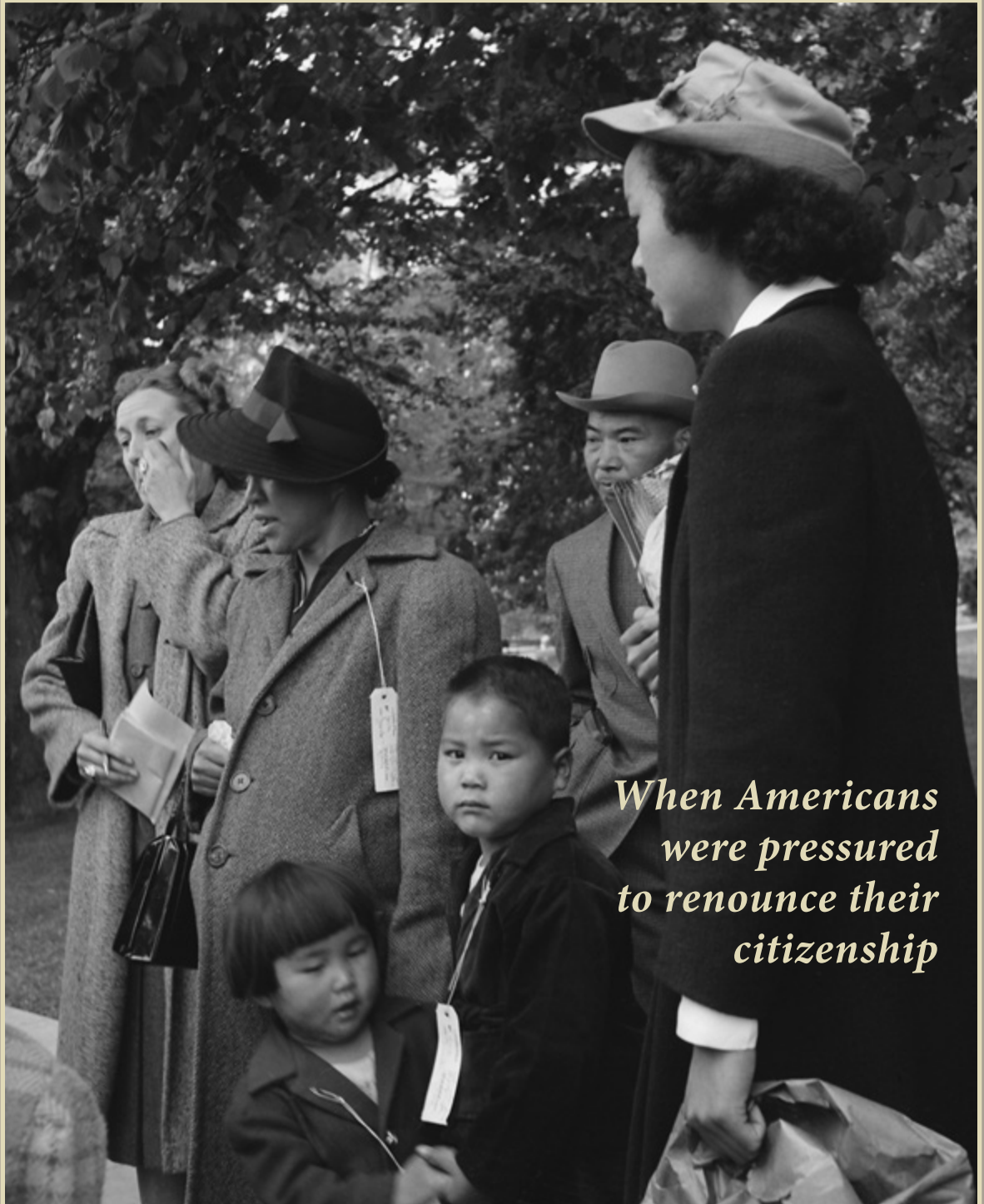




CALIFORNIA SUPREME COURT  
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# Review

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*When Americans  
were pressured  
to renounce their  
citizenship*



*At the Tule Lake Segregation Center, Japanese-American resistance terrified the War Relocation Authority, which sent the U.S. Army to put it down.*

PHOTO: R.H. ROSS, WRA '44-'46. COURTESY OF THE TULE LAKE COMMITTEE

## *When Japanese Americans Were Pressured to Renounce Their U.S. Citizenship*

BY JOHN S. CARAGOZIAN AND DONALD E. WARNER\*

THE FEDERAL GOVERNMENT'S ignoble mass imprisonment of 120,000 Japanese Americans during World War II has a postscript: In 1944 and 1945, thousands of prisoners were pressured to and did renounce their U.S. citizenship. Later, many who had renounced tried to cancel their renunciations. The government's response to these attempted cancellations displayed belated enlightenment, but also inconsistencies and residual stereotyping of Japanese Americans.

