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ACCORDING TO THE RECORDS OF THE
FEDERAL BUREAU OF INVESTIGATION
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Japanese Relocation Papers
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THE
JAPANESE
ON THE
PACIFIC COAST

A Factual Study of Events

December 7, 1941 to September 1, 1942

with

SUGGESTIONS FOR THE FUTURE

Statement for the Los Angeles County Committee for
Church and Community Cooperation

Prepared by the Executive Secretary,

DR. GEORGE GLEASON

SEPTEMBER, 1942

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I. INTRODUCTION

The sudden removal from their homes and places of business on the Pacific Coast of 109,000 Japanese, two-thirds of whom are American citizens, is an event of major importance in American history. Not only does this enforced migration have a direct bearing upon the winning of the War, but our treatment of these evacuees, the relations between them and their American friends and Government officials, and the plans made for their future, will affect the more distant project of bringing Japan into the post-war family of the United Nations. A review of events of the past nine months is needed because opinions of people have become prejudiced both regarding the loyalty of the Japanese and concerning the attitude of the American public toward the Japanese.

The following statement is intended to set forth impartially some of the important facts which should be known by all who are interested in the future of this large body of American residents. The material will be presented from the point of view of the situation in Los Angeles County, where there has been the greatest concentration of Japanese—36,866 out of a total of 126,947 in continental United States, according to the 1940 census.

At the outset of such a study as this tribute should be paid to the splendid loyalty of the great majority of the Japanese, both alien and American born. Their patriotic services to the American nation are numerous and well-known. Their acceptance, also, of the Government's program for evacuation has been not only prompt, but marked by a genuine spirit of cooperation.

II. FALSE RUMORS

Shortly after the attack on Pearl Harbor, on December 7, 1941, the wildest rumors were circulated. Here are a few samples: On that Sunday morning Japanese in Honolulu were said to have disabled automobiles of army and navy officers and committed other acts of sabotage. Japanese aviators who were shot down were reported to be wearing rings and emblems of Hawaiian and American schools. These rumors have been categorically denied by the Honolulu Chief of-Police, in the Tolan Report of March 19, 1942 (p. 31), by communications from private citizens, and in *Time* of March 30th.

A negro in Los Angeles asked the writer: "Is it true that ten truck loads of ammunition were taken from the Japanese church on Normandie Avenue?" Chief C. B. Horrall of the Los Angeles Police replied to an inquiry: "We have checked all investigative agencies in Southern California and they have no knowledge of any ammunition being taken from any Church."

In the *Christian Century* of May 27, 1942 (p. 700), is this report: "Possibly 70 to 100 Japanese in California have been murdered by Filipinos, or seriously hurt, since December 7th." Replies received from inquiries addressed to the Chiefs of Police of Bakersfield, El Centro, Fresno, Los Angeles, Oakland, Sacramento, Salinas, San Diego, San Francisco, and Stockton, and from the California State Division of Criminal Identification and Investigation point out only seven assassinations and eight other possible cases of assault on Japanese in California since December 7th. One of the assassins was a Chinese who later committed suicide.

Notwithstanding many rumors of sabotage, Attorney General Biddle announced on July 4th that although "the F.B.I. arrested a total of 9,504 alleged disloyal aliens, including 4,746 Japanese . . . there has not been perpetrated to date a single large-scale act of sabotage." (*L. A. Times*, July 5, 1942.)

III. MOTIVES FOR ORDERING THE EVACUATION

In *National Defense Migration*, a report of the Tolan Committee, dated March 19, 1942, on Page 14, is the following disturbing paragraph:

"The most outstanding factor in the present situation is that two-thirds of the Japanese ordered to evacuate from designated military areas are citizens of the United States by virtue of their birth in this land. The Executive order of the President empowering the military to designate strategic areas and to prohibit or limit the presence of persons in such areas does not declare that a state of martial law exists in these areas. It is silent on the constitutional rights of citizens. It was frankly an expedient impelled by the critical situation on the west coast. Under our form of government, any questions raised as to the constitutional status of persons affected must ultimately be resolved by the courts.

