though the ethnic Japanese never exceeded three percent of the population of California, the state of greatest concentration.

The ethnic Japanese, small in number and with no political voice—the citizen generation was just reaching voting age in 1940—had become a convenient target for political demagogues, and over the years all the major parties indulged in anti-Japanese rhetoric and programs. Political bullying was supported by organized interest groups who adopted anti-Japanese agitation as a consistent part of their program: the Native Sons and Daughters of the Golden West, the Joint Immigration Committee, the American Legion, the California State Federation of Labor and the California State Grange.

This agitation attacked a number of ethnic Japanese cultural traits or patterns which were woven into a bogus theory that the ethnic Japanese could not or would not assimilate or become "American." Dual citizenship, Shinto, Japanese language schools, and the education of many ethnic Japanese children in Japan were all used as evidence. But as a matter of fact, Japan's laws on dual citizenship went no further than those of many European countries in claiming the allegiance of the children of its nationals born abroad. Only a small number of ethnic

Japanese subscribed to Shinto, which in some forms included veneration of the Emperor. The language schools were not unlike those of other first-generation immigrants, and the return of some children to Japan for education was as much a reaction to hostile discrimination and an uncertain future as it was a commitment to the mores, much less the political doctrines, of Japan. Nevertheless, in 1942 these popular misconceptions infected the views of a great many West Coast people who viewed the ethnic Japanese as alien and unassimilated.

Second, Japanese armies in the Pacific won a rapid, startling string of victories against the United States and its allies in the first months of World War II. On the same day as the attack on Pearl Harbor, the Japanese struck the Malay Peninsula, Hong Kong, Wake and Midway Islands and attacked the Philippines. The next day the Japanese Army invaded Thailand. On December 13 Guam fell; on December 24 and 25 the Japanese captured Wake Island and occupied Hong Kong. Manila was evacuated on December 27, and the American army retreated to the Bataan Peninsula. After three months the troops isolated in the Philippines were forced to surrender unconditionally—the worst American defeat since the Civil War. In January and February 1942, the military position of the United States in the Pacific was perilous. There was fear of Japanese attacks on the West Coast.

Next, contrary to the facts, there was a widespread belief, supported by a statement by Frank Knox, Secretary of the Navy, that the Pearl Harbor attack had been aided by sabotage and fifth column activity by ethnic Japanese in Hawaii. Shortly after Pearl Harbor the government knew that this was not true, but took no effective measures to disabuse public belief that disloyalty had contributed to massive American losses on December 7, 1941. Thus the country was unfairly led to believe that both American citizens of Japanese descent and resident Japanese aliens threatened American security.

Fourth, as anti-Japanese organizations began to speak out and rumors from Hawaii spread, West Coast politicians quickly took up the familiar anti-Japanese cry. The Congressional delegations in Washington organized themselves and pressed the War and Justice Departments and the President for stern measures to control the ethnic Japanese—moving quickly from control of aliens to evacuation and removal of citizens. In California, Governor Olson, Attorney General Warren, Mayor Bowron of Los Angeles and many local authorities joined the clamor. These opinions were not informed by any knowledge of actual military risks, rather they were stoked by virulent agitation which encountered little opposition. Only a few churchmen and aca-

demicians were prepared to defend the ethnic Japanese. There was little or no political risk in claiming that it was "better to be safe than sorry" and, as many did, that the best way for ethnic Japanese to prove their loyalty was to volunteer to enter detention. The press amplified the unreflective emotional excitement of the hour. Through late January and early February 1942, the rising clamor from the West Coast was heard within the federal government as its demands became more draconian.

Making and Justifying the Decision. The exclusion of the ethnic Japanese from the West Coast was recommended to the Secretary of War, Henry L. Stimson, by Lieutenant General John L. DeWitt, Commanding General of the Western Defense Command with responsibility for West Coast security. President Roosevelt relied on Secretary Stimson's recommendations in issuing Executive Order 9066.

