The following treatise is designed to inform on the Japanese-American situation, their Evacuation, relocation and enlistment policies with their subsequent results.

Also with corresponding policies & results as they were and are in Canada.

A M E R I C A	C A N A D A
1. EVACUATION POLICY ----------	
A. Families evacuated as a group preserving spiritual strength and moral well-being due directly to the integrity of the family group. Policies of American Authorities are still consistent in the preservation of the family group.	A. Families broken up and evacuated piece-meal - Fathers first to one camp, sons to another and women and children last, to still other points. RESULT - Break up of the family spirit so vital in times of great hardship and grave decisions
B. Families or persons who wished to relocate were given every encouragement and assistance by the Federal Government.	B. Families or persons were encouraged, but only under unsuitable conditions.
1. Given full rights of citizen a. Allowed to purchase property anywhere outside of protected area. b. Go into business. c. Allowed to vote. d. Given assurance that they would be free to stay wherever they relocated.	1. DENIED rights of a citizen. a. forbidden to purchase property b. No business licenses granted. c. Vote denied. d. Federal Gov't had agreed to the Provinces that relocees would be moved out after the war.
Government suppressed rabid-mongers of race prejudice and based evacuation on a policy with every consideration of the basic rights of a citizen of a democratic nation. After leaving the relocation centres Japanese Americans were given all the fundamental rights of an American citizen.	Government yielded to the racial-prejudice mongers of B.C. e.g. Legislation prompted by B.C. passed in Ottawa denying the right to vote to relocee Canadian-born Japanese.

also CHATTELS

A - All property left behind were in the custody of the Relocation Authorities

1. NOTHING was disposed of except at the request of the owner

2. Many were still retained by the owners when the restricted zone was abolished.

3. Evacuees were free to dispose of their real properties or chattels at their wish and for prices that suited them.
Authorities only gave assistance where asked for

A. All property left in hands of Custodian

1. Property sold by Custodian without consulting the owners, at prices less than even nominal pre-war prices.

2. Many still retain the "indefeasible titles" to their properties although the Custodian has disposed of them.

3. Evacuees were not permitted to dispose of any property by their own means.

III POLICY RE. - ENLISTMENT IN SERVICES -

A - Japanese Americans allowed in armed forces except for about 4 mons. in 1942.
1. Till Dec 18/43 enlistment was voluntary. From Dec.18/43 Nisei were subject to induction through regular Selective Service procedures.

2- A Nisei unit the famed 100th Battalion is the most decorated Unit in the American Army. Out of the original group very few are living today.
The 442nd Combat unit has also compiled an enviable record of achievement

3- An estimated 17,000 men are in the Forces from a population of approx. 150,000 the highest percentage of any racial group in the United States.
(Would not be surprised if the casualty percentage was also the highest)

They were given a chance to prove their loyalty and they have more than done so. Americans have expressed their pride in

A. Japanese Canadians denied enlistment in any Service till Spring of 1945, when approximately 150 were recruited at request of the British Government.

1- British Gov't had requested Jap-Canadians since 1943 for special duty in the Far East.

2- Many Nisei have volunteered, some dozens of times, at various recruiting centres, but always refused.

3- Approximately 150 Nisei volunteers were enlisted in early 1945 for service in the Far East. Some are and have been in the Far East for some time.
Every one of these Nisei have been model soldiers.
Not a single A.W.O.L. in the whole group
"M" tests exceptionally high.

AMERICA	CANADA
III (cont.)	
their deeds. Many have shown their gratitude by supressing the ignorant exponents of race prejudice	Canada denied the Nisei the fundamental right of a citizen to fight and if need be give his life for the safety of his native land.
IV REPATRIATION----------	
Not a single act of disloyalty or Sabotage has been done by any one of Japanese origin	Not a single act of disloyalty or Sabotage has been done by any one of Japanese origin.
Persons requesting repatriation were segregated in Tule Lake. No compulsion was used. No one in this centre was granted the privileges that others enjoyed - result - very small percentage almost insignificant.	1. During survey for repatriation indirect duress, compulsion by subtle means used to force people to sign documents revoking their Can. citizenship.
Families or persons who did not wish to relocate or move from the centres because of unsuitable family conditions for such a move were allowed to remain, and allowed to return to the West Coast when the ban was lifted.	2. Persons signing for repatriation were given many privileges and rights denied those not signing. (a) Non-signers had to move East, to many an impossibility under existing conditions. (b) Signers could work in the relocation centres others could not. There were many other methods used to obtain signatures.
V RESULT of POLICIES ----------	
A. RELOCATION	
1. Permanent relocation accomplished successfully Japanese Americans are scattered from the Pacific to the Atlantic.	1. No semblance of permanent relocation accomplished.
2. With intact families relocated, social stability has been acquired	2. Families split up and scattered, an insurmountable obstacle to social-stability and successful relocation.
3. Many had purchased property and established homes in the Mid-west and East. Many had ventured into business successfully.	3. Very few have established permanent homes in the east. (a) unable to purchase property (b) No assurance that they can stay East.

III (cont'd.)

AMERICA

CANADA

V RESULT OF POLICIES (cont'd.)

B. U.S. LIFTS BAN ON RESTRICTED ZONE on THE PACIFIC COAST.

1. Japanese Americans are free to come back to the Coast

2. Claim any property and business still their rightful property.

3. Relocation Centres to be closed shortly.

4. Surprisingly few returning to the West Coast

5. The Problem of Relocation with dispersal has been solved successfully due to a sound and far-sighted policy of evacuation with every consideration of the rights of a citizen.

The Federal and State authorities have been firm in up holding the rights of the Japanese Americans.

They have and are suppressing any display by ignorant racial-prejudiced people, by many mediums, press, direct contact, radio, etc.

America is proving to the world by the method most revealing, Action, that it is, despite the many flaws, (granted the intolerance of the negroes is great), the most democratic nation in the world.

It has proved the case. In America's handling (not bungling as in Canada) of the very ticklish Japanese Problem.

STILL - RESTRICTED ZONE

1. Rabid race-mongers of B.C. insisting on total repatriation of all Japanese-Canadians even those in the Armed Forces.

2. The persons in Relocation Centres have no possessions and many are economically destitute.

3. Many in East may again emerge a problem, if something tangible in the government policy is not forthcoming in the near future.

They are enduring considerable hardship and their minds are under constant siege from fears of social insecurity, economic insecurity, inconsistency and insincerity of Government Policy.

It seems quite clear that the Evacuation Policy has been a failure.

Many or most of the Japanese Canadians in the East would not even think of returning to B.C. but without the assurance of the Government as to being allowed to stay East, they have not ventured to establish themselves and are still in the fluid trancient stage.

A consistent, sincere and vigorously democratic Government Policy is urgently required.

"Blueprint for Tommorow"
JCCA 11th Biennial Convention
Chicago Sept 27 - Oct 2, 1950

C.168
JCCA.

CREDENTIALS COMMITTEE

Before Ina Sugihara read the credentials report, National Director Mas Satow explained that since certain procedures submitted by the National Credentials Committee in 1948 contained the essentials of this Committee's report, that in general the 1948 report would be followed with a few revisions and additions.

"The National Credentials Committee makes the following recommendations:

I. That the following persons be qualified to sit in the National Council meetings:

1. Members of the National Board and National Board members-elect.
2. Official and alternate delegates of Chapters.
3. Accredited representatives of the National Associated Members.
4. National Staff members.
5. Members of all National Committees.
6. Special representatives of new chapters seeking admission to the organization and JACL Committee observers.
7. Others who may be called in for special reports, etc.
8. Specially invited guests.

Other JACL members will be welcome to attend the Council meetings provided there is room after the above categories have been taken care of.

II. That the following persons be qualified to speak in the National Council meetings:

1. Members of the National Board and National Board members-elect.
2. Official and alternate delegates of Chapters.
3. National Director and National Legislative Director and whomever they may present to the Council.
4. National Staff members.
5. Persons called by the Chair for special reports and comments.
6. Chapter members properly introduced by their official delegates.
7. Others who may have obtained permission from the Chair or National Board prior to the meeting.

III. That any press releases pertaining to discussions and the business of the National Council sessions must be cleared first through the Convention press room. This applies equally to any official delegates who are acting as special correspondents for newspapers or publications."

