Life was going its calm and orderly, if somewhat unnatural, way in Topaz, Utah, on the afternoon of January 28, 1943. . . . The teletype stuffed away in a corner of the telephone exchange room in administration building “A” began to clatter out a message. A few moments later, the operator laid a message before Mr. Hughes, who studied its wording carefully. Then suddenly he began to act. Telephone bells jangled in the offices of the division chiefs. It was as though an electric current on the loose was flashing through Topaz.

—Russell A. Bankson, WRA community analyst at Topaz

The teletype message that set off a flurry of activity in Topaz on January 28, 1943, came from Secretary of War Henry Stimson, who announced that the War Department had created a combat unit exclusively for the Nisei. Nisei volunteers could enlist for military service during a loyalty registration program. War Department representatives would come to Topaz in two weeks to begin the process. Shortly after Stimson’s announcement, the War Relocation Authority (WRA) announced that it would conduct its own loyalty registration program for all Nikkei ages seventeen and older. The War Department and the WRA hoped their registration programs would work in tandem to accelerate efforts to clear detainees for relocation and to hasten the eventual closure of the camps.

The Nikkei detained at Topaz organized resistance to those aspects of registration that most threatened their citizenship rights. Issei leaders successfully persuaded the War Department to revise the loyalty registration questionnaire in a way that would not force them to choose between loyalty to the United States and their Japanese citizenship. The Nisei were less successful. At the heart of Nisei resistance to registration was resistance to the War Department’s efforts to recruit Nisei men into a segregated combat team before their citizenship rights had first been restored. Issei demands could be met by revising the registration form itself. Nisei were asking for changes that were far more substantive. Debate over Nisei registration at Topaz marked the beginning of broad-based resistance against what would become a full restoration of Selective Service for Nisei without a full restoration of their citizenship rights. The registration process itself

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represented a continuation of War Department efforts to force Nisei to resolve questions about their dual citizenship and to profess undivided loyalty to the United States before making them eligible for military service.

This chapter focuses on Topaz for two reasons. First, resistance against registration took place in all the camps, but to different degrees. The most studied examples are Manzanar and Tule Lake; few if any historical studies even mention resistance at Topaz. Yet during registration, some observers believed that resistance at Topaz was the most serious of all the camps. This might indicate that efforts to suppress dissent at Topaz ended up being more successful in the long run than the resistance itself. The fact that resistance to registration at Topaz has all but faded from historical memory makes the analysis of the event in this chapter important on its own terms. The second reason Topaz is important to this particular narrative is because only seven men resisted the draft from this camp (and only four of the seven served prison sentences for their resistance). In a camp that exhibited such spirited resistance against a segregated military just one year before, this small number of draft resisters serves as one example of how successful the government and private individuals were in suppressing dissent in this case. By contrast, even though residents of Amache questioned registration and voiced their concerns, they did not organize any broad-based resistance efforts until the draft was reinstated the following year. Amache is the principle topic of Chapter 5, “The Obligations of Citizenship.” Together, Topaz and Amache serve as striking examples of the variety of forces that government and civilians used to quiet dissent and to encourage overt patriotism in the face of civil rights abuses and a diminishing civil society.¹

THE BROADER CONTEXT OF WARTIME CITIZENSHIP

During World War I and World War II, the government filed complaints against individuals who had obtained citizenship through fraudulent means and stripped them of their citizenship. The Supreme Court upheld this practice as constitutional, as those who held reservations in their hearts at the time they naturalized as U.S. citizens had obtained their citizenship through what it called “fraud” and “deceit.” The numbers of those who lost their citizenship through this same process during World War II increased, particularly those who challenged the loss of their citizenship in the courts, but these cases involved the outright loss of citizenship that individuals had at one point gained through the naturalization process.² In additional cases, the majority opinions in federal appeals court cases stated that the strength of allegiance and loyalty should increase over time, becoming stronger the longer an individual resided in the United States. Subsequent acts of disloyalty, then, indicated that the original oath was invalid, because “the seeds of such feeling were fertile within him at the time of his naturalization, and the burden shifts to the defendant” to prove that his oath of allegiance was sincere at the time and his or her feelings of disloyalty materialized after naturalization.³

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What about the citizenship of those born in the United States yet whom the government suspected harbored loyalty to an enemy nation? One way the government attempted to reserve even birthright citizenship for “loyal” Americans played out in revised policies for children born to U.S. citizens outside the United States. For example, in October 1940, Congress passed a revised nationality act that for the first time withdrew U.S. citizenship from children born abroad to U.S. citizens unless those children established residency in the United States before they turned twenty-one. In 1943, federal appeals courts ruled again, as they had during World War I, that the United States could revoke the naturalized citizenship of an individual based on evidence that the individual harbored feelings of disloyalty. But during World War II, the courts ruled that the government could legally take away the derivative citizenship of minor children of naturalized citizens on the basis of their parents’ alleged disloyalty. Even though the majority of these policies only threatened the citizenship of naturalized citizens against whom the government could produce evidence of disloyalty, it did set a precedent for reexamining the rights and privileges of citizens, even revoking their citizenship, when the political climate shifted or suspicions of disloyalty emerged.

In the context of world war, state definitions of citizenship mimicked contracts that could be terminated if an individual citizen harbored feelings of disloyalty or refused to make the United States his or her permanent home. In 1943, the War Department’s registration of Nisei loyalty became a prerequisite for restoring their citizenship rights and responsibilities that the government had taken away based on mere suspicion of disloyalty and misunderstandings regarding Nisei dual citizenship.

The loyalty registration program was also the culmination of War Department’s efforts to resolve its questions about dual citizenship. Recall its debates in the House subcommittee regarding the bills it sponsored in 1941. In the context of war, the War Department could stop trying to sponsor broad-based legislation aimed at all Americans who could possibly claim or be claimed by foreign governments as dual citizens. It could instead design a bureaucratic process, following naval intelligence advice, to determine Nisei loyalty and to ask them to go through a quasi-naturalization process by denouncing loyalty to the emperor of Japan and proclaiming not just loyalty to the United States but also a willingness to fight for the country through combat. What was once thought to be an unconstitutional request of the War Department was now going to play out in the form of a loyalty registration process. But this process was little understood. When it was extended beyond just draft-age men to all adults in the camps in an effort to speed up the relocation process for the WRA, it became part of a larger effort to determine Japanese American loyalty and to settle broad-based questions about dual citizenship. The loyalty registration program, then, became one example of a larger trend in U.S. citizenship that, when applied on such a broad scale, produced many unpredicted results.
CHAPTER 3

PROPAGANDA AND RESISTANCE

Before registration was introduced to the Nikkei in the camps, the Office of War Information and the War Department began a propaganda campaign to prevent resistance to registration, particularly resistance from white Americans who might have supported removal and might fear any release of prisoners whom Gen. John L. DeWitt had already declared suspect. The government launched the first phase of this campaign with a statement from President Franklin Roosevelt. He signed a letter to Secretary of War Stimson on February 1, stating most famously:

No loyal citizen of the United States should be denied the democratic right to exercise the responsibilities of his citizenship, regardless of his ancestry. The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not, and never was, a matter of race or ancestry. . . . This is a natural and logical step toward the reestablishment of Selective Service procedures which were temporarily disrupted [for citizens of Japanese ancestry] by the evacuation from the West Coast.6

This message defined military service as a political right the government owed its loyal citizens rather than a duty that free citizens were obligated to perform for the state. Conflating the rights and duties of citizenship proved a powerful tool in countering resistance that erupted in Topaz following Stimson’s announcement.

The president did not write this letter, though. The Office of War Information’s Elmer Davis and WRA Director Dillon Myer worked collaboratively to draft one of Roosevelt’s most famous letters, one that offered his conditional support of Nisei loyalty. Davis and Myer were interested in maximizing the propaganda value of the War Department’s decision to readmit the Nisei to the military. They believed this decision proved that the United States was not fighting a race war of its own. For the propaganda to work, the government would have to find willing Nisei participants. A strong statement of support from the president, they hoped, would prevent protests that might sabotage the new program for an all-Nisei volunteer combat team.7

On the same day Roosevelt signed the letter, the WRA issued instructions to project managers to begin their own internal propaganda campaigns.8 Topaz administrators and residents had already joined forces to create a positive environment for the registration program. In special editions of the Topaz Times, administrators announced that President Roosevelt, Myer, and Project Director Charles Ernst were all very pleased with the program and believed that it was the first step toward a complete restoration of Nisei rights. A smaller side article released the names of those who had recently supported the Japanese American Citizens League (JACL) with monetary contributions, showing the JACL-friendly nature of the official camp newspaper.9 Local support for

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voluntary enlistment from JACL members would become one of the most important components in the WRAs and the War Department’s efforts to turn widespread resistance into patriotic support for the war effort.

Tsune Baba, chairman of the Community Council, organized an open meeting with administrators. The WRA created Community Councils in all the camps to help maintain order and to manage communication between Japanese Americans and camp administrators. Even though only citizen Nisei could hold office (a requirement that transferred power from Issei fathers to Nisei sons, some of whom were barely adults and had very little political experience), the Community Councils were designed to be democratically elected bodies responsible for representing all the community’s concerns, regardless of citizenship.10 Baba, then, became the most logical person to organize a meeting in which administrators would have to respond to Issei and Nisei questions about registration.

Nisei and their Issei parents were anxious to find out how the program would affect them, to air their grievances, and to ask administrators tough questions. At the meeting, Ernst spoke for a few minutes to explain what residents might encounter during registration, and then he answered questions. Many wanted to know why Stimson was not making an attempt to right “all the wrongs which affected all the individuals through evacuation” rather than asking citizens to make the ultimate sacrifice for the war effort while they still lacked their basic rights. The first question cut to the core of Nikkei concerns about registration: the prospects of Nisei serving in segregated combat teams without first securing a full restoration of their citizenship rights. The crisis from the beginning was not simply a matter of loyalty; it was about Japanese Americans trying to maintain some balance between the rights and duties of Nisei citizenship.11

The meeting between administrators and residents crystallized opposition to registration and revealed the Nisei’s two main concerns. First, they questioned the segregated nature of the combat team: Why segregate them like “Negro” troops, and why register them only for combat duty? Why not allow the Nisei into all branches of the military? Their second concern was for their families: What would happen to the parents of those who volunteered, especially now that the registration program was being extended to them as well? Would they be forced to leave the camps? Who would support them while their sons were away? Would dependents’ benefits be extended to the families of the Nisei even while the WRA still detained them? One Nisei student commented that Stimson’s announcement was “like a delayed bombshell exploding in a midst of unsuspecting citizens. . . . Loyal citizens were hoping for some form of recognition from the government enabling them to exercise their full rights of citizenship, but never did they expect to receive their answer in such a way.” The Nisei had many serious questions, and the administration had few answers.12

Some Nisei felt the government was too late in offering its faith in the Nisei now that they were already behind barbed wire. They accused the government
of blatant race discrimination with the formation of what some began calling a "Yellow Battalion." One outspoken, prominent Nisei said when Pearl Harbor was bombed, the Nisei wanted to stand up and to be counted as loyal citizens. At that time, though, "they called us Japs and put us behind barbed wires." The War Department wanted the Nisei to register as loyal citizens and to volunteer for combat, but Nisei said, "It's too late. . . . Why didn't they publicly say we were loyal then when we dearly wanted to be called loyal Americans? . . . I still pledge my loyalty to the U.S. because this is the only country I know, but I shall not bear arms." Speeches like this one had a "surging influence" on the rest of the group, making everyone "consciously alert" to the stakes involved in accepting the government's offers to volunteer for the military. It was clear early on that many Nikkei, not a mere agitating minority, read beyond the government's propaganda of restored rights. They saw a continued pattern of race discrimination in the War Department's disingenuous offer to allow loyal Nisei the opportunity to volunteer for a segregated combat team.  

Because the Issei had faced a long history of race-based discrimination, they spoke up early and loudly against the War Department's attempt to recruit volunteers. One Issei asked quite frankly, "Which way are you going to aim the gun?" The Nikkei had been told that they were being evacuated for their own safety, yet when they arrived in camps, they were quick to notice that the guns were pointed inward, as if to prevent the escape of dangerous criminals, not outward in a posture of defense. Why would the military be any different? Where would the deceit end? One Nisei queried the purpose of making enlistment be voluntary. "Our lives will be thrown into a battle of contradicting principles," he said, "and not for the cause of any liberation." The meeting did more than raise two simple questions or create a forum for airing general grievances: It opened up a sophisticated list of concerns that could not easily be answered, because the program had created its own contradictions.  

When the War Department's representatives arrived in Topaz, administrators and residents alike hoped they would have the answers that local administrators had been unable to provide, but many of the "answers" they offered were flat-out lies. Lt. William L. Tracey, head of the registration team, presented the program in the most positive light possible, hiding or even denying aspects of the program that might appear distasteful to the Nisei. He said he was not leading a recruiting team, nor did he have a quota to fill. He and his team were merely in Topaz to conduct a loyalty investigation and, as a bonus, to provide the Nisei the chance to volunteer for military service. Tracey observed that, in his opinion, the resistance that was beginning to form at Topaz was not a threat. Instead, it "helped to start the boiling process which would undoubtedly indicate who in Topaz wanted to be loyal citizens of the United States and who preferred to have their citizenship elsewhere." Although Tracey tried to put it nonchalantly, his meaning was clear: Resisting this government loyalty registration program was nearly a treasonous act. Resistance or compliance would separate those who would retain citizenship from those who might lose it.  

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Some Topaz residents responded critically to Tracey's tactics, arguing that segregation was not compatible with American democratic principles. Segregation was the one aspect of the loyalty program that no amount of propaganda could hide. In an editorial published in the Topaz Times, the author wrote on behalf of many Nisei who felt that segregation was “alien to the principles of American democracy.” Its form or where it was practiced was irrelevant. The sacrifices of the volunteers might demonstrate Nisei loyalty, but this kind of public relations scheme, the author commented, contradicted the democratic principles for which they would be fighting. The author hoped that the government would instead “remove the onus of segregation from [this] group of American citizens” and allow the Nisei to demonstrate their loyalty in a manner compatible with the American traditions they would be fighting to defend.16

As speculation ran rampant among the Nisei and the Issei regarding the possible consequences of registration, local members of the JACL organized to support registration. They held rallies and later organized a media campaign of their own under the title “Volunteers for Victory.” Organizers of the JACL rally—Ernie Iiyama, Vernon Ichisaka, Harumi Kawahara, Walter Nakata, Henry Tani, and John Yoshino—hoped that this campaign might encourage other Nisei to join them in embracing the program and in greeting the War Department with willing volunteers, not questions.17

While it was only the Nisei who were being accepted for military service, all Nikkei adults had been asked to register their loyalty. A small group of young Issei started to petition for the right to do more than sign a piece of paper to demonstrate their loyalty: They, too, wanted the right to serve in the military. These Issei argued that, despite their formal lack of U.S. citizenship, they wanted to fight as a way of demonstrating that loyalty knew no bounds of citizenship. Citizenship was a mere accident of birth, they said, but loyalty, which they held strongly for the United States, was a matter of the heart. Members of this group declared that they would give up all citizenship ties to align themselves with the global struggle to defend the four freedoms Roosevelt had claimed for all humans. The War Department flatly refused the petition, stating that Japanese nationals would not be accepted at that time.18 Ironically, the incident furthered local JACL efforts to advertise Nikkei patriotism and highlighted the fact that citizenship alone did not determine loyalty to a nation.

Henry H. Ebihara, a young Issei, wrote an open letter to Secretary of War Stimson and President Roosevelt, protesting the government’s decision not to accept Issei volunteers. His letter served JACL efforts to highlight the organization’s extraordinary patriotism. Ebihara said that it was unjust for a democratic nation to deny him the right to serve in active combat because of a technicality like birthplace. This was a fight for free men throughout the world, which the president had already said was not a matter of color or race. Why not allow all loyal men, regardless of citizenship, to contribute to the struggle?19 In response, the War Department assured him that it would make
Propaganda supporting enlistment and JACL pronouncements of member loyalty filled the camp newspaper in the days leading up to February 10, the day when registration was to begin. The *Topaz Times* republished Ebihara’s open letter to Washington along with an editorial comment that the War Department had promised to consider Ebihara’s request. The newspaper also published a complete draft of President Roosevelt’s letter to Secretary of War Stimson. The powerful propaganda value of the president’s letter cannot be overstated. Some volunteers remember his words to this day as the primary reason they decided to accept military service. Yet as administrators and patriotic supporters of registration would soon find out, a positive propaganda campaign was not enough to thwart resistance in a democratic society, even within a population that was not wholly free.

Unknown to local administrators, a counter-propaganda effort had also been published in the Japanese-language sections of the newspaper. The Japanese-language section of the *Topaz Times* was supposed to offer the Issei a direct translation of the contents of the English section of the paper, but two editors decided to add a pro-Japanese spin to the news, urging readers to declare loyalty to Japan instead of to the United States. Camp administrators did not discover the discrepancy until some members of the Young Democrats in the camps began complaining that the Japanese section had been causing agitation among detainees. Administrators hired translators to analyze the paper for several days. They concluded that “a very deliberate program of misrepresentation was being carried out by these Japanese editors.” When community analyst Russell A. Bankson discovered the discrepancy, he asked for the editors’ resignations. He found out later that both had provided negative answers to the loyalty question. A similar case appeared in Gila River, when the Japanese-language sections of the newspaper reported events in a more negative light than did the English-language sections. What looked like misinformation to some was a biting criticism of the contradictions of a government program that encouraged racial discrimination against the Nisei and did nothing to repair the damage caused by their forced evacuation from the West Coast.

