

an old Supreme Court decision which said that the children of Asiatics born in America were citizens. A suit to this end was actually begun in San Francisco by the Secretary of the Native Sons of the Golden West. The federal judge dismissed it but the case which was argued by former Attorney General Webb of California may be appealed.

The final irony in this picture of democracy at work, and the conclusive proof of the semi-penal nature of the evacuation process, was furnished by California's present Attorney General Earl Warren, who ruled that Japanese American citizens in evacuation camps in inland California counties could not acquire voting residence because their "residence" under the State Constitution meant residence of choice. But the *New York Times* dispatch of July 13th added, "It is expected that evacuated Japanese who are on registered lists would be permitted to vote by absentee ballot." It should be observed that the War Department has not released the drafted members of this group of second or third class citizens from their obligation to defend democracy — far from their own homes.

II

THE ISSUES

Greater than the quantitative sufferings of 130,000 Japanese in a world of suffering are the issues for all of us implicit in this story.

Humanitarian

The first and most obvious of these issues is humanitarian, and to that the American people, on the whole, have not been blind. Within the Army itself, and still more within the War Relocation Authority there has been much evidence of a conscientious effort to do a distasteful job as well as it could be done. No one accuses American concentration camps of paralleling in sheer and deliberate brutality

the camps which, even before the war, were so black a disgrace to the Nazis.

Many American churches have been aware of the humanitarian aspects of the problem and in particular have tried to keep fellowship with the very considerable number of Japanese Christians who are at the camps. But since at least half the Japanese are Buddhists, or at any rate not connected with any Christian church, they are more or less untouched by the activities of the churches and their representatives. If the Japanese American Citizens' League can continue its work, and become more and more truly the democratic spokesman of the evacuated, much will be gained.

Relocation Camps

While the immediate humanitarian problem concerns the treatment of the Japanese in the assembly centers, that phase of the situation will be pretty well over by next fall, or at worst by the end of the year. The more important questions then will concern conditions in relocation camps, wage scales and work opportunities, and ultimately the re-absorption of the Japanese into the American community.

Common sense confirms the views expressed by many students of the situation that as a result of this policy of evacuation we are threatened with the permanent establishment of a group of second class American citizens. We are creating an American pale like the old Russian pale for the Jews. The best government camps cannot be permanent for a racial group unless that racial group is to be stamped with inferiority.

When the war is over, there certainly will be no automatic solution of the problem. The same forces which were so active in bringing about evacuation will be active against the return of Japanese to their old homes and businesses. These will have passed into others' hands who

will have a vested interest in them. Racial prejudice and greed will have been sharpened by the war experience. Even in time of peace other cities and states will scarcely want to take colonies of those whom the west coast has turned out.

The problem here is one of relocating Japanese not in large colonies, but by families, or relatively small groups of families, in communities where they can be absorbed into the general American life. They have shown their capacity to make their way economically and their excellence as citizens.

Placement of Students

One beginning of this process which has found in theory governmental approval is the placement of Japanese American students in colleges and universities outside the prohibited areas. This process is going far more slowly than it ought. A number of important colleges and universities have refused to take these Japanese American citizens, to say nothing of aliens. It is reported that some army authorities have tried to impose such preposterous conditions as: (1) that no Japanese be taken by colleges and universities doing defense research for the Government — that means about all the good ones; and (2) that no Japanese be allowed to go to an educational institution within twenty-five miles of a railroad station. And that rule would leave the theoretical right an empty and hypocritical thing. There are also financial difficulties. But all these obstacles are likely to be removed or lessened by the higher authorities and the beginning of better things will not be wholly on paper.

At best it will be a very small beginning. What will happen to these young men and women after they are through college? Must they return to camps or may they be absorbed in the general American community? If they

can, what about the others less fortunate who will be left behind in camps?

Work Furloughs

The War Relocation Authority, it is understood, contemplates an effort eventually to place Japanese at regular work in widely scattered American communities. They have arranged for work furloughs from camps as a beginning, with requirements that men furloughed for paying jobs send back money for the maintenance of their families.

The *Pacific Citizen*, organ of the Japanese-American Citizens' League, reports that 500 Japanese workers sent to Idaho "have helped save virtually all of the state's \$16,000,000 sugar beet crop." The usefulness of these workers in Idaho sheds an interesting light on the Governor's previous declaration that "Japs are rats." The Japanese in Idaho were not put under armed guard but deputy sheriffs were assigned to the camps and the movements of the inmates were restricted, particularly at night. Visitors were allowed only under special circumstances. It would be easy for this sort of regulation to stiffen into real military or police surveillance of work camps after the order of Stalin's camps for political prisoners. Against this all decent Americans must be on guard.

The best relocation plans of the government cannot go far unless there is a more cooperative attitude among the people and less race feeling than is now the case. We shall return to this problem in our concluding section.

Civil Liberty

In these obviously humanitarian tasks it is already evident that a great many people will interest themselves who will not face the basic issue of civil liberty implicit in our story.

The theory of justice frankly acknowledged in every totalitarian state is that the interest of the state as in-

terpreted by the dictator is supreme. The individual has no right against it. As far as there is any theory behind brutal anti-Semitism in Nazi Germany, it is that whatever may be the occasional excellencies of certain Jews, the presence of the Jewish people in Germany of itself menaces the well being of the German state and the highest good of the German people.