Fearing that constitutional rights have been violated, many people have been inclined to "deplore" and to "regret" the government's decision in February and March to assemble as rapidly as possible all persons of Japanese ancestry in the Pacific Coast area into Assembly Centers. One writer thinks that "the army actually yielded to the clamor of the extremists . . . led by irresponsible radio commentators and by politicians bent on catering to mass prejudices, and by business interests eager to crowd out Japanese rivals." Another writer thinks that "there is an uncomfortable parallel between Nazi and American practices." Still another believes that "had the wave of hysteria on the West Coast not forced the Government's hand, more humane and less drastic methods would have been found to deal with the peril of this treason." Another writes of "this mass injustice which we in our delirium have imposed upon fellow human beings."

These opinions have influenced the Japanese, themselves, as indicated by a letter appearing in the *Christian Century* of June 24th. From Camp Harmony, at Puyallup, Wash., a Japanese writes: "We feel definitely that the whole movement has been caused by minority pressure groups."

It is true that long smoldering anti-Japanese feelings came to the surface, and that selfish and political interests became vocal. The following data, however, will make it evident that

the decision arrived at was based upon conscientious opinions of diverse groups, and after the authorities concerned had made careful investigations.

1. Fear Caused by the Pearl Harbor Attack.

The December 7th attack on Pearl Harbor was more effective than any American had ever imagined possible. For weeks after that date the West Coast was daily fearing a similar air and naval attack, and the pre-war preparations to meet such a possible disaster were woefully inadequate. People on the Coast were therefore ready to believe any tales of Japanese sabotage in Honolulu. Furthermore, a study by law-enforcement authorities in Southern California found Japanese located near war industries, public utilities, and other vulnerable spots. Genuine fear prompted the question: What might enemy aliens, loyal to their home country, do if enemy forces attempted an attack? Secretary of the Navy Knox, who flew to Hawaii immediately after the Pearl Harbor attack, found "a considerable amount of evidence of subversive activity on the part of the Japanese prior to the attack." (Tolan Report, May, 1942, pp. 48-49.)

2. The Dies Committee Report.

On February 28, 1942, the Special Committee on Un-American Activities of the House of Representatives released a *Report on Japanese Activities*. Representative Martin Dies of Texas is Chairman of this Committee. In a bulky volume containing many maps, photos, and exhibits, this Committee published several translated documents revealing Japan's purported plans for the establishment of an Asiatic Empire, for the destruction of the Panama Canal and the invasion of the West Coast of the United States. This report of a Congressional Committee contains a complete translation of the so-called Tanaka Memorial of July 27, 1927, in which is the phrase, "we must first crush the United States." Excerpts are also given from a book by Lt. Gen. K. Sato, in which he advocated the policy later carried out at Pearl Harbor, Midway, and in Southeast Asia. The report concluded that "Japanese residents of California, Hawaii, the Philippine Islands, and the Panama Canal zone form a menacing fifth column in the Territories of the United States." The material in this report, which surely was in the hands of the President and members of Congress weeks before its public release

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must have had large influence in causing the decision to evacuate all persons of Japanese ancestry from all danger zones on the Pacific Coast.

3. Recommendation of Members of Congress from the Pacific Coast States of California, Oregon, and Washington.

On February 13, 1942, after holding several meetings, the Senators and Members of the House of Representatives from the three Pacific Coast States *unanimously* recommended to President Roosevelt "the immediate evacuation of all persons of Japanese lineage and all others, aliens and citizens alike, whose presence shall be deemed dangerous or inimical to the defense of the United States, from all strategic areas." (Tolan Report, March 19, 1942, p. 3.)

4. The Mayor of Los Angeles.

On February 5th, and on subsequent days, Mayor Fletcher Bowron of Los Angeles, Chairman of the City Defense Council, in radio broadcasts, strongly advocated the removal of the entire Japanese population - alien and American born - inland for several hundred miles, not only for the protection of the American population, but *in the interest of the Japanese themselves*. He proposed "the securing of land by the Federal government several hundred miles from the coast, the transportation of the Japanese population to such locations where they may be put to work raising food or other products of the soil." Mayor Bowron pointed out that the greatest concentration of Japanese anywhere in America is in Los Angeles County, where in 1940 there were 13,391 Japanese aliens and 23,475 American citizens of Japanese extraction.

