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Legislative History and Administrative Procedures of the Evacuation Claims Act

John Y. Yoshino
Loyola University Chicago

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**LEGISLATIVE HISTORY AND ADMINISTRATIVE
PROCEDURES OF THE EVACUATION
CLAIMS ACT**

by

John Y. Yoshino

**A Thesis Submitted to the Faculty of the Loyola University
Institute of Social and Industrial Relations in Partial
Fulfillment of the Requirements for the Degree of
Master of Social and Industrial Relations**

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1953

PREFACE

The purpose of this research study is to examine the legislative background and administrative problems of the Evacuation Claims Act.

It is hoped that the findings of this study may be of some help in completing the larger claims filed and still pending with the Department of Justice.

The investigator would have it be known that he has personally participated in the evacuation, relocation, and resettlement of the Japanese Americans from the very inception of the mass exodus of the Japanese from the West Coast in 1942.

Having been so close to the social problem has enabled me to be critical in evaluating the reports and records that were studied.

On the other hand, I have been aware of the possibility of giving subjective emphasis in the treatment of the problem. I have consciously tried to guard against undue bias.

I am indebted to the Japanese American Citizens League in the study of this problem. The organization made available many documents, reports and analyses directly related to the Claims program.

I am deeply indebted to Father Paul A. Woelfl for his encouragement and kind assistance.

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CHAPTER I

INTRODUCTION

The evacuation of persons of Japanese ancestry, citizen and alien alike, from the West Coast in the Spring of 1942, was without precedent in the history of the United States.¹ It was not only an exploitation of the evacuees with attendant property loss, but also "the most striking mass interference since slavery with the right to physical freedom."

There are two policies to be distinguished: the evacuation policy and the detention policy.² The "evacuation was a policy proposed by the Western Defense Command," as a matter of military necessity, "accepted by the War Department, and sanctioned by the President of the United States."³ It was declared to be constitutional by the Supreme Court of the United States.

1 Japanese American Citizens League, Some Comments on the Evacuation Claims Law. General Background of Evacuation Losses.

2 Korematsu v. United States, 323 U. S. 214 (1944). See also Hirabayashi v. United States, 320 U. S. 81 (1943). The United States Supreme Court in the Case of Ex Parte Mitsuya Endo declared the detention of non-dangerous persons to be unconstitutional.

3 Dorothy Swaine Thomas, The Salvage, "Japanese American Evacuation and Resettlement," Berkeley, 1952. p. 86.

When it was realized the few thousand who managed to accomplish voluntary evacuation were being met by hostility or suspicion in the receiving areas, and that most of the persons ordered to evacuate were physically, emotionally, economically, culturally, and demographically incapable of finding jobs, the detention program was initiated by Executive Order 9066 under which the Commanding General on March 27, 1942, issued an order Public Proclamation No. 4 "forbidding further voluntary migration of Japanese and Japanese Americans from the West Coast military area."

Governmental agencies responsible for the execution of the evacuation had no previous experience on which they could rely for guidance.⁴ Administrative techniques had to be hastily formulated and revised according to needs as they arose. Furthermore, the formation of sound policy and procedure was complicated by racial prejudice and war hysteria.

Evacuees were ordered to report to their Assembly Centers carrying only hand baggage.⁵ Faced with the decision of storing or selling in a few days the accumulated property of a life time, they often ended by giving away or leaving behind what they could not take. Those who were able to meet specifications for goods to be placed in W. R. A. warehouses were given no guarantee of adequate protection, but they lost less than others who were forced to store their boxes in garages and sheds. Small businessmen and farmers who could not help themselves to sell out, entrusted their holdings to friends,

4 J. A. C. L., Ibid., p. 2.

5 Ibid., p. 3.

only to lose through mismanagement or neglect.

Responsible citizens and some officials were concerned about the inadequate provisions to safeguard evacuee property. The Tolan Committee conducted hearings from February 21 through March 12, 1942 emphasized in its Fourth Interim Report:

"Witness after witness, appearing before the Committee deplored the fact that no provision was being made for protecting property of persons who had already been, or were about to be evacuated. Evidence that there were numerous instances of sales of personal property at great sacrifice appear throughout the record."⁶

That there was feeling that an injustice was being done was indicated by remarks made on March 30, 1942, the eve of evacuation movements, by Milton S. Eisenhower, the first director of the W. R. A., who wrote to James Howe, Assistant to the Attorney General, and in referring to "the functioning of the property handling system," made the prophetic statement: "It may prove to be the darkest part of a pretty dark picture."⁷

In a letter dated April 1, 1942, to the Secretary of Agriculture, the W. R. A. director also concluded:

"I feel most deeply that when this War is over and we consider calmly this unprecedented migration of 120,000 people, we are as Americans going to regret the avoidable injustices that may have occurred."⁸

6 Ibid., p. 4.

7 War Relocation Authority, The Wartime Handling of Evacuee Property, U. S. Department of the Interior, U. S. Government Printing Office, 1946, p. 42.

8 Ibid., p. 35.

The War Relocation Authority, in its final report entitled, "The Wartime Handling of Evacuee Property" indicated the factors which contributed to the financial and property losses sustained by the Japanese Americans because of enforced evacuation as:

"First of all, under stress of wartime fears and hatred, the prevailing sentiment of West Coast populations was opposed to any recognition of the rights and privileges of this little known and habitually misrepresented minority that was racially associated with the enemy across the Pacific.

"Second, with the evacuation a foregone conclusion, the Federal Government was slow to set up machinery for safeguarding the property of the people who were to be evacuated, thus allowing an interval of golden opportunity to swindlers and tricksters who had a terrified group of people at their mercy.

"Third, when Federal provisions were made for assisting evacuees with unsolved property problems, they were inadequate to prevent initial loss of steadily mounting loss to the absentee owners during the period when the exclusion Orders remained in force.

"Fourth, responsibility for safeguarding evacuee property bounced from agency to agency, finally coming to rest in War Relocation Authority after evacuation was an accomplished fact, well after the period when strong measures might have prevented much hardship. In August of 1942, after the evacuation had been accomplished, the War Relocation Authority had transferred to it not only the responsibility for evacuee property protection but also the problems which had developed in the period when two other agencies had shared the responsibility. W. R. A. was handicapped at the start by the necessity to finish work begun by other agencies operating under different policies.

"Fifth, most of the local and state law enforcement authorities of the West Coast, throughout the years of the exclusion order was rescinded, have shown a considerable indifference to vandalism and even to arson committed upon evacuee property and have put up effective passive resistance to requests to conduct investigation which might have led to arrest and prosecution of offenders.

"Sixth, the Western Defense Command, after ordering and conducting the evacuation, took no direct responsibility for safeguarding physically the property which the evacuees were obliged to leave behind them, although that responsibility was very clearly assigned to the Western Defense Command in a memorandum of February 20, 1942, addressed by Assistant Secretary of War McCloy to Lt. General DeWitt".⁹

The report goes on to state that "these factors have contributed heavily to the failure of the Government's attempts to protect the property of the evacuated Japanese Americans and have made the wartime handling of evacuee property a sorry part of the war record." It stated further that "whether it is possible for the Federal Government to prevent heavy property loss to any group of persons excluded with emotion and in time of war from the region which contains their property is highly problematical. Whether the evacuees will receive remuneration for losses depends upon the will of Congress to acknowledge Federal responsibility for losses sustained."

The Congress of the United States recognized the injustices of the evacuation when an "evacuation claims bill was being considered".¹⁰ Mr. Goodwin, House Judiciary Subcommittee member and representative from Massachusetts, stated on the floor of the House:

"The first is that in this bill we are attempting to redress a wrong which has been suffered by these persons of Japanese ancestry by reason of an action of our government which was entirely unique in all our history. Never before had there been a forced evacuation of this sort."

9 Ibid., p. 3-4.

10 U. S. Congress, House Bill 3999, Congressional Record, July 23, 1947, Washington, p. 9965.

CHAPTER II

LEGISLATIVE HISTORY OF THE JAPANESE AMERICAN CITIZENS LEAGUE

It would not be possible to study the problem of the Evacuation Claims Act and not include in it the part played by the Japanese American Citizens League.

The early history of the Japanese American Citizens League dates back to years immediately following World War I. Dorothy S. Thomas indicates that even before the organization was formally organized in its present form there existed among the Japanese living in California "loosely knit groups--one starting in San Francisco in 1918." She mentions that another group was started in Seattle in 1921.¹

According to Dr. T. T. Yatabe, the first national president of the J. A. C. L., the average age of the Nisei (which means second generation) at that time was around nine based on large numbers of very young children among the Japanese.² He stated that among the older Nisei there were only a handful

1 Dorothy Swaine Thomas, The Salvage, Berkeley and Los Angeles, 1952, p. 51.

2 Field Interview with Dr. T. T. Yatabe, Chicago, Illinois, February 10, 1953.

around the age of twenty-one. They primarily concerned themselves with the problem then prevalent of studying how to be good citizens. The younger Nisei still in college around San Francisco got together in study groups but soon broke up due to lack of interest.

A very interesting study of the leadership problem among the Japanese Americans is discussed by John H. Burma of Grinnel College as he states: "The organized behavior of any minority group is closely related to the type and quality of leadership."³ This statement is especially true of the Japanese Americans. The Issei born in Japan clung to basic attitudes and values acquired in Japan. They functioned through the Buddhist Church organizations, business groups and the Japanese Association. The Japanese Association concerned itself with social welfare, economic relationships, and community organization.

According to Thomas, the J. A. C. L. formed in Seattle in 1930, was concerned in its first ten years with promoting citizenship on the community level.⁴ Local chapters in the rural sections and smaller communities in the cities directed its energies toward a social program. It sponsored picnics, talent revues, oratorical contests, dramatic and musical presentations and similar activities.

