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ABSTRACT

This booklet provides samples of documents relating to the internment of some 122,000 Japanese Americans during World War II by Executive Order 9066. The documents cover the time span from the Executive Order in 1942 to 1988 when the U.S. government formally acknowledged the injustice of the internment and provided restitution to the victims. The documents include: (1) photograph of children reciting Pledge of Allegiance at Rafael Weill Elementary School, San Francisco, California, April 20, 1942; (2) photograph of drugstore closing in "Little Tokio," Los Angeles, California, April 11, 1942; (3) photograph of grandfather and grandchildren awaiting evacuation bus, Hayward, California, May 8, 1942; (4) photograph of Tule Lake internment camp, Newell, California, March 20, 1946; (5) galley proof, recommendation of Western Growers Protective Association, February 8, 1942, testimony before the Select Committee Investigating National Defense Migration, House of Representatives, 77th Congress, 2d session; (6) Executive Order 9066, February 19, 1942; (7) Public Law 503, March 21, 1942; (8) Broadside, Civilian Exclusion Order No. 108, July 22, 1942; (9) report on Relocation and the Constitution, August 12, 1942; (10) interview with James Kajiwara, August 11, 1981, Commission on Wartime Relocation and Internment of Civilians; (11) Public Law 100-383, August 10, 1988; and (12) newspaper column, "The Fifth Column on the Coast," by Walter Lippman, February 12, 1942.

(EH)

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 * from the original document. *

ED 052 804

INTERNMENT OF JAPANESE AMERICANS

SO 025 804

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Documents from the National Archives

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Cover: Photograph of children reciting the Pledge of Allegiance at Rafael Weill Elementary School, San Francisco, CA, from the holdings of the Still Picture Branch, National Archives. Records of the War Relocation Authority, Record Group 210.

Documents from the National Archives

Internment of Japanese Americans

Produced by the Education Branch, Office of Public Programs

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in cooperation with

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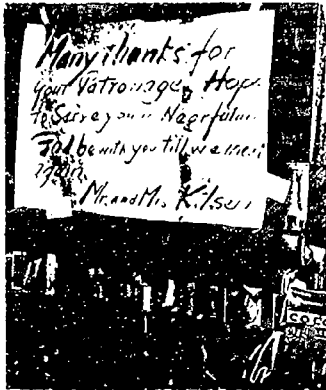
Documents from the National Archives:
Internment of Japanese Americans



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Foreword



To make the historical records of the federal government available nationally, the National Archives has begun a program to introduce these vast resources to college-level students and other adult learners, expanding a program begun in 1979 for secondary school students and teachers.

Documents from the National Archives: Internment of Japanese Americans is the second learning package in this series. For their assistance we are grateful to the American Historical Association, the Community College Humanities Association, and the Organization of American Historians and to the consultants from those associations who advised us. We are sure that students' understanding of the internment of Japanese Americans will be expanded by using these documents. But we hope also that they will feel the excitement and widened curiosity that comes from reading a document created by someone who participated in or witnessed a major historical event. This experience is a significant one, shared by archivists and historians alike.

DON W. WILSON
Archivist of the United States

Preface

About this Series

The National Archives and Records Administration preserves and makes available the historically valuable records created by the federal government and encourages the use of these resources. Toward that end, the Archives has provided this series of reproduced documents on several topics for use in college classrooms or with other adult audiences.

Using archival records can be fascinating because the documents are authentic, personal, and touched by the lives of people from the past. Correctly read, they can reveal facts, points of view, bias, and contradictions. The evidence they offer requires careful scrutiny and often lends itself to more than one interpretation. By analyzing documents, we understand more clearly that secondary sources are derivative.

We have selected the documents in this package from among hundreds that the Archives holds on this topic. These few do not begin to tell the whole story of the internment of Americans of Japanese ancestry, but they do suggest some of the issues involved. They also offer an opportunity for the reader to use raw materials and to practice interpreting them.

Acknowledgments

No publication of this kind can be done entirely by the people whose names appear below. We thank all those archivists, educators, and critics who helped us to produce this unit. In particular, without the informed and generous help of Nadine Hata, Don Hata, Dan Stokes, Rod Ross, Heidi Zeimer, Elizabeth Hill, and Milton Gustafson, the search for and reproduction of records in the National Archives would have been far more difficult.

Our Board of Consultants, whose names are listed on the title page, responded promptly and completely to our request for criticism of

the draft package, and their comments have shaped and improved it. James Gardner, American Historical Association; David Berry, Community College Humanities Association; and Armita Jones, Organization of American Historians, were immensely helpful in providing suggestions for the makeup of this board. Linda N. Brown, Assistant Archivist for Public Programs, and Edith James, Director of the Exhibits and Educational Programs Division, reviewed the text. The manuscript was ably edited by Sandra M. Tilley.

Linda Henry and Jean West
Education Specialists
National Archives and Records Administration

Elsie T. Freeman, Chief
Education Branch
National Archives and Records Administration

Introduction

A Historical Context for these Documents

Between 1861 and 1940 approximately 277,000 Japanese immigrated to Hawaii and the mainland United States, the majority arriving between 1898 and 1924, when quotas were adopted that ended Asian immigration. Many worked in Hawaiian sugarcane fields as contract laborers. After their contracts expired, a number remained and opened up small shops. Other Japanese immigrants settled the west coast of the mainland United States, cultivating marginal farmlands and fruit orchards, fishing, and operating small businesses. Their efforts yielded impressive results. Japanese-Americans controlled less than 4 percent of California's farmland in 1940, but they produced over 10 percent of the total value of the state's farm crops.

As was the case with other immigrant groups, Japanese-Americans settled in ethnic neighborhoods and established their own schools, houses of worship, and economic and cultural institutions. Ethnic concentration was further increased by real estate agents who would not sell properties to Japanese-Americans outside of existing Japanese enclaves and by a 1913 act passed by the California Assembly restricting land ownership to those eligible to be citizens. In 1922 the U.S. Supreme Court in *Ozawa v. United States* upheld the government's right to deny U.S. citizenship to Japanese immigrants.

Envy over economic success combined with distrust over cultural separateness and longstanding anti-Asian racism turned into disaster for Japanese-Americans when the Empire of Japan attacked Pearl Harbor on December 7, 1941. Lobbyists from western states, many representing competing economic interests or nativist groups, pressured Congress and the President to remove persons of Japanese descent, both foreign born (*issei*) and American citizens (*nisei*), from the west coast. During congressional committee hearings, Department of Justice representatives raised

constitutional and ethical objections to the proposal, so instead the U.S. Army carried out the task. The west coast was divided into military zones, and on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066 authorizing exclusion. Congress then implemented the order on March 27, 1942, by passing Public Law 503.

After encouraging voluntary evacuation of the areas, the Western Defense Command began involuntary removal and detention of west coast residents of Japanese-American ancestry. In the next 6 months, approximately 122,000 men, women, and children were moved to assembly centers. They were then evacuated to and confined in isolated, fenced, and guarded relocation centers, popularly known as internment camps. The 10 relocation sites were in remote areas in 6 western states and Arkansas: Heart Mountain in Wyoming, Tule Lake and Manzanar in California, Topaz in Utah, Poston and Gila River in Arizona, Granada in Colorado, Minidoka in Idaho, and Jerome and Rohwer in Arkansas.

Nearly 70,000 of the evacuees were American citizens. The government made no charges against them, nor could they appeal their incarceration. All lost personal liberties, most lost homes and property as well. Although several Japanese-Americans challenged the government's actions in court cases, the Supreme Court upheld their legality. *Nisei* were nevertheless encouraged to serve in the armed forces, and some were also drafted. Altogether, more than 30,000 Japanese-Americans served with distinction during World War II in segregated units.

For many years after the war, various individuals and groups sought compensation for the internees. The speed of the evacuation forced many homeowners and businessmen to sell out quickly; total property loss is estimated at \$1.3 billion, and net income loss at \$2.7 billion (calculated in 1983 dollars). The Japanese-American Evacuation Claims Act of 1948, with amendments in 1951 and 1965, provided token payments for some property losses. More serious efforts to make amends took place in

¹Issei, literally the "first generation" of Japanese in the United States.

²Nisei, literally the "second generation" of Japanese in America, U.S. citizens by birthright.

the early 1980s, when the congressionally established Commission on Wartime Relocation and Internment of Civilians held investigations (see Document 10) and made recommendations. As a result, several bills were introduced in Congress from 1984 until 1988, when Public Law 100-383 (Document 11), which acknowledged the injustice of the internment, apologized for it, and provided for restitution, was finally passed.

Introduction to Document Analysis

As you read the documents that follow, consider the following questions. They will sharpen your understanding of the document and your critical skills. You will find it helpful to write down your responses to these questions.

1. What type of document are you reading?

Newspaper
Letter
Press release
Memorandum
Cartoon

Map
Telegram
Deposition
Pamphlet
Advertisement

Report
Legal decision
Photograph
Other

2. What are the unique physical characteristics of this document?

Letterhead
Typeface
Stamps: "Received" or other

Notations
Typing
Illustrations

Handwriting
Seals
Other

3. What is the date of the document?

4. Who is the author or creator of the document?

5. For what audience or for whom was the document created?

6. What information does this document provide about the following? (There are many possible ways to answer these questions.)

