Campaign To Repeal The Emergency Detention Act

By Raymond Okamura, Robert Takasugi, Hiroshi Kanno and Edison Uno

(Publisher's note: During World War II, over 110,000 Japanese Americans, two-thirds of whom were American citizens, were uprooted from their homes and incarcerated in American-style concentration camps. No law existed in 1942 to justify the imprisonment of citizens without due process of law, but it was done anyway on the strength of a military commander's opinion.

When the action was reviewed by the Supreme Court in Korematsu *case, the Court ruled that the "evacuation" was a justifiable exercise of presidential power. Justice Robert M. Jackson, in a dissenting opinion, noted that "the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim for an urgent need."*

During the McCarthy era, a great fear of subversion by domestic Communists led to the passage of the Internal Security Act of 1950, with its Title II provisions for detention camps. This law, known as the "Emergency Detention Act," permitted the attorney general to apprehend and to place in detention camps any person or persons he suspected of "probably" engaging in acts of espionage or sabotage. The constitutional rights of due process and trial by jury would have been ignored. Furthermore, the government would not have been required to prove that the suspect was "probably" dangerous.

In keeping with the provisions of Title II, six detention camps were prepared and maintained from 1952 to 1957. Eventually the McCarthy era passed, and in 1957 Congress ceased to appropriate maintenance funds for the detention camps. Most of the camps were either abandoned or converted to other uses. The law started gathering dust and most people forgot about it.

The Emergency Detention Act, as Okamura points out, "might have become another obsolete and unenforced law, but it started to gain new meaning in early 1967." Rumors spread rapidly through Black communities that concentration camps were being prepared for Black people in order to put an end to their "riots." Black leaders such as Stokely Carmichael, H. Rap Brown, Malcolm X, and eventually Martin Luther King, Jr. claimed that if Japanese Americans could be placed in concentration camps, so could Black people. Rumors also spread through the anti-war movement that mass incarcerations were being planned to thwart its protest of the Vietnam war.

It was in this setting that a four-year campaign to repeal the Emergency Detention Act was launched and spearheaded by the authors of the following articles and commentaries. Ray Okamura and Edison Uno served as national co-chairmen for the National Ad Hoc Committee for Repeal of the Emergency Detention Act. Judge Robert Takasugi was the national legal counsel for JACL, and Hiroshi Kanno served as the JACL's Midwest District chairman for the repeal drive. These articles are the first public discussions, which have been written by the participants themselves, on the campaign that culminated with the successful repeal of Title II on September 21, 1971.)

BACKGROUND AND HISTORY OF THE REPEAL CAMPAIGN

By Raymond Okamura

Passage of the Law (1950)

The Internal Security Act of 1950 was passed shortly after the outbreak of the Korean War and during the Joseph McCarthy era of communist witchhunts. The law consisted of two parts: Title I, the Subversive Activities Control Act; and Title II, the Emergency Detention Act. Parts of Title I, which required the registration of Communists, were declared unconstitutional by the Supreme Court and repealed in 1968.[1] However, the remainder of Title I, which placed restrictions on organizations and individuals labeled "Communist" by the Subversive Activities Control Board, and all of Title II were retained.

Both Titles I and II became popularly known as the "McCarran Act," but Title I would more accurately be called the "Mundt-Nixon Act," because Representatives Karl Mundt and Richard Nixon were the originators, and Senator Pat McCarran was only a later co-sponsor. Similarly, Title II should have been called the Kilgore-Douglas-Humphrey, et al. Act," because during the Senate debate on Title I, "liberal" Senators Kilgore, Douglas, Humphrey, Lehman, Graham, Kefauver, and Benton introduced Title II as a substitute bill, supposedly as a tactic to defeat Title I.[2] McCarran, himself, opposed Title II, calling it "a concentration camp law, pure and simple."[3] Mundt, also, opposed Title II, calling it a program for "establishing concentration camps into which people might be put without benefit of trial, but merely by executive fiat . . . simply by an assumption, mind you, that an individual might be thinking about engaging in espionage or sabotage."[4] In June, 1950, the Korean War broke out, public paranoia of communism intensified, and easily-panicked liberals joined conservatives to pass both Titles I and II. President Harry Truman vetoed the legislation, calling it "a

long step toward totalitarianism," but Congress overrode the veto by a two-thirds vote, and the Internal Security Act became law on Sept. 23, 1950.[5]

In keeping with the provisions of Title II, the Department of Justice designated six sites for the "detention camp program" in 1952. Detention camps maintained on a stand-by basis were located at Allenwood, Pennsylvania, Avon Park, Florida, El Reno, Oklahoma, Florence and Wickenburg, Arizona, and Tule Lake, California. A remnant of the most infamous and brutal of concentration camps for Japanese Americans, the Tule Lake facility, held 16,000 inmates during World War II. Eventually, the McCarthy era passed, the Korean War ended, and Congress stopped appropriating funds for maintaining the camps in 1957. The Title II camps were converted to other uses, made part of the federal penetentiary system, or sold.[6] (The Allenwood facility was converted into a minimum security federal prison and now houses many of the convicted Watergate conspirators.)