The most productive debates over registration did not take place in the newspapers but in democratically organized meetings held by Nikkei residents of Topaz. The night before registration was scheduled to begin, block managers met for an independent discussion of the new program. Issei block managers expressed grave concern over the loyalty question, which read: “Will you swear unqualified allegiance to the United States of America and forswear any form of allegiance or obedience to the Japanese Emperor, or to other foreign government, power or organization?” This was meant to establish the loyalty or disloyalty of registrants and to force Nisei dual citizens to choose between
their Japanese and U.S. citizenship. But for Issei Japanese nationals, answering this question in the affirmative would leave them stateless.

The Issei organized a committee of nine to present their grievances to the project director and to request that this loyalty question be changed. The committee took a statement to Project Director Ernst’s office, which read: “We, the Japanese alien residents of Topaz, hereby resolve that it is absolutely impossible for us to properly answer question No. 28 of the WRA form 126, revised. We, therefore, request the proper authorities of the War Relocation Authority to reconsider the said question.”

Ernst assured them that although he would take the matter up with WRA headquarters in Washington, D.C., this question was being asked of all residents in all ten camps. He also assured them that they could answer the question in any way they saw fit and should not feel bound to a simple “yes” or “no” response but could qualify their answers in whatever manners best represented their sentiments. Ernst called Washington to inform officials of the petitioners’ concerns, and Issei leaders left his office to continue their discussions in private.

Ernst’s assurances that every detainee would have to answer the same question did not satisfy Issei representatives in Topaz. The chairman of the Issei committee returned to Ernst’s office to reiterate the shock with which they had received the news that they would be asked to forswear allegiance to their emperor as the only means by which they could establish loyalty to the United States. Ernst did not have the power to solve this conflict personally, but he promised that the matter would be resolved and requested that the chairman keep him informed of any further concerns as Issei leaders continued to debate the loyalty question.

On the morning of February 10, registration did not begin as scheduled. Issei leaders had strengthened their stance, refusing to register until administrators could offer them a revised loyalty question that would not deprive them of their Japanese citizenship. Issei collective disobedience forced administrators to respond with action rather than vague assurances. The Issei committee of nine presented Ernst with another, stronger petition: “We, the Japanese nationals, residents of Topaz, do hereby resolve absolutely not to answer question 28 in WRA Form 126, Revised. We, therefore, request the proper authority to delete the whole question No. 28. Signed, Japanese National Residents of Topaz.” Ernst immediately responded with a teletype-message to the WRA’s Washington offices. The Issei leaders’ ultimatum was beyond Ernst’s authority to answer, and he needed directions. He wrote:

> Japanese aliens have raised the question concerning number 28 on WRA form 126. . . . To answer an unqualified yes places them in the position of losing such protection as they now have under the Spanish Consul, and because they do not have status of Americans citizens, they consider they will be without the protection of any country with its rights, privileges,
and protection. Japanese aliens feel that they have demonstrated over the past generation that they have wanted to conduct themselves in a manner loyal to the United States and would like to continue to have that reputation without a question being raised which would deprive them of all citizenship.\textsuperscript{26}

With the committee still in his office, Ernst placed a call to Myer to follow up. While Ernst was waiting to be connected, he answered a call from the WRA offices in California that were dealing some of the same questions.

The Issei at Topaz were not alone in complaining about the loyalty question that required them to renounce their Japanese citizenship. Ernst received a call from Robert Cozzins at Manzanar to discuss possible alternatives to the Issei loyalty question. They were working on the same problem at Manzanar and had drafted a substitute question: “Are you sympathetic to the United States of America and do you agree to faithfully defend the United States from any and all attacks of foreign enemies on our domestic shores?” Ernst read the amended question to the members of the committee, but they were not quite satisfied with this alternative. They said they still wanted a component that would allow them to express the fact that they had been loyal to the United States for a “great many years and that they wanted to continue to do so,” but they would not surrender their only recognized citizenship in the process. Ernst continued to hold for a connection with Myer.\textsuperscript{27}

Finally, Ernst reached Myer on the phone. Myer was the only man with the authority to change the language of the loyalty questionnaire, so Myer’s staff in Washington began drafting an alternative question.

Issei leaders were pleased not only that their concerns had been taken seriously but also that their resistance had forced the government to change the questionnaire. In response, they requested permission to withdraw their ultimatum to eliminate any impression that they were placing undue pressure on administrators. Ernst, however, refused their request to withdraw the ultimatum. His administrative style had been one of cooperation and compromise whenever possible. Ernst believed that his ability to negotiate provided concrete proof that he would be able to resolve even the most serious of conflicts in camp. “There would be no question of face-saving,” Ernst told them. Instead, he requested that Issei leaders continue to inform him whenever they felt a policy had produced “an unnecessary hardship” so they could work on a solution together.\textsuperscript{28} Ernst gained a strong reputation for his fair and evenhanded support of democratic principles in Topaz, but democracy came with a price.

Bolstered by the Issei’s successful drive for a revised loyalty question, the Nisei began organizing their own resistance, which took shape over the next few days. They insisted that the government fully restore Nisei civil rights before anyone would comply with registration. At first, the Nisei conducted informal “bull sessions” in the showers, bathrooms, and mess halls to discuss their situation. Their list of concerns and questions seemed endless. What
should they do? Should they volunteer or wait for the draft? If they waited for the draft, would this label them as disloyal in some way? They had already been told they could demonstrate their loyalty by cooperating with evacuation. What would it take now? Why try to settle this question of loyalty after evacuation anyway, especially when the future seemed so uncertain for themselves and their families? They may have been less organized than the Issei at this point, but at least they were talking.

Successful resistance for the Nisei would be much more difficult to organize, because their complaints and concerns were more diverse and could not be satisfied with a mere bureaucratic revision of the loyalty questionnaire. Their demands required changes that the government was not prepared to grant.

In addition to the Issei and the Nisei, another group was organizing its response to registration: the Kibei. Instead of demanding new questions or requesting civil rights, a group of Kibei voted for a strategy that appeared treasonous to some. On February 11, the Kibei met to discuss the loyalty question as well as the preceding question 27, which asked if they would be willing to serve in combat wherever ordered. They would not draft petitions or present the administration with ultimatums. Instead, they decided they would simply register their lack of confidence in the United States by answering both questions with a simple and defiant “No.” Some explained that Japan was their real country, and their only future after the war would be in Japan, not in the United States. They argued that their citizenship in the United States had become farcical and that they would never be afforded equal rights in the United States. Registration would give them a chance to formally register a vote of no confidence in the United States and to declare their allegiance to their ancestral homeland instead.

The day after the Kibei voted to take a hard line against the loyalty and the military service questions, the Issei received word that the War Department had prepared and approved an alternative version of the loyalty question, which read: “Will you swear to abide by the laws of the United States and take no action which would in any way interfere with the war effort of the United States?” The new question still did not offer the Issei an official way to declare their long-standing loyalty to the United States, but at least it did not force them to choose between expressing disloyalty and becoming stateless, and it would have no affect on their citizenship at all. When the committee of nine reported back to the general meeting of Issei leaders with the news, they all agreed that this was a good sign. They voted to take word back to all the blocks that registration could officially begin.

The Issei may have been satisfied with the results of their organized resistance and the Kibei satisfied with their decision to answer “No” and “No,” but the Nisei still faced a dizzying list of questions and unresolved concerns. When word spread to Issei leaders that the Nisei had organized their own meeting, they called off their plan to notify all blocks that registration could
begin. Instead, they decided to wait until the Nisei had had time to debate their own concerns.32

Baba, chairman of the Community Council, called an official “all-citizens’ meeting,” hoping that citizen Nisei and Kibei could arrive at a consensus as to whether they would register.33 The Kibei in attendance immediately expressed their resolve to answer “No” to questions 27 and 28, if they registered at all. The Kibei took a hard line, making it impossible for a mixed group of citizens to reach a consensus.34 Chairman Baba was unsatisfied with the results of this meeting and called another for the following day. Kibei representation dominated the second meeting, too. They read prepared statements pleading with the Nisei to declare loyalty to Japan or at least to refuse to register until their civil rights had been restored. When one Nisei stood with an opposing point of view, he was told to sit down and “shut up.” One Kibei tried to mediate. He asked for compromise, calling on the more militant Kibei to think of those who were going to stay in the United States after the war and could not take such a strong stand against the government. The most militant Kibei had been educated in Japan, even though they were born in the United States. They knew that if the United States continued to treat them like second-class citizens on the best days, and like enemy aliens, when push came to shove, they might have a better chance living out the rest of their lives in Japan. But Kibei did not represent the majority of Nisei, who had known only the United States and some of whom could not even speak Japanese. The majority of Nisei knew that their futures lay solidly in the United States, regardless of their current struggles. Finally, a Nisei stood up and asked which it was going to be: Would the citizen Nisei and Kibei register? Or were they really ready to fight for civil rights first? The majority voted to refuse registration until the government restored their civil rights.35

Camp administrators were already three days behind schedule and were self-conscious about the fact that Topaz was the only camp out of ten where all detainees had refused to register. Ignoring the results of the most recent Nisei meeting, government administrators set the following morning, February 13, as the tentative start date for registration and hoped for the best. They scheduled blocks 11 and 13 to register first. A handful of individuals did show up to register on Saturday morning, although none appeared from blocks 11 and 13. The number of registrants did not exceed a dozen for the entire day. Administration attempts to force registration failed miserably.

As opposition to registration intensified, Director Ernst feared the worst. On Sunday afternoon, he called the army unit stationed at Fort Douglas, Utah, and asked that the soldiers remain on high alert until Monday, worrying that the trouble brewing in Topaz might require military intervention. The commander at Fort Douglas observed that authority had broken down at Topaz.

By Monday morning, word of the resistance at Topaz spread to upper levels of the War Department and to the Western Defense Command headed by Gen. DeWitt. Even though resistance was spreading at all the camps, military
leaders agreed that Topaz represented the “only major trouble.” Col. Karl Bendetsen reported to DeWitt with some surprise that the entire population had forced the War Department to delay registration for several days. Far less organized resistance had also arisen at Manzanar. Instead of stalling registration as a whole, 45 percent of each block at Manzanar had requested repatriation or expatriation to Japan rather than registering loyalty to the United States. When Bendetsen finished reporting on the situations at each camp, he declared, “Isn’t that amazing?” He had predicted that the program would cause trouble and even expose contradictions in government policy that might destroy any legal basis the government once had for the entire program of evacuation. Historians Roger Daniels and Klancy Clark de Nevers note that Bendetsen was deeply concerned about the loyalty registration program. The forced evacuation of Japanese from the West Coast had been based on the claim that loyal and disloyal Japanese could not be distinguished. He feared that a loyalty registration program at this late date would eventually expose the program of forced removal as unconstitutional and might force the government to accept responsibility for a grave injustice. Yet he and DeWitt appeared surprised at the range of resistance the Nikkei had mustered against registration, particularly the well-organized campwide protest at Topaz.

The WRA responded to the crisis in Topaz by sending Dr. John Embree to help administrators resolve the situation. Embree was the director of a new division within the WRA called the Community Analysis Section (CAS). The CAS had been created to help reduce conflicts between the incarcerated population of Japanese Americans and the WRA administration. Embree was sent to oversee the situation at Topaz personally, and he was determined to resolve the conflict before letting it grow to the point of a major crisis.

When Embree arrived in Topaz on Sunday afternoon, February 14, 1943, another citizens’ meeting was scheduled to begin. He met briefly with Ernst beforehand and suggested ways that Ernst might regain control over the situation at Topaz without military intervention. When Nisei representatives gathered on Sunday night to present the results of the campwide vote, Ernst took control of the meeting and declared that all citizens who refused registration would be in violation of the Espionage Act. Ernst read the Espionage Act to the audience and explained that as American citizens instructed by their government to register, they could and would be prosecuted for obstructing the government in its attempt to raise an army if they refused to comply. Embree reported that if a vote had been taken at that Sunday afternoon meeting of the representatives, the majority probably would have voted not to register at all. His intervention had a pivotal effect on the outcome of registration at Topaz.

The Nisei representatives did not give up right away. They tried to go over Ernst’s head with a set of resolutions and an ultimatum they prepared for Secretary of War Stimson. The Nisei organized their own representative body to carry their complaints to the administration. Similar to the Issei committee of
nine, the Nisei organized a committee of thirty-three, from which a smaller committee of nine was selected to draft the first set of resolutions. They went to work immediately, foregoing dinner and finally presenting their draft for ratification by the larger representative body of Nisei at 9:45 P.M. A general meeting was called in every block at 10:00 P.M. to consider the resolution, and at 11:30 P.M. the committee of nine reported back to Ernst with the results of their collaborative efforts.

Representatives met in Director Ernst’s apartment and requested that their set of resolutions be sent to Secretary of War Stimson. The committee continued to make registration contingent upon a restoration of rights, so Ernst refused to send the letter. Ernst warned them that they would have to take out any references to registration in their demands for civil rights or no government official would pay attention to any of their resolutions. More important, Ernst told them that it was not Stimson’s job to deal with civil rights, so they would have to choose a different audience. Only the secretary of state or the president himself could address citizens’ rights; Stimson’s job was to raise an army. With a weakened set of resolutions, the committee still insisted that its demand for civil rights be forwarded to Secretary of War Stimson. Stimson may not have been in charge of civil rights, but his department was the one asking the Nisei to give service in the absence of their most basic rights.

Ernst agreed to send the citizens’ petition if all references to withholding military service were removed. He assured the representatives that he would send their modified petition to Secretary of War Stimson and WRA Director Myer first thing in the morning. The meeting disbanded well after 2:00 A.M. As Embree later observed, Ernst had averted a crisis of major proportions. Ernst’s shift in tactics was successful, even though the Nisei continued to agitate for civil rights.

When Myer received the resolutions drafted by the committee of nine and signed by the committee of thirty-three, he dismissed them as petty and unimportant, responding that this was “not the time to quibble or bargain.” He said that registration was a crucial test to be taken seriously and that the very demands made by the committee of thirty-three might be obtained if they would take this first step toward restoring their own citizenship. Stimson had made this policy change in “good faith,” Myer said, and until the residents of Topaz demonstrated their willingness to comply, Stimson would not be able to consider any further action on their behalf. “It is my hope and my belief,” Myer concluded, “that they will not fail this crucial test.”

As administrators and Washington officials took a hard line with the Nisei, Issei leaders brought a new grievance to Ernst: a problem with the title of the questionnaire. Filling out a form titled “Application for Leave Clearance,” particularly in a program touted as a demonstration of loyalty and an opportunity to contribute to the war effort, caused great concern for those Issei who intended to return to Japan after the war. They did not want it to appear as if they had requested this questionnaire. Ernst agreed to rename the form simply
“Questionnaire.” The demands of the Issei continued to be easier for Ernst to satisfy than those of citizens.\textsuperscript{43}

Once the Issei had satisfactorily resolved their own complaints, some Issei began to speak out on behalf of the Nisei. They argued that the Nisei should not voluntarily enlist when they lacked their basic rights. They based this new set of concerns on the basis of their own experiences with race discrimination and broken promises during World War I. One Issei pointed out that during war, promises are sometimes made that cannot or will not be kept: “During the last war, India was promised independence, but that was not given.” He raised his concern that the volunteer service of the Nisei may become futile. “They are expected to do their duty as citizens of the United States,” he said, “but at the same time, they may not be given the freedom” their citizenship implied. He requested on behalf of the Nisei that their future standing in the United States and citizenship must be clarified now.\textsuperscript{44}

Issei parents knew from experience that the United States had fought to make the world safe for democracy in the past but had not in practice kept all its promises. Issei soldiers who volunteered to fight during World War I with the promise of citizenship had to fight for more than fifteen years to get their reward. Some Issei veterans did, in the end, get U.S. citizenship in 1935, but without mounting a sustained struggle, they knew that the government would not have voluntarily given this status to veterans who under any other circumstances would have been ineligible for citizenship. The Issei warned younger Nisei, who lacked these personal memories of broken promises, to be cautious of the government’s offer of restored citizenship rights in return for voluntary combat duty.\textsuperscript{45}

In response to Issei warnings that the Nisei may never get a full restoration of their rights, even if they served in the military, Ernst repeated his warning of criminal prosecution for any who refused to comply with registration. “The War Department has nothing to do with civil rights,” he said. The War Department “is not engaged in anything but war now.” To this declaration, someone asked whether the Nisei would or would not be prosecuted under the Espionage Act if they did not register on the scheduled date. Ernst responded that the Espionage Act would be in force against “anyone who willingly obstructs and hurts a country.”\textsuperscript{46} This was not a very precise answer, but it maintained Ernst’s threat of prosecution for any further resistance against registration, whether from the Nisei or from the Issei.