Roy Kaneko (Detroit) moved that the report of the Credentials Committee be accepted. Seconded by Henry Tani (National Board) and passed.

The National Director explained at this point that in order to save time, there would be no roll call at the beginning of each session, and that all present should fill out the attendance cards for each session or check with Mas Horiuchi who was keeping the attendance record.

MEETING OF NATIONAL COMMITTEES

The National Director then read assignments for the meetings of the various National Committees. He explained that a number of the delegates had not been assigned since their names were not available before the Convention, but urged that delegates participate in these important Committee meetings and that delegates from one Chapter split up. The National Council session then adjourned at 10:30 a.m. for the Committee meetings, the Council to reconvene at 1:30 p.m.

SECOND SESSIONS, NATIONAL COUNCIL
Thursday Afternoon, September 28

EVACUATION CLAIMS

National First Vice President Henry Tani called the Council to order at 1:50 p.m. explaining that the meeting was to be devoted solely to a discussion of the evacuation claims program by previous agreement. The Issei who were in attendance were introduced as a group.

Edward J. Ennis, JACL legal council, introduced the subject. He told us of

partment of Justice has submitted to th
at it would require an administrative e
er to complete the program in five year
ministrative expense begins to approach
of an extremely long range program.

l experiments are being undertaken by
the program. The first involves an a
loss with regard to particular catego
y that average to all claims falling w
attempt to follow the procedure establ
Commission, which applied the method
different situation prevailed in Canad
stodian was appointed at the time of ev
Payette, Idaho has been selected as th
ll of the claimants are in the same Far
of them came from approximately the sa
em had about the same economic status a

econd experiment, also being conducted
ystem, under which the claimant waives
pulates a figure he would be willing t
the basis of the executed waiver, and
on that the claimant wishes to offer in
ne claim is submitted. The Department
ation, and if the facts that it uncover
d figure is out of line, a settlement m
the waiver provides that the settlement
ed, shall be without prejudice to a det
ner after a hearing, there is a danger
r may become the maximum allowable in a
depending on the manner in which the s
g of claims may be expedited.

, in view of the limited personnel and a
loned experiments, even if moderately su
answer to the problem, and proposed ame
slation is being considered as a means o
the proposed amendments would serve the
arifying doubtful points, providing for
, and authorizing the allowance of amend
Another amendment would authorize the
or an amount not exceeding 50% of the a
hich settlement would be payable, witho
s available to the Attorney General for
pproval of Congress. It is felt that su
the Attorney General to settle claims, a
ttlements would tend to induce claimants

other proposed amendment, affecting clai
ze the Attorney General, upon being sati
sctional requirements of the Act, to pay
cent of the amount of his claim as origi
nation of the claim. If the final award
25 per cent of the claim already paid, t
ference; if the final award were less, t
ed to a refund of the difference. It is
es of the Act is the social rehabilitatio
an be accomplished only by the prompt pay
ediest claimants, who generally fall into
and under. Additional proposed amendmen

he new legislation being considered would
ng Act, and would provide for a lump sum
t any proof of loss to every evacuee of t
0 to every person between the ages of 14
ndemnity payment, however, would be on a
imant would have an option either to clai
ss, or to continue prosecution of a claim

requirements as to proof of loss, if it were felt
y would not adequately reimburse the claimant for the
of the evacuation. It is felt that an indemnity prog-
t of proof of loss would be one that could be most
that many claimants would take advantage of its pro-
ight have valid claims for a larger amount, in view
ies might feel that $1,000 today is worth more than
In any event, the acceptance of an indemnity, as
ld be purely optional with the claimant.

eached a working agreement with the Department of
d adjudications adverse to the claimant are submitted
or to being finally promulgated. As a result of this
e McKibbin, on behalf of JACL, have submitted briefs
ed adverse adjudications, and as a result of the
the Attorney General has revised his proposed
nefit of the claimants. No action has as yet been
l with regard to the subsequent briefs submitted.

se adjudications have been received by JACL from
ppendix A) in which the Attorney General proposed
on and post-evacuation expenses, (2) loss on the
(3) loss on the pre-evacuation sale of a truck and
a produce exchange, (4) post-evacuation living and
(5) loss resulting from a post-evacuation theft.

bmit briefs in opposition to future proposed adverse
ceived from the Department in an attempt to insure
all the benefits of the Act to which they are

fice has decided several issues adversely to the
mitted briefs on "Good-Will" and "Community
contending the loss on sale of "good will"
s under the Act, and also that claims for loss on
y should be allowable in full, although the
rthermore, several briefs have been submitted by
s filed against proposed field office adjudications.

ulgated a number of precendent-setting adjudications,
mimeographing all such adjudications, and of
government attorneys in the field offices, but also
n his mailing list. A request to the Attorney
ed to be placed on the mailing list.

cations have been promulgated to date by the
ix B) establishing (1) that loss on the pre-evacua-
wable, (2) that loss resulting from theft of
uation is allowable, (3) that a husband alone may
operty, (4) that loss on sale of personal property
value at the time of sale and not on replacement
s resulting from theft of stored property, again
of claimant's loss may consist almost entirely of
that expenditures for storage losses are allowable,
abandonment, under certain circumstances, is
lowing loss on the sale of a car, the claimant's
ature of a statement against interest.

shown a rather narrow and restrictive tendency in
JACL is seeking to overcome, in order that a
on of the Act may be attained, as the Act
on, and should be liberally construed. The JACL
ger administrative appropriations as it has done
all possibilities in an attempt to expedite the
L will work as best it can with the limited tools

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roposed adverse adjudications and a very brief
the arguments advanced by the JACL in opposition
ve been removed by the Attorney General prior to

had National Headquarters any knowledge of the purpose and importance of the survey in advance, Headquarters might possibly have been able to send a staff member to the area to assist.

Masaoka stated that nothing more could be done about this particular experiment until there was further clarification from the Department of Justice.

The entire discussion of the evacuation claims program was terminated at this point.

THIRD SESSION, NATIONAL COUNCIL
Friday Morning, September 29

The meeting was called to order by National Second Vice President Frank Chuman at 9:20 a.m.

ARLINGTON NATIONAL CEMETERY COMMITTEE

The first report called up was that of the Arlington National Cemetery Committee. Henry Gosho, President of the Washington D.C. Chapter read the report in the absence of Jack Hirose, Chairman of the Committee.

JACL 11TH BIENNIAL NATIONAL CONVENTION
REPORT OF ARLINGTON NATIONAL CEMETERY COMMITTEE

By the time of the 10th Biennial National Convention held in Salt Lake City, Utah in 1948, there had been only two Nisei soldiers interred at the Arlington National Cemetery, namely, Private First Class Fumitake Nagato and Saburo Tanamachi, the first Niseis to be interred in the national shrine. Since that time the committee has conducted and arranged graveside services for the following Nisei soldiers: Cpl. Jimmie T. Kokubu, Pvt. John Tanaka, Sgt. Wataru Nakashima, Pfc. Raito Nakashima, Pvt. Hiroshi Nagano, Pfc. Shichizo Toyota, Pfc. Victor K. Hada, Pfc. Roy Morihiro, Pfc. Kiyoshi Murakami, Sgt. Jimmie T. Shimizu, Pvt. Stanley T. Oba, Sgt. Haruo Ishida, Pfc. Tamotsu Kuge, Pfc. John M. Nakamura, Pfc. Lloyd M. Onoye, Pvt. Ben Masaoka, Pvt. Roy Shiozawa, T/4 George Yamaguchi. This makes a total of twenty Nisei soldiers interred in Arlington National Cemetery.

Aside from these reburials, we have participated in the following events:

November 11, 1948. We participated in the official observance of Armistice Day at the Tomb of the Unknown Soldier. A wreath was placed at the Tomb by our committee chairman, Jack Hirose.

May 30, 1949. Miss Sada Onoye represented the JACL in placing a wreath at the Tomb of the Unknown Soldier in the official Memorial Day Services. Members of the committee decorated the graves of 17 Nisei G.I.'s who were reburied there at that time with photos taken and sent to next of kin.

