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# Department of Justice

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FOR IMMEDIATE RELEASE  
NOVEMBER 10, 1958

In an official ceremony today in his office, Attorney General William P. Rogers concluded the administrative settlement of Japanese evacuation claims by the Department of Justice with the signing of an award in compromise of the 26,552nd claim. The claims were for property losses sustained by persons of Japanese ancestry as a result of their hurried evacuation from homes and businesses on the West Coast during World War II.

The claims were authorized by the Evacuation Claims Act of 1948 and an amendment passed in July, 1956. Settlement of the last remaining administrative claim brought the total amount awarded for losses reimbursable under the Act to \$36,874,240.49. Eight suits to recover for evacuation losses have been brought in the Court of Claims.

The final award was executed by the Attorney General in the presence of Mr. Mike M. Masaoka, Washington representative of the Japanese-American Citizens League, Assistant Attorney General George Cochran Doub, head of the Civil Division of the Department of Justice, and the present and past members of the Civil Division's Japanese Claims staff. The initial requests to Congress for the evacuation claims legislation were formulated by the Citizens League.

"Disposition by this date of the final claim is a remarkable achievement," Mr. Rogers said. "Although the Department has placed major emphasis upon the expedition of the claims program it has been completed much sooner than the most optimistic forecasts."

"I wish to express my appreciation to Mr. Masaoka, the Japanese-American Citizens League and the claimants themselves for their helpful cooperation toward this result, and to commend Mr. Doub and the staff assembled here upon the success of their sustained drive to complete the work as much ahead of schedule as possible and, especially, for the administrative efficiency and legal competence which accelerated compromise agreements in the final group of large and complex cases which Congress, in 1956, authorized the Department to settle."

In conclusion the Attorney General said, "All of us are very pleased that substantial restitution has now been made to these American citizens of Japanese ancestry for their property lost as a result of the extraordinary demands made upon the claimants by our Government in time of war and particularly when this group of our citizens has had such an admirable reputation for integrity, industry, obedience to law, civic responsibility and loyalty to the United States."

Mr. Masaoka congratulated the Attorney General upon the speed with which the Department carried out its responsibilities under the Evacuation Act and upon the fair, orderly and considerate procedures employed to afford all claimants an opportunity to present their claims. He reminded Mr. Rogers that he had recently had the pleasure of presenting, on behalf of the Japanese-American Citizens League at its 15th Biennial Convention at Salt Lake City, scrolls to Assistant Attorney General Doub and Mr. Enoch E. Ellison, Chief of the Japanese Claims Section, honoring them for their excellent administration of the claims law.

Mr. Doub reviewed the events which caused the property losses and the provisions enacted by Congress governing the claims for compensation.

"In 1942 the War Department, acting under Executive Order of the President, directed the exclusion of all persons of Japanese ancestry on the Pacific Coast of the continental United States, Alaska and a portion of Arizona. Of a total population of about 113,000 in this area, 110,442 persons of Japanese ancestry were removed to relocation centers where they were held for almost three years. The evacuation orders did not give them adequate time to provide for the care or liquidation of their property and personal possessions. The governmental safeguards designed to prevent undue loss were entirely inadequate under the circumstances. Distress sales of homes, farms, stocks, businesses and personal possessions usually realized no more than a fraction of market value. It was often impossible to make reliable arrangements for the protection and management of property and, in many cases, valuable properties had to be abandoned. The Evacuation Claims Act established the right to recover for these losses but there was no means of measuring and compensating for all the intangible losses and for the suffering and mental anguish of loyal citizens temporarily treated as aliens.

"The Act of 1948 required an adjudication by the Attorney General of each claim after full hearings had been held and a formal record of the evidence prepared. Under these requirements and the limited appropriation provided progress was drastically slow. At the request of the Justice Department, Congress, in 1952, authorized administrative settlement up to \$2,500.00 and in 1956 raised the compromise ceiling to \$100,000.

"I am pleased to be able to report to you that the Japanese Claims Section of the Civil Division, with offices in San Francisco, Los Angeles and Washington, has completed this program. Administrative awards have been

made in 26,552 claims, including the one submitted for your personal signature today. The aggregate payments under the program total \$36,874,240.49. Of the total number of claims disposed of not more than 3% were dismissed.

"I think the most significant testimonial to the fairness with which this program has been administered consists in the fact that only 8 claimants have brought suit in the Court of Claims. In 7 of these 8 suits, court action was required because the amounts demanded by the claimants are far in excess of our \$100,000 settlement authority. Only 1 involved a claim within our \$100,000 jurisdictional settlement limit.

"I do wish to congratulate each of the members of the Claims Section for their conscientious, indefatigable and able efforts in the administration of this unique government restitution program. I wish to name them to you. In Washington, Enoch E. Ellison, Chief of the Section, Paul J. Grumbly, Assistant Chief, Walter F. Banse, Eli A. Glasser, Mangum Weeks, Ollie Collins, John A. Jenkins, Charles M. Rothstein; in Los Angeles, John T. Allen, Attorney in Charge, Mary R. McLean, James E. Moriarty, Meyer Newman, Marguerite Richardson; in San Francisco, William H. Jacobs, Attorney in Charge, and Joseph P. Burke.

