CALIFORNIA'S ROLE IN THE EVOLUTION
OF A DENATIONALIZATION LAW

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INTRODUCTION

A law to divest native born Americans of their citizenship evolved in the years 1942 to 1944. Because the object in creating the measure was to denationalize and deport Americans of Japanese ancestry, this law did not seem alarming to most Americans. The United States was at war with Japan and approximately one-third of the resident Japanese were citizens of Japan which, it was believed, affected the loyalties of their American-born children. Another reason laws of this nature did not arouse indignation among the American people was that Orientals had traditionally been the target of legal discrimination: the naturalization laws, dating back to 1790, extended citizenship only to "free white persons," Orientals according to later Supreme Court decisions remaining "aliens ineligible to citizenship"; anti-Chinese legislation was abundant in the nineteenth century; and, in 1924, Orientals were excluded from immigrating to the United States by statute.

The foremost reason a law with discriminatory purposes could be instituted must be understood against the backdrop of the evacuation of persons of Japanese ancestry from the West Coast in March 1942. The evacuation, which was the product of wartime hysteria brought about by the bombing of
Pearl Harbor, gave to the resident Japanese the qualities of disloyalty and distrust by the American public. Moreover, since an anti-Japanese campaign, complete with the development of the "Yellow Peril" thesis, had been instituted in California and the West Coast four decades earlier, it was a relatively simple process by which the evacuation could be sanctioned by political leaders and the press.

Because the disloyalty argument was legitimized by the evacuation, it stimulated the anti-Japanese forces in California to take action. The purpose of this action was to rid the United States of all persons of Japanese ancestry. In terms of a program two procedures were outlined: first challenging the citizenship of the American-born Japanese, and second seeking legislation to remove the United States citizenship of this group if the first method failed. Once denationalized, these persons would assume the status of enemy aliens and be deported after the war.

Throughout the period from March 1924 through February 1944 a concerted effort was made by the anti-Japanese forces to achieve denationalization of Japanese-Americans. The government aided this cause with the establishment of "relocation centers" which, in the minds of both the public and the evacuated people, became likened to "concentration camps." The civilian agency set up to administer the camps, the War Relocation Authority (WRA), became the subject of intense criticism for alleged "coddling" of the evacuees. This
criticism was for the purpose of relieving the WRA of its control over the camps and having the Army assume responsibility. The effect of this transfer would have made official the status of the evacuees as prisoners of war and insured the goal of post-war deportation.

The fact that a denationalization law was passed, and, in fact, was sponsored by the administration, was testimony to potency of the anti-Japanese movement centered in California. An account of the development of this law illustrated the successful impact of a concerted, sectionally based campaign in attaining national measures it favored by means of exerting great political pressure upon the New Deal administration in Washington. Moreover, as a lesson about the powerful fears based on race that were mobilized in time of war, this episode provides an excellent example. And, above all, this issue revealed the willingness of elected leaders, the press, and other responsible officials to foster an anti-democratic movement while engaged in a war against totalitarianism.
KEY TO ABBREVIATIONS

JERS:  JAPANESE EVACUATION AND RESETTLEMENT STUDY, unless otherwise noted the materials are from the Bancroft Library, University of California, Berkeley.

DPR:  DAILY PRESS REVIEW, a daily series of summaries of news stories, editorials and articles relevant to the Japanese evacuation and internment, compiled by the War Relocation Authority staff.

WPR:  WEEKLY PRESS REVIEW, a weekly series of summaries of news stories, editorials and articles relevant to the evacuation and internment, compiled by the staff of the War Relocation Authority.
CHAPTER I

THE INITIAL ASSAULT, 1942

The idea of denationalization was an adjunct to the general program of ridding the United States of persons of Japanese ancestry forever. To this end California, and other western states to a lesser degree, assumed the lead in this program, because most of the Japanese in the United States were settled there. An early reason underlying anti-Japanese agitation was the economic argument of the white workingmen that they could not compete with "coolie competition." This early agitation was very closely related to periods of economic depression when whites were forced to work in the same lines of work as the Japanese. As the Japanese gradually began to own and operate their own farms the cry of "coolie competition" arose from the small farmers (the large corporate farmers often leased their marginal lands to the Japanese and looked upon the Japanese as a cheap source of labor, thus they did not participate in the anti-Japanese movement). The end of this agitation was the California Alien Land Law of 1913 which prohibited Japanese aliens from owning land. Because the law was circumvented by Japanese aliens leasing rather than owning land, the old
law was amended by an initiative measure in 1920 which prohibited the leasing of land.1

Closely associated with the alien land laws were the proposals for Oriental exclusion as the national immigration policy. Shortly after the 1920 alien land law amendment was implemented, an organization in California was set up for this purpose. This organization, the California Joint Immigration Committee, was composed of such groups that had economic grievances as the California Farm Bureau Federation, the State Grange, and the State Federation of Labor. In addition, such strongly nativist groups as the American Legion and the Native Sons of the Golden West also played a key role in the organization. The guiding genius of the Joint Immigration Committee was V.S. McClatchy, whose family controlled the influential Bee (Sacramento, Fresno and Modesto) newspapers.2

Not only were the pressure groups active but a glance at the anti-Japanese movement reveals the significant role politicians played in this agitation. As was often the

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case, prominent politicians were also members of these pressure groups and led the crusade against the Japanese. Taking as an example, the Native Sons of the Golden West, a group which had put itself on record decades before Pearl Harbor as being against the Japanese, it was evident that many influential politicians were members of this group. James D. Phelan, who became United States Senator, Ulysses S. Webb, who became California Attorney General, and San Francisco Mayor Eugene Schmitz were all members and officials in the Native Sons. For the period under consideration some prominent members included: California Attorney General Earl Warren, United States Senator Hiram Johnson, Representatives John Costello and Bertrand W. Gearhart, as well as numerous others active in municipal and state politics such as Alameda County District Attorney Ralph Hoyt, and Robert Kenney, who was elected California Attorney General in 1942.3

3Carey McWilliams in Prejudice: Japanese-Americans Symbol of Racial Intolerance (Boston: Little, Brown and Company, 1944), p. 223, wrote that "scores of legislators, judges, state officials, Congressmen and Senators received their initial support and owed their election (or appointment) to public office in California in the years 1907-1924 to the Native Sons of the Golden West." For information concerning persons not mentioned by McWilliams see United States, Congress, House, Biographical Directory of the American Congress, 1774-1961 (H. Doc. #442), 85th Cong. 2d Sess. (Washington, D.C.: Government Printing Office, 1961). Also see Albert Nelson Marquis (ed.), Who's Who in America, 1942-43, XXII (Chicago: A.N. Marquis Company, 1942), pp. 584, 761, 1191, 1241, 2272. In many instances membership in more than one of the anti-Japanese groups was often the case. Earl Warren, for example, was both a Native Son and a Legionnaire. By looking through the publications of these groups for the period roughly from 1920 to 1940 the anti-Japanese feeling is very clear.
The argument that the exclusionists most thoroughly pursued was the idea that Japanese were unassimilable. Assuming a large portion of the argument of unassimilability were the various stereotyped fears and prejudices that came to be called the "Yellow Peril." Basically, the Yellow Peril was the fear based on the prediction that Oriental (mainly Japanese) immigrants were the advance guard of a larger Asiatic invasion that would overrun the continent. The fear increased following Japan's victory over Russia in 1905 and received impetus from the treatment provided by such "sensationalist" papers as those operated by William Randolph Hearst. Such characteristics common to most immigrant groups -- their retention of language and customs -- became dyed with a sinister motive by the Yellow Peril thesis.

One common argument to support this thesis was the belief that Japanese were sent to America to "breed like rabbits," that the Japanese Emperor had ordered "every Japanese wife

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4 According to Oliver Carlson and E.S. Bates in Hearst, Lord of San Simeon (New York: Viking Press, 1936), p. 179. After 1906 "his papers kept up a running fire against Japan, which had now taken the place of China as head and front of the 'yellow peril' always threatening the prosperity of California." Quoted by tenBroek, Prejudice, War and the Constitution, p. 27.

5 Most of the charges against the Japanese, "their non-assimilation, their low standard of living, their high birth rate, their vile habits," were also made against the European immigrant. "But only against Orientals was it seriously charged that the peaceful immigrants were but a vanguard of an invading horde to come." Roger Daniels, Politics of Prejudice, p. 68.
to have a baby each year." In 1921 State Controller John S. Chambers, also chairman of the Japanese Exclusion League, published an article which contended that the Japanese birth rate was "three or four times that of our own race," and predicted, on the basis of this finding, that "by 1949 they will outnumber the white people." 6

The question of citizenship for the immigrant Japanese, as well as Orientals in general, was tempered not only by the fears and prejudices of Californians but was also by the then current interpretation of the Naturalization Law. The Naturalization Law as written in 1790 extended citizenship only to "free white persons." This was later modified to include "aliens of African nativity." In 1922 a celebrated case involving a Japanese who had immigrated to the United States as a young boy and had received all of his education either in Hawaii or the United States was decided. The Supreme Court in rejecting this petition did concede that he was "well qualified by character and education for citizenship" but he could not be admitted to citizenship because "Japanese were not specifically included in the language of the Naturalization act." This decision in the Ozawa case was later to lay the groundwork for Oriental Exclusion in 1924, because it permitted Congress to use the formula of

"aliens ineligible to citizenship" that had previously been restricted to state and municipal statutes.7

With the question of the alien Japanese settled by exclusion and the various state statutes, a campaign directed at the American-born Japanese hardly seemed necessary. Besides challenging the 1898 Supreme Court decision in Wong Kim Ark, which set down "that all persons born in the United States and its territories are citizens," such a campaign would have been directed mainly at minor children.8 The 1920 Census figures reveal that there were 29,672 native born Japanese as opposed to 81,338 foreign born, and of those that were native born more than two-thirds were under ten years of age. Any campaign directed at such a group would appear to be not only foolish but also demonstrative of the lack of faith in American institutions and education in shaping citizens.9

The fact of a small number of American-born Japanese and their young age at this time does not mean that this question was ignored, but instead that exclusion provided


the main issue. There was mentioned as early as 1919 of a measure to deprive by constitutional amendment of citizenship those children born in the United States whose parents were of a race "ineligible to citizenship," but no action followed. Attorney U.S. Webb, California Attorney General and author of the 1913 Alien Land Law, admitted in 1934 "that Japanese born in the United States were citizens." This was generally how the situation of Japanese-American citizenship remained up to the period brought about by Pearl Harbor and the Japanese evacuation.

The major spur to the idea of denationalization and deportation of United States citizens of Japanese ancestry came from the anger and fear aroused by the bombing of Pearl Harbor in December 1941, and the subsequent evacuation of

10The California Exclusion League had this recommendation printed on its letterhead. Also the Grizzley Bear, official journal of the Native Sons of the Golden West, in December 1919 published this recommendation. Cited in Daniels, Politics of Prejudice, pp. 84-85.


12For the period covering the 1930's Matson concludes that "the aggressive actions of Japan after 1931 revived in the minds of many West Coast citizens the oft-heard charges of the disloyalty and treachery of Japanese-Americans. An additional stimulus of unmeasured strength was the great depression with its consequent insecurity and frustration.... The age of the great depression was a time of troubles for various minority groups, as leagues of frightened men sought panaceas and scapegoats. With the brutalities of Japanese imperialism regularly noted in the headlines, the resident Japanese furnished a convenient and conspicuous target." From tenBroek, Prejudice, War and the Constitution, p. 67.
the Japanese population from the West Coast in March 1942. Because by 1940 the Japanese population in the United States was 62.6 percent native born, this citizen group was made to suffer the incongruities of their rights and the actions taken against them. It is not necessary here to analyze all the charges that prompted the evacuation but only those that challenged the loyalty of the Japanese-Americans and which played a part in the evolution of denationalizing legislation.

Before an analysis of reasons politicians gave to justify the evacuation, and to lay the blame on the American-born Japanese, one must consider the primary reason offered by Lieutenant-General John DeWitt, commander of the Western Defense Command, and the architect of the evacuation. Without any actual proof of organized fifth-column activity among the Japanese, DeWitt accepted the basic Yellow Peril argument of substituting racial stereotypes for reason. In his recommendation to the Secretary of War, DeWitt stated:

The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become "Americanized," the racial strains are undiluted....It, therefore, follows that along the Pacific Coast over 112,000 potential enemies, of Japanese extraction, are at large today.13

13"Final Recommendation of the Commanding General, Western Defense Command and Fourth Army, Submitted to the Secretary of War, February 14, 1942." In United States, War Department, Western Defense Command and Fourth Army, Final Report: Japanese Evacuation From the West Coast, 1942 (Wash-
In what still remains one of the most convoluted arguments justifying evacuation, DeWitt cited the absence of espionage as proof of its existence: "The very fact that no espionage has taken place to date is a disturbing and confirming indication that such action will be taken." The fact that two months later several high authorities including J. Edgar Hoover, director of the Federal Bureau of Investigation, discovered no evidence of sabotage, before, during, or after the bombing of Pearl Harbor was not sufficient to undo the damage DeWitt had caused. Not only was the evacuation then in process but also DeWitt's reasoning became the official word on the matter.