- What has the author of this document said that you think is important? List three points.
- Why do you think the document was created?
- What evidence in the document helps you to know why it was written?
- What does the document tell you about life in the United States at the time it was created?

7. Ask the document's creator a question that is left unanswered by the document.

List of Documents



Records in the National Archives are filed by record group (RG).

1. Cover: Photograph of children reciting Pledge of Allegiance at Rafael Weill Elementary School, San Francisco, CA, April 20, 1942. Records of the War Relocation Authority, RG 210.
2. Photograph of drugstore closing in "Little Tokio," Los Angeles, CA, April 11, 1942. Records of the War Relocation Authority, RG 210.
3. Photograph of grandfather and grandchildren awaiting evacuation bus, Hayward, CA, May 8, 1942. Records of the War Relocation Authority, RG 210.
4. Back cover: Photograph of Tule Lake internment camp, Newell, CA, March 20, 1946. Records of the War Relocation Authority, RG 210.
5. Galley proof, recommendation of Western Growers Protective Association, February 8, 1942; testimony before the Select Committee Investigating National Defense Migration, House of Representatives, 77th Congress, 2d session. Records of the U.S. House of Representatives, RG 233.
6. Executive Order 9066, February 19, 1942. General Records of the U.S. Government, RG 11.
7. Public Law 503, March 21, 1942. General Records of the U.S. Government, RG 11.
8. Broadside, Civilian Exclusion Order No. 108, July 22, 1942. Records of the War Relocation Authority, RG 210.
9. Report on Relocation and the Constitution, August 12, 1942. Records of the War Relocation Authority, RG 210.
10. Interview with James Kajiwara, August 11, 1981. Commission on Wartime Relocation and Internment of Civilians. Records of Temporary Committees, Commissions, and Boards, RG 220.
11. Public Law 100:383, August 10, 1988. General Records of the U.S. Government, RG 11.
12. Newspaper column, "The Fifth Column on the Coast," by Walter Lippmann, February 12, 1942. Records of the Office of the Secretary of War, RG 107.

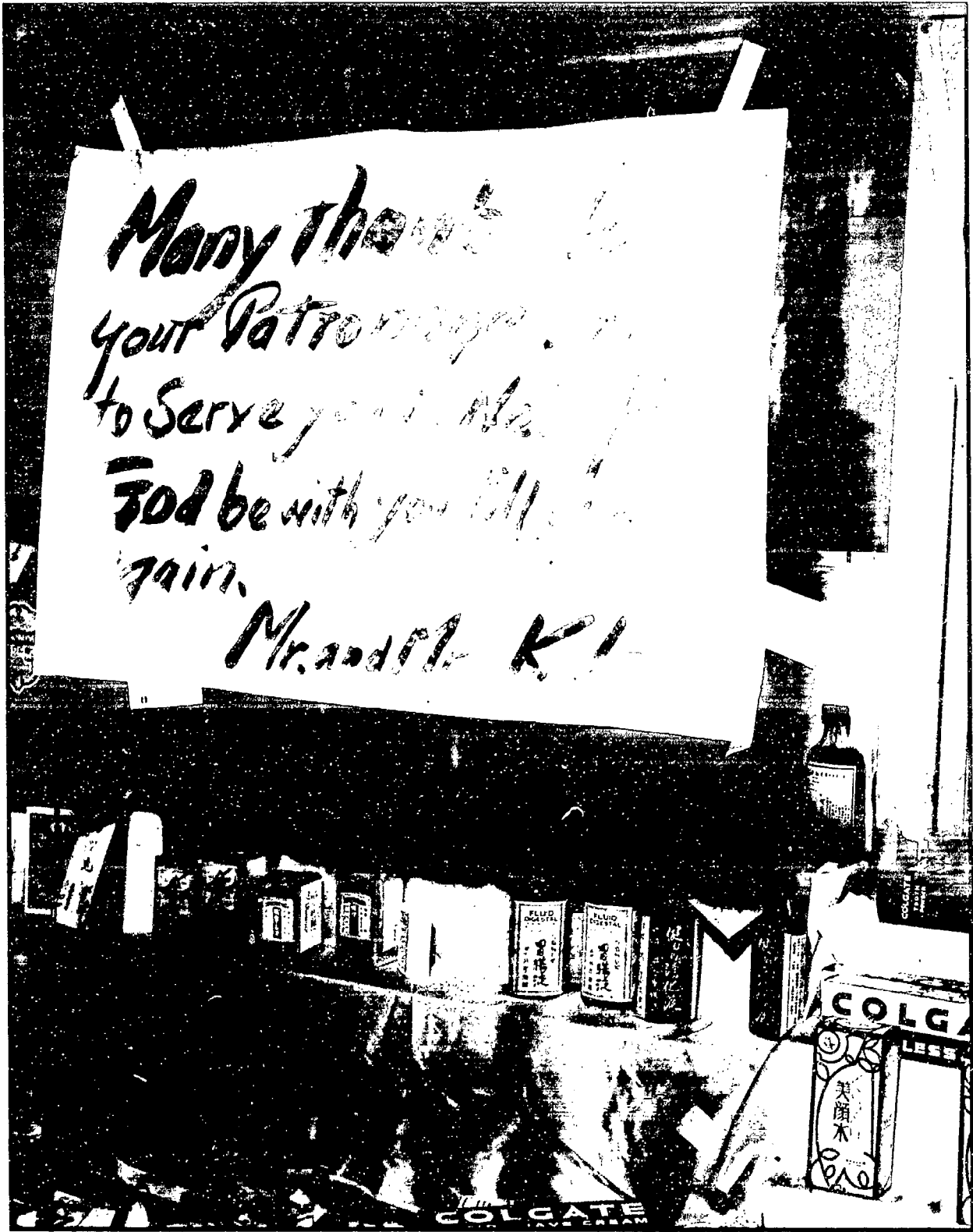


National Archives: Internment
Document 1

13A

13

Black and White Photograph





National Archives: Internment
Document 3



National Archives: Internment
Document 4

39 VF MONO. SEC.

Our county is very limited in housing facilities for groups of people such as these aliens would be, however, provision might be made to take care of small numbers. Stanislaus County is not greatly burdened with many Japanese, either foreign or United States citizens.

Hoping this may help to answer some of your questions, I am

Sincerely yours,

JOHN T. HALFORD,
Secretary County Farm Bureau.

WESTERN GROWERS PROTECTIVE ASSOCIATION,
Los Angeles, Calif.

The following recommendation was adopted by the board of directors of the Western Growers Protective Association, at its regular stated directors' meeting on February 8, 1942:

The Western Growers Protective Association, whose membership is comprised of approximately 85 percent of the vegetable movement from California and Arizona, feeling that its experience with Japanese labor—both alien and American citizens of Japanese parentage—places it in a position to recognize the California agricultural situation better than any other body, calls to your attention the following facts:

California fresh vegetables and melons, as grown for shipment to the entire United States, are grown by white growers in about 94 percent. The Western Growers Protective Association hereby goes on record as stating that the flow of California vegetables to the entire country would not be affected should either or both the alien Japanese or the American citizens of Japanese parentage be removed from the vegetable industry.

The Western Growers Protective Association and its members, through their association with Japanese aliens and American citizens of Japanese parentage, both as employers and farmers, feel that they are in a position to better know the character and feelings of such Japanese than any other group of men. It is the consensus of opinion of the Western Growers Protective Association and its members that no individual alien Japanese, or that no individual American citizen of Japanese parentage, can be judged as to his loyalty solely by past experience. It is the opinion of said association and its members that a good proportion of both alien Japanese and American citizens of Japanese parentage are loyal to the United States of America, yet that some percentage of both aliens and citizens of Japanese parentage may be more loyal to Japan. Consequently, said Western Growers Protective Association and its members, realizing that both alien Japanese and American citizens of Japanese parentage who are loyal to the United States would be willing to endure any hardship to eliminate the possibility of any disloyal action on the part of any of their group—petition that all alien Japanese and American citizens of Japanese parentage be removed to a point where, in the opinion of the Army and Navy, there may be no possibility of such disloyal action affecting the security of the United States.

And, in conjunction with the recommendations of the Los Angeles County Defense Committee, the Western Growers Protective Association concur in the following recommendations of the said Los Angeles County Defense Committee:

That Japanese in the following classifications be moved to points in the Rocky Mountain sugar-beet areas, or other areas deemed safe by the military authorities where housing facilities are available, regardless of whether their labor can immediately be used.

All Japanese who reside within 50 miles of the Pacific coast and Mexican border, or who reside in other areas within a 10-mile radius of munition plants or military camps; including—

(a) Alien Japanese of all ages.

(b) Nonalien Japanese under 18 years of age living with alien parents.

(c) All other Japanese who have American citizenship, this to be attempted at first by an appeal that they remove themselves on their own volition. If this voluntary action is not immediate and fully effective the necessary Federal action should be undertaken.

Federal Security Administration should be charged with the responsibility of developing housing facilities. They should use wherever possible, the present facilities pending construction of other housing units.

The United States Department of Agriculture should be charged with the responsibility of utilizing this labor to the fullest extent in the newly located regions.

