

MEMORANDUM

TO: Members of the Subcommittee on Administrative Law and Governmental Relations DATE: June 18, 1984

FROM: Janet Potts, Assistant Counsel

RE: Hearings on the Recommendations of the President's Commission on Wartime Relocation and Internment of Civilians --- H.R. 4110 (Mr. Wright), H.R. 4322 (Mr. Young), and H.R. 3387 (Mr. Lowry)

The Commission

The Commission on Wartime Relocation and Internment of Civilians was established in 1980 (Public Law 96-317). The purposes of the Commission were to:

1. Review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens;
2. Review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
3. Recommend appropriate remedies.

The Commission held 20 days of hearings and in December, 1982, published its report, Personal Justice Denied.

In June, 1983, the Commission published its recommendations for remedial action. A copy of the report and recommendations were supplied to each Member of Congress by the Commission. These recommendations constitute the basis for the three bills currently before the House (H.R. 4110, H.R. 4322, and H.R. 3387).

BackgroundAmerican Citizens of Japanese Ancestry and Resident Japanese Aliens

On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066. This order authorized the Secretary of War or his military commanders to designate military areas "from which any or all persons may be excluded." (Executive Order 9066). On March 21, 1942, Public Law 77-503 was enacted so that compliance with any directives issued under the Executive Order would be enforced through criminal sanctions.

Beginning in late March, 1942, Lt. General John L. DeWitt, commanding general of the Western Defense Command, acted under the Executive Order to issue a series of Civilian Exclusion Orders which resulted in the exclusion from the West Coast of all Japanese resident aliens (43,000) and Japanese descended citizens (77,000). The basis of the exclusion was "military security". Some of these people (about 10,000) moved voluntarily to new homes and jobs. The vast majority were moved by the Army, first to "assembly centers" and then to Wartime Relocation Authority camps.

Most of the excluded individuals lived in the relocation camps for the remainder of the war, although approximately 35,000 left the camps to join the service, to attend college outside the West Coast area, or to accept employment outside the West Coast area. The exclusion from the West Coast was ended in December, 1944. The last of the camps was closed in January, 1946.

During the exclusion and relocation, there were a number of court challenges as to its legality:

1. Hirabayashi v. U.S., 320 U.S. 81 (1943) and Yasui v. U.S., 320 U.S. 115 (1943). The Supreme Court held that it was within the constitutional authority of Congress and the Executive, acting together, to prescribe a curfew as an emergency measure to meet the threat of sabotage and espionage even if the curfew applied only to persons of Japanese ancestry.
2. Korematsu v. U.S., 323 U.S. 215 (1944) -- The Supreme Court upheld the exclusion of Japanese ancestry persons on the basis of military security as a constitutional exercise of executive authority to prevent sabotage and espionage.
3. Ex parte Endo, 323 U.S. 283 (1944) -- The Supreme Court ruled that the Wartime Relocation Authority had no authority to intern (as opposed to "exclude") concededly loyal and law abiding citizens.

In 1948, the Evacuation Claims Act became law. This Act established a procedure through which evacuees could file claims against the U.S. for damages or loss of real or personal property as a consequence of the relocation. The total amount awarded under this program was approximately \$38 million. The Commission has estimated that, as a result of the exclusion and detention, in 1945 dollars the Ethnic Japanese lost between \$108 and \$164 million in income and between \$41 and \$206 million in property for which no compensation was made. (The Commission believes these losses to fall between \$810 million and \$2 billion in 1983 dollars).

In 1972, the Social Security Act was amended so that Japanese Americans over the age of 18 would be deemed to have earned and contributed to the Social Security system during their detention.

In 1976, President Gerald Ford formally rescinded Executive Order 9066.

In 1978, the federal civil service retirement provisions were amended to allow the Japanese Americans civil service retirement credit for the time spent in detention after the age of 18.

Other compensation programs have been established by the following states or local governments for former employees who were dismissed or who resigned because of their Japanese ancestry:

- 1) California
- 2) Washington State
- 3) San Francisco, California
- 4) Los Angeles, California

The Aleuts

In early June, 1942, the Japanese bombed naval facilities in Dutch Harbor, Unalaska, and secured a beachhead on Kiska Island, both located in the Aleutian Islands. Thereafter, on June 8, the Japanese Army landed on Attu Island in the Aleutians, taking 42 Aleuts and 2 U.S. citizens as prisoners.

Beginning on June 16 and ending June 26, all remaining Aleutians were evacuated from the islands in order to remove them from the war zone.

The Aleuts were relocated in several areas, generally in abandoned cannery dormitories in Alaska. These facilities were in poor repair and lacked adequate sanitation and winterizing for the harsh Alaska winters. In addition, there was inadequate food and medical care. The Aleuts suffered a high death and illness rate as a result of these conditions.

In December, 1943, Secretary of War Henry Stimson approved the return of the Aleuts to their homes. This was accomplished in May, 1944.

On their return to the islands, the Aleuts discovered that much of the property they had left behind had been damaged as a result of neglect and through vandalism by military personnel stationed on the islands. In addition, a substantial amount of military debris was left on the islands by the armed forces.

In May, 1944, the Army and Navy allocated funds to finance the return of the Aleuts and the rehabilitation of the islands (\$58,000 and \$129,000 respectively). In addition, the Army and Navy transferred surplus supplies for resettlement.

On August 7, 1944, President Roosevelt approved the allocation of \$200,000 from his "Emergency Fund for the President, National Defense, 1942-45", for use by the Department of the Interior for the rehabilitation of the Aleutian and Pribilof Islands, as well as for subsistence for the Aleuts. On July 21, 1945, the Office of Indian Affairs (Department of the Interior) requested an additional \$45,000, and a transfer of \$51,725 was made from the President's Fund. The Commission found that federal budget figures show actual obligations for individual claims at \$31,441. For supplies and materials, the total was \$177,081.

Since the war, the island of Attu has not been returned to the Aleuts. There also remain on the islands large quantities of wartime debris, some of which is hazardous. Much of this material rests on federally owned land. There has never been a full and complete accounting of all the losses suffered by the Aleuts.

Attachments

1. Executive Order 9066
2. Public Law 77-503, March 21, 1942
3. Recommendations of the Commission on Wartime Relocation and Internment of Civilians:
 - a. Recommendations on the relocation of American citizens of Japanese ancestry and resident Japanese aliens
 - b. Recommendations on the Aleuts