While race alone provided tenuous grounds for the drastic invasion of citizens' rights the evacuation had accomplished, there were additional reasons peculiar to the resident Japanese population that were believed to have furnished sufficient grounds for their exclusion and removal. Besides the arguments based on Japanese residential patterns

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14 Ibid.
and Japanese organizations, additional reasons were given that specifically implicated the American-born Japanese. Among these were: dual citizenship, education in Japan, and the Japanese language schools in America. Of key importance in publicizing these issues were two Congressional investigative committees that were active in late 1941 and early 1942.

The first of these was the House Select Committee to investigate the national Defense Migration (henceforth called the Tolan Committee). Because the investigative committee hearings always furnish an excellent vehicle for publicizing and promoting causes, it was unusual that the Tolan Committee conducted its hearings after the evacuation decision had been executed. This would not be so out of place had the committee investigated the national defense migration as it had purported to do, but instead the content of its hearings on the West Coast in late February and early March 1942 indicated the purpose to be primarily that of reinforcing the evacuation decision.16

The validation of the Yellow Peril thesis as applied to

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16 A numerical analysis of the quantity of testimony and number of witnesses called more than bears this out. For example, in the San Francisco hearing only nine out of forty-three of the witnesses were of Japanese ancestry and only six out of forty-seven written statements accepted as evidence by the committee were from Japanese. The same ratios held true also in the Seattle, Portland, and Los Angeles hearings. See Bosworth, America's Concentration Camps, p. 60.
the American-born Japanese was effected by many prominent authorities during the committee hearings. On February 21, 1942, San Francisco Mayor Angelo Rossi recommended the investigation of the Japanese-Americans "in a more detailed and all-encompassing fashion" than that relating to German and Italian aliens.\(^\text{17}\) California Attorney General Earl Warren was more definite in his evaluation. He thought that there was "more potential danger among the American-born Japanese." To support his argument, not only did the Attorney General point to statistics which revealed twice as many citizen Japanese than aliens and that most of the Japan-born "were over 55 years of age," but that those American-born Japanese who received their education in Japan returned to the United States "imbued with the ideas and policies of Imperial Japan." Warren thought that any kind of loyalty test would be difficult to apply to the Japanese because of "their method of living" and "their language." As further proof of the danger of the Japanese problem, Warren submitted twenty-five letters from California law enforcement officials that supported his position.\(^\text{18}\)

The California Joint Immigration Committee was represented at the committee hearings by Robert S. Fouke. This


\(^\text{18}\)Ibid., pp. 11014-15.
group which had successfully led the battle for Oriental Exclusion in 1924 brought many of the old arguments and stereotypes to the hearings. In a pamphlet written in 1937 by V.S. McClatchy, the guiding light of the Joint Immigration Committee, and submitted as Exhibit A, it was maintained that Japan's emigration policy regarding the United States was to create a state within a state,

...wherein every Japanese, whether alien or American citizen, was forced, through registration in a minor association...to obey the orders of Japan in peace and war.19

Another main argument of the Joint Immigration Committee had to do with the much misunderstood and much misapplied concept of dual citizenship. This argument alone was often marshalled for the purpose of discrediting the American-born Japanese. The basic issue was the conflict of two different standards for conferring citizenship. In the United States, the doctrine of *jus soli* or citizenship by place of birth held sway while in Japan (and such countries as Bulgaria, France, Greece, Norway, Poland and Sweden), the doctrine of *jus sanguinis* or citizenship by descent was recognized. These two systems of conferring citizenship made a Japanese born in the United States a citizen of two countries because of both birthplace and the nationality of his or her parents. This argument, however, failed to take into account the changes in the Japanese law in 1916 and 1924,

19Ibid., p. 11076.
which provided for renunciation of Japanese nationality and made it incumbent on parents to register their foreign born child with a Japanese consul if they wished Japanese citizenship.20 Although the Joint Immigration Committee did not admit that many American-born Japanese renounced their Japanese citizenship and many born after 1924 were never registered with the Japanese consul, there was available evidence to support it.21 Nevertheless, in 1942, without referring to the actual statistics, the group submitted as Exhibit D to the Tolan Committee a memo which asserted: "...many of these dual citizens would use their American citizenship under direction or influence to further the purposes of Japan."22

In their formulation of democratic procedures the Joint Immigration Committee saw no place for the American-born Japanese (Nisei). Not only was this because the "...Founding Fathers...stipulated that citizenship should be

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21Based on the work of Professor Strong in 1930, it was estimated that by 1943 "not more than 20% of Americans of Japanese ancestry were dual citizens." Strong's research indicated that about 40 percent in California of age seven and older had renounced their Japanese citizenship, and of those six and younger, two-thirds had not been registered by their parents with the Japanese consul. JERS--"File on dual citizenship (Folder E 12.00)."

22Tolan Hearings, part 29, p. 11083.
granted only to free white persons," but also because of the political threat the Nisei represented. It was charged that,

The Nisei are urged by their leaders to be active in American politics and to use their bloc of 25,600 California votes for the benefit of the Japanese, alien as well as native-born. They are even urged to join with the Negroes to make a sizable bloc which may swing an election, or break down the laws which Americans have enacted for their own protection and welfare.23

Another charge besides that of dual citizenship used against the Japanese-American population was the existence of the Japanese-language schools. During the Seattle hearings, publisher Miller Freeman charged that these schools which had been "operated continuously...for nearly half a century" had only one function and that was "to train the children...to owe their allegiance to Japan."24 A scholarly analysis of this institution by Professor Edward Strong of Stanford, made in 1930, arrived at much different conclusions. This study listed four main functions that the language schools provided. They were: 1) the common language binds the first and second generations more closely together; 2) it serves as a unifying social organization in the community; 3) the language schools raise the self-esteem of both generations of Japanese, especially in a country where they have been looked down upon; 4) the knowledge of the Japanese language is of help, in many cases a necessity, in securing

23 Ibid., p. 11086. 24 Ibid., part 30, p. 11534.
vocational opportunities.25

On this last point, testimony was received from a Nisei, Michio Kunitani, who supported Strong's conclusions. Kunitani stated:

We were discriminated against in private industry and, therefore, the only other channel into which the Japanese people could gain an economic livelihood was in the Japanese group. It was essential for us to learn the Japanese language so that we could converse intelligently with our employers.26

In terms of accomplishments, Yamato Ichihashi's study of the resident Japanese in 1932 concluded that the schools had "been unsuccessful in their primary function" of "imparting a knowledge of the Japanese language."27 This finding was more than verified when the United States Army, in need of Nisei who knew the language, "found only about 15 percent" of the Nisei in the relocation centers who could speak Japanese, and "only about 5 percent" who could read or write Japanese.28

The second Congressional investigation that coincided with this period was conducted by Representative Martin Dies of Texas, chairman of the House Special Committee to


26 Tolan Hearings, part 29, p. 11223.


28 McWilliams, Prejudice, p. 123.
Investigate Un-American Activities. In August 1941 Dies issued press statements which promised to reveal Japanese espionage and anti-American propaganda. In mid-January Dies warned of "another Pearl Harbor" and at the end of February his much publicized committee report was released. Among the twenty-seven conclusions that emerged from the investigation were the following:

(4) The Japanese Government was relying upon its expatriated citizens in California, Hawaii, the Philippines, and the Panama Canal region, as well as upon American-born Japanese, to serve as a fifth column.

(16) In California there were Japanese veteran's organizations composed of mem with military training and experience who vowed allegiance only to the Japanese Emperor whether their members were American or Japanese born.

Much of the blame for Japanese-American disloyalty Dies laid to the Shinto religion of Japan. He reasoned, after establishing that "loyalty and filial piety are identical" and that "the state and the home are synonymous," that a son or daughter who was "...dutiful toward his parents cannot but be loyal to the Japanese Emperor." With this in mind, he concluded:

29Grodzins, Americans Betrayed, pp. 84-85.
...no Japanese can ever be loyal to any other nation than Japan so long as the Japanese indoctrinate their children with the pantheistic teachings of Shintoism.31

Of course, Dies did not elaborate on the numerical strength of Shintoism in the United States because he would have had to admit that it was very small. The main religions practiced by the Japanese were Buddhism and Christianity. Assuming that Dies meant Buddhism when he spoke of Shintoism one would have discovered evidence of declining interest. According to Professor Strong's research in 1934, there was a sharp difference in the religious preference of the first and second generation Japanese. The Issei, first generation Japanese, preferred Buddhism to Christianity by some 77 percent to 18 percent. With the Nisei, the situation was reversed: 39 percent favored Buddhism as opposed to 47 percent of males and 56 percent of females who preferred Christianity.32

In addition, as previously noted, the extent to which the Nisei mastered the Japanese language was quite limited. Given this fact, it was extremely likely that the differences between Buddhism as practiced in Japan and Buddhism practiced in America were very great. In fact, rather than the Nisei adapting to the imported cultural institution, the

31Ibid., p. 1423.
reverse situation was probably the case. According to Carey McWilliams, American Buddhism "adopted the same institutional paraphernalia" as the Christian churches, "the Sunday schools...the same hymns, and most of the same societies." 33

Besides raising the issue of dual citizenship, already discussed, it was also apparent that the California Joint Immigration Committee had a hand in preparing the report. Exhibit E submitted by the Joint Immigration Committee during the Tolan Committee hearings was incorporated into the Dies committee report. It dealt with the political threat of the Nisei which was interpreted as proof of their allegiance to Japan. The contention was:

The activities of the Nisei in defeating a measure in the last [1939] California State Legislature designed to curb espionage activities of alien Japanese fishermen in southern waters, a measure vital to our national defense, particularly at this critical time, are proof of the supreme loyalty which the Nisei offer to Japan. 34

With respect to the third main accusation against the Nisei -- that of education in Japan -- the Dies report echoed the danger expressed by California Attorney General Earl Warren. Dies claimed that there were "50,000" American-born children in Japan who were being "urged by the Japanese Foreign Office" to return to the United States"...where

33McWilliams, Prejudice, p. 124.
they may use their American citizenship for the benefit of Japan."35

It was evident once evacuee statistics were compiled that the claim of 50,000 Kibei (those American-born that were raised in Japan) was greatly exaggerated. Of the evacuated population that was American-born (72,650) a total of 52,742 or 72.6 percent had never been in Japan and of the remainder who had been to Japan 6,313 or 8.7 percent had been there less than one year. This leaves 17,595 or less than 20 percent of the American-born who were in Japan long enough to be influenced by the ideology of the Japanese government.36

Education in Japan or the "Kibei" phenomenon was also not difficult to explain. Particularly in light of what discrimination had done to the Japanese community in making American-born youth turn to the Japanese community for employment instead of to the larger society. Since a Nisei found it impossible to find work outside of his racial community, parents sending their children to school in Japan were doing the most practical thing -- preparing their children for work with Japanese firms where the language, customs, and practices were Japanese rather than American.

35Dies Report, p. 2007

Dorothy S. Thomas, noted demographer, observed,

...the Issei settlers continued ambivalence about permanent residence in America, their constant awareness of West Coast racial prejudice and its implications for their children, their lack of information about opportunities elsewhere in America, and their nostalgia, led them to transfer their "sojourner" attitudes, to some extent, to plans for their children's future, and to institute practices that would make American-born Japanese acceptable either as Japanese or as Americans.37

Given the evacuation and the statements of high authorities providing the rationale, a movement to make permanent the de facto removal of United States citizenship began in the early months of 1942. One of the first formulas to be used against United States citizens of Japanese ancestry was suggested by Los Angeles Mayor Fletcher Bowron, who sought evacuation not denationalization. Nevertheless, his formula was employed in later months. Bowron wanted Congress to pass an act which would classify all enemy dual citizens and all native born Japanese by referring to the latter as children of "immigrants not entitled to citizenship." To uphold the doubtful constitutionality of such an act he proposed a simultaneous constitutional amendment to the same effect which when passed would confirm the act of Congress. His classification plan, however, called only for summoning these persons so categorized and assigning them to work

The constitutional amendment proposal was carried through for the end of "...denying citizenship to persons ineligible to citizenship because of race" by Representative John Z. Anderson (R., Calif.) on April 21, 1942. Later in the same year, Senator Rufus Holman (R., Ore.) introduced another proposed constitutional amendment "to prohibit dual citizenship." Both proposals, however, received little interest and were not reported out of committee.

