

# Citizenship on the Boundaries: The Renunciation/“Repatriation” Program of the *Nisei* after World War II

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From November 1945 to June 1946 some 8,000 Japanese “aliens” and their families were either “repatriated” or expatriated from the United States to defeated Japan. This group of “aliens” included a number of former U.S. citizens who had renounced their citizenship in 1944. Many but not all of these individuals were later able to restore their citizenship, either through mass or individual lawsuits. In this paper, the historical and contemporary significances of the issue of “deprivation” of native-born citizenship in the United States will be discussed.

## I. Introduction

From November 1945 to June 1946 some 8,000 Japanese “aliens” and their families were either “repatriated” or expatriated<sup>1</sup> from the United States to defeated Japan. This was a result of the exclusion and incarceration of approximately 110,000 people of Japanese ethnicity from the West Coast during World War II. Contrary to the general assertion that this group of people mainly consisted of “pro-Japanese” *Issei*, Japanese immigrants who were excluded from naturalization at that time and therefore labeled as “enemy aliens” at the outset of war, there were quite a few *Nisei*, the second-generation Japanese, includ-

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ing former U.S. citizens who had renounced their citizenship in 1944.<sup>2</sup> Considering the historical and contemporary significances of the issue of “deprivation” of native-born citizenship, alleged to have been done “voluntarily,” and the ever-increasing interest in the general wartime experiences of the *Nikkei*, it is rather surprising that they have long been marginalized and made totally invisible not only in American society, including the *Nikkei* community, but also in academia, having been mistakenly regarded as “troublemakers,” “agitators,” and “betrayers.”

Defined as “alien ineligible for citizenship,” based on the 1790 Naturalization Act, *Issei* had long been denied the political, economic, and social privileges from immigration to electoral politics, landownership, and business licenses. On the other hand, *Nisei*, the native-born American citizens, “could not” or should not have been “as easily denied the privileges of life, liberty, and property as their first-generation parents.”<sup>3</sup> However, their citizenship was easily dismissed by the military when they were excluded and incarcerated with their parents, not specifically charged with any crime. In this stage, the infringement of their constitutional rights and the racial discrimination behind it was very overt, and, therefore, the policy has been made the target of harsh criticism. Deprivation of their citizenship, proposed and led by the Department of Justice (hereafter the DOJ), however, has somehow evaded criticism. Intentionally or not, administrative documents from the DOJ had not been made available until recently, so that most of the established studies have been based on documents from either the military or the War Relocation Authority (hereafter the WRA), and their explanation was irritatingly beside the point.

The present writer has been doing a follow-up survey of these people for more than 15 years. It has taken such a long time because of the scarcity of established studies, the limited availability of primary sources, and people’s reluctance to talk about this topic. As to the scarcity of established studies, the situation has not changed much since she started this research.<sup>4</sup> As to the availability of primary sources, recent declassification of ad-

ministrative documents of the DOJ has made the renunciation /“repatriation” program more visible.<sup>5</sup> As for the possibility of interviews with people concerned, it is getting better as time goes by, especially after the redress,<sup>6</sup> but some of the former “repatriates” have claimed that they are still alienated and treated coolly in the *Nikkei* community. The more brilliant the fame of Japanese American soldiers during WWII and the postwar success of the general *Nikkei* community has been, the darker the image of these people got to be, almost to the point of extinction. The writer believes that the very fact that these people have been made invisible has minimized the problem of the constitutionality of this issue.

In this paper, based mainly on her empirical research and documents from the DOJ, which became available only recently, the writer will explore the totally hidden part of the *Nikkei* experiences, paying special attention to the role of the DOJ; that is, (1) the factors missing in the established studies, (2) the historical significances of the policy of the DOJ, and (3) its contemporary significances in American society.

