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STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA

DANIEL J. EVANS
GOVERNOR

October 3, 1975

Mrs. Gwen Anderson
Deputy Assistant to
Counselor Hartmann
West Wing - Basement
The White House
Washington, D. C. 20500



Dear Gwen:

I have been on the road much of the time since our meeting last month. However, I want to first of all thank you for your many courtesies, particularly the White House tour. For a boy from the provinces--and perhaps for any American--it is a real thrill to see and be in the offices and rooms in the presidential suite.

Secondly, I want to let you know that I had an excellent reception from Dick Allison in the Vice President's office and Dudley Chapman, Associate Counsel to the President. Dick indicated that he would get the matter of Executive Order 9066 on the agenda of the Domestic Council and Mr. Chapman expressed the belief (admittedly tentative) that there would be no legal bar to the rescission by the President of E.O. 9066. As I indicated to you, this action would have great meaning to all persons of Japanese descent, as well as to the rest of us who feel that the E.O. was and remains a terrible blot in our history.

It is also important that the matter of the E.O. be kept separate from the issue of "reparations". The two are not connected and in my judgment to tie them together would be completely unnecessary and divert us from the main effort of the rescission of the E.O.

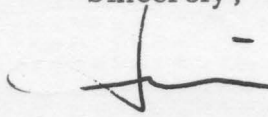
Finally, I believe it is important that the Japanese-American Citizens League, which has been the moving force behind the rescission of the order, deal directly with those of you in the White House who are working on the issue. Mich Matsudaira, Executive Director of our Asian-American Affairs Commission, has been in touch with the Washington, D. C. representative of the JAACL, Wayne Horiuchi, and I understand he either has or will be in touch with your office. The Governor and this office will,

2081 7 730
Mrs. Gwen Anderson
Page Two
October 3, 1975

of course, lend any assistance possible in this effort, but I believe the citizens of Japanese heritage rather than this office should be the moving force.

Best regards,

Sincerely,



James M. Dolliver
Administrative Assistant

JMD:ks

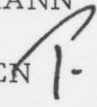
cc: Dick Allison
Dudley Chapman
Martin M. Matsudaira



THE WHITE HOUSE

WASHINGTON

October 10, 1975

MEMORANDUM FOR: BOB HARTMANN
FROM: PHIL BUCHEN 
SUBJECT: Recision of Executive Order
Authorizing Japanese Internment
Camps

Governor Dan Evans of Washington has requested that the President revoke E. O. 9066 under which the Japanese Internment Camps were established during World War II, and that he do so on February 19, 1976, which will be the 34th anniversary of the Order.

The Order (Tab A) did not itself establish the camps, but authorized the Secretary of War to prescribe military areas from which any persons may be excluded and delegated to the Secretary of War or a military commander full authority to restrict the right of any person to enter, remain in or leave the areas.

After E. O. 9066 was issued, Congress gave it legislative sanction under a law still in force as 18 U.S.C. 1383 (Tab B) which makes it an offense to enter or remain in a military zone prescribed in an Executive Order of the President. The internment program was later sustained by the Supreme Court.

As a delegation of authority under a statute still in force, it is understandable that non-lawyers could believe there is still something in existence that could be rescinded. Legally, however, the Order was expressly based upon "the successful prosecution of the War", and under established judicial precedents would be deemed to have expired by its own terms upon the conclusion of that emergency. Any number of executive orders as well as statutes expire or become "functus officio" when their purpose is accomplished without the need for any rescinding or repealing action. To purport to take such an action here would be legally pointless and risk making the President



look foolish. It would also prompt additional requests of this kind that could be politically embarrassing.

As an alternative to rescinding an already defunct order, the President could issue a commemorative statement on the anniversary date. This could be in the form of a proclamation praising the loyalty of Japanese Americans, expressing his regret for a blot on our history, noting that the Roosevelt order expired with the War, and disclaiming the use of such a practice in the future.



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the Civil Service Act (22 Stat. 404), it is hereby ordered as follows:

1. The United States Civil Service Commission is authorized to adopt and prescribe such special procedures and regulations as it may determine to be necessary in connection with the recruitment, placement, and changes in status of personnel for all departments, independent establishments, and other Federal agencies, except positions in the field service of the postal establishment. The procedures and regulations thus adopted and prescribed shall be binding with respect to all positions affected thereby which are subject to the provisions of the Civil Service Act and Rules.

2. Persons appointed solely by reason of any special procedures adopted under authority of this order to positions subject to the provisions of the Civil Service Act and Rules shall not thereby acquire a classified (competitive) civil-service status, but, in the discretion of the Civil Service Commission, may be retained for the duration of the war and for six months thereafter.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 16, 1942.

EXECUTIVE ORDER 9064

AUTHORIZING THE GOVERNOR OF THE PANAMA CANAL TO FURNISH CERTAIN TRANSPORTATION TO PERSONS ENGAGED FOR SERVICE ON THE ISTHMUS OF PANAMA

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act of July 9, 1937, c. 470, 50 Stat. 487, it is hereby ordered as follows:

1. Notwithstanding the provisions of paragraph 3 of Executive Order No. 1888 of February 2, 1914, relating to conditions of employment in the Panama Canal service, the Governor of The Panama Canal is authorized (1) to furnish free transportation, or to make reimbursement of cost thereof, from any point within the continental United States to the port of departure for the Isthmus of Panama, to any person engaged for service with The Panama Canal on the Isthmus; (2) to furnish free transportation from the port of departure to the Isthmus; and (3) to pay to such person a subsistence allowance

not in excess of six dollars a day while en route to the port of departure and awaiting transportation therefrom.

2. The Governor of The Panama Canal may prescribe such regulations as may be necessary to carry out the provisions of this order.

3. This order shall be effective as of February 1, 1942, and shall remain in force during the continuance of the present war and for six months after the termination thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 16, 1942.

EXECUTIVE ORDER 9065

AMENDMENT OF SECTION 11 OF THE REGULATIONS GOVERNING HIGHWAYS, VEHICLES, AND VEHICULAR TRAFFIC IN THE CANAL ZONE

By virtue of the authority vested in me by sections 5 and 321 of title 2 of the Canal Zone Code, it is ordered that section 11 of Executive Order No. 7242 of December 6, 1935, prescribing regulations governing highways, vehicles, and vehicular traffic in the Canal Zone, be, and it is hereby, amended to read as follows:

SEC. 11. Governor authorized to make regulations. The Governor is hereby authorized to make, alter, and amend, from time to time, rules and regulations for the purpose of carrying out the provisions of this order, and in time of war in which the United States is engaged or when in the opinion of the Governor war is imminent, the Governor is hereby authorized, subject to the provisions of Executive Order No. 8232 of September 5, 1939, to amend, modify, supplement, or suspend this order, or any provision thereof, for the duration of any such period, when in his judgment such action is necessary in the public interest.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 17, 1942.

EXECUTIVE ORDER 9066

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against



sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104):

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agen-

cies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 19, 1942.

EXECUTIVE ORDER 9067

PROVIDING FOR THE TRANSFER OF PERSONNEL TO WAR AGENCIES

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and by Section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), and in order to expedite the transfer of personnel to war agencies, it is hereby ordered as follows:

1. For the purpose of facilitating transfers of employees under the provisions of this Order, the Director of the Bureau of the Budget shall from time to time establish priority classifications of the several Executive departments and agencies, or of parts or activities thereof, in respect to their relative importance to the war program, and such classifications shall be controlling as to transfers under the provisions of this Order.

2. The Civil Service Commission is authorized to secure information as to employees of Executive departments and agencies who are deemed competent to perform essential war work in departments or agencies having a higher priority classification, and, with the consent

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In Nebraska and the entire state of Nebraska constituted one judicial district, there was no question as to proper allegation of venue in each information and matter then became one of proof. *Holdridge v. U. S.*, C.A.Neb.1960, 282 F.2d 302.

In prosecution of defendants for re-entry into a military reservation after having been removed from it and ordered not to re-enter, evidence including government exhibits consisting of maps showing military reservation within Nebraska was sufficient to establish venue within the judicial district of Nebraska. *Id.*

3. Burden of proof

To sustain charge of an information alleging a violation of former section 97 of this title in that defendant reentered a Marine Corps Reservation Road after having been ordered not to do so by the commanding General, the Government had to show an absolute ownership or an exclusive right to possession of the road, and proof of criminal jurisdiction of the road is not enough. *U. S. v. Watson*, D.C.Va.1948, 80 F.Supp. 649.