As the administration killed the momentum and effectiveness of Nisei resistance to registration, a new movement took its place that worked hand-in-hand with the response of the government. This movement was organized by those in camp anxious to demonstrate their patriotism and to distance themselves from those who had challenged the government’s absolute authority during wartime. In the early hours of Wednesday, February 17, a new committee approached Embree for assistance with their own petition. They took exception to the resolution drafted by the committee of thirty-three and
wanted to formalize their dissent with a counter-resolution. With Embree’s help, they wrote:

We feel that loyalty to our country is something to be expressed without reference to past grievances or wrongs. We feel that in according us the right to the second article of the Bill of Rights that it is the right of every man to bear arms in the defense of his country the War Department has in good faith started the first step to restore us all rights as citizens of the United States. We feel that the issue of expressing our loyalty has been confused. We believe in fighting for our country and our ideals is [sic] the most important thing when our country is at war trying to uphold those ideals for which we stand. We shall register, we are loyal, we shall fight for the United States. Signed, other residents of Topaz.47

The committee of thirty-three’s smaller subcommittee of nine became incensed when they heard about this petition. They had been democratically elected and felt that this unofficial resolution undermined their authority. They complained to Ernst that they should be the only group allowed to speak for the Nisei of Topaz. Ernst replied that they would have to lodge a complaint with the Community Council.48 Embree encouraged the smaller group’s efforts to project their patriotism and to skirt the democratic process. By combining threats of criminal prosecution while stimulating patriotism, Embree demonstrated the power of these two coercive powers in ending the registration crisis at Topaz.

Resistance against registration ended dramatically when members of Block 5 flooded into administration offices on Wednesday, February 17, to register their loyalty. A large number of leading pro-U.S. Issei and pro-JACL Nisei lived in Block 5, so their turnout was not a complete surprise. For the first time, registration seemed to be gaining momentum. Word spread throughout the camps that registration had begun. After this massive response from one block, those who had resisted in the past began showing up for their own turns to register.49

Ken Yoshida registered on February 18, 1943. The form was entitled, “Statement of United States Citizen of Japanese Ancestry.” A U.S. Selective Service symbol was at the top of the form, and a statement at the end warned that any who gave false information would be in violation of Selective Service laws. This was no simple form, and most Nisei understood so when they appeared for registration.50

The questionnaire began simply, asking for basic biographical information, but the questions became progressively more complicated. The questionnaire first asked for the registrant’s former place of residence, names of Caucasian acquaintances, family members, occupations, and voter registration status. The form asked for information about education, employment, foreign travel, and relatives living in Japan. It also asked for details about language skills,
sports and hobbies, foreign investments, clubs, organizations, magazine subscriptions, and so on. Yoshida’s record demonstrated little connection with Japan: he boasted an American education, and his employment history was lengthy. His responses did not seem unusual or problematic.51

Unknown to detainees, the military evaluated the answers to most questions on a point scale depending on how “Japanese” or how “American” registrants seemed based on the simple facts of their lives.52 For example, if a registrant marked that he or she was Christian, he or she earned 2 points, but if a registrant marked that he or she was Buddhist, 1 point was deducted. Any registrants who identified themselves as Shintoists were automatically classified as disloyal. Registrants even earned or lost points by association. Those with relatives in the U.S. military earned 1 point, but those whose fathers had been interned in Department of Justice camps lost 3 points. If registrants were members of a judo or kendo club, they lost 3 points, but members of the JACL earned 1 point. Registrants earned 3 points if they were members of the YMCA, the Masons, the Rotary Club, or the Boy Scouts of America.

Yoshida had been falsely identified as a member of the JACL, which gave him 1 positive point, but this mistake was also indicative of the possibility that forms did not always reflect the registrants’ answers with 100 percent accuracy.53 Yoshida’s form also indicated that he donated money to the Red Cross occasionally, which may have counted positively on his behalf. One of his pastimes, though, was judo, possibly deducting 3 points from his loyalty score. Had the Federal Bureau of Investigation (FBI) found his father, a high-ranking judo instructor, following Pearl Harbor as the agency had intended, Ken’s score would have been at least 5 points in the negative even before he answered the loyalty questions.54 Judo instructors had been among those community leaders picked up by the FBI and sent to Department of Justice camps in the first weeks of the war. Yoshida’s father had been on that list, but the family had moved around so frequently that the FBI could not find him. In an ironic twist, by complying with the orders for forced removal and by becoming a part of the massive bureaucratic WRA system, he became lost in the system but luckily was able to stay with his family in Topaz.

The infamous final two questions on loyalty and military service caused the Nisei lasting concern. Question 27 asked whether individuals would be willing to serve in the armed forces wherever called. Many balked at this question, because it seemed like an underhanded way of getting people to volunteer for the military. Question 28 asked registrants to declare their unqualified allegiance to the United States and to forswear allegiance to the emperor of Japan. The Issei had already agitated for a replacement question, but the Nisei were still required to answer this question, as it had been removed from only the Issei questionnaire, and it implied that Nisei, even those born after 1924 who had no legal ties to Japan at all, had once been loyal to Japan. Yoshida answered “Yes” to both questions, even though he personally did not believe
it was necessary to disavow allegiance to the emperor. He had been born and raised in the United States. It was the only country he knew and the only country he claimed as a citizen.

Questions 27 and 28 received the most attention during the war and from historians after the war, but one additional question also deserves closer scrutiny: the dual citizenship question. Question 25 asked, “To the best of your knowledge was your birth ever registered with any Japanese government agency for the purpose of establishing a claim to Japanese citizenship? If so, have you applied for cancellation of such registration?” Together, these questions functioned as a method to resolve once and for all the citizenship status of Japanese Americans. Congress killed two attempts to pass legislation forcing dual citizens to renounce one of their allegiances. This registration form supplanted the failed congressional legislation and could be applied specifically to Japanese Americans, eliminating the problems associated with judging German and Italian Americans against a law that was designed to address fears of Japanese disloyalty.

Yoshida indicated that his birth had not been reported to the Japanese government. He was not a dual citizen in any demonstrable way. To Yoshida, he had but one country: the United States. Even so, the government wanted more proof of Nisei renunciation of Japanese citizenship, whether it was a mere technicality or a hypothetical possibility. By answering “Yes” to question 28, as far as the U.S. government was concerned, Yoshida had renounced any allegiance he may have held, knowingly or not, to the emperor of Japan and any possibility of holding dual citizenship no longer had any bearing on his obligations to the U.S. military.

Yoshida’s name was forwarded on for further processing by the Selective Service as a potential candidate for the draft if and when it would be reinstated for the Nisei, but he and his family made other plans. Many families responded to the bitterness they felt at the end of the registration crisis by filing for repatriation to Japan for the parents and expatriation from the United States for the children. The principle goal of most families in choosing this option was keeping the family together at all costs. Yoshida’s father was not content to wait to see what the future would bring to him and his wife, his five sons, and his two daughters, so he instructed the family to file for repatriation and expatriation to Japan after the program of registration was complete. He had been active in camp politics before registration and believed that the United States had demonstrated quite clearly that it would not defend even the rights of his citizen children. He held some property in Japan, according to the FBI, and in an apparent effort to protect his family’s financial welfare and to keep the family together, the Yoshidas all filed for repatriation or expatriation.

The Yoshida family does not appear on any of the official lists of those requesting re- or expatriation from Topaz, so it may be the case that at some point Yoshida’s father rescinded the request on behalf of the entire family. People requesting re- or expatriation were interviewed to ensure that they did not
hold any reservations about their requests and to see if anyone wanted to change his or her mind. It was not uncommon for individuals and families, who at times filed their initial requests out of anger, fear, or protest, to reexamine their motivations and to rethink the difficulties they might face if they were actually sent to Japan. Families made difficult decisions to stay together, regardless of how they appeared in the context of very strict wartime definitions of loyalty to the United States or loyalty to the enemy.55

The Yoshida family was not alone in its request for re- and expatriation. After registration, the number of requests increased from little more than a thousand at the end of 1942 to nearly five times that many by the end of 1943. Unlike the requests in 1942 that came almost entirely from the Issei, the requests in 1943 came from the Issei and the Nisei as entire families made the choice to seek their fortunes in Japan after the war, where they hoped to find greater economic security and full citizenship.

THE END OF THE REGISTRATION CRISIS AT TOPAZ

On February 19, the official representative body of Topaz Nisei received a response from the Secretary of War to its petition. The response came from the War Department's Office of Assistant Secretary and had been written by Col. William P. Scobey:

Public pronouncement has already been made by the President of the United States and by the Secretary of War. It is only by mutual confidence and cooperation that the loyal Japanese Americans can be restored to their civil rights. The present program [the loyalty registration program along with the drive for Nisei voluntary military service] is not complete rehabilitation but is the first step in that direction. The United States government has evidenced its faith in the loyal Japanese Americans giving them the opportunity to serve their country. This is their opportunity to demonstrate to the American people that they have faith in America.56

The government's position was not new to residents, but at least the demands of the Nikkei had been noticed when they presented the government with a petition that had been written through a democratic process. The government responded by listening to their concerns, even though officials did not acquiesce. Individual citizens had been able to appeal to a high-ranking government official—Secretary of War Stimson—and had received a response and assurances that the restoration of more civil rights would come.

Some detainees whose expectations for a positive government response had all but evaporated welcomed this small victory. One observer wrote, “Word quickly flashed through the center that the answer had come. . . . That night pans were banged and gongs were rung in almost every block of the center, calling people to listen to the announcement of the committee that the Secretary of War had answered their questions and that now everyone should
register.” This observer concluded that from his point of view, a very important civil right had been restored: the right of citizens to make themselves heard and to get a response directly from one of the “highest ranking government officials, which gave them the assurance they needed.” He added, “That was democracy at work.”

For others, this version of democracy—where the government responded only to rebuke its subjects for wanting full citizenship in the face of the War Department’s request for soldiers—was far from perfect and not to be celebrated. The official response had done nothing to restore real rights but instead had pacified some grievances and had suppressed attempts to agitate for real democratic change. A few may have welcomed Stimson’s response as evidence that their petition was heard, but many more probably realized that no matter how organized their resistance, their citizenship rights and obligations would remain out of balance, likely for the duration of the war.

It is reasonable to believe that the majority of the Nikkei in Topaz were not as overjoyed by the government’s lack of responsiveness to their demands for a full restoration of their rights as camp administrators indicated in official reports. Topaz ranked fourth among the camps in numbers of Nisei who requested expatriation and fourth overall in numbers of Nisei who renounced their citizenship following the registration crisis. The Nikkei in all the camps may not have been able to organize effectively against the government, but individual families and individual Nikkei continued to assert their wills against that of the government by refusing to pledge their loyalty to the United States, by renouncing their citizenship, or by requesting repatriation. The resistance continued and could not be stopped completely, but it could be reshaped through the lens of criminalization and patriotic propaganda.

The committee of thirty-three responded in its own way to Stimson’s letter by announcing that it was time for all the residents of Topaz to register. The registration crisis at Topaz had officially come to an end.

Stimson’s letter did little more than reiterate the propaganda that the War Department used to launch registration in the first place. This was a first step in restoring the responsibilities of citizens, but it was no guarantee that rights would follow. The organized resistance at Topaz demonstrated that citizens lacked the ability to force specific change because of their citizenship. They were required as citizens to comply with Selective Service procedures under penalty of the Espionage Act. Unless they were willing to move their protests from dissent to civil disobedience, their only recourse was to petition for a promise that someday their rights would be restored.

**EXPECTED RESULTS OF REGISTRATION**

By February 27, all adults in Topaz had registered, but only about 3 percent of Nisei and Kibei young men who were eligible had volunteered for military service. This number would continue to rise in response to aggressive recruit-
ing campaigns, but the initial response was so weak, it became clear that the protest had not ended. Nisei and Kibei efforts to use noncompliance with registration as a tool to leverage a restoration of their citizenship rights had only resulted in threats of criminal prosecution and War Department promises that their citizenship rights would be restored, eventually. Citizens at Topaz may have been willing to comply with registration, but no more than that in the majority of cases.

The few who had volunteered organized a grassroots effort to recruit their peers, and their efforts paid off when twenty more Nisei volunteered. They increased their efforts by holding open meetings. Some volunteers shared their enthusiasm for the war effort with women who were considering volunteering for the Women’s Auxiliary Army Corps (WAACs). On March 6, volunteers organized a formal committee designed to recruit even more enlistees and called it the Resident Council for Japanese American Civil Rights. They prepared a pamphlet explaining to male citizens reasons why they should volunteer for service. On March 7, with the help of a growing number of enthusiastic women supporters, the committee organized a group called the Volunteers for Victory and held a large banquet and dance. The Committee of Future WAACs hosted the event and invited one hundred thirty “guests” from within the camp whom they hoped they could persuade to volunteer for military service. In just three days following the dance and banquet, 112 additional Nisei men volunteered, meeting the final March 10 deadline for voluntary recruitment for the new combat team.59

The Topaz Volunteers for Victory turned their recruiting effort into a propaganda campaign of Nisei loyalty in an attempt to change public opinion about the Nisei. They met with political, ecclesiastical, and business leaders of the State of Utah and sent their own Volunteers for Victory pamphlet to members of Congress, ministers, educators, and JACL leaders nationwide. Most recipients of the pamphlet wrote back to congratulate the group on its support of the war effort, and some even pointed out how well it had used propaganda for their own purposes. The JACL requested that the Volunteers for Victory let them use portions of their pamphlet for JACL’s national image campaign, which shows that they were not just puppets of the organization. Instead, this was a genuine grassroots effort adopted by the JACL and then disseminated to a broader audience. The Volunteers for Victory may have supported the stated goals of the JACL, but this was propaganda from the bottom up.

As a result of the vigorous national campaign of the Volunteers for Victory and the ultimate failure of Topaz Nisei to force any concrete changes in government policy regarding their citizenship rights, by the end of 1943, few remembered the trouble that registration had initially caused at Topaz. The efforts of individual Nisei to promote patriotism in combination with government threats of criminal prosecution to crush the resistance turned the perception of registration at Topaz from that of one of the most organized sites of resistance to one of the most patriotic of the camps. The organized resistance
to registration at Topaz remains absent not only from surveys of the registration crisis but also, most remarkably, from those books that focus exclusively on Topaz.60

The registration program and the loyalty questionnaire provoked the first widespread resistance to the War Department’s decision to restore Nisei obligations of military service without first restoring their rights. Topaz led this early resistance as the only camp to stall registration for an entire week.61 Even though residents of Topaz eventually lost their fight to delay registration permanently until Nisei rights were restored, some continued the resistance in more personal ways, such as answering “No” to questions 27 and 28 or registering for re- or expatriation. Most important, just because registration finally got underway and all draft-age Nisei men in Topaz complied with registration—1,450 in all—this cooperation did not mean that all were satisfied with the results of their resistance. Of all adults who registered, 83 percent responded positively to the loyalty question, 12 percent answered “No,” and fewer than 5 percent simply left the answer blank.62 For some, this was only the beginning of their continued fight for a full restoration of civil rights.

Only 1,208 people, fewer than 6 percent of eligible Nisei, enlisted in the military voluntarily from the camps as a whole. This number fell far short of the quota the War Department had set for itself, starting with 2,500 Nisei volunteers from inside the camps and later reducing the goal to 2,000. Seventeen percent of all registrants and approximately 20 percent of all Nisei answered loyalty questions in the negative. Most shocking to WRA administrators was the sharp rise in applications for re- and expatriation. The previous year, only 2,255 individuals had requested repatriation, and most of these were Issei. By 1943, this number surpassed nine thousand, and most new applicants were citizens. The trend continued into 1944, when the number of requests topped out at nearly twenty thousand, or 16 percent of the total evacuated population. Of 19,963 Nisei of military age, 6 percent volunteered (1,181); approximately 800 of the 1,181 volunteers passed loyalty tests and their physical examinations and were inducted into the original 442nd. By contrast, 24 percent answered “No” to question 28, or a total of 4,783. An astonishingly high 50 percent answered “No” at Manzanar. By contrast, only 2 percent answered “No” at Minidoka. Overall, 6,700 answered “No” to question 28, and an additional 2,000 qualified their answers. Sixty-five thousand responded with an unqualified “Yes.”63

The WRA, the FBI, the War Department, and even a special Senate committee all tried to explain the results of registration. WRA social scientists argued emphatically that negative responses to the loyalty questions served as a final means of protest against evacuation. Negative responses did not, in their eyes, constitute any concrete proof of disloyalty.64

Registration produced many unexpected problems and revealed frustrations and anger among the Nikkei population that could not easily be contained by state repression or by the propaganda of patriotism. The War Depart-
ment had initially planned to house all those who fell into the “disloyal” category in a small isolation facility located in southern Utah. It became clear that this plan would not work after three thousand individuals at Tule Lake refused to register and the registration process fell apart in that camp. As a result, Tule Lake became the new segregation center. The camp became overcrowded and could not accommodate all those who filed for expatriation and repatriation over the coming year. Six thousand of the original residents of Tule Lake remained in the camp once it became a segregation facility to house “disloyal” Nikkei. More than eleven thousand individuals were sent to Tule Lake from other camps, bringing the “disloyal” population up to a total of eighteen thousand. The pressures of overcrowding and the lack of tolerance exhibited by administrators led to rioting and eventually to military repression and control of the camp. But this “disloyal” label is misleading and remains a point of contention and divisiveness today. Some preferred to cast their lot with Japan. Some gave up on the United States. Anger, frustration, and dissatisfaction with the results of organized attempts to force the government to restore Nisei rights led some to lash out against the U.S. government in whatever ways they could. The simplistic categories of “loyal” or “disloyal” used during the war are not adequate to explain the varied motivations of individuals who ended up at Tule Lake.