The justification given for the measure was military necessity. The claim of military necessity is most clearly set out in three places: General DeWitt's February 14, 1942, recommendation to Secretary Stimson for exclusion; General DeWitt's *Final Report: Japanese Evacuation from the West Coast, 1942*; and the government's brief in the Supreme Court defending the Executive Order in *Hirabayashi v. United States*. General DeWitt's February 1942 recommendation presented the following rationale for the exclusion:

In the war in which we are now engaged racial affinities are not severed by migration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become "Americanized," the racial strains are undiluted. To conclude otherwise is to expect that children born of white parents on Japanese soil sever all racial affinity and become loyal Japanese subjects, ready to fight and, if necessary, to die for Japan in a war against the nation of their parents. That Japan is allied with Germany and Italy in this struggle is no ground for assuming that any Japanese, barred from assimilation by convention as he is, though born and raised in the United States, will not turn against this nation when the final test of loyalty comes. It, therefore, follows that along the vital Pacific Coast over 112,000 potential enemies, of Japanese extraction, are at large today. There are indications that these were organized and ready for concerted action at a favorable opportunity. The very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken.

There are two unfounded justifications for exclusion expressed here: first, that ethnicity ultimately determines loyalty; second, that

“indications” suggest that ethnic Japanese “are organized and ready for concerted action”—the best argument for this being the fact that it hadn’t happened.

The first evaluation is not a military one but one for sociologists or historians. It runs counter to a basic premise on which the American nation of immigrants is built—that loyalty to the United States is a matter of individual choice and not determined by ties to an ancestral country. In the case of German Americans, the First World War demonstrated that race did not determine loyalty, and no negative assumption was made with regard to citizens of German or Italian descent during the Second World War. The second judgment was, by the General’s own admission, unsupported by any evidence. General DeWitt’s recommendation clearly does not provide a credible rationale, based on military expertise, for the necessity of exclusion.

In his 1943 *Final Report*, General DeWitt cited a number of factors in support of the exclusion decision: signaling from shore to enemy submarines; arms and contraband found by the FBI during raids on ethnic Japanese homes and businesses; dangers to the ethnic Japanese from vigilantes; concentration of ethnic Japanese around or near militarily sensitive areas; the number of Japanese ethnic organizations on the coast which might shelter pro-Japanese attitudes or activities such as Emperor-worshipping Shinto; and the presence of the Kibei, who had spent some time in Japan.

The first two items point to demonstrable military danger. But the reports of shore-to-ship signaling were investigated by the Federal Communications Commission, the agency with relevant expertise, and no identifiable cases of such signaling were substantiated. The FBI did confiscate arms and contraband from some ethnic Japanese, but most were items normally in the possession of any law-abiding civilian, and the FBI concluded that these searches had uncovered no dangerous persons that “we could not otherwise know about.” Thus neither of these “facts” militarily justified exclusion.

There had been some acts of violence against ethnic Japanese on the West Coast and feeling against them ran high, but “protective custody” is not an acceptable rationale for exclusion. Protection against vigilantes is a civilian matter that would involve the military only in extreme cases. But there is no evidence that such extremity had been reached on the West Coast in early 1942. Moreover, “protective custody” could never justify exclusion and detention for months and years.

General DeWitt’s remaining points are repeated in the *Hirabayashi* brief, which also emphasizes dual nationality, Japanese language

schools and the high percentage of aliens (who, by law, had been barred from acquiring American citizenship) in the ethnic population. These facts represent broad social judgments of little or no military significance in themselves. None supports the claim of disloyalty to the United States and all were entirely legal. If the same standards were applied to other ethnic groups, as Morton Grodzins, an early analyst of the exclusion decision, applied it to ethnic Italians on the West Coast, an equally compelling and meaningless case for "disloyalty" could be made. In short, these social and cultural patterns were not evidence of any threat to West Coast military security.

In sum, the record does not permit the conclusion that military necessity warranted the exclusion of ethnic Japanese from the West Coast.

The Conditions Which Permitted the Decision. Having concluded that no military necessity supported the exclusion, the Commission has attempted to determine how the decision came to be made.

First, General DeWitt apparently believed what he told Secretary Stimson: ethnicity determined loyalty. Moreover, he believed that the ethnic Japanese were so alien to the thought processes of white Americans that it was impossible to distinguish the loyal from the disloyal. On this basis he believed them to be potential enemies among whom loyalty could not be determined.

Second, the FBI and members of Naval Intelligence who had relevant intelligence responsibility were ignored when they stated that nothing more than careful watching of suspicious individuals or individual reviews of loyalty were called for by existing circumstances. In addition, the opinions of the Army General Staff that no sustained Japanese attack on the West Coast was possible were ignored.