4. Evidence—Admissibility

In prosecution for re-entry into a military reservation after having been removed therefrom and ordered not to re-enter, trial court did not err in denying admission of evidence by defendant as to purpose of re-entry. *Holdridge v. U. S.*, C.A.Neb.1960, 282 F.2d 302.

5. — Weight and sufficiency

In prosecution for re-entering naval reservation after being ordered by com-

mander not to re-enter, testimony by chief of detectives of naval shipyard that areas in question, though outside perimeter fence, were within perimeter area of reservation and were patrolled by military police of shipyard that there were signs at entrance to the areas, that the areas were United States property and that no peddling or soliciting was allowed was sufficient to prove ownership or possession by United States. *U. S. v. Packard*, D.C.Cal.1964, 236 F.Supp. 585, affirmed 339 F.2d 887.

Evidence that Fuller Road was within the area taken for the Quantico Marine Corps Reservation did not alone justify inference that the taking destroyed the strip as a road and dissolved all rights of user theretofore held by the public or by persons having a special interest therein but merely established the authority of the United States to police the road and to punish a defendant for improper conduct thereon. *U. S. v. Watson*, D.C.Va.1948, 80 F.Supp. 649.

6. Instructions

In prosecution for re-entry into military reservation after having been removed therefrom, instruction of court which included a reading from two informations after court had carefully pointed out that reading was solely for the purpose of informing jury of the exact charges made, was not erroneous as constituting undue emphasis on what was not evidence upon issue of venue. *Holdridge v. U. S.*, C.A.Neb.1960, 282 F.2d 302.

§ 1383. Restrictions in military areas and zones

Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of the Army, or by any military commander designated by the Secretary of the Army, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be fined not more than \$5,000 or imprisoned not more than one year, or both. June 25, 1948, c. 645, 62 Stat. 765.

Historical and Revision Notes

Reviser's Note. Based on Title 18, U.S.C. 1940 ed., § 97a (Mar. 21, 1942, c. 191, 56 Stat. 173).

Words "be guilty of a misdemeanor" were deleted as unnecessary in view of definitive section 1 of this title.

WAYNE K. HORIUCHI
WASHINGTON REPRESENTATIVE
JAPANESE AMERICAN CITIZENS LEAGUE

Mrs. Anderson:

I thought you might be interested in this package which was prepared by us.

We deeply appreciate your support in this and I'll make sure that Governor Evans' office is notified of our follow through.

Thank you.



All good things to you,

Wayne K. Horiuchi
Wayne Horiuchi

AREA CODE 202
223-1240

1730 RHODE ISLAND AVE., N.W.
SUITE 204
WASHINGTON, D.C. 20036

JAPANESE AMERICAN CITIZENS LEAGUE
1730 Rhode Island Ave., N.W.
WASHINGTON, D.C. 20036



WASHINGTON OFFICE

JAPANESE AMERICAN CITIZENS LEAGUE

1730 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D. C. 20036

(202) 223-1240

WAYNE K. HORIUCHI
WASHINGTON REPRESENTATIVE

NATIONAL HEADQUARTERS, JACL
DAVID E. USHIO, NATIONAL DIRECTOR
SUTTER
1765 POST STREET
SAN FRANCISCO, CALIFORNIA 94115
(415) 921-5225

November 14, 1975

Mr. Gerald R. Ford
The White House
Washington, D.C. 20500

Dear Mr. President:

This is to transmit a request by the Japanese American Citizens League (JACL) that you rescind Executive Order 9066, which led to the internment of 112,000 Americans of Japanese ancestry in American concentration camps during World War II. The Order was issued on February 19, 1942 by President Franklin D. Roosevelt and remains in effect to this day, symbolic of a dark period in the history of the United States when the rights and privileges of citizenship were denied a group of Americans - as a matter of public policy and solely on the basis of race.

The JACL is an organization of 30,000 members with 98 chapters throughout the United States which not only represents the interests of Japanese Americans, but is also committed to the extension, enhancement and preservation of the fundamental human and civil rights of all Americans. We are therefore most concerned that the instrument which led to the deprivation of the rights and liberties of so many be cancelled and removed as a blot from among the laws of the land.

We have attached letters from many prominent and distinguished individuals who support the Japanese American Citizens League in this request. The following individuals urge rescission of Executive Order 9066:

The Honorable Hiram L. Fong
The Honorable Daniel K. Inouye
The Honorable Spark Matsunaga
The Honorable Norman Y. Mineta
The Honorable Patsy T. Mink
Mr. William Hosokawa, Associate Editor of the DENVER POST
Mr. Jack Kusaba, Senior Vice President, Sumitomo Bank of California
Mr. William Marumoto, Former Special Assistant to President Nixon

Mr. Joseph L. Rauh, Jr., Counsel, Leadership Conference
On Civil Rights
Mr. Edwin O. Reischauer, former Ambassador to Japan and
Professor at Harvard University
Mr. Shigeki Sugiyama, President of the Japanese American
Citizens League

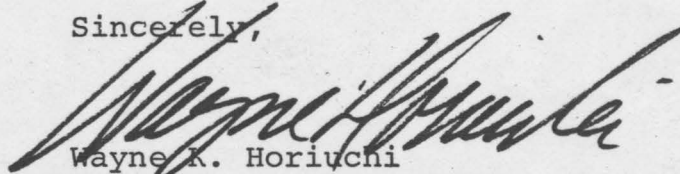
We hope that other letters will be forthcoming in the immediate future.

As background information we have enclosed a chronology of the implementation of Executive Order 9066, a copy of the original executive order, and the Civilian Exclusion Orders which were issued by the Army pursuant to Executive Order 9066 and subsequently caused the evacuation and internment of the Japanese American.

In addition, the Congress of the United States is considering the repeal of Title 18, USC 1383, which gave statutory sanction to Executive Order 9066. The House has voted 388 to 4 for repeal while the Senate will consider it shortly. Part of the House Judiciary Report is also enclosed.

We respectfully request your most serious and favorable consideration to rescind Executive Order 9066.

Sincerely,



Wayne K. Horiuchi
Washington Representative

David Ushio
National Executive Director

Enclosure

- I. Endorsement Letters
- II. Informational Attachments:
 - Letter from Office of Governor Daniel J. Evans
 - Chronology of E.O. 9066
 - Copy of E.O. 9066
 - Copy of Civilian Exclusion Orders
 - Judiciary Committee Report on National Emergencies



I. ENDORSEMENT LETTERS



HIRAM L. FONG
HAWAII

United States Senate

WASHINGTON, D.C. 20510

November 4, 1975

Mr. Wayne K. Horiuchi
Washington Representative
Japanese American Citizens League
1730 Rhode Island Ave., N.W., Suite 204
Washington, D.C. 20036

Dear Mr. Horiuchi:

I am writing to express my wholehearted endorsement of the Japanese American Citizens League in its efforts to encourage rescission of Executive Order 9066, under which evacuation of persons of Japanese ancestry was carried out during World War II.

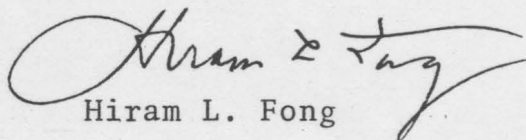
I have been privileged to know the JAACL for many years and fully endorse your organization's goals and historical record of achievement.

The action to evacuate and intern 110,000 persons of Japanese ancestry in relocation camps was a human tragedy in American history.

As a member of the Senate Judiciary Committee concerned with issues of civil liberties, I believe favorable consideration should be given the rescinding of Executive Order 9066.

With best regards and aloha,

Sincerely,



Hiram L. Fong

HLF:lnm



SPARK M. MATSUNAGA
1st DISTRICT, HAWAII

WASHINGTON OFFICE:
442 CANNON BUILDING
20515

HONOLULU OFFICE:
218 FEDERAL BUILDING
96813

Congress of the United States
House of Representatives
Washington, D.C. 20515

November 11, 1975

DEPUTY MAJORITY WHIP

MEMBER:
COMMITTEE ON RULES
STEERING
AND POLICY COMMITTEE
CHAIRMAN, SUBCOMMITTEE
OF SELECT
COMMITTEE ON AGING

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

I am writing in support of the Japanese American Citizens League's request that Executive Order 9066, signed by President Franklin Delano Roosevelt on February 19, 1942, be officially rescinded.