"The San Francisco Office was closed in June, 1958. The other offices are now in process of closing and each of the members of the Section is being assigned to another position in the Department of Justice.

"The claim submitted to the Attorney General for his signature is principally for the loss of 53,834 bushels of oysters stolen from oyster beds at Willapa Bay, Pacific County, State of Washington. The amount of the award is \$19,704 and the claimant was the New Washington Oyster Co., Inc. The thefts occurred while the officers, stockholders and employees were excluded from the West Coast between May, 1942 and January, 1945."



## Department of Justice

FOR IMMEDIATE RELEASE  
WEDNESDAY, MAY 20, 1959

In an official ceremony held today in his office, Attorney General William P. Rogers announced that the administrative program of the Department of Justice for the restitution of citizenship to Japanese-American wartime renunciants has been completed. The Attorney General recalled that, as a war measure following the attack on Pearl Harbor, the Army removed more than 72,000 native Americans of Japanese ancestry, men, women and children alike, from their homes on the West Coast to war relocation centers. As a consequence, many sustained staggering property losses as well as the loss of their means of livelihood. In 1945, after nearly three years of confinement in the camps, 5,766 renounced their American citizenship. Over 5,300 of these renunciations were signed in January and February, 1945, at the Tule Lake Camp at Newell, California, as a result of a wave of bitterness and hysteria.

Mr. Rogers said that citizenship has now been restored to 4,978 of the 5,409 renunciants who applied for restoration. All but 78 of the 3,735 renunciants, who chose to remain in the United States and sought recovery of their citizenship, have now regained their status as American citizens. 2,031 renunciants elected repatriation to Japan, 1,674 of these later applied for restoration of American citizenship and 1,327 have now regained it. Restitution has not been approved in the case of 347.

"Shortly after Mr. Doub's appointment in 1956 as head of the Civil Division," Mr. Rogers said, "he proposed an entirely new policy in renunciation cases, designed to effect prompt restoration of citizenship in all cases where no persuasive evidence of disloyalty to the United States was disclosed. To accomplish his purpose, he recommended a basic liberalization of the standards applied to each case in determining whether the Civil Division would oppose an action brought in court to recover citizenship. He also recommended a careful review and redetermination, under these liberalized standards, of all cases where restoration of citizenship had been denied because of inadequate affirmative proof of loyalty. This policy was adopted immediately by the Department and procedures developed which facilitated the granting of administrative relief and accelerated the disposition of all citizenship cases.

"Before the adoption of the liberalized standards, the many difficult questions presented in the renunciation cases were regarded primarily as problems to be resolved by decisions of the courts. A continuance of the former policy would have meant that a majority of these loyal Americans would have had to wait for years to regain the rights they signed away in fear and apprehension, and while still suffering from prolonged emotional stress. It is probable that many would not have lived to see the recognition by their country that they had been unjustly deprived of their precious heritage."

Mr. Rogers recalled that, upon taking office, Mr. Doub had instituted a sustained drive which greatly expedited completion of the administrative settlement of all claims for property losses sustained by persons of Japanese ancestry as a result of their removal on brief notice from homes,

farms and enterprises. On November 10, 1958, the award in the 26,558th and final administrative settlement was signed in his office, Mr. Rogers said. Total settlements for losses determined to be reimbursable under the provisions of the Evacuation Claims Act of 1948 was \$36,874,240.49.

Dean Eugene V. Rostow of the Yale Law School was a guest of honor at the Justice ceremony. The Attorney General said, "It is appropriate that Dean Rostow should participate in these proceedings because he is not only an outstanding legal scholar, but his able and painstaking *Journal* Yale Law ~~Review~~ article published in June, 1945, analyzing the legal basis of the Japanese-American evacuation program demonstrated its questionable constitutional basis."

Dean Rostow said, "This is a day of pride for American law. We are met to celebrate the correction of an injustice. The law has no higher duty than to acknowledge its own errors. It is one of the vital ways in which law draws strength from the conscience of the community, and helps by its example to further the moral development of our people.

"The long, difficult and devoted labors which we honor here express the finest qualities in American life. The Government's programs of restitution towards Americans of Japanese ancestry who were removed from the West Coast during the war rest on a premise bluntly put in a Committee Report of the House of Representatives, back in 1947: 'to redress these loyal Americans in some measure for the wrongs inflicted upon them . . . would be simple justice.' Today we confront the fact that as a nation we are capable of wrong, but capable also of confessing our wrongs, and seeking to expiate them.