A New Meaning (1967)

The Emergency Detention Act might have become another obsolete and unenforced law, but it started to gain new meaning in early 1967. The civil rights movement was transformed into the Black Power movement, and blazing ghetto riots shook the nation's complacency. Simultaneously, the anti-Vietnam war movement gained momentum with massive demonstrations, and an alarming number of white youths "dropped out" of the established system. The silent generation of the 1950's was over, and America entered a period of protest and uncertainty. The power structure responded with police violence and resistance to change. Blacks, war protestors, and counter-culture youth began to worry about severe repression, and rumors of concentration camps for unpopular Americans began circulating. *Concentration Camps USA*, a booklet by Charles Allen, Jr., was the first published account of the Title II detention camps, and it became the basis for all subsequent articles on the subject.[7] By mid-1967, the concentration camp rumors increased, as Black militants Stokely Carmichael and H. Rap Brown made speeches about it, and articles appeared in the underground newspapers.[8]

Among the many people who became interested in the issue at that time was Raymond Okamura of Berkeley, California. He telephoned the national headquarters of the Japanese American Citizens League (JACL) on July 19, 1967, to ask what the JACL was doing. National Director Masao Satow replied that JACL could not do much because the Department of Justice denied the existence of concentration camps. Not satisfied with Satow's answer, Okamura wrote a letter to the JACL the next day (July 20) and suggested:

> JACL, and all of us, should be intimately concerned about the possibility the camps will be used again—perhaps for someone else—but nevertheless, the American Japanese, as the historic victims, have a public duty to prevent a revival of these camps.

Satow referred the letter to Washington Lobbyist Mike Masaoka for reply, and Masaoka became angered at the presumptuousness of a non-member telling the JACL what to do. Masaoka issued a somewhat sardonic invitation:

> From your letter, we assume you are not a JACL member. Thus, if you are sincerely interested in advising the course of action that the JACL should take in this particular matter, may we respectfully invite you to become a member. Then, using the democratic procedures available to you, you can try to persuade the local chapter, the district council, and the national organization that your suggestion in this regard merits serious consideration and should be followed.[9]

Rumors Persist (1968)

By February, 1968, Martin Luther King, Jr. joined the chorus of Blacks who publicly expressed fears of concentration camps. But King was killed one month later. During the tense period following the murder when racial strife seemed imminent, Attorney General Ramsey Clark appeared on NBC-TV's "Meet the Press" on April 7 and emphatically denied the existence of concentration camps in America—in the past, present, or future. Clark chose his words carefully and did not mention "detention camps" or the "relocation centers" used for Japanese Americans in the past. When a reporter asked if he favored a repeal of Title II, Clark said, "I believe there are more important things to work on, for example, passage of a fair housing law . . ." That evasive answer added more fuel to the controversy.

The rumors received credibility on May 6 when the House Un-American Activities Committee (HUAC) released a report entitled, "Guerrilla Warfare Advocates in the United States." Committee Chairman Edwin W. Willis declared, "There can be no question about the fact that there are mixed communist and black nationalist elements in this country which are planning and organizing guerrilla-type operations against the United States."[10] Willis argued that such people had essentially declared war on the United States and therefore had forfeited all constitutional rights and should be imprisoned in the detention camps provided for under Title II of the Internal Security Act of 1950.[11] Grayson Taketa of San Jose, California, the first mainland Japanese American candidate for Congress, promptly issued a press statement on May 7 denouncing the HUAC report and calling for the repeal of Title II.[12]

Ramsey Clark went back on national television (ABC-TV's "Issues and Answers") on May 12 to reject HUAC's suggestions and to

reiterate the Department of Justice position that there were no concentration camps in the United States and that there was no necessity for mass incarceration. But as long as the law remained, his assurances sounded hollow. *East-West*, a San Francisco Chinese American newspaper, published an article in Chinese on May 22 expressing fears that Chinese Americans might become the next victims of American concentration camps. Also during May, the Afro-American Institute of San Francisco distributed a poster with a photograph of Tule Lake and the caption "United States concentration camps are ready for all black people." *Look* magazine further stirred interest on May 28 with a feature article entitled, "America's Concentration Camps: The Rumors and the Realities."

Numerous people visited Tule Lake in desolate Northern California and found some of the old tar-paper barracks still intact, and they wanted to know why. The Department of Justice claimed that the Tule Lake facility was transferred to the Department of Interior in 1956, but that revelation was not too comforting, especially to Japanese Americans who remembered the War Relocation Authority was a similar civilian agency.

By late May, the Asian American Political Alliance (AAPA) was formed in Berkeley, California, and one of its first activities was to issue an information leaflet, "Concentration Camps, USA," which reviewed the dangers of Title II and discussed the controversy to date. Breaking with previous norms by practicing militancy and advocating Asian pride and unity, AAPA founded what is known today as the "Asian movement." (AAPA was first to promote use of "Asian" rather than "oriental.") AAPA members forcefully spoke out against Title II at various public gatherings—from Black Panther Party rallies to meetings of the Oakland City Council. Also, as a means of reaching the more traditional-minded Asians, AAPA started a petition drive calling on Congress to repeal Title II.

The JACL Resolution

After months of futile correspondence with congressmen and refusals of the Northern California and National American Civil Liberties Unions to become involved in legal or legislative action, Okamura decided to join the JACL and follow the procedure earlier outlined by Masaoka. On June 2, 1968, Okamura, together with a veteran JACL member, Mary Anna Takagi of Oakland, California, called the first meeting to organize an ad hoc committee to get the JACL involved. The initial committee consisted of only seven members from the Berkeley, Contra Costa, and Oakland chapters of JACL. This small East Bay group realized that Japanese Americans, as the past victims of American concentration camps, were in the best position to lead a repeal campaign. Moreover, the group felt it was imperative for Japanese Americans to assume the leadership in order to promote Third World unity. Japanese Americans had been the passive beneficiaries of the Black civil rights movement, and this

campaign was the perfect issue by which Japanese Americans could make a contribution to the overall struggle for justice in the United States. The group decided to campaign visibly as Japanese Americans and to utilize the ready-made organizational structure of the JACL. JACL was the only Japanese American organization with a paid Washington lobbyist and a national legislative capability.

One evening committee meeting scheduled in Berkeley on July 1 was interrupted by a chilling reminder of the past. The entire city was placed under a curfew for the first time since World War II, and roadblocks were set up at the city borders. Berkeley was experiencing one of its periodic conflagrations, and the triggering incident in this case was a demonstration supporting a French student strike. It was broken up by police with clubs and tear gas.[13] During that period of general unrest, the issue was seen as "freedom of speech and assembly" versus "law and order." The committee meeting was moved to nearby Richmond, and committee members had to take back roads to avoid the roadblocks.