Executive Order 9066 was responsible for the internment of over 112,000 persons of Japanese ancestry, over two-thirds of whom were American citizens.

February 19, 1976 will mark the 34th Anniversary of the signing of Executive Order 9066 and it would be a fitting gesture if the order were formally rescinded by you on that date.

I am certain that we all recognize that the internment of the 112,000 persons during 1943-45 was a grave injustice and constitutes a shameful blot on the history of our nation. If there is any lesson to be gained from Executive Order 9066, it is not that the incredible did happen in America, but that it must never again be allowed to happen to any group anywhere under the American flag.

In 1971 Congress took a step to insure that the terrible injustice of Executive Order 9066 would never be repeated. Title II of the Emergency Detention Act of the Internal Security Act of 1950 was repealed after a three year effort on my part. I was privileged to have your support in that effort on the floor of the House.

I believe that the opportunity to take the second step is here. The rescission of Executive Order 9066 will surely be one of the highlights of America's

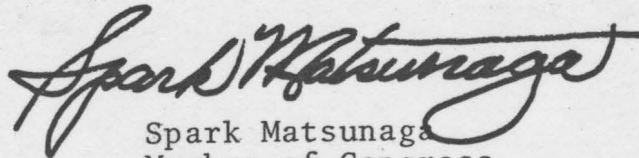
The President
November 11, 1975
Page Two

Bicentennial and proof that our nation will not let
past injustices be ignored and uncorrected.

I therefore strongly urge your serious consi-
deration to rescind Executive Order 9066 on
February 19, 1976.

Aloha and best wishes.

Sincerely,

A handwritten signature in cursive script that reads "Spark Matsunaga". The signature is written in dark ink and is positioned above the typed name.

Spark Matsunaga
Member of Congress



NORMAN Y. MINETA
MEMBER OF CONGRESS
13TH DISTRICT, CALIFORNIA

COMMITTEES:
PUBLIC WORKS AND
TRANSPORTATION
POST OFFICE AND CIVIL SERVICE

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
510 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-2631

DISTRICT OFFICES:
GOLDEN PACIFIC CENTER
1245 S. WINCHESTER BLVD.
SUITE 310
SAN JOSE, CALIFORNIA 95128
TELEPHONE: (408) 984-6045
7951 WREN AVENUE
SUITE D
GILROY, CALIFORNIA 95020
TELEPHONE: (408) 847-2664

November 6, 1975

The President
The White House
Washington, D.C.

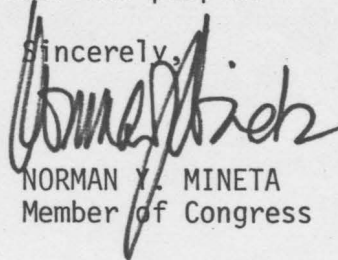
Dear Mr. President:

On February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066, thus authorizing the U.S. military to evacuate and intern 112,000 American citizens of Japanese ancestry to "relocation camps."

As a result of this action, loyal Japanese-American citizens were subjected to a tragic injustice never before and never since incurred by a minority segment of the American people. In addition to bearing the moral injustice of this Order, many families suffered the mental anguish and economic consequences of leaving their homes and businesses behind.

As one who personally experienced this internment during World War II, I respectfully urge you to rescind E.O. 9066, thus removing this ignominious mark on American History and restoring honor and justice to the Japanese-American people.

Sincerely,



NORMAN Y. MINETA
Member of Congress

NYM/aw



PATSY T. MINK
SECOND DISTRICT
HAWAII

NOV 10 REC'D

OFFICES:
WASHINGTON, D.C.
2338 RAYBURN BUILDING
PHONE: 225-4906

HONOLULU, HAWAII
346-348 FEDERAL BUILDING
PHONE: 531-4602

WAIPAHU, HAWAII
94-801 FARRINGTON HIGHWAY
PHONE: 671-0170

COMMITTEE ON EDUCATION
AND LABOR (ON LEAVE)
SELECT SUBCOMMITTEE ON EDUCATION
GENERAL SUBCOMMITTEE ON EDUCATION
SUBCOMMITTEE ON EQUAL OPPORTUNITIES

COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS
SUBCOMMITTEE ON TERRITORIAL AND
INSULAR AFFAIRS
SUBCOMMITTEE ON NATIONAL PARKS
AND RECREATION
SUBCOMMITTEE ON MINES AND MINING,
CHAIRMAN

COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, D.C. 20515

November 6, 1975

Mr. Wayne Horiuchi
Washington Representative
Japanese American Citizens League
1730 Rhode Island Avenue, N.W.
Washington, D. C. 20036

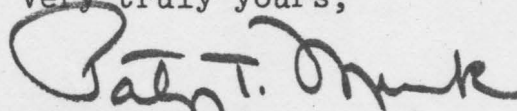
Dear Mr. Horiuchi:

I write to strongly support the JAACL request to the President encouraging rescission of Executive Order 9066 which ordered the evacuation of 112,000 American citizens of Japanese ancestry to concentration camps.

This Order, used to enforce the evacuation, represents the last legal vestige of an unlawful Act by the Government against its citizens of Japanese ancestry, solely on the basis of race and national origin.

It is therefore incumbent upon the Federal Government to exemplify its determination to rid itself and its people of the temptations of all forms of racism by renouncing Executive Order 9066 forever from the journals of this land. I join the JAACL in calling upon the President to rescind this infamous law.

Very truly yours,



PATSY T. MINK
Member of Congress



THE DENVER POST

BILL HOSOKAWA
ASSOCIATE EDITOR

November 11,
1975

Dear Wayne,

I am amazed that Executive Order 9066, the basis for the outrageous legalized discrimination against an American racial minority in World War II, still remains on the statute books.

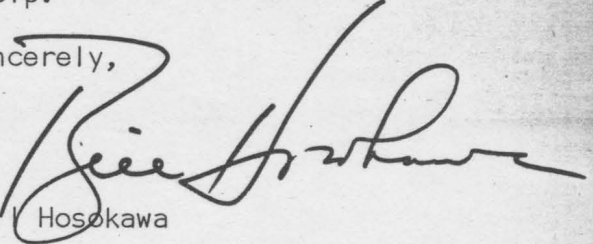
Today, nearly 35 years after Executive Order 9066 became law, in a time when encouraging progress is being made in the field of civil rights, this infamous measure must be repudiated.

I am happy to learn the Japanese American Citizens League is taking the lead in a drive to have Executive Order 9066 consigned to the scrap heap of historical mistakes where it belongs.

I would like to join other fair-minded citizens, interested in the creation of a better America for all Americans, in urging President Ford to take the necessary steps to rescind Executive Order 9066.

Please let me know how I can help.

Sincerely,



Bill Hosokawa

Mr. Wayne Horiuchi
Washington Representative
Japanese American Citizens League
1730 Rhode Island Ave., N.W.
Washington, D.C. 20036

The Sumitomo Bank of California

SAN FRANCISCO, CALIFORNIA 94119

JACK S. KUSABA
SENIOR VICE PRESIDENT
AND SECRETARY

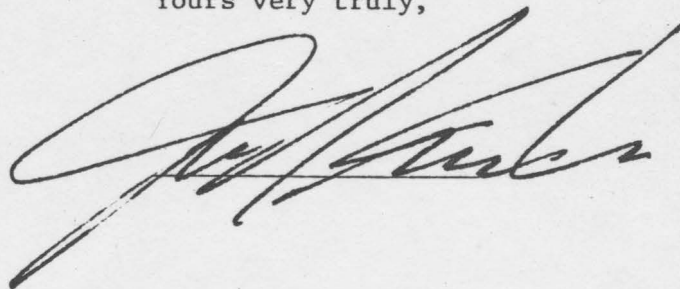
November 11, 1975

Mr. Gerald R. Ford
President of the United States
The White House
Washington, D.C.

Dear President Ford:

As a Japanese American who was evacuated together with my family and some 112,000 American Citizens of Japanese Ancestry from the Pacific Coast in 1942, I respectfully urge that you rescind and publicly repudiate President Franklin D. Roosevelt's Executive Order 9066.

Yours very truly,



TheInterfaceGroupLtd.