Two other proposals to remove United States citizenship from American-born Japanese, that never reached serious consideration, included the idea:

American born Japanese who returned to Japan for extended periods of time and who have A or B dangerous classifications might be considered to have expatriated themselves pursuant to...the Nationality Act of 1940.

The same author also suggested that American-born Japanese who espoused the belief of the "Shinto Cult" might be considered to have expatriated themselves since "...the Shinto Cult is a form of State worship...Shinto worshippers must necessarily have sworn allegiance to the Japanese State." 41

38 Radio address of Mayor Fletcher Bowron on February 12, 1942, as entered by Representative John Costello on February 23, 1942, in the Congressional Record, XIIC, pp. A653-654.


40 S.J. Res. 163, 77th Cong. 2d Sess. (1942).

41 Letter from Edward Ennis to Attorney General Biddle, February 13, 1942, as quoted by tenBroek, Prejudice, War and
Another argument was that the parents of the American-born Japanese had violated the Root-Takahira agreement or the 1924 Exclusion Act and therefore the American-born children were not citizens.42

Besides those suggested methods of removing citizenship that were based on acceptance of the Wong Kim Ark decision that "all persons born in the United States...were citizens," there were other recommendations that did not accept this criteria. These later proposals were developed by the Native Sons of the Golden West, a long time anti-Japanese group in California, and two Southern politicians who were well known for their race prejudice. The stimulation of this anti-democratic element was one unfortunate product of the evacuation.

Besides Dies, another Southerner who proved to be a consistent foe of the Japanese was Representative John Rankin of Mississippi, a champion of white supremacy. Rankin, in mid-February, stated he was for "...catching every Japanese in America, Alaska and Hawaii now and putting them in concentration camps." He saw the international conflict as a "race war" between "the white man's civilization"

the Constitution, p. 312.

42Los Angeles Daily Journal, April 14, 1942. The mention of this "new theory" by one Vincent Villamon brought a rebuttal from attorney W.G. Randall in the same paper on April 18, 1942. Randall exposed Villamon as a fictitious identity and also questioned the validity of the "new theory."
and "Japanese barbarism." His plan was not deterred by the Constitution because he was of the opinion that American-born persons of Japanese ancestry were not citizens. To support this argument he read into the Congressional Record the dissenting opinion in the Wong Kim Ark case and he added:

There is a racial and religious difference they can never overcome. They are pagan in their philosophy, atheistic in their beliefs, alien in their allegiance, and antagonistic to everything for which we stand.

A third Southerner, Senator Thomas Stewart of Tennessee, a few days later, echoed Rankin's opinion and that of the dissenting opinion in Wong Kim Ark. He felt that American-born Japanese "were not subject to the jurisdiction" as intended in the fourteenth amendment and therefore could not become citizens. With reference to the naturalization laws, which provided the main argument for the white supremacists, Stewart thought it absurd

...to claim that those whose parents could not themselves be naturalized should become citizens by mere accident of birth on American soil.

Finally, Stewart concluded that race alone was sufficient case for not allowing citizenship because:

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44Congressional Record, XIIIC, pp. A768-769, as quoted by ibid., p. 87.
A Jap is a Jap anywhere you find him, and his taking the oath of allegiance to this country would not help, even if he should be permitted to do so. They do not believe in God and have no respect for an oath. They have been plotting for years against the Americans and their democracies.45

Of the three Southerners only Stewart proposed legislation to deal with what he saw as the problem. His SB 2293 called for taking all Japanese into custody, alien as well as citizen. This went beyond the President's executive order by including those Japanese outside of the "military areas." In terms of numbers, approximately 14,000, this hardly justified the effort and expense of such a measure. Of course, Stewart's perspective was limited to that of race, and for politicians of this type every method was acceptable because the war was viewed in terms of race rather than ideology. The implication of this bill would have negated the geographical argument of justifying "military necessity" and would have made removal and incarceration based solely on race. Stewart's objective in speaking for this measure was "to raise a constitutional question" and to seek to reverse the Supreme Court decision that all Japanese born in the United States were citizens.46

45Speech of Senator Stewart in the Senate, February 26, 1942, 77th Cong. 2d Sess., Congressional Record, XIIC, pp. 1782-1783.

46Senator Stewart in discussion about his SB 2293, June 22, 1942, 77th Cong. 2d Sess., Congressional Record, XIIC, p. 5613. The bill was reported out favorably by the Senate
The most serious attempt to denationalize all Japanese-Americans occurred in May 1942. In United States District Court a suit was brought against San Francisco registrar of voters, Cameron King, by John Regan, secretary of the Native Sons of the Golden West, charging that the registration of voters of Japanese ancestry had deprived him of the full power of his vote. \(^{47}\) The timing of this suit and the events that had preceded it were not a coincidence: Pearl Harbor and the subsequent evacuation had created an opportunity for this action. The strong implications of disloyalty among the Nisei, repeated over and over in the Dies report and during the Tolan hearings, provided a solid foundation before such a case could proceed. In addition, the arguments of Representative Rankin and Senator Stewart for denying citizenship to Japanese-Americans foreshadowed this action. \(^{48}\) Attorney U.S. Webb, representing the plaintiff, made clear the timing of this suit when he declared: "...on the seventh of December, last, I concluded that it was about time

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Immigration Committee (of which California's Hiram Johnson was a member) on June 25, 1942. DPR--San Francisco News, June 26, 1942. Action on the bill however was postponed for the remainder of that session of Congress.

\(^{47}\)Regan v. King, "Complaint of Injunction."

\(^{48}\)Both Stewart's and Rankin's speeches in Congress on this subject were reprinted in the Grizzley Bear (Los Angeles: Grizzley Bear Publishing Corporation, April 1942), p. 3 and (May 1942), p. 4.
this question should be submitted to the courts of this country."

The Grizzley Bear, official journal of the Native Sons, had, from the March issue forward, been urging the threefold recommendation to deal with the American-born Japanese of: dispossession of their land, challenging in the courts the citizen rights of every "native-born Jap," and urging the Federal Congress to enact legislation "denying citizenship to the offspring of aliens ineligible to citizenship."

In June, a resolution adopting this program was passed unanimously by all parlors of the Native Sons.

The court proceedings opened on June 26, 1942, with U.S. Webb's oral argument against the Wong Kim Ark decision. His attack rested on three points as a basis of support: his interpretation of the fourteenth amendment, then the naturalization laws, and finally the preamble of the constitution. He began by reconstructing the historical conditions that brought about the passage of the fourteenth amendment, and then concluded that the only purpose was to "citizenize the Negro," in addition to those that were "...born in the United States of parents eligible to citizenship."

His proof that this was a "white man's country," and

49 Regan v. King, "Reporters Transcript," p. 43.
50 Grizzley Bear (March 1942), p. 16; (June 1942), p. 8.
that the founding fathers stipulated that it remain so, was furnished in tracing of the development of the naturalization laws. He argued that, "...between 1790 and 1870 the naturalization laws had been amended twelve times," and that every time with the exception of 1873, the term "free white persons" was retained. Only because of a typographical error, he revealed, was the term omitted in 1873, but it was promptly restored in 1874 by a congressional bill "over the objection" of those who desired that "...the United States extend naturalization to all peoples of the world."52

As further proof of this consistent trend to exclude non-white persons from citizenship, Webb cited the Supreme Court decision in Ozawa v. United States where the question became whether the applicant was a "...white person as that term was understood by those who first used it." And, since Ozawa was "not a member of the white race," he was "not eligible to naturalization."53 Additional evidence used by Webb to support this argument was the case of United States v. Thind decided in 1923 by the Supreme Court. Not only were Hindus, the ethnic group in this case, not of the white race but they had been excluded from immigration in the 1917 Barred Zone act, a condition which later applied to the Japanese. Thus Webb, in paraphrasing Justice Sutherland in this case, maintained that the acceptance as citizens

52Ibid., p. 11. 53Ibid., p. 18.
rested upon the attitude toward immigration. 54

In attacking the Wong Kim Ark decision Webb depended almost entirely on Justice Fuller's dissenting opinion, made forty-four years earlier. In essence, the point of the argument was that the English common law doctrine of citizenship was overthrown when the United States cast off English rule. Therefore, instead of place of birth, or the doctrine of jus soli, what mattered was "the moral relations of his parentage," or the jus sanguinis doctrine in determining rights. 55

Finally, Webb brought up the preamble to the constitution and charged that it was "overlooked and disregarded" by the Supreme Court. Comparing the objects listed in the preamble with the Japanese presence in the United States, Webb pointed to a number of instances where the object was frustrated. This he offered as final proof of the erroneous holding of Wong Kim Ark. Among those charges, he mentioned that the Japanese presence did not insure domestic tranquility, nor did it promote the general welfare, nor did it provide for the common defense because, since Pearl Harbor,

...we have incurred obligations in excess of two hundred million dollars to segregate them, to prevent their active aid to a foreign foe, [and] to prevent their aiding the enemy by activities behind the lines. 56

The San Francisco City Attorneys, who represented King, based their defense on Wong Kim Ark, and two subsequent cases that had been decided on the authority of Wong Kim Ark. In Morrison v. the People of the State of California, Justice Cardozo said, "...a person of the Japanese race is a citizen of the United States if he was born within the United States." In the case of Perkins v. Elg, decided in 1939, Chief Justice Hughes delivered the opinion in which it was held that "...a child born here of alien parents becomes a citizen of the United States." This was the basis on which the Regan case was dismissed by Judge St. Sure on July 2, 1942.

Although in dismissing the case, the judges of the Federal District and circuit courts refused to consider the merits of Webb's argument, the San Francisco and Los Angeles chapters of the National Lawyers Guild and the Northern California branch of the American Civil Liberties Union (ACLU) furnished opposition. They submitted briefs as friends of the court. Lawyers Guild attorney, Charles Garry, questioned the term "white people" in the light of "all anthropological science." He disagreed with Webb, who felt


59Ibid.
that the Elg case was not relevant to the Wong Kim Ark decision because the question concerned the status of a "white person's" citizenship. Garry remarked that since the defendant was of Norwegian parentage this meant, to the anthropologist, having "...strong traces of asiatic and mongolian origin."^60

Moreover, granting the pre-eminence of the naturalization law, Garry held that under the plenary power granted by the Constitution, Congress could easily resolve the

...inconsistency between the limitation of the naturalization law and the unlimited character of citizenship by birth, by a further exercise of the naturalization power.

Referring to historical trends, he detected that the trend was "...not to restrict but to broaden the concept of citizenship."^61

Taking into consideration the wartime situation, Garry questioned reversing the Wong Kim Ark decision in light of what it would mean to the non-white allies fighting on the side of the United States. As an example, he mentioned the Chinese who "happen to be our first line of defense today" but who also happen "to belong to the same race as the Japanese." Further, in reference to Webb's contention of Japanese disloyalty, Garry thought it should have been made

^60 Regan v. King, "Brief of San Francisco and Los Angeles Chapters of the National Lawyers Guild," Amicus Curiae, p. 4.

^61 Ibid., p. 5.
clear that there was no evidence that "...the Japanese who were evacuated were evacuated definitely because they were stabbing us in our backs."62

Putting the case into the contemporary perspective, ACLU attorney Wayne Collins saw a parallel between this case and the recent history of Nazi Germany. As he saw it, "...the deprivation of civil liberties...paved the road for the rise of Hitler."63 Another Lawyers Guild attorney, Harold Sawyer, told presiding Judge St. Sure:

If you had taken the authorities cited by General Webb and changed the word "white" to "Aryan" you would have had the same language as in Hitler's Mein Kampf. Any attack on the right to be a citizen is not democratic. We are fighting a democratic war and cannot adopt fascist principles.64

This, then, concludes the first phase of the evolution of the denationalization law. After two methods to seek the removal of United States citizenship from the American-born Japanese, as advocated by the Native Sons of the Golden West, the vanguard of such agitation, had failed, the movement was temporarily halted. From this first phase it was evident that the evacuation and the timing and content of the Congressional committee hearings had a great deal to do with the initiation of the movement. Most important, of

64DPR--San Francisco Chronicle, June 27, 1942.
course, was the validity the hearings lent to such issues as dual citizenship, education in Japan, and to a lesser degree, the Japanese-language schools. These issues had long been the subject of stock arguments in the repertoire of the Californian politicians and pressure groups. Support from the Southerners Dies, Stewart and Rankin also contributed to the denationalization movement getting started. Yet upon re-examination of the issues raised, it was clear that the old arguments that had brought about temporary removal of United States citizenship under the covering justification of "military necessity" would not be sufficient to justify permanent denationalization. Nevertheless, as we shall see, the people and groups that sought such legislation did not give up their fight.
CHAPTER II

THE SPREAD AND BUILDUP OF PRESSURE,
JANUARY TO JULY, 1943

The idea and program of removing the citizenship of American-born Japanese continued while the evacuees were in relocation centers. Although California had only two of the centers, Manzanar and Tule Lake, sentiment was strongest there. In the fall of 1942 one of the leaders of an anti-Japanese pressure group in California was reported to have said:

We should strike now, while the sentiment over the country is right. The feeling of the East will grow more bitter before the war is over and if we begin now to try to shut out the Japanese, after the war we have a chance of accomplishing something. Now that all the treaties between the two nations have been abrogated by Japan's war on the United States, Congress is under no treaty obligation and it could easily pass an act ordering all nationals of Japan to return after the peace ...maybe the return of the aliens would mean that some of the American born would follow them.¹

What helped to get a campaign started were the disturbances that took place in the early days of the relocation centers. During 1942, a workers' strike occurred at the Poston, Arizona center in November, and at the Manzanar cen-

¹Carey McWilliams, "Racism on the West Coast," The New Republic (May 27, 1944), p. 732.
ter in California, conflicts between groups and the camp administration escalated into violence during December in which two evacuees were killed by the military police who were called in to quiet the assemblage. ²

With these incidents in mind, and because the evacuees continued to be detained instead of merely relocated, a favorable climate was created for "accomplishing something." Because the Poston and Manzanar incidents took place over the struggle for power within the community government permitted the evacuees by the War Relocation Authority (WRA), one potential avenue of attack, based on WRA laxity, was opened. The demand for the WRA to relinquish its authority to the Army promised to make the evacuees virtual prisoners of war. As such, their chances of being re-integrated into American life would have disappeared. And, after the war, they would have been forced to leave for Japan. To support this objective, arguments were marshalled that criticized the WRA for "pampering" the evacuees. On January 8, 1943, Representative J. Leroy Johnson (R., Calif.) introduced a resolution in Congress that proposed an investigation of the WRA centers and by January 14 he had accused the WRA of

"coddling" the evacuees. The impact of his charges prompted two West Coast Senators, Holman (R., Ore.) and Wallgren (D., Wash.), to introduce a bill in the Senate that would have transferred the WRA centers to Army control. One outcome of this activity was the decision of a Senate subcommittee to visit the centers. The Sacramento Bee reported that this decision "...resulted from a meeting of congressional delegations from three West Coast states in closed session."4

Politicians within California were also active early in 1943. On January 7, three resolutions were introduced in the state legislature which sought to memorialize Congress to:

1) ...prohibit all Japanese, alien and native born from owning, enjoying, using and occupying agricultural lands.
2) ...determine the identity and forfeiture of the citizenship of those holding a dual citizenship in any other country and prohibiting such citizenship.
3) ...introduce an amendment to the Constitution ...barring persons of Japanese descent from citizenship.5

Seemingly designed with post-war deportation in mind, these proposals did not even make the distinction between loyal

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3H. Res. 37, 78th Cong. I Sess. (1943), as quoted in Sacramento Bee, January 8, 1943 and January 15, 1943.

4SB 444, 78th Cong. I Sess. (1943). Reference to SB 444 was made in Sacramento Bee, January 15, 1943.

5Assembly Joint Res. 3, Assembly Joint Res. 5, Assembly Joint Res. 6, California Legislature, 55th Sess. (1943).
and disloyal Japanese. As a matter of fact, evacuation was accepted as proof of disloyalty. It was reported that:

The authors of the measures declared that the basic inability of Japanese nationals to be assimilated as Americans had been shown clearly by the necessity of confining them, citizens and aliens alike, in relocation centers for the protection and safety of the American people at war.6

Without question the campaign for Army control and inevitable post-war deportation for all of the evacuees was aided by the continued detention of the evacuated population; the longer the evacuees continued to be detained, the stronger the argument of disloyalty became. What should have been the case, because the people of Japanese ancestry were evacuated for the reason that it was impossible to readily distinguish the loyal from the disloyal, was to have established relevant criteria and had made the separation.

While they were interned first by the Army then by the WRA, a perfect opportunity was provided for investigations and hearings into the matter of each person's loyalty. Beyond detaining them for longer than the period needed to make the determination, especially in the case of the American-born, was a serious violation of their constitutional rights as citizens. Nevertheless, the criteria were not agreed upon nor was action taken more than a year from the time they were evacuated.

6Sacramento Bee, January 6, 1943.
One of the problems was agreement upon the criteria for identifying a disloyal Japanese. The Army, which had primary jurisdiction, developed some preliminary ideas. Lieutenant-General John L. DeWitt, commander of the Western Defense Command, on August 23, 1942, wrote to the Army Chief of Staff recommending that the Kibei (those born in America but educated in Japan) be separated from the American educated Nisei. His reasoning was based on the fear that continued association of the two groups would "...alienate all Nisei by constant exposure to Japanese indoctrination." A further step he recommended in solving this problem involved the forfeiture of the United States citizenship of the Kibei "...through appropriate legal processes or means...with a mind to their repatriation as rapidly as possible."7

By October 5, in anticipation of the end of the Army's responsibility in the evacuation, General DeWitt felt that "...the development and imposition of appropriate restrictions on dangerous elements among all Japanese... had not been achieved." On the strength of this opinion he recommended that the War Department "...undertake to provide for the retention of the evacuee class in relocation centers as a measure of urgent military necessity." With the onset of full control over the evacuees by the WRA, General DeWitt's position had changed so that he became opposed to any re-

7JERS—"Copy of letter from General DeWitt to United States Army Chief of Staff, August 23, 1942 (Folder E 6.00)."
lease of the evacuees from the WRA centers.8

On the other hand, the WRA, perhaps realized that more than "military necessity" had prompted the evacuation. But, because of the confusion it experienced as a newly created agency (established March 18, 1942 by Executive Order 9102), it did not have any ready criteria on which to base any separation of the disloyal from loyal evacuees. It was apparent, however, that the philosophy of the WRA emphasized the relocation aspect more than security precautions. It recognized:

...that there was an obligation on the part of the War Relocation Authority both to the evacuated people and to the people of the United States to restore all loyal citizens and law-abiding aliens to normal and useful American life with all possible speed.9

Dillon S. Myer, who became the director of the WRA on June 17, 1942, emphasized this objective when he warned a Senate subcommittee in January 1943:

I sincerely believe...that if we don't handle this problem in a way to get these people absorbed as best we can while the war is going on, we may have something akin to Indian reservations after the war, which will be a problem that will be with us for years and years.10

8Ibid.---"Copy of letter from General DeWitt to United States Army Chief of Staff, October 5, 1942 (Folder E 6.00)."


10United States, Congress, Senate, Committee on Military Affairs, subcommittee investigating the War Relocation
Myer's analysis was closely drawn from a memo written to him by Leland Barrows, another WRA official. Barrows wrote, on November 3, 1942, that "...at best segregation is a negative approach," and unless the WRA was prepared to do "positive things," like preparing for the "permanent return of the loyal evacuees to normal life," there was a "grave danger" that the proposed segregation would "embitter the entire population almost beyond hope."\(^{11}\)

What substituted for mass segregation was the process for leave clearance worked out between the WRA and the War Department. This was a time-consuming and cumbersome procedure that involved: the assembling of applications for leave at the centers, their transmittal to Washington where they were referred to the intelligence agencies for checking, a second review by Washington authorities and, finally, return to the centers. The minimal results obtained were illustrated by statistics which revealed that, at the end of 1942, only 250 of 2,200 applications of indefinite leave had been cleared and granted.\(^{12}\) The reason the War Department was still involved, in spite of the fact that WRA was

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\(^{11}\) JERS--"Copy of memorandum from Leland Barrows to D.S. Myer, November 3, 1942 (Folder E 6.00)."

a civilian agency, was because the areas surrounding the centers were considered "military areas" and therefore came under the authority of Public Law 503 which was passed on March 21, 1942, to enforce the orders under which the evacuation took place. In actuality, the people detained could leave the centers only at the discretion of the military. Under Public Law 503, "...violation of an order of a military commander to a civilian...in a military area...was a misdemeanor punishable by a fine and imprisonment."¹³

As background material for the development of a law to denationalize United States citizens, the foregoing is important in two respects. First, the long detention without any attempt at a meaningful segregation helped institute both in the public mind and the mind of the evacuee the acceptance of the relocation centers as "concentration camps." Second, it illustrates that the WRA, although a civilian agency, could develop and initiate its relocation programs only with the approval of the military. Therefore what little authority it retained was restricted to the administration of affairs within the ten camps for which it was responsible.

When the War Department on January 28, 1943, announced the decision to form an all-Nisei combat team (those Nisei who were in the armed forces at the outbreak of the war were

¹³tenBroek, Prejudice, War and the Constitution, p. 113.
withdrawn from active duty and those who were eligible for military duty were placed in category 4-C which was not affected by the draft), it finally offered the opportunity to make a wholesale determination of loyalty and disloyalty. The Army, which sent recruiting teams to the centers and administered a loyalty questionnaire to male citizens of military age, was joined by the WRA which registered the rest of the population that was over seventeen years of age.14

Contrary to what both the Army and WRA expected, there was considerable resentment in the centers to registration. What provided the most controversy was item twenty-eight on the questionnaire. It read:

Will you swear unqualified allegiance to the United States of America and forswear any form of allegiance or obedience to the Japanese Emperor, or any other foreign government, power or organization?15

Of the 77,842 eligible to register (those age seventeen and over), 3,254 did not register, 6,733 answered question twenty-eight in the negative, and 2,083 qualified their answer to the question. The highest proportion of negative responses was among the male citizen group: of 29,328 who registered, there were 4,414 no's, 715 qualified responses, and 128 refused to answer. This represented 28 percent non-


15 Thomas and Nishimoto, The Spoilage, p. 57.
affirmative answers for the group. The corresponding figure for female citizens was 18 percent. Combined, this was roughly 23 percent of the American-born evacuee population. Significantly, there were great variations according to the centers: in those centers where community hostility to the Japanese was great, the highest percentages of negative answers were recorded. Tule Lake, in California, had 42 percent, Manzanar, also in California, had 26 percent, and Jerome, in Arkansas, also had 26 percent. This was startling when compared to Granada, in Colorado, which had only 3 percent.

The reasons for this relatively high percentage of negative responses to question twenty-eight were not difficult to explain. For the most part political allegiance was of secondary importance (many had never even been to Japan) and protest against the evacuation and the camps assumed primary consideration. The WRA community analyst was cognizant of this aspect as he explained:

> It is Machiavellian to thrust self-respecting citizens into concentration camp conditions and then call them disloyal for protesting this treatment by refusing to pledge allegiance in this situation, and then to turn around and say to the public that

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this proves we were right in detaining those people, they were largely subversive in the first place.18

Nevertheless, the results were interpreted as an index of disloyalty, and furnished the base on which anti-evacuee agitation was built. What helped to establish this conclusion was the investigation by the Senate Committee on Military Affairs subcommittee, headed by Senator A.B. Chandler (D., Ky.), of the relocation centers during the registration period. Chandler's seven-man committee, which had been authorized to study the feasibility of transferring the WRA centers to the Army, included not only the two West Coast Senators, Holman and Wallgren, but also three Senators from Rocky Mountain states affected by the evacuation. Senator O'Mahony (D., Wyo.) had the Heart Mountain center in his state, and both Senators Murray (D., Mont.) and Gurney (R., S.D.) represented states in which evacuees from the centers were providing agricultural labor. The potential for bias entering into the hearings, therefore, was quite high. Of all the members, however, Chandler provided the most controversial and alarming information. During the Phoenix hearings he told one witness:

Suppose I told you in one camp, when an opportunity was given 5,000 Japanese to volunteer for the Army, we got 94. In one of those camps they are not only definitely 60 percent of them against the Government of the United States by express word,

18JERS—"John F. Embree to John A. Province, April 23, 1943 (Folder E 6.00)."
but they will not fight for us or work for us, and they influence others not to do it.\textsuperscript{19}

The conclusion that the registration was an accurate index of evacuee disloyalty was obvious in his comments such as: "...There is no question in my mind that thousands of these fellows are armed and prepared for Japan to take the West Coast, and they are going to help."\textsuperscript{20}

Not only did the Chandler committee investigation coincide with the registration, but the centers the committee visited also added publicity to his hearings. Perhaps with an eye to getting publicity, the centers in Arizona and Arkansas were visited, both of which had been experiencing hostility from the surrounding community. In Arkansas, there had been considerable friction between the evacuees and white construction workers brought from the outside. There were also widespread stories of wastage. Following California’s example, Arkansas had been considering legislation setting up segregated schools for children of Japanese ancestry and measures to prevent aliens from owning land.\textsuperscript{21}

In Arizona, where there had been a good deal of anxiety during the strike of November 1942, there existed the fear

\textsuperscript{19}Chandler Hearings, pp. 162-163.

\textsuperscript{20}WPR--Washington Post, AP, March 9, 1943.