## II. The Role of the Department of Justice

### A. Labeled as “Troublemakers”

In the first paragraph of this paper, the relevant people were described as being “mistakenly” regarded as troublemakers or agitators. In August 1945 Edward J. Ennis, director of the Alien Enemy Control Unit of the DOJ, described them as young men “who asserted their desire to die fighting for the Emperor of Japan and who were already organized in semi-military formation”<sup>7</sup> and estimated their number to be 2,000. It is rather understandable that the administrators interpreted their desperation as belligerence. However, through her 15-year research, the present writer has gained quite the opposite impression; that is, many of them were rather more “Americanized” in the sense that they dared to claim fair treatment

and protested against violation of their constitutional rights. They started from asking for the improvement of living conditions in the camps, bothered the administration, which wanted to avoid any trouble at any cost, and later turned to being radical and antagonistic against it, eventually developing a tendency to seemingly “pro-Japanese” as a countermove to “anti-American,” forced in a tight corner. The Japanese would rather try not to make waves and obey whatever their government or superiors tell them to do, even if it seems to be irrational and unreasonable, or rather follow the old saying “*nagai mono ni wa makarero*” (if you cannot beat them, join them). The image of the general *Nikkei* as docile and obedient might have made the DOJ and the general public believe them to be troublemakers when they questioned authority or attempted to assert their rights. Then how did these supposedly more Americanized people come to be regarded as “disloyal” or “pro-Japanese”?

## B. The Role of the DOJ

There were two parallel policies toward the *Nikkei* population; one was the internment of supposedly “dangerous” enemy aliens, not only the *Nikkei* but Germans and Italians as well,<sup>8</sup> taken in charge of by the DOJ, and the other was the general incarceration of the *Nikkei* population, initiated by the U.S. Army and later transferred to the civilian WRA. While the military tried to justify overtly discriminatory mass incarceration with the plea of “military necessity,” the DOJ had to be keenly aware of constitutionality *ex officio*. Being aware of constitutionality, however, does not necessarily mean that their handling of people was less harsh than others. It can be all the more perfunctory and merciless some time,<sup>9</sup> just as we can see in their renunciation/“repatriation” program of some *Nikkei*.

In a memoir published in 1962, Francis Biddle, the attorney general during World War II, severely criticized the mass incarceration of the *Nikkei*, attributing its major responsibility to President F.D. Roosevelt, Secretary of War H. Stimson, and some of the army personnel. Biddle tried to defend himself,

reiterating that he had noticed that the program was “ill-advised, unnecessary, and unnecessarily cruel.”<sup>10</sup> As he has been generally admitted and seemed to have admitted himself to be “a firm defender of civil rights,”<sup>11</sup> his speech and actions concerning the *Nikkei* problem have been interpreted as his reluctant “compromise” to the military in the historiography of this field, in which major attention has been paid to military-civilian relations in a state of war.<sup>12</sup> In spite of his own remarks, however, it seems to be more convincing that his main concern was only with the “constitutionality” of the issue and not necessarily with the inevitability of the incarceration program itself, saying, “If complete confusion and lowering of morale is to be avoided so large a job must be done after careful planning.”<sup>13</sup> Further, in his memoir, Biddle did not even refer to the more serious violation of constitutional rights in which he himself got rather willingly involved; that is, the renunciation/“repatriation” program of American citizens.

On March 15, 1944, Biddle recommended the amendment of Section 401 of the 1940 Nationality Act to the Senate Committee on Immigration, so that native-born citizens of Japanese descent could renounce their citizenship “voluntarily” in state of war while in the United States.<sup>14</sup> A bill was drafted, and on July 1, 1944, it became Public Law 405. Biddle had estimated the number to be between 300 and 1,000. Actually, however, “much to the surprise of everyone concerned with its administration,” a total of 5,692 *Nisei*, 5,540 of whom were at the Tule Lake Segregation Camp for the “disloyals,” applied for renunciation of their American citizenship, and all but 176 of these applications were approved by the attorney general “who was limited in his discretion, under the law, to disapprove only those applications which, in his [Biddle’s] opinion, it would be contrary to the interests of national defense to approve.”<sup>15</sup> Thus, these renunciants were eventually added to the status of “enemy alien,” and some of them, regarded as “troublemakers” or “agitators,” were transferred to the DOJ internment camps. The war was going in favor of the United States, and especially after the decision of the Supreme Court in *Ex*