3 John H. Burma, "Leadership Problems of Japanese Americans," Sociology and Social Research, An International Journal, January - February, 1953, Vol. 37, No. 3., published Bi-monthly University of Southern California, Los Angeles, California. p. 157.

4 Thomas, pp. 51-54.

In the larger cities and in its "National" conventions J. A. C. L. interests were developed along three lines: (1) political pressure against discrimination and legislation; (2) promotion of public relations by interpreting the Japanese to the larger community; and (3) education of the second generation in Americanism. Legislative efforts were successful as early as 1931 when the J. A. C. L. lobbied in Washington for an amendment to the Cable Act, so that Nisei women married to Issei could regain American citizenship. J. A. C. L. played an important role in the campaign to bring about passage of the Oriental Veterans Citizenship Act in 1935; and in 1936 they obtained "recognition of passport" for Nisei who had travelled abroad, thus facilitating reentry to America without passport-inspection delays.

In California, J. A. C. L. lobbied periodically against legislative restriction on land ownership, against anti-alien fishing bills, and against restriction on the use of public swimming pools and recreational facilities and against segregation in theaters.

The J. A. C. L. published a small newspaper to carry on its work among the Japanese. It was started in 1929 in San Francisco when the forerunner of the Japanese American Citizens League put out an all English semi-monthly publication, the Nikkei Shimin, which later changed its name to Pacific Citizen.⁵ Togo Tanaka wrote about the Pacific Citizens's pre-war development

5 Thomas, pp. 60-61, An analysis of the role of the Pacific Citizen based on a manuscript prepared by Togo Tanaka for the Evacuation and Resettlement Study, 1944.

and policies as follows:

"The early editorials in *Nikkei Shimin* and *Pacific Citizen* stimulated interest in and set the ground work for the organization of the Japanese American Citizens League."

"Join the Citizens League for your own protection," became the slogan, and the paper urged the establishment of a central organization, with 'binding ties and tangible benefits accruing to membership.'

Tanaka states that the writings in the *Pacific Citizen* from the beginning were symbolic of American education among the Nisei. The paper took a definite stand against dual citizenship and urged the Nisei to expatriate from Japanese citizenship. It strongly urged Nisei to register and vote in American elections.

The *Pacific Citizen* took the stand that the Japanese should consider themselves as a part of this country and pointed to other successful immigrations in the United States. It urged them to stop thinking in terms of returning to Japan, and to drop the "sojourner attitude of most Issei organizations."

Leadership among the Japanese was completely changed by 1942. The war with Japan was the principle reason for this drastic change.⁶ The J. A. C. L. and its leaders were suddenly thrust into leadership position by force of events beyond their control.

During the time of the relocation, the J. A. C. L. was the only voice for the Japanese Americans. The organization continued to publish its organ

6 Burma, *Ibid.*, p. 158.

the PACIFIC CITIZEN, and through it maintained a channel of communication between its national headquarters and the membership in widely scattered areas. The paper complained against injustices, exposed prejudice and bigotry, and carried news of relocation camp life and the exploits of the 442nd Combat Team, an U. S. Army Unit composed entirely of Japanese Americans.

The J. A. C. L. in 1942 successfully petitioned the government for the reinstatement of the selective service for Nisei; it sponsored the Endo Case,⁷ in which the United States Supreme Court declared that Nisei legally could not be detained in relocation centers; and it sparked the drive which broke the Utah, Oregon and California alien land laws, statutory devices used by these States to prevent land ownership by alien Japanese.⁸

The J. A. C. L., meeting in a national conclave in Denver, Colorado, on March 2, 1946, "recommended a program of action regarding reparations for losses caused by discriminatory action during the War."⁹

The statement issued by the Program and Activities Committee meeting in the Cosmopolitan Hotel at the National Council Session was as follows:

7 323 U. S. 283 (1944).

8 W. R. A., A Story of Human Conservation, p. 189.

9 J. A. C. L., Official Minutes, National Convention, Denver, Colorado, February 28, 1946, p. 44.

"We believe that Congress should be urged to enact legislation creating a claims commission to pass upon the legitimacy of losses and compensate legitimate claimants accordingly or to grant outright appropriations for losses sustained because of wartime restrictions or regulations of clearly discriminatory nature, including those caused by the arbitrary evacuation of all person of Japanese descent from the West Coast."¹⁰

The above statement clearly indicated the policy of the Japanese American Citizens League regarding the need for the government to take some positive step to rectify the wrong which was done to the Japanese in the West Coast evacuation.

Since the Spring of 1942, the J. A. C. L. had repeatedly urged individuals and organizations throughout the country to assist and support such legislative action by Congress. The ways and means of best achieving this goal was left to be accomplished by the executive staff of the organization.

To facilitate the desired legislative action on the losses mentioned, the J. A. C. L. Anti-Discrimination Committee was incorporated on July 9, 1946, under the laws of the State of Utah. This action was taken to safeguard the J. A. C. L.'s tax favored status.¹¹ On January 22, 1947, the J. A. C. L. National Legislative Director registered as a 'lobbyist' with the Clerk of the House of Representatives and the Secretary of the Senate, thereby establishing the Washington, D. C. Office of the organization. The address was 501 B. Street, Northeast, Washington 2, D. C. The office was later moved to 300 Fifth Street, Northeast Washington 2, D. C. The staff comprised Mike and Etsu Masa-

¹⁰ Ibid., p. 45.

¹¹ J. A. C. L., 10th Biennial National J. A. C. L. Convention, Official Minutes, September 4-8, 1948, Salt Lake City, Utah, p. 9.

oka, a small staff of typists, stenographers, and a translator. Later a research assistant, a press-relations expert, and a legal counsel were added to the staff.

The legislative activity in regards to the Evacuation Claims Act was financed largely by the J. A. C. L. Anti-Discrimination Committee. Both Issei supporters and Nisei members of the J. A. C. L. belonged to this organization. The fund drives during the years preceding the passage of the Act had already brought in close to a half million dollars. The money was collected mostly by door-to-door solicitations. This was done by community-minded Japanese men and women in their spare time, usually in the evenings and over the weekend. At the beginning of the drive, when people anticipated a successful lobby for their claims money, the solicitors found reception to their pleas. Later, after the legislation had been enacted, though money was still needed to carry on other legislative activities, people did not respond so readily.

Financial supporters in Hawaii responded to the J. A. C. L. appeal for assistance. Special deputation teams were dispatched to the Hawaiian Islands. Thousands of dollars were contributed by the Japanese in those islands. The money collected from the people in the U. S. and Hawaii made possible the maintenance of the Washington Office, the National J. A. C. L. Headquarters in Salt Lake City, Utah, and seven field offices in New York City, Chicago, Denver, Los Angeles, San Francisco, Fresno and Seattle.

To finance this great movement the Japanese have had to marshall all forces available to meet the heavy financial obligation. The J. A. C. L. bud-

get was set up biennially at its convention. An example of this huge outlay can be seen by a disbursement of \$111,423.17 for the calendar year of 1949. Of this amount salaries alone took up \$56,196.39. For the first nine months of the calendar year of 1950, the organization expended \$64,252.09. Of this amount the sum of \$33,699.32 went for the payment of salary of its staff personnel.

The organization received a grant of \$5000 per year for two years from the Robert Marshall Civil Liberties Trust of New York City and a grant of \$2500 from the Marshall Field Foundation to help carry out the J. A. C. L. Evacuation Claims program.

Another most unique method of raising funds for the J. A. C. L. is the J. A. C. L. 1000 Club which was founded as a voluntary group of one thousand loyal J. A. C. L.ers who would voluntarily contribute \$25.00 per year to maintain National Headquarters. During the past five years a total of \$30,000 was made for the organization through this source. The National J. A. C. L. in recognition of this effort has made the chairman of the Club a member of the J. A. C. L. National Board.

At its Salt Lake City convention in 1948, the National J. A. C. L. set down broad principles under which the organization should render service to the Japanese covered by the Act. The convention unanimously agreed that J. A. C. L. should:

1. Render as much service as possible and proper in the filing and processing of evacuation claims,

2. Charge no fee for whatever services it may render or offer as a part of its overall services to all persons of Japanese ancestry.¹²

It was agreed, also, by the National Council that the J. A. C. L., on the national level, through the J. A. C. L.-Washington Office should take every possible course of action to liberalize and expedite the Claims program. It was decided that the Washington office should disseminate all information regarding the overall program of the J. A. C. L. rather than the regional offices or the individual chapters. As a service to the Issei this office should include necessary translations into the Japanese language.

The task of coordinating the work at the chapter level was left to the Regional Directors through the Regional Office. It was suggested that in this respect such assistance to the local chapters as the setting up of proper machinery to render necessary services, and the conducting of regional clinics on the claims program from time to time be supplied by the Regional Offices.

On the local level it was agreed that the local J. A. C. L. chapter should make available the necessary forms for the filing of the evacuation claims and also the necessary information pertaining to the filing of the claims; and supply stenographic assistance in the filing of claims.

So that the mandate of the J. A. C. L. legislative body would be carried out in this matter, Edward J. Ennis of New York, former General Counsel to the Immigration and Naturalization Service, and former Chief of the Alien Enemy Control Unit of the Department of Justice, was retained as Special Eva-

12 Ibid., p. 50

evacuation Claims Counsel by the J. A. C. L. to help in an analysis and interpretation of the provisions of the Act.

