

STATEMENT OF JACK KIYOTO TONO
Presented to the Subcommittee
on Administrative Law and Governmental Relation
of the Committee on the Judiciary, of
the United States House of Representatives

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Mr. Chairman, Members of the Subcommittee:

I am Jack Kiyoto Tono from Chicago, Illinois. I have testified in New York City before the Commission of Wartime Relocation and Internment of Civilians on Nov. 23, 1981. All the cases heard by the Commission, my testimony is one of it's kind relating to the Selective Service Administration and the trial of the draft resisters, and also of the Administration. Likewise this will be the first for this subcommittee.

Turning back the pages of the calendar some 40 plus years, the famous phrase on Dec. 7, 1941, "This is the day of infamy", still rings in my ears. But the true "day of infamy" came on Thursday, Feb. 19, 1942, when President Roosevelt signed Executive Order 9066, ordering all people of Japanese descent evacuated from the West Coast. This was done without any distinction between citizen or non-citizens; it was done to all of us.

The Administration delegated the responsibility in the hands of a racist General, who created a mass racial hysteria with his infamous statement, "A JAP IS A JAP". With the help from the economic group and the infamous racial slur, uprooting

of the Japanese descent began denying us of the human and civil rights without due process of the law.

To bring the humiliation and the injustices imposed upon the people of the Japanese descent to the national lime light, we defied the federal law, in order to bring our case to trial. That violation was refusing to report for our physical examination. There were other means, but no way in Hell were we going to compromise.

Spending time in various county jail since 3rd and 4th of April of 1944, the trial of the 63 draft resisters began on June 12, 1944. Our contentions at the trial were many. First and foremost rectify the evacuation and the detention of the citizens without the due process of law. Clarification of our citizenship. We did not totally opposed the conscription. We were ready to defend democracy: providing the government first restore the prewar livelihood of the Nisei and their families and provide them with security. Then and only then would we bear arms to defend the country.

The most humiliating event for us Nisei pertained to our Selective Service Administration status. I presume that this status applied to all Nisei of military age. Before the war, I was classified as 1-A. During the detention at Heart Mountain, I was reclassified to 4-F and, after about six months I was reclassified again to 4-C. As you may know, 4-C was given only to enemy aliens. In January of 1944, my status was changed once again: back to 1-A.

All of these changes took place without any medical or physical examination whatsoever, nor were we ever interviewed by security or the F. B. I. before we were reclassified as an enemy aliens. For me, a citizen of this country, this humiliation was unbearable. This kind of stupid manipulation again, must be first of it's kind in the history of United States. This is the Administrative level of mentality that questioned our loyalty. The word Democracy during the 1940 era was meaningless and to us it was void of the Bill of Rights which was stripped from us.

President Roosevelt said many, many times that it was the duty of the citizens to preserve democracy. I often asked myself, "What citizens? What democracy?" At that time, we were part-time citizens and part-time aliens.

Rights of citizens of this great country, incarcerated without due process or the democratic principles of "innocent until proven guilty," were lost by the wayside. I call this a "convenience democracy." It applied only when and where it was convenient for the government and when the bureaucrats saw fit; at other times, the Constitution was not worth the paper it was written on.

To this day I can recall the event that took place at the first day of our trial. When the judge was informing us of the agenda for the following day, he referred to us as, "YOU JAP BOYS", and then quickly corrected himself then and there

we knew we were up against a stacked deck. Here is a man, supposedly a man of high esteem and integrity, sitting on the federal bench, was nothing more than a racist and a bigot. On judgement day when the 3 years in the Federal Penitentiary was lowered, we weren't demoralized, we expected the inevitable because of the mentality level of the bench. And yet in the Northern California camp this group had the same format as ours from day one, and their case was dismissed because in the judges opinion, they were deprived of their liberty without due process of the law. These men were released a free man. The "Rubber Band Justice" of the 1940's, "Damned if you do and Damned if you don't".