The services of the State department of agriculture and the county agricultural commissioners be utilized to assist landlords and farm operators in finding new farmers to take over leased lands for harvesting of crops now planted and planting of new crops.

These recommendations are made with encouragement that action be complete and immediate.

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE
MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U. S. C., Title 50, Sec. 104):

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military

Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

THE WHITE HOUSE,

February 14, 1942.



FEB 21 12 51 PM '42

FEDERAL REGISTER

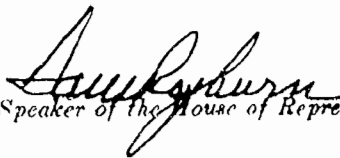
Seventy-seventh Congress of the United States of America;
At the Second Session

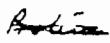
Begun and held at the City of Washington on Monday, the fifth
day of January, one thousand nine hundred and forty-two

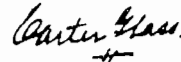
AN ACT

To provide a penalty for violation of restrictions or orders with
respect to persons entering, remaining in, leaving, or committing
any act in military areas or zones.

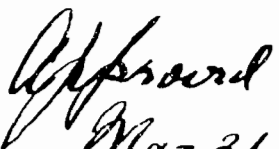

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That whoever shall
enter, remain in, leave, or commit any act in any military area or
military zone prescribed, under the authority of an Executive order
of the President, by the Secretary of War, or by any military com-
mander designated by the Secretary of War, contrary to the restric-
tions applicable to any such area or zone or contrary to the order of
the Secretary of War or any such military commander, shall, if it
appears that he knew or should have known of the existence and
extent of the restrictions or order and that his act was in violation
thereof, be guilty of a misdemeanor and upon conviction shall be
liable to a fine of not to exceed \$5,000 or to imprisonment for not
more than one year, or both, for each offense.


Speaker of the House of Representatives.


~~Vice President of the United States and~~
~~President of the Senate.~~


President of the Senate.

President of the Senate pro tempore


Mar 21 1942


WRA Library Washington

**Headquarters
Western Defense Command
and Fourth Army**

Presidio of San Francisco, California
July 22, 1942

Civilian Exclusion Order No. 108

1. Pursuant to the provisions of Public Proclamations Nos. 1 and 6, this Headquarters, dated March 2, 1942, and June 2, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P.W.T., of Tuesday, August 11, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 2 described as follows:

All that portion of the County of Tulare, State of California, within the boundary beginning at the point at which the westerly line of U. S. Highway No. 99 intersects the Fresno-Tulare County Line; thence northeasterly along said County Line to its intersection with the westerly line of California State Highway No. 65; thence southerly along the westerly line of said Highway No. 65 to its intersection with California State Highway No. 198; thence westerly along the southerly line of said State Highway No. 198 to its intersection with U. S. Highway No. 99; thence northwesterly along the westerly line of said Highway No. 99 to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Monday, July 27, 1942, or during the same hours on Tuesday, July 28, 1942, to the Civil Control Station located at:

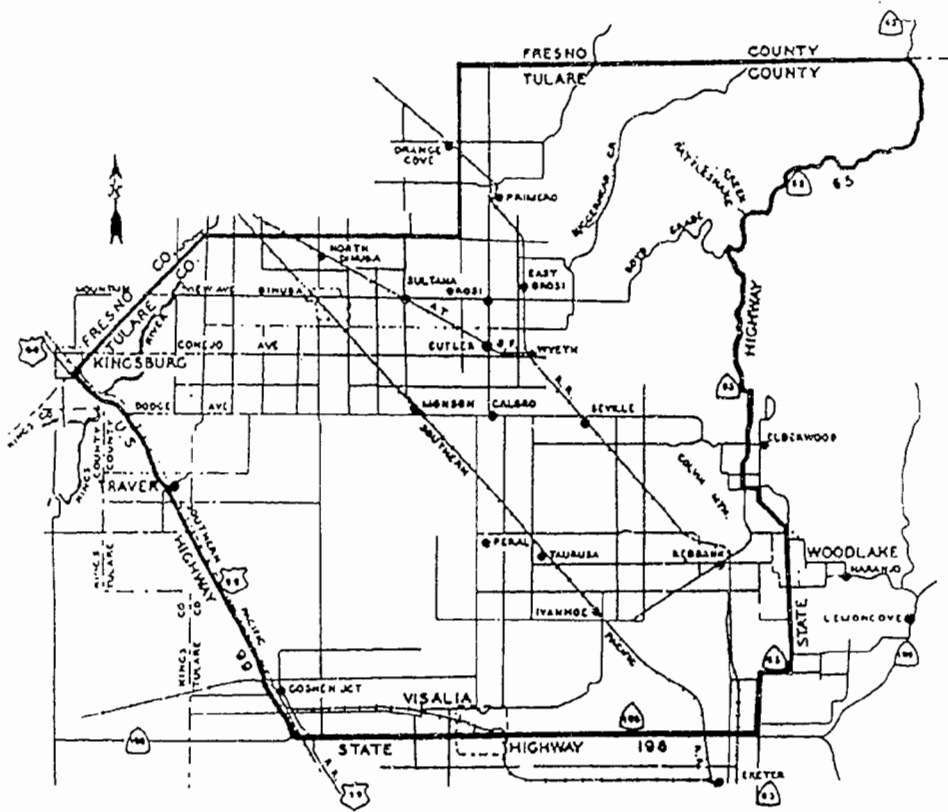
Visalia Municipal Auditorium,
Visalia, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P.W.T., of Tuesday, August 11, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center or Relocation Project pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center or Relocation Project.

J. L. DeWitt
Lieutenant General, U. S. Army
Commanding

PROHIBITED AREA
EXCLUSION ORDER No. 108
WESTERN DEFENSE COMMAND AND FOURTH ARMY



This Map is prepared for the convenience of the public; see the
Civilian Exclusion Order for the full and correct description.

**WESTERN DEFENSE COMMAND AND FOURTH ARMY
WARTIME CIVIL CONTROL ADMINISTRATION
Presidio of San Francisco, California**

**INSTRUCTIONS
TO ALL PERSONS OF
JAPANESE
ANCESTRY**

LIVING IN THE FOLLOWING AREA:

All that portion of the County of Tulare, State of California, within the boundary beginning at the point at which the westerly line of U. S. Highway No. 99 intersects the Fresno-Tulare County Line; thence northeasterly along said County Line to its intersection with the westerly line of California State Highway No. 65; thence southerly along the westerly line of said Highway No. 65 to its intersection with California State Highway No. 198; thence westerly along the southerly line of said State Highway No. 198 to its intersection with U. S. Highway No. 99, thence northwesterly along the westerly line of said Highway No. 99 to the point of beginning.

Pursuant to the provisions of Civilian Exclusion Order No. 108, this Headquarters, dated July 22, 1942, all persons of Japanese ancestry, both alien and non-alien, will be evacuated from the above area by 12 o'clock noon, P.W.T., Tuesday, August 11, 1942.

No Japanese person will be permitted to move into, or out of, the above area after 5:00 A. M., P.W.T., Wednesday, July 22, 1942, without obtaining special permission from the representative of the Commanding General, Northern California Sector, at the Civil Control Station located at:

Visalia Municipal Auditorium,
Visalia, California.

Such permits will only be granted for the purpose of uniting members of a family, or in cases of grave emergency.

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property, such as real estate, business and professional equipment, household goods, boats, automobiles and livestock.

3. Provide temporary residence elsewhere for all Japanese in family groups.

4. Transport persons and a limited amount of clothing and equipment to their new residence.

THE FOLLOWING INSTRUCTIONS MUST BE OBSERVED:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 A. M. and 5:00 P. M. on Monday, July 27, 1942, or between 8:00 A. M. and 5:00 P. M. on Tuesday, July 28, 1942.

2. Evacuees must carry with them on departure for the Relocation Project the following property:

- (a) Bedding and linens (no mattress) for each member of the family;
- (b) Toilet articles for each member of the family;
- (c) Extra clothing for each member of the family;
- (d) Essential personal effects for each member of the family, provided the total baggage does not exceed 150 pounds for each person over 11 years of age and 75 pounds for each child under 12 and over 5 years of age. Other personal effects can be shipped at the evacuees' expense, by parcel post or express to the Relocation Project.

All items taken on the train or shipped must be packaged, tied and plainly marked with the name of the owner and numbered according to instructions obtained at the Civil Control Station where more detailed information can be obtained as to items likely to be needed.

3. No pets of any kind will be permitted.

4. The United States Government through its agencies will provide for the storage, at the sole risk of the owner, of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted for storage if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.

5. Each family, and individual living alone, will be furnished transportation to the Relocation Project. Private means of transportation will not be utilized. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station between the hours of 8:00 A. M. and 5:00 P. M., Monday, July 27, 1942, or between the hours of 8:00 A. M. and 5:00 P. M., Tuesday, July 28, 1942, to receive further instructions.

J. L. DEWITT
Lieutenant General, U. S. Army
Commanding

July 22, 1942

See Civilian Exclusion Order No. 108.