1025 Connecticut Ave. N.W., Suite 907

Washington, D.C. 20036

Telephone (202) 785-3030

William H. (Mo) Marumoto

President

November 21, 1975

The Honorable Gerald R. Ford
President
The White House
Washington, D.C. 20500

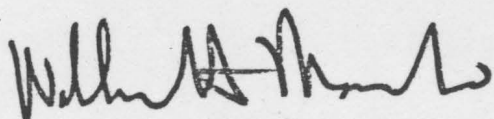
Dear Mr. President:

I write in support of the Japanese American Citizens League who is formally requesting your favorable action to rescind Executive Order 9066; the order which was responsible for the evacuation and internment of 110,000 persons of Japanese ancestry.

This tragic and disgraceful act still stands as a symbol which is antithetical to the American belief in civil and human rights. In this bicentennial year, it would only be appropriate that you favorably consider the rescission of Executive Order 9066.

As a member of the White House Staff under former President Nixon, I am particularly aware of the importance of this act to persons of Japanese American descent.

Sincerely,



LAW OFFICES
RAUH, SILARD AND LICHTMAN
1001 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT C. LICHTMAN
HARRIETT R. TAYLOR

202-331-1795

October 31, 1975

The Honorable Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

This letter is written in support of the Japanese American Citizens League's request that you rescind Executive Order 9066 signed by President Roosevelt on February 19, 1942 under which more than a hundred thousand American citizens of Japanese ancestry were interned in World War II.

Executive Order 9066 resulted in a great American tragedy. The tragedy lay in our nation turning its back on the high principles and purposes on which it had been founded.

We forgot that a policy of harsh severity toward any group of immigrants and their dependants should be impossible for a country whose lifeblood comes from our immigrant founders and builders.

We forgot that distinctions between citizens because of their ancestry are odious to a free people whose institutions are founded upon the principle of equality.

We forgot that loyalty is a matter of mind and of heart, and not of race.

We forgot that distinctions based on color or ancestry are utterly inconsistent with our institutions, our ideals and our Constitution.

We forgot that under our system of justice, guilt is personal and not inheritable.

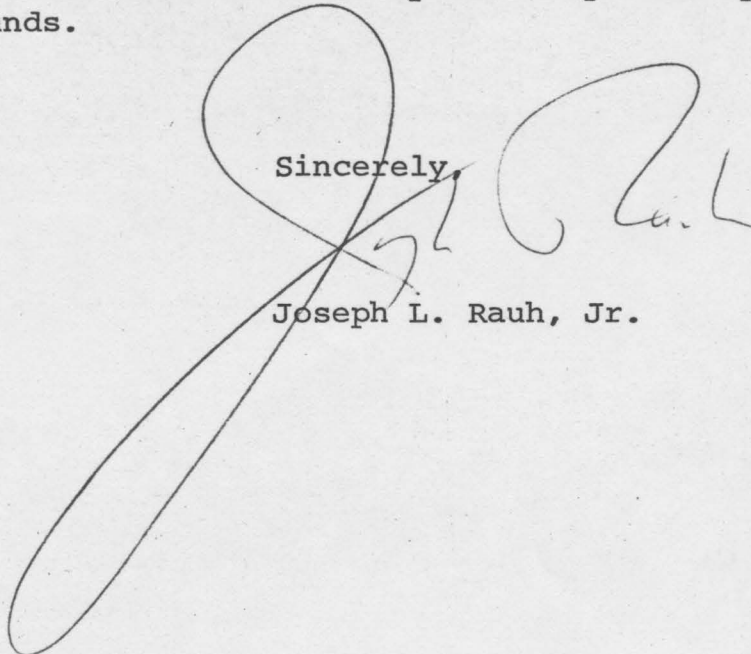
We forgot all these things and denied over one hundred thousand persons of Japanese ancestry their constitutional



rights solely because they belonged to a particular race into which they had been born.

Few today would doubt the error President Roosevelt made in promulgating Executive Order 9066. Your rescission of that Order with a ringing "Never Again" declaration will strengthen civil freedom in our country and help bind up long-standing wounds.

Sincerely,


Joseph L. Rauh, Jr.

JLRJr./lj



HARVARD UNIVERSITY

EDWIN O. REISCHAUER

Room 503
1737 CAMBRIDGE STREET
CAMBRIDGE,
MASSACHUSETTS 02138
PHONE (617) 495-3220

November 12, 1975

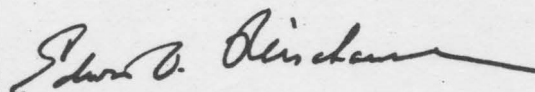
President Gerald R. Ford
The White House

Dear Mr. President:

I understand that the Japanese American Citizens League is formally requesting you to rescind Executive Order 9066, under which the Americans of Japanese descent were rounded up and put into concentration camps in 1942.

As you know, the people of America have long since realized that this act was not only unnecessary but was also grossly unfair and basically un-American, and they have long since attempted to make amends for it, though of course much of the damage can never be undone. To rescind the Executive Order at this late date naturally will not bring substantive changes of any sort, but the mere fact that the Japanese American Citizens League is asking that this should be done shows that psychologically it would be important. I have known and been close to the League for a long time, and, as I am sure you know, it is a fine organization of loyal American citizens doing a responsible and worthwhile job on behalf of a minority that has been unjustly treated in the past. At this time when your most successful visit to Japan a year ago and the equally successful visit here of the Japanese Emperor and Empress last month have come to symbolize a new stage of warmth and a sense of mutual equality in our important relations with Japan, it would be particularly fitting if you were to rescind this Order. It would be the just thing to do, even though it is only symbolic, and it would please our citizens of Japanese ancestry, the many millions of other Americans, like myself, who believe in justice and who value Japanese-American relations, and, I believe, the Japanese government and public as well.

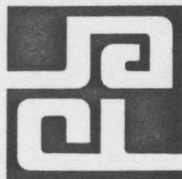
Respectfully yours,



Edwin O. Reischauer

EOR:nkh





JAPANESE AMERICAN CITIZENS LEAGUE

NATIONAL HEADQUARTERS: 22 Peace Plaza, Suite 203, San Francisco, California 94115 • (415) 555-9225
1765 Sutter St.
REGIONAL OFFICES: Washington, D.C./Chicago/San Francisco/Los Angeles/Portland/Fresno
David E. Ushio, National Executive Director

November 19, 1975

Mr. Gerald R. Ford
The White House
Washington, D.C. 20500

Dear Mr. President:

It has come to our attention that Executive Order 9066, which led to the mass incarceration of 112,000 persons of Japanese ancestry in American concentration camps during World War II, and was promulgated on February 19, 1942 by President Franklin D. Roosevelt, has never been rescinded. We respectfully request that that Order be revoked.

The language of the Executive Order makes no direct reference to persons of Japanese ancestry. Nevertheless, the broad powers which that order conferred upon the military were applied selectively against citizens and residents of the United States solely on the basis of their race. Thus E.O. 9066 remains symbolic of a time in our history when the awesome powers of the Chief Executive in time of war were directed against a particular racial group in America without regard for the human and civil rights of the citizens affected. It remains as a painful reminder to us Americans of Japanese ancestry that we were once, as a matter of public policy initiated by the Executive and confirmed by the Congress and the Supreme Court, most callously deprived of our constitutional rights and treated as non-Americans unworthy of the rights of citizenship until we proved our loyalty and worthiness with our blood, sweat, and tears.

Equally and perhaps more importantly for all Americans, Executive Order 9066 remains uncanceled even today, available for us against particular groups of Americans. Although we trust that neither you, Mr. President, nor any future President of the United States would even consider reinvoking the provisions of Executive Order 9066, as long as the Order remains "on the books", the people of these United States remain unwittingly and unnecessarily under a threat to their civil liberties.

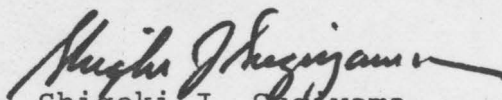
We note that the Congress of the United States has initiated action under the National Emergencies Bill (H.R. 3884) to repeal section 1383 of Title 18 of the United States Code, which in effect provided Congressional sanction and force to the implementation of Executive Order 9066 in 1942 (by providing criminal penal-



ties for disobedience of orders of the military issued pursuant to the Executive Order). Thus Presidential action to rescind Executive Order 9066 would be not only appropriate, but also timely, particularly as we approach the commemoration of the 200th anniversary of the founding of our great nation and a time to reaffirm our commitment to the ideals of freedom and liberty for all upon which our nation was founded.

