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# NATIONAL DEFENSE MIGRATION

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## HEARINGS

BEFORE THE

SELECT COMMITTEE INVESTIGATING

NATIONAL DEFENSE MIGRATION

HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH CONGRESS

SECOND SESSION

PURSUANT TO

### **H. Res. 113**

A RESOLUTION TO INQUIRE FURTHER INTO THE INTERSTATE  
MIGRATION OF CITIZENS, EMPHASIZING THE PRESENT  
AND POTENTIAL CONSEQUENCES OF THE  
MIGRATION CAUSED BY THE NATIONAL  
DEFENSE PROGRAM

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#### **PART 31**

**LOS ANGELES AND SAN FRANCISCO HEARINGS**

**MARCH 6, 7, AND 12, 1942**

---

**PROBLEMS OF EVACUATION OF ENEMY ALIENS AND  
OTHERS FROM PROHIBITED MILITARY ZONES**

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Printed for the use of the Select Committee Investigating  
National Defense Migration





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JUL 13 1942

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MIGRATION

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# NATIONAL DEFENSE MIGRATION

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FRIDAY, MARCH 6, 1942

MORNING SESSION

HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE INVESTIGATING  
NATIONAL DEFENSE MIGRATION,  
*Washington, D. C.*

The committee met at 10 a. m., in the State Building, assembly room, Los Angeles, Calif., Hon. John H. Tolan (chairman), presiding.

Present: Representatives John H. Tolan (chairman), of California; George H. Bender, of Ohio; Laurence F. Arnold, of Illinois; and Carl T. Curtis, of Nebraska.

Also present: Dr. Robert K. Lamb, staff director; John W. Abbott, chief field investigator; Francis X. Riley, field investigator; Jack B. Burke, field investigator; and Ruth B. Abrams, field secretary.

The CHAIRMAN. The committee will please come to order.

Will you take the stand, Mr. Gleason?

## TESTIMONY OF DR. GEORGE GLEASON, EXECUTIVE SECRETARY, COMMITTEE FOR CHURCH AND COMMUNITY COOPERATION

The CHAIRMAN. Mr. Gleason, this committee does not come here with any prepared or prejudged ideas about this investigation, but we want to hear from the people of the Pacific coast. I understand that you want to make a statement.

Dr. GLEASON. Yes; I do.

The CHAIRMAN. We have your prepared statement and will insert that in the record in full, but if there are any highlights you wish to touch upon or anything else you want to tell this committee, we should be glad to listen to you.

(Statement referred to above is as follows:)

## STATEMENT BY DR. GEORGE GLEASON, EXECUTIVE SECRETARY, COMMITTEE FOR CHURCH AND COMMUNITY COOPERATION

### THE ENEMY ALIEN SITUATION ON THE PACIFIC COAST

(Prepared under the leadership of the Los Angeles County Committee for Church and Community Cooperation. This is a semiofficial committee of 11 clergymen, appointed by the board of supervisors of Los Angeles County, in January 1937, to coordinate churches, Government bodies, social agencies, and other community organizations in the moral and spiritual betterment of the county. Members of several subcommittees have cooperated in the preparation of this statement)

MARCH 3, 1942.

Security and justice, both for enemy aliens and for the Nation should be the purpose of any action taken by Federal, State, county, or city authorities to control possible subversive elements in our communities.

At any moment, Japanese military forces may attempt, at least, a token attack on the Pacific shores of the United States. In the three Pacific Coast States there are 275,094 enemy aliens, besides 71,484 American citizens of Japanese ancestry, many of them having dual citizenship. The number of American citizens of German and Italian parentage is not available. In case of a Japanese attack, most Americans believe that some enemy aliens, and even some claiming citizenship, would attempt to aid the invaders.

Whether the potential saboteurs form a small or large percentage of the enemy alien population and their children, seems to us not the main issue. The facts indicate that some residents on this coast are prepared to cooperate with an invading force. Reports of the activities of the Federal Bureau of Investigation and other law-enforcement agencies indicate that in many instances aliens have retained in their possession arms, ammunition, short-wave radios, cameras, and other contraband, weeks after they had been ordered to give them up.

There seem to be a few authenticated instances where citizen-Japanese, while proclaiming their loyalty to the United States, have been carrying on disloyal activities.

The report of the Committee on Un-American Activities, released on February 28, 1942, says: "The facts make the Japanese residents of California, Hawaii, the Philippine Islands and the Panama Canal region a menacing fifth column in the Territories of the United States." There seems to be abundant proof that among alien residents on the Pacific coast there are some who, if uncontrolled might at a time of crisis contribute directly to the success of an enemy attack. A very few, even, of such subversive individuals, if allowed to remain near war industry plants, harbors, sources of water, gas and electric supply, and other equipment essential to our living and defense, might create tremendous disasters. This is evident to all who know conditions in the Coast States.

In the face of all these dangers, the calmness and good sense of the west coast communities should be recognized and commended by the whole Nation. Any evacuation proposed is not prompted by race hatred, prejudice or selfish business interests, but is contemplated only for military protection.

The mass evacuation, however, of all of the 400,000 or 500,000 individual enemy aliens, and their children, from the Coast States, would admittedly bring suffering upon them and huge burdens upon the remainder of the population. We recommend, therefore, a selective evacuation. As to the extent and the distance of such evacuation, we have not in our possession adequate facts upon which to base specific recommendations. The details of this population movement must be decided by the Army.

In order to end the uncertainty, both among the aliens and ourselves, we urge that the decision be made as soon as possible, and that all Federal agencies be effectively coordinated for this purpose. If we can aid in bringing this about, we shall be glad to be taken into consultation.

When the Army orders are given, however, every alien and every citizen should accept them without making any objection, and without further debate. Law enforcement authorities should be as just and courteous as Army orders permit. Every precaution should be taken to preserve the health, the property, and the social and cultural interests of those who are forced to move. Adequate material relief should be provided for those deprived of their economic resources. Hindering red tape should be promptly cut.

Church members, school authorities, social workers, women's clubs, service clubs, parent-teacher associations, and agricultural and business groups, in the areas from which and to which people are transferred, should be called upon to render every possible aid. Such community organizations on the coast are urged to communicate with similar groups in neighboring States to the east, urging them to take a proper attitude toward those who are moved into their communities.

Each individual moved, who is not in forced custody, should be helped to re-establish himself in suitable home, school, church, group, agricultural and industrial life, at the earliest possible moment. Conditions tending to develop delinquency in youth, and unsanitary surroundings and subversive attitudes among those evacuated, should be kept in mind by the authorities and avoided when possible. We shall use our influence to see that this is done.

Finally, we wish to record our opinion that the authorities—Federal, State, county, and city—have, in most instances, acted with fairness and consideration. In continuation of this policy, we urge the proper authorities to act promptly, firmly, justly, and courteously. We ask the enemy aliens and their children to act obediently and cheerfully. Those who claim American citizenship should be among the first to demonstrate to their new communities their sincerity and

loyalty. They should realize that the action we suggest is as much a protection for them as for the communities from which they are moved.

Those related to the enemy countries by ties of blood should constantly remember that whatever action is taken here is due to the tragic and often brutal activities of the leaders now in control of the countries with which we are at war.

Rabbi Morton A. Bauman, Temple Israel of Hollywood; Dr. Arthur Braden, Minister, Wilshire Christian Church; A. R. Clifton, County Superintendent of Schools; Paul F. Devine, Assistant to the Superintendent, Los Angeles City Schools; Rev. Patrick Dignan, Superintendent of Catholic Schools, Archdiocese of Los Angeles; Dr. Frank Fagerburg, Minister, First Baptist Church, Los Angeles; Dr. E. C. Farnham, Secretary, Los Angeles Church Federation; John Anson Ford, Supervisor, Los Angeles County; Dr. Earle R. Hedrick, Vice President, University of California; Roger Jessup, Supervisor, Los Angeles County; Max A. Koffman, Businessman; Julian Lesser, Principal Productions; Dr. Willsie Martin, Minister, Wilshire Methodist Church; Rabbi Edgar F. Magnin, Wilshire Boulevard Temple; Dr. Glenn W. Moore, Presbytery of Los Angeles, Presbyterian Church; Mrs. W. A. Monten, Ebell Public Relations Chairman; Rt. Rev. Msgr. Thomas J. O'Dwyer, General Director of Charities, Archdiocese of Los Angeles. Rev. Clarence H. Parlour, Minister, St. Mark's Episcopal Church, Glendale, Calif.; Mrs. Isaac Pelton, President, Council of Jewish Women; Paul Shoup, Chairman, Public Information Committee, Los Angeles County Defense Council; John L. Spicer, Property Management; Heman G. Stark, Director, Coordinating Councils; Mrs. Lawrence Sutherland, President, First District California Conference of Parents and Teachers; Mrs. Thomas E. Workman, Vice-Pres., Region Seven, California Conference of Social Work; Dr. George Gleason, Executive Secretary, Committee for Church and Community Cooperation, 139 No. Broadway, Los Angeles, Calif.

### TESTIMONY OF GEORGE GLEASON—Resumed

The CHAIRMAN. In the first place, your name is George Gleason, executive secretary, committee for church and community cooperation? Is that right?

Dr. GLEASON. This committee is a semiofficial committee of the board of supervisors of Los Angeles County and it is made up of 11 Jewish, Catholic, and Protestant clergymen. In a sense, it represents the Jewish, Catholic, and Protestant churches of Los Angeles County, so it is sort of a combination of the Government and the churches and the religious forces of this county.

We have been working together for more than 5 years. Since last January a year ago we have been working to promote community unity during this national crisis. Our interest is in keeping the community united and in developing the moral aspects of this problem.

We find that there are so many aliens and their children that the mass evacuation of all would create a very great problem. You know that very well, so I will not read that part of the paper.

We have read the Dies report and we realize that there are subversive activities going on. We have mentioned that, and we recognize that we have to deal with that.

What we wish to state is that in the face of all these dangers, the calmness and good sense of the west coast communities should be recognized and commended by the whole Nation. Any evacuation proposed, we believe, is not prompted in any large degree by race

hatred,<sup>r</sup> prejudice, or selfish business interests, but is contemplated only for military protection.

#### CLERGY RECOMMENDS SELECTIVE EVACUATION

We therefore recommend a selective evacuation. We recommend that in a community, as soon as the Army orders are given, every alien and every citizen should accept these orders without making any objection and without further debate.

Law enforcement authorities should be as just and courteous as Army orders permit. Every precaution should be taken—we think that is a very important aspect—to preserve the health, the property, and we would like to add, the social and cultural interests of those who are forced to move. Adequate material relief should be provided for those deprived of their economic resources.

May we say that we think we have seen some evidences of too much red tape in the giving out of economic relief. We therefore say, red tape, which is hindering the work, should be promptly cut.

We would like to offer our services to you and other Government bodies in the following way: Church members, school authorities, social workers, women's clubs, service clubs, parent-teachers associations, and agricultural and business groups in the areas from which and to which people are transferred should be called upon to render every possible aid, and we are at your service to try to see that this is done.

Such community organizations on the coast are urged to communicate with similar groups in neighboring States to the east where these people are moved, urging them to take a proper attitude toward those who are moved into their communities. Each individual should be helped to reestablish himself in suitable homes, schools, churches, groups, agricultural and industrial life at the earliest possible moment. We shall use our influence to see that this is done.

Finally, we wish to record our opinion that the authorities, Federal, State, county, and city, have in most instances acted with fairness and consideration; we hope that this policy will be continued.

There is one other sentence in the statement which I would like to read. "Those related to the enemy countries by ties of blood should constantly remember that whatever action is taken here is due to the tragic and often brutal activities of the leaders now in control of the countries with which we are at war."

The CHAIRMAN. Dr. Gleason, the thought of your society is simply this: You are against mass evacuation?

Dr. GLEASON. Yes. We hope it will be selective.

The CHAIRMAN. I just want to get your thoughts. Does that include the Japanese too; no mass evacuation against the Japanese?

Dr. GLEASON. We should leave to the War Department the decision of who; we do not have any recommendation. They have information which a group like ourselves does not have. What we mean is that we don't think that everybody—four or five hundred thousand people who are enemy aliens and their children—should be evacuated from the Pacific Coast States, but wherever the War Department

finds any group that they feel is dangerous to the security of the United States, we will back the War Department in such evacuation.

The CHAIRMAN. Well, Dr. Gleason, I know what you are thinking about. Your society is thinking in terms of the civilian morale, that we are a Nation of aliens. You are also not thinking of what is happening now but what will happen after this war is over. Do you think any race in the history of the world has been 100 percent disloyal?

Dr. GLEASON. No, sir. If you mean "Do I think the Japanese are 100 percent disloyal," not at all. I think the disloyal number is very insignificant but there are a few that are. I have mentioned that, but I didn't read it.

#### WOULD REMOVE ALIENS FROM COMBAT AREAS

The CHAIRMAN. Yes; let's go a little step further. Do you think it is safe for this Government to have thousands of these aliens living close to combat areas? Do you think they should get out of these combat areas?

Dr. GLEASON. Yes, sir.

The CHAIRMAN. That is right.

Dr. GLEASON. Without any question.

The CHAIRMAN. You see the great problem, Dr. Gleason, is simply this: that just one person could do a lot of damage.

Dr. GLEASON. That is what we have stated. That is so generally accepted, I believe, on the coast, that I didn't read that part of our statement. Perhaps I should have done so.

The CHAIRMAN. Do you think your society would agree with me when I say that we should follow the Army?

Dr. GLEASON. Certainly.

The CHAIRMAN. We have been up and down the Pacific coast and the thought keeps recurring to me that nobody quarreled with the Army in connection with where these combat areas should go. I think your society will agree with me when I say that when it comes to a question of evacuating hundreds of thousands of people, the whole people should have something to say about it and work with the Army?

Dr. GLEASON. Well, I think the Army is capable of deciding. I think they have shown the attitude that they will not attempt to evacuate more than they believe is absolutely essential for your safety and mine.

The CHAIRMAN. That is right.

Dr. GLEASON. And I think my committee takes the attitude that we would like to leave to the Army the details of the numbers and the exact places from which people should be evacuated.

Now, when the Army decides, we would like to cooperate with them in stimulating the churches and schools and social and business groups to be as just as possible to those people regarding their property and other matters, and in the communities to which they go, to help stimulate churches and schools and other groups to give them a proper reception.

## WHAT WHOLESALE EVACUATION WOULD MEAN

Mr. BENDER. Dr. Gleason, the plan you speak of, selective evacuation, means that you are not in favor of wholesale evacuation, is that correct?

Dr. GLEASON. If I have my figures correct, the wholesale evacuation from the Pacific Coast States would be of 270,000 aliens, with seventy thousand-odd American citizens of Japanese descent; and if we took the children of German and Italian aliens, it would run to a figure somewhere between four and five hundred thousand people.

Mr. BENDER. You say there are 270,000 Japanese aliens?

Dr. GLEASON. No, 270,000 Italian, German, and Japanese aliens on the Pacific coast.

Mr. BENDER. You feel that this job shouldn't be done wholesale that is, that it should be done gradually rather than immediately.

Dr. GLEASON. Well, I think we should get them out just as soon as possible from these danger zones where they might blow up aqueducts, or where a few bad persons among them might blow up aircraft plants. I certainly think the Army should evacuate them from those danger centers as rapidly as possible. I don't think that means evacuation of every alien, or every child of aliens in the Pacific Coast States.

Mr. BENDER. Who here would know how to handle that situation in cooperation with General DeWitt?

Dr. GLEASON. I can't answer that question.

Mr. BENDER. Do you have any advice or any suggestion as to what California interests might do in connection with making recommendations as to how this should be handled?

Dr. GLEASON. Well, I think Mr. Tom C. Clark, as coordinator, has secured the cooperation of people like Mr. Ryan, the head of the agricultural department of Los Angeles County, and about a score of other similar Government officials. I think all those groups should be coordinated; I have great confidence in such leaders.

Mr. BENDER. Doctor, do you feel that Germans and Italians deserve different treatment than the Japanese aliens; or do you think that they are all of the same group and should be handled in the same way.

## JAPANESE DANGEROUS BECAUSE NEARER TO THEATER OF WAR

Dr. GLEASON. I think they are all the same group, but I think there is a difference in the importance of dealing with the Japanese at this time, because we, on this coast, feel that our war is with Japan just now. You see, if the Japanese Navy should come over to this coast, the Japanese who are loyal to Japan and disloyal to the United States would, and could, do something which the Germans and the Italians might not be so interested in doing. So I think on account of our nearness to Japan, the subversive elements among the Japanese, are a little more dangerous to us immediately on this coast than the subversive elements among the Italians and the Germans.

Mr. BENDER. This committee has indicated a desire that there should be active civilian cooperation with the military in accomplishing this evacuation. In connection with the civilian cooperation which General DeWitt has asked for, and which he expects to receive, do you believe that civilian cooperation should come from the areas

affected, or should those from other parts of the United States come in here, as civilian agents, to assist in that evacuation, and in the orderly process thereof?

Dr. GLEASON. I think we need all the help we can get.

Mr. BENDER. But do you think that California civilians are better able to handle the problem than, for example, Ohio civilians?

Dr. GLEASON. Certainly; yes.

The CHAIRMAN. That is all. Thank you very much.

Our next witness is Governor Olson.

### TESTIMONY OF HON. CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, SACRAMENTO, CALIF.

The CHAIRMAN. Governor Olson, we appreciate your coming here this morning. We know you are a very busy man. We have been to San Francisco and Portland and Seattle and have come back here. We were sent out here; we didn't come of our own volition. The reason for it was that you would be surprised if you knew the many people who were pouring into Washington with their troubles on account of this evacuation. So we came to the coast quietly, not to tell people what they should do, but to act as a sort of clearinghouse, to get some of their ideas and some of their recommendations to bring back to Washington.

We have no prejudged idea, Governor, but we have come just to help out a little bit. So that is why we sincerely appreciate your coming here this morning.

Of course, some terrific problems are presented. I learned yesterday from our staff in San Francisco that there were 20,000 Italian and German aliens who have applied for their final papers. So, you see, it is quite a problem, but quietly and gentlemanly we thought we could come out here and help out a little bit because you people are the most directly involved; this the most vulnerable part of the United States.

After you have made your statement we will ask you some questions. We will just talk it over between us this morning. That is the attitude we have.

Governor OLSON. Thank you.

Mr. Chairman, and members of the committee, I want to assure you that you have a real welcome in coming here and eliciting information in connection with this alien and Japanese population problem. I think it is splendid that your committee has constituted itself, or has been constituted to make this investigation, and that you have come out here and are hearing and will hear all sides and opinions and constructive suggestions that may be offered in meeting the problems.

I think it is tremendously important that the situation be clearly understood, not only by the entire population of California and the west coast here, but by Congress, by the people in the Eastern States, and by the governmental agencies of State and the Nation generally, because I feel that it is a problem in which the cooperation of all is very much needed.

I have no prepared statement upon the subject. I might make one or two general observations and then I would be very happy to

have you ask me any questions you might see fit to ask. I regard it perfectly natural and proper that you should ask me to come before your committee, and I consider it a duty to do so, and a pleasant duty to perform with you.

I might state generally that it is a big problem we face here in California, and in the west coast States, in handling the alien-enemy situation, and the Japanese population because of its peculiar character in the picture. Everyone realizes that it is fraught with much difficulty. There are lots of problems and a lot of things to be worked out in order to handle it intelligently and in fairness to everybody concerned, but I don't regard it as insurmountable or too difficult for us at all. I think if we can arrive at an understanding of the situation, and get cooperation on the part of everybody, the people to be moved out of the military area, as well as everyone else, we can have it solved and have those removed who should be moved out of the military areas without any injustice to anyone. There will be inconvenience, yes. The people will be called upon to make sacrifices and there will be inconveniences, but not injustices.

In all these matters, and particularly in this most important one, our State and Government agencies are working in close cooperation and harmony with the military. We meet and confer on the military necessities, and on programs which require the cooperation of the civil and military authorities. We are progressing nicely that way.

General DeWitt is sensing his great responsibility here very keenly and is working very hard. We find him very reasonable to work with in handling situations involving the civilian population, and the taking over of properties required by the military, and all of those things.

With regard to this alien and Japanese population movement, we have conferred with General DeWitt, and with the Department of Justice representative, our State director of agriculture, and a representative of the Department of Agriculture of the Federal Government, considering every phase of the military necessity and the effect upon those to be moved and upon our agricultural economy. We have also considered public psychology, the temper of the people with reference particularly to not only the alien enemies who may be under suspicion of disloyalty, but the Japanese as a whole.

#### WOULD SELECT ALIENS WHO NEED NOT BE EVACUATED

In those preliminary conferences, we generally came to the conclusion that so far as enemy aliens are concerned, some could be selected who need not be evacuated. I am thinking now of those refugees from Continental Europe who escaped the slavery of Hitler's domination and have gotten into this country. Some of them are scientists, some are teachers in some of our educational institutions. Some of them are very constructively aiding in defense and the war effort.

I speak of individuals among those classified as enemy aliens who should be selected to stay, rather than selected to go; in other words, select those who are approved to remain and go on with what they are doing, because their record shows that it is not only entirely unnecessary and it would be an injustice, but it would be a loss to us to have them

go. We do feel that there are loyal Japanese. I think as high as 5,000 of them are serving in the armed forces of the United States now.

I don't think there is any question but what a large part of the population of the Japanese people in California are so completely divorced from any natural feeling of loyalty or sympathy to the militarists of Japan, and its brutal aggressive methods, as to be wholly horrified at the way their racial nation has gone.

The first and second generations have been educated in our schools. Some Japanese families never speak Japanese in their homes and speak only English. So I think in fairness to them, their loyalty and their desire to prove their loyalty in this situation, which naturally creates prejudices and hysteria against all of the Japanese, should be recognized by public statements. But, of course, we would be naive indeed if we did not recognize that there is also a large part—we don't know how large, nobody can say, but we get it from our Japanese-American citizens themselves—there is a considerable part of the Japanese population who are distinctly in sympathy with Japan and do constitute an element that would engage in military assistance, or any other kind of assistance in fifth column opportunities, if the opportunity were given to aid Japan in the present war with us.

The loyal Japanese people realize also that the average Caucasian can't distinguish between the Japanese. They all look alike. It places them in a most unfortunate disadvantage. I have found a willingness with such loyal Japanese citizens to abide by and voluntarily follow any program of evacuation of all Japanese that may be determined upon.

Recently, following a conference with General DeWitt on the subject, and Mr. Clark, of the Department of Justice, I called into the Governor's office representatives of the Japanese-American population, professional men, businessmen, farmers, and publishers, and talked the situation over with them just as we are talking of it now. And I think practically all of those representatives were in good faith when they said whatever program is decided upon with regard to the removal of the entire Japanese population from any area in California, or from the State, they would follow. In fact, they were willing.

#### JAPANESE LEADERS WILL HELP IN EVACUATION

I asked them if they wouldn't be willing to take a leadership in it, to show it was participated in by the Japanese-American citizens themselves, for their own protection as well as proof of their loyalty to a program which would be very helpful in the entire war and defense situation.

They all stated that they would be willing to do it; to propagandize it; to take the leadership in it; and participate in programs for removal, and many submitted various programs, by way of suggestion, of voluntary evacuation for all of the adult Japanese population in the military areas.

Since that time the President has issued his proclamation, under which the military has the power to remove any of them from the military areas that are designated, and which is deemed to be required by military necessity. Under that proclamation, the military has now defined the A and B military zones from which progressive

evacuation is to be required of alien enemies and the Japanese population.

We had thought in the beginning that the problem of where we would put these evacuated Japanese people in the State, so as to utilize their manpower in productive effort during the war, and their contribution to our agricultural production for a victory program, would be entirely a State one.

So our State Department of Agriculture, at my request, made a survey of areas in the interior of California with respect to which we might plan the removal gradually of the Japanese workers particularly those engaged in agricultural production. We find, however, that no one wants the evacuees moved into his county or his State. There has been opposition manifested on the part of the interior counties to the bringing of a large number of Japanese in to be employed there, or placed there under this program.

We had thought if it was entirely a California program for us to work out with the military, we would try and distribute them in the interior of the State, at work, and at the same time keep them under such reasonable surveillance as to avoid any possible outbreak on their part in any situation, even if war occurs within our State.

With the President's proclamation and with the program set by the military, it seems that the purpose is to evacuate all of the Japanese population, adults at least, and the alien enemies of the other races out of the State entirely, or to the extreme eastern borders of the State. Temporary places of evacuation in the course of moving and placing the evacuees will be in the eastern portion of this State, and then the effort will be made to place them in various parts of the United States, or the Western States and Central States, where they can be employed in useful productive work. Well, it seems to me, if that were done, everyone would feel much safer about the alien and the Japanese population, but there again it will be found that there will be opposition from most States or places to having any Japanese brought in there, even for the duration of the war, to work. But that I feel is a rather selfish attitude and an uncooperative attitude on the part of either a county of our State, or of a State to which it might be proper and very feasible to transfer a large number of these people.

#### HOPES STATES OF RELOCATION WILL COOPERATE

That is where I think Congress comes in, and your committee particularly, and I am hoping that it will be your recommendation that States, which have the areas and the kind of work these people can do, and to which it is feasible to transfer large numbers of them, cooperate so as to help the movement of these evacuees in a way to maintain, as near as possible, their normal lives; to have them made self-sustaining and avoid any injustices and the consequences of prejudices against them.

I think the problem that we have in this matter should be met in the same spirit we are meeting all of the common problems that this serious emergency presents. It requires a spirit of cooperation on the part of State and local governments, the Federal Government in each of the States, and the people generally, instead of a selfish "I won't do this," or "I won't conform to that" attitude.

Now, I will say with regard to the Japanese people, as I have said before, I want to compliment them in this State. They have shown an attitude of willingness to cooperate and voluntarily evacuate themselves; even those in business and professions are ready to go onto the farms and work for the duration with the rest of the Japanese and American Japanese at that.

This may not be true as to all of them. Their property rights can be protected, and "chisellers" who rush in and try to take advantage of their evacuation in seeking to enrich themselves from their lands instead of being properly compensated I think, can be circumvented.

It all involves the right spirit of cooperation on the part of everybody concerned to insure the promotion of this area against any development of sabotage or fifth-column activities, and with full and complete justice to those against whom prejudice is aroused on account of race.

I think it is a helpful thing that we do have the Japanese citizens in the State who have so recognized that situation and realized that because of that prejudice they should cooperate voluntarily in evacuating themselves in accordance with any plan suggested.

So I say to you gentlemen of the committee, with the direction of the military and of the President's proclamation, the government of the State of California (and I am sure the local governments and the people) will conform. We only ask cooperation from the rest of the States in the same spirit. We are here in the front line of defense fighting the Japanese. If our war with Japan—we have been attacked on land and on sea on this coast—is to be fought on any American soil, we feel it is going to be fought right here, and that the rest of the country should absorb Japanese people who should be evacuated from this theater of the war of the Pacific. Certainly it is their duty to do it. That is the attitude of the Governor of this State and the attitude of the governors of any of the States anywhere. That is generally the way I feel about the situation, gentlemen. I will be glad to answer any questions you have to ask of me.

Mr. ARNOLD. Governor, you have made a very fine statement to the committee, outlining fully your views. I was interested to hear you say at the outset that you thought perhaps this would be a job for California and that you apparently feel the great State of California could do it if they had to.

Governor OLSON. Well, we never feel there is anything too big for us, Mr. Arnold.

Mr. ARNOLD. I am sure you do great things out here, but, of course, with as big a problem as it is, I can realize the relief that is yours to have the Army and coordinators and other agencies of the Federal Government take the matter over and ask for cooperation of the other States, especially those west of the Mississippi River, in helping you handle this problem.

#### DISTINCTION BETWEEN ALIENS

Now, from your statement, you make a distinction between the Italian and the German aliens on the one hand, and the Japanese, whether citizen or alien, on the other hand. Could you tell the committee your ideas on what special treatment could be accorded to the

loyal Italian or German to restore him to good standing in the community.

Governor OLSON. Well, I think the distinction is this: First, let me say, the distinction between the Japanese and the Italian and German is the difficulty of telling who is who among the Japanese. I think they realize that. I don't believe that difficulty exists among the Germans and Italians. In other words, I believe the F. B. I. would have more difficulty ascertaining who was a saboteur or fifth columnist among the Japanese population than they would among the Italian or the German. I, therefore, think that the very nature of things and the racial aspects there are such as present that distinction in the handling of these three nationalities.

Now, with regard to those classified as alien enemies because they are not citizens of the United States, Germans and Italians, I stated in the beginning that I know there are individuals among them who would fight and die for us against Japan or Hitler or the Axis Powers. They are the refugees from the aggressions of those powers and they are anxious to serve in any capacity. It would be a rather foolish thing to send them out to concentration camps as alien enemies. In other words, I take the position that they can be selected from the alien enemies of the German and Italian class and permitted to remain in their present occupations in many places where they are doing a splendid service in the field of science and medicine and the like.

It is undoubtedly true that among so many of the Italians and Germans, there is also a strong loyalty to this country on their part, even though they haven't yet become citizens of the United States and hadn't heretofore declared their intention.

#### SEGREGATION OF SUBVERSIVE ELEMENT

As I say, I think espionage services and the F. B. I. can pretty much tell whether there are disloyalties among those groups. I would say, though, in this process of evacuation, that the groups as a whole should be evacuated and then selections from them permitted to return. In other words, it is a difficult thing to just start selecting those who are to go, I believe. It may be possible. I would yield largely to the judgment of the Department of Justice and the F. B. I. and the military with respect to that. It presents a problem. We know that there are a great many whom we shouldn't treat as alien enemies, although so classified, because of their lack of citizenship. But I am sure if they know they are to be sort of reexamined and passed upon as to whether they can remain in the military areas, they will cooperate as well as others. Those that are loyal certainly would. They should appreciate the situation and be glad to do so.

We don't want to take any chances. We want to make certain that those who may have some fifth columnist ideas are segregated, and if, in the process of segregating, there is some inconvenience to those who are loyal, I think those inconveniences should be suffered until they are straightened out.

I wonder if that answers what you had in mind, Mr. Arnold?

Mr. ARNOLD. Yes, Governor; pretty well. You believe, then, that if it is possible to determine and sort out the German and Italian aliens before sending them away from the coastal areas, that should be done, and if it is not possible, then have perhaps some sort of a

commission under the military to pass on cases as rapidly as possible and permit them to return to their homes.

Governor OLSON. Yes, I say that. I think that is a sound way to treat it, and I would say that would be true of the Japanese if it were not for the protection of the Japanese themselves. But the trouble about that is, as I say, too many people will conclude that every Japanese is a fifth columnist, no matter what may be in his heart, so I think because of the innate condition and physical appearance in all of the Japanese, you can't apply that.

Mr. ARNOLD. Hatred toward the Japanese might become pretty acute?

Governor OLSON. I say if the conflict was brought here to these shores, I would feel sorry for any Japanese loyalist inside because I am just afraid that he would suffer even if he were innocent.

Mr. ARNOLD. The chairman of our committee, on February 28 sent this telegram to the President:

My understanding that evacuation order is imminent. Think it imperative that appointment of an alien property custodian and also coordinator for enemy alien problems precede or at least coincide with announcement of order. Unnecessary to indicate to you that coordinator should be experienced administrator, trained at handling community and family relationship problems, including safety, health, and welfare. Coordinator should include reemployment and rehabilitation problems. Urge also that coordinator's office start at once making plans to creating boards similar to present enemy alien hearing board of comparable local machinery for examining loyalty of Italian and German aliens and certification of statements. Coordinator should keep local officials informed of developments and keep them informed as far as possible.

JOHN H. TOLAN,  
*Chairman, House Committee of the  
National Defense Migration.*

That was sent on February 28. I want to say here, that as a result of our investigations during the past 2 weeks along the coast, a number of findings we have made have been adopted by the Federal Government, and by General DeWitt. Our desire out here is to soften this evacuation as much as possible and make the hardships as small as can be humanly done.

Now, are you in favor of special treatment of aliens who have close relatives in the armed services? I mean by that, alien Germans and Italians?

Governor OLSON. Well, I think that could be a circumstance that would bear upon an investigation of the individual as to whether he can really be safely permitted to come back or remain in the military area.

Mr. ARNOLD. Do you think that special consideration should be given to aliens whose applications for final papers have been filed but not acted upon due to delays beyond their control?

Governor OLSON. I think that would be another circumstance. Of course, if we have any Nazis and Fascists intent upon assisting the Axis Powers whenever opportunity might afford here in California, or any place in the United States, they will naturally do anything. If they are spies and not propagandists, they naturally intend to avoid detection and perhaps make some manifestations to deceive with regard to their real purpose. Of course, that is an observation that I think anyone would make in considering any individual case as to whether he should be permitted in a military zone or not. I think

there are many who have recently filed papers for citizenship who just neglected to do it before, and gone on with a perfectly loyal purpose in being here and in having the benefits of free institutions and liberties; they have just gone on and neglected to file for citizenship papers.

#### 20,000 ALIENS UNDERGOING NATURALIZATION

The CHAIRMAN. Governor, if I may interrupt there. They haven't all neglected. We have checked up the records of the Pacific coast. There are 20,000 German and Italian aliens who are waiting for hearings on their papers. San Francisco is a year and a half behind. That is one of the real problems, Governor, and if we can just get out of this investigation, hearings for those people, that would save a great deal of confusion.

Governor OLSON. There will have to be full and complete hearings if you are going to make selections there. I don't think there is any doubt about it and I think such hearings ought to be 99 percent accurate in their final conclusions. It seems to me their records can be analyzed and evidence adduced that is material to their lives which would disclose clearly to any Board whether they should or shouldn't be excluded.

The CHAIRMAN. Governor, Dr. Lamb has just called my attention to the fact that they have all been investigated by the F. B. I.

Governor OLSON. That is probably true.

The CHAIRMAN. I have a neighbor living next to me in Oakland whom I have known for 25 years, an Italian. He had his first papers; he had a hearing on his second papers, and everything was one hundred percent, but before the Judge could sign the papers, the proclamation of the President came out, so you see the situation. You think something could be done along those lines?

Governor OLSON. Yes. Now, we have all relied, Mr. Tolan, so much upon the work of the F. B. I. We have programmed with regard to this matter of alien enemies, sabotage, and all, with the directions generally from the Federal agencies, to turn over to the F. B. I. all suspicious circumstance reports, all charges on information, instead of our local State or local police authorities undertaking to handle those things, which is proper. If the F. B. I. is adequately staffed it seems to me that we can rely upon them to ferret out the nests of any fifth-columnist activities secretly at work.

I know that speaking of Germans and Italians—and this was unknown to me before this war—there were Italian-language schools conducted after the regular public school hours.

The CHAIRMAN. Italian, you say?

#### ITALIAN LANGUAGE SCHOOLS

Governor OLSON. Italian; and especially in San Francisco. They taught the Italian language interwoven into which teaching was the Fascist philosophy and respect for the Fascist rule. I got that information from our Department of Education. There are also Japanese language schools. There is no doubt that through the consulates of the Japanese there have been fifth-column activities insisting that the entire Japanese population really belonged to Japan. I didn't want to go back again to the Japanese but the school situation

reminded me that in November last year I was invited by the Japanese Citizens League to address its annual dinner at Long Beach and I thought I should go to that and talk to them, as I did, predicting that we would probably be at war with Japan and they are going to be on the spot, and then condemning Japan from the time of its aggression in China and deploring the fact that we hadn't prohibited or placed an embargo on all materials of war to Japan, including oil, years ago.

Well, at that meeting, the Japanese consul sat at the head table and someone was toastmaster who was a Japanese Nisei, and when Japan and its aggressive, warlike militarists were condemned, I noticed a clear division in the audience in the reaction. Some seemed to just take it, at least outwardly, very enthusiastically; others mumbled disapproval. The chairman, on that occasion, I think, is now held in a concentration camp by the F. B. I.

That gave me somewhat of a picture of a division there. I think the schools have been conducted through the aid and abetment of the Japanese consulates. Now, I think that is true also to some extent of the other nationals where they have conducted schools.

I feel this: that when you approach the question of who may be in sympathy with the Axis Powers from the Italian element, I would start with those who are conducting those language schools in the United States because I don't think there should be any foreign-language schools in the United States when they are taught in the public schools. That is something that we won't have in California any more, I will assure you that.

Mr. BENDER. Are you familiar with the number of Japanese students in your State university here who have taken up German? Representations were made to us that an overwhelming majority of the Japanese students in your State university study the German language. Is that a correct statement?

Governor OLSON. That is the first I have heard of it, sir. I really don't know.

#### REVIEW CASES

Mr. ARNOLD. Governor, I was speaking a while ago of special boards to review cases after the evacuation, and permit those who are loyal to come back. Have you given it any thought, and if so, would you make any suggestions regarding the composition of such boards? Should local representation have its part?

Governor OLSON. Well, I think the main thing would be to get the competently constituted authorities. Naturally, I think if they were selected locally they would better understand the situation and be able to analyze the cases more competently.

But on the question of the procedure and processes of evacuation, the treatment and selection of those who shouldn't be permitted to remain at all; I feel that in so far as it is possible where new agencies are not constituted and are not needed, that the agencies of the Federal and State Governments can do much and are constituted to do much in working out those processes and the treatment of the evacuees. I rather think the Federal Security Administration, the State department of social welfare, the county department of social welfare—I am now speaking of the manner and treatment of handling

and programing to avoid hardships—should assist in it and have the responsibility, or a large part of the responsibility in the process.

I agree with you that carefully selected boards to pass upon those who should or should not be permitted to remain in the military areas, is a sound and a proper approach to that difficult task.

#### STATE WILL ASSIST IN PREVENTING SACRIFICE OF PROPERTY

Mr. ARNOLD. Has there come to your attention much property of Japanese aliens or citizens selling at distressed prices?

Governor OLSON. Yes; I have heard rumors of that, but I haven't heard any evidence of it. It is hard to believe some of the stories you hear about them selling at distressed prices. They don't need to sell. They don't need to sell at all. Their property can be protected and their property will be protected. The only distress under which they would sell would be the need of cash to move on and I think they can be assisted in all such matters.

I would say, for instance, the real estate department of the State of California and our agricultural department can assist in preventing injustice in the way of their sacrificing their property interests and their belongings.

Mr. ARNOLD. They would be very willing to do that?

Governor OLSON. Absolutely.

Mr. ARNOLD. Can you tell the committee what have been the relations between your office and the coordinator, Mr. Clark?

Governor OLSON. Yes. We have had one or two conferences and those relationships are very harmonious. When I met with Mr. Clark and John DeWitt in the Governor's office in Sacramento some time ago, with the idea of accomplishing voluntary evacuation on the part of the Japanese population and finding means to transfer them from the combat zone or other military areas, later to be designated, we were all in agreement, and I am agreeable to the plan so far pronounced by the military, with the approval of the Department of Justice.

Mr. ARNOLD. I would like to ask you about farming operations being carried on. Just in brief, do you think the land will all be farmed that will be evacuated by the Japanese?

Governor OLSON. I was talking to our director of agriculture about that, and he thinks it can be. There will be interims of a lack of planting, but adjustments will be made to work the best lands.

#### LOSS OF "SQUAT" LABOR

On that subject it is unfortunate that this program will eliminate the possibility of having the benefit in agricultural production of the labor of the Japanese during this war period. We are going to have some labor problems, I believe, in agriculture. There is a certain class of agricultural work that the Japanese are peculiarly fitted to do. It is called "squat" labor. Squat labor is the picking of the vegetables produced on a large scale in a sitting posture. They have been doing a large part of it. It seems that the Japanese and the Filipino and the Mexican workers are more adaptable to do that. It is difficult to get other agricultural laborers to do that squat work.

I am told by some of our large lettuce growing proprietors in Salinas who were worrying about the fact that the Filipinos, heretofore doing a large part of the lettuce picking up there, had been taken into the Army, or were leaving to do more profitable work in the defense industries. They are going to face an acute situation soon as to how they are going to pick their lettuce crop. Perhaps if the men who had been doing squat labor were paid enough, they would remain to do squat labor, but it is doubtful that there will be sufficient manpower in certain classes of agricultural work.

Strangely enough, the situation has been reversed in California to what it was when we had a congestion of migratory laborers here and people from the Dust Bowl and all were unable to find employment and were on relief. Now, I think, we are going to need them all in the fields. I think, too, that the trouble is, all these things can't be accomplished at once. You speak of the land that these Japanese will leave. I think it is inevitable that we will get the land worked. It can be worked by tenants of those who own it and it needn't be sold. I think it can be worked profitably in the course of time. I think it is going to take some adjustment and some time, and perhaps some loss of crops in the meantime.

Mr. ARNOLD. That is all I have, Mr. Chairman.

Mr. BENDER. Could I ask a question or two, Governor? I gathered from your testimony that you feel this is not California's war, that this is the United States' war, but I wanted to ask you if the State of California is ready, in the event of this order being complete—that is, involving the entire Japanese population of your State—if you are prepared for any emergency that might develop, why would you need additional civilian aid from other parts of the country in addition to the military?

Governor OLSON. Well, all the civilian aid we would need from other parts of the country would be an attitude on the part of the other States cooperating as to receiving the people. I was glad to see the governor of Colorado say that he would cooperate. Now, if these people can be turned over in the beet fields of Colorado, can be self-sustaining and lead normal lives, and be at work, why that would take care of a part. So I think that should be the attitude of other States.

I certainly would oppose, unless as a last resort and an absolute military necessity, a concentration and idleness of these people at public expense as prisoners of war. I think that would be an unnecessary and unjust procedure and rather uneconomic.

Mr. BENDER. You are familiar with the manner in which Canada is handling this problem. They are confining it to males between the ages of 18 and 45. Do you think that is sufficient, or should it apply to the entire alien population?

Governor OLSON. Well, of course, it should apply to the adults. That would leave, of course, the children under 18 or 16 and the aged people. They probably would not want to be left by their relatives. They would possibly want to go with them and make their home with them. I think the family separation would be an impractical thing. I think they would probably go along with them although their remaining wouldn't do any harm.

## CALIFORNIA STATE GUARD

Mr. BENDER. Who is taking the place of the National Guard, or do you have a National Guard here?

Governor OLSON. We have a State guard succeeding the National Guard. We had taken pride in having the finest State guard in the United States, a real, competent State military of 25,000 men and 1,500 officers. That was completed December last. It has been quite an issue. After the attack at Pearl Harbor we increased the guard to that status. I called a special session of the legislature to provide for its maintenance. We had organized it in accordance with authority of the statute passed when the National Guard was inducted into the Federal Army, and the law of the Congress was passed recognizing the organization of State guards and authorizing their equipment with arms and ammunition and other material by the Department of War.

Our State guard was made up largely of ex-service men who had seen military service and were beyond the draft age for the most part, and officered by men who had had comparable ranks in the Federal Army and had been retired. Unfortunately a bloc in the legislature would not appropriate any money for their maintenance without reorganization requirements weakening that force; elimination of many regiments; a limitation of the number of men that could be called out at one time to 7,000 when we will probably need 25,000 before long, or upward of that for guard duty of essential facilities. We are, however, doing the best we can with the appropriation received with those requirements for a reorganized State guard, and we hope to remove those provisions in one way or another and still have a complete force to handle all our internal guard and police work within the borders of California.

Mr. BENDER. Governor Olson, let me ask you this question, "Do you have sufficient equipment for your State guard and your civilian officers and units, or do you require additional immediate Federal appropriations to aid in bringing about and equipping these officers and groups in connection with this evacuation, for example?"

## GOVERNMENT SHOULD FINANCE EVACUATION

Governor OLSON. In connection with this evacuation, I think that the expense incident should all be borne by an appropriation immediately furnished by the Congress.

Mr. BENDER. By the Federal Government?

Governor OLSON. Oh, absolutely. We must look to the Federal Government for financing the evacuation work. Of course, all our existing agencies, State and local, will no doubt perform their services wherever called upon, at their own expense, but there are bound to be tremendous expenses in connection with this vast evacuation program, and it seems obvious that the Federal Government must meet that expense.

The CHAIRMAN. In the President's Executive order he provided that the Federal Government would bear the expenses.

Governor OLSON. Oh, yes; I think so. Well, I just assumed that was accepted.

Mr. BENDER. The point I am trying to get at is this: Of course, you know General DeWitt is in charge and has asked that his work be augmented by a civilian organization. Are there enough volunteers available, and do they require equipment, so that they can aid in the event their aid is required? Do they require equipment? Or are they properly equipped now?

Governor OLSON. Well, are you speaking now of any aid on the part of the State guard, or are you speaking of the aid on the part of local police authorities, or on the part of volunteers in the civilian defense effort with respect to that?

Mr. BENDER. I am speaking about the coordinated effort. Has there been sufficient coordination to date? Has there been sufficient planning to date? Has a program been mapped out; and is the equipment available, or is it all more or less superficial at the present time?

Governor OLSON. You mean with respect to evacuation?

Mr. BENDER. Yes.

#### STATE PROGRAM

Governor OLSON. Well, I would say that there is much to be done. No, I don't believe that whatever equipment is required in connection with the evacuation has been programmed, or arranged for, only to this extent: When it seemed likely that the State might have the whole work of looking after evacuees, whether alien or whether they were evacuees from bombed areas, we had committees of our State council of defense working on plans with reference to places to which they could be removed; and the means of accomplishing their evacuation by the organization of transportation facilities, and the coordination of the available transportation facilities in such evacuation. That had to do with a program that had to be prepared for any disaster that might come from bombing that would require removal of any considerable portion of the civilian population from a given area. That is all that our civilian defense contemplated.

When it comes to moving the Japanese and the enemy alien population from these military zones to places where temporarily they may be in Death Valley or Owens Valley, and thence to some permanent place, I frankly say we are leaving the expense of that to the Federal Government, and we are ready to cooperate with it.

I think there are facilities, however, that we have already programmed to use in the evacuation of civilian population in case of a disaster, which might be available and usable and called into service to assist in that, and that will be done. There is no doubt about that. In other words, the State and local councils of defense, which are down to business now, and are, I am sure, getting to the point of being really effective and able to discharge their duties in this civilian defense program will use whatever facilities, volunteer forces and official forces at their command, to assist.

Mr. BENDER. I have a purpose in asking this question, Governor, and the purpose is to consider recommendations within the committee itself regarding the areas to which these évacuées might be sent. You expressed the hope that other parts of the country would share in this effort and properly so should share.

Governor OLSON. That is right.

Mr. BENDER. However, in the event that other parts of the country failed to recognize their responsibility in this matter, for example, if the State government of Texas should not cooperate, or the State government of Colorado or any other State does the State of California have sufficient places for these people to go?

Governor OLSON. Well, let me say before I answer that specific question, it seems to me that no State, whether Colorado or Texas or Montana and the Dakotas, would be called upon to bear any of the expense of housing or placing these people. It would only ask for an exhibition of the spirit of cooperation. That is the least they can do and if they don't do it, they should be sent there anyhow whether they manifest objection or not.

#### ALL STATES SHOULD COOPERATE IN PROGRAM

Now, I would say that would apply as well to any part of our own State. If the program required cooperation on the part of counties in the eastern portion of California in receiving and handling any part of the evacuees there, they should do it. In other words, I don't like to see, either a State or county show a disposition to say "We won't do this. We don't want them here. We want somebody else to have them." It is our baby, all of us—the United States of America. It seems to me when the Federal Government decides as to the most feasible places to go, and the Federal Government pays for that, that that is the program we all ought to follow and those who stand in the way ought to get out of it.

The CHAIRMAN. In other words, if the Atlantic coast were bombed, New York, Massachusetts, and hundreds of thousands of people have to get out of those States, you don't feel it would be right for Illinois or Ohio to say "We won't take them."

Governor OLSON. I don't think it would be American. I don't think it would be patriotic. I think it would be bordering on dissension in a time of war that shouldn't exist, sir.

The CHAIRMAN. In other words, you feel our danger on the Pacific coast is a national problem?

Governor OLSON. Well, of course. Of course, it is a national problem.

The CHAIRMAN. Thank you very much, Governor. We appreciate your coming here.

#### TESTIMONY OF HON. FLETCHER BOWRON, MAYOR OF THE CITY OF LOS ANGELES, CALIF.

The CHAIRMAN. Will you have a seat there. We are very grateful to you for appearing, sir. Congressman Bender will ask you some questions.

Mr. BENDER. Mayor Bowron, your city has a larger concentration of Japanese and Germans than any other city on the west coast. You have, of course, given the problem of enemy alien control a great deal of thought, I am sure. The committee would like to have you indicate what type of municipal policy and program you favor as to the control of enemy aliens generally. We would like to have the benefit of your views and suggestions on the administration of such a program.

Could you make a statement as to your views regarding this problem in a general way?

Mayor BOWRON. I would be very glad to do so, gentlemen. However, I think anything that I may say might be more or less academic. I think our problem is solved. I think it has been solved by the United States Army. I think all evidence points to the fact that it is going to be done well and expeditiously. We felt that there was a little time in bringing this about, possibly a little time longer than we had hoped for, but now that the Army has stepped in with full authority, I feel quite confident that the program will be carried through, possibly, not exactly as we would like to direct it, but at the same time in such a way that it will give adequate protection to the people and to the property in this area.

#### JAPANESE IN LOS ANGELES

Since the beginning of hostilities, and for some time before, I gave this matter some serious consideration. I felt that it was vital. Here in Los Angeles we, as has been indicated, have the largest concentration of the Japanese population in America. Approximately one-quarter of all of the Japanese in the State, and about one-fifth of all the Japanese in America are located within our city limits. We felt that the problem was not being given adequate consideration for some time. Since the designation of Tom C. Clark as coordinator of the enemy alien program in the western States, I have had occasion to work quite closely with him. I have had conferences with General DeWitt. I have entire confidence in General DeWitt and his understanding of the problem and his ability to work it out.

We have been somewhat exercised as to just where they are going to locate some of the Japanese population with respect to our water supply, but I do not think that we want to be too critical. It is not the arrangement that we would like to see. However, I feel that in the opinion of General DeWitt and the Army engineers this is the site that they have selected. It is the site that will, regardless of any protest, be selected and, therefore, I think it is our part to be good soldiers in this war and bow to the inevitable gracefully, and I think we are going to do it; at least so far as I am concerned we are going to give full cooperation.

With reference to the German and Italian population, I am not so familiar. It is all a Government problem. It is all a Federal problem and we will cooperate to the fullest extent.

We feel that this is a vital area, not only by reason of its location on the Pacific coast, or its population, but also by reason of the intensive defense production effort that centers in this metropolitan area. We feel that it should be protected from without and from within as well and we propose to do our part.

Now that the matter is well under way as to the evacuation of the Japanese population, what I might say is somewhat historical. I first want to make it clear that my position relative to the Japanese population here in our midst is not by reason of any racial or other prejudice. The relationship between myself and local government with local Japanese residents during the past years has been very satisfactory. The Japanese have caused very little trouble. They are law abiding and industrious and cooperative. I think our police

reports will show that there have been very few cases of law violation on behalf of the local Japanese population.

#### BELIEVES JAPANESE HAD FOREKNOWLEDGE OF ATTACK

As I look back on some events after the 7th of December, I am quite convinced that there was a large number of the Japanese population here locally who knew what was coming. They were setting themselves, adjusting the scene for the outbreak of war between this country and Japan. I think that they somewhat overplayed their hand.

Prior to a year or a year and a half ago, the relationship between the local Japanese population, which acts largely through organizations, associations of one kind and another, was much that of any foreign group. When they had something to ask for they asked the local officials or local boards for what they had in mind.

For approximately a year before December 7 last, representatives of various organizations were very much in evidence. They apparently went out of their way to demonstrate their American patriotism in numerous ways. Up until the happenings at Pearl Harbor, most of us felt that their avowed patriotism was sincere, and I still believe that on the part of a large number, possibly a majority, that it was sincere. I believe now that many of the local Japanese residents would do nothing harmful; that they appreciate the protection they have here, and the democracy under which they are living. However, I know of no rule, no way to separate those who say they are patriotic and are, in fact, loyal at heart, and those who say they are patriotic and, in fact, at heart are loyal to Japan. I feel, and I think that the majority of the people in this community feel, that this being a total war, the only wise thing to do is to take precautions for the defense of the country, and I believe that that is exactly what General DeWitt is planning to do and what he will do.

#### JAPANESE SOUGHT INFORMATION ON WATER SUPPLY

Some few years ago, in 1934 to be exact, from the local consulate of the Japanese consul came a request to our bureau of water works and supply of our department of water and power, a request for detailed information about our entire water system. So much was asked for, so much detail was asked for, that it aroused the suspicion of the chief engineer and general manager of that department. Maps were requested.

He addressed a communication to the local office of the Federal Bureau of Investigation, telling of the inquiry and of his suspicion. He received a reply that the matter was not within the jurisdiction of the Federal Bureau of Investigation, to please inquire of the United States Army.

He addressed a communication to the commanding officer at Fort MacArthur. He received a reply that it was not within the jurisdiction of the local commander, to please address a communication to the commanding officer of the Ninth Corps Area.

He did so. The reply came back that that was not within the peacetime jurisdiction of the United States Army, to please refer the matter to the F. B. I.

So that, prior to last December, we were merely going around in a circle and we felt from that experience, and various other evidences, that the agencies of the Government had not taken proper precautions to get the facts and pass those facts on to those who should know what the situation was.

#### JAPANESE IN STRATEGIC POSITIONS IN CITY

After December 7 I called for a report from the various department heads in our city government as to Japanese employees, or employees of Japanese parentage. I wanted to know how many we had and how long they had been employed, what they were doing and what opportunity they had to secure vital information.

I found that since the inquiry had been made by the office of the Japanese consul that there had come into our employ, through civil-service means, employees who had taken civil-service examinations, and had been employed in our departments where they had an opportunity not only to get all of the information that had been requested but everything that was vital in connection with our city services and public utilities so far as the city could determine the facts.

We had employees who could, if they had been so minded, entirely sabotage our electric light distribution system. They had access to maps and data; and so, possibly, in a way that was criticized at the time, we suggested rather forcibly to all of these employees that they should immediately ask permission to retire from city service by asking for a leave of absence. While it was voluntary, it was suggested to them in such a way that all applied for such leaves and we have no Japanese employees at this time. Some of them undoubtedly were loyal and would have caused no trouble.

Mr. BENDER. Mayor, in order that you might get a correct picture of this committee, I would like to inform you that the Tolson committee, as its name indicates, is a committee to investigate national defense migration, which we have been doing in various parts of the United States and because of the acuteness of the problem here, we came here and have been here since February 20.

The recommendations that have been made have been carried out even to the minutest detail, and the work that General DeWitt is doing is that which, of course, the committee is in hearty accord. We are endeavoring to have this evacuation, whether it be all-inclusive or partial, done with the least possible confusion and avoiding what you describe as going around in circles and avoid, if possible, a major or minor Pearl Harbor happening here.

#### WOULD MAKE EVACUATION ALL-INCLUSIVE

You indicated in your statement that before Pearl Harbor many of these Japanese aliens, and possibly American citizens of Japanese origin, knew more than they had indicated or knew something as to what was about to happen. Under the circumstances, what is your opinion as to an all-inclusive immediate evacuation? Do you think that is desirable?

Mayor BOWRON. It is desirable with some qualification. We know that it is impossible to evacuate all of the Japanese population at once, but I feel that it is desirable that the entire Japanese population

be moved from the general area that has been designated as a combat area.

Mr. BENDER. Practically the entire delegation from California and from the west coast has on the floor of Congress declared that an evacuation should be had and it should be all-inclusive. Do you agree with that?

Mayor BOWRON. Absolutely.

Mr. BENDER. You mentioned the fact that you were in general accord with General DeWitt's orders and what has taken place, with some reservations, some minor reservations possibly. We are anxious to know about these reservations. We are trying to be foresighted about this. If you have any suggestions that you care to make to the committee off the record, that you are not making on the record, we would appreciate that because we are getting many off-the-record suggestions.

#### RECOMMENDATIONS FOR APPEALS BOARD

However, on the record I would like to ask you some specific questions about problems that have been brought to our attention that call for recommendations from this committee. We are making these recommendations daily as well as making a general recommendation after the committee leaves California. Among the proposals that have been made to the committee, one is for the establishment of special boards to which appeals could be made in unusual cases in connection with this evacuation.

Do you favor such a proposal, and if so, what representation would you like to see on such boards?

Mayor BOWRON. You are referring to the Japanese only?

Mr. BENDER. I am referring to Japanese, Italians, and Germans.

Mayor BOWRON. I would undoubtedly favor the establishment of such a board with respect to the general problem.

I feel so far as the Japanese are concerned that once you start to make exceptions, you will be getting into hot water and the problem will immediately become complicated; whereas, now, it is simple. But with respect to Italians and Germans, I think undoubtedly there should be such a board and no general rule can be made and followed.

Mr. BENDER. You have no specific notions then as to representation on the board?

Mayor BOWRON. No, I haven't.

#### CONCURS IN ARMY EVACUATION POLICY

Mr. BENDER. General DeWitt, in specifying the prohibited and restricted zones, has indicated that the evacuation would be gradual and on a special group basis. You have already expressed some opinion in reply to my statement that the west coast representation in Congress had expressed itself pretty generally. Do you have any further expression in keeping with General DeWitt's policy of handling this matter?

Mayor BOWRON. No further than I am confident he has studied the question thoroughly and has reached sound conclusions and I for one am very happy to see the stand he has taken and the action that he is showing us. I have confidence in the General, confidence

in his decision and the precision with which he is going to carry it through.

Mr. ARNOLD. Mayor, we have had general approval expressed from mayors and governors and people in authority of the service rendered by the F. B. I. Do you share that view?

Mayor BOWRON. No.

Mr. BENDER. Do you care to say anything regarding that?

Mayor BOWRON. No; I think I prefer not to make a public statement relative to the matter.

Mr. BENDER. Would you like to discuss that with the committee?

Mayor BOWRON. I would be very glad to privately.

Mr. BENDER. Under the evacuation of February 24 you, of course, have experienced some of the problems, though on a smaller scale, which will arise in the forthcoming large scale evacuation program. From that experience how would you say that civic groups and civic institutions can be used to forward the program and minimize the hardships? Do you have anything to suggest regarding your municipal government or other semipublic groups as to how they could be used in connection with this evacuation?

Mayor BOWRON. I am afraid that I could not offer any helpful suggestion along that line, further than to pledge full cooperation. We would be very glad to adjust ourselves to any program. I think, undoubtedly, it should be a State-wide, if not a coast-wide program, rather than necessarily adjusted to specific local conditions or circumstances.

Mr. BENDER. The committee is informed that the Japanese play an important part in certain phases of your city's economic life, primarily, the distribution of fresh vegetables. Would you describe for the committee what steps you are considering to meet the social and economic repercussions of large-scale evacuations? What, for instance, will be the effect on the city's food supply and system of distribution?

Mayor BOWRON. There are others who could describe that much better than I. Steps are being taken under an organization that is more representative of the county than the city, to help solve that problem. While there are some truck gardens in the city, most of the gardening or raising of vegetables is located in areas outside of the city limits. Necessarily, it will quite seriously affect the fresh vegetable supply for this large populous area. However, I think our people will be glad to adjust themselves to wartime conditions.

#### PLANS TO TAKE OVER JAPANESE WORK

As I understand the plan that is being carried on, largely under the direction of the county council of defense, an effort is being made to secure those persons who have had experience in some type of farming, and who could adjust themselves to raising those things that the Japanese gardeners have been raising, and who could and would take over the small truck farms just as soon as they are evacuated, and make fair compensation, taking over leases or effecting subleases, and taking over equipment and, if necessary, growing crops. So that there would be those who could step in immediately and carry on, possibly not as effectively, but well, I believe.

Mr. BENDER. Is there some person in the city government who is conversant with this particular problem so that this Committee on

National Defense Migration might have an intelligent statement from your city, or from some agency in your city, as to what might be done nationally in connection with this problem? Would you be willing to ask some department of the city to prepare a brief statement for us that we might take back to Washington with us in connection with this particular problem, something that would assist in handling this matter in the event of a wholesale evacuation?

Mayor BOWRON. You are referring primarily to food production?

Mr. BENDER. Yes.

Mayor BOWRON. Yes; I would be very glad to have someone give you more information than I can adequately give.

Mr. BENDER. We would appreciate it if you would.

#### CITY'S RESPONSIBILITY IS TO COOPERATE WITH ARMY

Is it a correct summary of your position that with General DeWitt's recent order, the city of Los Angeles no longer has any responsibility with respect to the evacuation since the Army has assumed complete control?

Mayor BOWRON. I think we have the responsibility to give full cooperation. We never have felt that it is a local problem. We have only endeavored to bring the facts to the attention of the appropriate Federal officials in order that appropriate steps might be taken.

Mr. BENDER. The Japanese, we understand, and as you have indicated, live in very concentrated areas in Los Angeles. So that any large scale evacuation will leave such areas practically uninhabited. Have you made any plans for the care and use of such areas to see that their economic value to the city is not lost?

Mayor BOWRON. As I have indicated, the principal problem is outside of the city, in the taking over of these small farms. Within the city we will not have a serious problem because with the coming here, recently, of the defense workers, and a somewhat difficult difficult housing problem, I feel that we will have no particular difficulty in taking over any property that may be inhabitable; a problem that may be true to a lesser extent of the business houses.

Mr. BENDER. Have you any program to suggest for the protection and the conservation of the property rights of the évacuées?

Mayor BOWRON. That is a very difficult and involved and somewhat perplexing question. Of course, I feel that the full legal rights of all must be protected. Just how it can best be done, I am not prepared to suggest. It requires much detail and much attention.

Mr. BENDER. Mayor, the committee has heard that you have given considerable thought to plans for the internment and resettlement of evacuees.

What are your conclusions on possible sites and type of control? The committee has heard, for instance, of your interest in developing the sites now under the jurisdiction of the Bureau of Indian Affairs.

Mayor BOWRON. I think that that can be worked out.

I may say that one of the representatives of the city of Los Angeles, now in Washington, has had that matter up with the Office of Indian Affairs of the Department of the Interior. I am informed that the Office of Indian Affairs is willing to undertake much of the detail in connection with the settlement of the Japanese from the California area.

## POSSIBLE RELOCATION SITES

It has been suggested that a good location is afforded by land included in the Parker Indian Reservation, which is on the Arizona side of the Colorado River, close to the town of Blythe. There are some 122,000 acres that can be cleared and irrigated by gravity flow of water, and some 60,000 acres in addition that can be put under cultivation by lifting the water some 30 or 40 feet. I know that that matter is being given consideration.

The United States Army engineers visited the area either yesterday or the day before and are, I think, already familiar with some of the problems. Another location that has been given consideration is in the Palos Verde irrigation district near the town of Blythe, where some 16,000 acres of good tillable land can readily be put under cultivation, requiring, however, a lift of Colorado River water, which is already allocated for this irrigation district, of about 35 feet.

There is yet another project that has been discussed in what is known as the Chucka Walla Valley. That, however, would require some time to develop. While water is available from the metropolitan water district, the power that would be necessary to lift the water over the hill into this valley has been contracted for by the large magnesium factory at Las Vegas.

As I understand the representations that have been made to us with respect to the establishment of a camp in Owens Valley, which is at, or near, the head waters of our water supply, that will not be a permanent concentration camp, but will merely be a place where those evacuees may be retained, registered, and then as other projects are developed, moved on to other locations, possibly at the Parker Indian Reservation. Some, I understand, are in contemplation in other States, in Utah and Colorado, where smaller numbers may be put to some useful work.

We have been given assurance that there will be an adequate Army detachment so that the head waters of our aqueduct will be protected and the water supply protected as well.

As I said a little while ago we would much prefer that the Japanese be moved to some other location. We cannot very well be placed in the position of urging that they be taken out of this immediate locality and at the same time saying "Put them some place else where they will concern others than ourselves." I think that we will make the best of it.

Mr. BENDER. Do you feel it will be a mistake to make a permanent residence for the duration of the war rather than just a temporary receiving station?

Mayor BOWRON. Well, there are many reasons for that. One is that, while the Owens Valley could be made quite productive, the conditions are not such as would adjust themselves to the raising of vegetables of the kind and character that are generally needed for this populous area. The season is too short and there are possibly other local conditions that should be taken into consideration, and I think have been taken into consideration.

Mr. BENDER. Mayor, is there any other point on which you would like to express yourself that I have not questioned you?

Mayor BOWRON. No; I think not.

## SELECTION OF SITES

Mr. CURTIS. The time is late, mayor, but I want to point out this, in connection with the location of sites: It is almost imperative that these sites be picked where the Government owns some land. Isn't that true? Public domain or forest reservation or some such location as that?

Mayor BOWRON. Well, that would be preferable. I would hate to see some land speculation project grow out of this.

Mr. CURTIS. Well, what I am getting at is this: The Governors of some of these States to whom we sent a telegram asking them if they could take some Japanese replied that they do not have 1 acre of public domain in them. It means that they would have to go out and condemn the farms and homes that the people are living in. Then you would have the problem of what to do with those people. That was my point: If at all possible to locate them on unsettled land or public land. That would be much easier, wouldn't it?

Mayor BOWRON. Much easier and much more satisfactory to all concerned, I should think.

Mr. ARNOLD. Mayor, I just wanted to ask you one question. I don't want to ask you further to commit yourself, but I wanted to be sure that I was straight. The approbation of the work of the F. B. I. along the coast has been so unanimous, even General DeWitt saying their services have been invaluable to him. I wonder if you are referring to the Federal Bureau of Investigation under J. Edgar Hoover, or some other division of the Department of Justice under General Biddle.

## THINKS F. B. I. INEFFECTIVE IN WARTIME

Mayor BOWRON. Well, I think that the F. B. I. has been a wonderful peacetime organization. I don't think it is effective in the time of war. I don't think there is sufficient cooperation in a practical way between that organization and the military and Army Intelligence. I don't think that the very fine investigators of the F. B. I. who are attorneys or accountants and have, over a period of years, had much training in the matter of securing evidence and preparing it as evidence in court, are just the ones to appraise the military value of information and parcel it out to the Army and the Navy.

Mr. ARNOLD. Has your police force been asked to cooperate with the F. B. I.?

Mayor BOWRON. Yes; and they have to the fullest extent. I may say that the relationship between the local office of the F. B. I. and our police department and our local city government has been very favorable. It is merely a matter of general protection against internal enemy agents in time of war and securing of information within our own territory of military value that I am concerned with. I am making no criticism of the way the F. B. I. functions or its general efficiency or effectiveness.

Mr. BENDER. You know that today, of course, we are not all conversant with all of the matters in which the F. B. I. functions, but I can say that, like the Lord, they work in mysterious ways their wonders to perform. Possibly we are not all conversant with them but in any event we are interested in your opinion because we value it.

Mayor BOWRON. I would be very glad to meet with the members of the committee at a time when my remarks would not be public. I don't want them to be misunderstood. I want to be helpful and constructive, and certainly this is not the time to sow any seeds of distrust anywhere.

## POPULATION OF LOS ANGELES

The CHAIRMAN. Mayor, I just wanted to ask you one question: Could you give the committee an extremely conservative estimate of the population of Los Angeles County? About how many people have you in Los Angeles County?

Mayor BOWRON. I can tell you, speaking for the city, we have slightly more than 1,600,000 at the present time within the city limits.

In the county I have received the figures based upon the best test that we can make. We find that the total increase since the 1940 census has been approximately 300,000. Now, I must confess that I do not recall exactly what the population figures for the county might have been as shown by the census returns.

Mr. BENDER. Has the war effort and the war increased your housing problem here?

Mayor BOWRON. Yes. However, it is not as serious as in other sections of the State. Private industry has, I think, taken care of the situation fairly well, but not sufficiently well, particularly around our harbor area and in the vicinity of some of the larger industrial plants, particularly the aircraft industry plants.

Mr. BENDER. Mr. Mayor; off the record, Mr. Reporter.

(Discussion off the record.)

The CHAIRMAN. Mayor, the reason I asked about the population of Los Angeles County: A Pacific coast delegation, of Representatives and Senators of California, Oregon, and Washington, met almost daily, and we had before us Admiral Stark, General Marshall, and others. They tell me that the Atlantic coast can and probably will be bombed; and the Pacific coast can and probably will be bombed. I am thinking in the terms of the number of people here. Suppose there was an evacuation of all the people of the city of Los Angeles. Where would they go?

## CANNOT EVACUATE ENTIRE CITY IN EVENT OF ATTACK

Mayor BOWRON. There cannot be any general evacuation. That matter has been studied very carefully and we must concede that in the event of actual bombing or attack we would have to prepare to take care of the civilian population right where it is located at the present time. The evacuation offers too many practical difficulties, not only with respect to means of transportation, but such things as water supply and the transportation of food, and housing, that it appears that the only practical solution is to redouble our efforts in the nature of civilian protection right here in this area.

The CHAIRMAN. Learn how to duck?

Mayor BOWRON. Yes.

The CHAIRMAN. Well, that was the thought that I received back there from our congressional delegation, that it would be impossible to evacuate them all. Mr. Mayor, thank you very much. We

appreciate very much your kindness and your patience with us here and we will have a discussion with you off the record before we leave.

Mr. BENDER. Off the record.

(Discussion off the record.)

The CHAIRMAN. The committee will now stand adjourned until 2 o'clock.

(Whereupon at 12:30 p. m. an adjournment was taken until 2 p. m. of the same day.)

# NATIONAL DEFENSE MIGRATION

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FRIDAY, MARCH 6, 1942

AFTERNOON SESSION

HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE INVESTIGATING  
NATIONAL DEFENSE MIGRATION,  
*Washington, D. C.*

The committee met at 2 p. m.

Mr. ARNOLD. The committee will come to order.

Mr. Hewes will be our first witness this afternoon.

## TESTIMONY OF LAURENCE HEWES, JR., REGIONAL DIRECTOR, FARM SECURITY ADMINISTRATION, REGION 9, SAN FRANCISCO, CALIF.

Mr. ARNOLD. Mr. Hewes, will you state your name, address, and occupation for the record?

Mr. HEWES. Laurence Hewes, Jr., regional director, Farm Security Administration, Region 9, 30 Van Ness Avenue, San Francisco. Region 9 includes the States of California, Nevada, Utah, and Arizona.

Mr. ARNOLD. The committee is glad to have you again as a witness, Mr. Hewes. Do you know whether the States you have mentioned are the same as those contained in the Ninth Corps Area of the Army?

Mr. HEWES. I do not know.

Mr. ARNOLD. The committee understands that you have been asked, just in the last day or two, by General DeWitt, to serve on his civilian coordinating committee. We realize that you will not feel free to answer some of the questions that we might otherwise wish to ask you. I suggest that you proceed in your own way. The committee will be glad to have the opportunity of discussing any such questions with you at an executive session if more information is wanted.

The prepared statement you submitted will be incorporated in the record.

(The statement referred to above is as follows:)

## STATEMENT BY LAURENCE I. HEWES, JR., REGIONAL DIRECTOR, REGION IX, FARM SECURITY ADMINISTRATION, SAN FRANCISCO, CALIF.

Thus far the Farm Security Administration has not been informed from any source that this agency or its facilities will be used in connection with either the evacuation or the resettlement of aliens affected by the Presidential order of February 20, 1942. I have assumed from informal conversations with Mr. C. B. Baldwin, Administrator of the Farm Security Administration, and Mr. Richard

Neustadt, Regional Director for the Social Security Board in San Francisco, that this agency may be called upon to assist in handling the movement of aliens when definite information is available as to what areas and what persons are to be evacuated and where and under what circumstances these people will be resettled.

I assume that the decisions on these points will be made by the appropriate army officials on the basis of military necessity in the interest of national defense and that the agencies participating with the military authorities in the disposition of the persons affected and their properties will operate in conformity with decisions emanating from the Army.

Certainly any large number of people uprooted from their home territories cannot be left adrift to scatter and relocate themselves within the boundaries of areas which may be designated for their occupancy, particularly when the residents of such areas, as is now clearly indicated, are hostile to the idea of alien infiltration into their communities. The confusion, probable riot and violence and certainly extreme hardship and distress which would inevitably result would create problems of relief and policing which would be made more difficult by reason of the fact that the aliens and such others of foreign extraction as are displaced would be scattered and intermingled with the resident population.

Certain it is also that if persons evicted from designated defense areas are obliged to make separate private arrangements for the disposition of their property which they leave behind, great hardships and sacrifices will be entailed because of their absence and loss of bargaining power imposed by the necessity for their removal to other localities, and their consequent inability to protect their property interests.

In so far as the 175,000 acres of crop land in approximately 5,000 Japanese operated farms is concerned it is highly important that they be continued in intensive production of fruits and vegetables in order that vital food supplies needed for war purposes be maintained.

It is also important to the national war effort that workers among the 35,000 Japanese living on farms in California, and those of other occupations and of other enemy alien nationalities who will be removed from their usual occupations, be returned to some kind of useful employment elsewhere in order that their labor power be not lost during a period when maximum productivity of the entire population is called for.

#### SPECIFIC ACTION REQUIRED IN EVACUATION

As I see it, therefore, the problems involved in the handling of enemy aliens and other persons designated by the army for removal from combat areas indicate action along the following specified lines:

1. The creation or designation of an agency clothed with authority and adequate funds and priorities which will enable it to operate rapidly and effectively in performing the necessary functions in connection with the disposition of aliens and others for which it is made responsible.

2. The persons evacuated should be removed in a few large groups and housed in centralized communities strategically located for employment in areas designated by the Army.

3. The same agency should be awarded custody of all property necessarily left behind by evacuees in order that the interest of the owners may be protected during the period of their enforced absence and in order that the properties, particularly the agricultural land, continue to be used in the service of national defense and particularly the production of needed foodstuffs.

4. This agency should be charged with the responsibility of arranging for employment of all qualified workers either in private jobs in agriculture or in industry or on necessary public projects operating in the general area where the evictees are concentrated in order that their labor power may not be wasted but may be utilized to release other labor which can be used without restriction for defense production elsewhere.

#### PERMANENT RELOCATION PROJECTS NOT FEASIBLE

Permanent relocation projects are not, in my opinion, in order for consideration at this time. Such permanent projects would involve large capital investments for land and other productive equipment and installations as a basis for long-term support of a transplanted population at a time when almost nothing is known about what the desires of the evacuated families are or will be toward permanent resettlement in a new locality. It is to be assumed, I think, that most of them

will desire to return to their former homes if possible or at least to the community in which they have formerly lived and worked and which they know.

The creation of centralized communities would require the construction of temporary housing where the evacuees could live and from which they could go out to work either for the duration of the emergency or until arrangements were made for their employment on public projects in adjacent areas where additional housing facilities are available or could be constructed. If such centralized communities were adjacent to opportunities for private employment in agricultural or nonagricultural work they would serve as the continued place of residence for all those who could find work within reasonable travel distance.

Since the presence in a given community of any considerable number of workers restricted as to their mobility and privileges would have an effect on the local labor market, any agency such as has been suggested should be authorized to determine the prevailing rate of pay for the various classifications of jobs available to employable evacuees in the area immediately adjacent to the various central communities and in nearby competing areas and to arrange for the movement of the mobile portion of the evacuee labor supply in such manner as to prevent local inequalities between wage scales.

#### PLANNING REQUIRED TO PREVENT LOSS OF PRODUCTION

The loss of production from Japanese farms left by their operators may be even more serious than the large acreage figure (175,000 acres) would indicate because of a heavy concentration in vegetable production by the Japanese. Unless there be careful planning for the transfer of these lands under specific requirements that they be maintained in the intensive culture of truck and vegetables, the volume of such production may decline significantly. Haphazard transfer of production operations to the hands of those most able financially to assume that responsibility may easily result in a change in the cropping pattern and a loss of productivity in certain important items of food. This is a matter which in the public interest cannot be left to fortuitous chance of private negotiation.

#### FARM SECURITY ADMINISTRATION PROGRAMS

You have asked my opinion as to the feasibility of a suggestion that the Farm Security Administration might form a corporation to operate the lands of evacuated aliens and citizens. My answer is that the Farm Security Administration has created Defense Relocation Corporations in a number of States for the purpose of assisting farm families, displaced from land required by the Army for military operations, in relocating themselves on new land. Where such corporations have been established they act as agents for the families to be assisted in carrying out, through private contracts and cooperation with other Government agencies, the essential construction and land development work required for the relocation of the families. These corporations are agencies created to assist in permanent resettlement of farm families on the land. This is a different kind of job from that required in connection with the presently contemplated movement of aliens from lands and properties and occupations to which they probably will desire to return at some future time when the emergency has terminated.

The Farm Security Administration has experience in constructing and operating housing facilities from which the residents go out to employment, and also in operating farm lands devoted to intensive production both directly and under lease to individuals and to cooperative groups.

With regard to corporate operation of Japanese lands it is my opinion that no corporation can successfully operate directly a large number of widely scattered holdings. Such a corporation might operate certain tracts directly but would more probably arrange for their operation under lease to nearby farmers with provisions stipulating certain types of production and certain cultural practices to assure the maximum production possible.

## TESTIMONY OF LAURENCE I. HEWES, Jr.—Resumed

Has the Farm Security Administration a program and funds with which to assist in this evacuation program?

Mr. HEWES. As I understand it, the Farm Security Administration or any other agency of the Federal Government can be called upon by the Army. The Farm Security Administration has, I understand, complete authority in this whole problem to assist the Army with its personnel or its equipment or its organization in any way that the Army may direct. The fact of the matter is, of course, that we have our regular duties to perform and our regularly assigned work, but if the Army gives us an assignment we are going to carry it out to the best of our ability, giving it priority over our regular work.

Mr. ARNOLD. Well, them, will it be your funds that are used, or funds supplied by the Army?

Mr. HEWES. I assume that it would have to be funds supplied by the Army since our funds are already pretty well used up for this fiscal year for regularly authorized purposes.

## UTILIZATION OF FARM SECURITY ADMINISTRATION

I might add that the possible utility of the Farm Security Administration in connection with this problem arises out of our experience with the migration which has come to California within the last 10 years from the West-South-Central States and of persons who have left those States for various reasons and have come to California and become agricultural laborers.

The problems of housing, moving of people, and trying to establish some form of economic security for dispossessed people, has provided a fund of experience which, if the Army needs it, is available.

We have also in the Farm Security Administration had assigned to us in the last year a considerable volume of emergency housing for defense workers by the Defense Housing Coordinator and other Federal agencies. In that connection we have built defense dormitories to house construction workers in San Diego, Mare Island Navy Yard, Benicia Arsenal, and in several of the cantonments and air fields. We have had experience in using prefabricated materials and operating on a pretty tight time schedule. We have some idea of the unit costs involved and of the construction problems that arise out of that type of housing which, I assume, may be somewhat parallel to the problem that is faced by those authorities now engaged or responsible for evacuation of aliens and citizens.

Mr. ARNOLD. Yes. The committee has heard very glowing comments on the manner in which the Farm Security Administration has always done construction works that were assigned to them. I don't know of any other agency in the Government that has shown more efficiency and more speed, where speed was needed, than has your agency.

Does the Farm Security Administration have housing facilities for needy people in this area? And if so, are they sufficient for the present migration?

## NO HOUSING FACILITIES AVAILABLE

Mr. HEWES. Well, the housing facilities that have been constructed up to the present time fall into two classifications: One, the classification of agricultural workers; and two, the housing built under special funds for the purpose of providing housing for defense workers. In both categories the housing is completely occupied and devoted to a specific purpose. On the one hand the housing is for agricultural labor and on the other for defense workers and military personnel. So it would be only fair to state that there are no facilities now available under the control of the Farm Security Administration that are vacant or that could be diverted without at the same time displacing persons now resident in the projects or in the housing facilities.

Mr. ARNOLD. Your camps for migratory workers are now occupied?

Mr. HEWES. Yes; and scheduled for occupancy some time ahead. In the case of the mobile migratory labor camps, the camps which move from place to place as the season changes, commitments have been made throughout this crop year for all of the mobile units.

## FOOD-FOR-VICTORY PROGRAM

Mr. ARNOLD. There is another problem with which the Farm Security Administration is concerned because that is an agency that has undertaken the food-for-victory program. How is that program related to the present problem?

Mr. HEWES. The low-income farmer who is unable to obtain financing from any other source and is eligible to the loan fund of the Farm Security Administration, has provided a source of increased production for war needs since these farmers can increase, proportionately, and on a percentage basis, a higher percentage increase than the better established farmers. To that end we have made available a source of loan fund that is easy to get where it can be tied into increased production for the war emergency.

One of the difficulties is the inadequacy of the farm units farmed by a great many of these people. Should lands now occupied or farmed either by owners, or by tenants who are evacuated, become available, Farm Security Administration might be in a position to help place on the land made vacant by evacuation small farmers who do not now have adequate resources and therefore are unable to make a contribution to the national food campaign.

## LANDS SHOULD NOT GO OUT OF PRODUCTION

I think that probably all agricultural officials today are concerned lest the production of lands occupied by aliens, or by citizens of Japanese descent, go out of production or remain out of production, or meet a situation where agricultural operations are delayed. We do need enormously increased production and we can't afford any situation that results in decreased production. One specific item is tomatoes, which are very much in demand under lend-lease for shipment abroad. It would be a shame and somewhat disastrous, I think, from the point of view of the total agricultural production of this State, if a situation were to arise which would put any considerable acreage out

of production, or to delay it, or to cause a reduction instead of an increase.

Mr. ARNOLD. Has the Farm Security Administration taken any steps to place people on the farms evacuated already by enemy aliens, or to be evacuated?

Mr. HEWES. No; because up until very recently, there was no agency of Government, that was in a sufficiently assured position as to policy as to be able to make commitments and, naturally, farmers can't go on land unless they are sure that they are going to be able to have some security of tenure.

So, although we have had many inquiries, and although other agricultural agencies have had other inquiries, we have been unable to give any definitive answers or to give any satisfaction up to the present time.

#### AVERAGE LAND HOLDINGS

Mr. ARNOLD. In the Seattle area, where we just came from, the testimony was to the effect that a great deal of the Japanese activity there was on small family-size farms and that a rather small portion of the land was owned. Most of it was leased by the Japanese. Does that apply down in this area?

Mr. HEWES. I believe that that general situation applies here. I believe the 1940 census shows that there are 224,000 acres of agricultural land in California that are Japanese operated; that is, either by citizens or noncitizens. Of that 224,000 acres, I believe 175,000 actually is operated. That is just a little better than half of the total land in this state devoted to vegetables. So with 5,000 operators on 224,000 acres, you get some idea of the average holdings.

Mr. ARNOLD. If you could explain, for the committee's record, in what manner and to what extent the Farm Security Administration could assist the Government in evacuating enemy aliens from these vital defense areas on the coast, we would very much appreciate it.

Mr. HEWES. Of course, we don't want to appear in any way to be telling any other agency what its business is.

#### INCIDENCE OF DISEASE IN MASS MOVEMENTS

Our experience has indicated that there are a number of affiliated problems, some of which can become very severe and very bothersome in connection with people moved in large numbers from places that they have formerly made their homes. For instance, the matter of health. We have had the experience of operating in California a very large medical program for agricultural laborers. Our experience in that, since 1938, has taught us many things, some things not to do and some things to do.

The type of disease; the amount of incidence of the disease per thousand members of the population; the kind of diseases; the kind of illnesses to be prepared to prevent and to treat; the relationship of sanitation to health has been something that is extremely troublesome and must be considered in advance and must be dealt with according to experience.

We have had some deplorable health situations in southern Arizona and in places in California that have sprung up quickly and have become semiepидemic and have cost local authorities large amounts of

money until they were brought under control. We have developed some techniques for exposing those situations in advance and getting at them. When men, women and children, are housed under somewhat rigorous conditions, the health and sanitation problem has to be faced. It has to be faced right away. Problems of shelter have to be faced and faced right away. The problem of movement—how to get people from one place to another in considerable numbers—is something that is a matter of experience and training.

The ability to locate areas in which people can live with some hope of carrying on a normal existence is something that we have had the experience with, sometimes favorably and sometimes unfavorably.

The point is that the Farm Security Administration has had experience in those particular problems in a group ranging up to 100,000 individuals in this State and in southern Arizona.

Mr. ARNOLD. Therefore, your agency has had valuable experience that should be utilized in aiding in this movement, this vast movement of aliens and citizens.

Mr. HEWES. Well, it is available; we have been through the fire and we are glad to make the information available if it is necessary.

One of the other problems that has been particularly troublesome has been the thought or the theory of resettlement of people from the West South Central States. In connection with that, all agencies of the Department of Agriculture and, to some extent, the Department of the Interior, have examined rather exhaustively large tracts of public domain, made soil surveys and water surveys, and marketing surveys, of some considerable areas, notably the Yuma Mesa, of the Grand Coulee section in Washington, the Fort Mojave section on the Arizona side of the Colorado River, the section around Wickenburg and Hassayampa in Arizona, and in other regions, the Farm Security Administration and other agencies have considered such areas as the San Luis Valley in Colorado.

Those investigations are fairly complete, fairly scientific and made by pretty well-trained people.

#### DIVISION OF AUTHORITY IN EVACUATION PROGRAM

Mr. CURTIS. As I understand these viewpoints you are expressing here, it is that who should be evacuated and from what places is distinctly a decision which should be made by the military authorities, but that in all of the ramifications of the problem which may call for the moving of entire families, with tiny babies, getting them located in places where they can carry on and be self-sustaining, you feel that several agencies of the Government, such as your own, should be called upon to make such contributions, as they are particularly trained in that line.

Mr. HEWES. I believe they should be, and I have a very definite impression that they are going to be; whether they are ready to take the responsibility or not, they will have to. That is a matter of Army decision. I believe the Army has very sweeping authority to get that cooperation.

Mr. CURTIS. What I am getting at is this: There is no quarrel with anyone in reference to the fact that this must be decided on a military basis as to the need for evacuation, and to what places. Is that right?

Mr. HEWES. That is entirely correct.

Mr. CURTIS. And in reference to such problems as local farming land after certain people are moved out, you do not feel that those questions should determine the broad question of whether or not there should be an evacuation?

Mr. HEWES. Not at all.

#### LENGTH OF TIME REQUIRED FOR EVACUATION

Mr. BENDER. In the event of wholesale evacuation—that is, I mean of approximately 125,000 persons—what, in your judgment, or how long a time would be required? Would you care to comment, or would you care to give us an estimate as to the time required so that they might be properly housed and cared for and so that it could be done with dispatch and efficiency and so that there would be no bad effects resulting therefrom? How long would you say this would require?

Mr. HEWES. Well, there would be certain preliminary questions that would have to be answered. Would the 125,000 persons be located in one specific area where they are close to transportation facilities so that the matter of actual movement could be handled on a mass basis promptly; or, would they be scattered in a number of areas over long distances? The second would, of course, raise another type of problem. Assuming we have our site selected, if the construction of the reception points at which the people are to be relocated had to begin at the beginning—no housing on it—then the problem is one of how fast can construction proceed. And No. 2: Is the construction to be a permanent residence, or is it to be simply a temporary receiving point from which people are finally to be re-shipped? If it is the second case, then one type of construction can be used; if it is going to be a permanent situation, then another type would have to be used. If it were of the former type, a considerable period of time would probably have to elapse to be able to establish normal living quarters for a family of four people in groups of 125,000. That would take several months.

Now, if it is just a matter of a receiving center, that is another problem, and probably construction of that type could be completed in the matter of a much shorter time, a matter of a month or 6 weeks.

Those estimates are based on civilian experience in normal times under so-called normal conditions. They may have no bearing whatever on a war emergency with central authority which has wide and sweeping powers to get construction done in a hurry. I don't know that our experience is commensurable at all with the present situation.

Mr. ARNOLD. Thank you very much, Mr. Hewes. We appreciate very much having this testimony.

Miss Winifred Ryder. Just be seated, Miss Ryder.

TESTIMONY OF MISS WINIFRED RYDER, DIRECTOR OF SOCIAL ASSISTANCE PROGRAM, SOCIAL SECURITY BOARD, LOS ANGELES, CALIF.

Mr. ARNOLD. Congressman Curtis will proceed with the interrogation.

Mr. CURTIS. Will you give your full name to the reporter?

Miss RYDER. Winifred Ryder.

Mr. CURTIS. What is your official occupation?

Miss RYDER. My official position is a worker with the Social Assistance Division of the Federal Security Agency.

Mr. CURTIS. You are located in Los Angeles?

Miss RYDER. My headquarters office is at 785 Market Street, San Francisco. I have an assignment in Los Angeles County from the San Francisco regional office directing and organizing the program of social assistance for the relief of aliens of enemy nationalities forced to move from prohibited areas.

Mr. CURTIS. Do you have with you a copy of the assignment designating your agency to assist in alien control?

Miss RYDER. I have a copy of a letter from Attorney General Biddle to Mr. McNutt as the Administrator of the Federal Security Agency in which he requests the Federal Security Administrator as director of Health, Welfare and Defense, to undertake, in behalf of the Department of Justice, the task of facilitating the transfer of enemy aliens from areas designated by me, and to relocate and establish them in appropriate places and in appropriate activities.

Mr. CURTIS. And that is the principal content of that order?

Miss RYDER. Yes. There is preliminary, introductory material but that is the principal content stating that that is the service of the Social Security Board.

Mr. CURTIS. Would you see that we get a copy of that letter for our record? It will be inserted in the record, along with your prepared statement at this point.

(The material referred to above is as follows:)

STATEMENT BY WINIFRED RYDER, DIRECTOR OF SOCIAL ASSISTANCE PROGRAM, SOCIAL SECURITY BOARD, LOS ANGELES, CALIF.

The social assistance program as set up in Los Angeles County followed the same pattern as that used throughout the State of California. It originated through the designation of the director of region XII of the Social Security Board as regional coordinator of defense, health, and welfare services and assigning to him responsibility for developing and putting into effect plans for the relocation and reestablishment of the alien groups in certain areas designated by the Attorney General of the United States as prohibited areas from which all alien enemies be absolutely excluded. The purpose of this program is to provide financial assistance and other services, on an emergency basis, to enemy aliens and their families whose normal living arrangements have been disrupted as a result of residence in areas now prohibited to them.

Areas 33 through 47 were distributed throughout Los Angeles County and on February 9, nine offices located in the United States Employment Service offices were opened at the following localities: Inglewood, Huntington Park, Long Beach, Los Angeles, San Pedro, Burbank, Santa Monica, Whittier, and Van Nuys. The total number of persons required to register as aliens of enemy nationality is unknown, but press reports indicate that it was approximately 10,000. The number of persons who came to the social assistance offices for

advice, information or financial assistance totaled approximately 1,200. These persons presented a variety of problems, but it was evident that concern over their status and the locality in which they lived was greater than immediate financial need. Of the total number, only 15 families have been given financial assistance, and only 36 continuing service of other nature.

Some cases presented more than one problem, but the following indicates the frequency with which certain problems recurred:

1. Information about prohibited areas.....	682
2. Travel information.....	191
3. Moving.....	247
4. Housing.....	135
5. Citizenship status.....	87
6. Financial aid (immediate or pending).....	70
7. Employment.....	70
8. Property rights.....	57
9. Curfew regulation.....	46
10. Travel permits.....	27
11. Registration information.....	8
12. Internment.....	8
13. Status in armed forces.....	4
14. Miscellaneous.....	116

A review of these problems points up an outstanding need for clearly defined information widely disseminated to persons effected by evacuation order. The social workers' contribution to these people was largely that of allaying fears and giving specific information.

The areas from which applications originated indicated that the major portion of evacuation problems centered around Los Angeles and San Pedro. In view of this, offices at Burbank, Huntington Park, Inglewood, Van Nuys, and Whittier were discontinued within 6 days, and inquiries originating from these areas were handled in Los Angeles. It seems significant to point out that although two densely populated areas—33 and 36—were located near Inglewood, that office received only 45 applications, none of which requested financial assistance.

Although it has been generally reported that the largest number of persons involved was Japanese, the following nationality distribution is shown in applications:

Japanese.....	498
German.....	392
Italian.....	206
Others and unknown.....	104

Of the 498 Japanese, 313 were from Terminal Island, where evacuation included removing all members of families. Of the 15 cases given assistance, 7 were from Terminal Island. The distribution of applications indicates that most of the Japanese involved did not apply for service or assistance and a picture of their needs was secured more from their group representatives than from individual families. During the first of the program, numerous meetings were held with representatives of the Japanese-American Citizens' League, the United Citizens' Federation, the Council of Social Agencies' Committee on Immigrant Service, and the American Friends Service Committee. In these groups there was repeated expression of need evidenced by Japanese families who were hesitant to make application for assistance. It was repeatedly stated that it is characteristic of this group to shrink from being known as beggars by their own people.

The limited information secured does not give a complete picture of the resources but some indication of finances. The information on three-fourths of the cases shows the following resources available at the time moves were made:

1. Under \$100 (approximately).....	410
2. \$100 to \$299 (approximately).....	190
3. \$300 to \$499 (approximately).....	160
4. Over \$500 (approximately).....	115

This indicates that although the move created no immediate need for assistance, the dislocation caused by it cannot be met by the limited resources available to most persons forced to move. It is already evident that 69 more applications for assistance may be anticipated in a relatively short time.

Terminal Island serves as an example which brings into focus complications that arise in connection with extensive evacuation. Although the exact number of

Japanese families on the island was not known it is estimated that prior to the declaration of war there were approximately 500 families living there. This community of Japanese people had been an isolated group long established and occupied almost entirely in fishing and in canning. The first disruption in the community came with comparatively large-scale internment of the fishermen. On February 15, notices were served on a portion of the island residents advising them that the property had been condemned and that they must vacate. These notices provided a 30-day period in which to make arrangements. Some families immediately began moving and others formulating plans. However, when on February 25 final notice to vacate by February 27 midnight was issued many families were totally unprepared for such rapid movement. The problems that were evident were that many had no place to go, others had no means of storing or moving household and personal goods and many had no member of the family experienced enough to participate in orderly planning.

Churches, the Japanese-American Citizen League, and the Friends Service Committee threw their entire resources into assisting families with orderly plans. Temporary shelter was provided in churches, schools, and the American Friends Service Committee hostels so that when the dead-line date was reached all persons had been cleared from the island. The pressure of time brought to light confusion, fear and worry. Personal belongings of value were abandoned. Household effects were hurriedly stored in temporary facilities scattered throughout the county. At this point, lack of understanding of status was clearly shown. Members of the families of interned persons were confused about what resources could be used. Families feared separation, others feared the health hazards of congregate care. One case is known in which an active case of tuberculosis moved into an overcrowded home of relatives. Children and youths were disturbed by being separated from their companions.

Repeated stories of exploitation were heard but not verified. Two typical stories are of a piano valued at \$300 which was sold for \$25, and a stove and an electric refrigerator probably worth several hundred dollars, sold for \$25. Nets and fishing equipment which could not be handled were in many instances abandoned and are reported to have been picked up by cannery firms. Workers on the island during the 48-hour period in which the hurried preparations and moving were conducted, all described uncertainty and confusion which dominated the picture. This experience indicates that total evacuation brings serious social and financial impact if time and sound planning do not precede movement.

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EXHIBIT A.—LETTER FROM ATTORNEY GENERAL BIDDLE TO HON. PAUL V. McNUTT

DEPARTMENT OF JUSTICE,  
OFFICE OF ATTORNEY GENERAL,  
Washington, D. C., January 31, 1942.

HON. PAUL V. McNUTT,  
*Administrator, Federal Security Agency,*  
*Washington, D. C.*

DEAR MR. McNUTT: Under authority of regulation 9 of the Presidential proclamation of December 7 and 8, 1941, the Secretary of War has recommended that certain areas be designated by me as prohibited areas from which all alien enemies are absolutely excluded. Over 40 areas in California have already been so designated, in which a sizable but as yet undetermined number of aliens either live or work. Other larger areas along the west coast are to be designated as restricted and these restrictions make it difficult to resettle in these locations the persons removed from the prohibited areas.

The Department of Justice is not itself equipped to resettle these alien enemies. Resettlement involves processes which are basically associated with the social services, including investigation of the needs and means of the aliens affected, helping them to obtain appropriate employment, and otherwise assisting those who are not able to resettle and reestablish themselves in other locations.

The operating units of the Federal Security Agency already include many of the Federal services which are involved in such an undertaking. As Director of the Office of Defense Health and Welfare Services you have been designated to coordinate health and welfare services of all departments and agencies of the Federal Government, and of other agencies public and private, to meet the needs of States and local communities arising from the defense program and make

available to States and localities the services of specialists to assist in the planning and execution of State and local programs in the field of health, welfare, and related activities.

I am therefore requesting you as Federal Security Administrator and as Director of Defense Health and Welfare Services, to undertake, on behalf of the Department of Justice, the task of facilitating the transfer of alien enemies from areas designated by me and to relocate and reestablish such aliens in appropriate places and in appropriate activities. If you see fit to accept this responsibility on behalf of the Attorney General, you will of course call upon the services of other Federal agencies which can contribute to the effectiveness of this migration; my own Department stands ready to assist you with its services and authority in any operations which you find necessary in carrying forward this assignment. We will cooperate with you in making available the lists of names and addresses of the persons who are affected by the removal orders which I issue and any other appropriate information on file in the Federal Bureau of Investigation, the Alien Enemy Control Unit, the Immigration and Naturalization Service, or other branches of this Department. My agents in the field will similarly make available such information to your designated representatives.

No money is now available for me to transfer to your agency to accomplish this migration. If you are willing to undertake it, I will request the President, through the Director of the Bureau of the Budget, to make available to you as Federal Security Administrator, from the emergency fund of the President, such moneys as are necessary, for the purposes I have outlined, pending any congressional appropriation that may prove necessary.

Many of the alien enemies affected by these plans are now performing functions which contribute directly to the success of our American war effort. The proper reestablishment of these dislocated aliens is important to certain types of labor supply and to the maintenance of our agricultural output. For these reasons it is in the interest of the United States that this operation be carried out with the smallest possible loss of human resources.

Sincerely yours,

FRANCIS BIDDLE,  
*Attorney General.*

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EXHIBIT B.—PROPOSAL BY TEACHERS OF THE MALAGA COVE SCHOOL

PALOS VERDES SCHOOL DISTRICT,  
*Palos Verdes Estates, Calif., March 4, 1942.*

MISS WINIFRED RYDER,  
*Offices, Social Security, Los Angeles, Calif.*

DEAR MISS RYDER: Until recently, 17 percent of our enrollment has been American of the Japanese race. The teachers of the Malaga Cove School have been in a position to observe first-hand some of the hardships suffered by these people.

We wish to submit the following proposals and urge their adoption by the Federal Government: (1) that loyal Americans of the Japanese race be given opportunity to establish their loyalty by whatever procedure deemed acceptable by the authorities for Americans born of other enemy races; (2) that loyal Japanese be given an identification pass or license to continue their work in higher education; (3) that the situation be kept as normal as possible for Japanese attending local public schools; (4) that loyal Japanese be permitted to share in the national defense effort. For the Japanese living in this area such a policy would mean that Government aid would be necessary in reestablishing the people upon lands suitable for truck farming.

Very sincerely,

N. D. MYERS,  
*Superintendent, Malaga Cove School.*

TESTIMONY OF WINIFRED RYDER—Resumed

MR. CURTIS. Where is Terminal Island? That is a rather odd question for Californians, but I want it for the record.

MISS RYDER. It is an odd question for Californians. Terminal Island is located directly across from San Pedro and is reached either

by ferry from San Pedro, or from Wilmington by a highway known as Ford Boulevard. It is actually not an island in that it is reached by a direct road with a small drawbridge over the water, but it is directly opposite San Pedro.

Mr. CURTIS. How large a place is it?

Miss RYDER. Geographically?

Mr. CURTIS. Yes.

Miss RYDER. I don't know how many acres it is. I would imagine that there are from 3 to 5 acres of land there. The Federal penitentiary is located there, also canneries and the fishing industry.

Mr. CURTIS. There was an evacuation of certain aliens and other people from that island recently, was there not?

Miss RYDER. Yes.

Mr. CURTIS. Now, if you will proceed in your own way and give a brief description of the activities of your office during the recent evacuation from Terminal Island or any other place that you have in mind.