Congress conducted its own investigation of the results of registration and responded by passing the first wartime law that allowed citizens to renounce their citizenship. Many had already accused the WRA of incompetence at the end of 1943, after major disturbances at Poston and Manzanar (discussed in Chapter 2) had weakened congressional confidence in the WRA’s ability to manage the camps. After the registration crisis unfolded in the first months of 1943, Congress interpreted resistance on the part of detainees as proof that large numbers of Japanese Americans were loyal to Japan. On July 1, 1944, the president signed Public Law 78-405, otherwise known as the Denaturalization Act of 1944, which allowed citizens to renounce their citizenship. In October 1944, instructions were sent to all the camps to help facilitate the process.

President Roosevelt was equally concerned about the disastrous and unexpected results of registration and asked an old friend, Milton Eisenhower (the original director of the WRA), for his reaction. Eisenhower replied that the negative response should not have been unexpected. After all, nothing in the democratic training of young Nisei prepared them for the conditions and decisions they faced in the camps. He wrote in a letter to President Roosevelt:

> Persons in this group find themselves living in a situation for which their public school and democratic teachings have not prepared them. It is hard for them to escape a conviction that their plight is due more to racial discrimination, economic motivations and wartime prejudices than any real necessity from the military point of view for evacuation from the West Coast.

From Prisons and Patriots: Japanese American Wartime Citizenship, Civil Disobedience, and Historical Memory

by Cherstin M. Lyon. Used with permission from Temple University Press.
Eisenhower wisely noted that a young person schooled in democracy may very well balk at the idea of being treated like an enemy alien, but perhaps Eisenhower misinterpreted one point: It is likely that the democratic training of children in the public schools prepared them very well for the problems they encountered in the camps. They learned to respond with dissent, petitions, noncompliance, and creative forms of resistance, sometimes even choosing the least desirable and most costly form of protest: civil disobedience.

One of the most damaging results of registration was the artificial division of the Nisei into “loyal” and “disloyal.” One Nisei student related a saying in response: “The army, being the cowboys, and us Japs (that’s what they call us and I don’t like it) as cattle, rounded up and sent to a place where they will be separated from the good ones and the bad ones (loyal and disloyal ones) and slaughter the good ones and leave the old ones to die.” The divisions that were created did not represent “loyalty” and “disloyalty.” Instead, they came as a result of a rare opportunity for individuals to face their government and to voice their dissent. The loyalty questionnaire was presented to individuals at a time when many were desperate for a way to have a voice and to declare their unhappiness with their undemocratic, unconstitutional treatment. But the labels stuck, and Japanese Americans are still talking about how to stop using the same artificial wartime classifications of loyal and disloyal that the government imposed upon them and their ancestors. The “loyal” young men, were, in effect, selected to risk their lives for their country, while the “disloyal” were sent to more permanent detention facilities and further traumatized by their lack of due process. The elderly Issei, caught in the middle, remained deeply uncertain of where their futures lay and what would become of their children’s futures in America.
CHAPTER 5

The Obligations of Citizenship

Therefore, we should devote ourselves . . . to make every man understand that unless he in good faith performs his duties he is not entitled to any rights at all.

—Theodore Roosevelt, speech, October 1915

On January 20, 1944, Secretary of War Henry Stimson announced that the Selective Service had restored Nisei eligibility for the draft. Stimson declared that the draft gave Nisei the chance to restore their citizenship and to repair their public image as loyal Americans. The government had demonstrated its faith in Nisei, Stimson said, and now it was time for Nisei to demonstrate their faith in America.1

On February 22, fifty-three Nisei men were scheduled to take the train from Amache to Denver for their preinduction physicals, but five refused to go. They became the first Nisei to resist the draft, but they were not the first to protest. In Topaz and Amache, as in other camps, residents organized against the draft much as they had against the loyalty registration program the year before. Groups held meetings, filed petitions, sent letters, and tried to negotiate for a full restoration of Nisei rights before they could be drafted.

Japanese Americans protested against the draft in diverse ways, including civil disobedience. Most detainees could see that the draft did little to restore Nisei rights directly when it was applied to an incarcerated population of citizens. Vague promises of a future restoration of rights did not sit well with those who knew the U.S. government had promised citizenship to Issei in exchange for military service during World War I, only to force Issei to battle for almost two decades to make the government fulfill that promise. Those who refused to comply with the draft represented the remnants of a broad-based attempt to force the government to restore citizenship rights along with responsibilities.

In an attempt to squelch resistance, government officials, the Japanese American Citizens League (JACL), and individual Nikkei marginalized the resisters with accusations of criminality, disloyalty, and even unmanly cowardice while promoting patriotic compliance as the only appropriate response to the draft.

From Prisons and Patriots: Japanese American Wartime Citizenship, Civil Disobedience, and Historical Memory by Cherstin M. Lyon. Used with permission from Temple University Press.
THE DECISION TO REINSTATE SELECTIVE SERVICE FOR NISEI

The decision to reinstate Selective Service for Nisei had been made on some levels as early as the end of 1942, but the decision was not formalized until a vote was taken on the matter at the end of 1943. The vote involved representation from G-1 (personnel), G-2 (intelligence), G-3 (operations and training), the Provost Marshal General (PMG) and the Military Personnel Division (MPD)/Air Force (ASF). They voted unanimously to reinstate the Selective Service for Nisei; to assign inductees to the segregated 442nd Regimental Combat Team rather than distributing them generally throughout the army, to say nothing of the other branches of the military; and, for now, not to admit Issei, even on a volunteer basis. Aliens would not be allowed to volunteer until September 11, 1944.2

The decision to reinstitute the “non-voluntary induction of loyal Japanese Americans” would require a strong publicity campaign to encourage compliance and discourage resistance. Lt. Col. Harrison A. Gerhardt, of the Office of the Assistant Secretary of War, wrote that the success of this program would “depend largely upon the hype of publicity which is given it and the method in which this publicity is handled.” The reason was the timing of this change. Recently, the 100th Battalion had suffered extensive casualties. Gerhardt warned that, combined with major unrest at Tule Lake over the issue of segregation and mistreatment of Nikkei segregated there, some might conclude “that the reinstitution of selective service was designed as an ‘exterminating measure’ for Japanese Americans.” He recommended that in light of the probable backlash against the draft, a conference should be held with representatives from the Bureau of Public Relations, G-1, G-2, the War Relocation Authority (WRA), the Selective Service, and the Office of the Assistant Secretary of War to design an effective information campaign that would encourage compliance with the draft and discourage dissent.3

The matter of segregation was likely to become a problem, as it had been raised immediately during the registration crisis of 1943. Nisei had asked why they were being segregated like “Negro” troops and why they were being assigned to only combat duty.4 The War Department and the WRA claimed publicly that Nisei would be segregated to highlight their achievements and to spotlight their heroism.

One of the reasons for keeping Japanese Americans segregated was not shared publicly. Certainly some believed that Nisei heroism would be less visible if Nisei were distributed throughout the army. Their service, some said, would be “diluted” and would not have the same propaganda value. But a November 1942 internal, confidential memo from the provost marshal general’s office raised another larger issue: upholding the policy for continued segregation of African Americans. “Despite my belief that the great majority of Americans of Japanese descent are loyal to the United States,” Maj. Gen. and
Provost Marshal Gen. Allen W. Gullion wrote, “I recommend against their general assignment and favor their assignment to certain specified units.” He explained:

Although it is true that colored enlisted men have always in our service been segregated into colored units while the few Japanese who have served in the Army, prior to this war, were the subject of general assignment, the fact of colored segregation would be emphasized by the re-adoption of general assignment of Japanese-Americans. In view of the fact that the colored people and their friends have, since the beginning of this war, been increasingly bitter in their protests against segregation of colored people, no one short of the Commander-in-Chief should order the general assignment of Japanese-Americans with its resulting emphasis on colored segregation.5

President Franklin Roosevelt had already stressed the fact that he preferred that Japanese Americans be kept under tight control and supervision in specific units because of his general reservations about Japanese American loyalty and because of the propaganda value that an all-Nisei unit would provide. Instead of moving away from the policy of segregation for Nisei, Japanese Americans already serving in the army were to be transferred as replacements for the 442nd, meaning that segregation of Japanese Americans in the military was actually being strengthened as the draft was reinstated, not dismantled.

The primary reason for reinstating the draft was to provide replacements for Japanese American combat units. Early recruitment of volunteers had fallen short of projected quotas. Far fewer Nisei had volunteered than were estimated, and far fewer had volunteered than were deemed “eligible” for service. Only 5.3 percent of the total number of Nisei men deemed eligible for the draft, inside or outside the camps, had volunteered. In some camps, the number of volunteers was higher. In Minidoka, 18.6 percent of eligible Nisei men volunteered, and in Gila River, 10.3 percent volunteered. Other camps fell well below the average. Only 2.1 percent of eligible Nisei men volunteered for service from Jerome and Rohwer, and only 2.3 percent volunteered from Heart Mountain (see Table 5.1). According to military analysts, a pool of 22,353 Nisei remained from which to draw replacements for the 442nd combat team, but it would take more than an aggressive recruiting campaign to entice them to volunteer. They would have to be compelled to serve.6

Drafting and inducting 23,606 was unrealistic due to a variety of issues. Analysts estimated that of the 19,506 draft-age detainees in the camps (setting aside for the moment the estimated 4,000 draft-age Nisei outside the camps), 6,856 would be rejected due to their negative answers to question 28 on the loyalty questionnaire, 2,550 would be rejected for other “loyalty” related concerns, 1,632 would probably be given agricultural deferments, and 1,885 would likely be rejected for physical reasons. This meant that the draft might bring in only an additional 6,683 inductees from the camps. When analysts
performed similar calculations for Nisei outside the camps, they concluded that at most 1,665 might be drafted.7

Analysts tried to predict the numbers the War Department could expect to be able to draft, while such people as Maj. Gen. Gullion tried to explain the lack of volunteers. Thousands of Nisei had qualified their answers to question 27 (“Are you willing to serve in the armed forces of the United States on combat duty, wherever ordered?”) by responding, “Yes, if drafted.” Gullion said he took these statements at face value. “In many cases,” he wrote, “that was probably a sincere answer on the part of the registrant who was torn between strong family opposition on the one hand and a desire to serve his country on the other.” He also suggested that others were “physically able and probably loyal in the broader sense” but did not “wish to serve in the Army for personal and selfish reasons.” He said quite frankly that these individuals “should be compelled to do so through the reinstitution of Selective Service.” His lack of sensitivity was echoed throughout the War Department.8

Maj. Gen. Gullion offered another reason for reinstuting the draft that revealed the ongoing concern that some War Department officials had about the loyalty of Nisei and security outside the camps. He commented that the younger Nisei preferred to relocate to urban areas, such as Chicago and Cincinnati. They had not been as interested in relocating to rural areas and performing agricultural work. Gullion wrote, “It is more difficult to keep those suspected of disloyalty under surveillance in communities thickly populated with Japanese-Americans, and the reinstatement of Selective Service would relieve that situation.” Oddly, it is not clear whether this meant that Nisei who

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### TABLE 5.1 Citizens eligible for military service and numbers of volunteers, March 29, 1943

<table>
<thead>
<tr>
<th>WRA camps</th>
<th>Citizen males 18–37, inclusive</th>
<th>Volunteers</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Utah (Topaz)</td>
<td>1,475</td>
<td>111</td>
<td>7.5</td>
</tr>
<tr>
<td>Colorado River (Poston)</td>
<td>3,405</td>
<td>228</td>
<td>6.7</td>
</tr>
<tr>
<td>Gila River</td>
<td>2,210</td>
<td>114</td>
<td>10.3</td>
</tr>
<tr>
<td>Granada (Amache)</td>
<td>1,580</td>
<td>121</td>
<td>7.7</td>
</tr>
<tr>
<td>Heart Mountain</td>
<td>1,970</td>
<td>45</td>
<td>2.3</td>
</tr>
<tr>
<td>Jerome</td>
<td>1,578</td>
<td>33</td>
<td>2.1</td>
</tr>
<tr>
<td>Manzanar</td>
<td>1,809</td>
<td>97</td>
<td>5.4</td>
</tr>
<tr>
<td>Minidoka</td>
<td>1,601</td>
<td>298</td>
<td>18.6</td>
</tr>
<tr>
<td>Rohwer</td>
<td>1,608</td>
<td>34</td>
<td>2.1</td>
</tr>
<tr>
<td>Tule Lake</td>
<td>2,270</td>
<td>57</td>
<td>2.5</td>
</tr>
<tr>
<td>Total inside camps</td>
<td>19,506</td>
<td>1,138</td>
<td>5.8</td>
</tr>
<tr>
<td>Outside camps</td>
<td>4,000</td>
<td>119</td>
<td>3.0</td>
</tr>
<tr>
<td>Totals</td>
<td>23,506</td>
<td>1,253</td>
<td>5.6</td>
</tr>
</tbody>
</table>

Source: Memorandum, John Lansdale, Maj., Field Artillery, Chief, Review Branch, CIG, MIS, to Col. Gibson, March 29, 1943, Office of the Secretary of War, College Park, Maryland, RG 107, Box 15, Folder “Loyalty Investigation.”

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were suspected of disloyalty would be inducted and then kept under close surveillance in the military or that the loyal Nisei would be inducted, leaving only those suspected of disloyalty free to roam the metropolitan areas. Either way, the suggestion was made that the draft would thin out Nisei populations outside the camps, too, making the drafting of Nisei a priority inside and outside the camps.9

Finally, reinstituting the draft, Gullion believed, would resolve the complaints that Nisei had been unfairly and unjustifiably classified as “enemy aliens” by the Selective Service: “The professed loyal Japanese-Americans had strongly resented the fact that they are classified 4-C in the Selective Service process, and that they are treated in a manner different from other American citizens.” He was not the only one who believed that reinstituting the Selective Service and reclassifying Nisei as 1-A (citizens available for service) would “remove one cause of dissatisfaction among these people.”10 Little did he realize that another change in status would draw criticism from those who resented being labeled an enemy alien one year and then being restored to citizen status just for the purpose of being drafted into segregated combat units in the army the following year.11

The message sent publicly to Japanese Americans was that the restoration of the draft would provide an opportunity for Nisei to prove their loyalty and to reassure Americans that they were contributing to the war effort as the sons of other American families were. Americans would respect them for their service, they were told, and would recognize their sacrifices. But underneath the publicity was a more complicated set of priorities: replenishing and reinforcing the segregated all-Nisei combat units so African Americans in the military would not be the only ones segregated on the basis of race, thinning out populations of young Nisei in urban areas, forcing able-bodied men to serve despite their reluctance to do so, providing the justification for men who wanted to serve but were pressured by their families and communities not to volunteer, and correcting the fiasco that IV-C classifications had caused. The justifications for reinstating the draft were complex and varied, as would be Japanese Americans’ response to the news.

RESPONSE TO THE DRAFT AT AMACHE

Some in Amache proposed that if the entire Nisei population resisted the draft, none of them could be prosecuted. This sentiment had a very popular following. The Community Council requested that the entire camp vote on how it should respond to the draft, especially whether detainees would threaten mass resistance. Five blocks voted to withhold Nisei service entirely. Some blocks declined to vote on the issue at all. Others voted by an overwhelming majority to avoid making threats against the government. All twenty-nine blocks agreed unanimously to send some sort of resolutions to Washington protesting the draft, but they could not unanimously support withholding Nisei service in an
attempt to create leverage in their drive for a total restoration of civil rights. Those who chose to resist the draft would have to act individually.\textsuperscript{12}

The idea of total resistance to the draft may not have won the support of the majority of detainees at Amache, but it is still significant that the camp took the idea under consideration. It shows that far more considered the possibility of civil disobedience than ultimately faced criminal prosecution. It also demonstrated to WRA administrators that if they did nothing to counter the growing unrest, they could have another crisis on their hands.

Administrators did not understand detainees’ objections to the draft, so they looked to John A. Rademaker, their resident community analyst, for answers. Rademaker described his position while working in Amache: To Nikkei, his job was to explain administrative rules and regulations. To administrators, his role was to explain Nikkei reactions.\textsuperscript{13} The draft crisis was one of those times when administrators and Nikkei needed whatever mediation services someone like Rademaker might provide. His observations were not without their biases and flaws, but, as a nonadministrator charged with the task of working to understand the mind-set of incarcerated Japanese Americans, he did his best to use his outsider position to bring empathy and reason to his observations. Initially, his reports appeared decidedly sympathetic to those who objected to Nisei’s being drafted into segregated units without first securing a full restoration of their rights. But in the end, Rademaker supported JACL and administration efforts to squelch outright civil disobedience to the draft.

Rademaker wrote a lengthy report to Edward Spicer, his supervisor in Washington, explaining Nikkei reactions. Nikkei had many legitimate reasons to withhold support for the draft. These reasons included a long history of race discrimination, the extraordinary risks Nisei faced on the battlefield due to the fact that their units not only were confined to combat duty but also were assigned the most dangerous missions, and a seeming absence of democracy in the camps.