That ominous episode prompted the committee to work with a sense of urgency and by July 8 a carefully worded resolution, along with an extensively researched background paper, started up the JACL's organizational ladder. First, the Berkeley, Contra Costa, and Oakland JACL chapters were convinced to endorse the resolution. In a pattern to be repeated at each succeeding organizational level, committee members volunteered and were accepted as Chapter representatives on the "East Bay Committee for Passage of the Resolution." Concurrently, in an action unknown to each other at the time, the San Francisco and Seattle JACL chapters had also adopted statements asking National JACL to work for the repeal of Title II. By mid-July, the three JACL groups working on the issue became aware of each other, and the San Francisco group led by Civil Rights Chairman Ron Nakayama joined forces with the East Bay Committee, and correspondence was established with the Seattle group under the leadership of Human Relations Chairman Donald Kazama.

The next higher body in the JACL structure was the Northern California-Western Nevada District Council (NC-WN DC), which consisted of 25 chapters. The East Bay Committee, supported by the San Francisco Chapter Civil Rights Committee, presented the resolution to the NC-WN DC on July 28. Some delegates argued against involvement in a "radical" and non-Japanese issue, and the district council's executive board recommended amendments which would have rendered the resolution ineffective. However, when the vote was taken, the district council passed the resolution without changes and without a dissenting vote.[14] Immediately after passage, the East Bay-San Francisco group volunteered to become the "NC-WN DC Committee for passage of the resolution," and Okamura was appointed chairman.

When the budding movement became known to the JACL national officers, powerful attempts were made to discourage, if not defeat outright, the resolution. National President Jerry Enomoto wrote:

> After consultation with various people in government . . . one thought is that any effort to push this repeal now will just give the reactionaries and right wingers a real excuse to agitate for even tougher laws against dissenters and activists. In simple terms, the time isn't right for such an effort . . . A more 'practical' problem is the belief that a real 'all-out' campaign to repeal will require an unbelievable sum of money, JACL manpower, and cannot be expected to be won, if at all, in a year or two.[15]

Similar negative views were expressed by Lobbyist Masaoka:

> There is no widespread demand for repealing this Title II. Thus, JACL must undertake a national educational drive to arouse the grass roots to serve notice on the 535 members of the House and the Senate that they demand action on this matter, with a full-time Washington lobbying corps. The campaign would have to be more organized and more heavily financed than the post-war JACL drive for Issei naturalization . . . Can, and should, the JACL take on these awesome responsibilities, especially at a time when there may well be other, higher priority projects and programs?[16]

Masaoka was reported to have predicted that a repeal campaign would cost over a million dollars, an awesome amount for a relatively small organization whose total annual budget was only one-tenth of that figure. Masaoka's opposition was a formidable obstacle because he was the most influential individual in JACL. The JACL had relied heavily on Masaoka's leadership during World War II, and his legislative accomplishments in the immediate post-war years were legendary to Japanese Americans.

The 20th Biennial JACL National Convention in San Jose, California on August 21-24 was the stage for the first confrontation between Mike Masaoka ("Mr. JACL" himself) and a small band of relatively unknown members. *Pacific Citizen*, the membership newspaper of the JACL, described the movement as a "rare show of grass-roots effort to get national leaders to press the campaign."[17] As a tactic to balance the odds a little, the NC-WN DC Committee placed large photo-reproductions of the 1942 evacuation orders throughout the convention site. These posters served to give delegates a poignant reminder of their heritage and nudged their conscience into recognizing an obligation to prevent a repetition. On the evening of the first day of the convention, the *San Jose Mercury-News* published a photograph of National JACL officers standing with the evacuation posters. With the general public aware of the issue before the convention, delegates who were sensitive to public opinion could not easily ignore or "table" the resolution. Also helping to put pressure on the convention were the AAPAs of

Berkeley and San Francisco. The youthful AAPA members attended the open civil rights workshop, handed out leaflets titled "Are you going to be a typical Yellow-White American?" and gave the JACL its first taste of Asian militancy. The threat of picketing by AAPA created an atmosphere where the Title II resolution began to look more like the responsible resolution that it was.

The resolution was first referred to the Legal-legislative committee meeting of the convention, chaired by National Legal Counsel William Marutani of Philadelphia. Masaoka and the NC-WN DC spokespersons, Okamura, Takagi, and Chizu Iiyama, sat directly across the table from each other and negotiated the terms of the resolution. The biggest argument developed over the key operational phrase, "Resolved that the JACL National Board establish an ad hoc committee to develop and co-ordinate an active program for repeal . . ." The NC-WN DC Committee was willing to negotiate everything else but held firm on this point. Finally Masaoka relented and agreed to this section in return for cosmetic changes elsewhere. Once Masaoka and the NC-WN DC spokespersons reached an agreement, the rest of the Legal-legislative Committee unanimously endorsed it, and the National Council (the legislative body of JACL) passed the resolution by near-unanimous vote on August 23, 1968.[18] Masaoka later wrote, "It was a convention at which the San Francisco-East Bay militants and activists discovered that they could substantially affect national policy and programming by presenting a carefully prepared, documented, and reasonable resolution . . ."[19] Following the self-reliance principle, the NC-WN DC Committee volunteered to become the "National Ad Hoc Committee," as specified in the resolution. Okamura and Paul Yamamoto of Oakland, California were appointed national co-chairmen. (Later, Yamamoto became inactive and was replaced by Edison Uno of San Francisco on Sept. 26, 1969.)