October 30, 1949. Services were held at the graves of the first two Nisei G.I.'s, Pfc. Nagato and Pfc. Tanamachi, interred in Arlington, commemorating the first Nisei Memorial Day. Those participating in the service were Colonel Mashbir of the U. S. Army Intelligence, Jack Hirose, Chairman of our committee, Rev. Kuroda, Mike Masaoka, Henry Gosho, and Gladys Shimasaki. This service was well attended by members of the Washington D. C. Chapter.

November 11, 1949. A wreath was presented at the Tomb of the Unknown Soldier by Miss Carol Tsuda at the Armistice Day services.

May 30, 1950. Miss Fuku Yokoyama represented the JACL in placing a wreath at the Tomb of the Unknown Soldier in the official Memorial Day observance. The graves of the twenty Nisei G.I.'s were decorated by the members of our committee and the Washington D. C. Chapter. Pictures of the graves were taken and sent to the next of kin.

A condensed financial report is as follows:

From June 30, 1948 to December 31, 1948
Balance as of June 30, 1948 . . . . . $ 120.60

Masaoka commented that the more we ask, the difficulty of passage is increased thereby.

Tut Yata (Southwest Los Angeles) reported that at the time his Chapter assisted claimants in filing their claims, the inclusion of losses on anticipated profits and earnings was discouraged.

Harry Takagi (Seattle) suggested that there be a clarification of the present claims law by rewording and that the Washington Office work on this. Chairman Chuman explained that Amendment 3 would take care of this situation.

The question was posed as to whether people who got stranded in Japan should be eligible for compensation. Henry Gosho (Washington D.C.) stated that it would be difficult to draw the line between those who were actually stranded in Japan, those who had declared intentions of returning to America and even had arranged transportation only to have the war intervene, and those who were actually on their way back but the outbreak of war necessitated their boat returning to Japan.

It was decided to let the strandee matter pass since we would get too involved in technicalities, and let the Department of Justice within itself clarify the government's position as to claims by strandees.

William Enomoto (National Board) asked if fair rent value was considered property or anticipated profits. Ed Ennis answered by saying that property loss is an actual loss, property value is shown through rent as income, so therefore rent comes under property value.

Various other questions were brought out with regard to the matter of allowing claimants to amend claims, the eligibility of persons voluntarily or involuntarily deported to Japan, but Ed Ennis commented that at this stage we should not get too involved in these other questions, that we should seek amendments to benefit the majority of the claimants here, that these other matters might be considered when the time comes as secondary amendments.

PAYETTE FSC EXPERIMENT — Ken Uchida (Ogden) asked for a clarification of the government program at Payette, Idaho.

Mike Masaoka explained that the Department of Justice sent out questionnaires to the Payette Farm Security Administration Camp at Caldwell, Idaho in the effort to get a sampling of a group of people who were engaged in a similar occupation of the same economic status prior to evacuation and with the purpose of trying to get an average or a standard against which similar claims might be matched, hoping that the adjudication of these claims might be effected more expeditiously through this method. Along with the questionnaires was a "waiver" wherein the claimant would stipulate the amount for which he was willing to settle his claim and also waive the rights to his original claim. If the Department of Justice after examining all the known records pertaining to the party, decided that such waiver were reasonable, the settlement would be made upon that basis.

Masaoka described this experiment as because the government was unable to get proper cooperation from those asked to fill out these questionnaires.

Joe Saito (Snake River) explained that the people in the area did not understand what the questionnaire was for, some received them while others did not, the Snake River Chapter to whom these people referred had no information concerning them, and that the Chapter had no word from National Headquarters regarding the experiment.

Mas Satow commented that from National Headquarters viewpoint, it would have been much better for the Department of Justice to approach the Snake River Chapter through Headquarters so that the experiment could be properly explained to the claimants asked to fill out such questionnaires, since the claimants would naturally refer to the Chapter inasmuch as the Chapter had assisted them in filling out their original claims forms. He further commented that the 15 pages of instructions and blanks to be filled out were couched in such legal terms and asked so much detail that the people could hardly be expected to understand it all, let alone filling out all the information asked, especially when the whole experiment was not properly explained. He further stated that

JACL-ADC office to get the best deal possible.

Masaoka said that this proposal would cost the government from twenty to forty million dollars.

Sab Kido (Downtown Los Angeles) commented that we ought to accept the indemnity amendment in principle and leave the specific amount to the discretion of the Washington Office.

The matter of risks was again opened up with Mamoru Wakasugi (Gresham-Troutdale) inquiring whether the acceptance of this amendment would mean a chance of losing the present Evacuation Claims Law and Frank Okazaki (New York) asking if Ed Ennis or Mike Masaoka knew in advance the risks involved.

Ed Ennis recommended that the National Council authorize the Washington Office to go ahead and look into the situation and get what it could.

Dr. Randolph Sakada (Chicago) wondered how the Issei might feel about this amendment, and Mr. K. Mukaeda (Los Angeles) suggested that some kind of poll be taken if possible.

Mike Masaoka suggested that an addition be made to the amendment to the effect that if it appears that this Amendment 4 (a) might become a substitute program for the present evacuation claims procedure, then it will be not pressed.

Mamoru Wakasugi (Gresham-Troutdale) raised the question of who the JACL National Council represented and how many of the total claimants. Frank Chuman pointed out that JACL as an organization was trying to help to expedite the general claims program, not speaking for individual claimants.

The motion was then restated that the JACL National Council authorize the Washington Office to seek the indemnity amendment of Section 4 (a) unless it appeared to the Washington Office that such an amendment would be a substitute for the present Evacuation Claims Act and by substitution jeopardize the present act.

The motion was adopted.

4.(b) Prepayment "The Attorney General, out of any funds appropriated for payment of evacuation claims, is directed forthwith to pay to each claimant who has filed an evacuation claims the amount of 25% of the sum claimed or $2,500, whichever is the lesser sum, unless upon a preliminary examination of a claim it appears that the aforesaid 25% of the claim will not be awarded on final adjudication. The claimant shall repay to the United States any sum received by him in excess of the sum finally awarded to him."

Ed Ennis pointed out that (1) under this amendment the Attorney General would have to investigate the claim and make sure that the claim were valid, (2) this may have to be combined with the indemnity feature so that the advance payment would be (a) 25% of the claim plus $500, or (b) $500 plus enough to make up 25% of the claim. He recommended that the advance payment be up to the total of $2,500.

After some discussion, Frank Okazaki moved for the adoption of Amendment 4 (b) with the same provision made for 4 (a), namely, unless it appeared to the Washington Office that such an amendment would be a substitute for the present Evacuation Claims Act and by substitution jeopardize the present act. The motion was seconded by Dr. Joseph Sasaki (Ann Arbor, representing National Associated Members).

In order that the JACL Chapters might be on record with regard to proposed amendments 4 (a) and 4 (b), a roll call vote was taken. The record showed 58 Chapters favoring, none in opposition, and Alameda Chapter passing.

ADDITIONAL DISCUSSION ON EVACUATION CLAIMS	There ensued additional discussion on various aspects of the evacuation claims program.
	Chairman Frank Chuman asked for opinions pertaining to anticipated profits and wage earnings.

SPECIAL SESSION, NATIONAL COUNCIL
Sunday Morning, October 1

ACTION ON PROPOSED AMENDMENTS

(Note: Although this special session on Evacuation Claims was held on Sunday, October 1, this discussion is included here for sake of continuity.)

The discussion on the evacuation claims program was resumed at 10:15 a.m. with Frank Chuman presiding. Attention was called to the recommendations made by the Evacuation Claims Committee.

1. National 1st Vice President Patrick Okura (Omaha) moved that wherever necessary the Evacuation Claims Committee be authorized to change the wording in the present Evacuation Claims Act, substituting suitable words to conform to the concept of remedial proceedings rather than adjudication or litigation. George Furukawa (Washington, D.C.) seconded, and the motion was carried.

2. The second recommendation was to broaden the scope of coverage in the law to embrace those persons such as those of Terminal Island who were evacuated by any governmental agency or officer or order and not only those persons who were evacuated under Executive Order No. 9066 and No. 9489.

The motion to accept this was made by Patrick Okura (Omaha) and seconded by Frank Okazaki (New York).