#### EVACUATION FROM TERMINAL ISLAND

Miss RYDER. Probably, Terminal Island is more significant from the standpoint of being a large-scale, fast evacuation, and it is perhaps useful to review some of the things that were evident there so that they may serve as a guide in any extensive planning that might be done for large-scale migration.

Mr. CURTIS. How many people did you evacuate from there?

Miss RYDER. Actually, the evacuation was done by people themselves. Our work was only to facilitate it. Originally, there were approximately 500 families on the island.

Mr. CURTIS. Of what nationality?

Miss RYDER. Largely Japanese. The only families with whom we had any contact were Japanese families. Probably about 300 of them had left the island before the final evacuation order. The original information which was given to the people on the island had been on February 14 when they were issued condemnation orders saying that they must leave the island by March 14. From that date to February 25 there was a constant flow of people off the island, most of whom did not ask for any assistance from our agency, either in service or in financial assistance.

On February 25 there was an order issued and handbills distributed to approximately 200 remaining families, giving them until February 27 as the dead-line date to entirely vacate the island. I think that period is significant from the standpoint of the confusion that existed because of the pressure of time. Persons had anticipated planning their moves with an additional 2-week period, and they were given only a 48-hour period. They were totally at a loss to know where to go and how to go and how to adjust their affairs to go.

Mr. CURTIS. Now, was that an evacuation of 200 families, or 200 people?

Miss RYDER. Approximately 200 families.

Mr. CURTIS. In what business were they engaged?

Miss RYDER. They had, for the most part, been engaged in the fishing industry and in canning. Up to that period many of the women had continued to work in the canneries. Many of the men had been interned previously so that we had the additional problem

of women not experienced in making outside contacts and plans with children who were faced with the necessity of making the move for their entire family.

#### HOUSING OF EVACUATED FAMILIES

In the actual process of moving there were very few requests for financial assistance; of the families that moved from Terminal Island, we have given financial assistance to only seven. But there were requests for service in helping to coordinate the resources that were available, that the churches and schools and the American Friends Service Committee and the other groups who had come in to help with coordinating the resources and finding places for persons to live. Most of the people were moved into congregate-care type of dwellings.

Mr. CURTIS. What do you mean by that?

Miss RYDER. I mean that they were moved to school halls, into churches and into language schools that had been vacated. And by "congregate care" I mean that they were not living as individual families; that there were groups of from 5 to 20 families living in one temporary shelter.

Mr. CURTIS. Are they still living that way?

Miss RYDER. For the most part, yes.

Mr. CURTIS. Specifically, what do these various organizations, churches, and American Friends Committee do?

Miss RYDER. Well, in the meetings which I attended and in working with the individual workers, they helped by bringing together the needs and the resources, helping with the Japanese-American Citizens' League. They organized their voluntary trucks, and they kept files of people who needed houses and people who had facilities. The job that was done there was primarily getting together the needs and the resources.

Mr. CURTIS. Now, from the Federal Social Security Agency, how many people did you have assisting you?

Miss RYDER. How much staff?

Mr. CURTIS. Yes.

Miss RYDER. Do you mean in Los Angeles County, or on Terminal Island?

Mr. CURTIS. On Terminal Island.

Miss RYDER. Two staff members.

Mr. CURTIS. What did your work consist of? What were you able to do for them?

#### WORK OF STAFF MEMBERS

Miss RYDER. Our workers had previously interviewed some of the families, and at that time interviewed more, indicating to them that there was financial assistance available if they needed it. In the pressure of the rush the last 2 days, many of them said that they would need assistance as soon as they were at the new location, but that the pressure of time was so great then they couldn't even give the necessary information to indicate what their need was. Our workers worked with the voluntary agencies on the island in helping to coordinate the planning, as much planning as could be done under that terrific pressure.

Mr. CURTIS. Was there any evidence during the evacuation from Terminal Island of cases of individuals preying upon the Japanese by buying up their belongings at distress prices? Do you have any information on that?

## DISTRESS SALES

Miss RYDER. I have no verified stories. There were people who talked to our workers who told of selling three-and-four-hundred-dollar pianos for 5 and 10 dollars, and of selling new refrigerators and new stoves for small amounts.

Mr. CURTIS. How much?

Miss RYDER. From 10 to 25 dollars. Actually, none of those have been verified but the persons who had the goods did tell to our workers stories of having sacrificed these things. They did it at a time when they felt that they must capitalize on every possible resource in order to have money enough to move.

Mr. CURTIS. Were these people all aliens, or were some of them citizen Japanese?

Miss RYDER. In practically every family, there were many citizen members.

Mr. CURTIS. You state that you have not been able to verify these actual transactions, but do you, sitting as your own judge and with your own source of information, believe that those things did happen?

Miss RYDER. Yes: I believe that they did happen. I can't say how extensively they happened. That would be the thing that I would not feel qualified to say, but I feel that the source of the information as a person talking directly to our workers, is a reasonable, sound source to indicate that they did happen.

Mr. CURTIS. You might be interested in knowing that one of the first recommendations made by this committee was that there be appointed an alien property custodian, naturally with subordinates, to reach on down into the various communities so that the property of these people may be preserved to the fullest extent. There will be some loss, there is no question about that.

## PROPERTY ABANDONED BY EVACUEES

Miss RYDER. I think in that connection it is significant to mention not only the things that might have been lost through sacrifice, but the things that were actually abandoned because there wasn't time to move them. One of our workers who was on the island the day after the evacuation said that fishing nets, fishing trucks, rubber boots, household goods, and all kinds of equipment, enough to fill at least eight trucks, had been abandoned, because there was no time to get it moved and there was no additional agency existing at that time, no property custodian, to whom the care of that property could be assigned.

Mr. CURTIS. Now, if these people are eventually moved to some point where they are going to try to have them carry on and be self-sustaining again, these articles that they lost will perhaps have to be replaced at public expense. Is that true?

Miss RYDER. Undoubtedly, if a person's entire resources are gone and he has no other means of reestablishing himself, it would be necessary to replace the things which he has lost, particularly when they are

fundamentals of housekeeping, such as beds and tables and chairs and stoves.

Mr. CURTIS. The point I wanted to make is that it is not a question of someone's love or hate or like or dislike for any particular people, but unless these things are taken care of, it is the public's financial loss because many of the things are the things they need; isn't that right?

Miss RYDER. And I think that we may add an additional statement there that many of the things are irreplaceable. Many of the things are metal and things that are not so easily replaced at the present time; that that value would be lost in their being abandoned.

Mr. CURTIS. Do you have any knowledge of the disposition of Japanese-owned boats on Terminal Island?

Miss RYDER. No.

Mr. CURTIS. You have mentioned your offers of financial assistance to these people. That becomes more acute in an ill-planned evacuation than in a well-planned one; isn't that true?

Miss RYDER. Undoubtedly; because the loss of the individual is much greater in an ill-planned one.

And we have pointed out in this Terminal Island description, that even the evacuee's need for the personal property he lost would in itself be a need for financial assistance.

#### EXPERIENCE GAINED AT TERMINAL ISLAND

Mr. CURTIS. Do you have any other suggestions that you would like to make to this committee that they might carry back to Congress, on phases of this program that need additional attention?

Miss RYDER. Yes. I think that there are several things in addition that I feel we can learn from this more or less miniature migration, or evacuation, that might be helpful if and when there is a larger one. I think that we can begin with the number of applicants who came to our office for things other than financial assistance.

During the period from February 9 to March 5, when we had offices throughout the county, there have been approximately 1,200 people who have come to them asking some service. The major portion of those requests was for information about prohibited areas, travel permits, citizenship status, and the status of citizens in relation to a noncitizen member of the family. From that we can learn that one of the first things in any program should be to see that it is clearly defined and the information concerning it thoroughly and completely disseminated. That was very significant to me.

Even people who had no need for financial assistance or even for planning for their moves, people who were well established and able to do everything, were still confused and uncertain about the definition of the prohibited areas and how it affected them. So that will be one thing that I feel we should learn from this program.

Another thing is that although the requests for financial assistance have been very limited—out of that 1,200 we have actually given relief to only 15 families—the information which we received indicates that the greatest impact is not going to be at the time of the move while the individual still has some resources, but that it is going to result from the dislocation of being detached from his source of income. For the most part, the resources are too limited to carry on for any length of time.

If you feel it is significant, I can give you some indication of what those actual resources were. In over one-fourth of the cases the resources the people had were less than \$100. They didn't need assistance at the time of that immediate move. It isn't hard to see how soon it would be necessary; only one-twelfth of them had over \$500. So I think that we can learn something of the planning that is necessary to carry the dislocation that results from a move.

## ASSISTANCE UNDER SOCIAL SECURITY ACT

Mr. CURTIS. What types of normal assistance under the Social Security Act are available to aliens?

Miss RYDER. You mean in the categorical aids?

Mr. CURTIS. Yes.

Miss RYDER. Of course, some States require citizenship and some do not. California does require citizenship for aid to the aged. It does not require it in connection with the actual child, in the aid to dependent children. As yet internment has not been accepted as the equivalent of imprisonment in relation to the aid to needy children.

Mr. CURTIS. That is a State interpretation of that aid to needy children? That is a matter determined by the State or Federal Government as to who would be classified in the category of being imprisoned?

Miss RYDER. The total administration is on the basis of the State plan within the framework of the Social Security Act. I think that it would probably eventually be determined by the Board as such, but at this point it has still not been even considered in relation to the State plan. The State could, if it wished to, within its own plan for aid to needy children, consider internment and imprisonment, I am sure.

Mr. CURTIS. You don't know whether a similar situation prevails in Oregon and Washington?

Miss RYDER. Of course, I think in both of those States aid to the aged is not on the citizenship basis. The act itself does not require citizenship in the administration of any of the categorical provisions for relief. Wherever citizenship is required, it is entirely on the basis of the State's own plan.

Mr. BENDER. Miss Ryder, in connection with this proposed evacuation, has your organization given any study to mass evacuation?

Miss RYDER. I am not in a position to know. I have been working in Los Angeles County during this entire period and any planning that has been done has been done in the regional office, through the regional director.

Mr. BENDER. You described, Miss Ryder, this Terminal Island evacuation as a miniature evacuation. How long did you say it took from the time the first order was issued until all of the families were finally evacuated?

## TWO EVACUATION ORDERS

Miss RYDER. There being two orders, we will have to differentiate.

Mr. BENDER. The first order.

Miss RYDER. The first order was issued either the 14th or 15th of February, giving 30 days. The first notices of second order were

posted on the island at 3 o'clock on February 25, with a deadline of midnight, February 27.

Mr. BENDER. That is, they were out by the 27th?

Miss RYDER. By midnight of the 27th they were out.

Mr. BENDER. And you say there was considerable confusion accompanying that evacuation?

Miss RYDER. Definitely there was confusion. There was confusion of physical facilities and there was confusion of persons worrying and concerned about where they were going. There was definitely personal confusion as well as physical confusion.

Mr. BENDER. Were you here this morning, Miss Ryder?

Miss RYDER. Yes.

Mr. BENDER. Did you hear the mayor and the Governor give their statements regarding this evacuation and their opinions expressed as to their belief that this would be an orderly and proper procedure and all the agencies would cooperate? Do you feel that it would be as simple as is generally indicated from what you have read and what you have seen and what has been testified to this morning?

#### SIMPLICITY DEPENDENT UPON PREPLANNING

Miss RYDER. Well, I think on the basis of our experience, that simplicity depends entirely on preplanning on a sufficiently comprehensive scale to recognize, before they happen, all the problems that will be involved.

Mr. BENDER. Have you any idea as to how long a period should be had before the final order comes, as it did on February 27 in the matter of Terminal Island?

Miss RYDER. No. But I could say on the basis of that, that it takes more than 48 hours for 200 families to move a short distance. I think it is easy to deduce if you are going to move a long distance that time is more important.

You could make temporary plans for storage. There are goods stored in temporary quarters; but for a long move, connecting the individual and his goods would be practically impossible.

Mr. BENDER. Have you any idea as to the number of businesses and professions, the kind of work, for example, the Japanese aliens and the Italian and German aliens are doing?

Miss RYDER. I wouldn't know.

Mr. BENDER. But it would be a somewhat different problem than where you had the 200 families engaged in fishing and canning—in one occupation?

Miss RYDER. Not entirely engaged in one occupation because, of course, there were business and professional men that would be attached to any community. There were dentists and doctors and businessmen on the island, but not to any great extent, not as much as there would be in a large community. The major portion of your community there was connected with one industry.

Mr. ARNOLD. Thank you, Miss Ryder. We appreciate very much your testimony.

Mr. Ryan.

**TESTIMONY OF HAROLD J. RYAN, COMMISSIONER OF AGRICULTURE, LOS ANGELES COUNTY, CALIF.**

Mr. ARNOLD. Will you be seated and give the reporter your full name, title, and address?

Mr. RYAN. Harold J. Ryan, county agricultural commissioner, 524 North Spring Street, Los Angeles, Calif.

Mr. ARNOLD. The agricultural production survey of the county of Los Angeles, which you prepared, Mr. Ryan, has been received for the record. The study shows that in Los Angeles County many crops are grown exclusively or predominantly by the Japanese. Will you give the committee a brief summary of your findings?

(Data referred to above are as follows:)

**JAPANESE AGRICULTURAL DATA FOR LOS ANGELES COUNTY  
SUBMITTED BY HAROLD J. RYAN, COMMISSIONER OF AGRICULTURE, LOS ANGELES COUNTY, CALIF.**

*Number of farms and acreage of Japanese farmers by nativity and annual labor requirements of Japanese farmers in Los Angeles County*<sup>1</sup>

Number of farms:		
Native-born operators.....	operators..	629
Foreign-born operators.....	do.....	573
Total.....	do.....	1, 202
Native-born operators.....	farms..	757
Foreign-born operators.....	do.....	634
Total.....	do.....	1, 391
Acreage farmed:		
Native-born operators.....	land-acres..	15, 153
Foreign-born operators.....	do.....	10, 892
Total.....	do.....	26, 045
Labor requirements:		
Outside.....	man-months..	29, 533
Home.....	do.....	44, 098
Total.....	do.....	73, 631

<sup>1</sup> As of Feb. 5, 1942.

*Japanese farm operators and crop acreage by major crop, Los Angeles County<sup>1</sup>*

Number of farmers, 1,202; number of farms, 1,391; land-acres, 26,045

	Nisei in charge of farm	Alien in charge of farm		Total acres, alien in charge	Total crop, acres
		Nisei on farm 21 years old or older	No nisei on farm or less than 21 years		
Cabbage <sup>2</sup> .....	1,623	482	750	1,232	2,855
Cauliflower <sup>2</sup> .....	1,465	305	576	881	2,346
Broccoli.....	60	1	20	21	81
Green beans <sup>2</sup> (including limas).....	1,368	642	1,132	1,774	3,142
Celery <sup>2</sup> .....	1,289	465	745	1,210	2,499
Peas <sup>2</sup> .....	181	48	221	269	450
Spinach <sup>2</sup> .....	359	101	267	368	727
Carrots <sup>2</sup> .....	1,127	146	261	407	1,534
Tomatoes <sup>2</sup> .....	1,414	293	707	1,000	2,414
Onions <sup>2</sup> .....	914	180	233	413	1,327
Lettuce.....	95	70	67	137	232
Cantaloupes.....	324	150	186	336	660
Squash <sup>2</sup> .....	412	74	182	256	668
Asparagus.....	40	21	41	62	102
Sugar beets.....					
Sweet corn.....	23		15	15	38
Potatoes.....	24		13	13	37
Sweet potatoes.....					
Miscellaneous.....	6,955	1,144	1,997	3,141	10,096
Total.....	17,673	4,122	7,413	11,535	29,208
Adjustment estimate.....	4,507	992	1,544	2,536	7,043
Grand total.....	22,180	5,114	8,957	14,071	36,251
Number farmers.....	629	222	351	573	1,202
Number farms.....	757	247	387	634	1,391
Number aliens.....	1,047	412	690	1,102	2,149

<sup>1</sup> Survey as of Feb. 11, 1942.<sup>2</sup> Total acres for these crops; others entered where 10 acres or more on farm, otherwise in miscellaneous.<sup>3</sup> Total land acreage on which these crops are grown is given as 26,045, giving an average of one and one-half crops per year for all land.*Tentative 1941 crop acreage estimates in Los Angeles County<sup>1</sup>*

Commodity	Total acreage	Percent Japanese	Acres-Japanese
<b>Truck crops:</b>			
Asparagus.....	1,650	25	412
Beans:			
Lima.....	2,000	90	1,800
Snap.....	2,100	95	1,995
Cabbage.....	3,750	75	2,813
Cantaloupes.....	1,500	40	600
Carrots.....	3,950	75	2,963
Cauliflower.....	4,200	90	3,780
Celery:			
White.....	450	99	446
Green.....	2,500	99	2,475
Corn, Green.....	5,300	15	795
Cucumbers:			
Pickles.....	625	80	500
Table.....	575	90	518
Endive (chicory).....	700	75	525
Lettuce.....	1,175	90	1,071
Melons (others).....	325	80	260
Onions, dry.....	725	40	290
Peas.....	700	99	693
Peppers, chili, dried.....	1,000	99	990
Potatoes:			
Sweet.....	725	25	181
White.....	1,350	10	135
Rhubarb.....	450	25	113
Spinach, market.....	1,300	99	1,287
Squash, winter.....	725	10	73

<sup>1</sup> As of Feb. 11, 1942.

Tentative 1941 crop acreage estimates in Los Angeles County—Continued

Commodity	Total acreage	Percent Japanese	Acres-Japanese
<b>Truck crops—Continued.</b>			
Tomatoes:			
Canning.....	7,500	60	4,500
Market.....			
Watermelons.....	200	10	20
Total.....	45,475	64	29,235
<b>Market gardens:</b>			
Beets, table.....	750	99	743
Broccoli.....	685	99	678
Egg plant.....	43	90	39
Mustard, greens.....	175	95	166
Onions, green.....	335	90	302
Parsley.....	225	50	113
Parsnips.....	215	75	161
Peppers, bell.....	150	90	135
Radishes.....	510	99	505
Romaine.....	525	90	473
Rutabaga.....	250	25	63
Squash, Italian.....	325	90	293
Squash, summer.....	450	90	405
Turnips.....	725	95	689
Miscellaneous.....	1,000	80	800
Total.....	6,363	87	5,565
<b>Bushberries and strawberries:</b>			
Blackberries.....	100	90	90
Loganberries.....	25	90	23
Raspberries.....	250	90	230
Strawberries.....	1,025	95	974
Youngberries and Boysenberries.....	825	60	495
Total.....	2,225	81	1,792
Total truck crops, market gardens, and berries.....	54,063	68	36,592

PRESS RELEASE ANNOUNCING THE CREATION OF THE OFFICE OF AGRICULTURAL COORDINATOR FOR LOS ANGELES COUNTY

LOS ANGELES, CALIF., FEBRUARY 20, 1942.—W. S. Rosecrans, just appointed to the office of Agricultural Coordinator for the Los Angeles County Defense Council, announces that offices will be opened at 808 North Spring Street on Tuesday, February 24, and describes the functions of the office as being principally to provide for the continuity of farm production in Los Angeles County. The policies have been worked out by the agricultural resources and production committee of the county defense council, whose chairman is Harold J. Ryan, county agricultural commissioner, in cooperation with Mr. Rosecrans, and have been approved by Eugene W. Biscailuz, chairman, and Harold W. Kennedy, executive director, of the Los Angeles County Defense Council.

Mr. Rosecrans continues: The immediate objective is to meet conditions incident to the discontinuance of farm operation by Japanese. The office is concerned with the maintenance of the production of essential foods and particularly with vegetable production. The services, however, will also apply to other farm operations vacated by Japanese, including livestock and poultry operations.

To accomplish this purpose it is proposed to create a clearing house whereby owners or lessors of vacated lands may be brought into contact with prospective farmers competent to operate these lands. In this connection, the office will also collect and disseminate pertinent information helpful to its objectives. The Coordinator will solicit the active assistance of competent cooperating agencies such as the State department of agriculture, the college of agriculture, the alien coordinator, etc.

The office is not concerned with the problem of what Japanese shall leave the land, nor will it act as a custodian or conservator of Japanese property but its services will be available to a conservator or custodian of Japanese properties, who we anticipate will be appointed by the Federal Government to assist them in their problems.

Mr. Rosecrans stated that there have been gratuitous statements appearing in the press that the purpose of this office was to replace Japanese by white farmers. There is absolutely no authority, Rosecrans said, for such a statement. The purpose of the office is to replace Japanese farmers who have vacated land by farmers of known loyalty regardless of race or color.

### TESTIMONY OF HAROLD J. RYAN—Resumed

Mr. RYAN. I have here a 1-page statement that summarizes many of those figures and I could give it to you now for insertion in the record or read it.

Mr. ARNOLD. Why don't you read it?

Mr. RYAN. This is information developed from the survey of land farmed by Japanese in Los Angeles County.

There are in Los Angeles County approximately 2,000 farm properties including ornamental-plant nurseries operated by persons of Japanese lineage. This figure is developed from a farm survey conducted in January 1942 by inspectors of the county agricultural commissioner's office and other sources as follows:

#### *Survey figures*

Vegetable farms (including berries and alfalfa)-----	1, 391
Cut-flower farms-----	90
Others (including some livestock)-----	57
<b>Total-----</b>	<b>1, 538</b>
Figures furnished by Dr. L. M. Hurt, county livestock inspector:	
Livestock farms-----	82
Estimated number of those not included in survey-----	50
Nurseries listed by agricultural commissioner's office under Japanese names-----	408
<b>Total farms and nurseries-----</b>	<b>2, 078</b>

Exclusive of cut flowers and livestock farms and nurseries 26,045 acres of land are farmed by Japanese. The vegetable and berry crop acreage grown in 1941 on this land totals 36,250 acres, more than one crop per year being farmed on part of the ground.

Information given agricultural inspectors by farm operators showed a population of 6,980 Japanese on the farms; of those, 2,259 were aliens and 4,721 were Nisei (American born). The complete survey of vegetable and berry farms enumerated 2,149 alien Japanese. The enumeration of 110 additional aliens on other farms incidentally surveyed is an incomplete figure for these farms.

The Federal census of 1940 shows for the country 10,883 farms of white operators and 1,592 farms of nonwhite operators.

Labor used on the vegetable and berry farms, according to the farmers interviewed, totaled 73,631 man-months per year. Of this total, 44,098 man-months were home labor supplied by the families or persons living on the farms. Labor hired from the outside amounted to 29,533 man-months. Of this latter, some is Mexican and some Filipino. A total of perhaps 60,000 man-months' labor is Japanese.

Independent of this survey an annual estimate of crop production in the county is made by the office of agricultural commissioner. The estimate for the year 1941 shows vegetable and berry crop acreage of 54,066 acres. The percent of acreage of each crop grown by Japanese has been estimated at 68 percent and totals approximately 36,600 acres. Of the 45,457 acres of truck crops 29,200 acres (64

percent) were grown by Japanese. They farmed 87 percent or 5,565 acres of the 6,360 acres devoted to market garden crops (distinguished from truck crops by the fact that they are grown on smaller acreages usually for local markets). Japanese grew berries on 1,790 acres (81 percent) of the total acreage of 2,225 in the county.

Mr. ARNOLD. Those figures are very interesting. The committee has heard that, as a result of the present uncertainty, many Japanese farmers have not planted their normal acreages and are not taking the usual care of those planted. Is it true according to your information?

Mr. RYAN. That changes from day to day. Whether it is correct to say that it is true to a great extent, I am not able to say. It certainly is true in a number of instances.

Mr. ARNOLD. Could you indicate what the effect will be on the vegetable deliveries during the coming month, or would that be hard to estimate?

#### EVACUATION WILL MEAN TEMPORARY SHORTAGE OF VEGETABLES

Mr. RYAN. It would be hard to estimate in figures but it will certainly mean a temporary shortage of vegetables. There are some cases today where they are harvesting crops 2 and 3 weeks ahead of the normal harvesting time for fear, apparently, that they are not going to get any return if they wait another 2 weeks to normal harvest time to bring it in.

Mr. ARNOLD. What crops are those?

Mr. RYAN. Celery, romaine, and in some cases carrots.

Mr. ARNOLD. Have prices of agricultural commodities already been affected?

Mr. RYAN. Yes. There has been an increase in some and in the last couple of days decreases in some because of that hurried harvesting.

Mr. ARNOLD. That will undoubtedly mean higher prices later on.

Mr. RYAN. Temporarily, yes.

Mr. ARNOLD. Have you any information as to the falling off in seed and fertilizer sales during the present season?

Mr. RYAN. No.

#### CHANGE TO MASS-PRODUCTION CROPS

Mr. ARNOLD. The committee has heard that if the Japanese are evacuated from Los Angeles County farm land, the character of agricultural production will change, and that land now used for intensive vegetable growing will be put into mass-production crops. Do you agree with that?

Mr. RYAN. What do you mean by "mass production crops"?

Mr. ARNOLD. Well, crops that don't require so much hand work.

Mr. RYAN. I think there is very likely to be a shift from crops like strawberries and radishes and some of the root crops grown on small acreages, to larger acreages in the same crops or crops of greater food value; specifically, things like squash and carrots and tomatoes, that can be and are now grown on large scale by American farmers and where machinery can be used for large-scale production. Some of that shift may go out of the county.

Mr. ARNOLD. Is it true that a great deal of the acreage now used by Japanese cannot be profitably farmed by white growers?

Mr. RYAN. I think it is true that some of it cannot be. No; I wouldn't say that it is true that a great deal cannot be.

Mr. BENDER. Why is that?

Mr. RYAN. Well, I say that because there is a noticeable increase in machine farming in the last couple of years by Japanese.

In the course of that survey, somewhat to our surprise, it developed that there were a number of tractors, less than 2 years old, on Japanese farms, indicating that either because of labor shortage or anticipated shortage, the Japanese were machine farming in many cases where before it was all hand labor. If they go to machine farming your American farmer could compete successfully on the same basis.

Mr. ARNOLD. Of course, this committee has found that to be true the country over—the sale of farm machinery has greatly increased. I suppose in anticipation of a shortage in labor and also in anticipation that it will be harder to get farm machinery and the prices will be higher.

Mr. RYAN. It seems to be a little unusual and striking to me in the case of those small farms that previously did all of the work with hand labor.

#### IRRIGATED FARMING REQUIRES EXPERIENCE

Mr. ARNOLD. What has been the experience of middle western farmers on irrigated land in California? We are all from the Middle West and we want to know what their experiences have been.

Mr. RYAN. Well, they have got to learn a new type of farming when they come here. Irrigated farming is altogether different from Middle Western farming. When they come here, as farmers, and have an opportunity to learn how to farm under California conditions they make successful farmers but they have got to learn it.

Mr. ARNOLD. My experience has been that that same thing applies to those Middle Western farmers who go into the South and try to raise cotton.

Mr. RYAN. I would presume so.

Mr. ARNOLD. They just don't know how to do it and many of them go broke. Do they go broke out here before they find out how to farm?

Mr. RYAN. I can't answer that. I don't know of any individual instances of their having come in and gone broke.

Mr. ARNOLD. Is that because they don't know how to farm or they don't know how to buy?

Mr. RYAN. Well, you might put the emphasis on the latter part of it.

Mr. ARNOLD. Do you anticipate any difficulty in securing farm labor to replace evacuated Japanese growers?

#### UNTAPPED SOURCES OF FARM LABOR

Mr. RYAN. Yes; because the problem of agricultural labor supply is a tremendous national problem. We are only a part of that picture here. Let me add this: There is unquestionably a large source of agricultural labor supply here that hasn't been tapped yet.

Mr. ARNOLD. Where is that supply?

Mr. RYAN. In the city, some of it, some of it in the schools, some of it among the feminine population.

Mr. ARNOLD. Do you still have any of the Okies looking for work?

Mr. RYAN. They say there are a number of those people here who have proven themselves as successful workmen, who have gained experience during the past 2 or 3 years, who are now competent to go into farming on their own here. I believe that statement to be correct.

Mr. ARNOLD. It might be a solution to some of your difficulty.

Mr. RYAN. We think so; yes.

Mr. ARNOLD. Speaking of the change in the character of crops that might take place, do you think this change might be permanent? It has been suggested to the committee that with the invention of the quick-freeze method of storing vegetables, the major markets will progressively depend less on the production in this area. Do you think the evacuation of the Japanese will hasten this development, and if so how will it affect the land values in the county?

Mr. RYAN. I think evacuation of the Japanese will hasten that development. Land values in the county are going to be affected as they have been in the past few years by so many other factors, such as the shift from farmed areas to industrial and metropolitan areas, that I don't think any one factor alone such as that can offer the answer.

Mr. ARNOLD. Thank you very much, Mr. Ryan. Your testimony has been very interesting and a valuable contribution to the record. We will take a short recess.

(Short recess.)

Mr. ARNOLD. The committee will come to order. Is Mr. Ryan still here? I just wanted to develop in a short period of time the prospective reservoir for farm labor among school children and perhaps among the women of the county.

#### ORGANIZATION OF SCHOOL LABOR

Mr. RYAN. Well, I don't know how many thousand school children we have of an age that makes them entirely fit physically and mentally to go out and do some of the work that a good many of us did when we were children. There is certainly a tremendous reservoir available there that could be used, and should be used, in my opinion, for their benefit and for the benefit of the farm industry and the nation as a whole during the war period.

They can be organized into small battalions of 10 or 12 under proper leadership from agricultural teachers in the schools and others such as the Boy Scout groups, and be used in the field for emergency work, such as weeding and harvesting. They won't make the best labor in the world but they will make willing labor; they are anxious to be used and they are not being utilized now in the civilian defense program.

Mr. ARNOLD. Is some change in legislation needed in the State legislature?

Mr. RYAN. I understand there is some change necessary, yes.

Mr. ARNOLD. Has the legislature refused to make that change?

Mr. RYAN. I can't answer that. I don't know. We have had a number of offers from women representing different women's groups,

offering to organize labor battalions of women to be used on the farm for operation, such as I have described, and I believe that there is available a healthy and usable reservoir that should be drawn upon.

Mr. ARNOLD. You feel that perhaps with that sort of effort being expended in this county and State that the farming of all land could go ahead with satisfactory results?

Mr. RYAN. It can go ahead with satisfactory results granting a short period of readjustment.

#### TIME ELEMENT IN TRANSFER OF OPERATIONS

Our prime problem at present is to get the American farmer on the land in a manner that is just to the evacuated Japanese but get him on quickly, because we are in the middle of the planting season and we need to continue with the crops that are now in the ground; we need to get new crops in the ground quickly. We can't wait until midsummer to grow a crop for harvest in the fall. It has got to be planted now. That is particularly true of tomatoes and some of those more important crops.

Mr. ARNOLD. Do you say that the planting of crops has gone on about normally up to now?

Mr. RYAN. I have got to say "more or less." In case of some crops in some areas, apparently it has gone right ahead. In the case of other crops and other areas, there has been a definite checking of planting, and particularly since the last order indicating that the removal might be effective inside of 60 days. There has been a tendency, definitely, to stop planting or harvesting crops too quickly because of the fear on the part of the Japanese that he will lose the money and the effort that he has put into the planting of his crop. There is definitely the need of a custodianship or trusteeship to take care of that transition, and to take care of the equity rights and the property rights of the Japanese so that he can go ahead continuing with the farming operation until a change comes, assuring him that he is going to get back a proper share of the proceeds.

Mr. ARNOLD. Thank you very much.

Now, I wish to call several witnesses. Will sit from left to right, in the order that your names are called: Mr. W. S. Rosecrans; Mr. Howard B. Miller; E. W. Biscailuz; and Mr. McDonough.

#### TESTIMONY OF W. S. ROSECRANS, AGRICULTURAL CO-ORDINATOR, LOS ANGELES COUNTY DEFENSE COUNCIL; HOWARD B. MILLER, MANAGER, AGRICULTURAL DEPARTMENT, LOS ANGELES CHAMBER OF COMMERCE; E. W. BISCAILUZ, CHAIRMAN, LOS ANGELES COUNTY DEFENSE COUNCIL; AND GORDON M. McDONOUGH, SUPERVISOR, COUNTY OF LOS ANGELES

Mr. ARNOLD. Mr. Biscailuz, you are chairman of the Los Angeles County Defense Council?

Mr. BISCAILUZ. I am, sir.

Mr. CURTIS. Will you give to the reporter the official position of these other gentlemen?

Mr. BISCAILUZ. Mr. Gordon McDonough is a member of the Board of Supervisors of Los Angeles County. The board of supervisors here

are in charge, you might say, of the functions of government in Los Angeles County, just as a council would be in a city, in Los Angeles County or in any other jurisdiction.

Mr. Miller is of the Los Angeles Chamber of Commerce, and Mr. Rosecrans is the past president of the Los Angeles Chamber of Commerce, and also, for some time, the head of the Farm Bureau of Los Angeles.

Mr. CURTIS. Mr. McDonough?

Mr. McDONOUGH. Yes.

Mr. CURTIS. I understand that you were chairman of the subcommittee which drafted the resolution on alien control adopted by the Los Angeles County Defense Council.

Mr. McDONOUGH. Yes, sir.

Mr. CURTIS. Will you please outline the essential features of this resolution and indicate the considerations underlying its adoption?

Mr. McDONOUGH. I would like to file for the record a copy of the resolution.

Mr. CURTIS. We will be glad to have it.

Mr. McDONOUGH. I will file it here.

Mr. CURTIS. Now, in your own words, just enumerate the points in the resolution.

#### RESOLUTION ON ALIEN CONTROL

Mr. McDONOUGH. The committee was appointed by the chairman of the Civilian Defense Council, Mr. Biscailuz, and had two sessions, at which they finally drafted into rather concise and brief terms the situation as we saw it concerning the Los Angeles County enemy alien situation. The resolution comprehends the situation not only insofar as Japanese are concerned, but German and Italian.

Mr. CURTIS. Does it deal with Japanese citizens as well as aliens?

Mr. McDONOUGH. Yes. Briefly, it contemplates the need of immediate removal from the six most western States of the enemy aliens, so-called, including all classifications.

The committee believes, and it is stated in the resolution, that this is not only a protection to the enemy alien, but it is also an added protection to the American citizens in that area. We are fearful that sabotage may be performed and committed in that area and we don't want a repetition of a surprise attack such as the Pearl Harbor attack.

#### WOULD REMOVE JAPANESE BEYOND THE SIX WESTERN STATES

The Japanese, American born, are considered in the resolution in this way: that we asked the Federal Government to remove the enemy aliens to an area beyond the six Western States, that the relatives of the enemy aliens who are American-born Japanese are invited to join their relatives outside of that area. If they go to the area where their relatives are placed by the Federal Government, we consider them interned in that area for the duration and they should not be permitted to come back into the restricted area during the war period.

We have considered and realized the limitation of the committee in dealing with the American citizens of Japanese descent from a constitutional point of view and we are seeking to overcome that by in-

viting them to participate in the war effort here by joining their relatives outside of the prescribed areas.

Since this resolution has been drafted—and incidentally, a copy of it was sent to the Senators from this State, and all of the Congressmen from this State—the War Department has set up two areas: one, as the committee knows, a restricted area, and one a prohibited area. These areas don't extend east as far as we believe they should in this resolution because we think that we are dealing with a rather ruthless enemy. We should be as considerate as possible of those who are of Japanese, Italian, or German descent, but if this is total war, we should deal with them accordingly.

The contents of the resolution are more terse than I have stated them and I would like to have the committee look the resolution over and get its full contents.

Mr. CURTIS. We shall be glad to receive it in its entirety because we know that it has a direct bearing on the matter into which we are inquiring.

#### WOULD PROVIDE FOR OATH OF LOYALTY

Mr. McDONOUGH. That is one point that I would like to mention. In this area of internment beyond the six Western States, those who may be, by circumstances or declared loyalty, permitted to remain within the restricted area, we believe should take an oath of loyalty to the United States. They should prove by their employment or income which will make them self-supporting while they were in the restricted area, or they should produce a certificate from their employers as to their good character, and from well-known citizens, if not employed. There are, we certainly believe, the economic dislocations that would be caused by such a migration; there are those who perhaps should remain within the restricted area, but they should be clothed with every precaution against possible danger of being suspicioned as those identified with any sabotage or with any danger to the war effort of the United States.

Mr. CURTIS. Why did you choose six States?

Mr. McDONOUGH. Well, we took that as an approximate area far enough inland to protect the coastal area and the defense industries within the coastal area.

Mr. CURTIS. Which six did you include?

Mr. McDONOUGH. California, Oregon, Washington, Nevada, Idaho, and Montana. The resolution doesn't specify the States. It says, "The six most Western States."

Mr. CURTIS. There would be no particular reason why Montana should receive more drastic action than, perhaps, New Mexico?

Mr. McDONOUGH. That is right. Or Arizona. Arizona, possibly, would be more important than Montana.

Mr. CURTIS. Mr. Miller, we heard today that the current uncertainty has already resulted in prospective shortages of certain crops and that, with evacuation, further disruption will undoubtedly come about. Could you indicate briefly what the effect of this will be in the local community?

## DISRUPTION OF FARMING OPERATIONS

Mr. MILLER. The effect, as near as can be estimated, will probably be a shortage of what you might call certain relish crops, those indicated by Mr. Ryan, such as green onions and table beets, and parsley, and crops of that nature which are very largely grown by Japanese and which are not particularly adapted to a little different type of farming which the American farmers are engaged in.

The essential supplies of the more important vegetable crops, such as lettuce, tomatoes, cauliflower, cabbage, will not be appreciably shorted insofar as this market is concerned, in my opinion.

The city depends for its supplies, not only upon the local area, but ships in a considerable amount of produce from other areas and a considerable portion of those crops are produced at the present time by American farmers and can be produced, we believe, by them.

Mr. CURTIS. You feel, of course, as do the rest of us, that the need for any particular item of food should not affect a military decision.

Mr. MILLER. Certainly, military considerations come first, yes.

Mr. CURTIS. At the same time, this committee is interested in working up the details of the program to eliminate as many problems as possible.

Mr. MILLER. Yes.

Mr. CURTIS. Has the chamber of commerce made any studies of proposals for the resettlement of evacuees?

Mr. MILLER. I wouldn't say that we have made studies in the field. We have given a considerable amount of attention to it as to possible areas where they might go, and the type of conditions which might exist in those areas.

Mr. CURTIS. Do you have anything further to say in regard to the attention that is being given to this particular area?

Mr. MILLER. We believe that they should, of course, be moved from areas that are agreed upon by the Army. They should be the determining body as to the areas from which their movement should take place, and should be the ones to decide the areas where they should be resettled. Military considerations should govern entirely, but give due account—as we assume that the Army will—in collaboration with other Federal and outside agencies to decent living conditions, and opportunities for the employment in agricultural or other activities where they may be resettled.

## NO EFFECT ON LAND VALUES

Mr. CURTIS. Will the evacuation of the Japanese affect land values and rentals in this community?

Mr. MILLER. That is difficult to say. I don't think any move of that nature could take place without it having its effect. Whether that effect will be of any appreciable importance and would tend to depreciate land values is, in my opinion, doubtful. There are other factors that enter into that picture and as long as there is a demand for the use of that land by someone, the value of the land presumably will hold.

Mr. CURTIS. Are you worried about the long range effect of the freezing method of packing fresh vegetables on land values in this area of the country?

Mr. MILLER. Speaking of Los Angeles County, I would say "No." There will be some influences from that source but, as has been previously indicated, one of our problems here is to find the land and maintain in agricultural production the lands that are needed for our local food supply at the time of industrial and other encroachment.

Mr. CURTIS. To what extent did the Japanese participate in the wholesale or retail distribution of vegetables?

Mr. MILLER. I am not in a position to give statistics or have definite information on that. They do constitute a considerable factor in the wholesale market and they do have concessions and possibly some ownership in quite a number of retail markets.

Mr. CURTIS. Do you think their withdrawal will seriously disrupt the market?

Mr. MILLER. I do not.

Mr. CURTIS. Have you any estimates of the probable loss of production as a result of evacuation for this year?

Mr. MILLER. No. I believe that Mr. Ryan, who previously testified, is in a better position through his survey and direct contact with that work, to cover the subject.

Mr. CURTIS. Mr. Rosecrans, will you please tell the Committee what the office of Agricultural Coordinator is, how and by whom it was set up, and what are your functions?

#### FUNCTIONS OF OFFICE OF AGRICULTURAL COORDINATOR

Mr. ROSECRANS. The office of agricultural coordinator is set up under the Los Angeles County Defense Council in cooperation with the board of supervisors. The functions, reduced very briefly, are to provide for a continuity of production of crops, particularly vegetable crops, occasioned by the evacuation of Japanese.

The methods might be described rather simply as being the inventorying of prospective farmers who may want to go into this operation, inventorying land owners who have lands to rent, putting land-owners in touch with these farmers by having them, through these lists, or otherwise, make their own direct contacts. We are not making the contacts for them or attempting to influence them because we feel that under the natural course of business the man who owns the land must be the deciding factor in who operates it, or whether it is operated, so we are working with him to turn that over.

Then we also have organized a field survey which works in the various agricultural areas where we have men who are designated as supervisors who will contact in the field land owners and farmers.

To understand our function, we are not saying that it is our job to just take this particular acreage that the Japanese evacuates and put somebody on it, because in some instances the parcels are small and they won't be suitable to the machine type of operation which would be practiced by the American farmer who might succeed them. Many of them are what we would call "family operations" where the labor of the whole family was used on it. In some instances, the size of the unit is such that it would not be a profitable one. In certain

instances, the landowners will probably change the size of those units and put them together and otherwise organize them. In other instances, perhaps if they are too small, they may not work out so well.

Again, some of these farms don't have suitable farm buildings or residential buildings for the successive tenants so that any movement of this kind may result in a shift to other lands.

If we can go back into the history of what happened, the Japanese came into this country in the early years of the twentieth century. It took him from 15 to 20 years' time to acquire control of approximately two-thirds of the vegetable-producing area in the county.

Now, due to a military necessity, we are going to attempt a change in agriculture in a few weeks which, under normal conditions, would take many years. We do have a substantial minority of non-Japanese vegetable growers, which I believe furnishes a nucleus of people who may undertake this work, and many of those will probably consider taking on additional lands.

We also have men who previously have been in the business who could not meet the competition of the labor of Japanese and went out of the business of vegetable growing. Many of these people will go into it again.

We also have a number of men who have field crop ranches, for instance, such as lima beans, the baby limas, or beets, or alfalfa, lands that are under irrigation and suitable for vegetable culture. So that the shift need not be a shift of the individual lands as we view it, but a shift of obtaining production to compensate for the losses occasioned by this evacuation.

Mr. CURTIS. What qualifications in the way of experience and capital do you look for in applicants to take over lands formerly operated by the Japanese?

#### EXPERIENCE IN IRRIGATED AGRICULTURE ESSENTIAL

Mr. ROSECRANS. Well, we feel very strongly that experience in irrigated agriculture is absolutely essential. And it should be local experience in order that it may be the equivalent of what problems a farmer would have in raising vegetables somewhere between the Salt River Valley of Arizona and, we will say, Sacramento. Even though a man may have raised vegetables under irrigation in the Middle West or some Rocky Mountain State, the problems here of maintaining the proper soil moisture content, pest control, and fertilization, are highly technical and it would be ill-advised for any inexperienced person to attempt it. We are very frank in saying to inexperienced people, "If you are interested in a career of this character, we suggest that you work for a competent grower, and then eventually learn the business. But if you are going into it, you will have to have experience." Our listing of farmers has shown that a number of them have qualifying experience. And of that number, naturally, a lesser group are well capitalized and equipped; some have a lack of capital and equipment. I think it is probably natural that the first men to locate will be those who are completely capitalized.

I think it is highly likely that when those men have taken up what lands they want, landowners will probably be willing to assist men who are competent to meet some of their capital needs and engage in production in that way. But there are many regular Government

agencies, and so far as I know there is no special money contemplated to be used for unusual financing. We contemplate depending on the regular constituted agencies for financing and advice as to pest control, and so forth, and we are simply working to supplement the existing organizations.

The office which I hold is not contemplated as being a permanent office. It is only to effect a transition for perhaps a 3 or 6 months' period.

Mr. CURTIS. If your function ends when the landlord and applicant get together, how can your office take effective steps to increase production of crops in which there is likely to be a shortage?

#### WILL OPERATE CONTINUING FIELD SURVEY

Mr. ROSECRANS. Well, that is a question. We expect to operate a continuing field survey. I mentioned that we had supervisors. We have 15 of these men. They are all men who have practical contact with the vegetable industry. Normally, figures such as the horticultural commissioner furnishes are issued after the conclusion of a planting season, or a year. In these functions we are seeking to develop, through our supervisors and through the Agricultural Commissioner's office, figures which will permit a rapid exchange of ideas on intentions to plant. Now, obviously, no matter what we do, there will probably be surpluses of some commodities and there will be scarcities of others because of the varying requirements of the trade. We are seeking to get out such information as we can to growers. As a rule of thumb I have personally suggested to some growers that whenever they note that so many hundred acres of such and such a crop are planted in the county, if those figures show a high proportion of the 37,000 acres of truck land being operated in the county, they had better go easy. In other words, they had better not take a chance of planting a crop too heavily. I think with all we can do and with all the cooperation we can get, there will be inevitable instances of surpluses and corresponding shortages in other commodities.

Mr. CURTIS. Do you expect to establish any quotas?

Mr. ROSECRANS. No; we have no authority to do so and all we can do is to suggest to people and exchange information with them, and they exchange their intentions to plant with us.

Mr. CURTIS. Have you made a survey to determine how much, if necessary, white farmers could increase their production of specific crops on land they now operate?

Mr. ROSECRANS. No; we have not. You mean that where the man operates a vegetable ranch already?

Mr. CURTIS. Yes.

Mr. ROSECRANS. That is a type of operation on which we have no information.

Mr. CURTIS. In what crops do you think the shortages will be most severe?

#### VEGETABLE SHORTAGES

Mr. ROSECRANS. I don't think I would be competent to guess. I think perhaps the estimate that has been made by Mr. Ryan and Mr. Miller would be more accurate. I think we are more apt to have specialty shortages than in some of the more staple things, such as,

we will say, cabbage and cauliflower and lettuce and carrots, things like that probably will be less apt to be short because there have been more non-Japanese raisers in those than in some of the others. Now, on the other hand, if we give out this publicity it is quite possible that some of them will say, "Well, we will do the unusual" and they might bring some of the other things in. You can't predict that very well. But I think we are apt to have a pretty good supply, perhaps of not everything the housewife wants, but a pretty good variety of things raised.

Mr. CURTIS. We can get along without spinach, can't we?

Mr. ROSECRANS. Well, personally, I like spinach.

Mr. CURTIS. As a matter of fact, the military considerations must control and we can get along without all of them if we have to, can't we?

Mr. ROSECRANS. I think we can. This is another thing: California is a very great vegetable-producing area. We have sometimes been called the "market basket of the country." Even with that, sometimes we import a substantial quantity of things from other areas. Another thing, the shortage that we may anticipate is in the summer, say 6 months from now. That comes at a period when there are large supplies of vegetables in other parts of the country; some of them may be diverted here. It also comes at times when there are large amounts of those items in the other States. Dietetically, the people may be growling, but we don't anticipate any scurvy.

Mr. CURTIS. Have the actual and prospective evacuations affected the rental of the lands now operated by the Japanese?

Mr. ROSECRANS. I couldn't answer that question. I think it may have some effect but not as yet.

Mr. CURTIS. The rental value is based pretty much on what the land can produce. Isn't that true?

Mr. ROSECRANS. I would estimate that two-thirds of the farms which Mr. Ryan referred to, some fifteen hundred-odd farms, I believe, comprising 25,000 acres of land, and more, are located between Santa Monica and Long Beach in an area intensely spotted with industrial and urban development. Some of the land is occupied by not truly agricultural development. They are lands held for industrial and subdivision purposes. In many instances, the rents don't equal the taxes. They are not purely agricultural lands. The land is land that may be used for industrial purposes or settlement and so those lands are, in themselves, in a transition period and this may affect their transition.

Mr. CURTIS. And the whole impact of the war and the defense program locally are factors that enter into that?

Mr. ROSECRANS. I think it is no more than a minor thing.

Mr. CURTIS. What arrangements are being made for the sale and care of crops already in the ground on farms being vacated by the Japanese?

Mr. ROSECRANS. You mean other than the usual arrangements that are made?

Mr. CURTIS. No. Has your committee done anything to prepare for a situation where the Japanese may have prepared the ground or, even put in the seed before he is notified that he is going to have to move?

## TYPE OF CUSTODIANSHIP NEEDED

Mr. ROSECRANS. One of the things we have urged and I have urged as an individual before I took this job was the establishment of an office of one who could be a custodian. Now, ordinarily we speak of custodians for enemy alien goods. Here we would need something more than that. It is something that probably is different, and Washington has not yet, so far as I know, taken action. It is highly important that we have someone with authority to take the interest, not alone in the personal property but the growing crops and other things, whether they be alien or whether they be citizen or whether they be a mixture. In many cases, to understand the enterprise of the Japanese, under the California law the land is rented to a citizen Japanese who was born here. Usually he has associated with him his father or his uncle or his cousin or someone who is not a citizen. It is very difficult to determine whether actually it is a citizen enterprise or whether it is an alien enterprise.

We need someone to take the authority so that someone can deal. If it could be proved a man is a citizen there is no complication. But there are doubts in the minds of many people who would take over. We need that custodian.

## JAPANESE SHOULD NOT HAVE TO SACRIFICE PROPERTY

Now, we have indicated, both publicly and to the Japanese, that we would be glad to assist them in placing them in contact with prospective farmers because we think they are entitled to considerate treatment and could get whatever can be gotten for them. We don't think it is fair for the Japanese to have to throw everything up and dispose of the lands at a sacrifice. We want to see something done. We want to do everything we can do but we are stymied until the Government appoints a custodian to act in this connection so that the person who comes on knows that he has a right to deal. That is the key to it.

The CURTIS. The point you are talking about is something I have been advocating many times since we came out here, that the custodian should be able to take charge of the alien property as a protection.

Mr. ROSECRANS. That is right.

Mr. CURTIS. To preserve and protect it and cause it to increase in value, if possible.

Mr. ROSECRANS. Right.

Mr. CURTIS. That custodian should be someone who knows the law, the customs, and the farming methods and business procedure of the local community involved; isn't that true?

Mr. ROSECRANS. He should either be a person of that kind, or he should have that information available to him.

Mr. CURTIS. Yes.

Mr. ROSECRANS. I think if someone else were appointed, he could, through the offices existing in this county, for example, the agricultural commissioner's office, which has deputies who are familiar with all this practice, secure for himself this information, even though he personally might not know it first hand.

Mr. CURTIS. The point I am trying to make is that that information should be available.

Mr. ROSECRANS. To that office; yes.

Mr. CURTIS. Because it will vary a great deal in the three or more States that are involved, from the legal standpoint.

Mr. ROSECRANS. As to the custodian, the Government might appoint one for California and station him at San Francisco. They might just as well station him in El Paso so far as we are concerned. We need one right here.

Mr. CURTIS. There will have to be subordinates.

Mr. ROSECRANS. We don't want subordinates. We want a coordinator who is able to act himself without going to San Francisco, and San Francisco going to Washington, and Washington going to London. We want to have the action right now.

Mr. CURTIS. That is right.

Mr. ROSECRANS. We have got too much of that going around in circles.

Mr. CURTIS. Yes.

Mr. ROSECRANS. If you will pardon my suggestion. We want that authority vested in somebody right here in Los Angeles.

Mr. CURTIS. Who can make a decision in view of the local situation.

Mr. ROSECRANS. Yes. If that particular person doesn't happen to have the local knowledge, which you say is essential, it should be in his office. I am sure that this county, through the offices of the defense council, and through our board of supervisors, and otherwise, can furnish the technical assistance. If I am speaking out of turn, I would like to be corrected, but I think we can furnish that technical assistance that he might need, providing he has the authority to act and to act quickly, because this isn't like a venture where we have some physical enterprise of manufacturing.

Mr. BENDER. This isn't a W. P. A. project.

#### IMMEDIATE NEED FOR CUSTODIAN

Mr. ROSECRANS. If the decisions aren't made tomorrow it won't keep. I took the liberty, as an individual, in urging that this be done, that steps should be taken two months ago. Every day we wait, the situation becomes more critical. If you waited 30 days for Washington to grind out the usual answer, there wouldn't be any need of appointing a custodian. It can either be done now or they had better forget it and figure they have caused unnecessary loss and hardship on people by not taking action. We want to get a custodian appointed as of yesterday.

Mr. CURTIS. Has any action been taken, or arrangements made in reference to movable property?

Mr. ROSECRANS. No; not that I know of.

Mr. CURTIS. That would depend upon what kind of property it was to a large degree, the weight, and whether it could be used in other localities?

Mr. ROSECRANS. I think a lot of Japanese who have tractor equipment contemplate taking it with them, if they are permitted to do so. I think they want to engage in some farming enterprise.

Mr. CURTIS. Yes.

Mr. ROSECRANS. I have talked to some who wish to do that.

Mr. CURTIS. Yes.

Mr. ROSECRANS. On the other hand some of their equipment might be good for the production of only one crop in certain localities. We think that it would be in many cases desirable for that equipment to be sold here. It is worth more as a unit. I mean different implements together, the kind of equipment that might be suitable for the pest control and for harvesting and planting and so forth.

We hate to see people buy some of this for speculation purposes at 5 cents on the dollar when it ought to be bought by a farmer who in many cases is afraid to buy because he doesn't know what the custodian is going to do.

So the key to get the confidence in the movement is that we need a Federal custodian with power to clear these things right away.

Mr. McDONOUGH. There is another consideration I might add. I was thinking beyond the Japanese. There are two other nationalities here to consider and then there are other industries besides agricultural. The Japanese are engaged largely in the fishing industry here, and there is fishing property to be considered. With the other nationalities, for instance, the Italians have some agricultural property and there are other properties that the custodian ought to have charge of.

Mr. CURTIS. I agree with Mr. Rosecrans that the longer that is delayed, the more loss there will be.

Mr. McDONOUGH. Definitely.

Mr. CURTIS. As well as the more confusion and hardship.

Mr. McDONOUGH. There is already confusion now.

Mr. CURTIS. Have any cases come to your attention where a lessor tried to take advantage of the situation and refused to make a fair offer to the Japanese tenant who had to evacuate?

Mr. ROSECRANS. No. None have come to my personal attention. There may be such, but I don't know of them.

Mr. CURTIS. In that connection, is someone here in the county attempting to mobilize opinion to discourage such a thing?

Mr. ROSECRANS. I think generally that the people of the county here would be very opposed to that. There are always individuals who seek to profit out of someone's misfortune, but I think the opinion of this city and county would be very much against that. Everyone I have talked to is against it and feels that these Japanese, even though they were to be evacuated, are entitled to consideration and should not be exploited. I think that is almost universal, except for the occasional chiseler who takes advantage.

Mr. McDONOUGH. Let me suggest something else. You are seeking information and I am butting in here once in a while.

Mr. CURTIS. That is just what we want.

#### ASSESSMENT OF PROPERTY

Mr. McDONOUGH. Now, we are about ready to assess the property in the county as of the first of March. That assessment roll will be ready for the tax levy in August. For instance, if Japanese aliens, or German or Italian aliens are moved out of the zones now established by General DeWitt, and some Japanese-Americans and other nationalities who are American-born move out and leave their property here, they are assessed for it. We attempt to collect. We are going to have a deficit in our tax collections if there isn't someone there who

has title to it, which could be established by a Federal custodian coordinator.

If we could establish title and ownership as of the first of March—that is the date on which we levy taxes here—then we would not run into a possible deficit, which we undoubtedly will, because many of these people will probably leave their property behind and there will be nobody to pay the taxes next March or next December.

Mr. CURTIS. That is your tax for 1942?

Mr. McDONOUGH. '42 to '43. That is, the '42 to '43 taxable year, and it becomes delinquent as of the 5th of December next. It is assessed now, the first of March, the levy is made on the 30th of August and it becomes delinquent as of the 5th of December for the first half, and the 20th of April of next year for the last half.

#### LOSS OF TAX MONEY FEARED

We are going to be short some tax money if we don't have some title established as to the ownership of this land and equipment.

Mr. CURTIS. It is your thought that if the property is preserved by a custodian, that it will be preserving the security for your tax lien?

Mr. McDONOUGH. That is right. He can establish who should be liable for the payment of taxes for that taxable year.

Mr. CURTIS. Yes. And in case of a sale to another person, he can enter into an agreement with them to pay the taxes as of March 1st?

Mr. McDONOUGH. That is right. It is a very important thing.

Mr. CURTIS. I think you have brought out a very important thing which adds evidence to the point we have been discussing, namely, that it is a problem that demands immediate attention by someone who is acquainted with the tax laws, chattel-mortgage liens, and landlord-and-tenant law, and all the other factors that are not subject to national jurisdiction, but at least to the State and to the community.

Mr. MILLER. May I inject? I think the Federal Government has an interest in the fact that the setting up of a custodian would help considerably in any question of claims that may arise later.

Mr. CURTIS. Yes.

Mr. McDONOUGH. That is right.

Mr. CURTIS. Do you anticipate a shortage in labor willing to do stoop labor during the coming season?

Mr. ROSECRANS. Yes; I do.

#### SHORTAGE OF LABOR

As Mr. Ryan said, it is part of a national program. We are going to move out a considerable number of Japanese. I wouldn't know how to compute the amount of labor, but I would say in Los Angeles County, there are, approximately, 1,250 Japanese farm operators. How much labor that represents in their families I wouldn't know, but it certainly represents several thousand people. With the agricultural labor, particularly, I wouldn't limit it to stoop labor, but vegetable labor. A person who is not competent just can't do it and if you hired an ordinary common laborer, so-called, and put him in a vegetable patch, he would dig out the vegetables and leave the weeds in nine

cases out of ten. So that we have to get competent labor and it may require some training.

However, I think in addition to what Mr. Ryan mentioned there are a number of sources that can be tapped. I think there are still people who are not employed who are getting some subsidy of one kind or another, and with a little stiffer application, or a little less liberality, that will bring out some of them.

Mr. CURTIS. Being a Republican, I can guess who you are talking about.

#### TRAINING OF FARM LABOR

Mr. ROSECRANS. I think they can be brought out. I think we can get a few that way. And, for instance, we have Mexicans who are working in other jobs who are agricultural laborers. We have a lot of Negroes here who were formerly in agriculture in the South and came here and drifted into other types of work. I think many of those might be interested in going into agricultural labor, perhaps a number of them with the hope that by learning the game they might become proprietors themselves. After all, that is how most farmers became farmers. They started as laborers first and then became proprietors afterward. I think that may be a source.

It may require some training in a program. We have had the training with an industry program here, which has helped train defense laborers. We may have to train agricultural laborers to get enough, or train some of them, but it is a problem that is part of a national program.

Inasmuch as we are taking out one block of competent labor, it probably will be a little aggravated here.

Mr. CURTIS. There is one thing I neglected to ask. Mr. Biscailuz, you are the sheriff of Los Angeles County?

Mr. BISCAILUZ. Yes.

Mr. CURTIS. What is your business, Mr. McDonough?

Mr. McDONOUGH. County supervisor.

Mr. CURTIS. In addition to being a county official?

Mr. McDONOUGH. Nothing. I am a county supervisor, member of the board of supervisors.

Mr. CURTIS. That is a full-time job here, I understand?

Mr. McDONOUGH. That is right, 24 hours a day.

Mr. CURTIS. What position do you have besides representing the chamber of commerce?

Mr. MILLER. I am manager of the agricultural department of the chamber of commerce and I happen to be secretary of the agricultural resources and production committee of the county defense council.

Mr. CURTIS. And you spend full time—

Mr. MILLER. Full time with the chamber of commerce, which embraces all these activities.

Mr. CURTIS. And you, Mr. Rosecrans, have described your duties, but is there anything else?

Mr. ROSECRANS. I am serving in this capacity in this office as agricultural coordinator purely on a voluntary basis. My personal business is ranching and property management.

Mr. CURTIS. I think this panel has been one of the most helpful that we have had.

It is a comparatively easy thing for someone to take a map and draw a line and say, "We will do certain things on one side of that line," and make a decision, but to carry out with many, many details the ways and means of how to adjust things, where the evacuation is made, and the place where they are going, requires a lot of work. There are many, many angles to it and you men have contributed a great deal toward solving the problem.

Is there anything now that I haven't asked you about that you would like to mention?

#### AVAILABLE SUBSTITUTE LABOR

Mr. McDONOUGH. I would like to say in reference to the question of labor that Mr. Rosecrans was just speaking about, that we had some experience in training individuals in agriculture here but it was a lot more expensive than the method that we could pursue from now on. It was a W. P. A. project.

We took in relief labor, employable people from the relief rolls and put them on community gardens. They produced large quantities of many of the vegetables that the Japanese are now producing here. The thought was not to produce it on an economical basis. The principle and purpose of it was to give relief labor to people who were unemployed and to use the products of their labor to feed them.

There were a large number; I can't tell you how many, but those people are still available here and many of them are willing now to go into these Japanese ranches and go to work.

There is another element that has developed here. There is a large negro population in Los Angeles County and they have offered, in groups and organizations, to be trained in agricultural pursuits, and to offer their services for replacement of the Japanese that may be taken off the land.

I don't think we would be very much short of labor. The only element is the time element of training them to do the kind of work, and in as efficient a manner as the Japanese have done. As Mr. Ryan or Mr. Rosecrans said, it took them 20 years to develop this up to the point that it is and we can't do it in 2 or 3 months.

Mr. CURTIS. That is one of the problems we face in our whole defense program generally.

Mr. McDONOUGH. That is right, but I think we can do it and we have the willing labor to do it if they are given the opportunity.

Mr. MILLER. If it has not previously been stated, I think the information should be before you that the Japanese are rather large employers of Mexican labor. The farm operations, which have been described here in this county by Mr. Ryan, are conducted in part by Japanese with their own family labor; in part by Japanese employed by other Japanese; and in part by, and in a considerable degree by employment of Mexican and other labor too.

Mr. CURTIS. I want to ask a question in reference to the land owner who has been renting his land to Japanese.

As a general rule, is he quite familiar with the details of the farming operation to such an extent that he can become an overseer, and a teacher of new tenants?

Mr. MILLER. I think Mr. Rosecrans probably is the best one to answer that.

Mr. ROSECRANS. I don't think you would find any general rule. I think in certain areas of the county that would be true and in many areas of the county, the land that I referred to as being speculatively held, it would not be true.

I could list many owners who wouldn't have any knowledge. They are business people and they wouldn't have any knowledge.

Mr. CURTIS. I don't suppose the nonresident owners would have any knowledge.

Mr. ROSECRANS. I know some nonresident owners who reside away from the property who do. I have knowledge of one large organization that farms themselves and rents to Japanese, and they have considerable knowledge of what should be done.

Mr. MILLER. I think Mr. Rosecrans will agree that the farm operated end of it, though, that is, the man with the knowledge to know how to do the job, is not a particular problem, with the possible exception of a very few crops.

Mr. ROSECRANS. That is my experience. We have been impressed that even without going out in the country we have a lot of people who have the knowledge.

Mr. BENDER. Yes. I would like to ask a couple of questions of the sheriff.

You have a force of your own here in the county, a law-enforcement force?

#### POLICING OF LOS ANGELES COUNTY

Mr. BISCAILUZ. Yes. I would like to, if you would allow me, informally, to give you just a little background of the policing of Los Angeles County.

We have, of course, in the city of Los Angeles a police force of approximately 3,000. We have an unincorporated area of Los Angeles County with a population of nearly 600,000 people. We have 45 cities in Los Angeles County, including the metropolitan city of Los Angeles, and each has its own constituted authorities such as police and fire and other things to go with an organized community.

It is the duty of the sheriff of Los Angeles County to police the unincorporated area of Los Angeles County, which means we have 12 sub-stations in Los Angeles County. Each one of these sub-stations has attached to it a force of men with two-way radios and other equipment to police that particular area.

In addition to that we handle cases that have to do with major crimes in the entire county of Los Angeles, including the city. But as far as local ordinances are concerned, we only act in cities when called upon by the local authority.

We have in our organization a personnel of approximately 1,000. That includes our county jail personnel. For your information I would like to state that we have 2,000 prisoners in the Los Angeles County jail, as well as 1,000 in our honor camps and honor farm. We are a uniformed organization. Rather unlike most sheriff organizations we have our uniform bodies as well as our investigative bureau. The sheriff's office here is to be likened with a police department such as would operate in the city, except, our operations, as I have described, have to do with the over-all picture outside of the city.

Mr. BENDER. Do you have any jurisdiction within the city limits?

Mr. BISCAILUZ. Yes. The sheriff has jurisdiction anywhere in Los Angeles County except that, from the policing standpoint, we do our work mainly in the unincorporated area of Los Angeles County. That has towns that are not incorporated in this particular area.

Mr. BENDER. Your personnel of 1,000 does not include the police forces and law-enforcement agencies of these 45 political subdivisions you mentioned?

Mr. BISCAILUZ. No, sir. You must remember that with 1,000 in the sheriff's office, just as with the police department, that doesn't mean that we have 1,000 officers in the field. Part of that is broken down into turnkeys, bailiffs in court and clerical forces. So we have approximately 400 men who devote their entire time to police work. In spite of that we have auxiliary forces in Los Angeles that do not cost the taxpayers anything. These men have been trained in the fundamentals of police work and assist us whenever an unusual situation exists.

Mr. BENDER. How many?

#### AUXILIARY FORCES

Mr. BISCAILUZ. We have the sheriff's auxiliary, the sheriff's posse of horsemen, the sheriff's aero squadron, the sheriff's communications reserve, and our sheriff's emergency reserve. Each is manned by men who receive nothing from the taxpayers, who furnish their own equipment, arms, and all are in addition to our own paid forces.

Mr. BENDER. Approximately how many square miles are there in Los Angeles County?

Mr. BISCAILUZ. 4,083 square miles, and that takes in Catalina Island and San Clemente. Of course, San Clemente is now under Government control. In other words, it is an island that is handled by the Federal forces, but Catalina Island is a Wrigley holding and you all know that is different from San Clemente.

Mr. BENDER. Would you say that there are five or six thousand law-enforcement officers in the county altogether?

Mr. BISCAILUZ. I will say the paid forces we have in Los Angeles, including all the cities in Los Angeles County, and the incorporated cities, are around 4,500. That doesn't take in the fire fighters, but police. Then we have 5,700 unpaid deputy sheriffs who are subject to call at all times without pay. We have 350 in our sheriff's emergency reserve, men who have been on duty several times since Pearl Harbor.

We have the sheriff's posse of 50 men who can undertake a lot of things. Of course, our aero squadron is grounded on account of the conditions, but they are doing work of benefit from the ground.

Mr. BENDER. Have you had occasion to work with the F. B. I. at any time?

#### AID GIVEN F. B. I.

Mr. BISCAILUZ. Yes, sir. I would like to state that the day of Pearl Harbor, we were called upon by the F. B. I. to augment their forces, including the Los Angeles Police Department, when the first round-up of aliens was made and we have worked very closely with them.

Whenever they have a program, they will call us. Then if it is in county territory, the sheriff's office furnishes the manpower to work with their men. If it is in the city of Los Angeles, the chief of police furnishes the men.

Mr. BENDER. Would you say your relationship with the F. B. I. has been satisfactory?

Mr. BISCAILUZ. I would like to say here that we enjoy a very cordial and workable arrangement.

Mr. BENDER. Their services, so far as you know, in this county, are satisfactory?

Mr. BISCAILUZ. Yes. Except that they have to depend again on the local constituted authorities to work with them. Their forces could not at any time do the work that they have done here if they were working alone.

#### PREPARING FOR EVACUATION

Mr. BENDER. Sheriff Biscailuz, do the local law-enforcement agencies have information concerning all the aliens and families of aliens in this county? Have they taken steps to inform themselves as to the nature of the problem in the event of an evacuation?

Mr. BISCAILUZ. Yes. Well, I can't say that we have complete information but I will say, taking it from our county council, we have broken it down into seven standing committees. One is the agricultural resources and production, headed by Mr. Ryan; civil protection, headed by John Quinn, our county assessor, who is a past national commander of the American Legion; health, welfare, and consumer interest, headed by Mr. Holton; transportation, housing, works, and facilities, headed by Mr. Griffin; human resources and skill, headed by Mr. Howard Byron.

Each one of those have subcommittees that are working just like Mr. Rosecrans, working out these problems and getting the information. I have a file, of course, of the addresses, that is broken down into the aliens of the different countries that we are at war with at the present time.

Mr. BENDER. Have your agencies here taken advantage of the information possessed by the Census Bureau?

Mr. BISCAILUZ. Yes. We have that information and I would like to state also that we have an antiradical detail here made up of trained men who do nothing else now but run down information and then pass that on to the F. B. I. They work with the F. B. I. but in many instances they cull the information that comes to us and then it is passed on to them. And in some cases work with the F. B. I. and in that manner the case is brought to a culmination.

Mr. BENDER. In the event that an order comes for a wholesale evacuation, do you feel that with all of your coordinated agencies that you are in a position to cope with whatever situation that might develop?

Mr. BISCAILUZ. I will say this: That under the arrangement now of Federal supervision, and from what I have read of the plan, that I believe that we will be called upon at the time to assist the Federal forces and I know that with our auxiliaries and our volunteer forces I have mentioned, although it would be quite a task, that we can handle it all right, at least we will do our best.

Mr. BENDER. Is there anything further any of you gentlemen care to ask?

Mr. ROSECRANS. I do not think so.

Mr. ARNOLD. Thank you. If I am any judge, the affairs of Los Angeles County are in good hands in the fields of your endeavors.

#### FEW JAPANESE STUDYING GERMAN

Mr. BENDER. There were several gentlemen here, whose names I do not have, who before the hearing this morning indicated that an unusual number of Japanese students of the University of California were taking German courses. I asked one of our investigators to contact Mr. Harry W. Showman, registrar, at the University of California, and this is his report, for the record. Mr. Showman gave the following statistical information concerning Japanese enrollees in German-language classes before the entry of the United States in war.

The figures are based on the first semester before December 7, 1941. "Total University of California, Los Angeles, enrollment: 8,012; Japanese students, approximately 200.

Of the approximate 200 Japanese students, exactly 26 were taking any German at all; of the 26, 5 were taking courses in straight German literature, the remaining 21 the language itself. There were no Japanese taking scientific German.

The total enrollment in German classes was 508.

Mr. Showman stated that inasmuch as it is a requirement for undergraduates to take a foreign language, it is not unusual to find Japanese students in German-language classes, and that the above figures are in line with those of former years.

Mr. ARNOLD. The committee will stand adjourned until 10 a. m. in this room.

(Whereupon, at 4:30 p. m. an adjournment was taken until Saturday, March 7, 1942, at 10 a. m.)



# NATIONAL DEFENSE MIGRATION

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SATURDAY, MARCH 7, 1942

MORNING SESSION

HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE INVESTIGATING  
NATIONAL DEFENSE MIGRATION,  
*Washington, D. C.*

The committee met at 10 a. m., in the State Building, assembly room, Los Angeles, Calif., pursuant to notice, Hon. John H. Tolan (chairman).

Present: Representatives Laurence F. Arnold (acting chairman), of Illinois; George H. Bender, of Ohio; and Carl T. Curtis, of Nebraska.

Also present: Dr. Robert K. Lamb, staff director; John W. Abbott, chief field investigator; Francis X. Riley, field investigator; Jack B. Burke, field investigator; and Ruth B. Abrams, field secretary.

Mr. ARNOLD. The committee will come to order.

## TESTIMONY OF RICHARD B. HOOD, SPECIAL AGENT IN CHARGE, LOS ANGELES DISTRICT, FEDERAL BUREAU OF INVESTIGATION

Mr. ARNOLD. Will you give to the reporter your name and occupation?

Mr. HOOD. Richard B. Hood, special agent in charge of the Federal Bureau of Investigation at Los Angeles.

Mr. ARNOLD. The committee understands, Mr. Hood, that you have a statement to make to the committee. We will be glad to have it.

Mr. HOOD. Thank you.

Mr. Chairman and gentlemen of the committee, I appreciate the opportunity of appearing before the committee as the local representative of the Federal Bureau of Investigation inasmuch as we do not feel that yesterday's statement by Mayor Fletcher Bowron relative to the relationship between this Bureau and the Army and the Navy Intelligence Service is a true statement of the facts. With reference to the statement that there has not been sufficient cooperation in a practical way between the F. B. I. and the Army and Navy Intelligence Services, it should be stated that the present relationship between the organizations is practical, workable, and effective. Since September 1939, and not only since the declaration of war following the attack on December 7, but since September 1939, have the respective agencies been in constant collaboration on national defense matters. This relationship has been developed by the mutual ex-

change of information, daily contacts and weekly conferences between the designated heads of the organizations both in the field and in Washington, D. C. All information relative to national defense matters coming to the attention of this Bureau regardless of its potential military value, is immediately referred to the intelligence agencies and the military value of the information is determined by the Army and the Navy and not by the F. B. I. The fact remains that there is cooperation and coordination between the Intelligence Services and the F. B. I.; we have been advised of this by those agencies.

#### RESERVE OFFICERS IN F. B. I.

With reference to the statement that agents of this Bureau are not the ones to appraise the military value of information, it should be noted that almost 200 of the Bureau's agent personnel are Reserve officers in the Army of such skill and professional military attainment in that field that the War Department has seriously considered the necessity of calling them to active duty and has only deferred this action because of the realization that the services being rendered by these Reserve officers in the F. B. I. are so vital to the national defense as to permit their remaining in the Bureau's service.

A considerable number of Bureau agents over a period of years held Reserve commissions in the United States Navy and the United States Marine Corps and consequently these men are trained and skilled in military items.

In execution of the Presidential proclamation whereby the law-enforcement officers of the Nation were called upon to turn over all the information obtained by them of espionage, counter-espionage, sabotage, and subversive activities to the F. B. I., there has been an effective coordinated plan developed to utilize the services and facilities of all local law-enforcement agencies. The effectiveness of this program in protecting the internal security against the actions of enemy agents has proven its value throughout the country and especially in the Los Angeles area for by planned action with the Intelligence Services and with the assistance of local officers who have received training, attended conferences and conducted investigations and otherwise rendered their assistance on national defense matters, there have been 1,572 enemy alien apprehensions since December 7 last. This effective relationship with the Army and Navy Intelligence Services is continuing in order that the present program may be vigorously pursued.

#### SERVICE RENDERED TO ARMY INTELLIGENCE

As proof of the effectiveness of this agreement, as late as March 6 it was necessary for the Army Intelligence to call on the Bureau for information relative to a specific problem on the enemy alien control program and due to our numerous contacts and informant coverage in the western defense command, it was possible to obtain this information almost immediately and submit it to the Army Intelligence for their use. I am sure that if the committee called upon them, both the Army and the Navy Intelligence Service representatives will substantiate the statements relative to our relationship.

Mr. BENDER. Mr. Hood, have you had any disagreement with the mayor in connection with any incident or any individual case that the committee is not conversant with or that the community is not conversant with? Have you in mind any particular item that caused the mayor to take the position that he did regarding your organization?

Mr. HOOD. No, sir, there has been no such incident. Several weeks ago the mayor called to the attention of one of the officials in the Navy Department the fact that he did not think there was this cooperation between the Army and Navy Intelligence Services and our Bureau here, and subsequent to that I personally called upon the mayor for information in that regard but he was not personally conversant with any facts which he could give me. Likewise, the captain in charge of the local office of the Naval Intelligence personally called upon the mayor for the same information, but the mayor was not able to give him any facts to substantiate that claim.

Mr. BENDER. This committee is not composed of F. B. I. members: we are Members of Congress. But we do have staff members who have been working with your department here, and since the mayor's testimony yesterday I myself have spent considerable time making inquiry into your organization's activity. I personally find that your record is one that you can justly be proud of in this community.

I might add further, for the information of the citizens of this area, that I participated in debate 2 weeks ago when the appropriation for the ensuing year for the F. B. I. was up before Congress, and even though Congress is very critical of various agencies, not one word of criticism was uttered by the membership on the floor, or the members of the committee in charge of the bill. In fact, the comment was uniformly favorable. And whatever sins of commission or omission there are in connection with this war effort, certainly, as far as one member of the committee is concerned, I can say to you that the F. B. I. record has been excellent.

Mr. HOOD. Thank you, sir, very kindly. I am sure that is the effort of our Director and we will continue that to the best of our ability in cooperation with the Army and Navy Intelligence Services.

Mr. ARNOLD. Mr. Hood, have you had cooperation in the Los Angeles area from the mayor?

#### COOPERATION RECEIVED FROM LAW-ENFORCEMENT OFFICERS IN LOS ANGELES

Mr. HOOD. Yes. Our relationship has been, of course, with the law-enforcement agencies, as we are purely an investigative agency. The Los Angeles Police Department, the Los Angeles sheriff's office, and all the other law-enforcement agencies that we have called on have rendered excellent assistance.

Mr. ARNOLD. Does the mayor in this city have charge of the police force?

Mr. HOOD. As head of the city government, he does. There is a police commission which also directs the general activities of the organization. My relationship is, of course, with the chief himself.

Mr. ARNOLD. You have had cooperation from the police department?

Mr. HOOD. Yes.

Mr. ARNOLD. How would the mayor of Los Angeles have information with reference to your cooperation with the Navy and Army Intelligence Services?

Mr. HOOD. I have endeavored to ascertain that; at the time of my interview with the mayor he stated he personally had not talked with the heads of the Army and Navy Intelligence Services here, and his information was second-hand.

Mr. BENDER. Let me ask another question, Mr. Hood. Do you have knowledge or information concerning any particular investigation, which your department was indifferent to carrying through, based on information that was supplied to you by one in authority in an official capacity here in this area?

Mr. HOOD. I do not, sir. Of course, I think it should be considered that the information that we receive that may appear to be important to the individual contributing it, in the light of the facts we already have may be absolutely unimportant; and on the other hand, what many persons deem of no value is to us of great importance. We endeavor to evaluate information in the light of what we already have.

Mr. BENDER. Without giving the number of persons engaged in work in connection with your bureau, do you feel that you could use additional men in connection with your work in this area?

Mr. HOOD. Yes. I am sure that we could. I think that is a true condition throughout the country.

Mr. BENDER. You are not working on an 8-hour-day schedule?

Mr. HOOD. Not by any means; no, sir.

#### MOST INFORMATION GIVEN IN GOOD FAITH

Mr. CURTIS. I would like to ask a question or two. In reference to the assistance that citizens render the F. B. I., generally, in turning in information, is the greater part of that information helpful, or are you bothered considerably by what might be termed cranks and publicity seekers in reference to the information they bring to you?

Mr. HOOD. We constantly receive a great flow of information both by personal interview and communication from outside individuals. A great deal of it does fit into the cases we have under investigation. We frequently receive numerous complaints relative to the same individuals, and that is the basis for investigation in many cases. Obviously, we do receive a great deal of information of absolutely no value, but it is given in good faith and until we check it ourselves we cannot evaluate that information.

Mr. CURTIS. I will state my question a little differently. Are you bothered with very much information that is not given in good faith?

Mr. HOOD. A very small part of it is not given in good faith. We have had a few instances of where people have endeavored to obtain publicity for themselves or cause embarrassment to other people, but those have been relatively few.

Mr. CURTIS. I am very glad to hear that, because it not only assists your department but it shows the wholesome respect of the American people for your bureau.

RESPONSE FROM JAPANESE NOT SATISFACTORY

One other question in reference to the receipt of information: Have you found, over the past months, that the Japanese, whether they be citizen or alien, have been willing and cooperative and anxious to give you facts to help them clean their own house of disloyal people as compared to others?

Mr. HOOD. As compared to the number of them in the territory there has not been the response that we feel we should be getting at a time such as this.

Mr. CURTIS. In other words, they are not quite as anxious to inform against their fellow Japanese as some other groups are?

Mr. HOOD. That is correct.

Mr. CURTIS. That is all.

Mr. ARNOLD. Mr. Hood, we thank you for coming here. From the information we have gotten throughout the country, along the west coast especially, so far as we are concerned the F. B. I. is not on trial. They have already performed, but, of course, we appreciate having the mayor on the stand and he may have grounds for complaint that we don't know about. We are glad to have the information from him and we are glad to have you come here and tell the side of the F. B. I. We appreciate your testimony.

Mr. HOOD. Thank you, sir.

Mr. ARNOLD. Mr. Hood, the occupational tabulations and the information concerning language schools will be inserted in the record at this point.

TABULATION SUBMITTED BY RICHARD B. HOOD, SPECIAL AGENT IN CHARGE OF THE LOS ANGELES DISTRICT OF THE FEDERAL BUREAU OF INVESTIGATION

*A list of the occupations of 400 Japanese aliens in Los Angeles County, Feb. 25, 1942*

Barber.....	1	Mechanic.....	1
Box maker.....	1	Merchants.....	27
Chemist.....	1	Ministers.....	5
Cooks.....	17	Nurserymen.....	26
Dishwasher.....	1	Nurse.....	1
Domestics.....	4	Restaurant owners.....	5
Dressmaker.....	1	Retired.....	8
Farmers.....	64	Salesmen.....	7
Gardeners.....	68	Sailor.....	1
Housekeepers.....	7	Store clerks.....	10
Housewives.....	117	Unemployed.....	13
Janitors.....	3		
Laborers.....	4	Total.....	400
Laundry workers.....	3		

*A list of the occupations of 200 Italian aliens in Los Angeles County, Feb. 25, 1942*

Apartment owner.....	1	Office clerk.....	1
Artist.....	1	Peddlers.....	4
Bartender.....	1	Presser.....	1
Barber.....	1	Railroader.....	1
Butchers.....	2	Painters.....	3
Beauty operator.....	1	Real-estate broker.....	1
Brick mason.....	1	Retireds.....	12
Baker.....	1	Students.....	2
Concert pianist.....	1	Seamstresses.....	5
Cooks.....	2	Shoemakers.....	4
Contractors.....	2	Saleslady.....	1
Clothing finishers.....	7	Shoeshiners.....	2
Cement mason.....	1	Sign painter.....	1
Caster.....	1	Salesmen.....	4
Domestic.....	1	Sand blaster.....	1
Farmers.....	2	Typist.....	1
Fish peddler.....	1	Tailors.....	2
Housewives.....	60	Truck driver.....	1
Hat cleaner.....	1	Unemployed.....	28
Janitor.....	1	Vegetable peddler.....	1
Lead refiner.....	1	Waiters.....	2
Laborers.....	17	Watchman.....	1
Merchants.....	7	Wine maker.....	1
Mechanics.....	4		
Nurse.....	1		
Nurseryman.....	1	Total.....	200

*A list of the occupations of 200 German aliens in Los Angeles County, Feb. 25, 1942*

Bus boy.....	1	Nurse.....	2
Bus driver.....	1	Pipe-liner.....	1
Blacksmith.....	1	Paper carrier.....	1
Butler.....	1	Painter.....	1
Butcher.....	1	Photographer.....	1
Caster.....	1	Office manager.....	1
Cashier.....	1	Retired.....	4
Chauffeur.....	1	Radio technician.....	1
Cleaning and pressing.....	1	Salesladies.....	6
Contractors.....	2	Salesmen.....	23
Cooks.....	11	Shipping clerk.....	1
Domestic.....	12	Soda-fountain clerk.....	1
Dishwasher.....	1	Stenographer.....	1
Electrician.....	1	Students.....	5
Fur finisher.....	1	Soldier.....	1
Gardner.....	1	Truck driver.....	1
Housewives.....	43	Tile layer.....	1
Garment cutter.....	1	Tool- and die-maker.....	1
Janitor.....	1	Unemployed.....	26
Laborers.....	14	Watchmakers.....	2
Movie extra.....	4	Waitresses.....	3
Mechanics.....	7	Waiter.....	1
Machinists.....	4		
Machine-shop owner.....	1	Total.....	200
Maid.....	1		

Number of language schools in Southern California Federation..... 38  
 Number of language schools not in federation (including 6 in San Diego  
 and 1 in Arizona)..... 76

Total..... 114

Schools reporting 6,308 pupils..... 82  
 Schools which did not report..... 32

Total language schools (including 6 in San Diego and 1 in Arizona)..... 114

Mr. ARNOLD. The United Citizens Federation.  
Now, will each of you give your full name for the reporter?

**TESTIMONY OF TOKIE SLOCUM, TOGO TANAKA, SAM MINAMI,  
FRED TAYAMA, AND JOSEPH SHINODA, MEMBERS OF THE  
UNITED CITIZENS FEDERATION**

Mr. SLOCUM. My name is Tokie Slocum.

Mr. TANAKA. Mine is Togo Tanaka.

Mr. TAYAMA. My name is Fred Tayama.

Mr. SHINODA. Joseph Shinoda.

Mr. BENDER. For the information of the audience, there must be no demonstrations of any kind and there must be a courteous and respectful hearing accorded every witness or the hearing room will be cleared.

Mr. ARNOLD. I shall address these questions to Mr. Tanaka and he can have any one of the panel answer that he sees fit.

What is your occupation and the occupation of those appearing with you, Mr. Tanaka?

Mr. TANAKA. I am editor of the Los Angeles Japanese Daily News.

Mr. ARNOLD. In what representative capacity are the others appearing?

Mr. TANAKA. Mr. Slocum is a member of the Veterans of Foreign Wars, and on the Board of the United Citizens Federation. He is also a member of the American Legion, having served overseas.

Mr. Tayama is chairman of the Southern District Japanese-American Citizens League and an insurance man by profession.

And Mr. Shinoda appears here as a representative of the United Citizens Federation. He is in the floriculture business as head of the San Lorenzo Nursery Co. of California.

Mr. ARNOLD. As you may know, the committee is primarily a fact-finding committee. I understand that the local Japanese committee has prepared an analysis of the various phases of the economic life of the community. This will be received for the record. We have heard representatives of Japanese groups at our previous hearings in San Francisco, Portland, and Seattle, and are anxious to hear your presentation, representing as you do the largest Japanese community in the country. All the previous witnesses, I might say, have stressed the fact that they were loyal Americans and were anxious to cooperate in any move deemed necessary for national security.

Suppose we begin by having each member of the panel make a short statement. I understand you have agreed among yourselves on how to allocate your testimony.

Mr. TANAKA. Yes. It is our understanding, sir, that you have collected and compiled much data, and whatever we may have to submit here at this time will merely check or confirm material you already have at your disposal.

We felt that in view of the developments that have already taken place, and definitely in view of our absolute desire and willingness to take a responsible part in this war effort, we are proceeding here from the point that nothing we do is too much of a sacrifice for our country. In this matter of evacuation that has been brought before your committee, we are here to lend every cooperation to the proper

Federal authorities and to this committee here in supplying you with things that we feel will be helpful to this board.

I think that if it is in order we would like to have inserted in the records of the testimony something that would reflect upon our feelings as loyal Americans on this whole problem here and as they bear upon problems that are local.

Mr. ARNOLD. What do you wish to insert?

Mr. TANAKA. We have here, if I may call it to the attention of this committee, a copy of an editorial that is appearing in the Los Angeles Japanese Daily News of March 8 (that is tomorrow) which we would like to have inserted, if we may read it.

Mr. BENDER. You go ahead.

Mr. TANAKA. It is a comment on the hearings, some of the testimony that was presented here yesterday and I would like, if I am in order here, to read this editorial. It is entitled "An Open Letter to Mayor Fletcher Bowron." I don't wish to bring personalities into the testimony except that it will give you some idea of some of the things that are going on in the minds and hearts of people who look Japanese but who, in reality, are American.

The letter, or rather, the editorial, follows:

#### AN OPEN LETTER TO MAYOR FLETCHER BOWRON

On Thursday night over KECA you answered the grand jury accusation charging you with "willful and corrupt misconduct and misdemeanor in office."

You said:

"I know this is still America and worth fighting for because I am permitted to tell you the facts."

As you spoke, old memories came to life.

We recalled how you, as Judge Fletcher Bowron, were once a minority candidate crusading for a cause that looked hopeless.

Your broadcast Thursday night was lengthy but clearly and well stated.

We remembered how our idealism for principle and civic virtue had sent us headlong into the battle for you.

How we campaigned in our small way. How we button-holed our friends to vote for you. How happy we were to have had a part as a citizen of this great city in these affairs.

This may appear irrelevant, but we are getting to the point.

You were our mayor. We were proud of you.

If we had the choice between the administration now occupying the city hall and your predecessor's, we would still prefer yours.

But there is this other thing, too.

We heard you testify Friday morning before the Tolan congressional investigating committee in the State Building.

The metropolitan newspapers have been picturing you to some people as a race-baiting, excitable man who one day yells up and down to "intern all the Japs—aliens and citizens alike—" and then the next day shouts louder because the Army has designated a site.

If you could only know the terror you've been credited with raising in the hearts of helpless old women and distressed little children!

But we've never been excited by all this hullabaloo about our mayor.

We're going to keep cool. We've got to be objective.

This is a great crisis, not only for ourselves as individual Americans—of whatever racial extraction—but for our Nation itself.

On Friday, testifying before the Tolan committee, you said:

"I still believe that on the part of a large number of American-born Japanese, possibly the majority, their avowed patriotism and loyalty is sincere."

You also said that local Japanese have caused very little trouble; that they have been "law-abiding and industrious."

However, when you were asked whether boards should be set up to hear extraordinary cases of persons affected by any Army evacuation order, you said

you were flatly opposed to having American-born Japanese given that opportunity.

For German and Italian aliens, the board hearings would be all right, you said.

But for American citizens of Japanese origin, you said "No," because, "once you start making exceptions, you get into hot water."

In effect, you would deny to native-born citizens what you would grant to Axis enemy aliens.

Is this Fletcher Bowron, Americanism champion, speaking?

We have never believed that anything other than military necessity really entered into your decision to campaign for removal of Japanese from coastal areas.

We have had faith in your integrity as a man of principle.

We have insisted, in the face of mounting criticism against tactics alleged to you, that you are not the kind of person who pushes people around.

"Let's be good sports, fellows. The mayor's got a tough job, after all. We had just better try harder to clean out the pro-Japan elements in our population. That means closer cooperation still with the Federal Bureau of Investigation and Intelligence Services. If we could guarantee that all dangerous persons had been rounded up, he probably wouldn't have to say the things he has. 'we've explained off your actions.

We have always tried to believe that you have been kindly, courageous, and honest and that you have consistently stood against fraud, deceit, greed, and cruelty.

We have said:

"The mayor knows that the majority of us are loyal and good Americans; that we share nothing with Japan in this war; that we are doing our individual utmost to win victory; that our homes, our friends, our dear ones, our livelihood, our spiritual convictions are rooted here, in America." We have thus reassured ourselves these past few weeks.

We have said further:

"If Mayor Bowron is as discerning a man as we believe him to be, we know that he recognizes us as Americans. He knows that we who are loyal prefer democracy to any other principle of government. We feel he can see through our exterior and see in us citizens no different from Bill Jones."

We have repeated that statement to our friends who have been disturbed every time the newspapers reported your discovery of an Indian reservation.

Somehow, the first tinge of doubt in all our high illusions about you crept in at Friday's hearing before the Tolan committee.

You acknowledged that many of us, "possibly the majority," in your opinion, are loyal Americans.

Yet, in the treatment of us, you would deny to all of us that which you would grant to German and Italian aliens.

You have been the spearhead of press publicity for uprooting all of us from the only homes we know.

Yet, before the Tolan committee, you had no definite plan, either for evacuation or for taking care of the economic and business dislocation in Los Angeles after we are gone.

You consistently referred to the responsibility of the Federal Government. In a word, you passed the buck.

At long last, we were without an answer for the critics who condemn us for defending you.

"Why, he is just a politician after all. He's been reaping a whirlwind of publicity and reams of space in the newspapers. Is he building himself for political aspirations? When it comes down to constructive planning and a practical solution to the problem, he's got practically nothing," one reader who attended the hearing said to us.

We still can't believe that completely. We still have faith in your honesty and judgment.

To us, this is a war of ideology we are fighting. It is a life-and-death struggle to determine whether we shall live in a world where individual human dignities and decencies shall be respected or a world in which they shall mean nothing.

To us, this is not a racial war, as the Axis propagandists would have you believe. We prefer to die for democracy than to live in a totalitarian tyranny.

We mean it from the bottom of our hearts when we say that no sacrifice is too great for our country.

What we have already done for our country's victory, we have done cheerfully. What we shall do from this point on, we shall do with the same American spirit.

We have always respected your intelligence, open-mindedness and tolerance.

We do not believe all our problems can be solved successfully by any set pattern. We make allowances for mistakes.

We may not be here very much longer.

We assure you, however, that we shall always crusade for those who seek constructively to improve the way men live together.

"We take pride in knowing that the harder the conflict, the more glorious the triumph."

In your own words, may we say:

"I know this is still America and worth fighting for because I am permitted to tell you the facts."

We should like to have this, if it is in order, inserted in the record as an expression of feeling and sentiment that we feel represents the American of Japanese ancestry in this area.

Mr. BENDER. The statements you are making before this committee will all be in the record.

Mr. ARNOLD. Now, we will continue with the questions and you designate who is to answer.

Would you describe to the committee the chief problems that arose in the evacuation that already took place and what measures should be taken to deal with them?

Mr. TANAKA. Mr. Tayama will answer that.

#### CHIEF PROBLEMS IN EVACUATION

Mr. TAYAMA. I believe at the present time, because we do not know just where we could go, the majority of people are in confusion. We would like to have designated just where we can go and what we can do so that these people can dispose of their properties, their businesses, and whatever they have to the best of their advantage and then prepare themselves to do something which might be helpful to our national defense.

I believe that if some work was given to them, something that they can do to help our country in this crisis, it would give them not only work but it would make them feel the responsibility that is theirs as a part of this great Nation.

Mr. ARNOLD. Now, that is with respect to future evacuations. The next few questions I wish to ask you deal with the evacuation that has already taken place from Terminal Island and others. In that connection the committee would like to know what chief problems arose, and if you know, what measures to correct anything that happened were taken, any discriminations or troubles that arose in connection with that evacuation. And also in that connection whether or not you have learned of any buying up of property of Japanese at a low price?

Mr. SHINODA. Sirs, I would like to bring up this matter of efficiency of evacuation.

Mr. ARNOLD. Efficiency?

#### UNCERTAINTY CREATED BY EVACUATION ORDERS

Mr. SHINODA. Yes. The order of the day is evacuation. We believe that total and complete evacuation is more difficult and creates more dislocation and would be far more inefficient than almost total evacuation. By that I mean this: The farmers in the outlying districts, the merchants, the home owners, the property owners, feel that

if America will do this to citizens, a body of citizens who the mayor of this city and who many of the investigative bodies recognize as largely loyal, because of the small minority, not that they think are disloyal but they are not sure of the people here of Japanese ancestry feel that if America, the land of freedom, the land of liberty, will do that to us, they feel somewhat uncertain as to what to do with their properties.

They don't feel completely free to leave them in trust. They don't feel at present simply that they should abandon them. So I would recommend that certain assistant custodians, if necessary, or certain certified known loyal Japanese, Nisei citizens, be delegated to receive the assignment of these crops, to receive the custodianship of these crops by their fellow Japanese citizens, if it must be they have to go.

You would get a more orderly evacuation. You will get a speedier evacuation; and you will get a far more willing response. We feel that we should cooperate. We are cooperating.

Recently, I called a man in Chicago about this matter of evacuation and he said, "Joe, if they wanted my building today, if the Army wanted my equipment, I would give it to them willingly. If they wanted my services, I would go." That is our position also. If they wanted anything of us, as citizens, if they wanted us, our physical being for military duty, or for any other duty necessary to this Nation, we would give it willingly and gladly. But when they ask a citizen who has not, up to now, questioned any of the sanctities that we have here with our liberties, when they ask us to evacuate, that, I say is a denial of our citizenship.

#### EFFECT OF UNCERTAINTY ON PRODUCTION

In connection with that, I think even from an evacuation point of view, some consideration should be given to the total over-all picture. Should we hurt our defense efforts by quarantining and requiring watchmen and large outlays of expense to immobilize the working group of people who can produce for the defense effort? It would appear to me that it would be far more intelligent, from a purely productive basis, if there were some disloyal Japanese, to put a guard on them in the areas where they can produce and make them produce twice as much, instead of spending the large outlays of money necessary to quarantine them and reduce our defense effort, reduce our war effort, reduce the actual production of tomato juice, for instance, by the amount that you take away from production.

Not only in that sense would this be valuable, but many of the officials, many of the merchants, are alarmed that many farmers are not now putting in their entire efforts for greater production. If the things I suggest were coordinated, and a few selected Nisei were told now, not after the war, and not by any certificating board later, but before the damage is done, if a few were pointed out now, the entire district in which those few were residing would continue their production on an all-out basis, knowing that one of their group would not try to take the entire business away from them; that they could go and they could see that their interests would be looked after.

I feel that the analogy of trying to get a man to work hard, plant more crops, produce all he can, with a threat of evacuation hanging over him, is like telling a man to polish up his car, to fix up the motor, the finance company is going to take it, and maybe he will get a little

equity, but maybe he won't. And whether a man is a Jap or anything else, it is against all human nature to expect that he will put his heart and soul into that effort. If the entire program were predicated on the basis of making the most of the Japanese situation, rather than to kick them all out regardless of whether they have a consistent record of loyalty for 30 years or not, I think that you would accomplish all that you want much more speedily, much more rapidly and efficiently, and much more happily for our entire war effort.

Mr. ARNOLD. Do you feel, Mr. Shinoda, that there should be an alien property custodian appointed immediately and do you believe that your Japanese group would feel better if he could have on his staff a Nisei who would look after the Japanese property in detail?

Mr. SHINODA. Yes; I do.

Mr. ARNOLD. You are also advocating that some Japanese be allowed to remain and engage in farming and also in business?

Mr. SHINODA. I would say only those who were necessary to continue the farming operations and the related lines.

Mr. ARNOLD. What about their safety? I don't mean especially from attacks by the white race, but from the Filipinos or others with whom Japan is at war? We have heard rumors of conflict between Filipinos and Japanese along the coast.

#### WOULD FEEL SAFER IN PRESENT ENVIRONMENT

Mr. SHINODA. I was born in Alameda County some 33 years ago; I went to grammar school in Alameda County; I went to high school in Los Angeles County, and graduated at college here. By and large I would rather depend upon my friends here, upon the people I have known for 30 years, rather than to risk evacuation.

Furthermore, in our Alameda County, we still have a large establishment, and it may assist the group to know that we have employed there some 12 Filipino boys. The Filipinos have taken us, having known us for a long time, as Americans and they have come forward and asked that they be employed. There is a very good employer-employee relationship. Personally I don't fear for my safety here among Californians who know us, who have seen many Japs and who would not feel that an imperial army representative arrived every time they saw a strange face. I would feel much safer here, from a protection standpoint, but I also feel that even if the legal aspects of our civil liberties are more or less in the state of suspension, the average human being in Los Angeles County is to be depended upon. I haven't lost entire faith in the human beings here if sometimes I do doubt what they have done to us.

I think that in time to come the complete and utter disregard for our right to make a living, to share in the defense effort in this area where we make our homes, where we pay our taxes will some day appear as a very black page in American history.

Mr. ARNOLD. Of course, there haven't been many casualty lists printed yet, but suppose the war should soon move to Australia and say, 25,000 or 50,000 American boys were killed, and there would only be left here perhaps several hundred Japanese in this area, do you still think there would be sufficient protection?

Mr. TANAKA. May I point out that Mr. Shinoda's views were to call to your attention what he thought would be an effective and

speedy manner of evacuation and resettlement; and that when he places the emphasis, there is no intent on his part to say that the policy already outlined and announced is wrong.

I have a plan here which I would like to give to the committee. It is a plan for resettlement submitted by the United Citizens Federation.

Mr. ARNOLD. I would be glad to have those for the record. Just give them to the reporter.