Organizing the JACL (1968)

Passing a resolution was only the beginning. The committee was fully aware of the fact that most JACL resolutions ended up being fine-sounding statements of principle that were never implemented. What the JACL establishment failed to recognize at the time was that the committee was deadly serious about seeking actual repeal, no matter how overwhelming the task appeared. Re-constituting themselves as the "National Ad Hoc Commitee for Repeal of the Emergency Detention Act" (hereafter referred to as "The Committee"), they set out to accomplish a goal which all legislative "experts" considered impossible to attain.

Committee membership was open to anyone who wanted to work on the campaign, and students representing the AAPA of Berkeley and San Francisco soon became integral members of the committee. Some 60 individuals served on the committee at one time or

another, and they were the unsung heroes of the campaign, volunteering countless nights and weekends in exhausting work sessions and in going out on speaking engagements.

One of the initial concerns was the lack of funds, but actually this deficiency was a blessing in disguise because it necessitated a volunteer workers' campaign rather than a professional lobbyists' campaign. Only $5,000 was budgeted for the campaign, and it was spent entirely on printing and postage costs.[20] In addition to the legislative goal of repeal, equally important goals were to sensitize Japanese Americans and to educate the general public about the issues. An all-volunteer committee was able to motivate others to donate their time and talents. More people became actively involved, and more direct grass-roots public contact was made here than in any other legislative campaign conducted by the JACL. (For example, the 1952 campaign to secure naturalization rights for Japanese was a "behind-the-scenes" lobbyists' effort). The committee felt that the best way to gain volunteer workers was to embark on a high-publicity campaign and keep up enthusiasm with demonstrated progress. A basic principle of the committee was that whatever the committee asked others to do, the committee had to accomplish first in order to prove it was possible.

After a few months of preparation, the committee made its first public appearance on Nov. 20 at the First Unitarian Church of San Francisco. In the first part of the presentation, committee members related the World War II experience of Japanese Americans; and in the second part, the panel discussed the dangers of Title II and asked for support in the repeal drive.[21] In this way, Americans could not deny or dismiss the possibility of concentration camps in the United States. This same format was repeatedly used during the campaign. After a quarter century of silence, older Japanese Americans started to speak out about their past incarceration, and their reaction had the useful effect of helping to fight a current issue. Next, a television appearance was arranged, and committee members appeared on a call-in program on KGO-TV, San Francisco, on January 8, 1969. Such audience response programs were educational, not only for the general public but for Japanese Americans as well. There were always a number of anti-Japanese hate calls, and that was sobering to any Japanese American who may have had illusions about being "accepted" or "having it made."[22]

Active Committees Emerge (1969)

About the same time in Los Angeles, JACL Associate National Director Jeffrey Matsui and JACL Past National President Frank Chuman were undertaking similar action. They were able to get the Los Angeles County Commission on Human Relations to become the first governmental body to endorse repeal in January, 1969.[23] The first public forum in Southern California was sponsored by the Los Angeles AAPA on February 3 at the University of Southern

California, and JACL National Ethnic Concerns Chairman David Miura was the featured speaker. As a result of that forum, a joint AAPA-JACL committee was formed.[24] Such public forays were highly unusual in those days, but these pioneering accomplishments encouraged others to get active, and several hundred similar public forums, media appearances and governmental resolutions followed. These activities were the backbone of the campaign and as an extra benefit helped Japanese Americans to shed the "Quiet-American" stereotype.

Organizationally, it was important for the campaign not to be assigned to the previously existing JACL National Legislative Committee. The Legislative Committee was practically defunct and had not expressed any interest in the Title II issue. The advocates of repeal could not rely on the "old warriors" of the Legislative Committee suddenly to rejuvenate themselves, for they seem to have had other priorities in their lives. It was for these reasons that a provision was included in the resolution requiring the creation of an ad hoc committee. An ad hoc committee had the advantage of including only those who specifically wanted to work for Title II repeal.

Initially, all JACL chapters and district councils were asked to designate officially a contact person and most turned in names. But that did not work out because the designees turned out to be senior members who did not share the committee's commitment to the cause. So the committee developed an alternate system of contacts gained from younger members and non-members who wrote in and volunteered their help. Such volunteers were the natural leaders for their respective areas, so the committee requested JACL chapters and district councils to replace earlier designees with these new leaders. All such requests were granted, and the foundations of an active nation-wide committee were formed.

In March, 1969, AAPA organizer Robert Suzuki was appointed the JACL's Pacific Southwest District chairman for the campaign. In April, another activist committee emerged in Chicago under the leadership of Hiroshi Kanno, who was later appointed the JACL's Midwest District chairman for Title II repeal. Both Kanno and Suzuki attracted large committees of volunteer workers. Other JACL members who led exceptionally productive campaigns were: Don Hayashi of Portland, Don Kazama of Seattle, Bill Doi of Minneapolis, Gail Katagiri of Madison, Jerry Abbot of Cincinnatti, Ray Uno of Salt Lake City, Min Yasui of Denver, Pat Okura of Omaha, George Matsuoka of Sacramento, Jim Ono of San Jose, and Don Estes of San Diego. All 94 JACL chapters participated in the letter writing campaigns to Congress, and 50 JACL chapters were able to secure endorsement resolutions from their local governments. National Youth Chairperson Patti Dohzen rallied the support of the Junior JACL (now known as Japanese American Youth), and

in many cases the junior chapter was more active than its senior counterpart. The dormant legislative capability of the JACL was awakened after some 17 years of hibernation.