As a public service the Washington Office of the J. A. C. L. released information which included numerous interpretive articles on the Act which analyzed the compensable losses covered by the Act. A question and answer series was compiled by Mr. Hanis based on the actual questions sent in by interested persons to the J. A. C. L. In addition, an Evacuation Claims Notebook was prepared and sent to all Chapters, Regional Directors, National Headquarters, and National Board Members.

J. A. C. L. rendered valuable publicity service in the dissemination of information through the newspapers and other medias. A point of emphasis was the necessity for claimants to file their claims before the deadline stipulated in the Act.

With the passage of the Evacuation Claims Act and its amendment of compromise, the legislative history of the Japanese American Citizens League in this area of activity has slowed down. The larger claims still pending are being processed by the Department of Justice.

Since the inauguration of President Eisenhower there has been little activity on this Act. It is hoped by the Japanese people that further remedial amendments based on the compromise portion of the Act may be entertained by Congress in order that the larger claims might be completed. There does not seem to be any indication of such a move at this session of Congress.

CHAPTER III

CONGRESSIONAL HEARING

The final report of the War Relocation Authority included a section on unfinished business which stated in part:

"Evacuation and life in the relocation centers have seriously damaged thousands of lives, some of them perhaps beyond the possibility of full repair. Property losses have been suffered which require fair compensation."¹

It may be noted that at this point the government introduced the idea that some sort of compensation to the Japanese people should be considered.

"After carefully assessing the present situation, the W. R. A. believes that three major lines of action are needed to insure a better integration of the Japanese people into the body of our society and soften existing injustices. These are (1) enactment of legislation providing for an 'Evacuation claims Commission' to consider claims against the government for property losses suffered as a direct result of the evacuation, (2) modification of the Federal Naturalization Laws to put Japanese people on the same basis as members of other nations and other races, and (3) continuation and expansion of activity by local citizen committees and groups to aid the process of evacuee adjustment and reintegration."

The report indicated further that although the government had the best of intentions to safeguard the property of the evacuees, the plan of

1 W. R. A., The Story of Human Conservation, pp. 187-188.

operation was far from being effective or efficient and resulted in an inestimable number of Japanese suffering property losses "because of governmental action and through no fault of their own." The report goes on to state:

"In simple justice to these people, W. R. A. feels strongly that some provision is needed in Federal Law so that claims for evacuation-caused property losses can be considered promptly and settled with a minimum delay and inconvenience...as this is written, a bill which would accomplish this purpose, S. 2127, has been introduced in the Senate (79th Congress, 2nd Session)."

The W. R. A. report concluded with a strong request "that such legislation be enacted as promptly as possible."

Senate bill 2127 and a companion House bill HR 2768 which created a 3 man Commission under the Secretary of the Interior which was substantially the same as the present bill H. R. 3199 failed to pass the 79th Congress.

In the next session of Congress (80th, 1st Session), on May 28 and 29 of 1947, Sub-committee No. 2 of the Judiciary met to consider Bill HR 3999 which was essentially the same as the original bill HR 2768 with the exception that the Attorney General was authorized to do the work that was previously given to a three man commission and the attorney's fees were reduced from 20 per cent to 10 per cent.²

2 Hearings and Reports on the Evacuation Claims Bills, Committee on the Judiciary, House of Representatives, Reproduced by the Japanese American Citizens League, Anti-Discrimination Committee, Washington Office, (From Official Records), pp. 1-109. The report of this extensive hearing was not available at any of the public sources of information for public documents. The only indication of it was a listing on p. 4320 of Section House Status Table that hearing on HR bill 2768 was held on May 29, 1947, Commerce Clearing House Publication, Congressional Index for 1947-1948, 80th Congress.

Honorable John W. Gwynne (Republican, Iowa) was the presiding chairman of the sub-committee hearing which extended over a two day period.

The first person to appear before the Committee was Professor Leonard R. Bloom of the University of California Department of Sociology. Dr. Bloom stated that he had made a study of the evacuation claims of the Japanese and felt that the Japanese people were put to unprecedented hardship both tangible and intangible by reason of evacuation. He criticized the ACT for not providing compensation for loss of income which he indicated to be the most substantial loss created by the evacuation. Since loss of anticipated earnings was very hard to prove, he suggested that a minimum grant of \$1000 be paid to each person over the age of 18 at the time of the evacuation then gainfully employed.

The Honorable Oscar L. Chapman, Under-Secretary of the Interior then appeared before the Committee. He testified that the only proper and honorable thing for the United States to do in view of the action taken under the Executive Order 9066 would be the passing of the Claims Act.

Mr. Dillon S. Myer, former Director of War Relocation Authority, described the hardships of the evacuation. He emphasized that the Japanese people had very little time to prepare for departure from their homes, whereas Italian and German aliens were not evacuated at all. He stated that wholly inadequate wages of \$12 to \$18 were paid to evacuees employed full-time in the Relocation camps. He mentioned the inadequate provisions set up by the government to guard against pilferage, damage and arson of property left behind by evacuees. In spite of these factors cited, he informed the Committee that

from among the people evacuated, 33,000 men served in the U. S. Army. And he further declared, that though the stated purpose of the evacuation was to prevent sabotage, the history of the war record showed there was not a single instance of sabotage in the United States or Hawaiian Islands. Mr. Myers stated that the passage of this bill was the least the United States could do for the Japanese who had been evacuated from the West Coast.

The next witness was Congressman Claire Engle from California. Although the Honorable Mr. Engle did not directly oppose the bill, he expressed the opinion that the damage suffered by the Japanese people who were evacuated from California was no greater than that of the owners of the gold mines in his Congressional district who were ordered by the government to suspend all gold-mining operations. Although the owners of the mine were unable to obtain any income from the mines, they had to keep the pumps going to keep the mines in working conditions. To date the government had made no attempt to compensate the miners for their losses. This argument was later answered by the representative of the Japanese American Citizens League who pointed out that the miners were free to go elsewhere to work whereas the Japanese people were not.

Mr. Hito Okada, National President of the Japanese American Citizens League, and representative of over ten thousand members of the League, testified that, although the League had not been convinced of the military necessity of evacuation, the League had assumed leadership in urging its members and all other persons of Japanese ancestry to cooperate with the government orders. For this reason, the League had been put to very severe criticism and had been

accused of "having sold the Japanese down the river." Having urged cooperation with the government in the evacuation the League felt a moral responsibility to provide remedy for losses suffered by those who followed its leadership. Mr. Okada stated that those who went back to Japan and those who were admittedly disloyal should not be compensated, and he declared the passage of this bill was the only way that the government would restore the faith of the evacuees in both the League and the United States Government.

On the second day of the hearing, Dr. Leonard Bloom appeared again before the committee to emphasize his objection that the Act did not reimburse evacuees for the loss of earnings and he proposed again that a minimum payment for loss of earnings be provided for.

Mr. Mike Masaoka, National Legislative Director of the Japanese American Citizens League, Anti-Discrimination Committee, was next heard by the Committee.

He stated that the Japanese American Citizens League was first and most influential in urging cooperation with Executive Order 9066, and he cited the extreme risk taken by the organization in that its membership dropped from 20,000 to 2000 members. Mr. Masaoka brought out the point that, if the Government by fiat could cause so many to lose so much, no property in this country would be secure, and the initiative of the American people, which has resulted in our phenomenal growth as a nation, would be stunted. He emphasized also the fact that the peoples of the world who are looking for leadership watch such remedial legislation as this to see whether America really practises what it preaches. He insisted that what is done on this bill would be taken as

another yardstick for judging whether we are able to square our actions with our words.

Mr. Elmer J. Hewitt, Vice President of Meat Canners and Farm Worker's Union, Local #56 of the Amalgamated Meat Cutters and Butchers Union of North America, American Federation of Labor, then appeared before the Committee with a statement that the union strongly urged passage of the bill after having made a survey of the 300 evacuee families living in Seabrook, N. J., and finding that the average family suffered approximately \$6000 in losses.

Rev. F. Nelson Schlegel, Minister of the First Evangelical and Reformed Church of Washington, D. C., also strongly urged support and passage of the bill in behalf of himself and other clergymen of all denominations.

Mr. Malcom E. Pitts, former Assistant Director of the War Relocation Authority, admitted that the provisions made by the government to protect persons and property subjected to the Executive Order were inadequate to cope with the problem, and he declared that since the people subjected to this order cooperated at all times with the United States Government, the bill should be passed in their favor.

Prepared statements from the following organizations urging support and passage of the bill were read into the Committee Report:

1. American Federation of International Institutes of Associated Councils, Centers and Leagues.
2. American Veterans Committee, First National Convention, Des Moines, Iowa.
3. Kansas State College of Agriculture and Applied Science.

4. J. A. C. L.-Anti Discrimination Committee.
5. City Club Journal, a Journal of Active Citizenship, Chicago, Illinois.
6. New York Chapter, J. A. C. L.
7. Portland Chapter, J. A. C. L.
8. Chairman John Gwynne, Sub-Committee, House Judiciary.
9. J. A. C. L. Anti-Discrimination Committee, Detroit, Michigan.
10. American Civil Liberties Union.

A comparison of H. R. 2768 and H. R. 3999 indicates that both bills were introduced by Rep. Earl C. Michener, Republican, of Michigan, Chairman of the Committee on the Judiciary of the House of Representatives. The first (H. R. 2768) was introduced March 25, 1947, at the request of the Secretary of the Interior.

The second bill (H. R. 3999) was introduced on June 26, 1947, at the request of the Subcommittee on the Judiciary following public hearings and executive sessions on H. R. 2768. H. R. 3999 supplanted H. R. 2768. H. R. 3999 had the favorable report of the Committee on the Judiciary of the House of Representatives.

The Title of H. R. 2768 read as follows: "A Bill to Create a Evacuation Claims Commission under the General Supervision of the Secretary of the Interior, and to provide powers, duties, and functions thereof, and for other purposes".