First, Rademaker explained the Issei point of view: They still harbored resentment from World War I. Alien volunteers were promised citizenship in exchange for military service, but the government had not given citizenship to Issei. They had to lobby Congress for more than fifteen years to get the citizenship they were promised. Issei warned Nisei that if they accepted military service without first demanding their full citizenship, they, too, might be “left holding the bag” when the war was over. Rademaker wrote that it was more Issei than Nisei who “were not in sympathy with the idea of the draft-age Nisei going into service until their citizenship rights were restored along with their duties and responsibilities.” Feelings had become so “acrimonious” that any who supported the draft might be accused of being an administrative “stooge or inu.”\textsuperscript{14}

Nisei responses to racial discrimination varied greatly. Very few Nisei had attended segregated schools. More experienced racial segregation and discrimination in other ways. Some could not swim in public pools or patronize the

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same beaches or golf courses as white Americans. Others just learned the
unwritten rules of race-based social segregation. For example, most profes-
sional occupations were not open to Japanese Americans. Some responded to
these experiences with resentment or resistance, but others, Rademaker
observed, responded with “excessive patriotic zeal” by becoming “belligerent”
in their loyalty.

Interestingly, Rademaker predicted one of the most important dynamics of
the draft crisis. The self-proclaimed patriotic Nisei would become the most
hostile critics of the resisters, yet the resisters and the self-proclaimed patriots
responded to wartime conditions based on prewar lessons in race and discrim-
ination. It is important to recognize that those who proclaimed extraordinary
loyalty and those who committed acts of civil disobedience were engaged in a
dialogue with the state about the meaning of their own citizenship. Their
responses were shaped by prewar understandings of the rights of citizens and
the limits of social and legal equality in the United States, the country in which
they were born.

Another reason Nisei were reluctant to embrace the draft enthusiastically
was the unusually high casualty rate of the all-Nisei combat team. During the
summer months of 1943, the 442nd combat team suffered heavy losses: 1,272,
or 25 percent of the unit’s total size. In addition, rumors abounded that the
Nisei combat team regularly received the most dangerous missions. Rade-
maker wrote that nobody celebrated the draft, not even outside the camps.
Citizens accepted it as an unpleasant duty not a privilege. For those in the
camps, especially those who believed the army was drafting Nisei as replace-
ment cannon fodder, Rademaker implied that it would be unreasonable to
expect anything less than resistance.

Rademaker concluded that, in his opinion, the opponents of the draft were
“probably justified.” Many had begun calling America “a benevolent dictator-
ship under the guise of a democracy.” Rademaker sympathized—patriotism is
hard to feel from inside a relocation center. “Democracy,” he wrote, no longer
functioned “as we were taught and as we believed.” “It is small wonder,” Rade-
maker continued, “that few Nisei dare to raise their heads now and say, ‘we’re
loyal and we’re willing to fight for the U.S.’ even though many of them feel
that way.” Rademaker explained that the reluctance on the part of the majority
to express their patriotism in the face of their treatment in the camps was why
what he called “a veritable flood of resolutions, requests, demands and ultima-
tums [had been] floating around.”

Rademaker made an important point when he concluded that few Nisei
dared to raise their heads to declare their willingness to fight due to the over-
whelming climate of resentment against the draft. It appears that the majority
in the camps believed that the draft was an unfair demand on citizens who had
been stripped of their rights and freedoms. Many employed conventional forms
of protest, including questions, resolutions, and letters requesting a revised
policy, and some threatened to withhold service if their rights were not restored, but few followed through by committing acts of civil disobedience when these forms of protest seemed to fall on deaf ears.

**FORMS OF RESISTANCE TO THE DRAFT**

As with organized resistance to registration, Topaz’s Nikkei were among the first to send Washington a list of questions regarding the draft. Topaz’s draft-age Nisei wanted to know why they had been classified IV-C in the first place. Could those honorably discharged regain the right to travel freely anywhere in the United States, including California? Why would they be drafted into only combat teams in the army and not other branches of the military? Was this draft merely a publicity stunt? These were questions that many shared, not just Nisei in Topaz. Asking questions demonstrated that Nisei believed some dialogue should take place if the government was ready to change the way it categorized them. The restoration of the draft represented a fundamental shift in policy and in Nisei citizenship. No longer treated as if they were potentially disloyal unless specifically proven trustworthy (and in these cases, always treated as though this trust were tenuous), Nisei were now being moved incrementally over to the category of partial citizens—worthy of sacrificing their lives for their country but not yet trustworthy enough to return home to the West Coast. This disparity raised important questions that would have to be answered for Nisei to understand what interpretation of citizenship they were agreeing to through their military service.

Some organized groups to demonstrate solidarity and strength in numbers and wrote letters requesting that the government rethink this partial restoration of citizenship obligations without any restoration of rights. The best-known group to form in opposition to the draft was the Heart Mountain Fair Play Committee, led by Kiyoshi Okamoto, who started out as the Fair Play Committee of One. He was joined by others, such as Frank Emi, who were concerned that Nisei rights had been violated on a constitutional level. The organization became “galvanized” on January 20, 1944, when Secretary of War Stimson announced that the draft had been reinstated.18 On February 25, 1944, Okamoto wrote:

> Our legal status in these concentration camps have not been cleared. We are herded within barbed wire fences and, guarded against freedom by soldiers, bullets and bayonets. We exist as Citizens without a Country. In truth, all the guarantees of the Constitution are denied us. Under these conditions, what are we? Are we American Citizens? Are we Enemy Aliens? Or, are we . . . what? This absence of clarification of our status and rights is the keystone of our indecision towards any proper orientation of attitude towards the draft.19

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Okamoto’s ideas and leadership attracted 275 “dues-paying members” to the Fair Play Committee. The committee’s primary argument was that if members’ rights were first restored, they would gladly perform their duties. With additional members paying dues, the group had enough money to consult with an attorney about organizing a test case that would challenge the way the Selective Service applied to citizens who were incarcerated and lacked their basic freedoms. The committee then petitioned President Roosevelt to request clarification of members’ citizenship status. The Fair Play Committee did not end its efforts with petitions: It went on to resist the draft by refusing to appear for preinduction physicals. Sixty-three committee members ended up being tried as the largest single group of resisters and Wyoming’s largest mass trial; each was convicted and sentenced to three years in a federal penitentiary. The committee’s six leaders, including Okamoto and Emi, were tried separately, and after conviction, each was given a two-year prison sentence.

A group calling itself Topaz Citizens for the Principles of American Democracy also formed in response to the reinstatement of the draft. Topaz residents had been extremely well organized in their response to registration and protested on a campwide basis under the direction of Issei, who successfully achieved their goals of forcing the WRA to offer them a revised questionnaire. When it came to the draft the following year, Nisei were on their own. The Topaz Citizens was one of the first groups to approach the War Department directly with its concerns. Its members wrote to Washington, insisting that the principles of American democracy were incompatible with segregated units. The committee recommended that the president and the War Department not use Nisei draftees as replacements for the all-Nisei combat team that had been created with the volunteers recruited through the loyalty registration program of 1943. Instead, draftees should be assigned to units throughout the U.S. military branches. Finally, the citizens of Topaz reminded the president that Nisei had a stake in two wars: the war against fascism abroad and the war against prejudice at home. Friendships made on the battlefield, regardless of race or ancestry, would translate into better race relations after the war. The citizens of Topaz requested a “redress of grievances prior to their being inducted into service.” They wanted the government to restore their citizenship fully before they would be willing to enter into military service. This argument was quite popular. The volunteers had already proven Nisei heroism and trustworthiness, so now it was time to integrate Nisei servicemen throughout the armed forces so they could truly serve on the same basis as other Americans.

Members of the Topaz Citizens were joined by their mothers in their protest. The Mothers of Topaz sent resolutions and recommendations to the president, Dillon Myer, Brig. Gen. Robert H. Dunlop, and Eleanor Roosevelt. When the Mothers of Topaz met to draft its resolutions, some women proposed that they withhold their sons’ service unless their children’s rights were first restored. When the women considered the details of their petition, most thought such an ultimatum would go too far. The final resolution contained no ultimatum.
but still demanded that something be done to rectify the undemocratic circumstances under which their sons would be drafted. The petition, signed by 1,141 women, stated:

We mothers of American citizens of Japanese descent have fully cooperated for years with the American educational system so that our children would be worthy American citizens. We have taught our children to affirm their loyalty especially in time of a National emergency. This ideal is in keeping with the traditional spirit of Japanese mothers. As you may know, before the evacuation we did not in one instance oppose the drafting of our sons, but willingly sent them with our encouragement.23

How could these mothers send their sons into battle so willingly under the present circumstances? Until the War Department restored citizens’ rights to free travel and to serve in all branches of the military, these Japanese mothers wrote, they could not in good faith send their sons into harm’s way. They would do so only under protest, and they were not alone. Women from other camps also submitted letters on behalf of their Nisei children, including the Blue Star Mothers and the Women’s Federation of Amache, who filed a joint resolution, drafted by Kay Sugahara (a male JACL leader), calling for the restoration of Nisei citizenship rights.24

In response to the Mothers of Topaz’s petition, Brig. Gen. Dunlop reminded the mothers that they had no right to dictate military decisions. It had long been the policy of the War Department to assign inductees where they were most needed to win the war, wrote Dunlop, and the War Department needed replacements for Nisei units. He appreciated the mothers’ desire to see fair treatment for their children and promised that every effort would be made to eliminate inequities in policies affecting their sons.25

Myer responded to the Mothers of Topaz with sympathy and a warning that they avoid any appearance of “espionage.” He wrote that he appreciated the mothers’ devotion to democratic principles, but in their devotion they needed to be aware of the time necessary to make important changes, such as what they were demanding. Myer urged the mothers to see the draft as a first step in the gradual restoration of their children’s citizenship. He also conveyed a stern warning when he wrote, “I am certain that you want to take no step which would interfere with the progress toward complete restoration of civil rights and the recognition of your children as loyal American citizens.” His corrective tone prevailed in official responses to all forms of resistance, particularly those that hinted at an ultimatum.26

Early attempts to resist a restoration of Nisei obligations to serve in a segregated military represented a broad cross-section of the Nikkei population and a continuation of strategies that had enjoyed some success against registration. Petitions came in from various camps written by Nisei themselves, their Issei mothers, Community Councils, and sympathetic individuals. Some hinted that they would refuse to comply with the draft until their rights were
restored, but others hesitated to threaten civil disobedience—they did not want to draw further suspicion of disloyalty. Civility dominated these early forms of resistance, but this trait did not make them ineffective. Instead, resisters forced the WRA to revise its definition of loyalty to prevent mass draft evasion by those who had previously maintained their loyalty but might be willing to accept labels of “disloyalty” to avoid the draft. Early resistance also forced the War Department to clarify its role vis-à-vis Nisei citizenship and civil rights: Its job was to raise an army, and it had nothing to do with civil rights. Although this limitation should have raised even more serious concerns that military service might not actually lead to a full restoration of Nisei citizenship, it instead diffused dissent, as complaints about citizenship and civil rights were directed to a different branch of the government than were complaints about segregation in military service. The only way to retain a cohesive argument about Nisei citizenship was for individuals to refuse the draft entirely and to address their grievances in federal court. But retaining authority over their citizenship came with a heavy price.

A DEVELOPING CRISIS IN AMACHE

Administrators turned to Rademaker and other social scientists to explain Nikkei behavior as protest against the draft grew, while detainees looked to attorneys to explain their legal rights and obligations. Each camp had its own resident attorney to assist detainees with assorted legal needs that arose while they were in the camps and to assist the WRA in its administration of the camps. Amache’s attorney was Donald T. Horn. Horn met several times with the Community Council during the first weeks of February, when turmoil and confusion were at their peak. From a legal perspective, he told detainees, the draft and Nisei rights were two separate issues, and under no circumstances should they make their acceptance of the draft contingent on a full restoration of their rights.

Persuaded by Horn that the grievances of evacuation and the duty of citizens to submit to the draft could not be connected legally, the members of the Community Council sent a letter to Washington, accepting the draft as a duty and a right of citizenship. This letter, however, did not represent unanimous support for the draft.

At the same time that Horn was urging the council to accept the draft, one hundred fifty requests for repatriation and expatriation came flooding into Camp Director James G. Lindley’s office over a two-day period following the announcement that the draft would be reopened for Nisei. Only fifteen of the one hundred fifty requests came from draft-age Nisei, but because of their timing, camp administrators feared they represented another attempt to avoid the draft. Lindley responded by declaring he would no longer accept any applications for expatriation or repatriation. Myer likewise announced that no more detainees would be transferred to Tule Lake.

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In an ironic twist, once the draft was in place, those requesting to leave the United States would no longer automatically be classified as disloyal or even be exempt from the Selective Service. Just two years earlier, government officials and private individuals had debated one vexing question: Would Japanese Americans be loyal to the United States or to Japan? No matter how hard Nisei tried to prove their loyalty, the Selective Service reclassified all persons of Japanese descent as enemy aliens. All those living in the restricted West Coast were forced to report for removal and incarcerated, along with their enemy alien parents, on the presumption that they might be disloyal. Now it seemed that loyalty was no longer a prerequisite for military service.

The resistance Hirabayashi had hoped for verged on fruition as Nisei faced the possibility of refusing to comply with the draft as a legitimate form of protest against the draft. It was unlikely that only a handful of individuals would have been willing to risk imprisonment for their civil disobedience after two years of confinement. As Hirabayashi noted while in King County Jail, it was far easier to transition from the camps to jail than it was to go from free society to jail. In camp, the detainees had already become accustomed to the confinement, the lack of privacy, and, to some extent, even the stigma of incarceration.

On February 21, Myer sent instructions to all camp administrators on how they should handle the growing threat of an outright draft-resistance movement. He listed a variety of problems all camps should expect. The first would be petitions. Myer reminded camp directors of the right of every citizen to petition the state. If they received any of these documents, they were to forward them directly to his office for his inspection. At the same time, directors were to explain that the draft remained independent of other complaints. “No real or fancied grievances can be allowed to interfere with its operation,” Myer warned. Second, young men who chose to file for expatriation were to be allowed to do so as long as they were warned that such action would not “preclude or delay a call for induction.” Requests for expatriation, Myer declared, did not provide “conclusive evidence of disloyalty.” Third, some Nisei were already declaring their intention to ignore their calls for preinduction phys- cals. These Nisei were to receive the strongest warning of all. Camp adminis- trators were instructed to tell Nisei that they would be guilty of Selective Ser- vice violations and subject to the criminal penalties of draft evasion. Moreover, Myer told camp authorities to provide local draft boards their full cooperation in apprehending and prosecuting any detainees who carried through with their plans to resist the draft.29

Even as Myer gave instructions regarding how camp administrators were to handle potential resisters, he cautioned that a simple declaration of intent to refuse the draft was not a criminal act. He maintained that widespread draft resistance could be avoided if handled properly. In a teletype to the camp directors, he wrote, “The wiser heads among the evacuees may want to talk to such young men, to their parents, and help them realize the serious conse- quences to the young man . . . and to the whole group.” Accepting the draft,
after all, represented a “major step toward the restoration of the rights of American citizens of Japanese ancestry and if properly accepted can lead to the restoration of many other rights which evacuees feel they should have.” Any act to resist this opportunity, wrote Myer, would create a “serious detriment of the whole evacuee community.” Myer concluded with the hope that Nikkei leaders within the camps would do whatever they could to “avoid the drastic effect which might come from the unthinking actions of a few prospective or actual draft dodgers.” The personal penalties draft resisters would suffer by law—$10,000 in fines, twenty years in prison, or both—would pale in comparison to the overall harm that the resistance would cause the entire evacuee population.30

Director Lindley decided that, for his part, he would make most of Myer’s recommendations public by way of an all-camp announcement. He drew up a list of items to be read in every dining hall throughout camp, declaring that no more Nisei of draft age would be sent to Tule Lake and that the five who had been sent already were on their way back to camp. He told block managers, “Please advise your young men of military age that a request for expatriation will not in itself preclude or delay a call for induction.” He warned, “It cannot fail to have a serious effect on their future in the United States and indirectly on the future of the whole evacuee population.” In reviewing the instructions from Myer, the threat of fines and prison were the least Nisei had to worry about: The future of the entire evacuee population was at stake.

Significantly, Lindley’s announcement met with resistance of an unexpected sort. Two out of five mess halls failed to read portions of his letter, and none of the mess halls read the letter in English. This lack of translation bothered Lindley the most: Reading the notice only in Japanese meant that the target audience was Issei, but he was trying to avert Nisei resistance to the draft. Why not give the information to Nisei in English so they, too, could understand the seriousness of the situation? Lindley was baffled and upset that Nisei, many of whom could not understand Japanese, did not get the message firsthand.31 It is unclear why the announcement was read in Japanese. Perhaps those reading it believed that parents still retained enough authority in their households to pressure would-be resisters into compliance, or it might have been a warning to Issei that those who had warned Nisei that they were not given their citizenship after serving in World War I should not discourage Nisei from serving in this war. In any case, the message, according to Lindley, had been misdirected, despite the possible reasons the messengers had for targeting Issei.

Other staff members at Amache tried their hand at encouraging Nisei to accept the draft and to dissuade those who were contemplating resistance. Amache Superintendent of Education Paul Terry reminded Nisei, who had “been educated in the institutions of the West Coast,” that they had already benefited immensely from their free education in the United States at great expense to taxpayers, and they continued to benefit from education in the camps (“What would they say about the one-third of a million dollars being
spent for the Amache school buildings?”). It was imperative, according to Superintendent Terry, that Nisei give back in the form of military service. “If this program proves successful,” Terry said, “then the public will immediately recognize your loyalty. But if it should prove a failure,” Terry warned, “then they will say, ‘I told you so. . . . They belong right where they are.’ The responsibility lies with each of you.”