5. Los Angeles County Defense Council.

On December 12, 1941, the County Defense Council, in response to a delegation from the Japanese American Citizens League, appointed Karl Holton, Chairman of the Committee on Health, Welfare and Consumer Interest, to be "the channel for communication and cooperation" with the Japanese.

On January 27, 1942, the Board of Supervisors, by formal action, requested the Federal Government to transfer Japanese aliens from coastal areas to inland points, because of their po-

tential source of danger to our security, and because 80 per cent were reported to have retained their Buddhist and Shinto religious affiliations.

The executive committee of the County Civilian Defense Council appointed a sub-committee on the Japanese situation, with power to act. Supervisor Gordon L. McDonough was named as Chairman. On February 11th, after several conferences, this committee recommended to Washington that "all male citizens of enemy countries be placed under government control immediately, they subsequently to be located on working internment areas, and later their families be allowed to join them." A similar plan was advocated for "the native born citizens of Japanese descent."

6. Law Enforcement Officials.

It should be remembered that the Tolan Committee found that "Law Enforcement officials were particularly concerned lest enraged public sentiment and possibly mob action, occasioned by reverses in the Pacific War theater, would work injury to innocent and guilty alike. Protection for Japanese residents as well as for the whole Nation was said to require the immediate evacuation of all Japanese." (Tolan Report, March 19, 1942, p. 14.)

It is interesting to note that the action of the President of the United States, as reported in the following paragraph, closely followed the recommendations of members of Congress, and of representatives of the Los Angeles City and County Civilian Defense Councils.

7. The President's Order.

On February 19, 1942, the President issued an executive order authorizing the Secretary of War and his designated military commanders "to prescribe military areas . . . from which any or all persons may be excluded." This order instructed other Federal agencies to cooperate, "including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities and services."

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Even after the President's order was issued, agitation for complete evacuation continued. On February 26th the Chamber of Commerce in Whittier, the Quaker city of Los Angeles County, sent to the President, the Governor of California, and to the War and Navy departments a typical resolution asking for the immediate removal of all Japanese, whether aliens or American citizens, to points outside California. "Their presence is extremely dangerous to military installations, war production and the defense of the Coast," the resolution declared. (L. A. Times, Feb. 27, 1942.)

A letter from an official source in Washington, dated July 21, 1942, reports that "4809 Japanese *aliens* have been taken into custody in the United States and Possessions. Of this number, 1,020 were paroled, 1,696 were interned and a total of 1,540 cases are awaiting prosecution. The remaining 553, with the exception of five who died while in custody, were released prior to the initial hearing or by the Attorney General after hearings were held. In Hawaii, 153 *citizens of Japanese descent* were taken into custody and 40 of these have been interned."

It is interesting to recall that action regarding the 23,428 Japanese in British Columbia almost paralleled that of our own Pacific Coast. On February 18th "the City Council of Vancouver passed a resolution to remove all Japanese from the city." On February 27th the Government at Ottawa announced complete evacuation. Japanese women and children, men over sixty and ineffectives were removed to four abandoned "ghost" mining towns. Able-bodied adult males were sent to 26 road construction work camps, at least one hundred miles from the coast. The Japanese complained over the separation of the families. "This the Government is rectifying by bringing the families together as soon as living quarters can be secured." (*Far Eastern Survey*, July 27, 1942, and a personal letter from Canada of the same date.)

In Hawaii, however, the situation is being handled in a different manner. Martial law has been declared and a "Morale Section," to work with Japanese, has been established under the Military Governor. On account of transportation and labor problems complete evacuation would have been extremely difficult.

IV. TREATMENT OF THE EVACUEES

1. The Evacuation

Lt. Gen. John L. DeWitt, head of the Western Defense Command and Fourth Army, was designated by the Secretary of War to take charge of the situation on the whole Pacific Coast. He immediately established the Wartime Civil Control Administration with offices in the Hotel Whitcomb, 1231 Market St., San Francisco. Mr. Tom C. Clark, special representative of the Attorney General, was made the head of this civilian staff. At the present time, the representative of the W.C.C.A. in charge of the Assembly Centers is Mr. Emil Sandquist. He works under the direction of Col. Karl R. Bendetsen, Asst. Chief-of-staff, Civil Affairs Division, and also chief of the Wartime Civil Control Administration, Western Defense Command and Fourth Army.