Third, General DeWitt relied heavily on civilian politicians rather than informed military judgments in reaching his conclusions as to what actions were necessary, and civilian politicians largely repeated the prejudiced, unfounded themes of anti-Japanese factions and interest groups on the West Coast.

Fourth, no effective measures were taken by President Roosevelt to calm the West Coast public and refute the rumors of sabotage and fifth column activity at Pearl Harbor.

Fifth, General DeWitt was temperamentally disposed to exaggerate the measures necessary to maintain security and placed security far ahead of any concern for the liberty of citizens.

Sixth, Secretary Stimson and John J. McCloy, Assistant Secretary of War, both of whose views on race differed from those of General

DeWitt, failed to insist on a clear military justification for the measures General DeWitt wished to undertake.

Seventh, Attorney General Francis Biddle, while contending that exclusion was unnecessary, did not argue to the President that failure to make out a case of military necessity on the facts would render the exclusion constitutionally impermissible or that the Constitution prohibited exclusion on the basis of ethnicity given the facts on the West Coast.

Eighth, those representing the interests of civil rights and civil liberties in Congress, the press and other public forums were silent or indeed supported exclusion. Thus there was no effective opposition to the measures vociferously sought by numerous West Coast interest groups, politicians and journalists.

Finally, President Roosevelt, without raising the question to the level of Cabinet discussion or requiring any careful or thorough review of the situation, and despite the Attorney General's arguments and other information before him, agreed with Secretary Stimson that the exclusion should be carried out.

The Decision to Detain

With the signing of Executive Order 9066, the course of the President and the War Department was set: American citizens and alien residents of Japanese ancestry would be compelled to leave the West Coast on the basis of wartime military necessity. For the War Department and the Western Defense Command, the problem became primarily one of method and operation, not basic policy. General DeWitt first tried "voluntary" resettlement: the ethnic Japanese were to move outside restricted military zones of the West Coast but otherwise were free to go wherever they chose. From a military standpoint this policy was bizarre, and it was utterly impractical. If the ethnic Japanese had been excluded because they were potential saboteurs and spies, any such danger was not extinguished by leaving them at large in the interior where there were, of course, innumerable dams, power lines, bridges and war industries to be disrupted or spied upon. Conceivably sabotage in the interior could be synchronized with a Japanese raid or invasion for a powerful fifth column effect. This raises serious doubts as to how grave the War Department believed the supposed threat to be. Indeed, the implications were not lost on the citizens and politicians of the interior western states, who objected in the belief that people who threatened wartime security in California were equally dangerous in Wyoming and Idaho.

The War Relocation Authority (WRA), the civilian agency created by the President to supervise the relocation and initially directed by Milton Eisenhower, proceeded on the premise that the vast majority of evacuees were law-abiding and loyal, and that, once off the West Coast, they should be returned quickly to conditions approximating normal life. This view was strenuously opposed by the people and politicians of the mountain states. In April 1942, Milton Eisenhower met with the governors and officials of the mountain states. They objected to California using the interior states as a "dumping ground" for a California "problem." They argued that people in their states were so bitter over the voluntary evacuation that unguarded evacuees would face physical danger. They wanted guarantees that the government would forbid evacuees to acquire land and that it would remove them at the end of the war. Again and again, detention camps for evacuees were urged. The consensus was that a plan for reception centers was acceptable so long as the evacuees remained under guard within the centers.

In the circumstances, Milton Eisenhower decided that the plan to move the evacuees into private employment would be abandoned, at least temporarily. The War Relocation Authority dropped resettlement and adopted confinement. Notwithstanding WRA's belief that evacuees should be returned to normal productive life, it had, in effect, become their jailer. The politicians of the interior states had achieved the program of detention.

The evacuees were to be held in camps behind barbed wire and released only with government approval. For this course of action no military justification was proffered. Instead, the WRA contended that these steps were necessary for the benefit of evacuees and that controls on their departure were designed to assure they would not be mistreated by other Americans on leaving the camps.

It follows from the conclusion that there was no justification in military necessity for the exclusion, that there was no basis for the detention.