WAR RELOCATION AUTHORITY
WASHINGTON

August 12, 1942

RELOCATION AND THE CONSTITUTION

Prepared by the Office of the Solicitor and the Office of
Reports for use of the War Relocation Authority Staff

CONFIDENTIAL

CONFIDENTIAL

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When Uncle Sam last March ordered 112,000 people of Japanese ancestry to pack up and move out of military areas on the Pacific coast his action generated a storm of discussion and raised some legal questions of fundamental importance to the American people.

It was the first time in the history of the United States that anything like that had ever been done. True, the military dictators of Europe could have taken such action with no questions asked, but in a democracy -- well, that was a different matter.

In the first place, two-thirds of the Japanese people in this country were born here and are therefore citizens -- with the same rights as any of the rest of us. Where then, did the Federal Government get its legal authority to uproot a whole people and transplant them? What basis could be found in the Constitution for such action? Did it mean that the Bill of Rights was also to be scrapped for the duration?

There is no pat answer for these questions nor can they be considered from the standpoint of what would have been right and just ten years ago, or even one year ago when this country was not at war. They must be considered against the backdrop of total war, and from the standpoint of a nation fighting for its existence.

The legal issues involved in this mass movement of the people of Japanese ancestry really divide themselves into two separate and distinct parts. The first has to do with the evacuation -- the legal right of the President in authorizing the military to order the removal of a group of people and their exclusion from certain designated areas along the Pacific coast. The second has to do with their relocation -- the legal right of the Federal Government to detain the Japanese people in isolated communities established for them in the interior.

C-1232-P1 of 4-BU-COS-45

National Archives: Internment
Document 9

The authority for evacuating the Japanese from the west coast was contained in an Executive Order of the President issued February 19, 1942, authorizing military authorities "to prescribe military areas.....from which any or all persons may be excluded,..". (Note particularly that the order does not specifically designate the Japanese people, and that "any or all persons" may be so excluded, citizens and aliens alike.)

Whether the President had the power to issue such an order has not yet been tested in the courts. There is, however, little doubt that as Chief Executive and Commander-in-Chief of the Army and Navy he does have this power in the light of the existing military emergency. On March 2, 1942, Congress passed a law which ratified, by implication, his action; this law provided penalties for violation of the restrictions imposed under terms of the Executive Order. The statute provides a \$5,000 fine and a year in jail or both, for anyone who "shall enter, remain in, or leave....a military area....contrary to restrictions."

In their relationship to the Federal Government, individuals fall into three major groups: (a) citizens; (b) alien friends; (c) alien enemies.

In dealing with enemy aliens there is no question whatever as to the President's powers — they are practically unlimited. Under the Enemy Alien Act, he has absolute authority during war-time to order them deported, or put behind barbed-wire or to direct their activities in any other way that he may deem necessary. Therefore, since Japanese aliens are enemy aliens, the legal right of the Federal Government to order their detention at relocation centers is clear. (About one-third of the evacuated Japanese are aliens.)

The status of alien friends (citizens or subjects of friendly or allied nations) is entirely different. They are entitled to all the safeguards of the Federal Constitution and are protected against war-time restraints to substantially the same degree as are citizens of the United States.

The main constitutional problem centers around detaining American citizens of Japanese ancestry. Under sweeping war-time powers, the Federal Government can order the detention, or place other restriction upon ANY citizen — so long as such restrictions are justified, reasonable and necessary in the protection of national safety and in the preservation of national existence. That does not mean, however, that the Government can set aside the Bill of Rights to suit its convenience. Every citizen still has redress to the courts. Every citizen still retains the rights guaranteed him by the Bill of Rights—but these rights may be curtailed in time of war to protect the national safety.

6-0530-BU-CO-ST-WP

So the constitutional question narrows down to this: Can it be shown that the detention of citizen-Japanese at relocation centers is a reasonable and necessary step for the protection of national safety?

How the courts will answer that question is as yet undetermined, but here, in broad outline, are the defense positions the Federal Government will take in the event the legality of its evacuation and relocation program is challenged:

The action taken with respect to Japanese in this country is justifiable on the grounds of military necessity for several reasons.

1. All Japanese look very much alike to a white person — it is hard for us to distinguish between them. It would be hard to tell a Japanese soldier in disguise from a resident Japanese. The danger of infiltration by Japanese parachutists, soldiers, etc. is, therefore, reduced and the chances of detecting any attempt at infiltration are increased.

2. The Japanese Government has always tried to maintain close ties with and control over Japanese people in this country with the result that many of them have never really been absorbed into American life and culture. Many Japanese-Americans have been educated in Japan. Many, believers in Shintoism, worship the Emperor and regard his orders as superior to any loyalty they may owe the United States. Therefore, the action has reduced the danger of successful invasion by removing an element of the population which had never been assimilated and which might not successfully withstand the strong emotional impulse to change loyalties or give way to their true feelings in the event that Japanese troops should land on our shores.

3. Evacuation and limited detention of the Japanese is justified as a measure in the prevention of sabotage and fifth-column activities. We know that there is a Japanese fifth-column in this country but nobody knows who is in it or how large it is. Some members of it have been caught and, after a hearing, interned. Since it is impossible for us to distinguish between the loyal and the disloyal Japanese, we may avoid the danger of fifth-column activity, sabotage and espionage by removing all Japanese from the danger zones and detaining them in other places.

4. In time of war the judgment of the military authorities is entitled to great weight and should not be lightly pushed aside. Since they have decided that evacuation and detention of the Japanese is a necessary precaution in fighting this war their judgment should stand unless it is proved wrong.

6-0530-BU-CO-ST-WF

5. The action taken was reasonable and necessary for the protection of the Japanese themselves. It minimized the dangers of mob violence and local disorders growing out of war hysteria and racial discrimination. Through lessening the possibility of harsh treatment of Japanese in this country (incidents which would have been exploited promptly by Axis propagandists who wish to make it appear to be a race war) it took away an excuse for even harsher retaliatory treatment of American prisoners by Japan.

Since its creation by Executive Order of the President on March 18, 1942, as the agency charged with the responsibility of relocating the Japanese after their evacuation, the War Relocation Authority has taken steps to strengthen its position on the constitutional question by the adoption of administrative procedures to relax regulations and permit citizen-Japanese to leave relocation centers to accept employment under certain specified conditions. These procedures will change an absolute detention into a qualified detention and will therefore strengthen the reasonableness of the action.

It is of course impossible, in the light of present-day circumstances, to appraise the reaction of the courts to the specific questions raised by the evacuation and the relocation program, and this summary is intended only to point out and call attention to some of the legal problems involved.

At least one case is being tried in the courts, in which an American citizen of Japanese ancestry is suing for a writ of habeas corpus, on the ground that she is being illegally detained against her will in a relocation center. The decision of the courts in this case undoubtedly will have a significant effect on the future of the WRA program and on the lives of the citizens now living in the relocation centers.

6-0530-BU-CO-ST-WP

8/11/51
FILE COPY

INTERVIEW WITH JAMES KAJIWARA

My name is James Hiroshi Kajiwara; I was born in San Francisco, May 28, 1915. I spent a few years of my childhood in San Francisco, but most of my childhood days were spent in Los Angeles--went to grammar school, Junior high and high school in Los Angeles. In 1935 we moved back to San Francisco where my parents opened up a Chinese/Japanese art goods store.

On Sunday, December 7, 1941 (Pearl Harbor Day) my friends and I were out in Chinatown having lunch and we heard these Chinese people talk about "Japontoy" which means "Japanese." I told my friends, "Gee, they're talking about us--something must be wrong." Well, anyway, we walked back after having lunch and on my way back to the store, I met this lady and she said the Japanese had bombed Pearl Harbor. We were quite shocked and I told her that the Japanese wouldn't do such a thing. Well, anyway, we walked down to our store; he went to his store and I went to my parents' store and told my mother that the Japanese had bombed Pearl Harbor and my mother and dad laughed and said, "Oh, the Japanese wouldn't be so stupid to do such a thing." My mother went to lunch and when she came back she said that it was true. The Japanese had bombed Pearl Harbor. So we decided to go home and see what my grandmother and my sister were doing. We lived on Buchanan and Bush Streets; on our way home, about Laguna and Bush, we were stuck because that was the edge of Japantown and they asked us where we were going and we said we live here in Japantown, just about a block away; so we proceeded on home. The following Monday, we went to the store and did business as normal and a couple of days later, some inspector (I think from the Army or the FBI, I don't remember) came and asked us who owned the store and I said that the store was under my name--I was an American citizen. They said OK. Then, as the week went by, we were finally given notice to close the store for our own safety until some of the heat was off, so we closed for a couple of weeks and then later on, they told us we were able to operate our store and the stores that were owned by Nationals had someone from the Treasury Department watching the cash registers so that none of the money from the sales would go to the people who owned the stores, whereas in my

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case, since I was an American citizen, there was no one watching our cash register. So we were able to operate our store for, I forget how long, then we got notice that we would have to go to Tanforan, which was on April 27, 1942. Previous to that, my wife and I had gotten engaged and during the engagement party, we noticed a few Caucasians hanging around and, as soon as our engagement party was over, these two Caucasians approached my brother-in-law and took him into Bismarck (the camp) and this was way before we went into camp. Well, anyway, we were supposed to be married on Easter Sunday in April. My wife lived on Locust and Sacramento and we found out that that section of San Francisco was going to Santa Anita, so we had to cancel all our plans and had to get married right away because we were going to Tanforan. So we got married on April 2, 1942; we went to the assembly center at Tanforan on April 27, 1942. We were the second family to go into Tanforan and were assigned to this little room. Our bedroom was a horse stall with doors that were split where the horses would stick their heads out--I don't know what you call them--Dutch doors, or whatever. That was our bedroom. My mother, dad, sister and grandmother lived in the outer edge of this little area. When we were assigned to this area, I sat down with tears in my eyes because, here I am an American citizen being held a prisoner in my own native land.