From March 2, 1942, when Lt. Gen. DeWitt issued Public Proclamation No. 1, to July 22nd., when he issued his 108th order the Army evacuated a total of 109,100 Japanese, of whom about two-thirds were American citizens. These were assembled from the three Pacific Coast States and from Arizona, Idaho, Montana, Utah, and Nevada. Included in these orders were all persons of Japanese extraction with the exception of those in the hospitals, those who were seriously ill, inmates of orphanages, and the totally deaf, dumb, or blind.

In the evacuation the Army enlisted the aid of Federal civil agencies, such as the Farm Security Administration, the Social Security Board, the Federal Reserve Bank, the U.S. Employment Service, and the Works Progress Administration. Locally, City and County public and private agencies, including churches, the International Institute, the Friends Service Committee, and other social agencies all combined to help relieve the suffering and inconvenience of the evacuees. But the hasty removal of over one hundred thousand people to temporary quarters prepared in the brief space of four weeks (Tolan Report, May, 1942 p. 5) could not be accomplished without many cases of inadequate accommodations and severe hardships. All observers, however, seem to agree that both army and civilian officials were courteous, hard-working, patient, and ingenious in utilizing available facilities.

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In the process of evacuation Army men issued the orders, assembled the evacuees and conducted them to the reception centers, where they were immediately taken in charge by the War-time Civil Control Administration. This Administration, under the direction of the Army, has operated the following centers:

WARTIME CIVIL CONTROL ADMINISTRATION

<i>Assembly Centers</i>	<i>Number Accomodated</i>
Manzanar, Owens Valley, Calif.*	10,000
Santa Anita Race Track, Arcadia, Calif.	18,500
Marysville Fair Grounds, Marysville, Calif.	2,900
Walerga, Sacramento, Calif.	4,900
Stockton Fair Grounds, Stockton, Calif.	4,400
Turlock Fair Grounds, Turlock, Calif.	3,900
Merced Fair Grounds, Merced, Calif.	4,750
Fresno Fair Grounds, Fresno, Calif.	5,200
Pinedale Assembly Center, Pinedale, Calif.	5,100
Tulare Fair Grounds, Tulare, Calif.	4,900
Pomona Fair Grounds, Pomona, Calif.	5,421
Tanforan Race Track, San Bruno, Calif.	7,900
Salinas Rodeo Grounds, Salinas, Calif.	3,640
Pacific International Livestock Exposition Pavilion, Portland, Oregon	3,800
Puyallup Fair Grounds, Puyallup, Washington	7,350
Cave Creek, Arizona	
Mayer, Arizona	
	Total - 92,661

2. The Reception Centers in Los Angeles County.

At the Santa Anita Race Track, and at the Pomona Fair Grounds, are two well-managed temporary Assembly Centers, occupied respectively by 18,500 and 5,421 Japanese. These centers are controlled by the Wartime Civil Control Administration, 1231 Market St., San Francisco. As far as possible, the administration of the centers is in the hands of the Japanese.

*Manzanar was opened under the WCCA, and later was transferred to the War Relocation Authority.

At Santa Anita, which the writer has visited five times, 6,900 are employed; 5,200 in maintenance, and 1,700 on defense work. The Caucasian staff numbers 79. Within two weeks after the first lumber arrived there was a city of 4,000 people. Families were assembled in barracks prepared as if for male soldiers only. There was much discomfort in the early days, especially from lack of privacy. But Japanese and Caucasians alike set to work to make adjustments. The Center is divided into seven districts.

Among the 5,200 employed in maintenance are doctors, pastors, dentists, nurses, teachers, recreation leaders, secretarial helpers, guards on the grounds, firemen, cooks, dishwashers, caretakers of the grounds, office clerks, canteen clerks, and newspaper editors. All of the 6,900 workers receive a monthly wage, varying from \$8.00 to \$16.00. Each individual, whether employed or not, may make application for a \$2.50 per month coupon book for use at the canteen stores. The limit per family is \$7.50. Clothing is issued to those who need it.

A Japanese at one of the Assembly Centers wrote on July 28th: "The administration officials are all kindly disposed to the internees, and we have had not one instance of harsh treatment."