On behalf of the 30,000 members and 98 chapters of the Japanese American Citizens League, an organization committed to the concept and to the furtherance of freedom and equality for all, may I request your most serious and favorable consideration of our request for the rescission of Executive Order 9066.

Respectfully yours,



Shigeki J. Sugiyama
National President



II. INFORMATIONAL ATTACHMENTS





STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

OLYMPIA

DANIEL J. EVANS
GOVERNOR

October 3, 1975

Mrs. Gwen Anderson
Deputy Assistant to
Counselor Hartmann
West Wing - Basement
The White House
Washington, D. C. 20500



Dear Gwen:

I have been on the road much of the time since our meeting last month. However, I want to first of all thank you for your many courtesies, particularly the White House tour. For a boy from the provinces--and perhaps for any American--it is a real thrill to see and be in the offices and room in the presidential suite.

Secondly, I want to let you know that I had an excellent reception from Dick Allison in the Vice President's office and Dudley Chapman, Associate Counsel to the President. Dick indicated that he would get the matter of Executive Order 9066 on the agenda of the Domestic Council and Mr. Chapman expressed the belief (admittedly tentative) that there would be no legal bar to the rescission by the President of E.O. 9066. As I indicated to you, this action would have great meaning to all persons of Japanese descent, as well as to the rest of us who feel that the E.O. was and remains a terrible blot in our history.

It is also important that the matter of the E.O. be kept separate from the issue of "reparations". The two are not connected and in my judgment to tie them together would be completely unnecessary and divert us from the main effort of the rescission of the E.O.

Finally, I believe it is important that the Japanese-American Citizens League, which has been the moving force behind the rescission of the order, deal directly with those of you in the White House who are working on the issue. Mich Matsudaira, Executive Director of our Asian-American Affairs Commission, has been in touch with the Washington, D. C. representative of the JAACL, Wayne Horiuchi, and I understand he either has or will be in touch with your office. The Governor and this office will,

Mrs. Gwen Anderson
Page Two
October 3, 1975

of course, lend any assistance possible in this effort, but I believe the citizens of Japanese heritage rather than this office should be the moving force.

Best regards,

Sincerely,

James M. Dolliver
Administrative Assistant

JMD:ks

cc: Dick Allison
Dudley Chapman
Martin M. Matsudaira



CHRONOLOGY OF EXECUTIVE ORDER 9066

December 7, 1941 Pearl Harbor is attacked and war is declared

February 19, 1942 Executive Order 9066, 7 Federal Regulation 1407 is signed by President Franklin Delano Roosevelt which gave the Secretary of War the authority to designate "military areas" and to exclude "any or all" persons from those areas. Executive Order 9066 began United States military action to evacuate and intern 112,000 American citizens of Japanese ancestry to "relocation camps."

March 21, 1942 Congress passes Public Law 503 codified as Section 1383 of Title 18 United States Code which provides criminal penalties for "Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military areas or military zone prescribed under the authority of an Executive Order of the President, by the Secretary of the Army..." when it appears that the individual knew of the restrictions or order and that his act was in violation thereof. This legislation legally buttressed Executive Order 9066.



March 2 - March 27, 1942 General John L. De Witt issues four public proclamations which initiate the following:

Public Proclamation No. 1: Divides Washington, Oregon, California, and Arizona into two military areas and designates other military areas as "restricted zones."

Public Proclamation No. 2: Sets up four additional military areas in the states of Idaho, Montana, Nevada and Utah.

Public Proclamation No. 3: Instituted throughout the first military area an 8 P.M. to 6 A.M. curfew for all enemy aliens and "persons of Japanese ancestry" and provided that "at all

other times all such persons shall only be at their place of residence or employment or travelling between those places or within a distance of not more than five miles from their place of residence."

Public Proclamation No. 4: Forbade all Japanese, alien and citizens, to leave Military Area No. 1.

March 24, 1943 General De Witt issues first "Civilian Exclusion Order" and the evacuation begins.

June 21, 1943 The Supreme Court of the United States adjudicates Hirabayashi v. United States, 320 U.S. 81, 92 which held that Public Law 503 ratified and confirmed Executive Order 9066.

September 25, 1971 Congress passes Public Law 92-128 repealing Title II of the Internal Security Act of 1950 which eliminated a law which could have provided for concentration camps similar to the evacuation experience. The legislative fight was led by the Japanese American Citizens League.

September 4, 1975 The House of Representatives passes HR 3884 by a vote of 388 to 4 which repeals section 1383 of Title 18 (Public Law 503). The bill now awaits Senate action.

February 19, 1976 This date will be the 34th anniversary of the signing of Executive Order 9066.



THE NATIONAL ARCHIVES
LITTEA
SCRIPTA
MANET

FEDERAL REGISTER

OF THE UNITED STATES
1934

VOLUME 7 NUMBER 33

Washington, Wednesday, February 25, 1942

The President

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104):

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941,¹ and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other

steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972,² dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 19, 1942.

[No. 9066]

[F. R. Doc. 42-1663; Filed, February 21, 1942;
12:51 p. m.]

EXECUTIVE ORDER

PROVIDING FOR THE TRANSFER OF PERSONNEL TO WAR AGENCIES

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and by Section 1753 of the Revised Statutes of the United States (U.S.C., title 5,

¹ 6 F.R. 6420.

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THE PRESIDENT

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² 6 F.R. 6321, 6323, 6324.

**WESTERN DEFENSE COMMAND AND FOURTH ARMY
WARTIME CIVIL CONTROL ADMINISTRATION**

Presidio of San Francisco, California

May 3, 1942

**INSTRUCTIONS
TO ALL PERSONS OF
JAPANESE
ANCESTRY**

Living in the Following Area:

All of that portion of the City of Los Angeles, State of California, within that boundary beginning at the point at which North Figueroa Street meets a line following the middle of the Los Angeles River; thence southerly and following the said line to East First Street; thence westerly on East First Street to Alameda Street; thence southerly on Alameda Street to East Third Street; thence northwesterly on East Third Street to Main Street; thence northerly on Main Street to First Street; thence northwesterly on First Street to Figueroa Street; thence northeasterly on Figueroa Street to the point of beginning.

Pursuant to the provisions of Civilian Exclusion Order No. 33, this Headquarters, dated May 3, 1942, all persons of Japanese ancestry, both alien and non-alien, will be evacuated from the above area by 12 o'clock noon, P. W. T., Saturday, May 9, 1942.

No Japanese person living in the above area will be permitted to change residence after 12 o'clock noon, P. W. T., Sunday, May 3, 1942, without obtaining special permission from the representative of the Commanding General, Southern California Sector, at the Civil Control Station located at:

Japanese Union Church,
120 North San Pedro Street,
Los Angeles, California.

Such permits will only be granted for the purpose of uniting members of a family, or in cases of grave emergency.

The Civil Control Station is equipped to assist the Japanese population affected by this evacuation in the following ways:

1. Give advice and instructions on the evacuation.
2. Provide services with respect to the management, leasing, sale, storage or other disposition of most kinds of property, such as real estate, business and professional equipment, household goods, boats, automobiles and livestock.
3. Provide temporary residence elsewhere for all Japanese in family groups.
4. Transport persons and a limited amount of clothing and equipment to their new residence.

The Following Instructions Must Be Observed:

1. A responsible member of each family, preferably the head of the family, or the person in whose name most of the property is held, and each individual living alone, will report to the Civil Control Station to receive further instructions. This must be done between 8:00 A. M. and 5:00 P. M. on Monday, May 4, 1942, or between 8:00 A. M. and 5:00 P. M. on Tuesday, May 5, 1942.

2. Evacuees must carry with them on departure for the Assembly Center, the following property:

- (a) Bedding and linens (no mattress) for each member of the family;
- (b) Toilet articles for each member of the family;
- (c) Extra clothing for each member of the family;
- (d) Sufficient knives, forks, spoons, plates, bowls and cups for each member of the family;
- (e) Essential personal effects for each member of the family.

All items carried will be securely packaged, tied and plainly marked with the name of the owner and numbered in accordance with instructions obtained at the Civil Control Station. The size and number of packages is limited to that which can be carried by the individual or family group.

3. No pets of any kind will be permitted.
4. No personal items and no household goods will be shipped to the Assembly Center.
5. The United States Government through its agencies will provide for the storage, at the sole risk of the owner, of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted for storage if crated, packed and plainly marked with the name and address of the owner. Only one name and address will be used by a given family.
6. Each family, and individual living alone, will be furnished transportation to the Assembly Center or will be authorized to travel by private automobile in a supervised group. All instructions pertaining to the movement will be obtained at the Civil Control Station.