Title for H. R. 3999 reads as follows: "A Bill to authorize the Attorney General to adjudicate certain claims resulting from evacuation of

certain persons of Japanese ancestry under Military orders".

An evaluation of the Congressional hearing indicates that everyone who testified was in favor of the bill including the Chairman, who was impartial committee chairman of the Committee.

The only one who did not fully approve the bill in its present context was Congressman Claire Engle of California. However, it was pointed out that he represented other elements among his constituency in California. All of his arguments against the bill in its present form were adequately answered by Mike Masaoka.

The Sub-committee on the Judiciary reported back to the Committee of the whole House on June 27, 1947, Report No. 732, authorizing the Attorney General to adjudicate certain claims resulting from the evacuation of certain person of Japanese under Military Orders. The report was submitted by the Honorable Mr. Gwynne of Iowa, from the Committee on the Judiciary. It was to serve as a letter of transmittal to accompany H. R. 3999.³

"The Committee on the Judiciary to whom was referred the bill (H. R. 3999) to authorize the Attorney General to adjudicate certain claims resulting from the evacuation of certain persons of Japanese ancestry under Military orders, having considered the same report favorably thereon and recommend that the bill do pass.

3 80th Congress, 1st Session, House of Representatives, Report No. 732, House Misc. Reports IV (11121), June 27, 1947.

"The purpose of the bill to authorize the adjudication of claims of persons of Japanese ancestry against the United States for losses arising out of their forced evacuation from the West Coast, Alaska, and Hawaii during World War II.

"At the outset it will be observed that the present bill differs from that as introduced earlier in this Congress (H. R. 2768), and from that reported in the Seventy-ninth Congress (H. R. 6780) primarily in the respect that the administration of the program is placed with the Attorney General instead of with a separate commission under the supervision of the Interior Department.

"The object of the Committee in thus shifting the responsibility is predicated upon the belief that the Department of Justice is perhaps more adequately equipped in specialized personnel more familiar with the disposition of claims against the Government than the Department of the Interior, and is better able to absorb such functions, partaking as they do of its normal phase of operations, than other governmental agencies more remote in skills.

"The obligation of the Government to those who would be redressed by the bill is clearly expressed in the following letter of recommendation received from the Secretary of the Interior, J. A. Krug.

The report went on to indicate that extensive hearings were held based upon the points of information contained in the Secretary's letter.

"The Committee was impressed with the fact that despite the hardship visited upon this unfortunate racial group by an act of the Government brought about by the then prevailing military necessity, there was recorded during the recent war not one act of sabotage or espionage attributable to those who were the victims of the forced relocation.

"Moreover, statistics were produced to indicate that the percentage of enlistments in the armed forces of this country by those of Japanese ancestry of eligible age exceeded the nation-wide percentage. The valiant exploits of the Four Hundred and Forty Second Regimental Combat Team, composed entirely of Japanese Americans, and the most decorated combat Team in the war, are well known.

"It was further adduced that the Japanese Americans who were relocated proved themselves to be almost without exception, loyal to the traditions of this country, and exhibited a commendable discipline throughout the period of their exile.

"While it is impossible to estimate the cost to the government were the bill to become law, it is estimated that the cost would in the neighborhood of Ten million dollars.

"Approximately 120,000 persons were involved in the relocation move. The great majority of claims arising would be for small sums for damages to or loss of personal or real property, since recovery of damages for such matters as death, personal injury, personal inconvenience, physical hardship, mental suffering, or other damages speculative in character is barred.

"Moreover, damages cannot be covered on behalf of an individual who was voluntarily or involuntarily deported from the United States to Japan after December 7, 1941. The bill provides for 18 months during which claimants may submit their claims to the Attorney General.

"The Attorney General is required to report to Congress on the first day of each regular session a statement of all adjudication made under the authority.

"The Committee considered the argument that the victims of their location were no more casualties of the war than were many millions of other Americans who lost their lives or their homes or occupations during the war. However, the argument was not considered tenable, since in the instant case the loss was inflicted upon a special racial group by a voluntary act of the Government without precedent in the history of this country. Not to redress these loyal Americans in some measure for the wrongs inflicted upon them would provide ample material for attacks by the followers of foreign ideologies on the American way of life, and to redress them would be simple justice."

The Sub-Committee reported favorably to the Judiciary on June 29, and the full Committee reported it for House consideration the same day.⁴

4 Official Minutes, J. A. C. L., National Convention, 1948, p. 23.

The Rules Committee authorized a one hour rule for debate on H. R. 3999 on July 17th. On July 23, 1947, H. R. 3999 was passed unanimously on a voice vote.

The Senate received the measure the same afternoon and it was assigned to the Judiciary Committee. During the summer a Sub-committee composed of Senators John S. Cooper, Republican, Kentucky, and Warren C. Magnuson, Democrat, Washington, was appointed to consider H. R. 3999. Hearing was held on May 21, 1948. The Sub-committee reported it out favorably to the full Judiciary Committee on June 7th. The Judiciary Committee made 13 minor changes in H. R. 3999 and reported it favorably to the Senate on June 16. It was called and passed on the Calendar unanimously on June 18, 1948.

On June 19, the last day of the Session, the House unanimously agreed to the Senate amendments and the bill was sent to the White House. The President's signature on July 2, 1948, made it Public Law 886.

CHAPTER IV

THE LAW, ITS RULINGS AND ADMINISTRATION

The preceding chapters dealt with the legislative history leading up to the passage of the law. This Chapter deals with the examination of the law itself and the administration of the law.

AN ACT¹

Section 1. This section recites that the purpose of the Act is to authorize the Attorney General of the United States to adjudicate certain claims arising on or after December 7, 1941, resulting from and being a reasonable and natural consequences of the evacuation and exclusion of certain persons of Japanese ancestry by the appropriate military commander from the military areas of Arizona, California, Oregon, Washington, Alaska, and Hawaii.

LIMITATIONS: CLAIMS NOT TO BE CONSIDERED.

Section 2. (a) Provides that all claims not presented within eighteen months or until January 2, 1950, shall be barred.

(b) Provides the Attorney General shall not consider

¹ 80th Congress, second session, passed on July 2, 1948, Public Law 886, Evacuations Claims Act. The Law was amended by the 82nd Congress in its first session, with the passage of the The Compromise Settlement Amendment - Public Law 116.

claims of:

- (1) Persons voluntarily or involuntarily deported from the United States after December 7, 1941, or persons not residing in the United States after December 7, 1941, or persons not residing in the United States on said date.
- (2) Enemy Aliens.
- (3) Property vested in the United States by virtue of Trading with the Enemy Act.
- (4) Death or personal injury, personal inconvenience, physical or mental hardship, and suffering.
- (5) Loss of anticipated profits and earnings.

HEARINGS; EVIDENCES; RECORDS.

Section 3. (a) Provides that the Attorney General shall give reasonable notice to all interested parties an opportunity to be heard and present evidence before he makes a final determination of any claim.

(b) The Attorney General shall be bound by the same rules of evidence as the Federal Trades Commission Acts provides for the method of serving subpoenas.

(c) Written record must be kept of all proceedings and hearings and open to public inspection.

ADJUDICATIONS: PAYMENTS OF AWARDS; EFFECTS OF ADJUDICATIONS.

Section 4. (a) All adjudications by the Attorney General on written findings of fact and reasons for the decisions a copy of said adjudications shall be mailed to the adjudicant or his attorney, except as to claims under the Compromise Agreement.

(b) The Attorney General may make payment of any award not exceeding \$2500 out of the funds made available to him by the Congress. Claims in larger amount without limitations may also be filed and awards in any amount may be made by the Attorney General. However, all awards of more than \$2500 must be submitted to Congress for specific approval before it can be paid.

(c) On the first day of the regular session of Congress, the Attorney General shall present to the Congress a complete history of every adjudication rendered under this Act.

(d) Payment of an award under this act shall be a complete discharge of the United States. An order of dismissal unless set aside by the Attorney General shall bar any further Claims against the United States arising out of the same subject matter.

ATTORNEYS' FEES.

Section 5. The Attorney General in rendering an award can determine the amount of the attorney's fees not to exceed 10 percent of the award. Said fee to be paid out of the award and not in addition, thereto. Any attorney who charge more than the 10 percent is subject to fine and imprisonment.

ADMINISTRATION

Section 6. For the purpose of this Act the Attorney General may appoint assistants or other employees that may be necessary, use Federal Records, secure cooperation of State and Federal Agencies, assist claimants in preparation of filing of claims, make investigations, and prescribe such rules and regulations and to perform such acts as are not inconsistent with the law, and delegate such authority that may be deemed proper in carrying out this Act.

APPROPRIATIONS.

Section 7. Congress shall appropriate such sums necessary to pay final settlement awards approved by the Attorney General. No single award shall exceed three quarters of the claim attributable to compensable items thereof, or a maximum of \$2500, whichever is less.

The procedure followed under the Act was for a claim to be filed with the Attorney General.² An informal Hearing, held in a field office in the area in which the claimant resided, examined the nature, circumstances, and extent of mentioned loss. Upon completion of the hearing, a decision was rendered and in the event of there being an objection to the decision, the claim was then sent to Washington, D. C., where it would be reviewed by the Attorney General. The Washington Office upon further review would dismiss the claim or make an award. Awards under \$2500 were made out of funds specially

² Japanese American Citizens League, Evacuations Claims Program and J. A. C. L. Annual Report for 1950, prepared by the J. A. C. L. Evacuation Claims Staff, pp. 1-2.

appropriated by Congress. This action by the Attorney General, either payment of an award or dismissal of the claim, was final and conclusive.

