

ILLUSION AND REALITY: THE "MAGIC" CABLES AND
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THE WARTIME INTERNMENT OF JAPANESE AMERICANS

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ABOUT THE AUTHOR

Peter Irons is Associate Professor of Political Science at the University of California, San Diego. He holds a Ph.D. in political science from Boston University, and received a J.D. from Harvard Law School. His areas of scholarly research and writing include constitutional law and American legal history, and his work has been published in such journals as the Harvard Law Review and other legal periodicals. His most recent book is Justice at War: The Story of the Japanese American Internment Cases (Oxford University Press, 1983), which was awarded a Certificate of Merit in June 1984 by the American Bar Association "as a commendable example of public service."

Dr. Irons is a member of both state and federal bars, and is one of the the lawyers who represented Fred Korematsu in his successful effort to vacate his conviction for violation of wartime exclusion orders. Dr. Irons was an invited witness before the Commission on Wartime Relocation and Internment of Civilians in December 1981.

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JAPANESE AMERICANS

Mr. Chairman and Members of the Subcommittee:

I have previously submitted to this Subcommittee a statement entitled "Retribution and Responsibility: Questions for John J. McCloy." In that statement I suggested that Mr. McCloy be questioned about certain of his war-time actions and statements in regard to the internment of Americans of Japanese ancestry. The basis of this previous statement was my intensive research into the internment program and its legal aspects in particular, during the course of which I thoroughly examined the records of Mr. McCloy's office in the War Department and those of other government agencies involved in the internment program.

My present statement is also based on intensive research in the records of government intelligence agencies, and is intended to provide the members of this Subcommittee with a critical response to the statement of David D. Lowman on the issue of the so-called "Magic" cables and their relevance to Executive Order 9066. In his 37-page statement, entitled "Magic and the Japanese Relocation and Internment," Mr. Lowman argued that the decoded Japanese cables provided evidence of "massive espionage nets on the West Coast of the United States, established and controlled by the Japanese government, and utilizing large numbers of resident Japanese." These assertions led Mr. Lowman to conclude that President Roosevelt had made an "understandable decision" in signing the order that led to the mass evacuation and internment of 110,000 Americans of Japanese ancestry during World War II.

Briefly put, my response to Mr. Lowman's statement is that it contains much illusion and little reality. The "Magic" cables prove nothing about the existence of a "massive" espionage network of Japanese Americans before or during the war, nor has Mr. Lowman demonstrated their impact on the mass evacuation and internment decisions. In concluding that Mr. Lowman's statement has no probative value in regard to the Subcommittee's inquiries, I have examined his statement with care and scrutinized its claims from an evidentiary perspective. In addition, I have examined the complete record of the "Magic" cables, as published in 1977 by the Department of Defense. I have also, unlike Mr. Lowman, examined the relevant records of the FBI, the Federal Communications Commission, the Office of Naval Intelligence, and the Military Intelligence Division of the U.S. Army. These records, in particular those of the FBI, show that responsible intelligence agencies and officials were fully cognizant of Japanese espionage efforts before the war. More important, they show that these agencies maintained intensive scrutiny of the Japanese American population on the West Coast and found no evidence of any concerted espionage involvement, let alone the "massive" network that Mr. Lowman pulled out of the "Magic" cables with such a flourish.

Mr. Lowman preceded his statement to this Subcommittee with a number of verbal and written attacks on the report of the Commission on Wartime Relocation and Internment of Civilians. "I'm going to blow that commission out of the water," he boasted to a Washington Times reporter in an interview published on July 4, 1983. With that goal obviously in mind, Mr. Lowman summarized his case in an article he wrote for the Baltimore Sun in its issue of June 24, 1983: "Anyone reading MAGIC intelligence during 1941 could easily have concluded that thousands of Japanese-Americans were being organized into subversive organizations. Mr. Roosevelt was briefed on or was shown the MAGIC

messages all during 1941. He had legitimate cause for concern about the loyalty of Japanese-Americans on the West Coast."

Each of the sentences quoted above from Mr. Lowman's article is factually wrong, and his criticism of the Commission's report is consequently without foundation. The facts are clear and uncontrovertible. First, the "Magic" cables do not implicate Japanese Americans, either as a group or individually, in any sabotage or espionage activity. Second, there is no evidence that President Roosevelt was briefed on or shown any of the cables that related to Japanese Americans. Finally, the "Magic" cables provide no substantiation for concern on the President's part about the loyalty of Japanese Americans on the West Coast. What Mr. Lowman has attempted is simply to raise a smokescreen of innuendo behind which is concealed a revival of the "Yellow Peril" campaign that led to the internment of a loyal and law-abiding minority during World War II.