Problems with the Washington Lobbyist

Even though an active repeal campaign was mandated by the JACL national convention, Masaoka insisted on no publicity and demanded all activity be cleared with him. The committee felt Masaoka was being deliberately obstructionist and wrote to JACL President Enomoto:

> Mike is merely retained by JACL, and as such, is responsible for carrying out the policies of the National Council and National Board. He is not a policy maker for the JACL, nor does he have any executive function in this organization. Our committee, as an arm of the National President and National Board, is the body responsible for executing the will of the National Council. We derive our authority from the National Council resolution and your appointment. Therefore, we feel it is inappropriate for us to clear everything through Mike. Actually, Mike should clear his activities with our committee.[25]

Masaoka responded:

> We appreciate the fact that as a nationally constituted committee you and your committee may feel very strongly about how the campaign should be conducted . . . (however) if your committee attempts to provide too much of the leadership, it will tend to create divisiveness and ill will here in Washington. Whether justifiable or not, the various organizations of the National Leadership Conference on Civil Rights and its Washington legislative strategy committee feel that we here on the working scene should be the ones to decide on strategy, timing, etc.[26]

Moreover, Masoaka claimed that he was not an employee of the JACL, but rather a highly paid legislative consultant who did not have to take orders from organizational officers. If JACL were to receive its money's worth, he said, it had better follow his expensive advice.

The committee suspected that Masaoka's reluctance might have been due to his placing a higher priority on his other lobbying contracts which paid much more than JACL. Masaoka-Ishikawa & Associates, Inc., represented large Japan-based industries, especially textile manufacturers, and Masaoka admitted that the JACL was a relatively minor client in terms of the $18,000 annual fee involved, but a major one in terms of time and trouble.[27]

In addition to the argument over who was in charge, there was a fundamental disagreement on tactics. The committee wanted and had actually embarked upon an active, high-publicity campaign with leadership from the grass-roots. Masaoka wanted a low-key, no-publicity approach under the auspices of the National Leadership Conference on Civil Rights (NLCCR). NLCCR had a formidable

Washington lobbying corps, and all large civil rights organizations were members, including ACLU, NAACP, CORE, and Urban League. JACL was a charter member of NLCCR, and Masaoka had a traditional working relationship with this group. On the other hand, the committee was aware that NLCCR, and its member national organizations, had tried and failed to get Title II repealed in the previous 19 years. The committee was afraid that NLCCR would give Title II repeal a low priority, even if it did decide to undertake the project. (In fact, NLCCR was one of the last organizations to join the campaign.)

In order to resolve these differences, Masaoka and the committee confronted each other again on February 7, 1969 in San Francisco.[28] Also attending were National JACL's President Enomoto, Director Satow, and Treasurer Yone Satoda. Thirty members of the committee, joined by Mori Nishida and Robert Suzuki from the Los Angeles AAPA-JACL Joint Committee, jammed into a small conference room at the Miyako Hotel and demanded that Masaoka start earning his retainer fee. At one tense point, Masaoka threatened to resign and Okamura, who was chairing the meeting, responded, "that may be the solution." Enomoto commented that this JACL meeting was the "roughest" one he ever attended. As a result of that highly emotional meeting, Masaoka recognized the authority of the committee, was converted to the cause, and actually started to work hard for repeal. More significantly, an agreement was reached to activate the campaign in Washington with the introduction of repeal bills. With the Washington scene coming to life, Masaoka and the committee became totally engrossed in the hectic work pace.

Other Organizations Involved

The AAPA's of Berkeley, San Francisco, and Los Angeles were instrumental in getting the campaign activated and worked jointly with the JACL committee. Two student organizations, Asian American Concern of the University of California at Davis and the Asian American Student Association of Yale University, worked closely with the JACL committee, sponsoring petition drives and letter writing campaigns. Two activist community organizations, Asian Coalition for Equality in Seattle and Asian Americans for Action in New York, also worked with the JACL committee and engaged in street demonstrations and public forums.

The National Committee to Abolish the House Un-American Activities Committee (NCAHUAC) renamed National Committee to Abolish the House Internal Security Committee and presently named National Committee Against Repressive Legislation) had been working on Title II repeal for several years prior to JACL's entry. Masaoka recommended against association with the NCAHUAC because he thought they were "too far left." However, the JACL committee ignored this advice and went ahead to establish working relations with NCAHUAC's National Director Frank Wil-

kinsen in Los Angeles, northern California Director Rebecca Krieger in San Francisco, Northwest Director Lyle Mercer in Seattle, and Midwest Director Richard Criley in Chicago. The JACL regional committees and their NCAHUAC counterparts in the various locations participated in numerous joint programs. In many ways, the JACL committee relied on NCAHUAC's Washington lobbyist, Donna Allen, as a contact in Washington to keep check on Masaoka's activities. The JACL committee felt they could trust Allen but were not quite so sure about Masaoka.

Two New York organizations were also active before the JACL became involved. One was the American Committee for Protection of Foreign Born, which circulated a booklet relating the World War II experience of Mary Kochiyama and the current dangers of Title II. The other was the now defunct Citizens Committee for Constitutional Liberties (CCCL), which was really responsible for starting the whole controversy by publishing Charles Allen's *Concentration Camps USA* in 1966.

The Law Center for Constitutional Rights and CCCL filed suit on November 18, 1968, on behalf of 16 plaintiffs, including Gail Nakahara Unno of Berkeley, California, to have Title II declared unconstitutional on the grounds of its "chilling effect" on first amendment rights. The JACL committee established contacts with Unno, Law Center lawyers Dennis Roberts and William Kunstler, and CCCL's executive secretary, Miriam Friedlander. The committee wanted JACL to file an *Amicus Curiae* brief in support of the plaintiffs, but JACL Counsel Marutani refused to get involved:

> It is my considered judgement . . . and I so advise our National JACL, that this is not the appropriate case in which JACL should become involved as *Amicus*. There is a real question very much pregnant in this case as to whether or not there exists, in legal fact, a 'justifiable controversy' . . . therefore, I cannot advise JACL to commit the resources and limited finances to a legal proceding which is very much fraught with the risk of failure . . . Aside from any practical consideration, it is more relevant from a legal standpoint as to who the parties involved are, their background, the motives, etc. . . . This does not necessarily mean, however, that at some later date—and if the case manages to come to grips, legally, with the issues and the case moves on to the appellate stage, and circumstances are conductive to JACL joining as *Amicus*—that JACL may not then consider joining in the fray.[29]

Frustrated by Marutani's position, the committee issued a strongly-worded public statement praising Unno for her courage and unselfish action, but all they could really offer her was the moral support of JACL. JACL National President Enomoto joined the committee in commending Unno.[30] The case dragged on in the courts without resolution, and the committee continued to pressure Marutani, but to no avail. Finally, in July, 1971, Robert Takasugi of Los Angeles became the new JACL National Legal Counsel, and

there was no hesitation on his part, as he stated forthwith: "Regardless of permission or not, I'm going into this thing!"[31] But Takasugi never got a chance to file the JACL's *Amicus* brief, because within a few months the legislative remedy was accomplished, and the case closed.

