

LOWMAN
REPLY TO A SUMMARY STATEMENT
SUBMITTED FOR RECORD TO THE HOUSE
SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
BY LT. COL. HERZIG, U.S. ARMY (RET)
TITLED: JAPANESE AMERICANS AND "MAGIC"

Re. H.R. 4110

2 September 1984

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2 September 1984

The Honorable Sam B. Hall Sr.
Chairman, Administrative Law
and Governmental Activities
Committee on the Judiciary
2236 Rayburn House Office Bldg.
Washington, D.C. 20515

Dear Mr. Hall:

On 10 August 1984, a Lt. Col. John Herzig, U.S. Army (Ret), submitted to you a paper titled "Summary, Japanese Americans and Magic." He also enclosed his testimony given before the Steven's subcommittee holding hearings on S 2116. Both submissions question my integrity and allege that some of the testimony which I gave on 27 June 1984 in Washington, D.C. during hearings by your subcommittee on HR 4110 was not accurate.

In the Introduction of the report Personal Justice Denied put out by the Commission on Wartime Relocation and Internment of Civilians, Jack Herzig and Aiko Herzig Yoshinaga are given special thanks for their roles in compiling the report. I assume from this that Lt. Col. Herzig's particular interest in my testimony stems from that association.

I previously responded to Lt. Col. Herzig's testimony given to the Steven's subcommittee. Now I would like to reply to his statement forwarded directly to you. I request that this letter and its enclosure be made a matter of record.

Respectfully,



DAVID D. LOWMAN

encl: Response to
Herzig Summary

Herzig Charge #1:

The Commission was unaware of the existence of MAGIC, according to Mr. David O. Lowman. However, transcripts of Commission hearings clearly establish that the intercepts were discussed as early as 1981. One witness who mentioned the cables was the Assistant Secretary of War, John J. McCloy.

On 22 May 1983, the N.Y. Times published an article on Magic bearing the title: "1941 Cables Boasted of Japanese-American Spying." The reporter, Charles Mohr, wrote the story based on his own examination of the Magic cables. Prior to publication, Mr. Mohr contacted the Commission on Wartime Relocation and the Internment of Civilians. The Commission Chairwoman, Joan Z. Bernstein, the Commission Counsel Angus MacBeth, and a Commission member, the Rev. Robert Drinan, all stated that they had not been aware of the decoded cables.

From cover to cover the Commission's report Personal Justice Denied is 467 pages long, and not once is Magic mentioned. It was only after the Commission had published its report and findings and after the N.Y. Times article that the Commission rushed into print with an addendum to its study which discussed Magic. It is perhaps of interest to note that several days after the N.Y. Times article I had a telephone call from Angus MacBeth, the Commission Counsel. It was a friendly conversation. I outlined in detail my problems with the Commission's report, and offered to assist in making corrections and revisions. Mr. MacBeth replied that he wished that I had been available before the report was published.

I explained that I was unaware of the entire project until after the Commission's findings were published. Nothing further was said about my offer to assist in working Magic into the report. The addendum on Magic was published a month later and contained a number of substantial errors.

When he testified before the Hall subcommittee Mr. McCloy stated that Secretary of War Stimson had cleared him for Magic, a good example of how the original distribution list kept expanding. He stated that Roosevelt read the Magic messages and that they were a factor in his decision.

If indeed, as Lt. Col. Herzig states, McCloy and others mentioned Magic when they testified before the Commission, its significance went unnoticed and its vital role in what the Commission was charged to investigate went unheeded.

The connection between Magic and the Japanese evacuation issue would have been readily established if, as Mr. McCloy said in the N.Y. Times article of 22 May 1983, the Commission had called members of the intelligence community as witnesses. The same can be concluded if the Commission had had on its staff a knowledgeable intelligence adviser.

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Herzig Charge #2:

Mr. Lowman states that espionage information contained in MAGIC "was passed on to the intelligence people (G-2) in Gen. John L. DeWitt's Western Defense Command." DeWitt's assistant chief of staff in charge of the forced removal program, and his counter-intelligence chief both testified that they were unaware of any information on espionage or sabotage by Japanese Americans.

David Kahn, author of The Codebreakers, states on page 24: "While the actual intercepts--indeed the very existence of Magic--were kept from them [the field commanders] such intelligence extracted from it as Washington thought would help them was sent to them, usually attributed to highly reliable sources." Certainly intelligence indicating the existence of large scale espionage nets controlled by Japan and operating within the Western Defense Command (WDC) area would fall into this category. The Office of Naval Intelligence (ONI) report dated 4 December 1941 warning of Japanese nets in operation, and utilizing local Japanese, was sent to the Army Military Intelligence Division in Washington, D.C. as was the ONI report of 26 January 1942 warning of the likelihood "that Japanese residents previously believed loyal to the United States, may aid Japan if further Japanese attacks appear successful." This report was based on an actual incident related to the Pearl Harbor attack.