*Parte Endo*, the constitutionality of the general detention of American citizens on the ground of disloyalty and military necessity “became even more dubious,” and at the same time “it would have been, as a practical matter, impossible to release these 2,000 young men.”<sup>16</sup> Shortly before he left office, Biddle informed the War Department of his opinion on the unconstitutionality of the further detention of citizens, and the military officials accepted it. The renunciation program was “an important factor in leading them to accept this view.”<sup>17</sup>

### C. “Voluntariness”

One of the prominent characteristics of the policy of the DOJ was that the word “voluntarily” was used at frequent intervals. As far as their policy was concerned, everything had to be done “voluntarily” by the *Nikkei*, so that it could be completely legalized and legitimized. Even the process from the loyalty question to segregation was called “a voluntary segregation,”<sup>18</sup> paying least attention to the fact that it had caused traumatic confusion, despair, and disappointment in the community, which led to the seemingly pro-Japanese and anti-American movement in the Tule Lake Segregation Camp. Only one thing they did or wanted to neglect was the fact that the whole process of incarceration was started forcibly, not voluntarily at all. In Japanese there is an expression “*botan no kakechigae*,” literally meaning to do up the first button to a wrong hole. If you make a big mistake at the start, you can never adjust it without making a fresh start. However, they just kept on buttoning up the second and the third to wrong holes, trying to make their story sound plausible by using the magic word “voluntarily.”

As to the abuse of U.S. citizenship, three facts should be pointed out. That is, (1) the provisions of expatriation in the 1940 Nationality Act were clearly intended to apply to the nationals of some communist and fascist nations in Europe. Contrary to the first intention, however, the act would eventually get amended in July 1944, targeting mainly *Nikkei Nisei* to let them expatriate themselves “voluntarily” while they were

in the United States. (2) The number of renunciants was far larger than the expectation of the administration. A total of 5,692 out of the 46,363 *Nisei* on the mainland over 18 years of age applied for and were approved renunciation of U.S. citizenship. Among them, 5,380 were inmates of Tule Lake, accounting for 73.62% of eligible segregees who renounced. (3) Noticing the fact that renunciation of U.S. citizenship may produce the “stateless,” Ennis was quite optimistic in stating before the House Committee on Immigration and Naturalization in April 1945 that it might be a “theoretical” legal problem but not a “practical” problem at all, because all but one of the relevant persons “insisted on sending them back to Japan.”<sup>19</sup>

#### D. Duress of the Government

Ennis wrote that it was unfortunate that “as a result of their own folly some 5,000 American citizens have thrown their citizenship away,” and was full of confidence, saying that “important public benefits have also been achieved as a result of the renunciation program.”<sup>20</sup> They seem to have been confident of the success of this program until “V-J day having come and gone, the problem of what action to take with respect to those who refused to depart voluntarily had to be faced,”<sup>21</sup> and also until Attorney Wayne M. Collins in San Francisco filed the mass lawsuits, representing about 1,400 renunciants, in the District Court for the Northern District of California, which asked for an order canceling and declaring null and void their renunciation of citizenship, requiring their release from Tule Lake, and commanding cancellation of removal order.

Thanks to the unwavering and sincere efforts of Attorney Collins, many but not all of these renunciants, including “repatriates,” were later able to restore their citizenship, either through mass or individual lawsuits, but it took all in all as long as 23 years. As of May 21, 1959, 5,409 out of 5,589 renunciants had asked to have their citizenship returned, and their requests were granted in 4,978 cases, which included 1,327 “repatriates,” leaving 347 of these denied restitution.<sup>22</sup>

The mass suits continued for nine more years. Although the U.S. Congress passed the Civil Rights Act of 1988, which contained a formal apology from the Congress, financial redress to both the *Nikkei* individuals and community, the provision of the Nationality Act, which admitted the renunciation of the *Nisei*, has not been rescinded yet.