#### WANTS RIGHT TO PROVE LOYALTY

Mr. SHINODA. Answering your question as to what I think would happen if these casualty lists came in from Australia, I feel that if this war is not on a race basis, but on a clash of national interests, if there are Chinese still remaining, and there are Koreans still remaining, it is not impossible that loyal Japanese could not remain; and those of us who are perfectly willing to stake our lives and our futures on the American way will stake also our safety here.

As to what I said, I didn't intend to make any reflection on Mr. Tanaka. What I mean to say is that while I do believe the general policy is right, that making the basis of evacuation a matter of disloyalty is something that any right-thinking American citizen is entitled to a hearing upon. Even if you take a piece of tangible property from a man, even with only a \$50 value, the Constitution protects him in its provision that due process of law be exercised before this is done.

But when you evacuate an entire group, when you evacuate everyone without regard to loyalty or anything else, you take an American citizen's most precious possession away from him without any due process of law.

When you deny the rights of citizenship and tell him that he can't even participate in the war effort by producing, let us say, more tomatoes, you are taking away from a citizen his most precious property, intangible property, to be sure, but you are questioning his loyalty, and I think that since our Constitution even now would protect us from dispossession and confiscation, it would be only fair to give us some consideration or some form of trial so that at least when we leave we don't leave under the cloud of disloyalty.

Mr. CURTIS. May I say something right there. I don't believe anything will be gained by assuming that everyone who has to be evacuated is disloyal. These military decisions must be made upon the basis of the best judgment of those military authorities who are in charge. All the rest of us will have to comply. It will be tough, it will be cruel, there will be hardships.

Sherman had an idea of what was war, but that was a long time ago and it is old-fashioned. But that is going to fall upon every American.

I live in a little town of 1,700 people. One of the car dealers there sells automobiles. He did sell automobiles, radios, washing machines, and tires. His Government at Washington says, "You can't sell any of those things. You can't even buy them."

It so happens that that family has two sons in the armed forces and a third one about to go. Well, now, they are not sitting down at their supper table and talking about their liberties and their rights to do business and their precious things being taken away. It is one

of those things that all of us are just going to have to take on the chin and like it.

I don't mean to sermonize, but the point is that I hope that the loyal Japanese will feel that in complying with a military situation, that in that very compliance you are rendering a service to your country.

#### WANTS RIGHT TO PARTICIPATE IN WAR EFFORT

Mr. SHINODA. Just one point. I would like not to take issue with you but I would like to point it out. It is true that there has been some protest but please understand me. It is not on the basis of rights. It is not on the basis that our civil liberties are suspended. It is not on the basis of what we are entitled to in rights. In my business it is the same. We grow flowers and flowers are unnecessary. We can't get the needed sprays. Some of the things take tartar emetic or compound of antimony. There is no more. Fertilizers are now going to essential vegetables. You can't get them any more. Those things are ordinary. We not only expect them, we willingly cooperate. We don't say anything about our rights because, as you just stated, it is true that this is war. We have to realize that some of the things in war can't be carried on efficiently and effectively if everybody stood upon every frill of rights.

But the one thing that we would like to point out to you is that we are not speaking on rights. We are speaking on the denial of the possibility of making those sacrifices that you speak of. If we are evacuated, what can we contribute to the defense effort? I can't see that there is any intelligent scheme there if they make a farmer, who is producing tomatoes for their vitamin content, let us say, stop producing right now. Following your line of reasoning, it would be best that he sacrifice some of his luxury items and produce tomatoes all-out.

But here in evacuation the Government denies him the right to produce those tomatoes and, in our case, it denies us the right to close up our business on account of priorities. We don't have any participation in them.

The gentleman you spoke of gave up his radio business. He had to. Or his tire business. That is not what I am kicking about. What I say is not right is that you deny us the right to give up our business. It is not exactly a matter of protest of rights; it is a matter of denying us the chance to work on this entire thing as citizens.

Mr. ARNOLD. Have any Japanese citizens and aliens tried to evacuate voluntarily? If so, where, and with what success?

#### VOLUNTARY EVACUATION

Mr. TANAKA. I would like to call to your attention that there has been one group reported to us, now being checked, a group of 10 or a dozen families that have moved on to Utah. The success that we have had reported to date is negligible. The planning was not proper and it seems the reception upon arriving was none too favorable. The group is still disorganized and has not been able to locate a place. Another small group of four or five families, we understand, have gone to Nevada. Undoubtedly, those examples are multiplied many times and are taking place today.

There is one disorganized effort on the part of the people to voluntarily evacuate, to sell out their business and to resettle in inland cities and rural areas.

You mentioned, sir, the Terminal Island situation and the one thing, of course, that I think Miss Ryder of the Federal Social Security Board pointed out yesterday was the suddenness of the order and the confusion that resulted from it.

The two big problems have been first, the place where they might go. The destinations have not been designated. Secondly, the matter of disposing of their property. A good deal of property has been in the form of fixed physical assets, things that cannot easily be disposed of, and the pressing problem seems to be that of setting up alien custodians or some means of conserving property values for the citizens groups also.

This matter of not having the funds or the resources to get to a place, and the uncertainty after arriving there of not knowing whether or not the people have enough for getting along on, is one of our problems.

#### LOCATION OF TERMINAL ISLAND EVACUEE

Mr. ARNOLD. Where did those people go from Terminal Island? Did they go inland, or did they settle here?

Mr. TANAKA. Most of them, as I understand it, are in temporary shelters in Los Angeles. They have been absorbed by friends and families. Some of them, I understand, are camping in the back yards of friends and relatives in Boyle Heights. Some are in the structures once occupied by the language schools. Some are in the Christian churches here. I don't know whether any accurate survey has been made of housing facilities at the present time. It is our understanding that the majority of them are still in this area here, awaiting orders to go on.

Mr. ARNOLD. Have many Japanese left or lost their jobs since Pearl Harbor?

#### UNEMPLOYMENT PROBLEM

Mr. TANAKA. The unemployment problem has become acute, increasingly acute in the last few weeks, and that dismissals and loss of jobs, loss of businesses, is one of our major problems.

Mr. MINAMI. May I bring out this: In the wholesale produce market since the Pearl Harbor incident, many of the aliens have been denied licenses by the State, and, therefore, many wholesale houses have had to close, throwing quite a number of employees out of jobs.

Also, because of that incident, it has affected the retail business tremendously. Japanese employees have been continuously fired and at the present time, because of this evacuation movement, many stores are being sold out at quite a cheap rate of exchange and simultaneously, the Japanese employees who are employed by Caucasians are continuously being released from work.

Mr. ARNOLD. Who are buying those stores? What nationality are buying those stores?

Mr. MINAMI. We don't have a record of that but probably any nationality that has connections with the wholesale produce business.

In the Hawthorne territory we have records of actual cases where farm implements and crops have been bought at quite a cheap rate.

Mr. TANAKA. May I point out, sir, that the fifth member of our panel is Sam Minami, of the Junior Produce Club.

Mr. TAYAMA. May I further add about the condition at Terminal Island. When that order came from the Navy to evacuate within 48 hours, there were 178 families, about 800 people, and because the heads of the families were fishermen, they were all interned, leaving women and children. At the present time, as Mr. Tanaka pointed out, they are at the homes of friends, churches, and the various other organizations. They are awaiting orders as to where to go, and because they are women and children, they are one of the most pitiful cases to see. Of the 24 families that we asked aid for through Miss Ryder, only 16 received actual aid. I know from the financial report that the funds of some of them have become exhausted. They have no means of income. If they are to be moved they must receive some sort of aid.

#### DEPLETION OF RESOURCES FOR RELIEF

Mr. ARNOLD. Does the Japanese community possess any resources to carry out emergency relief measures?

Mr. TANAKA. The resources have gradually been and are being depleted. As pointed out to us by Mr. Richard Neustadt of the Social Security Board in San Francisco, of the \$500,000 to that Government agency for evacuation and for removal of these people from certain areas, only about \$5,000 of that money has been used. He was a little bit puzzled as to the reluctance or hesitance on the part of these people to apply for that.

Through our newspaper, we know definitely that welfare funds for which we have been campaigning have been generously donated by these people and we presume—we have no definite figures to show—that the surpluses that these people have either built or up have accumulated as a result of disposing of their businesses is the only thing they have to go on. How big that is, we can only guess, but we don't feel that it would take them very far on the basis of evidence all around us at the present time.

Mr. ARNOLD. We have heard up and down the coast that Japanese farmers have not been planting their usual acreages as a result of the uncertainty. What do you know about that in this area?

Mr. MINAMI. That is true. The reason for that is, that as yet no Government custodian has been set up. I feel that if a Government custodian were set up immediately some of these farmers would plant with confidence. However, knowing that they have to evacuate and not knowing whether they will be compensated for their labor and their financial investment in the crops, they are refraining from planting.

#### EFFECT OF UNCERTAINTY ON FARMING OPERATIONS

Now, since the Pearl Harbor incident, most of the Japanese agents have been so uncertain that they have almost refrained from planting completely. However, the Niseis or the Japanese-American citizens, feeling that they have had and would have their rights restricted, have

been planting a certain percentage of their former crops. But now that the movement of evacuation is current they, too, without having any assurance of immediate Government custodianship, are refraining from planting because they feel that instead of investing their money in crops, that they should save that money for future evacuation expenses.

Mr. SHINODA. I don't believe, as I said before, that a mere appointment of Government custodians would result in the immediate resumption of farm activity on an all-out basis. I have talked to farmers. I am classified as a farmer myself, despite my appearance of not being one. I don't believe that you could get that without some definite set-up to assure them of their continuing interest rather than an arbitrarily stated valuation procedure such as would be absolutely necessary under custodianship because any farmer who has farmed or bought farm produce knows that it is virtually impossible to take a crop over at any intermediate stage of growth short of full production and place a value as to the amount of money expended in that crop up to that point, and with such a delicate problem their simply appointing custodians, I don't think, would accomplish the desired result.

Mr. TANAKA. When this problem of planting came up, the local newspapers urged the farmers that regardless of what the imminent steps appeared to be, to keep on planting whether they were aliens or citizens. We felt that we were correct in telling these people, "You have a job to do in the defense effort, food will win the war and will write the peace, and you should trust completely the Army and the Government in this matter."

I believe that essentially that is the position today, that while there is a good deal of confusion, nevertheless we feel that the desirable thing would be to continue planting so that nothing will be lost in food production.

#### POPULATION CONFUSED BY REGULATIONS

Mr. ARNOLD. Let me ask you this question: Have the local Japanese populations been adequately informed as to the meaning of the various regulations affecting them? Do they know where to go for advice and how to get it?

Mr. TANAKA. I think that possibly has been one of the weak points in the carrying out of regulations. Personally, I don't believe that we have had effective enough means to reach them.

Mr. ARNOLD. Has any unnecessary hardship been created resulting in the confusion, whether it was intentional or unintentional?

Mr. TANAKA. Yes; confusion has existed in this particular area.

Mr. ARNOLD. Someone has touched upon the effect on Japanese enterprises by restrictions on their licenses, that is, by the State. Have there been any restrictions by the local government in licensing?

Mr. TANAKA. None at all by the city or the county, except in check-ups to determine whether a person was an alien or a citizen.

Mr. ARNOLD. Have your usual social contacts with the Caucasian citizens been disrupted because of the war? Have there been the same contacts with the white race as you had before?

Mr. SLOCUM. No. In that instance, I would like to say that in some cases, anyone who is politically minded seems to have dropped

us, whereas, those who are truly Christian or right-down good folks have been more sympathetic than ever before and they have gone out of their way to try to understand our situation.

#### VETERAN OF LAST WAR

Now, permit me to say, sir, that I happen to be a veteran, having had three immediate relatives in the last war, one of whom got killed and is buried in England. The other one got his eye knocked out at Vimy Ridge and is a disabled veteran, and I am, myself, a disabled veteran. I have four relatives in this war; three in the Canadian Army and one in Fort Snelling, Minn. Consequently, I am glad to hear Joe Shinoda's side being presented to you.

The side that I present to you is one of a veteran's viewpoint. I served as sergeant major in the Three hundred and twenty-eighth Infantry in the same regiment with Sergeant York, of Tennessee; I am department chairman of a naturalization and citizenship commission for the Veterans of Foreign Wars of California, which may seem very funny to you, but that's where they put me. I am a member of the department of public relations committee for the American Legion, and I am chairman for the anti-Axis committee which is the only war cabinet ever existing in Little Tokio, so to speak.

Such being the case, my view is one of "militantly winning the war policy." As this gentleman of Congress stated a little while ago, this is wartime so any price we pay is not high enough for us to win the war. That has been the policy of the anti-Axis committee. I do not mean to be disrespectful to Mr. Hood of the F. B. I., but I want to say this: That practically every member of my committee of the anti-Axis committee of the Japanese-American Citizens League of the Southern District Council has cooperated to the best of his ability at his own expense, time, and energy, by exposing what they term to be "subversive activity" here in our part of California. We really have.

#### COOPERATION WITH FEDERAL AUTHORITIES

Not only that, but if you will kindly investigate you will find that the anti-Axis committee has also cooperated faithfully, sincerely, and diligently with the United States Naval Intelligence and the United States Army Intelligence. In many instances when we were called upon to do so, we cooperated with the police and sheriff and district attorney.

One thing I have stated very, very definitely to my people is this: Cooperate with the F. B. I., Naval Intelligence, and the Military Intelligence. The reason for that is this: There are many reasons, but when we work with local or municipal intelligence services—I won't mention any, but you know who I mean, not the Federal, but the other law-enforcing agency—facts we gave in all sincerity were twisted sometimes and used for political purposes. That abuse has occurred to us many times, so I said to every member: "Now, look, we will cooperate with the gentlemen of unquestionable integrity," that is the F. B. I., as you stated, and Naval Intelligence. You take Lieutenant Commander Ringle, you take Lieutenant Commander Stanley, we have never gotten better treatment. My God, if it weren't for their guidance and inspiration in the dark days, I don't

know what we would have done. They have been our counselors; they have been our advisers. My goodness, they have done everything for us.

## APPRECIATES HIS CITIZENSHIP

Now, if I may go on a little more; sir: I happened to be born in Japan. Consequently, my citizenship was given to me by a special act of Congress. As you remember back in 1935, there was a bill called "Nye-Lee bill." I may have met some of you gentlemen. I know I called on everybody. By golly, I was a Jap. Yes, sir; we got that bill through and I benefited, Koreans, Chinese, and Japanese, a bunch of them, about 1,000 of them benefited. Consequently, having fought for the country and then having to fight again for my citizenship, I appreciate the meaning of citizenship. Everybody admits that. The most militant organization in California, the Veterans of Foreign Wars, made me their State chairman, which, by golly, I'm doing a good job, too. Check up on it.

Not only that, Your Honor, but I want to say this: You know we vets think in the terms of this gentleman here. This is wartime and military must rule because we are dealing with a bunch of military cutthroats across the Pacific, and we are dealing with a bunch of military racketeers on the other side of Europe, so we have to be just as tough and hard-boiled as they are. Let's be hard-boiled enough. It is so, folks; and, by golly, the way the war is going now, it's going to be awful tough for us to win this war if we don't wake up.

And let me tell you, sir: if evacuation is what you want, evacuation is what you're going to get, and I'll lead them, by golly. Let me tell you, sir, no one appreciates the spiritual value of citizenship more than I do, because I can prove to you, I fought for it. Look it up in the Congressional Record. See about Tokio Slocum.

Mr. BENDER. Will the gentleman comment, if he cares to, regarding this: When Mayor Bowron testified before the committee yesterday he indicated, in substance, the thought "Beware of Greeks bearing gifts." You heard that statement.

Mr. SLOCUM. I wasn't here, to be frank with you.

Mr. BENDER. I am reading from his testimony, for your enlightenment. I would like to have your comments or the comments of the gentleman from the left regarding this statement of Mayor Bowron.

As I look back on some events after the 7th of December, I am quite convinced that there was a large number of the Japanese population here locally who knew what was coming. They were setting themselves, adjusting the scene for the outbreak of war between this country and Japan. I think that they somewhat overplayed their hand.

Prior to a year or a year and a half ago, the relationship between the local Japanese population, which acts largely through organizations, associations of one kind and another, was much that of any foreign group. When they had something to ask for they asked the local officials or local boards for what they had in mind.

For approximately a year before December 7 last, representatives of various organizations were very much in evidence. They apparently went out of their way to demonstrate their American patriotism in numerous ways. Up until the happenings at Pearl Harbor, most of us felt that their avowed patriotism was sincere, and I still believe that on the part of a large number, possibly a majority, it was sincere. I believe now that many of the local Japanese residents would do nothing harmful, that they appreciate the protection they have here, and the democracy under which they are living. However, I know of no rule, no way to separate those who say they are patriotic and are, in fact, loyal at heart, and those who say they are patriotic and, in fact, at heart are loyal to Japan.

Now, what do you say, briefly, regarding that particular observation where the mayor said in his statement, "I think that they somewhat overplayed their hand."

Mr. SLOCUM. That is prior to December 7?

Mr. BENDER. Yes. The observation was made to the effect that the Japanese population knew what was coming and knew what was happening and had acted during that period and consequent to that period in a rather intelligent manner, or they seemed to sense what was about to happen and were acting accordingly.

#### EXPOSED SUBVERSIVE GROUP

Mr. SLOCUM. Well, I would like to answer that this way: I believe Mayor Bowron is right to this extent; I believe that there existed in our midst before December 7, nefarious and vicious elements known as the Central Japanese Association. I believe so.

I also think that the Japanese Association itself is a very undesirable element. However, please bear this in mind: That is the element that I fought. And it gave me great satisfaction on the night when war was declared and I was summoned by the Naval Intelligence and the F. B. I., to go over the top with them, lead them to their lair, to arrest the leaders. It is so. It is so, sir, that there did exist such influence in our midst against which I really did fight tooth and toenail, and by golly they don't like me. I don't care. They are in a concentration zone now. It is on. However, right along I have contended that the majority of Americans of Japanese ancestry are really good Americans. That is, they know nothing else. It may be that there might be some so-called Kibies or some of those folks that went back there. There may be some in that bunch. They may not be loyal. I say they may not be. However, having believed from my own observation, my social relations, and so forth, I do know that the majority of them are good patriotic people. The very fact and very proof of that is "You don't hear a holler going up when your Commander in Chief, through General DeWitt, says, 'Evacuate.'" Everybody is willing. They want to know. They want to know where to go and how to go, really. Because when they get there they don't want to be another football, another California problem, and be kicked all over the place again.

Mr. BENDER. All along the Pacific coast, there has been testimony offered that there has not been a disposition on the part of the Japanese aliens, or the American citizens of Japanese origin, to inform the authorities of disloyalty and that there have been more than one or two rotten apples in the barrel, but the information regarding rotten apples in the barrel has not been readily made available to the authorities.

Mr. SLOCUM. If I may reply to that, sir.

As chairman of the anti-Axis committee I can speak with some authority on that.

This is what I have said: "Get these rotten apples out of here; if you don't the whole basket is going to suffer."

## DENIES LACK OF COOPERATION WITH AUTHORITIES

You would be surprised, sir; some of the men that I had never expected any cooperation from before the war—I don't know whether it was to save their own neck, but by golly, they certainly have come forward. But there has been this kind of thing: There have been cases of persecution. I don't know, maybe I don't like you and you don't like me, and maybe you want my wife or I want your wife. There have been that kind of abuses. Really so, really so. Now, that kind we certainly wouldn't tolerate and we report that right back to the gentlemen of the F. B. I. like Mr. McCormick, in whom we have much trust. I hope Mr. Hood doesn't mind my using these names, Mr. Brown, and Mr. Finley, and other gentlemen. We try to be fair. We realize that this is the most that we can do. That is the most immediate service that we can render America in time of crisis now.

Therefore, that is the reason we have been doing it. Really, lots of the people haven't been credited for what they have done and Mr. Hood really does not know the true picture of it because he is so big, he is so way up. He doesn't see the things that are happening in the Japanese section maybe. Honest, we have been working; yes, sir.

Mr. TANAKA. May we point out here, in answer to that question, you heard the testimony this morning of Mr. Hood who was undoubtedly qualified to give you an over-all picture. As I gathered, to be perfectly objective, it appears true that the cooperation that the F. B. I. and the Intelligence Services have received from the Japanese has not been in proportion, or probably has not lived up to the expectations of the Federal agencies.

However, in reaching that conclusion, at this time I think that we ought not to overlook the work of individual groups such as Mr. Slocum heads, because they have done more than their share. I think also in regard to the statement by Mayor Bowron of the picture of the resident Japanese here bending over backwards to display their Americanism, and show that they were loyal. Mr. Tayama happened to have been directing an Americanism educating program among the Japanese population here and he will say a few words.

## AMERICANISM PROGRAMS

Mr. TAYAMA. During the past 2 or 3 years—and I am sure Mayor Bowron knows it because he has been to many of our rallies—the Japanese American Citizens League of the Southern District Council, which takes in all chapters south of San Luis Obispo to the border, and one chapter in Phoenix, Ariz., have been conducting Americanism programs. During the Nisei week the theme was Americanism.

We started out here first with an Americanism program at the Hollywood American Legion hall last year. I would like to point to another part of Mayor Bowron's testimony, where he said that possibly the majority of the Japanese here knew that this surprise attack at Pearl Harbor was coming. He appeared at our general meeting. Mayor Bowron said that he had full confidence in us. He came there, cutting out his previous engagement, to talk to the group there, and which at the time had about 6,000 votes in the city, and told us that he had every confidence in us, and if he did know that

among our group we knew that a surprise attack was coming, I believe he should have at that time notified the proper authorities as to his knowledge.

Mr. BENDER. You don't have a very high opinion of politicians, do you?

Mr. SHINODA. That is one thing I wanted to point out. In my business, I subscribe to Kiplinger's, and I read the papers, and I try to anticipate trends. You didn't have to be an astute student of world affairs to see the trend of diplomatic relations between Japan and the United States up to the treacherous attack on Pearl Harbor, even if you didn't know when the definite rupture would come.

I think everyone was afraid that something was going to happen.

The treaty abrogation on July 26 of 1941 was the climax of a steady succession of unfavorable diplomatic relations and if anyone had followed the trend through, from the bombing of the *Panay* and previous to that, down to Pearl Harbor, nobody could have predicted Pearl Harbor, but I think they would have anticipated that relations were getting pretty rough. I think that any businessman, with any intelligence, would have predicated his future course of action upon at least a definite rupture, but as to the bombing of Pearl Harbor, or as to whether we knew about it here, that is a lie.

#### REALIZED WAR WAS INEVITABLE

Mr. SLOCUM. Sir, I want to say this. I, for one, did believe that the war was inevitable between Japan and America. And I for one did predict that war might come in the latter part of November. That was merely a guess.

At that time I thought that Japan and Russia would go to war and I thought the Siberian port might be frozen up by that time so that the Russian submarines might not be able to operate. That was my ground for assuming that the war might come.

Nevertheless, what I want to drive at is this: Realizing that war between the United States and Japan was inevitable, I did call a meeting, by the request of the F. B. I., to obtain names of all the Japanese veterans who were then residing in this part of California and what was known as the Japanese Veterans Association group.

At this meeting we had members from the American Legion, Veterans of Foreign Wars, the police department, sheriff's department, and so forth. I specifically stated to these members of the Japanese Veterans Association that I believed that war was inevitable between Japan and America before long. Since it was inevitable, I thought it was only right, in view of the fact that they had enjoyed the hospitable treatment here, that they should give me the name and address of every member present because if war did come they would be the first ones to be picked up. So in that way we got the names of all the veterans here, and I understand that all have been corralled.

I am not a predictor or anything like that, but I did feel that the war was coming so I got the names of the members so I could help the Justice Department.

Mr. BENDER. I had a call last Monday from an official of the American Legion in another State who advocated that every person who was of foreign parentage, that is the Germans, Italians, and Japanese, should be taken into custody; and the same afternoon this

same individual said, "Just wait a minute. If that should happen, then they will take me into custody, too." So he had to revise his attitude.

Mr. SLOCUM. May I say just one word? You know we are at war with the Axis, nevertheless, you know we are more at war with Japan than anybody else. Therefore, when you folks tell us to evacuate, I think it is reasonable, because it is a military measure, and will you please know that, by golly, we will go, but tell us where, when, and how. And a lot of times a lot of us haven't got any money, so try to help us out, too, and put us on the right track, will you?

Mr. CURTIS. Let me say this, since your question was directed to me: That is the very purpose of this hearing.

Mr. SLOCUM. Fine.

Mr. CURTIS. Mistakes will be made and sometimes in war you have to rush too much, but I hope that the Government can do the best job possible.

Mr. SLOCUM. We have confidence in America and the American Government. That is the reason we are going. Otherwise we will stay here and try to scrap it out, you bet.

#### HAD NO FOREKNOWLEDGE OF WAR

Mr. MINAMI. Concerning our knowledge of impending war before December 7, may I point out this: That if such knowledge were had, it would certainly have been known to the Japanese leaders of our community. Now, if you will investigate the leaders of the Japanese community, you will find that prior to that war they have invested thousands and thousands of dollars in their business for the Christmas rush. Most certainly if they knew about this impending war, they wouldn't have invested that money. I know personally one person who had invested up to \$20,000 and he is supposed to be one of the biggest leaders in our community. I know another friend of mine who lost everything he had, who was in the export and import business. I, myself, lost \$500, which isn't much, but still it isn't anything to throw away.

If we had any idea of impending war, I don't think we would have made that investment.

Mr. BENDER. You are familiar with some of the occurrences in American history that we Americans are not particularly proud of. I am referring particularly, to that era when the Ku Klux Klan and the Vigilantes were operating. You, of course, appreciate that sometimes a proper procedure for your own protection is desirable. You recognize that, of course.

Mr. TANAKA. Yes; we do. May I also point out, there is always an insinuation that these damned Japs were in on this plot here before Pearl Harbor and knew everything that was coming.

#### COLUMNISTS AND OTHERS PREDICTED WAR

I was in Washington last November and as I recall it there was a columnist on the Washington Times-Herald. Is that the name of it?

Mr. BENDER. Yes.

Mr. TANAKA. This columnist predicted to the day the outbreak of the war. Among the 81 people whom I met in Washington, D. C.,

I found 79 who definitely said that war was inevitable, that it was coming. That included men on Capitol Hill and in the various departments of the Federal Government. It did not require being part of some insidious plot to know that war was coming.

Mr. ARNOLD. Well, why didn't General Short and Admiral Kimmel know about it?

Mr. BENDER. For your information, some people have complained about democracy being clumsy and cumbersome. This committee's activities here for the past month has been democracy at work. If we were in Germany or Japan or Italy, we would come like a thief in the night and would exterminate, would tear away from families their loved ones. We would be carrying on in a wholly different manner. What we are trying to do, with information you are giving us, and with what we have received, we have transmitted it daily to those in authority, and the Congress of the United States, in order that this be done to save lives rather than lose them. We are very happy to have you gentlemen here this morning and give your testimony and do it in this democratic way.

Frankly, if the United States Congress were not interested, some steps might have been taken that you would not have appreciated. In fact, you would have appreciated it less than the things that have already been done.

#### MINORITY GROUPS FEAR EXTENSION OF DISCRIMINATION

Mr. SLOCUM. That is why we say God bless America. But let me say something else, if you please, sir. I see only one danger in this movement, sir, and that is that this possibly may set a rather dangerous or vicious precedent for the future. I heard a Negro say "Maybe we are next." I have heard Jews say to me, "Well, you know there are a lot of Ku Klux Klan members in San Fernando Valley where I live so we may get it next."

So I just want you gentlemen to bear in mind when you legislate that this is not to be a racial or a minority group legislation for discrimination. If you will please bear that in mind, that is all I ask.

If this is to be a precedent in the future for discrimination against a certain racial group, maybe Jews are next, maybe the Negroes are next. That is the kind of things I have been hearing.

Of course, I reported all these things to the F. B. I. and the Naval Intelligence, so they know all about it.

To safeguard our future, whatever you do, please bear that in mind, because you will remember the case of Evangeline, Longfellow's poem, how they evacuated the Frenchmen and took them down to Louisiana. You know what I mean. So please when you legislate, sir, give us a fair deal and please after the war is over we would like to get our citizenship back in full status.

Mr. BENDER. I might say to the gentlemen we are not interested in making scapegoats of any group. We are interested in treating everybody alike. However, you must recognize in that connection that there have been acts of violence committed in this State, possibly, that have not come to the public's attention. We had a clergy-

man yesterday tell us of many acts of violence. Under the circumstances we are at war. You indicate from your testimony that war is a hateful business and we are not hating quite enough.

Mr. SLOCUM. That is right.

Mr. BENDER. We have got to hate some more. Now, while we are hating and while we are practicing this hatred, we want to do justice and practice love and mercy and walk humble, but you have to understand the other fellow has a machine gun in his hand and we have to act in accordance with that philosophy.

Mr. SLOCUM. That is the very reason, sir, we are willing to abide by whatever you say.

#### EVACUATION PROGRAM SHOULD HAVE EFFICIENT HANDLING

Mr. SHINODA. Of course, we do have a selfish interest in saying this, but I do think that we shouldn't be any more or any less astute than our enemies who stoop to anything and who will do anything. We don't have to stoop to those depths nor do these awful things that they have done. But at the same time if there is still any possibility of an over-all program of evacuation, it should be accomplished with the maximum of efficiency. After all, you gentlemen are here so we feel that although the military has control, there must be something being investigated, by the very presence of your committee.

So we would like to submit that we should be at least as intelligent as what I would imagine the Nazis would be. I can't envision the Nazis quarantining the French peasantry and putting them in concentration camps with necessary or highly needed German troops watching them. If those troops were watching them in a concentration camp, it would appear to be the more intelligent procedure to me to put those same people watching them in the fields and making them work rather than to set up a system of control there. That is not only costly but removes from American production exactly that much plus the custodianship required, which would make it twice as much.

Mr. BENDER. You have heard, of course, of the acts of the Nazis only last week. There was 1 case we heard of where a guard was shot and they took 20 Frenchmen indiscriminately and shot them down. They don't ask questions.

Mr. SHINODA. No. But what I had in mind was entirely this matter of production.

I think if you proceeded on a plan to evacuate all aliens first and then evacuate any of the elements among the citizenry that are even slightly doubtful, you would get sufficient evacuation and that would remove from the locality all of the elements that would be in any way harmful; and yet you would leave a certain small group who could carry on perhaps 80 percent of the productivity of the entire group.

Mr. ARNOLD. Thank you very much, gentlemen. Your testimony has been very helpful. We appreciate your coming here and we would like to give you more time, but your time has almost been doubled. Thank you for coming.

Mr. MINAMI. We would like to submit this statement for the record.

Mr. ARNOLD. Just give it to the reporter.

(Statement referred to above is as follows:)

STATEMENT BY SAM MINAMI, BUSINESS MANAGER, JUNIOR  
PRODUCE CLUB OF LOS ANGELES

THE ECONOMIC POSITION OF JAPANESE CITIZENS AND ALIENS IN RELATION TO  
THE PRODUCE INDUSTRY

AGRICULTURE

Through information received from farmers and various produce merchants, the following report is submitted:

Since December 7, 1941, due to the uncertainty of the future status of the Japanese farmers and all other Japanese, planting of crops has been withheld. This was due to the announcement that many zones would be prohibited to the Japanese. However, at that time, there was still considerable planting being done by the Niseis, or the citizens of Japanese extraction, because they were confident that their civil rights would be respected and because they were theoretically protected by the Constitution of the United States.

Now, since the general opinion is that all persons will be evacuated, the crop planting has dropped still more. Through reports of various "field men" whose duty it is to keep contact with the farmers, we find that the Nisei farmers are refraining from planting almost completely. The estimate on the croppage planted by the Japanese citizens since December 7, and since rumors of evacuation became prevalent, has been approximately 10 to 20 percent of that which they would have planted under normal conditions.

Since the combat zones have now been announced by the Army and it is understood that all Japanese, regardless of citizenship, must evacuate, undoubtedly all planting will cease completely. Because of the uncertainty of the future economic provisions it is reported that those farmers who have crops are harvesting such produce 2 to 3 weeks before maturity of such crops. For that reason we find that the wholesale produce price range is at the present time on a fairly normal basis. However, prices on many products have gone up which shows that the premature harvesting of some crops is already showing its effect. We feel that within the next few weeks a tremendous shortage of fresh vegetables will be experienced. Crops planted before December 7 are being harvested at the present time. Crops planted since December 7, will be harvested shortly. However, these crops are practically all short-term crops or crops which can be harvested in a minimum of time, and already many of these products have been harvested prematurely.

A survey made of the prohibited area No. 33 in Hawthorne showed many facts concerning Japanese farmers. A estimated valuation of crops showed a figure of \$500,000. This amount was raised in an area of approximately 1,500 acres by a total population, including children, of 1,300 Japanese. Assets which were movable was estimated at \$250,000. An estimation of crop losses due to evacuation to date was set at 50 percent of the above amount, or \$250,000. Since evacuation, a report was received that some of the crops have been turned over to the supervision of some Caucasian Americans. A report was made that it took four Caucasian farmers to irrigate a section of crops which had been irrigated previously by one Japanese farmer and that the foreman of this section of crops did not know the means of distribution of these crops after harvesting.

A newspaper article quoting Mr. W. S. Roscerans, county defense council agricultural coordinator, shows that the Japanese farm about 26,000 acres in the Los Angeles County and produce approximately 60 percent of the county's weighted vegetables and approximately 40 percent of the State's production. A report was received indirectly from county commissioner of Los Angeles, Ryan, that while the Japanese farm 26,000 acres they produce a croppage equal to 36,000 acres.

Verbal questions asked of the Japanese farmers in the area, No. 33, showed that approximately 90 percent of the Japanese there had resided in the United States for a period of 20 years or more. Since their children were all American citizens it was their intention to remain in the United States permanently.

In regards to evacuation and the feasibility of the continuation of profitable farming many questions and problems arises. The existence of the truck farmers in and about Los Angeles County is due to the fact the distribution center of the

various produce is close to the farms themselves. If long-distance shipping of such truck farm produce was necessary, it could not be done profitably because of the various expenses involved. Freight expenses, refrigeration, spoilage, and many other problems would complicate the possibility of meeting the expenses.

Of great concern to everyone in the recent past has been the inadequate amount of farm labor and the necessity of such in the successful program of agriculture. This problem of farm labor will increase tremendously as the evacuation of all Japanese is affected. Undoubtedly some of the evacuees will be resettled and will make up for the shortage of farm labor after resettlement. However, it is believed that it is impossible to resettle the total of number of the evacuees profitably.

A small survey of an area of 733 acres in the Thermal area showed that there was a crop value of \$323,500 with an evacuation loss of \$237,000.

PRODUCE MARKET BUSINESS REPORT FOR 1941

A report from the Associated Produce Dealers and Brokers showed that there were a total of 84,958 carloads of produce handled by the total of American and Japanese firms during the year of 1941. With the rate of \$500 per carload, the total produce handled by all the firms in the organization in both markets, the city market at Ninth and San Pedro Streets, and the Terminal market at Seventh and Central Avenue, reaches a total of \$42,479,000. Although the amount may be comparatively small, the above figures do not include the amount of produce brought in by the farmers themselves.

An approximate and a very conservative survey of the total amount of business done by the Japanese produce firms show a total of \$26,470,761.47. This amount represents the total business of 20 Japanese produce houses plus the "yards" of both markets mentioned above. A survey of the firms show a total of the business as \$15,760,761.47, and survey of the "yards" of both markets show a total of \$10,710,000 making the amount of both as shown above. These amounts, however, do not take into consideration many of the firms not belonging to the association making this survey, nor does it take into consideration the amount of produce sold directly to the retailers by the farmers. May it be known that these amounts, also, represent a business done only in the two Los Angeles wholesale produce markets and does not consider the wholesale, shipping, and brokerage business done outside of the above-mentioned city.

A report shows that there is already some shortage of certain produce due to the fact that the farmers have not planted since December 7, 1941. A general fear of a great shortage of produce is expressed by the various firms due to the evacuation.

The survey shows that there must be over 2,000 persons directly dependent upon the existence of the Japanese firms. Hundreds have already been released from their jobs, and many more are continuously being released due to the present war conditions. Undoubtedly many thousands of others are indirectly affected and many more will be affected by the current evacuation problem.

A survey of the market during the few days of closing directly after the declaration of the war showed a decided increase of prices in the line of fresh vegetables as shown in the following pages.

*Information regarding rise in retail prices of vegetables, first figures showing price week preceding Dec. 7, 1941, and second figure representing prices to which commodities rose following declaration of war and the ensuing closing of many wholesale houses in the produce markets—Information received by local 1510, Feb. 21, 1942, from managers named*

CENTRAL DRIVE-IN MARKET, 5200 LANKERSHIM BLVD., NORTH HOLLYWOOD, CALIF., S. IWAHASHI, MANAGER

	Price, week preceding Dec. 7	Price rise following Dec. 7
Lettuce.....	10 cents per head.....	15 cents per head.
Carrots.....	3 bunches for 10 cents.....	5 cents per bunch.
Celery.....	20 cents per stalk.....	25 cents per stalk.
Potatoes.....	6 pounds for 25 cents.....	5 pounds for 25 cents.
Spinach.....	3 bunches for 10 cents.....	2 bunches for 9 cents.
Beets.....	do.....	Do.
Cabbage.....	4 cents per pound.....	5 cents per pound.

*Information regarding rise in retail prices of vegetables, first figures showing price week preceding Dec. 7, 1941, and second figure representing prices to which commodities rose following declaration of war and the ensuing closing of many wholesale houses in the produce markets—Information received by local 1510, Feb. 21, 1942, from managers named—Continued*

McDANIELS MARKET (SAVE-RITE PRODUCE). 208 EAST VALLEY BLVD., ALHAMBRA CALIF., CHARLES TAMBARA, MANAGER

	Price, week preceding Dec. 7	Price rise following Dec. 7
Lettuce.....	5 and 7 cents per head.....	10 cents per head.
Carrots.....	2 bushels, 8 cents.....	7 cents per bunch.
Celery.....	15 cents per stalk.....	18 cents per stalk.
Potatoes.....	7 pounds for 25 cents.....	6 pounds for 25 cents.
Spinach.....	3 bunches for 10 cents.....	5 cents per bunch.
Beets.....	do.....	Do.
Cabbage.....		No change.
Cauliflower.....	10 cents per head.....	18 cents per head.
Brussels sprouts.....	10 cents per pound.....	Not obtainable.

RADIO CENTER MARKET, 1334 NORTH VINE ST., HOLLYWOOD, CALIF., WM. FUNATSU MANAGER

Lettuce.....	7 cents per head.....	10 cents per head.
Carrots.....	3 bunches for 10 cents.....	5 cents per bunch.
Celery.....	12 cents per stalk.....	15 cents per stalk.
Potatoes.....	7 pounds for 25 cents.....	4 pounds for 19 cents.
Spinach.....	3 bunches for 10 cents.....	2 bunches for 9 cents.
Cabbage.....	3 cents per pound.....	4 cents per pound.

Several persons in the stores listed stated that some vegetables could not be had for a short time after December 7, 1941. Top prices continued for several days, until wholesale markets were reopened.

We believe that the markets listed and the prices represent the average percentage of rise in prices in vegetable stands throughout the city of Los Angeles and vicinity.

We were informed that the price of fruit did not change to any noticeable degree during same period.

#### *Retail fruit and vegetable stores, Los Angeles County*

Total number of retail fruit and vegetable stores operated by Japanese.....	1, 000
Average number of employees in one store.....	5
Total number of Japanese engaged in retail fruit and vegetable stores.....	5, 000
Approximate yearly gross sales from Japanese operated stores.....	\$25, 000, 000

Remarks: It is estimated that approximately 75 percent of all retail fruit and vegetable stores in Los Angeles County are operated by Japanese.

Due to the special skills of the Japanese in cleansing and displaying green vegetables and fruits there is a great saving of waste products.

#### *Gardening, Los Angeles County*

Approximate number of Japanese gardeners in Los Angeles County ..	2, 000
Average monthly income per gardener.....	\$125
Total average monthly income.....	\$250, 000
Total yearly income.....	\$3, 000, 000
Average number of homes serviced by 1 gardener.....	12
Total number of home serviced by Japanese gardeners in Los Angeles County.....	24, 000

Remarks: The maintenance and care of yards and gardens of approximately 25,000 homes will be affected with the removal of Japanese gardeners.

A special skill acquired by these gardeners makes them quite irreplaceable.

It is an acknowledged fact that the Japanese are well suited for this type of work and are considered the best available.

*Restaurants and cafes.*—Approximate number of Japanese-operated restaurants and cafes, 350. Approximately 80 percent of these Japanese-operated restaurants and cafes cater to the American public. The majority of these cafes and res-

taurants are located near concentrated employment centers and cater exclusively to American trade.

*Hotels and apartments.*—Number of Japanese-operated hotels and apartments, 395 in Los Angeles County. Approximately 75 percent of these Japanese-operated hotels and apartments cater to the American public. The majority of the hotels are of the transient type. Ninety percent of these Japanese-operated hotels and apartments are located in metropolitan Los Angeles.

**TESTIMONY OF DR. THOMAS MANN, 1550 SAN REMO DRIVE, PACIFIC PALISADES, CALIF., AND DR. BRUNO FRANK, 513 NORTH CAMDEN DRIVE, BEVERLY HILLS, CALIF.**

Mr. ARNOLD. Dr. Mann, you and Dr. Frank need, of course, no introduction, but for the record the committee would like to have you give your name, address, and occupation so that the record might be complete.

Dr. MANN. My name is Thomas Mann. I am living now in Pacific Palisades, No. 1550 San Remo Drive.

Mr. ARNOLD. Doctor, will you give us for the record your occupation and a little background?

Dr. MANN. I am a writer, sir; author, novelist, essayist, and lecturer.

Mr. ARNOLD. Are you a native American?

Dr. MANN. No, sir. I was born in Germany. I lived a long time in Munich where I studied and married. I left Germany in the year 1933 just before Hitler came to power. Then I lived 5 years in Switzerland before I came over to America.

I came over to America first in the year 1934 for a short visit and I visited America each year after that. I came over to settle definitely in this country in the year 1938.

I followed my vocation of lecturing at the University of Princeton. I did that for two winters. It was only for 1 year first, but it was prolonged for the second year.

Then I made the acquaintanceship of California and came out here to settle. We have our home in Pacific Palisades.

Mr. BENDER. Dr. Mann, I would like to ask you about the Munich conference, but I won't.

One of the questions which has come to our attention during our hearings in San Francisco, Portland, and Seattle, has been the effect of the evacuation order on refugees from Axis countries. We are interested in hearing from yourself and Dr. Frank your views and observations.

The committee would like to have you proceed in your own way, Dr. Mann, and then we will hear from Dr. Frank. We understand that you happen to be a Czech.

Dr. MANN. Yes.

Mr. BENDER. And are not yourself affected by the recent alien-control regulation.

Dr. MANN. Correct.

Mr. BENDER. Would you proceed in your own way.

Dr. MANN. Thank you very much.

I really feel highly honored to have the opportunity to take part in this meeting, the subject of which has been close to my heart since the problem arose. It is close to my heart not only because it is of so vital, moral, and material importance for the people it concerns,

but also because only a fair solution would be worthy of this great Nation which is fighting for freedom and human dignity.

I would like to add that, certainly, the behavior of a war-waging nation against her emigrees has something to do with the good fighting spirit of that nation. It is the frightening example of France I had in mind. A nation which seeks and enjoys victory over the most intimate and most natural enemies does not seem to be in the happiest psychological condition to meet these enemies.

I realize, of course, that in times of crisis no natural inclination to generosity and kindness can be allowed to imperil the safety of the country, and certainly it is not easy to find a general solution which does justice to both sides, the refugees and the interests of the country at war. As a matter of fact, we have to face an absolutely paradoxical situation, such as perhaps never existed before. We have to deal with people who by their birth and descent, if their case is treated mechanically, fall under the category of "enemy aliens," but who are in fact the most passionate adversaries of the European governments this country is at war with, and who left their native lands in protest against the political systems ruling there, or were forced to leave it. Most of them lost the citizenship of their original countries, and even formally cannot be regarded as nationals of a country with which they do not have the slightest connection. So in this war, the idea and characteristic of "enemy alien" has lost its logical justification in the case of the German and Italian emigrees.

Perhaps it is not superfluous to add that I, personally, am not affected for the reason that when I was deprived of my German citizenship, President Benes of Czechoslovakia was generous enough to make me a Czech citizen; so I am a friendly alien, even technically, but only by chance. And I have imagination enough to understand the feelings of these victims of national socialism and fascism who were seeking refuge and freedom to breathe in this great democracy, and would be only too happy to do their share in the work of defense, but now find themselves under suspicion and subjected to special regulations which, for many of them, would mean a deadly catastrophe, the collapse of their newly and painfully rebuilt existence. For that reason, just some weeks ago I decided to join a few prominent emigrants from Italy and Germany in sending a telegram to the President of the United States, in which we expressed the same feelings and ideas I am trying to develop today. I give you the names of the signers of this telegram; they were the Italians, Arturo Toscanini, Count Carlo Sforza, and Professor Borgese, and the Germans, Bruno Walter, Albert Einstein, my friend Dr. Frank, and myself. With the exception of Toscanini, all these men are either already American citizens or friendly aliens, but all of them felt obligated to act for their countrymen, and to ask the President to bring about, in some way, a clear and practical distinction between potential fifth columnists and people who are the victims and proven opponents of the powers with which America is at war today.

I really do not feel that the difficulties for establishing such a distinction are insurmountable. Other groups of aliens like the Austrians, Czechs, and so on, have already been excepted. It is certainly not my intention to say anything against the loyalty of these groups, but so much may be said that in no other group so many reasons

speak for a passionate desire for Hitler's defeat, as in the case of German and Italian refugees. So I think that where it can be uncontestedly proven that a person is a refugee, a victim of Nazi oppression, an exception should be made, and the questionnaire of the registration form has already given, by its point 15, the authorities the necessary material for clarification. Moreover, there can be no doubt that the Federal Bureau of Investigation has carefully observed all aliens for quite some time, and has proven to be very well informed about their behavior and intentions. Whoever is individually suspicious will doubtless be taken care of, and it should not be difficult to find out all cases needing clarification. In my opinion it would be worth while to investigate a number of cases, which certainly would not be very considerable, instead of taking radical measures against the entirety of the refugees. All of us know that the burning problem on the west coast is the question of the Japanese. It would be a great misfortune if the regulations, perhaps necessary in their case—it is not my business to talk about the Japanese problem—would be applied to the German and Italian refugees, even with the intention of revising single cases later. For, as I have already mentioned, in many cases irreparable harm would be done to perfectly harmless and loyal persons. I think this should and could be avoided, and I am certain that other members of this meeting will make more concrete and practical propositions. In speaking for the refugees it is not only their interests I am visualizing. Every day it becomes more urgent that all available forces be put into the service of the country, and there are certainly many of the refugees who instead of becoming a burden to themselves and the country could be of valuable help in the struggle until victory.

Mr. BENDER. Doctor, I am appreciating that your position is rather delicate by virtue of your Czech citizenship. I would like to ask you a number of questions and if you desire to answer all right, and if not it will be perfectly all right.

Are you acquainted personally with a Dr. Fritz Baum?

Dr. MANN. No; I don't know him.

Mr. BENDER. Who is the husband of the daughter of Albert J. Berridge?

Dr. MANN. Sorry; I don't know.

Mr. BENDER. Are you acquainted personally at all with Dr. Frank Zigmund, who is a scientist and inventor? He is a Czech citizen.

Dr. MANN. It seems to me that I remember the name but surely I never met him.

Mr. BENDER. Do you know the Czech language, Doctor?

Dr. MANN. No; I don't.

Mr. BENDER. In regard to this question of alien enemies, your impression is that everybody who is labeled that way is not necessarily an enemy?

Dr. MANN. No; surely not.

Mr. BENDER. And you believe, from your observation, that possibly we might have additional facilities for handling that problem?

Dr. MANN. I think so.

Mr. BENDER. In expediting the just treatment of these cases?

Dr. MANN. Yes; I think so. I am sure that some way will be found.

Mr. BENDER. You believe that there are many alleged enemy aliens incarcerated in detention places that might be of service in this war effort in the event that this could be expedited?

Dr. MANN. That is very probable; yes.

Mr. BENDER. What percentage of the Jewish refugees are classified as enemy aliens? For example, from Germany, Czechoslovakia, Rumania, and other places.

Dr. MANN. What percentage?

Mr. BENDER. What percentage of them?

Dr. MANN. Of Jewish descent?

Mr. BENDER. Yes; that are now being held by the United States Government who might be extremely useful in this war effort in the event of such expediting?

Dr. Frank, would you care to answer that question?

Dr. FRANK. Well, perhaps I can.

Mr. BENDER. Doctor, before you speak, I wish you would identify yourself. It is the committee's understanding that you are an officer of a refugee organization and are deeply concerned with alien-control rulings and that you have given the problem some thought.

Dr. FRANK. Yes, I have.

Mr. BENDER. First, for the record, will you identify yourself?

Dr. FRANK. My name is Bruno Frank. I am by profession a writer. I live at 513 North Camden Drive in Beverly Hills.

Mr. BENDER. Under what circumstances did you come to this country?

Dr. FRANK. I left Germany in February 1933 the very first day after the legal government was overthrown, because very probably I wouldn't have survived the second day.

Mr. BENDER. We would like to have you discuss the problem that we are particularly interested in at the moment, as it affects anti-Axis refugees who happen to be citizens of enemy countries.

Dr. FRANK. Yes.

Mr. BENDER. Will you proceed in your own way?

Dr. FRANK. I am appearing before your committee, most thankful for the honor bestowed upon me, and let me add this at once, with a deep feeling of confidence:

Ever since the question of the evacuation of enemy aliens arose, there has been much consternation and fear among the German and Italian refugees out here. Many of them remember how, in a moment of frantic confusion, the Government of France treated the exiles, and they are afraid the same things might happen again. They already see their last and only hope gone.

May I frankly say that I personally could never share these dreads for a single moment. No, the victims of that hateful oppression won't be confounded with the oppressors. The bitterest and most consistent foes of nazi-ism and fascism won't be treated the same way as Nazis and Fascists themselves. Not in this country. Not under the great President of this Republic; not under its Congress, which is the strongest remaining fortress of constitutional freedom in the world; not under its Department of Justice, whose humane and enlightened utterances we have heard; and not, certainly not, under its military men. For these are not Prussian generals shaped after the pattern of some unspeakable "Fuehrer." They are American citizens proudly wearing

their uniforms in defense of the same liberties, the loss of which has driven the refugees out of their homeland.

Thus my confidence was greatly strengthened when I saw the registration questionnaire, which so clearly indicated the intentions of the American Government. For here the fullest opportunity was offered to each German or Italian refugee for stating whether he left his country because of racial, religious, or political persecution and for naming such trustworthy persons who could vouch for his loyalty. This, I feel sure, was not done without good reason and purpose.

And there is still stronger evidence. Before the war, about a year and a half ago, a number of refugees, then trapped in defeated France, were saved by a magnanimous action of your Government. Among them were eminent statesmen, scientists, artists, writers. Under the auspices of the Presidential Advisory Committee, emergency visas were granted to them, and so they were, in the nick of time, snatched from immediate peril. How then could anyone imagine that these same people, who by the American Government were recognized as staunch democratic fighters against the Nazis, should now be branded as enemy aliens by the same Government?

But, sir, I am not so much concerned about those outstanding men, when, for instance, I read that Arturo Toscanini, before going from New York to Philadelphia in order to conduct a concert for the War Relief Fund or the Red Cross, has to ask for a permit because he is technically an enemy alien—then I think this an odd story. But I am not afraid for Signor Toscanini. Not much will happen to him. A great name, or even a well-known name, shields a man from hardship.

I am concerned about the so-called average man or woman, the little fellow who, after long and terrible sufferings, having lost situation, property, and, more often than not, those dearest to him, has finally found here a haven of rest and ultimate hope.

As it is always more instructive to give a concrete and living example than to speak in generalities, let me present to you, sir, an average case among many, nothing particularly striking, but typical for those refugees who now live in deadly fear to be branded as enemies.

In a family I happen to know they have a housemaid, a Jewish girl, kind, honest, hardworking. She alone of her kin has escaped from Germany, and it is her only longing to save and to bring to these shores her old parents she was forced to leave behind.

She comes from a small town in northern Germany, where 80 Jewish families have been living for more than 600 years. It was one of the oldest communities. Now the Nazis have uprooted these people, they have burnt their synagogue to the ground, trampled under foot and swinishly soiled their sacred books, and desecrated their graveyard. Of the 80 families 3 are left. The rest have been exterminated, dispersed, or have been "removed to Poland." What this expression means, sir, you most certainly know. It was perfectly illustrated by those horrid pictures in last week's Life magazine, showing heaps of naked, emaciated corpses, piled upon one another like so much rubbish, ready to be flung into the common pit.

The two old people over there live under the constant threat of being carried away to that hell. Get the money for leaving the country—or else—they are told. Their daughter saves every penny

she makes for their passage and for the bribes—for every single one of those Nazi gangs has to be bribed separately. But each time she offers her savings, she is told it is not enough. Transportation costs have gone up, and so have the bribes.

The girl knows what a life her parents have over there. They live in one windowless room. They are not allowed to go out in the daytime. They are not allowed to burn light at night. They are not allowed to use a phone or a radio, or to ride on the train, or to sit on a bench in the park.

Don't lose patience, writes the girl (or, rather, she wrote, because now of course she cannot write any more). Don't despair. One day my money will be enough. Then you will come here. This is heaven. One lives among friends here. I shall work for you, and you will live peaceful years.

Well, sir, what should she write now, if write she could? I am no longer among friends? I am branded as an enemy now, just as the beasts who are torturing you. Forget all about it. It was but a dream. Go to Poland, and die.

No, sir, she won't have to write thus. Not here.

Your Government, sir, is acutely aware of the gulf that separates the victims from the oppressors. They have already exempted different groups from being classified as enemy aliens, for instance, the Czechs and the Austrians. Nothing could be more justified, more appropriate. And though, when exempting these groups, the Attorney General most certainly realized that among the holders of Czech passports are those so-called Sudetens, who plotted with the Nazi aggressors; and that among the holders of Austrian passports are those Austrian Nazis who opened the gates of Vienna to Hitler. These facts, most fairly, were not considered a reason for impairing the rights of the enormous majority of loyal Austrians and Czechs. If any of the suspect elements were to be found in this country, the F. B. I., I am sure, would make short shrift of them.

But, sir, the only group where even such loathsome exceptions are most unlikely to be found, are the refugees from Germany, the very victims and proven opponents of Hitler.

Nearly all of them have been deprived of their nationality, either by individual decree or by groups. This means they have been outlawed and officially robbed of all they possessed. All of them, or next to all, have, under their oath, declared that they will sever allegiance to the debased land of their origin as soon as the American law will allow them to do so. There is absolutely no relationship left between them and the Nazis, none but bitter, implacable hatred.

Never, as far as my knowledge goes, has there been one single case of a refugee conspiring with or working for the enemy. In France there have been at least 20 times more refugees than in the United States. Not a single case has occurred. And the same goes for England.

In England, as I take it from the excellent information furnished by our expert in this matter, Dr. Felix Guggenheim, examination boards were set up, which exempted all genuine refugees from restrictions. However, when the Nazis came within 20 miles of England's shores, restrictions were suddenly tightened. But, under the very bombs of the aggressors, public opinion and the House of Commons protested

violently and they did not give way until the position of the refugees had been restored. Today all these exiled scientists, physicians, workers, and industrialists enthusiastically contribute to the British war effort against the common foe. And in their registration certificates, in order to identify them as allies, these words are stamped, "Victim of Nazi oppression."

Now, as I pointed out, the number of refugees in this country is very much smaller. In the Los Angeles area, for instance, where accumulation is relatively dense, there are about 4,000—that is one-fifth of 1 percent of the population. The number of 4,000 individuals is equivalent to 1,000 or 1,200 family units. The task of investigating this number, and so to avoid the tragic consequences of wrong classification, would not be a heavy one.

For, since the registration, which in my opinion came as a godsend, the exact data about any single one of these cases are in the hands of the F. B. I. The vast majority of them will be clarified at once. There might be a few border cases, especially among gentile refugees who left Nazi Germany out of sheer horror and disgust, and who, being gentiles, were not honored by the Hitler regime with expatriation.

An examination board, sir, should be set up at once. I cannot presume to suggest how such a board should be composed. The only thing I feel allowed to propose is that, in an advisory capacity, one or several aliens with a sound knowledge of the matter, and enjoying the confidence of both the authorities and their fellow refugees, should be associated to it.

Pending final regulation, a licensing system could be established in the military zone No. 1, not in any contradiction but in fullest accordance with General DeWitt's proclamation. The spot zones, naturally, designated as such, would be excluded.

But now, sir, here comes my plea, and most ardent it is. Please don't delay. Take the anguish off the minds of those harassed people as soon as ever possible.

The idea has been proffered, I am told, that at first the refugees should be evacuated as enemy aliens, and that later on, by and by, individual readmission might be granted. Sir, that would never do. Such a procedure would spell disaster. Once removed, these people would be lost. The frail roots they have taken in this soil would be cut off. They would lose their jobs, their small businesses, and, most important of all, the friendly contact they have established with their American neighbors. Should they ever come back, perhaps after many months, they would be unwelcome strangers again, looked at with suspicion as people who once have been stigmatized and taken away as potential enemies.

Not all of them, sir, would have the strength for starting afresh, not many of them. They have been through too much. I don't want to dramatize, but I know that, if such steps were taken, there would be suicides before long.

May I add one final word, sir? I could imagine some people saying: All this may be true, but this is a world war. Our country faces the gravest crisis in her history. We are sending our husbands and sons to distant shores to fight and, maybe, to die. Why should we care for a handful of foreigners?

I don't know whether anybody in this country speaks like that. I'd rather think not. But, if so, this would be the answer:

These foreigners have fought against the same hideous foe as your boys. They still bear the scars on their bodies and souls. There is hardly anyone among them who has not lost relatives and friends by the same brutish hands. No group, by its hatred of evil and its love of freedom, could be closer united in spirit to the American soldier than these very people.

Mr. BENDER. Doctor, is the United States Government making sufficient use of your services, and Dr. Mann, of yours, and your associates who were in similar positions or are in similar positions to yours? Is there anything that you could assist with further that we might suggest to the United States Government that they might call on you for additional services other than those which you have already been called upon to render?

Dr. MANN. Well, I am only awaiting a call from the Government. I would be absolutely at the service of the Government. At present my defense work is more or less personal because I am going over the country and lecturing in many cities about the problems of the war and of the coming peace. That is my moderate contribution to the public service.

Mr. ARNOLD. Dr. Mann, I might say that in my district in Illinois, about one-third of my constituents are of German descent, mostly American citizens, but several of whom, prior to Pearl Harbor, were sympathetic, apparently, with Mr. Hitler. I might utilize your services this fall in the campaign.

Mr. BENDER. Recognizing the condition that you speak of, Dr. Frank and Dr. Mann, do you not think that for one of these alleged enemy aliens or any of that group to be incarcerated in these immigration detention centers, or in any other place, even in their plight, is like Heaven, compared to the alleged freedom of their existence over in Europe under Axis domination?

Dr. FRANK. Yes; I certainly would prefer the life in an American prison to free life in Germany or even in France today. This, I admit. But I don't wish it for them. They wouldn't survive.

Mr. ARNOLD. Thank you very much, gentlemen. We appreciate having you come here before the committee. We will take a 2-minute recess.

(Short recess.)

Mr. ARNOLD. The committee will come to order. We will hear one more witness, if he is here. Dr. Felix Guggenheim. The committee will recess for approximately 45 minutes after we hear Dr. Guggenheim.

Mr. CURTIS. Mr. Reporter, before we hear Dr. Guggenheim, is Courtney Lacey in the room?

He is not here; if you will insert his statement in the record, then we will proceed.

(The statement referred to above is as follows:)

LOS ANGELES, March 7, 1942.

HON. JOHN H. TOLAN,

*Chairman, Congressional Committee on Evacuation of Alien Enemies.*

SIR: During the past few days I have had conversations with several Japanese nationals residing in southern California. Today one of them, an influential businessman in Los Angeles, stated to me that he and some of his friends had been discussing the evacuation problem, and, according to them, it would seem:

That the Japanese Government is willing to accept a return to Japan of those Japanese nationals now residing in the United States who wish to return to Japan; that the Japanese Government will provide transportation for them; that in the return of such Japanese nationals to their own country, the Japanese Government will return the interned Americans, held in Japan; the exchange, so to speak, to be effected on some isolated island in the mid-Pacific Ocean, or any other suitable location and under supervision of a neutral nation; both United States and Japan to guarantee safe conduct during the exchange.

Thousands of Japanese nationals now residing in the United States wish to and are willing to return to Japan. The estimated number given to me by the Japanese is approximately 40,000, which includes, of course, the wives and minor children.

I have been asked to submit to your honorable committee the above-proposed plan.

And, in so doing, I would respectfully call your attention to the fact that thereby the financial burden which will rest upon our country, if we are compelled to indefinitely care for these Japanese nationals in concentration camps, or otherwise, will be greatly lessened. It will also serve to eliminate from our country those Japanese about whom there is or may be some question concerning their danger and enmity to our country. It will also serve to effect a return to their country and families of our own courageous soldiers, sailors, and fighting civilians who so valiantly sought to defend Guam, Wake, and Midway.

Respectfully submitted.

COURTNEY LACEY,  
*Attorney at Law.*

**TESTIMONY OF DR. FELIX GUGGENHEIM, 238 TOWER DRIVE,  
BEVERLY HILLS, CALIF.**

Mr. CURTIS. Where is your residence at the present time, Mr. Guggenheim?

Dr. GUGGENHEIM. At 238 Tower Drive, Beverly Hills.

Mr. CURTIS. What is your business or occupation?

Dr. GUGGENHEIM. At the present time I am operating an apartment house there.

Mr. CURTIS. What does the "Doctor" indicate?

Dr. GUGGENHEIM. I graduated in Switzerland in economics and social science, and I graduated in Germany in law.

Mr. CURTIS. Ph. D., is it?

Dr. GUGGENHEIM. Similar to that.

Mr. CURTIS. Doctor, where were you born?

Dr. GUGGENHEIM. I was born in Constance. That is on the Swiss-German border.

Mr. CURTIS. And your nationality?

Dr. GUGGENHEIM. I am of German nationality, expatriated.

Mr. CURTIS. And when did you come to this country?

Dr. GUGGENHEIM. I came to this country in 1940 and I happened to be in England when the same question of enemy aliens arose there so I have had the opportunity to go through the whole problem already. That is the reason I should like to say a few words as to what a simple refugee, living in England, experienced when the question of distinguishing between enemy aliens and refugees came up there.

Mr. CURTIS. Now, Doctor, we want you to proceed in your own way, giving us the benefit of your observations in this enemy alien control situation, touching the high points. I don't want to limit you in any of the important points you wish to make, but I do want to say this: If you happen to have something to add to your testimony today, you can submit it and we will see that it is incorporated in the record, together with your oral testimony.

## ENGLISH TREATMENT OF ALIENS

Dr. GUGGENHEIM. I was in England when the war broke out in September 1939. The English were badly prepared in many respects, but Scotland Yard was on the alert and in the first days of the war, a great number of German spies were arrested. Many spies had been known to Scotland Yard for a long time but they hadn't been arrested before because Scotland Yard didn't want them replaced by unknown spies.

A second group was arrested also: German aliens, who, before the war, were members of Nazi organizations in England. There and in all other countries as well, many Nazi and semi-Nazi societies were flourishing, organized openly and operating publicly.

The English authorities, in close contact with the refugee organizations immediately realized that the majority of so-called German aliens consisted of refugees persecuted by the very enemy of England. They realized also that it was a group distinguished from other groups. Therefore, they established a procedure to sift these aliens. They had to appear before special tribunals. Eminent judges and outstanding lawyers were appointed, personalities who, by long experience, were especially suited to distinguish between harmless and dangerous, between genuine and fake.

Three groups were formed:

(a) People dangerous for political, sabotage, or spy reasons. Immediate internment followed.

(b) People who, by one reason or the other, couldn't convince the tribunal that they were genuine refugees. They were subjected to special restrictions and in some parts of the country even to internment.

(c) People who proved their status as refugees. They got stamped in their certificate of registration a certain paragraph, and I would like to quote from my own certificate:

The holder of this certificate is to be exempted until further order from internment and from the special restrictions applicable to enemy aliens under the Aliens Order, 1920, as amended.

The judge of the tribunal, in many cases, Sir Maxwell, added in his own handwriting:

Refugee from Nazi oppression—

and signed it. I would like to leave a photostatic copy here in evidence.

Mr. CURTIS. I will be glad to receive it.<sup>1</sup>

## RESTRICTIONS ON MOVEMENT OF ALIENS

Dr. GUGGENHEIM. The restrictions those in group (c) had to comply with consisted chiefly in an obligation to report change of residence and to report any absence from the permanent residence for more than 14 days. Group (c) was treated as friendly aliens and practically as natural allies. Only a few hundred belonged to group (a). Only a few thousand eventually were classified as (b). The rest, about 60,000, including women and children, could establish their genuine

<sup>1</sup> Photostat held in committee files.

refugee status, and I don't know of a single case where reclassification in group (c) became necessary.

Within a few months all refugees had passed their tribunal, the decision, for instance in my certificate being dated November 2, 1939.

The procedure itself was as follows: Field investigators visited each family, asked certain questions, and got an impression of how and where the family lives. Their reports, checked with the files of Scotland Yard, were on the judge's table when he examined the alien. The job seemed to be tremendous at the beginning but the fact was that the percentage of harmless, uprooted people was so high that an experienced judge, checking the field reports and getting a personal impression normally had no difficulties in deciding quickly, especially as the aliens were asked to bring letters along from English relatives or friends or from other refugees of high standing and well known reputation. Even witnesses could appear if either the alien or the judge thought it advisable. The system worked without difficulties, especially as close cooperation existed with the refugee organizations, which always were able to check back, not only a few years back, but also the whole life history of a doubtful case.

#### REFUGEES WERE NOT FIFTH COLUMNISTS

I have to relate that after the sudden collapse of Holland, Belgium, and France, when England had to fight alone and for her very life, the Nazi armies and airplanes being within 20 miles of England's shores, some English authorities started an indiscriminate internment campaign and a tightening of restrictions. The term "fifth columnist" wasn't so well known as it is today. The stories coming from France and Holland were very confusing and it took the English a few months to get the facts and to understand that the fifth columnists and saboteurs in Holland, Belgium, and France (and a few weeks before in Norway) hadn't been the refugees, but naturalized and native citizens and such aliens who already before the war made no secret of their Nazi sympathies. Public opinion in England, newspapers and members of the House of Commons, therefore, didn't give in until the refugee's position was restored. Today I get letters from refugee friends over there telling how gladly and successfully they contribute to the English war effort according to their abilities in many fields. Some of those refugees live on the south coast of England and face the Nazi threat and the Nazi bombs, together with their English friends. That is all I have to say.

Mr. CURTIS. Doctor, I want to compliment you on the concise and orderly way you have described the English system. We are very glad to have it for our records. Now, can you tell me about how many people were involved in all three classifications in England?

Dr. GUGGENHEIM. Between sixty and seventy thousand.

Mr. CURTIS. And you do not know how that compares with the total number of people, both citizen and alien, that we will have to deal with in this problem on the Pacific coast here, do you?

Dr. GUGGENHEIM. I don't quite get the question because you say "citizens." If you want me to talk about German aliens and the percentage of refugees, then I can give an answer. I can't give an answer about the Japanese or Italians.

Mr. CURTIS. It is well that we have this information for what guidance we can get from it. We do have some problems here involving legal rights of our own native-born citizens, and we also have a problem of a cosmopolitan people made up of many, many races that form the American people, but we are glad to have the English experience.

Dr. GUGGENHEIM. Would you allow me one further remark?

Mr. CURTIS. Yes.

Dr. GUGGENHEIM. I think the refugee is a distinct problem for one reason: It is the only group I know of which can be distinguished easily, whereas, all other groups don't know each other so well and don't have the same life story as this group. That is all I want to say.

Mr. ARNOLD. Thank you very much, Doctor, your prepared statement will be inserted in the record at this point.

(The statement referred to is as follows:)

STATEMENT BY DR. FELIX GUGGENHEIM, MEMBER OF THE BOARD OF DIRECTORS, JEWISH CLUB OF 1933, INC., LOS ANGELES, CALIF.

MARCH 4, 1942.

The Jewish Club of 1933, Inc., represents the majority of the Jewish part of the anti-Nazi refugees from central Europe, as far as they live in metropolitan Los Angeles and intends to educate them to fit into American life.

In our estimate half of the number of as German classified aliens in California, and the majority of these aliens in Los Angeles are in fact expelled and expropriated anti-Nazi refugees, who were stateless when the war broke out and who don't owe any allegiance to any country at war with the United States.

These refugees whether Gentile or Jewish feel that they are wrongly classified and begin to realize the terrible consequences of that wrong classification. In the world struggle between democracy and nazi-ism they were the first martyrs and the first victims. They bear still the scars on their bodies or on their minds or on their lives or family. It would be the worst tragedy for them to suffer again at the hands of their natural allies with whom they hoped to have found a final refuge after they have suffered so much from the Nazi at a time when the world didn't realize that it only was the first chapter. The day—may it never come—when 10,000 refugees from Nazi oppression will have to leave their homes and jobs and small businesses on the west coast of the U. S. A. and in a sad procession will look for relief and assistance with the stigma of enemy aliens as additional burden, this day would be counted by history as a first-class victory of Hitlerism against democracy.

The real enemy aliens know why and for whom they are bearing hardship. The refugees don't have the spiritual strength and the power of endurance any more to suffer without understanding at the hands of their friends and allies.

Therefore we feel obliged to offer our testimony at the hearings of the House committee on defense migration and would be deeply grateful if we would get an opportunity to present some facts regarding the following matter:

We should like to present the experiences in France, when France made the terrible mistake of having detracted her attention from the fight against fifth columnists by fighting senselessly the loyal democratic anti-Nazi refugees in their midst. We would like to add how the President's Advisory Committee intervened and saved some outstanding personalities from being treated as enemy aliens in France, refugees who—oddly enough—now are classified as enemy aliens again in this country and are in danger of being expelled from California.

We should like to present how England acted in setting up tribunals for the refugees, who exempted the genuine refugees from restrictions and stamped in their registration certificates "refugee from Nazi oppression." When the enemy came within 20 miles of England's shore the authorities tightened the restrictions suddenly but the public opinion and the House of Commons didn't give way till the position of the refugees had been restored—and today the refugee scientists, doctors, industrialists, and workers contribute gladly and successfully to the English war effort.

We should like to give the facts about the stateless refugees, about the laws expatriating them before the war, about the registration which put the details

about every refugee into the files of the local Federal Bureau of Investigation and about the registration questionnaire, which indicated the intention of treating separately the group of refugees from political, racial, and religious persecution.

We should like to mention in all modesty, how valuable it would be if democracy gives special consideration where special consideration is due, and how confidence in democracy as protector of Nazi victims would grow.

We should like to draw attention to the many outstanding personalities among the refugees, who in many fields want to contribute to the war effort.

We should like to present the plan, consistent with the proclamation of General DeWitt, to license in the military area I (of course not in the "spot" zones) the genuine refugees, till they will be taken out of the enemy alien group by the administration, a plan in which trustworthy refugees of long standing and beyond suspicion could give valuable assistance.

Mr. ARNOLD. We will now recess until 1:45.

(Whereupon, at 1 p. m. an adjournment was taken until 1:45 p. m. of the same day.)



# NATIONAL DEFENSE MIGRATION

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SATURDAY, MARCH 7, 1942

HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE INVESTIGATING  
NATIONAL DEFENSE MIGRATION,  
*Washington, D. C.*

The committee met at 1:45 p. m.

Mr. ARNOLD. The committee will come to order. Capt. W. N. CULNINGHAM will be our first witness this afternoon.

## TESTIMONY OF CAPT. W. N. CUNNINGHAM, INDUSTRIAL DEPARTMENT, UNITED STATES EMPLOYMENT SERVICE, LOS ANGELES, CALIF.

Mr. ARNOLD. Be seated, Captain.

Witnesses before this committee, Captain, have testified that the Japanese play an important part in the production of the vegetables in this area. Could you give us a picture of the labor situation in relation to demand which will arise when this group is evacuated?

Mr. CUNNINGHAM. Well, I will try to, gentlemen. In the first place, we want to state that from our observation the Japanese is not, as he is presumed to be, a farmer, especially in this community and in this territory. He is a gardener on a mass scale. They have never patronized the Employment Service for any appreciable number of people.

Our available files contain the applications of 34,000 persons. Of that number there is a total Japanese registration of 446.

That represents 1.3 of our total available file of male Japanese workers of whom only four are listed as agricultural laborers.

In the women's industrial department we have registered 179 Japanese women, all of whom have insurance claims, and most of whom have been engaged until recently in the fish industry. There are a few other types.

In reference to the agricultural situation, I have the acreages for 1940-41, which I can submit to the committee. Here are the crops in which the Japanese largely figure in Los Angeles County: Cabbage, 3,600 acres; carrots, cauliflower, celery, corn and vegetables of all types, 41,750 acres; beans, which I didn't consider as a vegetable, due to the fact that it is a mass crop, about 21,000 acres.

Largely, these small acreages, which vary in size from 2 to 25 acres, are very intensively gardened the year around. The crops are rotated and almost constantly there is a crop coming on—radishes and small vegetables.

That is the crop that will be affected and the crop that will be difficult to replace because it is largely stoop labor. In the mass

crops, I see no serious labor shortage due to the evacuation of the Japanese or the other aliens.

Briefly, that is a statement of the situation. I am on the farm-labor committee of the county and also have been charged with the responsibility of coordinating and facilitating the information centers for the aliens since February 4.

In our contact with the Japanese during that period, especially, we have not uncovered any agricultural workers. They haven't applied for employment. As a matter of fact, I heard a statement this morning made by one of the Japanese that it has been very difficult for them to secure information as to where to go for help, in spite of the fact that we have given that the widest publicity. Those that have contacted me told me that they are just sitting tight; that they knew they would be evacuated.

Mr. ARNOLD. Do you know how many of those persons registered with you who are available for agricultural labor of the type performed by the Japanese?

Mr. CUNNINGHAM. No; I don't. I have the number that registered with us here. The total number at the Eighth Street office. You received the figures yesterday from Miss Ryder of the Federal Social Security Agency. That figure was 22,032. We did find that 65 percent of the Japanese contacted are self-employed, and that is a low percentage. It probably runs higher than that. Mostly they work in agriculture.

Mr. ARNOLD. The committee has heard the suggestion that women and children constitute a reservoir of farm labor. Do you have any comment, in the light of our own observation, on this proposal?

Mr. CUNNINGHAM. Well, I have heard a lot of that during the last year.

Mr. ARNOLD. I mean, among the Caucasians.

Mr. CUNNINGHAM. Yes; and among the farmers themselves. In some crops such as deciduous and citrus crops, there will be no difficulty, I feel, in the labor supply.

In stoop labor, it just don't make sense to me.

#### CAUCASIANS WILL NOT PERFORM STOOP LABOR

Mr. ARNOLD. Let me ask you: what has been your experience when you sent Caucasians out on stoop labor or agricultural jobs?

Mr. CUNNINGHAM. Well, in most cases they didn't go. But where they did, the labor turn-over was practically 100 percent.

Mr. ARNOLD. They didn't stay long?

Mr. CUNNINGHAM. They didn't stay.

Mr. ARNOLD. Have you been able to fill all demands for agricultural workers up to the present time?

Mr. CUNNINGHAM. Agricultural demands on us to date have been very few. There is now a demand through one of our northern offices to tap our reservoir here for workers in the San Joaquin Valley. We haven't been able to fill all orders for agricultural labor due to the nature of some of the crops.

Mr. ARNOLD. Just what do you mean by that?

Mr. CUNNINGHAM. Well, for instance, I know that the cotton is not all picked in San Joaquin Valley. We have had an order of long-standing for cotton pickers and we haven't been able to fill it due to

the fact that cotton picking is a pretty tough job. Up until a couple of years ago, cotton pickers, we said, were born and not made. The average American, the average individual today, prefers work in the defense program if he can get it, rather than agriculture work of any type. That is the big difficulty we have had, and are having increased difficulty with.

Mr. ARNOLD. What has been the effect of the expanding aircraft factories on the available number of agricultural workers?

Mr. CUNNINGHAM. We have in our files in the Los Angeles office, which, incidentally, is the largest office in the United States, actually registered for agricultural employment, 1,100 individuals. We have a cross-percentage of the active file of 4½ percent, based on potential farm employees, of 1,100, which would indicate by the widest stretch of the imagination that we have 2,150 agricultural workers in a file on 34,000, which is increasing daily.

Mr. ARNOLD. That is, the list is increasing daily?

Mr. CUNNINGHAM. The file of applications is increasing daily.

Mr. ARNOLD. Are living accommodations on farms for seasonal labor acceptable to white workers?

Mr. CUNNINGHAM. In some cases.

Mr. ARNOLD. What are the normal sources of agricultural labor for this area?

Mr. CUNNINGHAM. I would say for Los Angeles County the normal supply is the local Mexican and Filipino. The migratory worker does not largely affect the Los Angeles County area. There is more or less a permanent group in this community or county.

Mr. ARNOLD. Have any plans been advanced for assuring an ample labor supply from now on?

#### EFFORTS TO ASSURE ADEQUATE LABOR SUPPLY

Mr. CUNNINGHAM. Yes; they are meeting constantly and discussing that problem, especially in the mass crops in the north. They look upon Los Angeles County, and this tremendous file of ours, as a potential supply. They are figuring out some of the things that they might do. For instance, transportation, in my opinion, is going to be the biggest thing that they will have to contend with. And the second is some training. The problem of training the right kind of people for the right kind of jobs has been given a lot of thought. They are continually giving this matter consideration, both from the standpoint of the Department and other Government agencies in the county.

Mr. ARNOLD. We had a panel before us yesterday and they seemed very efficient.

Mr. CUNNINGHAM. Yes; I am familiar with that group.

Mr. ARNOLD. You spoke about almost a 100 percent turnover in agricultural stoop labor. Are the wages the only factor in that, or is it the type of work?

#### FILIPINO AND MEXICAN STOOP LABOR

Mr. CUNNINGHAM. No. We might take the asparagus crop which is being harvested now, some 62,000 acres. About 85 percent of all

the asparagus in the United States. That labor makes a man carry his head practically between his knees from the time he goes to work in the morning until he quits. It is simply stoop labor. It is labor, which Mexicans and Filipinos, with no reflection on their race, have adapted themselves to for years. The white man just doesn't seem to click there.

Mr. ARNOLD. You didn't mention the Japanese. Do they do that?

Mr. CUNNINGHAM. Outside of gardening and mass crops, they do some stoop labor. But in the big crops it is usually the Mexican and Filipino that does the bulk of the work and there are a lot of them working for the Japanese.

Mr. ARNOLD. Well, they can perform that work for the ones who take over this land, the same as they do for the Japanese.

Mr. CUNNINGHAM. There is no reason in the world why they can't. The people who have financed most of these crops over a long period of years are not in business for their health; they will see that these crops, to some extent at least, are harvested.

Mr. ARNOLD. Do you have any idea as to what crops will be affected most severely by a shortage of labor if the Japanese are evacuated?

Mr. CUNNINGHAM. The only ones that I can think of, after 10 years in the field of agriculture, are the smaller vegetables. Potatoes will not be affected. The mass crops, such as lettuce, will not be largely affected. But it is radishes and small crops that come into the market fresh every morning, especially here and in San Francisco. Those are the crops that will be affected.

Mr. ARNOLD. Someone up in the Portland area said the American people might not be able to get their spinach.

Mr. CUNNINGHAM. Well, after all, it is surprising right now, the way the market for lettuce has dropped off. In Imperial Valley they are plowing under some of the lettuce and it isn't due to the labor shortage. It is due to the lack of a market.

Mr. CURTIS. The whole agricultural labor question has been a difficult one in recent months, has it not?

Mr. CUNNINGHAM. Not so much in recent months because it has been the off-season, but during last fall and the latter part of 1941, it was extremely difficult, complicated perhaps by the fact that California has been used to an inexhaustible supply of experienced labor. When that dropped off, naturally, it got the spotlight and there was some concern, but no crops, to my knowledge, with the exception of cotton, suffered from a shortage of agricultural labor.

Mr. CURTIS. Did the competition of defense jobs and higher wages contribute to the difficulty with cotton?

Mr. CUNNINGHAM. To some extent but I don't think entirely. The establishment back in the Middle West and Southwest of tremendous defense industries, and more work becoming available, caused an awful lot of cotton pickers to remain where they have come from in other years.

Mr. ARNOLD. Mr. Cunningham, we appreciate your coming here and giving us the benefit of your information. We want to apologize for not calling you this morning when you were scheduled, but we were running behind and this is the best we could do.

Our next witnesses are Mr. Booth and Mr. Henley.

**TESTIMONY OF G. RAYMOND BOOTH AND DAVID E. HENLEY, OF  
THE AMERICAN FRIENDS SERVICE COMMITTEE, PACIFIC  
COAST BRANCH**

Mr CURTIS. Will you state your name?

Mr. BOOTH. G. Raymond Booth.

Mr. CURTIS. Where do you reside?

Mr. BOOTH. Pasadena.

Mr. CURTIS. What is your business or occupation?

Mr. BOOTH. I am executive secretary of the American Friends Service Committee, Pacific coast branch.

Mr. CURTIS. That is a Quaker organization?

Mr. BOOTH. That is right.

Mr. CURTIS. What is your full name?

Mr. HENLEY. David E. Henley.

Mr. CURTIS. Where do you reside?

Mr. HENLEY. Whittier.

Mr. CURTIS. What is your business or occupation?

Mr. HENLEY. I teach in Whittier College.

Mr. CURTIS. What is your connection with the American Friends Service Committee?

Mr. HENLEY. I am on the executive committee and in contact with several of the subcommittees.

Mr. CURTIS. When was the American Friends Service Committee organized?

Mr. BOOTH. It was organized during the last war for the purpose of taking young men over to France to rebuild some of the ruined villages there during the war.

Mr. CURTIS. While the war was going on or after the war?

Mr. BOOTH. Both during and following the war.

Mr. CURTIS. You are a pacifist organization?

Mr. BOOTH. If I may define the term; yes.

Mr. CURTIS. You may define it; yes.

Mr. BOOTH. I mean by this that we have no part whatever with individual political pacifism or isolationism or anything of that sort at all. Our objection to war stems out of our fundamental religious convictions, and we give expression to it in social activity for the forgotten man, or the underdog, or the submerged groups remaining in every part of the world.

Mr. CURTIS. Mr. Booth, you have prepared a statement, have you not?

Mr. BOOTH. Yes.

Mr. CURTIS. That written statement will be received and printed in our record in full.

Mr. BOOTH. I have already prepared and handed to the staff a document of some length.

Mr. CURTIS. Yes. We are glad to have that and we are glad for helpful and charitable organizations that assist individuals in these trying times.

We understand that the American Friends Service Committee has been in touch with the problems arising in the evacuation of Terminal Island.

Mr. BOOTH. That is right.

(The statement referred to above is as follows:)

STATEMENT BY G. RAYMOND BOOTH, EXECUTIVE SECRETARY,  
AMERICAN FRIENDS SERVICE COMMITTEE, PACIFIC COAST  
BRANCH, PASADENA, CALIF.

MARCH 7, 1942.

The American Friends Service Committee believes that measures designed for national security should not be taken against minority groups of American citizens on the basis of race, country of parental origin, or any other group basis.

It believes in the ability and intelligence of the appropriate agencies of military and civilian authority to accomplish needed measures of internal security by dealing with individuals. It does not wish to criticize a decision to accord to the State the benefit of any residue of doubt.

Dealing with groups as groups, it is believed, introduces far-reaching deleterious effects. It invites despair, cynicism, and rebelliousness among the individuals of such groups. It tends to provoke the same among individuals of other minority groups who may consider themselves next in line for discriminatory action.

Furthermore, no citizen is less secure potentially than the lowliest among us. To tamper with the basis of democratic citizenship is to begin the journey toward totalitarianism which may take us afar from American way of life.

The international and military complications of such action would be most advantageous to the Axis enemies, particularly Japan. Her tactical advantage, if she could persuade other Asiatics of our racial unfriendliness, would be enormous.

We suggest, therefore, that it is not too late to institute a system of local boards of inquiry into all cases, alien and citizen alike, to determine the essential loyalties of each. Recommendations could be made by such boards designed toward (a) internment, (b) removal from vital zones, (c) restricted movements, (d) unrestricted freedom.

National security instead of local prejudice, hysteria, greed, political advantage, and unreasoning fear should be the governing motives of such boards.

In the event the above considerations and recommendations are not acceptable and large-scale group evacuation must be carried out, considerations of humanity should have a large place in such plans.

#### THE EVACUATION

1. The cost of evacuation should not be a burden on the evacuees.
2. The protection of property which must be left behind should be assumed by the Government. Methods may differ in dealing with alien and citizen property.
3. Exemptions or deferments should be created in order to deal with health problems. Pregnant women, children needing special diet and medical care, diabetics, the aged, must not be overlooked. Provision for care in or near the cities should be provided, perhaps under social agencies.
4. There are perhaps 1,000 college students of undergraduate and graduate standing. Denial of further educational advantages to these students is to reduce the group to menials.

#### THE MILITARY RESERVATIONS

Major provisions of the Geneva Convention for Treatment of Prisoners of War should be accorded those who must live in such camps. Housing, furnishings, and food issues should be equal to that provided for the armed forces. Special considerations should be made to provide Japanese type of diet. Medical care, with release of those whose detention would lead to impairment of health, should be considered, and inspection and suggestions from nongovernmental agencies such as the Red Cross should be permitted at frequent intervals. Freedom to communicate with the outside, under proper supervision, should be provided. Morale-building agencies should be permitted to carry on work of education, recreation, and religion. Perhaps labor of national importance would be acceptable in this case to most of the reservation residents.

#### RESETTLEMENT VERSUS EVACUATION

The evacuation plan should be quickly superseded by a plan of genuine resettlement; otherwise the end of the war will see an impoverished, demoralized, embittered group of people return to former places of residence, with consequent social problems of almost incalculable proportions.

We suggest a quasi-public resettlement board, composed of men of nationally known ability and integrity, to have general supervision of such resettlement. Such a board would be able to draw upon the skills of governmental agencies for expert advice and administrative services. Federal funds available on the basis of long-time amortization supplementing individual savings would facilitate productivity, contentment, and security of tenure heretofore rarely known among Japanese Americans.

Sectarian and other partial schemes of resettlement might conceivably have their places in the general scheme. Perhaps such partial schemes might be modified for the general good.

AMERICAN FRIENDS SERVICE COMMITTEE

The American Friends Service Committee has had experience in dealing with uprooted humanity in France, Poland, Spain, Russia, China, Mexico, and the United States. If governmental authorities should consider such experience valuable, they may feel free to call upon us for such service as to them seems wise. Any such requests would be considered in the light of their possible service to humanity.

EXHIBIT A.—LETTER FROM CLARENCE E. PICKETT, EXECUTIVE SECRETARY,  
AMERICAN FRIENDS SERVICE COMMITTEE, 20 SOUTH TWELFTH STREET, PHILA-  
DELPHIA, PA.

FEBRUARY 28, 1942.

C. REED CARY,  
*American Friends Service Committee,*  
*544 East Orange Grove Avenue, Pasadena, Calif.*

DEAR REED: Homer Morris and I have gone over some ideas concerning resettlement which he is putting into a memorandum, and he is also enclosing a copy of the report on Penn-Craft.<sup>1</sup> My idea about that would be that it could be for thee a source material in preparing for thy appearing before the Tolan committee. Also, if thee wanted to do it, thee could read it into the record as an evidence of an experiment in resettlement which is in process now and which gives a good deal of evidence of the way in which the thing can be done. I am also enclosing a speech which I made a good many years ago after I had studied resettlement efforts in Europe. I don't know that that will be of any value, but I thought I would send it along anyway. Thee does not need to bother to return it. That, too, might be read into the record. It is based on a study which I made in Germany, Czechoslovakia, Austria, Denmark, England, and way stations.

Thee ought to know that there is an interest in this problem of the Japanese on the part of Senator Thomas from Utah. He was for 16 years, I believe, a missionary for the Mormons in Japan and speaks Japanese well. He has the difficulty of having a good many young men who are dedicated as missionaries on their basis of giving 2 or 3 years of their lives, but now with most of the countries of the world shut they don't have any place to go. He would like to have them used. I don't know whether thee is familiar with the Brigham Young plan of settlement, but it is one of the most statesmanlike that has ever been worked out in this country and has had its effects upon the whole economic and social life in Utah. My honest opinion is that if the Mormons would get interested in this problem and could go at it without prejudice, they might be extremely helpful. I mention this for thy own information. If there does come along a resettlement problem—which I would hope would be handled by Farm Security—I would hope both the Mormons and Friends might help out.

I am not sure whether thee is familiar with the mobile camp program of Farm Security. They have mobile camps for agricultural workers which can be built for not more than about \$200 a unit and which in mild climates work very well more or less permanently. Laurence Hewes, whom we talked about on the telephone the other night, the regional director in San Francisco for Farm Security, would have all of this information, if he is willing to give it before the Tolan committee. It may be, however, that Government agents are not permitted to appear before the committee.

I wish to goodness I could be there a little while. I would like to give them a good long story about things that could be done. It seems to me that in terms of building good will for the long-distant future this offers one of the most rare

<sup>1</sup> Held in committee files.

opportunities that could possibly come. Without doubt the Japanese people are extremely keen to know what happens to their nationals who are in this country. If they are put in concentration camps, it will contribute to long-time, almost age-long bitterness. If they are treated with consideration and given some opportunity, it may do more to develop a good spirit in Japan than almost anything that we could do. I have the belief that we ought to help in any way we possibly can, keeping in mind the long-time results that may come either from proper treatment or from mistreatment.

Furthermore, if I were undertaking a resettlement job on the land, I don't know that I could imagine a better group to work with than the Japanese. They do know how to live on nothing and work hard. They know how to make things grow out of soil that for others seems to be impossible. Of course, I do hate to see them huddled together in a colony anywhere—it doesn't seem to me the best way to do it—but I think temporarily perhaps that is what will have to be done.

I hope out of the material we are sending, thee can help the Tolan committee in its effort to have a decent record. My impression of their operations is that they have done a very good job. They helped enormously by the hearings which they held in New Jersey.

Sincerely thine,

CLARENCE E. PICKETT.

EXHIBIT B.—STATEMENT BY HOMER MORRIS, AMERICAN FRIENDS SERVICE COMMITTEE, 20 SOUTH TWELFTH STREET, PHILADELPHIA, PA.

FEBRUARY 28, 1942.

#### PROBLEMS IN DEALING WITH EVACUEES

1. Classification of evacuees:
  - (a) Most of the evacuees—and I do not at all know the percentages here—will probably be able to make their own readjustment without outside help.
  - (b) Others will need only advice and counsel in making the readjustment.
  - (c) Some will need shelter temporarily while they are seeking contacts for new location.
  - (d) Some will need to be resettled, at least for the duration.
2. Families need to be kept together if possible.
3. Single men or men without families could be housed together.
4. The cost of supporting the evacuees should be kept as low as possible consistent with decent standards of living.
5. The leisure time of the evacuees should be utilized in order—
  - (a) To keep up their morale;
  - (b) To improve their skills;
  - (c) To produce a part of their support.
6. Many families now uprooted may have difficulty in returning to their former homes and jobs at the close of the war. Long-time readjustment should therefore enter into the plans for taking care of this group of permanently uprooted evacuees.

#### METHODS OF PROCEDURE

In considering methods of handling the evacuee situation, the problems that have been enumerated above need to be given consideration, and the plans that are worked out should help to provide a solution for as many of these problems as possible.

The experience of the American Friends Service Committee in rehabilitation and self-help projects in Poland, Russia, Austria, and Serbia after the close of World War I and our experience during the depression in the thirties in this country would suggest that one of the best methods of procedure to handle an evacuee problem is to place the evacuees on the land where they could produce part of their support. I am attaching a brief statement relative to work in Poland, Russia, and Penn-Craft.

In a resettlement program, materials have to be provided for the construction of simple houses or, if the settlement is in a place where climate is fairly mild, tents might be used. If houses are constructed, this could be done on a very simple basis and would not need to be very expensive. There would probably be enough skilled workmen among the evacuees so that they could construct their own houses. If not, leadership would need to be provided so that with the use of

even unskilled labor among the evacuees the houses could be constructed without labor charge.

*Families.*—The family life of the evacuee should be safeguarded if possible. By sharing labor among themselves, the families would be able to construct their own houses. Whether the houses should be located close together in village type or located on individual plots of land would depend primarily upon the availability of water supply. The amount of land needed for each family would depend upon the fertility of the soil and whether the group would be expected to produce any more than their own subsistence. If the land is fairly productive, an acre per family is sufficient for subsistence with the use of intensive cultivation.

*Single men.*—Single men or men separated from their families could be housed in barracks. The men could construct their own barracks with at most the help of some construction direction. It might be that the single men might be housed in some of the abandoned Civilian Conservation Corps camps, provided these camps are located in areas where suitable land for the production of food supplies is available.

The amount of land needed would depend upon the fertility of the soil, but would probably not have to be in excess of a quarter of an acre per man.

To carry out this agricultural program, it would be necessary to provide simple tools which would not have to be too expensive, because one of the problems would be to utilize the labor of the evacuees. There would also need to be seed, fertilizer, and, especially in the West, one of the essentials would be irrigation facilities. Some instruction and supervision might be needed in construction, gardening, and preservation of food and in the use of leisure time in making clothes and providing other necessities. This could be done without a large personnel to help.

#### GENERAL CONSIDERATIONS IN CARRYING OUT A RESETTLEMENT PROGRAM

The success of a resettlement program depends primarily upon securing able and sympathetic administrators. The personnel in a resettlement program for evacuees would need to have a passion for using the skills and abilities of the evacuees and developing leadership among them at every point in the development of the program.

I doubt whether there is any group in the world who are better material for a resettlement program on the land than the Japanese in California. They have demonstrated their ability as farmers and gardeners. In fact, they have been so successful along this line that this has become one of their major crimes in the eyes of native California farmers. They have demonstrated a high degree of independence and self-reliance. It would be a crime of the first order if our treatment of them as évacués should tend to break this spirit of independence and self-reliance. Their high morale should be respected and preserved.

The difficulties and the problems of the Orient are not going to be solved with the termination of the present war. The intense bitterness of national and racial antagonisms which is being aroused is going to continue after the close of the war and will tend to thwart and defeat any peace settlement which is made. If there is to be a lasting peace in the Orient, it will have to rest upon a mutual respect between the yellow and the white races. The way in which we treat the Japanese évacués may be one of the most important contributions which can be made to relieve the tension between the races and at least to form contracts between the races in California which will help to counteract some of the bitterness which has developed on the coast during the years and has now flamed into overt violence.

One way to handle this problem is to herd the évacués into concentration camps. Immediately that would be the easiest and the simplest way to deal with the problem. But it would only intensify the feeling and make more difficult the final solution. If these évacués could be handled with respect and dignity by sympathetic and religiously motivated people, it might make a contribution to a solution of the problem of the Pacific which would be out of all proportion to the size of the undertaking and would be ample compensation for all the difficulties that are inherent in any resettlement undertaking.

The Government can and should provide the funds for the handling of the évacués, but it is evident from past experience and the limitations that are inherent in Government procedure that if this job is done effectively it will need to be done by some private agency which is rightly motivated and has freedom to select the right personnel. The right handling of the Japanese on the coast as évacués represents one of the greatest opportunities for constructive peace work that could be placed in the lap of any group.

We are being surfeited with political propaganda. This is a rare opportunity for a proper treatment of aliens of enemy countries which would be the basis of the best type of propaganda for those who are interested in establishing a better world order.

One of the most difficult problems in a resettlement program for evacuees will be to secure the right type of land. This problem will be complicated by local hostilities. To secure land will probably require Government backing or might even require definite action of the Government. That is, if a private agency located suitable land, it might require Government action in order to secure the land or to prevail upon local authorities to grant the use of the land. The question of location is further complicated by the uncertain length of time of the project. That is, it would probably be advisable to lease land, if possible, rather than to purchase it until the permanence of the resettlement program is determined. If land which is already owned by the Government could be utilized, this might simplify the problem. I do not know the actual situation in connection with the selection of families and development of the Coulee irrigation project. It was planned originally, I believe, that this territory might be settled by migrant labor. I suspect that the present defense program has absorbed a large percentage of the migratory labor, and there is a question whether they now have such families to settle that land. If all the families have not been selected, some of this land might be used temporarily for the location of the evacuees. It is property under Government control, is in a relatively undeveloped area where the problem of public relations might be simpler, and water is available. This is one area that might be investigated as a possible location. Utah might be another area in which the evacuees might be settled with less public complications than in most other areas.

Because of the local opposition to Japanese, it might be better to scatter them in relatively small groups in a good many different areas rather than to concentrate them in large groups where they might become the focus of a rather violent public opinion.

At this distance and without the necessary facts, I will make no attempt to estimate the cost of a rehabilitation program. It should, however, be carried out on a very simple basis. Whatever its costs could be deducted from complete support which will have to be provided by the Government in case evacuees are herded into concentration camps. The food which they ought ultimately to produce should reduce considerably the cost of handling the evacuee problem, so that the increase in cost in resettlement over concentration camp would partly be offset by saving in food.

#### EXPERIENCE OF THE AMERICAN FRIENDS SERVICE COMMITTEE IN POLAND

English and American Friends, following World War No. 1 conducted a rather extensive resettlement program in Poland. This was for the Poles who were driven out of Poland into Russia in the autumn of 1914. The land was fought over for 3 or 4 years and when the refugees returned from Russia, the land had been so churned up by fighting and grown up in trees and shrubbery that in many cases they could not identify the villages in which they had lived.

The Friends set about to help these refugees to start life over again. They imported horses, seed, fertilizer, machinery. They taught them more scientific methods of agriculture, and within a few years amazing progress had been made in the restoration of the land and in the development of a rather prosperous agricultural area. The Kolpin Agricultural School, which was an outgrowth of this effort, was later taken over by the Department of Agriculture in Poland and has become the center of one of the most progressive agricultural schools in Poland. It is from this area that just previous to the war came the Polish canned pork, the best that could be bought on the American market.

This rehabilitation program which had such a profound influence upon the agricultural and economic development of a devastated area of Poland was the work of a relatively few far-sighted and energetic English and American workers who were interested in making a demonstration in international good will.

#### EXPERIENCE OF THE AMERICAN FRIENDS SERVICE COMMITTEE IN RUSSIA

The refugees from Poland were sent in the opening days of World War No. I to the Volga Valley, which was the grain-growing section of Russia. At the end of the war and after the civil war and famine in the Volga area, these Polish refugees fled from the famine area back to Poland. The once prosperous Volga Valley was then laid waste.

In the spring of 1922 the American Friends Service Committee and English friends imported tractors, machinery, horses, and seed in order to get the peasants back on the land and to enable them to start their life again on a more normal basis. This was not especially a resettlement problem, but it was an illustration of the way in which a comparatively small amount of aid at a critical time can have a very profound effect upon the economic development of a country and in the long run may have some bearing upon the political and cultural relations between countries.

## PENN-CRAFT

I am enclosing herewith a progress report on the development of Penn-Craft community. I am not sure that this will be useful, but it may serve as an evidence that the service committee is now engaged in a resettlement project and that we do know something of the problems, difficulties, and possibilities which are connected with any resettlement program.

The Penn-Craft project is, of course, of a much more ambitious scale than should be undertaken for evacuees, but it is at least an illustration of a resettlement project which has already made rather striking contribution to the community. It may or may not be pertinent.

## EXHIBIT C.—SUBSISTENCE HOMESTEADING IN EUROPE

REPORT BY CLARENCE E. PICKETT, EXECUTIVE SECRETARY, AMERICAN FRIENDS SERVICE COMMITTEE, PHILADELPHIA, PA.