Go to the Civil Control Station between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 4, 1942, or between the hours of 8:00 A. M. and 5:00 P. M., Tuesday, May 5, 1942, to receive further instructions.

J. L. DeWITT
Lieutenant General, U. S. Army
Commanding

SEE CIVILIAN EXCLUSION ORDER NO. 33.



**Headquarters
Western Defense Command
and Fourth Army**

Presidio of San Francisco, California

April 1, 1942

Civilian Exclusion Order No. 4

1. Pursuant to the provisions of Public Proclamations Nos. 1 and 2, this headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that all persons of Japanese ancestry, including aliens and non-aliens, be excluded on or before 12 o'clock noon, P.W.T., of Wednesday, April 8, 1942, from that portion of Military Area No. 1 in the State of California described as follows:

All of San Diego County, California, south of a line extending in an easterly direction from the mouth of the San Dieguito River (northwest of Del Mar), along the north side of the San Dieguito River, Lake Hodges, and the San Pasqual River to the bridge over the San Pasqual River at or near San Pasqual; thence easterly along the southerly line of California State Highway No. 78 through Ramona and Julian to the eastern boundary line of San Diego County.

2. A responsible member of each family, and each individual living alone, in the above described affected area will report between the hours of 8:00 a.m. and 5:00 p.m., Thursday, April 2, 1942, or during the same hours on Friday, April 3, 1942, to the Civil Control Station located at:

1919 India Street
San Diego, California

3. Any person affected by this order who fails to comply with any of its provisions or the provisions of published instructions pertaining hereto, or who is found in the above restricted area after 12 o'clock noon, P.W.T., of Wednesday, April 8, 1942, will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing Any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

J.L. DeWITT
Lieutenant General, U.S. Army
Commanding



I, We, and each of us, the undersigned owners of the real property hereinafter set out opposite our names, and being situate in the County of San Diego, State of California, and being in Block 47 **Shermans Addition**, according to the map therof NO. 478, filed in the office of the Recorder of the County of San Diego, State of California, on **January 4, 1888**, do hereby agree to, and do bind ourselves and each and all of our heirs, executors, administrators, successors in interest and assigns, to the following restrictions and/or conditions and/or covenants, to wit:

1. That we will not, nor will any of us, our heirs, executors, administrators, successors in interest, and assigns, permit the said real property, or any part thereof, owned by us or any of us, our heirs, executors, administrators, successors in interest and assigns to be used and/or occupied by any person, or persons, not of the white or Caucasian race, whether as owner, tenant, or otherwise.

2. That said restrictions and/or conditions and/or covenants shall run with the land for the benefit of all the undersigned owners thereof, their heirs, executors, administrators, successors in interest and assigns, and for the benefit of the real property owned by us, or any of us, in said Sherman's Addition.

3. That the breach of any of the said restrictions and/or conditions and/or covenants of this agreement, or the continuance of any such breach may be enjoined, abated or otherwise remedied by any appropriate legal proceeding by all of us or any of us, our or either of our, or any of our heirs, executors, administrators, successors in interest and assigns.

4. That in all conveyance of any of said real property situate in Block 47, Sherman's Add., I, we and each of us, our heirs, executors, administrators, successors in interest and assigns, will incorporate in such conveyance of said real property the express covenant and/or restrictions and/or conditions that the grantee or second party to any such conveyance of said real-property, will not permit said real property so conveyed, or any part thereof, to be used and/or occupied by any person, or persons not of the white or Caucasian race.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of January, 1937.

NAME OF PROPERTY OWNER	REAL PROPERTY OWNED BY US IN BLOCK 47 SHERMAN'S ADDITION.
CORA E. BLACK GROVER CLEVELAND BLACK	(Lot 2)
GUY F. AUSTIN MRS. EMMA L. HOEGE	(Lot 1)
ABBIE S. HOLLINGTON	(Lots 4, 5, and 6)
CHAS. R. SELLORS IRMA E. MYERS	(Lot 7)



Kiyoshi Hirabayashi v. United States (Decided — June 21, 1943, 320 U.S. 81; 63 Supreme Court)

An Executive Order has given a military commander the right to designate a military area and make restrictions to govern this area. The Act of Congress of March 21, 1942 makes it a misdemeanor to knowingly disregard these restrictions. Gordon Kiyoshi Hirabayashi was convicted in the District Court (California) of violating the Act of Congress. The decision was appealed and the judgment of conviction affirmed.

The particular restriction presently being discussed states that all persons of Japanese ancestry residing in the military area must be within their place of residence daily between the hours of 8:00 p.m. and 6:00 a.m. It has been contended that the curfew order and other orders on which it rested were beyond the war powers of the Congress, the military authorities and of the President (as Commander in Chief of the Army). It is also being questioned whether the restriction violated the Fifth Amendment by unconstitutionally discriminating between citizens of Japanese ancestry and those of other ancestries.

Gordon Kiyoshi Hirabayashi (appellant) asserted that the indictment should be dismissed because he was an American citizen who had never been a subject of and had never pledged allegiance to the Empire of Japan. In addition, the Act of March 21, 1942 was thought to be an unconstitutional delegation of Congressional power.

The appellant was born in Seattle in 1918 of Japanese parents who had come from Japan to the United States, and who had never afterward returned to Japan. He was educated in the Washington public schools and at the time of his arrest was a senior in the University of Washington. It was also maintained that Mr. Hirabayashi had never been in Japan or had any association with Japanese residing there.

Gordon Kiyoshi Hirabayashi felt that he would be giving up his rights as an American citizen in obeying the curfew imposed by the military commander. For this reason he was away from his place of residence after 8:00 p.m. on May 9, 1942. The jury returned a verdict of guilty on both counts: 1) failure to report to the Civil Control Station on May 11 or May 12, 1942 to register for evacuation from the military area, and 2) failure to remain in his place of residence from 8:00 p.m. to 6:00 a.m. Hirabayashi was sentenced to imprisonment for a term of three months on each, the sentences to run at the same time.

Certain social, economic and political conditions existed when the Japanese came to the United States. These conditions are believed to have caused the Japanese to stick together and prevented their assimilation as a part of the white population. In addition, large numbers of children of Japanese parentage are sent to Japanese language schools after public school is over. Some of these schools are thought to be sources of Japanese nationalistic propaganda, encouraging the children to pledge allegiance to Japan. Considerable numbers, estimated to be approximately 10,000 of American-born children of Japanese parentage have been sent to Japan for all or part of their education.

As a result of all these conditions affecting the life of the Japanese in the Pacific Coast Area, there has been little social intercourse between them and the white population. Because persons of Japanese ancestry have been faced with many restrictions while residing in the United States, they may have become more isolated from the rest of the population and more attached to Japan and Japanese institutions.

The Executive Order permitted establishment of military areas for the purpose of protecting national defense resources from sabotage and espionage. The Act of Congress ratified this Executive Order. Both were an exercise of constitutional power



to wage war. Once the Executive and Congress have this power, they also have the freedom to use their own judgment in determining what the threat is and how it can be resisted. A court should not decide whether the Executive and/or Congress did the right thing nor should a court substitute its own judgment for that of the Executive or Congress.

Measures adopted by the Government may point out that a group of one nationality is more dangerous to the country's safety than any other group. This is not entirely beyond the limits of the Constitution and should not be condemned just because racial differences are usually irrelevant.

Appellant, however, insists that the exercise of the power is inappropriate and unconstitutional because it discriminates against citizens of Japanese ancestry, in violation of the Fifth Amendment.

Distinctions between citizens solely because of their ancestry are hateful to a free people whose institution are founded upon equality. For that reason, discrimination based on race alone has often been considered a denial of equal protection. These considerations would be in effect here were it not for the fact that the danger of espionage and sabotage makes it necessary for the military authorities to look into every fact having to do with the loyalty of populations in the danger areas.

Mr. Justice Frank Murphy concurring statement

Distinctions based on color and ancestry are utterly inconsistent with our traditions and ideals. They are at variance with the principles for which we are now waging war. We cannot close our eyes to the fact that for centuries the Old World has been torn by racial and religious conflicts and has suffered the worst kind of anguish because of inequality of treatment for different groups. There was one law for one and a different law for another. Nothing is written more firmly into our law than the compact of the Plymouth voyagers to have just and equal laws. To say that any group cannot be assimilated is to admit that the great American experience has failed, that our way of life has failed when confronted with the normal attachment of certain groups to the lands of their forefathers. As a nation we embrace many groups, some of them among the oldest settlements in our midst, which have isolated themselves for religious and cultural reasons.