I forget how many months we spent in Tanforan before we moved on to Topaz. We were the first group to go to Topaz and we traveled by train and everytime we pulled into a railroad station, the blinds had to be drawn; no one wanted to look out anyway because they were scared; there were armed guards and everything. We were in an old railroad train with horsehair stuffing and we finally got to Topaz and to a town called Delta. Delta was just a little one-horse town; we got onto Army trucks and went to Camp Topaz. Topaz was located on a dry lake bed of the former Lake Seiver, full of alkaline dust--one mile square with every guard towers every 100 yards with a sentry up there with his machine gun. Our barracks, since we were the first group, were incomplete; there were no partitions in the toilets and no toilet seats; the food was so-so, but anyway, we set up camp for the other groups that were coming up.

Camp life--during the time we were in camp, my oldest son was born in Topaz. I was working at the time when he was born, so I didn't have all

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waiting in the waiting room like a normal father would have. Camp life was very regimented--we had to go to our mess hall, sit down. The gong would go off and we would all march to the mess hall, sit down and have dinner. Sometimes on the menu they would have things that we were just not used to eating, like hearts and kidneys which were very strange to us. It was all right for the Caucasians, I guess but we weren't used to it. Most of us worked at various jobs--in fact we were the second largest city in the state of Utah. We ran our own camp. I think I got around \$19 a month in wages--of course, we got our room and board, such as it was. Before camp was really set up, the families didn't have much privacy--the partitions weren't set up. We could hear everything from the other rooms. Finally they put in sheet rock. In the wintertime, they issued heavy jackets but still we had to buy our own winter clothes from Sears Roebuck or Montgomery Ward. There was heat in our barracks, when we had enough coal--we were always scrounging around for extra buckets of coal so we could keep warm. Going from barracks to the showers and back, with wet hair, was really miserable.

One time this man, somehow or other he had gotten a couple of dogs, one dog went out beyond the barbed wire fence. The man tried to call the dog, but the dog wouldn't come back, so he crossed over the barbed wire fence and that's when he got shot and killed. This was in Topaz. So, in order to retaliate, a lot of us went on strike and, since I worked in the Commissary, none of us worked when--our Commissary also provided military police with food, so when none of us worked, they were not able to get their issue of food from the warehouse, as none of us would go to the warehouse to get it for them, in protest for the Japanese man who was shot. Our boss got the food for them. The MPs are not the normal type of GIs that would go overseas; these MPs are not of the caliber to be what you would call "fighting men". Their intelligence was below normal; some of them couldn't even read or write, because many times we'd go from Topaz to Delta and we would show our passes and we would have them upside down and they wouldn't show the difference--that's how dumb they were.

Going back to Topaz, before the camp was really complete--before the sheetrock was put in, there were no walls or ceiling so it was real cold and we had only tarpaper as outer protection. So, finally, when

was beginning to fill up, we had carpenters who were carpenters their regular life back in San Francisco starting the work on the sheetrock. Having that sheetrock was really a lifesaver for us because we would get these awful duststorms--that alkaline dust would just go through our windows and we had to sleep with sheets over our heads and when we awoke in the morning we could see where all the alkaline dust had gone into our rooms and into our clothing, probably some of it into our lungs, too. There was times when whirlwinds would come through, garbage cans would be picked up, people would be knocked down by these minor whirlwinds going through camp--that was a bad experience for some of the people.

A typical day in camp would be--you'd get up in the morning, walk over to the men's section of the bathroom where we'd all brush our teeth, shave, wash our faces, comb our hair (each of us with our little towel and kit). Then we'd go back to our barracks and then the breakfast gong or bell would ring and then we'd go have breakfast. After breakfast, we'd go to our own designated jobs we had in camp. Everyone had a job of some form. After we'd put in our four hours on the job, we'd go back to our designated blocks where we had our own mess hall and we'd have our lunch. After lunch, I think we had an hour for lunch, we'd go back to our jobs and around 4:30 or 5:00 we'd quit work and go back to our barracks and have our dinner. A lot of us started getting smart and bought electric stoves and bought canned goods and if we didn't like what was on the menu, we'd open up the canned goods and have that along with our dinner. As time went on, we'd start bringing our dinners some from the mess hall because we were able to scrounge around and find some wood left over from the carpenters and were able to build tables and room dividers.

When the WRA came out with their loyalty questionnaire, question 27 was "Are you willing to serve in the Armed Forces of the United States on combat duty wherever ordered?" and I answered "yes" very faithfully because this was a very good chance for us to prove our loyalty, but then there were a lot of other Kibei boys that were in our block in opaz that were very rebellious, because they couldn't see our being thrown into camp and stomped on and then to have Uncle Sam come up and say, well, can you come and serve in our Armed Forces? They resented that question very much and we were kind of scared. We thought they

do us bodily harm, when they asked us how we were answering that question, we would say "no-no" when actually we had said "yes-yes." Those times were a littly hairy for us "loyal American."

Question 28 asking us to swear unqualified allegiance to the United States and forswear any allegiance to the Japanese Emperor--my wife and I went along with "yes-yes" and like I said before, there was tough going with the Kibei, but as the days went by, a few of the Kibei boys did acknowledge the fact that they were mistaken and were hasty in making their decision against us and so they were sympathetic with us later on.

We did feel that there was a contradiction in that the United States put us into camps and then turned around and asked us to fight for that same country that treated us so unjustly, but most of us felt that this was a chance for us Japanese-American (Nisei, Sansei) like me to be able to prove to the United States that, even though they had put us into these concentration camps and had taken everything away from us, when the time comes that the United States needs a helping hand, we would all volunteer and help--therefore proving that we are loyal Americans, regardless of whether we look like Japanese.

All in all, it really hurt me because, being born and raised in the United States and then having to go to camp without proving our loyalty, well, if the United States government came and asked us Japanese-Americans, Nisei or Sansei, would we fight against Japan, I'm sure 99% would say yes, we would take up arms, because the United States is our home. But we never did have a chance to prove that and this I'll never forget because, if they had asked us at that time, we all would have joined up in the Army because later on, when we were in Popaz, the United States army came and asked us to volunteer which we all did. You can see how well the 442nd boys had done and also some in military intelligence, too, had proven themselves. They had to prove regardless of whether they were in camp or not, that they were good, first-class American citizens and many boys, in order to prove this, never came back from Europe or the Pacific.

left camp in 1944 in December. I left to go to Detroit, Michigan; I found a job there, not to my liking, but it was a job.

Then we were in Detroit, I worked at a couple of jobs and another son, Jimmy, was born there in Highland Park, Michigan. My wife and the two boys drove back from Detroit to California and stayed with my parents. I started applying for jobs--it seemed like almost everyday I was filling out job applications--we'll call you, don't call us. There was still discrimination against us Japanese-Americans, even though there was all that publicity about the 442nd and how well they had done--the "Go for Broke" boys--there was still discrimination against us at that time. It made me feel hurt that some of my friends had died in the Pacific and also in Europe to prove that they were first-class American citizens and still we were met with this discrimination after everything was all over. Even after it was proved that the Japanese-Americans here and in Hawaii had never sabotaged or proved themselves to be bad citizens.

I've told my children about the camps and they were really surprised that something like this could happen. In fact, my second son, whom I lost in Vietnam--Jim--he got killed March 11, 1967. He was in Vietnam only two months and 11 days and he got killed. Hearing about his parents being in camp didn't bother him--he just went on to Vietnam to prove, like the other boys had done in World War II, that he was also a good first-class citizen of the United States. Jim was only 20 years old when he got killed. He went over there trying to prove how good we were--he didn't dodge the draft like going over to Canada like some of the draft dodgers did.

I don't find it difficult to discuss the camp life--there were so many experiences that I don't know which ones to talk about. When a bunch of us get together, sometimes we talk about camp--the incidents which have happened to friends. We look back and think of that as a bad experience in our lives. We don't look back as an anchor to hold us back, because after all, we've got to go forward--we can't look back.

\$15,000 is all right for compensation--money is secondary with me--I would like to see that people realize that we were incarcerated against our will and put into camps.

I support redress and reparations. I'm glad that the NCRR is working towards helping us older ~~SANSEI~~ to prove that we were incarcerated without trial and a thing like this can happen to other minority groups if the time comes and I hate to see anything like this happen to any other minority--the experience we had to go through.

James Hiroshi Kajiwara 8/11/81

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Public Law 100-383
100th Congress

An Act

To implement recommendations of the Commission on Wartime Relocation and Internment of Civilians.

Aug. 10, 1988
[H.R. 442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Human rights.

SECTION 1. PURPOSES.