The management encourages the formation of athletic teams, Scout groups, recreation and study clubs, and religious activities. Buddhist, Catholic and Protestant services are held, mostly in English, but sometimes in Japanese. The various religious denominations are thoroughly organized to serve the material, educational, and spiritual needs of the evacuees. Already the problem of final resettlement is being studied by the churches. At the two Centers 385 school diplomas were given out in appropriate ceremonies by the school boards of Los Angeles County.

At Santa Anita eighty patients were in the hospital, and an average of two babies a day were being delivered. It was the ambition of the management to make this one of the healthiest spots in Los Angeles County

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A person who passes along the boundary of one of the Centers is impressed by the barbed wire, and the army guards and searchlights in the towers. This is not only to keep the Japanese in, but also to keep intruders out.

Visitors whom the Japanese request to see are welcome. Passes for visitors are issued to the Japanese for a definite day and hour. These passes are then mailed, five days in advance, to the outside friends. The callers may bring gifts of all kinds. These are inspected by officials and handed to the Japanese after the visitors depart. These friendly contacts at the "Visiting Compound" at Pomona, and at the "Visitors' House" at Santa Anita should not be neglected by anyone who has friends in one of the Centers. (Since the above was written, it has been announced that Japanese at the Pomona Center have been removed to Cody, Wyoming. The evacuation of Santa Anita began on August 26th, when the first contingent left for Poston Arizona.)

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Of the seventeen original Reception Centers, the following six have been closed: Sacramento, Marysville, Salinas, Pinedale (near Fresno), Pomona, and Turlock. Manzanar has already been transferred to the War Relocation Authority.

1. War Relocation Authority.

On March 18, 1942, President Roosevelt issued an executive order establishing "in the Office for Emergency Management in the Executive Office of the President, the *War Relocation Authority*. Milton S Eisenhower was appointed Director. This Authority received evacuees from the Assembly or temporary Centers which are controlled by the Army through the Wartime Civil Control Administration.

The War Relocation Authority is a *civil organization* responsible directly to the President. Mr. Eisenhower has resigned and taken a position with Elmer Davis, Director of the Office of War Information. The present director is Dillon Myer, with offices in the Barr Building, Washington D.C. The Pacific Coast office is in charge of E. R. Fryer, and located at 1231 Market St. San Francisco.

All of the permanent Centers are managed by this War Relocation Authority. The plans for their location, and the estimated population of each are as follows:

<i>Relocation Centers</i>	<i>Number to be Accomodated</i>
Manzanar, Owens Valley, Calif.	10,000
Tule Lake, Newell, Calif. (Near the Oregon border.)	15,000
Abraham, Delta, Utah	10,000
Granada, Lamar, Colorado	8,000
Heart Mountain, Cody, Wyoming	10,000
Rohwer, Arkansas	10,000
Jerome, Arkansas	10,000
Wilson School, Arkansas	
Colorado River, Poston, Arizona	20,000
Minidoka, Eden, Idaho	10,000
Gila, Sacaton, Arizona	15,000
	Total - 118,000

The Poston project is under the Bureau of Indian Affairs.

On August 18, 1942, the Secretary of War issued Public Proclamation, No. WD1. By this the War Department announced "that it would furnish protection for the Japanese within Relocation Centers in the form of an exterior guard of Military Police; and that the same military guard would also serve as protection for the districts in which the Centers are located. The War Department exercises no part in the administration and operation of War Relocation Authority Centers, but under the provisions of the proclamation will provide external guard to prevent entry or departure on the part of evacuees or others not authorized by the War Relocation Authority."

In these permanent Centers it is planned to develop, as far as possible, self-sustaining communities with agricultural, and other war industries, cooperatives, social, educational and religious work, and the greatest possible amount of self government. By the end of August nearly 60,000 had been settled in these Relocation Centers.