This is precisely the theory, and the only theory, on which the government's treatment of American citizens of Japanese ancestry can be explained. It is recognized in our domestic law and in whatever may be left of International law that during a war men and women of alien nationality, resident in a country, may be restricted in their movements or interned altogether. In camps they are supposed to be treated decently, and there is always fear that any nation which treats enemy aliens with cruelty will invite reprisals on those of its own nationality in the land of the enemy.

On the whole, enemy aliens have been fairly well treated in this country during this war. To a considerable degree they have received hearings before civilian boards. Those enemy aliens on the west coast, Japanese as well as German and Italian, who were interned by the order of the Department of Justice, pending inquiry, in Missoula, Montana, are in some respect better treated than Japanese aliens and American citizens, against whom the F.B.I. presented no charges.

Bill of Rights

The legal issue, therefore, which we are now discussing concerns the rights of citizens, which rights we were led to believe we were guaranteed in the Bill of Rights of our Federal Constitution. Certainly there is nothing in that famous document, or in the American tradition, or in the logic of American institutions which gives the President or his agents the right to remove any or all of us out of

the districts in which we have lived and worked for reasons the validity of which he and his agents are the sole judges. This is the power asserted in the Presidential proclamation of February 19th. It is strictly in line with totalitarian, not American, theory. The truth of that statement is not refuted by alleging that it is only a temporary measure, and by asserting, what is fortunately the truth, that the intentions of the Government with regard to these Japanese-Americans are better than the intentions of the German Government towards the Jews. More than once in history men have acceded to dictatorial power in the hands of a man with good intentions only to find that they have laid the basis for dictatorship unredeemed by pious aspirations.

Liberals' Attitude Ominous

What is perhaps as ominous as the evacuation of the Japanese is the general acceptance of this procedure by those who are proud to call themselves liberals. We have reported the stand of the American Civil Liberties Union in accepting the constitutionality of the Presidential proclamation of February 19th. Where most liberals, apparently, would part company with it is not in its support of the order, but in its willingness to attack what it regards as abuses of discretion in carrying out the order. It is easier to respect the uneasy conscience of the Union's directors than their logic.

The Presidential order of February 19th was issued solely to make possible what was later done by General De Witt. There was no other purpose behind it. If the President has power to authorize selective evacuation of citizens against whom no special charges are brought, under conditions which do not justify a general declaration of martial law, that power is not made palatable by assuming some judicial supervision of the discretion with which it may be exercised by the President or his agents. The real

question both of constitutionality and civil liberty was raised by the President's order, not the military proclamations which have applied it.

The sole justification offered by supporters of this enormous exercise of power is military necessity which in time of war became the first law of the nation.

Mr. Stimson's Letter

One may fairly summarize the argument in the words of Henry L. Stimson, the Secretary of War, to whom the President referred for reply a letter of protest prepared by the Post War World Council and signed by more than 200 American citizens of standing in the nation. This letter acknowledged the difficulties of the situation and admitted the propriety of vigilance against espionage, but denied that such vigilance could justify the evacuation of all citizens of Japanese origin. The gist of Mr. Stimson's reply is contained in the following sentences:

"I very much doubt if even you could have appreciated the extreme seriousness and difficulty of the situation. Not only did great cities exist along the sea coast with large populations subject to possible attack, but some of our most important manufacturing establishments from which the Army and Navy obtained vital munitions were in the same locality. A successful attack might well have had a disastrous effect upon the war. As a consequence the entire American population of the west coast states was left in a condition of great excitement and apprehension, and the nature of the attack on Pearl Harbor tended greatly to inflame our people against all persons of Japanese ancestry, whether citizens or not, and irrespective of their good or evil record as citizens.

"Thus the evacuation of all persons of Japanese descent from the immediate neighborhood of these strategic key points of our vital defense became at once imperative, not

only for the safety of our country but for their own protection. The number of those persons was so large, amounting to over 115,000, that individual action which would afford adequate protection either to them or to us was impossible in the emergency."

Sabotage Stories False

Neither in this authoritative letter nor in other letters from responsible officials which I have read has there ever been any charge of sabotage against Japanese Americans. Indeed, certain witnesses before the Tolan Committee tried to argue that the very lack of sabotage was proof that the disloyal, who could not be separated from the loyal, (because all Japanese look alike and F.B.I. men don't know their language) were waiting until they could cooperate with Japanese bombers or invaders. It is highly significant: (1) that the agitation did not begin until it was stimulated by false stories of sabotage in Hawaii; and (2) that so many of the agitators had been conspicuous previously for racial prejudice and desire for Japanese farms and businesses. It is more significant that the War Department itself has not found it necessary or perhaps possible to intern the 160,000 Japanese aliens and American citizens resident in Hawaii, where the military necessity might be presumed far to exceed that on our west coast. It is true that all Hawaii is under martial law, and that that martial law has been caustically criticized because of the degree to which the military interfere with the working of civil courts in normal cases, but there are no concentration camps for citizens in Hawaii.

One might be inclined to give the War Department the benefit of the doubt if it had imposed rigid restrictions in certain limited strategic areas, but the evacuation of all persons of Japanese or part Japanese blood from the thousands of miles of sparsely populated desert of irrigated land,