50 USC app.
1989.

The purposes of this Act are to—

(1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry during World War II;

(2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of such citizens and permanent resident aliens;

(3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the recurrence of any similar event;

Public
information.

(4) make restitution to those individuals of Japanese ancestry who were interned;

(5) make restitution to Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island, in settlement of United States obligations in equity and at law, for—

(A) injustices suffered and unreasonable hardships endured while those Aleut residents were under United States control during World War II;

(B) personal property taken or destroyed by United States forces during World War II;

Real property.

(C) community property, including community church property, taken or destroyed by United States forces during World War II; and

(D) traditional village lands on Attu Island not rehabilitated after World War II for Aleut occupation or other productive use;

(6) discourage the occurrence of similar injustices and violations of civil liberties in the future; and

(7) make more credible and sincere any declaration of concern by the United States over violations of human rights committed by other nations.

SEC. 2. STATEMENT OF THE CONGRESS.

50 USC app.
1989a.

(a) WITH REGARD TO INDIVIDUALS OF JAPANESE ANCESTRY.—The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a

failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

(b) **WRIT RESPECT TO THE ALEUTS.**—The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, the Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island were relocated during World War II to temporary camps in isolated regions of southeast Alaska where they remained under United States control and in the care of the United States until long after any potential danger to their home villages had passed. The United States failed to provide reasonable care for the Aleuts, and this resulted in widespread illness, disease, and death among the residents of the camps; and the United States further failed to protect Aleut personal and community property while such property was in its possession or under its control. The United States has not compensated the Aleuts adequately for the conversion or destruction of community property caused by the United States military occupation of Aleut villages during World War II. There is no remedy for injustices suffered by the Aleuts during World War II except an Act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

TITLE I—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

SEC 101. SHORT TITLE

This title may be cited as the "Civil Liberties Act of 1988".

SEC. 102. REMEDIES WITH RESPECT TO CRIMINAL CONVICTIONS.

(a) **REVIEW OF CONVICTIONS.**—The Attorney General is requested to review any case in which an individual living on the date of the enactment of this Act was, while a United States citizen or permanent resident alien of Japanese ancestry, convicted of a violation of—

- (1) Executive Order Numbered 9086, dated February 19, 1942;
- (2) The Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat. 178); or
- (3) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers, or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry.

on account of the refusal by such individual, during the evacuation, relocation, and internment period, to accept treatment which discriminated against the individual on the basis of the individual's Japanese ancestry.

(b) **RECOMMENDATIONS FOR PARDONS.**—Based upon any review under subsection (a), the Attorney General is requested to recommend to the President for pardon consideration those convictions which the Attorney General considers appropriate.

(c) **ACTION BY THE PRESIDENT.**—In consideration of the statement of the Congress set forth in section 2(a), the President is requested to offer pardons to any individuals recommended by the Attorney General under subsection (b).

SEC. 103. CONSIDERATION OF COMMISSION FINDINGS BY DEPARTMENTS AND AGENCIES

(a) **REVIEW OF APPLICATIONS BY ELIGIBLE INDIVIDUALS.**—Each department and agency of the United States Government shall review with liberality, giving full consideration to the findings of the Commission and the statement of the Congress set forth in section 2(a), any application by an eligible individual for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the United States Government against such individual which was based upon the individual's Japanese ancestry and which occurred during the evacuation, relocation, and internment period.

(b) **NO NEW AUTHORITY CREATED.**—Subsection (a) does not create any authority to grant restitution described in that subsection, or establish any eligibility to apply for such restitution.

SEC. 104. TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States the Civil Liberties Public Education Fund, which shall be administered by the Secretary of the Treasury.

(b) **INVESTMENT OF AMOUNTS IN THE FUND.**—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(c) **USES OF THE FUND.**—Amounts in the Fund shall be available only for disbursement by the Attorney General under section 105 and by the Board under section 106.

(d) **TERMINATION.**—The Fund shall terminate not later than the earlier of the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund by subsection (e), and any income earned on such amount, or 10 years after the date of the enactment of this Act. If all of that amount in the Fund have not been expended by the end of that 10-year period, investments of amounts in the Fund shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund \$1,250,000,000, of which not more than \$500,000,000 may be appropriated for any fiscal year. Any amounts appropriated pursuant to this section are authorized to remain available until expended.

SEC. 106. RESTITUTION.

(a) **LOCATION AND PAYMENT OF ELIGIBLE INDIVIDUALS.**—

(d) **ADMINISTRATIVE COSTS NOT PAID FROM THE FUND.**—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

(e) **TERMINATION OF DUTIES OF ATTORNEY GENERAL.**—The duties of the Attorney General under this section shall cease when the Fund terminates.

(f) **CLAIMIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.**—Amounts paid to an eligible individual under this section—

- (1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and
- (2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 2003(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

SEC. 104. BOARD OF DIRECTORS OF THE FUND.

(a) **ESTABLISHMENT.**—There is established the Civil Liberties Public Education Fund Board of Directors, which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) **USES OF FUND.**—The Board may make disbursements from the Fund only—

- (1) to sponsor research and public educational activities; and
- (2) 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; and

(3) for reasonable administrative expenses of the Board, including expenses incurred under subsections (c)(9), (d), and (e).

(c) MEMBERSHIP.

(1) **APPOINTMENT.**—The Board shall be composed of 9 members appointed by the President, by and with the advice and consent of the Senate, from individuals who are not officers or employees of the United States Government.

(2) **TERMS.**—(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of 3 years.

(B) Of the members first appointed—

- (i) 5 shall be appointed for terms of 3 years, and
- (ii) 4 shall be appointed for terms of 2 years,

as designated by the President at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of such member's term until such member's successor has taken office. No individual may be appointed as a member for more than 2 consecutive terms.

(3) **COMPENSATION.**—Members of the Board shall serve without pay, except that members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board, in the same manner as persons employed intermittently

in the United States Government are allowed expenses under section 5705 of title 5, United States Code.

(4) **QUORUM.**—5 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(5) **CHAIR.**—The Chair of the Board shall be elected by the members of the Board.

(d) DIRECTOR AND STAFF.

(1) **DIRECTOR.**—The Board shall have a Director who shall be appointed by the Board.

(2) **ADMINISTRATIVE STAFF.**—The Board may appoint and fix the pay of such additional staff as it may require.

(3) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The Director and the additional staff of the Board may be appointed without regard to section 5311(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5324(a) of such title.

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(f) **GIFTS AND DONATIONS.**—The Board may accept, use, and dispose of gifts or donations of services or property for purposes authorized under subsection (b).

(g) **ANNUAL REPORT.**—Not later than 12 months after the first meeting of the Board and every 12 months thereafter, the Board shall transmit to the President and to each House of the Congress a report describing the activities of the Board.

(h) **TERMINATION.**—90 days after the termination of the Fund, the Board shall terminate and all obligations of the Board under this section shall cease.

SEC. 107. DOCUMENTS RELATING TO THE INTERNMENT.

(a) **PRESERVATION OF DOCUMENTS IN NATIONAL ARCHIVES.**—All documents, personal testimony, and other records created or received by the Commission during its inquiry shall be kept and maintained by the Archivist of the United States who shall preserve such documents, testimony, and records in the National Archives of the United States. The Archivist shall make such documents, testimony, and records available to the public for research purposes.

(b) **PUBLIC AVAILABILITY OF CERTAIN RECORDS OF THE HOUSE OF REPRESENTATIVES.**—(1) The Clerk of the House of Representatives is authorized to permit the Archivist of the United States to make available for use records of the House not classified for national security purposes, which have been in existence for not less than thirty years, relating to the evacuation, relocation, and internment of individuals during the evacuation, relocation, and internment period.

(2) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives, but is applicable only with respect to the availability of records to which it applies, and supersedes other rules only to the extent that the time limitation established by this section with respect to such records is specifically

inconsistent with such rules, and is enacted with full recognition of the constitutional right of the House to change its rules at any time, in the same manner and to the same extent as in the case of any other rule of the House.

SEC. 104. DEFINITIONS.

For the purposes of this title—

(1) the term "evacuation, relocation, and internment period" means that period beginning on December 7, 1941, and ending on June 30, 1946;

(2) the term "eligible individual" means any individual of Japanese ancestry who is living on the date of the enactment of this Act and who, during the evacuation, relocation, and internment period—

(A) was a United States citizen or a permanent resident alien; and

(B)(i) was confined, held in custody, relocated, or otherwise deprived of liberty or property as a result of—

(i) Executive Order Numbered 9066, dated February 19, 1942;

(ii) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing acts in military areas or zones", approved March 21, 1942 (56 Stat. 178); or

(iii) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action taken by or on behalf of the United States or its agents, representatives, officers, or employees, respecting the evacuation, relocation, or internment of individuals solely on the basis of Japanese ancestry; or

(ii) was enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on June 30, 1946, as being in a prohibited military zone;

except that the term "eligible individual" does not include any individual who, during the period beginning on December 7, 1941, and ending on September 2, 1946, relocated to a country while the United States was at war with that country.

(3) the term "permanent resident alien" means an alien lawfully admitted into the United States for permanent residence;

(4) the term "Fund" means the Civil Liberties Public Education Fund established in section 104;

(5) the term "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 106; and

(6) the term "Commission" means the Commission on War-time Relocation and Internment of Civilians, established by the Commission on War-time Relocation and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note).

