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Project Attorney Post Script
Final Report James Terry

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POST SCRIPT TO FINAL REPORT OF PROJECT ATTORNEY

A little over two weeks ago, the final draft of my report was completed. Since then, conferences with officials of the Authority and of the Department of Justice in Washington on the subject of removal (deportation) of Japanese-Americans, principally at Tule Lake, who have availed themselves of the 1944 amendment to the Nationality Laws to renounce their citizenships, have added a brief chapter which I feel should be presented.

The high officials of the Authority are strenuously opposed to wholesale removal of all renunciants without further inquiring or hearing. The Department of Justice has so far given rather favorable consideration to such mass removal. The Department has also favorably considered apprising the Congress of the possible advisability of legislation to clarify the powers and duties of the Attorney General in the premises, particularly with regard to so-called "stateless" renunciants. Those who held only United States citizenships at the time their renunciation took effect. Such legislation might take the form of an amendment to the Alien Enemy Act authorizing removal as an adherent of any person who renounces United States citizenships in time

of war and declares his loyalty to the enemy. A number of Department of Justice officials believe that such amendment would be sustained in the courts, even though applied retroactively to those who have already renounced their citizenships.

To those familiar with the whole sorry history of our treatment of the Japanese racial minority in this country since the outbreak of war, the idea of man's deportation without even the ultimate hearing granted all other aliens before removal, not excluding the notorious Fritz Kuhn, is indeed unpalatable. To such people, including the officials of the Authority, it is obvious that the renunciations were not filed, in most if in any instances, because of a single simple motive of love and loyalty for Japan and antagonism and disloyalty for the United States. That, however, is the surface appearance and impression which the act has created in the minds of the vast majority of the people of this country and the west coast race baiters will go far to carry the torch for mass removal - with more ammunition than has often been the case in the past.

This issue is of concern to me, aside from its grave importance to every citizen, as former attorney at Gila River because only two evacuees at that Center showed the slightest

interest in renouncing their citizenship during the first six months after the Nationality Laws permitted such renunciation. Those two were Kibel, who had consistently taken a rabidly pro-Japanese position and had begged to be sent to Tule Lake. Our numerous requests to send them were denied but after the Authority announced its center closing policy in December, 1944, twenty-three or four more residents of the Center filed renunciation applications. Why? Department of Justice officials who held renunciation hearings tell me that well over 80% of the applications for renunciation followed announcement that the Centers would be closed to all eligible for relocation. Despite statements and written hearing records to the contrary, they believe that the center-closing policy was a major factor, if not the principal factor in causing renunciations. It is entirely likely.

Perhaps the story goes like this: The ill-advised and ill-planned military registration episode in 1943, in an atmosphere of doubt, rumor and smoldering bitterness at discriminatory treatment, resulted in many refusals to affirm allegiance to the United States and disaffirm allegiance to Japan. Statistics on the registration furnished a handle to professional politico-patriots in Congress and elsewhere to press for segregation; deportation; deprivation

of citizenship and other measures against this minority. Public clamor and demands on the President resulted in a segregation program. Because forced, it was neither satisfactory nor fair. It did catch the draft dodgers, the cowards and generally the least assimilated and least desirable, including a fair proportion of the subversive pro-Japanese element. However, it caught many others. All thought they had a refuge at Tule Lake at least for the duration of the war. Many had gone there for that reason and to be with and care for aged parents. The announcement of the closing of all Centers and forced relocation, even from Tule Lake, forced the last card renunciation of citizenship with accompanying protestations of loyalty to Japan and disloyalty to the United States -- anything to make it stick so as not to be forced to relocate.

The tension and confusion at Tule Lake caused by the subversive organizations, which openly marched, blew bugles, wore Japanese emblems, worshipped the Emperor and less, openly committed felonious assaults and murder, are assigned by some as a principal cause of the renunciations. In other words, fear caused by threats, beatings, and various types of duress and coercion by these organizations and by parents impelled many to renounce. There is undoubtedly truth in

this but how much it would be difficult to determine with accuracy. Here again the Authority took no effective steps to curb these defiantly open demonstrations nor the pressures and threats which were then suspected until after the renunciation hearings were about completed.

Unfortunately, little of a constructive or comforting nature suggests itself as a solution for the situation. All but a handful of the renunciants were evacuees at Tule Lake. Tule Lake was highlighted in the press and to the public generally as the place where all of the disloyal, dangerous, riotous and bad evacuees had been sent. The public easily arrived at the converse idea that all of the people at Tule Lake were bad. Neither proposition was true but the incidents there and inability of the Authority to control the Center effectively did little to dispel any such false notions. At this time, it would be practically impossible to convince any substantial segment of the public that the renunciants are not all thoroughly disloyal and undesirable. They have openly avowed them, disloyalty in their renunciation hearings, claimed loyalty to Japan and insisted on their desire to leave the United States and live permanently in Japan. Few people will be willing to believe that such declarations were false, though in many cases they were. On

the face of the matter, strongly supported by the weight of political and public opinion, the renunciants have made their bed and are entitled to no further softheartedness or sympathy. It is not surprising that the Department of Justice is inclined to follow a line which would almost certainly receive this public and political support.

Against this and in favor of recognition of the true but recondite complexities and nuances of the situation are ranged liberal and religious groups of no great political force and the officials of the Authority and the Interior Department. But these officials and their policies and actions were the primary cause of the existence of this very unjust, confused and obscure situation. Their objection to mass removal can only be based on full and open confession and explanation of their nearly inexplicable errors. Even so, it is doubtful that the public would believe. Again it seems that the evacuees involved are to be the pawns who must suffer for the egregious mistakes of their governmental jailors.

Admittedly, this is a very inconclusive and unsatisfactory comment. I believe, however, that it is a reasonably correct analysis of the reason for the present dilemma.

As in the case of a traffic fatality, it is easier to explain how and why the accident happened than it is to bring the victim back to life.

James H. Terry
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