

STATEMENT OF U. S. SENATOR SPARK MATSUNAGA OF HAWAII
IN SUPPORT OF LEGISLATION TO ACCEPT THE FINDINGS
AND IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION ON
WARTIME RELOCATION AND INTERNMENT OF CIVILIANS
Subcommittee on Administrative Law and Government Relations
House Committee on the Judiciary
Monday, April 28, 1986

Mr. Chairman, as the principal sponsor of S. 1053, a bill which is similar to H.R. 442, and which has 27 Senate cosponsors, I want to thank you and the members of your subcommittee for holding these timely hearings and offering me an opportunity to testify in support of this important legislation.

H.R. 442 and its Senate companion bill would implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, a distinguished, nine-member panel established by Congress in 1980 to examine the facts surrounding the issuance of Executive Order 9066 and the subsequent relocation and internment of 120,000 Americans and resident aliens of Japanese ancestry during World War II. In addition, the Commission was mandated by Congress to examine the circumstances surrounding the evacuation of the Aleutian Islands and the relocation of Native American Aleuts. The Commission submitted its report, entitled Personal Justice Denied, in June 1983.

The Commission recommended, and H.R. 442 would provide, a long overdue remedy for what has been called America's worst wartime mistake and the worst single violation of individual civil liberties in our Nation's history.

Many here today over the age of 50 will recall vividly the atmosphere which prevailed in this country immediately following the attack on Pearl Harbor on December 7, 1941. Rumors were rampant that Japanese war planes had been spotted off the West Coast and erroneous reports of followup attacks on the U.S. mainland abounded. A great wave of fear and hysteria swept the United States, particularly along the West Coast, where a relatively small population of Japanese Americans had for many years already been subjected to racial discrimination and often violent attack.

Some two months after the attack on Pearl Harbor, in February 1942, President Franklin D. Roosevelt issued Executive Order 9066. The Executive Order gave to the Secretary of War the authority to designate "military areas" and to exclude "any or all" persons from such areas. Penalties for the violation of the military restrictions were subsequently established by Congress in Public Law 77-503, enacted in March 1942.

Also in March, the military commander of the Western District issued four public proclamations establishing restricted

zones in eight western states, instituting a curfew applicable to enemy aliens and "persons of Japanese ancestry," and restricting the travel of Americans of Japanese ancestry and alien residents. The first "Civilian Exclusion Order" was issued by the Western District Commander on March 24, 1942 and marked the beginning of the relocation and internment of Japanese Americans and their parents from the West Coast.

It is significant to note that the Military Commander of the then Territory of Hawaii, which had actually suffered an enemy attack and was under martial law, did not believe that it was necessary to evacuate all Japanese Americans from Hawaii, although about 1,500 leaders of the Japanese American community in Hawaii were sent to detention camps on the U.S. mainland.

FBI Director J. Edgar Hoover, who could hardly be accused of being soft on suspected spies, opposed the evacuation of the Japanese Americans from the West Coast, pointing out that the FBI and other law enforcement agencies were capable of apprehending any saboteurs or enemy agents. Japanese diplomats, consular officials and military attaches who were in this country at the outbreak of war between the United States and Japan were not rounded up and incarcerated in detention camps. On Hoover's orders, they were confined to house arrest and treated courteously, because the FBI Director hoped that American citizens in Japan would be treated in a similar manner.

Of the 120,000 individuals who were ordered on 72 hours notice to pack, leave their homes and report to Assembly Centers on the West Coast prior to being moved to camps in the interior United States, about 80% were native born American citizens, many of them little children and teenagers. The remainder, including many elderly people, were legal alien residents of the United States who were prohibited by U.S. law from becoming naturalized American citizens. All of them, native born American and legal alien resident alike, were entitled to the full protection of the United States Constitution and the laws of our land, but their constitutional rights were denied. Without trial or hearing, without ever being convicted of a single crime, they were summarily ordered into what can only be described as American-style concentration camps, surrounded by barbed wire, searchlights, and armed guards. They lost everything, and life in the camps was soul-trying. During hearings held by the Commission on Wartime Relocation and Internment of Civilians, former internees, many telling their stories for the first time, told of infants, new mothers, and old people who died for lack of adequate medical care and facilities; of families who were separated, with elderly parents or in-laws going to one camp and their married children to another; of large families forced to live together in one room; of the constant, nagging uncertainty about the future, both immediate and long-term; and of the strains which this placed on their families and on the close-knit Japanese American community as a whole. But perhaps the most traumatic experience, the one thing that has haunted Americans of Japanese ancestry for nearly 45 years, was the stigma of being cast as disloyal to their beloved country, the United States of