Mamoru Wakasugi (Gresham-Troutdale) asked if the persons on Bainbridge Island were not covered by the present Claims Law. Patrick Okura (Omaha) pointed out that Terminal Islanders were not covered in the evacuation orders and were actually forced to evacuate twice, once from Terminal Island, and again when the general evacuation orders were given.

Ed Ennis: If we seek amendments to the Evacuation Claims Law, we should ask Congress to extend it to anyone who was evacuated by civil or military means.

Tut Yata (Southwest Los Angeles) asked if the Terminal Island people were not originally included. Ed Ennis commented that the intent was there, but since these people were not specifically covered in Executive Order No. 9066, in the administration of the Evacuation Claims Law the government (i.e. Department of Justice) was wavering on this.

Frank Chuman said his inquiry to the Los Angeles Evacuation Claims Office if the Terminal Islanders were covered was referred to Washington and no definite answer had been given to date. He said that JACL had studied the situation and submitted a brief supporting the inclusion of the people of Terminal Island and Bainbridge Island.

The Council then voted and passed the motion to accept this second recommendation.

3. The recommendation to suggest standards or requirements for the Attorney General's office to follow in considering and processing claims by means of rules and regulations was deemed not too important by the Chair and was accepted by general agreement.

4.(a) The indemnity amendment whereby payment would be made by the government to every person evacuated with no investigation to be made and no proof required and to be deducted from any further payments on the claim, was stressed by Ed Ennis as an important question of policy which must be decided in order that the special Evacuation Claims Committee could proceed. Would the National Council authorize the Evacuation Claims Committee to open up discussion with the Department of Justice with this amendment with the purpose of introducing it in Congress, risking the further slowing down of the present evacuation claims program and even the removal of the present law altogether?

Saburo Kido (Downtown Los Angeles) moved that the proposed amendment 4 (a) be accepted, and Patrick Okura (Omaha) seconded.

Bill Fukuba (Watsonville) asked if the amount of $500 were adequate, and Harry Takagi (Seattle) commented that it was not a question of being adequate but a question of hard political realities, and we must trust the Washington

Noboru Honda (MDC Chairman) inquired if the present program would be jeopardized if we went all out for the amendments in view of the fact that the Issei were willing to settle for one third of their claim, provided payment were made at once, as expressed at the ADC meeting the day prior.

Bill Fukuba (Watsonville) said that a mass meeting had been held in his area just prior to this Convention at which time the people expressed their willingness to settle their claims for $1,500 each right now.

Mr. T. Takeshita (Washington, D. C.) suggested that instead of the one third settlement, that 50% of the claim would be the fairer figure at present because of inflation.

Ed Ennis commented on the above that a percentage settlement would not break the present administrative bottle neck where the time is being taken to adjudicate the claims. He pointed out that the suggested amendments would give the people money in their hands immediately without the time consumed in gathering proof. Under a percentage settlement the claims would still have to be adjudicated. He further stated that there was not procedure whereby the government could settle claims on a percentage basis and proof and trial is still required on every claim.

Kenzo Yoshida (Watsonville) suggested a lump sum payment to eliminate the slow administrative procedure, and Masaoka asked if a lump sum payment would be acceptable to everyone, e.g. a sum of $1,000, especially in view of the fact that the majority of the claims are for sums over $1,000.

Harry Takagi (Seattle) suggested that the words be placed into the Evacuation Claims Act stating that "compromise and settlement would be the prevailing procedure. If the claimant is satisfied, then he is paid and the case is closed, and for those dissatisfied, allow them to make an appeal.

Ed Ennis pointed out that the proposed amendments 4 (a) and (b) would still make it possible for larger claimants to pursue their claims further with the initial indemnity payment to be deducted from the final settlement.

Saburo Kido (Downtown L.A.) raised the point that the main question was to expedite the whole program. Why settle for a lump sum payment and waive the total amount that can be justified just because payment might be sooner when we have waited this long already? In other words, don't settle for much less now because payment is immediate.

Masaoka stated that the indemnity proposal had been made once before $1,000 to all over 18 and $500 to those down to 12. This had been figured to about eighty million dollars, and had been rejected by the Department of Interior and the President.

Mr. Ennis pointed out that the proposal must be a combination of indemnity and immediate payment, that taking the better features of what we want and combine them might not be too distasteful to Congress. Further discussion centered about the possibilities of getting the amendments passed, and there was no guarantee of anything. The point was also brought up of where JACL would raise the $25,000 for the program.

Since time for adjournment was drawing near, it was suggested that the discussion be tabled for the delegates to think over and digest the proposals. Mike suggested the following alternatives for the evacuation claims program: (1) Leave as it is; (2) Have various chapters needle their Congressmen and Senators and the Department of Justice, and have friends do likewise, the Washington Office to continue to work on the Justice Department; (3) Seek some radical change in the law such as lump sum payment or prepayment.

At this point, Mari Sabusawa announced the Civic Reception to be held in the Normandie Lounge of the Hotel at 7:00 p.m.

The meeting was adjourned at 4:15 p.m. in favor of the second session of the National Committees.

eighteenth birthday on or before February 19, 1942 and $100 for each person under that age or born thereafter and prior to September 4, 1945 (rescinding of evacuation order). Each evacuation claim which has been filed shall be deemed to contain a request for payment of the indemnity and payments of the indemnity shall be paid forthwith to the said claimants. Any person who has not filed an evacuation claims may file a claim in writing with the Attorney General for payment of the indemnity. Any such claim shall be filed within 90 days of approval of this Act. The parent or guardian of any person who has not reached his or her eighteenth birthday on or before the date of approval of this Act may file the claim for indemnity. The amount of such indemnity paid to any claimant shall be deducted from any award made to the claimant on an evacuation claim.

ADVANCE PAYMENTS: ADJUDICATIONS

Section 4 (b) The Attorney General, out of any funds appropriated for payment of evacuation claims, is directed forthwith to pay to each claimant who has filed an evacuation claim the amount of 25% of the sum claimed or $2500, whichever is the lesser sum, unless upon a preliminary examination of a claim it appears that the aforesaid 25% of the claim will not be awarded on final adjudication. The claimant shall repay to the United States any sum received by him in excess of the sum finally awarded to him.

REPORT ON CANADIAN EXPERIENCE

George Tanaka, Executive Secretary of the Japanese Canadian Citizens Association, was called upon at this point to report on the experience of the Canadian Japanese with regard to their evacuation claims program.

In Canada a custodian representing the government took over the property of the evacuees and sold them one year after the evacuation, and in 1947 the Canadian government appointed a Royal Commission composed of one judge to examine the evacuation losses. The Commission excluded those instances where a claimant disposed of his own property.

Upon the basis of a two year study, the recommendation was that the government pay a total of $1,022,000 to 1300 claimants. According to the figures of adjudication, about one third of the claimants received less than $1,000 and approximately two thirds received between $1,000 and $12,000. The largest claims amounting to one half a million were settled for $69,000 and $51,000. The average payment was about 55% of the amount claimed. The government paid $58,000 in expenses to claimants excluding lawyers fees and $6,200 was paid to the special Committee on Japanese Claims made up of interested non-Japanese who worked for a program of compensating the evacuees for their losses. Tanaka stated that all claimants would be paid by next February.

DISCUSSION ON AMENDMENTS

Dr. Roy Nishikawa (PSWDC Chairman) asked what possibilities there were of getting the proposed amendments passed and how much this program would cost JACL. Mike Masaoka answered that 1. The already slowed up program might be held up altogether pending what happens to the amendments; 2. That Congress at present was primarily interested in the defense program and would therefore be reluctant to give money for other purposes; 3. There was the possibility of Congress repealing what we have now.

Masaoka further stated that the present system was not accomplishing much in way of results, that it was too slow, that it was time to go to bat for the program, telling the Attorney General and the President what is wrong with the present program which is a mockery and travesty on American justice, taking whatever risks might be involved.

With regard to the second part of Dr. Nishikawa's question, Masaoka asserted that it would take money to document the facts for presentation and research to substantiate what we think is wrong with the present law as well as its administration. He further stated that about $25,000 would be necessary to do the research and documentation and push the amendments.

Tats Kushida asked Ed Ennis what about those who filed for less than $500, and how the indemnity idea might be accepted by Congress.

Ed Ennis replied that the indemnity is payment without further investigation to everyone, figuring that $500 was a minimum loss sustained by anyone who was evacuated.