We pursued our principles to the Appellate Court and the Supreme Court, but justice never prevailed. We were known as "Fujii vs. the United States." In our case, the high courts refused to meet the issue that the constitutional rights of the Nisei had been violated. Instead, they upheld the lower courts decision on technical procedural grounds rather than through legal reasoning. "Justice" is sometimes a farfetched and meaningless word.

Through all our adversities, we were able to endure the humiliations and hardships and upheld our dignity is because of what the Issei brought with them to this country, some of the most prized possessions of their rich, treasured philosophy and the doctrine of their heritage: dignity, honor, shame,

gratitude, compassion. Otagai translates into mutual respect; okage, indebtedness, owing to or fortunately.

These are the high moral standards and the code of ethics incorporated into our upbringing and which were applied to our daily rituals. Delinquency and crime were nil. Welfare? No one dared go on it for shame. Never did we ask for bilingual education; we did our own. Never did we ask that the standards of higher education be lowered; we met them. We met all of our challenges and obligations and pursued our livelihood with honor and dignity. With a doctrine such as this, one retains high regards for the environment and for humanity.

This country is made up of various ethnic groups. This is the melting pot of the world and there will always be strong ties to and pride in our heritage. Why do I put emphasis on our heritage? First, no other ethnic group lives by this philosophy and secondly, because the aforementioned philosophy is one of the basic ingredients of a true and democratic form of government.

This upbringing and the livelihood enabled us to lead a life nothing short of law abiding ethnic people of this country. Our event was the first of it's kind in the history of the United States, where one ethnic group because of the declaration of the war, we were condemned because of our facial features and our heritage were labeled as undesirables overnight. We had millions of Italian and German citizens and aliens at that time when United States was at war with the Facist and the Nazi.

The war cries by the racist and the bigots stirred by the economic pressure group was nothing but the greatest shame propaganda in the history of the United States.

In World War 11, Germany is the only other country that ever forced one ethnic group into Concentration Camps in the time of war; never had the benefit of a trial to determine their guilt or innocence, rounded up and put into camps like us. Without a question these people were guilty because of their heritage and nothing more. It is ironic that we went overseas to conquer Hitler when at home in the United States the very same national catastrophe took place. We, the people of the Japanese descent could only give thanks to our forefathers and the writer of the Constitution for sparing us the end result. It is also ironic that to this day we are living by and observing the laws of the same Constitution from the World War 11 era.

Forty-four years later, countries, organizations and the fortunates, living, are seeking these War Criminals of the German Prison Camps and bring them to trial and every one of them, found guilty of their acts of yesteryears. The latest, Andrija Artukovic, living in United States; extradited, tried and met his fate. We are seeking, not the lives of the Administrators, but the restitution for the injustices committed, detaining us under false pretext during the same era.

The F. B. I., the internal security department was against mass evacuation and also after the war, stated that no espionage

or subversive act was not committed by the peoples of the Japanese descent. President Ford admitted publicly that the government was in error to detain the people of the Japanese descent in the concentration camps. All this kind of rhetoric will nor cannot soothe the scars, loss of properties, humiliation, discriminations, hardships and the persecution endured by us.

The compensations asked by the internees are mere token atonement for their 3 years of detainment in the camps. When the government can afford to pay \$600 for a toilet seats - \$200 for an ordinary hammer or better than \$100 for a wire terminal ends which at the most costs \$1.00. Surely what we are asking is nothing compared to the governments waste spendings.

It's taking over 44 years to erase the smears on the Constitution and the history of this democratic nation. This smears involves 120,000 law abiding peoples of the Japanese descent, all have suffered, all are entitled to the compensation due to them. There are the deceased but they have their living heirs to claim their share and those unclaimed compensation their roots goes back to Japan where the compensation should be rewarded. Aliens or citizens we have proven our part , as law abiding people , the Administration and their personnel had their short coming, which deprived us of our peaceful livelihood . The restitution is way over due; let's clear the black clouds and the smear on the Constitution and make it work for everyone as it was written and observed.