The Effect of the Exclusion and Detention

The history of the relocation camps and the assembly centers that preceded them is one of suffering and deprivation visited on people against whom no charges were, or could have been, brought. The Commission hearing record is full of poignant, searing testimony that recounts the economic and personal losses and injury caused by the

exclusion and the deprivations of detention. No summary can do this testimony justice.

Families could take to the assembly centers and the camps only what they could carry. Camp living conditions were Spartan. People were housed in tar-papered barrack rooms of no more than 20 by 24 feet. Each room housed a family, regardless of family size. Construction was often shoddy. Privacy was practically impossible and furnishings were minimal. Eating and bathing were in mass facilities. Under continuing pressure from those who blindly held to the belief that evacuees harbored disloyal intentions, the wages paid for work at the camps were kept to the minimal level of \$12 a month for unskilled labor, rising to \$19 a month for professional employees. Mass living prevented normal family communication and activities. Heads of families, no longer providing food and shelter, found their authority to lead and to discipline diminished.

The normal functions of community life continued but almost always under a handicap—doctors were in short supply; schools which taught typing had no typewriters and worked from hand-me-down school books; there were not enough jobs.

The camp experience carried a stigma that no other Americans suffered. The evacuees themselves expressed the indignity of their conditions with particular power:

On May 16, 1942, my mother, two sisters, niece, nephew, and I left . . . by train. Father joined us later. Brother left earlier by bus. We took whatever we could carry. So much we left behind, but the most valuable thing I lost was my freedom.

* * *

Henry went to the Control Station to register the family. He came home with twenty tags, all numbered 10710, tags to be attached to each piece of baggage, and one to hang from our coat lapels. From then on, we were known as Family #10710.

The government's efforts to "Americanize" the children in the camps were bitterly ironic:

An oft-repeated ritual in relocation camp schools . . . was the salute to the flag followed by the singing of "My country, 'tis of thee, sweet land of liberty"—a ceremony Caucasian teachers found embarrassingly awkward if not cruelly poignant in the austere prison-camp setting.

* * *

In some ways, I suppose, my life was not too different from a lot of kids in America between the years 1942 and 1945. I spent a good part of my time playing with my brothers and friends, learned to shoot marbles, watched sandlot baseball and envied the older kids who wore Boy Scout uniforms. We shared with the rest of America the same movies, screen heroes and listened to the same heart-rending songs of the forties. We imported much of America into the camps because, after all, we were Americans. Through imitation of my brothers, who attended grade school within the camp, I learned the salute to the flag by the time I was five years old. I was learning, as best one could learn in Manzanar, what it meant to live in America. But, I was also learning the sometimes bitter price one has to pay for it.

After the war, through the Japanese American Evacuation Claims Act, the government attempted to compensate for the losses of real and personal property; inevitably that effort did not secure full or fair compensation. There were many kinds of injury the Evacuation Claims Act made no attempt to compensate: the stigma placed on people who fell under the exclusion and relocation orders; the deprivation of liberty suffered during detention; the psychological impact of exclusion and relocation; the breakdown of family structure; the loss of earnings or profits; physical injury or illness during detention.

The Decision to End Detention

By October 1942, the government held over 100,000 evacuees in relocation camps. After the tide of war turned with the American victory at Midway in June 1942, the possibility of serious Japanese attack was no longer credible; detention and exclusion became increasingly difficult to defend. Nevertheless, other than an ineffective leave program run by the War Relocation Authority, the government had no plans to remedy the situation and no means of distinguishing the loyal from the disloyal. Total control of these civilians in the presumed interest of state security was rapidly becoming the accepted norm.

Determining the basis on which detention would be ended required the government to focus on the justification for controlling the ethnic Japanese. If the government took the position that race determined loyalty or that it was impossible to distinguish the loyal from the disloyal because "Japanese" patterns of thought and behavior were too alien to white Americans, there would be little incentive to end detention. If the government maintained the position that distinguishing the loyal from the disloyal was possible and that exclusion and detention were required only by the necessity of acting quickly under

the threat of Japanese attack in early 1942, then a program to release those considered loyal should have been instituted in the spring of 1942 when people were confined in the assembly centers.