(3). That the Department of Justice has interpreted the law strictly against the claimant and with minute technical distinctions.

(4). That the Department of Justice in Washington, D. C. and in the various field offices has been afflicted with inaction, indecision, and lack of knowledge and appreciation of the true circumstances of the evacuation.

(5). That the Congress has appropriated inadequate funds to administer the law and to pay the claims. Of $1,300,000 appropriated for the coming fiscal year for the evacuation claims, only $1,050,000 has been appropriated for the payment of claims and $250,000 for the administration.

II

POSSIBILITY OF PASSAGE OF PROPOSED AMENDMENTS. In view of the present attitude of the Congress of being economy minded for all expenditures other than that of the Korean war effort and the total war defense, it is extremely doubtful whether the Congress will take favorable action in increasing appropriations. There appears to be some hope of submitting the proposed amendments to the Department of Justice for its opinion before the proposed amendments are presented to the Congress at the next session, furthermore, certain amendments as proposed may be disposed of by the Department of Justice by means of rules and regulations.

III

THE COMMITTEE RECOMMENDED AMENDING THE PRESENT LAW TO ACCOMPLISH THE FOLLOWING PURPOSES:

(1). To expedite the processing of claims;
(2). To expedite the payment of claims;
(3). To complete the evacuation claims program in as short a time as possible.

IV

COMMITTEE'S PROPOSED AMENDMENTS.

(1). Change of words wherever necessary to have the Evacuation Claims Act conform to the concept of a determination rather than an adjudication.

(2). To broaden the scope of coverage in the law to specify persons such as those of Terminal Island to embrace those persons who were evacuated by any governmental agency or officer or order and not only those persons who were evacuated under Executive Order No. 9066 and No. 9489.

(3). To suggest standards, or requirements for the Attorney General's Office to follow in considering and processing claims by means of rules and regulations.

(4). The amendment of the Evacuation Claims Law to provide for two methods of payment:

(a). An indemnity payment to all claimants regardless of the amount they have heretofore filed;

(b). An advance payment to all claimants who have heretofore filed for losses up to the amount of 25% of their claim or $2,500.00 whichever amount is the lesser, since either of these two amounts are payable from the funds of the Attorney General.

CLARIFICATION OF PROPOSED AMENDMENTS

Ed Ennis elaborated further on the proposed amendments to the claims law.

INDEMNITY:

Section 4 (a) The Attorney General, out of any funds appropriated for payment of evacuation claims or evacuation indemnities, shall pay to each person eligible to file a claim under this Act as amended an indemnity for evacuation or exclusion in the amount of $500 for each person who had reached his or her

award of $262. The Attorney General held: "An expenditure to preserve or salvage property which would otherwise have to be sold at a disadvantage or abandoned is made to prevent loss and for this reason partakes itself of the nature of a loss incurred to prevent a greater loss. It is no distortion of the Act's intendment, therefore, to treat it as a 'loss' within the meaning of the Act." Thus the Attorney General recognizes that an expenditure, at least for storage charges, constitutes a loss. However, the Attorney General adds this caveat: "That all such expenditure suggests the logical limitation on the allowable extent of such 'losses'".

8. Claim of Frank Tokuhei Kaku, No. 146-35-21. ($1785) Claimant operated a restaurant, and just prior to evacuation stored his car and all of the things which he could move from his restaurant to a garage in the rear of his house. He left the heavier fixtures and equipment at the restaurant. Upon his return from evacuation all of the property had disappeared. The Attorney General held that claimant's action in storing all the equipment which he could move and in leaving the remainder was reasonable, and allowed as a loss the fair market value of the property in the amount of $956.57. The Attorney General held "Loss in such circumstances through abandonment is allowable, and likewise loss through intervening factors."

9. Claim of Akira Hirata, No. 146-35-1786. ($216.51) Claimant had purchased a car on the installment plan, and just prior to his evacuation sold the car for $25, at which time he owed a balance of $154.42 on it. He claimed a loss of $216.51. The fair market value of the car was determined by adding the amount owed on it ($154.42), the amount received on sale ($25), and the amount claimed as the loss on the sale of the car ($216.51), making a total of $395.93. Although the Blue Book value of the car was $415, the Attorney General held "Claimant's statement of claim in the amount of $216.51 is in the nature of a statement against interest. As such it has value as his estimate of his loss, based on his personal knowledge of the actual state of the car." The fair market value arrived at ($395.93) was reduced, to determine claimant's loss, by the amount owed on the car ($154.42), plus the amount received on sale ($25) or by $179.42, leaving an uncompensated balance of $216.51, which was allowed.

REPORT OF JACL CLAIMS COMMITTEE

Frank Chuman then made a report of the Special Evacuation Claims Committee which had been appointed at the National Board meeting held before the Convention. He stated the objective of this Committee as studying the present claims situation with the view of making specific suggestions and criticisms to the Department of Justice.

JACL 11TH BIENNIAL NATIONAL CONVENTION
REPORT OF EVACUATION CLAIMS COMMITTEE

Committee members:
Frank F. Chuman, Chairman
Edward J. Ennis, Consultant
Tom Hayashi, Tats Kushida, Joe Grant Masaoka

The Evacuation Claims Committee submits herewith its report regarding the administration, the progress and the process of the Evacuation Claims Law.

I

VALIDITY OF THE NECESSITY FOR AMENDMENTS TO THE EVACUATION CLAIMS LAW. The first question discussed by the Committee was with reference to whether or not there was a necessity for amending the Evacuation Claims Law. The report of David McKibbin seems to amply bear out the validity for the necessity to amend the Evacuation Claims Law, furthermore, a resume of the activities of the Department of Justice as reported by Mike Masaoka supports Dave McKibbin's views.

Briefly, the Committee finds as follows:

(1). That the attitude of the Department of Justice has recently changed from that of being a friend of the claimant and to expedite the processing of the claims to that of being an adversary and engage in strict litigation proceedings against the claimant.

(2). The Attorney General's Office, notwithstanding repeated requests by the JACL and attorneys, has failed to provide rules and regulations as guides in the processing of the Evacuation Claims Act.

not carry out the intent of Congress." An award was therefore made in the amount of $304.75. However, a caveat was appended that each case must rest on its own facts, and that "A standard of due diligence is to be expected of the evacuated persons." However, this probably requires nothing more than a standard of reasonable care considered in the light of the confused circumstances of the evacuation, and later adjudications seem to bear this out.

2. Claim of Mary Miyaji, No. 146-35-2451. ($222) Claimant, prior to evacuation, had stored household belongings, and upon return from the Relocation Center discovered that the items, for which claim had been made, had been stolen. The Attorney General determined that a loss resulting from theft of stored articles constituted a loss within the meaning of the Act. The Attorney General also recognized the validity of an oral agreement between husband and wife whereby all of the household belongings were to be the separate property of the wife rather than community property. An award was therefore made in the amount of $137.16. A post-evacuation theft was, however, not allowed.

Upon her return from the Relocation Center, claimant had reclaimed some of her stored property, which she took to her sister's home. Claimant left some of the articles on the lawn overnight, from where they were stolen. The Attorney General held that claimant was guilty of negligence in leaving the articles on the lawn overnight, when she might reasonably have stored them in the sister's garage, and therefore held that the loss was not a reasonable and natural consequence of the evacuation or exclusion, and so was not allowable. The Attorney General also posed an unanswered question: "There is a serious question as to whether damage to or loss of property that occurred after an evacuee had returned from a Relocation Center and exercised dominion over it should be regarded as 'reasonable and natural consequence' of the evacuation within the meaning of Section 1 of the Act."

3. Claim of Henry Sunao Uyeda, No. 146-35-1042. ($1,033.50) Claimant, a husband, alone filed for loss sustained on the sale of community property. The Attorney General allowed the loss and held that a husband may file on behalf of the wife where community property is involved, as the husband, under California law, has the "management and control of the community personal property." An award was therefore made in the amount of $506.46.

4. Claim of George M. Kawaguchi, No. 146-35-2523. ($1,340) Claimant sustained a loss on the sale of personal property prior to his evacuation, and sought to base his loss upon replacement value when claimant returned from the Relocation Center. The Attorney General refused to consider replacement value as a basis for determining loss, and held that only the fair market value of the article at the time of sale could be considered, and allowed a loss on that basis in the amount of $350.