Despite camp administrators’ best efforts to prevent any direct disobedience to the draft, some Nisei had already made up their minds and could not be dissuaded. When the first group of Nisei received orders to appear in Denver on February 22, 1944, for their preinduction physicals, administrators organized a banquet to honor these young men, and the entire camp was invited to join in the celebration. Attendance was disappointingly low. Only twenty-eight draft-age Nisei attended the event, some of whom were not even among the fifty-three being honored. They were joined by thirty staff members, thirty-six members of the girls’ glee club, and sixteen members of the high school band.

Organizers were surprised by the utter lack of interest in the banquet and seeming lack of support for the inductees, but Nisei staff working under Rademaker had predicted that few would attend. The prevailing attitude, he wrote, could be summed up in just a few words: “Why get enthusiastic about going out and fighting unless there is something for us to fight for? If we get the benefits of citizenship, we are willing to take the responsibilities.”

Administration staff did not understand the difference between the benefits and responsibilities of citizenship. In private, they told Rademaker that Nisei complained that they could not enlist, yet once that privilege had been restored, few had volunteered. Then Nisei complained that they did not like being classified IV-C. If they were given back their citizenship status and drafted like anybody else, they would go. Unsympathetic staff concluded that now the draft had been reinstated, Nisei were simply making up more excuses. Rademaker tried to explain the Nisei side of the argument:

Now that the draft is reinstated, there are many who honestly resent being asked to die for the “goddamn bastards in California who kicked us out and enriched themselves at our expense,” while the same Californians strongly oppose giving even the Nisei any of their civil rights or the privileges accruing to citizenship.

Nisei and their parents would not rest until their rights were restored along with their responsibilities. Not only were these Nisei justified, Rademaker wrote, but they would also make far better soldiers if their demands were met.

On the morning of February 22, when five Nisei refused to go to Denver for their physicals, administrators knew they had not defeated antidraft sentiments in Amache. An article about the draft resisters at Amache appeared that day in the Topaz Times, in which several of the resisters explained why they did not feel obligated to obey the draft. One eighteen-year-old said, “I don’t think I
owe the United States anything after the way they have been treating us, and I
don’t see my future in the United States.” Another young man said:

I asked for repatriation before. I feel no loyalty to the United States. When
we came to the center we lost all civil rights. The Constitution says that in
the United States all men are created equal, regardless of color, race or
creed. I don’t call this democracy.

Among the oldest of the resisters, a twenty-five-year-old said his actions were
to protest segregation and the fact that Nisei were being drafted exclusively
into combat teams. He said, “I would like to have all the services open to Japa-
nese just as they are to Caucasians.” Each resister’s reason was slightly differ-
ent and quite personal, much as Hirabayashi had expressed when he wrote
down his reasons for refusing to obey the exclusion order. He did not just
write about constitutional principles. He spoke of the humiliation of living
conditions in the “assembly centers” as one of the reasons for his resistance,
and draft resisters responded to their segregation into combat teams with a
similarly broad point of view. Each had responded within the context of his
own life and personal experience, and each expressed the need to fight for
something. It was not easy to fight and to possibly die in defense of home
when that home was in a “concentration camp.” But some found comfort in
fighting for the right to keep their citizenship intact. Either they were enemy
aliens or they should be restored to full citizenship, but this partial restoration
of only the obligation of military service was something that some Nisei ulti-
mately could not accept.

Initially, the Amache resisters lacked organization when compared with
the Fair Play Committee. They immediately came under attack from critics,
some of whom supported the idea of resistance but accused these first resisters
of being reckless in their statements. James Omura, editor of the English sec-
tion of the Rocky Shimpo newspaper in Denver, Colorado, feared the message
disloyalty the resisters from Amache had sent. He responded with an edito-
rial called, “Let Us Not Be Rash.” “We are in full sympathy with the general
context of the petitions forwarded to Washington by the Amache Community
Council and the Topaz Citizens Committee,” Omura wrote, but he urged cau-
tion. “The Nisei are well within their rights in petitioning the government for
a redress of grievances,” but any actions beyond that, he continued, “would be
treading on unsure footing.” “We must not forget we are at war,” he cautioned,
adding, “those who are resisting the draft are too few, too unorganized and
basically unsound in their viewpoints.”

In looking at the first cases of resistance coming out of Amache, Omura
criticized the young men for what he called foolish statements of disloyalty
just because democracy seemed to have failed this time. Instead, although the
suggestion was carefully guarded, Omura wrote that only organized resistance
could accomplish anything substantial. He urged all Nikkei to stand up for
their rights and to let their voices be heard, but he advised that any actions against the draft should be deliberate and well-planned.37

Unlike Omura, camp administrators did not differentiate between organized and disorganized resistance. They took immediate measures to deter anyone else who was contemplating draft resistance. In a letter to Solicitor General Phillip Glick of the Justice Department, attorney Horn explained that five Nisei had resisted the draft so far at Amache. Although the general meetings held throughout the camps were a “good way to divert the emotional feelings” in the camp, he suggested that those planning draft resistance were a constant source of irritation and should not be allowed to remain in camp. He vaguely added, “I believe the contemplated action against the five boys who did not appear will have a salutary effect.” What was this “contemplated action?”38

The first five resisters were sent straight to the penitentiary. The authorities picked up Susumu Yenokida along with four other resisters and took them to a county jail in Pueblo, Colorado, to spend the night. The next day, the five young men were transferred to the Federal Correctional Institute (FCI) Englewood, in Littleton, Colorado, where they stayed for three months. No other resisters reported being sent directly to a federal prison before trial; most followed the normal procedures of waiting for their trials in county jail.

While the five were incarcerated in Englewood, they received letters pressuring them to give up their fight. Administrators encouraged parents to write to their sons, asking them to reconsider their positions. Director Lindley sent letters to the resisters advising them of the cost of their decisions.39 If they would agree to be inducted, all charges against them would be dropped.40 Although the War Department had described the reinstatement of the draft in terms of “involuntary” inductions, they could not truly involuntarily induct individuals who refused to comply. As Hirabayashi found out during a discussion with Capt. Michael Rivisto, it was not legal for the army to literally force him to obey the exclusion orders. In a civil society, citizens had to choose to obey the law, and each had the right to refuse to obey so long as he or she was prepared to accept the consequences of civil disobedience.

Joe Grant Masaoka and Min Yasui, national leaders of the JACL, put the real pressure on the resisters at Englewood.41 They asked prison officials to place the resisters in solitary confinement for a few days, at the end of which time they would personally interview each one. Yenokida remembered that they asked whether he would consider changing his mind, but he refused. He did not believe that telling them his plans would accomplish anything, so he simply kept his mouth shut. Even though Masaoka and Yasui were not able to persuade Yenokida to accept the draft, they did convince two others. George Satoshi Marumoto, age twenty-five, and Mitsuye Oshita, eighteen, were released from Englewood after agreeing to join the army.42

Masaoka’s appearance was not a surprise. He was in a position of national leadership within the JACL, and the JACL had petitioned the War Department

From Prisons and Patriots: Japanese American Wartime Citizenship, Civil Disobedience, and Historical Memory by Cherstin M. Lyon. Used with permission from Temple University Press.
in 1942 to restore what the JACL considered normal Selective Service proceedings for Nisei in the camps. But Yasui’s participation caught the resisters off guard. This man had himself refused to obey an unjust law, yet now he was trying to tell these resisters that they had no right to resist. How could this be? The JACL had labeled him a “self-styled martyr” for challenging the curfew law, but during the draft crisis, Yasui closed ranks with the JACL as it turned its accusation of self-interested martyrdom on the draft resisters. Many resisters mentioned feeling that Yasui had been a hero to them but had betrayed them when he joined the JACL and attacked what they believed were battles for civil rights not unlike Yasui’s test case.43

Prison officials eventually released the resisters who refused to change their minds, including Yenokida, from Englewood and sent them to Denver County Jail to join the growing number of resisters awaiting trial. The experiment had been unevenly successful. Two had given in to the pressure to join the military, but three remained firm in their convictions. By mid-June, twenty-seven Nisei from Amache were being held in Denver, where the pressure to give up the fight never dissipated. Government officials welcomed virtually all efforts to persuade the resisters to change their minds and to accept military service. In their eyes, even a few resisters posed a serious threat to the overall success of the draft efforts in the camps.44

Even though Rademaker wrote openly in support of those who petitioned and spoke out against the draft, he urged detainees to think realistically about the consequences of their actions. He warned that Americans understood nothing of the injustices Nikkei had suffered during evacuation and would never understand the real causes of their resistance. If Nisei continued to resist the draft, their actions would most certainly be used against them in the press without fair explanation of their motives. Bad publicity would only make resettlement more difficult for all Nikkei. Rademaker explained that white parents with sons serving in the military would have a hard time understanding Nisei demands for greater rights. Rademaker concluded, “Friends and foes alike will feel that the protestations of loyalty and patriotism which the Nisei have so often made are just so much propaganda and hog-wash.”45 It would hardly be realistic to expect the press to give the real story behind any resistance, Rademaker suggested, and he was right. Even the JACL presented the resisters’ case only as seditious behavior, writing that the selfish acts of a few put all Japanese Americans at risk.

Rademaker suggested ways that administrators could reduce or even eliminate resistance by using modern psychological techniques to “penetrate the defense mechanisms” of detainees. The first technique Rademaker suggested was what he called “shock treatment.” A potential resister would be isolated or perhaps called before the Community Council, where a trained professional could break down the facts for him and explain why his actions would harm the entire community. The second method Rademaker suggested was positive
reinforcement. If the Community Council organized a banquet or a dance in honor of those who accepted their call for induction, not only would the event reward those Nisei who accepted the draft, but it would also encourage positive feelings in others about the draft.46

Following Rademaker's recommendations, a small group of local JACL leaders brought six Nisei men they suspected of intending to evade the draft before an ad hoc council. On March 3, Kay Sugahara, former president of the Los Angeles chapter of the JACL, Robin Kanedo, Robert Tashima, Andrew Noda, Masao Satow, Brush Arai, and Jimmy Makimoto decided that something needed to be done to prevent more Nisei from resisting the draft. Arai ordered a WRA car and rounded up each of the six suspects to bring them before the group. Sugahara and the others explained to the men that if they refused the draft, they may be putting the future of all Japanese Americans at risk and that under no circumstances should they follow through with their intentions to disobey the law. Five of the six thanked the committee "very carefully, and expressed their appreciation for the efforts of the committee in helping them with this information."47 The sixth was not so deferential.

When the self-proclaimed committee of community leaders interviewed the sixth unnamed Nisei in an attempt to forestall any plans he had to resist the draft, their attempts backfired. Arai began the conversation, but when the young man asked what Arai thought he should do, Arai replied that he thought the young man should go into the army. This kicked off a heated argument between the two, and when the interview ended without resolution, the young man and his father left "pretty well wound up." Rademaker reported of the incident, "The boy and his father, residents of 6H block, I believe, were pretty well incensed."48 After the conflict was over, the committee decided that in the future it would ask a block manager or councilman first what a suspect's attitude might be so that they could be better prepared. Instead of calling someone who might be "hardheaded" in before a formal hearing, they would seek out a friend who might be more successful at getting him "to see reason in the matter."49 As Rademaker suggested, when "shock treatment" would not work, a more indirect method of persuasion was needed.

The official Community Council took great exception to the actions of this group, not to mention the members' audacity in calling themselves "community leaders" with no authority to do so. The Community Council created its own committee similar to the one Sugahara, Satow, Arai, and others had formed, but this official committee's tactics would be a bit more restrained. The council hoped to help Nisei avoid the "unnecessary hardships of going to jail" and save everyone else "the injurious effects upon American public opinion occasioned by much publicized refusals to answer the call for physical examination." They would not "indulge in persuasion," though. This new committee was led by Rokuro Okubo, manager of Block 7 (a block from which at least nine resisters came). He declared:
Some think they are serving the cause by making martyrs of themselves by going to jail for 20 years, whereas the fact is that such refusal casts a large shadow of doubt on the loyalty of all Japanese-Americans who had been found loyal. . . . This should be told to each draft-age Nisei.50

The committee agreed that the issue was much larger than the personal choices of individual Nisei. Even though the committee itself would not “indulge in persuasion,” its report concluded that it “might be a good thing for someone to get out and do some real persuading.”51

While the Community Council took on the role of educating Nisei on the greater consequences of draft resistance, the camp administration tightened up its control over public meetings. The camp director issued orders that all those wishing to hold public meetings must first obtain a permit from Internal Security. Residents feared that this new policy may have stripped them of yet more basic rights, including the right to assemble and freedom of speech.

When Internal Security broke up an unauthorized meeting of Nisei, someone sent word to Omura. Even though Omura publicly admonished the first five resisters from Amache for being rash and unorganized, he wrote a letter of protest to Amache’s Chief of Internal Security Harlowe Tomlinson. In this letter, Omura insisted Nikkei must retain their basic First Amendment rights of assembly and free speech. Tomlinson forwarded the letter to Myer, and Myer replied to Omura:

I agree with you completely as to the importance of preserving, in the relocation centers as well as outside of them, all the privileges which are guaranteed by the Bill of Rights and I am extremely anxious that the administration of the centers be conducted in such a manner that no serious question can arise concerning the preservation of these rights. At once after receiving your letter, I checked with the Project Director of the Granada Relocation Center, Mr. James Lindley, to discover what the situation was.52

Myer explained that Lindley had merely implemented a security measure allowing police to be present at all authorized meetings, thus ensuring the physical safety of those present. Myer wrote, “This is a type of regulation which is not unusual in ordinary American communities and, of course, involves no violation of constitutional rights.” He continued, “It simply affords a reasonable assurance that disturbances will not break out at times when the authorities have had no opportunity for advance preparation to guard against them.” Myer assured Omura that his concern over the constitutional rights of those at Amache being violated was unfounded.53 What Myer did not say was that the mere presence of law enforcement at any authorized meetings would create an intimidating environment, possibly squelching further support for draft resistance.
While Omura wrote letters defending detainees’ rights of assembly, the national leadership of the JACL openly attacked Omura for his sympathy for the resisters. JACL President Saburo Kido declared in an open letter to Omura, “I have a slight suspicion and fear that anyone who follows your theories most likely will land in jail or face the firing squad.” He accused Omura of misleading the Heart Mountain group and said that Omura had “sold them down the river.” Kido concluded that Omura simply did not know what he was writing about and yet pretended that he did. He was putting young men in danger by filling their heads with the hope that, through their violations of the draft law, they might be able to challenge internment. Kido suggested they would not generate a test case. Instead, they might lose their lives as traitors rather than heroes.54

Roger Baldwin, president of the American Civil Liberties Union (ACLU), agreed with Kido that the draft resisters would not be able to generate a test case for internment as a whole as some hoped. In fact, he wrote that the resisters had no legal case at all—only a moral one. In an open letter to Okamoto, leader of the Heart Mountain Fair Play Committee, Baldwin wrote that anyone had the legal right to refuse the draft, but he would have to accept the consequences of his actions, such as serving a prison sentence, paying a fine, or both (not facing the firing squad, as Kido suggested). Baldwin wrote this not from purely a legal perspective but as a former resister himself. He had refused to comply with the Selective Service during World War I and went to prison for civil disobedience. His experience led him to found the ACLU to defend the rights of others. But Baldwin warned that individuals who advised others to refuse the draft, as he had also seen during World War I, were not within their rights. He supported the Heart Mountain group’s cause but urged realism in its methods, cautioned that the “only possible way such a small minority can get its rights is through the orderly process of the courts in test cases brought under the most favorable circumstance.” Baldwin concluded, “We appreciate your feeling, but we do not think you can stand solely upon logic or justice if you are to get results.”55

Resisters from Amache were not organized into a single group as were the resisters from Heart Mountain. For the resisters from Amache, the only result some sought was to honor their own consciences, not to change the rule of law. Honoring their consciences meant relying on justice. Justice meant not being forced to accept partial citizenship. For those resisters who grew up believing in the Constitution and the value of their citizenship, accepting the government’s partial restoration of their citizenship would have violated their sense of justice. Drawing a hard line against second-class citizenship and partial citizenship was the only way to remain true to their understanding of the principles for which America was supposed to stand.

In addition, some resisters acted out of duty to their parents and their families. The war and a long history of racially prejudiced citizenship laws had divided families. It was unclear what would happen to Issei after the war. Most
had lost their entire life savings, their businesses, and their homes, and they were too old to start over. What would happen to them when the war was over, and when the camps closed? Many knew they would be the only ones their parents could turn to for support after the war. They could not risk dying in a war that had already cost them and their families so much. Many resisters chose to maintain loyalty to their families, knowing that they risked being accused of disloyalty to their country.