As background, all Japanese Americans, citizens and aliens alike — and without any accusation, much less proof of disloyalty or other wrongdoing — were subject to Executive Order 9066 and related federal statutes.

Under that authority, beginning in 1942, the U.S. Army imposed a mass curfew on all 120,000 Japanese Americans living on the U.S. mainland's West Coast. Later that same year, the Army "evacuated" all Japanese

Americans from the West Coast and imprisoned them in euphemistically named "relocation centers."

As recounted by the United States Court of Appeals for the Ninth Circuit in its seminal renunciation case, *Acheson v. Murakami*, the imprisonment occurred with less than one week's notice, and Japanese Americans were required to bring their own bedding, clothing, utensils, and other items, all of which had to be hand-carried.<sup>1</sup> "One has no difficulty imagining the thousands of families in which the mother must carry the babies, measuring the carrying capacity of each of the other children able to walk against the sacrifice of one or another household utensil, or book, or family treasure."<sup>2</sup>

Inadequate storage was available for household or business goods, with the result that, for example, doctors and lawyers lost "long built up practice[s]" and farmers lost crops after "years of soil improvement."<sup>3</sup>

The Ninth Circuit minced no words about the mass incarceration of supposedly free citizens: "[T]he beguiling words 'evacuation' meant deportation, 'evacuees' meant prison and their single rooms, some crowding in six persons, meant cells, as they in fact were."<sup>4</sup>

The harshest prison was at Tule Lake, in northeastern California. It was "like that of the prison camps of

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the Germans,” a “barbed wire stockade” guarded by soldiers in turrets with machine guns. The Japanese Americans there were treated with a “Nazi-like doctrine of inherited racial enmity.”<sup>5</sup>

Tule Lake’s 18,000 prisoners were crowded into cold and flimsy barracks, fed “unpalatable food,” and had to use remote and unheated latrines. As noted by the Ninth Circuit, “[N]o federal penitentiary so treats its adult prisoners.”<sup>6</sup>

Although other prisons for Japanese Americans could be similarly condemned, Tule Lake also had a high concentration of Japanese Americans who were particularly suspected of disloyalty. Several factors contributed to the situation at Tule Lake, the primary being the government’s decision to turn the camp into the Tule Lake Segregation Center. This grew from the “Loyalty Review Program,” which principally consisted of a questionnaire administered to internees in all the camps. Two of the questions — “Are you willing to serve in the armed forces of the U.S. on combat duty . . . ?” and “Do you swear unqualified allegiance to the U.S. . . . ?” — were designed to identify internees whose loyalty had switched to (or had always been with) Japan. Those who answered those questions “wrongly” — along with, in some cases, their families who were suspected of nothing — were sent to Tule Lake.<sup>7</sup>

As a result, Tule Lake had a core of citizens and aliens who were pro-Japanese and anti-U.S. Beginning in late 1943 and continuing into 1945, these Japanese nationalists formed gangs that terrorized the other Tule Lake prisoners. “[G]oons and strong arm boys” subjected their fellow prisoners to daily intimidation, with a prison-wide “hysterical frenzy” being a result.<sup>8</sup> In 1944 and 1945, nationalist gangs beat, stabbed, and even murdered other Tule Lake prisoners who dared oppose the gangs. This intimidation extended to attacks on family members of those opposing the gangs.<sup>9</sup>

Camp administrators met these gang activities with measures more commonly used in centers where criminals were detained, including incarceration in a stockade that had acutely inadequate food and heating in the winter.<sup>10</sup> A final deterioration occurred when a fatal farm truck accident led to an October, 1943 general strike of Tule Lake’s farm workers (that is, prisoners who were hired out to local farmers or who worked in Tule Lake’s own fields). When the workers elected a negotiating committee, the committee’s members were incarcerated in the stockade. When committee members were replaced, the replacements were jailed as well. Mass meetings, which may have been seen by camp administration as mobs, resulted.<sup>11</sup>