5. Claim of Akiko Yagi, No. 146-35-2098. ($567) The claimant filed for loss incurred through the theft of stored property. The Attorney General found that claimant had acted reasonably in storing her property, and that the loss from theft was the reasonable and natural consequence of the evacuation or exclusion of such person. Accordingly the loss was allowed in the amount of $265.25. (This holding is identical with the holding in the Claim of Mary Miyaji, supra, except that in the Miyaji case, the loss resulting from the theft was allowed without discussion of the question, while here the rational is developed.)

6. Claim of Tokutaro Hata, No. 146-35-4522. ($462.50) Claimant filed for loss sustained on a sale of personal property prior to evacuation. The Attorney General apparently took judicial notice of the lack of a free market, and also held that the claimant husband could file on behalf of the wife as community property was involved. Perhaps the most important aspect of the adjudication was that "The evidence of claimant's loss consisted almost entirely of his own sworn statements," as he had no records or memoranda. However, there was corrobatory evidence of a friend that he possessed the articles for which claim was made, and the claim was allowed in the amount of $328.10.

7. Claim of Frank Kiyoshi Oshima, No. 146-35-4367. ($17) Claimant, prior to evacuation, stored personal property, and about eight months later, after his evacuation, and because he could not continue to pay storage charges, claimant sold the property at a loss. Claim was made both for storage charges, and for the loss sustained on the subsequent sale. The Attorney General allowed the loss on the sale of the property, and the storage charges as well, and made an

submission to JACL.)

1. Claim of _____, No. 146-35-3083, in which the Attorney General proposed to disallow pre-evacuation expenses incurred by an evacuee, and also proposed to disallow the post-evacuation expense of return transportation from a resettlement point to point of evacuation, on the ground that such expenses were not allowable as losses within the meaning of the Act. JACL argued that such expenses were a reasonable and natural consequence of the evacuation and that a forced expenditure of money constituted as much a loss as a loss sustained on the forced sale of personal or household belongings.

2. Claim of _____, No. 146-35-1321, in which the Attorney General proposed to disallow the loss sustained on the sale of a gun and camera, on the ground that the loss was attributable to contraband orders prohibiting possession of such articles rather than to the evacuation or exclusion. JACL argued that the claimant was a citizen, that, at the time of the sale, possession of such article was prohibited only to enemy aliens and the contraband orders therefore were not applicable to the citizen claimant, that the gun and camera were sold in anticipation of evacuation, and that the loss sustained on the sale was allowable as a reasonable and natural consequence of the evacuation.

3. Claim of _____, No. 146-35-500, in which the Attorney General proposed to disallow a loss on the pre-evacuation sale of a truck, on the ground that claimant had received fair market value on the sale, and also proposed to disallow loss sustained on the post-evacuation sale of a produce exchange, on the ground that the loss was not attributable to claimant's evacuation. JACL argued that a loss was sustained on the sale of the produce exchange because of the loss of a lease which was a principal asset of the business, that the loss of the lease was attributable to the evacuation of claimant, and that therefore, loss on the sale of the produce exchange resulting from the loss of the lease, was also attributable to the evacuation. With regard to the truck, JACL argued that the conclusion that the truck had been sold at fair market value could not be supported in view of an express finding in the adjudication that the sale had not been made on a free market.

4. Claim of _____, No. 146-35-1441, in which the Attorney General proposed to disallow post-evacuation living and re-employment expense on the ground that the living expenses were normal expenses, and that claimant's unemployment was not a consequence of the evacuation. JACL argued the living expenses upon return to the point of evacuation were not normal living expenses, that the unemployment of claimant was attributable to the evacuation, that therefore claimant's re-employment expenses were likewise attributable to the evacuation, and that such expenses were allowable as a loss within the meaning of the Act.

5. Claim of _____, No. 146-35-4557, in which the Attorney General proposed to disallow a loss resulting from a theft two years after the claimant had relocated, on the ground that the loss was not a natural consequence of the evacuation. JACL, while conceding that under the facts of the particular case, the loss did not appear to be attributable to the evacuation, argued that as one of the items stolen was a government check for relocation expenses, the claimant because of the theft had not been reimbursed for his relocation expense, which was a reasonable and natural consequence of the evacuation, and therefore claimant's relocation expense should be allowable as a loss within the meaning of the Act.

APPENDIX B - (A list of precedent-setting adjudications and a brief summary of the precedents they establish.)

1. Claim of Tosh Shimomayo, No. 146-35-270 ($449.40) Claimant, just prior to evacuation, sold personal property at a loss. The Attorney General took judicial notice of "The circumstances of haste, hysteria and confusion present in such an evacuation of a whole people," made a finding that at the time of evacuation "there prevailed a condition wherein a free market was not available on which claimant could have disposed of her property at a reasonable value," and concluded that a loss on the sale of personal property at the time of evacuation constituted a loss of real or personal property within the meaning of the Act, stating "It would be a strict and unrealistic construction of the Act to hold that the phrase 'loss of real or personal property' comprehends only losses of tangible property or of incorporeal property rights. Such a construction would

Claims Act with its present requirements as to proof of loss, if it were felt that the specified indemnity would not adequately reimburse the claimant for the losses suffered as a result of the evacuation. It is felt that an indemnity program with its non-requirement of proof of loss would be one that could be most speedily administered, and that many claimants would take advantage of its provisions, even though they might have valid claims for a larger amount, in view of the fact that many families might feel that $1,000 today is worth more than $2,000 ten years from now. In any event, the acceptance of an indemnity, as previously pointed out, would be purely optional with the claimant.

In the meantime, JACL has reached a working agreement with the Department of Justice whereby all proposed adjudications adverse to the claimant are submitted to the JACL for comment prior to being finally promulgated. As a result of this agreement, Ed Ennis and Dave McKibbin, on behalf of JACL, have submitted briefs in opposition to such proposed adverse adjudications, and as a result of the first two briefs submitted, the Attorney General has revised his proposed adjudications, all to the benefit of the claimants. No action has as yet been taken by the Attorney General with regard to the subsequent briefs submitted.

To date, five proposed adverse adjudications have been received by JACL from the Attorney General, (See Appendix A) in which the Attorney General proposed to disallow (1) pre-evacuation and post-evacuation expenses, (2) loss on the sale of alleged contraband, (3) loss on the pre-evacuation sale of a truck and the post-evacuation sale of a produce exchange, (4) post-evacuation living and re-employment expenses, and (5) loss resulting from a post-evacuation theft.

The JACL will continue to submit briefs in opposition to future proposed adverse adjudications as they are received from the Department in an attempt to insure that claimants will receive all the benefits of the Act to which they are entitled.

In addition, as the field office has decided several issues adversely to the claimants, JACL has also submitted briefs on "Good-Will" and "Community Property Claims by Internees" contending the loss on sale of "good will" constitutes an allowable loss under the Act, and also that claims for loss on the sale of community property should be allowable in full, although the husband was an internee. Furthermore, several briefs have been submitted by JACL in support of objections filed against proposed field office adjudications.

The Attorney General has promulgated a number of precendent-setting adjudications, and has adopted a practice of mimeographing all such adjudications, and of distributing them not only to government attorneys in the field offices, but also to all interested attorneys on his mailing list. A request to the Attorney General is all that is required to be placed on the mailing list.

Nine precedent-setting adjudications have been promulgated to date by the Attorney General, (See Appendix B) establishing (1) that loss on the pre-evacuation sale of property is allowable, (2) that loss resulting from theft of property stored prior to evacuation is allowable, (3) that a 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) loss resulting from theft of stored property, again allowable, (6) that evidence of claimant's loss may consist almost entirely of his own sworn statement, (7) that expenditures for storage losses are allowable, (8) that loss resulting from abandonment, under certain circumstances, is allowable, and (9) that in allowing loss on the sale of a car, the claimant's statement of loss is in the nature of a statement against interest.

The Department of Justice has shown a rather narrow and restrictive tendency in adjudicating claims, which the JACL is seeking to overcome, in order that a policy of liberal interpretation of the Act may be attained, as the Act constitutes remedial legislation, and should be liberally construed. The JACL will continue to press for larger administrative appropriations as it has done in the past, and will explore all possibilities in an attempt to expedite the program. In the meantime, JACL will work as best it can with the limited tools at hand."

