

STATEMENT BY

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## SUMMARY

This testimony comments on the quality of the historical information in the Report of the Commission on Wartime Relocation and Internment of Civilians. It concludes that the report is more a legal brief for the victims of relocation than a history of professional quality. Briefs can legitimately stress information that best protects the interests of clients. Historians, however, must present all the available information and treat it without fear or favor. A legal brief attempts to ensure justice; an historical work seeks unvarnished truth. The subject report, for example, gives little space or analysis to at least two important subjects, one the history of concern about Japanese aggression prior to 1942 and the other the confused context in which the decision makers of 1942 had to deal with the question of Japanese immigrants and their descendants. The nation has already accepted the view that the actions of 1942 were tragically unjust. The question here is whether the report is history of high quality. The answer is in the negative.



MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appear before you to offer my professional opinion as an historian about quality of the historical information contained in the Report of the Commission on Wartime Relocation and Internment of Civilians. I do not intend to present opinions concerning the desirability of legislative proposals before you, nor am I in a position to express an Administration view on any legislation on this subject.

This report strikes me as essentially in the form of a legal brief rather than a history. Historical information in this brief serves a specific purpose--to present the case against the government in the most favorable light. Such an approach means that factual information is selected to serve the interest of the client. It means also that the facts are ordered and interpreted so as to provide the best support for the client. The brief seeks to determine what happened during the relocation and why events developed as they did. All is calculated to support the conclusion that the government denied personal justice to those interned during the World War II. Facts and arguments that might tend to support a contrary conclusion are either excluded or rejected. The brief seeks justice for the client. Decisions concerning the whole truth are left to the jury--in this case the Congress.

An historian seeks to find answers to the same questions raised in the report--What happened? Why did things happen as they did?--but he proceeds in a very different way. His energies are devoted to acquiring all the data that might possibly bear on the issue regardless of its consequences for the parties; to



subjecting that evidence to rigorous impartial tests; and to deciding what the evidence suggests without fear or favor. Ultimately the historian, in passing judgment on the events he chronicles, acts as a jury. Unlike the lawyer, he cannot leave the whole truth to others.

Let me attempt in my limited time to indicate the differences between the report and a fully professional history of the relocation. This task can be accomplished by concentrating on a critical issue as for an example: Was there a military necessity for the relocation? The report considers information concerning claims for the existence of a military necessity for relocation in 1942 and concludes that no basis existed for such action. In that event, what explains the government's decision? The report traces the history of prejudice and discrimination against Japanese immigrants and their descendants and claims that the government responded to the wishes of those with an interest in taking action against them. Such actions were patently illegal and immoral, and constituted a great injustice. Those who attempted to justify the government's behavior, such as the responsible military commander in California and the government counsel in the Hirabayashi case, are dismissed as failing to provide plausible support for an explanation that depended heavily on the claim of a military necessity in 1942.

Let me note briefly some considerations that an historian might have introduced--considerations conspicuously absent or given no credence in the report of the Commission.

1. Little space is given to the existence of a long history of rising concern about the growth of Japanese expansionism and its adverse consequences for national security--a concern that bred distrust of the Japanese settlers among many in the national security community as well as among the general public.



The authors of the report appear to feel that such attitudes were simply a cloak for prejudice. In any event the discussion of concern about Japanese expansion appears to be insufficiently comprehensive and balanced by comparison with the coverage of prejudice against the Japanese immigrants and their descendents. The author of a legal brief for victims of relocation has no obligation to provide comprehensive and balanced information, but the historian must do so.

2. War is an ultimate political crisis, and it places national leaders under the most severe pressure. Such was the case early in 1942, when the nation experienced defeat after defeat at the hands of Japanese military and naval forces. Those who decided on relocation had to deal with a multitude of other questions that they deemed of greater importance. The issue did not receive anything like the attention that it deserved. In any event military decisions often reflect a "worst-case" point of view, in which capabilities rather than intentions largely determine the outcome. Even if it is established that the arguments based on military necessity were invalid, it is possible to argue that the decision makers acted in good faith and not on the basis of unseemly motives. The report, however, does not give extensive coverage to this aspect of the situation. To repeat, the author of a legal brief has no obligation to treat this subject, if it is not deemed helpful to his client. An historian, however, has no such freedom of action.

This type of criticism could be extended much further; I hope that I have clarified the reasons why I cannot accept the historical information and conclusions offered in this report as authoritative from the viewpoint of a professional historian.



Let me now say that prior treatments, among them histories of an authoritative character, have convinced historians generally and along with them the whole American people that the relocation of 1942 was one of the most tragic and unjust events in our national experience. This consensus led to the Congressional decision of 1948 to compensate the victims of relocation. It is difficult to imagine circumstances that could lead to a reversal of the national recognition that the country erred terribly in 1942. Nevertheless, it is entirely possible to admit the error of 1942 without accepting the view that it rested entirely on prejudice. A case can be made that the decision of 1942 stemmed in part at least from a sincere belief that it was a requirement of military necessity, even if prejudice also played a significant role. An historian might come to such a conclusion on the basis of an impartial evaluation of evidence. It is difficult to see how a legal brief for the victims of relocation could do so. I do not mean to suggest that the explanation of an error excuses it. The truth simply explains how and why the error came to occur.

The story of relocation, I suspect, is much more complicated than the report would have it, and the causes appear to be much more diverse and obscure than the report suggests. To summarize what I have noted above, the purpose of the report does not seem to have been to present an historical account that meets professional standards but rather to argue the best possible case for the victims of government actions in 1942. I have no quarrel with those who prepared this brief. I simply am unable to certify this brief as a credible piece of history. It simply doesn't measure up to professional standards. Unfortunately a good brief may be poor history, and poor history might make a good brief.

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