91st Congress, 1st Session (1969)

Rep. Charles Gubser of Gilroy, California was the first congressman to introduce a bill to repeal Title II on September 19, 1968 (H. R. 19646). Gubser was a guest at the JACL national convention in San Jose in August, and his opponent in the upcoming congressional election was Grayson Taketa, who raised the issue in May.[32] Since Gubser introduced the bill without consulting JACL, and it appeared to be a political move to defuse the issue, the committee concluded that Gubser could not be relied on to push hard for passage of his own bill.

Senator Daniel Inouye of Hawaii was the first to introduce a JACL-initiated repeal bill on April 18, 1969. The bill, S. 1872, read simply, "The Emergency Detention Act of 1950)*50 U.S.C.* 811-826) is repealed." Inouye was joined by 21 senators representing 17 states in co-sponsoring the bill. The large number of co-sponsors resulted from a letter-writing campaign organized by the committee just prior to introduction.[33] The Inouye Bill was referred to the Senate Judiciary Committee chaired by Senator James Eastland of Mississippi. One potential danger was that Eastland was the sponsor of S. 12, a new and more repressive internal security act, and it was feared S. 12 might get attached as a rider-amendment to S. 1872, or vice-versa. Soon after the Inouye bill was introduced, newly appointed Deputy Attorney General Richard Kleindienst took a hard-line on student dissent and was quoted in the May issue of *Atlantic* magazine as stating, "If people demonstrated in a manner to interfere with others, they should be rounded up and put in a detention camp."[34] The resulting fury helped to get more publicity for the repeal bill.

In the House of Representatives, Rep. Abner Mikva of Chicago, Illinois, together with 12 co-sponsors, introduced H. R. 11373 on May 15 to repeal Title II and "to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisoned in any facility of the United States except in conformity with the provisions of Title 18." The bill was worded so that it would be assigned to the House Judiciary Committee, which has jurisdiction over Title 18 (criminal and penal codes), rather than the House Internal Security Committee (HISC). The House Judiciary Committee, under the chairmanship of Emanuel Celler of New York, was considered fairly liberal and far more likely to pass a repeal bill than HISC. The only disadvantage of a Judiciary Committee repeal bill was that it would get entangled in a jurisdictional dispute with HISC.[35]

The JACL committee wanted to back fully the Mikva bill but was caught in an embarrassing position because it had already made a commitment to have Rep. Spark Matsunaga of Hawaii be the principal sponsor of the JACL bill. Moreover, Masaoka considered the Mikva group too "far left" and thought it would scare away needed conservative supporters. Eventually, all parties agreed that a two front attack should take place in the House, with Mikva pursuing the Judiciary Committee route, while Matsunaga and the JACL challenged HISC head-on. Whichever route produced a bill to the floor first would receive total support.

On June 2, Matsunaga and Rep. Chet Holified of Montebello, California introduced the JACL-initiated repeal bill, H. R. 11825. The Matsunaga-Holified bill was a straightforward repeal, identical to the Inouye senate bill, and it was, as expected, assigned to HISC. With another letter-writing campaign by JACL chapters, 127 representatives joined as co-sponsors of H. R. 11825.

The campaign was given a boost, of sorts, when Senator Eastland appeared on CBS-TV's "60 Minutes" on June 24 and declared his support for a repeal of Title II. Eastland admitted he voted for the bill in 1950 but felt it was unnecessary now. Being suspicious of Eastland's intentions, the committee issued a statement totally opposing S. 12, whether it included a provision to repeal Title II or not. Inouye concurred and announced his opposition to S. 12 at a committee-sponsored campaign dinner on September 26 in San Francisco.[36]

On December 2, Kleindienst reversed his previous position and announced that the Nixon administration and the Department of Justice favored a repeal:

> Unfortunately, the legislation has aroused among many of the citizens of the United States the belief that it may one day be used to accomplish the apprehension and detention of citizens who hold unpopular beliefs and views. In addition, various groups of which our Japanese American citizens are the most prominent, look upon the legislation as permitting a recurrence of the roundups which resulted in the detention of Americans of Japanese ancestry during World War II. It is therefore quite clear that the continuation of the Emergency Detention Act is extremely offensive to many Americans. In the judgment of this department, the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens. This benefit outweighs any potential advantage which the act may provide in a time of "internal security emergency."[37]

In a quick follow-up to the Kleindienst announcement, the Senate Judiciary Committee, without public hearings or much notice, passed an amended version of the Inouye bill on December 6. The amendment, which Inouye agreed to, repealed all of the operative sections of Title II, but retained the preamble. Many laws have a preamble which gives the reason or purpose for the law. In the case

of Title II, it was an enumeration of the McCarthy era fears of communist conspiracies. The amendment was the compromise needed to get Eastland's promise that S. 12 would not become a rider-amendment.