Social conditions in Europe usually come to their critical stages from 15 to 50 years earlier than they do in America. This has been true in the development of small land settlements. It was not until May 1933, that the United States Congress appropriated \$25,000,000 for the development of subsistence homesteads. Just now the administration of that act is getting well under way. The first community to be established in West Virginia was opened to 50 homesteaders in June 1934. Within a few days a new community will be established near Houston, Tex., and already 100 families have moved into the Cumberland Homesteads at Crossville, Tenn.

It was in 1920, when soldiers returning from the war to Vienna hoping to marry and establish homes but finding impossible congestion in the city, that the Quaker Relief Organization loaned to a cooperative organization in Vienna \$50,000 for the establishment of subsistence homesteads.

Three and four-room houses were erected on plots of land three-eighths of an acre in size. On these plots, for 15 years, families have grown most of their vegetables and fruit supply; they have been dependent, however, for cash income on industrial employment. After about 5 years the city government of Vienna adopted the scheme and has developed it since that time. Gradually the size of the plot of ground has been decreased and the famous Socialist apartment houses represent the complete elimination of the food production element from the homestead idea.

During the past 2 years a large homestead development has been in construction which places one house on an acre of land. This one definitely attempts to make the family self-sufficing as far as possible off the land. The problem of the high cost of land and its scarcity has been so acute that the movement has been seriously hampered. It has, however, revealed a good deal by way of methods of intensive cultivation and inexpensive fertilization of soil. It has also quite clearly demonstrated that the devotion of the Viennese worker to his home is much greater where the home life is rooted in the soil than where it is simply in an apartment.

In Czechoslovakia after the war the newly established government took up with great vigor the problem of the redistribution of land. Large estates were broken up and peasants permitted to purchase on easy payment plans.

It would be hardly fair to say that this is a subsistence homestead movement, but it is interesting to note how little political disturbance there has been in Czechoslovakia, even though its population is made up of various racial, national, and religious groups. One wonders whether there may not be a connection between the sense of security and relation to the soil on the one hand, and the lack of political disturbance on the other.

In Germany there are two main approaches to the attempt at land settlement. One has to do with the use of the large land estates. Thus far not a great deal

has been done to make available this land for general use. However, some of the estates which were long in arrears in taxes have been permitted to pay those taxes by deeding portions of their estate to the government. Land thus transferred has been divided into small farms and made available for general farming purposes. This is a part of the present Government's plan to make Germany as nearly self-sufficient economically as possible; drainage and reclamation efforts of considerable proportions have gone on in recent years. The movement, however, is not large enough to play an important part yet in the national life of Germany.

Much more significant is the development of the Klieinsiedlung, or small-settlement movement which locates houses on small tracts of land, usually not exceeding one-half acre, located adjacent to existing industries. Arrangements are usually made for short hours in industry to allow time for production of food supply from the soil. Good fireproof housing with three or four rooms for the family is generally provided. Here also intensive cultivation of fruits and vegetables, together with scientific fertilization, has developed remarkable results in terms of supplying food, and has also helped to retain the integrity and solidarity of family life. In some cases industry and Government have cooperated in supplying funds. The homesteads are usually sold to the individual homesteaders and the period of amortization is 42 years. The community is forced into a homesteader's cooperative which is carried on under the direction of an able paid director. School and church facilities are frequently provided as a part of the general community set-up and not specifically for the homestead community. One is impressed with the fact that the housing is all very much alike. The monotony, however, is greatly relieved by the skill and artistic taste in landscaping and planting. A number of Klieinsiedlung have been established where there is no industry, but these in most cases have not been successful because there was no source of cash income. Some efforts have been made, but without great success, to develop production-for-use units for these communities.

About 66,000 individual homesteads have been established by the Government thus far. Germany, however, is a highly industrialized nation with millions of its population living adjacent to large cities and around heavy industries. It does not have the open spaces which are our fortune, and the movement is thus far not large enough to affect to any considerable degree the social structure and political life of the country.

In Wurtemberg, however, the combination between farming and industrial work has been maintained for nearly 100 years. In 1840 the King of Wurtemberg sent his Prime Minister to England to study the social and economic effects of the centralization of working populations around the newly established industries. The Prime Minister reported to his King that although this plan would be satisfactory when industrial plants were operating at full capacity it was dangerous because times of unemployment were sure to come. Following the recommendations of his Prime Minister, the King worked out a plan of subsidy and encouragement for industries which were willing to employ labor part-time and to leave time free for small-scale farming. They were also required to transport workers to and from their farms, small or large, to the industry and to keep the normal balance between agriculture and industry.

While Wurtemberg has many small plants, it also has some heavy industry. The Bosch Works, for instance, employ 12,000 people. They bring some of their workers as far as 30 miles to work; some of the most highly skilled workmen in Germany come from the Wurtemberg farms and although the land is not by any means the best in Germany, it has been carefully used until it now is considered one of the most productive parts of the country.

The State of Wurtemberg has its own scheme of unemployment insurance. It has carried its own relief load throughout the last 10 years and last year from funds in its unemployment insurance treasury, which were not required to meet the needs of its unemployed, it loaned to the federal government 80,000,000 marks.

Comparatively little has been done in land-settlement projects in England. Large-scale allotments for garden production have been carried on for a number of years, but Britishers are not land-minded. Furthermore, the amount of available land for successful cultivation is severely limited. One experiment, however, is being carried out in Devonshire by private individuals which carries much significance. They have purchased an old baronial estate of several thousand acres and, instead of breaking it up, as has been the policy of the British Government, they have approached the estate from the point of view of its social value. The community life and economic development on a local self-sustaining basis had great value on the medieval estates, if only these values could be divorced from the paternalistic life that the estate applied. The forests have been brought

under control; experiments with new plants are being carried out; also laboratory tests of ways, in which the hand and the machine may be associated together in the production of woollens and pottery, are bringing to light new products which had not heretofore been made. This effort, through experiments and education, to recover an appreciation of the intelligent use of the land, together with the fabricating of forest, clay, and textile products, within the same community are revealing ways in which the values of the feudal or semifederal life in the Middle Ages may be recovered and made to fit in with our modern machine age.

One of the striking phases of European life now is that civil disturbance is much more to the fore than international strife. It is my conviction that one of the chief reasons for this civil strife, especially in Austria and Germany, is due to the fact that there are large numbers of people in both of these countries who have been compelled year by year to reduce their standard of living. Many of them have been unemployed for years. Large numbers of young people have never had a remunerative job.

We have developed both in Europe and in America the employer-employee relationship, so that it is assumed that the only way in which people can make a living is by being employed by someone else. This in itself is an anomaly. There are thousands of jobs which need to be done and as many ways in which people might wrest from the land and from their surroundings the things needed for an abundant life. The practice of commanding the soil to bring forth its fruits has largely been lost. Both in Europe and in America we need to recover the independence and security that can alone be provided, not by any kind of political machinery, but by production from the soil.

We have some years left in this country before acute internal strife is likely to develop. It seems to me inevitable that this stage will come unless we relocate large numbers of our people who are now living in industrial communities, but who are unemployed, or who are living on land which does not produce enough to provide the necessities of life.

If, in the next 20 years, some 10,000,000 people now living where there is little or no opportunity to make a living can be transplanted to small allotments of land, and if those industries which can operate economically on a decentralized basis will be willing to follow their workers to subsistence homestead communities, we may be able to develop a strong and intelligent citizenry whose attention is centered not primarily on fruitless political conflict, but on the use of God's gift to us for the satisfying of human needs.

In the development of these new communities, whether abroad or in America, the place of the church has a great significance. Most of the communities that will be established will not be primarily religious colonies, but the ministry of the spirit which can be provided by the church will be an invaluable asset.

In the development of a social and spiritual life, it is gratifying to see those of you who are associated with the great and influential Roman Church in America giving your time and energy, as is being done in many cases, to the intelligent planning of a new and wholesome community life.

## TESTIMONY OF G. RAYMOND BOOTH AND DAVID E. HENLEY— Resumed

Mr. CURTIS. Would you please give the committee your analysis of this experience?

Mr. BOOTH. I think in the main there has been practically no provision made on the basis of experience for dealing with the person who gets lost in the shuffle.

The Social Security agency did a magnificent job and the International Institute here, under Miss Newton, did a very excellent job, but all of the contingencies that might arise were not prepared for, could not have been prepared for, in the course of 48 hours. The terms of reference of the job assigned to Mr. Neustadt were not conclusive enough to make it possible to provide for those things.

For instance, you received evidence here this morning that only some 15 or 16 Japanese applied for social security assistance. Well at least, there were a good many more who would have applied, who

could have been provided for, had the terms of reference been broad enough. But there were people who were being victimized economically by the removal, and through Japanese funds, to a large extent, supplied to the International Institute, who did the social case work, some 50 or 60 cases were cared for.

Then there were health problems that were not anticipated and were not met which had to be provided for in a volunteer capacity.

Mr. CURTIS. Your committee was present and assisting in this work?

#### SHELTERED 200 PERSONS

Mr. BOOTH. That is right. As a matter of fact, we have three hosteleries where we are caring for upward of 200, giving shelter and doing some bit of counseling and that sort of thing.

Mr. CURTIS. In what kind of buildings do you have them?

Mr. BOOTH. We have two language schools out in the country, and then we have a very fine old Presbyterian school here in the city, which they very generously gave us, down in the Boyle Heights area.

Mr. CURTIS. Mr. Henley, do you have any observations or suggestions to add to this Terminal Island situation, that you feel the Government should know?

Mr. HENLEY. I think I have nothing specially to add. Naturally, we had suddenness, and resulting confusion and anxiety but nothing further, I think, other than what has been mentioned already.

Mr. CURTIS. Both of you feel that the hardships are lessened if we can give accurate information as early as possible; isn't that true?

Mr. BOOTH. I think that can be done.

#### HEALTH PROBLEMS

There is one thing we will have to foresee and that is the health problems, all the way from a tiny tot who needs a special diet, and young women who are pregnant, to the aged men. We are going to find a rather sizeable number of people who, for health reasons, are going to be under the general ban. Certainly, there ought to be consideration given where agencies might care for those people, at least on a temporary basis, that is, in an area adjacent to the cities where they have the facilities, which city health services offer.

Then, of course, there is another problem which has to do with the impoverishment of a group, as a group. That is the problem confronting a thousand university students, both undergraduates and graduates. If their education is denied them, at the same time the group is being pushed out, it will lead to the cultural and economic impoverishment of the whole group.

There is a large section that ought to be given special consideration in this whole thing.

#### ADVANTAGE TAKEN OF EVACUEES

Mr. CURTIS. In that connection, have you found any instances where people have taken advantage of the situation by purchasing the belongings of evacuees?

Mr. BOOTH. Oh, yes.

Mr. CURTIS. At a fraction of their original cost?

Mr. BOOTH. It has been done. It is just common knowledge.

Mr. CURTIS. Could you be specific and give us an instance or two?

Mr. BOOTH. I can't substantiate it. I will tell you why: We had a survey made in one of these earlier proscribed zones on individual sheets and the evidence was obtained as to what the owner thought the value was and what the price paid was. In going back, when your committee came along, to get these things checked, we found that the people had moved on, or they were just too frightened, absolutely terrified, at the thought of doing this sort of thing, because of the fear of victimization later.

However, I do have some instances I can relate. For instance, six families reported selling equipment very cheaply but gave no names. Clyde Sprague, 920 East Rosecranz, Compton, is reported as buying at half value, or very cheap, 4 tons of hay and a horse for \$35.

Mr. CURTIS. Now, Mr. Booth, when I asked you to be specific, I meant illustrations as to values. Whether you give the names is rather immaterial. We are not a law-enforcing agency but we do want to have a general picture of what is going on.

Mr. BOOTH. Mr. B bought a horse, valued at \$200, for \$70.

Mr. BENDER. Frankly, we would like to have the names. There is no point in offering testimony unless you can give the names.

Mr. BOOTH. I offered it. I will offer the name again.

Mr. BENDER. What is the name?

Mr. BOOTH. This man is A. G. Quinn of 519 College Avenue, Costa Mesa.

Mr. BENDER. Will you spell the name?

Mr. BOOTH. Q-u-i-n-n.

#### METHOD OF APPROACH

In most cases which came to our attention, the individual received a telephone call, purportedly from an agency of law enforcement, the F. B. I., the Navy Intelligence, Army Intelligence, or the police, in which they were giving them a friendly tip, that "You are going to have to move sooner than you thought. We are giving you a break. You had better start packing."

Mr. BENDER. Who did that?

Mr. BOOTH. Purportedly the F. B. I. and the other agencies of law enforcement, which do not make such calls, obviously.

Mr. BENDER. You say "purportedly, the F. B. I."

Mr. BOOTH. What I mean is this: That the man, who is going to have to move, gets a telephone call, "This is the F. B. I. calling. You are going to have to move sooner than you thought."

Mr. BENDER. You don't believe that it is actually the F. B. I.?

Mr. BOOTH. It is stupid on the face of it; certainly not.

First of all, I called the F. B. I. and had them check up on it. I knew, of course, that it wasn't true.

Well, some time in the same day, this person would be visited by someone who was very generously offering to buy. It is that sort of thing that is going on and on until, well, you can realize the state of dismay and despair, and even terror resulting from that.

Junk dealers moved down on Terminal Island in advance. They came down there in great numbers on one particular occasion.

Here is another case. Frank B. Johnson of 1301 Wilmington Avenue, Compton, bought one horse, four tons of hay, three-quarter tons of fertilizer, harrow, cultivator, and plow all for the sum of \$100.

Mr. CURTIS. What kind of a horse was it?

Mr. BOOTH. That I don't know. I didn't see the horse. I would surmise that the horse was a very decent sort of a horse. The Japanese deal in pretty good stock. They are rather shrewd people on that score.

Mr. CURTIS. Mr. Henley, do you feel that the situation in regard to some instances where the evacuees were taken advantage of is what Mr. Booth described?

Mr. HENLEY. Certainly; substantially as he has presented it, yes.

I haven't actually been in the field. I have been working more with the policy-making forces in the country, but our secretaries, who know the Japanese intimately, and in whom the Japanese have confidence, have reported to them repeated cases of exactly this kind.

Mr. CURTIS. Do you think it is carried on by a minority or a small group of individuals, this preying upon their misfortune?

Mr. HENLEY. I should suppose it is a group of individuals who are looking out for an opportunity to make some money.

Mr. BENDER. Have you ever known of these individuals before this war started?

Mr. HENLEY. Carrying on this kind of economic practice?

Mr. BENDER. Yes.

Mr. HENLEY. I think it is just a new use of an old technique.

Mr. BENDER. You Californians haven't been victimized very much by any of these rackets, have you?

Mr. HENLEY. We are not all in one union. We use each other out here to some extent.

I ought to say, however, I am speaking not as a representative of California in any sense as I am an imported teacher of economics.

Mr. ARNOLD. At that point, isn't it possible that American citizens will be forced to sell their businesses, or their property, at much reduced prices?

I have had two calls from former Illinois citizens: One owns a half interest in a cleaning establishment. He is selling that out because, apparently, he thinks he should sell. Another, this morning, told me he had a small business. He has sold it out because he didn't think conditions were going to be so good in this area.

So, apparently, they have either found someone who has more confidence than they have, or else they have taken a loss and gotten out while the getting was good. That will probably be the practice in this area, especially if a few bombs fall.

Mr. BOOTH. I would like to point out that there is this difference: You had before you this morning half a dozen young Japanese American citizens, brilliant, able, young business and professional men. They are not typical of the Japanese community.

#### JAPANESE EASY PREY TO TRICKERY

The Japanese community as a whole is a rather retiring, simple, naive, hard-working group of people, most of whom have not had educational opportunities. A great many of the older people are not proficient in English. They recognize themselves as strangers in a

strange land in the sense that their facial characteristics and their language is different and they are denied citizenship.

They don't have the same, shall we call it, sales resistance that the rest of us have; and add to that a war situation, involving their former country, add to that a mysterious call from an officer of the law, and then a friendly fellow coming along to buy and you have a different situation entirely.

Mr. CURTIS. I think what you have said here has made a contribution in this regard: The general fear and confusion of all of us of the war situation is going to do enough damage and hurt everyone's property, regardless of who they are, but premeditated and intentional trickery to further hurt individuals should not be tolerated.

Mr. BOOTH. That is right.

Mr. CURTIS. I really believe that your exposure of that here in a public meeting, which is a matter of public record, may have some wholesome effect upon it.

While we realize that there will be a lot of losses on the part of many people, the Government has no desire to protect or encourage anyone to resort to such dishonest tactics.

Did you have something you wanted to add?

Mr. HENLEY. Not on that.

I wanted to suggest, that so far as we are concerned, that is a minor part of our concern in coming here today. What we are really after is to see that those things, which we call the American way, be carried out in these emergencies. What we do hope to suggest, through our memorandum and through this report here, is our main concern, that there be a constructive creative way devised for handling this very difficult situation, not for one group, but for all those concerned.

Mr. CURTIS. I want you to elaborate on this question. What are your proposals for resettlement of this or any other group that may have to be moved from a given territory?

#### WOULD HANDLE EVACUATION ON INDIVIDUAL BASIS

Mr. BOOTH. May I say first of all, in preface to that, that our fundamental conviction is that dealing with groups, as groups, is philosophically unsound; that you can't determine the loyalty of a group, as a group. You can only determine it on an individual basis.

We feel that the experience of Great Britain is very helpful and later the experience of Canada, which came on 2 years in advance of our own difficulties is helpful; and that fundamentally out of that we are suggesting that it isn't too late for a system of local board hearings, very much the same as selective service, in which local civilian communities, headed by a military officer, if you please, in each case might hear these cases on an individual basis, yet without the disturbance consequent to moving; and do one of four things: Intern; be removed from vital zones; provide restricted movements within a small radius outside of those vital zones; or give unrestricted freedom.

Failing to do that, however, and if the evacuation becomes the order of the day, the cost of evacuation should be borne by the Government; the protection of property left behind must be the full responsibility of the Government. Perhaps there are two different problems, the property belonging to the alien, which might be dealt with one way,

and the property of the civilian which might be dealt with in another way.

Exemptions or deferments from this general evacuation should be created in order to deal with health problems—pregnant women, children needing special diet, medical care, diabetics, the aged, ought not be overlooked. These should be provided for in or near cities.

Then there are perhaps the thousand college students who ought to be given an opportunity to move to colleges further east, if that can be provided, or enough of the college move along with them to give them an opportunity to carry on.

#### WOULD FOLLOW GENERAL PROVISIONS OF GENEVA CONVENTION

As to evacuation on military reservations, it is our suggestion that the general provisions of the Geneva Convention, as in the treatment of prisoners of war, ought to be in force. True, we are not bound to it in any way, but they are very fine agreements. They have been used in other countries in this present war in cases where they didn't have to be used. Housing and food and so on should be the equivalent to that of the armed forces. Special consideration should be given to the Japanese diet. Freedom to communicate with the outside world under proper supervision should be carried on; morale-building agencies, such as the Y. M. C. A., which go into prisoner war camps, should be permitted.

One other provision of the Geneva Convention is that the work shall not be deleterious to health, or that it should not be conducive to helping the enemy win his war.

The principal thing is this: That evacuation to a military reservation for the duration of the war, and then a removal again, is going to go much further than will happen to any of the rest of us in destroying what you might call the good things of life, and may lead to an impoverished, demoralized, and embittered group of people returning either to their former habitat or to some place where they might try to start all over again.

#### PERMANENT RESETTLEMENT PROGRAM

In place of that sort of thing, we suggest that the evacuation ought to be converted into resettlement. There has always been this prejudice in California. You may have noticed the pith of the Governor's statement was "because of prejudice they must go."

There are zoning laws and there are laws against aliens of Asiatic origin owning property and making it very difficult even for the minor children, who are citizens, to own property. I would suggest that we do this thing on a cheaper basis, by converting it into resettlement where those ordinary restrictions and discriminations, inherent in local and State politics, would not have the same opportunity they have had in the past.

For this purpose a quasi-public board, composed of some of the most eminent men of America who could be brought onto it on a patriotic and humanitarian ground, should be formed. They could enter into a large-scale resettlement scheme with the farming hinterland group as the basis for it, as it must be in any genuine resettlement. That gives rise to urban life and such a community makes

it possible for the Japanese citizens to develop the kind of life, which for the most part they haven't now. They could have their own teachers, and so on.

I presume this isn't the best social policy but it is the best, it seems to me, under the circumstances, if the choice is between evacuation up going out in their old jalopies and sticking their necks out where it looks the least dangerous—and genuine resettlement.

I think Federal funds should be provided and that the terms of the agreements could be amortized without cost to the Government. That quasi-public board will get an amazing amount of public support and public financial support. I mean voluntary financial support.

#### A THREE-WAY INTEREST IN PROJECT

Then it makes possible the most equitable and best possible use of the savings of the Japanese themselves who have to go. So that you have got a three-way interest in the thing: The Government, the general public, and the evacuees, making possible, therefore, the building of genuine community life.

There are a great many small partial and sectarian ideas about "Let's start a little community here for my particular faith." I think possibly those ideas could have a place in the total scheme of things because they do have community-building values.

I just want to say this in closing: We have had a great deal of experience, on a small scale, in various countries of the world, including our own, in dealing with impoverished humanity and if we can be of any service at any time we will be very happy.

Mr. ARNOLD. Mr. Henley, do you have anything you wish to add?

Mr. HENLEY. I have been studying the Department of Agriculture and its various agencies as it has operated in recent years. It seems to me we might find it easy to borrow details from their different patterns whereby we might very quickly develop a pattern for resettlement, allowing these folks to do some pioneer resettling, readjusting, starting over with our presently established patterns of help, lending assistance in getting a new start in life.

Certainly, that would be a smart thing, it seems to me, in offsetting this tendency on the part of our enemy countries, to use this as ammunition against us, starting a race war and so forth.

Mr. CURTIS. I think you have made a very fine contribution to our hearing and that you have made some constructive suggestions. I am grateful for your statements.

Mr. BOOTH. We thank you for the privilege of coming.

Mr. BENDER. Mr. Booth, you referred to some of these people being pushed around. It isn't your impression that the United States Government has been pushing them around, is it?

Mr. BOOTH. No; we have been very happy about the agencies of the United States Government during the recent months, exceedingly happy.

Mr. BENDER. You have read General DeWitt's warnings?

Mr. BOOTH. Exactly.

Mr. BENDER. To the alien Japanese as well as to the American-born citizens of Japanese origin not to do anything hasty?

Mr. BOOTH. That is right.

Mr. BENDER. And not to take any action immediately. Is it possible for your agency to further develop that thought among the Japanese so that nothing will be done that will cause them to lose their property?

Mr. BOOTH. Well, we have been doing that all along the Pacific coast. I personally have been all up and down the line since this thing became acute. We have staff members in all these places, and with special recruits, who come in and help, college professors and others who are taking temporary leaves of absence to assist us.

We have been constantly stating to the Japanese citizens and aliens alike "You can trust the Federal Government. Sit tight. Don't sell your things for a song. Do what they tell you to do. Cooperate to the fullest, but don't get hysterical."

Mr. BENDER. You understand, of course, that it is the policy of the United States Government to see to it that there is no pushing around either at home or abroad?

Mr. BOOTH. That is right.

Mr. BENDER. And it is the purpose of this committee to make its contribution, through its recommendations, so that there will be no pushing around?

Mr. BOOTH. Yes. If you could get the cooperation of the southern California press it would be extremely helpful.

Mr. BENDER. Regarding this business of pushing around, you recognize the fact, of course, that there has been a little pushing around on the part of some individuals?

Mr. BOOTH. That is right.

Mr. BENDER. As individuals?

Mr. BOOTH. That is right. And I think some local authority, not much, but some.

#### THE AMERICAN WAY OF LIFE

Mr. BENDER. Mr. Henley has referred to the American way of life. The American way of life, as we understand it, is what? That is, what is your impression of it?

Mr. HENLEY. I generally take a semester to explain that, then I wonder what I have been talking about.

Mr. CURTIS. Then does it change at the end of the semester?

Mr. HENLEY. I think it is that way of life where the majority rules but the minorities have their representation and their rights respected; where we operate all the agencies of the society for the good of the members of the society instead of using them as tools to the end for some abstract thing called the state.

Mr. BENDER. Is your impression of the American way of life pretty much depicted in the picture of our Pilgrim Fathers on the way to church with the Bible under one arm and the shotgun on the other?

Mr. HENLEY. My folks came to Philadelphia, they didn't carry shotguns. They brought the Indians right into their homes and into their little churches or meeting houses, and made Christians out of them. They never had any trouble with them.

Mr. BENDER. They did it without a shotgun?

Mr. HENLEY. Yes.

Mr. BENDER. How about meeting the fellow who has a shotgun on the other side?

Mr. HENLEY. We have never had any particular trouble along that line. I am afraid I can't state out of experience. That isn't our field. Our field is to endeavor to find a creative way of getting through that conflict. We do get caught in jams.

I am not trying to compare the Quaker's little performance in his little farm community in early days to the situation of nations today.

Mr. BENDER. I share the view of the rest of the committee that you have been very helpful.

Mr. ARNOLD. Thank you very much, gentlemen. We appreciate your coming here.

Now we will hear from the Mazzini Society, Mr. Attilio Boffa.

**TESTIMONY OF ATTILIO BOFFA, OF THE MAZZINI SOCIETY,  
2410½ McCREADY AVE., LOS ANGELES, CALIF.**

Mr. ARNOLD. Give to the reporter your name, address, and occupation.

Mr. BOFFA. My name is Attilio Boffa. I live in Los Angeles. I am a wine chemist. I am an American citizen. I have been naturalized since 1940.

Mr. CURTIS. Where were you born?

Mr. BOFFA. In Italy.

Mr. CURTIS. When did you come to this country?

Mr. BOFFA. 1934.

Mr. CURTIS. Where were you educated?

Mr. BOFFA. I was educated in Italy.

Mr. CURTIS. That is where you studied chemistry?

Mr. BOFFA. Yes.

Mr. CURTIS. How old are you?

Mr. BOFFA. I am 45 years old.

Mr. CURTIS. What place did you say you lived?

Mr. BOFFA. In Los Angeles, 2410½ McCready Avenue.

Mr. CURTIS. Your capacity as a wine chemist is for whom?

Mr. BOFFA. For Pacific Wines, Inc., in Los Angeles.

Mr. CURTIS. Are you their head chemist?

Mr. BOFFA. I am the head chemist.

Mr. CURTIS. How long have you worked for them?

Mr. BOFFA. From 1934 to the present.

Mr. CURTIS. You had the job when you arrived from Italy?

Mr. BOFFA. No. I came here from Canada. I was in Canada before coming to the United States.

Mr. CURTIS. You had that job and went directly to it?

Mr. BOFFA. I came here and applied for the job and I got it. I am still on the same job.

Mr. CURTIS. You completed your naturalization in 1940?

Mr. BOFFA. Yes; in 1940.

Mr. CURTIS. That means you started what year?

Mr. BOFFA. Right the first year I came.

Mr. CURTIS. What is this society that you represent?

Mr. BOFFA. It is an American organization composed of Americans of Italian origin and of Italian liberals.

Mr. CURTIS. What is its name?

Mr. BOFFA. The Mazzini Society, Inc.

Mr. CURTIS. Will you explain, briefly, for the committee the purpose of the Mazzini Society?

PURPOSE OF MAZZINI SOCIETY

Mr. BOFFA. The Mazzini Society has the following aims: To spread democratic education among the population of Italians and those of Italian origin in the United States; cooperate with the nations fighting for the victory of the democratic ideals in the struggle against nazism and fascism; to keep the American public informed about the true conditions in Italy; to strengthen the faith of the American people in the future of a free Italy.

Mr. CURTIS. Do you admit noncitizens to membership?

Mr. BOFFA. Yes.

Mr. CURTIS. It is made up of both American citizens and aliens?

Mr. BOFFA. Yes; anti-Fascists.

Mr. CURTIS. They must be anti-Fascists?

Mr. BOFFA. Yes.

Mr. CURTIS. How do you check on that?

Mr. BOFFA. We are very careful about the people we take in our ranks. I would say that up to now no Fascists have come in. I have never seen the case of any Fascist trying to join our organization.

Mr. CURTIS. Is your organization a national one, or just a local one?

Mr. BOFFA. Our organization is a national one.

Mr. CURTIS. Where is its headquarters?

Mr. BOFFA. The headquarters are at 1775 Broadway, New York. If you care to know some of the members of the society, I would be glad to give it to you.

Mr. CURTIS. All right.

Mr. BOFFA. The president is Prof. Max Ascoli, who is now one of the directors of the Pan American Institute for Cultural Relations in Washington; Prof. G. A. Borgese, Chicago University, Illinois; Prof. G. Buonfante, Princeton University, New Jersey. And there are in our ranks 30 or 40 more professors of universities of the United States.

Mr. CURTIS. And your objective is the establishment of a free Italy?

Mr. BOFFA. Our objective is to try to educate the Americans of Italian origin to be democratic minded, to have faith in the institutions of this country and help the establishment of a free Italy.

Mr. BENDER. Don't you want some of them to be Republicans, too?

Mr. BOFFA. As long as they are Americans.

Mr. ARNOLD. You have heard of the Republican Party, haven't you?

Mr. BOFFA. Yes.

Mr. CURTIS. They will all be Republicans eventually when they find out what is going on.

Now, what measures would you suggest for the treatment of anti-Fascists in this country who are considered citizens of Italy, even though not so considered by the Italian Government?

Mr. BOFFA. Before anything else, I would like to submit to your committee a report made by our national secretary.

Mr. ARNOLD. Just give it to the reporter and it will be published in our report in full.

(The report referred to above is as follows:)

STATEMENT BY THE MAZZINI SOCIETY, INC., 1775 BROADWAY,  
NEW YORK

SUBMITTED BY ATTILIO BOFFA, LOS ANGELES, CALIF.

The following is a short description of the conditions which have developed in Italian liberal circles after the outbreak of the war and of the suggested remedies for a state of affairs which obviously demands immediate and bold governmental action.

As a consequence of the state of war between the United States and Italy, all Italian natives, have been declared "enemy aliens."

A small number, about 250, classified as dangerous, have been apprehended and, unless cleared by the Special Board of Inquiry appointed by the Department of Justice, will be interned for the duration of the war.

A certain number of restrictions have been imposed upon all "enemy aliens," namely:

Surrender of firearms, cameras, and shortwave radios, prohibition to move from place to place out of the boundaries of the city, town, or village, without permission to be applied for 1 week in advance, new registration and finger printing and, after the registration, obligation to carry a special identification card.

Further measures are now being taken, to wit: (a) Enemy aliens will be completely barred from the west coast and will have to move to places in the interior. (b) Enemy aliens who, having filed their first naturalization papers were entitled under the Selective Service Act to be drafted into the United States Army, are now being excluded.

That a certain amount of personal inconvenience and possibly some injustice should be inevitable at the start, when there is a war on and the safety of the country must be the paramount consideration, is well understood and generally accepted.

However, now, after almost 3 months, the reaction is somewhat different.

The Fascist Italian, devoted servant of his masters, Hitler and Mussolini, who has been interned, or who is going to be placed on bail or parole, knows very well that he has received exactly what he deserves and that the measures taken by the administration are very rightly taken in legitimate self-defense. He cannot and presumably does not complain.

The decent Italian, who out of ignorance, stupidity or misguided feeling of loyalty to the old country, at the bottom of his heart still hopes for a Fascist victory, though restraining from any unlawful action in this country, of which he has sense enough to acknowledge at least the generous hospitality, realizes that his feelings and loyalties have to be taken into account and that a country at war is bound to protect itself not only against what the enemy in its midst actually does, but against what he might conceivably do.

Those who are really aggrieved, those who suffer morally and materially, those who are hurt because they deeply feel and resent the injustice done to them are the Italian anti-Fascists, those who have devoted all their lives and efforts to the struggle against Fascism, those who have abandoned their country, their positions, their families, those who have tried year after year to warn the world, to warn this country, of the impending dangers of fascism, those who have tried to open those eyes that only Pearl Harbor has finally succeeded in getting opened.

It seems incredible for these veterans of the anti-Fascist war, for this advanced patrol of the United Nations who have been the first to bear the brunt of the totalitarian brutality, to be forced to carry the label of enemy aliens, to have to apply for permission for moving about, and most of all to be excluded from the armed service in the United States Army.

They are becoming day by day more demoralized. They cannot understand that in this war, which is admittedly, not a national war in the old sense, but is a conflict of ideas, of principles, of human and international ethics, they should be forcibly confined to the adverse camp, while the open champions of nazism and fascism, the various Popes, Patrizis, Trombettas and Criscuolos can, by simply producing their naturalization papers, wrap themselves in the American flag and continue undisturbed with their old activities.

The feelings of the old Italian anti-Fascists and of the refugees are even more hurt as they are well aware that a definite clean-cut precedent exists, and if it could be adopted in this country, the problem could be easily solved, not only to their benefit, but to the ultimate benefit of the war effort of the United Nations.

The precedent to which reference is made was set by England in 1939, and except for a short interruption during the days of the invasion scare, is still in full force and effect.

When the war started, the British Government realized that a large proportion of the so-called enemy aliens in the country, that is to say, people who were traveling on German and Austrian passports were political, religious, and racial refugees, and that it would have been, on one hand, profoundly unfair to consider, brand, and treat them as aliens, and on the other hand, it would have been equally mistaken to deprive the Nation of the services of many capable, intelligent, trained men and women whose feelings were likely to be, at least at that time, much more bitter against Hitler and his Nazi gang than the feelings of any Briton in the blessed islands.

The solution was easily found and it consisted of creating in every district special tribunals, presided over by a judge, magistrate, or lawyer of great experience, assisted by advisors and interpreters provided by the recognized refugee organizations. These tribunals examined all enemy aliens, considered the evidence collected as to their respective cases by the police, the various intelligence services and the refugee organizations, and according to the results of the inquiry would classify the alien in one of the following three classes:

Class A. Reputed dangerous—Interned for the duration of the war.

Class B. Nondangerous—Presumed friendly, but not showing complete evidence of democratic background and sentiments—Generally free, but subject to certain controls and restrictions.

Class C. Definitely loyal persons—Free from whatever restrictions, except in strictly military areas—May also be freed of this restriction upon application to the local authorities. Class C aliens, were officially defined friendly aliens, victims of Nazi oppression. Their alien registration cards (issued to all foreigners residing in the United Kingdom) which have been marked with a red label "Alien enemy" were changed back into the ordinary black one of "Friendly aliens."

A good many of these class C aliens were subsequently admitted into the Army, to special civil defense services, war industries, and not a single case has been heard of a class C alien having been caught engaging in any disloyal activity.

It is realized that the terms of the problem in this country are not identical with those of England. The number of Italians in the United States is no doubt much larger than the number of Germans and Austrians in England. The proportion of anti-Fascist exiles and of political, racial, or religious refugees on the other hand is much smaller.

The wise solution is probably this:

Boards of inquiry or tribunals should be set up, more or less along the same lines as the English ones. Not all Italians, however, should be required to submit their cases. The great mass of nondescript immigrants and residents, for lack of political maturity and understanding and possibly out of fear of being accused of disloyalty to their native land and to be made to suffer in the future, will probably accept the label of enemy aliens and will not bother to apply for an investigation and a discriminating treatment. But the anti-Fascist old guard, the political, religious, and racial refugees from Fascist Italy will be given a fair chance of clearing themselves and thereupon may be classified and treated not only as friendly aliens, but as actual active allies in this gigantic struggle which is not only intended for the defense of American soil, and ways of life, but for the restoration of justice and liberty to the conquered nations, including Italy. The contributions they can offer are not to be calculated only in terms of men ready to join the armed forces of the United Nations, bringing the benefit of their often remarkable military experience, or of men who could aid in the war industry. They could cooperate with the latent revolutionary forces in Italy and in Europe generally; they could work with important Italian communities in Latin America and most of all among the Italo-American masses in this country, who after years of subtle and persistent Fascist propaganda need enlightenment, encouragement, and inspiration if they are to be persuaded to work full heartedly for a democratic victory.

#### TESTIMONY OF ATTILIO BOFFA—Resumed

Mr. BOFFA. After hearing this morning the testimony of Dr. Thomas Mann there is nothing very much else for me to say. The

political and racial refugees could not have hoped for a more eloquent and authoritative sponsor.

For my part, I want to emphasize that we are not discussing the right and duty of our country to protect herself. We only express our hope and faith that once more the best traditions of this great democracy will be upheld and that the veterans of the anti-Fascist war, who have been the first to bear the brunt of the totalitarian brutality will be from now on considered as friendly aliens and able to cooperate for the final victory of the cause to which they have dedicated their lives.

And for this reason we suggest that there should be studied the possibility of the establishment of a board of inquiry to examine their cases.

Not all Italians however should be required to submit cases. The great mass of nondescript immigrants and residents, for lack of political maturity and understanding and possibly out of fear of being accused of disloyalty to their native land and to be made to suffer in the future, will probably accept the label of enemy aliens and will not bother to apply for an investigation and a discriminating treatment. But the anti-Fascist old guard, the political, religious and racial refugees from Fascist Italy should be given a fair chance of clearing themselves and being classified and treated not only as friendly aliens, but as actual active allies in this gigantic struggle; a struggle which is not only intended for the defense of American soil, and way of life, but for the restoration of justice and liberty to the conquered nations, including Italy. The contributions they can offer are not to be calculated only in terms of men ready to join the armed forces of the United Nations, bringing the benefit of their often remarkable military experience, or of men who could aid in the war industry. They could cooperate with the latent revolutionary forces in Italy and in Europe generally; they could work with important Italian communities in Latin America and most of all among the Italo-American masses in this country, who after years of subtle and persistent Fascist propaganda need enlightenment, encouragement and inspiration if they are to be persuaded to work full heartedly for a democratic victory.

Mr. CURTIS. Now, this matter of moving certain people is a military decision and will have to be made on the basis of what is the best thing to do in order to win this war. After that decision is made, members of your society will comply with whatever the Government requests?

Mr. BOFFA. Absolutely. We are ready to cooperate with all the Government agencies. The only thing we ask is that the boards in question should be set up as soon as possible so as to give a chance to a few hundred of clearing themselves of the stigma of "enemy alien"; I don't think in southern California there would be more than 100 persons; I don't know exactly the number, but there are very, very few who are bona fide anti-Fascist political or racial refugees. We think that these people should not be considered as enemy aliens but should be treated as friendly aliens and have the same privileges as other aliens. They would be a great help to the effort of the community in which they live and of the country in the prosecution of this war.

Mr. ARNOLD. Thank you very much, Mr. Boffa, for coming here and giving your testimony.

**TESTIMONY OF DR. F. W. HECKLEMAN, BISHOP JAMES C. BAKER,  
AND DR. E. C. FARNHAM**

Mr. ARNOLD. Congressman Bender will interrogate you.

Mr. BENDER. Your name is Dr. F. W. Heckleman?

Dr. HECKLEMAN. Yes.

Mr. BENDER. Will you introduce the other gentlemen?

Dr. HECKLEMAN. The gentleman on my right is Bishop James C. Baker of the Methodist Church; the other gentleman is Dr. E. C. Farnham, executive secretary, Church Federation of Los Angeles.

Mr. BENDER. You are Bishop James C. Baker?

Bishop BAKER. Yes.

Mr. BENDER. And you are a bishop of the Methodist Church?

Bishop BAKER. Yes.

Mr. BENDER. Of this area?

Bishop BAKER. Yes.

Mr. BENDER. Dr. Heckleman, the committee understands that you have requested to be heard.

Dr. HECKLEMAN. I did not request to be heard, but the officers requested me to make a statement.

Mr. BENDER. We heard your colleague, Dr. Frank Smith, in San Francisco with a group representing the Protestant Churches of that area.

Will you proceed in your own way and tell us the views of the Federation on the forthcoming evacuation? Just proceed in your own way, Doctor.

Dr. HECKLEMAN. I should like to make a statement here today, first of all with regard to the spirit and service rendered by the Protestant forces of this area; and then, in the second place, to call your attention to the type of service we hope to render hereafter.

**ATTITUDE OF FEDERATION OF CHURCHES**

For the first time, in this area, the Protestant Christian forces of America come officially before an official body of the Government to make a statement of their attitude, their recent and proposed future service in behalf of the evacuation of aliens and other designated residents from certain areas of the west coast.

Needless to say our attitude is to render the utmost service so as to make the task of the Government, in this colossal undertaking, as easy as possible. For the most part the Government, through its various agencies, must deal with machinery which is already set up. It is the special mission of the Christian forces in this time of crisis to deal with the inner and social life of the people in order that their rights may be interpreted and guarded and that their misunderstandings may be corrected, that their fears may be allayed and that they may be assured that the cherished freedoms of our democratic institutions will function for all alike, including the racial minorities and aliens in our midst. We believe that the word of Diogenetus of the first century to be true that—

what the soul is to the body Christians are to the world, that Christians hold the world together.

Until now the Christian forces of this area have rendered a great deal of service. They have kept close to the mind and heart, especially of the Japanese people, in our midst. Our understanding of the Japanese people, their psychology, and the problems that have troubled them, and many of us, on the west coast, have made it possible for us to render unseen and unrecorded service at much sacrifice. Some of our Christian groups have spent much time and have made large sacrifices in aiding the people who have already been evacuated. Places of temporary residences have been sought, and other more permanent locations have had much study in order that the task of resettlement might be made as humane and as kindly as possible. We have had constantly before us problems of the break-up of businesses established through years of hard toil, and of families and groups torn from cherished homes and communities. Already many fathers, for a number of reasons, are under detention. We have rendered service in the hearings in which Japanese were examined as to their doings in America and their loyalty to our institutions. We believe that much suffering could have been softened or perhaps prevented and much expense avoided if some of us who know Japan and the Japanese had been called into hearings before detention was ordered of quite a large number now in detention institutions. We therefore offer our services that hereafter advantage may be taken of those who can render special service in order that the stigma of wrongdoing may soon be removed from those involved and the fear and anxiety of their families alleviated.

Needless to say, the Christian forces are committed to the vigilant seeking out and effective restraint of citizens and aliens alike whose ideologies and actions are inimical to the common good, or dangerous to our beloved land, its treasured freedoms, and its democratic institutions.

#### PROFOUND SIGNIFICANCE IN MASS EVACUATION

We believe that mass evacuation of an entire minority group, both of aliens and citizens alike, is a policy of such profound and far-reaching significance, that we need to avail ourselves of all of the moral and religious forces within the life of our people in order that our country may not become divided into discordant elements, working within the soul of the Nation to the destruction of national unity. Unjust racial discrimination and intolerance must not be laid at the doors of democratic America. To be guilty of such an attitude and action would be to play the ignoble game of the enemy and to make it possible for him to exploit this conflict, forced upon us, as a war of races. As Christians we deeply share with all loyal Americans the conviction that the rights and dignity of every person within our borders must be guarded at all costs.

We share the spirit of the two pertinent statements made by our Attorney General Francis Biddle upon the opening of hostilities between Japan and America. He said:

The enemy has attacked more than the soil of America.

He has attacked our institutions, our freedoms, the principles on which our Nation is founded. The war we wage today is in defense of these principles. We must guard them at home.

The defense of our country will be hurt by any persecution of our noncitizens. If we create the feeling among aliens and other foreign-born that they are not wanted here, we shall endanger our national unity, and defeat what we ourselves are defending.

It is of the utmost importance therefore that every consideration be given to alien residents within limits of public safety; that we should carefully distinguish between actual danger from enemy aliens and war psychology; and that as the concentration of many people, by force, into strange environments involves such complete break-up of life that a great responsibility rests upon us all. It involves not only the means of decent living, but problems of treatment in new localities, problems of health, education, religion, and feelings that have far-reaching influence on their future relations to our national life. We cannot help asking ourselves very often: Is this wholesale evacuation necessary when the vast majority are people of education, character, and undoubted loyalty?

#### SERVICES OFFERED BY PROTESTANT CHRISTIANS

The Protestant Christian forces of this area through the home mission council offer their services, among other things, for the following:

To keep up morale, to provide religious and moral guidance and to help in education.

The national boards of our various churches can supply several experts in agriculture, education, community planning, who will cooperate with the Federal and State authorities in making adequate plans for settlement, and to cooperate with existing social agencies in the neighborhood of new settlements.

To do our utmost to help in the coordination of Government activities relating to aliens in the process of evacuation.

We propose to contact all areas in southern California where there are Japanese churches, and around them as centers help Christians and non-Christians alike to prepare for evacuation, giving help regarding:

Inventory of all real and personal Japanese properties.

Providing local places to store temporarily or permanently any personal property left behind.

Arrange for trusted local American custodians to act for the Japanese with the Government coordinator or custodian in dealing with alien or citizen properties.

To assist in providing the methods and means of travel when evacuation takes place.

To assist in providing canteen service along the way.

To advise people about the care of their personal property—not to sell any of it except for the utmost need for money. Not to spend money carelessly.

To advise them regarding machinery and tools which farmers must, perhaps, leave behind until transportation can be provided when needed.

To help adjust crop problems and adjustments necessary due to new tenants on land vacated or other properties.

We are saying to the Japanese: Do not move until the order comes, and until you know where you are going. The Government is making preparation and will do the utmost to take care of you.

Keep up your regular work so as not to disrupt business or production. We say this especially to the 1,172 Japanese farmers who operate 25,600 acres of produce farm lands.

We urge the Japanese people to pay all debts and to clear all personal obligations.

Wherever possible to arrange for stores, laundries, farms, nurseries, and other services to be continued through arrangement with responsible American friends.

To offer aid regarding property insurance, payments on properties, or taxes.

To offer 88 church buildings for storage of personal property when and if needed and agreed to by local custodians in cooperation with Government custodians.

We offer the services of 80 well-trained Japanese Christian pastors who will follow their people wherever they may go.

Finally we offer the services of 20 American men and women missionaries, who will serve wherever possible.

#### WOULD PRECEDE EVACUATION GROUPS

In conclusion we are ready to respond to the call of the Government. We will gladly go ahead of the groups to do what we can to prepare the way and places for them; and we are ready to go with them to share in their fate, their lives, their fortunes, and for their spiritual guidance and comfort, in order that the soul of Christian America may speak to the soul of our Japanese brethren now in deep distress.

I have also the pleasure to present a memorandum to Col. W. L. Magill, director of evacuation, which has to do with similar problems.

Mr. ARNOLD. Just give it to the reporter and it will be made an exhibit in our record.

Mr. BENDER. Doctor, is it your impression that the religious leadership of the Japanese, German, or Italian evacuees should follow, or should be permitted to go ahead with them irrespective of what that leadership happens to be?

Dr. HECKLEMAN. It seems to me from my own observation that in the evacuation problems those who have aided in that problem have been almost entirely Christians.

May I also say that in the Christian leadership, as I have already said, we have a large number of well-educated pastors and there is a group of 20 missionaries and 10 women who are educated, trained, many of them having spent many years in Japan—I myself spent 36 years in Japan—and a good many of us are well prepared, I believe, to render very efficient service.

Mr. BENDER. Before I come back to you for questions if we have time, I wonder if Bishop Baker would care to offer something.

Bishop BAKER. Well, I came because Dr. Heckleman and Dr. Farnham are representing the general Protestant forces. I am

related to the Methodist work on this entire coast with quite a large Japanese mission and also the mission in Hawaii. I also had charge in Japan for 4 years. Therefore, I have some acquaintance with the general situation so far as the Japanese are concerned and I am tremendously interested as an American in the way in which we handle this very difficult and complex situation.

I came as a delegate of this group, rather than to make any direct statement myself.

Mr. ARNOLD. Doctor, Delegate King of Hawaii has wired members of the Tolson committee to go to Hawaii in connection with the Japanese problem there, which, of course, it is impossible for us to do. However, do you have any suggestions as to the problem in Hawaii regarding the tremendous Japanese population there?

Bishop BAKER. I have no suggestion other than that which is now being followed out. For example, you have a very helpful approach to the situation out there through men who know the Japanese language. We have ourselves, from the Methodist Church, four returned missionaries who have been very helpful as interpreters, both for the Government and for the Japanese themselves who could not speak English. There are other returned people from Japan who can be helpful with the military in finding out the actual facts concerning the character of the folks who are involved.

The situation there is very difficult. I go there every year and I know something of the enormous problem at first hand.

#### CHRISTIAN AGENCIES IN GENERAL AGREEMENT

Mr. ARNOLD. Do any of you gentlemen have anything that you care to say regarding the various Christian agencies, both Catholic and Protestant? Has there been agreement as to the general items specified in Dr. Heckleman's report?

Bishop BAKER. Dr. Farnham represents officially the different bodies. I think he can make an affirmative answer.

Dr. FARNHAM. I think there is general agreement on these points. There have been a great many conferences during the last few weeks while this problem has been before us in most acute form.

The Japanese Church Federation of the southern California territory has been in continuous conference with the Church Federation of Los Angeles through which the Protestant denominations operate so that there is very general agreement.

I would like to say that the consensus within the Protestant circle as I can find it is that there is great satisfaction with the way the Government officials are handling the matter. If there has been this disposition to push around, which was a matter of concern, as you said a few moments ago, I think it is just the cumulative effect, public interest and expression, more than an action on the part of the officials of the Government themselves.

The consensus within the Protestant circle, as I find it, is in complete accord with the Government as to military necessity. There has been, and there still exists, I am convinced, a widespread hope that there may be a selective process in the evacuation rather than just a mass procedure, feeling that there are individual cases, as has been mentioned by Mr. Booth of the Friends Service Committee, such as the students and others with health conditions and possibly some

in gainful productive employment that ought to be given special consideration, rather than being simply moved en masse. It may be for the economic as well as the social well-being of our country if regard can be given to those individual cases.

#### A DEPOSIT OF GOOD WILL FOR THE FUTURE

Likewise, to give regard to the individuals, may constitute a deposit of good will for the future when this war is over, as we hope it will be soon, when we want to reestablish our national life on sound, wholesome lines of good will and cooperation.

It is the hope of the Protestant forces—I am not authorized at all to speak for the Catholics but I can presume that this would be the case with them also—that if it becomes a mass evacuation it could be done on an area or community basis so as to preserve a good deal of the community identities that these people have enjoyed in their original home situation, which, of course, would mean automatically that our congregational life would be preserved to a considerable degree.

We think that their happiness, their social well-being, and their future would be aided considerably if that communal life which they have enjoyed hitherto could be perpetuated in a new setting. It is our hope, of course, that there will be opportunity for continued spiritual ministry, both by the Japanese clergy, in whom we have great confidence, and also our missionaries. That would be assisted greatly if we could preserve at least to a considerable degree, the congregational life as they have had it heretofore.

It has been our experience, at least it is our conviction, that within the Christian families there is a splendid degree of loyalty to our country. I say that out of my own personal contact with our Japanese Christian leaders. I feel personally, and I am satisfied that my associates in the church feel, that this constitutes another deposit of great value to the future of our country. So that we need to encourage the spiritual ministry. I think that is all I have to say except to answer your questions.

#### QUESTIONS STRICTLY RELIGIOUS COLONIZATIONS

Mr. BENDER. Is there anything that you gentlemen wish to comment on, either Bishop Baker, or either of the doctors, as to groupings of these people along religious lines. Would you feel that it is desirable, if there is wholesale evacuation, that it be done without any regard for religious cleavage or religious identification? For example, as we find the community now, we have on A Street maybe 15 different faiths represented. You have no desire to group these in any specific way, but rather have the evacuation conducted along American lines with the choice of religious agency made convenient to the individual as it is at the present time?

Dr. FARNHAM. If I may speak on that: That has been discussed in our circles and I think in others as well. I think the Protestant philosophy would not favor a colonization on strictly religious lines. The Protestant concept is rather to have our people permeate society, as you have already described. Therefore, if these people could be moved by communities, automatically, the religious identifications

would be preserved, or served. I personally would question whether a strictly religious colonization would be in keeping with our democratic outlook.

Dr. HECKELMAN. I want to emphasize that approach. In the community where I live, San Gabriel Valley, we have Christians and non-Christians and others, and all feel that a community or an area moving out, evacuating, would be the wise thing to do. It would keep up the community interests, friendships, and family relationships which would be of very great value.

May I answer a question you asked me a moment ago regarding leadership among the people. In the San Gabriel Valley where we have a large number of Japanese people who have become Christians, and we have had many months of contact with them. Only one young man was arrested and taken to Missoula in December, and he came back yesterday morning excused on the ground of mistaken identity. So that our community is absolutely intact without one single arrest, and I think it is because of the very intimate and close relationship we have had with the people there.

Mr. BENDER. Bishop, would you care to comment regarding the war effort? Is it your view that in this war we must not fail and we have got to make every sacrifice, personal and otherwise, in order to win the war?

Bishop BAKER. There is no question at all about the peril in which the democracies stand, and in which the United States and other more or less liberal governments find themselves.

#### SAFEGUARDING THE DEMOCRATIC PROCESSES

I believe that it is an all-out affair. But at the same time I think that one of the most important things for us to be doing while we are in the midst of our war effort, is to guard the essential democratic processes of our life, recognizing the rights of people who are citizens, even if they stem from nations with which we are at war, and do everything that we possibly can against mounting race prejudices and hatreds.

While the Government has been very fine in its approach to this particular problem, a great many things have happened in our communities which give any earnest, democrat vast concern, lest while we are trying to win the war we should break down more and more the things that make us a nation. Have I answered your question?

Mr. BENDER. Yes; you have answered my question. The thought that this committee has in mind is exactly as you indicate. We have only in mind the protection of our citizens generally and to see that no injustice is done even to the noncitizen if he is loyal to our Government.

Bishop BAKER. I have heard, if I may make the remark, only the finest things from the standpoint of our essential American idealism concerning the way in which this committee has operated.

Mr. BENDER. Thank you very much. Is there anything more that you gentlemen care to offer?

Bishop BAKER. I should like to say just this additional word: It has already been suggested, but I know how hard your problem is. I am just as sure of the loyalty of the great numbers of our Japanese citizens as I am of the loyalty of the general average in the United

States. In other words, I am very much more sure of the loyalty of some of them than I am of some of the people who are whipping up hysteria and race prejudice and things of that kind.

Mr. BENDER. Congressman Arnold or Congressman Curtis may have some further questions.

Mr. CURTIS. I am glad to see you here. I am especially interested in your contribution, especially your specific suggestions, as I value your thought on the subject. Those specific suggestions are very helpful. We are living in days when these decisions and acts are not easy, and every day I express my gratitude for Christian men and women such as you people and those whom you represent, and their willingness to ease the burden of our day.

Mr. ARNOLD. Thank you very much, gentlemen.

Reverend Suzuki. If Mr. Clark should come in, we might ask you to leave the stand and then return because he will be in a hurry.

**TESTIMONY OF REV. LESTER SUZUKI, 1224 WEST THIRTY-FIFTH STREET, LOS ANGELES, CALIF.**

Reverend SUZUKI. I will be very brief and to the point. My name is Lester Suzuki.

Mr. CURTIS. Where do you live, Reverend?

Reverend SUZUKI. I live at 1224 West Thirty-fifth Street, Los Angeles.

Mr. CURTIS. How old are you?

Reverend SUZUKI. I am 32. I am the English-speaking pastor of the Japanese Methodist Church.

Mr. CURTIS. Where were you born?

Reverend SUZUKI. I was born in the Hawaiian Islands. I had part of my education there, and the rest of it over here.

Mr. BENDER. Whom do you represent?

Reverend SUZUKI. I represent the Southern California Japanese Church Federation, with 29 member churches and 11 other affiliated churches, 5,000 members.

I also represent the Pacific Japanese Methodist Conference, of whom I am the treasurer, with 40 churches throughout the coast, in Arizona, Idaho, and Colorado. We have a membership of about 5,000, church school membership of 5,000, plus a family constituency of 5,000, making a total of 15,000 people we directly touch.

Incidentally, the Methodists are 50 percent Republicans and 50 percent Democrats, so we don't disagree with you.

Mr. BENDER. I think you are mistaken about that. I think that about 51 percent of them are Republicans.

Reverend SUZUKI. Well, we will give you the benefit of the doubt.

My wife and I are both second generation Japanese-Americans, and we have two children who are third generation Americans. I was born in the Hawaiian Islands and had my early education there. I have lived many years both in northern and southern California. I have lived for a few years apiece in Washington State, Colorado, New York, and New Jersey. I speak for a wide range of our people.

Mr. CURTIS. Reverend, you have heard the testimony of Dr. Heckleman.

Reverend SUZUKI. Yes.

Mr. CURTIS. Supplemented by the other two gentlemen.

Reverend SUZUKI. Yes.

Mr. CURTIS. Is there any additional information that you would like to give to this committee?

THE FORCE OF THE CHURCH IN THE AMERICANIZATION PROCESS

Reverend SUZUKI. I have very little to say. But I want to show some of the fundamental feelings and attitudes that we may have. I speak directly for the Christian and Japanese-Americans. First, I want to say that the church is the best Americanizing force in the United States, second to the public schools. We believe in building good citizens. We always have. Not only now, but long years ago and forever. A good citizen requires good character. The best character is a good Christian character. I don't think you would disagree with me as to that, would you? And we try to build good Christian character from the ground up. America is built on good Christian, democratic principles, we are very sure. We have a history here in southern California of 50 years, 50 years of Christian Japanese history, and 65 years of our Methodist history on the coast, of good sound building of character.

(The following additional statement by the witness was received later and made a part of his testimony, at his request:)

In regards to the Japanese language schools conducted by the Christian churches or in connection with them, we can say that many Japanese Christian churches did conduct language schools under their auspices. But we want to point out that there is a distinct difference between these Christian language schools and other non-Christian or other secular schools. The Christian language schools were an Americanizing and Christianizing force, rather than a Japanizing force. They taught the language proper, but not anything in Japanese loyalty, principles, or anything subversive or near subversive.

They were a necessary factor in the program of Christianizing our Japanese people. If the Christian churches had not conducted their own language schools, the other non-Christian and secular language schools would have absorbed our youngsters and the Christianizing and Americanizing power would have been absent, and we would have had far less good Japanese-Americans. Therefore to put our Christian language schools under the same category of Japanese language schools is a distinct error and we wish it to be corrected.

We want to reassure you that whatever the Federal Government thinks ought to be done, we will do. We will cooperate fully with the Government. But since you are still finding facts and investigating and wanting to know what is the wise and just way of evacuation, or the problems connected with it, we want to say how we feel. We are loyal Americans. There is no doubt about us. And we are loyal residents. Our place is in America and we want to serve America.

Incidentally, I want to inform you that 6 years ago I was prohibited, debarred from landing in Japan because they said I was too proud as an American. My wife and myself both. We were proud to be Americans but we were not there to argue with them.

Four of the officers of our Japanese Church Federation have sons serving in the United States combatant armed forces. Three of them have two apiece. We do want to serve America and we would be more useful here than elsewhere. For national defense and national offense, we would be more useful and of more service here than elsewhere.

You say you can't take any chances because a few would be disloyal and subversive, but why not look at the positive side of the

picture. We could use our knowledge and our physical make-up for America, for America and not for Japan. Of course, whatever wise thing the Government decides, we will do, but since you want to know some of the situations and facts, we would like to express that.

And so, in your plan of evacuation, we would recommend that you would allow a good portion of the Japanese, and maybe a larger portion of the Japanese-Americans, to remain here and be of greater service and of greater usefulness for America's defense and offense.

Mr. BENDER. Reverend, when you took the stand, we informed you that Mr. Clark had another engagement, and he has now arrived. Will you leave the stand and resume after he is through.

Reverend SUZUKI. I was just about through.

Mr. BENDER. Well, we will call you back. We have some questions to ask you.

**TESTIMONY OF TOM CLARK, CHIEF OF THE CIVILIAN STAFF OF  
GEN. JOHN L. DEWITT, UNITED STATES ARMY, FEDERAL BUILD-  
ING, LOS ANGELES, CALIF.**

Mr. CLARK. I am chief of the civilian staff of Gen. John L. DeWitt of the United States Army, headquarters, Presidio, San Francisco, Calif.

Mr. ARNOLD. The committee appreciates very much your testifying again, Mr. Clark. As you remember, when in San Francisco, we expressed the hope that you might appear in Los Angeles in about 10 days to testify on later developments arising from the Executive order of the President.

Mr. CLARK. Yes, sir.

Mr. ARNOLD. Since your last appearance we know that you have been appointed by General DeWitt to serve as his coordinator concerned with the evacuation problems. For the purpose of the record will you list at this time the Federal agencies represented in your organization.

FEDERAL AGENCIES REPRESENTED

Mr. CLARK. Well, right now, we have about 12. I couldn't give you the names of all of them but I will give you the chief ones. For the last 2 days, we have been getting our organization together and assigning the work to each individual agency.

The Federal Security Agency, of course, has several agencies under it, like the United States Employment Service, and other services of a like character. Each one of those are separate agencies under the governmental set-up. They are headed up by the Federal Security Agency.

Then we have the United States Department of Agriculture, which, of course, has quite a few agencies itself, as you well know, like the triple A, the Farm Security Administration, the Surplus Commodities Corporation and organizations like that.

Our most important department right now, I think, is the United States Treasury Department. It is going to handle the property set-up. That is one of the main things we have been working on in the last couple of days.

Then we have the Federal Works Administration, commonly known as the W. P. A., headed by Mr. Nicholson, their regional director at Salt Lake City.

Then we have the Bureau of the Census, who is handling all of these statistics and the work of statisticians compiling at this time statistics that may be used as a guide by General DeWitt in an effort to determine just what plans he must make.

Then we have the Federal Reserve Bank under the Treasury. They have sent a man out here. There are four or five more arriving here tonight from Washington from the Treasury Department.

Then the Justice Department. Then we have the Indian Service, in the Department of the Interior. Through it we are making surveys of all the Indian reservations; not for the purpose of getting the Indians off of the reservations or of interfering with them in the least, but in an effort to try to determine just what land is available that already belongs to the Government so that we might be able to take advantage of all of the opportunities and of all of the facilities that are now available to the Government in this undertaking.

Those are the main ones, I believe, sir. I will be happy to furnish you a list that I have over at my office, of all of them. I hope you will pardon me for not remembering all the names.

Mr. BENDER. You are trying to keep all the Indians on the reservation?

Mr. CLARK. Yes, sir, I really am.

Mr. ARNOLD. Have you gotten far enough along yet so that you can make provision for State and local participation?

#### OPERATING THROUGH OFFICE OF CIVILIAN DEFENSE

Mr. CLARK. Yes; we are working that largely through the O. C. D. They have their local defense boards. We have found them to be most helpful. These defense boards have pretty good set-ups. For example, when we had the raid here, the defense board operated smoothly and efficiently. We have found that since they have been headed up by Mr. Sheppard, who, by the way, is a citizen of Los Angeles, he has molded them together even more effectively, and I think they will be most helpful in coordinating particularly the public relations problem, and of watching the developments in the field so that they can be reported quickly.

Other agencies of a local nature and a State nature, of course, such as your State attorney general, Mr. Warren, have been most cooperative and helpful.

Also, the local police. Our F. B. I. has found the local police officers and sheriffs indispensable in the work that the F. B. I. has been carrying on. We have found them that way too in the enforcement of what is commonly known as curfew regulations. The local police and sheriff and constabulary have been, well, I would say, the backbone of the curfew program.

Mr. CURTIS. Since our first hearings in San Francisco on February 21 and 23, certain communications have gone from the committee to Washington. I refer to the telegram to Speaker Rayburn and Secretary Morgenthau and to the President. Are you familiar with those messages?

Mr. CLARK. No, sir.

Mr. CURTIS. I will read you the one that our chairman sent to Speaker Rayburn. This is dated: "San Francisco, February 23, 1942."

We urge immediate establishment of a Regional Alien Property Custodian Office for the Pacific area. We have learned of numerous sacrifices of sales by aliens. This office should have existed before the evacuation of February 15. It must be functioning before additional prohibited areas are evacuated. Many witnesses before this committee have urged this action. Citizens who may be evacuated will require similar protection for their property and legislation may be needed to set up such a custodianship. It is our impression that the need for an alien-property custodian on the coast is but one example of a general need for advanced planning for the civilian problems which are accompanying the evacuation of aliens and will accompany many future evacuations. The Army after designating strategic areas need the planned assistance of the civilians of the Federal Government in handling the actual evacuation and in resettling the evacuees. The need for advanced planning and coordination of all civilian agencies concerned with evacuation problems exists now.

JOHN TOLAN, Chairman.

We remember that you concurred with us as to the need of an alien property custodian.

Mr. CLARK. Yes, sir.

Mr. CURTIS. Can you tell us what progress has been made on the opening of such an office here on the west coast? You just said a moment ago that the Treasury Department was going to handle it. Can you tell us anything about it?

Mr. CLARK. Yes, sir. Mr. Lawler is out here. He got here a few days ago. He is the Treasury representative.

#### ORGANIZATION BEING SET UP

As I told you a little while ago, there are five gentlemen coming out tonight. We have taken from the Treasury Department, well, I guess you would call it the "brain trust." That seems to be the popular phrase, or used to be. I think they have set up a very fine organization to take care of just the problem that you mentioned. It is going to be handled through the Federal Reserve banks and through the member banks. That will also be coordinated with the Agriculture Department because the main problem, sir, is the agricultural problem. That covers the taking care of the growing crops and to see that loss is not suffered by the owner of the crops, as well as by the public in securing the vegetables.

Mr. CURTIS. In conserving this property you are going to run into problems of landlord and tenant, are you not?

Mr. CLARK. Yes, sir.

Mr. CURTIS. And employer and employee?

Mr. CLARK. Yes, sir.

Mr. CURTIS. It will involve in some instances certain rights under compensation laws, both State and Federal, for amounts due or unemployment compensation.

Mr. CLARK. Perhaps so.

Mr. CURTIS. And you are going to be confronted with problems of chattel mortgages and liens?

Mr. CLARK. Yes, sir.

Mr. CURTIS. And some of these people will be parties who will present legal actions now pending in courts. Isn't that true?

Mr. CLARK. Yes, sir.

Mr. CURTIS. And some of them may be wards of courts in some few instances. Isn't that right?

Mr. CLARK. Possibly so.

Mr. CURTIS. As well as the various laws involving trusteeships, storage, and matters of that kind. Do you know whether or not, as a lawyer, those matters vary in different States that would be involved?

Mr. CLARK. Yes, sir.

#### AGENCIES ASSISTING ALIEN PROPERTY CUSTODIAN

Mr. CURTIS. Can you tell what the set-up will be? Will men familiar with the law of the different States, as well as familiar with the customs of planting and harvesting and doing business and so on, be called upon to assist in this property custodianship?

Mr. CLARK. Yes, sir. We selected the Federal Reserve because of the fact that they are familiar with the local laws. We selected the Agriculture Department because they are familiar with the local crop conditions and can tell about the seasons and the type of crops and the type of labor usually used in gathering crops and things of that character.

Mr. CURTIS. I would commend to those men who have charge of that a very careful reading of the testimony of the panel we had yesterday, headed by the sheriff of this county, and one of the county commissioners, and a representative of the chamber of commerce, and the Agricultural Coordinator. I think perhaps they made quite a contribution to that.

Mr. CLARK. I am glad to know about it. I will call that to the attention of Mr. Lawler.

Mr. CURTIS. Now, one other detailed question in regard to that property situation: In whom will the authority be vested to make a sale, release a mortgage or transact something else? Will that all clear through one office, or will your local agents of the property custodian's office be vested with authority to go ahead and handle those things expeditiously?

Mr. CLARK. They will be handled locally, sir.

Mr. CURTIS. But will all of the transactions be confirmed by a local office?

Mr. CLARK. No. Mr. Lawler has full authority. We don't have to refer anything back to Washington at all, the way I understand it, and I suppose he intends to delegate his authority to his agents through the banks.

Mr. BENDER. Some of the gentlemen of the press are indicating to me that they are not conversant with Mr. Lawler's background. Will you, for their benefit, give them his name and his experience.

Mr. CLARK. His name is John Lawler. He was out here last December. He made a study of this problem. A committee was sent out here of three agencies last December. I think they composed Agriculture, Treasury, and Justice. I believe Justice was the other one. They made a study of the problem and Mr. Lawler has been sent back by the Treasury now.

Mr. BENDER. Other than the announcement in the newspapers, do you contemplate formal notification of each individual or family group to be evacuated as to the services which your division has to offer?

Mr. CLARK. Yes, sir; as nearly as possible.

Mr. BENDER. That is, you are going to take the necessary steps so that each family and individual involved will know exactly what is expected of him and how to proceed?

CANNOT SEND PERSONAL NOTICE TO EVERY INDIVIDUAL

Mr. CLARK. Well, I would say this: We have, of course, the names and addresses of all of the aliens, through the F. B. I., through the last registration, and we intend to use that list. As far as personal notice to every person, it is almost going to be impossible to do that because we don't have the addresses of everyone. However, we intend to, through the good offices of some of the Japanese newspapers and through the press and radio and by the use of handbills, get the word over to them in pretty good shape.

One newspaper, I understand, has a circulation of some 55,000 here. It has been very cooperative. I think we will be able to get word over to the people involved without much trouble. If we find someone there whom we, after investigation, know did not have notice, we will take that into consideration as to whether or not he should be interned or just what should happen to him.

A VOICE. Mr. Chairman, I would like to ask a question here. You have been speaking about chattel mortgages and other mortgages. In case of evacuation, what is going to happen to these properties? Is there going to be a moratorium made on payments?

Mr. CURTIS. I think it is well that that question be raised and be put in our record. Are you prepared to give that information in detail at this time, Mr. Clark?

Mr. CLARK. That is a matter for the Treasury to work out. The head of the Office of Price Administration, Mr. Henderson, sent out Mr. Thomas, who came out yesterday. I don't know Mr. Thomas' given name. I met about 20 of these people yesterday. I don't remember their names. I have their names over at my office if you would like them. So if it is necessary to freeze or if it is necessary to make loans through the various agencies, the Treasury Department and O. P. A. have full legal authority, under existing law, to handle the entire matter.

Mr. CURTIS. And that is to citizens as well as aliens?

Mr. CLARK. I understand that is true; yes, sir. That is what they advised me yesterday.

Mr. CURTIS. Mr. Clark, about the same time that the telegram that I read, was sent to the Speaker—the date was February 28—a telegram was sent by Congressman Tolan to the President in which it was stated:

My understanding that evacuation order is imminent. Think it imperative that appointment of an alien custodian, property custodian and also coordinator for enemy alien problems precede or at least coincide with the announcement of the order. Unnecessary to indicate to you that coordinator should be experienced administrator, trained in handling community and family relationship problems, including welfare, health, resettlement. Coordinator's job will include reemployment and agricultural problems. Urge also that coordinator's office start at once making plans for creating boards similar to present enemy alien hearing boards or comparable local machinery for examining loyalty of Italian and German aliens and certification of status. Coordinator should keep local officials informed of developments and consult them as far as possible.

On Tuesday, March 3, General DeWitt announced your appointment as his coordinator. We would be glad to have you describe the steps you have taken since your last testimony to this committee with especial emphasis on the discussion you have had with the agencies which you indicated at the outset of your testimony.

#### ACTION TAKEN BY COORDINATOR

Mr. CLARK. We have had a series of meetings which culminated yesterday in a meeting of some twenty-odd agencies, as I said a few moments ago. Before that time, we took up with each agency the part that it might play in the picture so that we might make a study of it before we called them together.

Yesterday we called them all together. They have been designated by Washington as the representative of each agency and we had a meeting at the Clift Hotel in San Francisco all morning. In that meeting I selected a group of about eight who recessed over to the Social Security office and we met there until late in the night to get the delegations, the assignments as to who would handle what. We have that worked out now as to which agency and which group of agencies will handle each step and what man will be in charge of each step of the program insofar as the evacuation program is concerned.

Then, after they get into resettlement problems, I think an agency should be created by the Congress or Executive order to handle it over a long pull, to run it, operate it, and see that the people in it are properly protected, properly housed, properly clothed, and properly educated.

The program that we have, of course, is just an emergency one. It is not over a long pull at all. Does that answer your question, sir?

Mr. CURTIS. Yes, sir.

#### RESPONSIBILITY FOR SITE SELECTION

Mr. ARNOLD. Later on, Mr. Clark, we will want to discuss with you the question of handling evacuation of Italian and German aliens. At this point we would like to pursue the question of the Japanese. With the proclamation of General DeWitt designating the areas to be evacuated and the persons to be evacuated, it is our impression that the problem has been reduced to that of finding sites of relocation and the mechanics of actual evacuation. The erection of sites is, of course, in the hands of the military. What has been your responsibility in the site selection?

Mr. CLARK. Well, I haven't gone on any of the trips. The Army engineers have gone on the trips and made recommendations to General DeWitt, and I have sat in the meetings with General DeWitt and gotten their memorandums on each of the sites. I don't think that I could lend anything nor should I waste any time in going to the various sites. It is more or less a problem of engineering and a problem of military necessity. Mr. Neustadt went, at my suggestion, on several trips in connection therewith. He is the Social Security Board's representative.

Mr. ARNOLD. Does or will the coordinating committee from the various Federal agencies sit in on the decision?

Mr. CLARK. You mean this staff?

Mr. CURTIS. This staff—will they sit in on the decisions and have a part in those decisions?

Mr. CLARK. We decided that yesterday; yes, sir. Of course, the decision is up to General DeWitt. He is the boss man. All we do is try to help him.

Mr. ARNOLD. You try to cooperate and help him?

Mr. CLARK. Yes. So we make suggestions. For example, Mr. Neustadt would make a suggestion as to whether he thought a certain location would be adaptable to a certain type of vocational training, agricultural training. We will say, "We think that this place would be better." That is the kind of discussions we had.

Mr. ARNOLD. Health is considered?

Mr. CLARK. Oh, yes; the Health Department. I overlooked them. They are a very important department. They were present.

#### RECEPTION CENTERS

Mr. ARNOLD. The newspapers yesterday reported that you were planning to establish processing stations for the evacuation. I will read you the newspaper article, and then I would like you to relate to the committee what is contemplated, if you are at liberty to, and enlarge on it. You say:

These centers will be used as mobilization points for evacuees while their backgrounds and capabilities are determined. The result of these examinations will determine where each individual will be sent permanently and what his or her job there will be.

Going on, it says that you said:

It is intended to make the aliens and other evacuees as self-supporting as possible in their final locations for the duration of the war. A certain proportion, however, may remain at the processing stations for the duration.

Is that the right quotation, and would you be able to enlarge upon it?

Mr. CLARK. Well, I wouldn't say that I said exactly those words. We used the words "reception center" rather than "processing station." The term processing is an Army word. All it means is that you take down information—it is rather like the procedure in getting a passport, where they take down a little history, or when you go to a hospital and they take down a little history of your past and what you have been engaged in, what type of work, and one thing and another, just in an effort to try to get something that would meet your requirements—and that is what those reception centers are. In other words, you have to have some reservoir, some reception center, where these people might be first located, where they will know where they can go. There you would have the various employment opportunities listed, have these agencies' representatives there.

If you had, say, a community of certain nationals, you could pick out a certain number of doctors and a certain number of storekeepers and a certain number of other types so you could build up a complete community. That is the purpose of it.

Mr. ARNOLD. Of course, families wouldn't be separated.

## FAMILY-UNIT BUILDINGS CONTEMPLATED

Mr. CLARK. Oh, no, no, no. These buildings that they are going to start building Monday are going to be family-unit buildings.

Mr. ARNOLD. Do you mean those are buildings in the reception centers?

Mr. CLARK. Yes.

Mr. ARNOLD. Those wouldn't be dormitories, dormitory types, but family units?

Mr. CLARK. They are divided so that they are for family units, sort of apartment type. I don't mean by that that they are going to start putting up the boards Monday. I mean that they are going to try to start selecting the actual site that they are going to be located on within the area that has already been decided upon, and the materials will be gathered and transported there.

Mr. ARNOLD. The committee had some off-the-record conversations with responsible individuals who know Japanese communities. We have heard the suggestion made that whole neighborhoods should be moved as a unit to maintain efficiency and morale and make use of the variety of skills and talents present there. It was also suggested that where there are ministers, ministering to certain groups, they universally have expressed the desire to this committee that they be permitted to go on and continue that ministry. What is your view on that?

Mr. CLARK. I think where we can do that, why Mr. Neustadt will be certain to do that. He has talked to me about some communities already. He told me that there were some 5,000 or 6,000 that had signified a willingness to go to one particular community. He was making an effort to get a certain number of ministers and a certain group of doctors and build a complete unit.

Mr. ARNOLD. Well, there is a community here in Los Angeles. They say they have 15,000 or 20,000. Of course, they would all be city Japanese. You couldn't establish a community without some agriculturalists, could you?

Mr. CLARK. We estimate around 25 percent are engaged in agriculture. Of course, here in Los Angeles there is quite a number engaged in agriculture in the outskirts.

Mr. ARNOLD. But this group was principally a Japanese group from Los Angeles.

A VOICE. Mr. Chairman, I feel that I ought to rise and correct that. I think the evidence is that they have reached far beyond Los Angeles into other religious groups, that the 20,000 includes people from Los Angeles, 15 miles or 20 miles away, family after family.

Mr. ARNOLD. Farmers?

A VOICE. No; not farmers by any manner of means: all types of people.

Mr. CLARK. Farmers, doctors, and so forth.

Mr. ARNOLD. The gentleman who has just spoken was one of the ministers that just appeared on the stand.

Mr. CLARK. Yes, sir.

Mr. ARNOLD. Can this be squared with the operations of the processing centers?

## CONSULTATION WITH JAPANESE LEADERS

Mr. CLARK. Oh, yes. They might not have to go through them at all. We are going to establish an office right here in Los Angeles to meet with these Japanese leaders. I have been urging them to get their leaders together and have a committee that could meet with us and I am sure they are doing that. They should be. Next week we will have an office right here where we can work out problems of community transplanting.

Mr. ARNOLD. In some cases the Caucasian ministers will probably speak for their group. They seem to be the leaders.

Mr. CLARK. Yes, sir. We will be happy to—in fact, we urge their cooperation because it is most helpful.

Mr. ARNOLD. In other words, you want all the help you can get.

Mr. CLARK. Well, sir, I will say that no one understands the enormity of the task. It is like the Mexican jumping bean. The minute you think you have got her, why she jumps over here. I have had some pretty tough jobs myself, from top sergeant on up, but I haven't had any like this.

## AFTER-WAR USE

Mr. ARNOLD. Here is another quotation in the case of the Japanese. You are quoted as saying:

At the end of the war, the evacuees will be returned to their homes and farms and the once-forbidden zones and the resettlement communities will be transformed into recreation and rehabilitation centers for war veterans.

Is that a correct statement?

Mr. CLARK. Of course, if they wish, they can go anywhere they want after the war. They are American citizens. I did say that it was Government property that was being used there, that we planned on using it—or, rather, the Army did—I won't be in the picture then, I hope—for vocational centers and recreational centers for our soldiers who have been in the war. As you remember, in the last war we had to build a great number of vocational centers. These buildings are portable and would be very much adaptable to that use.

## CATEGORIES EXEMPTED FROM EVACUATION

Mr. CURTIS. In reference to the question of Italians and Germans, you will recall the committee's proposal to the President that the Coordinator's office start immediately planning for the creation of hearing boards. We notice that General DeWitt, in his order, has exempted certain categories. Will you give the committee the description of these categories and tell us whether it is contemplated that additional categories be created? Is it your opinion that appeal boards would make it possible to return a great majority of these people to civil life?

Mr. CLARK. Well, sir, as I said before, General DeWitt is the boss man. He makes these rules. All I do is follow the rules. I couldn't say whether he is going to add any more or not. I could just guess. Your guess would possibly be as good as mine. I am just guessing. When the general makes up his mind, he doesn't change it. I would say that there won't be any more. However,

there may be. The rules now in a broad way are that all people over 70 among the Italians and the Germans are exempted.

Mr. CURTIS. And certain parents of soldiers?

Mr. CLARK. And the parents of soldiers, or sisters, brothers, wives, children of soldiers of German and Italian descent are exempted.

Mr. CURTIS. Has any statement yet been made as to the conditions under which Italian and German aliens will be allowed to reside outside of zone 1-A?

Mr. CLARK. It will be.

Mr. CURTIS. Will they be free to establish individual residences at will away from designated military prohibited zones?

Mr. CLARK. If it is outside of 1-A, yes, sir. Of course, there are exceptions to all these answers. It would depend on the circumstances. If they were of a subversive character, why, of course, it would be better if they were incarcerated or restrained. That would not apply to my answer. My answer is, where a person is loyal and he just happens to be of Italian or German lineage, outside of 1-A under the present regulations, he would be able to live in a community of his own choosing.

Mr. CURTIS. And of course all of these things are subject to the effect of great and unexpected happenings that none of us can foretell?

Mr. CLARK. Oh, yes, all depending on the action of these folks. If they behave themselves and live right and do right and stand up right by the United States, they are not going to be harmed.

Mr. CURTIS. Now, referring to these people you just mentioned. Will they be free of curfew restrictions and other limitations outside of designated restricted areas?

Mr. CLARK. No, sir. There is not a curfew regulation now by the Army. It hasn't been promulgated. The one by the Attorney General only applies to aliens.

Mr. BENDER. Don't you think it would be desirable if you, yourself, and members of this committee, were subject to curfew regulations?

Mr. CLARK. I think it would be swell, Congressman. I would be the one to shout for that first. I got to bed last night about 3 o'clock and 10 minutes after 4 the night before.

#### WORK PROJECTS

Mr. CURTIS. What types of work, other than agricultural operations, are being planned or considered, and what agencies are being charged with the planning of these projects?

Mr. CLARK. Well, sir, there are several that have been suggested and to which I think the Japanese would be adaptable. It has been suggested that they be engaged in making a number of these articles that we used to buy over in the 5 and 10. That is the store where I trade. You could always go in there and buy something and on the back of it used to be "Made in Japan." So we could make it "Made in America," with Japan on the back. Or we could put them to making American flags—that would be nice, and I think a very laudable undertaking, also. Then Mr. Nicholson has several suggestions which I thought were good, of a reclamation character, particularly those who are adaptable to labor. They could be engaged in various reclamation, irrigation projects.

Mr. CURTIS. I don't know whether you are familiar with it or not, but many of the buildings that were erected for Civilian Conservation Corps camps are located in areas where they need work done.

Mr. CLARK. Yes, sir.

## OTHER PROJECTS

Mr. CURTIS. In soil conservation, irrigation, flood control, and that sort of thing. And should it develop that Japanese boys are discharged from the Army, it is entirely possible that they could recruit C. C. C. camp members from these boys and carry on that work that was stopped because of the shortage of boys.

Mr. CLARK. That is a very fine suggestion, sir, and I think the location of the C. C. C. camps would make them adaptable to that very type of work.

Mr. CURTIS. I think you will find a welcome for that in the Great Plains States, the drought areas, where they were carrying on those projects and had to stop, or some of them didn't get started.

Mr. CLARK. Yes, sir.

Mr. CURTIS. Can you tell the committee what sums are available to date to do the necessary work in connection with evacuation and resettlement?

Mr. CLARK. The Army has unlimited funds available at this time from their unallocated funds. Those are the funds we are using. And the Social Security Board has some funds. I don't know the exact amount.

Mr. CURTIS. I think that is a rather limited amount but the plan is, under the delegation of authority, for all of those to channel through the Army.

Mr. CLARK. Yes, sir. Until they get into the definite, completed resettlement where they have reached their final destination, until the war is over; then, of course, the Army wouldn't want to pay that and I think it is up to Congress to take care of that. Of course, the Army is going to have to ask the Congress for an appropriation to supplement what they have now. This is no game of marbles.

Mr. CURTIS. We are fully aware of that, Mr. Clark, and we are aware that this is just one of the burdens that is placed upon the shoulders of General De Witt. This committee wants to be just as helpful as we can. In that connection I mentioned some of the testimony that has been taken here. On many phases of it we have had some concrete suggestions that seemed very, very frank. After our hearings are over, if some member of our staff could get what is wanted when it is wanted in a hurry, without having somebody wade all through these hearings, I think they should render a service.

Mr. CLARK. I wonder if you could let one of your staff stay here for the next 2 weeks.

Mr. CURTIS. I think that could be arranged. I am not the chairman.

Dr. LAMB. Would you want them here, or in San Francisco?

Mr. CLARK. San Francisco.

Dr. LAMB. That would be easy to arrange.

Mr. CLARK. That would be fine. The problem is going to crystallize in the next few days and if we could have someone who has heard

the testimony or is familiar with the record, I think your committee could be of great help to us. I know that the General feels that you have been of great assistance to him in pointing out some of the pitfalls. You have saved us lots and lots of headaches. We have got enough already so on behalf of General De Witt and for myself I want to thank you very much for the work you have done.

Mr. ARNOLD. We won't keep you much longer, Mr. Clark. We have just about finished here. The committee has been concerned with the problems of the Italians and Germans because we are reluctant to see policies created here which may stand as precedents for subsequent action in other parts of the country where the size and scope of the problem are of such enormous magnitude as to jeopardize the very war effort. I have reference to the fact that where there are 85,000 in this coastal area there are approximately 1,000,000 German and Italian aliens, including 300,000 Germans and 600,000 Italians, according to the 1940 census. This number will, of course, be multiplied by dependents and immediate relatives who are citizens. This group, in turn, will be found to be related by ties of blood and marriage to a far greater number so that it is unthinkable that we should treat this matter lightly.

Bearing these matters in mind, what special suggestions have you for the certification as to the loyalty of these individuals and handling of the situation?

Mr. CLARK. Well, sir, there have been no orders entered as to Italians and Germans, or Japanese insofar as evacuation is concerned. The small area along the coast, known as the 1-A area, has tentatively been the General's plan insofar as the Germans and Italians are concerned. Our statistics show that there are approximately 86,000 involved there. After you subtract those that the General has already excepted, together with those who are sick and in hospitals and have various other exceptions, the number won't be so large.

#### HEARING BOARD TO BE SET UP

Then, again, the General is going to set up a hearing board. I did not answer your question a moment ago about that hearing board. The General is going to set up on his staff a group that would take up these matters, and where it involves a situation that needs some special attention, this military board, we believe, would be the most effective one. That is his intention now, I believe. It is a military problem and we think that the establishment of civil hearing boards would possibly not be as effective nor be as quick as would be a military board. It has not been decided, though.

Mr. CURTIS. Are you familiar with the English experience on that?

Mr. CLARK. No.

Mr. CURTIS. We had a witness here today who outlined it. I won't take the time to enumerate it but it is in the record and if the arrangement is carried out for our staff to have someone there, why they can provide it.

Mr. CLARK. Perhaps we could use that system. We want to take as much off the military as we can.

Mr. CURTIS. I don't know that you can use it entirely but there may be some phases of it that you want.

Mr. CLARK. The General hasn't decided the problem, of course, because it hasn't arisen yet; what I am telling you are my own thoughts on the matter.

Mr. BENDER. I have just two or three questions.

What is being done, Mr. Clark, to break down antagonism of local groups to the general program?

Mr. CLARK. Well, we have been doing a little campaigning. We haven't passed out any cards but we have been over talking to them and we have made some progress, sir.

Mr. BENDER. Mr. Clark, how much money do you think will be required for this undertaking?

Mr. CLARK. I couldn't say, sir.

Mr. BENDER. Have you had any estimates as yet?

Mr. CLARK. Well, our fiscal office has but I would prefer not to state it, sir.

Mr. BENDER. In my nightly conversations with various agencies at Washington in connection with this committee's activity, that is a question that has been asked and it is a question that should be thought of quite seriously by all of us immediately.

Mr. CLARK. Yes, sir; I think the committee is entitled to that and I would be happy to furnish it to your representative.

Mr. BENDER. As you understand, of course, there isn't a day that passes but what there aren't at least half a dozen speeches made on the floor of Congress regarding this issue and the problems involved.

Mr. CLARK. Yes, sir.

Mr. BENDER. All of us are trying to bend backwards not to act as a headline-hunting committee, but rather as a fact-finding committee, and, in turn, translating that to the various departments in Washington so that they, in turn, as well as Congress, might act intelligently. We found a very fine response on the part of General DeWitt and yourself regarding those things that were necessary to do without any blowing of trumpets, and I am sure we will proceed in that manner from henceforth on.

Mr. CLARK. Well, I think you have done a splendid work, as I have said before, and I think that your records and the use of whoever you assign, will be most helpful to the general. I trust that you will be able to find it possible to have that man where he will be available at the beginning of the week, or as soon as you release him from his duties with you.

Mr. BENDER. The committee expects to be back in San Francisco on Monday and no doubt will meet with you.

Mr. CLARK. Very well, sir. I will be there.

Mr. CURTIS. Thank you, very much, Mr. Clark. I appreciate your coming.

Mr. LACEY. Before Mr. Clark leaves, I would like to have one question directed to him if the committee see fit.

Mr. BENDER. Who are you?

Mr. LACEY. I am an attorney here and I am representing certain Japanese. My name is Lacey.

Mr. CURTIS. What does it have reference to?

Mr. BENDER. You will have to ask us privately as to the question you would like to ask, and then we will, in turn, put the question if we think it is desirable.

Mr. CLARK. If you will come by the office, I will answer it, partner.

Mr. CURTIS. We promised Mr. Clark he could get out 7 minutes ago.

Mr. BENDER. What is your question, now that Mr. Clark is gone? We will put it to him.

Mr. LACEY. Assuming that there are alien Japanese who are now in this country who are willing to go to Japan, would it be possible for Mr. Clark and the department that he represents to take measures of some kind to see if they could not be returned to Japan and in that exchange, or in that repatriation of Japanese, to obtain the redelivery of the prisoners which Japan now has of our boys who are there interned?

Mr. BENDER. Would you care to take the stand? You wrote us a letter which I believe I have in my hand, regarding this particular problem. Your name is Courtney Lacey. Is that correct?

Mr. LACEY. That is correct; yes, sir.

**TESTIMONY OF COURTNEY LACEY, JAMES OVIATT BUILDING,  
617 SOUTH OLIVE STREET, LOS ANGELES, CALIF.**

Mr. BENDER. You say:

During the past few days I have had conversations with several Japanese nationals residing in southern California. Today one of them, an influential businessman in Los Angeles, stated to me that he and some of his friends had been discussing the evacuation problem, and, according to them, it would seem—  
“That the Japanese Government is willing to accept the return to Japan of those Japanese nationals now residing in the United States who wish to return to Japan.”

Do they have some private wire to Japan?

Mr. LACEY. Well, I don't know whether they have or not and if they did have, knowing the Japanese as well as I do, they would be very hesitant about disclosing any communications they might have because of the fact that some of them have been pushed around since the trouble has commenced.

Mr. BENDER. This is a theory that you advance; is that it?

Mr. LACEY. It is not a theory that I advance; it is a theory or a plan which Japanese nationals have been talking over amongst themselves.

Mr. CURTIS. They want to go back?

Mr. LACEY. Yes; that is correct.

Mr. CURTIS. And some of them that claim American citizenship, do they prefer to go back to Japan, too?

Mr. LACEY. I am not speaking of those who claim American citizenship; I am only speaking of those who are Japanese nationals.

Mr. CURTIS. They haven't been allowed to come in here for many years.

Mr. LACEY. If the members of the committee are not familiar with the situation, these Japanese that came over before they were restricted, came over with the expectation of being able to make a fund and send it to Japan and they have been periodically sending it to Japan and it has accumulated there in many instances. And they have had the expectation that in their old age they would go back to Japan and enjoy an independence there; and those people who have had that idea in mind throughout the past years are still willing to go to Japan and, as I understand, the Japanese Government is willing to take them

back. And as a part of that plan, the Japanese Government probably would release the American soldiers and sailors and civilians.

Mr. BENDER. I believe all that you offer is a matter of conjecture. If what you say is true I am sure that our officials in Washington would have knowledge of it. Is there anything further?

Mr. ARNOLD. In my opinion, that is a matter for the State Department to work out.

Mr. CURTIS. It will do no harm to have it in the record and the proper authorities will see it there.

Mr. LACEY. I thought the committee was here for the purpose of effecting an evacuation of aliens who were inimical to this country.

Mr. BENDER. Would you be willing to furnish us a list of the persons that you discussed this with, so that we might communicate with them in writing?

Mr. LACEY. I asked them specifically, if I could use their names and they didn't want me to use their names because of the fact that they thought they might suffer from the fact that they would be questioned why they knew of this willingness of the Japanese Government to take them back again. You can understand the reason why they would hesitate.

Mr. BENDER. That is all, Mr. Lacey.

Reverend Suzuki, you may resume your testimony now.

#### TESTIMONY OF LESTER SUZUKI—Resumed

Mr. BENDER. Will you proceed with your statement, Reverend Suzuki?

Reverend SUZUKI. Well, in the last paragraph I made a plea that in your plan of evacuation we would recommend that you would allow a portion of the Japanese, and a larger portion of the Japanese-Americans to remain here and be of greater service and greater usefulness for American defense and offense.

They want to make a sacrifice. I think they would make a better sacrifice here.

Mr. ARNOLD. You know now, from what you have heard, that that is not possible?

Reverend SUZUKI. Well, Dr. Farnham and Dr. Heckleman said that they favored a plan that would be selective, if possible.

Mr. ARNOLD. I believe, from what Mr. Clark said about the establishment of an office here and there, that they will desire to confer with you and others, as leaders of various groups. I believe you know that they are going to seek every measure of cooperation and advice that you can give them.

Reverend SUZUKI. Yes. We will be very happy to do that and wherever we go we are willing to Americanize and Christianize all of our people. That is our job and we want to do it.

Mr. BENDER. Do you have any comment to make regarding this matter of a large number of Japanese in the United States now wanting to go back to Japan?

Reverend SUZUKI. Well, I think this group must be a very small minority because most of them have given up the hope of going back years ago because their families were raised here. They have grown up and they have given up the idea of going back. I suppose they got disillusioned because of the war and because of these problems

coming up, but I don't think it is enough, you might say, in common terms, to monkey with because the great majority of our people are not looking to that at all. We just don't harbor that desire at all.

Mr. ARNOLD. Thank you very much.

Reverend SUZUKI. In passing, I have a resolution from our church federation which I think you would be happy to know and read and pass on to your committee.

Mr. ARNOLD. Let us make that an exhibit in the record. Are all of those the same?

Reverend SUZUKI. Yes; they are all the same.

Mr. ARNOLD. Thank you very much for coming.

Mr. BENDER. After Mr. McWilliams appears we will have the American Civil Liberties Union.

**TESTIMONY OF CAREY McWILLIAMS, CHIEF OF THE DIVISION OF IMMIGRATION AND HOUSING, CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, STATE BUILDING, LOS ANGELES, CALIF.**

Mr. BENDER. Will you give your full name to the reporter?

Mr. McWILLIAMS. My name is Carey McWilliams. I am chief of the division of immigration and housing, which is a part of the Department of Industrial Relations of the State of California. The division which I head of the State government is one which has been in existence since 1913 and is charged, by a statute in this State, with direct responsibility for the providing of certain guidance and information to alien immigrants in this State; and also the general responsibility for their welfare.

I appointed a committee some time ago for the purpose of working on details of a plan which might be submitted to this committee. I filed a copy of the plan with Dr. Lamb for the benefit of the committee.

Mr. ARNOLD. The plan will be incorporated in the record at this point.

(The proposed plan referred to above is as follows:)

**STATEMENT OF CAREY McWILLIAMS, CHIEF, DIVISION OF IMMIGRATION AND HOUSING, CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, LOS ANGELES, CALIF.**

**I. INTRODUCTION**

The Committee Investigating National Defense Migration, by reason of its wide experience in dealing with the problems of migration, resettlement, welfare programs and economic opportunities, is uniquely qualified to undertake its current investigation of the alien problem on the Pacific coast. In undertaking this, the most recent of its notable investigations, the committee has an unparalleled opportunity to render an important service to the Nation, not only in furtherance of its security in time of peril, but also in safeguarding those essential values which represent the finest elements of the American tradition. Those who have followed the rapid chain of events on the Pacific coast since December 7th, clearly recognize that the formulation of a national policy on the problem of the alien is of immediate and primary importance. The formulation of such a national policy is essentially a function of the Congress. This is particularly true in view of the fact that the problem by its nature and because of the changing character and aspects of the war, will be continuing in character, and therefore

cannot be approached as a temporary or transitory problem. It was largely for this reason that on January 26, 1942 I wrote to your committee explaining some aspects of the problem and urged that you undertake the present investigation. It was with genuine appreciation that I learned that the committee had decided to undertake the investigation.

In an effort to be of service to the committee I requested a small group of Los Angeles citizens to work with me in formulating a proposal to be submitted at the hearings. Included among these individuals are two outstanding lawyers of the community who have had wide experience in dealing with alien and refugee problems, and a distinguished social worker in the community who has also had extensive experience in dealing with the same problems. As a result of their deliberations I forwarded to the chief investigator for your committee, under date of February 20, 1942, a generalized statement of the proposal which is here presented in some detail. A copy of this telegram is included in the appendix. Copies were sent to the Honorable Francis Biddle, Attorney General, and to Senator Sheridan Downey. Thereafter I received from Senator Downey, under date of February 21, 1942, a wire as follows:

"Glad to urge upon Biddle fullest consideration your very comprehensive plan alien control."

The proposal emanating from this group was discussed in outline with numerous organizations, groups, and individuals directly concerned, and received universal commendation. In presenting the proposal, therefore, I would like to stress that it is not my personal proposal, but is the result of wide consultation and discussion with interested groups and competent impartial advisers. It does, however, meet with my entire approval.

One of the conspicuous merits of the proposal, in my judgment, is that while it was designed to meet a specific need on the Pacific coast, it nevertheless can be applied in other areas. Also, it contemplates a decentralized regional control under the general supervision of responsible Federal officials. The nature of the problem is such that a strictly centralized approach would not only place too heavy a burden upon Federal officials in Washington, but would also overlook the fact that a considerable measure of responsibility for the problem properly rests in the regions immediately affected. For there are special localized phases of this problem in every region which cannot well be ignored. The proposal here submitted combines the advantages of a carefully formulated national policy with flexibility of regional administration. It is my carefully considered opinion that it should receive your most serious consideration, and if possible, should be put into effect immediately.

On the score of great need for urgency, I most strongly recommend that your committee use its good offices to the end that this proposal be put into effect immediately by Executive decree. Legislative sanction should, of course, later be given the program. Subsequent legislative action can unquestionably clarify the national policy involved, but in such critical times and in view of the urgency of the problem itself, the desirability of immediate action by Executive decree is clearly indicated. By recognizing and acting upon this fact your committee would place the entire country in its everlasting debt.

## II. STATEMENT OF THE PROBLEM

The problem may be said to consist of the following elements:

1. *Reestablishment of public confidence.*—This can be accomplished by a bold, decisive, and courageous act which will indicate an all-embracing comprehension of the problem and a readiness on the part of the military and civil authorities to deal with it in all its phases, within the law, and without further delay. This should be done in a manner which will safeguard all essential values and interests. It should at the same time provide the maximum security for the area and the greatest degree of coordination, effective administration, and speed possible under the circumstances. While some of this has been achieved by General DeWitt's proclamation, much necessarily remains to be done, and it is important that it be done at once.

2. *Prevention of unnecessary confusion and economic dislocation.*—The removal or shifting of scores of thousands of people from areas in which they have become well established and toward which they have been making important economic, social, and cultural contributions can easily play havoc with the lives and fortunes of the entire population in those areas. Unless carefully planned and even more carefully executed, mass evacuations will cause endless confusion, untold hardships, vast economic losses, serious and perhaps even irreparable injury to essential

agricultural and productive enterprises, and serious interference with transportation facilities. All this can affect our war effort in this area disastrously. It may affect just as seriously the areas to which the people will be moved. The facts and figures are in the possession of your committee and need not be included here.