The historical record leaves no doubt that a Japanese espionage network existed on the West Coast at least until June 1941. Given the increasingly strained relations between Japan and the United States during this period, it would be more surprising if the Japanese government had not attempted to collect military intelligence. The "Magic" cables also establish that the Japanese government hoped to enlist Japanese Americans as agents of this network. What is lacking from the record is any reliable evidence of a link between these two facts.

Mr. Lowman has attempted to forge such a link on the basis of the "Magic" cables. He made this attempt in his Baltimore Sun article in the following words: "In addition to straight diplomatic intelligence, MAGIC included hundreds of Japanese espionage messages containing instructions to recruit

Japanese-Americans to spy on U.S. shipping activity, arms production, troop movements, military preparations, and so on. Messages going back to Tokyo from Japanese consulates on the West Coast reported success in recruiting second generation Japanese-Americans as spies." These statements are grossly in error. Examination of the entire body of "Magic" cables, as reprinted in the Defense Department volumes, reveals that only a handful suggested the recruitment of Japanese Americans as agents. Only one cable, in fact, included an explicit instruction in this regard. Sent from Tokyo to the Japanese embassy in Washington, and dated January 30, 1941, this cable suggested

"Utilization of our 'Second Generations' and our resident nationals." In contradiction to Mr. Lowman's published assertions, none of the subsequent cables referred to Japanese Americans as the source of any military intelligence, a fact he has admitted to me.

Mr. Lowman's claims are hardly new, nor are they dependent on the "Magic" cables for confirmation. The existence of the decoding program was first made public in 1946 and was discussed at length by military officials who testified before the Joint Committee on the Investigation of the Pearl Harbor Attack. The printed hearings of this Committee, in fact, included the full text of scores of the cables that Mr. Lowman has written "were made public in 1977" by the Defense Department. Military officials who testified before the Committee made specific reference to the prewar Japanese espionage network on the West Coast. The most knowledgeable of these officials, Navy Captain Arthur H. McCollum, who was fluent in Japanese, referred specifically to the Japanese naval officers who directed espionage activities on the West Coast. "These officers," he told the Committee, "we were able to run two of them out. One was arrested in Los Angeles in about June of 1941. Okada, lieutenant

commanders, and son of the former premier of Japan, was chased out of the country at about the same time. He had been operating in Seattle."

Captain McCollum's remarks highlight a major omission of Mr. Lowman's various statements. Records of the Office of Naval Intelligence and the FBI show clearly that American intelligence officials had identified and subjected to close surveillance, more than a year before the Pearl Harbor attack, the Japanese naval officers who directed the West Coast espionage network. The two Japanese officers responsible for this network were Itaru Tachibana and Sadatomo Okada, based respectively in Los Angeles and Seattle. The success of the ONI and FBI in penetrating and breaking this network, reported to the Pearl Harbor Committee by Captain McCollum in outline form in 1946, is made more clear in recently released records of these agencies, overlooked by Mr. Lowman in his statements.

Until June 1941, Tachibana and Okada relayed to Tokyo considerable intelligence on American naval strength, aircraft production and the location of dams, power stations and other likely sabotage targets. The great bulk of this data came from public sources -- newspapers, public records, library material, and the like -- and constituted the fruits of the "legal" intelligence that is engaged in by virtually all countries. Tachibana and Okada on the West Coast, and consular and embassy officials in other areas, collected such intelligence on their own.

Tachibana did, in fact, succeed in recruiting one Japanese American into his espionage effort. This initial success, however, quickly led to Tachibana's arrest by the FBI on June 7, 1941 and his subsequent deportation from the United States. Assisted by Toraichi Kono, a Japanese citizen who had earlier worked as Charlie Chaplin's valet and chauffeur, Tachibana enlisted Al

Blake, an ex-convict well known to the FBI, in a scheme to secure intelligence on the American naval fleet berthed in Pearl Harbor. Hoping to impress the FBI with his patriotism, Blake immediately contacted the Bureau and (with the aid of ONI officers) set up Tachibana and Kono in an exchange of naval documents cleared by the Navy in advance for the payment of \$600.

