

Attorneys charge U.S. Government lied in Japanese internment

By SPENCER SHERMAN

SAN FRANCISCO (UPI) The Supreme Court authorized the jailing of 120,000 Japanese during World War II based on Army and Justice Department lies about the Japanese-American wartime security threat, lawyers for three interned men charged Wednesday.

The charges including allegations the government made up false charges of radio communications with enemy ships are contained in a request by the three men to the federal courts to reverse their criminal convictions for refusing to submit to internment in 1942.

Government documents included in the lawsuit, uncovered through the Freedom of Information Act, show the federal government misled the court into believing the internal threat from Japanese-Americans was greater than it was, said attorney Donald Tamaki.

Internment orders issued to 120,000 Japanese-Americans were validated by the high court in 1943 and 1944 when it ruled the Army used its war powers legally to order the evacuation and internment of Japanese-Americans in the western United States.

"I remember 40 years ago, June, 1943, rattling in a stinking cell in Multnomah County Jail, Portland, Oregon. It could be justified if we can correct the grave injustice," said Minoru Yasui, of Denver, Colo.

Yasui, Fred Korematsu, Oakland, Calif., and Gordon Hirabayashi, Seattle, challenged their internment all the way to the Supreme Court in the 1940s and their cases were used to legalize the internment process.

The three spent the war interned after the Supreme Court upheld their convictions.

"We are asking the courts to remove the darkest blot on American history," said Attorney Dale Minami, "We are asking not just for symbolism. We are asking for something very simple justice that was denied to these men 40 years ago."

"The evidence that should have been available 40 years ago is available now," said Constitutional Law Professor Peter Irons, of the University of California, San Diego.

That evidence shows a 1944 memorandum from Edward Ennis of the Alien control Unit of the U.S. Attorney's office which said, "It is highly unfair to this racial minority that these lies being put out in official publications go uncorrected."

The official publication referred to an Army report, released by Gen. John L. Dewitt, that accused Japanese in America of being a threat to the national security, despite information to the contrary from government investigators.

The attorneys said the Federal Communications Commission and the FBI found no evidence of short-wave communications between Japanese-Americans and enemy ships in the Pacific Ocean, as the Army had charged.

The original order of internment was filed in early 1942 by President Franklin D. Roosevelt.

As a result, some 75,000 Japanese-Americans and some 41,000 Japanese aliens living in the western coastal states were taken to camps in other states following the bombing of Pearl Harbor Dec. 7, 1941.

Many Japanese-Americans lost their homes and other property because the dislocation occurred so quickly, but the three men in the petition are not asking the government for monetary damages.

A federal commission on wartime internment is currently considering whether reparations should be paid to the internees.