Neither position totally prevailed. General DeWitt and the Western Defense Command took the first position and opposed any review that would determine loyalty or threaten continued exclusion from the West Coast. Thus, there was no loyalty review during the assembly center period. Secretary Stimson and Assistant Secretary McCloy took the second view, but did not act on it until the end of 1942 and then only in a limited manner. At the end of 1942, over General DeWitt's opposition, Secretary Stimson, Assistant Secretary McCloy and General George C. Marshall, Chief of Staff, decided to establish a volunteer combat team of Nisei soldiers. The volunteers were to come from those who had passed a loyalty review. To avoid the obvious unfairness of allowing only those joining the military to establish their loyalty and leave the camps, the War Department joined WRA in expanding the loyalty review program to all adult evacuees.

This program was significant, but remained a compromise. It provided an opportunity to demonstrate loyalty to the United States on the battlefields; despite the human sacrifice involved, this was of immense practical importance in obtaining postwar acceptance for the ethnic Japanese. It opened the gates of the camps for some and began some reestablishment of normal life. But, with no apparent rationale or justification, it did not end exclusion of the loyal from the West Coast. The review program did not extend the presumption of loyalty to American citizens of Japanese descent, who were subject to an investigation and review not applied to other ethnic groups.

Equally important, although the loyalty review program was the first major government decision in which the interests of evacuees prevailed, the program was conducted so insensitively, with such lack of understanding of the evacuees' circumstances, that it became one of the most divisive and wrenching episodes of the camp detention.

After almost a year of what the evacuees considered utterly unjust treatment at the hands of the government, the loyalty review program began with filling out a questionnaire which posed two questions requiring declarations of complete loyalty to the United States. Thus, the questionnaire demanded a personal expression of position from each evacuee—a choice between faith in one's future in America and outrage at present injustice. Understandably most evacuees probably had deeply ambiguous feelings about a government whose rhetorical values of liberty and equality they wished to believe, but who found

their present treatment in painful contradiction to those values. The loyalty questionnaire left little room to express that ambiguity. Indeed, it provided an effective point of protest and organization against the government, from which more and more evacuees felt alienated. The questionnaire finally addressed the central question of loyalty that underlay the exclusion policy, a question which had been the predominant political and personal issue for the ethnic Japanese over the past year; answering it required confronting the conflicting emotions aroused by their relation to the government. Evacuee testimony shows the intensity of conflicting emotions:

I answered both questions number 27 and 28 [the loyalty questions] in the negative, not because of disloyalty but due to the disgusting and shabby treatment given us. A few months after completing the questionnaire, U.S. Army officers appeared at our camp and gave us an interview to confirm our answers to the questions 27 and 28, and followed up with a question that in essence asked: "Are you going to give up or renounce your U.S. citizenship?" to which I promptly replied in the affirmative as a rebellious move. Sometime after the interview, a form letter from the Immigration and Naturalization Service arrived saying if I wanted to renounce my U.S. citizenship, sign the form letter and return. Well, I kept the Immigration and Naturalization Service waiting.

* * *

Well, I am one of those that said "no, no" on it, one of the "no, no" boys, and it is not that I was proud about it, it was just that our legal rights were violated and I wanted to fight back. However, I didn't want to take this sitting down. I was really angry. It just got me so damned mad. Whatever we do, there was no help from outside, and it seems to me that we are a race that doesn't count. So therefore, this was one of the reasons for the "no, no" answer.

Personal responses to the questionnaire inescapably became public acts open to community debate and scrutiny within the closed world of the camps. This made difficult choices excruciating:

After I volunteered for the [military] service, some people that I knew refused to speak to me. Some older people later questioned my father for letting me volunteer, but he told them that I was old enough to make up my own mind.

* * *

The resulting infighting, beatings, and verbal abuses left families torn apart, parents against children, brothers against sisters, rel-

atives against relatives, and friends against friends. So bitter was all this that even to this day, there are many amongst us who do not speak about that period for fear that the same harsh feelings might arise up again to the surface.

The loyalty review program was a point of decision and division for those in the camps. The avowedly loyal were eligible for release; those who were unwilling to profess loyalty or whom the government distrusted were segregated from the main body of evacuees into the Tule Lake camp, which rapidly became a center of disaffection and protest against the government and its policies—the unhappy refuge of evacuees consumed by anger and despair.