After his arrest by the FBI, Tachibana was allowed to return to Japan after the intervention of the Japanese ambassador, who convinced Secretary of State Cordell Hull that the incident might complicate diplomatic negotiations between the two countries. The significance of Tachibana's arrest lies in the fact that not one of the "Magic" cables sent to Tokyo after June 1941 made any mention of Japanese Americans, either as agents or as sources of intelligence. FBI files on the Tachibana case (which Mr. Lowman has not examined) disclose that the "truck load of documents" seized in Tachibana's hotel room on his arrest resulted in FBI investigations of more than a hundred Japanese Americans whose names (most of them on business cards) were in these records. FBI Director Hoover assigned dozens of agents to locate and interrogate every person listed in the records seized from Tachibana. The initial report on this intensive effort, sent from the FBI's Los Angeles office to Hoover on June 17, 1941, found no evidence of Japanese American involvement in espionage. This report concluded that "Japanese espionage efforts are centered around the Army and Navy attaches and exchange language students in the United States."

Subsequent reports from FBI offices on the West Coast supported the initial conclusion that, aside from Kono, Tachibana had been unable to recruit Japanese Americans for espionage purposes. A report from the FBI's San Francisco office in November 1941 informed Hoover that "a thorough and logical investigation of individuals reported to be engaged in espionage" had

uncovered no Japanese Americans "guilty of violating any federal statutes for which prosecution would lie."

The FBI and ONI files that I have closely examined reveal that federal agents, during the two years that preceded the Pearl Harbor attack, had trailed the steps of every Japanese embassy and consular official from their arrival in the United States. As early as February 1941, ONI agents conducted a surreptitious search of the hotel room of Sadatomo Okada, Tachibana's counterpart in Seattle and the officer named by Captain McCollum in his 1946 testimony to the Pearl Harbor committee. FBI agents also investigated every person whose name appeared on Okada's records, and similarly concluded that no evidence existed that any of these persons was engaged in espionage.

The extensive records of the investigations of Tachibana and Okada, as well as related investigations of other Japanese officials, comprise several thousand pages and are available in FBI file 65-13888. These records include a 98-page inventory of papers seized from Tachibana, dated July 8, 1941, and a 35-page report on the results of the investigation of all persons known to have associated with Tachibana. This latter report, dated June 25, 1942, concluded that no evidence existed of the involvement of any of these persons in Japanese espionage. Mr. Lowman's failure to examine these highly relevant records casts doubt on the thoroughness of his own research and certainly diminishes the force of his complaints about the Commission's report.

In basing his allegation that Japanese Americans were involved in a "massive" espionage network on a single source, the "Magic" cables, Mr. Lowman dismisses contrary intelligence data from the FBI and ONI and disparages such intelligence as the "private opinion" of the U.S. officials who prepared these reports. The most accurate and informed of this intelligence data, and

consequently the most embarrassing to Mr. Lowman, was provided by Lt. Comm. Kenneth D. Ringle of the ONI. In his statement to this Subcommittee, Mr. Lowman brushes off Commander Ringle as a "minor official" who "did not speak for the ONI. . . ." He further claims that the reports of Commander Ringle contained no "hard intelligence" on the loyalties and activities of Japanese Americans.

What Mr. Lowman chooses to ignore in his statement is the fact that Commander Ringle -- whom he grudgingly admits was an intelligence "professional" -- was the most knowledgeable official in the U.S. government on the subject of Japanese Americans. A career intelligence officer, Ringle had served in the U.S. embassy in Tokyo from 1928 to 1931 and was fluent in the Japanese language. During the eighteen months that preceded the Pearl Harbor attack, he was instructed to conduct an exhaustive investigation of the loyalty of Japanese Americans on the West Coast and worked in close connection with FBI agents. It was Commander Ringle who supervised the surveillance of Commander Tachibana and arranged his arrest by the FBI.