The writer would not trace the detailed history of some of these legal efforts in this paper, as there are already published some well-documented accounts. Attorney Collins had foresight in attributing their cause of renunciation to “duress by the United States government,” saying that “Even the more radical members of these organizations suffered from duress by the government.” He regarded the whole process from “evacuation” incarceration, loyalty registration, segregation, to renunciation, as “duress.” The DOJ and both the district and high courts, and much later the Congress, would admit that most of the renunciation was caused by “coercion” or “duress,” but there was a slight difference in nuance between what Attorney Collins meant and what others understood. Other people attributed most of the responsibility to the so-called “troublemakers,” who were supposed to have pressured other *Nisei* to join them, scapegoating and leaving them all alone in the darkness. I saw a newspaper article several years ago reporting that there were still some who are waiting to retrieve their citizenship.

Attorney Collins’ assertion of “duress of the government” reminds the writer of the Japanese conservative scholars and politicians who have been trying to produce counterevidence against the responsibility of the Japanese government concerning the issue of “comfort women,” the prostitution system institutionalized by the Japanese military during World War II; they would never admit that “duress by the government” includes not only physical violence but also psychological pressure. When a government, or a state, ordered something to its “nationals,” they can seldom get rid of it, even if it would not use physical violence. That is “duress by the government.”

### III. Contemporary Significance of the Issue

As far as the wartime experience of the *Nikkei* was concerned, the writer long held a particularistic view, especially to the renunciation/“repatriation” program as “deprivation” of native-born citizenship of a particular ethnic group. She saw it simply as anti-Japanese or anti-Asian racial and ethnic discrimination. Now she feels this view makes us lose sight of the bigger picture of U.S. history, wherein the exclusion of “undesirables” and creating boundaries of “American-ness” has not been confined to the *Nikkei*.

There were at least three sets of precedents and similar cases following this program in the history of the United States. First of all, there had been a long history of racial and ethnic discrimination against Asians, especially against Chinese people.<sup>23</sup> Besides the relatively “lucky” ones who could at least enter the United States but were destined to face the hardships of severe discrimination or eventual deportation, there have been numerous “deportees” who were excluded from the port of entry. This is, as you know, an on-going process.

Second, the *Nikkei* were not the first and only group to be interned or incarcerated in the United States and subject to being “repatriated” or deported. Germans were interned, incarcerated, “repatriated,” and deported during and after World War I and II.<sup>24</sup> As for the renunciation of U.S. citizenship, too, we can find the precedents of denaturalization of naturalized citizens of German stock. It is not hard to imagine that the old racial and economic discrimination against Asians was easily associated with fascism, which was institutionalized by the military alliance of Japan with the fascist European countries and represented itself in the fear of possible espionage and sabotage, which might have been conducted by the *Nikkei* in American society. The Emergency Detention Act of 1950 empowered the president in an “internal security emergency” to apprehend and hold in detention camps persons

whom the government suspected might engage in espionage or sabotage. The act was repealed in 1971, but its constitutionality has never been tested.

Concerning “repatriation” of native-born citizens, we can find some precedents among Mexican American laborers in the 1930s.<sup>25</sup> Some Americans of Hispanic descent expressed their concern that the same thing may happen to them or their families, being mistakenly identified with the image of “undocumented” immigrants. There has been some controversy recently whether native-born citizenship should be conferred to the children of “undocumented” immigrants.

The wartime experience of the *Nikkei*, especially renunciation and “repatriation,” seemed to be unique only to the *Nikkei*. However, there is some historical continuity in which some economic, social, and cultural factors of the society—economic competition, agitation by yellow journalism, vote-catching by politicians, cultural predominance, including language, miscegenation and genetic predominance, etc. —were reread or re-evaluated repeatedly, looking different in appearance in each specific historical context but remaining unchanged in nature all through the history of this nation.