"It is not hard to understand the program which was undertaken to remove persons of Japanese blood from the West Coast during the bleak

winter of 1942. Pearl Harbor, Corregidor, the battle of the Coral Seas, and Malaya were heavy on our hearts. Submarines prowled off Norfolk. Tobruk was still to fall. Midway, Stalingrad and Tunis were far ahead. It was a time of defeat and of fear. Sometimes men act irrationally when they are afraid. While we did not succumb to panic in Hawaii or on the East Coast, we did so in California, Oregon and Washington. Our sense of panic was institutionalized. Over 100,000 men, women and children, some 70,000 of them citizens of the United States, were removed from their homes and taken into preventive custody, without indictment or the proffer of charges, on the theory that sabotage and espionage were especially to be feared from those of Japanese blood.

"From the beginning, however, the conscience of the nation was engaged. Men were troubled by a persistent sense that the relocation policy was wrong. Our moral concern was soon translated into characteristic programs of action. The famous Nisei regiments which fought so well in Europe symbolized one aspect of that effort. Proposals for change in the relocation program itself soon followed. Despite the weakness, and, as I should say, the error of the Supreme Court's disposition of the problem, the people were not satisfied. They realized that acts can be wrong even though they are constitutionally permissible. No large voting groups or blocs entered the fight. No great political leaders made this cause their own. Nonetheless, earnest men and women from all parts of the nation, in Congress and in the Executive Branch, continued their quiet efforts. The problem has been treated, throughout these sixteen years, without reference to party politics, as a matter of decency, and of decency alone.

"I know I speak today for all who respect and revere the law, in congratulating the Attorneys General who have carried the programs of financial restitution through to success, and, even more important, have speeded up and completed the program for restoring citizenship to those who renounced it in the heat of a troubled moment. I especially congratulate the Assistant Attorney General, George Cochran Doub, and his excellent staff. They have made this battle their own, with a fervor which bespeaks their dedication to the highest value of our culture -- the conviction that the most exalted office of the state is to do justice to the individual, however small his cause.

"I hope that those who have suffered from the actions we took against them during the war have the charity to forgive their Government, and the generosity, indeed the grace to find that what has been done to right these wrongs deepens their faith in our common citizenship, and in our common democracy."

Mr. Edward J. Ennis, another guest of honor, now General Counsel of the American Civil Liberties Union and head of the Alien Enemy Control Unit in the Department of Justice at the time of the Japanese-American Evacuation Program, said, "The citizenship renunciations were directly caused by the shock of the special evacuation treatment to which the Japanese-Americans were subjected and of course by the incredible condition of confusion and terror prevailing at Tule Lake. But I cannot help but believe that a contributing factor was the basic failure of the United States to integrate the Japanese-American minority into the American community by withholding naturalization from the Issei, the foreign-born parents of the Nisei.

"The remarkable fact is, considering all the circumstances, how comparatively few of the Nisei detained in relocation camps chose renunciation and how steadfast the group as a whole remained under the adversity visited upon them.

"I think the Department of Justice has responded magnificently to the problem presented by taking practically all of these 'divorced' citizens back into the family of our American community."

Acknowledging the congratulations which he and his special staff received, George Cochran Doub, Assistant Attorney General in charge of the Civil Division, said:

"This ceremony today concludes a colorful chapter of American history.

"We have assumed, unless the contrary was indicated, that the renunciations were not free and voluntary acts but were accomplished under duress and we have given the benefit of the doubt in favor of citizenship restoration. We acted upon the assumption that the United States was under an imperative moral obligation to restore citizenship in every case where there was no substantial evidence of disloyalty.

"The only applications which we have denied are those where reliable evidence of disloyalty to the United States was found. Most of these were Kibei, American born Japanese educated in Japan. We will vigorously defend our adverse determination of these comparatively few cases in the courts where these renunciants are entitled to have our decisions reviewed.

"I am personally satisfied that the decisions which we have made favorable to the renunciants were morally required. We may not escape the conclusion that our Government was founded and exists upon a duty of

public morality and as Elihu Root once wrote, 'Above official power stands always the conception of public right.' I would like to believe that our liberal policy of citizenship restitution has conformed to the hope and promise of sound American ideals. 'There is nothing so daemonic as reason entirely divorced from moral will.'

"The lesson of the wartime Japanese-American Evacuation Program is that Americans must discipline themselves to resist hysteria and emotional stress in times of alarms and danger in order that American ideals of justice may not yield but be protected and successfully maintained.

"It is a remarkable tribute to the fortitude of the Nisei that comparatively few surrendered their American citizenship under the prevailing hysterical conditions in the WRA camps. They were indeed so loyal that from them came the soldiers of the 442nd Battalion whose casualty notices were delivered to parents behind the barbed wire of the camps.

"I wish to commend Mr. Enoch E. Ellison, Chief of the Japanese Claims Section of the Civil Division, for his outstanding administrative and legal work in supervising the citizenship cases. Special acknowledgment should go to Mr. Charles M. Rothstein, Director of Alien Enemy Control, who came from the Immigration & Naturalization Service to assist us, and to Miss Ollie Collins of our Japanese Claims staff for their painstaking and very effective efforts to insure that uniform justice was done."