The commitee was pleased that all of the detention provisions were included in repeal and was relieved that the Eastland bill would not be attached. But retention of the preamble was dangerous because other repressive legislation might be enacted in the future to fill the void left by an unimplemented preamble. Before the committee could effectively protest to Masaoka and Inouye, the Senate unanimously passed the amended Inouye bill on December 22.[38] Tempers flared again, and the committee issued a protest to Inouye and an ultimatum to Masaoka:

> We hereby direct you to keep us instantaneously informed on critical changes, and to consult and obtain prior approval for any major changes in direction before you make any representation on behalf of JACL. If this proper procedure is not followed in the future, we will feel inclined to take drastic action.[39]

Masaoka answered:

> If any of our business clients had written as you did, he would have been invited immediately to seek another Washington representative, for not only are the charges you make serious ones in our profession, but they suggest a lack of confidence in what we are doing that precludes the kind of cooperation that is essential to any successful lobbying.[40]

Aside from the emotional outburst, the committee was actually powerless to do anything but accept the accomplished fact of the Inouye compromise. This incident underscored the tenuous nature of the committee's control over the campaign.

91st Congress, 2nd Session (1970)

The next year when Congress reconvened, attention shifted to the House of Representatives. The amended Inouye bill was referred to HISC, to be considered along with the Matsunaga-Holified bill. It was known that HISC Chairman Richard Ichord of Missouri was strongly opposed to repeal, and he was one of the most powerful committee chairmen in the House.[41] The first step was to push for public hearings, and after months of stalling HISC commenced hearings on March 16. Enomoto, Masaoka, Okamura, Takasugi, Uno and Ross Harano of Chicago testified at the hearings on behalf of JACL. It was the first time in history JACL was represented at a congressional hearing by persons other than Masaoka.[42] The highlight of the hearings was a statement submitted for the record from former Chief Justice Earl Warren. After expressing support for repeal, Warren concluded, "I express these views as the experience of one, who as a state official, became involved in the harsh removal of the Japanese from the West Coast in World War II."[43]

Among the other nationally known people to testify personally or send statements for the record in support of repeal were former Supreme Court Justice Arthur Goldberg, Rep. Shirley Chisholm of New York, and Gov. Ronald Reagan of California. In fact, so many witnesses wanted to testify in support of repeal that the hearings began to drag. When it became obvious JACL was filibustering its own bill, JACL had to ask all supporters to withdraw requests to testify. While Ichord patiently listened to the long months of testimony, he broadly hinted at his plans to amend, rather than repeal Title II. Ichord argued that if Title II were completely repealed, the few procedural safeguards preventing arbitrary presidential executive orders, like the one used to imprison Japanese Americans, would be eliminated. Ichord proposed to amend Title II so that no citizen could be incarcerated "on account of race, color, or ancestry."[44] This compromise was rejected by the committee, and the JACL insisted on outright repeal. There was no advantage in settling for an "equal opportunity" concentration camp.

On Sept. 10, HISC finally closed public hearings and went into executive session to vote. The first motion to adopt the Matsunaga-Holified bill for complete repeal was defeated by a 4-4 tie. The second motion to adopt the amended Inouye bill for limited repeal was defeated by the same 4-4 deadlock. Then Ichord, together with Rep. John Ashbrook of Ohio, moved the adoption of their own bill to amend Title II (H. R. 19163), and it was passed by a 7-1 vote on Sept. 23.[45]

In the legislative process to follow, the House Rules Committee had to set the time and conditions for floor debate. Matsunaga had an advantage of being a member of the Rules Committee, and his tactic was to set the rules so that he could make a motion to substitute the amended Inouye bill for the Ichord-Ashbrook bill on the floor.[46] Such a move to circumvent a HISC recommended bill actually stood very little chance of success, but Matsunaga wanted to try anyway. Procedurally, it was easier to substitute the amended Inouye bill because it had already passed the Senate, and if passed by the House, it needed only the President's signature to become law. If the Matsunaga-Holified bill were substituted and passed, it would still have to go to a House-Senate Conference Committee to resolve the differences with the Inouye senate bill, adding another hurdle and more chances for repressive rider-amendments. Another letter-writing campaign was conducted, but a nose count indicated the substitute motion would probably fail. It was now December, and most congressmen were returning home for the holidays. Adjournment rapidly approached. It was decided to keep the Ichord-Ashbrook bill "bottled-up" in the Rules Committee and not risk a floor vote defeat. Thus, the 91st Congress ended with all of the Title II bills being "washed out."

Bandwagon for Repeal

Although repeal was not accomplished in the 91st Congress, a number of important things had occurred. Within a period of two years, the climate of opinion had changed from "totally impossible"

to "within expectation." What was once a frightening radical issue was transformed into a safe moderate one. Government officials no longer threatened to use Title II, but instead called for its repeal. While not one congressman dared to introduce a repeal bill before 1968, 154 representatives and 26 senators had subsequently introduced repeal bills. While only a lonely few had worked for repeal before, over 150 civic, religious, labor, and ethnic organizations now supported the campaign. Seventy city councils, county boards of supervisors, and other governmental bodies, including the state legislatures of California and Hawaii, endorsed repeal. Over 50 general circulation newspapers, magazines, and television stations ran editorials supporting repeal. Support for repeal also came from conservative sources such as Gov. Reagan, Dep. Attorney General Kleindienst, Senator Eastland, Senator George Murphy of California, Senator Karl Mundt of South Dakota, and Gov. Calvin Rampton of Utah.[47]

How did this progress come about? *The Nation* editorialized: "Up to now, the public and congress have been apathetic in this matter. . . . Only Negro militants have regarded it as an actual threat. But finally, after twenty years a strong movement for the repeal of this affront to the constitution is under way. . . . In contrast to previous attempts by alleged radicals, the current movement for repeal is under 'correct' auspices. . . . The JACL interest could hardly have been more soundly motivated. Except for the American Indians, who were herded into reservations, Japanese Americans are the first group in the United States to have concentration camp experience."[48]

Similarly, *I. F. Stone's Weekly* commented: "Liberals and the Left have staged many campaigns against it with little effect; members of Congress are queasy about voting against anything anti-communist. The Senate passage of the repealer is something of a miracle. The miracle happened because this time the attack came from an unexpected non-left source."[49] More idealistically, free-lance writer Renee Renouf felt that the JACL committee ". . . created a climate of possibility—that most intangible, but palpable atmosphere which catches the convictions of individuals and welds them into a group capable of sustained and appropriate action toward a common goal of human good."[50]

Less noticed but also important was the fact that the committee lost control of the campaign. With so many famous and powerful congressmen in the act, each maneuvering to be at the head of the bandwagon, it became less possible for a volunteer committee to retain the leadership role. Slowly but inevitably, leadership of the campaign slipped into the hands of professional lobbyists and congressmen.