2. National Student Relocation Council.

While college and university students were being evacuated to the reception centers, a committee of the Western College Association, under the chairmanship of Dr. Earle R. Hedrick, at-

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tempted to form a plan by which the estimated 2,000 students among the evacuees might continue their education. In reply to a questionnaire, 71 institutions were found ready to receive such students, under varying conditions. The War Relocation Authority announced the policy that "university students in the prohibited zone to be permitted to transfer to midwestern colleges and universities where they may continue their education." The arrangements for the students are now being made by the National Student Relocation Council under the War Relocation Authority, with national headquarters at the American Friends Service Committee, 20 S. 12th St., Philadelphia, Pa. Dr. Robbins W. Barstow, President of the Hartford Seminary Foundation, is the full-time director. A census of students in the reception centres has been taken, further contacts have been made with the midwest institutions, a fund for expenses has been started. The Government proposes to pay the transportation costs, but other expenses must be provided by the students themselves, by the universities, or from private contributions. The Pacific Coast Headquarters are at 2538 Channing Way, Berkeley, with Dr. Robert Gordon Sproul, Chairman, and Joseph Conard, Executive Secretary.

3. Voluntary Evacuation to Inland Communities.

On December 7, 1941, and immediately thereafter, President Roosevelt issued proclamations, establishing prohibited zones for enemy aliens. This was followed late in January by the demarcation on the Pacific Coast of many zones from which Japanese were required to move. In the Tolan Report for May, 1942, 86 such "Prohibited Areas" are listed. At first, residents of Japanese extraction were allowed and encouraged to move to other districts. A large voluntary evacuation was anticipated. It is estimated that between 6,000 and 9,000 moved from the prohibited areas before the freezing order of March 29th. This order was propted by strong opposition in inland communities to the influx of any persons of Japanese ancestry from coastal areas. In some cases incoming Japanese were put in jail to protect them from enraged citizens. (Far Eastern Survey, June 29, 1942.)

The difficulty of future voluntary evacuation of Japanese from any of the centers to other inland communities is made clear by the telegrams sent to the Tolan Committee strongly opposing

any such move. The governors of the following states were unanimous in opposing the liberation of the Pacific Coast evacuees in their states: Arkansas, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North and South Dakota, Oklahoma, and Wyoming. (Tolan Committee, House Report No. 1911, March 19, 1942, pp. 27-30.) However, east of the Rockies the "Nisei" resident Japanese are free to move about without restrictions, but alien Japanese are required to obey the curfew law.

VI. LEGAL ASPECTS OF THE EVACUATION

It will be recognized that the foregoing material does not deal with the question of the rights of citizenship, so dear to the American people, and the freedoms which inhere in such rights. We must recognize that the mass concentration of citizens, either for their own or the community's protection, must be defended on grounds of military or other necessities that do not prevail under normal conditions. The writer, therefore asked Caryl Warner, well known Los Angeles lawyer, to set forth a summary of the law envowed in the exclusion order. His interpretation is that "the propositions raised by the Japanese evacuation are of a military nature, rather than a legal problem. It remains to be seen to what extent the courts will review the program., His complete statement, with citations, will be found in the Appendix.

VII. SUGGESTIONS FOR THE FUTURE

When the war is over there will remain in continental United States, according to the 1940 Federal census, 126,947 people of Japanese ancestry. Friends of this large group should at once begin to study and plan for a solution of the prolems of:

1. Dual Citizenship. All American born Japanese should be required to give up citizenship relations with Japan.
2. Abolishment of all organizations in America directed from Japan.
3. Continued support by the denominations of their Japanese churches, and a greater absorption of Japanese Christians into American churches.

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4. Oriental Exclusion and Oriental Naturalization. Some study and revision of the present immigration and naturalization laws must be made.

5. The rapid Americanization of the Japanese aliens now living in the Conters, through classes in English and a study of American social and economic institutions.

6. The immediate study of the question of the formation of Examination Boards prepared at the end of the war to counsel Japanese families and individuals regarding their adjustment to American life.

7. The integration of the Japanese, themselves, into the American communities. Should not the American citizens among the Japanese in the future make more aggressive efforts to join in community enterprises such as the PTA, the Coordinating Councils, Chambers of Commerce, cooperatives, and all sorts of clubs and societies where there is open membership?

8. Training of intelligent leadership for the post-war period. In his address on July 23rd, Secretary of State Cordell Hull emphasized the tremendous difficulties of the post-war tasks. Friends of the Japanese and the older "Nisei", through hard study, conference groups and judicious conduct in the remainder of the war period, should be preparing themselves for special service here and in Japan during the extremely difficult transition years before the permanent peace is made.