Today is the first time, so far as I am aware, that we have sustained a substantial restriction of the personal liberty of citizens of the United States based upon the accident of race or ancestry. Under the curfew order here challenged no less than 70,000 American citizens have been placed under a special ban and deprived of their liberty because of their particular racial inheritance. In this sense it bears a melancholy resemblance to the treatment accorded to members of the Jewish race in Germany and in other parts of Europe. The result is the creation in this country of two classes of citizens for purposes of a critical and perilous hour — to sanction discrimination between groups of United States citizens on the basis of ancestry. In my opinion this goes to the very brink of constitutional power.

Except under condition of great emergency a regulation of this kind applicable solely to citizens of a particular racial extraction would not be regarded as in accord with the requirement of due process of law contained in the Fifth Amendment.

... a denial of due process of law as that term is used in the Fifth Amendment. I think that point is dangerously approached when we have one law for the majority of our citizens and another for those of a particular racial heritage.



Nor do I mean to intimate that citizens of a particular racial group whose freedom may be curtailed within an area threatened with attack should be generally prevented from leaving the area and going at large in other areas that are not in danger of attack and where special precautions are not needed. Their status as citizens, though subject to requirements of national security and military necessity, should at all times be accorded the fullest consideration and respect. When the danger is past, the restrictions imposed on them should be promptly removed and their freedom of action fully restored.

Toyosaburo Korematsu v. United States (Decided December 18, 1944, 323 U.S. 214; 65 Supreme Court 193; 89 L. Ed. 194)

Hardships are part of war and war is a collection of hardships. All citizens, whether they be in or out of uniform, feel the impact of war. Citizenship has its responsibilities as well as its privileges, and in time of war, the burden is always heavier.

It is said that Korematsu has been imprisoned in a concentration camp solely because of his ancestry, without any evidence to show his loyalty or disloyalty towards the United States. Our task would be simple, our duty clear, were this a case involving the imprisonment of a loyal citizen in a concentration camp because of racial prejudice. First of all, we do not think it justifiable to call them concentration camps, with all the ugly pictures that term brings to mind. Secondly, regardless of the true nature of the assembly and relocation centers, we are dealing specifically with nothing but an exclusion order. To bring in the issue of racial prejudice, without reference to the real military dangers which existed, merely confuses the issue.

Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire. Military authorities feared an invasion of our West Coast and felt it necessary to take proper security measures. The military urgency of the situation required that all citizens of Japanese ancestry be segregated from the West Coast temporarily. Congress put their confidence in our military leaders and decided that they should have the power to carry out the necessary measures. There was evidence of disloyalty on the part of some so the military authorities felt that the need for action was great. The fact that we can look back and see things more calmly does not allow us to say that at that time these actions were unjustified.

Mr. Justice Owens Robert:

"I dissent, because I think the facts exhibit a clear violation of Constitutional rights.

This is not a case of keeping people off the street at night as was *Kiyoshi Hirabayashi v. United States*, nor a case of temporary exclusion of a citizen from an area for safety reasons. Korematsu was not offered an opportunity to go temporarily out of an area in which his presence might cause danger to himself or to his fellows. On the contrary, it is the case of convicting a citizen as a punishment to not giving in to imprisonment in a concentration camp.

In addition, if a citizen were forced to obey two laws and obedience to one of them would violate the other, to punish him for violation of either law would be unfair. It would be to deny him due process of law."

The Court also dealt with a technical complication which arose. On May 30, the date on which Korematsu was charged with remaining unlawfully in the prohibited area, there were two conflicting military orders, one forbidding him to remain in the area, the other forbidding him to leave but ordering him to report to an assembly center. The Court held the orders not to be contradictory, since the requirement to report to the assembly center was merely a step in a program of compulsory evacuation from the area.



Mr. Justice Frank Murphy, dissenting:

"This exclusion of 'all persons of Japanese ancestry, both alien and non-alien,' from the Pacific Coast area because of military necessity ought not to be approved. Such exclusion goes over 'the very brink of constitutional power' and falls into the ugly abyss of racism.

At the same time, it is essential that there be definite limits to military discretion. Individuals should not be denied their constitutional rights because of a 'military necessity' that has neither substance nor support.

The exclusion order is reasonable **only** if one assumes that **all** persons of Japanese ancestry may have a dangerous tendency to commit sabotage and espionage and to aid our Japanese enemy in other ways. It is difficult to believe that such an assumption could ever be supported.

All individuals of Japanese descent have been referred to as 'subversive', as belonging to 'an enemy race' whose 'racial strains are undiluted', and as constituting 'over 112,000 potential enemies . . . at large today' along the Pacific Coast. There is no reliable evidence to show that these individuals were generally disloyal, or had behaved in a manner dangerous to war industries and defense installations.

No adequate reason is given for the failure to treat these Japanese Americans on an individual basis by holding investigations and hearings to separate the loyal from the disloyal, as was done in the case of persons of German and Italian ancestry.

Moreover, there was no adequate proof that the FBI and the military and naval intelligence services did not have the espionage and sabotage situation under control during this long period. Nor is there any denial of the fact that not one person of Japanese ancestry was accused or convicted of sabotage after Pearl Harbor while they were still free, a fact which indicated the loyalty of the vast majority of these individuals.

I dissent, therefore from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedoms guaranteed by the Constitution."

Mr. Justice Robert Jackson, dissenting:

"Korematsu was born on our soil, of parents born in Japan. The constitution makes him a citizen of the United States by nativity and a citizen of California by residence. No claim is made that he is not loyal to this country. There is no suggestion that apart from the matter involved here he is not law-abiding.

Korematsu, however, has been convicted of an act not commonly a crime. It consists merely of being present in the state whereof he is a citizen, near the place where he was born, and where all his life he has lived.

The Army program is said to be a danger to liberty. If the Judiciary were to sustain the order, however, it would be more of a blow to liberty than the declaration of the order itself. A military order, however unconstitutional, is not apt to last longer than the military emergency. Even during that period a succeeding commander may revoke it. Once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the order is sanctioned,



the Court has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to purposes."

Mitsuye Endo v. United States (Decided December 18, 1944, 323 U.S. 238; 65 Supreme Court 193)

Mitsuye Endo is an American citizen of Japanese ancestry. She was evacuated from Sacramento, California by the military in 1942. At that time, she was placed in the Tule Lake War Relocation Center located in Newell, Modoc County, California. In July of 1942, however, she filed a petition for a writ of habeas corpus, asking that she be released from the Center and restored to liberty.

Her petition for a writ of habeas corpus states that she is a loyal and law abiding citizen of the United States. Moreover, it states that she is being unlawfully detained and confined in the Relocation Center under armed guard and against her will.

The Department of Justice and the War Relocation Authority agree that the appellant (Mitsuye Endo) is a loyal and law-abiding citizen. However, they maintain that although she has been granted permission to leave, it is necessary for her to remain in the Center for an additional period of time.

Persons for the appellant argue that whatever power the War Relocation Authority may have to detain other classes of citizens, it has no authority to force a loyal citizen to go through clearance before leaving.

In this case, the military has the power to detain persons only if they present a threat of espionage or sabotage against the war effort. However, a citizen who acknowledges that he/she is loyal presents no problem of espionage or sabotage. Loyalty is a matter of the heart and mind not of race, creed, or color. If a person is loyal, he/she is by definition not a spy or saboteur. Therefore, the military has no power to detain loyal citizens.

In addition, the Act of March 21, 1942 makes no mention of detention. This may be due to the fact that detention in Relocation Centers was not part of the original program of evacuation. Instead, the detention developed later in order that the evacuees not be subjected to increasing hostility from various communities.

We do not mean to say that detention in the evacuation program would not be lawful at all. The fact that the Act and the orders do not mention detention does not mean that the power to detain is not permitted. Some such power may indeed be necessary to the successful operation of the evacuation program. At least we may so assume. Moreover, we may assume for the purposes of this case that initial detention in Relocation Centers was authorized.