When Yenokida went before the judge, he presented yet another justification for resisting the draft, based on his belief that as a dual citizen he could choose which nation deserved his loyalty and service. Yenokida’s lawyer explained to the judge that he had “renounced his citizenship and applied for expatriation to Japan after the tragic evacuation.” Yenokida “felt his rights had been taken from him and he had been deprived the liberties to which he was supposed to be loyal.” Instead of using arguments based on full citizenship rights and due process of law, Yenokida outlined all the reasons why he should have been ineligible for the draft. Like so many resisters concerned about their duty to their families, Yenokida explained that if he were killed or maimed as a result of military service, his family would suffer a severe financial loss from which it would not be able to recover.56

In court, Yenokida found that neither the long string of abuses he and his family had suffered nor the steps he took to renounce his loyalty to the United States would be factors in determining his guilt or innocence. The prosecution called a variety of witnesses for its case, focusing simply on the issue of induction. Elizabeth Ford, clerk for the Lamar, Colorado, draft board; Bennie C. Garren, special agent for the FBI; and Tomlinson, chief of Internal Security, all testified against Yenokida. According to the judge, these witnesses established that Yenokida had been notified properly of his duty to report for a preinduction physical and for induction itself. The judge concluded that “the whole thing arises from the defendant’s default on the pre-induction notice and he must accept the consequences.” Yenokida and Kenji Akita were convicted on the same day. Both were found guilty of two felony counts of Selective Service violations and sentenced to one year in prison.57

By the time Yoshi Kubo was arrested for refusing to appear for his preinduction physical in May 1944, he had become one of twenty-two who had resisted the draft at Amache. His brother, Shizuma Kubo, wrote a letter with Tsugimo Heya and Michitaka Nakaguma seeking legal representation for their family members Yoshi Kubo, James K. Heya, and Yoshitatsu Nakaguma. They first approached the renowned Hugh E. Macbeth, an African American attorney from Los Angeles, California, known for his long-time defense of civil rights and his wartime defense of Japanese Americans.58 In 1944, he traveled to Amache to speak with family members of the resisters. He was shocked to hear of some resisters who did not explain their cases in terms of race discrimination. Shizuma Kubo, Tsugimo Heya, and Michitaka Nakaguma were equally
concerned and detailed the thinking of another group of resisters who justified their actions in terms of civil rights and race discrimination.

In a letter to Macbeth, Shizuma Kubo, Tsugimo Heya, and Michitaka Nakaguma explained that they had engaged in a long conversation with Yoshi Kubo, James K. Heya, and Yoshitatsu Nakaguma before they were taken to jail. They were not opposed to military service, and they were not opposed to the draft. They insisted that they had been and remained loyal law-abiding citizens. But the conditions under which they were being drafted, they argued, were contrary to the principles of American democracy. The Selective Service, as it was being applied to Japanese Americans, was racially biased and discriminatory. In addition to protesting military service in the absence of basic citizenship rights, these resisters also protested the segregation of Japanese Americans in combat teams. They were not interested in bargaining with the government but insisted on a full restoration of the rights that should have been theirs from the beginning of the war. They requested respectfully that Macbeth consider representing their family members and the rest of the Amache resisters in court.59

Macbeth did not end up representing the resisters, but he did consult with them, and the resisters retained another civil rights lawyer to represent them. They also organized a defense fund to ensure that all who remained in jail would be represented equally well. The resisters retained the services of Samuel D. Menin, a civil rights lawyer from Denver. Menin had a long career fighting in defense of civil rights, not unlike Macbeth, and was especially well known for taking unpopular causes. He had accepted cases involving the rights of Japanese Americans as early as 1941. After the war was over, he was branded a Communist for defending clients who were accused of disloyalty during the postwar Red scare.60

It is one thing to find a lawyer willing to take the case, but lawyers cost money, and the resisters had limited access to funds. So they pooled their resources and worked together. Yoshi Kubo kept a notebook tracking their legal expenses and the contributions of resisters and their family members to the joint legal defense fund. Each resister was supposed to contribute $120, and whether he paid that sum all at once or in installments, his individual contribution gave him adequate money to pay not only for Menin’s services but also docket fees, a court reporter, telephone and telegram costs, and other miscellaneous expenses. By collecting $120 from each of eighteen resisters, the men raised $2,160 for their defense, which in the end was only $7.20 more than they needed.61 The Amache resisters may not have been organized when the draft was first announced and may have drawn criticism for being “rash” and unwise in their statements of disloyalty, but by the end of the summer, eighteen of the Amache resisters had organized themselves, shared a lawyer, raised a substantial defense fund, and clarified their reasons for refusing the draft based on principles of equal citizenship and their constitutional rights.
The Amache resisters were not the only ones seeking Menin’s representation. Menin had been asked to defend the draft resisters of the Heart Mountain Fair Play Committee, the largest organized group of draft resisters in U.S. history. Menin agreed to take on both cases, but to do so, he requested that the judge push back the trials of the Amache resisters while he attended to the cases in Wyoming. Menin lost these cases, but he learned from defending the Heart Mountain resisters. He used similar arguments to defend both groups, but in Denver, he gradually adopted strategies that earned this second group of resisters shorter prison sentences.62

AMACHE RESISTERS IN COURT

After losing his cases in Wyoming, Menin came to Colorado to defend the Amache resisters in a different court and under a different judge. As Eric Muller found in his investigation into the draft resisters, which judge heard the case made all the difference.63 To prepare for court, Menin went to Denver to meet with the resisters. He asked each to write his own case history for him so he could have in a consolidated form their personal details—where they were, where they came from, and why they resisted the draft. As Kubo sat in his Denver County Jail cell, pen and paper in hand, he contemplated what he had been asked to do. Where should he begin? Kubo picked up his pen and began to write. Kubo presented historians with a different way of looking at the draft resisters that defies simple definitions of patriotism based solely upon military service; despite his brother’s eloquent explanation of his motivations earlier in the summer, Kubo had another way of explaining his actions when asked by his lawyer to write his own case history. Kubo owned a farm and had worked to make that farm extremely productive since he had graduated from high school. When he first had to register for the Selective Service, he sent a letter to his draft board requesting that his classification be changed to an agricultural deferment. Farmers serve a critical role in the nation during wartime by continuing to work their land. When he was forced to leave his farm in 1942, Kubo resented the fact that he was left with no choice but to leave his farm in the hands of a less-experienced overseer. And when he was classified IV-C, or enemy alien, in 1943, the message seemed clear. His government had virtually disowned him and denied him his most basic standing in the nation. When in 1944 his classification had changed yet again to 1-A, draft-eligible citizen, Kubo formulated a response that he recommended to other farm-owning Nisei: He wrote that as a farm owner, he should not be classified 1-A but should be given an agricultural deferment and returned to his farm in California so he could provide service to the nation as a citizen farm owner. This basis for refusing the draft defies simple definitions of loyalty or disloyalty, but when he sent this request to his draft board, it refused to grant his request for a change in status or deferment.64
Kubo's justification for resisting the draft was indicative of the highly personal nature of resisters' explanations for their actions and became part of Menin's defense strategy at first. These men did not resist in a vacuum. They responded to the draft as it fit into the context of their lives, their experiences growing up, their positions within their families, their identities as farmers and land owners (as applicable), and their wartime treatment.

Nisei were not reintroduced to the Selective Service on the same basis as other Americans. They were processed only as combat soldiers and could not claim agricultural deferments to work on their own farms in the exclusion zone of California. This choice was not acceptable to people like Kubo, who knew that this was unequal treatment.

Menin argued again that the government had exercised excessive power in applying Selective Service laws to individuals who were confined in WRA camps, and he filed a motion to quash the case entirely. The government had taken away his clients' rights of citizenship and their property, yet it demanded that they fight "to uphold the principles of democracy." He asked the judge where the government got the authority to evacuate Nisei, to detain them in camps, and then to draft them into the military.

In Menin's motion to quash, which he presented on behalf of each of the first Amache resisters facing trial, he provided the judge with three main arguments: (1) "that at the time of the commission of the offense and at the time of the presentment of the indictment, defendant was and is deprived of his liberty without due process of law"; (2) "that at all times during this proceeding and at the time of the arraignment and entry of plea by the Court, defendant was and is deprived of his liberty without due process of law and by reason thereof, defendant's plea is not and cannot be voluntary because of defendant's restraint and fear, due to his confinement"; and (3) "that defendant was not lawfully subject to registration under the Selective Training and Service Act." Menin cited Section 611.4 of the Selective Training and Service Act. The first argument did little for the resisters' case. Even ACLU President Baldwin wrote: "We do not think you can stand solely upon logic or justice if you are to get results." The second argument provided the basis for another judge to dismiss the charges against another group of resisters entirely. Judge Louis E. Goodman heard the trial against the resisters from Tule Lake, and he stood alone as the only judge to dismiss a case against Nisei resisters, because, as he told the court, their case was shocking to the conscience. He argued that as prisoners in a WRA detention facility, they could not enter a plea, as Menin argued, and therefore they could not be tried as free citizens. Menin could not convince Judge John F. Symes to dismiss the case before him on these grounds. Finally, as historian and civil rights activist William Hohri discovered, according to the Selective Training and Service Act of 1940, Nisei detained in the camps could not be drafted legally. Even though Menin made this same point in defense of the resisters from Amache, Judge Symes refused to consider anything but the
facts of the case. Just as the judge had instructed the jury in Hirabayashi’s trial, the judge in this case ruled only on the basis of the following questions: Did the defendants appear for their preinduction physicals, and did the defendants report for induction? No other facts in the case seemed material in Symes’s court. Because the resisters did not contest the facts of the case, only the constitutionality of their treatment and the legality of being subjected to the Selective Service under the circumstances, they were convicted and sentenced to serve time in prison for their “crimes” of civil disobedience.

Judge Symes would not grant Menin’s request to quash the case against the Amache resisters, but he did provide at least one response to Menin’s arguments, citing *Korematsu v. United States*. Fred Korematsu had been arrested for failing to comply with the exclusion order. He never intended to create a test case as Hirabayashi had, but lawyers used his case as the main test case against exclusion nonetheless. The Supreme Court handed down its ruling in time for Judge Symes to use it in his opinion. In a split decision, the Court cited the precedent of the Hirabayashi case. It was reasonable, although regrettable, that in times of war, even the rights of citizens might be proscribed to protect the national security of the country as a whole. The “government's authority” to exclude “any class of people for military security” had already been upheld by the Supreme Court, Judge Symes reported. Furthermore, Symes declared, “fairness” of exclusion would not be allowed as a consideration in the case of the draft.68

Menin did not win any cases for the Amache resisters, but his clients received shorter and shorter sentences as Menin presented each of their cases, because he finally realized that by changing his clients’ pleas to *nolo contendere*, he could at least help his clients reduce their sentences from twenty-two to eight or even six months (in the case of Kubo) by begging for the mercy of the court rather having his clients enter pleas of “not guilty.” As Baldwin had suggested, their cases could not be won on the basis of justice alone. They had to demonstrate some level of deference to the court and to the federal government’s demands for their service by begging for mercy. The court was not the venue for them to explain their reasoning or a place where they would achieve any understanding. Between September 12, when the first group of resisters received their sentences of twenty-two months, and October 31, when the last resisters represented by Menin changed their pleas at the last possible moment and received eight-month sentences, it appeared as though Menin resigned himself to losing his idealistic arguments in court and instead set his sights on winning the shortest sentences possible for his clients.69

Some resisters escaped sentencing entirely by agreeing to give up their cases and to join the military. Chikara Kunisaka was one who changed his mind in court. When he indicated to the judge his “desire to enter the army,” he was acquitted immediately.70 Ironically, though, when he appeared for his physical, he did not pass. Project attorney Horn commented that “he could have prevented serving about four months in jail if he had reported the first time he was called.”71

From Prisons and Patriots: Japanese American Wartime Citizenship, Civil Disobedience, and Historical Memory

by Cherstin M. Lyon. Used with permission from Temple University Press.
HIRABAYASHI’S DRAFT-RESISTANCE CASE

As Nisei draft resisters were navigating their way through the courts, Hirabayashi was engaging in yet another legal scuffle, this time over the loyalty questionnaire and the Selective Service system. Kubo was right to complain that the Selective Service system had failed him and that it was not being applied to Nisei and other Americans on the same basis, despite the claims of government and JACL propaganda. The War Department admitted this discrepancy, too, albeit in an internal memo rather than in public. Nisei were being inducted “involuntarily” and not on the same basis as other Americans. They were required to undergo loyalty screenings not required of any other American group, and they were still being treated like suspect citizens, even though, as John McCloy wrote, “We have now assembled about as complete a set of records on Japanese-Americans as has ever been gathered together for any segment of our population, sufficiently so that loyalty can be determined pretty accurately.” Each and every male of draft age was still subjected to more rigid scrutiny and bureaucratic processing than other Americans.

Hirabayashi had recently returned to Spokane, Washington, after being released from the Tucson road camp when he received his “loyalty” questionnaire in the mail. His local draft board had sent to him Selective Service Form 304A, “The Statement of United States Citizens of Japanese Ancestry.” Immediately, he became alarmed. He had dealt with his local draft board before, when he petitioned to be shifted from I-D, deferred student eligible for service, to I-E, CO. The questionnaire’s title told him this was a bureaucratic layer added only to the Selective Service process for Japanese Americans because of their race and ancestry.

Based on his previous decisions to disobey curfew and the exclusion order, Hirabayashi sent the form back to his draft board with a letter explaining why he could not answer its questions:

This questionnaire, which I am returning to you unfilled, is an outright violation of both the Christian and American principles of justice and democracy. The form, entitled, “The Statement of United States Citizens of Japanese Ancestry,” is a form based purely on the ground of ancestry. As I understand it, no other persons have been required to fill in a further statement because of their ancestry. I believe that if I were to fill in this form, I would be cooperating with a policy of race discrimination. I cannot conscientiously do so.

When the draft board received his letter and blank questionnaire, it requested instructions from the War Department. The War Department in turn sent a letter on April 7, 1944, authorizing the draft board to waive the necessity of Hirabayashi’s voluntarily completing Form 304A. With the support of the War Department, the draft board moved forward with the Selective Service process and ordered Hirabayashi to appear for a preinduction physical.
The War Department had given the Selective Service instructions to administer Form 304A to all Japanese Americans to determine their loyalty before they could be inducted into the military, but the department also sent the questionnaire to Nisei already in the military to resolve questions about their loyalty. Some soldiers responded as Hirabayashi did and refused to complete the questionnaire. Some were so angry that they requested expatriation for what seemed like an extreme insult from the very government they were already serving.\(^76\) Other soldiers answered the loyalty questions negatively as a form of protest. They wanted to know why they were being asked to reaffirm their loyalty through the same questionnaire given to detainees in the WRA camps. Had they suddenly become suspected of committing future acts of sabotage?\(^77\)

Just as detainees labeled “disloyal” after registration were transferred to isolation facilities, such as Tule Lake, Nisei soldiers who resisted during the loyalty registration process were also transferred to a special unit at Fort Leavenworth. Stationed right next to one of the highest-security federal prisons, this unit was kept under constant surveillance. The unit was eventually used to repair bridges and roads in the upper-middle South, but the men never escaped the feeling that they were being guarded as if they were criminals. After the war was over, the army gave most of these young men “blue” discharges, a distinction as ambiguous as their status in the military. A blue, or “not honorable,” discharge had a very negative effect. It prevented discharged soldiers from attaining civil service jobs, just as if they had been dishonorably discharged. Nisei who challenged the government from within the military may not have been punished with prison terms, but they carried the stigma of “blue” discharges for the rest of their lives.\(^77\)

When Hirabayashi received his notice that he was required to appear for a preinduction physical, he had to make another decision. Refusing to fill out the questionnaire had just been a formality on both ends, apparently. But now he had to decide how he felt about the entire Selective Service process. It had certainly singled him out on the basis of his race by asking him to fill out a questionnaire that in its title indicated it was meant only for Japanese Americans. But it also supported the larger purposes of the state’s efforts to make war. While in prison in Tucson, Hirabayashi had discussions with other COs who objected to their assignment to alternative service camps. In some resisters’ minds, allowing themselves to be drafted to work in CPS camps still meant that they were supporting militarism. Hirabayashi finally came to the same conclusion himself. In a letter to Eleanor Ring, he explained:

Douglas Steere objected to the Friends continuing administration of CPS. . . . It is militarily controlled in the final analysis and therefore it prohibits a more constructive and more immediately essential work for the COs. However, my objection to CPS goes a little further. . . . It is a matter of principle. To me CPS is a part of military conscription which is basic to war. Therefore, even if CPS were the huge success, which it is not, I could

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still not accept it without changing my beliefs. The most consistent place for one like me to draw the line is at the point of registration (as far as registration is concerned) but having come to this view after I had registered, I can only act where action is forced upon me. I seek no trouble, and would not raise a "stink" if given a fair choice. . . . National and world service should come from free men if it is to be true service, not from conscripted men. There is all the difference in the world between voluntary work camp and compulsory work camp. There is all the difference in the world between forced labor and free labor, free men and slaves. Please stop me before I envelope you with my hot air.78

On the basis that he could not cooperate with any aspect of the Selective Service, Hirabayashi engaged in another wartime act of civil disobedience. When ordered to report for “work of national importance” at one of the CPS camps, he refused to go. He later found out that a crowd gathered at the CPS camp the morning that he was scheduled to arrive at the train station. When he did not get off the train, a cheer erupted from the crowd. He was becoming something of a national hero for his continued willingness to go to prison rather than to cooperate with a government program that contradicted his principles. Some of the COs assigned to the camp were so pleased that Hirabayashi had taken this stand that they followed his example and left. They were already at McNeil Island federal penitentiary when Hirabayashi arrived after being sentenced to a yearlong prison term for resisting the Selective Service.79

When Hirabayashi was brought to trial, this time he decided to defend himself. He felt quite secure in his ability to explain his reasoning to the judge and did not care to do so through an intermediary. Besides, in this case, he would not have a team of interested supporters willing to raise funds for his defense. This case did not offer hope of resolving questions over the wartime constitutional rights of all Nisei, as supporters believed his first case did. This case represented Hirabayashi’s own personal understanding of his Christian principles, pacifism, and right as a citizen to refuse obedience to an unjust law. He attended court on several occasions before his trial to study the proceedings and to prepare himself for his own hearing. When he finally appeared before the judge, as he recalled, the judge was very kind, explaining each step of the process so Hirabayashi would have a chance to understand everything that was happening despite his decision to forego legal representation. Hirabayashi recalled that despite his moral grounding, he expected to receive the maximum sentence. But much to his surprise, the judge declared that because Hirabayashi was a Quaker, and because this helped the judge understand the basis for his resistance, he was sentenced to just one year in the McNeil Island penitentiary.80

At McNeil Island, Hirabayashi continued to act deliberately in response to his understanding of his rights as a citizen and the rights of others to be treated fairly and without racial prejudice. When he witnessed what he believed to be
clear race discrimination in the way prison officials transitioned prisoners from the temporary holding tank into more permanent cell assignments, he refused to accept his own permanent assignment until the prison superintendent invited him to his office and assured him that the problem would be corrected. Hirabayashi was prepared at that time to start a hunger strike if his first efforts were not successful. It was not just in Tucson that prison officials realized that housing resisters created unexpected problems with disobedience to their own rules. And it was through Hirabayashi's various prison experiences that he realized that he felt most alive and most engaged as a citizen when he made a deliberate decision each time he obeyed a law or an order—not because he was in the mere habit of obeying but because his compliance with the law coincided with his own understanding of justice and moral living.81

CREATING HEROES: THE PROPAGANDA OF PATRIOTISM

The forms and reasons why Nisei refused to comply with the draft varied widely from camp to camp and outside the camps. Each resister responded to a different set of personal experiences and a different concept of their own principles. One thing was clear: If people who served as role models for young people who were undecided how they might respond continued to resist, new cases of resistance would develop. Just as Hirabayashi inspired COs who had already been working at a CPS camp to go to prison rather than to continue cooperating with their alternative service assignment, Nisei continued to refuse to appear for their preinduction physicals. To stem the tide of resistance completely, the government would need a strong propaganda campaign that would outweigh the appeal of civil disobedience.