Commander Ringle submitted an official "Report on Japanese Question" to the Chief of Naval Operations on January 26, 1942, in which he stated that "less than three percent" of the Japanese Americans on the West Coast might possibly engage in sabotage or espionage. He further noted that "the most dangerous" members of this group were either in custodial detention or were known by name to the ONI and FBI. Mr. Lowman's characterization of this report as reflecting the "private opinions" of Commander Ringle is in error. His report had been officially requested on December 30, 1941 by the Chief of Naval Operations, and was made available to Attorney General Francis Biddle and Assistant Secretary of War John J. McCloy. Along with Captain McCollum, Commander Ringle was by far the most experienced intelligence official in the

U.S. government on the question of Japanese American loyalty. In its report to Congress, the Commission on Wartime Relocation placed great weight on Commander Ringle's official recommendation that the treatment of Japanese Americans "should be handled on the basis of the individual, regardless of citizenship, and not on a racial basis." Despite the fact that the ONI's position did not prevail in the decision to evacuate and intern the entire Japanese American population on the West Coast, it nonetheless represented the best intelligence available to the government, contrary to Mr. Lowman's assertion.

Similarly, Mr. Lowman's reference to a "badly divided" FBI is without foundation. FBI officials on the West Coast did differ in their initial assessments of the sabotage and espionage dangers posed by Japanese Americans. However, FBI Director Hoover, after a careful review of their reports, informed Attorney General Biddle on February 1, 1942 that he had found no evidence of plans for sabotage or espionage and saw no necessity for mass evacuation. Mr. Hoover did not waver from this position during the entire course of the war.

Mr. Lowman overlooks the fact that FBI and ONI officials, along with those in the Military Intelligence Division of the army, had worked in collaboration since June 1940 in compiling dossiers on Japanese Americans suspected in any way of pro-Japanese sentiments or activities. The arrest of Commander Tachibana in June 1941 and the records seized from Commander Okada spurred an expansion of this counterintelligence effort. By the fall of 1941 more than 1200 names of Japanese Americans appeared on the Security Index (known as the "ABC" list) maintained by the Special Defense Unit of the Justice Department. Within 24 hours of the Pearl Harbor attack, FBI agents arrested more than 700 Japanese Americans on this list. Before this arrest program ended in February 1942, every person on the "ABC" list had been taken into custody, interned in

special camps administered by the Justice Department, and questioned at length. Not a single accusation of espionage resulted from these investigations, a fact that led both Director Hoover and Attorney General Biddle to oppose mass evacuation until they were overruled by President Roosevelt.

Mr. Lowman is quoted in the Washington Times, on July 4, 1983, as stating that "Hoover was not on the list of the few persons who regularly received the decoded Japanese diplomatic cables." Given the FBI's limited role in foreign relations, this fact is quite understandable, since the vast majority of the cables dealt with diplomatic negotiations. Director Hoover did, however, receive from the Director of Naval Intelligence detailed memoranda that included the substance of "Magic" cables relating to Japanese espionage efforts. For example, a cable from the Japanese Foreign Ministry to the Los Angeles consulate, noting "connections with our second generations working in airplane plants for intelligence purposes," dated May 9, 1941, was transmitted to Mr. Hoover by Admiral A.G. Kirk on May 21, 1941. The FBI at this time had counterintelligence agents in all defense plants and maintained close surveillance of Japanese American workers in these plants, many of whom were included on the "ABC" list and subsequently arrested after the Pearl Harbor attack.

My review of thousands of pages of ONI and FBI records on Japanese espionage shows that these agencies, which conducted thorough investigations of the Japanese American population, found no evidence of participation in espionage. With the sole exception of Toraichi Kono, who was arrested in June 1941 with Commander Tachibana and interned during the war, not a single Japanese American was implicated in any espionage activity. Even if a handful escaped detection, Mr. Lowman's reliance on the "Magic" cables for his unsubstantiated claim that "thousands" of espionage agents might have roamed the

West Coast reflects his ignorance of these records.

Mr. Lowman's effort to link the "Magic" cables with President Roosevelt's executive order is additionally based on ignorance of the record. The construction of such a link requires evidence that the President had access to the few cables that referred to Japanese Americans. Mr. Lowman wrote in the Baltimore Sun that "Roosevelt was briefed on or was shown the MAGIC messages all during 1941." This statement is highly misleading. In the first place, no evidence exists that the President ever learned of the handful of cables on which Mr. Lowman rests his claims. More important, there is evidence that the President received only sketchy briefings on the "Magic" cables from May to November, 1941, the period when Mr. Lowman cited "a steady stream of espionage reports" from the West Coast to Tokyo.