\textsuperscript{21}Memphis Commercial-Appeal, January 3, 1943. WPR--Arkansas Gazette, January 21, 1943 and Baltimore Evening Sun, January 21, 1943.
that the evacuees would remain in the state after the war. The Chandler hearings gave Arizona Governor Sidney P. Osborn a national forum from which to express this fear.

...I have been trying and insisting...that when this war is over those Japs, California Japs, be taken back to California where they came from. We cannot assimilate those Japs in our state. It is going to break down our wage scale, it is going to complicate our social problem, and it is going to do a lot of things which it shouldn't do.22

While the Chandler investigation performed a disservice by publicizing disloyalty, as early as March it was revealed that the committee report would not recommend Army control. Perhaps taking his cue from WRA director Myer's testimony before his committee, Chandler reported that he would recommend abolition of the WRA centers for fear "...the perpetuation of the relocation program would result in a situation not unlike the administration of Indian affairs." Besides this he was said to recommend internment for those found disloyal and the gradual release of those proved loyal.23

Meanwhile, back in California, the anti-Japanese campaign continued unabated. While the Chandler statements on disloyalty may have had an educational effect on the rest of the nation, politicians and groups in California continued

22Chandler Hearings, p. 189.

23WPR--Tucson Star, March 12, 1943 and Arizona Republic, March 12, 1943.
to operate on the premise that evacuation validated disloyalty and, if there were loyal evacuees, it was impossible to distinguish them from the disloyal. As if to mirror the Chandler investigation, a committee of the California Senate, headed by Jack B. Tenney, announced an investigation of the two camps in California. As opposed to most investigations, he announced that his recommendation would be for Army control, and no other solution, before the investigation took place. He would make this recommendation, he said, if reports confirmed the Japanese were "...fishing illegally... buying up supplies of rationed food...driving government cars and...given generally preferential treatment."24

At the same time the Tenney investigation was announced, the Sacramento Bee uncovered an issue that was certain to arouse the anger of the public toward the Japanese. This issue concerned the Bee's discovery, at a time when rubber for tires was in short supply, that there were some 20,000 to 25,000 "pre-war grade" tires on evacuee-owned cars stored throughout West Coast states. Obviously calculated to expose unpatriotic behavior by this revelation, an unnamed WRA spokesman was quoted as saying, "...the owners did not wish to have their cars used in any manner which would contribute to a United Nations victory in the war."25 The

24Sacramento Bee, January 25, 1943.
Tenney committee, which was sometimes referred to as the "little Dies committee" because of its sensational revelations and witch-hunting tactics, immediately leaped into the controversy. Senator Hugh Burns, a member of the committee, announced on February 3 that hearings would take place to determine "...whether any of the Japanese owners of the cars engaged in subversive activities and why none of the cars or tires was offered to the government for the war effort in view of the rubber shortage."26

The tire issue opened a controversy about farm equipment owned by the evacuees that was lying idle throughout the state. The March 18 edition of the Los Angeles Times, for example, claimed 267 tractors discovered in a preliminary search. This was two days after WRA director, Myer, released the statement that the amount of machinery was much smaller than reports indicated, and there were only 150 tractors owned by the evacuees that still remained to be disposed of.27 Despite the uncertainty of the actual statistics, some startling predictions about agricultural losses due to the lack of equipment were made. Supervising inspector of the State Board of Agriculture, Frank N. Kramer, for example, projected on March 30 "...an 80 percent reduction of California's tomato acreage, largely due to lack of

26 Ibid., February 3, 1943.
equipment.\(^{28}\) The product of this agitation was a unanimously adopted resolution in the California Assembly which authorized the requisitioning of "...any and all farm equipment now stored...in California and belonging to evacuees."\(^{29}\)

While this agitation was being fed by the newspapers and the Tenney investigation, activity was also taking place among other groups in California. The Watsonville Defense Council, for example, citing the danger of sabotage and "...the impossibility of distinguishing the loyal from disloyal Japanese," adopted a resolution on February 23 which urged "...full and proper control and supervision by the Army and retention in the relocation centers for the duration of the war." Within the next two months, an identical resolution was passed by, among others, the supervisors of San Benito, Lassen, Monterey, Lake, Butte and Los Angeles counties.\(^{30}\)

In April, the agitation increased and it was apparent that the fear that the evacuees were going to return was most emphasized. First, the Tenney investigation produced a report on April 9 with the expected recommendations for Army control, and segregation of the "pro-axis Japanese."\(^{31}\)

\(^{28}\)Ibid.--Los Angeles Times, March 31, 1943.


\(^{30}\)JERS--"Post evacuation resolutions of cities and counties (Folder T 1.62)."

\(^{31}\)California Legislature, 55th Sess. (1943), "Report of
Among the "findings," the committee revealed the presence of short wave radios in the centers and the re-broadcasting of pro-Japanese propaganda.\(^{32}\) More alarming for Californians, however, was the revelation that a movement composed of church and educational leaders was afoot to "...discredit the evacuation and internment policy and...to soften public opinion against the Japanese and pave the way for a negotiated peace with Japan."\(^{33}\)

The accuracy of this report was very questionable, mainly because it was prepared by Dr. John Lechner, chairman of the Americanism Educational League and noted foe of the Japanese. An analysis of the testimony revealed that alone Lechner's portion accounted for 44 percent and, of the twelve witnesses, "...complete direct quotation...[was] printed only in the case of Dr. John Lechner."\(^{34}\) The purpose of this report, however, was not to inform but to agitate, and, in this respect, was another element in the case against the Japanese.

It was apparent that General DeWitt accepted the Tenney Joint Fact Finding Committee on un-American activities to the legislature," *Senate Journal* (Sacramento, 1943), pp. 1526-27.

\(^{32}\)Ibid., p. 1488.

\(^{33}\)Ibid., p. 1493. Among the groups implicated were the Post-War Council, the National Committee for the Prevention of Wars, and the Institute of Pacific Relations.

\(^{34}\)JERS--"California Investigative Committees (Folder T 1.52)."
report at face value. As noted earlier, he favored Army control and detention for the duration, and therefore could readily agree with the recommendations. On April 13, before a subcommittee of the House Naval Affairs Committee which held hearings in San Francisco, General DeWitt echoed the Tenney report when he mentioned "...the development of false sentiment on the part of certain individuals and some organizations to get the Japanese back on the West Coast."

As far as his own position he declared that he was against their return and was "...opposing it with every proper means at my disposal." The reasons he gave were the standard ones; they were "...a dangerous element...[and] there is no way to determine their loyalty."

The greatest agitation was caused on April 19 when General DeWitt issued Public Proclamation Number Seventeen which permitted soldiers of Japanese ancestry in uniform to be in the West Coast military areas without permit. According to Edward N. Barnhart, Assistant Secretary of War John McCloy had been urging this procedure after the question arose during registration. But General DeWitt refused to modify his stand and sent a memorandum to the Chief of Staff

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35 Statement of General DeWitt on April 13, 1943, before a subcommittee of House Committee on Naval Affairs entered by Representative John Z. Anderson (R., Calif.) in the Congressional Record, XIC, p. 4006.

defending his position. General DeWitt, however, was "... overruled and directed to modify the policy."37

Viewing this as a move on the part of the government to return all of the evacuees to the military areas, West Coast Congressmen reacted strongly. Representative John Z. Anderson, of California, declared on May 5 that Public Proclamation Number Seventeen was "...forced on the War Department by civilian agencies." Seeing this as a prelude to return of the Japanese he warned of "serious racial troubles," even after the war, if attempts were made "...to move the Japanese back to the Pacific Coast States."38 Anderson even questioned the qualification of the Army to recruit loyal soldiers when he asked: "What is to prevent the Japanese from bringing agents to our coast and letting them mingle with the persons who are permitted to enter under this proclamation?"39

On May 6 an unofficial committee of the California delegation was formed to oppose Public Proclamation Number Seventeen. Heading this committee was Representative John Costello of Hollywood, a Native Son and a vigorous anti-Japanese crusader. Costello made a remarkably candid assessment of the implications the return of Japanese-American soldiers meant when he described it as an "...opening wedge

37Ibid., Congressional Record, XIC, p. 4007.
38Ibid., p. 4006. 39WPR--Los Angeles Times, May 6, 1943.
...to get the people here accustomed to seeing Japs again. Next it will be the 'loyal' parents of these soldiers, and after that all the 'loyal Japs.'

Typical of the emotional level reached in this phase of the anti-evacuee campaign were the sensational news stories that appeared. The Los Angeles Times for example, on May 12, ran a front page story about a "Bomb Found at Evacuated Jap Dwelling." The story strongly hinted of potential sabotage purposes and sought to stir up readers' hostility to the return of the Japanese. The next day a correction appeared in the back pages which revealed, according to a demolition expert, that the bomb was actually a World War I souvenir.

California's agitation was matched in other states that had become outraged by the news on April 22 that a group of American flyers, of the famed Doolittle aviators, were executed in Japan. For example, establishing a connection between the Japanese militarists and the interned Japanese, Senator Stewart of Tennessee appealed to the Supreme Court to prohibit American-born Japanese from becoming citizens.

Reporter Jack Carberry of the Denver Post used the news of the executions to initiate a series of extremely critical articles against the WRA. Mentioning the contrast between

40San Francisco Examiner, May 27, 1943.
41Los Angeles Times, May 12, 1943 and May 13, 1943.
42WPR--Washington News, April 23, 1943.
treatment accorded to the American flyers and the "waste and extravagance" accorded the interned Japanese, Carberry launched into a three article series that "exposed" the WRA. Using the Heart Mountain Wyoming center as an example, his charges included: food hoarding, unwillingness of the evacuees to take outside agricultural jobs, the use of tractors for racing, the trading of supplies for liquor and the waste of building supplies and coal. Making the most of the estimated 1,200 evacuees who had refused to answer question twenty-eight in the affirmative, the articles charged that this group was "pampered." Moreover, because the WRA set up a sawmill outside of the center, the article raised the issue of possible sabotage to the Shoshone Dam which was thirty miles from the camp and on the route used by sawmill workers from the camps.43

Senator Robertson (R., Wyo.), in whose state the Heart Mountain center was located, urged that the evacuees "must be treated as prisoners of war." As his reasoning he submitted the Denver Post articles as evidence and he declared:

...Americans are not going to stand by and see this administration pampering and petting a bunch of disloyal internees, supplying them with food in quantity and quality they cannot get themselves, when all the time they know that their own fathers, brothers and sons are being murdered or mistreated, or, at

43Denver Post, April 23, 1943, April 24, 1943 and April 26, 1943 as entered by Senator Robertson as Exhibit A on May 6, 1943 in the Congressional Record, XIC, pp. 4042-43.
best, just being permitted to exist by the Japanese warlords.\textsuperscript{44}

The promise that the agitation would increase was insured, when on May 14 Dies committee investigators arrived unannounced at the Manzanar center in California.\textsuperscript{45} In a manner typical of the headline seeking committee, Los Angeles, the hotbed of the agitation, was chosen as the site for future hearings. Likewise, in building up community interest and hostility, a member of the committee, Representative Parnell Thomas of New Jersey, arrived well before the hearings were to take place and began issuing press releases. The charges contained were sensational but essentially a refurbishing of the accusations contained in the February 1942 Committee Report. For example, it was claimed that the Japanese had a "fully trained infantry battalion" on American soil "prior to the attack on Pearl Harbor."\textsuperscript{46} The objective of this latter campaign was, however, directed against release of any Japanese from the centers and for post-war deportation to Japan. Thomas made this clear when he declared:

I personally feel that no Japs, I don't care what their sentiments may be, should be released from

\textsuperscript{44}Speech of Senator Robertson in Senate, May 6, 1943, \textit{ibid.}, pp. 4040-41.