92nd Congress, 1st Session (1971)

Since the tactics of straight repeal bills and direct challenge to HISC were not successful, Matsunaga decided to pursue the House

Judiciary Committee route in the 92nd Congress. The new JACL-backed bill, H. R. 234, was nearly identical to the original Mikva bill and was titled the same: "To prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the United States except in conformity with the provisions of Title 18."[51] Matsunaga and Holified joined Mikva and Robert Kastenmeier as the principal co-sponsors of H. R. 234 on Jan. 25, and the bill was assigned to the House Judiciary Committee. Eventually, 164 representatives joined as co-sponsors of H. R. 234 or similar bills.[52]

In the Senate on February 4, Inouye, along with 24 Senate colleagues, introduced S. 592, which was the same limited repealer that was passed by the Senate before.[53] Inouye's bill still retained the preamble, but Inouye could not be persuaded to revert to a total repeal bill for fear of offending Eastland, who remained as the chairman of the Senate Judiciary Committee. At most, Inouye agreed to allow action to be completed in the House first and then attempt to substitute the House version on the Senate floor.

All of the groundwork had been laid in the previous sessions, so things moved much faster, with reports and speeches being copied practically verbatim from previous documents. Subcommittee Number 3 of the House Judiciary Committee, chaired by Kastenmeier, held perfunctory public hearings for one day only on March 18, moved into executive session, and passed the Mikva-Matsunaga bill by a 9-0 vote on April 1. The bill was modified slightly to read, "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." This action was done to satisfy objections that Title 18 alone did not contain all of the criminal and penal codes operative under due-process and to answer HISC's contention that a complete repeal would permit arbitrary presidential executive orders. The complete repeal of Title II was left intact. On April 6, the full Judiciary Committee unanimously passed the re-worded H. R. 234.[54]

Concurrently, Ichord and Ashbrook were moving just as fast to advance their bill to amend and therefore re-activate Title II. Under a new number, H. R. 820, Ichord and Ashbrook re-introduced the same bill which was stalled in the Rules Committee the previous year, and HISC passed H. R. 820 on March 24 by a 5-3 vote.[55]

Both the Mikva-Matsunaga bill and the Ichord-Ashbrook bill were considered by the Rules Committee for determination of precedence. After two months of stalling, pressure and bargaining, the Rules Committee voted on June 16 to pass both bills to the floor, with the Mikva-Matsunaga bill given precedence, and Ichord given the opportunity to make a substitute motion. This time, the roles were reversed with Ichord bearing the more difficult burden of a substitute motion.[56]

On July 1, Masaoka retired as the JACL Washington lobbyist and was replaced by his assistant, David Ushio. With one year's experience as an intern under Masaoka, Ushio took over JACL's Washington office in the final three months of the campaign. (Ushio was promoted to national director in 1972). Meanwhile on the other side of Capitol Hill, the amended Inouye bill was routinely passed by the Senate Judiciary Committee on July 20. Per agreement, Inouye waited for action in the House of Representatives before proceeding.[57]

The long-awaited climax came on September 13-14 when the issue was debated by the House of Representatives. Speaker Carl Albert, Majority Leader Hale Boggs, and Minority Leader Gerald Ford spoke out in favor of repeal, and Ichord's motion to substitute H. R. 820 was soundly defeated 124-272. That was one of the rare times when the chairman of HISC, or its predecessor HUAC, was defeated on the House floor. Then, as often happens, Rep. Fletcher Thompson of Georgia attempted to attach an anti-busing rider-amendment but was ruled out of order by the chair. A procedural vote to accept the Judiciary Committee re-wording of the initial H. R. 234 was passed 290-111, and the bill itself was passed 356-49 on September 14.[58]

Two days later, on September 16, Inouye secured "unanimous consent" to bring the issue to the Senate floor out of sequence and substituted the House-approved Mikva-Matsunaga bill for his own. The Senate unanimously passed H. R. 234 by voice vote. The campaign came to a successful end when President Richard Nixon signed the bill into law on September 25 while enroute to Alaska to meet Japan's Emperor Hirohito. It was almost exactly 21 years from the date of enactment that America's concentration camp law was repealed and that a provision was added to the statutes to prohibit the detention or imprisonment of citizens without due process of law.[59]

Thus ended one of the most widely publicized legislative campaigns ever conducted by Japanese Americans. The drive was initiated and inspired by a small group of common citizens, and the campaign was successfully guided through the idiosyncrasies of the sponsoring organization and the maze of the legislative process. However, this campaign is an affirmation neither of the JACL nor of the American political system. On the contrary, the experience proved how very difficult it is for the people's will to be enacted into legislation.

Acknowledgements and a Note

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The files of the National Ad Hoc Committee have been donated to the Bancroft Library of UC Berkeley under the title, "Emergency Detention Act, Campaign to Repeal." The files of the Seattle Chapter Committee have been donated to the Library Archives of the University of Washington at Seattle under the title, "Donald D. Kanzawa Papers." Finally, the San Diego chapter files have been donated by Donald Estes to the San Diego Historical Society.

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FOOTNOTES

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