The procedures under the Act as interpreted by the Legal Counsel of the J. A. C. L. were as follows:³

1. Filing of the claim with the Attorney General who then assigns to it a file number; the claimant was then sent a receipt on which his file number was stamped. The Attorney General then sent the claim to the Field Office in the area in which the claimant lived. The Field Office examined the claim and scheduled the hearing, of which date the claimant was notified.
2. Usually, the Field Office required additional information to be sent in before the hearing was held. Certain priority was also granted for reasons of illness, old age, or departure from this country. The claimants appeared at the hearings with or without an attorney. The claimant had the choice of a formal hearing before a Hearing Examiner or the adjudication by the Attorney General. All claimants chose to have their claims handled by adjudication by the Attorney General. The informal hearing which was transcribed, examined the nature, circumstances and extent of mentioned loss.
3. When the hearing was completed the Field Office and the Field Office Attorney took whatever steps he thought necessary to verify testimony given by the claimant. Then he prepares a recommended field office adjudication making the finding of fact and conclusions of law which is sent to the claimant. Claimant may accept or object, in which case, he filed an objection. Then the claim filed was sent to the Department of Justice in Washington.
4. The Washington Office either accepted the claim as filed by the claimant or returned it back to the Field Office for further hearings on points not adequately covered. The claimant was notified of the final disposition of his claim, a copy of the final adjudication from the Attorney General, either making an

³ Ibid., p. 2.

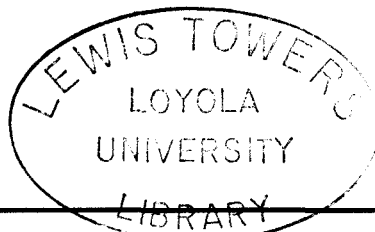
award or dismissing the claim. If an award was made and it was under \$2500, payment was made by the Attorney General out of the funds specially appropriated by Congress. Payment of an award or dismissal of a claim, unless set aside by the Attorney General was final and conclusive.

The Attorney General designated certain final adjudications as precedent-setting.⁴ Such precedent-setting adjudications were distributed to all attorneys interested in the Evacuation Claims program. The Department ruled that no final adjudications will be cited as authority for future adjudications other than those which were mimeographed, published, and distributed as precedent-setting adjudications. The precedent-setting adjudications that were promulgated and distributed by the Attorney General during the calendar year 1950 established the following precedents:

1. That loss on the pre-evacuation sale of personal property is allowable.
2. That loss resulting from theft of property stored prior to evacuation is allowable.
3. That husband alone may file a claim for community property.
4. That loss on sale of personal property must be based on fair market value at the time of sale, and not on replacement cost at a later date.
5. That loss resulting from theft of stored property again allowable.
6. That evidence of claimant's loss may consist almost entirely his own sworn statement.
7. That loss resulting from expenditure for storage of property is allowable.
8. That loss resulting from abandonment under certain circumstances is allowable.
9. That in allowing loss on the sale of personal property, the claimant's estimate of loss is in the nature of a statement against interest.*
10. That loss resulting from the deterioration of property while in storage is allowable.

4 Ibid., p. 6.

11. That where the wife of claimant had resided in Japan since 1930, a partition of all after-acquired community property would be inferred, and the husband-claimant residing in the United States would be entitled to recover for all after-acquired property situated in the United States as his own separate property.
12. That an amendment to a claim would be permitted to include additional items of loss if they referred to an identical transaction already claimed on, and provided that the amendment did not increase the amount claimed.
13. That sale of personal property on March 30, 1942 was sufficiently close to the evacuation to be considered as in anticipation thereof.
14. That loss on sale of real property could not be measured by replacement value after evacuation, but that an escrow fee expended with reference to the sale of real property was allowable.
15. That an expenditure for transportation of property from private to governmental storage is allowable, but that a gift of personal property under the circumstances was not allowable.
16. That where a claimant dies and no proper party presents himself to prosecute the claim, it will be dismissed, the order of dismissal, however, subject to being set aside, if a proper party subsequently appears.
17. That where a claimant's wife dies intestate and leaving no debts, the husband will be allowed to recover the full amount of the claim.
18. That loss sustained on abandonment may be allowed, but that burden of proving that the abandonment was reasonable under the circumstances lies on the claimant.
19. That where claimant's husband dies intestate and leaving no debts, the wife will be allowed to recover the full amount of the claim.
20. That a loss resulting from a theft occurring two years after claimant had relocated in Detroit was not allowable.
21. That where legal and equitable ownership to property exists, the legal owner may file the claim for loss pertaining to such property, and an award will be made to the legal owner, to be held in trust, however, for the equitable owner.
22. That expenditures instant to the storing of property are allowable, and likewise loss resulting from damage to such property while in storage, but that a gratuitous payment to a friend for such storage is not allowable.
23. That expenditures incident to the removal of property from storage are allowable, but that cost of shipment of impounded radio is not allowable.



24. That an amendment to increase the amount of a storage charge claim where the effect is not to increase the total loss established to an amount in excess of the total originally claimed is allowable.
25. That loss on abandonment under the circumstances is allowable and likewise, loss on gifts not partaking of the true nature of gifts, but in reality abandonment under the circumstances.

The consolidated reports of the Attorney General for the calendar year 1949 and 1950, show that only 231 claims were adjudicated during those years.⁵ However for those same years 24,409 claims were filed. Of the claims filed over 24,000 still remain to be adjudicated. For the fiscal year 1950-1951, the Attorney General estimated that 1200 claims would be adjudicated. This delay in adjudication prompted Deputy Attorney General Peyton Ford, in a letter addressed to the Chairman of the Senate Appropriations on May 17, 1950, to state:

"...failure on the part of the Department to adjudicate these claims within a reasonable time would appear to defeat the intent of Congress in enacting this legislation in that a great many of the claimants, considering their ages, would not receive awards in their lifetime."

It cost the government \$211,567.00 in administrative expenses to adjudicate claims in 1950. The average cost of adjudicating a single claim was more than \$1500. The average award per claim was \$440.00. The cost of administration was considered exorbitant.

5 Ibid., p. 7.

The report of the Attorney General as analyzed by the J. A. C. L. revealed that only 210 claims were adjudicated during the calendar year 1950.⁶ In submitting his report to the Congress, the Attorney General merely listed each adjudication on a separate page, and offered no explanation, analysis or breakdown of the adjudication contained in the report. The following is a breakdown of the report by various classifications:

ADJUDICATIONS

Awards

Paid	74	
Payment pending	61	
Payment suspended		
pending further inves.	<u>1</u>	
 Total Awards		 136

Dismissals

Late filing	62	
On merits	6	
Withdrawn	4	
No heirs	<u>1</u>	
 Total Dismissals		 73

<u>Dismissals Set Aside</u>	1
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Total Adjudications Reported	<u>210</u>
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AWARDS (136)

Total Amount Claimed	<u>\$141,373.83</u>
Paid (74)	33,681.25
Payments Pending (61)	28,783.41
Payments suspended (1)	<u>130.50</u>
 Total Awards	 \$ 62,595.16

6 Ibid., p. 10.

Payment of the award was suspended on one claim for the reason that after the adjudication "was made it was discovered that the claimant had voluntarily returned to Japan shortly before or after the date thereof (October 10, 1950).⁷ The payment voucher is being held up pending ascertainment of the facts in this regard and the possible applicability of the provisions of Sec. 2 (b) (1) of the Act." (Section 2 (b) (1) provides that "The Attorney General shall not consider any claim by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or by and on behalf of any alien who on December 7, 1941, was not actually residing in the United States;").

DISMISSALS (73)

Late Filing (62)	\$388,822.42
On Merits (6)	1,977.30
Withdrawn (4)	2,926.14
No Heirs (1)	<u>790.00</u>
 Total Amount Claimed in Dismissed Claims	 <u><u>\$394,515.86</u></u>

"Late filing" refers to those claims which were dismissed by the Attorney General on the ground that they bore postmarks after January 3, 1950, the deadline fixed for the presentation of claims. (Thus, still open for Departmental determination is the question as to whether claims postmarked on or before January 3, 1950, but received by the Attorney General after that date, will be considered as timely filed);

⁷ Ibid., p. 10.

"On Merits" refers to those claims for losses which the Attorney General determined as a matter of law were not compensable under the provisions of the Act.

"Withdrawn" refers to those claims that were voluntarily withdrawn by the claimant.

"No Heirs" refers to the claim where the claimant died, and because of lack of heirs, there was no proper party to continue prosecution of the claim. (It was pointed out, however, that if a proper party presented himself, the order of dismissal might be set aside.)

Four of the claims dismissed for late filing failed to state the amount claimed.⁸ Such amount is unknown, and would increase the total of \$388,822.42 attributable to claims dismissed for late filing. Of the 62 claims dismissed for late filing, 24 were filed from Hawaii, totalling \$224,405.87. Two of the four claims stating no amount were filed from Hawaii, and such claims would increase the total of \$224,405.87, attributable to Hawaiian claims dismissed for late filing.

DISMISSALS SET ASIDE (1) \$16,586.00

This claim was originally received in the amount of \$637.14. It was voluntarily withdrawn by claimant, and, accordingly, was dismissed on February 28, 1950 by the Attorney General. Meanwhile, however, a new claim in the amount of \$16,586.00 had been timely filed on December 29, 1949, which apparently

8 Ibid., p. 10.

included certain subject matter of the original claim, and accordingly an order was entered by the Attorney General setting aside the dismissal of the original claim.