In response to the unrest, the government declared martial law at Tule Lake. It increased the U.S. Army’s military police presence fivefold, to battalion strength. Even after martial law was lifted, nationalist gangs terrorized other prisoners. In February 1945, “the anxiety and panic

of the [Tule Lake] residents reached a new peak. Lawlessness, gangsterism, and hoodlumism prevailed . . . .”<sup>12</sup>

The government recognized the severity of this anti-Americanism. One could even say it pounced on the opportunity to permanently remove the “bad apples.” On July 1, 1944, Congress amended the Nationality Act to allow U.S. citizens to renounce their citizenship while on U.S. soil.<sup>13</sup> (Prior to this amendment, renunciation could occur only when the citizen was abroad and renounced at a U.S. embassy or consulate.) The amendment’s purpose was to allow U.S. citizens who



TOP: Farm families of Japanese ancestry in Byron, California boarding buses for Turlock Assembly center 65 miles away.

BOTTOM: Following evacuation orders, this store in Oakland, California was closed. The owner, a University of California graduate of Japanese descent, placed the “I Am an American” sign on the store front on Dec. 8, the day after Pearl Harbor.

PHOTOS BY DOROTHEA LANGE,  
NATIONAL ARCHIVES, WAR RELOCATION AUTHORITY



*At Tule Lake Segregation Center, countless goodbyes took place through fences.*

PHOTO: R.H. ROSS, WRA '44-'46.

were pro-Japan and anti-U.S. to renounce their citizenship while imprisoned in the U.S., thereby transforming them into “enemy aliens.” Enemy aliens, in turn, could be further segregated and could be subject to the U.S. Department of Justice’s jurisdiction, which included deportation.<sup>14</sup>

Following enactment of this renunciation amendment, Tule Lake’s still-powerful Japanese nationalist gangs intimidated citizens to renounce their citizenship. Tule Lake prisoners were also concerned with outside threats if they remained in the U.S. Japanese Americans feared mob violence — even murder — if they returned to their homes, especially after Army General John De Witt, who

supervised the prisons, publically stated, “A Jap is a Jap,” and must be “wiped off the map.”<sup>15</sup>

As a result of the terror inside Tule Lake and the fears about outside, most U.S. citizens at Tule Lake renounced their citizenship.<sup>16</sup>

The U.S. Supreme Court had upheld the curfew and the evacuation of Japanese Americans.<sup>17</sup> However, on December 18, 1944, the Supreme Court ruled in *Ex Parte Endo* that the Army lacked authority for the mass imprisonment (though the majority opinion failed to reach a decision on the imprisonment’s constitutionality).<sup>18</sup>

After Tule Lake began to release prisoners in the wake of *Endo*, after some Japanese Americans eventually returned to their homes, and after Japan’s surrender, many citizens who had renounced their citizenship changed their

postures: They wished to remain in the U.S. as citizens.

In 1949, in *Acheson v. Murakami*, Miye Mae Murakami and two other U.S. citizens of Japanese ancestry sued to cancel their 1944 and 1945 renunciations. All three had been married to Japanese aliens, had been imprisoned at Tule Lake, and “were free of any suspicion of disloyalty.” After narrating the above treatment of these citizens, the Ninth Circuit unanimously ruled that the three renunciations had been the result of “mental fear, intimidation, and coercion” and were therefore cancelled.<sup>19</sup>

Although the three *Acheson v. Murakami* plaintiffs obtained their prayed-for relief, including restoration of their U.S. citizenship, the decision did not directly



*For some 1,300 Japanese Americans who renounced their U.S. citizenship, the only way out of Tule Lake was a ship to a decimated, impoverished Japan.*

PHOTOS THIS PAGE: COURTESY OF THE TULE LAKE COMMITTEE

decide the fates of the thousands of other citizens who had renounced.

Two years later, in *McGrath v. Abo*, the Ninth Circuit dealt with a class action, eventually totaling 4,315 plaintiffs who wished to cancel their renunciations.<sup>20</sup> The court ruled that all citizens imprisoned at Tule Lake had been subjected to the same conditions described above and therefore were entitled to a rebuttable presumption that their renunciations were involuntary. Unless the government presented evidence that a Tule Lake prisoner's renunciation had been truly voluntary (in which case, an individual hearing would be triggered), then the citizen's renunciation would be cancelled without further proceedings.