APPENDIX A - (A list of such proposed adverse adjudications and a very brief summary of their contents and the arguments advanced by the JACL in opposition to them. Identifying names have been removed by the Attorney General prior to

The Department of Justice has submitted to the Bureau of the Budget an estimate that it would require an administrative appropriation of $2,000,000 a year in order to complete the program in five years, and until the appropriation for administrative expense begins to approach that figure, it will retain the aspects of an extremely long range program.

Several experiments are being undertaken by the Department in an effort to expedite the program. The first involves an attempt to arrive at a "general average" of loss with regard to particular categories, and then, without further proof, apply that average to all claims falling within the particular category. This is an attempt to follow the procedure established by the Canadian Evacuation Claims Commission, which applied the method with considerable success, although a different situation prevailed in Canada, in view of the fact that there a Custodian was appointed at the time of evacuation to administer evacuee property. Payette, Idaho has been selected as the first site for the experiment, as all of the claimants are in the same Farm Security Administration camp, most of them came from approximately the same area before the war, and most of them had about the same economic status and followed the same occupations.

The second experiment, also being conducted at Payette, is the so-called "waiver" system, under which the claimant waives a right to a hearing, and merely stipulates a figure he would be willing to accept in settlement of his claim. On the basis of the executed waiver, and any other affidavit or information that the claimant wishes to offer in support of the stipulated figure, the claim is submitted. The Department will then check its own sources of information, and if the facts that it uncovers do not indicate that the stipulated figure is out of line, a settlement may be effected on that basis. Although the waiver provides that the settlement figure, in the event that it is rejected, shall be without prejudice to a determination of the claim in the usual manner after a hearing, there is a danger that the amount stipulated in the waiver may become the maximum allowable in any event. However, it is possible, depending on the manner in which the system is operated, that the processing of claims may be expedited.

But, in view of the limited personnel and administrative appropriation, the mentioned experiments, even if moderately successful, will not provide a complete answer to the problem, and proposed amendments to the Act and also new legislation is being considered as a means of speeding up the program. Some of the proposed amendments would serve the purpose of simplifying procedure, clarifying doubtful points, providing for the allowance of evacuation expenses, and authorizing the allowance of amendments increasing the amount claimed. Another amendment would authorize the Attorney General to settle claims for an amount not exceeding 50% of the amount of the claim as originally filed, which settlement would be payable, without limitation as to amount, out of funds available to the Attorney General for the payment of claims and without prior approval of Congress. It is felt that such provisions would tend to induce the Attorney General to settle claims, and that a prompt payment of such settlements would tend to induce claimants to settle.

Another proposed amendment, affecting claims not exceeding $2,500, would authorize the Attorney General, upon being satisfied that a claimant met the jurisdisctional requirements of the Act, to pay immediately to such claimant 25 per cent of the amount of his claim as originally filed, subject to a final determination of the claim. If the final award were greater than the amount of the 25 per cent of the claim already paid, then the claimant would be paid the difference; if the final award were less, then the government would be entitled to a refund of the difference. It is felt that one of the main purposes of the Act is the social rehabilitation of the Japanese evacuees, and this can be accomplished only by the prompt payment of claims, particularly to the neediest claimants, who generally fall into the group presenting claims of $2,500 and under. Additional proposed amendments are also being considered.

The new legislation being considered would merely be supplemental to the existing Act, and would provide for a lump sum indemnity of $500 to be paid without any proof of loss to every evacuee of the age of 18 years or over, and of $100 to every person between the ages of 14 and 18 at the time of evacuation. This indemnity payment, however, would be on an elective basis. In other words, a claimant would have an option either to claim for an indemnity without proof of loss, or to continue prosecution of a claim presented under the Evacuation

appropriation granted the Department of Justice is only $250,000. The Department had been hoping for a higher figure of $300,000, which had been approved by the Senate, but in conference $50,000 was lopped off the proposed administrative figure of $300,000 and added to the amount available for the payment of claims, which is now $1,050,000.

It is unlikely that the present administrative appropriation will enable the Department to adopt any of the recommendations that JACL has made in an attempt to expedite the program. At the present time, the field office in Los Angeles is composed of nine attorneys, two interpreters, and seven secretaries. The field office in San Francisco has only four attorneys, one interpreter and three secretaries. The average rate of processing is about five claims per man per month, so that the rate of processing for both field offices, with an aggregate of 13 attorneys, may average around 800 claims annually. With 24,000 claims to process, the program takes on the aspect of a 30-year war of attrition with the battle lines drawn as to whether death or an award will first reach the claimant.

It should also be noted that the rate of adjudication by the Department in Washington, D.C. is even lower than the rate of processing in the field office. The first annual report of the Attorney General to the Congress showed that only 21 claims had been adjudicated as of the end of the calendar year 1949, of which only one had been paid. And Peyton Ford, the Assistant to the Attorney General, has stated that "As of May 10, 1950, 113 claims have been adjudicated or were in the final stages of adjudication after having been reported in from the field offices." No figures indicating the number of adjudications rendered to date are available, and it will probably be necessary to await the next Annual Report of the Attorney General to the Congress due in early January, 1951 to determine the number of claims adjudicated during the present calendar year. It may be predicted, however, that the figure will not exceed 500.

JACL has recommended that the staffs of both field office and of the Washington office be substantially increased so as to increase the rate of processing and adjudication. JACL had also recommended that additional field offices be established to process claims of persons outside the California area, and it is understood that the Department had planned to open additional field offices in Chicago to process Middle West claims, and in Washington, D.C. to process Eastern claims had the higher administrative figure of $300,000 been allocated.

At the present time, field office attorneys have to themselves conduct investigations on the claims they are handling, which often requires a considerable expenditure of time. JACL has recommended that an investigative unit be added to each field office to conduct all necessary investigations to relieve field office attorneys of this obligation, so that they might devote the time now consumed in investigations to the processing of claims and, thereby increase the rate of processing.

It has also been recommended that an attorney be assigned from time to time to conduct hearings in the field where substantial groups of claimants are congregated, such as in San Diego, so as to avoid the time and expense involved in claimant's coming all the way to Los Angeles for hearings on their claims. The Attorney General has not yet acted on such recommendations and, as previously indicated, whether the Department's administrative appropriation for the current fiscal year will permit of adoption of any of them is exceedingly doubtful. It is clear that the present appropriation is woefully inadequate to administer a program of this extent and magnitude, and no substantial increase in the rate of adjudication can be expected. In his testimony before the Senate Subcommittee of the Committee on Appropriations on May 17, 1950, Peyton Ford, the Assistant to the Attorney General stated: "However, the limitation upon the use of that appropriation to $250,000 for the purpose of paying administrative expenses would seriously retard the prosecution of the program and, in consequence, would in the long run cost the government much more in administrative overhead expenses than would be the case if provisions were made for expeditious adjudication of the claims. Finally, a 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."

exclusion of such persons. Over 24,000 claims, totaling in excess of $130,000,000 have been filed under the Act, from almost all of the states of the Union and also from Alaska, District of Columbia, Hawaii, Formosa and Japan. Over two-thirds of the claims were filed from California. The next largest group of claims was from Illinois and Washington, with some 1,750 from each state. About 2,500 claims amount to less than $500, while some 75 claims amount to more than $100,000. The largest claim is in excess of $1,000,000. The other claims range in the intermediate amounts, and the average of all claims comes to more than $5,000.