3. *Avoidance of danger of false sense of security by removing aliens who may or may not be dangerous and leaving more dangerous enemies undisturbed.*—Experience in the various democracies throughout the world proved over and over again that spies, saboteurs, fifth columnists are not limited to aliens; that they are frequently found among native and naturalized citizens. Exclusive concentration upon and evacuation of aliens, many of whom have suffered infinitely more than we have from the enemy and have more direct and immediate reason to hate him than we have, may therefore be an unjust, unwise, and short-sighted policy. To treat all affected aliens alike may be equally unwise and in some instances as in the case of the political and religious refugees made stateless by Nazi decrees since 1933, inhuman. A comprehensive program should be based on the lessons to be learned from the experience of other democratic countries and should take advantage of the loyalty, knowledge, and eagerness to be of service on the part of friendly aliens from enemy countries.

4. *Provision for resettlement, temporary maintenance, reemployment, and prevention of social maladjustments.*—Wholesale evacuation such as contemplated will require anticipatory selection, preparation of large areas, coordination of transportation facilities, provisions for maintaining the evacuees at least during the transitional period, finding or creating suitable employment and the establishment of social and cultural resources for the readjustment of individuals and families. All this will require knowledge, experience, vast sums of money and great organizational and administrative skills, if personal and familial disorganization and deterioration are to be avoided. Since it is likely that the experience on the Pacific coast will be duplicated elsewhere, the costs may be multiplied many times and may constitute a serious drain on our national economy at a time when all energies and resources should be concentrated on winning the war. The population to be dealt with here, for example, is far in excess of the total number of people resettled by the Federal Government—and the costs therefore may be imagined. The wisest and most economical use of our resources is therefore essential.

5. *Conservation of alien property to facilitate the evacuees ultimate rehabilitation and provision for possible deferral of tax payments and contractual obligations.*—A period like the present and an upheaval such as is bound to result provide ample opportunity for unscrupulous and self-seeking "carpetbaggers" to exploit the situation for their own selfish interests without regard to the suffering and privation to others. Like all scoundrels, they are ready to wrap themselves in their country's flag and to hide their real motives behind a display of patriotism. It was always thus and it will no doubt be repeated in this instance. If we are to avoid the scandals of the last war in connection with the office of the Alien Property Custodian, the mistakes of the past must be avoided and the lessons of the last war must be applied to the present situation. In all fairness, and from a practical standpoint, provision also will have to be made for possible deferral of taxes and contractual obligations.

### III. OUTLINE OF THE PROGRAM

(a) *Creation of Pacific coast alien control authority by Executive decree of the President, consisting of representatives of the Departments of War, Navy, Treasury, Justice, Agriculture, Labor, and such agencies as the Social Security Board, Children's Bureau, United States Public Health Service.*—The practice of setting up special "authority" to handle special problems is now so well accepted, and has so many precedents, that its use in this instance cannot be questioned.

(b) *Designation of restricted zones and areas.*—The military authorities should designate two major zones on the west coast—primary military zones in which no one who is not essential to such zones from a military standpoint should be permitted to remain; the areas surrounding these zones on the Pacific coast strip to be designated secondary areas—areas in which persons could remain only after being licensed to live and work in those areas, such licensing to be subject to the supervision and control of the Alien Control Authority. Both zones and areas subject to modification by the military from time to time.

(c) *Bureaus of Pacific coast alien control authority—1. Bureau for registration and licensing.*—Although many people doubt whether there are any loyal Japanese, a doubt to which I do not subscribe, I am confident that large numbers of citizens of Japanese descent are loyal to the United States, despite the fact

that it might be difficult and perhaps even impossible to differentiate between the loyal and the disloyal. I believe that they, and certainly the citizens among them, are entitled to full protection until such time as there appears a reasonable doubt about their individual loyalty. Indiscriminate evacuation may seriously and needlessly affect our food supply, from which our civil and military population will suffer without in any way affecting our security. This should and can be avoided through an appropriate system of licensing.

Whatever be the attitude toward the Japanese, no one doubts that the vast majority of aliens of Italian and German nationality are entirely loyal to the United States. Of these two groups, the aliens of German nationality, who were rendered stateless, and their property confiscated by the Nazis, are in an especially tragic plight. Everyone knows the harrowing experiences to which these unfortunates have been subject in Germany, and in their migrations throughout Europe, and frequently other countries, before finally landing in free and democratic America. They were the first to suffer because of their political and religious views from the brutality and sadism of the Nazis. Now that they have found a new haven and are gradually adjusting themselves to a new life, they are again told, and this time, paradoxically, by the very democracy for which many of them fought and sacrificed, that they are suspect, that they are not wanted, and that they must again be on the move. The effect of all this upon them may become intolerable, as witness the recent suicide of Stefan Zweig, one of the foremost literary figures of the age.

Not only from the humane standpoint are these victims of our common enemy's ruthlessness entitled to special consideration. They include many of the world's foremost scientists, inventors, engineers, industrialists, writers, dramatists, artists, musicians, etc., who have made and can continue to make important contributions to our war effort, as well as by identifying, or at least indicating those in our midst, especially from Germany, who may be dangerous to our security. It is because of the seriousness of this problem and also because indiscriminate evacuation is bound to work unnecessary and useless hardship on persons who are in our country's service, that this problem is treated in greater detail in the appendix. (See appendix 2.) Here it can only be said that provisions must be made for treating the refugees from political and religious persecution from Germany, who were made stateless by Nazi decrees, as a separate group which should receive careful and sympathetic consideration, due care being taken to discover such subversive elements among them as may be present. There are many precedents for such treatment. The Alien Registration Division of the Department of Justice treated stateless aliens as a special group and created a special category in the recent registration of aliens. Insofar as is consistent with military necessity, they should be permitted to remain in their present habitat and continue to make their contribution to our social, economic, cultural, and intellectual progress. Their special knowledge of conditions in Germany and the methods of the Nazi regime should be utilized in discovering fifth columnists and saboteurs. In so doing we shall be profiting by the experience of England and shall be living up to the plea of our great President to the French authorities that all refugees be not treated alike.

What has been said with respect to German refugees applies also to large numbers of Italians who fled from Italy because of Fascist oppression and persecution. These people too can be of use to our war effort although to a lesser degree, and should be fully utilized. The registration and licensing bureau provided for above should make such distinctions and precautions possible.

2. The bureau for resettlement should be charged with the responsibility of locating and preparing areas in the interior for the receipt and absorption of the evacuees. Consisting, as this bureau should, of representatives of the appropriate government agencies, it would have available to it the knowledge, information, and facilities of the Federal and State agencies dealing with the land, the productivity of the soil, living standards and conditions, and the economic factors involved in such large-scale resettlement. It should also have available to it the special experience of the various Federal and State departments which have been responsible for providing relief—reclamation projects, Work Projects Administration, Civilian Conservation Corps, etc.

3. The bureau for transportation should have the responsibility for providing the transportation facilities for passengers and freight to transport the evacuees to their new homes. Unless this problem is studied from all aspects, it is not unlikely that the roads may become clogged with the evacuees, and we may have a repetition of the tragic experiences of the French, Belgians, and Dutch when they evacuated their cities. This experience is too recent to require detail as to the

possible effect of the clogging of the roads and transportation facilities on the military effort of the country. It is of the utmost importance that this problem be handled with the greatest possible skill that our transportation authorities can bring to it.

4. The bureau for maintenance and reemployment should be built around the Social Security Administration and such governmental agencies as it may corral. It should be recognized from the beginning that the situation in which the evacuees will find themselves may be such as to undermine their morale, destroy any feeling of loyalty they may have toward the United States, and embitter them toward us, our government, and society in general. Leaving them to their own devices without constructive outlets for their pent-up energies and resentments may be disastrous. Proper organization to utilize their time, energies, and skills and to provide suitable recreational facilities is essential and will save as much from this tragedy as is possible under the circumstances. Since there is no way of knowing how long the war will last, plans must be made for a more or less permanent re-employment of these people. This can be accomplished by utilizing them in their respective occupations for creating decent living conditions in the areas in which they will be resettled.

5. The bureau for alien property conservation: There is ample evidence that social and economic vultures are already preying upon the unfortunate aliens who expect to be evacuated. They are told to dispose of their property and are frequently offered ridiculous sums which in panic and desperation the evacuees are inclined to accept. Stories are also being circulated which indicate that unless great care is exercised, and that immediately, we shall have a repetition here of what transpired in Germany and in other countries as the result of large-scale evacuation. People have been threatened that unless they dispose of their property to those who are eager for it, they will be reported to the Federal Bureau of Investigation and their property will be confiscated. In the absence of a statement from high government authorities to the contrary, the aliens who are at the mercy of rumors and rumor mongers have no choice but to accept what they are told at the moment. The immediate creation of an Alien Property Conservator or a bureau for its conservation, with an immediate announcement that transactions under duress will not be recognized and that the interests and property of aliens will be protected in every way, would not only give the unfortunate victims a sense of needed relief, but make them feel that they are living in a country where human dignity and human values are more than mere phrases mouthed by politicians. It is absolutely essential that the problem of alien property conservation be handled as an integral part of the entire program. In other words, alien property conservation should constitute a function of the authority proposed, and should not be handled in an unrelated and uncoordinated manner.

Also, a moment's reflection will suffice to indicate that there are literally hundreds of minor but important problems involved, such as the possible necessity for working out ways and means to defer payment of taxes and contractual obligations. All of these problems should be centralized in the Authority because of their intimate connection with the problem of welfare, maintenance, property conservation, preservation of morale, etc.

#### IV. CONCLUSION

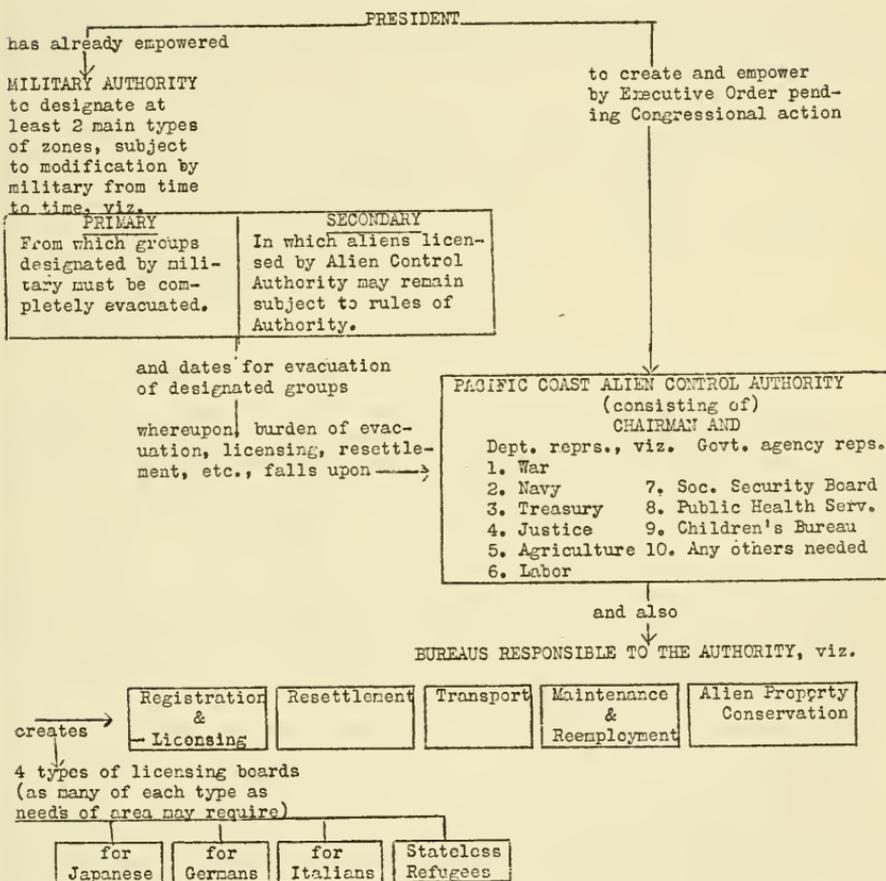
The foregoing program will, no doubt, require modification from time to time as the situation develops. But if put into execution promptly with scrutinizing attention to the selection of the personnel and the elimination of the usual inter-departmental difficulties and jurisdictional conflicts it would, I am confident, meet all the requirements set for it. It would above all demonstrate that democracy can work efficiently, effectively, and with that consideration for the welfare of the people who brought it into being, which differentiates it from autocracy and makes it worthy of any sacrifice.

APPENDIX A.

GRAPHIC OUTLINE OF STRUCTURE AND FUNCTIONS

of proposed

PACIFIC COAST ALIEN CONTROL AUTHORITY



## APPENDIX B

FEBRUARY 20, 1942.

DR. ROBERT K. LAMB,  
*Tolan Committee,*  
*San Francisco, Calif.:*

Conferred with group of social workers and lawyers last night who feel that time is all important element in this matter. As I indicated they propose immediate establishment by Executive decree President of Alien Control Authority to be composed representatives War, Navy, Justice, Agriculture, Labor, Social Security, and some transport agency. Function military authorities to delimit two major areas on west coast, viz, primary military areas in which no licensing any kind would be permitted and secondary military areas in which licensing would be permitted subject to control of the authority both areas to be subject to modification by military from time to time. Function of the authority itself to be made up of four bureaus, viz, registration and licensing, resettlement, maintenance and reemployment, and alien property conservation. Under registration and licensing three separate licensing boards to be set up re Japanese, German, and Italian nationals. Our feeling is that this proposal should be submitted to General DeWitt through Tolan for approval in principle. Such authority would be flexible and would relieve all officials of unnecessary responsibility and would coordinate entire program. Feel that this proposal should be transmitted to top officials in Washington immediately, in particular Biddle, Wallace, McNutt, Downey, and others, with request it be laid before President before any summary action is taken. Your committee can develop factual background and specific proposals re policy and practice before board once it is constituted by Presidential decree. If such action could be taken immediately would provide committee with time to undertake thorough hearings and investigation and would also in meantime keep situation in hand.

CAREY McWILLIAMS,  
*Chief, Division of Immigration and Housing.*

## APPENDIX C.—THE PROBLEM OF THE STATELESS REFUGEE

The plight of the stateless refugee from Nazi Germany represents one of the most tragic human dramas of the age. They have been persecuted, expelled, their property expropriated, and they have expatriated from the country of their birth. They owe no allegiance to their former country because they were neither citizens nor subjects of Germany at the time that war was declared. Nevertheless, they are classified as enemy aliens. If any group merits special consideration it is this group.

The real enemy aliens may have the loyalty to their country to sustain them, and they know why and for whom they have to bear the hardships. The refugees are loyal to the United States. They hope to become as good citizens of the United States as the refugees of previous generations. Having suffered so much materially and spiritually under the Nazis, they cannot reconcile themselves to the fact that they are identified with their deadly enemies, the Nazis. It seems like adding insult to injury. It is especially hard for the younger generation who grew up in the American spirit and who are gradually forgetting the terrible experiences of their past.

The desperate situation confronting some of these refugees may be gleaned in part at least from documents 1 and 2 attached to this appendix. The first is from a native American who is about to enter the military service of the United States, whose wife is a refugee from Germany and therefore one of the stateless refugees facing with them the prospect of evacuation while her husband is fighting in the armed forces of the United States. The second document is from one of the most prominent local attorneys to whom they turned in their despair.

The urgent need for reclassification either by separating the refugees from the enemy alien group or by licensing the stateless refugees or by clearing them individually from the stigma of being enemy aliens becomes apparent also when the moral and spiritual strain on the refugees is taken into consideration. Special consideration is essential. Fortunately, there is ample precedent for such consideration.

The Attorney General has already exempted the following groups from being classified as enemy aliens:

1. Registered Austrians are not considered enemy aliens despite the possibility that there are many potentially dangerous persons among them as in any other group.

2. Persons of German, Italian, or Japanese citizenship who have acquired any other citizenship (i. e., from Lichtenstein which could be bought easily and cheaply, or Haiti or some small South American country) are also exempted despite the possibility that there are as many potentially dangerous persons among them as in any other group.

3. Citizens from Danzig are also exempted "pending the final decision whether they are enemy aliens or not."

There are other exemptions of less importance such as enemy aliens serving in the ranks of the United States forces, Koreans, immigrants from certain Mediterranean islands, etc.

It may be hoped, therefore, that sooner or later the Attorney General will see his way clear to making similar exceptions for the stateless anti-Nazi refugees who applied for naturalization upon their arrival here, but have not been here long enough to acquire full citizenship.

Since the situation on the west coast may require more drastic regulations in the very near future, it should be possible to license all aliens of enemy nationalities who are registered with the Alien Registration Division of the Department of Justice as stateless.

The importance of this suggestion for the west coast becomes evident if the figures for enemy aliens are borne in mind. The new registration figures will probably show that half of the so-called Germans in California and the majority in Los Angeles are, in fact, anti-Nazi stateless refugees with first papers who planned to become American citizens and who may be presumed to be as loyal as any other alien group in this country. The 1940 alien registration showed about 19,000 Germans in California, approximately half of them being refugees. The situation has probably not changed much since then. The State of Washington has about 3,000 German aliens and Oregon has about 1,800 German aliens with probably a similar percentage of anti-Nazi refugees. Therefore—as far as the enemy aliens of the white race on the west coast are concerned—the possibility exists that, owing to a wrong classification, Americans will either stop distinguishing between refugees and Nazis or will have their attention diverted from the real enemies.

Quite aside from the humane aspects of the censuring proposal, there are some important benefits to be derived from the presence of the stateless refugees in this area because of the service they can render to the United States by pointing to the real enemy aliens in our midst. The services they can render in this respect may be enumerated as follows:

1. *Identification of imposters.*—Imposters, especially if posing as refugees, can be identified by loyal stateless refugees, by checking their past. An imposter can prepare a plausible story for the last few years and can have falsified documents to substantiate his story. But he cannot have such documents to cover his entire life. The refugees, coming from every important city and town in Europe, can immediately check and expose him if he talks about his past, or they can prepare detailed questions to ask him which he will be unable to answer if he is an imposter, or they can suggest what person in the United States would know him intimately if the story he tells is true.

2. The Federal Bureau of Investigation cannot possibly have specialists for every problem concerning Europeans, in every local office in every city of the United States. The local offices cannot obtain help from headquarters for every individual item. But whether a given question is significant or not, only the expert can tell. An informal group organized locally and consisting of selected and trustworthy refugees to assist in selecting significant instances, if letters or documents are found which do not seem important enough to send to Washington, but which should be checked up locally, can be of inestimable value.

3. The same set-up might be used to check on the refugees here. There are many refugees who, by their past, their activities, their American relationships, are beyond suspicion. They could form an advisory board and sift most of the refugees here at least on some such basis as the following: (a) Valid reasons for loyalty to the United States; (b) no reasons for suspicion; (c) requires watching; (d) definitely suspicious.

4. Success in intelligence work depends largely on putting together two or more pieces of information. In cases where the refugees cannot furnish missing information, they most likely can indicate where it might be obtained in neutral countries of Europe (Switzerland or Sweden).

5. The following item from the newspapers may serve as an example of such services:

Mr. Gros, Mrs. Gros, and Mr. Reuter, all American citizens, were arrested in Beverly Hills by the Federal Bureau of Investigation. Mrs. Gros made a statement to the press to prove her husband's innocence. Without going into details here, it can be said that Mrs. Gros apparently does not know German foreign exchange regulations intimately (many refugees were forced to know this regulation better than lawyers or Federal Bureau of Investigation agents) because everything she said seemed to be prima facie proof of guilt, for anybody who knows the Nazi regulations. Had refugees been asked to check her statement, they would have known what questions to ask to establish guilt or innocence.<sup>1</sup>

Such examples could be multiplied ad infinitum if there were an opportunity to learn and check the statements made by suspects.

If no general exemption or no license for the stateless refugee can be achieved, then it may be possible as a last resort to do what Great Britain has done. About 2 months after the war broke out, the refugees there were asked to appear before special tribunals, and if found to be genuine refugees, had the following stamped in their certificate of registration:

"The holder of this certificate is to be exempted until further order from internment and from the special restrictions applicable to enemy aliens under the Aliens Order 1920 as amended. Refugee from Nazi oppression."

Perhaps it may be possible to have a similar procedure on the west coast which would clarify in a short time the position of all persons who have registered as stateless during the recent alien registration.

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APPENDIX C—DOCUMENT 1

MARCH 1, 1942.

MR. JOSEPH P. LOEB,

*Pacific Mutual Building, Los Angeles, Calif.*

DEAR MR. LOEB: The world has reached a stage in its turning where I am in need of the counsel and services of an A 1 attorney.

There were two references on the radio today that the Army is considering evacuating all enemy aliens from the Pacific States including California. You may remember that my wife, ———, came from Manheim, Germany, in 1939. She is now eligible for her second papers but we expect that this will take about a year. We are expecting to have an addition to our family some time in March. I may also be drafted into the armed services, some time in March. Thus, it may happen that ——— will be forced to leave the State in the very near future and face a rather uncertain future.

I would very much like to talk this matter over with you and to secure your professional advice. I will call you on the telephone Monday afternoon or Tuesday to see if I can make an appointment with you.

Thank you kindly for your consideration of this matter.

Yours very truly,

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APPENDIX C—DOCUMENT 2

JOSEPH P. LOEB,  
610 PACIFIC MUTUAL BUILDING,  
*Los Angeles, Calif., March 4, 1942.*

MY DEAR MAURICE: I am sending to you herewith a letter written to me on March 1 by Mr. ———, whose wife, a Jewish refugee from Germany, fears that she may be classified as an alien enemy and compelled to leave the State of California.

The letter is written to me in my professional capacity, but Mr. ——— has consented that I send it to you, to be used in such manner as you may consider proper.

In order that you may have some further background for the case, and may better understand how it illustrates the hardship and I think injustice that will result from the indiscriminate classification of refugee aliens as enemies, I give you the following.

One of Mr. ———'s grandmothers was born in Los Angeles. His mother was born in Los Angeles, and his father in Akron, Ohio. Mr. ——— himself was

born in Los Angeles on March 24, 1914. He is a graduate of Stanford University and did post graduate work at University of Southern California and the University of North Carolina. His training has been in sociology and at present he is on the staff of the University Religious Conference at University of California of Los Angeles. Mr. ——— is a nephew of Mr. S. Tilden Norton, also a native of Los Angeles and active, as you know, in welfare and civic affairs.

I hope that the information which I am sending you will be helpful to you and to the authorities with whom you are in contact in your study of the enemy-alien situation.

Cordially yours,

JOE LOEB.

### TESTIMONY OF CAREY McWILLIAMS—Resumed

Mr. McWILLIAMS. I should appreciate it if that could be done.

I might say one word in connection with the plan. The plan contemplates the establishment, by Executive decree, of an alien-control authority in which could be vested jurisdiction with respect to the several aspects of this plan. I think it is self-evident that such matters, as property conservation, are intimately related to other aspects of the problem, including resettlement, maintenance, transportation, and so forth.

The plan also would establish, as part of the authority to be created, a bureau for registration and licensing, all of which would be, as you can see, centralized in one authority.

The provision with respect to registration and licensing is very carefully patterned upon the English experiences, which have been testified to earlier today by other witnesses. I appreciate the opportunity merely of presenting the plan and I thank you for the opportunity.

Mr. ARNOLD. Thank you very much, Mr. McWilliams.

Mr. BENDER. The gentlemen of the American Civil Liberties Union.

### TESTIMONY OF A. L. WIRIN, OF THE AMERICAN CIVIL LIBERTIES UNION

Mr. ARNOLD. How many are there in your group?

Mr. WIRIN. Just one. My name is A. L. Wirin. I am counsel for the southern California branch of the American Civil Liberties Union. Both as a matter of necessity and as a matter of choice I shall be very brief at this time.

I have a short statement which will take just a few minutes to present.

Our approach to the problem is in terms of two primary considerations:

Our deep concern for our national as well as local and State security through adequate military defense.

Our abiding belief in the Bill of Rights, and the protection of hard-earned American civil liberties, consistent with military security.

As corollary to our emphasis upon constitutional liberties is our commitment to the guaranties of the fourteenth amendment of the United States Constitution, which assures all races and groups in our midst of the equal protection of the laws.

Hence, our mind is set against discrimination because of race.

Dealing first with the Presidential order—the Executive order—and the orders of General DeWitt:

The President's order authorizing the establishment of military areas from which, at the discretion of the military authorities, all persons, aliens or citizens, may be removed, and the order by Lt. Gen. John DeWitt designating the areas raise serious issues of constitutional rights.

Aside from the question of the constitutionality of the orders, about which opinions differ, the Civil Liberties Union urges that in the administration of these orders, local racial prejudices and selfish interests shall not be allowed to influence action.

We recognize the general fairness and impartiality with which, in the course of the war, the Department of Justice has thus far dealt with the problem of enemy aliens and their descendants who are United States citizens. We trust that under military control that may be maintained.

The orders, in our opinion, are far too sweeping to meet any proved need and should be modified to provide examinations, with hearings, for all citizens excluded from the designated areas.

In the event of any impairment of constitutional rights resulting from the administration of the orders, the Civil Liberties Union offers its services in the seeking of relief in the courts, not to interfere with necessary defense measures, but in the interest of conserving our fundamental constitutional rights.

We also consider it highly important that the people generally seek to abate the hysteria directed at aliens of the Japanese race.

President Roosevelt has said we fight to maintain certain freedoms. We must not, in the fighting, lose the freedoms for which we fight.

That concludes my brief statement.

Mr. BENDER. Well, sir, when your house is on fire you don't stop to think about some of the things that ordinarily you would think about, keeping the pictures straight on the wall, and the rug, and the floor, and having it cleaned every day and so on.

Mr. WIRIN. Yes.

Mr. BENDER. We are faced with that situation; you understand that?

Mr. WIRIN. Yes; I think we understand that, and I think we appreciate it.

We realize that during a time of war emergency many liberties which ordinarily are permitted have to be circumscribed during the war. We feel, however, that there must be a point beyond which there may be no abridgement of civil liberties and we feel that whatever the emergency, that persons must be judged, so long as we have a Bill of Rights, because of what they do as persons, and not because of what race that person is a member of. We feel that treating persons, because they are members of a race, constitutes illegal discrimination, which is forbidden by the fourteenth amendment whether we are at war or at peace.

Mr. ARNOLD. Thank you very much.

**TESTIMONY OF GEORGE KELLEY, OF THE LAW ENFORCEMENT  
COMMITTEE OF THE UNITED CHURCHMEN OF PASADENA**

Mr. ARNOLD. State your name.

Mr. KELLEY. My name is George Kelley, Pasadena safety chairman, associated with the California State Chamber of Commerce. I am the chairman of the law enforcement committee of the United Churchmen of Pasadena, comprising 10,000 church laymen.

In 1932 I was chairman of the East Pasadena Businessmen's Association that cooperated with the Japanese community in putting on a float for the Tournament of Roses. During that time I had to contact the Ambassador at Washington, the consul here, and the Central Japanese Agency before anything could be done. So I believe I am qualified to make a few statements in that line.

I just have two recommendations that I would like to make in connection with the areas in Pasadena. That is the place where all our power lines come through; our water converges there from Boulder Dam; and we have a large area that is critical. It was recognized as critical by the moving of General Wilson from San Bernardino to Pasadena because of that nature.

I would like to make two recommendations: That you carry back to Washington, our absolute necessity of an adequate safe State guard, large enough to be able to take over and handle some of the things if the Army is moved out; the other is that the Army have a better and closer cooperation in relation to civilian defense in southern California.

Thank you.

Mr. BENDER. Thank you.

**TESTIMONY OF GEORGE KNOX ROTH, EXECUTIVE SECRETARY,  
PUBLIC AFFAIRS COMMITTEE OF LOS ANGELES**

Mr. ARNOLD. State your name.

Mr. ROTH. George Knox Roth, executive secretary, Public Affairs Committee of Los Angeles.

Mr. BENDER. Are you a city councilman?

Mr. ROTH. No. I would have like to have been but I wasn't.

Mr. BENDER. That is what kind of a body?

Mr. ROTH. That is a committee much like the National Municipal League, composed of a group of leading citizens, chief of which are a group of young university professors, concerned about the work Clarence Dykstra started here a number of years ago when he was professor of the University of California.

Mr. BENDER. Proceed, Mr. Roth.

Mr. ROTH. I have presented to the committee a letter and an outline, which I presented to the committee's investigators much earlier, of a number of reports which can be found by the committee, which I don't think I need read here, because you have them in writing. I will read them, however, if you prefer to have them put in the record. It is up to you.

Mr. BENDER. We will just put them in the record.

(Outline referred to above is as follows:)

OUTLINE OF THE REPORTS AND FINDINGS WHICH SHOULD BE AVAILABLE TO THE TOLAN COMMITTEE ON DEFENSE MIGRATION PRESENTED TO COMMITTEE INVESTIGATORS LISCHINSKY AND RILEY ON FEBRUARY 25, 1942, FOR THEIR ACTION

Water resources and the use of acreage not under cultivation in southern California. Special report prepared by Water Engineer Sellers, now consulting engineer with the Office of Production Management and connected with the War Production Board. Report cost \$5,000 to prepare.

Special investigation of the efficiency of Work Projects Administration, 10,000 acres under cultivation in Los Angeles County. Special research prepared by Al Thomas, now chief accountant of Los Angeles County Charities Department; Robert Wilson, general manager Chino Farm School; George M. Bemis, former Director of Research for the Work Projects Administration (Los Angeles area) and now with the Office of Production Management, Research Board, Washington D. C. Report cost \$2,500.

Special studies on the unemployed cooperative movement in production of food, Clark Kerr and others.

Campbell report on the resettlement of unemployed in Los Angeles County. Prepared by the Board of Supervisors of Los Angeles County under direction of Vernon Campbell, for many years general manager of the California Cooperative Canneries. Campbell report includes the laws passed by the legislature affecting agricultural resettlement communities. Provides for establishment of their own utilities without regulation of State railway commission, etc.

Conference on poisonous spray residues held by Dr. Alvin J. Cox, chief, bureau of chemistry, State department of agriculture, on January 8, 1942, with John Harvey, Federal Food and Drug Administrator for the 11 Western States. Forty pages monograph.

Brief summary of Japanese Buddhism prepared by Nyogen Sensaki, local leader, to show moral and cultural factors in Japanese Buddhism.

Summary of the liquidation of Japanese business in Los Angeles county by Junior Produce Club of Los Angeles.

Report on the total value of vegetables prepared by Ted Akahoshi, secretary to the Japanese Commission Merchants Association. Showing approximately \$19,000,000 (wholesale value) or \$45,000,000 (retail value) the extent of depletion of food resources if mass evacuation now contemplated is put into effect.

Report of Edwin P. Arthur, consulting engineer, on the food production situation in Los Angeles County. A study of the derivation of fresh vegetables, frozen foods, semiperishable railway transportation foods and other factors.

Reports of Warner Lincoln Marsh, deputy director of the California State Department of Natural Resources on the land, labor, water, and mineral situation of Los Angeles County.

Reports of the Department of Rehabilitation of Los Angeles County on the problem of resettlement prepared by Ralph Rutledge, R. H. Sparks, Vernon Campbell, Warner Lincoln Marsh, Edwin P. Arthur, and others.

Report of the county probation office of the delinquency and crime rate in the Japanese. Prepared by Mr. Burk of the coordinating council.

Reports of the superintendent of charities on the absence of Japanese on relief.

Reports of the jail sentences meted out to Japanese by Sheriff Biscailuz, showing the absence of crimes of rape, murder, robbery, arson, or other serious crimes connected with sabotage.

Reports of the council of social agencies showing the community chest problems handled by the Japanese themselves.

Reports of Leon Lewis, lawyer for David Coleman, head of the Antidefamation League, connected with the Jewish B'nai B'rith, on the Japanese in Los Angeles County.

Chamber of Commerce statistics presented by Director Merriam on the part played by the Japanese in business and agriculture in Los Angeles County.

California Taxpayers' Association studies on the Japanese problem.

Reports of the Pacific League showing their plans for the concentration-camp type of serfdom to replace agricultural migrant worker supply that the Associated Farmers and others are now planning in the event that Federal plans to solve the problem do not materialize sufficiently early.

GEORGE KNOX ROTH.

MARCH 7, 1942.

Mr. ROTH. These are reports which have been compiled over a period of some 8 or 9 years bearing entirely upon this problem.

As general manager of the county rehabilitation department, a Los Angeles County agency, I was employed by Supervisor Gordon McDonough, who testified at the committee hearing yesterday, and served on a committee with Mr. W. S. Rosecrans, who also was on the panel yesterday. And I am intimately aware of the point of view which they have mistakenly presented to your committee. I think, in fairness to what might be called the alternative point of view on the part of the responsible citizens, a brief statement should be made on what I think are the findings of these concrete reports. These reports can be had available from the sources I have indicated. I shall be happy to see to it that those reports are made available if the committee is anxious to have them.

I think it is your responsibility in some measure to bring those to the attention of the committee. They were Government reports in most instances.

They have been compiled at an expense, I would estimate, of \$100,000 of public funds in Los Angeles County. They were done long before this hysteria started and I think serve as a basis of a very definite understanding of the problem long before the present current political figures have entered the picture.

Now political factors enter into the picture and I want to get at the facts. I wonder if I may make a brief summary of these extended reports which you can have?

Mr. BENDER. Proceed.

Mr. ROTH. The first report is a report prepared by Water Engineer Sellers, now on the O. P. M.

His findings, briefly, are these, that in southern California there are not more than 20,000 acres of tillable land most of which will cost at least \$150 to \$300 an acre in order to put into any kind of agricultural production. That report cost \$5,000 and I am just stating conclusions.

The second report is a report compiled by Al. Thomas, now chief accountant of Los Angeles County Charities Department. The conclusions of that report are these: Los Angeles County had a responsibility in 1937, when I was serving as the general manager of the department, of taking over 10,000 acres cultivated by W. P. A. workers on agricultural projects. These were initiated by Rex Thompson, now the southern California manager of the State chamber of commerce, who was then superintendent of charities, an able businessman.

These projects were run by men who are now connected with the Treasury Department, Linton Smith, in particular, who is one of the chief auditors there. So they were handled by competent people.

#### COST OF SUPERVISION OF W. P. A. PROJECT PROHIBITIVE

The conclusions of this research were to tell Los Angeles County whether they should pay the sponsors' contribution of the W. P. A. project for those 10,000 acres; and the conclusion of that research showed one thing, that the cost of supervision of the W. P. A. project in monetary outlay was greater than the total value of the vegetables, disregarding the free W. P. A. contribution, the free land by license

agreement, the free water contributed by mutual water companies, and by the department of water and power, and free seeds and implements contributed by the Federal Government.

Briefly, that report showed conclusively concerning the agricultural production of vegetables by Caucasians in Los Angeles County, that it was cheaper to buy in the vegetable market the Japanese vegetables than it was to pay the cost of supervision alone.

I only have to refer you to the report for those conclusions. As a consequence Los Angeles County refused to continue the W. P. A. project, and the project was discontinued and 10,000 acres were turned over to Japanese to cultivate.

The third report made up by Clark Kerr showing the quantities of food the Japanese furnished the unemployed during the days of unemployment in Los Angeles.

The Campbell report is a report on the resettlement of unemployed in Los Angeles County. Vernon Campbell was the general manager of the California Cooperative Canneries for 17 years. He was a lobbyist in Washington and represented them there and he has worked out a detailed legal program which had the approval of the Governor, which has been passed by the legislature providing for the establishment of agricultural communities in California. The only bill that he failed to get passed was a bill appropriating a million dollars to put the thing into effect for unemployed.

The next report which you should have is the report of Dr. Alvin J. Cox, chief of the bureau of chemistry, State department of agriculture. I briefly summarize that report because I am presently employed in that department and have had for the last 6 months the intimate knowledge of actually analyzing the presence of poison on vegetables.

Mr. BENDER. You say you are employed in the bureau of chemistry?

Mr. ROTH. In the bureau of chemistry by the State department of agriculture.

#### NO DANGER OF POISON BY SABOTAGE

I prepared the annual report for Los Angeles County and the figures are these: That on cabbage, spinach, and celery, the greatest amount of spray residue was found. In few instances are there sufficient quantities to alarm in any way the public; and the percentage varies in the matter of quantities from 1 percent of 1 percent, to about 9 percent of 1 percent. That, is 1 percent of 1 percent of celery is taken off the market because of a greater quantity of spray residue than allowed by law. That, of course, may be due to a variety of things, carelessness or other things. But just say this, that the Federal Government over a period of years contributed large sums of money in a constructive W. P. A. program and has educated very carefully, with the direction of Dr. Alvin J. Cox, the Japanese so that today in Los Angeles County one can say that there is no danger from poison by sabotage from Japanese who grow these vegetables.

I should like to hear a comment by one of the outstanding students of philosophy, Professor Latimer, who happens to be in the audience and I would suggest the committee hear him on this question of the moral, spiritual, cultural contributions of Buddhism as a world religion to our Christian civilization. I won't summarize those

because I think Mr. Latimer could do it better than I. He is a Caucasian and one of the local priests in one of the local Japanese temples.

## CONTENTS OF REPORTS

The next report is a summary produced by the Junior Produce Club of Los Angeles and which, I think, has been filed with your committee, on the liquidation of Japanese agriculture, business, and other forms of enterprise, in which the Japanese are engaged. I think that report is sufficient.

I think also you ought to call in Ted Akahoshi, technically an "enemy alien," secretary to the Japanese Commission Merchants Association, and see how the \$25,000,000 worth of wholesale price vegetables might seriously impair the derivation of foodstuffs for our local community.

May I say that in the next report of Consulting Engineer Edwin P. Arthur it shows conclusively that there are three forms of derivation of foodstuffs in Los Angeles County. The first is by frozen food; the second is by canned food; the third by fresh goods from Japanese farms.

The first two are under heavy priorities. Canned goods cannot be increased because of the difficulty of getting tin and the difficulty in steel. The same thing is true with reference to refrigeration equipment and consequently the derivation of fresh vegetables is an absolute necessity to the normal flow of foodstuffs in Los Angeles County, Howard J. Ryan, Gordon McDonough, or W. S. Rosecrans, or the chamber of commerce to the contrary.

The next report is that of Warner Lincoln Marsh, deputy director of the California State Department of Natural Resources, who has analyzed the cost of increased transportation if the vegetables grown by Japanese were discontinued. The actual flow of new food, which would be required, would so seriously impair the railroad transportation facilities in Los Angeles County that your committee would do well to inquire into this.

Next are the various resettlement plans encompassing the Western States that are on file with Los Angeles County and which have been made available over a period of years to Los Angeles County.

The other three matters which I think your committee should have is a report by the county probation office showing the low delinquency rate, almost the negative delinquency rate of Japanese children, compared to all other groups in the county.

Mr. Burk of the coordinating council has that information in concrete form and would be glad to submit it. The superintendent of charities likewise has reports on the absence of Japanese on relief, of which there are none.

The same thing is true with Sheriff Biscailuz, who has a report showing the jail sentences of people, showing the absence of crimes of rape, murder, robbery, arson, or other serious crimes connected with sabotage.

Likewise, the council of social agencies have reports showing the community chest problems that are handled by the Japanese themselves. Your committee would do well to undertake a study to see how they handle their own problems.

Also, I think that the Antidefamation League, headed by Leon Lewis, has made extensive studies of the Japanese, which have not been made public and should be made public to this committee.

Lastly, I think Dr. Merriam, director of research of the chamber of commerce, has some very interesting material on the Japanese; likewise the California Taxpayers Association.

I have with me an article which I myself published in 1934 in the "California Taxpayers Association." This represents the large tax group of the State of California. It was written during times when hysteria didn't color the judgment of men. Heading this group is Dr. M. Johnson, of Pasadena, and others. They felt this article at that time was significant and I would like to read just one paragraph, if I might, from this article, namely, the cooperation of the Japanese:

The generosity of the Japanese in Los Angeles County and their sympathy for starving men, about to become poverty cases, together with the desire of men to retain their self-respect made possible the unemployed cooperative relief movement. Men soon came from all over Los Angeles County to the Japanese fields near Compton. The organization spread contagiously to some 120 units throughout Los Angeles County. The overproduction of foodstuffs on Japanese farms formed the basic industry of the various units. Trade between the units was arranged. Oranges were exchanged for vegetables.

I might say in a summary of this article that at least 20,000 Caucasian families over a period of 2 years were totally cared for and 70 percent of their food was supplied by the Japanese farmers' generosity and I think that is something that should be called fully to the attention of the Federal authorities.

I have here a small picture which the committee might well cut out of the article showing how those Caucasians would follow the plow with the Japanese tilling the soil, to show how little the Caucasian knew about how to till the soil.

I want to predict that if these farms are taken over by Caucasians, after the crop has been harvested, and after the three or four hundred thousand dollars' worth of crops in the field is depleted, no Caucasians in this county will continue to farm that land under current circumstances, with the high rate of water, cost of fertilizer, and cost of spray residue materials.

#### OTHER SOURCES OF INFORMATION

Now, the last comment which I would like to make, I think your committee might do what the La Follette Civil Liberties Committee attempted to do with the Associated Farmers. I think you should call in the Pacific League, a local organization, headed by Judge Russ Avery, and get the details of their plans for trying to make a concentration camp type of system to replace agricultural migrant workers, no longer available, which supplied large corporation farms in California. I think that is one of the moving factors behind this current hysteria, behind Mayor Bowron and a number of local people who have tried to disturb the Federal Government program.

I have confidence in the Federal Government and I think your committee coming here has been one of the outstanding means of calming the unwonted hysteria which we have been subjected to locally. I say that as one who has been an outstanding supporter of Mayor Bowron, of good government for at least 9 years locally.



A group of evacuees, the first to leave San Francisco, waits at the meeting point for the busses which took them to the train for Santa Anita. Each person was permitted to bring as much baggage as he could carry to the rendezvous. There it was collected, tagged, and sent by truck to the station.

(The pictures on this and following pages were furnished the committee by the War Relocation Authority and accepted for the record. Other pictures submitted are held in committee files.)



The whole family works on this chrysanthemum ranch, which they own. (See below.)



The father and mother in the family portrait above were born in Japan and have lived in the United States for about forty years. Their children were born and educated in California. Two daughters and two sons are college graduates or students.



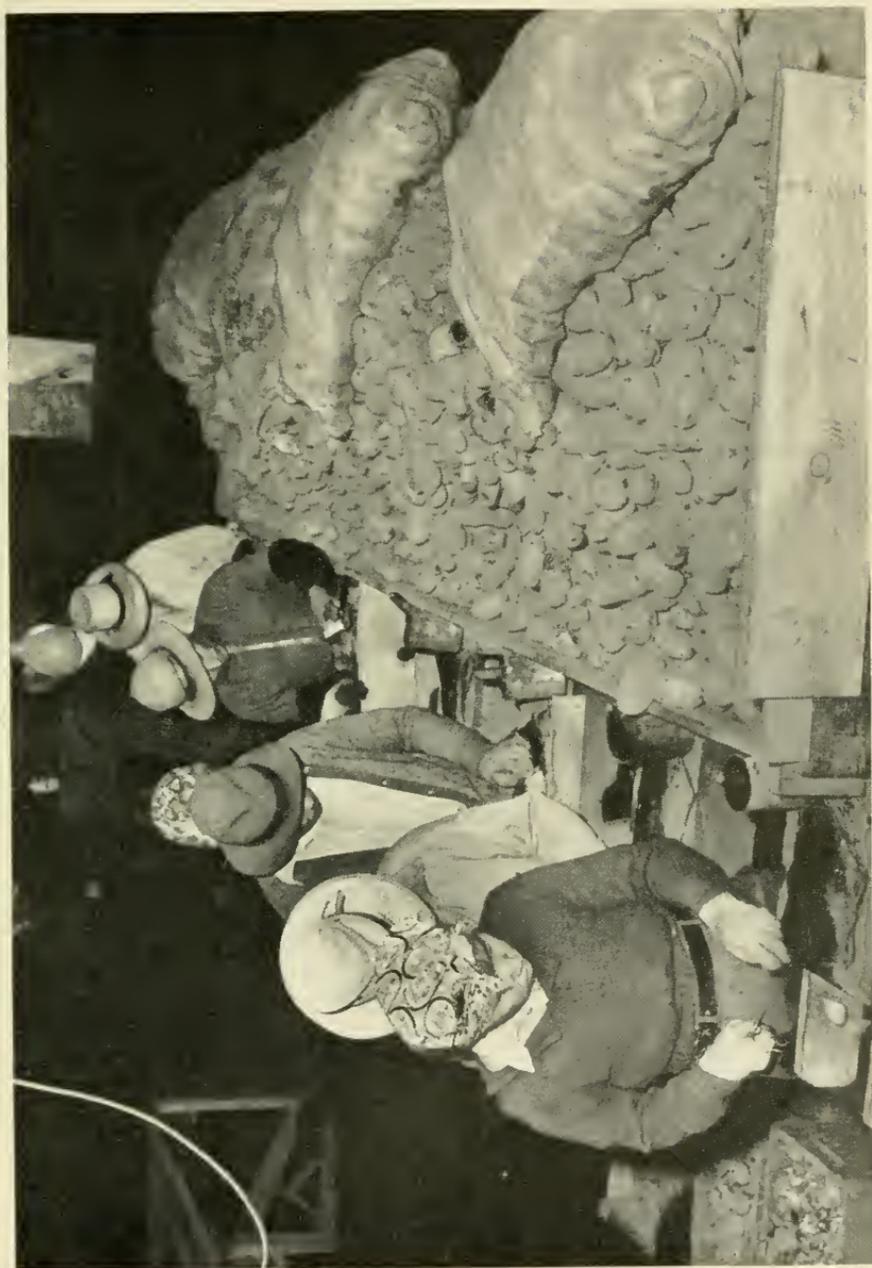
The Japanese farm woman above is transplanting tomato seedlings in the growing bed on a farm near Centerville, Calif. This is a delicate task which requires skill and experience.



Born and educated near Centerville, Calif., this Japanese-American had leased and operated an apricot ranch there before the evacuation became imminent. He has disposed of his ranch and worked as a field laborer packing cauliflower.



The alien parents and eight citizen children of this family live on their strawberry ranch. The children who are old enough help their parents in the fields.



A crew of Japanese cut potatoes for seed on a large-scale industrialized ranch, on which all labor is done by Japanese.



Japanese-Americans shop in a dry goods store owned by an evacuee who is selling out his stock. They are buying equipment for their own stay at camp.



Exterior of Japanese-American dry goods store shown (facing) just before the evacuation.



The proprietor boards up his San Francisco drug store for the duration.



A shop closes in "Little Tokio", Los Angeles.



Heads of families about to be evacuated register at the Civil Control Station in San Francisco.



A young evacuee waits for the bus with his bedding roll beside him.



Labeled, checked against the master list, this evacuee is ready to leave the assembly point for Santa Anita.



A young Japanese-American and his father await their turn to enter the bus.



Carpenters are at work building quarters for evacuees at Manzanar, Calif., with the high Sierras in the background.



Evacuee houses of the Assembly Center at Santa Anita, Calif., stretch away behind some of the race track buildings in the foreground.



The contractor's equipment grades the streets at Manzanar while new arrivals watch.



Evacuees prepare for their first night at Manzanar.



Nurses and doctors care for children at Manzanar.



*Sitting for a while, a Japanese-American high school boy is ready to start out in the evacuation.*

I don't speak as an opponent of his; I speak as his friend; and I am very happy to notice the approach which he gave to your committee and the approach which your committee has given to him.

There is just one thing I would like to have you insert in the record. It is not necessary to read it now. This is a group of excerpts dealing with Japanese farming, which were compiled in 1934 as a part of my master's degree in sociology at the University of Southern California. I am a professional sociologist, at least I consider myself as such. These were written in 1934, and I think might in some measure help your committee understand the real reasons why the Japanese alone will be the ones to cultivate the farm areas of California.

Mr. ARNOLD. If you will leave that we will make it part of the record.

#### TESTIMONY OF WILLIAM SASAGAWA

Mr. BENDER. State your name.

Mr. SASAGAWA. Bill Sasagawa.

Mr. BENDER. Go ahead, Mr. Sasagawa.

Mr. SASAGAWA. Well, this morning, there was quite a bit of this emotional testimony that was given and of course it was all fine and a lot of speeches. However, I think the group that spoke this morning represented a smaller part of the Japanese community.

I realize, of course, that they have quite a bit at stake, and they were sincere in what they were trying to put across. However, there are Japanese aliens and citizens in the rural communities here and up North who do not have a great knowledge of the English language and are not able to say what they want to say.

Most of these Japanese who reside in this area and in the northern land are destitute. They do not have the funds with which to evacuate when asked to, and they are bewildered and more or less at a loss as to what to do.

Another point stressed was, only agriculture was brought up and you have to realize that there are a lot of Japanese who are American citizens, and aliens who are not proficient in the profession of agriculture. There must be some sort of means of putting them up and giving them something to do, because the Japanese are an industrious race and they must have something to do, otherwise they sort of waste away, especially those of the older generation.

#### EMPLOYMENT OF NISEI

The point that I want to put across is that because of the present situation, the jobs in the aircraft factories, shipyards, and other vital industries of defense are closed to Nisei because of their racial background. Consequently, I think that in the evacuation and the construction of these camps and the administration angle of it and in controlling themselves, that the Nisei should have a large part in doing this. Of course, the authorities are in a position to tell us what to do and we have to comply with it whether it is to our liking or not, because of the existing conditions.

However, I am sure that if harmony is created between the evacuees and the authorities, it is to the benefit of both sides.

Mr. BENDER. You heard Mr. Clark say, which has been repeated on a number of occasions, that your leadership and the leadership in various lines of endeavor would be called in and would be consulted with in order to accomplish this without any difficulty.

Mr. SASAGAWA. Yes; but, continuing, may I add another point to that? That I am sure that Mr. Clark, who has been dealing with these many officials, has found that we among ourselves have many groups, many organizations, and in that way get many conflicting plans and suggestions. So I suggest that the authorities see individual leaders, not so much organizations, and compile the data together and then issue one command, or not a command, but more or less a statement to that effect.

Mr. BENDER. Is there anything further you have to offer?

Mr. SASAGAWA. No. It is just this, that Mr. Clark has more or less mentioned about building camps for these evacuees. I am a member of the committee on inland farm cooperatives, and I believe you have their notes?

Mr. BENDER. Are you a student? Are you going to school now?

Mr. SASAGAWA. Well, no. I am not in school now.

Mr. BENDER. What is your occupation?

Mr. SASAGAWA. Well, my business was a draftsman at one time, an architectural and structural engineering draftsman. I am a member of this organization which has 64 churches, or about 6,000 people who are farmers, and we at the present time are planning to find a site for them.

Mr. BENDER. What church is that?

Mr. SASAGAWA. That is the Christian Church, Federation of California.

Mr. ARNOLD. You heard Mr. Clark say that the governmental office here would be glad to hear from and have the cooperation of leaders of Japanese?

Mr. SASAGAWA. Yes.

Mr. ARNOLD. And I assure you we will be glad you have that cooperation.

#### TESTIMONY OF HANS F. SCHWARZER, LOS ANGELES, CALIF.

Mr. ARNOLD. What is your name, sir?

Mr. SCHWARZER. Hans F. Schwarzer.

Mr. BENDER. Proceed, Mr. Schwarzer.

Mr. SCHWARZER. I would like to give you a simple example of a simple citizen, if I may call myself a citizen.

I have been here since November 10, 1938. I have a lot of friends here, and all of us tried to start all over again and to build up a new life. I own an apartment house at 727 South Mariposa, and all of us work. I don't like to brag about myself, and to tell the committee too much, but as I told you this is a simple example of the life we try to live here. My son became an Eagle Scout and my daughter is a Girl Scout, and we try in every way to get Americanized.

When I say "we," I don't mean myself alone, but as part of a group. The group is the refugees who came here from middle Europe as refugees to find a place of freedom and liberty. We have many American friends, and all of them have been telling us, "Don't worry; this doesn't concern you at all."

So I don't think there is one person who really could think that we are dangerous or even suspicious. I don't think there has been one case where one of our group, if I may call it a group, has been of any danger. We know what it would mean if Hitler would win this war. I couldn't think of it and I don't believe it is possible.

#### THE REFUGEE'S POINT OF VIEW

So we try to cooperate and to do everything we can to help America win this war. I don't want any privileges for our group, but, on the other hand, I feel that it would be a discrimination if we would have to leave this State. I think America has been built up by immigrants and I can't see why it should make a little bit of difference because somebody who was lucky enough to arrive here 2 years earlier than somebody else can become naturalized. In 1½ years, for instance, I would have a chance to take out my second papers, and I can't see why we should leave now.

So we are willing to do everything and to sacrifice everything if we could help win the war, but I can't see how it could help this country to win this war if we were to have to leave.

I think it would be very difficult for most of us to start somewhere else again. I was worried when I heard what Mr. Clark told us when he said that the general has made up his mind and that was that, but I hope the committee will make it possible to tell the military authorities about this problem and these questions, to make it possible not to give any privileges, but to make it possible to make these decisions individually and not wholesale.

Mr. BENDER. Do you think that is something to worry about when he makes up his mind? Don't you think we should be happy that we have somebody who can make up his own mind?

Mr. SCHWARZER. I might be very glad, but I understood Mr. Clark that he wanted to tell the committee that the general has spoken and that it has to be like he told it. He means that all of us have to leave the so-called area A.

Mr. BENDER. The general is an American and he is one of these typical Americans and he believes in the American way. I am sure you don't know the general very well.

Mr. SCHWARZER. I am sorry I don't know him at all. But I hope your words will make us a little more secure. The last few weeks all of us have really worried and some of us have wanted to leave to avoid a mass evacuation. I would like to have these courts established which have been mentioned by Dr. Guggenheim.

#### TESTIMONY OF RONALD LANE LATIMER

Mr. BENDER. Mr. Latimer, will you please identify yourself?

Mr. LATIMER. I am Ronald Lane Latimer; of American ancestry on both sides for about 150 years; before that, English. I am a priest in a Buddhist temple which was originally founded as a mission of one of the Japanese Buddhist sects. I have studied Buddhism in Japan. I am a graduate of Columbia University. I did some work in comparative religion there.

I didn't expect to come before your committee this afternoon, but I heard that there had been certain discussions of religion. There

was a charge, which I have read many times in the press, that the Buddhist temples encourage the worship of the Japanese Emperor, and many other statements equally fantastic, and as an American citizen, and a very loyal one, I wanted to correct some of these errors in your records.

First of all, Buddhism——

Mr. BENDER. You wanted to clear up what confusion?

#### BUDDHISM DISTINGUISHED FROM SHINTOISM

Mr. LATIMER. Some of the confusion. First of all, the Shinto, the political Shinto of Japan and Buddhism are two completely separate religions. Buddhism has no more to do with politics than Christianity has.

A Japanese Buddhist in Japan is naturally loyal to his Emperor, equally so with a Japanese Christian in Japan. That is true in any religion in any nation, I believe.

The political Shinto that people are so very much afraid of now is not an organized religion in the sense that we understand it. We may say in America that we have an American Shinto. We reverence George Washington. We reverence Abraham Lincoln. We deify the Constitution and we hope it will be continued to be applied, and we celebrate the Fourth of July and the birthdays of various Presidents. Shinto is exactly that.

Mr. BENDER. Now, you bring up an interesting question. Some people might regard it rather lightly, but in Washington and various other places, on the part of Caucasians it has been advanced that the Japanese who follow Buddhism, or Shintoism, regard the ruler of Japan as the son of God; is that a true picture?

Mr. LATIMER. That is not true in Buddhism. It is in no way true. In Shinto, yes. At least that is the statement; the Japanese Constitution states that the Emperor is divine. Whether that is accepted literally or not by an educated person is something that is quite different.

Mr. BENDER. Do you think that is the view of many of the Japanese in America who subscribe to that faith?

Mr. LATIMER. I do not.

I think even the Shinto temples in America have attempted a fusion of Americanism and Japanese Shinto by deifying George Washington and Abraham Lincoln to make it appealing to the second generation of Japanese-Americans. However, I would say that Shintoism has never had any meaning to the Japanese-Americans or citizens.

My work in the temple is exclusively with Japanese-Americans, or almost exclusively. I am also chaplain of the local Japanese-American Boy Scout troop. I have lived in the Japanese section for some time. I have many Japanese friends.

Last October I returned to America after a year in Japan and after studying Buddhism and having rather considerable contact with Japanese Buddhists there.

Mr. BENDER. Did you sense the impending crisis while you were in Japan?

Mr. LATIMER. Very definitely so. That is why I came back.

Mr. BENDER. Did you tell any of the United States Government agents regarding your experience or your views?

Mr. LATIMER. I did not tell the Government agents that I thought there was going to be a war because certainly every consular official in Japan knew as much.

Mr. BENDER. Did you discuss that with your Congressman or any other public official here?

Mr. LATIMER. No; I did not.

Mr. BENDER. How many Buddhists are there of the Japanese race in the United States?

Mr. LATIMER. Congressman, I couldn't say the exact number. I didn't get the figures because I was telephoned to come here this afternoon. However, the second-generation Japanese are divided between Buddhism and Christianity. Political Shintoism we can leave out of the picture entirely. It has no meaning for the Japanese-Americans.

#### EMPEROR WORSHIP NOT CONNECTED WITH BUDDHISM

Mr. BENDER. That is, you can very definitely say, from your experience, that there is no relation between the Japanese faith as it is known in Japan—the ruling or the predominant faith—that is the Emperor worship there, has no relationship with the Buddhist religion as known in America by the Japanese people here?

Mr. LATIMER. I would stake my honor on that; yes.

Of course, there have been fantastic stories in the press that our Buddhist temples have prayers for the Emperor and so on, and inscriptions calling upon the people to pray for the Emperor. That is completely untrue.

I have not only been in my own temple, which happens to be the second largest in the Japanese section, but I have spoken and taken part in activities both with the older Japanese and with the Japanese-Americans in other temples. I would certainly emphatically deny that those temples encourage any disloyalty; quite the contrary.

I think one thing that you don't give any of the Japanese credit for is that they have come here to stay and many of them came at a time when Japan was passing through a democratic and a liberal period. We must remember that in the 1920's for example, that Japan was not only liberal, it was practically radical. The first-generation Japanese who came here came mostly at a time long before this period of militarism and extreme nationalism.

However, I want to say that Buddhism and Shintoism are completely unconnected; that Buddhism in India is an Indian religion; in China it is a Chinese religion; in Japan it is a Japanese religion; and in America it is an American religion.

With the Japanese-American citizens I have been dealing with, I have come across many cases where I think they have gone to perhaps ridiculous extremes of patriotism. They are apt to give up their own rights on grounds of patriotism, rights that it would be more patriotic to retain. They are most of them less critical of conditions in America in many ways than I am or any other American is.

In our temples we teach Americanism and our temples are controlled by Japanese-Americans.

Mr. BENDER. What percentage of your congregation is Caucasian?

Mr. LATIMER. We have no Caucasian members. We had Caucasian visitors before the war.

Mr. BENDER. In the event of the evacuation, would you choose to go with the evacuees, if you were permitted?

Mr. LATIMER. I wrote to General DeWitt asking for permission to go with my people. I want to go with them, yes, emphatically, under any conditions.

#### JAPANESE WANT RELOCATION TO BE PERMANENT

What the committee proposes to do with us is another matter. I have been discussing that with my people. We urge that some sort of provision be made for our people, that they can leave California or any district that is liable to become of value in a military way, and allow us to go somewhere and settle down permanently with a sense of security, and not feel that we are going to be working at something that will be destroyed at the end of 4 or 5 years; and that our people must come back here and be reduced to a serf class.

Economically, they are very rapidly being destroyed now. Storekeepers are going out of business every day. Give us land. Give us some opportunity and some Government help—this is not our fault, but the fault of the Government—that we may go somewhere and make a fresh beginning and, particularly so for the Japanese Americans.

We all bow to military necessity, of course, but some of the rulings haven't been entirely due to military necessity, I think. For example, the present evacuation plans of the Army call for enemy aliens and the Japanese-Americans, but, why select the Japanese-Americans to be victims?

Mr. BENDER. Frankly, you believe that there are agencies, or perhaps just individuals at work, and that these people are good Americans, many of them, and others who want to be good Americans?

Mr. LATIMER. Without knowing the political workings around this town, I think that for certain groups this represents a windfall. Sooner or later the Japanese will be obliged to liquidate their property here. They have considerable property.

Mr. BENDER. For your information, I come from a center where the manufacture of automobiles and automobile parts is the basic industry, Cleveland, Ohio.

Mr. LATIMER. Yes.

Mr. BENDER. And recently Leon Henderson issued an order, the Government issued an order to stop the manufacture of automobiles. That meant the dislocation of thousands of industries and homes and individuals and communities. You can very well appreciate what an order like that would mean.

Mr. LATIMER. I can indeed.

Mr. BENDER. And under war conditions, these conditions of necessity come like a bolt from the sky and there is a need for understanding sometimes when it passeth all understanding.

Mr. LATIMER. That is true.

However, there is this point to be made. Again the group of American citizens that have been selected for evacuation have been the Japanese-American citizens. If the Army wishes to be fair, if we are expected to make sacrifices for national defense in a national

emergency, why not clear out second-generation enemy aliens? Why pick out a group? Our people have not fostered a German-American Bund. Can second generations of other enemy aliens say the same? Why should we be selected? All we ask of the Government, I think, is a very definite plan for evacuation and that when we get it, we are going to receive fair treatment and perhaps some help from the Government.

Mr. BENDER. May I ask a question: Why should millions of boys be taken from their homes as they are being taken, because it is a war?

Mr. LATIMER. Including many of our Nisei boys.

Mr. BENDER. That is right. And taken from their homes and displaced and made to suffer all of the inconveniences and possible death.

#### NISEI DOUBLY PENALIZED

Mr. LATIMER. That is so. But our group is subject to exactly the same chances. Our Nisei boys go into the Army when they are called and will have to undergo what every other American boy must undergo at this time, but the Japanese-American is also subject to other penalties.

The point I wish to make most is that we do want to prove the loyalty of our Japanese-Americans. We feel we are entitled to it.

Mr. BENDER. That is exactly the reason why we are proceeding in the manner we are.

Mr. LATIMER. Yes. I realize that and I am very grateful for the opportunity to come here.

Mr. BENDER. Unfortunately we must meet with Mayor Bowron. We have an engagement with him in connection with some statements that he made and we must adjourn our hearing. However, we will hear from Mr. Craig after you are through. If you will be as brief as possible I won't interrupt you.

Mr. LATIMER. All right. I have wandered from the point many times because I have been rather angry about a number of situations that have arisen. But I simply want to clear up once and for all this matter of Buddhism and Shintoism; that Buddhism is a religion and an ethical creed that some of us consider to be the highest and finest. It has no connection whatsoever with any political groups in any other country. We do not worship the Japanese Emperor, nor anyone else. A man who is a Buddhist is in every way free and in the same way can be just as American as a Catholic or a Methodist or a Presbyterian.

Mr. BENDER. Thank you for your testimony, Mr. Latimer.

#### TESTIMONY OF EARL C. CRAIG, REPRESENTING THE JOHN DEWEY FORUM, 214 SOUTH HILL STREET, LOS ANGELES, CALIF.

Mr. BENDER. State your name, Mr. Craig.

Mr. CRAIG. My name is Earl C. Craig.

Mr. CURTIS. Will you finish in 5 minutes, Mr. Craig?

Mr. CRAIG. Yes, easily. I represent the John Dewey Forum at 214 South Hill Street.

When I came down here yesterday my intention was to confine my remarks entirely to a certain phase of the agricultural program and

I am going to do that, but I want to make a comment briefly on the testimony that I have heard.

I have lived in Los Angeles for some 20 years and I live very near a Japanese community where there are some 700 Japanese families. I certainly have no anti-Japanese or other sentiments. But I realize this: That the military authorities, for reasons which they know better than anyone else, from that map which was published by the papers, indicates there is a military necessity for removing from a certain zone a certain proportion of those people whose loyalty they may suspect. There is a lot of tragedy connected with this, and I know the removal of whole populations even among the best circumstances and with the best motives and even with sympathetic directors, is a difficult thing, and I think the committee should bear that in mind in its relations with the military authorities who will do this.

But yet I do not see how the Federal Government could do otherwise. We do know this: That a very large percent of the descendants of those persons who came from enemy countries still retain the sympathy with the enemy countries, even when they become citizens. That is a well known fact.

Then, every country, for its own safety, must take that into consideration regardless of how good a citizen these individual persons may be.

However, I think their property rights ought to be protected and I am somewhat in doubt that they are being adequately protected. I think that they should be protected by a real debt and tax moratorium because no doubt as soon as the military situation clears up, as soon as we are free from the danger of a possible token invasion, as soon as the relative power of the Japanese and the American fleets becomes definitely established, then this danger will be passed. The Japanese and other aliens in this vicinity can then be returned to a normal status, but in the meantime the committee should do their duty without regard to any considerations other than national safety.

#### WOULD STIMULATE GARDEN PROGRAM

Just a word about this agricultural situation. The city of Los Angeles has an area of 450 square miles. That is a pretty large city. And more than one-half of it was formerly truck-gardening area. A tremendous amount of gardening—garden vegetables—could be raised in the city area. There is only one thing in the way and that is the failure of local government to do the things it could do. You members of the committee know that local government all over the United States runs to Congress for aid on this, that, and the other thing, and a lot of it is legitimate. But there are a lot of things that they could do for themselves and they have failed to do it.

Now, our local government can stimulate this garden program to a tremendous degree by giving every householder who occupies a city lot a low agricultural rate for vegetable purposes. They have failed to do this. But if they do this particular thing, probably there would be 25,000 home gardens raised in this community which would be a considerable factor in taking care of the vegetable situation.

I am going to leave the committee with a statement which I have sent to the department of water and power covering this particular

situation and we are going to continue to work on them to see that they will do their duty. Thank you very much.

Mr. ARNOLD. Thank you very much, Mr. Craig.

I want to thank the good people of Los Angeles for the attention they have given us. We have heard all we feel we could hear. We have an appointment with the mayor at 5:30. He has been waiting. We just have time to get there.

Mr. ABBOTT. Mr. Chairman, I should like at this time to offer for the record a group of exhibits which will serve to supplement the hearings here.

The CHAIRMAN. The exhibits will be made a part of the record. If there is nothing further, the committee will stand adjourned.

(Whereupon, at 5:15 p. m., March 7, 1942, the hearing was adjourned.)



## EXHIBITS

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### EXHIBIT 1.—THE JAPANESE IN CALIFORNIA AGRICULTURE

REPORT BY LLOYD H. FISHER, SOCIAL SCIENCE ANALYST, AND RALPH L. NIELSEN, JUNIOR AGRICULTURAL ECONOMIST, BUREAU OF AGRICULTURAL ECONOMICS, UNITED STATES DEPARTMENT OF AGRICULTURE, BERKELEY, CALIF., MARCH 16, 1942

There were, in 1940, almost 127,000 Japanese in the United States, of which almost three-quarters lived in California. The Japanese population in California is distributed much the same as the total population except that there are more than proportionate numbers of Japanese in the truck-farming areas of the delta, on the coast, and around the large cities.

An evacuation of Japanese from the western section of California cannot fail to have important consequences for the agricultural economy of California.

The total number of Japanese farm operators in the State has been variously estimated. The United States Census of Agriculture records 5,135 Japanese farm operators in 1940. The United States Census of Population, taken for the same date, enumerated 5,807 Japanese farm operators. The number of Japanese farm operators is, in fact, somewhat larger than either census, although no measure exists of the underenumeration. The alien land law is specific in prohibiting either ownership or tenancy of agricultural land to Japanese aliens. The law has not been widely enforced and evasions appear common even though legal liability is shared by both white landlord and Japanese tenant. Where illegal tenure exists there are obvious motives for the concealment of the fact and alien Japanese tenants apparently frequently report themselves as foremen or hired laborers.

The Japanese farmer in California, as elsewhere along the Pacific coast, is predominantly a truck farmer. Japanese production is heavily concentrated in vegetables and berries. According to the census there were more than 225,000 acres in farms operated by Japanese, of which some 175,000 acres were harvested. These figures undoubtedly share also in the general underestimate of the Japanese influence on California agriculture. The 5,135 Japanese operated farms represented capital in farm land and buildings of better than \$65,000,000 and farm implements and machinery valued at almost \$6,000,000. By no means all of this capital is owned by Japanese. Much of it belongs to white landlords. But it does represent a body of productive capital that has been used in agricultural production by Japanese, and its continued productive use will be disturbed by Japanese evacuation.

#### COMMERCIAL IMPORTANCE OF JAPANESE PRODUCTION

There have been various estimates of the commercial importance of Japanese production. No precise measures exist but the three estimates that are at hand are in reasonably close agreement and lend substantiation to one another. These estimates would place the value of the annual production of truck crops by Japanese in California at between \$30,000,000 and \$35,000,000 grown on between 175,000 and 200,000 acres of land. Since the value of all California truck crops grown both for the fresh market and processing is approximately \$100,000,000 the proportion of the value grown by Japanese would be between 30 and 35 percent.

This is a far from negligible proportion not only for California but for the Nation as a whole. While Japanese produced 30 or 35 percent of the truck crops of California, California produced more than 25 percent of the Nation's total. There should be no presumption that present plans for evacuation of Japanese from sections of California will result in the loss of all or even a major part of the Japanese production in 1942. These simply indicate the amount of production which will be influenced to some degree by the evacuation.

Reduction in the supplies of some crops in which Japanese have specialized will be felt more at the middle class dinner table than in the food-for-freedom program. Strawberries, almost all of which are grown by Japanese, will be missed by many consumers. Losses in the production of tomatoes, carrots, green peas, snap beans, and onions will more seriously impede America's war effort. Of these latter crops the Japanese contribution is most important in tomatoes where an estimated 35 to 40 percent of the canning tomatoes grown in the State are grown by Japanese. Although less important in amount of acreage, Japanese production of market peas, snap beans, carrots, and onions is sizable and represents a large proportion of the State production.

The United States Department of Agriculture has published production goals for California in furtherance of the food-for-freedom program covering tomatoes, green peas, and snap beans (both fresh and canned), cabbage (fresh and kraut), and onions. Half of the 1942 quota for canning tomatoes was grown in 1941 by enemy aliens and Japanese-Americans. The proportion of the fresh tomato goal grown by these farmers was one-third, fresh snap beans 95 percent, snap beans for canning 51 percent, cabbage 34 percent, fresh green peas 40 percent, and green peas for canning 8 percent. With the productive facilities of California agriculture already strained to meet the production goals, the additional burden on these facilities which may result from removal of Japanese and enemy aliens will undoubtedly be heavy.

#### POULTRY PRODUCTION

Although Japanese have not been important producers of poultry products in California, their loss will confront the poultry industry with a special problem. The esoteric occupation known as chick-sexing has been largely Japanese in California. Without the services of a chick-sexer it is between 2 and 3 months before the sex of a chick is apparent. The skill of the chick-sexer lies in his ability to determine the sex of young chicks so that the poultryman may segregate pullets from cockerels, disposing of the latter if his primary enterprise is the production of eggs. A waste of 2 months' feed, facilities, and labor on cockerels constitutes serious inefficiency for any commercial egg producer.

Of 138 certificates granted in California by the International Baby Chick Association to chick-sexers, 96 are held by Japanese, all of them native-born since the certificates are open only to American citizens. The occupation of chick-sexing is not so esoteric that it cannot be learned but it depends upon proficiencies acquired by long practice.

An elusive but extremely important relationship is that of Japanese produce merchants to the marketing of fresh vegetables. Japanese marketing organizations are spread widely throughout the metropolitan areas of the State and they virtually control the distribution of fresh vegetables in the Los Angeles market. The web of relationships is not well understood but it is known that produce merchants frequently are at the center of a network which reaches from the Japanese farm operator to the ultimate retail distributing unit. The probable disorganization of this distributing mechanism will be one of the more serious consequences of Japanese evacuation.

The obvious necessity for evacuating Japanese from certain areas of California should not obscure the fact that it will be difficult to replace them in California agriculture. Skill and aptitude in truck farming is far more highly developed among the Japanese population than will be true of any new group which may operate the properties from which evacuation takes place and some loss of efficiency is inevitable. Even if the complicated property relationships are settled with speed and dispatch and new tenants are found for Japanese-operated farms without delay the incoming operators and managers cannot in the immediate future be expected to maintain the level of production characteristic of Japanese operators on truck farms.

#### FARM LABOR FORCE

There is a notion, rather widespread in California, that Japanese in agriculture function primarily as managers and entrepreneurs and that they contribute little to the physical aspects of production. The occupational characteristics of the Japanese population as revealed by the 1940 Census of Population do not support this view. Of approximately 40,000 Japanese employed workers over the age of 14 more than 19,000, virtually 50 percent, were employed in agriculture. Of these 19,000 only 5,800 were farm operators. That is to say that some 70 percent of all Japanese in the labor force and in agriculture did not function as entrepreneurs or managers. Of the remaining 13,000-odd persons employed in agri-

culture some 4,000 were unpaid family laborers and between 7,500 and 8,000 were hired wage workers and foremen. The potential loss, then, is not confined to a loss in management or enterprise but includes the potential loss of a sizable farm labor force.

A loss of 11,000 or 12,000 laborers would not have been a serious loss to California producers during the 1930's, a period of heavy migration of distressed farm families to California. In 1942, however, there are widespread indications of an inadequate supply of labor. Although it is not yet foregone that there will be a widespread shortage of unskilled harvest labor there is a very real possibility that supplies of labor for specialized crops such as sugar beets and vegetables will be short. It is in these crops that Japanese labor is reckoned to have special skills.

The loss of a supply of experienced hired labor in agriculture will bear as heavily upon white producers as upon Japanese. In the past there has been no pronounced tendency for Japanese operators to hire Japanese labor. Japanese operators have used white, Filipino, and Mexican labor as well as Japanese, while much of the Japanese farm labor force has been in white employ.

INDUSTRIAL LABOR FORCE

Slightly more than 50 percent of the Japanese population is employed in industries other than agriculture. The bulk of this labor force is employed in wholesale and retail trade, personal services such as laundering, cleaning and dyeing, and in domestic service. There are about 4,400 Japanese employed as domestics representing more than 10 percent of all Japanese employed. A portion of the Japanese employed in nonagricultural industries serve the Japanese population exclusively, or in large part. Virtually all of the professional persons and many of the persons employed in retail trade fall into this category and their functions will depend on the future location of the evacuated Japanese population. The loss of those workers engaged in personal service will not be seriously felt since laundries, cleaning and dyeing establishments, and other representatives of the category exist in profusion. The facilities remaining will probably not be seriously strained. The withdrawal of 4,400 persons employed in domestic service will undoubtedly contribute to the servant problem but since that is a perennial problem with the group which finds it a problem at all this need not be a matter of serious concern.

The economic consequences of restrictions upon Japanese cannot be measured by the volume of physical evacuation alone. Since any disposition of the Japanese problem must, in the nature of the case, be subject to modification there are disruptions of normal business arrangements that reach beyond those physically affected by evacuation. Any Japanese is now a bad commercial risk irrespective of where his business may be located and there is, as has been indicated, a growing withdrawal of normal business facilities which will present obstacles to the continued gainful employment of all Japanese whether within or without restricted zones.

APPENDIX TABLE 1.—*Japanese population of California by citizenship and by county, 1940*

County	Total	Native (citizens)	Foreign-born (aliens)	County	Total	Native (citizens)	Foreign-born (aliens)
State total.....	93, 717	60, 148	33, 569	Madera.....	170	118	52
Alameda.....	5, 167	3, 382	1, 785	Marin.....	150	68	82
Alpine.....				Mariposa.....			
Amador.....	2	2		Mendocino.....	53	21	32
Butte.....	216	143	73	Merced.....	715	481	234
Calaveras.....	6	6		Modoc.....	4		4
Colusa.....	155	103	52	Mono.....			
Contra Costa.....	829	518	311	Monterey.....	2, 247	1, 530	717
Del Norte.....				Napa.....	54	20	34
Eldorado.....	3	1	2	Nevada.....			
Fresno.....	4, 527	3, 019	1, 508	Orange.....	1, 855	1, 178	677
Glenn.....				Placer.....	1, 637	1, 147	490
Humboldt.....				Plumas.....	1		1
Imperial.....	1, 583	994	589	Riverside.....	552	369	183
Inyo.....	1		1	Sacramento.....	6, 764	4, 489	2, 275
Kern.....	766	397	359	San Benito.....	526	381	145
Kings.....	508	323	185	San Bernardino.....	346	211	135
Lake.....	1		1	San Diego.....	2, 076	1, 283	793
Lassen.....				San Francisco.....	5, 280	3, 004	2, 276
Los Angeles.....	36, 866	23, 475	13, 391	San Joaquin.....	4, 484	2, 759	1, 725
				San Luis Obispo.....	925	639	286

APPENDIX TABLE 1.—*Japanese population of California by citizenship and by county, 1940—Continued*

County	Total	Native (citizens)	Foreign-born (aliens)	County	Total	Native (citizens)	Foreign-born (aliens)
San Mateo.....	1,218	800	418	Stanislaus.....	369	231	138
Santa Barbara.....	2,187	1,419	768	Sutter.....	423	274	149
Santa Clara.....	4,049	2,829	1,220	Tehama.....	38	27	11
Santa Cruz.....	1,301	931	370	Trinity.....			
Shasta.....	2	1	1	Tulare.....	1,812	1,101	711
Sierra.....				Tuolumne.....			
Siskiyou.....	7	4	3	Ventura.....	672	421	251
Solano.....	906	518	388	Yolo.....	1,087	699	388
Sonoma.....	754	549	209	Yuba.....	429	283	146

Source: Bureau of the Census, Census of Population, 1940.

APPENDIX TABLE 2.—*Japanese population of California by residence, 1940<sup>1</sup>*

County	Total Japanese	Urban Japanese	Percent urban	Rural Japanese	Percent rural
	Number 93,717	Number 52,252	Percent 55.8	Number 41,465	Percent 44.2
Total California.....					
Alameda.....	5,167	3,958	76.6	1,209	23.4
Alpine.....					
Amador.....	2			2	100.0
Butte.....	216	36	16.7	180	83.3
Calaveras.....	6			6	100.0
Colusa.....	155			155	100.0
Contra Costa.....	829	127	15.3	702	84.7
Del Norte.....					
El Dorado.....	3	3	100.0		
Fresno.....	4,527	1,008	22.3	3,519	77.7
Glenn.....					
Humboldt.....					
Imperial.....	1,583	381	24.1	1,202	75.9
Inyo.....	1			1	100.0
Kern.....	756	352	46.6	404	53.4
Kings.....	508	113	22.2	395	77.8
Lake.....	1			1	100.0
Lassen.....					
Los Angeles.....	36,866	30,112	81.7	6,754	18.3
Madera.....	170	15	8.8	155	91.2
Marin.....	150	77	51.3	73	48.7
Mariposa.....					
Mendocino.....	53	14	26.4	39	73.6
Merced.....	715			715	100.0
Modoc.....	4			4	100.0
Mono.....					
Monterey.....	2,247	838	37.3	1,409	62.7
Napa.....	54	1	1.9	53	98.1
Nevada.....					
Orange.....	1,855	89	4.8	1,766	95.2
Placer.....	1,637	66	4.0	1,571	96.0
Plumas.....	1			1	100.0
Riverside.....	552	221	40.0	331	60.0
Sacramento.....	6,764	2,884	42.6	3,880	57.4
San Benito.....	526	3	0.6	523	99.4
San Bernardino.....	346	203	58.7	143	41.3
San Diego.....	2,076	1,137	54.8	939	45.2
San Francisco.....	5,280	5,280	100.0		
San Joaquin.....	4,484	1,441	32.1	3,043	67.9
San Luis Obispo.....	925	55	5.9	870	94.1
San Mateo.....	1,218	730	59.9	488	40.1
Santa Barbara.....	2,187	807	36.9	1,380	63.1
Santa Clara.....	4,049	815	20.1	3,234	79.9
Santa Cruz.....	1,301	412	31.7	889	68.3
Shasta.....	2			2	100.0
Sierra.....					
Siskiyou.....	7			7	100.0
Solano.....	906	30	3.3	876	96.7
Sonoma.....	758	42	5.5	716	94.5
Stanislaus.....	369	87	23.6	282	76.4
Sutter.....	423	35	8.3	388	91.7
Tehama.....	38	7	18.4	31	81.6
Trinity.....					
Tulare.....	1,812	242	13.4	1,570	86.6
Tuolumne.....					
Ventura.....	672	285	42.4	387	57.6
Yolo.....	1,087	69	6.3	1,018	93.7
Yuba.....	429	277	64.6	152	35.4

<sup>1</sup> Based on U. S. Census of population, 1940.

APPENDIX TABLE 3.—*Rural Japanese population by sex, nativity, and farm residence for California by counties, 1940*

	Total rural Japanese population	Native Japanese				Foreign born	Foreign-born Japanese				
		Native	Under 21		Over 21		Under 21	Over 21			
			Male	Female	Male				Female	Male	Female
State.....	41,465	27,206	10,398	9,508	1,492	2,808	14,259	71	51	8,844	5,293
Rural nonfarm.....	7,196	4,628	1,683	1,531	820	594	2,568	18	13	1,659	878
Rural farm.....	34,269	22,578	8,715	7,977	3,672	2,214	11,091	53	38	7,185	4,415
Alameda County.....	1,209	830	317	260	148	105	379	2	3	210	164
Rural nonfarm.....	323	220	83	80	34	23	103	1	1	60	41
Rural farm.....	886	610	234	180	114	82	276	1	2	150	123
Amador County.....	2	2	2								
Rural nonfarm.....	2	2	2								
Rural farm.....											
Butte County.....	180	122	51	39	21	11	58		1	36	21
Rural nonfarm.....	18	10	4	2	3	1	8			5	3
Rural farm.....	162	112	47	37	18	10	50		1	31	18
Calaveras County.....	6	6	2	1	3						
Rural nonfarm.....	6	6	2	1	3						
Rural farm.....											
Colusa County.....	155	103	44	39	14	6	52			31	21
Rural nonfarm.....	91	63	24	26	9	4	28			15	13
Rural farm.....	64	40	20	13	5	2	24			16	8
Contra Costa County.....	702	435	171	152	65	47	267	1	1	175	90
Rural nonfarm.....	92	61	30	19	5	7	31	1		18	12
Rural farm.....	610	374	141	133	60	40	236		1	157	78
Fresno County.....	3,519	2,377	848	885	397	247	1,142	5	5	637	495
Rural nonfarm.....	327	215	69	92	30	24	112			70	42
Rural farm.....	3,192	2,162	779	793	367	223	1,030	5	5	567	453
Imperial County.....	1,202	771	336	314	72	49	431	1	2	258	170
Rural nonfarm.....	15	5	1	2	1	1	10			6	4
Rural farm.....	1,187	766	335	312	71	48	421	1	2	252	166
Inyo County.....	1						1			1	
Rural nonfarm.....	1						1			1	
Rural farm.....											
Kern County.....	404	166	58	47	43	18	238		1	206	31
Rural nonfarm.....	37	24	6	8	9	1	13		1	8	4
Rural farm.....	367	142	52	39	34	17	225			198	27
Kings County.....	395	257	96	115	23	23	138	1		88	49
Rural nonfarm.....	121	75	28	36	5	6	46			32	14
Rural farm.....	274	182	68	79	18	17	92	1		56	35
Lake County.....	1						1			1	
Rural nonfarm.....											
Rural farm.....	1						1			1	
Los Angeles County.....	6,754	4,427	1,718	1,569	685	455	2,327	11	6	1,389	921
Rural nonfarm.....	1,415	943	347	324	142	130	472	2	1	299	170
Rural farm.....	5,339	3,484	1,371	1,245	543	325	1,855	9	5	1,090	751
Madera County.....	155	105	36	42	14	13	50			26	24
Rural nonfarm.....	6	4	2	1		1	2			1	1
Rural farm.....	149	101	34	41	14	12	48			25	23

APPENDIX TABLE 3.—*Rural Japanese population by sex, nativity, and farm residence for California by counties, 1940—Continued*

	Total rural Japanese population	Native	Native Japanese				Foreign born	Foreign-born Japanese			
			Under 21		Over 21			Under 21		Over 21	
			Male	Female	Male	Female		Male	Female	Male	Female
Marin County.....	73	36	6	4	15	11	37			30	7
Rural nonfarm.....	57	25	3	1	12	9	32			28	4
Rural farm.....	16	11	3	2	3	3	5			2	3
Mendocino County.....	39	12	3	1	7	1	27			20	7
Rural nonfarm.....	28	7			6	1	21			16	5
Rural farm.....	11	5	3	1	1		6			4	2
Merced County.....	715	481	204	162	67	48	234	1	2	124	107
Rural nonfarm.....	42	25	12	8	3	2	17	1	1	8	7
Rural farm.....	673	456	192	154	64	46	217	1	1	116	100
Modoc County.....	4						4			3	1
Rural nonfarm.....	4						4			3	1
Rural farm.....											
Monterey County.....	1,409	966	359	302	188	117	443	4	1	272	166
Rural nonfarm.....	283	197	70	58	42	27	86		1	50	35
Rural farm.....	1,126	769	289	244	146	90	357	4		222	131
Napa County.....	53	20	5	7	5	3	33			22	11
Rural nonfarm.....	28	6	1		3	2	22			16	6
Rural farm.....	25	14	4	7	2	1	11			6	5
Orange County.....	1,766	1,125	423	360	221	121	641	1	2	432	206
Rural nonfarm.....	342	208	76	69	39	24	134			93	41
Rural farm.....	1,424	917	347	291	182	97	507	1	2	339	165
Placer County.....	1,571	1,100	423	369	194	114	471	5	2	264	200
Rural nonfarm.....	112	70	20	27	12	11	42	2	1	26	13
Rural farm.....	1,459	1,030	403	342	182	103	429	3	1	238	187
Plumas County.....	1						1			1	
Rural nonfarm.....	1						1			1	
Rural farm.....											
Riverside County.....	331	230	96	76	28	30	101	1		60	40
Rural nonfarm.....	34	29	8	11	4	6	5			3	2
Rural farm.....	297	201	88	65	24	24	96	1		57	38
Sacramento County.....	3,880	2,579	1,035	942	368	234	1,301	7	1	779	514
Rural nonfarm.....	824	524	202	170	90	62	300	4	1	185	110
Rural farm.....	3,056	2,055	833	772	278	172	1,001	3		594	404
San Benito County.....	523	380	138	137	67	38	143	2	1	78	62
Rural nonfarm.....	60	45	15	18	6	6	15			8	7
Rural farm.....	463	335	123	119	61	32	128	2	1	70	55
San Bernardino County.....	143	80	24	25	19	12	63	1		41	21
Rural nonfarm.....	49	20	4	4	8	4	29			22	7
Rural farm.....	94	60	20	21	11	8	34	1		19	14
San Diego County.....	939	592	220	229	92	51	347		1	245	101
Rural nonfarm.....	113	75	30	32	7	6	38			28	10
Rural farm.....	826	517	190	197	85	45	309		1	217	91
San Joaquin County.....	3,043	1,864	682	647	359	176	1,179	5		839	335
Rural nonfarm.....	199	115	50	34	18	13	84			60	24
Rural farm.....	2,844	1,749	632	613	341	163	1,095	5		779	311
San Luis Obispo County.....	870	605	226	223	96	60	265			167	98
Rural nonfarm.....	191	130	46	52	13	19	61			38	23
Rural farm.....	679	475	180	171	83	41	204			129	75

APPENDIX TABLE 3.—Rural Japanese population by sex, nativity, and farm residence for California by counties, 1940—Continued

	Total rural Japanese population	Native	Native Japanese				Foreign born	Foreign-born Japanese			
			Under 21		Over 21			Under 21		Over 21	
			Male	Female	Male	Female		Male	Female	Male	Female
San Mateo County.....	488	332	132	99	54	47	156	-----	-----	99	57
Rural nonfarm.....	147	94	37	23	16	18	53	-----	-----	37	16
Rural farm.....	341	238	95	76	38	29	103	-----	-----	62	41
Santa Barbara County.....	1,380	905	316	267	200	122	475	1	2	309	163
Rural nonfarm.....	763	526	153	149	137	87	237	-----	2	148	87
Rural farm.....	617	379	163	118	63	35	238	1	-----	161	76
Santa Clara County.....	3,234	2,261	801	826	370	264	973	5	8	537	423
Rural nonfarm.....	427	284	100	97	52	35	143	1	1	88	53
Rural farm.....	2,807	1,977	701	729	318	229	830	4	7	449	370
Santa Cruz County.....	889	638	240	222	104	72	251	1	1	138	111
Rural nonfarm.....	106	79	26	30	14	9	27	-----	-----	18	9
Rural farm.....	783	559	214	192	90	63	224	1	1	120	102
Shasta County.....	2	1	-----	-----	1	-----	1	-----	-----	1	-----
Rural nonfarm.....	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Rural farm.....	2	1	-----	-----	1	-----	1	-----	-----	1	-----
Siskiyou County.....	7	4	1	1	1	1	3	-----	1	1	1
Rural nonfarm.....	7	4	1	1	1	1	3	-----	1	1	1
Rural farm.....	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Solano County.....	876	504	197	175	80	52	372	4	3	238	127
Rural nonfarm.....	193	99	38	38	13	10	99	2	2	66	29
Rural farm.....	678	405	159	137	67	42	273	2	1	172	98
Sonoma County.....	716	519	205	178	81	55	197	-----	1	111	85
Rural nonfarm.....	182	128	51	35	24	18	54	-----	-----	31	23
Rural farm.....	534	391	154	143	57	37	143	-----	1	80	62
Stanislaus County.....	282	169	77	50	30	12	113	-----	-----	75	38
Rural nonfarm.....	12	7	4	3	-----	-----	5	-----	-----	3	2
Rural farm.....	270	162	73	47	30	12	108	-----	-----	72	36
Sutter County.....	388	251	125	85	19	22	137	2	1	84	50
Rural nonfarm.....	50	34	19	9	1	5	16	-----	-----	12	4
Rural farm.....	338	217	106	76	18	17	121	2	1	72	46
Tehama County.....	31	22	8	10	3	1	9	1	-----	5	3
Rural nonfarm.....	10	7	2	5	-----	-----	3	1	-----	1	1
Rural farm.....	21	15	6	5	3	1	6	-----	-----	4	2
Tulare County.....	1,570	957	401	325	161	70	613	2	4	425	182
Rural nonfarm.....	131	94	50	27	9	8	37	-----	-----	23	14
Rural farm.....	1,439	863	351	298	152	62	576	2	4	402	168
Ventura County.....	387	229	93	74	39	23	158	3	-----	107	48
Rural nonfarm.....	128	57	17	13	22	5	71	1	-----	54	16
Rural farm.....	259	172	76	61	17	18	87	2	-----	53	32
Yolo County.....	1,018	657	252	221	115	69	361	4	1	227	129
Rural nonfarm.....	211	110	49	26	27	8	101	2	-----	75	24
Rural farm.....	807	547	203	195	88	61	260	2	1	152	105
Yuba County.....	152	86	27	28	23	8	66	-----	-----	52	14
Rural nonfarm.....	3	1	1	-----	-----	-----	2	-----	-----	2	-----
Rural farm.....	149	85	26	28	23	8	64	-----	-----	50	14

Source: U. S. Bureau of Census, Census of Population, 1940.

APPENDIX TABLE 4.—*Number of Japanese farm operators, Apr. 1, 1940, California*

County	Japanese farm operators (total)	Full owners	Part owners	Managers	All tenants
State total.....	5, 135	1, 015	280	240	3, 583
Alameda.....	130	28	14	10	78
Alpine.....					
Amador.....					
Butte.....	23	4	4	4	11
Calaveras.....					
Colusa.....	17				
Contra Costa.....	70	14	4	3	49
Del Norte.....					
Eldorado.....					
Fresno.....	412	175	27	36	174
Glenn.....					
Humboldt.....					
Imperial.....	212	20		15	177
Inyo.....					
Kern.....	18	6		5	7
Kings.....	30	9	3	5	13
Lake.....					
Lassen.....					
Los Angeles.....	1, 523	73	40	46	1, 364
Madera.....	16	12			4
Marin.....	14				
Mariposa.....					
Mendocino.....	( <sup>2</sup> )				
Merced.....	107	57	7	8	35
Modoc.....					
Mono.....					
Monterey.....	130	16	5	5	104
Napa.....	13				
Nevada.....					
Orange.....	245	33	15		197
Placer.....	157	75	7	21	54
Plumas.....					
Riverside.....	57	19	5	4	29
Sacramento.....	416	173	32	13	198
San Benito.....	40	3		3	34
San Bernardino.....	19	14	5		( <sup>2</sup> )
San Diego.....	144	25	14		105
San Francisco.....					
San Joaquin.....	214	38	15	5	156
San Luis Obispo.....	82	5	9		68
San Mateo.....	71	16	5		50
Santa Barbara.....	61	5		3	53
Santa Clara.....	390	63	23	18	286
Santa Cruz.....	106	11	12		83
Shasta.....	( <sup>2</sup> )				
Sierra.....					
Siskiyou.....					
Solano.....	73	15		10	48
Sonoma.....	48	35			13
Stanislaus.....	34	12		5	17
Sutter.....	21	8	4		9
Tehama.....	3				3
Trinity.....					
Tulare.....	139	33	21	16	69
Tuolumne.....					
Ventura.....	24	5	3		16
Yolo.....	92	6	6	5	75
Yuba.....	11	7			4

<sup>1</sup> No distribution by tenure, to avoid disclosure.

<sup>2</sup> Less than three farm operators.

<sup>3</sup> Included with full owners.

NOTES.—In various counties full owners include part owners or managers, to avoid disclosure.  
Source: Census of Agriculture, 1940.

APPENDIX TABLE 5.—Acreage of commercial truck crops grown by enemy aliens and Japanese-American citizens in California <sup>1</sup>

Commodity	Total 1940 acreage for State	Estimated acres grown by enemy aliens	Estimated total acres grown by enemy aliens as percent of State acreage for item	Estimated acres grown by alien and Japanese-American citizens	Estimated acres grown by enemy aliens and Japanese-American citizens as percent of State acreage
Artichokes	10,600	5,300	50	5,300	50
Asparagus	79,780	16,176	20	20,164	25
Canning snap beans	563	239	42	287	51
Marketing snap beans (spring)	6,950	6,254	90	6,602	95
Snap beans (fall)	4,600	4,140	90	4,369	95
Green lima beans	2,373	892	38	1,011	43
Cabbage	6,850	2,019	29	2,362	34
Cantaloup (Imperial)	26,100	6,525	25	7,830	30
Cantaloup (other)	12,000	2,279	19	2,880	24
Carrots (fall and winter)	9,800	3,115	32	3,605	37
Carrots (spring)	13,700	2,945	21	3,630	26
Cauliflower (fall and winter)	6,700	4,152	62	4,487	67
Cauliflower (spring)	8,850	5,860	66	6,302	71
Celery (fall and winter)	8,850	5,185	59	5,627	64
Celery (spring)	3,100	2,790	90	2,954	95
Celery (summer)	1,800	1,620	90	1,710	95
Cucumbers (pickle)	2,330	1,048	45	1,165	50
Cucumbers (table)	2,200	990	45	1,100	50
Garlic	1,890	1,327	70	1,420	75
Spring lettuce	30,350	8,774	29	10,530	35
Lettuce (Imperial)	15,200	3,040	20	3,800	25
Summer lettuce	16,500	4,110	25	4,935	30
Fall lettuce	27,550	6,260	23	7,637	28
Bermuda onions	800	240	30	240	30
Int. onions	1,350	540	40	675	50
Late onions	3,200	1,280	40	1,440	45
Canning peas	2,394	182	8	182	8
Peas, spring Imperial	7,500	750	10	1,125	15
Peas, other spring	20,700	5,632	27	6,855	33
Peas, fall	8,500	6,625	78	7,387	87
Peas, fall Imperial	2,300	230	10	345	15
Peppers, Bell	2,300	2,070	90	2,185	95
Peppers, chili (dried)	3,865	3,478	90	3,672	95
Peppers, canning	442	377	85	400	90
Peppers, pimento	690	210	30	279	40
Spinach, canning	9,538	4,769	50	5,723	60
Spinach, table	3,200	2,400	75	2,600	81
Strawberries, southern	2,380	2,142	90	2,261	95
Strawberries, northern	3,470	3,123	90	3,296	95
Tomatoes, canning	71,531	28,613	40	35,765	50
Tomatoes, Imperial	4,000	3,600	90	3,800	95
Tomatoes, summer	11,000	7,307	66	7,857	71
Tomatoes, fall (northern)	5,850	1,227	21	1,520	26
Tomatoes, fall (southern)	6,100	4,515	74	4,820	79
Watermelons, Imperial	5,500	550	10	825	15
Watermelons, other	9,900	2,040	21	3,030	31
Total	485,146	<sup>2</sup> 176,940	36	<sup>3</sup> 205,989	42

<sup>1</sup> Estimates made by Carl Schiller, Division of Agricultural Statistics, Bureau of Agricultural Economics, and Murray Thompson, economic advisor to western region, Agricultural Adjustment Administration, to gauge the effects of evacuation of enemy aliens and Japanese-American citizens. Released by the Bureau of Agricultural Economics for submission to the House Committee Investigating National Defense Migration.

<sup>2</sup> 36 percent.

<sup>3</sup> 42 percent.

APPENDIX TABLE 6.—Table showing estimated acreage of vegetables in California and the probable percentage and amount grown by Japanese nationals and Japanese-Americans

Crop	Total acreage, 1938	Percent (estimated) grown by Japanese	Acreage (estimated) grown by Japanese	Value (estimated) of crop grown by Japanese
Artichokes	9,700	5	485	93,850
Asparagus	71,510	25	17,877	1,355,250
Canning snap beans	919	50	459	93,500
Market snap beans	9,180	75	6,885	1,108,500
Green limas for manufacture	1,280	0	0	0
Cabbage	7,700	40	3,080	313,200
Cantaloup (Imperial)	28,000	50	14,000	2,720,000
Cantaloups (other)	10,150	40	4,060	888,400
Carrots	21,100	40	8,440	2,326,000
Cauliflower	14,500	60	8,700	1,478,400
Celery	14,900	75	11,175	4,667,250
Cucumbers (pickle)	1,956	50	978	132,500
Cucumbers (market)	2,100	75	1,575	283,500
Garlic	2,310	50	1,155	225,000
Lettuce	99,050	30	29,715	5,942,100
Onions (Bermuda)	1,250	20	250	64,000
Onions (intermediate)	1,800	40	720	156,000
Onions (late)	3,140	40	1,256	301,600
Canning peas	3,740	0	0	0
Market peas (spring)	30,850	25	7,712	847,250
Market peas (fall)	15,200	60	9,120	1,239,000
Chile and dried peppers	5,200	85	4,420	531,250
Potatoes (early)	34,000	5	1,700	251,950
Spinach (canning)	9,466	50	4,733	124,500
Spinach (market)	2,800	80	2,240	549,600
Strawberries	5,030	90	4,527	2,181,600
Tomatoes canning (north) <sup>1</sup>	61,905	35	21,667	-----
Tomatoes canning (south) <sup>1</sup>	9,626	40	3,850	-----
Tomatoes market (south) <sup>1</sup>	16,300	90	14,670	4,182,000
Tomatoes market (north) <sup>1</sup>	10,650	40	4,260	-----
Watermelons	17,200	25	4,300	322,500
Total	522,512	37	194,009	32,378,700

<sup>1</sup> 1940 acreages.

NOTE.—Estimates made by Carl Schiller, Crop Reporting Service, and P. A. Minges, Agricultural Extension Service.

APPENDIX TABLE 7.—Importance of aliens and Japanese-Americans to the achievement of production goals for specified truck crops in California

Commodity	Total California acreage in 1940	Estimated acreages in 1941	Production goal for 1942 <sup>1</sup>	Percent of State acreage grown by alien and American-Japanese <sup>3</sup>	Alien and American-Japanese share of 1942 production goals
Tomatoes, fresh	Acres 26,950	Acres 28,150	Acres 28,500	Percent 67	Acres 19,095
Tomatoes, canning	71,531	80,620	83,000	50	41,500
Green peas, fresh	39,000	39,300	45,000	40	18,000
Green peas, canning	2,394	1,650	2,500	8	200
Cabbage, kraut and fresh	6,850	6,000	6,500	34	2,210
Onions	5,350	5,380	7,500	44	3,300
Snap beans, fresh	11,500	10,800	11,000	95	10,450
Snap beans, canning	563	540	700	51	357
All truck crops	485,146	495,370	<sup>2</sup> 519,200	42	218,064

<sup>1</sup> Preliminary goal announced in September 1941.