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8. Prof Roy Malcolm: "The Japanese Problem in California." Reprint from *The World Affairs Interpreter*, April, 1942. A concise statement of the historical background.
Copies of Number 7 and 8, and copies of this bulletin can be obtained, without charge, from Dr. George Gleason, Room 309, 139 No. Broadway, Los Angeles, California.

IX. APPENDIX

Statement by Caryl Warner on the Legal Aspects of the Evacuation:

By Executive Order No. 9066, February 21, 1942 (2 U.S. Cong. Serv. 157), President Roosevelt as Commander in Chief of the Army and Navy authorized the designation of military areas. The order superceded the proclamation invoking provisions of the Enemy Alien Act of December 7 and 8, 1941 (United States Court Congressional Service, 1941, pp 885, 889, 891.), and relieved the Attorney General of responsibility and authority therein. (50 U.S.C.A. 9.) The order also empowered military commanders to take necessary measures to enforce all area restrictions, including use of Federal agencies, and to accept assistance of state and local agencies to carry out any orders relating to the military areas. Thereafter, various military areas were designated, including the coastal areas of the States of California, Oregon and Washington. (For discussion of basic principles involved, see *Ex Parte Milligan*, 1866, 18L. Ed. 281.)

On March 21, 1942, the 77th Congress enacted Public Law No. 503 (H. R. 6758, United States Congressional Service, 1942, Page 240), which provides as follows:

"Whoever shall enter, remain in, leave, or commit any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of War, or by any military commander designated by the Secretary of War, contrary to the restrictions applicable to any such area or zone or contrary to the order of the Secretary of War or any such military commander, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be guilty of a misdemeanor and upon conviction shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both, for each offense."

Under the foregoing authority the Japanese exclusion orders were executed. The legality of the procedure under consideration is now pending before Federal District Judge Roach at San Francisco, on the petition of Mitsuyo Endo, an interned Japanese girl born in the United States. (See *Los Angeles Daily Journal*, August 8, 1942, for discussion of case.)

The United States Supreme Court by its decision in the Saboteur Cases (United States Ex Rel Ernest Peter Burger, et al, Nos. 1 to 7—Special Term 1942), has upheld the military necessity principle forming the foundation of the evacuation program. For memorandum opinion rendered in the case, see Los Angeles Daily Journal, August 10, 1942, upholding jurisdiction of Military Commission in the Saboteur Cases, and limiting decision of ex Parte Milligan. In view of the nature of modern warfare, the entire nation could be held a theater of operations, (U.S. vs. Wessels, 1920, 265 U.S. 754)

For complete discussion of cases, and statement of theory that Japanese could have been summarily evacuated under the Enemy Alien Act (50 U.S.C.A. 21) by reason of their dual citizenship regardless of the martial law theory or Public Law 503, see Federal Cases by Caryl Warner, Los Angeles Daily Journal, February 5, 1942. Japanese may use California Court. (Matsuda vs. Luond. 126 P 2d, 359 and see address, deputy Attorney General Walter Bowers, Los Angeles Journal, January 19, 1942. Also see March 1942 issue Georgetown Law Review, The Right of Resident Alien Enemies to Sue, by Franck C. Sterck and Carl J. Schuck.)

Regarding Martial Law, read exhaustive review and timely suggestions by Attorney General Earl Warren, "Martial Rule in Time of War". (The Practising Law Series, Stanford Law Society, June 4, 1942; and see Cal. Law. Law Rev. 371, May 1942, regarding military powers of the President in Hawaii, reprinted in the July issue of the Los Angeles Bar Association Bulletin.)

Compare June, 1942, Harvard Law Review at page 854 which in part states:

"As the methods of warfare change and its instrumentalities become more devastating, new legal machinery must be devised to combat them."

The propositions raised by the Japanese evacuation are of a military nature, rather than a legal problem. The validity of the evacuation must be measured by the exigencies of the time, and it remains to be seen to what extent the Courts will attempt to review the program. (United States vs. Curtis Wright, Arms Embargo Case, 57 S. Ct. 216.)

The Los Angeles County Committee for Church and
Community Cooperation was appointed
by the Board of Supervisors in January, 1937.

DR. WILLSIE MARTIN, *Chairman*

DR. EARLE R. HEDRICK, *Chairman of Committee on Public Opinion*

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