That this kind of material was passed to the WDC routinely from Washington, D.C. is indicated by a memo from General Mark Clark to John S. McCloy. General Clark was forwarding an Army Information Bulletin dated 21 January 1942 which concluded that "Their [the Japanese government's] espionage net

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containing Japanese aliens, first and second generation Japanese and other nationals is now thoroughly organized and working underground." General Clark's cover memo stated: "I am sure that the G-2 of the Western Defense Command has all this information for practically all of it was obtained from War Department G-2 sources and from the Office of Naval Intelligence."

To believe that General DeWitt, Commander of the WDC, working with Washington authorities on the Japanese evacuation issue was unaware of Magic information and army and navy intelligence reports warning of the existence of Japanese espionage nets operating on the West Coast from Canada to Mexico, defies all logic.

Herzig Charge #3:

Senior Navy officials supported the forced exclusion of the Japanese Americans, claims Mr. Lowman. The representative of the U.S. Naval Historical Center testified that the Navy did not take a position on wholesale "evacuation" of these people from the west coast and, in fact, the Navy's expert on "The Japanese Problem" recommended that they be accorded treatment on an individual basis.

This statement is a prime example of Lt. Col. Herzig's tactics. He attributes words to me which I never said and then attacks them as wrong. This happened a number of times in his testimony before the Steven's subcommittee. What I actually said in my testimony was, see page 26:

"Although, as the Commission states, there is no single statement of ONI's position, there are a number of heavy inferences in the Commission's report that ONI was opposed to evacuation."

And on page 28:

"On the other hand, supporting evacuation, or at least not opposing it, were the Secretary of War, the Army Chief of Staff, the Director of Military Intelligence (for the Army), the Secretary of the Navy, the Chief of Naval Operations, the Director of Naval Intelligence, and the Chiefs of Army and Navy Plans--probably the most elite group in the American power structure of the day."

And my footnote #68 on page 42 citing my correspondence with Professor Dorwart, author of The U.S. Navy's Intelligence Dilemma, 1919-1945, Annapolis Naval Institute Press, 1983, states:

"Prof. Dowart agreed that Admiral Turner, Chief of Navy Plans, along with Admiral Stark who was CNO and Admiral Wilkinson, Chief ONI, all probably supported the official position which was evacuation although as yet this cannot be documented."

Incidentally, the Navy "expert" on "The Japanese Problem" was Lt. Cmdr. Ringle of ONI assigned to the 11th Naval District. He was a minor official, did not speak for ONI, and was unaware of Magic. He also wrote in his reports that he thought thousands of resident Japanese were potentially disloyal.

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Herzig Charge #4:

MAGIC messages containing data on west coast airplane production are characterized by Mr. Lowman as "espionage nuggets." Those messages give no indication that the information was obtained through clandestine means. As a matter of fact, contemporary newspapers of that time contained essentially the same detailed information which he describes as "espionage nuggets."

If Lt. Col. Herzig doesn't like this particular message as an example of espionage reports going back to Tokyo, there are hundreds of others to choose from. I thought this one was particularly interesting because the Japanese consulate in Los Angeles had previously reported to Tokyo:

"We also have connections with our second generations working in airplane plants for intelligence purposes."

It is also interesting to note in this connection that although intelligence requirements for information were laid on the Consulates by Tokyo in February 1941, no intelligence messages sending national defense information to Tokyo were intercepted until after May 1941. From May to December 1941 hundreds of them were intercepted. It was in May that the consulates reported that they had successfully recruited local Japanese.

For evaluations of Japanese espionage messages, see pages 11 and 12 of this enclosure.

Herzig Charge #5:

He has extracted portions from documents or books which, when quoted in full, support the Commission's findings. Not one of his secondary sources establishes any connection of MAGIC with the decision to exclude and detain the Japanese Americans.

The first sentence of this statement is outrageously false; the second, merely false.

Magic messages in their entirety have only recently (late seventies) been declassified and made available to the public. Prior to this only selected Magic messages, primarily those passing between the United States and Tokyo during 1941, were released, mainly to facilitate the Pearl Harbor investigation by the Joint Congressional Committee. So far, historians using this source material have concentrated on purely diplomatic history and the attack on Pearl Harbor. No historian of nationally recognized status to date has specifically examined the Japanese evacuation issue against the backdrop of the intelligence which was available to the U.S. Government at that time. Several, however, have brushed up against it, and have raised provocative questions.

For example, Roland Lewin, The American Magic, on page 59 after discussing German espionage in the U.S. goes to say:

"Magic's revelation of hectic Japanese preparations in this area during 1941 told its own tale--with the implication that a fallback position was being organized in South America for the Japanese intelligence services as an insurance against the possibility--or presumption--that war might expel them from the United States.