SEC. 109. COMPLIANCE WITH BUDGET ACT.

No authority under this title to enter into contracts or to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriations Acts. In any fiscal year, total benefits conferred by this title shall be

limited to an amount not in excess of the appropriations for such fiscal year. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal year 1989 and thereafter.

Effective date

You To See This, Yes.

Today And Tomorrow

By Walter Lippmann

The Fifth Column On The Coast

SAN FRANCISCO—The enemy alien problem on the Pacific Coast is much more acutely the Fifth Column problem than it is very serious and it is very special. What makes it so serious and so special is that the Pacific Coast is in imminent danger of a combined attack from within and from without.



LIPPMANN

The danger is not, as it would be in the inland States or perhaps even for the present on the Atlantic Coast from sabotage alone. The peculiar danger of the Pacific Coast is in a Japanese raid accompanied by enemy action inside American territory.

This combination can be very formidable indeed. For while the striking power of Japan from the sea and air might not in itself be overwhelming at any one point just now, Japan could strike a blow which might do irreparable damage if it were accompanied by the kind of organized sabotage to which this part of the country is especially vulnerable.

This is a sober statement of the situation, in fact a report, based not on speculation but on what is known to have taken place and to be taking place in this area of the war. It is a fact that the Japanese navy has been reconnoitering the Pacific Coast more or less continually and for a considerable period of time, testing and feeling out the American defenses. It is a fact that communication takes place between the enemy at sea and espionage agents on land.

These are facts which we shall ignore or minimize at our peril. It is also a fact that since the outbreak of the Japanese war there has been no important sabotage on the Pacific Coast.

From what we know about Hawaii and about the Fifth Column in Europe this is not, as some have liked to think, a sign that there is nothing to be feared. It is a sign that the blow is well-guarded and that it is held back until it can be struck with maximum effect.

IN PREPARING TO REPEL the attack the Army and Navy have all the responsibility but they are facing it with one hand tied down in Washington. I am sure I understand fully and appreciate thoroughly the unwillingness of Washington to adopt a policy of mass evacuation and mass internment of all those who are technically enemy aliens. But I submit that Washington is not dealing with the problem on the Pacific Coast correctly and that therefore it is raising insoluble issues unnecessarily and failing to deal with the practical issues promptly. No one ever can hope to get the right answers unless he first asks the right questions.

The official approach to the danger is through a series of uncertainties. There is the assumption that it is a problem of "enemy aliens." As a matter of fact it is certainly also a problem of native-born American citizens. There is the assumption that a citizen may not be interfered with unless he has committed an overt act or at least unless there is strong evidence that he is about to commit an overt act.

There is the assumption that if the rights of a citizen are abridged anywhere, they have been abridged everywhere. The effect of these assumptions has been to precipitate legalistic and ideological arguments between the military authorities out here and the civil authorities in Washington, and between the aroused citizenry of the coast and their fellow-countrymen in the interior.

A MUCH SIMPLER approach will, I believe, yield much more practical results. Forget it.

moment all about enemy aliens, dual citizenship naturalized citizens, native citizens of enemy alien parentage and consider a warship in San Francisco harbor, an airplane plant in Los Angeles, a general's headquarters at Oakhurst, and an admiral's at Potomac. Then think of the lineal descendant if these happened to be such a person as George Washington, the father of the country, and consider what happens to Mr. Washington if he decides he would like to visit the warship, or take a walk in the airplane plant, or to drop in and photograph the general and the admiral in their quarters.

He is stopped by the sentry. He says to give him the pass. He has to prove that he has a good reason for doing what he wishes to do. He has to register, sign papers, and wear an identification button. Then, perhaps, if he proves his case, he is escorted by an armed guard while he does his errand, and until he has been checked out of the place and his papers and his button have been returned. Have Mr. Washington's constitutional rights been abridged?

Has he been denied the dignity of the human person? Has his liberty been impinged?

NOW IT SEEMS to me that this is in principle and in general the procedure which ought to be used for all persons in a zone which the military authorities regard as open to enemy attack. In that zone, as in the corridors of the general's headquarters or on the deck of the warship or within the gates of the airplane plant, everyone should be compelled to prove that he has a good reason for being there, and no one should be allowed to come and go until he has proved that his business is necessary and consistent with the national defense.

In the vital and vulnerable areas it should be the rule that residence, employment, communication by telephone, telegraph, automobile and railroad are confined to licensed persons who are fully identified and whose activities are fully known to the authorities and to their neighbors. The Pacific Coast is officially a combat zone. Some part of it may at any moment be a battlefield. Nobody's constitutional rights include the right to reside and do business on a battlefield. And nobody ought to be on a battlefield who has no good reason for being there. There is plenty of room elsewhere for him to exercise his rights.

THIS IS IN SUBSTANCE the system of policing which necessarily prevails in a war zone. By this system the constitutional and "democratic" questions about aliens and citizens do not arise at the very place where they confuse the issues and prevent the taking of thorough measures of security. Under this system all persons are in principle treated alike. As a matter of national policy there is no discrimination. But at the same time the authorities on the spot in the threatened region are able to act decisively, and let the explanations and the reparations come later.

This approach to the question bypasses the problem which, as I see it, has caused the trouble in Washington. For what Washington has been trying to find is a policy for dealing with all enemy aliens everywhere and all potential Fifth Columnists everywhere. Yet a policy which may be wiser in most parts of the country may be extremely fool-hardy in a combat zone.

Therefore much the best thing to do is to recognize the Western combat zone as territory quite different from the rest of the country, and then to set up in that zone a special regime. This has been done on the Italian Peninsula, in Hawaii, in Alaska, in the Canal Zone. Why not also on the threatened West Coast of the United States?

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● Suggestions for Further Reading



Commission on Wartime Relocation and Internment of Civilians. *Personal Justice Denied*. Washington, DC: U.S. Government Printing Office, Feb. 1983.

Daniels, Roger. *Politics of Prejudice*. Berkeley: University of California Press, 1978.

Danovitch, Sylvia. "The Past Recaptured: The Photographic Record of the Internment of Japanese Americans." *Prologue: Journal of the National Archives* 12 (Summer 1980): 91-103.

DeWitt, Gen. John L. *Final Report: Japanese Evacuation from the West Coast*. Washington, DC: U.S. Government Printing Office, 1942.

Grodzins, Morton. *Americans Betrayed: Politics and the Japanese Evacuation*. Chicago: University of Chicago Press, 1949.

Hata, Donald Teruo, Jr., and Nadine Ishitani Hata. *Japanese Americans and World War II*. The Forum Series. St. Charles, MO: Forum Press, 1984.

Houston, Jeanne Wakatsuki. *Farewell to Manzanar*. Boston: Houghton Mifflin Co., 1973.

Irons, Peter. *Justice at War: The Story of the Japanese American Internment Cases*. New York: Oxford University Press, 1983.

Okubo, Mine. *Citizen 13660*. Seattle: University of Washington Press, 1983.

About Using the National Archives:

A Word to Students and Educators

The National Archives and Records Administration (NARA) is the federal agency responsible for preserving and making available to the public the permanently valuable records of the federal government. These materials provide evidence of the activities of the government from 1774 to the present in the form of written and printed documents, maps and posters, sound recordings, photographs, films, computer tapes, and other information media. These rich archival sources are useful to everyone: to federal officials seeking information about past activities of their agencies; to citizens needing data for use in legal matters; to lawyers, historians, social scientists and public policy planners, engineers, medical researchers, novelists and playwrights, journalists researching stories, and people tracing their ancestry or satisfying their curiosity about particular historical events. In particular, these records are useful to you in pursuing your own research, whether professional or personal.

The organization and description of records in an archives differs from that of books in a library in three significant ways. First, the records are maintained under the name of the agency or bureau that created them, rather than under a system of classification such as would be found in a library using the Dewey decimal system or Library of Congress classifications, for example. Instead, each discrete body of records is assigned a record group number; thus the records of the Department of State are arbitrarily designated Record Group 59, and the records of the Bureau of Indian Affairs are arbitrarily designated Record Group 75. There are more than 400 record groups in the National Archives, representing the records of as many bureaus, agencies, and departments of the federal government.

Second, records are maintained in the same order as they were maintained in the agency that created them, allowing the researcher to examine how the agency's understanding of

its mission was reflected in its organization. The records of two agencies, bureaus, or departments are never intermixed, however similar their functions. Thus the records of the National Park Service (RG 79) and those of the Forest Service (RG 95) are maintained separately, even though they both have responsibility for public lands.

Finally, the National Archives does not, for the most part, use card catalogs or other library tools to describe its holdings. Rather, it provides narrative descriptions of record groups, called inventories or preliminary inventories and also publishes a *Guide to the National Archives of the United States*, which provides brief descriptions of each record group. This form of description is now typical of most larger archives and manuscript collections, which have long since abandoned costly item-by-item description in favor of a method that provides the researcher an overview of an entire collection whose separate items have meaning only in the context of those items around them.