A recently published scholarly article, based on access to White House and military records, contradicts Mr. Lowman's statement on this issue. In an article entitled "The 'Magic' Leak of 1941 and Japanese-American Relations," published in the February 1981 issue of Pacific Historical Review, Ruth R. Harris noted that, "Beginning in May 1941, President Roosevelt received only indirect and piecemeal information about intercepted Japanese messages." After "an intelligence officer discovered a Magic memorandum in the wastebasket of the President's secretary," military officials concerned with security ended the President's access to the full-text intercepts. The President's military aide was subsequently given only "selected documents, but he was not allowed to show them to Roosevelt and could only orally brief the President."

To my knowledge, there is no evidence that President Roosevelt was shown or briefed on any of the "Magic" cables cited by Mr. Lowman. Without such evidence, it is an obvious fallacy to conclude, as Mr. Lowman does in his

statement, that these cables provided the President with "legitimate cause for concern about the loyalty of Japanese-Americans on the West Coast." Even on the unsupported assumption that the President was shown or briefed on them, these cables are lacking in any reliability as intelligence, reflecting nothing more than the Japanese government's hope that its military officials on the West Coast could recruit Japanese Americans.

Mr. Lowman fails in his effort to link the "Magic" cables directly to President Roosevelt's decision to sign Executive Order 9066, because no documentation exists to demonstrate any linkage. Supposition and speculation take the place of probative evidence in Mr. Lowman's scenario of events. A similar lack of evidence undermines his related assertion that General DeWitt, the West Coast military commander, was exposed to and relied upon "Magic" in recommending the mass evacuation of Japanese Americans.

In his statement to this Subcommittee, Mr. Lowman does not provide any evidence that General DeWitt was ever apprised of "Magic" material. He simply argues that it "is difficult to believe" that DeWitt had not seen such material in some form, most likely "sanitized" to conceal its source. Later in his statement, Mr. Lowman implies an exposure in quoting one sentence from a three-page Army Intelligence (G-2) report dated January 21, 1942: "Their [the Japanese Government's] espionage net containing Japanese aliens, first and second generation Japanese and other nationals is now thoroughly organized and working underground." It seems obvious that this brief and unsubstantiated report simply repeated as fact the pre-war urgings from Tokyo that Japanese officials seek to recruit Americans of Japanese ancestry.

In his assault on the Commission report, Mr. Lowman stretches this single sentence into the elastic conclusion that DeWitt has based his evacuation

recommendation "on intelligence of which the Commission was unaware." However, Mr. Lowman is himself unaware that General DeWitt's own G-2 director dismissed these Washington reports as speculative and advised DeWitt that Japanese intelligence on West Coast military installations came from "information learned during peace by the activities of accredited diplomatic, military and naval attaches and their agents." The weekly G-2 reports submitted to DeWitt, which Mr. Lowman shows no sign of having examined, lend no substance to his fantasy of a "massive" espionage network on the West Coast.

Mr. Lowman concluded his statement to this Subcommittee with the claim that "the Japanese Government's apparent success in establishing vast espionage nets along the West Coast" provided "legitimate cause for concern about the loyalty" of Japanese Americans, and consequently showed that "Roosevelt made an understandable decision" in signing the order that resulted in the mass internment of an entire ethnic minority. But what Mr. Lowman pulls from the "Magic" cables as the appearance of a vast espionage ring is nothing more than illusion. Supposition and speculation cannot and must not replace the reality of probative evidence in historical reconstruction. More important, nothing in the "Magic" cables -- granting for argument that they were seen and relied upon by those who recommended and approved the evacuation and internment program -- provides support for the unlimited scope and duration of this program. The principle of due process -- enshrined in our Constitution as a command to those we entrust with the power of governance -- cannot be subverted to legitimate the imprisonment of Americans on the grounds of suspicion and ethnicity alone.

During a telephone conversation with me in August 1983, Mr. Lowman admitted that the "Magic" cables provided "no way of distinguishing the

sources" of the intelligence sent to Tokyo before the war by Japanese military and diplomatic officials. "I don't know who these messages were from," he added in response to my question about the possible involvement of Japanese Americans. In my opinion, these admissions destroy the probative value of Mr. Lowman's attacks on the Commission and its report, and of his statement to this Subcommittee. His failure to examine the full documentary record on this issue undermines the credibility of his statement. The full record, I would suggest to the Subcommittee, offers additional support to the conclusion that the mass evacuation and internment of Japanese Americans was a "grave injustice" that merits a national apology and adequate redress.

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