BREAKDOWN BY MONTHS⁹

<u>Month</u>	<u>Claims Adj.</u>	<u>Awards</u>	<u>Dismissals</u>	<u>Dis. Set Aside</u>	<u>Amt. Awarded</u>
January	0	0	0	0	\$ 0
February	3	1	2	0	300.00
March	24	0	24	0	0
April	13	11	1	1	4,056.21
May	6	6	0	0	1,584.87
June	9	5	4	0	1,511.10
July	3	2	1	0	586.10
August	6	6	0	0	2,533.18
September	11	10	1	0	5,486.46
October	60	28	32	0	14,263.97
November	6	6	0	0	3,489.86
December	69	61	8	0	\$28,783.41

All of the awards have been paid by the Attorney General, with the exception of the awards made on claims adjudicated in December 1950, and the one award as to which further investigation is pending.

BREAKDOWN BY AREAS

<u>Areas</u>	<u>No. of Claims Adj.</u>
California	168
Hawaii	24
New Jersey	3
Utah	3
Arizona	2
Illinois	2
Washington	2
Colorado	1
Japan	1
New York	1
Oregon	1
Washington, D. C.	1
Unstated	1

⁹ Ibid., p. 11

SUMMARY¹⁰1949 ReportClaims Adjudicated

Awards	20
Dismissals	<u>1</u>

Total Claims Adjudicated	21
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Total amount claimed in 21 claims adjudicated	\$13,543.99
Total amount awarded in 21 claims adjudicated	\$ 6,882.20
Average per claim (\$6,882.21/21)	\$ 327 plus
Percentage of recovery (\$6,882.20/\$13,543.99)	51% plus

<u>Total Claims Filed Under Act</u>	24,409
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AdjudicationAwardsDismissals

1949

20

1

1950

13674

156

75

Total claims adjudicated

231

Total claims remaining to be adjudicated

24,178

Total amount claimed in 24,409 claims (720 claims listed no amounts)	\$131,949,176.68
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Total amount claimed in claims allowed

1950 (136)

\$141,373.83

1949 (20)

13,023.99

\$154,397.82

Total amount claims in claims dismissed

1950 (73)

\$394,515.86

1949 (1)

520.00

\$395,035.86

Total amount remaining to be adjudicated	\$131,399,743.00
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BUDGET APPROPRIATIONS¹¹Fiscal Year 1949-50

For administrative expenses	\$ 200.000
For payment of awards	\$1,000.000

Fiscal Year 1950-51

For administrative expenses	250,000
For payment of awards	1,050.000

Actual administrative expenses for the fiscal year 1949-50 amounted to \$183,134; estimated administrative expenses for the fiscal year 1950-51 is \$240,000. The administrative expenses for the calendar year 1950 may therefore be estimated by adding one-half the actual administrative expenses for the fiscal year 1949-50, or \$91,567, and one-half of the estimated administrative expenses for the fiscal year 1950-51, or \$120,000, a total of \$211,567.

Accepting Attorney General's report at face value, the following conclusions are arrived at:

Total amount claimed in 210 claims adjudicated-----	\$552,475.69
Total amount awarded in 210 claims adjudicated-----	62,595.16
Average per claim (\$62,595.16/210)	330 minus
Percentage of recovery (\$62,595.16/\$552,475.69)-----	11% plus

Average Cost to Government of "adjudicating" the 210 claims reported for 1950 (\$211,567/210	----- \$1,000 plus
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Cost of administration in relation to amount claimed in 210 claims adjudicated (\$211,567/\$552,475.69)-----	40% plus
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But as previously pointed out, of the 210 claims reported "adjudicated", 62 were dismissed for late filing, 4 were dismissed because of voluntary withdrawal by claimants, and in one an order of dismissal was set aside, when a new claim was timely filed. All of these 67 claims should be disregarded

11 Ibid., p. 13.

for certain statistical purposes, deducting these 67 claims from the 210 reported adjudicated for 1950, therefore leaves only 143 claims actually adjudicated on the merits.¹²

On this basis, the following conclusions obtained:

Total amount claimed in 210 claims adjudicated	----	\$552,475.69
Total amount awarded in 210 claims adjudicated	----	62,595.16
Average per claim (\$62,595.16/210	----	330 minus
Percentage of recovery (\$62,595.16/\$552,475.69)	---	11% plus

Average cost to Government of "adjudicating" the 210 claims reported for 1950 (\$211,567/210)	----	\$1,000 plus
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Cost of administration in relation to amount claimed in 210 claims adjudicated (\$211,567/\$552,475.69)	----	40% plus
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On this basis, the following conclusions obtain:

Amount claimed in 1943 claims adjudicated on the merits:

Awards (136	\$141,373.83
Dismissals (6)	1,977.30
No heirs (1)	<u>790.00</u>
Total claimed (143)	<u>\$144,141.13</u>
Total awarded	\$ 62,595.16
Average per claim (\$62,595.16/143	\$ 440 minus
Percentage of recovery (\$62,595.16/ \$144,141.13)	44% minus

Average cost to Government of actually adjudicating 143 claims on the merits for 1950 (\$211,567.00/143 1,500 plus

¹² Ibid., p. 13.

However, before the necessary overtures could be made to Congressional leaders, and to the Department of Justice, a documentation of the J. A. C. L. position was deemed to be necessary, so that facts and figures could be presented rather than mere surmise and conjecture, so as to establish unequivocally the slow and laborious rate of adjudication.¹⁴ In order to collect and collate the necessary data, Sam Ishikawa, former Regional Director of the J. A. C. L., and now Associate National Director, was appointed to the J. A. C. L. evacuation claims staff.

It was decided that the best method of collecting the necessary data was by means of questionnaire covering the required subject matter, to be submitted to the attorneys and agents handling claims. Therefore, a form questionnaire was devised, which was reviewed and approved by the J. A. C. L. Evacuation Claims Committee. As the Department of Justice had reported that there were approximately 8000 claims filed in the Southern California area alone it was realized that it was practical impossibility to make a complete survey of all these claims, and therefore, the survey was limited to the approximately 4,000 claims represented by attorneys or agents in the Los Angeles area. The questionnaire completed by these attorneys and agents revealed that of these 4,000 claims, 84 hearings had been held up to December, 1950, and of the 84 hearings held, 44 recommended adjudications had been forwarded by the local Field Office to the Department in Washington for final

14 Ibid., p. 3.

adjudication. Of the 44 recommended adjudications that were forwarded to Washington, only 8 final adjudications had been rendered by Attorney General as of December 31, 1950.

The questionnaire showed that the time consumed between the date of hearing and the date of the recommended Field Office adjudication averaged seven months. Of the claims studied, on which there were hearings, the original aggregate amount claimed was \$46,658.30, Field Office adjudications recommended awards totaling \$26,168.30, approximately 56 per cent of the amount claimed. Final awards by the Attorney General approximated 96 per cent of the recommended Field Office adjudications.

The main conclusions derived from the survey was that the greatest time lag occurred between the date of hearing and date of recommended Field Office adjudication, and between the date of submission of the recommended Field Office adjudication to Washington and the date of final adjudication. There, the J. A. C. L. evacuation claims legal staff and the J. A. C. L. Evacuation Claims Committee recommended that time limitations be placed on the handing down of both recommended adjudications by the Field Office, and on final adjudications by the Attorney General, in order to insure prompt handling of claims and to reduce the time lag to a minimum. These recommendations were incorporated in a memorandum "proposed Administrative Changes Within the Framework of the Existing Act."

Fortified with the facts and figures, J. A. C. L., through Mike Masaoka, its National Legislative Director in Washington, D. C., commenced to press vigorously for an amendment to the Act, so that the Act's avowed purpose

to compensate claimants for their evacuation losses during their life-time would not be defeated. Of the legislative changes recommended by the National Convention in Chicago, the compromise settlement amendment appeared the only likely to achieve success, and accordingly, it was pushed by J. A. C. L.¹⁵ As a result in March, 1952, the Justice Department recommended an amendment to the Act "so as to permit the Attorney General under appropriate limitations to effect compromise settlements not to exceed \$2,500.00 in amount with respect to claims now outstanding against the Government under the Act," and forwarded a draft bill which was introduced in both the House and Senate. The pertinent portion of the bill authorized the Attorney General to make payment of settlement awards "in amounts which shall not in any case exceed three-fourths of the amount, if any, of the claim attributable to compensable items thereof, or \$2,500.00, whichever is less.

In order to gain support for the bill in Congress, an extensive memorandum entitled, "Some Comments on the Evacuation Claims Law," was prepared by the legal staff, approved by the Evacuation Claims Committee, and was submitted to Congressional leaders.¹⁶ It dealt with the general background of evacuation losses, and the exorbitant administrative expense; and contained a critical analysis of the Attorney General's Report for 1950. An energetic campaign was launched by Mike Masaoka to educate various Congression-

15 Ibid., p. 4.

16 Ibid., p. 4.

al leaders on the evacuation claims program, so that the bill might receive favorable consideration. Largely as a result of these efforts, the compromise settlement amendment was passed unanimously by both the House and Senate, and became law with the President's signature on August 17, 1951.

The Department of Justice immediately printed the necessary compromise settlement forms and schedules, and mailed them to all claimants whose claims were \$3600 or under. The Department notified claimants with claims in excess of that amount, that settlement forms were available if they desired them, and that such claimants could also settle their claims if they were willing to accept in compromise thereof, an amount not exceeding \$2,500.

As a result of conferences that Mike Masaoka and Ed Ennis had with the Department of Justice, the Department agreed to include a claim form for contraband property losses, which many claimants had erroneously asserted under the Evacuation Claims Act, instead of the separate and distinct Contraband Articles Law, which specifically provided reimbursement for such contraband loss. Although the deadline for the filing claims for contraband losses had expired on March 15, 1950, the Department agreed to accept such claims, mistakenly filed under the Evacuation Claims Act, up to December 31, 1951.