<sup>2</sup> Does not include strawberries.

<sup>3</sup> Percentage estimates made by Carl Schiller and Murray Thompson.

APPENDIX TABLE 8.—*Japanese employed workers, 14 years old and over, by sex, nativity, major occupation, and industry groups, California, 1940*

Occupation and industry group	Japanese employed workers					
	Total		Male		Female	
	Natives	Foreign born	Natives	Foreign born	Natives	Foreign born
<b>EMPLOYED WORKERS BY MAJOR OCCUPATION GROUP</b>						
Employed (except on public emergency work) ..	17, 165	23, 209	11, 883	18, 227	5, 282	4, 982
Professional workers .....	371	589	202	435	169	154
Semiprofessional workers .....	97	102	68	92	29	10
Farmers and farm managers .....	1, 663	4, 144	1, 584	3, 911	79	233
Proprietors, managers, and officials, except farm .....	1, 049	3, 168	888	2, 754	161	414
Clerical, sales and kindred workers .....	3, 154	1, 454	1, 983	985	1, 171	469
Craftsmen, foremen, and kindred workers .....	296	385	269	356	27	29
Operatives and kindred workers .....	1, 375	1, 342	1, 017	789	358	553
Domestic service workers .....	1, 829	1, 406	370	808	1, 459	598
Service workers, except domestic .....	802	1, 619	334	1, 015	468	604
Farm laborers (wage workers) and foremen .....	2, 781	4, 911	2, 481	4, 363	300	548
Farm laborers, unpaid family workers .....	2, 493	1, 461	1, 536	221	957	1, 240
Laborers, except farm .....	1, 118	2, 487	1, 077	2, 401	41	86
Nonclassifiable .....	137	141	74	97	63	44
<b>EMPLOYED WORKERS BY INDUSTRY GROUP</b>						
Employed (except on public emergency work) ..	17, 165	23, 209	11, 883	18, 227	5, 282	4, 982
Agriculture .....	7, 598	11, 691	6, 191	9, 570	1, 407	2, 121
Forestry (except logging) and fishery .....	175	552	171	543	4	9
Coal mining .....	4	2	3	2	1	—
Crude petroleum and natural gas production .....	3	2	2	2	1	—
Other mines and quarries .....	25	57	25	57	—	—
Construction .....	171	424	63	141	108	283
Food and kindred products .....	6	14	—	8	6	6
Textile-mill products .....	24	12	5	4	19	8
Apparel and other fabricated textile products .....	—	1	—	1	—	—
Logging .....	3	3	3	3	—	—
Sawmills and planing mills .....	28	31	23	27	5	4
Furniture, store fixtures, and miscellaneous woolen goods .....	18	9	15	9	3	—
Paper and allied products .....	110	141	83	123	27	18
Printing, publishing, and allied industries .....	21	45	16	43	5	2
Chemicals and allied products .....	7	4	7	4	—	—
Petroleum and coal products .....	4	4	2	3	2	1
Leather and leather products .....	1	1	1	1	—	—
Stone, clay, and glass products .....	4	2	4	2	—	—
Iron and steel and their products .....	4	2	3	2	1	—
Nonferrous metals and their products .....	2	6	2	6	—	—
Machinery .....	1	1	1	—	—	—
Automobile and automobile equipment .....	7	1	7	1	—	—
Transportation equipment, except automobile .....	7	13	6	10	1	—
Other and not specialized manufacturing industries .....	6	49	6	46	—	3
Railroads (including repair shops) and railway express .....	92	69	87	69	5	—
Trucking service .....	25	36	18	36	7	—
Other transportation .....	2	1	2	—	—	1
Communication .....	9	4	7	4	2	—
Utilities .....	1, 036	844	851	764	185	80
Wholesale trade .....	2, 254	1, 847	1, 755	1, 442	499	405
Food and dairy product stores; milk retailing .....	480	1, 092	231	724	249	368
Eating and drinking places .....	100	57	85	54	15	3
Motor vehicles and accessories; retailing and filling stations .....	7, 422	884	416	694	326	190
Other retail trade .....	105	343	66	293	39	50
Finance, insurance, and real estate .....	189	67	184	67	5	—
Automobile storage, rental and repair service .....	36	68	30	67	6	1
Business and repair services, except auto .....	2, 178	2, 215	702	1, 599	1, 476	616
Domestic service .....	133	654	53	406	80	248
Hotels and lodging places .....	455	630	301	442	154	188
Laundering, cleaning, and dyeing services .....	271	360	70	242	201	118
Miscellaneous personal services .....	67	152	44	132	23	20
Amusement, recreation, and related services .....	457	640	211	453	246	187
Professional and related services .....	113	6	31	6	82	—
Government .....	192	174	100	125	92	49
Nonclassifiable .....						

Source: U. S. Bureau of Census, Census of Population 1940.

APPENDIX TABLE 9.—*Japanese employed workers, 14 years old and over, by sex, nativity, and major occupation for California counties, 1940*<sup>1</sup>

Counties by sex and nativity	Employed (exclusively on public emergency work)	Farmers and farm managers	Farm laborers, (wage workers) and foremen	Farm laborers, unpaid family workers
State total:				
Male:				
Native.....	11,883	1,584	2,481	1,536
Foreign-born.....	18,227	3,911	4,363	221
Female:				
Native.....	5,282	79	300	957
Foreign-born.....	4,982	233	548	1,240
Alameda:				
Male:				
Native.....	671	49	110	39
Foreign-born.....	873	121	77	5
Female:				
Native.....	367	2	20	18
Foreign-born.....	315	8	27	29
Butte:				
Male:				
Native.....	30	9	13	1
Foreign-born.....	41	12	16	1
Female:				
Native.....	6	2	-----	1
Foreign-born.....	11	3	1	3
Colusa:				
Male:				
Native.....	16	3	3	4
Foreign-born.....	23	6	10	-----
Female:				
Native.....	7	-----	-----	1
Foreign-born.....	7	-----	-----	-----
Contra Costa:				
Male:				
Native.....	98	27	53	2
Foreign-born.....	190	55	114	3
Female:				
Native.....	31	3	2	6
Foreign-born.....	31	4	11	5
El Dorado:				
Male:				
Native.....	-----	-----	-----	-----
Foreign-born.....	1	-----	1	-----
Female:				
Native.....	-----	-----	-----	-----
Foreign-born.....	-----	-----	-----	-----
Fresno:				
Male:				
Native.....	587	170	178	111
Foreign-born.....	773	283	302	19
Female:				
Native.....	204	11	26	45
Foreign-born.....	191	12	66	44
Imperial:				
Male:				
Native.....	116	41	20	19
Foreign-born.....	336	149	98	1
Female:				
Native.....	37	4	-----	2
Foreign-born.....	41	4	3	9
Inyo:				
Male:				
Native.....	-----	-----	-----	-----
Foreign-born.....	1	-----	-----	-----
Female:				
Native.....	-----	-----	-----	-----
Foreign-born.....	-----	-----	-----	-----
Kern:				
Male:				
Native.....	82	7	32	3
Foreign-born.....	254	18	177	1
Female:				
Native.....	23	-----	-----	1
Foreign-born.....	29	1	2	4
Kings:				
Male:				
Native.....	45	6	17	7
Foreign-born.....	101	27	52	-----
Female:				
Native.....	14	-----	-----	1
Foreign-born.....	10	-----	2	2

<sup>1</sup> Source: U. S. Census, Census of Population, 1940.

APPENDIX TABLE 9.—*Japanese employed workers, 14 years old and over, by sex, nativity, and major occupation for California counties, 1940—Continued*

Counties by sex and nativity	Employed (exclusively on public emergency work)	Farmers and farm managers	Farm laborers, (wage workers) and foremen	Farm laborers, unpaid family workers
Lake:				
Male:				
Native.....				
Foreign-born.....	1		1	
Female:				
Native.....				
Foreign-born.....				
Los Angeles:				
Male:				
Native.....	4,956	298	435	605
Foreign-born.....	7,365	1,287	684	62
Female:				
Native.....	2,323	12	113	432
Foreign-born.....	2,421	94	203	647
Madera:				
Male:				
Native.....	19	12	2	2
Foreign-born.....	24	16	6	
Female:				
Native.....	1			
Foreign-born.....	3			2
Marin:				
Male:				
Native.....	15	3		1
Foreign-born.....	40	2		
Female:				
Native.....	14			
Foreign-born.....	16			1
Mendocino:				
Male:				
Native.....	4		2	
Foreign-born.....	8	1	6	
Female:				
Native.....				
Foreign-born.....				
Merced:				
Male:				
Native.....	70	26	15	20
Foreign-born.....	108	78	22	1
Female:				
Native.....	9		1	5
Foreign-born.....	5	2	1	2
Modoc:				
Male:				
Native.....				
Foreign-born.....	3			
Female:				
Native.....				
Foreign-born.....				
Monterey:				
Male:				
Native.....	340	51	98	25
Foreign-born.....	381	85	138	3
Female:				
Native.....	92	1	15	11
Foreign-born.....	87	8	18	14
Napa:				
Male:				
Native.....	3		1	
Foreign-born.....	7	3	2	
Female:				
Native.....	1			
Foreign-born.....	3			1
Orange:				
Male:				
Native.....	240	76	87	49
Foreign-born.....	427	172	207	2
Female:				
Native.....	71	6	8	39
Foreign-born.....	82	10	12	44
Placer:				
Male:				
Native.....	219	44	122	35
Foreign-born.....	248	94	123	3
Female:				
Native.....	36		7	7
Foreign-born.....	17	6	3	1

APPENDIX TABLE 9.—*Japanese employed workers, 14 years old and over, by sex, nativity, and major occupation for California counties, 1940—Continued*

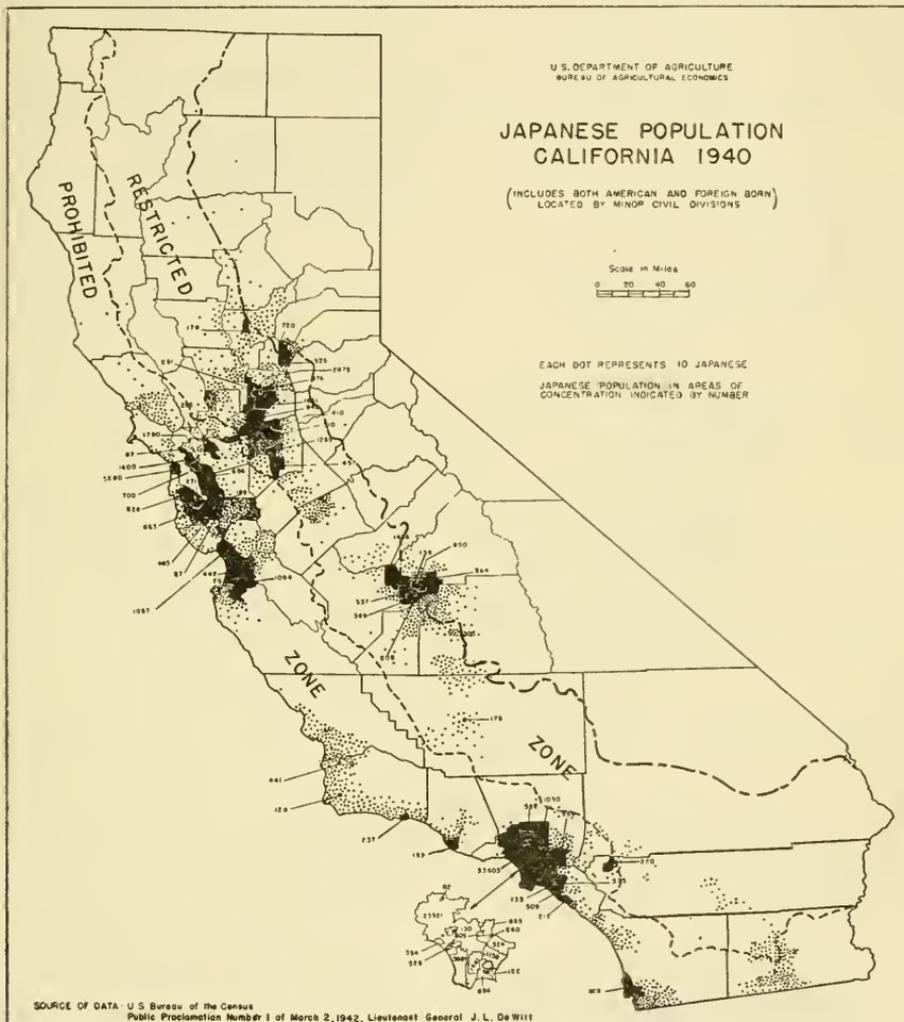
Counties by sex and nativity	Employed (exclusively on public emergency work)	Farmers and farm managers	Farm laborers, (wage workers) and foremen	Farm laborers, unpaid family workers
Plumas:				
Male:				
Native.....				
Foreign-born.....	1			
Female:				
Native.....				
Foreign-born.....				
Riverside:				
Male:				
Native.....	55	19	10	5
Foreign-born.....	92	46	21	1
Female:				
Native.....	20			2
Foreign-born.....	14		3	1
Sacramento:				
Male:				
Native.....	728	111	149	156
Foreign-born.....	1,128	309	297	29
Female:				
Native.....	397	4	12	90
Foreign-born.....	342	22	27	108
San Luis Obispo:				
Male:				
Native.....	116	23	62	17
Foreign-born.....	169	70	58	1
Female:				
Native.....	24		1	2
Foreign-born.....	36	1	6	12
San Mateo:				
Male:				
Native.....	176	31	45	15
Foreign-born.....	241	57	30	3
Female:				
Native.....	116	1	1	21
Foreign-born.....	88	3	5	19
Santa Barbara:				
Male:				
Native.....	310	19	122	11
Foreign-born.....	423	37	211	1
Female:				
Native.....	92		16	1
Foreign-born.....	90	1	38	6
Santa Clara:				
Male:				
Native.....	561	167	126	140
Foreign-born.....	591	264	133	24
Female:				
Native.....	286	13	29	105
Foreign-born.....	203	10	27	114
Santa Cruz:				
Male:				
Native.....	190	39	45	78
Foreign-born.....	178	77	46	13
Female:				
Native.....	88	2	7	54
Foreign-born.....	38	5	3	20
San Benito:				
Male:				
Native.....	81	33	23	18
Foreign-born.....	72	31	38	1
Female:				
Native.....	11	1	3	5
Foreign-born.....	6		3	2
San Bernardino:				
Male:				
Native.....	33	5	10	3
Foreign-born.....	64	12	14	1
Female:				
Native.....	16		2	3
Foreign-born.....	10	1		1
San Diego:				
Male:				
Native.....	232	48	72	35
Foreign-born.....	508	115	170	10
Female:				
Native.....	114	4	11	34
Foreign-born.....	123	9	23	44

APPENDIX TABLE 9.—*Japanese employed workers, 14 years old and over, by sex, nativity, and major occupation for California counties, 1940—Continued*

Counties by sex and nativity	Employed (exclusively on public emergency work)	Farmers and farm managers	Farm laborers, (wage workers) and foremen	Farm laborers, unpaid family workers
San Francisco:				
Male:				
Native .....	525		9	
Foreign-born .....	1,194	1	4	
Female:				
Native .....	494		1	
Foreign-born .....	367		2	
San Joaquin:				
Male:				
Native .....	557	97	272	41
Foreign-born .....	1,015	151	620	17
Female:				
Native .....	185	6	6	30
Foreign-born .....	165	3	14	53
Shasta:				
Male:				
Native .....	1		1	
Foreign-born .....	1	1		
Female:				
Native .....				
Foreign-born .....				
Siskiyou:				
Male:				
Native .....	1			
Foreign-born .....	1			
Female:				
Native .....				
Foreign-born .....				
Solano:				
Male:				
Native .....	91	14	42	14
Foreign-born .....	234	53	87	
Female:				
Native .....	18	3	1	1
Foreign-born .....	31		5	6
Sonoma:				
Male:				
Native .....	101	25	46	9
Foreign-born .....	106	36	56	
Female:				
Native .....	29	2	6	9
Foreign-born .....	15	5	4	2
Stanislaus:				
Male:				
Native .....	40	10	15	9
Foreign-born .....	70	29	29	
Female:				
Native .....	5			
Foreign-born .....	7		3	1
Sutter:				
Male:				
Native .....	33	5	20	5
Foreign-born .....	80	16	57	1
Female:				
Native .....	9		1	1
Foreign-born .....	9	3	2	1
Tehama:				
Male:				
Native .....	8	1	4	
Foreign-born .....	6	2	2	
Female:				
Native .....	1			
Foreign-born .....	3		1	1
Tulare:				
Male:				
Native .....	238	54	131	22
Foreign-born .....	450	88	305	6
Female:				
Native .....	40	1	8	7
Foreign-born .....	64	10	17	13
Ventura:				
Male:				
Native .....	81	6	18	5
Foreign-born .....	156	28	45	3
Female:				
Native .....	32		2	3
Foreign-born .....	36	1	6	8

APPENDIX TABLE 9.—*Japanese employed workers, 14 years old and over, by sex, nativity, and major occupation for California counties, 1940—Continued*

Counties by sex and nativity	(Employed exclusively on public emergency work)	Farmers and farm managers	Farm laborers, (wage workers) and foremen	Farm laborers, unpaid family workers
<b>Yolo:</b>				
<b>Male:</b>				
Native.....	157	52	36	30
Foreign-born.....	217	66	69	8
<b>Female:</b>				
Native.....	49	1	1	20
Foreign-born.....	51	7	9	15
<b>Yuba:</b>				
<b>Male:</b>				
Native.....	57	3	35	-----
Foreign-born.....	85	13	35	2
<b>Female:</b>				
Native.....	20	-----	-----	-----
Foreign-born.....	15	-----	1	5



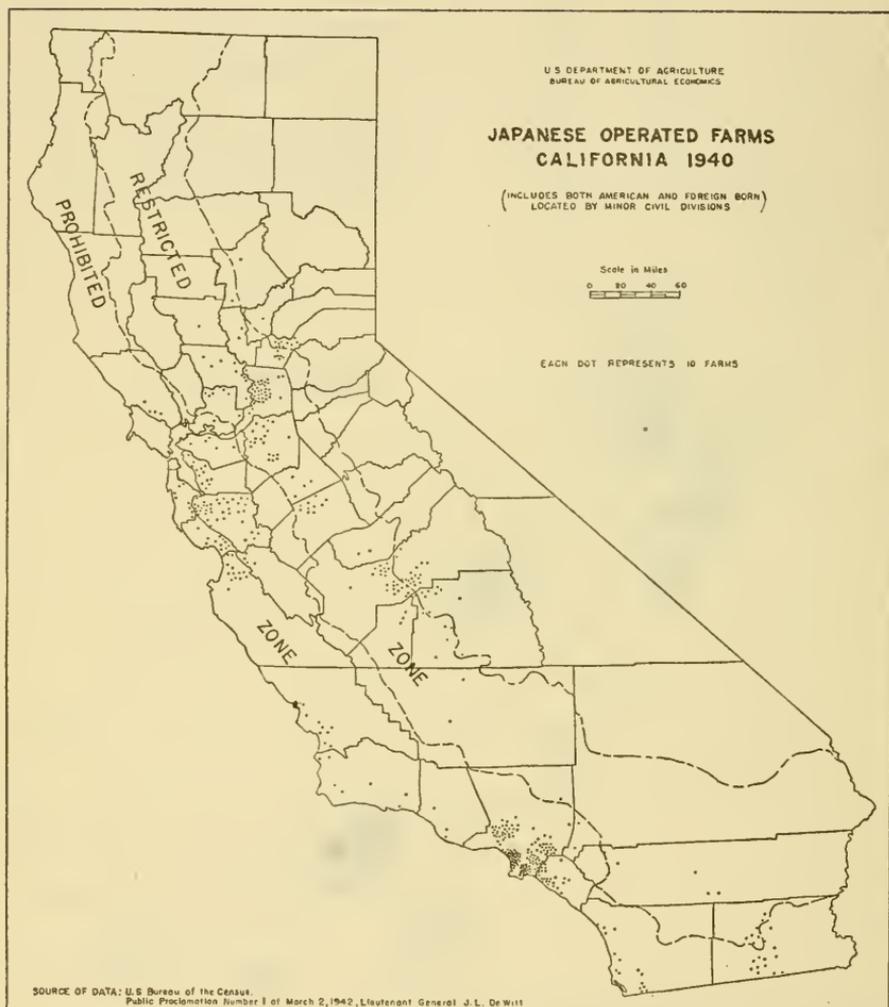


EXHIBIT 2.—STATISTICS ON JAPANESE FARMERS FOR SPECIFIED COUNTIES

REPORTS BY COUNTY COMMISSIONERS, SUBMITTED BY FRANK M. KRAMER, SUPERVISING INSPECTOR, CALIFORNIA STATE DEPARTMENT OF AGRICULTURE, SACRAMENTO, CALIF.

STATE OF CALIFORNIA,  
DEPARTMENT OF AGRICULTURE,  
Sacramento, Calif., March 4, 1942.

To: F. M. Kramer, Supervising Inspector.  
From: Bureau of Fruit and Vegetable Standardization.

As requested in your teletype of March 2, the accounting office has rushed the tabulation of the information relating to the percentage of tomatoes delivered by Japanese growers as shown on certificates issued by the bureau of fruit and vegetable standardization. The results, including figures obtained from bureau of shipping point inspection service, are as follows:

Total tonnage delivered July 22, 1941, to end of season, 1941-----	677, 122. 997
Total tonnage delivered by Japanese growers-----	184, 906. 120
Percentage of total tonnage delivered by Japanese growers-----	27. 3076

The tonnages delivered are computed from the Department's records of total charges made for inspections performed by our bureau at the rate of 20 cents per ton, and include only those deliveries made beginning July 22, 1941, to the end of the season.

The figure for the total tonnage delivered by Japanese growers was based on information taken from certificates carrying Japanese names, which certificates were segregated from those of other growers to the best of the ability of the employees tabulating this information.

The total figure also includes deliveries made by individual Japanese growers who are members of an association and whose names are shown on the records of this department.

There may be some cases unknown to us where a delivery is actually made by a Japanese grower but recorded on the certificate in the name of the landowner other than a Japanese. This tonnage, therefore, would not be included in the total tonnage figure for Japanese deliveries. Similarly, contracts made by canneries or corporations with Japanese would not be included in cases where the deliveries are made in the name of some party other than a Japanese grower.

In instances where the name of a Japanese grower is shown on the certificate with that of a non-Japanese grower, the tonnage involved was listed as having been delivered by a Japanese grower.

You can readily understand that there is no method by which the percentage of deliveries made by Japanese growers can definitely be determined, but the figures shown above are based on conclusions made from information obtained from our certificate records.

Due to the limited time allotted to supply you with the information requested, we have not been able to eliminate the duplication of grower names from the lists supplied to us including the names of growers who made deliveries to canneries involved in canning tomato operations. Therefore, in determining the percentage by count of growers who delivered tomatoes for canning purposes during the 1941 season, we have not eliminated all of the duplications either in the Japanese or non-Japanese classification.

On this basis we submit the following information as to the number of growers. These figures do not include the number of growers who delivered to two canneries located in southern California where the inspection work was performed by the bureau of shipping point inspection service, and the data relating to number of growers is not available.

Total number of growers—all areas-----	3, 282
Total Japanese growers—all areas-----	907
Percentage Japanese growers-----	27. 6355

We are not in a position to give you accurate information as to the other questions asked in your teletype with reference to the expected acreage of canning tomatoes for the coming season or the effect of evacuation orders upon such acreages.

Very truly yours,

H. W. POULSEN, Assistant Chief.

ORANGE COUNTY DEPARTMENT OF AGRICULTURE,  
*Santa Ana, Calif., March 6, 1942.*

Mr. FRANK KRAMER,  
*Supervising Inspector,  
204 State Building, Los Angeles, Calif.*

DEAR MR. KRAMER: In response to your inquiry of March 6, we have the following for the congressional committee's consideration:

1. The number of farms operated by Japanese in Orange County during 1941 was approximately 200.

2. The number of Japanese farmers in the county during the same period was 1,232 plus or minus 50.

3. During 1941 some 12,000 acres were devoted to such crops as asparagus, green beans, berries, cabbage, cauliflower, celery, sweet corn, cucumbers, grain, lettuce, onions, oranges, peas, peppers, potatoes, spinach, squash, sugar beets, tomatoes, miscellaneous bunch vegetables and some livestock. Seven thousand seven hundred acres of the 12,000 were controlled by the Japanese.

Up to the present there has been but little or no shifting of any of this acreage held by Japanese to American farmers.

Much confusion exists in the minds of the Japanese about future planting activity. Operations are at a standstill on most of these farms. However, this land will be farmed if it is made available soon enough to other than Japanese farmers.

Very truly yours,

ROY E. BLACK,  
*Deputy Agricultural Commissioner.*

*Report on the Japanese farming situation in San Bernardino County*

Japanese farm operators.....	5
Japanese farmers.....	6
Number of farms owned or leased by Japanese.....	18
Number of acres leased.....	84.5
Number of acres owned.....	20
Number of citrus orchards owned or leased by alien Japanese.....	10
Number of acres of citrus orchards owned or leased by alien Japanese....	80
Number of Japanese citrus orchard workers (alien).....	3
Japanese aliens on farms.....	6
Japanese-Americans working on alien farms.....	6
Vegetable ranches farmed with aliens on them.....	18
Vegetable acres farmed with aliens on property.....	104.5
Japanese-Americans on farms as laborers or helpers.....	5
American (white) owners hiring Japanese (aliens hired, 1; Japanese-Americans hired, 2).....	1
Japanese children on the farm but not working.....	15
Farm leased by a Japanese but not operating.....	1
Acres leased by a Japanese but not operating.....	30

SUMMARY

Japanese farm owners or operators.....	21
Japanese alien workers.....	11
Japanese-American workers.....	13
Total.....	45
Japanese children not working.....	41

RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER,  
*Riverside, Calif., March 6, 1942.*

Mr. FRANK KRAMER,  
*Supervising Inspector, Bureau of Standardization,  
State Department of Agriculture,  
Room 204 State Building, Los Angeles, Calif.*

DEAR MR. KRAMER: In respect to your telephone request of today for certain information relative to Japanese farmers following is a report from a survey made in Riverside County:

1. Total acreage planted to truck crops in Riverside County, as reported in the annual acreage and crop report for the year 1941, 17,686.5 acres.

2. Percentage heretofore farmed by Japanese, 17½ percent.

- 3. Japanese are still farming 17½ percent of the acreage planted to truck crops.
- 4. Truck crop acreage being farmed by Japanese, up to present date, totals 3,111 acres (according to survey recently completed).

For your further information I am submitting a copy of a report on the Japanese farmer registration for Riverside County, as completed in February 1942.

1. Number of Japanese farmers in Riverside County-----	58
(a) Number American-Japanese-----	31
(b) Number alien Japanese-----	27
2. Total acreage farmed by Japanese-----	3, 396
(a) Farmed by American-Japanese-----	2, 404½
(b) Farmed by alien Japanese-----	991½
Acreage includes—	
Grain-----	270
Alfalfa-----	10
Chickens (3 farmers)-----	5
Onions-----	40
Bunch vegetables or truck crops-----	3, 071
3. Land owned and farmed by American-Japanese-----	do---- 862
4. Land owned and farmed by alien Japanese-----	do---- 221
5. Land leased from American by American-Japanese-----	do---- 1, 519½
6. Land leased from American by alien Japanese-----	do---- 714½
7. Land leased by American-Japanese from American-Japanese-----	do---- 23
8. Land leased by alien Japanese from American Japanese-----	do---- 56

Trusting that the above information will prove helpful.

Very truly yours,

W. H. WRIGHT,  
*Agricultural Commissioner.*

REPORT BY IVAN A. WOOD, AGRICULTURAL INSPECTOR, COUNTY OF SAN DIEGO, CALIF.

No Japanese farmers have been forced to evacuate land in San Diego County. Four alien lessors have voluntarily evacuated their farms. The total acreage involved is only 350 acres. The largest ranch had 90 acres of string beans, 40 acres of strawberries and 35 acres of lima beans planted. These crops have all been taken over by white farmers. Twenty-five acres of lettuce just planted was abandoned. Seventeen acres of squash and 15 acres of celery were also abandoned. Both were diseased or insect-infested. The labor involved in the evacuation of these four farms were approximately two-thirds Japanese and one-third Mexican.

The above statistics are not a true picture of the situation in San Diego County. In many of our most important fresh vegetable producing areas, agricultural activity has practically stopped. The Japanese farmers have their land leased a year in advance but due to the present uncertainty are not preparing the land or planting crops. This situation is becoming serious, most of our summer crops are usually planted by February 15. Hundreds of acres are now lying idle.

After our winter squash and celery are harvested, the soil is worked, fertilized, and planted immediately to summer vegetables. In the Chula Vista area where from 500 to 600 acres of celery have already been harvested, the land from which the celery was removed still contains the roots, trimmings, and other refuse which in any normal year would have been turned under immediately following harvest. This unfortunate situation has been the result of the uncertain policy of our governmental agencies toward the Japanese farmers. I believe certain definite steps should be taken to put the land held by the Japanese to actually producing food for defense. Following the suggestion of our office, many American-Japanese citizen farmers have continued to plant, but this is the exception rather than the rule.

Regarding the effect on vegetable production caused by the internment of alien Japanese farmers for the duration in many cases the American-born sons and other members of the family continue to harvest crops already planted but are not making any attempt to plant new crops. No farmers are located near aircraft plants so the situation is not quite the same as it was in other counties.

*Summary of Japanese-farmer survey in San Diego County*

(Prepared by San Diego County Department of Agriculture)

1. Number of Japanese farmers (alien and American) .....	177
2. Number of farms (locations or plots of ground leased or farmed) .....	230
3. Total number of acres (approximately) .....	6, 000
<hr/>	
4. Principal crops by American-Japanese (in acres):	
Celery .....	100
Cucumbers .....	15
Tomatoes .....	375
Strawberries .....	100
Asparagus .....	50
Bunch vegetables .....	30
Cabbage .....	150
Cauliflower .....	35
Total .....	855
<hr/>	
5. Principal crops by alien Japanese (in acres):	
Celery .....	200
Cucumbers .....	35
Tomatoes .....	615
Strawberries .....	400
Asparagus .....	60
Bunch vegetables .....	70
Cabbage .....	250
Cauliflower .....	75
Total .....	1, 705
<hr/>	
6. Number of acres farmed by American-Japanese without assistance of alien Japanese .....	948
7. Number of acres farmed by American-Japanese with alien assistance ..	1, 540
8. Number of acres farmed by aliens with American-Japanese assistance ..	3, 119
9. Number of acres farmed by alien Japanese without Japanese-American assistance .....	1, 040

In answering 6, 7, 8, 9, we have considered both employed Japanese aliens and American-Japanese citizens, as well as members of the lessees or farmers' family.

No. 9 includes Japanese alien farmers who operate small farms and employ no outside labor; or large alien operators who employ Mexican or Filipino labor.

STATE OF CALIFORNIA, DEPARTMENT OF AGRICULTURE,  
Sacramento, February 25, 1942.

Mr. P. W. KEEN,  
Secretary, Southern California Chapter, Institute of Scrap Iron and Steel,  
335 Rowan Building, Los Angeles, Calif.

DEAR MR. KEEN: It has been called to our attention in various localities in southern California that farm implements and livestock used in connection with farming activities have been purchased from Japanese farmers who are being evacuated, or are about to be evacuated, from their farm lands.

It has been reported to me that some second-hand dealers are taking undue advantage of this emergency situation by purchasing farm implements and livestock from Japanese farmers at prices far below the regular market price for such farm equipment. Many instance of such purchases have been called to my attention by farmers who are taking over the various farms from the Japanese. These farmers report that the properties which they have taken over have been stripped of the necessary farm implements, thereby making it impossible to continue farm operations.

This presents a serious curtailment in the proper marketing of the farm products involved and it will result either in the loss of farm produce, or at least prevent it from being properly marketed during this crucial period of national emergency. Therefore, it is necessary that we tax our farm resources to capacity in order to meet the requirements set up by the Federal Government for farm produce.

You will agree that it is our patriotic duty to assist in any way possible to maintain the requirements for farm produce which have recently been set by our National Government.

The purchasing of these Japanese-owned farm implements and livestock either for resale or to be converted into scrap iron, etc., has created a serious situation, and as director of agriculture of the State of California I have called this matter to the attention of State and Federal authorities charged with the handling of the alien problem and I have been advised that if this condition continues, appropriate action will be taken to rectify this deplorable situation. I therefore urge you to inform your members to refrain from purchasing or otherwise acquiring agricultural implements and livestock from Japanese farmers who are being evacuated, or are about to be evacuated, from their lands.

These practices such as are being indulged in by second-hand dealers are contrary to the spirit and purpose of the Presidential Executive order issued February 20, 1942. Hence, will you kindly advise the members of your association to govern themselves in accordance with the requests herein contained?

Very truly yours,

W. J. CECIL, *Director.*

### EXHIBIT 3.—REPORT OF THE AGRICULTURAL RESOURCES AND PRODUCTION COMMITTEE, LOS ANGELES COUNTY DEFENSE COUNCIL, LOS ANGELES, CALIF.

This report was drawn by a subcommittee consisting of Fran R. Wilcox, Dr. George P. Clements, A. W. Christie, Homer A. Harris, Howard Miller, C. B. Moore, and Harry Schuyler. In addition the committee has been assisted by Messrs. Harold J. Ryan, Harold Pearson, and H. L. Remmers.

The report was presented to the Los Angeles County Defense Council by Harold J. Ryan, chairman of the agricultural resources and production committee. February 9, 1942.

(The general recommendation with respect to evacuation of Japanese is as follows:)

#### CONTROL OF JAPANESE IN SOUTHERN CALIFORNIA

A substantial part of the Japanese population in southern California is located in rural areas. Farming operations, particularly in the vegetable field, are retarded pending definite and detailed instructions as to their disposition. The Japanese population is hesitating to prepare land and plant crops, fearing that they will shortly be removed from their present properties, and other farmers are not making definite plans, not knowing what the production from Japanese tilled farms will be.

Vegetable production is on the "must list" of the Department of Agriculture and must not only be maintained but increased during the current season.

It is fully recognized that there is at present some difficulty in connection with obtaining farm labor, and while the removal of Japanese will further accentuate this problem temporarily, it will give a base for developing labor plans which can be used during the war emergency period. Under the above circumstances the following recommendations are made with encouragement that action be complete and immediate:

1. All Japanese of the following classifications who reside within 50 miles of the Pacific coast and Mexican border, or who reside in other areas within a 10-mile radius of munition plants or military camps.

(a) Alien Japanese of all ages.

(b) Nonalien Japanese under 18 years of age living with alien parents.

(c) All Japanese who have American citizenship but who have been visitors or have come from Japan at any time since June 17, 1940.

(d) All other Japanese who have American citizenship; this to be attempted at first by an appeal that they remove themselves on their own volition. If this voluntary action is not immediate and fully effective, the necessary Federal action should be undertaken.

2. It is recommended that Japanese in the above classifications be moved to points in the Rocky Mountain sugar-beet areas, or other areas deemed safe by the military authorities where housing facilities are available, regardless of whether their labor can immediately be used. This recommendation is based upon the

fact that they would be thoroughly removed from coastal areas and that their labor could eventually be utilized to an advantage. They could probably relieve other labor in California from the necessity of migrating to those districts during the peak-load periods which are the spring and fall months. This plan entails three definite actions as follows:

(a) Federal Security Administration should be charged with the responsibility of developing housing facilities. They should use, wherever possible, the present facilities pending construction of other housing units.

(b) The United States Department of Agriculture should be charged with the responsibility of utilizing this labor to the fullest extent in the newly located regions.

(c) The services of the State department of agriculture and the county agricultural commissioners be utilized to assist landlords and farm operators in finding new farmers to take over leased lands for harvesting of crops now planted and planting of new crops.

3. Land vacated by Japanese removed as hereinabove outlined would probably amount to 15,000 acres in Los Angeles County. No official figures from other counties are now available to this committee. It is believed, however, that the total will exceed 40,000 acres in the counties from and including San Luis Obispo southward, some of which is not being planted and will not be in all probability if present conditions are continued. Under the supervision as outlined in 2 (c) above, if handled promptly and before the season is further advanced the land can be put to proper use and severe additional losses avoided. It may result in changing of some crops, inasmuch as experienced labor would not be available to produce such items as celery. Other crops required by the Department of Agriculture would be substituted.

4. This plan is submitted for immediate action to be concurred in by the county defense councils and by the State defense council. It is then to be submitted to proper authorities for coordinated action. It is further recommended that a public statement as to this procedure be made at the earliest possible date.

The principles of the above program have been adopted by the committee for the county defense council, and a copy of their final statement is attached hereto as exhibit 1.

This committee further recommends detailed operations with respect to handling Japanese farm properties as follows:

EXHIBIT 1.—RECOMMENDATION OF THE AGRICULTURAL RESOURCES AND PRODUCTION COMMITTEE TO THE COUNTY DEFENSE COUNCIL FOR USE OF VACATED CROPLAND

Orders of the Federal Government have resulted in the vacating of lands previously farmed by Japanese in certain areas of Los Angeles County. Cancellation of leases in other areas has vacated other croplands, and further orders are likely to result in vacating other lands.

In order to utilize these lands as quickly as possible it is necessary to secure American farm operators to operate them for the owners or original lessees as lessees, sublessees, or managers.

The agricultural resources and production committee recommends detailed operations designed to accomplish this purpose to be set up for a period of not to exceed 4 months as follows:

We recommend the immediate appointment of Mr. W. S. Rosecrans as agricultural coordinator for the Los Angeles County Defense Council without compensation under the supervision of the county agricultural commissioner.

In addition the defense council is requested to furnish two full-time secretaries, necessary office space, telephone service, and incidental office expenses in the agricultural commissioner's department.

Three supervising assistants will be required. It is now believed that experienced men in the vegetable field familiar with financing and technical operations can be had at no salary cost. Expenses of operating in the field will be required at a total expense of \$450 per month. These three assistants will have office space in the agricultural commissioner's office adjacent to the agricultural coordinator.

The services of 14 field supervisors will be obtained. These supervisors will each be assigned to a given area as outlined in exhibit 2, attached.<sup>1</sup> It is now believed that these men can be obtained from feed and fertilizer companies without cost to the county of either salary or expense.

<sup>1</sup>Not printed.

It is recommended that the defense council instruct the agricultural commissioner and the county livestock inspector to lend assistance to the agricultural coordinator by furnishing for field work such men as may be spared from other duties. Preliminary assurances of help have been given by the college of agriculture of the University of California and from agencies such as growers' marketing organizations, seed and fertilizer companies, and individual farmers to such a degree as to impress the committee that every competent agency will lend its active aid to the program.

The organization should be set up immediately in order to function on properties which are already vacated and additional properties which will be vacated in the very near future.

The purpose of the organization would be to reestablish labor and supervision on properties vacated by Japanese and to utilize equipment and machinery to the fullest advantage. This entails coordination with Federal officials in the matter of land titles, leases, and sale of equipment. Because of the necessity of having Federal assistance, it is recommended that we request the part-time service of an attorney, which we believe can be secured without cost, such attorney preferably to be unattached to the Government but approved by Mr. T. Clark, alien coordinator for the Federal Government.

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#### EXHIBIT 4.—THE TRADING WITH THE ENEMY ACT AND THE ALIEN PROPERTY CUSTODIAN

REPORT BY BERNARD SHAPIRO, BOALT HALL, UNIVERSITY OF CALIFORNIA,  
BERKELEY, CALIF.

The Trading with the Enemy Act of 1917 is still in force and remains the basic enactment with regard to the subject which is considered here. The Alien Property Custodian was appointed under that act for the purpose of conserving enemy property. The Custodian, however, gained widening powers through amendments to the act which were passed with apparently little consideration as riders to various appropriation bills. The Trading with the Enemy Act defines "enemies" for the purposes of that act. Because the Custodian derives his powers and assumes his duties under that act he has no power over the property of any alien enemy unless the latter is an "enemy" under the act. The Alien Enemy Act consequently does not govern the activities of the Custodian. Generally speaking, enemies under the Trading with the Enemy Act are residents of an enemy country or allies of enemy countries, government officials, etc., of an enemy or ally of an enemy country, and other persons designated by the President. In World War I, the President designated interned aliens and alien enemy women as enemies. It seems that no such proclamation has been made in this war to date. Under the Trading with the Enemy Act as it now reads, the President cannot designate United States citizens as enemies.

The act authorizes the appointment of an Alien Property Custodian and a designation of his duties and powers by the President. The President in World War I did so appoint and designate. The Custodian was delegated much of the power of the President under the act and this delegation was held to be constitutional. The Custodian was allowed to license firms and individuals to do business. He held enemy property as a common-law trustee. He had the power to seize any property of any alien and property due any alien. He did not confiscate the property, but was supposed to conserve the rights of the enemy in his property. The courts seem to assume that the Government has the power to confiscate, but this has not been done. The Custodian could sell the property if he desired. Most of the vices of the Custodian centered around the favored selling of property to friends and influential persons. Even the original requirement that public sale must be had was later repealed. Many American investors were injured because of arbitrary action by the Custodian with regard to enemy property in which they had interests. It is impossible to list all his powers, but is sufficient to say that they were complete. He nominally held the property in trust for the enemy.

Resident alien enemies were not enemies under the act and the Custodian repeatedly refused to seize their property. At present they are still not enemies and we have no enemies over which the Custodian has jurisdiction except those named in the act. The freezing orders issued by the President, however, have effectively curtailed the free flow of money, licenses, and credit to aliens whether

resident or nonresident. These freezing orders cannot be dealt with at length here, but it is important to note that they assume the character of haste legislation and their frequently changing substance lend to confusion and uncertainty. No alien who is not constantly surrounded by able and even psychic lawyers can possibly understand his rights. No alien who is interned is as yet an enemy, but it is impossible to protect his property unless an efficient organization is ready to step in and act with authority and thus alleviate the confiscatory combination of freeze order and physical removal.

The office of the Custodian in the last war resembled a huge trust company, but as was mentioned above the arbitrary power vested in the office led to cruel and wasteful action with regard to enemy property. It is well to remember that seizure by the Custodian is doubly delicate in that no enemy under the act may bring suit in any State or Federal court. The Custodian, therefore, should occupy the position of trustee in more than just the sense of title and power to sell. His moral responsibilities are tremendous. If this officer is to take over the task of handling resident alien property the problems confronting him assume proportions which try even the imagination. For example, the recent freezing orders were softened to allow resident alien Japanese to operate farms, etc. If these persons are to be declared enemies they should be allowed to run their farms in order to maintain the agricultural standards necessary to health and welfare of a wartime economy. The opportunities, however, to destroy essential business because of the failure of certain enemies to obtain a license should be considered. Also, produce houses could be ruined by zealous citizens who desire to eliminate their competitors. Further, if aliens are to be evacuated from strategic areas, if citizens of the United States are to be evacuated, some disposition must be made of their property.

The power, admitted by the courts without any direct holdings, to confiscate property is based upon the enemy status of the one whose property is to be confiscated. This would not apply to resident aliens unless they were declared, by Presidential proclamation, to be enemies. Under the act, citizens cannot be declared enemies, but it seems that Great Britain's act allows naturalized citizens of enemy origin to be declared enemies. We have decisions, from Marshall to Douglas, that there should be no "degrees of citizenship." Consequently, could we change our act to conform with Great Britain's? Great Britain has no fourteenth amendment. If we could constitutionally conform to Great Britain and declare citizens to be enemies or allies of enemies, then that power would probably extend to the confiscation of property, because it seems that the power to confiscate follows from the power of a government to declare that certain persons are enemies. If we cannot, activities with respect to citizens, even though naturalized, may be required to be less arbitrary; the arbitrariness with which enemies' property is treated cannot be questioned legally because it is assumed that the property could be confiscated if the Government were so inclined. We might even have a situation wherein we could declare persons enemies for some purposes under the act and not for other purposes.

NOTE.—The freezing orders were issued by the President under the authority of an amendment to section 5 (B) of the Trading with the Enemy Act.

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## EXHIBIT 5.—MEMORANDUM ON ALIEN PROPERTY

REPORT BY BARTLEY C. CRUM, 2001 RUSS BUILDING, SAN FRANCISCO, CALIF.

*Present method of handling problem is cumbersome, unsound.*—The present method of handling alien property in the United States ignores all of the lessons which should have been learned in the last war. It is both cumbersome and haphazard, and unless corrected will lead to a multitude of vexations and unnecessary legal complications. A portion of the problem is the concern of the War Department; another portion that of the Treasury; the status of individuals, which is the very base upon which the Government must rest its case for seizure, is in the hands of the Department of Justice.

The result is what might be expected; what is everyone's business is no one's business. Property has been taken without legal sanction; there has been no valid determination of enemy status, no valid demand for property within the requirements of our basic law, and no valid service of demand to surrender the enemy property upon either the alien or upon the person or corporation in control of the enemy property.

*Reasons behind the present policy of the Government.*—The reasons behind the present confused policy of the Government are not known but may be surmised.

First, the record of the Alien Property Custodians during and after the last war was not a happy one. The first Custodian was severely criticized after the war in a number of litigated cases. Another Custodian went to jail for malfeasance in office.

In the very natural reaction which followed the war, the courts were not hesitant in rebuking the Custodian, or his authorized representatives, for invasions of the rights of individuals, for hasty seizures, and for acts in excess of power. Acts, which in the emergency of war, seemed essential, were judged by standards which prevail in times of peace. The Congress, and the courts as well, reflected the prevailing view of the people that, wherever possible, the property seized by the Government under war power, should be returned. Thus, the office of the Alien Property Custodian was given a reputation which reflection and study does not justify.

The second reason for the present policy of the Government may perhaps be found in the natural struggle for power between the various agencies of the executive branch of the Government. While this struggle is understandable, it is not excusable in time of war.

*The Trading With the Enemy Act should be utilized.*—To those who have studied the problem it is clear that, despite all of the criticism (much of which was justified), the Trading With the Enemy Act furnishes the precedent which should be followed in this war. The act is still in force. There is a vast body of law interpreting and clarifying what may be done under the act. The procedures set up in the act are forthright, simple, and intelligible. It is designed to thwart the enemy in the use of enemy property and at the same time to safeguard the individual from abuse of his rights by confiscatory and arbitrary acts of Government. It makes certain that enemy property, upon proper executive determination, demand and service of demand shall be in the hands of the Government for both custody and use. And, it provides swift relief where a seizure is not justified, as in the case of one wrongly determined to be an enemy.

*Criticism has been of the Alien Property Custodian not of the act.*—The criticism, then, of the Alien Property Custodian in the last war was just that, and no more than that. It was criticism of the individuals who held the office. It did not go to the Trading with the Enemy Act itself. That statute has had the approval of practically every Federal court in the country, and the intelligent and searching scrutiny of such distinguished judges as District Judge Learned Hand, Mr. Justice Holmes, and Mr. Justice Brandeis. There is painstaking comment on the act in every major law periodical in America; careful comparisons of the Trading with the Enemy Act in the United States and the operations of the similar office of Treuhänder in Germany, and of similar offices in other nations.

In short, the statute is in force, was found workable in the last war, and a vast body of supporting law, both national and international, has been built around it.

This latter point is important to stress, because of the tough days ahead when peace comes. Then, of course, by international agreement, the nations will try to adjust and to settle the questions which inevitably arise in such times as these.

If, at that time, we have gone forward under a statute which has met the tests of all courts, the adjustments and settlements will be comparatively simple.

If, on the contrary, we persist in a policy which has no substantial support in law; if, as well, a multitude of Government agencies attempt simultaneously to handle the problem, we must expect what we will get—confusion, and many vexatious legal questions, the determination of which will take years of litigation.

And so, it seems plain that the first thing to do is to appoint an Alien Property Custodian—naturally some one of complete integrity—in complete charge of alien property; and to appoint him under the Trading with the Enemy Act, making such amendments to the act as may be necessary.

*What the act provides.*—Just what does the act provide?

The rules of the common law make unlawful commercial intercourse with the enemy in time of war.

But apparently noncommercial intercourse is not forbidden.

The purpose and effect of the Trading with the Enemy Act was to define and make more certain just what acts were forbidden and to extend the prohibition against intercourse so as to cover communications or dealings noncommercial as well as commercial. The provisions of the act dealing with the seizure and disposition of enemy property constitute only a portion of the act.

Section 2 of the Trading with the Enemy Act defines the term "enemy."

Primarily, this status depends not upon citizenship or nationality but upon residence within enemy territory.

The President was authorized by proclamation to place other individuals or classes of individuals who might be citizens or subjects of an enemy nation within the term "enemy"; and under this authority the term "enemy" was broadened so as to include certain citizens of Germany and Austria resident outside of Germany. (See proclamations of February 5, 1918; May 31, 1918; August 10, 1918; November 29, 1918.) Similar proclamations affecting other enemy nations would probably be necessary today.

Section 6 created the office of Alien Property Custodian and provided that he should be "empowered to receive all money and property in the United States due or belonging to any enemy or ally of enemy which may be paid, conveyed, transferred, assigned, or delivered to said Custodian under the provisions of this act; and to hold, administer, and account for the same under the general direction of the President and as provided in this act."

Section 7 provided for the seizure or capture of enemy property.

Reports to the Alien Property Custodian were required to be made by corporations and individuals having custody or control of enemy property or who were indebted to enemies; and the President was authorized to require the payment and delivery to the Custodian of all money and property which, after investigation, he should determine to be enemy owned.

By various Executive orders this power was exercised by the President through the Alien Property Custodian. (See Executive orders of October 12, 1917; October 29, 1917; February 5, 1918; February 26, 1918; and December 3, 1918.)

Section 9 set up a procedure whereby any person, not an enemy, claiming any right, title, or interest in any property seized by the Custodian, or to whom there might be owing a debt by an enemy whose property has been seized, might file with the Custodian notice in writing of his claim, and thereafter secure relief, either by order of the President, or by judicial proceeding in one of the district courts of the United States, and later, by amendment, in the Supreme Court of the District of Columbia.

Section 12 defines the powers and authority of the Alien Property Custodian. The fourth paragraph of this section is the one which confers upon the Custodian whatever powers of sale he has; and the extent of, and limitations upon, these powers of sale, as conferred by this section and the amendment approved March 28, 1918.

The last paragraph of this section provided that "after the end of the war, any claim of any enemy or of an ally of enemy to any money or other property received and held by the Alien Property Custodian or deposited in the United States Treasury shall be settled as Congress shall direct."

*The act provides a complete plan for dealing with enemy property.*—The act provides a complete plan for dealing with the enemy property subject to its terms in three separate and distinct steps or phases.

First. It provides for a seizure of enemy property upon proper determination, demand, and service. This was an exercise of the war power of Congress.

Second. It provides for the administration of the property while in custody. As an incident of administration, it authorizes a sale of the property, and the deposit of the proceeds in the Treasury to be invested in Liberty bonds.

This involved no exercise of the war power, since there was no disposition of the beneficial interest, but only a sale or conversion of the property into its legal equivalent in money or other property to be held in its stead. This involved only the internal operations of the Government by the officers of the Government.

Third. The final disposition of the property or the proceeds, if sold, after the war. This was expressly reserved by the provisions of section 12 for the future action of Congress.

*The act was in many respects a departure from previous legislation.*—Insofar as this act affected enemy property, it was in many respects a departure from all previous similar legislation in the United States.

In the past, the private property of individual enemies, outside of the zone of military operations, had been either seized and confiscated (as in the Civil War) or else has been left untouched.

This act authorizes the seizure or capture with certain formalities which were required and observed, of all property, including debts, situated within the territorial jurisdiction of the United States, but expressly provided that its ultimate or final disposition after the war was left for future determination by the Congress.

In the meantime, the property taken was to be held, managed, and administered by the Custodian and finally accounted for by him as provided in the act, and as might be directed by subsequent legislation.

The capture or seizure, however, affected only possession, as was pointed by Mr. Justice Holmes in the case of *Central Union Trust Company v. Garvan*, 254 U. S. 554, 566-569.

Thereafter any person not an enemy asserting any claim to the property might file a claim and, if necessary, institute suit in equity for a judicial determination of his right; and in such event the property is required to be held until the final determination thereon.

Neither the Alien Property Custodian nor the United States, acting through any other official is required to institute any affirmative judicial proceeding looking to condemnation of the property; but by the act as originally passed all nonenemy claims not filed within 6 months after the termination of the war were barred.

Enemy claims were left to disposition by Congress.

This procedure is appropriate for an act which has as its purpose merely the sequestration and conservation of property which belonged to the enemy or was supposed so to belong. In connection with the appropriate provision of section 12, that final disposition of the property is to be determined by Congress after the war, this procedure clearly and unmistakably stamped the act in the main as a sequestration measure, having for its purpose the conservation of the property during the war, for such disposition as Congress might determine after the war, but not any confiscation.

This view is sustained by the reports of congressional committees at the time of its enactment. (Report No. 85 to accompany H. R. 4960, House of Representatives, 65th Cong., 1st sess.)

Hearing before a subcommittee of the Committee on Commerce, United States Senate, Sixty-fifth Congress, first session, on H. R. 4960, pages 131,132.

Senate Reports Nos. 111 and 113, Sixty-fifth Congress, first session, to accompany H. R. 4960.

In Senate Reports Nos. 111 and 113 at page 9, the theory of the act is concisely stated as follows:

"While the theory on which the bill is drafted is that enemy property shall be protected and utilized, but not confiscated, the ultimate disposition of the enemy property received and held by the Government is left entirely to Congress, and provision is made that after the end of the war enemy claims to such property 'shall be settled as Congress shall direct.'"

On November 14, 1917, shortly after Mr. A. Mitchell Palmer was appointed Alien Property Custodian, he issued an official statement, approved by the President, in which he so characterized the act. This statement, which appeared in the Official Bulletin of that date, says:

"The board purpose of Congress, as expressed in the Trading with the Enemy Act, is, first, to preserve enemy-owned property situated in the United States from loss and, secondly, to prevent every use of it which may be hostile or detrimental to the United States \* \* \*. The property of every person under legal disability is in every civilized country protected by the appointment of trustees or conservators, whose duty it is to administer and care for the property while the disability exists. This is the duty of the Alien Property Custodian. He is charged by law with the duty of protecting the property of all owners who are under legal disability to act for themselves while a state of war continues \* \* \*. Thus the probable waste and loss of a great deal of valuable property and property rights which could not, while the war continues, be conserved by the enemy owner is avoided, and a trustee, appointed and paid by the United States, is charged with the duty of protecting and caring for such property until the end of the war. This is his function. There is, of course, no thought of the confiscation or dissipation of the property thus held in trust."

The first amendment to the Trading with the Enemy Act was passed as a rider to the appropriation bill approved March 28, 1918 (40 Stat. 459). This amends the fourth paragraph of section 12, which, as above noted, specifies and defines the nature and extent of the powers of administration, management, sale, and disposition of property by the Custodian.

This amendment did not effect a complete change in the nature and purpose of the Trading with the Enemy Act or give to the Custodian a power of disposition as broad as that of an absolute owner, subject to no limitations or restrictions.

Both the language of the amendment, taken in connection with the act as a whole, and the discussions of the amendment in Congress insofar as they may

properly be taken into consideration, support the view that the purpose and effect of this amendment was to allow the Custodian during custody awaiting final action by Congress to sell at fair value to American citizens or to others, at public auction and to the highest bidder, if the President should so determine, any of the properties in his possession or control. This put the title and use of the property in American hands, substituting in the Treasury of the United States its equivalent in money. The nature of the statute was not changed. It remained and still is an act of sequestration and custody, with the power of sale which is common in such trusts, pending action by Congress for the final disposition of the property or its proceeds.

The next amendment is that of July 1, 1918, passed as a rider to the appropriation bill of that date (40 Stat. 645), which provides in effect that all taxes assessed "by any body politic" against money or property held by the Custodian shall be paid out of such money or property, or if that is not sufficient, out of other moneys of the same enemy.

This amendment is in accord with the purpose and intent of the original act as it directs the treatment of the property insofar as taxes are concerned upon the same basis as if no seizure had been made. In other words, it recognizes that there has been no confiscation or forfeiture of the rights of the enemy in seized property.

Doubts were raised at one time as to whether the Custodian could pass to his vendee a good title.

In many cases the certificates representing the shares of stock which were supposed to be enemy-owned, were abroad, or at least not in the possession of the Custodian, and the corporations which had issued these outstanding certificates objected and refused to issue new certificates without surrender of those outstanding.

Furthermore, attorneys representing possible purchasers made the point that the statute authorized the seizure of enemy-owned property only, and, therefore, that the Custodian could not sell all property which had been seized, but only such property or such interests in property as in fact, were enemy-owned. Assignments and transfers, good as between the parties, could be made without delivery either of the property or the shares of stock or other instruments representing the property, and it was, of course, impossible to tell with certainty how much of the property offered for sale by the Custodian might have been transferred prior to the declaration of war from the enemy owners to bona fide purchasers, either American citizens or allies or neutrals.

The decisions under the Civil War Acts of 1861 and 1862 holding that sales under those acts, analogous to a sheriff's sale, passed only the right, title, and interest of the enemy gave a foundation for this doubt.

The amendment of November 4, 1918, was intended to remedy this situation (40 Stat. 1020).

In considering the interpretation to be placed upon the power of sale given by section 12, we should note that the powers of sale and disposition are not limited to property which is in fact enemy property, or which has been determined by any judicial proceeding so to be, but apply to all property conveyed and delivered to the Custodian, and even to property which has been only required so to be. The substitution of the fair value in place of the property itself and the limitation of all claims, nonenemy as well as enemy, thereto, may be sustained, just as in the case of a judicial sale.

But if the Custodian could deliberately dispose of property for any consideration he thought fit even to the extent of giving it away, it is difficult to reconcile with the modern idea of constitutional procedure the provision of this amendment requiring nonenemy claimants, who might well be American citizens, to accept whatever money or property the Custodian might thus arbitrarily substitute for the property seized. This would, as to American citizens not having an enemy status, be plain confiscation in violation of the fifth amendment of the United States Constitution.

Throughout all of the amendments to the act that clause of section 12 which states that after the termination of the war the claim of every enemy shall be disposed of as Congress shall hereafter determine has remained unchanged and in full force and effect; and the money and property now held by the Custodian or deposited in the Treasury of the United States belonging to citizens and subjects of Germany, Austria, and Hungary, is required still to be held, managed, and administered until Congress shall legislate further; except insofar as the release and return has been authorized by the provisions of section 9 as from time to time amended.

Insofar as legal right or power is concerned, Congress can make any disposition thereof which it may deem wise.

The property may be held as it now stands or all or any portion of it may be liquidated and converted into cash and held in the shape of money or Government bonds. Either all or any part of it may, at any time, be released and returned without limitation or qualification or subject to any limitations or conditions as Congress may see fit to impose.

The first purpose of this act was the sequestration and conservation of all enemy property during the war, with power expressly reserved in Congress to make disposition thereof after the war. This purpose was in accord with the spirit in which we fought the war, so often and ably expressed by President Wilson.

The change of policy with respect to sale of enemy property embodied in the amendment of March 1918, did not change the policy of conservation, but only authorized a conversion of property into cash while in custody, reserving to Congress the determination after the war of all questions as to final disposition.

It became the policy of Congress to eliminate German ownership of the large industrial properties of the country, to put those properties in American hands and render them available for the urgent needs of war.

Similarly in this war, it should be the policy of Congress to eliminate enemy ownership of properties essential to the prosecution of the war, and to get those properties into American hands.

This policy could, and was intended to be fully carried out, and this purpose completely accomplished by a fair sale of the property to American citizens, and the substitution thereof of its fair equivalent in cash in the hands of the Treasurer of the United States.

This cash was then to be invested in Liberty bonds, and thus made available for war purposes, and these bonds were by the terms of the act to be held to await the final action of Congress after the war was over.

Section 12 of the act as amended gives a clear and definite procedure, in complete accord with the underlying purpose of the act as a whole.

The powers given by this section are conferred directly upon the Custodian, to be exercised by him under the supervision and direction of the President, and in accordance with such rules and regulations as the President might prescribe.

The Custodian is first given power to take custody of, hold, and manage the property, with all of the powers of a "common law trustee." It may be observed that the Custodian, being a public officer, and charged with the possession and management of property owned by and held for the benefit of others (it matters not whom), was by virtue of his position and duties a fiduciary or trustee. The use of the word "trustee" was not necessary to make him a fiduciary, subject to all of the familiar duties and obligations of an ordinary trustee. It merely gave him the express powers of that position. The limitations incident thereto arise by operation of law.

What are the powers of a "common law trustee"? Assuming that this means an ordinary trustee in equity vested with possession and management of property such a trustee has the power and is by law charged with the duty to conserve the estate and the power of sale, if any, can only be exercised where clearly necessary to this end. These limitations imposed by law upon an ordinary trustee made necessary additional language conferring additional powers in order to enable the Custodian effectively to discharge his duties both under this section as originally enacted and as amended in March 1918. The section as amended therefore provides that the Custodian "in addition thereto, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, shall have the power to manage such property and do any act or things in respect thereof or make any disposition thereof or any part thereof, by sale of otherwise, and exercise any rights or powers which may be or become appurtenant thereto, or the ownership thereof *in like* manner as though he were the absolute owner thereof."

*Extent of enemy alien holdings unknown.*—The size of enemy alien holdings is not known. But it may be assumed that such holdings are fairly extensive. If the Alien Property Custodian followed, in this war, the course followed in the last, he would appoint local depositaries who would be properly bonded, and who would discharge the duties imposed upon them by the Custodian under the act.

It might be wise, in order to prevent abuse, to make such appointments of local depositaries subject to confirmation by the United States district judges in the area in which they are appointed.

During the last war, in areas remote from the seat of Government, the Custodian followed the practice of appointing (without legal sanction) local groups of advisers, with whom his local depositaries consulted before recommending on matters of policy. This was probably a wise course for the Custodian to follow, and should be considered again.

#### CUSTODIAN

After approximately 10 years of careful study of the operations of the Trading with the Enemy Act in the last war, it is my conclusion that, in the main, it met the tests laid down on November 14, 1917, by A. Mitchell Palmer with the approval of President Wilson.

It preserved, in the main, enemy-owned property situated in the United States. It prevented its use for purposes hostile or detrimental to the United States.

It avoided, in the main, confiscation and dissipation.

Of course, there were many cases of injustice, many instances of hasty action, many things done which, looking back after the war was over, we wish had not been done.

But after all, war does not permit reflective judgment to the extent permitted in the consideration of a case in time of peace.

War requires action, swift and summary. With that in mind, the fundamentals of the Trading with the Enemy Act are sound, and the act should again be used.

### EXHIBIT 6.—SUSPENSION OF THE WRIT OF HABEAS CORPUS<sup>1</sup>

REPORT BY H. MILES RASKOFF, BOALT HALL, UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

The writ of habeas corpus is used to give immediate relief from any illegal confinement. The writ is issued to an officer or a person detaining another and orders him to make a return thereon. During time of peace it is settled that the writ is available to aliens in deportation cases, either exclusion or expulsion. In these cases the scope of the review provided in habeas corpus proceedings has expanded so that in fact the writ serves as a writ of error over the administrative agency charged with the expulsion and exclusion of aliens. The court in deciding whether the writ should be granted inquires into the questions of whether there is any evidence to support the facts found by the administrative agency, and whether errors of law have been made.

However, during time of war the scope of review is so narrowed in habeas corpus proceedings brought by an enemy alien who is detained by the military as to amount to almost no review whatsoever. *Ex parte Graber*, a case decided during the last war is typical (247 Fed. 882). Upon application for habeas corpus by an enemy alien held by the Army, the court ordered the commanding officer to make a return. In the return the officer stated that the alien was held under authority of a Presidential proclamation and warrant. The court held that this return showed that the detention was lawful, and the writ was denied. The propriety of such a Presidential order during time of war was deemed to be a political question not subject to review by the courts. There are English cases in accord.

Although the *Graber case* involved an alien enemy, there is nothing in the opinion that would limit the rule to that class of persons. What if an American citizen is held by the Army during wartime under Presidential warrant? Would a return stating these facts close the matter to the judiciary? The same reasoning might be followed to give an affirmative answer to this question. There is a possibility that a strong court might hold that the war power of the President does not extend that far, but this might lead to the practical question of how to force the Army to turn over the prisoner.

The Constitution provides that "the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." There had been some conflicting authority as to whether this provision gives the legislative or the executive departments power to suspend the writ, but it now seems settled that only Congress has this power. Chief Justice

<sup>1</sup> For further annotation on subject from historical viewpoint, see Annotated Cases, 1914 C, p. 30.

Taney boldly asserted this proposition in *Ex parte Merryman* in the face of the Army's refusal to obey his order to deliver a civilian prisoner before the Court, the prisoner being held under a Presidential order. So although Taney issued the writ of habeas corpus, the prisoner so "released" from his unlawful arrest remained in the custody of the Army. Taney, of course, realized that there was nothing more he could do to compel obedience to his order, so he did the next best thing. He sent a copy of his opinion to President Lincoln to point out to him that he (Lincoln) was acting in an unconstitutional manner.

Taney was somewhat vindicated several years later when the Supreme Court in *Ex parte Milligan* expressed the view that although Congress had the power to suspend the writ, that it could only do so when because of rebellion or invasion the courts are closed, and that it was unlawful for the military to arrest, try, and sentence a civilian as long as the courts were open. The case is, therefore, authority for the proposition that it takes more than a rebellion, invasion, or a congressional or Presidential proclamation to constitutionally suspend the writ.

This proposition might lend support to the contention of some writers that the constitutional provision dealing with the writ is not a delegation of power to Congress, but, rather, it is a restriction on the power of Congress. (See 25 A. B. A. 375 and 46 W. Va. L. Q. 187 where statements of some of the members of the Constitutional Convention are cited.) In other words, although Congress is said to have complete control of the jurisdiction of the lower Federal courts, by operation of this section Congress cannot deprive a Federal court of jurisdiction to issue this writ. From the *Milligan case* it can be added that Congress may not simply because of invasion or rebellion suspend the writ, but it may only be suspended when the invasion or rebellion makes access to the courts impossible.

It is extremely important to remember that *Ex parte Milligan* was decided after the Civil War was over and that Milligan was held prisoner by the Army for 2 years before the Court decided that his detention was unlawful. Thus we find that when the Army during time of war makes arrests of civilians a Federal court can constitutionally on habeas corpus order the release of the prisoner, but practically—and perhaps constitutionally—the Army can refuse to obey because the prisoner is held under orders of the Commander in Chief. Certainly no court would care to test its power against that of the Army. Thus if during time of war the President as Commander in Chief of the armed forces authorizes the military to make arrests of civilians and he does not order the military to surrender the civilians so detained on order of the judiciary, for all practical purposes the writ of habeas corpus is suspended. Taney realized that when his marshal made return saying that he was unable to execute the attachment for contempt against General Cadwalader, who had refused to turn over the prisoner Merryman, that there was nothing more that could be done save to point out to the President the error of his ways.

This very important practical difficulty has led some State courts and a few lower Federal courts to say that there is a distinction between the suspension of the privilege of the writ in a constitutional sense and the right of a military commander to refuse obedience to the writ. Some courts have gone so far as to say that the writ is automatically suspended during martial law. Such a conclusion is a long way from *Ex parte Milligan*, yet it seems to be much closer to reality than was the rule of that case. The courts of West Virginia have gone to the extreme in this regard. There it has been stated in several cases that the existence of martial law suspends all constitutional liberties. Although it may be within the power of the Army to suspend all constitutional liberties, it does not seem wise for a court to sanction such a practice by a positive rule of law.

The view that the writ may be suspended in a manner not authorized by the Constitution has been severely criticized. Some writers have said that there is no such thing as martial law in the sense that the civil government is suspended because there is no constitutional basis therefor. These writers correctly cite the *Milligan case* for the principle that the Constitution was intended to apply to our Government at all times, during war as well as peace. On the other hand many cases recognize the existence of martial law. It has been stated by one judge that martial law is the law of the general limited only by his discretion, and that during its existence all other law is superseded. (*In re Eagan*, 8 Fed. Cases 367) The far-reaching implications of such language in the opinions is usually qualified by the statement that martial law can only exist as long as the necessity therefor. It is interesting to note that United States military journals recognize the existence of martial law, and also of the possibility of refusing to obey orders of a Federal court upon authority of the Commander in Chief.

If the *Milligan case* is taken to mean what it says, when the Army refuses to surrender a civilian when ordered to do so by a court the detention is unlawful. What sanctions can be imposed to compel the Army to act in accordance with law? Certainly force can't be used. It has been suggested that after the war or temporary emergency which has given rise to the military action is over, that the person responsible for the detention would be liable in a civil action to the person detained. The *Milligan* opinion states that the suspension of the writ only suspends the privilege of the writ, and does not authorize arrests. If this is so, who would be liable for unlawful arrest? Not the soldier who made the arrest, because he was acting under orders from his superior. For the same reason the general who ordered the particular arrest is not liable; he was acting under orders of his superior, the President of the United States. Therefore, the responsible person would be the President.

It is unlikely, however, that any court would hold the President so liable. There are no cases on the point, but perhaps cases growing out of arrests made by the State militia during local disturbances might be analogous. Such cases are not strictly in point because they involve the use of a different power. That is the reserved power of a State to maintain law and order. During time of war, however, it is the constitutional war power of the President that is involved. *Moyer v. Peabody* (212 U. S. 19) involved the civil liability of the Governor of Colorado for an illegal arrest growing out of his calling out the State militia during a coal strike. It was there held that the Governor of a State has the duty to maintain law and order, and in cases of insurrection he may properly call out the State militia. Whether an insurrection in fact existed was said to be a political question, and the Governor's decision was not deemed subject to judicial review (citing *Luther v. Borden*). The only question which may be looked into by the court is the good faith of the Governor. From this case it would seem likely that the President's act in ordering the arrest of civilians during wartime would also be a political question not subject to judicial review, and hence there would be no civil liability.

The unfortunate conclusion from all this is that during time of war if the President in his capacity as Commander in Chief of the armed forces orders civilians arrested by the Army and states that as to these prisoners the writ of habeas corpus is suspended, there is nothing that can be done about it by the courts. Furthermore, if he acted in good faith he is not even liable in damages to persons so detained. This would apply to citizens as well as aliens.

There can be an argument made that this is not extraconstitutional, but that it is merely an exercise of the constitutional authority of the President as Commander in Chief of the Army and Navy during time of war. The only limitation on this power is necessity, but, of course, what is a necessity is a political question. A judge of the West Virginia Appellate Court in a recent article favors this view, contending that during time of war governmental action should not be burdened with constitutional restrictions. He concludes, "In this world of arms, constitutional civil rights will endure only if protected by arms. The constitutional authority of the United States Government to wage war being unrestricted, implies the full use of the war power. That power is the power of necessity, than which none is greater. What necessity requires it justifies. Wherefore, not only upon the actual theater of war, but wherever an emergency of war arises, the violation of every civil constitutional right impeding the war power is justified if necessary. At peace civil law should be absolute; at war martial rule, wherever necessary, must be absolute" (1939—25 A. B. A. 375).

This statement is patently an apologetic rationalization for a particular point of view. However, as has been pointed out, no court is in a position to question the authority of the armed forces. The only safeguard possible is to indoctrinate the members of the armed forces, the officers, and the Commander in Chief with an awareness of their great responsibility to guard constitutional rights, to proceed with caution, and to act summarily only in cases of the strictest necessity.

#### EXHIBIT 7.—STATEMENT BY C. HUNTINGTON JACOBS, PRESIDENT, THE MILITARY LAW ASSOCIATION, MILLS TOWER, SAN FRANCISCO

March 10, 1942.

The Military Law Association, which I represent as its president, very gladly complies with the courteous request of your counsel, Leonard A. Thomas, Esq., in his letter of February 28, 1942, for a statement "as to how and under what conditions martial law might be declared, what are its implications insofar as

civilian activities and judicial processes are concerned, and more particularly, just what the recent Executive order of the President does mean."

As most of our two-hundred-sixty-odd members (attorneys, judges, and active and retired officers of the Judge Advocate General's Department and other departments of the Army and Navy) are presently on this coast or within the Pacific area, where martial law has been in effect, as in Hawaii, or imminently in prospect ever since December 7, 1941, this subject has naturally engaged the close attention of this association.

In the light of our education during World War No. I and during the present war, in the rapidity, scope, and power of modern total attack and the requirements of total defense, the best of all authoritative definitions of martial law is probably the one presented by the Supreme Court of the United States in *U. S. v. Diekelman*, 1875, 2 Otto 92 U. S. 520; 23 L. Ed. 742, 745:

"The law by which the city and port" (of New Orleans) "were governed was martial law. \* \* \* Martial law is the law of military necessity in the actual presence of war. It is administered by the general of the Army and is, in fact, his will. Of necessity, it is arbitrary, but it must be obeyed."

As was said by Mr. Chief Justice Chase, of that Court, in a specially concurring opinion rendered by four of its justices in the *Milligan case*, 1866, 4 Wall. 71 U. S. 2, 18 L. Ed. 281, martial law "is called into action by Congress, or temporarily when the action of Congress cannot be invited and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion, or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights."

Whether the present situation on this coast is of that nature is a question which should, in our view, be determined by Congress upon the advice of the military authorities responsible for its defense and in the light of the fact, so often and sadly demonstrated of late, that after the assault of a modern enemy has been delivered from within, without, and overhead, the necessity for martial law within the assaulted area is likely to assume a purely historical importance.

The strange view that a declaration of martial law, however necessary to the preparation of a total defense against such an assault, must legally await the onset thereof, does not command this association's respect or assent; being perfectly impractical and unsupported by any authority binding on either Congress or the President.

That view appears to us to rest almost or quite exclusively upon the gratuitous dicta of five justices of the Supreme Court, uttered in 1866 in the *Milligan case* above noted. From that dicta four Justices, who concurred in the result and in all the reasoning essential to the result, strongly dissented in the specially concurring opinion quoted above. The case, in fact, did not involve any proclamation by the President which purported to declare martial law within any specific area of the United States, nor any act of Congress which purported to make, ratify, or authorize any such declaration at all. The only statute which it did involve plainly required the discharge of the civilian prisoner from the custody of the military authorities and that statute was unanimously upheld and enforced.

#### SUPREME COURT DECISIONS

Three subsequent decisions of the Supreme Court (the *Grapeshot v. Wallerstein*, 1869, 9 Wall. 76 U. S. 129, 19 L. Ed. 651; *Burke v. Miltonburger*, 1874, 19 Wall. 86 U. S. 519, 22 L. Ed. 158; *Mechanics, etc. Bank v. Union Bank of La.*, 1874, 22 Wall. 89 U. S. 276, 22 L. Ed. 871) involved and unanimously upheld the power of Congress to ratify the acts of the President and his commander, General Butler, in constituting the so-called provisional court of Louisiana, and in appointing the civilian judge of that military tribunal, in the city and port of New Orleans and the territory surrounding them, and under the conditions of martial law to which the court referred in the above-quoted decision in the *Diekelman case*. At that time, about 1862, the affected area was occupied by the Federal Army after recapture from the Confederate belligerents, and while it was still imminently threatened by them. In our view, the distinction between the status of United States territory occupied by United States forces for the purpose of preventing its capture by hostile belligerents, and the status of the same territory occupied by the same forces for the same purpose after expulsion therefrom of the hostile belligerents, is shadowy at most, and thinly cloaks the departure which those decisions involve from the reasoning of the majority dicta in the *Milligan case*. For that reasoning was, that the Constitution conferred no power upon either the President or Congress to declare martial law except within an area where actual

invasion or flagrant insurrection by the public enemy had already closed the civilian courts. That had occurred in Louisiana; yet it was possible there to create a "provisional" court vested with jurisdiction over civilians in civil and criminal matters, including admiralty cases, whose judgments were subsequently accorded by act of Congress the same status as judgments of a United States Circuit Court; and the statute according that recognition was unanimously sustained.

We think it is high time that the majority dicta in the *Milligan case*, thus superseded by subsequent decisions and methods of war unknown to the Justices of 1866, should cease to be considered even persuasive; and that the United States should be acknowledged to possess the same right freely exercised by every other sovereignty, of employing martial law in advance of an imminently threatened attack, as a means of coordinating all the resources of the threatened area under a unified and absolute military control.

We find that right implicit in the power to declare war, which section 8 of article I of the Federal Constitution confers upon Congress. The latter power has, of course, been held to include power to prosecute war "by all means" (*Miller v. U. S.*, 11 Wall. 79 U. S. 268, 20 L. Ed. 595; *Tenn. Elec. Power Co. v. T. V. A.*, D. Tenn., 21 Fed. Supp. 947; affd. 306 U. S. 118, 83 L. Ed. 543). The prosecution of a war cannot, alas, be limited to offensive action. It must also often include the provision of an adequate defense against the enemy's attack; and certainly one of the oldest and most widely recognized means of preparing to resist an attack is the institution of absolute military control over all military and civilian resources within the threatened area.

#### MILITARY CONTROL

The respective results of the presence and absence of such control during preparation against an attack have lately been illustrated by the Russian and Malayan campaigns. Recent instances in which the value of such control as a measure of precaution has been recognized, may also be found in Turkey and Hawaii. The Republic of Turkey has not yet been attacked, but its threatened provinces are, and have long been, under martial law. The raid on our Territory of Hawaii was scarcely an invasion, and did not prevent the civilian courts from functioning. By military sufferage, they are still open to civil causes. But on December 7, 1941, the Governor of the Territory exercised his power under the Organic Act to declare martial law and to call upon the United States Army for defense; and the civilians of Hawaii still remain subject to absolute military control, including trial by military tribunal for all criminal offenses, because the Territory still remains under the imminent threat of renewed assault. Doubtless, the residents of Manila would be willing to pay the same price for the same benefit.

Since the defense of the Nation is the paramount duty and concern of itself and its citizens, we believe Mr. Chief Justice Chase very exactly stated the law in this regard when he said in the *Milligan case*:

"We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists the laws of peace must prevail. What we do maintain is that when the Nation is involved in war, and some portions of the country are invaded and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and imminent public danger exists as justifies the authorization of military tribunals for the trial of crimes and offenses against the discipline or security of the Army or for the public safety."

We also think that the greatness and immediacy of the danger, and the consequent need of martial law as a measure of defense in advance of its onset, cannot logically, and need not legally, be gaged by civil war standards, but may and should be appraised in the light of the secrecy and rapidity with which a modern assault may be prepared and launched and of the devastation it may cause unless encountered by a fully coordinated military and civilian defense under absolute military command.

#### OPERATION OF MARTIAL LAW

The institution, however, of martial law is certainly a measure of the utmost gravity. Within the affected area it supersedes, while in force, every other authority than the will of the military commander.

Of course his will, in turn, is governed by his orders from higher authority—including the civilian Commander in Chief, and by the customs of his service and the laws of war which forbid any and all severity in excess of such as the discipline

and security of his forces, the defense of the area, the control and protection of the civilian population, and, in general, the accomplishment of his mission, require. Of course, too, any legal invalidity in the basis of the imposition of martial law, and any excess of authority, plainly beyond the reasonable requirements of the situation as they appeared at the time, may subject the commander to legal liability, which may be enforced against him personally after the emergency has passed and the civilian courts have been reestablished.

But during the continuance of martial law, the constitutional guaranties are in abeyance. The courts are closed or function only at the commander's pleasure. He is not legally at liberty to dictate their decisions, custom and propriety forbid; but he may prevent them or may disregard them. All other civilian institutions, public or private, and their personnel, are brought within his control to such extent as he deems requisite—especially, of course, those whose functions relate to the defense of the area; and any civilians within the area whose presence he deems dangerous or otherwise undesirable from a military point of view are, if and when he so directs, held in preventative arrest or expelled, whether they be aliens or citizens of the United States, from the area, or moved to other locations within it.

Persons, not members of the military or naval service of the United States, who are accused of military crimes, such as the violation of his orders and regulations or of the laws of war (which of course prohibit spying, sabotage, and all other fifth column activities) are tried by such military tribunals, usually military commissions and provost courts, as he may constitute for that purpose. He may also, as was done in Hawaii, vest in such tribunals jurisdiction over all acts or omissions which do or normally would constitute violations of the Federal and other laws normally operative in that area, and which were committed within that area after the inception of martial law; or over such of those acts or omissions as he may deem to possess any military significance. Having plenary jurisdiction himself, he may delegate to these tribunals such power to punish as he pleases. Almost invariably, however, he will reserve to himself power to review more serious sentences before they take effect.

Such is the law of military necessity when imposed upon civilians in friendly areas. To designate it, the term "martial rule" is more apt, though less in use, than "martial law"; for it is not "law" at all in any civilian sense, but temporary dictatorship; the one sufficient merit of which is, from any civilian point of view, that in time of war it minimizes the risk of losing to the enemy the affected area and its civilian laws and courts together.

#### POWER OF THE PRESIDENT TO DECLARE MARTIAL LAW

Has the President power, unless authorized by Congress, to employ this drastic expedient in time of war? We think that he has, but only to the extent, as stated by Mr. Chief Justice Chase, of imposing martial law temporarily when the danger is sufficiently great and imminent to justify it and the action of Congress cannot be invited. That much power, we think, is implicit in his functions in wartime as Commander in Chief, under section 2 of article II of the Federal Constitution; but probably no more, because Congress is the heir to the traditions of parliament, which is the traditional guardian of Magna Carta, and it is not likely the States which ratified the Bill of Rights intended they should be subordinated for any extended period to the law of military necessity, even in wartime, without a determination by Congress or an authorization by Congress to the President or to his general to determine, that it must be so in aid of the defense of the realm.

It has been argued that by authorizing the Federal Government to suspend the privilege of the writ of habeas corpus, section 9 of article I of the Constitution confers on the President as well as Congress a right which amounts in substance to the power to declare martial law; but so far as we know that argument has been consistently rejected, as it was in the *Milligan case*, because such a suspension merely guards against abuse of that privilege in times of stress, to the embarrassment of the courts and other civilian authorities, and does not subject the latter themselves or any civilian to military control.

Those statutes such as R. S., secs. 5297-5299 (50 U. S. C. 201-203) and 35 Statutes 400 (32 U. S. C. 81a), which authorize the employment of Federal troops to suppress domestic disturbances or repel invasion, likewise suggest no intent to produce or authorize the President to produce, even temporarily, that absolute subordination of civilian citizens to military control which is of the essence of martial law. Indeed, we know of no act of Congress now in effect which can be construed as conferring such authority on the President; and as long as Congress

remains in session, so that its action can be invited, we therefore doubt that the President could legally employ that measure or authorize his general to do so, without the express sanction of Congress—however urgently necessary in fact such absolute military control might be or become to the defense of this coast.

#### CONGRESSIONAL ACTION REQUIRED

With all deference, we therefore feel bound to urge immediate and decisive action by Congress, so that no doubt need at any time exist to induce hesitation on the part of the Commander in Chief or his general, regarding the legality of that measure, if pressure of military necessity should impel its adoption.

We do not ignore the legal possibility of action by the legislatures and Governors of the several States exposed, but we regard that possibility as purely academic. Unlike the Territory of Hawaii, those States are individually sovereign; but they are so numerous and so nearly devoid of armed force of their own that any declaration of martial law by them, even if all of them should concur in declaring it, would have to be followed by appeals to the Federal sovereignty to supply the means of maintaining it. The confusion and conflict of authority which might easily ensue would tend to defeat the only proper object of such a measure, that is to say, unity of command over all activities and all resources within the threatened area. There is no practical alternative, we think, to action by Congress.

In taking such action, we also respectfully suggest the wisdom of enabling the commanding general of any area over which martial law may be imposed to avail himself of the services of qualified civilians, that is to say, of civilian judges and attorneys versed in the subject of military law—by appointing them as part of the personnel engaged in administering military justice over civilians throughout that area. Such personnel includes the members of military commissions, their trial judge advocates and defense counsel, and such authorities as the commander may constitute to review their decisions and those of his provost courts. The numerous and substantial benefits likely to flow from such use of properly qualified civilians are very apparent. Perhaps the most important are that it will permit a quite considerable conservation of officer personnel; will facilitate accurate appraisal of civilian acts and motives; and will quiet the natural apprehensions of civilians confronted with an unfamiliar and supposedly rigorous system of criminal justice. Actually, of course, that system is designed to secure celerity without the slightest inattention to proper protection of the accused, and when this is discovered, as it will be under the administration of any such commander as we now have on this coast, such civilian apprehensions will quiet themselves. But any reassurance which can be afforded at the outset is likely to prove advisable as a tonic to civilian morale—so long as it does not impair the efficiency of that system of justice or the discipline which the latter conserves.

#### USE OF CIVILIANS

The only legal obstruction to such use of civilians is, we believe, the following provision in R. S. 3679 (31 U. S. C. 665):

“\* \* \* Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.”

The addition to that sentence of the words, “and excepting in time of war, the Army, the Navy, and their respective officers,” would remove that obstruction, and would enable the Army and Navy at their need and pleasure, to avail themselves of the voluntary services which many civilians, including the civilian members of this association, would gladly tender to them in such crises as this.

The use of civilian lawyers as members of military tribunals having jurisdiction over civilians is not altogether novel. The appointment sustained by the Supreme Court in *Mechanics', etc. Bank v. Union Bank of Louisiana*, mentioned above, is an instance in point. Other and similar instances are noted by Winthrop (*Military Law and Precedents*, p. 835); but until the present war it was still accurate to say as Colonel Winthrop did at the page just cited, that “military commissions” (no nomine) had invariably been composed of commissioned officers, although “strictly legally, they might be composed otherwise should the commander will it—as, for example in part of civilians or of enlisted men.”

But on the day of the Pearl Harbor attack the Military Governor of Hawaii, by his Executive Lt. Col. Thomas A. Green, the highly resourceful Department

Judge Advocate of that department, promulgated General Orders 3 and 4 by which he established a military commission of five members for the trial of civilians accused of more serious offenses and two provost courts of one member each for the trial of civilians accused of less serious offenses; vested in the commission jurisdiction to adjudge, effective upon his confirmation, any appropriate punishment, including death; vested in the provost courts jurisdiction to adjudge, effective forthwith, punishments not exceeding in any case a fine of \$5,000 plus imprisonment for 5 years; appointed two commissioned officers to constitute the provost courts and appointed commissioned officers to comprise three of the members and also the defense counsel of the commission; but appointed civilian lawyers to comprise the other two members and the trial judge advocate of the commission; and designated one of the civilian members of the commission as its president and law member.

According to all our advices, including those from civilian sources in the islands, this arrangement was well received and has worked well; but ultimately the provisions of R. S. 3679 compelled the Army to commission the civilian members of the military commission and thus, as we think, to impair to some extent the salutary effect of its original composition.

The President's appointment of Mr. Justice Roberts, a civilian, as presiding member of the Commission of Inquiry is, of course, a still more recent and authoritative, although less pointed, precedent.

The association has not yet had the opportunity to procure and study the actual text of the President's recent order to which you refer. As reported in some of the press accounts of that order, it authorizes or directs the commanding general to designate certain military zones within the western defense command; to remove enemy aliens from those zones and to concentrate such aliens in other locations. Such provisions, we think, would obviously not involve any imposition of martial law. As reported in some press accounts, the order also authorizes similar action in respect of some citizens, who are distinguished from other citizens by enemy alien parentage or antecedents; but we do not feel at liberty to attempt to construe the meaning or effect of any such provision in advance of a study of its actual text and context.

## EXHIBIT 8.—GOVERNOR'S PROCLAMATION—MARTIAL LAW FOR TERRITORY OF HAWAII

SUBMITTED BY C. HUNTINGTON JACOBS, PRESIDENT, THE MILITARY LAW ASSOCIATION

Governor Poindexter, at 4:30 p. m. Sunday, issued a proclamation placing the Territory under martial law. Lt. Gen. Walter C. Short, commanding the Hawaiian department, was authorized and requested "during the present emergency and until the danger of invasion is removed to exercise all the powers normally exercised by me as governor."

Rules Nos. 1, 2, and 3 under the Hawaii defense law are attached.

Text of the proclamation and rules follow:

### TERRITORY OF HAWAII—A PROCLAMATION

Whereas it is provided by section 67 of the Organic Act of the Territory of Hawaii, approved April 30, 1900, that, whenever it becomes necessary, the Governor of the Territory may call upon the commander of the military forces of the United States in that territory to prevent invasion; and

Whereas it is further provided by the said section that the Governor may in case of invasion or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus and place the Territory under martial law; and

Whereas the armed forces of the Empire of Japan have this day attacked and invaded the shores of the Hawaiian Islands; and

Whereas it has become necessary to repel such attack and invasion; and

Whereas the public safety requires: Now, therefore,

I, J. B. Poindexter, Governor of the Territory of Hawaii, do hereby announce that, pursuant to said section, I have called upon the commanding general, Hawaiian department, to prevent such invasion;

And pursuant to the same section, I do hereby suspend the privilege of the writ of habeas corpus until further notice;

And pursuant to the same section, I do hereby place the said Territory under martial law:

And I do hereby authorize and request the commanding general, Hawaiian department, during the present emergency and until the danger of invasion is removed, to exercise all the powers normally exercised by me as Governor;

And I do further authorize and request the said commanding general, Hawaiian department, and those subordinate military personnel to whom he may delegate such authority, during the present emergency and until the danger of invasion is removed, to exercise the powers normally exercised by judicial officers and employees of this Territory and of the counties and cities therein, and such other and further powers as the emergency may require;

And I do require all good citizens of the United States and all other persons within the Territory of Hawaii to obey promptly and fully, in letter and in spirit, such proclamations, rules, regulations and orders, as the commanding general, Hawaiian department, or his subordinates, may issue during the present emergency.

In witness whereof, I have hereunto set my hand and caused the seal of the Territory of Hawaii to be affixed.

Done at Honolulu, Territory of Hawaii, this 7th day of December 1941.

J. B. POINDEXTER,  
*Governor of the Territory of Hawaii.*

By the Governor:  
[SEAL]

CHARLES M. HITE,  
*Secretary of Hawaii.*

## EXHIBIT 9.—MILITARY COMMISSION NAMED FOR TERRITORY OF HAWAII

SUBMITTED BY C. HUNTINGTON JACOBS, PRESIDENT, THE MILITARY LAW ASSOCIATION

*General Orders No. 3, December 7, 1941.*

1. By virtue of the power vested in me as military governor, a military commission is appointed to meet at Honolulu, Territory of Hawaii, to meet at the call of the president thereof, for the trial of such persons as may be properly brought before it: James L. Coke, president and law member; Alva E. Steadman; Lt. Col. E. F. Ely, Finance Department; Lt. Col. Hyatt F. Newell, Inspector General's Department; Lt. Col. V. G. Allen, Adjutant General's Department; Angus Taylor, trial judge advocate; Maj. H. M. Coppin, Adjutant General's Department, defense counsel.

2. By virtue of the power vested in me as military governor, Maj. Henry DuPres, Adjutant General's Department, is appointed as a provost court to meet at Schofield Barracks, Territory of Hawaii, for the trial of such persons as may be properly brought before it.

3. By virtue of the power vested in me as military governor, Lt. Col. Neal D. Franklin, Judge Advocate General's Department, is appointed as provost court to meet at Honolulu, Territory of Hawaii, for the trial of such persons as may be properly brought before it.

By order of the military governor.

THOMAS H. GREEN,  
*Lieutenant Colonel, Judge Advocate General's Department,*  
*Executive.*

## EXHIBIT 10.—POLICY GOVERNING TRIALS OF CIVILIANS IN TERRITORY OF HAWAII

SUBMITTED BY C. HUNTINGTON JACOBS, PRESIDENT, THE MILITARY LAW ASSOCIATION

GENERAL ORDERS No. 4, DECEMBER 7, 1941

By virtue of the power vested in me as military governor, the following policy governing the trial of civilians by military commissions and provost courts is announced for the information and guidance of all concerned:

1. Military commissions and provost courts shall have power to try and determine any case involving an offense committed against the laws of the United

States, the laws of the Territory of Hawaii, or the rules, regulations, orders, or policies of the military authorities. The jurisdiction thus given does not include the right to try commissioned or enlisted personnel of the United States Army and Navy. Such persons shall be turned over to their respective services for disposition.

2. Military commissions and provost courts will adjudge sentences commensurate with the offense committed. Ordinarily, the sentence will not exceed the limit of punishment prescribed for similar offenses by the laws of the United States or the Territory of Hawaii. However, the courts are not bound by the limits of punishment prescribed in said laws and in aggravated cases and in cases of repeated offenses the courts may adjudge an appropriate sentence.

3. The record of trial in cases before military commissions will be substantially similar to that required in a special court martial. The record of trial in cases before provost courts will be substantially similar to that in the case of a summary court martial.

4. The procedure in trials before military commissions and provost courts will follow, so far as it is applicable, the procedure required for special and summary courts martial, respectively.

5. The records of trial in all cases will be forwarded to the department judge advocate. The sentences adjudged by provost courts shall become effective immediately. The sentence adjudged by a military commission shall not become effective until it shall have been approved by the military governor.

6. All charges against civilian prisoners shall be preferred by the department provost marshal or one of his assistants.

7. The provost marshal is responsible for the prompt trial of all civilian prisoners and for carrying out the sentence adjudged by the court.

8. Charges involving all major offenses shall be referred to a military commission for trial. Other cases of lesser degree shall be referred to provost courts. The maximum punishment which a provost court may adjudge is confinement for a period of 5 years and a fine of not to exceed \$5,000. Military commissions may adjudge punishment commensurate with the offense committed and may adjudge the death penalty in appropriate cases.

9. In adjudging sentences, provost courts and military commissions will be guided by, but not limited to, the penalties authorized by the courts martial manual, the laws of the United States, the Territory of Hawaii, the District of Columbia, and the customs of war in like cases.

THOMAS H. GREEN,  
*Lieutenant Colonel, Judge Advocate General's Department,  
Executive Officer.*

## EXHIBIT 11.—STATEMENT BY THE MILITARY LAW ASSOCIATION

SUBMITTED BY C. HUNTINGTON JACOBS, PRESIDENT

### REPORT OF SPECIAL SECTION DETAILED JANUARY 27, 1942, UPON THE LEGALITY OF APPOINTMENT OF CIVILIAN JUDGES TO MILITARY COMMISSIONS CONVENED UNDER MILITARY LAW

(1) The earliest precedent found by your section for appointment of any civilian to a military commission, called by that name, is contained in No. 3 of the general orders of General Short, then the military governor of Hawaii, dated December 7, 1941. That order (evidently drafted by Lt. Col. Thomas A. Green, the department judge advocate of the department of Hawaii) appoints "James L. Coke, president and law member; Alva E. Steadman; Lt. Col. E. F. Ely, Finance Department; Lt. Col. Hyatt F. Newell, Inspector General's Department; Lt. Col. V. G. Allen, Adjutant General's Department, defense counsel" to constitute a military commission for the trial of such civilians, accused of any criminal offense, civilian or military, as may properly be brought before it by charges to be preferred by the provost marshal general under No. 4 of those general orders. The latter order vests the commission with unlimited power to punish, subject, however, to confirmation by the convening authority, and assimilates its procedure to that of a special court martial. A slightly less pointed but still more recent and authoritative precedent is the appointment by President Roosevelt of Justice Roberts to head the mixed board of inquiry into the Pearl Harbor debacle.

(2) The second edition (published 1920) of Colonel Winthrop's *Military Law and Precedents* observes at page 835 (reference 1303):

"Following the analogy of courts martial, military commissions in this country have invariably been composed of commissioned officers of the army. Strictly legally, they might indeed be composed otherwise should the commander will it—as, for example, in part of civilians or of enlisted men."

Your section finds no authority to the contrary.

(3) By the following decisions the United States Supreme Court upheld the power of the President, as Commander in Chief during the Civil War, to constitute, with a single civilian judge, the so-called Provisional Court of Louisiana, and to vest it with both civil and criminal jurisdiction over civilians within the area including and immediately surrounding the city of New Orleans, after recovery of that area from the rebel forces and while it was still imminently threatened with invasion by them, namely: *The Grapeshot v. Wallerstein*, 1869 (9 Wall., 76 U. S. 129, 19 L. Ed. 651); *Burke v. Miltonberger*, 1874, 19 Wall., 86 U. S. 519, 22 L. Ed. 158.

(4) Note, in passing, that both of these decisions are later than *Ex Parte Milligan*, 1866, 4 Wall., 71 U. S. 2, 18 L. Ed. 281, that the *Grapeshot* decision was delivered by Mr. Chief Justice Chase, the author of the minority or specially concurring opinion in the *Milligan case*, while the *Burke* decision was rendered by Mr. Justice Davis, author of the majority decision in the *Milligan case*; that both of these later decisions were substantially unanimous; and that both of these later decisions must be taken as superseding the dicta of the majority in the *Milligan case* to the effect that martial law may not legally be declared except while the civilian courts are closed by actual and present invasion or insurrection.

(5) Note also that if criminal jurisdiction may be conferred as a measure of war, upon a civilian over civilians in threatened territory, it is scarcely material whether the tribunal he constitutes be called a provisional court or a military commission; although of the two the latter name is certainly more familiar and appropriate to martial law.

(6) Military commissions are recognized by Articles of War 15, 38, 80, 81, and 82 as tribunals appropriate for the trial of civilians under military jurisdiction and even, under some very exceptional circumstances, of military personnel. The same articles explicitly limit personnel of courts martial to commissioned officers. They omit any such limitation in the case of such commissions. It is inferrable that no such limitation was intended to be observed in constituting such commissions unless at the pleasure of the convening authority.

(7) Military customs support the convening of military commissions "by the same commanders as are empowered by articles 72 and 73 to order general courts martial" Winthrop, *op. cit.*, page 835 (ref. 1302).

(8) The power of such a commander to appoint the civilian judge who composed the so-called Provisional Court of Louisiana was upheld by the Supreme Court of the United States in (*Mechanics', etc., Bank v. Union Bank of Louisiana*, 1874, 22 Wall., 89 U. S. 276, 22 L. Ed. 871).

(9) The latter "court" was, we think, only a special form of military commission. Unlike a court martial whose finding of innocence is conclusive and whose sentence establishes the maximum punishment which the convicted defendant may be required to undergo, the military commission, in its normal form, is not vested with power to render judgment possessing any finality—not even a judgment of acquittal. Its findings and sentences take effect only if, when, and to the extent that they are confirmed by the convening authority. They are, in other words, as purely advisory as the findings, conclusions, and recommendations of a special master in equity, unless and until and to the extent that they are adopted as the acts of the commander himself. Such, for example, is the commission established by General Order 3 in Hawaii. It seems apparent that if the commander has power, in virtue of the authority of the President, to appoint a single civilian to compose, uniquely, a "court" whose decrees were originally conclusive, he must have power to include civilians in the membership of such a purely advisory body as a military commission normally is. For martial law is the will of the commander (*Ex Parte Milligan, supra*).

(10) Our conclusion is that such an appointment is legally proper.

Approved for the Association:

C. HUNTINGTON JACOBS,  
President.

Submitted for the Section:

WM. S. GRAHAM,  
Acting Chairman.

## EXHIBIT 12.—TENTATIVE PLAN FOR THE ORGANIZATION OF MILITARY TRIBUNALS IN THE AFFECTED AREA OR AREAS ON THE PACIFIC COAST IN THE EVENT OF A DECLARATION OF MARTIAL LAW

PREPARED BY C. HUNTINGTON JACOBS, PRESIDENT, THE MILITARY LAW ASSOCIATION

To guide the preparation of an appropriate general order in the event supposed, it is suggested the following instructions might be given by appropriate authority:

### SECTION 1. PERSONS AFFECTED

1-1. Specify that the term "civilian," as used in this general order, includes all persons except those made subject by A. W. 2 or the Articles for the Government of the Navy to military or naval discipline, while so subject, and includes persons of the latter class only when it expressly refers to them.