The Decision to End Exclusion

The loyalty review should logically have led to the conclusion that no justification existed for excluding loyal American citizens from the West Coast. Secretary Stimson, Assistant Secretary McCloy and General Marshall reached this position in the spring of 1943. Nevertheless, the exclusion was not ended until December 1944. No plausible reason connected to any wartime security has been offered for this eighteen to twenty month delay in allowing the ethnic Japanese to return to their homes, jobs and businesses on the West Coast, despite the fact that the delay meant, as a practical matter, that confinement in the relocation camps continued for the great majority of evacuees for another year and a half.

Between May 1943 and May 1944, War Department officials did not make public their opinion that exclusion of loyal ethnic Japanese from the West Coast no longer had any military justification. If the President was unaware of this view, the plausible explanation is that Secretary Stimson and Assistant Secretary McCloy were unwilling, or believed themselves unable, to face down political opposition on the West Coast. General DeWitt repeatedly expressed opposition until he left the Western Defense Command in the fall of 1943, as did West Coast anti-Japanese factions and politicians.

In May 1944 Secretary Stimson put before President Roosevelt and the Cabinet his position that the exclusion no longer had a military justification. But the President was unwilling to act to end the exclusion until the first Cabinet meeting following the Presidential election of November 1944. The inescapable conclusion from this factual pattern is that the delay was motivated by political considerations.

By the participants' own accounts, there is no rational explanation for maintaining the exclusion of loyal ethnic Japanese from the West

Coast for the eighteen months after May 1943—except political pressure and fear. Certainly there was no justification arising out of military necessity.

The Comparisons

To either side of the Commission's account of the exclusion, removal and detention, there is a version argued by various witnesses that makes a radically different analysis of the events. Some contend that, forty years later, we cannot recreate the atmosphere and events of 1942 and that the extreme measures taken then were solely to protect the nation's safety when there was no reasonable alternative. Others see in these events only the animus of racial hatred directed toward people whose skin was not white. Events in Hawaii in World War II and the historical treatment of Germans and German Americans shows that neither analysis is satisfactory.

Hawaii. When Japan attacked Pearl Harbor, nearly 158,000 persons of Japanese ancestry lived in Hawaii—more than 35 percent of the population. Surely, if there were dangers from espionage, sabotage and fifth column activity by American citizens and resident aliens of Japanese ancestry, danger would be greatest in Hawaii, and one would anticipate that the most swift and severe measures would be taken there. But nothing of the sort happened. Less than 2,000 ethnic Japanese in Hawaii were taken into custody during the war—barely one percent of the population of Japanese descent. Many factors contributed to this reaction.

Hawaii was more ethnically mixed and racially tolerant than the West Coast. Race relations in Hawaii before the war were not infected with the same virulent antagonism of 75 years of agitation. While anti-Asian feeling existed in the territory, it did not represent the longtime views of well-organized groups as it did on the West Coast and, without statehood, xenophobia had no effective voice in the Congress.

The larger population of ethnic Japanese in Hawaii was also a factor. It is one thing to vent frustration and historical prejudice on a scant two percent of the population; it is very different to disrupt a local economy and tear a social fabric by locking up more than one-third of a territory's people. And in Hawaii the half-measure of exclusion from military areas would have been meaningless.

In large social terms, the Army had much greater control of day-to-day events in Hawaii. Martial law was declared in December 1941, suspending the writ of habeas corpus, so that through the critical first

months of the war, the military's recognized power to deal with any emergency was far greater than on the West Coast.

Individuals were also significant in the Hawaiian equation. The War Department gave great discretion to the commanding general of each defense area and this brought to bear very different attitudes toward persons of Japanese ancestry in Hawaii and on the West Coast. The commanding general in Hawaii, Delos Emmons, restrained plans to take radical measures, raising practical problems of labor shortages and transportation until the pressure to evacuate the Hawaiian Islands subsided. General Emmons does not appear to have been a man of dogmatic racial views; he appears to have argued quietly but consistently for treating the ethnic Japanese as loyal to the United States, absent evidence to the contrary.

This policy was clearly much more congruent with basic American law and values. It was also a much sounder policy in practice. The remarkably high rate of enlistment in the Army in Hawaii is in sharp contrast to the doubt and alienation that marred the recruitment of Army volunteers in the relocation camps. The wartime experience in Hawaii left behind neither the extensive economic losses and injury suffered on the mainland nor the psychological burden of the direct experience of unjust exclusion and detention.