Claims under the Act are filed with the Attorney General who, thereupon, assigns a file number to each claim and notifies the claimant of the receipt of his claim and the file number assigned to it. The Attorney General then forwards the claim to the appropriate field office in the area in which the claimant is located. Normally, the field office examines the claim and schedules the date for hearing of which the claimant is notified. In most cases, the field office requires the claimant to fill out an additional claim form (JCLA 1) and submit it prior to the hearing. In certain cases when a claimant is ill, of advanced age, or is desirous of leaving the country, he may request the field office to accord him an early hearing which is usually granted. The claimant appears at the hearing with or without an attorney and with such witnesses as he may wish to testify in his behalf. The claimant is advised by the field office attorney conducting the hearing that he may have a hearing before an independent hearing examiner or may waive such formal hearing and have his claim adjudicated by the Attorney General. To date, all claimants have waived formal hearings and have consented to an adjudication of the claim by the Attorney General. The informal hearing proceeds, with the claimant and his witnesses, if any, being examined about the nature, circumstances and extent of his alleged loss. This hearing is normally transcribed. After this examination is completed and all points have been covered, the hearing is adjourned unless the claimant has further testimony or evidence to offer, in which event it may be recessed until a later date. The field office attorney then conducts such investigation as he may deem necessary to corroborate the claimant's testimony, and then prepares a tentative field office adjudication making findings of fact and conclusions of law which is forwarded to the claimant. Claimant may then either acquiesce in the field office adjudication or file objections to it. If objections are filed, the field office may or may not revise its adjudication, and the entire file with acquiescence in or with objection to the adjudication is forwarded to the Department of Justice in Washington. The Department then examines the file and may promulgate a final adjudication either in accord with or in contradiction to the field office adjudication, and either make an award or dismiss the claim accordingly. In some cases where the Department feels that relevant points have not been covered, it may remand the case to the field office for an additional hearing in order to develop further facts. The claimant is notified of the final disposition of his claim by receiving a copy of the final adjudication from the Attorney General, either making an award or dismissing the claim. If an award is made, and it is under $2,500, payment may be made by the Attorney General out of the funds made available to him by Congress for the payment of such claim. If the award exceeds $2,500, and no award to date has exceeded that amount, payment is made in like manner as are final judgments of the court of claims, and some delay is normally involved. Payment of an award or dismissal of a claim, unless set aside by the Attorney General, is final and conclusive.

To date, almost nine months after the deadline for the filing of claims on January 3, 1950, under one per cent of the claims have been processed, less adjudicated and even fewer paid. Of the claims adjudicated, the average of the amounts paid or recommended for payment runs to approximately 50 per cent of the amounts claimed. However, practically all of these claims involve the so-called "pots and pans" cases under $1,000 and cannot be considered a reliable guide with reference to future adjudications, particularly those involving larger amounts. Several factors are responsible for the delay in adjudication. First, the Act itself raised many questions of law which required, and will continue to require, time and deliberation for their resolution; secondly, field offices in Los Angeles and San Francisco had to be set up and staffed, and usual organizational difficulties overcome; and, finally, and most important, the Department of Justice, the agency charged with the administration of the Act, is hampered by a lack of funds for the proper administration of the program.

For the present fiscal year ending June 31, 1951, the administrative

the evacuees who had sustained the losses.

The present dilatory procedure is not only wasting taxpayers' money but defeating the intent of Congress. The expectation of the American public and the claimants is being undermined and defeated.

In the name of Justice, we believe those in charge of this evacuation claims program have the responsibility of speeding up the payments on a liberal basis without quibbling about small details.

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Saburo Kido, National JACL Legal Counsel, then remarked that although JACL can claim credit for the evacuation claims law, unless JACL takes a hand, the claims program would do the Japanese people no good for some time to come, and that the time had come for political pressure to expedite the program.

He outlined the present procedure as he had observed it working out in the Los Angeles office of the Department of Justice. The claimant is called in for a conference with respect to his claim, a transcript is made of the conference with recommended adjudication to Washington, then Washington in turn usually remands the claim to the local office for additional information or further investigation.

He strongly recommended that JACL do everything possible to expedite the claims program.

Mike Masaoka stated that President Truman was aware of what is happening and has sent the Bureau of Budget instructions to work out a plan to liquidate the claims program in ten years.

Masaoka made the following report as to the claims:

Total number of claims.....24,409, of which 720 were for no specified amount, leaving 23,689 claims for a total of $131,941,176.68.

The breakdown of this total figure is as follows:

2,413	claims	under $500			
3,385	"	between $	500	and $	1,000
8,409	"	"	$ 1,000	" $	2,500
4,066	"	"	$ 2,500	" $	5,000
4,630	"	"	$ 5,000	" $	25,000
709	"	"	$25,000	" $	100,000
77	"	over $100,000			

Claims were filed from 44 states, with none from Maine, Rhode Island, South Carolina, and Tennessee. California had the most claims with 16,578, Illinois had 1,712, 601 were filed from Hawaii, 33 from Alaska, and 46 from Japan.

Masaoka stated that of the total amount asked of Congress for the claims program, 3% is estimated for administration expenses. He further stated that the Issei in attendance at the JACL-ADC meeting had expressed willingness to settle for one third of the amount of their claims if they would be assured of speedy payment.

At this point, copies of a report by David McKibbin, JACL Evacuation Claims Attorney, were distributed. (This report is included herewith to serve as a frame of reference for the discussion on evacuation claims.)

THE EVACUATION CLAIMS PROGRAM
REPORT TO THE JACL NATIONAL CONVENTION
September 28, 1950 Chicago, Ill.

As a result of the unremitting efforts of the Japanese American Citizens League and Mike Masaoka, its national legislative director in Washington, D.C., the Eightieth Congress on July 2, 1948, enacted the Evacuation Claims Act, which, with specified exceptions, authorizes the Attorney General to determine claims of persons of Japanese ancestry for damage to or loss of real or personal property that is a reasonable and natural consequence of the evacuation or

the general slowness of the claims program, the overtechnical attitude of the Justice Department, said that the difficult cases were being shelved. At the present time, any adverse adjudications are being submitted to the JACL prior to the final decision so that JACL can study and file a brief in opposition. He went on to suggest what might be done about the situation, namely, complain to the Justice Department and Congress about the slowness of the program, pointing out that only 12 claims had been completely adjudicated in a year, or certain legislative amendments might be introduced to speed up the payments or suggest a program of indemnification.

Mike Masaoka, National Legislative Director, read into the record an editorial appearing in the Los Angeles NEW JAPANESE AMERICAN on September 22, 1950 which he characterized "a good description of the present situation".

WASTE OF TAXPAYERS' MONEY

Considerable gloom has settled over the prospects of getting any money under the present evacuation claims law. More and more claimants advanced in years are passing away. And more claimants are beginning to say, "Oh, what's the use!"

When claimants who had hearings early this year still have not been paid and when the amount of loss involved is a few hundred dollars, it is discouraging to those who have larger claims and who still have not had a hearing.

The comments made about the evacuation claims processing indicate that a new set of legal precedents are being set. In plain language, the evacuation claims division is groping its way to compile a new set of laws after reviewing the various claims. The reason for this is that it has to proceed "according to law". This is going to take time when the department is trying to be careful that it will not be subject to criticism about making the wrong decisions.

The most obvious obstacle to speedy adjudication is the great amount of "paper work" involved. This will continue to remain one of the serious bottle necks. The long adjudications which are being written consume a great deal of the time of the attorneys. The justification seems to lie in the fact that the law requires that a "written record shall be kept of all hearings and proceedings under this Act and shall be open to public inspection". The question which arises in the layman's mind is whether Congress intended such legal documents have to be made a part of the record or not.

The charge that the department is over-legalistic seems to be well founded. Administratively speaking, there should be some way to make short cuts so that the production record of the individual attorneys handling the claims may be speeded up.

Despite the many other obstacles to speed up the entire process, we still believe that some solution will be found. We believe the claimants are overly pessimistic. Many are saying that the law was passed to make us feel happy but was not intended to give us any money. Congress does not pass laws merely to tease the people.

If anyone is to be blamed, it is the administration at Washington, D. C. It has the responsibility to find the solution to the present impasse. If there is no administrative solution, it should ask Congress for relief. The present muddling through technique is going to bring repurcussions as a waste of taxpayers' money. It must be stopped.

We know a break will come soon. A Congressional investigation may be launched when the 82nd Congress convenes. Public money cannot be expended without producing the necessary results. It is inconceivable that the cost of paying out claims will be equal or double the amount of money paid out as claims. Such a situation defeats the purpose of the law. Furthermore, the delay in payments is compounding the injustice.

Those in charge of this evacuation claims program in Washington, D. C. must understand the background of the evacuation. They must be sympathetic with the intent of the law. The heart must speak louder than legalistic quibbling. No one expects a new set of laws to be made under this act. The payments were expected to be speedy in order to aid in the rehabilitation of