\textsuperscript{45}\textit{WPR--Inyo Independent}, May 14, 1943.

relocation centers unless they are exchanged for American prisoners now held by the Japanese.47

Having bolstered the campaign against return and release of the evacuees, the Dies group paved the way for California State officials to continue the struggle. On May 21 Governor Warren, speaking for the California War Council, declared: "We can't meet danger if we have potential traitors and saboteurs in this area." Further, he expressed the opinion that "...it's our right and duty to keep the people of the nation conscious as to the dangerous position California is in."48 On May 26, State Senator Tenney warned of the dangers of

...thousands of men in the Japanese armed forces that can speak English as fluently as our own people...in American uniforms and put ashore here via submarines at night."49

The Hearst papers, which had consistently excoriated the administration for its lack of attention to the Pacific War, revealed the story of General DeWitt's impending transfer, to arouse its readers.50 The charge that the Japanese

47Los Angeles Times, May 14, 1943.
48Ibid., May 22, 1943. 49Ibid., May 26, 1943.
50Typical of the editorials criticizing Federal policy in the Pacific war was the following selection from the May 13 San Francisco Examiner. It asserted: "...if importance of a front is to be gauged by the volume of supply -- and this is a war of supply -- then Washington considers the Pacific less than one-tenth as important as the European theatre." Further, the editorial charged the administration with ignorance of the fact that the Pacific war was, "...a race war between peoples and civilizations that mutually exclude each other....in which a grasping cruel and insanely
had "friends" high in the War Department was laid for opposing the return of Japanese soldiers to his command.51

A subcommittee of the Dies committee led by Representative Costello, who had won his laurels as chairman of the unofficial committee against Japanese return, launched its hearings in Los Angeles on June 7. In a manner designed to gain maximum publicity the more sensational charges and accusations were aired first: California and Arizona officials expressed fear of released evacuees; representatives of the Native Sons of the Golden West and the American Legion urged Army control of the WRA centers; and Earl Best, the chief source for the Denver Post series, reiterated his charge of food hoarding. As expected, the newspapers played up the sensational stories coming from the hearings. On June 12 the Los Angeles Times gave page one notice to "Jap Internee Plot

__ambitious race is determined to exterminate whoever opposes its dream of conquest and its plan of world dominance. San Francisco Examiner, May 13, 1943. __

51 That DeWitt caused the War Department much embarrassment was probably more of a reason for his transfer rather than any plot. For example, on May 13 DeWitt declared: "...A Jap's a Jap. It makes no difference whether he is an American citizen, he is still Japanese. American citizenship does not necessarily determine loyalty." DeWitt's remarks from United States, Congress, House, Committee on Naval Affairs, 78th Cong. I Sess., 1943, subcommittee investigating congested areas, Hearings, part 3, pp. 739-741. Quoted by Grodzins, Americans Betrayed, pp. 282-283. The response of influential newspapers to this remark was instantaneous and opposed. The Washington Post, for example, on April 15 editorialized: "...the General should be told that American democracy and the constitution of the United States are too vital to be ignored and flouted by any military zealot." Washington Post, April 15, 1943.
Against U.S." The San Francisco Examiner, not to be outdone, on June 13 had as its front page story, "Japs Linked to 1942 Wreck of Army Train." 52

The WRA director, incensed by the earlier newspaper distortions, wrote to Costello on June 7 suggesting that the information received be checked before it was released to the press. In this connection he offered the services of R.B. Cozzens, field assistant director, "...to assist in any way by supplying or checking information." 53 Defending his committee's actions Costello felt the press was given a "...very factual record of the proceedings." Moreover, Costello declined Cozzens' services and stated: "...it was not the intention of this committee to call upon Mr. Cozzens, so that he might censor any reports that might go out to the press." 54

Deprived of expressing its opinion of the various accusations during the committee hearings, the WRA finally resorted to printing its own answers and explanations of the charges. For example, the testimony of Harold Townsend, star witness and former supply officer of the Poston center,


53 Letter from D.S. Myer to Representative Costello, June 7, 1943, Dies Hearings, p. 9201.

54 Ibid., p. 9202.
which was received by the committee in closed session, contained a synopsis of most of the charges. This included the food situation, lack of discipline, and disloyalty, all of which constituted "coddling." The WRA, which had dismissed Townsend for incompetence, issued a point by point denial of the charges and of the testimony concluded:

...there is ample internal evidence in the testimony itself that Townsend's hearing before the committee consisted simply of...reading this prepared statement into the record with appropriate leading questions from time to time by the committee's investigator. There was no cross-examination, and every statement, no matter how clearly fantastic, was accepted for the record at face value.55

By the time witnesses favorable to the Japanese, such as the Civil Liberties Union, had a chance to testify before the Costello subcommittee, a new campaign was being waged from the nation's capitol against the WRA and the Japanese. This new issue, also developed by the Dies committee, concerned the contents of records seized from the Japanese-American Citizens League (JACL) headquarters in Washington. As expected, West Coast newspapers led the attack. On June 17, the San Francisco Examiner's front page screamed: "Jap League's Deals With High U.S. Officials Revealed." Asserting that the league's representatives not only attended "...confidential staff conferences of some of the most im-

portant departments of the government," the article also claimed JACL attendance at a "...meeting of Justice Department lawyers which planned the Government's Supreme Court argument against Japanese legal moves to escape curfew and evacuation restrictions." The upshot of this, the article continued, was the threat that "...if the Government loses the case, 107,000 West Coast Japanese...might be free to return to the critical West Coast military zone forthwith." 56

Because the Costello hearings resumed in Arizona on June 18 and statements kept issuing forth from Dies in Washington, it meant that there would be little opportunity for immediate opposition to the charges. Not until the committee opened hearings in Washington in July would WRA and JACL officials be given a chance to refute the charges. Such was the tactic of the Dies committee -- to issue irresponsible charges with the belief newspaper publicity would overcome any later correction or refutation of the claims. 57

56 San Francisco Examiner, June 17, 1943.

57 Mike Masaoka, former JACL executive secretary and, then, current member of the United States Army, testified on July 3. He told the committee that attempts to impress the league's superiors were responsible for inflated statements made about JACL influence with certain branches of the government. This was probably true; the JACL's access to confidential information from the WRA seemed more to keep the organization informed than to ask it to play a role in policy making. WPR--AP, UP, and thirty-five reported papers, July 3, 1943. WRA director, Myer, testified on July 7. He was not as defensive as Masaoka. He criticized the conduct of the investigation and charged the committee had: "...fostered a public feeling of mistrust, suspicion and hatred ....to convince people of the orient that the United States is undemocratic and is fighting a racial war." Ibid., fifty reported papers.
When the Dies committee finally released its much publicized report on September 30 the recommendations contained therein were surprisingly mild. Besides urging that segregation be put into effect as early as possible (this had taken place in mid-September), the other recommendations included that a joint board of WRA and members of federal intelligence agencies be set up to rule on the release of evacuees, and that a thorough Americanization program be set up for the Japanese remaining in the centers. The mass of testimony concerning administrative problems of the WRA and which received the greatest publicity were not discussed in the final report. That the investigation served mainly to get publicity did not go unannounced by Representative Herman Eberharter (D., Penn.), a member of the committee. On the same day Costello's report was released, Eberharter issued a minority report which condemned the investigation as being "prejudiced" and it concluded:

The investigation has encouraged the American public to confuse the people in relocation centers with our real enemies across the Pacific. Thus it has fostered a type of racial thinking which is already producing ugly manifestations and which seems to be growing in intensity....In view of these facts, it is my considered opinion that the investigation of the WRA program has not only been a parody on fair minded and constructive congressional inquiry but a serious disservice to the American people.58

The pressure generated by these investigations and criticism of the government finally led to the passage of a resolution by the Senate (SR 166) on July 6 that urged segregation of the disloyal from the loyal be put into effect as soon as possible.\textsuperscript{59} Interestingly, this was the only action taken by the Congress in spite of the many memorials from California that were read in the House and the Senate. Its significance is that it probably did not reflect the degree to which national interest was aroused. By urging segregation the Senate was only demanding a procedure that was to accompany the evacuation, nothing more.

In the more representative branch of the Congress a more ominous situation obtained. This was the introduction of a number of bills, the by-products of the agitations, which were waiting for a hearing when SR 166 was adopted. Making the most of the protest evacuees expressed toward the evacuation and detention at the time of registration, instead of actual political disloyalty, these \textit{ex post facto} measures sought to first remove United States citizenship then repatriate those evacuees found to be disloyal. Because the particulars of these bills are discussed in the next chapter,


their most important characteristics that will be mentioned here are the dates they were introduced and their authors. The first, HR 2701 by Representative Sheppard (D., Calif.), was introduced on May 13, at a time tensions were high both because of Public Proclamation Number Seventeen and because of the executions of American flyers. The second, HR 3012 by Representative J. Leroy Johnson (R., Calif.), was introduced on June 21, right after the Costello investigation in Los Angeles. House Concurrent Resolution 29 by the same author was introduced on the same day. The third bill, HR 3489 by Representative W.F. Norrell (D., Ark.), was introduced on October 19, after the April to June campaign but it was designed more to apply to aliens than citizens.60

Without a doubt the continued agitation from California had a hand in bringing about national consciousness on the evacuee issue. What was essential of course was the distribution of the Japanese population in other states, and this had been accomplished by the geographical dispersion of the WRA centers. Once concentrated blocs of Japanese were established, agitation against the race was provided with additional bases for support.

The pattern of response followed closely on the Californian model. Arkansas, for example, adopted discriminatory

statutes, and Arizona, as exemplified by Governor Osborne's statement, shared California's leaders' opinion about not wanting the Japanese after the war. Leaders of other states, many of which never having had any Japanese, followed suit or at least did not criticize the westerners perhaps because they considered it a regional problem and therefore none of their business. At any rate, the extent to which the nation was troubled by a small group of vocal politicians about a racial group that was numerically insignificant was testimony to the importance an issue influenced by the factor of race could become.

Political developments of the first half of 1943 concerning the resident Japanese was an issue characterized by an increasing campaign on the part of mainly West Coast, and, in particular, California, leaders to make the evacuees virtual prisoners of war. By campaigning and agitating on the theme of disloyalty, which had not been established, a national consciousness about the problem was nurtured. What helped the campaign was the spread of the "concentration camps" to other states and the participation of congressional investigations that were little more than publicity makers. Within California itself a major campaign that involved elected leaders, many organized groups, and most newspapers worked to create a uniformly hostile opinion toward the evacuees.

The goal of deportation after the war was linked to the
wartime goal of Army control over the evacuees. By detaining them for the entire war, as was hoped Army control would accomplish, the possibility of reintegration into normal life would have been difficult if not impossible. In order to promote Army control a major campaign attacking the War Relocation Authority took place. Because there were WRA centers in other states, criticism in one state could hold equal attention in another. And, as a matter of fact, the charges developed were remarkably similar. This uniformity of opinion among several states was a convenient vehicle for applying pressure on the government. Considering the number of charges and accusations lodged against the Japanese, the only point at which they were vulnerable was the negative replies to question twenty-eight. From this inaccurate index the agitation was given a foundation and arguments were developed. In sequence the program followed three steps: exposure of an issue, publicizing by some national body such as an investigative committee and, finally, action. The action from the agitation was realized in first, the segregation which became everyone's recommendation, and second, in a series of proposed bills whose end was the removal of United States citizenship and post-war deportation. These bills dangerously waited to be activated with the next wave of agitation.
CHAPTER III

CATHARSIS -- A DENATIONALIZATION LAW EMERGES FROM THE TURMOIL

From the institution of segregation of the evacuated population in mid-September 1943, a specific target was provided West Coast politicians for attacks on the WRA. Moreover, because the Tule Lake Segregation Center was in California and because the anti-evacuee campaign centered in California, a potent source to agitate the public was created. Despite the repeated claims of disloyalty against the evacuees, segregation provided the only group which could be used as evidence of those not giving unqualified support to the United States government. As was prone to happen, however, in discussions that arose about disloyalty, more than the segregated group were implicated. In fact, as will be later shown, many politicians who had been advocating Army control of the WRA centers and post-war deportation still held the hope that more than the seegregees would be included in those actions.

The number of those segregated illustrated the degree to which the whole issue of disloyalty had been exaggerated by the politicians and the press. Although it was true
that the mass of those segregated were American-born (12,489 of 18,422) only 3,274 or 26.6 percent had been segregated because of their non-affirmative answer to question twenty-eight. This stood in contrast to statements by such politicians as Senator Chandler that 50 percent of the entire evacuee population did not answer question twenty-eight in the affirmative. Of the remainder, some were segregated for choosing repatriation (4,698 or 37.7 percent), and the rest either wanted to remain with others in their family who were segregated or, because the WRA acting on the advice of the government intelligence agencies, were refused leave clearance.¹

Unlike previous waves of agitation the phase culminating in government acceptance of the denationalization of United States citizens was initiated by the behavior of the evacuees instead of by the investigative committees or by the press. In brief, the disturbances that swept the Tule Lake center from November 1 through 4, 1943, and which led, on November 5, to Army control and the imposition of martial law, were the product of a confrontation between a self-styled group of leaders of the center and an inflexible camp administration."² The events spread from a labor strike on


²Thomas and Nishimoto recognized legitimate grievances and WRA shortcomings that prompted the incident. See Thomas and Nishimoto, *The Spoilage*, pp. 113-146.
the farm to a public funeral held without the administration's authorization and finally ended in mass demonstrations with some incidents of violence when the administration brought in "loyal" evacuees to break the farm strike.3

Irrespective of whether demonstrations were warranted or whether a power struggle existed within the camp, the effect of the incident was to ignite the flammable situation that had been building throughout 1943. Leading the assault against the evacuees was Representative Clair Engle (D., Calif.), in whose congressional district both the Tule Lake and Manzanar facilities were located. He joined forces with an investigative committee of the California Senate that was headed by Senator Hugh Donnelly. It was clear that impartiality would not be the guiding motive when, on November 5, Engle addressed a request for the Dies committee to also conduct an investigation. Moreover, although he had not visited the Tule Lake center, which had been restricted to visitors by the Army when it assumed control, Engle continued to urge, on the basis of his "findings," Army control over the entire WRA program.4

The argument of "coddling" which had consistently been leveled at the WRA throughout the year was again re-acti-

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4Los Angeles Times, November 5, 1943.
vated. At this point, however, a strong relationship was made between lax WRA policies and the outbreak of violence. In typical fashion, WRA was denounced as a New Deal social agency, and the Donnelly committee received testimony which blamed social workers in the camps who "...led the Japanese to believe they would win many concessions."5

Authorities in Washington responded quickly to this latest attack. Perhaps because the administration's program had finally begun to make positive accomplishments, as, for example, the publicity concerning heroics of the Japanese-American soldiers, this renewed assault on the WRA was met by decisive government action.6 On November 10, Attorney General Francis Biddle ordered an investigation of Tule Lake by the Federal Bureau of Investigation.7 And, on the fourteenth, WRA Director Myer issued an official report of the disturbance. Classifying press coverage of the incident as "exaggerated and near hysterical," the report warned of the damaging effect the publicity would have in the hands of the Japanese government which could use it "...as a pretext for retaliatory action against American civilians and prisoners of war under Japanese controls."8 The WRA also re-

5Ibid., November 9, 1943.