America. One elderly internee, an American veteran of World War I, is reported to have committed suicide rather than bear the brand of disloyalty to his country, the United States of America.

For this reason, Japanese Americans welcomed the study Commission's thorough and intensive review of the circumstances surrounding their relocation and internment. For them publication of the Commission report revealed publicly what they had always known: the relocation and internment of Japanese Americans was not justified by military necessity, but was the result of racism, wartime hysteria, and the failure of political leadership across the board.

To put it quite simply, the Western District Military Commander, Lieutenant General John DeWitt, believed, and stated to the U.S. House of Representatives Naval Affairs Subcommittee on April 13, 1943, that

"A Jap's a Jap. They are a dangerous element, whether loyal or not. There is no way to determine their loyalty... it makes no difference whether he is an American; theoretically, he is still a Japanese, and you can't change him.... You can't change him by giving him a piece of paper."

In recommending the relocation and incarceration of Japanese Americans to his superiors in Washington, General DeWitt stated that

"The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship have become 'Americanized', the racial strains are undiluted."

General DeWitt's views were shared by many residents of the West Coast and were loudly echoed by community leaders, Members of Congress, and the local media. Although the Secretary of the Army and his deputy did not agree with DeWitt's racial views, and, indeed, sought to suppress them, they did not reject his proposed "solution" to the Japanese American "problem" on the West Coast, cloaking it instead in the spurious guise of military necessity, and adopting his argument that there just wasn't time for the FBI, military intelligence, and local law enforcement agencies to identify and apprehend any suspected spies or saboteurs. No one argued to the President of the United States that the failure to prove military necessity would render the proposed relocation and detention of Japanese Americans constitutionally impermissible.

(Mr. Chairman, in this connection, the book FDR: A Biography by Ted Morgan, published only last year, is most interesting reading. I was especially struck by the lines from

Walt Whitman's "Leaves of Grass" with which Morgan introduced his chapter on this subject: "I will make a song for the ears of the President, /full of weapons with menacing points, /And behind the weapons countless dissatisfied faces.")

While revelation of the truth at long last by a congressionally created commission is a great relief to Americans of Japanese ancestry who were the victims of this grave wartime mistake, it is not enough -- anymore than it would be for any other innocent American falsely imprisoned for years on trumped-up charges. In our society, the victims of such errors in justice are entitled to seek and obtain relief.

Mr. Chairman, while it would not provide full relief, H.R. 442 is intended to provide some personal justice too long denied. The bill, in accordance with the study Commission's recommendations, would provide a very modest and token payment to each of the 60,000 or so former internees who are still alive today. In addition, funds would be authorized for the establishment of a civil liberties education fund, which, we believe, will enhance the protection of civil liberties in this country and help ensure that what happened to the Japanese Americans shall never happen to any other group of Americans.

Finally, Mr. Chairman, enactment of this legislation would constitute an official acknowledgment of the wrong which was done, and would prove once again that this great Nation of ours is unafraid to admit the mistakes of its past by making whole those whom it has wronged.

As another aside, Mr. Chairman, Mr. Morgan describes the aftermath of the wartime internment and its lasting scars with the lines of the poet W. H. Auden: "Left alone with their day, and the time is short and/History to the defeated/May say Alas but cannot help or pardon." It is not enough that we say "alas," Mr. Chairman; we must seek restitution for these outcasts among us in order to achieve history's pardon for ourselves.

Mr. Chairman, I thank you again for the privilege of testifying before the Subcommittee, and urge that early favorable action be taken on H.R. 442.

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