At Topaz, except for the exceptionally well-organized resistance to registration, resistance to the draft did not go far beyond the petitions and letters filed by the Topaz Citizens and the Mothers of Topaz. Only seven individuals refused to appear for their preinduction physicals, compared with more than thirty from Amache; hundreds from Tule Lake, Minidoka, and Heart Mountain; and only one from Jerome, Arkansas. It is nearly impossible to say with any certainty why more individuals resisted the draft at some camps than at others, but one might conclude that at Topaz, resistance started early and ended early. Topaz detainees organized a campwide resistance to registration a year before the draft had been reinstated, and this early organized resistance drew out those who might have resisted the draft but who registered their discontent in other ways, such as answering “No” to the loyalty questions or requesting expatriation. Many of Topaz's would-be resisters had already been transferred to Tule Lake by the time the draft was reinstated. When Secretary of War Stimson announced the draft, those who remained in Topaz protested but never really crossed the line of obedience except in seven individual cases.
Instead of organizing direct resistance to the draft, Topaz leaders called on a prominent civil rights lawyer, Abraham Lincoln (A. L.) Wirin, for counsel. When Wirin accepted their invitation, he quickly learned that neither the WRA nor the Justice Department wanted him to go.

Solicitor General Glick wrote to Wirin and suggested that he postpone his trip. Glick wrote that the situation in Topaz was “tense” after the “re-extension of Selective Service”:

Some of the evacuees, who are subject to induction under the Selective Service Act, have mistakenly thought that they could demand the immediate reopening of the evacuated area as a condition to their submitting to induction under the Selective Service Act. Your discussion of the constitutional rights of evacuees may indirectly serve to increase resentment. In the present excited state of opinion, it may be difficult for the evacuees to draw careful distinctions, and you will in all probability be misunderstood and misquoted.

Glick wrote that he and Myer agreed that Wirin should put off his visit for at least two months.

Wirin refused to postpone his trip and wrote a letter to Glick to explain. First, he had already accepted the invitation from Roy Takagi, chairman of the legal committee of the Topaz Community Council, and he could not cancel his acceptance. Second, he wrote that he was “not persuaded” that his visit or his intention to discuss the constitutional rights of American citizens of Japanese ancestry would increase tensions. Instead, he wrote, “If such a tension exists I propose to do everything I can to relieve the tension, at least by stating my position clearly and unequivocally—a position which both Mr. Baldwin and I have heretofore expressed distinctly to persons at Topaz and elsewhere—namely, that wholehearted and complete compliance with Selective Service on the part of all, including American citizens of Japanese ancestry is both expected and desirable.” Wirin assured Myer and Glick that they had no need to worry.

Glick agreed to allow Wirin to visit Topaz, but only if he would agree to certain stipulations. First, he was not to address large or general audiences. He could counsel only those leaders of the Community Council who had extended the original invitation—no one else. Second, he was not to interview any prospective clients unless he had their names before he arrived at the center. To this second stipulation, Wirin pointed out that he was already on the road and could not get names in advance. Still, Glick insisted that any new interviews would be grounds for postponing Wirin’s visit.

With all the stipulations in place, Wirin’s visit was overshadowed by a hastily arranged visit from a Nisei war hero. The WRA, the War Department, and the JACL all worked together to bring Sgt. Ben Kuroki to Topaz. His visit would not be limited to a small exclusive audience. Instead, sponsors brought
Kuroki to Topaz and to other camps to highlight the accomplishments of Nisei in uniform and to overshadow the efforts of those still working to disrupt the War Department’s recruiting efforts by agitating for greater restorations of Nisei rights. In the case of Topaz, the timing of Kuroki’s visit just days after ACLU lawyer Wirin came to consult with clients was more than coincidental: It was a staged attempt to create greater enthusiasm for Nisei war heroes than a lawyer could generate for legal battles over technicalities of rights and the Constitution.

Sgt. Kuroki was received by a near-capacity crowd at Topaz just days after Wirin made his visit. In a letter to the Japanese American unit of the USO, Executive Assistant to the Secretary of War Lt. Col. Gerhardt wrote that Kuroki was a top turret gunner on a bomber that had recently returned from “a very hazardous tour of duty over Europe.” Although this was just one war hero whom the War Department was prepared to send on a tour of the camps, he noted that a more extensive program was “being given consideration.” The assumption was that Nisei needed heroes whom they could admire and role models for what the War Department hoped would be many more combatants to follow in Kuroki’s footsteps of heroism. Kuroki told the audience of his experiences as part of a bomber crew over Europe and Africa. He grew up in Nebraska and had been inducted into the military before Japan attacked Pearl Harbor. He was exceptional for not having experienced the trauma of exclusion from the West Coast and was one of the few Nisei allowed to remain in the U.S. Army Air Corps instead of being transferred to the 100th infantry battalion or the 442nd. He became a gunner in missions over North Africa and Italy and returned home a war hero. He toured the camps to discuss his experiences and to encourage young Nisei to follow him into service. But his reception was mixed at the camps he visited, including such camps as Topaz and Heart Mountain, because some realized that he did not share the experiences of loss and restricted rights that the majority of Nisei had already faced and would continue to face in a segregated military.

At Topaz, Kuroki visited the high school and the USO and appeared at several luncheons and banquets. A camp analyst reported that he was received with enthusiasm, writing: “Young and old Nisei ganged up on Sgt. Ben Kuroki to get his signature in typical hero worship, American style.” “With heart-warming modesty,” the analyst continued, “he asked the Reception Committee not to encourage autograph seekers, because he was near to getting writer’s cramps.” Kuroki insisted that “he was not so important as to have so many people make a fuss over him.” He was a reluctant hero, openly expressing his bitterness over having to leave his family in Nebraska for yet another camp appearance. He did mention in a speech at one of the many banquets held in his honor that he had been so warmly received at Topaz that his initial resentment quickly vanished. The community analyst credited the hard work and enthusiasm of the Selective Service Committee, members of the Community
Council, the Topaz Citizens Committee, the Topaz USO, the Girl Reserves, and the Boy Scouts for the success of Kuroki’s visit.

Administrators were delighted to report of the success of Kuroki’s visit. It seemed that young Nisei boys admired how easily Kuroki seemed to warm up to the young ladies in camp. “One boy was heard to say,” an observer noted, “Ever since evacuation I and another fellow tried to date Miss ________ [sic] without success. . . . Ben has been here little over 24 hours and he’s walking that girl home already and I know for a fact that he doesn’t know her from Adam.” Kuroki gave young men a model for how to win respect and the girl. The analyst predicted that of those who awaited draft notices or had already been inducted but were waiting for their call to serve, “many would like to duplicate Ben’s success story as a fighting man for Uncle Sam.” He had demonstrated enviable traits as a Nisei and as an American, but most of all, as a man.

Although Issei appreciated learning firsthand what their sons were experiencing or would likely experience once called up for service, they were far more reluctant to accept Kuroki as a hero. Many Issei remarked that Kuroki’s patriotism was natural for a young man born a citizen and never subjected to the humiliation and discrimination of evacuation. According to some Issei, Kuroki was not “too well acquainted with the Japanese and with the post–Pearl Harbor experiences in America.” The analyst reporting on his visit remarked that “some think that his position would have been much more effective in his visit to Topaz had he been evacuated and had he later served in a combat unit on the Italian front.” His experiences did not compare with Nisei from the camps, because he was spared the evacuation experience. Issei made it clear that they respected Kuroki, but their experience and that of their sons had been and would continue to be unique.

Taking war heroes on tour helped local administrators promote patriotism and quell dissent. As Rademaker suggested in the first weeks of the draft, Nisei were asking what they were fighting for. When such heroes as Kuroki came to visit, they saw firsthand at least one answer: a hero’s welcome. The deliberate timing of Kuroki’s visit to overshadow that of Wirin gave his presence in Topaz the desired effect. He represented a role model young men could admire. He was just an ordinary guy who had joined the military and become a war hero. He had risked everything for his country and had gotten the girl, too.

With a pamphlet titled, “Nisei in the War against Japan,” the WRA promoted stories of other Nisei heroes across the country, and, most importantly, to Nisei in all the camps. This pamphlet contained newspaper articles that came from Baltimore, Chicago, Sacramento, Salt Lake City, Seattle, New York, and Oregon, all praising Nisei for their heroism and outstanding service records. Articles told of unequaled valor when a “Seattle Nisei” had saved his entire platoon. Nisei soldiers were Americans first, articles boasted, and some were even willing to fight the Japanese, calling them the “Nips.” Camp residents who read this pamphlet saw that entire families had volunteered to serve, with
one family sacrificing seven sons to fight for “Uncle Sam.” A photo showed a Nisei soldier bending down to show his little brother his Purple Heart, becoming the greatest war hero in his little brother’s eyes. The message seemed clear: The sacrifices of soldiers were already paying off in greater acceptance, and even praise, for Japanese American war heroes.

HEROES IN DEATH:
MEMORIALIZING FALLEN SOLDIERS

Wherever there were heroes, there were also casualties, and the rate at which Nisei soldiers were dying was shocking to those who remained in the camps. Topaz attorney Horn wrote, “All the members of the staff were stunned this week at the number of casualties reported by the War Department involving servicemen from this Center. For the most part these boys volunteered from this Center and all of us know at least some of them.” The report came as increasing numbers of young men were receiving draft notices, leaving virtually no family untouched by the brutality of war.

At Topaz, many Issei were not sure if they should be consoling each other for their losses or congratulating each other for their great sacrifice to the nation. In December 1944, a memorial service became a turning point for the community. The memorial service was well attended, primarily by Issei, but as one observer wrote, those in attendance were “impressively quiet—more so than usual.” This was not a celebration, as some memorial services had appeared to be earlier in the year. “One could not help but feel that this was the beginning of a new era at Topaz,” the analyst concluded. Until recently, the camp had been deeply divided by those who supported the United States and those who still had feelings for Japan or who at least were quite vocal and organized in their attempts to petition the government in response to the growing list of insults and abuses from which they were suffering. But as time marched on, and as more and more young men returned in coffins, having made the ultimate wartime sacrifice, the author of this report indicated that “interest had veered toward a narrower aspect of the struggle . . . , namely, their own flesh and blood or their close friends—the Nisei soldiers.” Nearly every resident of the camp had been directly affected by this side of the war: “A son, a brother, a husband, or a close friend is either at the battlefront, in training camps, or waiting to be inducted.” Regardless of whether they wanted to remain neutral, the effects of war could not be escaped.

The loss of loved ones closed the door on collective resistance. Topaz had become, in community analyst Oscar F. Hoffman’s words, “atomized.” Each family became less concerned about the collective rights of Nisei and more concerned about their own sons, their own parents, and what each individual family might face after the war. This refocus translated into an individualized response to the draft, too. It was unusual for Nisei to organize against the draft: Heart Mountain’s Fair Play Committee stood out as an exception. Most

From Prisons and Patriots: Japanese American Wartime Citizenship, Civil Disobedience, and Historical Memory by Cherstin M. Lyon. Used with permission from Temple University Press.
resisted on an individual basis, not knowing for sure how many might join him. Families and individuals had to decide for themselves whether to demonstrate criminalized acts of civil disobedience. Would-be resisters risked prison, but as casualties mounted, they also risked drawing the same sort of accusations from Japanese Americans in the camps that the government had warned they would be subject to from non-Japanese Americans. Mothers of the resisters were chastised by other women whose sons were in the service. Do not hold your head so high, they were told, because your sons are in prison, not serving their country.98

Even in death, the JACL and the WRA saw opportunities to advance a public-image campaign of “loyal” Japanese Americans to the general American population and to help grieving families view their own sacrifices in a positive, patriotic light. The JACL used the growing list of Nisei casualties for its own publicity purposes, sending the names to the servicemen’s hometown newspapers for publication. They encouraged families to send letters to their own papers in California telling of their sons’ sacrifices. The idea was that by publicizing Nisei casualties, racists on the West Coast would be encouraged to reconsider their opposition to reopening the restricted zone to Nikkei resettlement.99

Chaplain Masao Yamada of the all-Nisei 442nd combat team criticized the JACL for its self-serving publication of the sacrifices of Nisei while ignoring the needs of the soldiers themselves. He saw the JACL working for its own interests more than its professed goal of repairing Nisei status. JACL National President Kido replied that the Pacific Citizen had “played up” the casualties and “feats” of the 100th battalion because they had been given little space or notice by West Coast newspapers, and the JACL wanted to “show that the Nisei were fighting for America and dying, too.”100

In the camps, the JACL and other patriotic organizations, such as the USOs and the Boy Scouts, joined with the WRA administration to organize memorial services and other symbolic displays of sacrifice and service. Camps created honor rolls. Service flags were put on display containing one star for each individual from camp serving in the military. The purpose of these tributes, particularly memorial services, was to remind detainees that all who served in the military were patriotic heroes deserving of honor and respect. The idea that patriotism must be taught abounds in the literature on loyalty, Americanization, and patriotism. Merle Curti’s Roots of American Loyalty argues that high-minded patriotism does not come naturally to soldiers in the field, and it certainly does not come naturally to those family members who risk losing their loved ones in a war. The memorial service was just one of many rituals of patriotism that played an essential role in shaping outward attitudes toward military service and definitions of patriotism.101

When Topaz first held its memorial services, the events seemed like celebrations, attracting huge crowds and elaborately demonstrating ritualized patriotism. Each service boasted a flag ceremony, the band playing the “Star-Spangled
Banner,” and a traditional Japanese floral arrangement replicating the American flag made by Issei women. Buddhists and Christians contributed to the event, and detainees and administrators offered speeches to honor the veterans. Each service ended with a military salute. After one such service, attorney Horn suggested that a newsreel showing a memorial service, such as the one he had observed at Topaz, might effectively counter the claims of West Coast racists who continued to charge that Japanese Americans were not true Americans. He clearly had a sense that this ritualized patriotism represented much more than honoring the dead—it was a performance of Americanism.

Even though memorial services provided good propaganda against race-based attacks on Japanese American loyalty outside the camps, for those detainees who attended the services, they brought a nationalistic meaning to a young person’s death and encouraged family members to support the war through patriotic remembrance. Just as the tours of such heroes as Kuroki were meant to encourage young men to emulate them, even in death, memorial services elevated young Nisei to a new status of manhood in a way that was meant to encourage continued support for the war effort despite the tragic personal costs. In a memorial service honoring Nobuo Kajiwara, killed in Italy on July 11, 1944, his former pastor relayed a conversation he had with the young man shortly before he volunteered for service. Kajiwara had been greatly troubled in his attempt to decide whether to volunteer or to wait for the draft, but he had finally concluded that it was his duty to volunteer. He explained that he had been talking to friends who had already volunteered, but he was there waiting for the draft. They were going to sacrifice all they had, even their lives, for the future of all Japanese Americans, without a thought for themselves. Kajiwara explained, “When I saw their manly attitude, I felt very much ashamed. It seemed to me that it is not good to wait until I’m drafted; it would be cowardly. I’ve never sacrificed myself for a noble cause; I’m disgusted with myself. Now is the chance for me to be born again as a man.” Just as the resisters refused simplistic definitions of their civil disobedience, Kajiwara conflated patriotic sacrifice, including the possibility of death, with Christian metaphors of death and rebirth as well as the emergence of his own manhood. No side of the debate could be confined by simplistic definitions of loyalty and disloyalty anymore.