And as for that country, what were the recipients of Magic to think of the two intercepts of May 9 and 11, one sent to Tokyo from Los Angeles and the other from Seattle, in which the Japanese representatives reported fully on the recruitment of spies, the surveillance of aircraft plants and their output, the 'maintenance of connection' with 'second generation' Japanese-Americans in the Army, the study of shipping, the penetration of the labor movement and so on?"

And John Costello, author of The Pacific War states on page 613:

"It is possible to speculate that Roosevelt's decision to intern the Nisei population in midwestern camps was based on the evidence that these Magic diplomatic intercepts gave of Terasaki's* extensive network of informants...."

and on page 211:

"The rising current of fear on the West Coast and the evidence from the Magic intercepts the previous year of espionage organizations had been important factors in the President's decision to sign Executive Order 9066 on February 19, 1942."

Both of these secondary sources are listed in my bibliography submitted to the House subcommittee along with my statement. No recognized historian, to my knowledge, has examined the Magic messages and concluded that they were not a factor in Roosevelt's decision on evacuation.

* Terasaki was head of Japanese espionage in the Western Hemisphere.

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Herzig Charge #6:

MAGIC was a rich source of intelligence information, but the requirement for a more effective system than that under which MAGIC had been developed emphasized the need to evaluate, corroborate, and provide a wider view than that of MAGIC alone. This was recognized at War Department level in January 1942. All of Mr. Lowman's MAGIC references are dated pre-1942.

Of course all of my Magic references are dated prior to 1942. The Japanese diplomatic posts in the U.S. were shut down on 7 December 1941. After that there were no more official communications between Tokyo and its representatives in the U.S. But two of the U.S. intelligence reports I cited earlier were published in January 1942 and both indicated that the Japanese espionage situation continued to be a source of worry after Pearl Harbor.

Insofar as reorganizing Magic and Ultra exploitation, evaluation, and distribution, this went on throughout the war in a constant effort to maintain security and yet achieve maximum utilization of the intelligence.

As to the value of Magic as it pertains to the Japanese espionage problem on the West Coast prior to the signing of E.O. 9066, no one has said it better than the Joint Congressional Committee:

Magic "was some of the finest intelligence available in our history." (P. 253, Report of the JCC).

"Washington authorities learned that Japanese spies and agents, directed by the Japanese Government, were collecting and transmitting to Tokyo an immense amount of exact and detailed information respecting military and naval installations..." (P. 525, Report of the JCC).

"With extraordinary skill, zeal and watchfulness the intelligence services of the Army Signal Corps and the Navy Office of Naval Communications broke Japanese codes and intercepted messages between the Japanese Government and its spies and agents and ambassadors in all parts of the world and supplied the high authorities in Washington with reliable secret information respecting Japanese designs, decisions, and operations at home, in the United States, and in other countries." (P. 514, Report of the JCC).

For a very dramatic evaluation of Magic and Ultra see General George Marshall's letter to Thomas E. Dewey dated 27 September 1944. A copy of this letter was submitted for record to the House subcommittee on 27 June 1984.

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Herzig Charge #7:

This analysis of Mr. Lowman's statement reveals the inadequacy of his research, misuse of authoritative sources, misinterpretation and editorializing of intercepted cables which have led him to view MAGIC as containing information to indicate that Japanese Americans were actively engaged in spying and, therefore, that MAGIC was a significant factor in the decision to exclude the Japanese Americans from the west coast. A review of the cables themselves fail to support his interpretations.

The statement by Mr. Lowman falls into that category of opinion, not fact, that to this day holds Japanese Americans accountable for actions of Japan, whether those acts are the attack on Pearl Harbor or the current issue of the unfavorable balance of trade between the United States and Japan.

Mr. Chairman, I have answered all the specific charges in Lt. Col. Herzig's statement to your subcommittee. Very probably neither I nor anyone else can silence the wild and unsubstantiated accusations stated above so long as I continue to take a position that there was evidence of first and second generation Japanese spying. I have tried to stay away as much as possible from the highly emotional issues. I have carefully refrained from giving an opinion on whether Magic justified evacuation, leaving that for others to debate. And I have ventured no opinion whatsoever on reparations. My only role in this matter has been to call attention to intelligence available to the President which would indicate that he did have legitimate cause for concern about the loyalty of large numbers of Japanese living on the West Coast in 1942, information which was not provided by the Commission which was charged to investigate this issue.

The Commission's problem is not with me, but with the materials which I have brought to the attention of the U.S. Congress.

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The Commission (and its spokesman) would be well advised to accept the realities of the intelligence it "overlooked" and amend its report accordingly rather than to attack those private citizens who have called attention to this oversight.

In the final analysis, the Magic messages, their evaluation by the Joint Congressional Committee and key government officials of that era, and the army and navy intelligence reports produced at that time, all speak for themselves.

And, of course, all of the intelligence involved must be viewed not as we debate its meaning and validity today, but from the context of how Roosevelt and his key advisers perceived it against the backdrop of February 1942.