The German Americans. The German American experience in the First World War was far less traumatic and damaging than that of the ethnic Japanese in the Second World War, but it underscores the power of war fears and war hysteria to produce irrational but emotionally powerful reactions to people whose ethnicity links them to the enemy.

There were obvious differences between the position of people of German descent in the United States in 1917 and the ethnic Japanese at the start of the Second World War. In 1917, more than 8,000,000 people in the United States had been born in Germany or had one or both parents born there. Although German Americans were not massively represented politically, their numbers gave them notable political strength and support from political spokesmen outside the ethnic group.

The history of the First World War bears a suggestive resemblance to the events of 1942: rumors in the press of sabotage and espionage, use of a stereotype of the German as an unassimilable and rapacious Hun, followed by an effort to suppress those institutions—the language, the press and the churches—that were most palpably foreign and perceived as the seedbed of Kaiserism. There were numerous examples of official and quasi-governmental harassment and fruitless investiga-

tion of German Americans and resident German aliens. This history is made even more disturbing by the absence of an extensive history of anti-German agitation before the war.

* * *

The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it—detention, ending detention and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership. Widespread ignorance of Japanese Americans contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. 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.

In memoirs and other statements after the war, many of those involved in the exclusion, removal and detention passed judgment on those events. While believing in the context of the time that evacuation was a legitimate exercise of the war powers, Henry L. Stimson recognized that “to loyal citizens this forced evacuation was a personal injustice.” In his autobiography, Francis Biddle reiterated his beliefs at the time: “the program was ill-advised, unnecessary and unnecessarily cruel.” Justice William O. Douglas, who joined the majority opinion in *Korematsu* which held the evacuation constitutionally permissible, found that the evacuation case “was ever on my conscience.” Milton Eisenhower described the evacuation to the relocation camps as “an inhuman mistake.” Chief Justice Earl Warren, who had urged evacuation as Attorney General of California, stated, “I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens.” Justice Tom C. Clark, who had been liaison between the Justice Department and the Western Defense Command, concluded, “Looking back on it today [the evacuation] was, of course, a mistake.”

PART II: THE ALEUTS

During the struggle for naval supremacy in the Pacific in World War II, the Aleutian Islands were strategically valuable to both the United

States and Japan. Beginning in March 1942, United States military intelligence repeatedly warned Alaska defense commanders that Japanese aggression into the Aleutian Islands was imminent. In June 1942, the Japanese attacked and held the two westernmost Aleutians, Kiska and Attu. These islands remained in Japanese hands until July and August 1943. During the Japanese offensive in June 1942, American military commanders in Alaska ordered the evacuation of the Aleuts from many islands to places of relative safety. The government placed the evacuees in camps in southeast Alaska where they remained in deplorable conditions until being allowed to return to their islands in 1944 and 1945.

The Evacuation

The military had anticipated a possible Japanese attack for some time before June 1942. The question of what should be done to provide security for the Aleuts lay primarily with the civilians who reported to the Secretary of the Interior: the Office of Indian Affairs, the Fish and Wildlife Service and the territorial governor. They were unable to agree upon a course of action—evacuation and relocation to avoid the risks of war, or leaving the Aleuts on their islands on the ground that subsistence on the islands would disrupt Aleut life less than relocation. The civilian authorities were engaged in consulting with the military and the Aleuts when the Japanese attacked.

At this point the military hurriedly stepped in and commenced evacuation in the midst of a rapidly developing military situation. On June 3, 1942, the Japanese bombed the strategic American base at Dutch Harbor in the Aleutians; as part of the response a U.S. ship evacuated most of the island of Atka, burning the Aleut village to prevent its use by Japanese troops, and Navy planes picked up the rest of the islanders a few days later.

In anticipation of a possible attack, the Pribilof Islands were also evacuated by the Navy in early June. In early July, the Aleut villages of Nikolski on Umnak Island, and Makushin, Biorka, Chernofski, Kash-ega and Unalaska on Unalaska Island, and Akutan on Akutan Island were evacuated in a sweep eastward from Atka to Akutan.