### SECTION 2. UNDESIRABLE PERSONS

2-1. Provide that any civilian, whether or not accused or convicted of any specific crime, who is found by a military commission sitting as a court, or by a superior provost court, to constitute, by reason of his or her conduct or otherwise, a menace to the security, health, or morale of the armed forces or civilians in any such area, or a menace to public or private property therein which is or may be useful for any military purpose, may by such court be ordered held in preventive custody, or required to quit any or all of such areas, or required to give bond in cash or with sufficient surety or sureties, conditioned for prompt and faithful obedience to orders and regulations and for good and loyal conduct, or both to quit any or all such areas and give such bond in lieu of being held in preventive custody.

### SEC. 3. CRIMES

3-1. Provide that any civilian who, within any affected area and after the declaration of martial law over that area, violates any military order or regulation or the laws of war or is guilty of any act or omission which does or normally would constitute an offense against any Federal, State, or municipal constitution, statute, or ordinance in effect in that area at the time of such declaration, shall suffer such punishment, not cruel or unusual, as a military commission or provost court may direct, subject to the further provisions of this order.

### SEC. 4. TERRITORIAL UNITS

4-1. Divide each affected area (as shown on a large-scale map) into "subdivisions," following the county lines as closely as may be, but avoiding creation of any subdivision which either is greater in area than 15,000 square miles or has a civilian population in excess of 150,000.

4-2. Group these subdivisions into "districts" of about 4 subdivisions each.

4-3. Specify the location of headquarters for the administration and enforcement of military justice in each district and in each subdivision.

### SEC. 5. ENFORCEMENT

5-1. Direct that the Provost Marshal General establish and maintain all headquarters prescribed by section 4 of this order and such additional headquarters as the work of enforcement may require.

5-2. Provide that the Provost Marshal General control all activities under this order except as otherwise provided therein.

5-3. Authorize the Provost Marshal General and his commissioned and non-commissioned subordinates to call to their assistance, when necessary, any or all able-bodied male civilians found within any district, in aid of the arrest and detention of civilians within that district who are accused or convicted of crime, whether or not such civilians are otherwise subject to military or naval discipline.

### SEC. 6. ADMINISTRATION

6-1. Provide that, subject to this and subsequent general and special orders of the military governor, the administration of military justice under this order shall be conducted by (a) the executive officer, (b) the district officers, and (c) the presidents of the military commissions hereinafter mentioned.

## SEC. 7. EXECUTIVE OFFICER

7-1. Direct the executive officer to supervise directly and generally the form and content of charges, specifications, records and reports of all judicial officers and tribunals appointed or constituted by this order or subsequent orders amendatory thereof or supplementary thereto.

7-2. Authorize the executive officer, whenever he shall deem the dispatch of judicial business requires it, to transfer military personnel and civilian personnel (with their consent) from one district to another. Provide that civilian personnel shall rank within their respective grades in accordance with seniority of appointment thereto, and those of equal seniority in accordance with seniority of birth.

## SEC. 8. DISTRICT OFFICERS

8-1. For each district appoint a member of the Judge Advocate General's Department or a civilian lawyer versed in military law as District Officer to execute within that district, the orders of the executive officer and generally to supervise within that district the form and content of charges, specifications, records, and reports of all judicial officers and tribunals appointed or constituted by this order or subsequent orders amendatory thereof or supplementary thereto.

8-2. Authorize every district officer, whenever he shall deem the dispatch of judicial business within his district requires it, to assign to duty in any subdivision personnel transferred to his district and to transfer military personnel and civilian personnel (with their consent) from one subdivision to another within his district. Provide that any personnel so transferred shall report for duty to the presidents of the military commissions of the subdivisions to which they are respectively transferred.

## SEC. 9. FEDERAL AND STATE COURTS

9-1. Authorize expressly all Federal, State, municipal, and justices' courts and their respective officers and jurors to continue to exercise their respective normal original and appellate jurisdictions and functions in respect of all civil actions and proceedings and in respect of all criminal offenses alleged to have occurred outside any affected area or before the declaration of martial law over the area in which the offense is alleged to have occurred.

## SEC. 10. MILITARY TRIBUNALS—HOW CONSTITUTED

10-1. Provide that in each subdivision there shall be three kinds of tribunals; namely, the military commission constituted by this order when sitting as a court and the superior and inferior provost courts to be constituted by details from the personnel of that commission in the manner as specified below.

10-2. Appoint as the members of each commission 12 persons; namely, 8 officers, active or retired, and 4 civilians. Appoint as civilian members lawyers, preferably judges, who are conversant with military law. Designate 4 members who are conversant with military law, respectively as president and law member and as first, second, and third assistant presidents and law members of the commission. Provide that in case of the absence or disability of the president and law member, his senior assistant shall perform his duties.

10-3. Appoint three lawyers, preferably civilians, who are conversant with military law, respectively as trial judge advocate and as first and second assistant trial judge advocates of the commission.

10-4. Appoint three civilian lawyers or an officer and two sergeants, respectively as defense counsel and as assistant defense counsel of the commission.

10-5. Provide that each inferior provost court shall consist of one commissioned member. Provide that the president shall detail and keep in session two inferior provost courts at all times, and additional inferior provost courts when the dispatch of business requires them and sufficient commissioned members are available to compose them.

10-6. Provide that each superior provost court shall consist of two commissioned members and one civilian member of the commission; of the trial judge advocate or one of his assistants and of the defense counsel or one of his assistants. Provide that the president shall detail and keep in session one superior provost court at all times, and additional superior provost courts when the dispatch of business requires them and sufficient commissioned and civilian members are available to compose them.

10-7. Provide that the commission, when sitting as a court for the trial of hearing of any matter, shall be composed, in the discretion of the president, either of four commissioned and three civilian members or of three commissioned and two civilian members, always including, in either event, the president and the senior commissioned member of the whole commission, unless one or both of them shall be absent from the subdivision or disabled, and including in the latter event the next senior present and fit for duty. Provide that otherwise the commission when sitting as a court shall be composed of members detailed by the president. Provide that when sitting as a court the commission shall be attended and served by the trial judge advocate and one of his assistants and the defense counsel and one of his assistants. Provide that the commission shall sit as a court so long, only, as there shall be any case referred to the commission which remains pending and cannot be adequately disposed of by a superior or inferior provost court.

10-8. Provide that in making all selections of military personnel for such details, the president shall act only upon and in accordance with the advice of the senior commissioned member of his commission.

#### SEC. 11. MILITARY TRIBUNALS—POWER TO PUNISH OR ACQUIT—PROCEDURE, RECORDS

11-1. Provide that when sitting as a court, a military commission shall have power to determine matters arising under section 2 and power to adjudge upon a conviction of crime any punishment not cruel or unusual, including banishment or death. Provide that a superior provost court shall have power to determine matters arising under section 2 and power to adjudge upon a conviction of crime imprisonment for not longer than 6 months or a fine of not exceeding \$1,200 or both. Provide that an inferior provost court shall have power to adjudge upon a conviction of crime imprisonment for not longer than 1 month or a fine of not exceeding \$200, or both.

11-2. Provide that a judgment of acquittal shall be final when rendered; and a judgment of conviction, when rendered, shall conclusively determine the maximum penalty or detriment which may be imposed upon the convicted defendant on account of the matter charged and tried by the court.

11-3. Provide that insofar as the penalty or detriment imposed by any judgment shall be within the jurisdiction of the court which rendered it, the judgment shall be effective when rendered, subject to review; except that a sentence of death or of banishment from any affected area shall become effective only if and when confirmed by the military governor.

11-4. Provide that a sentence of death shall not be valid unless unanimous; that to the extent it exceeds the jurisdiction of a superior provost court, a sentence shall not be valid unless concurred in by three-fourths or more of the members of the commission who heard and decided the case in which it was imposed; that to the extent of the penalty or detriment of banishment, a judgment imposing that penalty or detriment shall not be valid unless concurred in by three-fourths or more of such members, if such judgment be that of a commission, or unless concurred in by all of the judges, if such judgment be that of a superior provost court; and that to the extent it exceeds the jurisdiction of a minor provost court, the sentence of a commission shall not be valid unless concurred in by two-thirds or more of the members of the commission who heard and decided the case in which it was imposed.

#### SEC. 12. ARRAIGNMENT—CHARGES—REFERENCE OF CASES

12-1. Provide that no civilian not presently charged with crime shall be arrested or tried under the provisions of section 2 except by order of the military governor or the provost marshal general.

12-2. Provide that every civilian or apparent civilian arrested, whether or not otherwise subject to military or naval discipline, shall as promptly as possible be produced and arraigned before the nearest inferior provost court.

12-3. Provide that the latter court shall thereupon summarily inquire into the matter. Provide that if the prisoner be found to be a person subject to military or naval discipline under the provisions of A. W. 2 or the Articles for the Government of the Navy, he shall forthwith be delivered into the custody of those having disciplinary control over him. Provide that if the prisoner be found to be a civilian not so subject, he shall be disposed of by the inferior provost court as follows: (a) If he is accused under section 2 or is apparently guilty of any crime

too serious to be adequately punished by an inferior provost court, he shall be remanded to custody or admitted to bail pending further proceedings in accordance with this order. (b) Otherwise he shall be summarily charged, tried, and dismissed or sentenced by the inferior provost court itself.

12-4. Provide that in the case of any civilian prisoner who is accused under section 2 or apparently guilty of any crime too serious to be adequately punished by the inferior provost court, the judge of the latter court shall promptly prepare and execute or cause to be executed, appropriate charges and specifications in substantially the form prescribed by the military court-martial and forward them to the president of his commission.

12-5. Provide that the President shall require any necessary revision of the charges and specifications.

12-6. Provide that the President shall as promptly as possible refer the case for trial to a superior provost court if the powers and procedure thereof are, in his judgment, appropriate to the case; and that otherwise he shall refer it for trial to the commission sitting as a court.

#### SEC. 13. TRIAL PROCEDURE—EVIDENCE—RECORDS—BAIL

13-1. Provide that in all cases the procedure, the rules governing the production, admission, and preservation of evidence, and the form and content of records, of a military commission sitting as a court shall be assimilated to those of a general court martial; those of a superior provost court, to those of a special court martial; and those of an inferior provost court, to those of a summary court martial, except that in all trials in superior provost courts, as well as commissions, all evidence shall be phonographically reported and recorded in full, and that an inferior provost court may in its discretion order any or all testimony to be so reported and recorded.

13-2. Provide that at any time prior to conviction, a civilian prisoner may be admitted to bail by a majority of the members of the court before which his case is pending or by the presiding member of that court. Provide that bail shall be in such amount as may be approved by the authority admitting to bail and shall be in the form of cash or of a bond with such surety or sureties as that authority may approve. Provide that all bail be conditioned upon appearance of the prisoner at all subsequent hearings and proceedings of the matter before that court. Provide that orders admitting to bail shall be written and shall be made and executed in duplicate, that one copy shall be delivered to the custodian of the prisoner, and that one shall be filed and preserved as a part of the record of the case.

#### SEC. 14. TRANSFERS OF COURTS AND OF CASES

14-1. Provide that whenever the dispatch of business or military exigencies require such action, a military tribunal within the affected areas which is engaged in the trial of a case may be removed from one to any other location within the affected areas; and may complete such trial during or after such removal, or both; except that no proceedings of the tribunal shall be valid unless they take place within an affected area. Provide that alternatively any case which is pending before any military tribunal within the affected areas may for a like reason be transferred for completion to any other such tribunal within those areas.

14-2. Provide that any transfer must be ordered by the executive officer or military commander, except that transfers of that nature from one location or court to another within the same district, may be ordered by the district officer of that district.

#### SEC. 15. REVIEW—REVISION—CLEMENCY

15-1. Provide that all records of cases tried within any subdivision shall be promptly delivered to the president of the commission therein; forwarded to the district office as promptly as final action is taken within the subdivision; and forwarded to the executive officer as promptly as final action is taken within the district.

15-2. Provide that judgments of acquittal shall not be reviewed nor revised; and no sentence shall be increased.

15-3. Provide that any judgment of conviction which imposes no penalty or detriment in excess of the powers of an inferior provost court and which was rendered by a commission with the concurrence of three-fourths or more of its members who heard and decided the case, or rendered by a superior provost court with the concurrence of all three of its judges, shall not be reviewed nor revised, unless by the district officer, nor unless within 15 days after the record of the case has been delivered to him.

15-4. Provide that insofar as a sentence imposes the penalty of death or the penalty or detriment of banishment, it shall not be confirmed except by the military governor, but may be set aside or moderated by intermediate reviewing authority.

15-5. Provide that subject to paragraphs "15-2," "15-3," and "15-4," all judgments of commissions sitting as courts within any district and all judgments of superior provost courts therein which impose the penalty or detriment of banishment shall be reviewed and either confirmed or revised by the district officer of that district.

15-6. Provide that subject to paragraphs "15-2," "15-3," "15-4," and "15-5" every judgment of a provost court within any subdivision shall be reviewed by the president of the commission for that subdivision if he is qualified to act in that case on review, and if not, then by the next senior civilian member of that commission who is so qualified. Provided that no member shall be qualified to act on review if he participated in the trial or decision of the case reviewed.

15-7. Provide that the term "revise" shall be understood to include setting a judgment aside in whole or part, dismissing the case, ordering a new trial, or reducing or remitting all or any part of a judgment or sentence under review.

15-8. Provide that applications for clemency will be considered only after conviction of the prisoner on whose behalf they are made; that they must state the prisoner's name, nationality, address, age, and occupation and those of the applicant; that they must state when, where, and by what court the prisoner was convicted and the sentence imposed; that they must state specifically and briefly the facts deemed to require or justify clemency in his case, and the name, nationality, address, and occupation of any person claimed by the applicant to have personal knowledge of those facts of any of them; that they must indicate the action desired; that they must be verified under the oath of the applicant; and that they may be delivered to any member of a military commission in any subdivision. Provide that, if according to such an application, the prisoner is under sentence of death the member receiving it shall, as promptly and directly as possible and as informally as need be, communicate the fact and contents of the application to the executive officer who shall thereupon communicate them promptly with his recommendation to the military governor. Provide that in all cases the application shall be promptly transmitted through the president and district officer to the executive officer, who shall cause to be made such investigation as he deems appropriate, and shall report the facts with his recommendation to the military governor. State that the military governor retains the right to stay the execution of any sentence not fully executed or to direct any remission or mitigation thereof which the facts may, in his opinion, warrant.

Respectfully submitted to the section.

C. HUNTINGTON JACOBS.

## EXHIBIT 13.—THE POSITION OF ALIENS IN GREAT BRITAIN DURING THE WAR

REPORT BY BRITISH LIBRARY OF INFORMATION, 30 ROCKEFELLER PLAZA, NEW YORK CITY

MARCH 20, 1942.

*Introduction.*—At the outbreak of war Great Britain announced a considerate policy toward her enemy aliens, most of whom were known to be "refugees from Nazi oppression." "There will be a general desire," said the Home Secretary, "to avoid treating as enemies those who are friendly to the country which has offered them asylum."<sup>1</sup> The unexpected course of the war in Europe brought about drastic changes in this policy, and when in the tenth month of the war invasion seemed imminent, Britain interned a large number of enemy alien refugees, and even transferred some to internment in Canada and Australia. Later, however, it became possible to revert to the old policy. The interned refugees were almost all released and were allowed, on the same terms as other friendly aliens, to play their full part in the Allied cause. Though some persons saw even temporary internment as an unnecessary hardship to refugees who were Hitler's enemies, the dominant fact is that Britain interned refugees only in a period of unexpected crisis, and reversed this policy for all who proved, after scrutiny, to be completely trustworthy.

<sup>1</sup> Parliamentary Debates, House of Commons, September 4, 1939.

The problem of the refugees was but a portion of the larger alien problem of Great Britain. There were hostile enemy aliens who had to be interned. There were aliens, allied or neutral, whose treatment had to be considered individually. More difficult still, many refugees came to Britain, as the war developed from countries occupied by the enemy, and it was often difficult to decide whether they were reliable or not. Most of the alien problems of Great Britain have now been solved, and the story can be surveyed as one which has achieved a relatively happy ending.

*The outbreak of war.*—In September 1939 there were in Great Britain 238,074 aliens of the following nationalities:

American-----	13, 665	Japanese-----	966
Austrian-----	11, 989	Norwegian-----	2, 220
Belgian-----	4, 207	Polish-----	8, 776
Bulgarian-----	79	Portuguese-----	470
Chinese-----	2, 652	Rumanian-----	2, 692
Czechoslovak-----	7, 930	Russian-----	47, 664
Danish-----	3, 162	Serbian-----	509
Dutch-----	5, 668	Spanish-----	3, 039
Finnish-----	447	Swedish-----	2, 691
French-----	11, 613	Swiss-----	10, 088
German-----	62, 244	Turkish-----	866
Greek-----	1, 607	Others-----	9, 738
Hungarian-----	3, 965		
Italian-----	19, 127	Total-----	1 238, 074

<sup>1</sup> Parliamentary Debates, House of Commons, October 26, 1939.

In an order dated September 4, 1939,<sup>2</sup> all aliens over 16 were obliged to report immediately to the police. Enemy aliens (that is Germans and Austrians) were forbidden, without previous permission, to change their residence or to travel more than 5 miles from their residence (except in the London area), or own vehicles, cameras, or maps. Other aliens were only to notify changes of address or absences of over 2 weeks. British and foreign women who had acquired German or Austrian nationality by marriage had to register. Citizens of Czechoslovakia, even though previously resident in areas occupied by Germany, were not classified as enemy aliens.

Some 2,000 enemy aliens on the "black list" of the British authorities were immediately interned at the outbreak of war;<sup>3</sup> but it was known that of the 74,233 Germans and Austrians resident in Great Britain at least 50,000 were "refugees." The majority of these refugees were Jews, or Christians of Jewish descent, who had been forced to leave Germany or Austria because of "racial" persecution. Others were victims of religious persecution (as Christians), or of political persecution. The Government announced that it would refrain from a policy of general internment, but would, instead, have all Germans and Austrians reviewed before tribunals, to ascertain which of them could properly be left at large, and which should be interned or subjected to other restrictions.<sup>4</sup>

*The tribunals for enemy aliens.*—Within a few weeks over 100 tribunals were set up throughout the country, most tribunals being given not more than 500 cases to examine. The tribunal, in every case, consisted of a single person with judicial experience, usually a judge or a barrister, assisted by a liaison officer, and if required, by an interpreter. The liaison officer was selected by the voluntary refugee committees, and was able to supply information in the possession of these committees. A police officer was also present to supply the tribunal with confidential information in the possession of the authorities.<sup>5</sup> Friends or witnesses could accompany the alien.<sup>6</sup>

The tribunals were instructed to specify which of the enemy aliens they examined could be considered as refugees, and to put every enemy alien in one of three categories:

Category A. To be interned immediately.

Category B. Subject to some restrictions, mainly restriction of movement without permission.

Category C. Free of all restrictions, except those applicable to nonenemy aliens.

<sup>2</sup> Statutory Rules and Orders, 1939 No. 994.

<sup>3</sup> House of Lords, Parliamentary Debates, May 23, 1940.

<sup>4</sup> Parliamentary Debates, House of Commons, September 4, 1939.

<sup>5</sup> Parliamentary Debates, House of Commons, September 20, 1939.

<sup>6</sup> Parliamentary Debates, House of Commons, September 28, 1939.

By March 1940, 73,353 Germans and Austrians had appeared before the tribunals, and had been classified as follows:

Category A. Interned.....	569
Category B. Restricted.....	6, 782
Category C. Free from restriction.....	64, 254
Fifty-five thousand four hundred and fifty-seven had been recognized as "refugees from Nazi oppression." <sup>7</sup>	

It was generally agreed that the tribunals had acted fairly, though there was some complaint of a lack of uniformity in decision. Appeals were entered against many of the A and B decisions, and revisory committees were set up to hear the appeals. The greatest lack of uniformity had been over the B category, which had apparently been interpreted by some tribunals to mean "possibly dangerous" and by others as "almost certainly innocent." Twelve regional committees were therefore set up to review the B decisions, and also to reconsider any C cases where the police thought it advisable.<sup>8</sup>

During this period all aliens, including unintended enemy aliens, were allowed to reside in any part of Great Britain and to accept employment subject to the consent of the Ministry of Labor. Enemy aliens were recruited for the Auxiliary Military Pioneer Corps and were allowed to work in defense industries upon the receipt of a permit from the Home Office (8a). Statutory Rules and Orders, 1939. No. 1660.

*Stricter attitude to all aliens.*—At the end of March 1940 the Government began to take stricter measures with regard to the control of aliens. An order was issued<sup>9</sup> declaring that aliens resident in the "protected areas" (mainly important coastal districts) could continue to live there only with the written permission of the police or the Home Secretary. If, having normally lived or worked in these areas before this time, they desired to continue residence, application was carefully considered, and they were allowed to continue residence pending a decision. From April onwards, the "protected areas" were greatly extended in number.<sup>10</sup>

At the beginning of May, when the Netherlands were over-run by the Nazi invaders, the British public became alarmed at the possibility that there might be some fifth columnists among the aliens who still enjoyed freedom in Great Britain. On May 12 the Government suddenly interned all male enemy aliens between 16 and 60 residing in certain coastal areas, and ordered all other aliens residing in these areas, to report daily in person to the police, to refrain from using any motor vehicle or bicycle, and to observe a curfew between 8 p. m. and 6 a. m.<sup>11</sup> It was stated that all these measures were to be regarded as provisional, and the police were authorized to grant exemptions to these restrictions if they were satisfied that it did not prejudice the national interest.<sup>12</sup> A few days later,<sup>13</sup> the general internment of all male enemy aliens between 16 and 60 of category B was ordered and soon the Government began to intern practically all male enemy aliens mainly of category B.<sup>14</sup> During the same period orders were issued, tightening the control over all, including nonenemy aliens.<sup>15</sup> Control over employment was made stricter. They were subjected to a curfew of 10:30 to 6 a. m. (12 midnight to 6 a. m. in the London area), and were forbidden to own firearms, motor vehicles, bicycles, boats, or radios. They were obliged to report their movements carefully to the police, though it was stated that exceptions would be granted in cases where there was no danger. In July an order was issued under which all former Austrians, Germans, and Italians, who had become naturalized British subjects since December 1, 1932, were also obliged to report to the police (15a). Statutory Rules and Orders, 1940. No. 1148.

*Internment of enemy aliens.*—By the end of July 1940 a total of 27,261 enemy aliens had been interned in Great Britain, of which 22,878 were German and Austrians and 4,383 Italians.<sup>16</sup> Of the Germans and Austrians some 5,000 were of category B and 13,200 of category C.<sup>17</sup> The Italians had never been classified by tribunals, owing to their late entry into the war.

<sup>7</sup> Parliamentary Debates, House of Commons, March 1, 1940.

<sup>8</sup> Home Office statement (Daily Press, March 28, 1940).

<sup>9</sup> Statutory Rules and Orders, 1940. No. 468.

<sup>10</sup> Statutory Rules and Orders, 1940. Nos. 726, 857, 869, 931, 983, 1464.

<sup>11</sup> Statutory Rules and Orders, 1940. No. 720.

<sup>12</sup> Home office statement (Daily Press, May 13, 1940).

<sup>13</sup> Home office statement (Daily Press, May 17, 1940).

<sup>14</sup> Parliamentary Debates, House of Commons, June 20, 1940.

<sup>15</sup> Statutory Rules and Orders, 1940. Nos. 750, 754, 819, 1061.

<sup>16</sup> Parliamentary Debates, House of Commons, December 5, 1940.

<sup>17</sup> Parliamentary Debates, House of Commons, October 10, 1940.

The Government stated a number of times that internment was "a precautionary measure only, and was not intended to make, nor did it in fact make, any reflection on any loyal or friendly alien interned in pursuance of general directions".<sup>18</sup> On May 29, 1940, the under secretary of state for the home department had affirmed that he could not recall any case since the beginning of the war, of anything which could be described as a hostile act having been proved in a court of law to be attributable to German or Austrian refugees. The dominant cause of the internment policy of 1940 was the expectation of invasion, under which it was felt that "enemy aliens were better out of the way," even those who had proved friendly to the Allied cause. For the same reason, when hostile enemy aliens and prisoners of war were sent in July 1940 to Canada and Australia "for safe-keeping," it was considered advisable to send with them as many interned refugees as possible, on the general principle that the fewer people who had to be looked after during an invasion, the better it would be. As it had never been anticipated in Great Britain that it would be expedient to intern refugee aliens, little preparation had been made with the result that during July and August 1940 conditions in refugee internment camps in Britain were, to say the least, imperfect. Public opinion in Britain was greatly aroused on these questions, and before long the Government gave assurances that certain groups of refugee aliens would be released from internment and that conditions would be greatly improved, as soon as possible, for those remaining.<sup>19</sup>

*Review and release.*—The various committees set up for the treatment of aliens in Great Britain were active after August 1940 in many directions. The Lytton committee was an advisory council on general alien policy,<sup>20</sup> the Asquith committee on internment policy, the Lorraine committee on interned Italians. Separate tribunals reviewed enemy aliens claiming to be released as active anti-Fascists, Germans, and Austrians of category B, and nonenemy aliens detained under article 12 (5A) of the Alien Order, 1922.<sup>21</sup> As early as August 1940, the Government specified (in a White Paper—Cmd. 6233) some categories of interned enemy aliens who could apply for release. In October 1940 and again in 1941, these categories were extended. They may be summarized as follows:

1. Refugees under 18 and over 65, the invalid and infirm, and cases of special hardship.
2. Refugees who held key positions in industries or undertakings of national importance; skilled persons engaged in agriculture, food growing or forestry; managing employers of firms employing at least 12 British workers and engaged in national work.
3. Doctors and dentists practising or studying, scientists, research workers, students.
4. Refugees about to emigrate.
5. Refugees accepted for the Pioneer Corps or honorably discharged from the corps; parents of anyone serving in His Majesty's forces; volunteers for the Army not accepted on the grounds of health or age; refugees who have taken an active part in opposition to the Nazi regime and are friendly to Britain.

The Government was pressed to release all friendly aliens without further delay, but the Home Secretary stated<sup>22</sup> that the policy of the Government would be to extend the process of release in the given categories, in the hope that all who were loyal and useful, or who deserved release on other grounds, might be released under the White Paper. This policy has been carried out thoroughly, and practically all the refugees who were interned in Great Britain are now at liberty.

*Refugees transferred to Canada and Australia.*—When the policy of releasing interned refugees was announced for Great Britain, it was hoped to extend this policy to refugees transferred in July 1940 to internment in Canada and Australia. At first the governments in both Dominions were not prepared to consider release, taking the view that the internees had only been transferred for safekeeping and not as immigrants.<sup>23</sup> The British Government sent representatives to both countries to arrange for the return to Great Britain of refugees who might justifiably claim release under the White Paper.<sup>24</sup> Over 1,000 refugees were returned to Britain from Canada and over 500 from Australia. The Cana-

<sup>18</sup> Parliamentary Debates, House of Commons, January 22 and May 8, 1941.

<sup>19</sup> Parliamentary Debates, House of Commons, July 23, 1940.

<sup>20</sup> Parliamentary Debates, House of Commons, August 7, 1940.

<sup>21</sup> Parliamentary Debates, House of Commons, November 20 and December 3, 1940.

<sup>22</sup> Parliamentary Debates, House of Commons, November 26, 1940.

<sup>23</sup> Parliamentary Debates, House of Commons, March 4, May 29, June 19, July 31, October 16, October 23, 1941, etc.

<sup>24</sup> Parliamentary Debates, House of Commons, December 3, 1940, January 21, 1941.

dian Government also agreed, after a time, to release in Canada student refugees, and men who might be of special value to the war effort. Nearly 300 have already been released on these grounds. It has been announced recently that refugees in Australia will now be released for the Australian Army, the industrial war effort, as students or on health grounds.<sup>25</sup>

While the questions of release were pending in Canada and Australia, conditions for the interned refugees were greatly improved in both countries, and many special facilities were granted to them. Charges made concerning the conduct of the guards on the ships on which the aliens were sent abroad were thoroughly investigated by committees set up by the British Government. The offending soldiers were punished, and the refugees were compensated for loss of their property.<sup>26</sup>

*Statistics.*—On the 11th of November 1941, the Home Secretary gave the following figures of enemy aliens still interned:

	Germans and Austrians				Italians	Total
	A	B	C	Total		
Men:						
Great Britain.....	206	67	321	594	1,893	2,487
Canada.....	2,119	399	609	13,127	320	3,447
Australia.....	297	229	807	1,333	188	1,521
Women: Great Britain.....	430	654	114	1,198	10	1,208
Total.....	3,052	1,349	1,851	6,252	2,411	8,663

<sup>1</sup> About 100 have since been released in Canada.

The figures given in this paper are summarized in the following table:

*Enemy aliens in Great Britain*

	Germans and Austrians			Total	Italians
	Category A and unclassified	B	C		
In Britain in September 1939.....	569	6,782	64,254	73,353	19,127
Maximum number interned, July 1940.....	4,678	5,000	13,200	22,878	4,383
Still interned Nov. 11, 1941.....	3,052	1,349	1,751	6,152	2,411

*Present position of aliens in Great Britain.*—Nationals of states at war with the Axis have recently been exempted from all wartime restrictions on aliens.<sup>27</sup> Though other aliens are still subject to the restrictions mentioned above with regard to curfew, residence in "protected areas," ownership of vehicles of transport, etc., every effort is made to "administer the regulations sympathetically" when the alien is thoroughly reliable and when the restrictions affect employment or civil defense duties. Aliens are helping the national effort on almost the same footing as citizens.<sup>28</sup> Two striking measures have been taken to secure the maximum service of aliens. In 1940 the Minister of Labor had announced that an international labor force would be formed in which all aliens could be usefully employed in Great Britain. In June and July 1941, all aliens, including enemy aliens, had to register for employment for national service ((29a) S. R. and O, 1941. Nos. 719, 720, 721, 722, 723, 724, 1020) and it was then found that over 85 percent were already usefully employed. Many had high professional qualifications or were skilled workmen when they came to England; others have received or are receiving training for industrial work under the same conditions as British citizens. The other step taken was to allow all alien doctors, including enemy

<sup>25</sup> Parliamentary Debates, House of Commons, January 29, 1942.

<sup>26</sup> Parliamentary Debates, House of Commons, February 23, May 27, August 5, 1941, January 20, 1942.

<sup>27</sup> Parliamentary Debates, House of Commons, February 12, 1942.

<sup>28</sup> Parliamentary Debates, House of Commons, November 27, 1941.

alien refugees, to practice during the present emergency, even without taking the British diploma previously required.<sup>29</sup> Special consideration is shown to aliens whose close relatives are serving in the Allied cause.

Enemy alien refugees are still recruited in considerable number to the armed forces. The men join the Auxiliary Military Pioneer Corps, though they may be transferred to other regiments, and may even be granted commissions. The women volunteer mainly for the Auxiliary Territorial Service. All can serve in civilian defense. It must be emphasized that the employment of aliens is always subject to the receipt of permits from the security organizations, but these are very rarely withheld.

Two modifications must be made in assessing the number of aliens in Great Britain today as compared with the number for September 1939. A considerable number, probably some thousands of enemy aliens and other alien refugees who were only in England as transmigrants at the outbreak of war, were able to emigrate overseas, mainly to the United States, during the first year of the war. On the other hand, a considerable number of refugees arrived in Great Britain from countries overrun by Germany. These include some 3,000 Poles, 1,600 Dutch, 13,900 Belgians, 450 Czechs, and 130 Spaniards.<sup>30</sup> Exiled governments have been given certain rights over their nationals in Great Britain.

EXHIBIT 14.—STATEMENT BY PAUL SHOUP, PRESIDENT, MERCHANTS AND MANUFACTURERS ASSOCIATION, 725 SOUTH SPRING STREET, LOS ANGELES, CALIF.

FEBRUARY 13, 1942.

The question of the removal of aliens who are citizens of enemy countries and in addition of Japanese who by birth are American citizens, has resulted in presentation of many plans. With respect to the Japanese of American birth, questions arise as to constitutional rights of citizens. It is stated by our counsel that under martial law these constitutional rights, including writ of habeas corpus under section 9, article I, and other rights named under article XIV of the Constitution, can be suspended under present conditions, since American territories along many shores in the Pacific have been invaded.

The resolution enclosed adopted February 11, by the Los Angeles County Civilian Defense Council, through its committee, Gordon L. McDonough, chairman, which was given necessary power, deals with the practical problems presented to the committee and is of some length accordingly.

With the counsel of District Attorney Dockweiler and Deputy District Attorney Shoemaker, members of the committee reviewed carefully a plan for complete evacuation, technically, from strategic areas, licensing those who might be permitted to remain or subsequently enter such areas, but in the course of that examination certain problems arose, as follows:

(a) Interference with work of residents, traffic through such areas, advice in time to strangers, possible interruptions to defense industry, cost and annoyance to the individuals involved, expense to the Government in continual enforcement of the order necessary.

(b) Impracticability of protecting the paper boundaries of such strategic areas, where at all extensive, as against the return of anyone bent on sabotage or espionage.

(c) Attempting protection by such arbitrary boundaries and at the same time allowing the banned classes to be at entire freedom immediately outside thereof, without making any provisions either for their control or subsistence.

(d) No provision to take care of crops which the Department of Agriculture had declared to be "must" crops, under Japanese operation.

The meeting after 2 hours' discussion adjourned until Tuesday, 10 a. m., when the resolution enclosed was unanimously adopted. It was formulated as solutions were suggested for the specific problems put in the form of questions. They are as follows:

(1) Would it be necessary to declare martial law and technically evacuate all people, as from the critical area to which martial law was applied, licensing those who were permitted to remain in the area or reenter that area, in order to keep out American citizens of Japanese descent?

<sup>29</sup> Statutory Rules and Orders, 1941, Nos. 24, 1484.

<sup>30</sup> Parliamentary Debates, House of Commons, July 4, 1940.

Conclusion was that if through martial law we had the constitutional power to keep out these Japanese through evacuation of the entire population and licensing those returning, then the Government likewise would have the power through martial law to remove these Japanese and any others that it might wish to remove, since the end attained would be exactly the same without disturbing others. (Of course, there is no question about the constitutional power of the Government to intern all aliens who are citizens of enemy countries.)

(2) Even if martial law is the final answer, should we not take all steps that could be taken effectively and promptly, to avoid the extension of martial law over the entire State—even under our suggestion that the only people to be removed thereunder would be enemy aliens and American-born Japanese?

The answer is that it would be better, thus avoiding unnecessary interference with local governments and local courts—their powers being superseded by those of the Federal Government and its agencies; and, further, that the expense involved in making effective the program of evacuation through State-wide martial law would be unnecessarily great. Therefore, our committee provided for the various steps which in our judgment would limit the application of martial law, as a last resort, to very small areas. Further we concluded that in connection with crop production now under way the creation of working internment areas where these classes could be put to work making them self-supporting and furnishing food for the country would be of real aid.

Limitation on unnecessary hardships, such as the movement of the aged, the infirm, women and children, except where they went as part of family units, would follow the plan we presented.

We have reason to believe such a plan as this would be more apt to meet with the approval of the National Government than the wholesale evacuation of these classes under discussion, without provision for their future.

(3) What would be the first step in this plan and why would it be taken?

The first step is described in section (1). Our committee feels there will be no difficulty under the law in enforcing this prohibition. It is already installed as far as defense industry, waters, docks, and the like are concerned, where passes are required at the present time. In the very large areas of forest and parks (two-fifths of State's area is under Federal control), record is required of people entering, fees collected, camping sites designated, policing provided, and many other rules and regulations; so it is not believed that there would be any trouble legally in enforcement there.

This step No. 1 does not involve taking anybody away from his home but it does cover very largely the areas most in danger.

(4) What should be done with the citizens of enemy countries taken from homes?

Section (2) of the enclose is our answer. They should be placed under Government control—that is, in a practical way be subject to internment rules and regulations. To designate certain strategic areas from which to exclude them, taking them from their homes, and then letting them roam at will outside, would not solve the problem. With respect to large strategic areas the boundaries would be paper boundaries only; could not be satisfactorily patrolled; and any alien shut out bent on sabotage or espionage could return and engage in his work perhaps even more freely than if he were at home and had to account for his whereabouts. Therefore, if he is to be taken out of an area on the ground that he is under suspicion, he must be looked after in his new location. Hence the provision for working internment areas. To take an alien from home, take his job away from him, and then turn him loose 15, or even 50, miles away, certainly will result in it being impossible for him to get work privately and perhaps make the wolf out of him that he would not otherwise be. Hence our conclusion very definitely that if dispossessed from their homes and their jobs these aliens must immediately be controlled, given subsistence and work. In some instances, meeting the desire of the Department of Agriculture to keep crops growing, these internment areas might be where the men are now employed.

(5) But, how under our constitutional provisions are we going to get the native-born Japanese to leave their homes and work and subject themselves to internment under Government rules?

The answer is that they constitute about 40 percent of the adult Japanese population; are very much bewildered and distressed at this time; their inclination will be to follow their elderly parents (aliens) if still alive; that if they do not accept voluntarily the invitation to put themselves under complete Government control through internment, whatever form it may take, they will then be subject to regulations provided in section (5). If the employers do not accept

full responsibility for their actions, they will be discharged and will have nowhere to go except to the Government and its internment areas. Without visible means of support they are subject to public control. With respect to those who do not depend upon jobs for a living, they, for the most part, may have their bank accounts blocked; they too will have to have certificates of good character; will likely submit themselves to Government direction.

If in any area there is such failure to comply on behalf of the Japanese American-born citizens as to constitute a menace, that section, no matter how small, can be put under martial law and these removed. That is certainly much better than putting the whole State under martial law and having 7,000,000 people register.

(6) Why not send them east out of what is now a war zone on the Pacific coast and where the greatest national danger lies?

Answer is in section (4) with the provisions that the Government will pay one-way fares, they will stay out of the war zone during the period of the war, and the Eastern States where they are to go will not object to receiving them—indeed, internment camps may be in those agricultural sections. This is in the alternative, but in one instance as illustration, a Kansas farmer is willing to take three or four Japanese of good character and put them to work. Further this alternate plan will have the value of having people east of the Rockies share this war problem rather than just tell us what do to, if they are interested.

(7) How about the aged people, the infirm, the women and children, aliens, and Japanese American-born?

For the most part they will follow the younger men and the heads of families who are subjected to evacuation and internment; but if they do not choose to do so, there is no immediate reason why they should not remain where they are under the certificates with respect to character and employment for adults provided in section (5). There appears no reason for imposing any greater hardships upon them than the "inconveniences" outlined in section (5) at this time; plus the hardships incident to them through the able-bodied male members of their families being interned—or enrolled in our own Army, where they are American subjects.

These activities mean much expense. They all relate to successful prosecution of the war. They are therefore part of the national financial obligation.

The resolution was formulated to bring to light the problems involved and then by suggestions to promote discussions which would result in practical solutions giving us our objectives.

(Resolution referred to above is as follows:)

RESOLUTION AUTHORIZED BY LOS ANGELES COUNTY DEFENSE COUNCIL THROUGH ACTION BY SPECIAL COMMITTEE, GORDON L. McDONOUGH, CHAIRMAN, FEBRUARY 11, 1942

Whereas the executive committee of the Los Angeles Civilian Defense Council, following numerous conferences, has concluded that the restrictions imposed upon enemy aliens and Japanese American-born citizens in A and B restricted zones, as presently established, are not adequate for the vigorous prosecution of the war or the defense of our coast line against invasion or the protection of the civilian population; and

Whereas the Pacific coast of the United States is at the frontier of active war and because of natural resources, food products, and manufacturing products, its protection from disloyalty is of vital importance. Citizens of enemy powers in California alone number Italian, 100,910; German, 71,727; Japanese, 33,569. Our water, power, transportation, heating and light, and communication facilities are vulnerable. Our shore lines are sparsely inhabited with many easy landing places.

The hazards arising from these conditions must be guarded against to the utmost. The question of individual loyalty is not raised, but as our young men must face the fire of the enemy, it is not too much to require that war burdens be borne as necessary by those remaining at home. The rigors of war should not be imposed unnecessarily upon women, children, or aged men, regardless of nativity or citizenship, but all must do their part actively as well as negatively in support of the war.

Whereas, because the treacherous attack on Pearl Harbor and the evident fifth-column activities which were at work to accomplish the enemy's object may

be duplicated in Los Angeles County or on the Pacific coast if immediate action is not taken; and

Whereas approximately 40 percent of the Japanese population of California reside in Los Angeles County—specifically, according to the latest figures, the 1940 Census, 36,866—of whom 13,391 are alien Japanese, 23,475 are Japanese American-born citizens; and

Whereas immediate action is required in order that interference with the production of "must" crops designated by the Department of Agriculture shall be reduced to a minimum, because at this time Japanese farmers are in a state of inaction resulting from uncertainty as to their future, and whether such spring "must" crops are to be produced by them or by American farmers as their successors, should be determined now; and

Whereas the added restrictions recommended by this committee are for the protection of the civilian population of Los Angeles County, war industries, public utilities, forest resources, military installations, etc., as well as the protection from intolerant acts and acts of violence which might be directed against persons of the Japanese race: Therefore be it

*Resolved*, That (1) we urgently recommend that the Army and the Navy be immediately empowered to determine who shall enter and who shall remain in any war industry plant, any property of Government ownership or operation, any approaches created for the purpose of interchanging commerce between land and waters, public land areas, including agricultural domain and national parks, national and private forests, all installations such as reservoirs, aqueduct lines, pipe lines, and other public utilities, and the production, storage, manufacture, and transportation by pipe line of the oil industry. All necessary guards to enforce this control should be provided at the expense of the National Government or in cooperation with the State and its political subdivisions, or private owners of industry. As an initial measure the Army and the Navy shall be requested to prohibit the presence of all citizens of enemy powers from the places designated; in addition, to prohibit the presence of all Japanese aliens and Japanese-American citizens because of the proximity of California to the Japanese fighting zone.

(2) All male citizens of enemy countries to be placed under Government control immediately; they subsequently to be located on working internment areas, where, in agricultural and such other industries as the Government may direct, they may be self-supporting under comfortable living conditions. They shall be at liberty to invite all dependent members of their families to join them and the latter shall thereupon be considered as being interned.

(3) All native-born male citizens of Japanese descent not selected for Army service shall likewise, with their dependents, be invited to take residence and occupation in such internment areas and shall thereafter be considered as being interned for the period of the war.

(4) Alternate to the foregoing provisions, citizens of enemy countries and Japanese-American citizens with dependent members of their families may remove to any section of the United States east of the six most western States and Alaska, where no objection is offered by such State, and if necessary the expense of such removal will be borne by the National Government. Acceptance of this alternate provision shall be subject to the condition that return to the excluded area during the period of the war will make the violator subject to fine and imprisonment and internment during the war period.

(5) All citizens of enemy countries and all members of the Japanese race who shall remain in the six western States and Alaska will be subject to curfew regulations imposed by the Government, such as remaining at all times within 5 miles of home; to be at home every night from 9 p. m. to 6 a. m.; cease support or attendance upon schools using languages of enemy countries; cease support or use of any printed matter in languages of such countries; shall not gather in groups greater than 25 without Government authorization; shall surrender for safe-keeping all radios, weapons of every kind and ammunition therefor; use telephones and automotive equipment only within areas and limitations prescribed by Government. They shall be free from internment only if they—

(a) take the oath of loyalty to the United States;

(b) prove they have employment or income which will make them self-supporting;

(c) produce certificate from their employers as to their good character or from well-known citizens, if not employed;

All such evidence to be satisfactory to the National Government. These provisions shall control, irrespective of age or sex.

(6) As far as may be found practical, the above provisions will be enforced with due regard for necessity and equity involved in crops now being grown by the classes concerned. Wherever practicable, in the judgment of the Army and Navy, if such crops can be grown and harvested by those now in control, under the equivalent of internment provisions as prescribed by the Government, such provisions may be made.

(7) Wherever it is necessary to invoke restricted martial law to assure protection in the Pacific-coast area, as circumstances make necessary, it shall be immediately undertaken and all people be evacuated from such area except as they are given license to remain.

(8) All expenses involved under the foregoing, including losses for which in equity reimbursement should be made, shall be borne by the National Government as an incident to national war.

We recommend the foregoing with especial reference to Los Angeles County, which we represent, and for such general application on the Pacific coast as the other sections involved, in their judgment, may deem wise.

### EXHIBIT 15.—STATEMENT OF POLICY AND PROGRAM FOR EVACUATION FROM MILITARY AREAS IN PACIFIC COAST STATES

REPORT BY HELEN HACKETT, ACTING EXECUTIVE SECRETARY, COUNCIL OF SOCIAL AGENCIES, DEPARTMENT OF THE COMMUNITY WELFARE FEDERATION, 1151 SOUTH BROADWAY, LOS ANGELES, CALIF.

MARCH 5, 1942

Through its executive committee, the Council of Social Agencies of Los Angeles, consisting of 140 social welfare and health agencies in Los Angeles County, wishes to express its confidence in the abilities of the Department of Justice, the Federal Bureau of Investigation, the Army and Navy Intelligence Departments, efficiently and adequately to cope with problems of disloyalty and of sabotage involved in the existing emergency. May we commend the several Departments of the Federal Government on their vigilant seeking out and effective restraint of citizens and aliens alike whose ideologies and actions are inimical to the common good and dangerous to our beloved land, its treasured freedoms and institutions.

We as citizens subscribe to the establishment of evacuated areas and strategic points and any other actions prudently deemed necessary by the proper Federal authorities in the interest of national defense.

We as citizens believe, however, that all persons in relation to their present national danger should be considered as individuals and not according to their group or national status, and, therefore, that any indiscriminate forcible mass evacuation of entire minority groups—citizens and aliens alike—is a policy in itself unjust and un-American and fraught with tremendous dangers to the common good. If our treatment of our Japanese fellow citizens is to set the pattern for our treatment of citizens of other racial and national minority groups, this Nation may soon become divided into discordant elements, working at cross purposes, to the destruction of our national unity. It is of paramount importance today that we be a united people—without unity we cannot hope to wage to ultimate victory our war against the Axis Powers.

Discrimination against an American citizen on a racial basis is a major strategic blunder, for it gives the enemy the opportunity to exploit this conflict forced upon America as a war between races. Indiscriminate mass evacuation or internment of citizens on a racial basis means ignoring the rights and dignity of every human being who is loyal to this country, and is a denial of democracy. Such discrimination conforms with the Hitlerian technique of pitting group against group as a device to weaken a nation through dissension and to obtain power and control for dictatorships.

United States Attorney General Francis Biddle in a release on December 10, 1941, has this pertinent observation to make regarding the nature of our national struggle: "The enemy has attacked more than the soil of America. He has attacked our institutions, our freedoms, the principles on which this Nation was founded and has grown to greatness. Every American must remember that the war we wage today is in defense of these principles. It therefore behooves us to guard them most zealously at home. \* \* \* If we create the feeling among aliens and other foreign-born that they are not wanted here, we shall endanger our national unity. Such an impression could only give aid and

comfort to those enemies whose aim it is to infect us with distrust of each other and turn aliens in America against America. To do this would be to defeat what we ourselves are defending."

The Department of Justice through its Assistant Chief of Special Defense Unit, Mr. R. Keith Kanc, speaking before the last National Conference of Social Work in Atlantic City, said, "A policy—proscribing enemy aliens as a group without regard to individual loyalties—would be repugnant to our most basic concepts of fair play and justice."

The experience of England in attempting to establish a sane "enemy alien policy" throws light on problems with which we are now confronted. Immediately after the Nazi invasion of the Low Countries, all aliens of enemy nationalities were automatically interned as a result, we believe, of agitation by certain politicians and newspapers. The repercussions on this costly, wasteful, and undemocratic procedure made itself early felt. As a result, the plan of internment was discontinued. Bona fide German and other Axis refugees were classified as friendly aliens and not subjected to special restrictive regulations. They had stamped on their passport this official classification, "Victims of Nazi oppression." Their knowledge, their special skills and their loyalty were all utilized for British defense.

In the process of the evacuation of persons from strategic or restricted areas we believe that the following factors are worthy of consideration:

1. Those responsible for the evacuation process should act in the light not only of the requirements of national defense, but also ever conscious of problems of human welfare and of future community well-being.

2. It is of supreme importance that competent and reliable custodians of property of evacuees be designated at once, and that their services be made immediately available. In this way only will it be possible to forestall such deplorable situations as arose in the case of Terminal Island and other already evacuated areas.

3. That the program of the social assistance arm of the Federal Security Agency be broadened so as to enable it, with the aid of other departments when necessary:

(a) To care for families of interned persons.

(b) To provide adequately transportation, food, shelter, medical and other care for all evacuees.

(c) To assist in the resettlement of evacuees in certain designated conditioned areas, and aid in every possible way in their adjustment there.

(d) To provide suitable and productive work for all evacuees.

(e) To work toward resettlement of evacuees in their normal community life upon the conclusion of the emergency.

(f) To provide the above services also for voluntary evacuees.

Concluding, may we state that, alongside a firm conviction that any person or group of persons, citizen or alien, guilty, in this critical hour, of proven disloyalty to America, her freedoms, her principles, her institutions should be summarily dealt with; alongside a firm conviction that government can and must protect strategic or vital areas from any person or group of persons prudently suspected of disloyalty; we hold the firm conviction that the indiscriminate mass evacuation of any entire minority group, citizens as well as aliens of enemy nationalities, is not only unjust, but gravely dangerous to the common good and to our national unity, a concession to unreasoning popular prejudice, an invasion of their rights as citizens, and an inroad upon those principles for which their sons and ours stand ready to give the "last full measure of devotion."

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EXHIBIT 16.—RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE PACIFIC LEAGUE, INC., 112 WEST NINTH STREET, LOS ANGELES, CALIF.

Whereas both military and civil authorities are agreed that the safety of the entire Pacific coast demands that all alien enemies be removed from defense areas; and

Whereas a great many people of Japanese nationality are extensively employed in the growing and production of food supplies essential to this coast, and

Whereas the sudden stoppage of such food supplies might create a serious food shortage; and

Whereas the breaking up of the homes of both aliens and citizens is not in keeping with American ideals nor humanitarian, and would impose serious and needless hardships on loyal Americans, as well as aliens: Now, therefore, be it

*Resolved*, That Pacific League, after careful consideration suggests and urges that all Japanese people of both foreign and American birth, be drafted into an agricultural division under supervision of the Department of Agriculture of the Federal Government in the same manner as draftees of the United States military forces are inducted into service.

That these people be placed on suitable agricultural lands in safe areas, and their labor used for the purpose of producing food to supply the needs of the man who carries the gun, and that they be compensated for their labor on the same basis that draftees in our armed forces are compensated.

That they be provided with housing, food supplies, and other necessities of life, thereby creating a great agricultural army providing both a humanitarian and practical solution of this immediate problem and eliminating a menace to our general welfare.

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### EXHIBIT 17.—EVACUATION OF ENEMY ALIENS AND DESCENDANTS OF SUCH ALIENS

REPORT BY MR. A. C. PRICE, CHAIRMAN LOS ANGELES COUNTY CHAPTER AMERICAN ASSOCIATION OF SOCIAL WORKERS, 206 SOUTH SPRING ST., LOS ANGELES, CALIF.

MARCH 6, 1942.

The executive committee of the Los Angeles Chapter of the American Association of Social Workers wishes to bring to the attention of your committee some of the basic principles which we believe should be observed in the evacuation of the citizens of enemy countries and American-born descendants of such aliens.

We feel that the forced mass evacuation of aliens and citizens on a racial or national group basis would militate against the principles for which our country is waging war against the forces of tyranny and intolerance.

We further feel that proper precautions for health, property, and special personal problems should be taken in the process of evacuation, if such evacuation is deemed necessary for the defense of the Nation.

We urge that every possible assistance be rendered to the citizen and alien designated for evacuation in order to prevent current widespread hysteria against them, race hatred, exploitation and acts of violence, and in order to offset the fear, insecurity, and hardship prevalent among them, sowing seeds for many problems for them and for our country now and after peace has been attained.

We wish to emphasize that we have full confidence in the Federal authorities responsible for protection against actions by agents of enemy countries and disloyal citizens. We strongly endorse the actions of the Federal Department, the Army, and the Federal Security Agency in making provisions for the handling of welfare and health needs of the alien and citizen alike who is to be evacuated. We urge that this program of social assistance be extended in order to fully cope with the problem.

Finally, we stand ready to assist individually and organizationally in carrying out a sound and just program to meet the needs of the situation at the points of evacuation, reception, and resettlement. We believe greater thoughtfulness at this time in plans for the adjustment of, interpretation to, and protection for this group will hold us to a greater degree to the standards of Americanism.

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### EXHIBIT 18.—RESOLUTION PASSED BY THE JAPANESE CHURCH FEDERATION AT THE THIRTY-FIRST ANNUAL CONFERENCE SESSIONS HELD AT THE CHURCH FEDERATION HEADQUARTERS, 3330 WEST ADAMS, LOS ANGELES, JANUARY 21, 1942

SUBMITTED BY REV. JOHN M. YAMAZAKI, LOS ANGELES, CALIF.

*Be it Resolved*, That at the annual meeting of the Japanese Church Federation of Southern California, meeting in Los Angeles, Calif., January 19-21, 1942, the following resolution was unanimously adopted:

"We, the ministers of the Japanese churches of Christ in Southern California hereby express our feeling and conviction, our sense of duty and responsibility to the American people at this time of crises.

"Suddenly we have been brought face to face with the grim and heart-rending reality of war between America and Japan, the land of our birth and the country of our adoption. To us it is a grave tragedy because we believed that nothing could break the long friendship and economic and intellectual relationships between our countries. But now that this relationship has been broken by cruel war, we wish to put on record and express that which we have deeply believed and striven for during many years.

"Most of our people have been permanent residents of the United States for many years. Those of the first generation would, for the most part, have become citizens long ago had not the laws of the Nation debarred us. We have raised our families here. Our children, according to our wishes and teachings, are loyal citizens. The Government of the United States has through the years given us security; and with all Americans we have enjoyed the fundamental freedoms on which the Nation is founded. For all of this we are deeply and profoundly grateful.

"We have believed in and sincerely appreciated American institutions and ideals, and the American way of life.

"We have striven through the years, not only to guide our people to a full realization of our privileges and place in American life, but also to lead them into the stream of American thought and ideals, and into the enriching experiences of the Christian way of life.

"We have had the rich fellowship and cooperation of the Federal Council of Churches of Christ in America and other interchurch organizations. Between us there has been no discrimination; there has always been friendship, understanding, and the spirit of sharing.

"We have had the equal protection and fair treatment of the Government of the United States throughout these years. We are now in the midst of war; but even in this tragic hour in all directions we meet kindness, sympathy, and understanding of our difficult situation by the general public, especially the Christians. We meet constantly the spirit of American fairness and justice.

"We have always prayed and hoped for peace and harmony between the two nations. We shall now strive with whatever sacrifice we can make that out of this tragedy something finer and truer may be realized in the future. We, therefore, renew our allegiance to the country of our adoption, the United States of America, in this crisis.

"We resolve and urge upon our fellow Christians, to redouble all efforts to serve the Nation in any capacity possible; ever more so in spreading the service of the gospel of Jesus Christ.

"We exhort them in the words of St. Paul 'that supplications, prayers, intercessions, and giving of thanks, be made for all that are in high places and that we lead a tranquil and quiet life in all godliness and gravity.'

"We take to heart the words of our Lord Jesus when He said, 'Whosoever would save his life shall lose it.' We feel profoundly that in this tragic hour we are called to bear the cross of Christ; to give our lives for those great principles for which Christ gave His life."



#### EXHIBIT 19.—TABULATION FOR EVACUATION ON COMMUNITY GROUP BASIS

The following tabulation was submitted by the Catholic Foreign Mission Society of America, popularly known as Maryknoll, which maintains a mission and school in Los Angeles. About March 1 the mission began to register the families of all 470 of the students enrolled in the school. The Maryknoll priests also enrolled other Japanese families who expressed a like desire to evacuate voluntarily under the protection of the United States Army and under the direction of the Maryknoll fathers. The registration and tabulation were supervised by Brother Theophane of the mission school. The first major evacuation undertaken by the Army was a group of these registrants.

This registration originally was divided into Maryknoll and non-Maryknoll groups. The purpose of the registration was to move the Maryknoll people on a community-group basis. As a result of the widespread desire to move in community groups, more people registered than could be moved on such a basis.

*Distribution, by age and occupation, of heads of families registering with the Maryknoll Mission*

	Present occupation				Occupation in which applicant has had most experience			
	Total	Under 46	45 to 59	60 and over	Total	Under 45	45 to 59	60 and over
Merchant.....	8	3	4	1	7	2	3	2
Manufacturer.....	1	1			2	1	1	
Mariner.....					1	1		
Radio technician.....	2	2			4	4		
Insecticide control.....	2	1	1		3	1	1	1
Bird farm.....	1	1			1	1		
Dry goods.....	3	2	1		2	4	1	1
Business manager.....					5	3	2	
Dairy.....					2	1		1
Interpreter.....					1			1
Stocking manufacturer.....				1	1			1
Chiropractor.....	1			1	1			1
Liquor business.....	1	1			2	2		
Bartender.....					1	1		
Banker.....					2	2		
Second-hand store.....	1		1		1		1	
Box and crate.....	5	3		2	4	2		2
Refrigerator repair.....					1	1		
Auto park.....					3	2	1	
Porter.....	3	1	2		1	1		
Stock broker.....	1		1		1		1	
X-ray technician.....	1	1						
Laborer.....					6	4	2	
Chemist.....	1	1						
Service station.....	18	14	4		9	9		
Fumigation.....	1	1			4	3	1	
Office.....	3	2	1		4	1	3	
Entertainer.....	1	1			7	7		
Engineer.....	1	1			1		1	
Foreman of department store.....					1			
Clerk.....	30	24	4	2	44	34	8	2
Printer.....	10	8	2		10	8	2	
Sugar-ranch foreman.....					1	1		
Blacksmith.....					1	1		
Hospital manager.....					1			1
Total.....	95	68	21	6	139	97	30	12
Interpreter.....	2	1		1	1			1
Printer.....	1		1		1		1	
Laboratory technician.....					1		1	
Manufacturer.....	9	7	2		6	4	2	
Clerk.....	14	13	1		15	11	4	
Merchant.....	5	2	3		2		2	
Service station.....	1		1					
Grand total.....	127	91	29	7	165	112	40	13

*Distribution, by age and occupation, of persons in families registering with the Maryknoll Mission*

	Present occupation				Occupation in which applicant has had most experience			
	Total	Under 46	45 to 59	60 and over	Total	Under 45	45 to 59	60 and over
Accountant.....	27	20	5	2	44	34	10	-----
Architecture.....	7	7	-----	-----	5	5	-----	-----
Artist.....	8	5	3	-----	7	3	4	-----
Baker.....	5	3	2	-----	6	3	3	-----
Barber.....	52	18	24	10	63	19	23	21
Bath house operator.....	2	2	-----	-----	4	2	1	1
Beauty operator.....	4	3	1	-----	6	5	1	-----
Cannery worker.....	15	8	6	1	37	21	12	4
Carpenter.....	23	7	11	5	90	39	31	20
Cabinet worker.....	7	4	1	1	5	4	1	-----
Chauffeur.....	7	3	4	-----	11	6	5	-----
Chick sexor.....	12	12	-----	-----	11	11	-----	-----
Civil Service.....	2	2	-----	-----	1	1	-----	-----
Clothing manufacturer.....	3	3	-----	-----	3	2	1	-----
Collectors.....	4	2	2	-----	3	1	2	-----
Confectioners.....	15	4	8	3	9	3	5	1
Constructor.....	2	1	1	-----	5	4	1	-----
Cook.....	193	48	92	53	226	87	51	88
Dentist.....	18	8	8	2	17	7	8	2
Dish washer.....	14	2	5	7	5	2	1	2
Doctor.....	19	5	10	4	13	3	7	3
Domestic.....	265	123	113	29	208	91	89	28
Draftsman.....	-----	-----	-----	-----	3	3	-----	-----
Electrician.....	6	5	1	-----	15	13	2	-----
Farmer.....	1,144	484	354	306	2,047	884	750	413
Fertilizer and seed.....	18	5	11	2	13	2	9	2
Fishermen.....	16	14	2	-----	40	37	3	-----
Fruit grower.....	6	3	-----	3	6	4	-----	2
Gardener.....	835	421	312	102	488	231	178	79
Grocer.....	215	122	78	15	172	86	64	22
Fish.....	13	9	4	-----	9	7	2	-----
Butcher.....	17	13	4	-----	16	10	6	-----
Hardware.....	2	2	-----	-----	2	1	1	-----
Hotel operator.....	190	37	111	42	135	25	75	35
Insurance broker.....	22	10	10	2	18	7	10	1
Janitor.....	36	10	19	7	61	7	33	21
Japanese bakery.....	2	1	1	-----	2	1	1	-----
Kamaboko Manufacturing.....	4	4	-----	-----	3	1	2	-----
Miso.....	-----	-----	-----	-----	1	-----	1	-----
Noodle factory.....	-----	-----	-----	-----	1	1	-----	-----
Shoyu.....	-----	-----	-----	-----	1	-----	-----	1
Srshi.....	2	1	1	-----	-----	-----	-----	-----
Tofu-ya.....	7	4	3	-----	6	3	3	-----
Jeweler.....	12	6	2	4	11	5	3	3
Journalist.....	20	11	8	1	20	10	7	3
Laborer.....	64	22	27	15	101	38	44	19
Laundry.....	58	29	23	6	77	33	35	9
Dry cleaner.....	85	38	31	16	71	30	30	11
Spotter.....	2	2	-----	-----	1	1	-----	-----
Lawyer.....	4	4	-----	-----	1	1	-----	-----
Librarian.....	-----	-----	-----	-----	-----	-----	-----	-----
Lumberjack.....	-----	-----	-----	-----	3	3	-----	-----
Market worker.....	281	220	51	10	212	156	51	5
Buyer.....	47	37	9	1	32	23	7	2
Swamper.....	6	4	2	-----	5	2	3	-----
Truck driver.....	95	83	9	3	164	148	14	2
Masseur.....	9	3	2	4	8	2	3	3
Mechanic.....	82	67	13	2	125	98	23	4
Milliner.....	1	-----	-----	1	3	2	1	-----
Nurses.....	8	6	2	-----	16	9	5	2
Nursery.....	157	83	48	26	121	66	34	21
Florists.....	92	45	36	11	73	38	30	5
Flower grower.....	71	35	25	11	28	10	12	6
Designer.....	1	1	-----	-----	1	1	-----	-----
Optometrist.....	4	3	1	-----	4	3	1	-----
Painter.....	1	1	-----	-----	5	3	1	1
Pharmacist.....	22	15	5	2	17	12	4	1
Photographer.....	10	6	2	2	16	5	9	2
Plumber.....	9	1	2	6	17	4	9	4
Poultry.....	12	4	6	2	8	2	5	1
Projectionist.....	-----	-----	-----	-----	2	2	-----	-----
Reverends.....	5	4	1	-----	4	3	-----	1
Salesgirls.....	5	4	1	-----	4	3	1	-----
Salesman.....	175	125	41	9	192	124	56	12
Seamstress.....	13	7	5	-----	47	31	16	-----

*Distribution, by age and occupation, of persons in families registering with the Maryknoll Mission—Continued*

	Present occupation				Occupation in which applicant has had most experience			
	Total	Under 46	45 to 59	60 and over	Total	Under 45	45 to 59	60 and over
Secretary.....	14	12	2		23	17	4	2
Shoe repairer.....	8	3	5		11	2	5	4
Social worker.....					1			1
Soda jerker.....	2	1		1	4	1	3	
Tailor.....	22	6	13	3	26	4	15	7
Teachers.....	7	5	1	1	19	8	6	5
Music.....	3	2		1	6	4	1	1
Physical education.....					1	1		
Telephone operator.....								
Teller.....	3	3			5	5		
Tire worker.....	1		1					
Waiter.....	35	18	15	2	30	14	12	4
Waitress.....	15	12	3		19	14	5	
Welder.....					5	5		
Window display.....	2	2			3	2	1	
Cashier.....	20	18	2		54	39	15	
Packing and shipping.....	40	26	12	2	26	16	8	2
Restaurant.....	170	55	86	29	122	39	58	25
Retail vegetable.....	404	310	82	12	302	230	59	13
Student.....	128	128			107	107		
Unemployed.....	1,091	419	399	273	542	214	191	137
Importer.....	2		2		3	2	1	
Wholesale market.....	6	5	1		2	1	1	
Gold-fish farm.....	1	1						
Railroad foreman.....					2		2	
Mushroom grower.....	1	1			1	1		
Butler.....	2	2			2	2		
Peddler.....	1		1					
Pool hall.....	12	4	6	2	13	3	8	2
Total.....	6,579	3,334	2,190	1,055	6,536	3,275	2,195	1,066

*Number of persons by size of family<sup>1</sup>*

Size of family	Number of families	Number of persons	Size of family	Number of families	Number of persons
1 person.....	1,687	1,687	9 persons.....	55	495
2 persons.....	1,003	2,006	10 persons.....	35	350
3 persons.....	1,053	3,159	11 persons.....	14	154
4 persons.....	1,120	4,480	12 persons.....	6	72
5 persons.....	858	4,290	13 persons.....	1	13
6 persons.....	586	3,516	14 persons.....	2	28
7 persons.....	294	2,058			
8 persons.....	159	1,272	Total.....	6,873	23,580

<sup>1</sup> Families registering with the Maryknoll Mission, Los Angeles, for evacuation on community-group basis.

*Distribution, by age and sex<sup>1</sup>*

Male:

Under 1 year.....	159
1 to 5 years.....	918
6 to 14 years.....	1,677
15 to 19 years.....	1,680
20 to 44 years.....	4,844
45-59 years.....	2,137
60 years.....	1,180
Subtotal.....	12,595

<sup>1</sup> Persons in families registering with the Maryknoll Mission, Los Angeles, for evacuation on community group basis.

*Distribution, by age and sex—Continued*

Female:	
Under 1 year.....	163
1 to 5 years.....	893
6 to 14 years.....	1,663
15 to 19 years.....	1,768
20 to 44 years.....	4,711
45 to 59 years.....	1,519
60 years.....	268
Subtotal.....	10,985
Grand total.....	23,580

*Number of individuals unable to move because of health in families registering with the Maryknoll Mission*

Temporarily unable to move.....	283
Permanently unable to move.....	91
Pregnant women.....	101
Total.....	475

*Transportation equipment, by age and type, owned by families registering with the Maryknoll Mission*

## PASSENGER CARS

	Coupe	Sedan	Total
Under 5 years.....	469	1,544	2,013
5 years and over.....	781	1,373	2,154

## TRUCKS

	Pick-up	1½ tons	2 tons	Over 2 tons	Total
Under 5 years.....	477	255	42	19	763
5 years and over.....	795	484	61	28	1,368

EXHIBIT 20.—STATEMENT BY SHUJI FUJII, ISAMU NOGUCHI, GEORGE WATANABE, P. O. BOX 2845 TERMINAL ANNEX, LOS ANGELES, CALIF.

MARCH 7, 1942.

To eliminate the great confusion that now exists in the Japanese communities and to integrate the problem of evacuation and resettlement with the successful prosecution of the war, we respectfully submit the following for consideration:

1. The Federal Government shall assume full responsibility for both evacuation and resettlement by—

(a) Regulation of private groups who have volunteered to cooperate only after the Army order was issued for evacuation, and who now seek preferential treatment.

(b) Assurance that evacuation will be carried out in an equitable manner by first moving those from vital defense areas and those without home, work, or money.

2. Establish at processing stations Federal hearing boards for examination and certification, so that only those persons who by their past records and present activities have proven their loyalty may be placed in positions of leadership in the new communities for the purpose of—

(a) Education and morale building of those who are confused.

(b) Engagement in intelligence work and vigilance against any fifth-column or subversive elements.

In testing for loyalty, we wish to point out that loyalty is not entirely a matter of citizenship or educational background, nor a matter of religious or political affiliation.

EXHIBIT 21.—STATEMENT BY HOKUBEI OKINAWA KIYOKAI, 519  
SOUTH MAPLE AVENUE, LOS ANGELES, CALIF.

MARCH 7, 1942.

Representative JOHN H. TOLAN,  
*Chairman, Congressional Investigating Committee,  
State Building, Los Angeles, Calif.*

DEAR SIR: Enclosed are copies of the statement and resolution adopted at the special meeting held at Maryknoll School, February 8, 1942, and a copy of the statement giving a brief history<sup>1</sup> and background of the Hokubei Okinawa Kiyokai.

The wartime emergency committee of the Hokubei Okinawa Kiyokai (North America Okinawa Association) adopted the following resolution at its special meeting held on Sunday, February 15, 1942:

“RESOLUTION

“The Hokubei Okinawa Kiyokai, in line with wartime national policy of the American Government, resolved that its members, both Japan born and their American children, are ready and willing, voluntarily and collectively, to evacuate from their present place of residences to the interior, which would be designated by the authorities, and to engage in farming or other work suitable for national defense under Government direction and assistance. This resolution to be forwarded to the Governor of the State of California, and other governmental agencies concerned.

“THE WARTIME EMERGENCY COMMITTEE  
OF THE HOKUBEI OKINAWA KIYOKAI.”

February 15, 1942.

The association sincerely wishes for guidance by State and local authorities as well as Federal Government.

Sincerely yours,

SHINGI NAKAMURA, *Chairman.*

“RESOLUTION

“We, the first and second generation members of the Hokubei Okinawa Kiyokai, who have always lived under the protection and enjoyed the benefits of American democracy, have upheld the democratic system since the very inception of our organization. At this time when democratic America is waging a life-and-death struggle against the military fascism of Japan which so treacherously began this war by attacking Pearl Harbor, we resolve the following:

- “1. To make clearer than ever the democratic stand of our association.
- “2. To put into effect the proposals and plans laid out in our statement through the emergency executive committee.
- “3. To give our fullest support through above means to the Government in her efforts to achieve final victory.

“EXECUTIVE COUNCIL, HOKUBEI OKINAWA KIYOKAI.”

February 8, 1942.

Adopted at the emergency meeting of the Council of the Hokubei Okinawa Kiyokai (North America Okinawa Association) held on Sunday February 8, 1942, at the Maryknoll School Hall, 222 Hewitt Street, Los Angeles, Calif.

STATEMENT

Friendship between the United States of America and Japan came to an abrupt end on the morning of December 7, 1941, when the military lords of Japan treacherously bombed Pearl Harbor even as the Hull-Normua peace talk was proceeding. The two countries are now at war.

The President of the United States, as is well known, made it clear on numerous occasions, such as December 9 broadcast and others, that the United States is waging a war against the military fascists of Japan, but not against her common people.

<sup>1</sup> Historical statement held in committee files

The January 2 speech of the President, warning against the practice of discharging noncitizen employees, as well as the fair treatment accorded the resident Japanese, convince us very clearly that the war aim of the United States is the complete defeat of the Axis Powers, including Japan ruled by the militarist clique.

The present war is not a racial war, as it is so persistently propagated by the Japanese militarists.

Since the declaration of war by Germany and Italy against the United States on December 11, the war became a life-and-death struggle between the two opposing camps: Axis and the anti-Axis powers; Hitlerite camp and the democracies.

At this extraordinary crisis, we who believe in the ultimate victory of the democratic camp, and who pledge to fight side by side with America for freedom and independence throughout the world, and in Japan, hereby state publicly that we reorganized our association to meet war-time need, and for the moment, through the following measures, give our fullest support to the war efforts of the United States of America.

#### *Measures*

1. Formation of emergency council.
2. To make it clear to the membership America's war aim as well as cardinal principle upon which democratic America is founded and thereby contribute to the strengthening of national unity.
3. To cooperate with the central as well as local authorities regarding prevention of fifth-column activities.
4. To contribute to the national defense by producing more as advised by Governor Olson.
5. To cooperate with loyal American citizens of Japanese descent in their anti-Axis activities.

HOKUBEI OKINAWA KYOKAI.

(Adopted at the emergency meeting of the council of the Hokubei Okinawa Kyokai—North America Okanawa Association—held on Sunday, February 8, 1942, at the Maryknoll School Hall, 222 Hewitt Street, Los Angeles, Calif.)

#### EXHIBIT 22.—STATEMENT BY LION FEUCHTWANGER, 1744 MANDEVILLE CANYON ROAD, WEST LOS ANGELES, CALIF.

MARCH 5, 1942.

According to the regulations I had to register as enemy alien, and now, being considered an enemy alien, I see myself menaced to be removed from my home in West Los Angeles. Therefore I beg to apply to the Honorable Chairman John H. Tolan and his congressional committee by making the following statement:

Since the year of 1922 I have been fighting against the spread of nazism. I have written a number of novels dealing with the rise of the Nazis and the threat to civilization by nazism. I have published articles against the Nazis in the leading reviews, magazines, and newspapers all over the world. I broadcasted against the Nazis in the capitals of the world. My anti-Nazi books have been translated into many languages, their circulation amounts to millions of copies. My material is copiously used by the underground movement against fascism in Germany, in Italy, and even in Japan. Leading papers of this country, of England, of the Soviet Union, and even of China have repeatedly declared my literary activity an efficient weapon in the struggle against the Nazis. My plays and my pictures against the Nazis have been shown to millions of people. British pilots over Germany dropped leaflets quoting from my books. The Soviet Government spread my books and my films in order to spur the fighting spirit against Nazi Germany. The President of the French Republic before the collapse, English Cabinet Ministers, the Soviet Prime Minister, and members of the Government of this country asked to meet me and to hear my opinions on the struggle against nazism.

The Nazis themselves consider me as a very dangerous enemy, according to the public speeches of the German Minister of Propaganda. Hitler himself, many other Nazi leaders and Nazi papers attacked me. I was abused in numerous Nazi broadcasts. Thus, by the threat of the Nazis, I was forced to leave Germany in November 1932 already. My Berlin home was looted as one of the first in February 1933, my library was destroyed, my books were burnt, my fortune was

confiscated. Albert Einstein and I were the first to be warned by the German Government that we would lose our German citizenship. In fact, on August 23, 1933, the German Government announced officially that I, together with twenty-odd others, had lost my German citizenship.

At the outbreak of this war I lived in France and was interned on account of general measures.

This fact aroused astonishment everywhere, especially in the United States, and many newspapers elaborated their reports on my internment with ironical comments on the French authorities. And the Nazis gloated over it in their newspapers and in their broadcasts. I just published a book on my experiences in France and how I was involved in French red tape. This book, *The Devil in France*, met with much interest in this country.

Should I definitely be classified as an enemy alien and removed from my home in West Los Angeles, the consequences would be rather critical for my future work. For months, I would have to interrupt my present work on an anti-Nazi novel, and my planned activities for anti-Nazi pictures would be frustrated. There is no question that the Nazis would be pleased if they heard about such measures against me.

Many others, probably almost all of those Germans who have immigrated into the United States since 1933 and were not yet able to acquire their American citizenship, are in a similar situation. Most of these people, however, have not only nothing in common with the political structure of today's Germany, but they are the natural enemies of the present German Government. Among three groups at least of these immigrants (since 1933) the percentage of potential Nazi sympathizers is by no means higher than among the average inhabitants of this country. Those groups of the so-called German enemy aliens could be classified rather easily:

(1) All those who lost their German citizenship by edict of the German Ministry of the Interior before September 3, 1939. These people are listed by name on lists published in the German *Reichsanzeiger*. Only such people are named in these lists who, according to the opinion of the present German Government, have impaired the interests of the German Reich. In every single case it could easily be demonstrated how far these people proved to be Nazi enemies.

(2) All those people who could not obtain a German passport so that they were forced to travel on other identification papers.

(3) All those who can produce actual evidence of their activities against the Nazis before America's entrance into the war.

Outstanding immigrants of German descent would gladly be willing to assist the American authorities in the possible inquiry of anti-Nazi activities.

It seems obvious that the reclassification of the so-called German enemy aliens according to such or similar principles would be fair and useful.

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### EXHIBIT 23.—STATEMENT BY GEORGE SIMMEL, 2231 WEST FIFTEENTH STREET, LOS ANGELES, CALIF.

MARCH 11, 1942.

As publisher of the *Friendly Adviser*, the local paper for the immigrants in Los Angeles, I was invited to give a report on the activities of the German refugees in Los Angeles and their commercial and cultural contributions.

A number of these immigrants are already American citizens. Most of the others have been in Los Angeles for about 3 to 4 years. They are studying American history in the public schools and they hope to become citizens of the United States in the near future. I am sure that each of them will do his best to fulfill the duties as an American citizen is expected to do.

Among the newcomers from Germany, there are numerous experts in many different lines. They manufacture goods in Los Angeles that had to be imported before. For instance:

Textiles and ceramics in Viennese and German style. Articles of food and candies in Swiss, French, and German kind. They brought over an invention for making self-heating cans, a new process for color photography, and patents for the manufacturing of motors and tools.

Art dealers imported treasures of antique art; internationally known physicians, psychoanalysts and other scientists from Germany work now in Los Angeles.

Another part of the immigrants invested their money in Government bonds, shares, real estate, and business enterprises.

Such enterprises are: Factories for clothes, for articles of food, wood-manufacture, luxuries, novelties, chemical industry; furthermore chicken farms, markets, restaurants, apartment houses, garages, gas stations, van and storage companies, real estate agencies, five-and-ten-cent stores. Some immigrants are watch repairers, mechanics, radio servicemen, photographers, gardeners, tailors, dress-makers, shoe repairers, painters, cabinetmakers, upholsterers, masseuses, public accountants, and representatives of many different kinds of business.

All these enterprises employ Americans or work for American business interests. They consume continually American-made materials and goods.

The employed immigrants work in every kind of factories, in wholesale or retail stores. Many of them attended or still attend trade schools in Los Angeles to adapt themselves to the American way of business.

Quite a number of refugees are housekeepers, chauffeurs, butlers.

Famous German actors, writers, and composers are among the refugees in Los Angeles. Many of the latter's publications have proved to be also a commercial success for American business. All these artists, through the medium of their art, help to fight Nazi Germany.

May I add that young immigrants are serving in the Army, other immigrants are united in the auxiliary company of the California State Guard. Many refugee women are members of the Red Cross. Men and women help in air protection, contribute to blood donation and so on.

These refugees from Germany were the first victims of Nazi persecution. They are grateful to be given the chance of a new start in Los Angeles.

EXHIBIT 24.—STATEMENT BY ADOLPH LOEWI, EX-GERMAN, FORMERLY  
CONSUL OF THE GERMAN DEMOCRATIC WEIMAR GOVERNMENT IN  
VENICE, ITALY, 1331 MILLER DRIVE, LOS ANGELES, CALIF.

MARCH 8, 1942.

I was present yesterday when you gentlemen of the Tolan committee had to struggle under an avalanche of words and I admire the patience and kindness with which you underwent the exhausting hearing of the minorities affected by the recent order of evacuation.

Strangely to say, with all the excellent speeches practically few concrete propositions have been made. You know now the background of the great majority of the refugees, you heard about their sufferings, and about the ideals which are at stake. But you gentlemen probably knew all this before, and no doubt can be that you most sympathetically will propose a solution which would diminish the harm to these people if a way can be found which will not compromise the military necessities which are paramount. Of all the witnesses, it seems to me only Dr. F. Guggenheim gave a practical contribution to the problem of classification of the Germans and Italians.

Before coming to my proposal of the eventual procedure, I want to answer Congressman Curtis to a remark which you made in the course of the debate. You told us about the sacrifice which in your home town of 1,700 people a dealer of goods which, due to priorities, cannot be manufactured any longer, has to suffer, though he has three sons in the Army. But, dear Mr. Curtis, would this sacrifice which I am sure is offered in a really patriotic spirit, be borne just as gladly if at the same time one labeled that decent and patriotic man an enemy of the Nation?

Since December 7, we refugees have been fighting not to be excluded from sacrifice, but to be included and to have the privilege of bearing our share. We want to do our part and more. And even the evacuation, with all its terrific consequences for people who finally found a haven and have no reserves, economic or otherwise, even the evacuation will be loyally accepted if it is a military necessity, if there is no other way of safeguarding the vital defense of the Pacific coast. But is there really no other way? Let us look at the picture.

General De Witt has been pictured to us as a tough soldier and thank God that a tough soldier is at this post at this time. His duty is to eliminate from the Pacific coast any group of persons which potentially contains a higher average of traitors, spies, and fifth columnists than the average of the Nation. But if there is the possibility—easily to achieve, as I will show later on—to break up such a group into smaller, well defined groups, and it then can be proved that

one or more of the resulting units not only do not contain more potential traitors than the average of the Nation, but actually less, is it not highly desirable from any point of view that the men and women of this group be cleared of the label of enemy aliens?

You gentlemen have been shown in Los Angeles and the other coast centers that the expatriates and refugees are the most bitter enemies of Hitler and of everything he stands for. Should one really—when one can avoid it so easily—give Adolph Hitler and his fellow gangsters the enormous pleasure to see the people whom he hates most in the world, the men and women who stood up against him and the men and women that he drove from their homes treated as if they were Nazis? It would be a victory for him and one that can be avoided.

If the United States accept in principle to make a division of the enemy aliens of German and Italian lineage and want to exempt any group of them that can actually be proven to be highly reliable, these groups can be defined: There are, according to the 1940 registration, 19,000 Germans in California, 1,800 in Oregon, and 3,000 in Washington. Since 1940 the total number must have declined through naturalization, and any newcomers could only be refugees as no Germans could leave their country in wartime. Of this total of about 23 or 24 thousand Germans, nearly half, 10 or 11 thousand persons are refugees, are families who had to leave Germany for reasons of political, racial or religious persecution, and, besides having taken out the first papers of the United States citizenship, have lost their German citizenship through legal action of the Hitler government. The Federal Bureau of Investigation today, with the second registration concluded, can compile the exact list of these stateless persons without difficulty. And whatever the Federal Bureau of Investigation, which is doing such excellent work, should not know about these refugees, we ourselves can find out. Give us the permission to cooperate, and in 2 weeks—I say 2 weeks—these—about 4,000 families could be investigated by an advisory board composed of trusted refugees under the presidency of an officer of the Department of Justice. It is nearly impossible that an imposter could stand up under the questions about school and occupation and family background in the old country which such a board could fire at him. After the exemption of this first and most numerous group, which could be completed before the evacuation of the enormous mass of Japanese and American Japanese is finished, there might be set up a tribunal which could judge about the relatively small number of German expatriates, who still have the status of German citizens but are genuine victims of their democratic convictions and their love of liberty.

I do not know the figures of the Italian citizens and excitizens involved but I should imagine that very similar facts will be found to exist.

There is only one more point to be mentioned. Whilst the problem of the Japanese and the grave problem of the Japanese-Americans is burdened with the enormous number of persons involved and the deep-rooted feelings of the populations of the Pacific States against them, none of these factors exists for the German expatriates. Their number is relatively small, they are well-defined and no objection will be found among the so friendly populations of California, Oregon, and Washington, which would force to evacuate the German refugees for reasons of public morale or safety of the persons involved. On the contrary, gentlemen, the whole country, including zones not touched directly, would be thankful to the Tolan committee for having shown that the United States can be tough where it is necessary but will not unnecessarily compromise the life and property of thankful, loyal, and proud future citizens.

# NATIONAL DEFENSE MIGRATION

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THURSDAY, MARCH 12, 1942

HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE INVESTIGATING  
NATIONAL DEFENSE MIGRATION,  
*Washington, D. C.*

The committee met at 9:45 a. m., in room 965, 1355 Market Street, San Francisco, Calif., pursuant to notice.

Present were: Leonard A. Thomas, counsel, presiding; Dr. Robert K. Lamb, staff director; John W. Abbott, chief field investigator; Herbert Roback, investigator; and F. P. Weber, economist.

Mr. THOMAS. The committee will please come to order.

First of all, I want to offer an apology for the chairman and the committee for not being present this morning, but they were called back to Washington. Mr. Tolan left on Tuesday evening.

The purpose of this conference this morning is to put into the record some pertinent material that the committee felt they had to have before our record would be complete.

This morning we are going to call two witnesses who have filed applications for second papers in connection with their proposed naturalization to show, for the purposes of the record, what length of time has elapsed since they filed those applications and what status their particular case is now in.

We will then call on representatives of those who are engaged in naturalization work, and we will have an informal round-table discussion here as to some of the problems that confront the naturalization workers.

The first witness we would like to call is Mrs. Fioretti.

**TESTIMONY OF MRS. ENRICHETTA EMMA FIORETTI, 1473  
FRANCISCO STREET, SAN FRANCISCO, CALIF.**

Mr. THOMAS. Mrs. Fioretti, would you give your full name and your address to the reporter?

Mrs. FIORETTI. Mrs. Enrichetta Emma Fioretti, 1473 Francisco Street, San Francisco.

Mr. THOMAS. Are you an American citizen, Mrs. Fioretti?

Mrs. FIORETTI. No.

Mr. THOMAS. Are you married to an American citizen?

Mrs. FIORETTI. Yes.

Mr. THOMAS. Where were you born?

Mrs. FIORETTI. In Italy.

Mr. THOMAS. How long have you been in the United States?

Mrs. FIORETTI. Twenty-one years.

Mr. THOMAS. Were you married in the United States?

Mrs. FIORETTI. Yes.

Mr. THOMAS. How many years ago?

Mrs. FIORETTI. Nineteen.

Mr. THOMAS. Have you any children?

Mrs. FIORETTI. Two boys.

Mr. THOMAS. How old are they?

Mrs. FIORETTI. One is 15 and the other is 12.

Mr. THOMAS. Is your husband in business here in San Francisco?

Mrs. FIORETTI. Yes, sir.

Mr. THOMAS. Is he a veteran of the last war?

Mrs. FIORETTI. Yes.

Mr. THOMAS. Have you filed an application for a petition for naturalization?

Mrs. FIORETTI. Yes.

Mr. THOMAS. When did you file that?

Mrs. FIORETTI. September 13, 1940.

Mr. THOMAS. Has anything happened to that since that time?

Mrs. FIORETTI. No. I have had my examination.

Mr. THOMAS. You have had an examination?

Mrs. FIORETTI. Yes; December 8, 1941.

Mr. THOMAS. But you have not as yet taken your oath of allegiance?

Mrs. FIORETTI. No.

Mr. THOMAS. Would you have to move from where you live in San Francisco because you are an enemy alien?

Mrs. FIORETTI. No, not yet; but I don't know when.

Mr. THOMAS. You would be the only one in your family that might possibly have to move?

Mrs. FIORETTI. Yes.

Mr. THOMAS. Both your children were born in this country?

Mrs. FIORETTI. Yes; in San Francisco.

Mr. THOMAS. You filed your application in September 1940. When were you called for your first examination?

Mrs. FIORETTI. In 1941—the first time I went was on October 10, 1941. I didn't pass my examination that time, but I passed on December 8.

Mr. THOMAS. I see. That is all. Thank you very much for coming.

Mr. Hallgarten?

**TESTIMONY OF WOLFGANG FELIX GEORGE HALLGARTEN, 75  
BUENA VISTA AVENUE, SAN FRANCISCO, CALIF.**

Mr. THOMAS. Mr. Hallgarten, will you give your name and address to the reporter?

Mr. HALLGARTEN. Wolfgang Felix George Hallgarten, 75 Buena Vista Avenue, San Francisco.

Mr. THOMAS. Mr. Hallgarten, you have submitted for the committee's record a statement here?

Mr. HALLGARTEN. Yes.

(The statement referred to above is as follows:)

STATEMENT BY WOLFGANG FELIX GEORGE HALLGARTEN, 75  
BUENA VISTA AVENUE, SAN FRANCISCO, CALIF.

While my original intention to do something for the German political exiles around the bay as a group seems to have become obsolete, due to the reported evacuation of all enemy aliens without any distinction, I wish to discuss my personal case, for the committee's information. As you doubtlessly remember, I belong to the group of people whose naturalization has been hampered by no other facts than by the crowded condition of the Federal agencies here in the bay region. Instead of investigating the reasons of this crowded condition—a problem which I feel is up to the Federal authorities and not to the victims of these conditions—I think I might give you an objective picture of the technical problems which, in my case, arose out of this situation. For the purpose of doing so I beg to compare my career under what would have been normal conditions with the status as it at present is.

1. Normal conditions: I immigrated on January 28, 1938, filed first papers in March of the same year, and due to my marriage to an American citizen became eligible for citizenship on February 15, 1941. Before the performance of the ceremony I inquired carefully in the naturalization office what my chances for becoming a citizen were. I was given the answer "in case you pass your examination you will become a citizen by July or August." Would this promise have been kept, I would have had a fair chance of becoming executive secretary of a committee on war economics which the University of California, at the suggestion of 10 of its leading professors, planned to erect. Even if this plan would not have materialized, I would have been able to accept the position of a foreign news analyst which the Columbia Broadcasting System in January of this year wanted to offer to me.

2. Actual conditions: In September, the naturalization office informed me that due to the crowded condition of the court—Federal court in San Francisco—I would have to wait until January or February until I would be given a hearing. Under these circumstances, my negotiations with the University of California about the prolongation of my position as research associate in history broke down, as the authorities around that time started enforcing the ruling that people who do not actually teach have to be citizens. Thus, I and my American-born wife were menaced with a financial break-down and creditors presented their claims.

3. After December 7, immigration authorities told me that as they regarded me as an enemy alien I would have to wait 3 more months, for the purposes of investigating my case. Yet in reality, two agents added, this period would be at least 6 months as the Federal authorities were too overburdened with other cases to do the investigating in due time. This in spite of the fact that I am the descendant of three generations of American citizens, and that my activity against Hitler which started in 1921 and which I have continued ever since, in Germany as well as here, is universally known (I have furnished authorities with sworn affidavits about this, and with a photostatic copy of the Hitler decree of March 4, 1936, which deprived me of my German citizenship. Many thousands of San Franciscans have heard my speeches against Hitler before organizations like the Commonwealth Club, the Town Hall Forum, and other meetings and clubs, not to mention my activity over the radio).

4. Army draft boards refused my offer to volunteer, as long as I am not a citizen. At present, papers report that all Axis aliens will be evacuated from here. Should this be the case, the consequences for applicants for citizenship would be disastrous. Not only would they be prevented from appearing before the courts with their witnesses in due time, the moving to other districts of this State would force all of them to start their citizenship cases all over again. In other words, unless congressional action would be taken, I would have lost 1 year in vain. Therefore, should the said evacuation materialize, I would respectfully request that applicants for naturalization and their witnesses would receive permits and free fare to appear before their home-town authorities, as far as this is necessary for the completion of their cases.

Should the plan of evacuating political refugees be abandoned I would at least respectfully request to make adequate provisions which would guarantee that the period of 90 days provided by the law of October 14, 1940, for the investigating of enemy alien citizenship cases will not be exceeded. There is a widespread fear that through this investigating period a bottleneck will be created which will become worse than that which at present exists in the handling of citizenship cases around the bay region.

In addition I think it would be fair that all applicants who have filed their application 6 months before Pearl Harbor or longer would be made exempt from all restrictions concerning enemy aliens as it is not their fault if their cases are not yet handled. The same exemption should apply as to all immigrants who were granted visas after June 30, 1941. It is known that, at this date, new regulations concerning the issuing of visas were issued which made applicants for visas subject to the most rigorous investigation by the Federal Bureau of Investigation and other Federal agencies. It is evident that none of the persons admitted under these regulations is likely to be a fifth columnist.

**TESTIMONY OF WOLFGANG FELIX GEORGE HALLGARTEN—**  
Resumed

Mr. THOMAS. Is there anything you would like to add to that statement?

Mr. HALLGARTEN. I think the statement covers pretty much what I have to say. There is no use going into detail further at this time. I think, first, it will be better to hear the representatives of the Naturalization Service and then, if any technicalities are developed, it might be possible to add something.

Mr. THOMAS. You today are presently classified as an enemy alien, is that right?

Mr. HALLGARTEN. Yes; I am. But, as I said, my father, grandfather and great grandfather were American citizens.

Mr. THOMAS. Naturalized American citizens?

Mr. HALLGARTEN. Well, my great grandfather evidently was, but the others are American citizens. They lived here. I think the family came to the United States in 1837. I was born on the other side because of the extensive traveling of my family.

Mr. THOMAS. Where were you born?

Mr. HALLGARTEN. In Munich, Bavaria, Germany.

Mr. THOMAS. Was your father born in the United States?

Mr. HALLGARTEN. Yes; in New York.

Mr. THOMAS. Was he a citizen of the United States?

Mr. HALLGARTEN. Yes; he was.

Mr. THOMAS. Could you tell us why, if your father, having been born in the United States and, therefore a citizen of the United States, you are not?

Mr. HALLGARTEN. The citizenship status of my father at the time of my birth isn't clear. It is possible that he was an American citizen by that time. But in any event, as I was born in Germany, I was informed by authorities that I am an enemy alien and that at least I have to be considered as a German.

Mr. THOMAS. Do you recall when you filed your application for a petition for naturalization?

Mr. HALLGARTEN. Yes; on March 4, 1941.

Mr. THOMAS. On March 4, 1941?

Mr. HALLGARTEN. Yes.

Mr. THOMAS. Has any disposition been made of that application up to the present moment?

Mr. HALLGARTEN. No.

Mr. THOMAS. Have you heard from the Naturalization Office?

Mr. HALLGARTEN. Yes. I have heard from Mrs. Godfrey, who I see is present, and Mr. Armstrong, that my case will be taken up and I will be called for an appointment before long.

MR. THOMAS. You say you will be called for an appointment before long?

## THREE-MONTH WAITING PERIOD

MR. HALLGARTEN. Yes. But then I was told that a period of 3 months will follow in which I will have to wait to determine whether I will be accepted or not. There is an investigation which will be performed by, I think, the F. B. I. and other agencies. I was told too that, as the conditions are at present, it is not to be expected that this period will last only 3 months, but probably much longer, because of the crowded conditions of the respective agencies.<sup>1</sup> That, of course, might lead to my evacuation from San Francisco in the event that German enemy aliens are evacuated.

MR. THOMAS. If you were not naturalized, or had not taken the oath of allegiance, you might have to move if the military authorities so ordered?

MR. HALLGARTEN. Surely. I want to add to that, that my wife is an American citizen, was born here, and comes from a well-known American family. Her father is principal of the Mission High School here in San Francisco.

MR. THOMAS. Have you any children?

MR. HALLGARTEN. No.

MR. THOMAS. All right, Mr. Hallgarten. We thank you very much for coming here before us this morning. We will make your statement a part of the record.

If Mrs. Godfrey, Mr. Armstrong, Mr. Castagnetto, Mr. Kingston, and Mr. Wade will group around the table, we will make this an informal chat.

I would suggest, starting with Mrs. Godfrey, that you give your name and whatever official position you might hold.

MRS. GODFREY. Mrs. Anne M. Godfrey, principal clerk, Immigration and Naturalization Service, San Francisco.

MR. ARMSTRONG. Paul Armstrong, assistant district director, Immigration and Naturalization Service, San Francisco.

MR. CASTAGNETTO. Walter Castagnetto, deputy clerk, in charge of naturalization, San Francisco.

MR. KINGSTON. J. Joseph Kingston, deputy county clerk, Alameda County.

MR. WADE. G. E. Wade, county clerk of Alameda County.

**TESTIMONY OF PAUL ARMSTRONG, ASSISTANT DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, UNITED STATES DEPARTMENT OF JUSTICE, SAN FRANCISCO, CALIF.**

MR. THOMAS. Now, Mr. Armstrong, is the Immigration and Naturalization Service under the United States Department of Justice?

MR. ARMSTRONG. Yes, sir.

MR. THOMAS. You say you are assistant district director of the Immigration and Naturalization Service in San Francisco?

MR. ARMSTRONG. Yes, sir.

<sup>1</sup> See Exhibit 2, p. 11921.

Mr. THOMAS. Would you explain what that position means in relation to any particular district office, or, if your office is a district office, what your district comprises, what the physical set-up of your naturalization machinery is in district 22?

#### JURISDICTION OF NATURALIZATION OFFICES

Mr. ARMSTRONG. Mr. Wixon is the district director of the Immigration and Naturalization Service.

As assistant district director I have charge of the naturalization phase of the immigration and naturalization work for this district. The district comprises all of California north of the Tehachapis, and the bulk of Nevada. It runs from the Tehachapis to the Oregon line, and takes in most of the State of Nevada. That is district 22 of the Immigration and Naturalization Service, with headquarters here in San Francisco.

Mr. THOMAS. Approximately how many offices are engaged in naturalization work within that district?

Mr. ARMSTRONG. Sixty-one, I believe. There are 49 in California and 12 in Nevada.

Mr. THOMAS. What do those consist of—county courts of the State?

Mr. ARMSTRONG. Well, so far as naturalization is concerned, there are two functioning Federal courts in our district in California, one in San Francisco and one in Sacramento. It is the same district, but two divisions.

Then in each one of the counties there is a superior court which also exercises naturalization jurisdiction.

So that naturalization is held in each one of the United States district courts and also in each one of the superior courts for the various counties in that district. In our district in Nevada there is one Federal court and eleven State courts.

Mr. THOMAS. Is each one of the United States district courts separate from the regional office?

Mr. ARMSTRONG. No. They are all under the jurisdiction of the Immigration and Naturalization Service. All of the naturalization papers filed in any office must be routed through the Immigration and Naturalization Service here in San Francisco for this district.

Mr. THOMAS. What is the address of that office?

Mr. ARMSTRONG. 801 Silver Avenue, San Francisco.

Mr. THOMAS. Now, I wonder if you could give us a brief outline of the procedure which a person must follow from the time he makes his first appearance, in connection with applying for what we will call his second papers?

Mr. ARMSTRONG. You are considering he is now eligible to file his petition, is that it?

Mr. THOMAS. Let us say he comes to your office and wants an application for second papers.

#### PROCEDURE TO OBTAIN SECOND PAPERS

Mr. ARMSTRONG. Well, he must submit that application with photographs, either with his declaration of intention, if he has a declaration of intention, or he may file it as the spouse of a citizen. Then that application is received by us. It may be sent by mail, or

it may be received at our office in the post office, or it may be received at Silver Avenue, and it receives a number.

If there has been a declaration of intention it already has a number; otherwise it is necessary to give it a number.

If the entry into the United States of that individual has not already been verified, it is necessary to send that application form to the port of entry for verification of entry.

In the event that the entry was before June 29, 1906, it is not necessary to get a certificate of arrival. But it is still necessary to verify the fact, either from official records or from some other records, that the person actually was living in the United States as a permanent resident prior to June 29, 1906.

Now, having established the fact that there is or is not a valid entry, the process from there on would be different.

If we are unable to find a record of lawful entry, or if the individual is unable to supply adequate proof that he was living here before 1906, then there is considerable investigation that is necessary. We have to call them in sometimes for interrogation to try to get additional facts.

The person who arrived before 1906 need pay no fee for this verification.

A person who arrived after June 29, 1906, has to pay \$2.50 for the certificate of arrival, which fee must accompany the application.

If we cannot establish the fact that the person in question was living in this country before 1906, or from all of the information we can get from him we cannot verify his claim that he arrived at a certain time, on a certain ship, and so forth, or if the facts show he came in illegally, then it is necessary for that individual to go through what is called a registry process to create a lawful entry for the entry that may have been unlawful, or for which no record can be found.

Mr. THOMAS. Do you have a number of those types of cases?

Mr. ARMSTRONG. Yes, there are quite a number.

Mrs. Godfrey mentions the fact that under the law, if the alien arrived in this country after July 1, 1924, the record of entry cannot be created. He is here unlawfully and is deportable.

It is only those persons who arrived prior to July 1, 1924, who have the privilege of going through this registry process.