Mr. Justice Frank Murphy:

"I join in the opinion of the Court, but I am of the view that detention in Relocation Centers of persons of Japanese ancestry regardless of loyalty is not only unauthorized by Congress or the Executive but is another example of the unconstitutional resort to racism inherent in the entire evacuation program. As stated more fully in my dissenting opinion in *Fred Toyosaburo Korematsu v. United States*, racial discrimination of this nature bears no reasonable relation to military necessity and is utterly foreign to the ideals and traditions of the American people.



Moreover, the Court holds that Mitsuye Endo is entitled to an unconditional release by the War Relocation Authority. It appears that Miss Endo desires to return to Sacramento, California, from which Public Proclamations Nos. 7 and 11, as well as Civilian Exclusion Order No. 52, still exclude her.

If, as I believe, the military orders excluding her from California were invalid at the time they were issued, they are increasingly objectionable at this late date, when the threat of invasion of the Pacific Coast and the fears of sabotage and espionage have greatly diminished. For the Government to suggest under these circumstances that the presence of Japanese blood in a loyal American citizen might be enough to warrant her exclusion from a place where she would otherwise have a right to go is a position I cannot sanction."

Mr. Justice Owens Roberts:

"I think it inadmissible to suggest that some inferior public servant exceeded the authority granted by executive order in this case. Such a basis of decision will render easy the evasion of law and the violation of constitutional rights, for when conduct is called in question the obvious response will be that, however much the superior executive officials knew, understood, and approved the conduct of their subordinates, those subordinates in fact lacked a definite mandate so to act. It is to hide one's head in the sand to assert that the detention of relator resulted from an excess of authority by subordinate officials.

I conclude, therefore, that the court is squarely faced with a serious constitutional question, — whether the relator's detention violated the guarantees of the Bill of Rights of the federal Constitution and especially the guarantee of due process of law. There can be but one answer to that question. An admittedly loyal citizen has been deprived of her liberty for a period of years. Under the Constitution she should be free to come and go as she pleases. Instead, her liberty of motion and other innocent activities have been prohibited and conditioned. She should be discharged."

PROVISIONS TO BE REPEALED

Subsection (a) of section 501 of the amended bill strikes paragraph (1) of section 349 (a) of the Immigration Act (8 U.S.C. 1481(a)). Section 349 concerns loss of nationality by nationals of the United States, and subsection (a) (10) provides that nationality shall be lost by persons who depart from or remain outside the jurisdiction of the United States during a war or national emergency for the purpose of evading or avoiding training and service in the Armed Forces of the United States. The Supreme Court in the case of *Kennedy v. Mendoza Martinez*, 372 U.S. 144 (1963) held section 349(a) (10) of the Immigration and Nationality Act to be unconstitutional because it employed the sanction of deprivation of nationality as a punishment for the offense of leaving or remaining outside the country to evade military service without affording the procedural safeguards guaranteed by the Fifth and Sixth Amendments. In this connection, the Court pointed out that this punishment cannot be imposed without a criminal trial with all its incidents and procedural safeguards including indictment, notice confrontation, jury trial, assistance of counsel, and compulsory process for obtaining witnesses. Since the subparagraph has been held invalid, the bill provides that it be stricken from section 349 (a) of the Immigration and Nationality Act.

Subsection (b) of section 501 of the amended bill deletes Item 4 of section 2667 (b) of Title 10. Item 4 provides that leases of non-excess property of a military department must contain a provision making the lease revocable by the section during a national emergency declared by the President. In the course of the hearings on the bill, the committee was advised that the deletion of this provision would give the departments concerned the option of either including or not including such a requirement in their leases. The change would, therefore, make it possible for the departments to determine whether the foreseeable needs of the department would require the inclusion of such a provision.

Subparagraph (c) of section 501 repeals a joint resolution approved August 8, 1947 concerned the regulation of consumer credit. This Act ended consumer credit control under a war time executive order as of November 1, 1947. The exception contained in the Act provided that the authority could be exercised during war or national emergency after the effective date of the act. The provisions of the act are obsolete. Section 1904 of Title 12 presently empowers the President to authorize the Board of Governors of the Federal Reserve System to regulate extensions of credit.

Subsection (d) of section 501 repeals section 5 (m) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831d(m)). Subsection (m) bars the sale of products except ferrophosphorus outside the United States and possessions except as to the United States Government for military use or to its allies in the case of war or until six months after the termination of the Korean emergency. The committee has been advised that the provisions of this subsection have no present application.

Subsection (e) of section 501 of the amended bill repeals section 1383 of title 18 of the United States Code. This is a section which pro-



vides criminal penalties for "Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive Order of the President, by the Secretary of the Army..." when it appears that the individual knew of the restrictions or order and that his act was in violation thereof. This section was originally enacted as a wartime measure on March 21, 1942. In the case of *Hirabayashi v. United States*, 320 U.S. 81, 92 (1943), the Court held that the Act ratified and confirmed Executive Order No. 9066, 7 Fed. Reg. 1407, which was promulgated during time of war on February 14, 1942, for the declared purpose of persecuting the war by protecting national defense resources from sabotage and espionage. This was the Executive Order which formed the basis for the relocation and detention of persons of Japanese ancestry in that period. This relationship to the evacuation was even more directly discussed in the case of *Ex Parte Mitsuye Endo* 323 U.S. 283, 298 when it was pointed out that Congress had made the orders regarding the evacuation program subject to the civil penalties provided in the Act of March 21, 1942, the act upon which the codified provisions of section 1383 of Title 18 are based. Clearly, the Act was not intended to apply in normal peacetime situations. Further, by the Act of September 25, 1971, Public Law 92-128 repealed the provision of Title II of the Internal Security Act of 1950 (50 U.S.C. 811-826) the "Emergency Detention Act." The report of the Committee which accompanied that legislation (H. Rept. 92-116, 92nd Congress, 1st Session) stated:

... the Committee is of the view that the Emergency Detention Act serves no useful purpose, but, on the contrary, only engenders fears and resentment on the part of many of our fellow citizens.

The repeal of section 1383 of Title 18 is consistent with the previous action of the Congress with reference to the above law. Since the provisions of section 1383 of Title 18 have no current purpose, they are, as a practical matter, obsolete.

Subsection (f) of section 501 strikes subsections (b), (c), (d), (e) and (f) of section 6 of the Act of February 28, 1948. An amendment to the Public Health Service Act concerning promotion of commissioned officers of the Public Health Service. The committee has been advised that these provisions now are obsolete.

Subsection (g) of section 601 repeals section 9 of the 1946 Merchant Ship Sales Act. 50 U.S.C. 1742. This section of the Sales Act concerns price adjustment for prior sales to citizens of the United States. The committee has been advised that the section is now a nullity and no future proclamation of a national emergency could provide any authority under it. The letter from the Department of Commerce dated April 1, 1975 discussing this point is set out at the end of this report.

CONTINUING AUTHORITY PROVIDED FOR IN THE BILL

As has been discussed in this report, a basic problem with emergency legislation derives from the fact that much which is authorized and much which has been done under it is really not of merely an "emergency" nature. Simply to abolish all emergency powers and disposi-



December 5, 1975

Dear Mr. Horiuchi:

Thank you so much for your recent note forwarding the material sent to the President by the Japanese American Citizens League.

This subject is being brought to the attention of President Ford, and your thoughtfulness in bringing it to my attention is very much appreciated.

Sincerely,

Gwen A. Anderson
Deputy Assistant to the
Counsellor to the President

Mr. Wayne Horiuchi
Washington Representative
Japanese American Citizens League
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036



*Send
to Daisy Miller*

*Japanese
Ambr*

P.O. Box 60219
Sacramento, CA

December 30, 1975

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The totally unjustified uprooting and imprisonment during World War II of all Pacific Coast residents of Japanese ancestry is generally recognized by historians as one of the darkest chapters in American history. It is disturbing to note that, despite the passage of over 30 years, former President Franklin D. Roosevelt's infamous Executive Order 9066 which authorized the perpetration of that outrage against innocent Japanese Americans still remains in effect as one of the laws of our nation. By any standard of common sense or reason, revocation of that order has long been overdue.

As a part of the Bicentennial Celebration of the founding of our nation, an announcement by you rescinding that order would help to remove some of the tarnish on the record of America's treatment of its non-white minorities.

The significance of such an announcement would probably be enhanced if it could be made on February 19, 1976, on the 34th anniversary of the issuance of the order.

Respectfully yours,

William Kashiwagi, President
Florin Chapter
Japanese American Citizen League

WYK/jh

cc: Mrs. Gwen Anderson
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