In October, 1951, the Attorney General made his first award based on an offer made by a claimant under the new Compromise Settlement Amendment.¹⁷ Various deficiencies in filling out the Compromise settlement forms, which

¹⁷ Ibid., p. 5.

were slowing up the processing of settlement offers, were made known by the Department to J. A. C. L., whereupon J. A. C. L. gave wide publicity to such deficiencies, and offered suggestions for their correction to the mutual benefit of both claimants and the Department.

In addition, at a great expenditure of time, money and effort, J. A. C. L. printed Japanese translations of the numerous compromise settlement forms, for the benefit of Issei claimants and their attorneys, in order to facilitate the submission of compromise settlement offers. J. A. C. L. also printed specimen copies of the compromise settlement forms to provide claimants and their attorneys with work sheets, and file copies of the schedules that were submitted to the Attorney General in support of settlement offers, in view of the fact that the Department of Justice provided claimants with only a single set of the schedules.

At the behest of the J. A. C. L., the Attorney General made a liberalizing application of the Compromise Settlement Amendment as it affected Community property of claimants and their spouses.¹⁸ Although the maximum award that could be made under the Compromise Settlement Amendment was \$2,500.00, where the claimants resided in a community property state which recognized a so-called vested one-half interest of the wife in the community property, the Department permitted a severance of a claim involving community property filed by one spouse alone, and allowed an award up to \$2,500.00 for

¹⁸ Ibid., p. 5.

each spouse, for a maximum total of \$5,000.00.

The Attorney General's Report for 1951 was a vast improvement over his previous reports for 1949 and 1950, principally because of the passage of the Amendment, and the compromise settlements made thereunder. While only 344 adjudications were made in 1951, with aggregate awards totaling \$183,092.36, 1813 compromise settlement awards were made for an aggregate amount of \$1,402,619.45. This was particularly encouraging in view of the fact that the compromise settlement program did not really get under way until during the last quarter of 1951, and there was every prospect that the rate of compromise settlement would increase. This actually happened, and in January, 1951, the Department tentatively established an administrative deadline of March 15, 1952, later extended to March 22, 1952, for the purpose of encouraging the submission of compromise settlement offers.

Through every publicity media available to it, J. A. C. L. encouraged claimants to promptly file settlement offers, if they were desirous of doing so. As of the tentative administrative deadline of March 22, 1952, over 14,000 settlement offers had been received by the Department, and the Department had authorized awards which, in the aggregate exceeded \$8,000,000.00.

However, this large aggregate amount of awards introduced an additional difficulty. Because of the poor showing revealed by the Attorney General's Report for 1950, the Congress had appropriated only \$725,000.00 for the operation of the evacuation claims program for the fiscal year 1951-1952--\$225,000.00 for administrative expenses, and \$500,000.00 for the payment of

the awards.¹⁹ Because of the rapid acceleration in the processing of claims and the making of awards resulting from settlement offers submitted, the \$500,000.00 appropriation for the payment of awards was exhausted in the first six months of the fiscal year, 1951-1952, so that by January, 1952, the Department had no further funds. Accordingly, the J. A. C. L. pressed the Department of Justice to request a substantial additional sum from the Congress as a deficiency appropriation, with which to pay the awards authorized. The Department did make such a request, and in May of 1952, the House approved a supplemental deficiency appropriation of \$14,800,000.00 for the payment of the evacuation claims awards. In the Senate Appropriation Committee, this appropriation ran into unexpected opposition, and was eliminated in its entirety on the ground that it should not have been included in a deficiency appropriation bill, but should be deferred and considered in connection with the regular budget for the fiscal year 1952-1953. Mike Masaoka cancelled a West Coast tour in order to return to Washington, D. C. and launch a campaign to have the item restored on the floor of the Senate.²⁰ The Senate restored this item to the extent of \$9,000,000.00, and further agreed that this figure should be revised upward at the time of the Senate-House conference on the Bill, to enable the Department to make payment of the awards authorized as of the date of such conference. As of May 21, 1952, the Department of Justice had made awards totaling \$15,371,324.20 to more than 15,000 claimants. An additional

19 Ibid., p. 6.

20 Ibid., p. 6.

\$1,325,780.00 was committed in the form of counter-offers from the Department, making a total of \$16,697,104.92 worth of claims which the Department had processed. Since only about one per cent of claimants have declined counter-offers submitted by the Government, practically this entire amount may be credited to awards made. Therefore, in all, 16,209 claims have been processed, and either settled or in the counter-offer stage.

However, for reasons best known to itself, the conference Committee recommended an appropriation of only \$12,500,000.00 which amount was appropriated by the Congress on June 5, 1952, and that sum was made available for the payment of awards. It is to be expected that the Department will disburse this money with all possible speed, and many claimants have already received checks in payment of their awards.

Were it not for the activity of J. A. C. L. - A. D. C. in this matter, it is highly probable that there would have been no appropriation for the payment of evacuation claims awards in the deficiency bill, and payment of authorized awards would have been substantially delayed.

During this compromise settlement period, J. A. C. L. rendered additional public service to evacuation claimants.²¹ A copy of the original claim filed was a practical requisite in filling out the required compromise settlement schedules, and many claimants either had failed to retain copies of their original claims, or had lost or misplaced such copies. The Depart-

21 Ibid., p. 6

ment of Justice was unable to comply with requests from claimants or their attorneys for copies of the original claims, "because of the large number of such requests and the limited manpower that can be utilized for this purpose." Accordingly, the J. A. C. L. made arrangements with the Department for access to such claims, and assumed the responsibility of the photo-stating and forwarding of such photo-stats to any claimant who made a request of J. A. C. L. This public service was highly publicized, so that as many claimants as possible might have the opportunity to take advantage of this service.

Also, because of the possibility that claimants might have moved since having their claims adjudicated, or since submitting their settlement offers, and because of the further possibility that awards mailed by the Department might have gone astray, the J. A. C. L. as a further public service, secured the names and addresses of all those claimants to whom awards had been made by the Department, and published lists of such names from time to time.

The Justice Department contemplated that the compromise settlement program would be substantially completed by the end of the fiscal year -- June 30, 1952. It, therefore, behooves any claimant who had not yet submitted an offer in compromise settlement of his claim and who still desired to do so, to complete and submit immediately the required compromise settlement forms, if his offer was to be accorded prompt consideration.

However, the Justice Department, by a notice to all claimants and attorneys, had advised that "there is no time limitation on the submission of of such proposals (compromise), and they may be submitted at any time prior to

the adjudication of the claims."

Beginning July 1, 1952, the Department recommenced the hearing and adjudication of claims that had not been settled.²² Principally, these claims included those in the larger amounts, together with some smaller ones where no compromise settlement offer was submitted, or if submitted, was rejected, and the Department's counter-offer was unacceptable to the claimant.

With the return to the adjudication method, the compensability and valuation arguments, eliminated in the compromise settlement method, was resumed, and hearing were to assume some of the aspects at least, of contested litigation, particularly, with regard to the larger claims where substantial sums of money may be at stake.

Likewise, it is to be expected that the Attorney General will recommence the promulgation of precedent-setting adjudications and the submission of proposed adverse adjudications to the J. A. C. L. for its comment thereon, prior to final determinations of the legal issues involved therein. Therefore, the legal aspects of the evacuation claims program will return to prominence, and the rate of disposition of claims may be expected to drastically decrease, although it is to be hoped that, profiting from the experience gained in the compromise settlement program and the rate of disposition of adjudicated claims will be substantially higher than it was previously.

With over two-thirds of the evacuation claims filed already disposed of as result of the Compromise Settlement Amendment, which was accomplished in

22 Ibid., p. 7

less than a year, this program has to a substantial degree been liquidated, and there remains principally the larger claims to be adjudicated. The Department has completed the processing of practically all of the settlement offers submitted, and is now ready to return to the hearing and adjudication of the other claims remaining on file. Does this mean that the Department is going to revert to the old method of hearing and adjudication? If so, there is still going to be a long road ahead for the remaining claimants.

There are two alternative means by which any such reversion can either be alleviated or avoided.²³ One means may perhaps be by administrative reform within the frame-work of existing law. The Department has drastically streamlined procedures in establishing its compromise settlement technique, and there appears to be no reason why, benefitting from the experience it has gained under the compromise settlement program, it could not also drastically streamline procedures and reform its adjudication technique.

The second alternative would involve a legislative remedy -- a further amendment to the Act that would authorize compromise settlement of all evacuation claims, without limitation as to the amount of the award. Presumably, any settlement award in excess of \$2,500 would be subject to the approval of the Congress under present law, a similar requirement maintains with regard to adjudication awards in excess of \$2,500.

At the time consideration of the original Compromise Settlement

²³ Ibid., p. 11.

Bill, J. A. C. L. took the position that there should be no limitation on the amount at which the Attorney General would be authorized to settle.

In the April 1951 Monthly Report of the J. A. C. L., it was stated with regard to the then proposed Compromise Settlement Amendment: "Under the proposed legislation, the settlement awards cannot exceed three-fourths of the amount of the claim, or \$2,500.00 whichever is less.²⁴ It also appeared desirable to attempt to remove these limitations, e.g. -- to permit settlement to be made in appropriate cases in the full amount of the claim, and to increase the figure of \$2,500 to \$5,000 with settlement awards in excess of \$5,000 to be approved by Congress."

The latter alternative would appear to be the preferable one, although perhaps greater scrutiny could be expected of the Department in the processing of the larger claims. The recovery percentage on such claims might be lower than it was on the smaller claims.