*McGrath v. Abo*'s procedures have a common-sense appeal and, more important, worked, in that "almost all" Japanese Americans who sought to cancel their renunciations were successful in regaining their citizenship.<sup>21</sup>

Still, the procedures were imperfect, and the imperfections illustrated that burdens continued to be imposed on Japanese Americans. First, the court refused to accept a blanket affidavit concerning the "mental and physical fear" submitted by 1,400 of the plaintiffs. The court held that this "omnibus knowledge of the particular mental condition of . . . hundreds of persons is a patent absurdity."<sup>22</sup> Yet, nine years earlier, in 1942, courts had been willing to accept blanket treatment — including mass curfew and mass exclusion — of all Japanese Americans. In other words, one presumption (namely, disloyalty) was used against all citizens of Japanese ancestry, but the court stopped short of allowing another presumption (fear) to be used in favor of the same citizens.

A second flaw was that the court singled out a particular group of citizens — Kibei, citizens who had been sent to Japan for schooling. Because they "spent their formative years" there, the government was permitted to offer evidence that their renunciations had been voluntary. Why the renunciation cancellations of the Kibei were particularly suspect was left unexplained.<sup>23</sup>

A third flaw was that the 128 imprisoned citizens who renounced at locations other than Tule Lake would lack the benefit of any presumption of coercion.<sup>24</sup> Japanese Americans at other internment camps generally endured the same horrific conditions described in *Acheson v. Murakami*, save for the presence of Japanese nationalist gangs.

A fourth flaw was that citizens who were suspected of any disloyalty would be unable to cancel their renunciations. In the Ninth Circuit's decision in *Murakami v. Dulles*, Yoshio Murakami, while imprisoned at Poston, Arizona, had answered "no" to the two loyalty questions quoted above.<sup>25</sup>

After he was transferred to Tule Lake — with its "[v]iolent pro-Japanese detainees" who "knife slashed"

and murdered fellow prisoners suspected of being "friendly to the United States" — he renounced his U.S. citizenship and persisted in his renunciation through February 1945. The court seemed to conclude, without explanation, that Mr. Murakami's earlier expressions at Poston diminished the likelihood that he could have been coerced at Tule Lake.<sup>26</sup>

Perhaps these flaws can be explained — if not excused — by the times. In the early 1950s, when *McGrath v. Abo* and *Murakami v. Dulles* were decided, the U.S. was at war in Korea, and the Red Scare, epitomized by U.S. Senator Joseph McCarthy's destructive demagoguery, was at its peak. Suspected disloyalty was not easily excused during those years, even by federal judges who had so graphically condemned prior years of mistreatment of Japanese Americans. ★

#### ENDNOTES

1. *Acheson v. Murakami* (9th Cir. 1949) 176 F.2d 953, 954–55.
2. *Id.*, at 955.
3. *Id.*
4. *Id.*
5. *Id.*, at 954–55.
6. *Id.*, at 956, 960–61.
7. See Eric Muller, "All The Themes But One," 66 *U. Chicago L. Rev.* 1395, 1427 (1999). See also *Murakami v. Dulles* (9th Cir. 1955) 221 F.2d 588, 589; *Acheson v. Murakami*, *supra*, 176 F.2d at 960.
8. 176 F.2d at 961–63.
9. *Id.*
10. See generally Barbara Takei and Judy Tachibana, *Tule Lake Revisited*. San Francisco: Tule Lake Committee, Inc., 2001, 17.
11. *Id.*
12. 176 F.2d at 965.
13. 8 U.S.C. § 801(i).
14. 176 F.2d at 962.
15. *Id.*, at 958.
16. *Id.*, at 965.
17. *Hirabayashi v. United States* (1943) 320 U.S. 81; *Korematsu v. United States* (1944) 323 U.S. 214.
18. *Ex parte Endo* (1944) 323 U.S. 283.
19. 176 F.2d at 959.
20. *McGrath v. Abo* (9th Cir. 1951) 186 F.2d 766.
21. See Cherstin Lyon, *Prisons and Patriots: Japanese-American Wartime Citizenship, Civil Disobedience and Historical Memory*. Philadelphia: Temple Univ. Press, 2011, 181.
22. 186 F.2d at 773.
23. *Id.*, at 774.
24. *Id.*
25. 221 F.2d at 589.
26. *Id.*