7Los Angeles Times, November 11, 1943.

ceived support from former ambassador to Japan and special assistant to the Secretary of State, Joseph C. Grew, who urged "...fair treatment of loyal Americans of Japanese ancestry."9

By unfortunate circumstances another severe blow to the prestige of the WRA and the administration occurred following the Tule Lake incident. What became known as the "bath-tub incident" arose from the publicity created by a WRA pamphlet written to familiarize prospective evacuee farm laborers with conditions in Ohio and Michigan. The pamphlet, written by Professor Dakan of Ohio State University, as he later explained, pointed out that some of the farm houses did not have "adequate sanitary facilities." Making the most of the stereotyped concern for cleanliness among the Japanese, the pamphlet read:

...Believe it or not, some few tenants and seasonal workers do not bathe! They think it is unhealthy. We need you people to change our ideas about this. You have a lesson to teach Ohio and Michigan farmers in sanitation. It is a contribution you can make to our way of living.10

The publicity raised by this publication brought extremely harsh criticism upon the WRA and the New Deal administration. Senator Robert A. Taft (R., Ohio), for example, denounced "...this patronizing opinion of the

9 Ibid., November 19, 1943.
10 Ibid., December 6, 1943.
Representative Roy Woodruff (R., Mich.) criticized, 

The lengths to which the New Deal has gone in sending out, under government frank, propaganda of every description, nearly all of which apparently is distributed with a view of perpetuating the New Deal administration....

Corresponding with national publicity against the WRA, the results of a poll conducted by the Los Angeles Times were made public on December 7. The results showed, by a margin of ten to one, the sentiment of Southern Californians for Army control over all Japanese, for permanent exclusion of Japanese from the West Coast, and for post-war deportation of alien as well as citizen Japanese. In connection with the national indignation caused by the "bathtub incident," the conclusion of the editor was that, "Congress will now believe all the Californians have been saying of this [WRA] inept, New Dealish agency."

On December 9 another investigation was conducted by a committee of the California Legislature. This committee, headed by Assemblyman Chester Gannon, investigated the Pacific Coast Committee on American Principles and Fair Play, one of the few groups that sought to protect the rights of

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11 Los Angeles Times, December 6, 1943.
12 Remarks of Representative Woodruff on House floor, December 9, 1943, Congressional Record, XIC, p. A5405.
13 Los Angeles Times, December 7, 1943.
the Japanese-Americans. Instead of stirring up public opinion against the Japanese, the investigation "backfired," largely due to chairman Gannon's discourteous treatment of the witnesses. National attention was called to this event by Time magazine which ran an article that characterized the probe as a "legislative romp into U.S.-Jap baiting."

The article revealed the excessive harassment by Gannon of such respectable members of the Fair Play Committee as Mrs. Maynard Thayer, Pasadena housewife and member of the Daughters of the American Revolution. Even the anti-Japanese Los Angeles Times conceded that Gannon exceeded his authority when it editorialized that: "Legislative Committees Should Not Be Bullies."

The effect of this agitation was to spur the administration to take action and outline a program. For those considered loyal it was generally admitted that they would be allowed to return to their homes when the condition of "military necessity" was removed. President Roosevelt made this clear on September 14 in his message to the Senate recommending segregation of the disloyal.


16Los Angeles Times, December 11, 1943.

17Roosevelt pledged: "We shall restore to the loyal
been segregated no post-war program had been adopted. This lack of a policy had encouraged western politicians to seek Army control of not only Tule Lake, but, by discrediting the WRA, all of the centers. The corollary to this policy, of course, was post-war deportation of at least the disloyal and the non-citizens.

The administration's choice of action was made clear when Attorney General Francis Biddle appeared before the Dies Committee on December 9. Biddle was of the opinion that "certainly disloyal" Kibei at Tule Lake, who numbered perhaps 2,000, were the "nucleus" of the problem. To solve this problem legally he urged members of the committee to consider the possibility of expatriating American citizens by statute. He stated:

...in wartime...it is inappropriate for a man to choose loyalty, and where he wishes to choose the Japanese loyalty he should be able to renounce his United States citizenship. His citizenship would then be removed and he would become an alien and could be interned and there would be no legal problem left with that.\(^{18}\)

It should be noted that Biddle's concern in the matter of the resident Japanese extended from the time of the evacuation. As then Attorney General, he was strongly opposed evacuatees the right to return to the evacuated areas as soon as the military situation will make such restoration feasible." Message of President Roosevelt read to the Senate, September 14, 1943, *Congressional Record*, XIC, pp. 7521-22.

\(^{18}\) *Dies Hearings*, pp. 10077-78.
to the harsh policy that was eventually adopted. He made this clear on February 9, 1942 when he wrote to the Secretary of War that the Justice Department "...was not authorized under any circumstances to evacuate American citizens."\(^{19}\)

In an interview on October 13, 1942, Biddle reaffirmed his stand: "...I never thought evacuation was necessary and I still don't think it was."\(^{20}\)

Unlike the West Coast politicians and press, Biddle considered the Tule Lake incident relatively minor. He told the committee that "...in any large concentration of men you are going to have trouble." Further, he advised against Army control of the centers in light of the serious international consequences, suggested earlier by Myer, such a move would have for American civilians interned in Japan. Noting first that the treatment of American civilians, not soldiers, had been good, "good food, good lodging, fair treatment," Biddle thought Army control over American civilians in Japan would mean that "...treatment would be very much worse, as is known."\(^{21}\)

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\(^{20}\)JERS---"Interview with Attorney General Biddle, October 13, 1942 (Folder T 1.50)."

\(^{21}\)Dies Hearings, p. 10077.
The Attorney General also added a new dimension to the treatment of the evacuees when he raised the subject of the legality of the various steps that had been taken against them. For example, concerning the internment he had "the gravest doubts" that "...any government could pick out a citizen on the general grounds that his race is a dangerous race and [therefore] shut him up."22 Moreover, in response to a question concerning the possibility of a *writ of habeas corpus* brought up by one of the Japanese-Americans, Biddle thought it would be difficult to prove to the Supreme Court the reason for detention "...without the privilege of freedom of movement outside the camp."23

These issues Biddle raised had, at no time, been seriously considered by the politicians in the anti-evacuee campaign. Moreover, they were potent arguments that could not easily be overshadowed by the emotionalism aroused by attacks on the WRA and the New Deal administration. International repercussions, in fact, could arouse like emotions against western congressmen who had been clamoring for Army control of the relocation centers. In addition, the issue of the constitutionality of the evacuation and internment was a subject that had been ignored but one the nation had to reconcile with its legal system in the post-war world.

Since the administration had opened the legislative

avenue as offering a solution to the disloyal Japanese problem and had judged Army control of the camps impractical, a ready program to deal with the problem took shape around the denationalization bills that had been introduced before the Tule Lake incident.\textsuperscript{24} The first, HR 2701 by Representative Sheppard, provided for the loss of United States citizenship if a person were convicted by a federal court in any judicial district of "...knowingly and intentionally expressing, either orally or in writing, loyalty to a foreign state."\textsuperscript{25} The second, HR 3012 by Representative Johnson, provided for the establishment of a Japanese Deportation Commission which would conduct hearings into the loyalty of individual Japanese and refer the cases of those found guilty to the Attorney General who, in turn, would issue a warrant of deportation. The basis for disloyalty included the same phrase used in the Sheppard bill concerning expressions of loyalty to a foreign state, plus aiding the enemy, and "...advocating or teaching the overthrow by force or violence of the United States Government."\textsuperscript{26} The third bill, HR 3489, by Representative Norrell, provided for the deportation of all alien Japanese and those American-born Japanese found guilty of being "unfriendly to the United States."

\textsuperscript{24}See p. 62.

\textsuperscript{25}Copies of bills entered by Representative Dickstein, February 16, 1944, in \textit{Congressional Record}, XC, p. 1782.

\textsuperscript{26}\textit{Ibid.}, p. 1783.
There was no provision for the removal of United States nationality in this bill.\footnote{\textit{Ibid.}, p. 1782.}

From the language and terms of these bills it was clear that coverage of the prospective laws would have gone beyond the segregation of disloyal from loyal, and even beyond the evidence obtained from the registration. For example, the field of oral evidence was opened and thereby included any and all statements favorable to Japan that may have been uttered. At the same time, since the results of the registration were the primary source of evidence in the Sheppard and Johnson bills, the prospective laws included those persons who may have changed their answers from negative to affirmative. From the constitutional standpoint these bills were also of an \textit{ex post facto} nature.

Despite these serious constitutional problems, a delegation of fifteen West Coast legislators, on December 15, voted to work for the enactment of HR 2701. This external show of unity on their part, however, concealed a growing disunity. Perhaps because of new arguments raised by the Attorney General and because 1944 was an election year, two motions that might have been termed "unpatriotic" by their opposition were rejected by this group. Engle's motion for continued control by the Army of the Tule Lake center was killed by a vote of seven to two. Another motion that met
the same fate was Costello's suggestion that all the WRA centers be transferred to the Justice Department. It lost by a vote of eight to one.\textsuperscript{28}

With the battleground shifted to the legislative arena, West Coast politicians were as close as they had ever been to realizing the fruits of their campaign for the deportation of a large group of Japanese. The House Committee on Immigration and Naturalization, with Representative Samuel Dickstein (D., N.Y.) as chairman, began hearings on the bills January 20, 1944. The hearings witnessed a reiteration by West Coast congressmen of the standard arguments they had been raising throughout 1943. Typical of the kind of argument spoken by the westerners was the following by Representative Engle:

\begin{quote}
...We do not want those Japs back in California, and the more of them we can get out of this country the better. If we can forfeit the citizenship of those who have asked to be deported and those who have stated their loyalty to Japan, we can, as part of the peace treaty, and as suggested by congressman Johnson, ship them all back.\textsuperscript{29}
\end{quote}

To the surprise of the West Coast delegation the Attor-

\textsuperscript{28}Because the partisanship and the recognition that no action would be taken were reasons given for the divided sentiment among the group. It was reported that "New Deal supporters" among the group opposed "drastic tightening of lax controls over the Japanese." Los Angeles Times, December 15, 1943, December 16, 1943 and December 28, 1943.

ney General, on January 25, introduced a bill, written by
the Justice Department, to deal with the problem. This bill,
which became HR 4103, differed from the other proposed bills
in two important respects. As explained by the Attorney
General, the bill did not "...rely upon some administrative
determination concerning what particular conduct indicates
loyalty to a foreign sovereign," and did not "...make the
loss of invaluable United States citizenship depend upon
words or deeds which occurred before enactment of the bills."\(^{30}\)
Instead, the Justice Department bill expressly called for
the subject to make

...in the United States a formal written renunc-
ation of nationality in such form as may be pre-
scribed by, and before such officer as may be de-
signated by, the Attorney General, whenever the
United States shall be in a state of war and the
Attorney General shall approve such renunciation
as not contrary to the interests of national de-
fense.\(^{31}\)

As to be expected, the reaction of western congressmen
to the administration bill was one of surprise and outrage.
On January 26, twenty-one members of the congressional dele-
gations of California, Oregon and Washington adopted a reso-
lution which, in addition to asking that Tule Lake be placed
under the Justice Department and that D.S. Myer be replaced
as head of the WRA, urged the adoption of legislation that

\(^{30}\)Ibid., p. 36.

provided for the denationalization and deportation of any citizen convicted of "knowingly and intentionally expressing, either orally or in writing, loyalty to a foreign state." 32 A spokesman for this group saw the administration bill as affecting only "2,000 to 4,000" while the other bills promised to reach "20,000 to 40,000." The San Francisco Examiner reported this group's opinion that, "...the Justice Department bill would prove ineffectual in bringing about the desires of the west coast, which is drastic reduction of the Japanese disloyalty menace." 33

Corresponding with introduction of the Justice Department bill (HR 4103), which was reported out of committee on January 26, were other positive steps taken by the administration to relieve criticism of the WRA and to aid the cause of the loyal evacuees. On January 20, Secretary of War Stimson announced that all male citizens of Japanese ancestry who were of military age would become subject to the selective service. 34 This was a positive step because selective service had been suspended at the outbreak of the war. Those who had volunteered at the time of registration were a different case because they were placed in "segreg-

32 Resolution of members of the House of Representatives from Washington, Oregon and California, January 26, 1944, entered by Representative Engle, February 16, 1944, Congressional Record, XIC, p. 1786.