In view of the manifest success of the Compromise Settlement Amendment on the smaller claims, the Congress might well be favorably inclined toward comprehending the remaining claims within a compromise settlement formula, without limitation on the amount of the settlement award.

With respect to the remaining claimants there are important legal problems that have yet to be solved. Many of the larger claims are for those of shareholders of corporation, involving a variety of losses, and the question of corporate and/or stockholder losses not yet been decided by the Department.

24 Ibid., p. 12

The right of schools and churches to claim for evacuation losses was still in question. The Department had adopted a formula giving a very low valuation for crop losses sustained, and the propriety of this formula would undoubtedly be challenged in hearing on claims involving such type of loss. A question remained as to whether a claim mailed before the deadline, but not received by the Department until thereafter, was timely filed under the Act; also the question of eligibility of survivors of evacuation claimants. And still undecided is the \$64 question as to whether a claimant has any right of judicial review, on either legal or factual ground, of an adverse determination by the Attorney General. It can be anticipated that numerous other legal questions will also arise.

It was presumed that with return to the hearing and adjudication method, J. A. C. L. may expect to receive further proposed adverse adjudications from the Department to which memoranda in opposition will have to be submitted, and that additional precedent-setting adjudications will be promulgated by the Attorney General.²⁵

So that, while excellent progress has been made by J. A. C. L. to date, and while J. A. C. L. may well be proud of its substantial contribution to that progress, the road ahead may not be entirely smooth, and J. A. C. L. will have to continue its efforts, if the balance of the evacuation claims program is to be liquidated within the reasonably near future.

25 Ibid., p. 12

CHAPTER V

SUMMARY AND CONCLUSIONS

The evacuation of the Japanese people from the West Coast in the Spring of 1942, resulted in tremendous property losses to the evacuees. The governmental agencies responsible for the evacuation had no previous experience in dealing with similar situations, hence its administrative techniques were crude and untried. It was only after difficulties came up which demanded a change in procedure that other methods of administration were devised. Particularly was this true in the way the government bungled the handling of the evacuee property. Both the governmental and private authorities were unable to cope with the situation, and no adequate safeguards were set up to take care of the property of those evacuated. No one governmental agency accepted the responsibility to work out a plan. Responsibility moved from one agency to another until it befell the task of the War Relocation Authority to take over the task that had been started by other agencies.

The Congress of the United States recognized the fact that the evacuation was brought about under wartime pressure. It further recognized the injustices and great economic losses sustained by those evacuated and passed the Evacuation Claims Act. The Act was initiated in Congress at the request of the United States Department of the Interior, War Relocation An-

thority, which had full jurisdiction over the evacuated people in its ten wartime camps. In urging the passage of the Act, the agency insisted that it was only by the passing of such a remedial bill would it be possible to soften the injustices suffered by the Japanese Americans in the evacuation and help to integrate this group of minority people into the broad American life.

Although the bill had extensive hearings before it became law and received almost unanimous support during its hearings before the Sub-Committee hearings in Congress, it was universally felt that the bill, to do any good, had to be acted upon as quickly as possible to help, especially those evacuees who were in their declining years. The passage of this law helped to give added meaning to the Japanese Americans of American democracy.

One central organization, the Japanese American Citizens League, played a most significant part in the passage of this law, and cooperated with the Government for the speedy passage of the Evacuation Claims Act. The Japanese American population of this country was served most effectively by this organization to help in the passage of this remedial legislation. The organization's "lobby" in Washington, D. C., was supported by thousands of its members and friends throughout the United States and Hawaii. Hundreds of its members and friends solicited funds to pay for the cost of maintaining its National Headquarters in Salt Lake City, Utah; the Washington, D. C. office and the seven field offices distributed throughout the country.

The Japanese American Citizens League's usefulness was shown in

many ways. The organization supplied necessary information to the members of Congress during the early stage of the bill. Its widespread public relations program kept alive the interests and hopes in the Act among the Japanese and also urged its members to request support for the bill from their Congressmen. After the bill became Law, the League served as a most effective link between the claimants and the Department of Justice in the processing of the claims. It arranged a working agreement with the Department of Justice to have that agency submit to the Japanese American Citizens League all proposed adverse decisions affecting claims. The League submitted briefs in opposition to adverse rulings in situations in which they felt the agency had given too narrow an interpretation. Moreover, it helped to clarify for the Department of Justice those issues which would have worked against the best interests of the claimants. Although the J. A. C. L. was recognized as a pressure group with vested interests, it served as a most eloquent spokesman for the Japanese claimants in Washington, D. C.

The Japanese American Citizens League was suddenly forced into a position of leadership by the events of history after Pearl Harbor. Up to that time, the League was neither large in number nor strong in organization. Leadership among the Japanese Americans before World War II was in the hands of the Issei, and the Nisei sort of took a back-seat in the matter of Japanese American leadership. One good reason for this is that up to that time, the Issei had control of the economic activities of the Japanese communities through their organizations. After the outbreak of the war with Japan, how-

ever, when many of the Issei were rounded up by the United States Government as potentially dangerous enemy aliens, the Japanese people turned to the Nisei leaders of the Japanese American Citizens League for leadership.

It was the War and its attendant problems which aided in the speedy maturation of the Nisei who were active within the Japanese American Citizens League. The J. A. C. L. may not have become the strong and effective voice of the Japanese Americans in the United States were it not for the pressing need of the times. That it met the challenge and served the cause of its people during the past decade will stand as a monument to the leaders of the organization.

The Japanese American Citizens League having accomplished one of its major objectives has turned its attention to other great problems which confront its people. Furthermore, it has pledged its organizational support to any minority group in this country in need of its assistance on well defined, worthwhile programs. The League feels that by working in concert with other American groups to better the lot of all Americans is the best way to tell the world about American democracy.

The most important factor about the Evacuation Claims Act and its Compromise Amendment is the fact that the Congress of the United States recognized the rights of the Japanese Americans who were evacuated to submit claims for certain economic losses against the Government. It is agreed that the law is a fair law and accomplishes what Congress intended it to accomplish. From the very beginning of the Law, many people have had a part in its planning.

For that reason this Law was not a hastily conceived and approved legislation.

There were elements of both good and bad administration in the administration of the Evacuation Claims Act and the Compromise Amendment. One good element is that the Government gave adequate notice for the filing of the claim. Another good element is that information regarding the procedure to be followed in filing the claim was amply publicized through both the English language and Japanese sections of the Japanese American vernaculars throughout the country. A bad element of its administration is that the Government set up only two Field Offices to deal with the thousands of claims filed by people scattered throughout the country. At first, this was a severe limitation and impeded the progress of the whole program.

However, in 1951, after the passage of the Compromise Amendment, when thousands of small claims were processed and paid by the Department of Justice, by-passing the Field Offices in the specially devised method of handling the small claims, this was not too strongly felt. However, with the completion of the program on the small claims the inadequate number of Field Offices will definitely be a handicap in dealing with claimants living in the Middle West and the East.

Under the Evacuation Claims Act, no provisions were set up for judicial review. Once a claimant accepts the award as adjudicated by the Department of Justice that action is determined as final. This denies the claimant the right of appeal to a higher authority. Some remedy to this situation should be devised.

Under the Compromise Amendment, Congress authorized the Department of Justice to make settlements with claimants on claims up to \$2500. Congress appropriated lump sums to pay for both the cost of administration of the law and claims. Budget appropriation by Congress has not kept pace with the awarding of the claims by the Department of Justice. Consequently, the lack of funds has prohibited the Department of Justice to pay claims awarded claimants over one year ago. This is unfortunate as it defeats the purpose for which the Compromise Amendment was passed. It was passed by Congress to speed up the payment of claims to especially the older claimants who might otherwise have to wait many years before settlement is made under the regular procedure of the Claims Act. Failure on the part of Congress to provide sufficient funds has also hampered the program administratively, as it severely curtails the employment of needed personnel to process larger number of claims.

Another factor which has caused delay in the administration of the program is the change in key personnel which resulted from the recent election. It is hoped that this delay is only a temporary one and that new personnel recently added to the Department of Justice Evacuation Claims staff will process increased number of claims as quickly as possible.

Insofar as the payment of compensation is concerned, a positive factor is that no maximum amount is set by the Law for the payment of legitimate claims. An exception were those small claims under \$2500 which claimants settled under the Compromise Amendment.

A negative aspect of compensation is that the Law made no provisions to pay for loss of potential income and services during the period of time evacuees spent in the relocation camps. This latter point is especially important to the evacuees who were in their late fifties and early sixties when they went into camp possessed with ability to earn a good living and came out of the camps with employment prospects reduced due to advanced age. Therefore, to these people the payment of the claim has been of some help in enabling them to meet their daily expenses. Moreover, many people lost property through inability to keep up contract payments or the payment of taxes due to loss of income. Still others lost their opportunity to earn a living and security in their old age because of their inability to maintain payments on insurance policies and other personal properties.

All of this tends to indicate that with the passing of one remedial law, however well intended, it would be impossible to cover the full losses of the evacuee in terms of human sufferings and personal losses. Nevertheless, both the claimants and the J. A. C. L. feel grateful for whatever money has been received, and that the Compromise Amendment was a necessary legislative and administrative measure needed to speed up payment on the smaller claims in order to benefit the older claimants. It is said that although the wheels of justice moves slowly, the important thing about it is that the passage of this Law proved that justice does exist in the United States.

The Evacuation Claims Act and the subsequently amended compromise features of the Act served as a remedial legislation to pay for the costs of losses sustained by certain Japanese Americans in the West Coast evacuation

in 1942. The administration of the law showed both its weaknesses and strengths. From experience gained in the administration of this law, it can now be expected that the Department of Justice should be able to do a more adequate job of adjudicating the balance of the claims pending.

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