Now, after the entry has been legalized by this registry process, then those cases are ready for filing. All that is necessary then is for us to function. The cases are ready, the applicant is ready, and we are not. That is what it amounts to. We are not able to reach them. I am speaking now of the condition that exists right now and has existed for some time.

Mr. THOMAS. Will you just explain, for the purposes of the record, how an applicant is called for his first interview, and then what various steps he takes in the filing of his petition, and then when he might eventually take the oath of allegiance?

#### APPLICATION FOR NATURALIZATION

Mr. ARMSTRONG. I think you have a misconception about that. First, he comes in with his application. There is no interview then. He either brings in the application and submits it, or he sends it in by mail, or he may send it in by a daughter, wife, or a friend.

The application is accepted and then the process of verifying it goes on.

Mr. THOMAS. I mean, after the process has all been completed, and the applicant is called in to appear with his witnesses.

Mr. ARMSTRONG. He files his petition at that time. An appointment is made with him to appear with his witnesses at a designated time. He then is interviewed by an examiner, and if everything is satisfactory the witnesses are interrogated; the applicant then goes to the clerk's office with his paper to file his petition. It is a continuing process at the same time.

In San Francisco, in the United States district court, after the examiner completes his examination, he turns these papers over to a typist, who types the petition and gives the applicant two copies of it, the original and the duplicate, to take to the clerk's office with the necessary documents, which includes the photographs and the certificate of arrival, and a declaration of intention, if that is necessary.

The clerk then receives those papers, places his name on them, and swears petitioner and witnesses to the document; then they go right across the hall to the officer, who is called a designated examiner.

Mr. THOMAS. When does the applicant pay his fee?

Mr. ARMSTRONG. When he goes to the clerk's office just before he goes to the designated examiner. The petition is actually filed and a matter of record when it is presented to the designated examiner.

While the petition is being filed by the clerk, the typist, who has typed the petition, takes the triplicate petition, with whatever other correspondence there may be in the file, to the designated examiner so that he has that before him. When the people go across from the clerk's office, they have a white card. That is all that is left after the petition is filed. They have a card from the clerk giving the number of the petition, the person's name and other identifying data, and leaving a blank as to when the final hearing on that petition will be held.

#### SETTING DATE FOR FINAL HEARING

Then the designated examiner conducts a very cursory examination. If everything appears to be satisfactory, he puts on the date of the final hearing.

The reason that is not done any more—putting on the date of the final hearing, which was done by the clerk heretofore—is that it caused a good deal of confusion if the date was fixed at a specified time. The designated examiner would have to say, "Well, now, you will disregard that because we need depositions and we can't pass that until then," or, "You haven't passed your Government examination," or, "One of your witnesses hasn't proved that he or she is a citizen of this country and proof will have to be forthcoming," or for one reason or another the case couldn't be marked what we call "G"—granted—it couldn't be marked as accepted as that time. So he would have to cross it out, or say, "Don't pay any attention to that; we will notify you when to come in."

At the present time the date of the hearing is left off, and if everything is satisfactory at the time the person appears before the designated examiner then he writes on it the first hearing date that that person can come in.

We have no difficulty about hearing these cases. Under the designated examiner system we can hear in the court in San Francisco in a week 350 cases just as well as we can hear 50. There is no question of a bottleneck in the court. The bottleneck is before that.

Mr. THOMAS. What happens after the designated examiner has marked these papers "G"—does he examine the applicant's witnesses then?

Mr. ARMSTRONG. No. The witnesses have been examined by the preliminary examiner, and again by the designated examiner, right in the same process. He does not mark that "G" until the witnesses are satisfactory and the applicant also is satisfactory.

Mr. THOMAS. These examinations before the preliminary examiner, and before the designated examiner, the filing of the petition, and the paying of the fee, all take place the same day?

Mr. ARMSTRONG. Oh, yes; within an hour or an hour and a half. It is all a part of the same process.

Mr. THOMAS. What becomes of the petition after the designated examiner has marked it "G"?

Mr. ARMSTRONG. The petition goes to the file. The information from the petition is put on a separate form letter and goes to our investigating staff, and they check with the police. The form notice goes to the F. B. I. also, and the investigating group of three or four definite avenues of checking; one of which is the police, one of which is the Alcohol Tax Unit, and one of which is our own accumulated index which has some information in it that is received from time to time with reference to aliens who are later to file petitions.

The petition itself is put in the file awaiting the time when it is ready for the next hearing.

#### WAITING PERIOD

Mr. THOMAS. About how long a time does this investigatory process take?

Mr. ARMSTRONG. We are getting through with most of them in the 30-day period between the time of filing and the court hearing.

Mr. THOMAS. We understand that, in the case of enemy aliens, they have to wait a period of 90 days. Could you explain for the record just what that waiting period means, and how it enters into this picture?

Mr. ARMSTRONG. The law itself, section 326, requires that there be at least 90 days between the filing of the petition and the hearing in those special cases.

Section 326 (b) of the Nationality Act of 1940 provides:

An alien embraced within this section shall not have such alien's petition for naturalization called for a hearing, or heard, except after 90 days' notice given by the clerk of the court to the Commissioner to be represented at the hearing, and the Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require.

That 90-day period is statutory.

Mr. THOMAS. Well, could all this investigatory work be completed within that 90-day period?

Mr. ARMSTRONG. You are speaking of today?

Mr. THOMAS. Yes.

Mr. ARMSTRONG. No, sir.

Mr. THOMAS. Or is the 90 days to run after all the investigatory work has taken place?

Mr. ARMSTRONG. No, no, as far as the statute is concerned, 90 days after the petition is filed it is entitled to a hearing.

Mrs. Godfrey corrects me somewhat—90 days after we receive notice.

The mechanics of that are this: That at the end of the month in which the petition is filed the clerk of the court, whether it is a Federal court or a State court, sends a notice to our office—he sends other reports too, but so far as this inquiry is concerned he sends a report—“that the following alien enemy petitions have been filed during the month,” showing the petition number, the name of the individual, and the country to which they owe allegiance.

Mrs. Godfrey has brought with her one of those forms that comes from the United States district court in San Francisco. The form number that we use is N-435. That sets forth the names of the individuals and the country.

#### ACTUAL TIME REQUIRED

Mr. THOMAS. It is possible, then, that more than the actual 90 days might elapse from the time —

Mr. ARMSTRONG (interposing). If we were absolutely current and handling everything just as every body would desire, it would take perhaps 40, 45, or 50 days—I shouldn't say that; it might take 99 or 100 days because of the fact that the petition might be filed in the early part of the month. Then we wouldn't get the report from the clerk until the 2d or 3d, perhaps, of the succeeding month, and the 90 days would begin to run from the date on which we accept notice of the fact that those petitions were filed. That is when the 90 days begin to run.

Mr. THOMAS. What is the procedure in the event that all of the investigation proves to be satisfactory—what happens to the petition then?

Mr. ARMSTRONG. The petitioner would be admitted to citizenship.

Mr. THOMAS. Does the petition come back to the designated examiner for further O. K.?

#### EFFECT OF DECLARATION OF WAR

Mr. ARMSTRONG. Yes. I was counting back because in many of these enemy alien cases we have pending they have already been marked “G”—they have already been marked “satisfactory.” But along came the war and it was necessary then to throw them in the classification of enemy alien. There will be further investigation, if necessary, in those cases.

Mr. THOMAS. Have enemy aliens been admitted to citizenship since the declaration of war?

Mr. ARMSTRONG. No, sir.

Mr. THOMAS. Not as yet?

Mr. ARMSTRONG. We couldn't get our first notice until January 2 or January 3, and that would be the earliest we could handle it—would be the early part of April.

Mr. THOMAS. When the designated examiner finds, after the investigation, that the papers are satisfactory, does he then recommend that that petition be acted upon by the court?

Mr. ARMSTRONG. You are speaking now of any case, including the alien enemy?

Mr. THOMAS. Yes.

Mr. ARMSTRONG. Yes.

Mr. THOMAS. What happens then insofar as the court procedure is concerned?

#### ADMISSION TO CITIZENSHIP

Mr. ARMSTRONG. The first court day after that, at which they can be heard, they would be notified to appear, alone without witnesses, and be sworn in as citizens.

Mr. THOMAS. You are speaking now of the United States District Court?

Mr. ARMSTRONG. What I have reference to now is entirely in the United States district court where the designated examiner system is followed.

Mr. THOMAS. How often does the United States District Court meet for naturalization purposes?

Mr. ARMSTRONG. Every Monday.

Mr. THOMAS. And all of the cases that are then presented to it are then disposed of at that sitting of the Court?

Mr. ARMSTRONG. Yes. As a matter of fact, we don't interfere with the court calendar at all. The cases are brought to the court at 8:45 to 9. The successful applicants are taken into the courtroom and the judge comes into the courtroom about 9:30. The examiner moves the admission of this group.

Last Monday there were 145 and the Monday before 175. The court generally makes a talk of about 10 minutes to those that are to be admitted to citizenship and then directs the clerk to administer the oath of allegiance. They all stand up, hold up their right hands, and take the oath of allegiance. They go to the clerk's office then and sign their certificates. They pass out of the court-room into the clerk's office and the judge goes off the bench for 5 minutes or 10 minutes and comes back at 10 and takes up the regular business of the calendar.

There is a great deal of extra work, of course, that is necessary, in order to have a group of 100 to 200 flow through there with some degree of dispatch.

Mr. THOMAS. What has been your experience insofar as these petitions that are being investigated; that is, as to the number that go through without any particular trouble?

Mr. ARMSTRONG. I should say the number is about 5 or 6 percent that have trouble; and 94 or 95 percent go through without any particular trouble.

Mr. THOMAS. I wonder if you could give us a few figures, as nearly accurate as you might be able to estimate, as to how many enemy aliens have filed petitions and are now awaiting this investigatory process.

## ACCUMULATION OF PETITIONS

MR. ARMSTRONG. I think I should preface any remarks that I might have on that proposition by stating this: That through the years there has been quite an accumulation of petitions that are pending and ready for hearing if the individuals can meet definite requirements. For instance, we have petitions running back to 1936 that are still pending petitions, quite a few in 1937, 1938, and on up to date. Some of those need to furnish depositions to prove certain things. The bulk of them are continued because of lack of ability to pass the examination as to reading English, or as to satisfying the designated examiner that he or she understands the fundamental principles of our Government.

I haven't broken down how many of these cases are enemy aliens.

Also in this same group there are a lot of cases that still need investigation and are being investigated. As I say, I can't break that group down for you.

MR. THOMAS. Have you any figures, for instance, as of March 1 as to how many petitions are now pending in the United States district court?

MR. ARMSTRONG. About 3,000. That is a fairly close estimate, I think.

MR. THOMAS. About how many of those would be enemy aliens?

MR. ARMSTRONG. Maybe 1,200.

MR. THOMAS. When you speak of 3,000 does that include any petitions from outside the San Francisco office?

MR. ARMSTRONG. No.

MR. THOMAS. These twelve-hundred-odd that you speak of, would they be waiting for these various things you have enumerated, for instance, the 90-day period, waiting some further investigation, waiting for a personal interview by the investigators, and, as I understand it, for a further neighborhood investigation, or an F. B. I. report?

MR. ARMSTRONG. Yes.

MR. THOMAS. Would they be waiting for anything in connection with the alien registration?

MR. ARMSTRONG. They might be. Maybe they have not registered. There would be a certain number, not large, that would be included in that group.

MR. THOMAS. Have you any way of estimating how many petitions might be pending in these other fifty-odd offices in the district that you spoke about?

MR. ARMSTRONG. We are fairly current in the other offices, with the exception of Alameda County and Santa Clara County, where we are considerably behind. In Santa Clara County they have furnished a clerk, through the supervisors, an extra deputy, and a typist, and we are clearing that situation up right now. I think by next month we will probably be current in Santa Clara County. Certainly by May we will be current there.<sup>1</sup>

MR. THOMAS. When you say "current", what do you mean by that?

MR. ARMSTRONG. I mean that all of the petitions which can be filed and are pending are filed and are before the court ready for hearing.

<sup>1</sup> See Exhibit I, p. 11919.

## REASONS FOR CONTINUANCES

Now, in every court that we have there is a certain number that have been continued from time to time because of the same elements that caused the continuance of a large part of this 3,000 in San Francisco; that is, they have not satisfied the court that they understand the principles of government, or they have not presented these depositions, or a witness has not proved certain facts. There are different elements that cause a continuance in these other courts. How many there are of those cases that have been continued from time to time I don't know. It could be found out. They are all on file in their places in our district office, but I don't know just how many there are. I wouldn't want to make a guess because that information is fairly easily obtained.

Mr. THOMAS. Might I ask you how many persons who have filed an application for petition are now awaiting their first interview, for instance, in the San Francisco office?

## APPLICANTS AWAITING FIRST INTERVIEW

Mr. ARMSTRONG. A pretty close estimate would be 6,000.

Mr. THOMAS. How many of those would you estimate are alien enemies?

Mr. ARMSTRONG. They run about 1 in 3, so it would be pretty close to 2,000.

Mrs. Godfrey and I do not agree on that, but I think the figures will bear me out.

Mr. THOMAS. Have you had a higher percentage of applications filed since war was declared than previously in connection with enemy aliens?

Mr. ARMSTRONG. Yes.

Mr. THOMAS. Or that are now classified as enemy aliens?

Mr. ARMSTRONG. Yes.

## INCREASE IN APPLICATIONS FILED

Mr. THOMAS. How many applications have you had since January 1, 1942?

Mr. ARMSTRONG. Well, as sort of a comparison, our general average for San Francisco last year would run about 400 to 450 a month. Since the first of the year it has been nearer 1,000.

Mr. THOMAS. And about how many of those would be enemy aliens?

Mr. ARMSTRONG. I don't know. I think I would agree with Mrs. Godfrey that as to this new group during the last 3 years, my 1 in 3 figure is out of proportion; it is too low. I would say that of the applications that we have received in San Francisco, the number of enemy aliens, German and Italian, would be nearer 60 percent than it would be 30 percent.

Mr. THOMAS. Could you give us any estimate of approximately how many people in the entire district have filed applications for petitions and are now awaiting their first interview?

Mr. ARMSTRONG. Well, perhaps I should indicate something of the practice that we follow outside of San Francisco which might answer that question.

Mr. THOMAS. May I interrupt a moment? If any of you gentlemen, or Mrs. Godfrey, want to ask a question to make this more explicit do not hesitate, because this is informal.

Mr. ARMSTRONG. With the exception of Alameda County and Santa Clara County, in all of the Superior Courts in California we send the application form itself to the clerk and the clerk files the petition without an examiner being present.

#### REPATRIATION CASES

Now, in Alameda County they accept what we term "R" cases. That is a woman who is being repatriated. We require all of the documents to be submitted and if we check those and find them satisfactory, her birth certificate, and any other documents that are necessary to make a valid repatriation case, we send that to the superior court in Alameda County and they file that without an examiner being present.

But for an ordinary case, outside of the "R" cases, the repatriation cases, except for Alameda County and Santa Clara County, we send the regular case to the clerk and the clerk calls in the petitioner and the witnesses, interrogates them as a preliminary examiner would do, and files the petition. He takes the \$5 filing fee, and at the end of the month returns to us the papers that we sent down as a basis for that petition, together with the duplicate and triplicate petition. We put that in our file, awaiting the regular rule day of that court when an examiner appears in court and, with this as a basis, this triplicate petition and the other papers which we may have in our files, he conducts the examination. That is the first time we have seen that individual. That is, there has been no preliminary examination of that individual at all by our Service.

Mr. THOMAS. Approximately how many people are awaiting either a first interview in your office or that type of examination in the county clerk's office?

Mr. ARMSTRONG. Very few of these outside cases because we send them on as soon as they are ready for filing.

#### DELAYS IN OFFICES OF COUNTY CLERK

Mrs. Godfrey says the clerks don't call them. I don't want to be put in a position of saying that we wash our hands of it as soon as we send them to the clerk, because we don't. But there were some indications that in some of the courts, for one reason or another, the clerk was not calling these people soon enough and in those two cases that I know of—one was in Stockton and one was in Fresno—I just wrote down to those places and told them that we had some complaints about the length of time that had passed since the case went away from us.

We get the rebound this way: That an applicant out there will say, "Well, I sent in my application long ago and I haven't heard anything about it. What is the matter? What is holding it up?"

Then we go to our file and see where, 2 or 3 months ago, we sent that to the clerk to file. On the basis of these complaints coming in from Stockton and Fresno, I just wrote down to them and told them of the complaints that had come in; that so many had come that it indicated they were being held up. I think the situation has been corrected.

Maybe that has come up in other places and we haven't known about it until a considerable time afterwards.

Mr. THOMAS. What I am trying to get at is if you are in any position to estimate how many people right now have filed applications for second papers that are awaiting some further disposition of their case.

Mr. ARMSTRONG. That would be a wild guess.

Mr. THOMAS. In the whole district, including San Francisco and all the other cities, would it be as high as 5,000?

Mr. ARMSTRONG. I want to get what you have in mind, Mr. Thomas, as to what you want me to say, that is, what type of case have you in mind?

#### APPLICATIONS IN PROCESS

Mr. THOMAS. You have explained, for instance, that no enemy aliens at the present time have been admitted to citizenship. I am assuming that a great many applications have been filed in San Francisco, which includes both friendly aliens and enemy aliens. Now, I have had some indication that there are as many as 5,000 applications which are now in San Francisco awaiting their first interview—or was it 6,000?

Mr. ARMSTRONG. I think 6,000. It is between 5,000 and 6,000. I think 6,000 is a fair estimate.

Mr. THOMAS. What I want to know is whether or not you are in a position to estimate as to the number of cases which might be awaiting some action by the county clerk, for instance, throughout the rest of the district.

Mr. ARMSTRONG. We have approximately 2,000 cases for Alameda County that are in our office. They are not in the clerk's office. They are in our office awaiting appointment.

But in most of the other clerks' offices it would be just a question of knowing from day to day. That changes from day to day. Today the clerk may have decided that next week they are going to call in 50 cases, if there were that many cases before them.

Mr. THOMAS. You would have no great backlog in the county clerks' offices then?

Mr. ARMSTRONG. As far as our office is concerned, there is no backlog at all outside of Alameda County, and a little backlog in Santa Clara County, which we are cleaning up pretty rapidly.

#### TIME BETWEEN FILING OF APPLICATION AND FIRST INTERVIEW

Mr. THOMAS. In connection with the San Francisco office, how long a period of time elapses from the date of filing the application until the person is called for his first interview?

Mr. ARMSTRONG. In San Francisco it is approximately twelve months. Mrs. Godfrey can tell you very much closer than that, I suppose. Our appointments going out now are a little less than 12 months.

Mrs. GODFREY. Just 12 months exactly. We were 14 months behind.

Mr. ARMSTRONG. In Alameda County they are about 32 or 33 months behind.

Mr. THOMAS. Can you give us any estimate of the approximate number of persons examined monthly at their first interview in the San Francisco office?

Mr. ARMSTRONG. I don't know exactly what you mean.

Mr. THOMAS. How many applicants are called in for their first interview, that is, the bringing in of their witnesses?

Mr. ARMSTRONG. Between 900 and 1,200 a month.

Mr. THOMAS. How many men are engaged in the work of this preliminary examination?

#### NUMBER OF PRELIMINARY EXAMINERS

Mr. ARMSTRONG. If you mean how many are actually working as preliminary examiners from day to day, we have five, full time, five right along—Mrs. Godfrey will say that isn't accurate but I can qualify that—five or six, and I have to qualify it to agree with Mrs. Godfrey for this reason: Special things come up and I have to yank an examiner out of there on account of special work and it increases the load on the other examiners that are there and it makes for a little less satisfactory piece of work and a little more congestion in the office during the peak times when the people are coming in. But I think it is a fair statement to say that generally there are five preliminary examiners working daily in the San Francisco office. "Daily" means Tuesday, Wednesday, Thursday, and Friday, with a little on Saturday. We are unable to file at the present time on Monday because of the hearing and because all of Monday morning is gone with the signing of certificates and the job of getting those certificates out right away. We have to get it out in 1 day because it is a thing that can't lag over.

Mr. THOMAS. About how many men have you engaged in the investigatory work, that is, after the petitioner has come from the designated examiner?

Mr. ARMSTRONG. Three.

Mr. THOMAS. Those are three men of the Naturalization Service?

Mr. ARMSTRONG. Yes, sir.

Mr. THOMAS. Have you any idea how many F. B. I. agents are engaged in examinations for you?

#### F. B. I. MAKES SEPARATE INVESTIGATION

Mr. ARMSTRONG. None at all. The gentleman was wrong when he mentioned that a moment ago. We haven't asked the F. B. I. for any investigating at all. They have their own.

Mr. THOMAS. I mean, are they up to date in the investigations that they make on their own in connection with what has to be turned over to the Naturalization Service?

Mr. ARMSTRONG. I understand they are a couple of months behind in returning to us reports on the requests for the checking of their records that we have made. That is all we ask them to do. We are not asking them to make any investigations for us.

Mr. THOMAS. Do they duplicate any work that your investigators do, or is their particular field of inquiry entirely separate and apart from that which your investigators make?

Mr. ARMSTRONG. It is entirely separate, unless there is something that we encounter that we feel that they would be interested in. What we ask them to do is to check the list we send them against their files. That is all we ask them to do.

Mr. THOMAS. It has been suggested that your office here is somewhat bogged down a little bit by the tremendous amount of business that is passing through it. Have you any suggestions that you might make that could speed up this work in any way or not?

#### ENLARGED STAFF AND ADEQUATE SPACE REQUIRED

Mr. ARMSTRONG. Well, more space and more personnel. That is all. If we had additional personnel and additional space in which to work, that would help.

Mr. THOMAS. In other words, if you had adequate staff and adequate space this whole process could be considerably speeded up?

Mr. ARMSTRONG. There is no question about it.

Mr. THOMAS. Supposing you had sufficient staff and sufficient space. Could you give us any estimate of how long a time it might take between the time a person filed his application for petition, assuming that everything went along in satisfactory order, before the applicant might be admitted to citizenship?

#### TIME REQUIRED TO OBTAIN FINAL PAPERS

Mr. ARMSTRONG. With the exception of the enemy aliens, it would be a matter of 3, 4, 5, or 6 months. You have to send to the port of entry for a certificate of arrival.

Mr. THOMAS. In the case of an enemy alien it might require a little longer on account of the 90-day waiting period?

Mr. ARMSTRONG. Yes. You add an additional 3 months.

Mr. ROBACK. I wonder if you would speculate on a hypothetical question, Mr. Armstrong. Assuming that there was an evacuation, or a compelled movement today, and assuming that your facilities as to staff, and space, had been doubled 1 year ago, would you estimate how many people today would not be enemy aliens who are today so classified and would have to move?

Mr. ARMSTRONG. If we had had that available a year ago?

Mr. ROBACK. Yes.

Mr. ARMSTRONG. We would have just the applications we have received since December that would still be pending. We would be current; that would be all.

Mr. ROBACK. Will you translate that into numbers?

Mr. ARMSTRONG. No; because I don't know—we have approximately 1,200 enemy alien cases. Out of that number we figure about 95 out of 100 would be accepted and 5 out of 100 would be rejected. As far as I know that same figure would run for any nationality that you can name. So I presume it would be 60 off of the 1,200, and that would be 1,140 that probably would be citizens.

Mr. ROBACK. Would it be fair to say that, under such an assumption as that, that it might be less expensive to provide such facilities

and equipment than to evacuate such people who presumably in many cases would require governmental assistance?

Mr. ARMSTRONG. I don't think there is any question about that. I wouldn't put it on that basis as much as I would on the human side of it.

Mr. ROBACK. I was merely raising the question. It is true that the financial side of it would have its appeal in some quarters.

#### EFFECT OF EVACUATION ON NATURALIZATION PROCEDURES

Mr. THOMAS. That leads to this question: What would be the effect on either an application or on a petition, in the event that a person who had not yet been sworn had to be evacuated from, for instance, your district—what would be the effect on those applications or those petitions?

Mr. ARMSTRONG. Well, it might be a very serious one. If they are evacuated, and if the particular court in which the petition has been filed is one where they are not permitted to be, they have a petition on file and they cannot possibly be naturalized without that petition being dismissed, they then file a new petition in some other jurisdiction, because there is no machinery in the law for the transfer of that petition from one court to another after the petition has actually been filed in court.

Mr. THOMAS. Supposing it were in the United States district court, would there be any objection to having that transferred to another district court?

#### NO MACHINERY FOR TRANSFER OF CASES

Mr. ARMSTRONG. There is no machinery in the law for doing so.

Mr. THOMAS. Well, by speaking of machinery are we speaking now of administrative practice or positive restrictions in the law?

Mr. ARMSTRONG. I think there are no positive restrictions, but there is no provision in the law for doing it. I don't know whether that could be worked out or not. But I do know that it never has been done. I know that it has been very definitely frowned on.

Mr. THOMAS. The chances are it has never come up?

Mr. ARMSTRONG. Yes; it has come up numerous times, both the request to do it and a good deal of agitation for doing it, and it has always been the same answer. I don't know of any time when a clerk, either of a State court or of a Federal court, has either torn out a page from his book, or has taken out something and sent that to another jurisdiction to be acted on. I don't believe it has ever been done. But the question has come up many, many times during the years from all over the country.

Mr. THOMAS. Well, I can see, in connection with the court procedure, that an application when it is filed and put on the docket becomes part of the court records. But could applications, for instance, be transferred?

Mr. ARMSTRONG. There is no difficulty about transferring an application. We do it all the time. A person files an application here in San Francisco, moves to Los Angeles and then wishes to file his petition in Los Angeles. There is no trouble about sending the application on down to Los Angeles.

Mrs. GODFREY. If large groups were transferred to the same district what would prevent the court going to the group?

Mr. ARMSTRONG. So far as naturalization is concerned the United States district court might go over to the San Joaquin Valley and hold court over there and admit a lot of people that had filed their petitions in San Francisco. But it is different when you come to a superior court. Take Martinez, for instance; if the court house in Martinez is within the prohibited area and aliens had already filed petitions there and they were pending in court there, and they are later listed so that they have a right to appear before the court for naturalization, but can't go there because the court is within the prohibited area, there is no reason why the court can't go over to Walnut Creek, or some place like that, and go in a barn, or any other kind of a building, and open court and hear them and admit them to citizenship. It has been done in the past. There is no legal reason why it couldn't be done.

#### PROCEDURE IN REPATRIATION CASES

Mr. THOMAS. We were speaking a moment ago of repatriation cases. It is my understanding that there is not much formal procedure required in connection with the sending of a repatriation case to the court.

Mr. ARMSTRONG. Very little.

Mr. THOMAS. Do they stand in the same line that everyone else does; are they just taken chronologically as they are filed, or are they given special treatment?

Mr. ARMSTRONG. They are not given special treatment except in Alameda County. I don't know when it was, Mr. Kingston, but some 2 or 3 months ago you said you would accept all repatriation cases. We have been sending them over and the court has been taking them once a week, or once every 2 weeks on a special hearing. There is very little difficulty about that. But so far as the action of an examiner is concerned, there is considerable paper work about that. And as far as the clerk's office over there is concerned there is a good deal of paper work about those repatriation cases.

#### PERSONS CLASSED AS ENEMY ALIENS BECAUSE OF NATURALIZATION DELAYS

Mr. THOMAS. Would you say then that there are actually thousands of people, or hundreds, who filed applications before December 7, 1941; who are today classified as enemy aliens because the Government just hasn't been able to get around to act on their petitions?

Mr. ARMSTRONG. I don't think there is any question about it. If you are speaking of the San Francisco district in mentioning your thousands, I would say it would have to be a very few thousands. I think it would be 2,000 perhaps.

Mr. THOMAS. Could you project that figure perhaps in terms of the whole west coast, or are you in a position to even estimate that?

Mr. ARMSTRONG. No. Our number of enemy aliens proportionally runs higher than Los Angeles, but how much higher I don't know. I wouldn't be able to say. They naturalize in Los Angeles, for the Los Angeles district about 2,000 a year more than we do. We have about 10,000 a year and they naturalize about 12,000 a year. Their

problem is a good deal less than ours because it is concentrated. They have very little naturalization outside of Los Angeles itself.

Mr. THOMAS. Are any preferences at all given in connection with applications or petitions?

Mr. ARMSTRONG. No, sir; we give absolutely none.

Mrs. GODFREY. Military preference.

Mr. ARMSTRONG. I presume you mean the ordinary person?

Mr. THOMAS. Anything special?

#### GRANTING OF PREFERENCES

Mr. ARMSTRONG. We give military preference. Persons who are engaged in national defense are given preference over other applications.

Mr. ROBACK. Are such preferences exercised in relation to requests by employers who are engaged in wartime production for the naturalization of aliens? There are some restrictions, as I understand it, in the existing law regarding the employment of aliens in defense work.

Mr. ARMSTRONG. It would depend considerably on what that might be. If it appears to be a defense employee, a mechanic that is working in the shipyards, or something of that kind, where the employer asks for preference in behalf of the employee, we give a preference; yes.

Mr. THOMAS. We will take a short recess.

(Whereupon a short recess was taken after which proceedings were resumed as follows:)

#### PERSONS ELIGIBLE FOR REPATRIATION NOT CLASSED AS ENEMY ALIENS

Mr. THOMAS. Mr. Armstrong, in these repatriation cases are the parties classed as enemy aliens?

Mr. ARMSTRONG. I think there has been some difference of opinion on that score, but we do not class them as enemy aliens and I think it is incorrect for any agency to class them as enemy aliens, though I know that some of them have told us at least that they were informed that they were enemy aliens and that they should so register. The Director of Alien Registration in Washington in 1940 sent out a letter and later confirmed it with a definite letter to us that any person who qualified under the act of 1936 as a person who was eligible for repatriation is not an alien, though that person was deprived of certain rights until she did go before the court and take an oath of repatriation.

Mr. THOMAS. Now, in connection with whether or not a person in that status would have to be evacuated, whose decision as to whether they would be classed as an enemy alien would prevail?

Mr. ARMSTRONG. I presume the Army.

Mr. THOMAS. What I mean is, Would the Army seek your advice on it or would they do that independently, or is there any other Government agency to which they would look for an authoritative classification?

Mr. ARMSTRONG. There was some difficulty, I believe, for a little while because different governmental agencies were giving out different views. I believe that now all of them are referring these questions to us. The F. B. I. and the United States attorney and all the rest of them, I think, are referring those to our office.

Mr. THOMAS. In other words, your decision on that question is acceptable to the military authorities and the other agencies?

## ACTION OF MILITARY AUTHORITIES

Mr. ARMSTRONG. I don't know. The military authorities haven't discussed it at all so far as I know. It may have come from them through these other agencies, but I would say that if there were a question as to whether they should move or not the military authorities would rule upon it right now and then maybe seek advice later and correct it if they were wrong. But I think if it were a question that they felt should be submitted, it would be submitted to our office to determine whether the person should be classified as an enemy alien or not.

Mr. THOMAS. In connection with what we were discussing a moment ago about the help in the office there, could any of the men who are now acting as preliminary examiners be used as designated examiners?

Mr. ARMSTRONG. Oh, yes. We do use them right along.

Mr. THOMAS. You do?

Mr. ARMSTRONG. When the examiner who sits as designated examiner most of the time and does the bulk of the work here in San Francisco, Mr. Johnston, goes out to lunch he is relieved by one of the designated examiners. We have six all together in the San Francisco district who have been named as designated examiners. So that any one of those six could function in San Francisco or elsewhere.

Mrs. GODFREY. All six of them could if you had lots of attorneys.

Mr. ARMSTRONG. Oh, yes. They could all act, but it would be terrible.

## EFFECT OF MILITARY DRAFT ON OFFICE

Mr. THOMAS. This is a rather pertinent question to some of us on the staff of this committee. Has the military draft affected your office in any way?

Mr. ARMSTRONG. Two of our examiners have already left. Luckily they were both new examiners and it was not a really serious loss to us to lose either one of them, though they were both good men. But we have two other men who are right on the waiting list in the ante-room, as it were, and it would be a very serious loss to us to lose either one of them, one of them particularly. They are both very good men; it is not easy to replace an examiner. Anybody who has had experience with them, such as Mr. Kingston, for instance, would be the best sort of person on the outside to indicate whether an examiner can be replaced overnight or whether it takes some time to educate one.

Mr. THOMAS. Are you asking for any deferments or exemptions?

Mr. ARMSTRONG. As I understand it, they are not.

Mr. THOMAS. They are not?

Mr. ARMSTRONG. No, sir.

Mr. THOMAS. About how long does it take to train these people, approximately?

Mr. ARMSTRONG. Well, some of them are never trained. I should say, it takes 3 or 4 months before you can safely let a man go out on his own. An attorney who has a pretty good outlook, has a

heart and an idea of trying to get our point of view on his responsibility to the alien as well as to the Government, can, in a month perhaps, work, with fair supervision around, as a preliminary examiner in the office.

Mr. THOMAS. May I ask you one more question? Then I think we should either give you a glass of water or a rest. What is the status of those people who are now classed as enemy aliens in connection with their applications, whose citizenship has been canceled, for instance, by an Axis country? Does that make any difference in their status or not?

STATUS NOT AFFECTED BY EXPATRIATION

Mr. ARMSTRONG. May I ask, just to know what you mean. Do you mean a German Jew, for instance, who has been expatriated by Germany? Is that what you mean?

Mr. THOMAS. That's right.

Mr. ARMSTRONG. No, sir.

Mr. THOMAS. What is his classification so far as your office is concerned?

Mr. ARMSTRONG. He is an enemy alien. We have no discretion at all. It is the place of birth or his nationality. Under section 326 (a), the Nationality Act of 1940 reads as follows:

"An alien who is a native, citizen, subject, or denizen"; so it leaves no opening at all.

Mr. THOMAS. I see.

Mr. ROBACK. Mr. Armstrong, has the Attorney General or anyone else in the Department of Justice made any communication to you regarding the status of such persons with respect to any type of consideration or special problem?

Mr. ARMSTRONG. No, sir.

Mr. THOMAS. Now, Mr. Armstrong, we will turn to these other gentlemen.

Mr. Castagnetto, please.

**TESTIMONY OF WALTER CASTAGNETTO, DEPUTY CLERK IN CHARGE OF NATURALIZATION, CITY AND COUNTY OF SAN FRANCISCO, CALIF.**

Mr. THOMAS. I wonder if you would be so kind as to describe for us how the superior court of the city and county of San Francisco fits into this naturalization picture. You have submitted a short statement here which will be put into the record, but I would like to ask you if you could enlarge a little bit on the statements that are here.

(The statement referred to above is as follows:)

STATEMENT BY WALTER CASTAGNETTO, DEPUTY CLERK IN CHARGE OF NATURALIZATION, CITY AND COUNTY OF SAN FRANCISCO, CALIF.

IN RE NATURALIZATION, SUPERIOR COURT, SAN FRANCISCO, CALIF.

Petitions filed from May 1, 1940 to Mar. 5, 1942.....	881
Declaration of intention filed from May 1, 1940, to Mar. 5, 1942.....	402
Repatriation applications filed May 1, 1940, to Mar. 5, 1942.....	142
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Alien enemy petitions, sec. 326-A, Nationality Act, 1940, pending prior to Dec. 11, 1941, and set for hearing Apr. 13, 1942.....	32
Alien enemy petitions, sec. 326-A, Nationality Act, 1940, pending prior to Dec. 11, 1941, and set for hearing Apr. 20, 1942.....	21
<hr/>	
Total.....	53
Alien enemy petitions, sec. 326-A, Nationality Act, 1940, filed since December 11, 1941:	

Date filed	Date set for hearing	Number	Date filed	Date set for hearing	Number
Dec. 11, 1941.....	Apr. 20, 1942.....	2	Jan. 29, 1942.....	May 11, 1942.....	5
Dec. 18, 1941.....	do.....	5	Feb. 5, 1942.....	June 8, 1942.....	2
Jan. 8, 1942.....	May 11, 1942.....	6	Feb. 13, 1942.....	do.....	5
Jan. 15, 1942.....	do.....	6	Feb. 26, 1942.....	do.....	7
Jan. 22, 1942.....	do.....	6	Mar. 5, 1942.....	June 22, 1942.....	6
					50

Total number of petitions, sec. 326-A, Nationality Act, pending.....	103
Number of petitions (nonalien enemies filed from Dec. 11, 1941, to Mar. 5, 1942.....)	47
Total number of petitions pending (nonalien enemies) Mar. 5, 1942.....	54

DIFFERENCE IN PROCEDURE, UNITED STATES DISTRICT COURT, AND SUPERIOR COURT, SAN FRANCISCO, CALIF.

In the United States district court, the procedure followed in filing and hearing petitions for naturalization is identical with that of the superior court, with the following exceptions:

If the witnesses are satisfactory upon preliminary examination they are excused from further appearance. The applicants, after being examined by a designated examiner, and upon his recommendation that the petitioners are qualified and have passed a proper examination, are notified to appear before the court at a designated time for admission to citizenship. The oath of allegiance is administered to petitioners in open court, in a group or class.

The procedure in the superior court differentiates in this respect: The petitioners appear before a United States examiner, with both witnesses, in the office of the county clerk. Petitioners and both witnesses are given a preliminary examination and, upon qualifying, the petition is filed by the clerk of the court and set for hearing within the time prescribed by law.

Petitioner is given a card with the date and place of hearing and notification that he appear before the court with his witnesses.

Witnesses and petitioners are then examined by the court and United States examiner and petition disposed of by the court.

Petitioners who have passed are given identification notices by the clerk and told to call for their certificates of naturalization at the office of the county clerk.

The judges of the superior court, State of California, San Francisco, Calif., have followed the practice of examining the petitioners and witnesses in open court, as provided for in section 334 (a) of the Nationality Act of 1940.

**TESTIMONY OF WALTER CASTAGNETTO—Resumed**

Mr. CASTAGNETTO. Well, we just follow the practice as prescribed. A designated examiner comes up and examines the petitioners and the witnesses, and then the petition is turned over to us and we type in triplicate and file it, and collect the fee. Then we set the case for hearing before the superior court. In all cases we set the case as soon as we possibly can. Up to this time, with the exception of the enemy alien cases, we have only seven cases that are pending and those cases are pending on account of either lack of knowledge or some needed documents to be prepared before they could be admitted.

If you will note at the bottom of the statement, the number of petitions nonenemy aliens filed from December 11 is 47 and the total number of nonenemy alien petitions pending on March 5 was 54, leaving a difference of 7 cases that are pending before our court of the nonenemy alien cases.

There were 53 enemy alien cases that we had left over that were ready for hearing before war was declared. We had to group those back and we divided them into two groups: One for April 13 and one for April 20, after we notified Mr. Armstrong.

Mr. THOMAS. I wonder if you can cite for me that provision of the law. Is that section 326 (a) which provides for the 90-day period?

Mr. ARMSTRONG. Yes.

Mr. THOMAS. So that so far as your office is concerned, Mr. Castagnetto, you are practically up to date.

Mr. CASTAGNETTO. We are right up to date. We haven't anything on the calendar except the enemy alien cases.

Mr. THOMAS. Which are now awaiting the expiration of the 90-day period?

Mr. CASTAGNETTO. Yes. And we have set the cases that were pending. As I say, we grouped them into two groups, one 32 and one 21; there are 53 cases. Since December 11 we have 50 cases that have been filed, making a total of 103 enemy alien cases to be heard.

Opposite the date that they were filed we set out the date of hearing. That is the date we set, the approximate date of hearing.

Mr. ARMSTRONG. I think that is hopeful.

Mr. THOMAS. And that is assuming, too, that the investigation goes through in a satisfactory manner?

Mr. CASTAGNETTO. That assumes that the investigation goes through in a satisfactory manner and that Mr. Armstrong's office has no objection at the time they are presented for hearing. We place them on the calendar for those specified dates. But, of course, under that section 326 the Commissioner or Mr. Armstrong has the authority to come in and object from time to time until their investigations are completed.

Mr. THOMAS. Oh, yes. Do you anticipate that your filing of petitions might be increased now?

Mr. CASTAGNETTO. Definitely. A lot of these old-age pensioners come in.

Mr. THOMAS. I mean because of the war situation.

Mr. CASTAGNETTO. Oh, the war situation no doubt has increased the filing of petitions.

Mr. ROBACK. May I ask a question here? Has a large part of the increase in recent applications at any stage of the procedure been induced by the Alien Registration Act?

Mr. CASTAGNETTO. Most definitely.

### TESTIMONY OF G. E. WADE, CLERK OF ALAMEDA COUNTY

Mr. THOMAS. Now, Mr. Wade, I wonder if you can explain some of these suggestions that have been made here as to Alameda County being behind in the filing of petitions over there. I wonder if you could just for the record give us a little picture of what that situation is.

#### DIVISION OF EXPENSES OF PROCEEDINGS

Mr. WADE. As I see it, naturalization is a function of the Federal Government. The Federal Government ought to stand the expense of the naturalization proceeding where it is possible. I recognize that you can't measure this thing definitely and so I presume that as fair an arrangement as you can make or that you can suggest is the one that is in the law to the effect that you split the fees. If your Federal act stopped there that would be well and good, but it doesn't stop there. It says you can split the fees up to the time you get \$3,000 in any one year.

Mr. THOMAS. Is that the 1906 act?

Mr. WADE. It is the 1906 act; yes. It has been the same from year to year. They just pick it up from year to year. We have objected to that upon the ground that it is not fair to the taxpayers of Alameda County. They should not be expected, as we see it, to pay for the functions of the Federal Government.

We have been objecting to the thing for 4 or 5 years; isn't that right, Mr. Armstrong?

Mr. ARMSTRONG. Yes.

Mr. WADE. We called it to the attention of Commissioner McGrath 4 or 5 years ago.

He was commissioner at that time, wasn't he?

Mr. ARMSTRONG. Yes.

#### EFFECT OF \$3,000 RESTRICTION

Mr. WADE. And he was very much impressed with the conversation that we had with him and he asked me to write a letter to him. I wrote the letter and I didn't even have an answer to it. We fiddled along with the thing and finally we came to the conclusion that the only way to get any action was to quit. So we stopped. Not only is there a \$3,000 restriction by the year but it is allocated into quarters, \$750 per quarter. So we asked Mr. Armstrong, so far as he could, to control those things and not to ask for filing in Alameda County of petitions or naturalization matters of any kind. This would mean that the Government was receiving more out of the fees collected than the county, and Mr. Armstrong's office has gone along with us very well on that.

Mr. THOMAS. And any work in addition to those that you now file would be a direct expense to the taxpayers of Alameda County?

Mr. WADE. That is correct. There is no question about it. Even if there were no more than \$3,000 in petitions filed, \$3,000 wouldn't compensate Alameda County for the work they put in in the naturalization office.

Mr. THOMAS. Is that true, Mr. Castagnetto, of your county?

Mr. CASTAGNETTO. No doubt about it.

Mr. WADE. Mr. Tolan has had a bill<sup>1</sup> in the last two sessions of Congress asking for a correction of this section but he doesn't seem to get anywhere. As near as I can learn it is simply because the Federal Naturalization Bureau doesn't want to change it. If a man comes in tomorrow and he is the first man who came in in the quarter and he pays \$5 for filing a petition for naturalization, the Federal Government gets \$2.50 and the county of Alameda gets \$2.50. Then as the quarter wears along and if another gentleman comes in and if the county of Alameda has impounded \$750, then the next man that comes in and files a petition, the Government gets \$5. That seems ridiculous to me.

I had a set of figures, but unfortunately my file is out of the office and I don't have the figures. However, I just made a rough draft here last night, and while these figures aren't definite they are pretty close approximations. I used the calendar-year basis on these to show where the money went.

In 1936 Alameda County received approximately \$3,076, the Federal Government \$4,652. In 1937 the County received \$2,996 and the Federal Government \$5,648. In 1938 the county of Alameda received \$2,952, and Federal Government \$4,075. In 1939 the county of Alameda received \$2,996, the Federal Government \$5,361. In 1940 the county of Alameda received \$2,936 and the Federal Government \$3,333. And, of course, for 1941 and some part of 1940 we adopted this other method and it was about equalized. The county got \$2,792 approximately and the Government \$2,754.

Alameda County stands ready, if this thing is corrected, to clean up the backlog. It is purely a question of dollars and cents.

#### TESTIMONY OF J. JOSEPH KINGSTON, DEPUTY COUNTY CLERK OF ALAMEDA COUNTY

Mr. THOMAS. Have you anything to add to that?

Mr. KINGSTON. Well, I concur with what my superior officer has said. In the matter of procedure in handling naturalization, Mr. Armstrong covered it very well. I consider him an expert in this naturalization work.

In our system in Alameda County, a Federal examiner is present at the time of the filing of the petitions and we try to serve the public over there by explaining to them at the counter the various methods that they may use in applying for citizenship. There are quite a number of methods by which an alien may apply for citizenship under the present Naturalization Code. Some of them have to prove 1 year, 2 years, 3 years, if they are married or single, have been divorced or widowed, and so forth. Our naturalization is restricted on account of the controversy between the Department and my superior officer, Mr. Wade.

<sup>1</sup> H. R. 2101.

Mr. THOMAS. Has the Department ever tried to enter into any kind of an agreement with you or give you any kind of clerical assistance or anything like that?

Mr. WADE. Yes; they tried to give us clerical assistance. They proposed that and I told them we wouldn't stand for it. We will appoint our own deputies in Alameda County. Furthermore, I don't know that they could do it under the civil-service regulations of the county. But whether they could or couldn't, I wouldn't permit it.

Mr. ROBACK. Mr. Wade, you said that you thought that the proposition of becoming a citizen was a Federal one. Thinking a little bit along those terms, do you think that all the machinery and procedure for becoming a citizen ought to be purely a Federal function handled by Federal machinery?

Mr. WADE. Surely I do. It is almost fundamental in this country, isn't it?

Mr. ROBACK. Well, I should think so.

Mr. WADE. That is the way I feel about it.

#### TESTIMONY OF ANNE MABEL GODFREY, PRINCIPAL CLERK, IMMIGRATION AND NATURALIZATION SERVICE, SAN FRAN- CISCO, CALIF.

Mr. THOMAS. Mrs. Godfrey?

Mrs. GODFREY. There were some things I did want to clarify because the investigation with regard to enemy aliens was not thoroughly gone into. The investigation covered was the general investigation; I want to bring out what has to be done in the investigation of an enemy alien.

#### INVESTIGATION OF ALIENS

First of all, we have to have a clearance from the F. B. I. We have to have a photostatic copy of their alien registration record under the act of 1940. We write to the enemy alien for a list of his employers for the last several years, and if he has had employers then a letter goes to each one of those employers as to what they can testify with respect to his character and loyalty.

Incidentally, in a few cases we have dug up some interesting facts under that.

Mr. ARMSTRONG. Showing that we weren't doing a very good job of investigating the same cases before the emergency arose.

Mrs. GODFREY. Then after that investigation the paper work, we might say, is completed; then the case goes to the investigators.

So far, with the clerical help that we have at present, out of approximately 1,200 cases there have just been 31 cases that have gone to the investigators. This is a tremendous piece of work, getting out all these letters, and yet it proves from the replies that we receive that it is invaluable.

Then I wanted to add one other thing. I made a survey of the various attorneys in the office as to their reaction of how long it would take to train a new examiner, and it was quite interesting. I agree with Mr. Armstrong. I think it takes at least 2 years to make a really

good examiner, but it varied from 2 days to 2 months to train an examiner so that he can handle the general run of cases. I think that that could be done provided we had these good designated examiners to review the cases. That is the main thing.

Mr. THOMAS. In connection with the investigation, you have your own investigators and then the F. B. I. makes an investigation. I can see that the problems confronting both of you are a little different, but is there any way that some cooperation could be worked out so that one investigation would cover the subject matter instead of two different people working on the same man?

Mr. ARMSTRONG. As far as the investigation field is concerned, any investigator can handle one of our investigations. It doesn't make any difference whether it is the F. B. I. or some other agency, any trained investigator can handle one of our investigations.

Mr. THOMAS. Has the attempt ever been made to get the two of them together, the Naturalization Service and the F. B. I.?

Mr. ARMSTRONG. Oh, no. I just felt that they have their hands more than full. When we talk to them about various cases, we get the impression that they are working way beyond what they should be asked to work. If that is true in handling their own work; if we dump our load onto them I don't know what would happen. No; there has never been any attempt to try to have them handle our work in addition, though there is no reason in the world why they couldn't do a good job of it. There is a slightly different angle, of course, but it wouldn't take any time at all to give them our point of view. It would take a very short time; that is all.

Mr. ROBACK. Mrs. Godfrey, in the mechanical difficulties in your work, do you count such things as insufficient supply of the necessary types of forms and such things that are sent out to people?

#### SHORTAGE OF N-400 FORMS

Mrs. GODFREY. No. That part is all right with the exception, which has not been brought out at this particular hearing, that we have no N-400's, which is the application for second papers.

Mr. ARMSTRONG. We haven't a one.

Mr. THOMAS. How long have you been out of those?

Mrs. GODFREY. Mr. Armstrong telephoned on February 16. I suggested this morning that one way of speeding it up would be to take the applications that we have on hand and have somebody retype or type the ones that were written. You see, a typewritten application saves at least 5 minutes' time on the part of the examiner and 5 minutes' time on the part of the typist.

Mr. THOMAS. Could you use volunteer help as, for instance, stenographers or something like that?

Mr. ARMSTRONG. Yes; sure.

Mr. THOMAS. I mean it would not interfere with your civil service?

Mr. ARMSTRONG. We couldn't have them fussing around there now because we have no room for them, but if the space matter were adjusted we could use them just as Mrs. Godfrey says. I have felt that I don't have the authority to say "This must be submitted in typewriting." I don't feel that I have the authority to do that. With the result that they come in and Mrs. Godfrey and the rest of

them at the post office have instructions that where a form is so poorly written that it is difficult to read, to just turn it back and tell them that they will have to have somebody else write that for them or it will have to be typewritten. But even where the form is handwritten and it is done pretty well, she is still right in saying that typewriting would save a great deal of time on the part of the preliminary examiner and the typist.

MR. THOMAS. We have been advised since we have been out here on the coast that many people have been waiting a long time to get their naturalization papers through. I am asking these questions of any of us here for the purpose of hearing any suggestions that might be made. Some very sound ones have been made already, that might be put into effect to bring you down to a current status, so that some of these backlog cases could be cleaned up. Some people who are now technically classed as enemy aliens could be naturalized. Certainly the investigatory processes are such that there is no danger in hurrying it along; the same thorough examination could be given if there were more people doing the examining and investigatory work. We are trying to get as close an estimate here as we can, but it looks like there might be as many as 10,000 or more who perhaps might not have to be evacuated on the west coast areas.

#### SPEEDING UP PROCEEDINGS

Mrs. GODFREY. May I call your attention to one more point? The cases that are being filed now, during the month of March, cannot possibly be heard by the court until June, even if we had all the investigators we needed. So you see how important it is to clear up the backlog to get to the recent applications in time to help them or to help eliminate the possibility of evacuation.

MR. ROBACK. Is it feasible to clear up some of the backlog of accumulated cases by legislation which would perhaps blanket in or eliminate certain of the requirements of literacy, for example, where other qualifications had been met?

MR. ARMSTRONG. Yes; it would. It would increase it, certainly. It would increase the speed with which you could handle those cases.

Mrs. GODFREY. But would legislation like that be retroactive? If it were not retroactive you would have to go ahead and complete what we have on hand.

MR. ROBACK. I was thinking in terms of legislation which would stipulate with respect to certain people who had come into the picture as of a certain date and who were delayed in the process because of a handicap which has made these cases accumulate. I was thinking particularly of the question of literacy.

MR. WADE. That doesn't seem to apply very well, does it? Mr. Armstrong testified that only about 5 percent were held up for reasons of that kind. That wouldn't cut the mountain down very rapidly.

MR. ROBACK. My impression was that some of the accumulation dating about 1936 or 1937 arose from that.

Mrs. GODFREY. It is only a small proportion.

## CLOSING DATE FOR ACTION ON CASES

Mr. ARMSTRONG. It is only a small proportion, but this perhaps should be stated, I think: that under the Nationality Act every petition for naturalization which was filed before the effective date of that act, which was January 13, 1941, must be acted on within 2 years. So that the dead line is January 13, 1943.

If you ask me a year from now, if there has been any change in the picture concerning this 5 out of a hundred cases, I will say it is going to be very greatly increased, if by January 13, 1943, there is nothing to save this group of four or five hundred that have been pending for this length of time because of inability to pass the examination, inability to get depositions, inability to prove citizenship of a wife or husband, every one of those must be denied or admitted—admitted in spite of the law or denied because of the law. That is, there they are and they have got to be acted on one way or the other. They cannot be carried on beyond January 13, 1943. Some of those cases have been pending now since 1936.

Mr. THOMAS. I might ask you this question in connection with that. Are you falling behind as you are going along or are you keeping abreast of current applications? In other words, are you disposing of almost as many as you are now receiving or are you gradually falling behind?

Mr. ARMSTRONG. We are getting a little ahead.

Mrs. GODFREY. Mr. Roback, may I go back to your question? If a law of that kind were to be put into effect now every person involved would have to be interviewed; every person would have to have at least a simplified form because you could not take them into court and swear them to citizenship without giving them a certificate, and in order to secure a certificate of naturalization you must have a certain amount of information. Whether the Service would be willing to do that without an investigation as to the legality of their entrance under the present conditions is also another thing.

Mr. ROBACK. This may be a little apart from that question. I understand that in the English practice, people to be evacuated from protective areas, in certain cases where the naturalization procedure was well advanced, were given a grace period; a period which would enable them to complete their naturalization to become citizens and then not have to be evacuated. I wonder if anyone here has any opinion on that point.

## WAITING PERIOD BEFORE GENERAL ELECTIONS

Mr. CASTAGNETTO. Sometimes they are precluded. For instance, within a 60-day period before a general election you can't have a hearing. There are a lot of provisions there stating that you can't go ahead with a naturalization even though you would like to.

Mr. THOMAS. You are going to have a couple of elections this year, aren't you?

Mr. CASTAGNETTO. There is one on August 25 and one on November 3. It is ridiculous when you come right down to it, but it is still in the statute.

Mr. THOMAS. I assume the idea was to prevent a rush of those who applied for the sole purpose of having the right to vote.

Mr. CASTAGNETTO. There is a waiting period anyway.

Mr. THOMAS. So actually it has no force or effect.

Mr. KINGSTON. If you want to hear some ridicule on the way we handle our naturalization in the United States, I can give it to you, but I would like to give it to the Members of Congress. I would like to have the Members present so we could get their opinions and ask some questions on it. I think the way they handle naturalization in the United States is a big joke anyway.

Mr. THOMAS. Everything you say here will go into the record.

Mr. KINGSTON. Will it go into a file to be buried?

Mr. THOMAS. Not a bit of it.

THINKS PROCEEDINGS SHOULD BE HANDLED BY BUREAU OF NATURALIZATION

Mr. KINGSTON. These members of the naturalization department couldn't say what I have in mind. I think we should take the naturalization out of our courts and it should be an administrative function handled by the Bureau of Naturalization. That is the first thing they ought to do.

Then they ought to take that new Nationality Act and throw it in the wastebasket, because you have one group doing one thing and another group doing another thing, and then another group doing something else, and then another group doing something else again. And if the Dickstein bill goes into effect you will have another group doing something else.

Mr. THOMAS. I was going to ask if anybody had any comments to make on the Dickstein bill.

EFFECT OF DICKSTEIN BILL

Mr. KINGSTON. I can give you an idea of what will happen under it. You will have Tony Figoni, who is probably 51 years old, can't read or write, come in to the Superior Court of Alameda County and go before the judge and the judge will ask him when he came to the United States.

Well, I come here in 1908.

Did you ever go to school?

No; never had a chance to go to school. Been working all my life.

Are you married?

Yes. I got a family.

You can't read or write?

No.

Then the examiner will probably state to the court that under the present Dickstein bill he is eligible to be admitted as a citizen, and the judge will turn to him and say: "Well, I will have to admit you as a citizen. You can go out and get a hunting and a fishing license, but you can't serve on a jury, you can't hold public office, and you can't vote in California."

Now, that's what is going to happen in our courts.

Mr. THOMAS. Those would be State law restrictions?

Mr. KINGSTON. That is true, yes.

Mr. THOMAS. On the question of whether or not you are illiterate?

Mr. KINGSTON. Yes. All the privileges he would have would be to go out and get a hunting or a fishing license. That is all he can get in this State so far. That is all I can see now.

Then his brother, who is probably 48 years old and who can read and write, will come up the same day following Tony and maybe Angelo is probably a graduate of some university and he gets before the examiner. The examiner might say to him "What branch of the Government does Congress belong to?" And he can't tell him. The judge would have to send him back for 6 months. Both brothers walk out of the court room. The fellow who is illiterate has got his citizenship papers and the fellow who can read and write hasn't got his. That is what is going to happen when it goes into effect. I think it is a big joke.

#### APPLICANTS THEMSELVES CAUSE DELAYS

Mr. CASTAGNETTO. Another question about all this delay. It is not always up to the department either. A good deal of it is occasioned by the applicants themselves. For instance, they are given dates of appointments and times to appear, and they straggle in an hour after. There is a delay there. They are told to bring certain documents. They will appear without any of the documents. They are told to bring those documents in at another time. They won't show up for three or four periods, and by their delay they are just stopping somebody else by taking up all of that time.

Mrs. GODFREY. You don't find enemy aliens not appearing, though?

Mr. CASTAGNETTO. We have quite a few of those who don't come in in time.

Mr. KINGSTON. I would like to call attention to the declaration of intention papers. They are old fashioned in their methods in having a declaration of intention now. In the early days, prior to 1920, some of these States would permit these aliens in their various States to vote on what they call first papers or declarations of intention, but now the States are uniform in their qualifications as to voting. You must be a full-fledged citizen. But, still, the Department goes along with the old declaration of intention. And it doesn't mean anything. It is only a formality. He takes that declaration of intention and he throws it in a bureau drawer, and if he keeps it for 2 years and wakes up he can come in and file his application. If he leaves it there for 7 years, of course it is outlawed and then he will have to renew. But he has no rights or privileges under it.

#### FAULTS IN PICTURE SYSTEM

Then they have this so-called picture system. You should be in my place in the county clerk's office and see the disgraceful certificates of naturalization that are presented at the counter by individuals who have been waited on by clerks who were careless in handling the paste and the mucilage. It is over the certificate; they have tried to blot it, and the blotter sticks at the certificate and the picture probably is all blurred up. You can't tell who the individual is.

Another thing about their picture: If you were naturalized, when you were 22 years old, when you attain the age of 60, if you are fortunate enough to live that long, and have that certificate and you go across the Mexican or Canadian border, the inspector would look at you and he would look at the picture on the certificate and he would have something to say to you. It embarrasses you. He would say: "You don't look like that picture on the certificate."

So their picture system is all wrong. I don't believe in the picture system at all. They have all these aliens fingerprinted. That is all right. But having the pictures and the way they are put on some of these certificates—it is just slopped on all over the place.

## OPINIONS ON DECLARATION OF INTENTION

Mr. THOMAS. It is your feeling then, Mr. Kingston, that really the procedure of going through a declaration of intention, or what is commonly called taking out first papers, is sort of a useless procedure?

Mr. KINGSTON. Absolutely, because you let the man come here into this country and he is here for probably three or four years and he marries an American woman. He doesn't have to take out a first paper.

Mr. ARMSTRONG. That amounts to pretty nearly 50 percent of the cases now anyhow.

Mr. THOMAS. Is that so?

Mr. ARMSTRONG. Petition cases are just about 50-50 on spouses; those who are married to American citizens and those who are not.

Mr. KINGSTON. I can see the department's policy. They don't want to let go of that first paper because it brings in revenue.

Mr. THOMAS. Of course, on the other hand a good deal of expense is put out in clerical help and what not.

Mrs. GODFREY. On the other hand, I am going to say something there, though. If they have to wait until they are here 3 or 5 years, an alien feels very much better in taking out a first paper. Even spouse cases that will be eligible in 3 years' time come in and want a first paper. They feel so much better to have something that shows that they are legally here, because a first paper now does show that they are legally here.

Mr. KINGSTON. Have you ever tried to collect a fee for it, Mrs. Godfrey?

Mrs. GODFREY. I collect the \$2.50 post office money order.

Mr. KINGSTON. You ought to be at the counter trying to get that \$2.50 out of them. Then you find out if they are in sympathy with their first-paper system or not.

Mr. ARMSTRONG. I think Mr. Kingston is a little bit wrong in saying that it has no value at all. It does have a very definite monetary value, if you want to put it on that basis, aside from the other values that Mrs. Godfrey indicated. There are many places that will employ a person with a first paper that will not employ him if he doesn't have it. If he has not been here long enough to get citizenship, if he has a first paper which he can get in a hurry they will give him a job, whereas they will not give him a job if he doesn't have that document.

Mr. KINGSTON. If we didn't have the first paper system would he still be refused a job?

Mr. ARMSTRONG. I don't know.

## EMPLOYMENT OF ALIENS

Mrs. GODFREY. There are three types of contracts as far as the Navy is concerned with the shipbuilders, and there is one contract where no alien can be employed in the defense work.

Mr. THOMAS. No alien or no enemy alien?

Mrs. GODFREY. No alien. There is one ship plant around the bay, the Todd shipbuilding plant, that will employ an alien who has a declaration of intention. It depends upon the type of contract that the plant has with the Navy.

Mr. KINGSTON. If we never had a declaration of intention in the system?

Mrs. GODFREY. All right, but talk about now. Try and get the Navy to change it, too.

Mr. KINGSTON. Suppose we abolish it, they will still get the job. It doesn't mean that they are hired because they have a declaration of intention.

Mr. ARMSTRONG. I don't know. Some places do make that a definite requirement.

Mr. KINGSTON. Because they know that it is in the law.

Mr. ARMSTRONG. No, no. There are a lot of places that ask, "Have you a first paper?" "Yes. Here is a first paper."

"All right, you get a job."

"If you haven't got a first paper; no."

"Well, sorry. Can't give you a job unless you have a first paper."

Now, if we didn't have that I don't know how soon that kind of a condition might be forgotten. I have no particular brief for a declaration of intention.

Mr. KINGSTON. They would come into the Naturalization Service and the system of the first papers having been abolished, the naturalization examiner would call up that firm and say "I am sorry, we don't have any first papers any more." There is no harm done.

Mr. ARMSTRONG. Well, I don't have any particular brief for the first paper or declaration of intention.

Mr. WADE. It seems to me that there is something worth while, about the declaration of intention. But as to that shipyard situation, Mrs. Godfrey, just how far do you think they go in checking citizenship?

Mrs. GODFREY. You would think they went pretty far by the letters and telephone calls we get.

Mr. WADE. Well, I don't know. We have been led to believe in some places that they take the transcript from a person's registration. And that isn't any more than the individual's own statement. In fact, I know two or three cases. I couldn't give names, but I know them. I do know that over there we have had two or three cases where people were in shipyards who weren't citizens.

Mrs. GODFREY. That is what we are digging up from these letters of investigations from employers.

Mr. ROBACK. Of course, it is a fact, is it not, that citizenship is not required for all occupations within the shipbuilding industry?

Mr. WADE. I don't know about that. I don't know what is required.

Mrs. GODFREY. It goes back to the law that was passed, that no Federal money can be paid to an alien. I'm not conversant with that particular law, but it started then, you see. Then there were some interpretations as to what an alien was. For a while the W. P. A. interpreted that a person who had a first paper was not an alien. Then you remember the time that it was interpreted differently.

Mr. THOMAS. Before we adjourn I want to make this suggestion: If any of you gentlemen or Mrs. Godfrey would like to add anything to what you have given this morning in the form of a written statement, the record will be held open for another 10 days or 2 weeks. Anything that you want to submit in the way of facts or figures we will be very glad to have, and we will make them a part of the record.

Mr. WADE. It seems to me that would cover the record, Mr. Thomas. Mr. Tolan has all the figures that I could give him. Mr. Tolan has already those figures in letters that I have submitted to him. I am interested in that bill. I don't mean that I am not interested in clearing up this naturalization backlog, but I am not willing to give way on something that I think is right fundamentally.

#### STAFF TAXED TO CAPACITY

Mr. ARMSTRONG. You asked in your letter to me what I might suggest to clear the situation. If I haven't made it plain, the only thing I would care to state would be that if we had additional examiners and additional investigators and additional clerks and additional space, we would be very glad to be current. There isn't anybody that feels this situation as keenly as I do.

Mr. THOMAS. Your staff is just taxed to its capacity at the moment?

Mr. ARMSTRONG. We are doing everything that we can. Anybody who has had any dealings with me will testify, I think, that I would be glad to do it if I could, but I will not give preference to anybody. I don't care who he is. I don't care how much influence is brought to bear, I will not give preference to anybody. I think that is known pretty well around through the district so that they understand.

Mr. THOMAS. We have heard a lot of comments that you were pretty tough about that, and when we asked the further question if it wasn't fair, I think all agreed after a minute that it was.

Mr. ARMSTRONG. I have had them cry on my shoulder and threaten to get my job, and both of them have the same effect. I am just adamant on that proposition. I can't help but feel that every person whose application is in there looks to me to be square and fair. I feel that if I should reach out here and pick out an application ahead of these others my own conscience simply couldn't rest unless I had addressed a letter to every one of these others and asked them if they had any objection to my taking that out of turn.

Now, I just can't do it. The central office has backed us up in just splendid shape in the last 2 years. Before that it was terrible and it was getting worse. Every time that anybody wanted to write to his Congressman or his Senator, they would send it to our office and they would write out here and tell us to take it out of order. It was just terrible.

Mr. ROBACK. Is that when it was in the Department of Labor?

#### MILITARY PREFERENCES

Mr. ARMSTRONG. Yes. But the Department of Labor changed before it came under the Department of Justice. The central office in the Department of Labor about 2½ years ago began to back us up

in these and we have not had any cases except these military preference cases in the last 2 years where anybody has gone over our heads locally.

Mr. THOMAS. What is that military preference actually?

Mr. ARMSTRONG. Person in uniform.

Mr. THOMAS. Who because of the war has now become an enemy alien?

Mr. ARMSTRONG. No, no. Anybody. Anybody who is in the armed forces or, if he is a layman, anybody they want in the armed forces.

Mr. THOMAS. Oh, I see.

Mr. ARMSTRONG. And they can't take him in because he is an alien or he is in the armed forces and he says "I don't know where I am going to be pretty soon" and you want to do something for him. Or the other fellow who is in a defense agency. He is in a shipyard or some place where he is needed.

Mr. THOMAS. Mr. Hallgarten was telling me that when he tried to enlist they said "Well, you are an enemy alien. You can't join the Army."

Mr. ARMSTRONG. That is true. I think there are enemy aliens in the Army, but whether it is an enemy alien or another person I will not give preference to him because he says "If you will make me a citizen I will join." But if the enlisting officer says "Everything is signed up and this man is coming in, but the only thing that is in the way is his citizenship and we would like to have preference," we will give him preference. But we want it to come from the other side instead of the man. It is easy to promise, of course.

Mr. ROBACK. That doesn't extend to the relatives of such persons?

Mr. ARMSTRONG. No.

Mrs. GODFREY. May I add something? Under the new Nationality Code both parents must be citizens before a man is 18 in order for a child to derive citizenship. Now, there is a great demand from the military for young men from 18 to 21, and if both the parents are not citizens by the time that child is 18 it is going to be at least 2 years and 30 days or more before he could possibly become a citizen.

Mr. THOMAS. That is based on the assumption that the child is born outside of the United States?

Mrs. GODFREY. Yes, and deriving citizenship through the parents. And that is something that you are going to feel pretty soon in our manpower situation.

Mr. ROBACK. I would like to submit a group of exhibits which will supplement this hearing.

Mr. THOMAS. They will be made a part of the record. If there is nothing further, the committee will stand adjourned.

(Whereupon, at 11:50 a. m., the committee adjourned.)

## EXHIBITS

### EXHIBIT 1.—LETTER AND TABULATION ON ALIEN ENEMY NATURALIZATION PETITIONS

SUBMITTED BY PAUL ARMSTRONG, ASSISTANT DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, UNITED STATES DEPARTMENT OF JUSTICE, SAN FRANCISCO, CALIF.

MARCH 13, 1942.

HON. JOHN H. TOLAN,  
Member of Congress,  
Washington, D. C.

DEAR CONGRESSMAN TOLAN: When I appeared before Mr. Leonard Thomas, counsel of the House Committee Investigating National Defense Migration, I was asked to submit certain data regarding the filing of petitions for naturalization which I did not then have at hand. This had to do with petitions of alien enemies pending in the various State courts of the San Francisco district.

You will find herewith a tabulated statement showing the various State superior courts in California, in this naturalization district, with the number of alien enemy petitions filed and pending as of March 1, 1942. Figures on such pending petitions filed during the month of March will be available at the close of the month.

I hope this information will be of assistance to the committee.

Yours very truly,

PAUL ARMSTRONG,  
Assistant District Director.

*Alien enemy petitions for naturalization on file and pending in State courts of California, in the San Francisco Naturalization District (No. 22) as of Mar. 1, 1942.*

Court No.	Location of court	Italian	German
247	Oakland, Alameda County.....	74	10
248	Markleeville, Alpine County.....	0	0
249	Jackson, Amador County.....	11	1
250	Oroville, Butte County.....	6	2
251	San Andreas, Calaveras County.....	1	0
252	Colusa, Colusa County.....	3	2
253	Martinez, Contra Costa County.....	99	1
254	Crescent City, Del Norte County.....	1	0
255	Placerville, Eldorado County.....	0	0
256	Fresno, Fresno County.....	52	9
257	Willows, Glenn County.....	4	2
258	Eureka, Humboldt County.....	8	0
262	Hanford, Kings County.....	11	2
263	Lakeport, Lake County.....	0	0
264	Susanville, Lassen County.....	12	1
266	Madera, Madera County.....	10	0
267	San Rafael, Marin County.....	20	4
268	Mariposa, Mariposa County.....	0	0
269	Ukiah, Mendocino County.....	31	4
270	Merced, Merced County.....	15	0
271	Alturas, Modoc County.....	0	0
272	Bridgeport, Mono County.....	0	0
273	Salinas, Monterey County.....	61	9
274	Napa, Napa County.....	29	5
275	Nevada City, Nevada County.....	0	0
277	Auburn, Placer County.....	24	3
278	Quincy, Plumas County.....	5	1
280	Sacramento, Sacramento County.....	47	10
281	Hollister, San Benito County.....	4	0
285	Stockton, San Joaquin County.....	158	21
287	Redwood City, San Mateo County.....	85	9
289	San Jose, Santa Clara County.....	149	9
290	Santa Cruz, Santa Cruz County.....	31	2
291	Redding, Shasta County.....	5	3

*Alien enemy petitions for naturalization on file and pending in State courts of California, in the San Francisco Naturalization District (No. 22) as of Mar. 1, 1942—*  
Continued

Court No.	Location of court	Italian	German
292	Downieville, Sierra County .....	0	0
293	Yreka, Siskiyou County .....	31	3
294	Fairfield, Solano County .....	12	3
295	Santa Rosa, Sonoma County .....	82	12
296	Modesto, Stanislaus County .....	22	1
297	Yuba City, Sutter County .....	4	0
298	Red Bluff, Tehama County .....	2	3
299	Weaverville, Trinity County .....	0	0
300	Visalia, Tulare County .....	10	3
301	Sonora, Tuolumne County .....	5	0
303	Woodland, Yolo County .....	3	5
305	Sacramento, United States Court .....	64	7
	Total .....	1,177	145
245	San Francisco, United States Court .....	893	231
284	San Francisco, San Francisco Court .....	74	24
	Total .....	2,144	400

*Petition applications pending, awaiting appointment to file*

San Francisco 6,000 (appointments now being made on applications received in March 1941).

Oakland 2,000 (appointments now being made on applications received in October 1939).

Other courts practically current in petition filings. Court hearings in San Francisco weekly. Oakland thrice monthly; San Rafael, Sacramento, San Jose, quarterly; Santa Rosa, Martinez, Fairfield, three times yearly; other courts twice yearly. In many courts court naturalization hearings consume several days, the courts limiting cases heard to between 30 and 50 per day. Fresno hearing takes 8 to 10 days twice a year, San Jose 6 to 8 days quarterly, etc.

**EXHIBIT 2.—TELEGRAMS REQUESTING DATA ON ALIEN-ENEMY PETITIONS AND REPLIES**

SAN FRANCISCO, March 18, 1942.

IMMIGRATION AND NATURALIZATION SERVICE,  
Los Angeles, Calif.:

Please wire total number of enemy-alien petitions pending in your district as of March 1 and approximate number of applications for second papers pending December 7. Also send air-mail number of enemy-alien petitions for naturalization on file and pending according to respective State and Federal courts. Your cooperation appreciated.

LEONARD A. THOMAS,  
Counsel, House Committee Investigating National Defense Migration.

SEATTLE, WASH., March 18, 1942.

LEONARD THOMAS,  
Counsel, House Committee Investigating National Defense Migration,  
San Francisco:

Six hundred ninety enemy-alien petitions naturalization pending March 1. No figures available for applications pending December 7.

R. P. BONHAM.

RENO, NEV., March 18, 1942.

Re telegram from San Francisco, Leonard Thomas, Counsel, House Committee Investigating National Defense Migration, requesting information by wire received today. In Reno district 44 enemy-alien petitions pending in State courts, 2 in Federal courts, 28 pending enemy-alien applications for citizenship, all as of

March 1; and today approximately a hundred second-paper applications pending December 7. Please supply Mr. Thomas with information, his address not furnished.

W. J. KANE.

PORTLAND, OREG., March 18, 1942.

LEONARD A. THOMAS,  
*Counsel, House of Representatives Committee Investigating National Defense Migration:*

Re tel today, 277 enemy-alien petitions pending this office December 7 last, and 357 such petitions pending March 1 last.

R. J. NORENE, *Immigration Director.*

LOS ANGELES, CALIF., March 18, 1942.

LEONARD A. THOMAS,  
*Counsel, House Committee Investigating Defense Migration,  
 San Francisco, Calif:*

Re your tel, total number enemy-alien petitions pending this district as of March 1, 1,203; total number enemy-alien applications for second papers pending as of December 7 approximately 600, which figure includes only those whose petitions had not yet been filed. Other information requested will follow air mail.

CARMICHAEL,  
*District Director, Los Angeles District.*

SPOKANE, WASH., March 19, 1942.

LEONARD A. THOMAS,  
*Counsel, House Committee Investigating National Defense Migration:*

Re tel March 18 report 152 enemy alien petitions as defined section 326 Nationality Act of 1940 pending this district March 1. Impossible to obtain number applications submitted by enemy aliens pending December 7, closest estimate 153. Additional information requested follows air mail.

D. W. BREWSTER,  
*District Director Immigration and Naturalization.*

PHILADELPHIA, March 16, 1942.

Mr. HERBERT SCHIMMEL,  
*Committee on Defense Migration,  
 House of Representatives, Washington, D. C.*

MY DEAR MR. SCHIMMEL: With respect to your request which was delivered to me on March 11 for information as to the number of German and Italian aliens in Washington, Oregon, California, and Arizona, who have actually filed their petitions for naturalization, and an indication of the period of time between the filing of the petitions and the acquisition of citizenship, I can inform you as follows:

State	Germans	Italians	Average waiting period
Washington.....	181	198	6 months.
Oregon.....	123	183	3 months.
California.....	939	2,815	
Northern.....	400	2,144	6-8 months.
Southern.....	539	671	4 months.
Arizona.....	8	5	5 months.
Total enemy alien petitioners.....	1,251	3,201	

Trusting this will serve your purposes, I am,  
 Very truly yours,

LEMUEL B. SCHOFIELD,  
*Special Assistant to the Attorney General.*

Mr. LEONARD A. THOMAS,  
*Counsel, House Committee*  
*Investigating National Defense Migration,*  
*San Francisco, Calif.*

DEAR SIR: Reference is made to your telegram of March 18, 1942, requesting certain information regarding enemy alien applicants for naturalization.

As you were earlier informed by wire, there were 152 enemy alien petitions on file in this district as of March 1, 1942. There are no figures available by which the number of applications submitted by enemy aliens pending as of December 7 can be ascertained. The closest estimate which this office can furnish would indicate that approximately 153 such applications were then pending.

I am enclosing herewith a list by courts of enemy alien petitions now pending in this district. The district includes portions of the States of Washington, Oregon, and Idaho, and the complete State of Montana.

All figures furnished relate to enemy alien cases as defined under section 326 of the Nationality Act of 1940.

Very truly yours,

D. W. BREWSTER,  
*District Director, Spokane District.*

[Copy]

ENEMY ALIEN PETITIONS PENDING AS OF MAR. 1, 1942. SPOKANE NATURALIZATION DISTRICT

WASHINGTON		MONTANA	
United States district courts:		United States district courts:	
Spokane.....	34	Butte.....	8
Yakima.....	9	District courts:	
Walla Walla.....	4	Anaconda.....	7
Superior courts:		Big Timber.....	7
Ellensburg.....	9	Billings.....	7
Goldendale.....	1	Bozeman.....	1
Okanogan.....	1	Butte.....	7
Pasco.....	1	Choteau.....	1
Prosser.....	2	Conrad.....	2
Waterville.....	1	Cut Bank.....	1
Wenatchee.....	2	Deer Lodge.....	1
		Dillon.....	1
OREGON		Glasgow.....	1
No Federal courts.		Glendive.....	1
Circuit courts:		Great Falls.....	15
Canyon City.....	1	Havre.....	1
Heppner.....	1	Helena.....	4
Pendleton.....	1	Livingston.....	2
		Malta.....	1
IDAHO		Missoula.....	3
United States district courts: Coeur		Red Lodge.....	2
d'Alene.....	2	Roundup.....	1
District courts:		Scobey.....	1
Challis.....	1	Shelby.....	1
Grangeville.....	1	Stanford.....	1
Lewiston.....	4	Terry.....	1
Orofino.....	1		
Sandpoint.....	2		
Wallace.....	4		

[Air Mail]

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Los Angeles, Calif., March 19, 1942.*

HON. LEONARD A. THOMAS,  
*Counsel House Committee Investigating National Defense Migration,  
San Francisco, Calif.*

DEAR SIR: Reference is made to your telegram of March 18, 1942, requesting information covering petitions for naturalization filed by alien enemies in this district.

There is attached hereto a list setting out by courts the number of petitions for naturalization filed by alien enemies and now pending in this district.

The other information requested was furnished to you by telegram on March 18.

Very truly yours,

WILLIAM A. CARMICHAEL,  
*District Director, Los Angeles District.*

By HARRY B. BLEE,  
*Assistant District Director.*

PETITIONS FOR NATURALIZATION BY ALIEN ENEMIES PENDING IN THE LOS ANGELES DISTRICT ON MAR. 18, 1942

United States District Court, Los Angeles, Calif.....	1, 099
Superior court:	
El Centro, Calif.....	3
Bakersfield, Calif.....	12
Riverside, Calif.....	3
San Bernardino, Calif.....	42
San Diego, Calif.....	28
San Luis Obispo, Calif.....	3
Santa Barbara, Calif.....	17
Ventura, Calif.....	7
Independence, Calif.....	0
Yuma, Ariz.....	1
Kingman, Ariz.....	0
District court, Las Vegas, Nev.....	1
Total.....	1, 216

[Air Mail]

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Seattle, Wash., March 18, 1942.*

LEONARD A. THOMAS,  
*Counsel, House Committee Investigating National Defense Migration,  
San Francisco, Calif.*

DEAR SIR: There is enclosed confirmation of telegram of even date. As stated therein, no figures are available as to applications for second papers pending December 7.

The statement below shows the number of alien enemy petitions for naturalization filed and pending in this district on March 1, 1942. Separate figures as they related to State and Federal courts in Oregon are not available, but it is believed that most of the petitions are pending in the United States District Court at Portland. Our divisional director at Portland might furnish you with the data you desire if more detail is required.

Alien enemy petitions for naturalization filed and pending in Seattle district, March 1, 1942:

Alaska—Federal court:

German ..... 13  
Italian ..... 6

Oregon—Federal and State courts:

German ..... 170  
Italian ..... 183

Washington—Federal court:

German ..... 121  
Italian ..... 147

State courts:

German ..... 36  
Italian ..... 14

Yours very truly,

R. P. BONHAM,  
District Director, Seattle District.

[Air Mail]

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Portland, Oreg., March 18, 1942.

Mr. LEONARD A. THOMAS,

*Counsel, House of Representatives, Committee  
Investigating National Defense Migration, San Francisco, Calif.*

DEAR SIR: Receipt is hereby acknowledged of your telegram of the 18th instant, and, as you are already aware, the following information was sent to you today by telegraph:

On December 7, 1941, we had 277 petitions for citizenship pending which were filed by enemy aliens.

On March 1, 1942, we had 357 such petitions pending.

You also request the number of enemy alien petitions pending in the representative State and Federal courts in this jurisdiction. This information is as follows:

U. S. District Court:		State courts in Oregon—Continued.	
Medford, Oreg.....	3	Eugene.....	7
Portland, Oreg.....	312	Salem.....	1
State courts in Oregon:		Tillamook.....	1
Corvallis.....	2	Hillsboro.....	1
Astoria.....	1	McMinnville.....	3
Coquille.....	3	Bend.....	6
Roseburg.....	1	State courts, State of Washington:	
Hood River.....	1	Vancouver.....	3
Medford.....	2	Kelso.....	2
Klamath Falls.....	6	Stevenson.....	2

In this connection your attention is respectfully invited to the fact that there are six counties in Oregon over which this office does not exercise naturalization jurisdiction. These counties are Morrow, Umatilla, Wallowa, Union, Grant, and Baker. These six counties are under the jurisdiction of the district director of immigration and naturalization, Spokane, Wash.

Respectfully,

R. J. NORENE,  
Divisional Director.

### EXHIBIT 3.—MARTIAL LAW

Martial law is first to be distinguished from military law and military government. Military law is that body of law governing the armed forces, to be found in such documents as the national defense acts, the Articles of War, and the Manual for Courts Martial and is administered by Army officers. Except in rare instances, civilians are not subject to military law (Weiner, p. 6). Military government is the government by the military forces of territory occupied by a belligerent. "Martial law is the carrying on of government in domestic territory

by military agencies, in whole or in part, with the consequent supersession of some or all civil agencies" (Weiner, p. 10).

## BASIS AND LIMITATIONS OF MARTIAL LAW

Martial law, while specifically mentioned in the constitutions of some States, is nowhere mentioned in the Constitution of the United States. As exercised by the Federal Government, therefore, it is an implied power inherent in the express powers mentioned in the Constitution; for example, to raise and maintain an army, to declare war, and the power of the President as Commander in Chief to conduct the military. (For the war powers see the Constitution, art. I, sec. 8, pars. 11-16, 18). The war powers and the power of the President as Commander in Chief give to Congress and the President large grants of authority which would not be countenanced in peacetimes but which are essential to the success of the war effort. It would seem to be the correct view that, although these do often result in transgressions on the rights of persons which would be unconstitutional in peacetimes, the emergency nature of war, although not suspending the constitutional guaranties, supersedes them temporarily. That is, the war power is itself constitutional and exists in peacetimes even though unexercised; in time of war its exercise is also constitutional even though abridging peacetime freedoms (The Civilian and the War Power, 2 Minn. L. Rev. 110, 111). This does not mean, however, that the existence of a state of war gives an unbridled right to Congress or to the President or to any officer of the military to impose, in all situations, rules and regulations on the civilian populace. A declaration of war is not tantamount to an abdication of all processes of civil government. Martial law as an adjunct of the war power is exercisable only when it is in some close degree connected with the military effort. It may be used to exercise control over military depots, to protect war production, or in points close to the theater of war. It is when the exercise of the power is not in matters close to the military effort that its limitations appear. Necessity is generally considered to be the basis for the exercise of the power by students of the subject (1 Calif. L. Rev. 413, 12 Columbia L. Rev. 529, 24 Yale L. J. 189, 14 Mich. L. Rev. 102, 197, 45 L. R. A. (NS) 996 collecting cases). In *United States v. Diekelman*, (92 U. S. 520), the Supreme Court defined martial law as " \* \* \* the law of necessity in the actual presence of war." And in *Ex Parte Milligan* (4 Wall. 121) the leading case on the extent of martial law, it was held that there must be an actual necessity to justify its employment and that a constructive necessity as determined by a proclamation of the President would not be sufficient. In that case it was held that Congress had no power during the Civil War to suspend or authorize the suspension of the writ of habeas corpus outside of the sphere of military activities and where the courts were still functioning (*Mitchell v. Harmony*, 14 Law, ed. 113), supports the same doctrine. Fairman, in what is supposed to be one of the best books on the subject (the Law of Martial Rule, 1930), says at page 186:

"When we come to the war powers of Congress, the test is not whether the measures were indispensable, but whether they were 'necessary and proper' which means 'appropriate' \* \* \*"

So far, then, we see that martial law is to be limited to the theatre of war, where the necessity is obvious, and to such territory around it as that same necessity may dictate and no farther. Even during the last war there was some degree of debate in legal articles as to how far the "theater of war" might extend, for example, if a lone submarine shells a coastal point does that point, or just that point, or the whole coast become a "theater of war"? Nevertheless, once beyond these rather indefinite bounds defined by "necessity," the exercise of the power becomes unconstitutional for the necessities of war no longer require it and ordinary guaranties of personal liberty, etc., prevail.

## INVOCATION OF MARTIAL LAW

As martial law is based on necessity, so it does not stem from formal proclamations or orders. Although some States hold that the Executive's proclamation of emergency is conclusive, this would not seem sound, as is illustrated in those cases in which the military has been used by the Governor in a totally unauthorized manner, and this view has not been followed as to the Federal power (*Ex Parte Milligan*). A proclamation, therefore, does not create the necessity. The situation creates the necessity and justifies the exercise of the power. It does not inhere in the President alone as Commander in Chief but may be exercised by subordinates if the occasion presents itself. Although martial law was much in

vogue during the Civil War and was invoked in both the actual theater of war and in the border States, only two proclamations of such were ever made by the President eo nomine (Fairman, p. 96). Too, there is some ambiguity of thought on the question as to whether the final authority in the production of a state of martial law lies with the President or with Congress as both exercise war powers to which martial law may be an adjunct. As a practical matter, as pointed out above, it is often invoked even without presidential warrant by military commanders and Congress does take steps—such as suspending the writ of habeas corpus by statutory declaration—which produce qualified martial law.

#### EXTENT OF MARTIAL LAW AS REGARDS ITS DISPLACEMENT OF ORDINARY CIVIL GOVERNMENT FUNCTIONS

It is not necessary to have either total martial law or no martial law. There may be varying degrees of supersession of the civil authority depending on the situation at hand. Anything less than total martial law is known as qualified martial law. Here again the limits of a permissible imposition will be military necessity. So it was that in *Ex Parte Milligan* the suspension of the writ of habeas corpus in Indiana was held not justified, whereas it is commonly recognized that the use of military authority over vital production or storage areas in the same State most likely would be justified.

The generally accepted view is that martial law, even as exercised by the President, is not unrestrained. As stated by Willoughby (Constitution of the United States, 2d ed. p. 1592) " \* \* \* when martial law is in force, no new powers are given to the Executive, no extension of arbitrary authority is recognized, no civil rights of the individual are suspended. (The writ of habeas corpus is not automatically suspended by a declaration or exercise of qualified martial law.) The relations of the citizen to his State are unchanged. Whatever interference there may be with his personal freedom or property rights must be justified, as in the case of the police power, by necessity, actually existing or reasonably presumed."

Fairman at page 185, " \* \* \* it is axiomatic that war does not suspend the constitutional guarantees," citing *Ex Parte Milligan, United States v. Cohen Grocery Co.* (225 U. S. 81). Also see *Hamilton v. Ky. Distilleries* (251 U. S. 146) on this same point. The truth in these statements is made all the more emphatic by holdings to the effect that even persons engaged in insurrection are not outside the scope of constitutional protection. Their property cannot be confiscated without redress (*Herily v. Donohue*, 52 Mont. 601, 161 Pac. 164). They may get damages or injunctive relief for excessive injuries or restraints (*Franks v. Smith*, 134 S. W. 484; *Sterling v. Constantin*, 287 U. S. 378).

Martial rule is, therefore, to be viewed as a constitutional measure based on and measured by public necessity which may justify certain impositions so long as and to the extent that public necessity requires.

#### STATUS OF THE CITIZEN AND OF THE ALIEN-ENEMY UNDER MARTIAL LAW

Much that is done in the restriction of resident alien enemies as to their personal movements or in regard to their property is not done by way of martial law but by way of statute, etc., and it is well recognized that there is great latitude in the measures that may be taken. Although case authority is conspicuous by its absence, it would seem that as to martial law a reasonable presumption as to necessity for control of the conduct of enemy aliens may more easily be made out by reason of the very fact of their status and the fact that they are more possibly dangerous to the state. It is undisputed that they may be excluded from vital military areas, but it was considered quite a drastic step to intern Germans long resident in England during the last war.

Citizens are, of course, more protected by the "necessity" requirement and constitutional guaranties which do not extend to aliens. It is in their case that the limitations above described must come into play.

#### EXECUTIVE PROCLAMATION OF FEBRUARY 19, 1942 (NO. 9006)

This is an authorization by the President as Commander in Chief authorizing the Secretary of War and such military commanders as he may designate to prescribe "military areas" in such places and to such extent as the designating officer may determine in his discretion from which "all persons" may be excluded, or whose presence therein may be regulated by the Army, with the provision for care of removed persons. Federal troops may be used to enforce compliance.

The opening paragraph of the proclamation designates it a measure to protect from espionage and sabotage national-defense materials, premises, and utilities as defined in certain long standing acts of Congress. The proclamation would seem to be at once an authorization from the Commander in Chief to invoke a qualified martial law and a restriction on that action to limit it to those areas wherein may be found military activity or activities in aid of the war effort. It ought not to be questioned that the armed forces are the appropriate means of protecting such areas and a measure of martial rule is justified for the protection of such vital areas. Whether or not the action actually taken under the proclamation on the west coast, in declaring a whole half State a military area from which are to be moved a certain group of enemy aliens and their citizen descendants, is action not at all justified by the circumstances or, if so justified, is in excess of the authority given by the President, must be determined on the basis of the principles set out above if it is to be viewed as an instance of martial rule.

It must be recognized that, although as a practical matter the military may exceed the bounds of authority herein set out and that at the time it may be impossible to obtain civil redress or injunctive relief, nevertheless such action according to past standards and experience has not been found to be justified and the considerations above set out should be given serious thought for reasons of policy and in the ever present effort to protect and preserve our democratic institutions.

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"Weiner" referred to above in the text is a recent book "A Practical Manual of Martial Law" by Frederick Bernays Weiner published in 1940.

#### EXHIBIT 4.—LIABILITY OF STATELESS PERSONS FOR MILITARY SERVICE

REPORT BY RICHARD GRAU, 1914 VINE STREET, BERKELEY, CALIF.

Section 3 (a) of the Selective Training and Service Act as amended by act of Congress of December 20, 1941 (ch 602, 1st sess., 77th Cong.) provides as follows:

"Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 20 and 45 at the time fixed for his registration, or who attains the age of 20 \* \* \* shall be liable for training and service in the land or naval forces of the United States: *Provided*, That any citizen of a neutral country shall be relieved from liability for training and service under this act if, prior to his induction into the land or naval forces, he has made application to be relieved from such liabilities in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any person who makes such application shall thereafter be debarred from becoming citizen of the United States: *Provided further*, That no citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States shall be inducted for training and service under this act unless he is acceptable to the land or naval forces."

The above provision makes liable for military service "every male citizen of the United States, and every other male person residing in the United States." Within the latter class are the stateless persons. Both provisos which make certain exemptions are not applicable to stateless persons.

The first proviso mentions in clear term, "citizens of a neutral country." The reason for the special treatment of such persons are international treaties or general principles of international law (discussed already during the last war) which made it advisable not to provide for compulsory service of citizens of other countries which are neutral. Said reason originates only in consideration of the interests of those countries, citizens of which are residing in the United States. In the case of stateless persons there are no such foreign countries involved.

The second proviso in turn is also applicable exclusively to citizens or subjects of a foreign country. This proviso as distinguished from the first proviso applies to citizens or subjects of a country at war with the United States. There are again reasons based on international law which exclude compulsion of citizens or subjects of those countries to serve in the armed forces of the United States. Stateless persons owe no allegiance whatsoever to any foreign country, so that the second proviso is also not applicable to them.

The information sheet attached contains a summary of board release No. 112, Bulletin 60, issued by Col. Arthur V. McDermott, New York City, Director of Selective Service.

At the end of the summary the conclusion is drawn that stateless persons are liable for military service. See the following statement at page 2:

"The provision that neutral aliens may file applications for exemption from service was introduced in order to comply with international treaties and does not refer to stateless persons nor to citizens and subjects of countries which are not expressly recognized as neutral \* \* \*."

The above statement takes it obviously as self-evident that stateless persons are not citizens or subjects of countries at war with the United States and that they are subject to military service without any limitation or exemption, their liability being equal in all respects to the absolute liability of United States citizens.

## THE PSYCHOLOGICAL FACTORS CONNECTED WITH THE REFUGEE PROBLEMS

ADDED STATEMENT BY RICHARD GRAU

I. The action taken against Jews and liberals in Germany under the Nazi regime was an essential part of Hitler's foreign policy and his preparations for the present war. Barring minor points, three main effects were aimed at by Hitler's anti-Semitic program: The average German should feel himself superior to certain other people which was a preparatory step for building up the master race idea. Secondly, the beating of the Jews and liberals was the setting of an impressive example for the subjugation of a group to a status of disparagement and outlawry—again a preparatory step for similar subjugation of peaceful nations in Europe. Finally, the treatment of the Jews in Germany was likely to increase anti-Semitism and to spread the germ of discord in many other countries which was a further very effective preparatory step for the present war. It should be remembered that Hitler, whenever he tried to bring a new country into the Axis orbit, requested the issuing of decrees corresponding to the Nuremberg laws by that country in order to differentiate such country from the democratic nations.

The close connection between Hitler's actions against Jews and liberals in Germany and his striving for world domination makes it clear that the refugees from Germany can truly be designated as the first subjected people. They are not merely victims of Hitler's interior politics. In the light of later events it has become clear that the same ambition to dominate the world is behind the struggle of the Nazis against the Jews as behind their conquests of peaceful countries in Europe.

The refugees are also much aware of the complete analogy between their own fate and that of the subjected nations that they felt deeply disappointed when they were classified as enemies; in other words, considered as companions of their own conquerors.

II. One of the direct consequences of the campaign of the Nazis against the Jews and the liberals was the feeling of complete isolation which overcame the victims and brought them into despair. They were not only excluded from all activities in the community life but also their human interrelationships were closely supervised and in connection therewith gradually limited to the utmost extent.

Man is a social animal. He therefore cannot suffer such treatment without considerable increase of his need for contacts and cooperation with other people. Since exclusion from normal human relationships has so long been the lot of the refugees, the possibility of further exclusion has become a nightmare to them. Nothing in the world can terrify the average refugee more than the prospect of becoming an outlaw again. That psychological factor makes the refugees particularly vulnerable against their treatment as enemy aliens. The term "enemy" is apt to deprive them of a good deal of their hardly regained self-confidence and to imperil their feeling that they have become a welcome part of a great entity.

III. On December 7, 1941, a wave of enthusiasm and hope went through the refugee people. To be sure, their gratefulness toward the American Nation and the President and their hatred against the Nazis had a big part in causing that enthusiasm. However, the hope to be admitted to share in America's war effort was a further factor which was largely responsible for that enthusiasm. They envisaged their chance to use whatever strength and skill they have for something better than individual purposes. At last, so they felt, they would be admitted to cooperate in a great common cause. It is hard to describe the appalling dis-

appointment which followed when they saw themselves designated as dangerous to that very cause, in which to cooperate they had been so eager.

Very realistic fears regarding the future accompany their present disappointment. In 20 or 30 years from now, long after the end of the war, the refugees and their children living as citizens in this country will be asked why they did not do their full share in the war. Explanations in the way that as enemy aliens they were not allowed to do their full share will be of little avail in those future times. If the refugee people and their children cannot answer to such questions in pointing to a satisfactory war record, then danger will be ahead for them. Successes of individuals will be explained with lack of patriotic sacrifices and the individuals concerned will find themselves exposed to criticism and disparagement for many years to come. For people who never want to return to their former country and who look to America as the country of future generations of their families, such prospect is terrifying. It therefore is a complete misconception of the true facts if it has sometimes been said that the refugees should bear in patience the hardships imposed upon them and that they should realize what other kind of hardships those have to bear who are now fighting for America. It is not the point in question that the refugees do not want to take hardships upon them at a time when everybody should bear hardships. All they request is that they be spared the wrong kind of hardships which merely exclude them from America's war effort and that the right kind of hardships may be imposed upon them.

IV. The desire of the refugees coincides, they believe, with the public interest.

Public opinion was for years ardently interested in the fate of the first victims of Hitlerism and the average person in this country and in other countries as well considers these opponents and victims of Hitlerism as natural partisans on the side of democracy. The news on present tortures of the Jews in Germany, the subjected countries, and in the invaded part of Russia makes the public aware that such feeling of the average man is perfectly in line with the facts. It certainly has a confusing effect on the minds of the public if people who are so clearly partisans of the cause of democracy are, in spite of that fact, named and treated as enemies.

Nazi propagandists can attempt to increase such confusion by claiming that the treatment of the refugees in the United States has to be considered as an involuntary endorsement of their own allegations against the Jews. The effect of such propaganda would possibly be felt in this country and would be much more intensive in other countries, for instance, in South America.

The future reconstruction of the world will certainly be directed toward elimination of the causes for group hatred. The queer position into which the refugees would be put in the future if they will remain excluded from the war effort would in all probability become responsible for disparagement of their group in the future. Such cause of criticism will be avoided if the refugees are now allowed to show themselves as active partisans of the democratic cause.

V. This war is so definitely a struggle between two ideologies that the nationality of an individual is not any more a satisfactory yardstick in judging his loyalty to the democratic cause. Much less can former nationality furnish such yardstick.

The enemy-alien concept is in substance based not on the hazard of the birthplace but on actual allegiance owed to the king or other sovereign of a foreign country by an individual. Nothing comparable to allegiance exists between the refugees and Germany. They have been ejected from that country and expatriated. Taking this state of affairs as definite, they do not desire to return at any future time to Germany. Their only desire is to become United States citizens as soon as possible. For people in their position, loyalty to the United States is a matter of course. Their former nationality has become a matter of the past which is of no actual interest.

Their position may become clearer if compared with the position of people who are still nationals of various European countries and who desire to return to their former countries after the war. So far as they are concerned it is of little interest whether they are nationals of a country which is, in consequence of a declaration of war drafted in Berlin, actually at war with the United States or which is merely in fact part of Hitler's new order in Europe. Duress has become so much a customary factor in European politics that a declaration of war of a country which is in the hands of Hitler does not mean much. That is evidently the reason why nationals of Hungary and Rumania are not considered as enemy aliens. In form even Masaryk was a national of a country at war with the United States when during the last war he prepared in the United

States the future establishment of a national government in Czecho-Slovakia which at that time was still part of the Austrian empire.

In this war between two irreconcilable ideologies only one clear distinction is of real avail, namely, the distinction between the sympathizers of nazi-ism and fascism—including Quislings of any nationality—on the one hand, and opponents of Hitlerism and facism on the other hand.

The precedent regarding the Austrians, who in the last war were treated in a way different from the Germans, is entirely in line with the above discussion. The Austrians received a better treatment apparently because it was felt that the government of the Austrian empire which was in a status of decay had lost hold on the peoples belonging to that empire. Looking at the precedent from this angle leads to the conclusion that it is not merely a precedent in favor of the Austrians but of all those people who do not adhere to the rulers of the countries of their origin.

That the refugees are within that general class is shown conclusively by the fact that the government of their former country mistreated and ejected them and finally expatriated the vast majority of them.

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