At that point, the Navy decided that no further evacuation of Aleut villages east of Akutan Island was needed. Eight hundred seventy-six Aleuts had been evacuated from Aleut villages west of Unimak Island, including the Pribilofs. Except in Unalaska the entire population of each village was evacuated, including at least 30 non-Aleuts. All of the Aleuts were relocated to southeastern Alaska except 50 persons who

were either evacuated to the Seattle area or hospitalized in the Indian Hospital at Tacoma, Washington.

The evacuation of the Aleuts had a rational basis as a precaution to ensure their safety. The Aleuts were evacuated from an active theatre of war; indeed, 42 were taken prisoner on Attu by the Japanese. It was clearly the military's belief that evacuation of non-military personnel was advisable. The families of military personnel were evacuated first, and when Aleut communities were evacuated the white teachers and government employees on the islands were evacuated with them. Exceptions to total evacuation appear to have been made only for people directly employed in war-related work.

The Aleuts' Camps

Aleuts were subjected to deplorable conditions following the evacuation. Typical housing was an abandoned gold mine or fish cannery buildings which were inadequate in both accommodation and sanitation. Lack of medical care contributed to extensive disease and death.

Conditions at the Funter Bay cannery in southeastern Alaska, where 300 Aleuts were placed, provide a graphic impression of one of the worst camps. Many buildings had not been occupied for a dozen years and were used only for storage. They were inadequate, particularly for winter use. The majority of evacuees were forced to live in two dormitory-style buildings in groups of six to thirteen people in areas nine to ten feet square. Until fall, many Aleuts were forced to sleep in relays because of lack of space. The quarters were as rundown as they were cramped. As one contemporary account reported:

The only buildings that are capable of fixing is the two large places where the natives are sleeping. All other houses are absolutely gone from rot. It will be almost impossible to put toilet and bath into any of them except this one we are using as a mess hall and it leaks in thirty places. . . . No brooms, soap or mops or brushes to keep the place suitable for pigs to stay in.

People fell through rotten wooden floors. One toilet on the beach just above the low water mark served ninety percent of the evacuees. Clothes were laundered on the ground or sidewalks.

Health conditions at Funter Bay were described in 1943 by a doctor from the Territorial Department of Health who inspected the camp:

As we entered the first bunkhouse the odor of human excreta and waste was so pungent that I could hardly make the grade. . . . The buildings were in total darkness except for a few candles here

and there [which] I considered distinct fire hazards. . . . [A] mother and as many as three or four children were found in several beds and two or three children in one bunk. . . . The garbage cans were overflowing, human excreta was found next to the doors of the cabins and the drainage boxes into which dishwater and kitchen waste was to be placed were filthy beyond description. . . . I realize that during the first two days we saw the community at its worst. I know that there were very few adults who were well. . . . The water supply is discolored, contaminated and unattractive. . . . [F]acilities for boiling and cooling the water are not readily available. . . . I noticed some lack of the teaching of basic public health fundamentals. Work with such a small group of people who had been wards of the government for a long period of time should have brought better results. It is strange that they could have reverted from a state of thrift and cleanliness on the Islands to the present state of filth, despair, and complete lack of civic pride. I realize, too, that at the time I saw them the community was largely made up of women and children whose husbands were not with them. With proper facilities for leadership, guidance and stimulation . . . the situation could have been quite different.

In the fall of 1942, the only fulltime medical care at Funter Bay was provided by two nurses who served both the cannery camp and a camp at a mine across Funter Bay. Doctors were only temporarily assigned to the camp, often remaining for only a few days or weeks. The infirmary at the mining camp was a three-room bungalow; at the cannery, it was a room twenty feet square. Medical supplies were scarce.

Epidemics raged throughout the Aleuts' stay in southeastern Alaska; they suffered from influenza, measles, and pneumonia along with tuberculosis. Twenty-five died at Funter Bay in 1943 alone, and it is estimated that probably ten percent of the evacuated Aleuts died during their two or three year stay in southeastern Alaska.

To these inadequate conditions was added the isolation of the camp sites, where climatic and geographic conditions were very unlike the Aleutians. No employment meant debilitating idleness. It was prompted in part by government efforts to keep the Pribilovians, at least, together so that they might be returned to harvest the fur seals, an enterprise economically valuable to the government. Indeed a group of Pribilovians were taken back to their islands in the middle of the evacuation period for the purpose of seal harvesting.

The standard of care which the government owes to those within its care was clearly violated by this treatment, which brought great suffering and loss of life to the Aleuts.