33 San Francisco Examiner, January 26, 1944.

34 WPR--PM, January 21, 1944.
gated" units. With this move more Japanese-Americans would become re-integrated into American life, at least that part having to do with military service. At the same time, the potential for increased publicity of Japanese-American soldiers promised to speed evacuee acceptance outside of the camps.

Another step taken by the administration was the transfer of the WRA to the Department of the Interior on February 16, 1944. Although a White House statement reported the move as a means to achieve "administrative simplification," the New York Times correctly concluded that the change "... was believed to reflect the Congressional and Pacific Coast criticism which haunted the War Relocation Authority."35

This transfer was in large part due to the influence of Attorney General Biddle. In a revealing memorandum written to President Roosevelt on December 30, 1943, Biddle stressed the press agitation in California against the WRA and suggested that the WRA be transferred to the Department of the Interior so it could then "...rely on the relations of such a department with the public and Congress." He reported the Tule Lake "disturbance" was "grossly exaggerated" by the West Coast press but it resulted in WRA being "...so severely criticized for alleged coddling of the Japanese-Americans that West Coast community confidence in Myer and

in WRA generally was undermined." In addition, he recognized the threat to the loyal evacuees the agitation in California represented, when he discussed the campaign for

...discrediting the Japanese minority so completely that they will be set apart permanently from the rest of the population and encouraged or forced to go to Japan after the war and discouraged or prevented from returning to California.36

Biddle's suggestion was acted upon when the President by Executive Order 9423 placed the WRA under the Department of the Interior.37 Western congressmen, who had been asking for Myer's resignation, were disappointed when Secretary of the Interior Harold Ickes retained Myer as director of the WRA. Representative Engle, for example, thought "little if anything" had been accomplished by the transfer and it "...seemed only to have added one more portfolio to Secretary Ickes' already bulging briefcase."38

At the same time the transfer of WRA to the Interior Department was effected, debate in the House opened on HR 4103, the administration's denationalization bill. On February 16, Representative Johnson of California sought to amend the bill so that it would include data obtained from the registration. In speaking for the western delegation he declared:

36JERS--"Memorandum from Attorney General Francis Biddle to President Roosevelt, December 30, 1943 (Folder D 2.03)."

37New York Times, February 17, 1944.

38Ibid., February 18, 1944.
...We believe that there are thousands of Japanese who, by their conduct during this war, who by their writings, who by their statements, have in fact expatriated themselves. We want the law to apply to these people. We are providing the mechanics whereby any court that handles naturalization matters can conduct hearings and make a determination that a man has in fact wiped out his citizenship by his written statements, by his oral statements, or by his conduct.39

Representative Dickstein, chairman of the House Committee on Immigration and Naturalization, dealt a blow to the chances of alternate legislation when he entered in the Record the Attorney General's opinions on HR 2701, HR 3012, and HR 3489. From these opinions it was clear that the Attorney General found serious difficulties in reconciling the bills with the Constitution of the United States. In fact, all three bills, by singling out the Japanese, were discriminatory and, as he pointed out, "...racial discrimination is foreign to our traditions as a democratic people."40

Discussing the bills in their particulars, Biddle first wrote of HR 2701:

The phraseology of the measure is vague and indefinite and no standard is provided for the determination of the meaning of the phrase "loyalty to a foreign state." Moreover, the measure might be used as an instrument of oppression by personal enemies of an accused who could cause an innocent person untold trouble and embarrassment merely by misquoting

39Speech of Representative J. Leroy Johnson on House floor, February 16, 1944, Congressional Record, XC, p. 1779.

40Opinions of the Attorney General on expatriation bills entered by Representative Dickstein, February 16, 1944, ibid., p. 1783.
him or by wrenching some written statement out of its context.\textsuperscript{41}

On HR 3489, the measure to deport alien Japanese and unfriendly American-born Japanese, the Attorney General found fault with the bill because:

...The case of every alien Japanese suspected of disloyalty has been thoroughly investigated and reviewed, and those alien Japanese deemed by me to be potentially dangerous have been ordered interned....The only effect of this provision would be to require the taking into custody of persons who may be detained under existing law but whose detention has not been found necessary.

Moreover, Biddle felt "a large proportion of the Japanese aliens in this country are law abiding and loyal to the United States."\textsuperscript{42} On HR 3012, the bill establishing a Japanese Deportation Commission, Biddle found the measure

...undesirable in principle because of its provisions for imprisonment, deportation and expatriation of citizens of the United States. To provide that a citizen of the United States shall be detained on the basis of an administrative finding of disloyalty, as opposed to a judicial conviction of a crime, appears repugnant to basic American principles.

Likewise, exile -- which is what the deportation of such persons would constitute -- is entirely foreign to our constitutional history.\textsuperscript{43}

The debate on February 16 was inconclusive. Final debate and passage of HR 4103 took place on February 23. On that date a last attempt was made by western congressmen to amend the bill to include provisions contained in HR 3012, the measure introduced by Representative Johnson. Speaking

\textsuperscript{41}\textit{Ibid.}, p. 1782. \textsuperscript{42}\textit{Ibid.} \textsuperscript{43}\textit{Ibid.}, p. 1784.
in support of the amendment, Representative Engle urged adoption and for the Supreme Court, not the Justice Department, to rule on its constitutionality. He felt, that if this provision was ruled unconstitutional, it would not "...impair or affect the procedure...under the other section which is in the bill."44

Representative Bennett (R., Mich.) spoke against the amendment and touched upon the inherent dangers of such a procedure. He warned:

...in performing our duties...we should be scrupulously careful that in our zeal and enthusiasm to remove traitors from our midst we do not at the same time set up legislative processes which can be used to hale into court loyal American citizens to question their statements and subject their remarks as free Americans to the scrutiny and judgment of any court or tribunal, no matter how fair or impartial.45

By a vote of eighty-two to seventy-six the Johnson amendment was defeated and so disappeared the hopes of the western congressmen. In a final attempt to forestall passage Representative Gearhart (R., Calif.) sought to change the bill's wording. At the same time, he adopted a new line of attack and argued that HR 4103 conferred "more power upon the Attorney General than any good man should ask for."46

Immediately Representative Gossett (D., Tex.) defended the administration bill and urged passage of the measure without

44 Debate in House on H. Res. 4103, February 23, 1944, Congressional Record, X0, p. 1990.
amendment. He remarked:

...There is nothing in the world wrong with this bill except it does not go quite as far as some of the gentlemen from California want it to go, but this bill goes as far as it ought to go, in the considered opinion of those who have studied it.47

Further, in speaking as a non-Californian, Gossett questioned the reason for "...all the fuss and fury that has been stirred up and created by this bill." Gearhart's amendment was rejected and the truth of Gossett's remark was manifested in the small vote by which HR 4103 was passed. The vote of 111 for to thirty-three against, with twenty-one of the thirty-three coming from West Coast congressmen, provided a good index that, outside of the West Coast, interest on measures concerning the resident Japanese was not very great.48

The Senate, as opposed to the House, passed the measure without debate on June 23. The bill was signed into Law (Public Law 405) by President Roosevelt on July 1, 1944.49

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47 Ibid., p. 1992. 48 Ibid. 49 Passage of H. Res. 4103 by the Senate, June 23, 1944, Congressional Record, XC, p. 6617. H. Res. 4103 signed into Law (Public Law 405) by President Roosevelt, July 1, 1944, Congressional Record, XC, p. 6713.
CONCLUSION

For any denationalizing measure to have received a hearing and subsequently to be passed required the full support of the administration. As chronicled in the above pages, the tremendous agitation on the local, state and national levels against the Japanese and their guardian, the War Relocation Authority, was evident. The creation of this pressure, generated by politicians and the West Coast press, came to not only discredit the WRA but also came to provide ammunition for critics of the New Deal. This criticism, which in California was akin to a year long crusade, threatened both those loyal evacuees and their relocation outside of the WRA camps and New Deal supporters in the upcoming election year.

To establish that the forthcoming elections was the principal reason for government sponsorship and passage of the denationalization law appears most plausible in comparison to alternative reasons for government action. Evidence to the contrary could be based, instead of on politics, on humanitarianism, or atonement or on the changed wartime situation. The most cogent argument against accepting any of these explanations, however, rests on the long period of time that elapsed between the evacuation and government action.
While it could be argued that the government was making an attempt to rectify the unprecedented evacuation by adopting a program favorable to the evacuees, one cannot help but wonder why such a program was not initiated sooner. Likewise, if the argument that the changed military situation made positive steps for the evacuees possible at the beginning of 1944, one is also left speculating why steps were not taken after the Battle of Midway (June 4 and 5, 1942) when it was generally conceded that Japan's offensive capability had been greatly weakened, and what threat of invasion of the Pacific Coast that may have existed became impossible.¹ Finally, the argument that by dealing with the disloyals in a final way the loyals would benefit asks a great deal of the student of this issue. The ostensible reason for evacuation, of course, was that the disloyal could not be distinguished from the loyal, but the long delay before any determination of loyalty was made and separation effected weakened the case for the loyalty of those that eventually left the camps. If the government had vigorously sought to restore the rights of those found loyal,  

¹Samuel Eliot Morison remarked that the Battle of Midway forced Japan on "an unexpected and unwelcome defensive role." If this naval battle did not mark a definite shift in the Pacific war the Battle of Guadalcanal five months later (November 14 and 15, 1942), when the Japanese failed to oust the Americans, without doubt did. Even President Roosevelt was reported to have announced after Guadalcanal: "It would seem that the turning point in this war has at last been reached." Samuel Eliot Morison, The Two-Ocean War (Boston: Little, Brown and Company, 1963), pp. 162, 205-208.
it would have made the determination much sooner.

What most strongly supports the argument that politics determined government action is that procedures existing before Public Law 405 was enacted were completely adequate in dealing with the situation of the disloyal American-born Japanese. Eight methods were given under the Nationality Act of 1940 whereby a United States citizen could be divested of his nationality. Among these was the provision whereby a United States citizen merely had to go to a foreign country and renounce his former nationality. That this method was recognized and employed is evident by the Army and WRA issuance of repatriation and expatriation request forms. In fact, throughout the detention period, a total of 20,627 requests were made. Of these, 13,727 were American-born (7, 946 of these had never been in Japan) and the remainder, 6,900, were foreign born.

Looked upon as a symbolic gesture, Public Law 405 did permit renunciation of nationality while a person remained on American soil and this was important to some evacuees who had become permanently embittered against the United States. 2


States. Yet for all practical purposes, it mattered little where a person renounced his citizenship. He still gave up his nationality. Looked upon as a measure that was much milder than other proposals that had been introduced by western congressmen, Public Law 405 effectively undermined the campaign charging the government with not acting in final terms to deal with the disloyal evacuees. In conjunction with the transfer of WRA to the Department of the Interior and the opening of Selective Service, the passage of Public Law 405 demonstrated how vigorously and decisively the administration could move. Nevertheless, the long delay before this action took place permitted the anti-evacuee campaign to build sufficient pressure for the implementation of a sectionally favored law that, as Jacobus tenBroek observed, because of

...its chronology, its overly specific purpose, its discriminatory application, and above all the context of its use... raised not only very serious factual and legal questions of the voluntary character of the renunciations under it, but constitutional questions of the equal protection of the laws and the character of citizenship.5

In terms of applicability some 5,589 requests were approved by the Attorney General between December 1944 and April 18, 1946. Of this number 5,461 were from internees of the Tule Lake center. During the same period cancellation requests also began to be received. By 1946 of the total

5tenBroek, Prejudice, War and the Constitution, p. 316.
number of requests approved, some 2,799 had been cancelled. Later, by a series of court decisions, the great majority of the renunciants' citizenship were revalidated because it was decided that the process occurred under duress.


7For a detailed discussion of these court decisions and chronology of revalidations see tenBroek, Prejudice, War and the Constitution, pp. 316-321. Also Girdner and Loftis, The Great Betrayal, pp. 441-446.
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