NARA is a public institution whose records and research facilities nationwide are open to anyone 16 years of age and older who will use the records according to the simple rules laid out for their protection. These facilities are found in the Washington, DC, area, in the 8 Presidential libraries across the country and the Nixon Presidential Materials Staff in Alexandria, VA, and in the 12 regional archives ranging from Boston to Anchorage. Whether you are pursuing broad historical questions or are interested in the history of your family, admittance to the research room at each of these locations requires only that you fill out a simple form stating your name, address, and research interest. A staff member issues an identification card, which is good for 2 years.

If you come to the National Archives or its outlying research facilities, you will be offered an initial interview with a reference archivist.

You will also be able to talk with archivists who work directly with the records you want. The best preparation for using the valuable information that these interviews provide is to have a clear definition of your questions and to have read as much as possible in the secondary sources before you arrive. A sound knowledge of the facts of your topic and its historical context is your best preparation for research in primary sources. Among the essential information you must develop before you arrive is the link between your topic and the function of the federal government. You will find information in the National Archives about litigation at the federal level, for example, but not at the state level. You will find information about population numbers and



distribution because the federal government conducts a decennial census. You will find information about the Constitutional Convention, which was a national function, but not about the meetings of the Virginia House of Burgesses, which was both a colonial and pre-federal institution. You will find vital statistics for Native American reservations and military posts because these are maintained by the federal government, but not for cities, which are not federal entities.

The best printed source of information about the holdings of the National Archives is the *Guide to the National Archives of the United States* (GPO, 1988), available in university libraries, other research institutions, and some public libraries. The *Guide* describes briefly each record group, gives the background and history of each agency represented by those records, and provides useful information

about access to them. To accommodate users outside of Washington, DC, the regional archives hold microfilm copies of much that is found in Washington. In addition, the regional archives contain records created by field offices of the federal government, including district and appellate court records. These records are particularly useful for local and regional history studies and in linking local with national historic events.

If you are interested in the educational and cultural programs of the National Archives, the Education Branch of the Office of Public Programs provides these learning packages: a newsletter for 2-year college instructors, teacher workshops attended by instructors from pre-collegiate and collegiate levels, a theater program, and courses in using the Archives for genealogical and general research. The Office of Public Programs also mounts exhibits of records; publishes exhibition catalogs, reproductions of records, and guides to holdings; and develops special events and tours. For information about these programs, write to Office of Public Programs, NARA, Washington, DC 20408.

The Presidential Libraries:

Herbert Hoover Library
P.O. Box 488
West Branch, IA 52358

Franklin D. Roosevelt Library
511 Albany Post Road
Hyde Park, NY 12538

Harry S. Truman Library
Independence, MO 64050

Dwight D. Eisenhower Library
Abilene, KS 67400

John F. Kennedy Library
Columbia Point
Boston, MA 02125

Lyndon Baines Johnson Library
2313 Red River Street
Austin, TX 78705

Gerald R. Ford Library
1000 Beal Avenue
Ann Arbor, MI 48109

Jimmy Carter Library
One Copenhill Avenue
Atlanta, GA 30307

Nixon Presidential Materials Staff
845 South Pickett Street
Alexandria, VA 22304

Ronald Reagan Library
40 Presidential Drive
Simi Valley, CA 93065

National Archives Regional Archives:

National Archives—New England Region
380 Trapelo Road
Waltham, MA 02154

National Archives—Northeast Region
Bldg. 22, Military Ocean Terminal
Bayonne, NJ 07002

National Archives—Mid-Atlantic Region
Ninth & Market Streets
Philadelphia, PA 19107

National Archives—Southeast Region
1557 St. Joseph Avenue
East Point, GA 30344

National Archives—Great Lakes Region
7358 South Pulaski Road
Chicago, IL 60629

National Archives—Central Plains Region
2312 East Bannister Road
Kansas City, MO 64131

National Archives—Southwest Region
501 West Felix Street
Fort Worth, TX 76115

National Archives—Rocky Mountain Region
Bldg. 48, Denver Federal Center
Denver, CO 80225

National Archives—Pacific Sierra Region
1000 Commodore Drive
San Bruno, CA 94066

National Archives—Pacific Southwest Region
24000 Avila Road
Laguna Niguel, CA 92677

National Archives—Pacific Northwest Region
6125 Sand Point Way
Seattle, WA 98115

National Archives—Alaska Region
654 West Third Avenue
Anchorage, AK 99501

NOTES

Documents from the National Archives

Internment of Japanese Americans



NOTES TO THE INSTRUCTOR

Documents from the National Archives

Internment of Japanese Americans

A Note to the Instructor

The documents in this package, *Internment of Japanese Americans*, are taken entirely from the holdings of the National Archives and Records Administration, which preserves and encourages the use of the historically valuable records of the federal government since 1774. These documents represent a small fraction of those in the National Archives on this topic, but they have been carefully selected to provide your students with an insight into the issues surrounding the internment of Japanese Americans.

How to Use this Learning Package

There are many ways to use the documents and the introduction we have provided in the student package. You can adapt them to your own teaching style and content needs. Here are some suggestions:

Using one or more of the documents, assign students the "Introduction to Document Analysis," found in the student package. Discuss the results in class, emphasizing that documents lend themselves to a variety of interpretations, depending on the knowledge and biases of the reader. You may want to expand this discussion to one on the problems of writing history.

Using several or all of the documents, lead a class discussion based on the questions in the section "Questions to Consider," which follows.

Using several or all of the documents, assign students a writing exercise based on "Questions to Consider," emphasizing the skills of comparison and contrast.

Assign oral reports, role-playing activities, or a debate based on groups of the documents.

Divide the class into small groups to consider a selection of documents of your choice, using "Questions to Consider" and ask each group to report orally or in writing.

Using all of the documents, ask the students to compare the information they convey about contemporary attitudes toward Japanese-American internment with the version in their textbooks or in any assigned reading on the topic. See "Suggestions for Further Reading" in the student package.

Use several or all of the documents as part of an evaluation, emphasizing either content or historiographic skills.

Assign one or more of the questions in "Suggestions for Further Research and Discussion" as individual or group writing projects or oral presentations. These questions are based on books listed in "Suggestions for Further Reading" in the student package, many of which can be found in major public libraries.

Using the information in "About Using the National Archives," found at the end of the student package, assign your students to use any appropriate records in your local historical society, public library, state archives, college or university archives, or other repository that concern this period. The information in "About Using the National Archives" is generally applicable to research in any of these institutions. You may want to focus on some local topic that reflects the national scene and is documented in local records.

Questions to Consider

The following are suggested questions for students to consider as they read the documents. You can also combine them to guide discussion and make assignments.

1. What were the arguments for and against internment?

Are the arguments mainly legal, economic, social, or military? Do any reflect geographic factors? Explain.

Which arguments do you find most persuasive?

2. Which documents are most factual? Which ones reflect opinion or bias more than fact? Using the photographs provided as examples, how do you determine accuracy, bias, and opinion in a photograph? Alternatively, select any document and differentiate between the facts and opinions in it.

3. What was the effect of internment upon the internees? Upon others?

4. Read the interview with James Kajiwara. Write a news article or a short story based on this interview.

5. Which single document do you find most striking and why?

6. Could internment of American citizens and/or aliens happen again? Consider both the standing precedent of the Korematsu case as well as the congressional act of compensation in reasoning out your answer.

7. Look at the photographs (front and back covers and documents 2 and 3) for separate analysis. Study them, form an overall impression, examine individual items, divide each photograph into quadrants, and study each section. Do the photographs show documentation similar to or different from that in the textual items? Explain.

8. Examine the newspaper column and the recommendations of the Western Growers Protective Association. Summarize the arguments presented in each for internment. What arguments against internment appear elsewhere in these documents?

9. Since the days of the Alien and Sedition Act, the government has compensated some victims of government action that has been later deemed erroneous. Was government compensation appropriate in this case, and was the compensation adequate?

Suggestions for Further Research and Discussion

1. Investigate and report on the historical treatment of Japanese Americans in the United States prior to World War II.
2. Investigate and report upon efforts to compensate Japanese-American internees in the years after the war, including the results of the passage of Public Law 100-383.
3. Select one internment camp (in your state, if possible) and report on its operation and contemporary local public reaction, particularly in newspapers. Search other sources, such as church records or local historical societies, for additional information.
4. Conduct a formal oral history interview with a former internee, if such a person is available, or with someone else who remembers this episode. Consider requesting permission to tape the interview and transcribe the conversation afterward.
5. What experiences did former internees have in reestablishing their lives and livelihoods upon release from the camps?
6. Compare or contrast this official government policy toward a minority group with other examples of government policy toward ethnic, religious, political, or other minorities. You could consider examples such as Native American removal, segregation laws, and treatment of minorities during other wars.
7. Explore the internment of German Americans and Italian Americans during World War II. How did this differ from that of Japanese Americans?
8. Ask students to play roles in performances or written assignments such as:
 - dramatic readings of testimony by former internees;
 - point/counterpoint debate between Army and Justice Department officials;
 - a "Meet the Press" interview of President Roosevelt.

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Cover: Photograph of Tule Lake internment camp, Newell, CA, March 20, 1946, from the holdings of the Still Picture Branch, National Archives, Records of the War Relocation Authority, Record Group 210.



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