Their native-born citizenship was abused perfunctorily and mercilessly not only by the military but also by the supposedly “liberal” DOJ in a supposedly “democratic” country of immigrants. Through the immigration and naturalization regulations, the nation-state has tried to establish the boundaries of should-be “American-ness” by excluding “undesirables.” One of the standards to decide “desirableness” or “American-ness” has been absolute loyalty or allegiance to the nation. When some people failed to prove their loyalty in the extraordinary distress and disappointment, they suddenly found that their citizenship was put on the boundaries, not really “outside” but not “inside” of the nation. The nation-state, an “imagined community,” may require its nationals to show absolute loyalty or allegiance to fight for or die for it again, just as it required of the *Nikkei* half a century ago.

\*This monograph is a product of the Study Abroad Program of Keiui University in the period between summer 1999 and spring 2000. This research has been financially supported by the Toyota Foundation (1985–88, 1992), the Ministry of Education of Japan (1997–98), and the Fulbright Committee (1999–2000).

### Acknowledgments

I want to extend my thanks to Aiko and Jack Hartzig in Washington D.C., for having helped me to locate a lot of information, especially documents from the INS, without which I would never have been able to start writing this monograph, and to Prof. Ronald Magden at Tacoma University and Ellen Hammond at the University of Iowa for giving me precious insight and encouragement. This monograph is based on an oral presentation at the American Sociological Association Meeting in Washington D.C. in summer 2000. I would like to express my gratitude to Prof. Akihiro Yamakura at Tenri University for giving me the opportunity to make the presentation and to Prof. Tetsuden Kashima of the University of Washington for precious advice during the session. Lastly, special thanks to Prof. Gary Y. Okihiro, who enlarged my views regarding this topic while I was staying at Columbia University as a Fulbright Visiting Scholar in 1999–2000.

### Notes

1. In this paper, the term *Nikkei* will be used for people of Japanese ethnicity in general, (enemy) aliens for *Issei*, and “aliens” (with quotations) for renunciants, former U.S. citizens, euphemistically. Also, the term “repatriation,” which originally means sending aliens back to their original country, shall be used with quotations to refer to the expatriation of renunciants whose original country is nowhere else but the United States.
2. Among the 8,129 sent to Japan during and after the war, only 1,590 were *Issei* from continental United States; 1,789 were from Latin America, 2 from Alaska, and 279 from Hawaii. There included 1,997 former U.S. citizens, balancing at least 2,400 U.S. citizens. Unexpectedly many *Nisei* got involved. Chart A; Sailing from the United States of Alien Enemies from All Sources (From May 7, 1942 through December 28, 1946) attached to the memorandum from Charlie N. Rothstein, Renunciation and Evacuation Claims Investigation and Trial Unit, the Department of Justice, to Willard F. Kelly, Assistant Commissioner, Immigration and Naturalization Service, dated February 2, 1950 (hereafter the Roghstein Report).
3. Gary Y. Okihiro, *Whispered Silences: Japanese Americans and World War II*, Seattle: University of Washington Press, 1996, p.125.
4. Gladys Ishida’s unprinted Ph.D. dissertation, “The Japanese American Renunciants of Okayama Prefecture: their Accommodation and Assimilation to Japanese Culture,” submitted to University of Michigan in 1955, is the only literary on “repatriates.” She paid attention to the *Kibei*, *Nisei* who had been taken to Japan in their childhood and reared or educated there before the war. She concluded that “the *Kibei* no longer had any lingering thoughts of returning to America.” (p.1) She did not know at that time that many of them would stick to their U.S. citizenship and continue to fight to retrieve it. Donald E. Collins referred to their lives in Japan in only two pages (pp. 121–122) in his book, *Native American Aliens: Disloyalty and the Renunciation of Citizenship by Japanese Americans during World War II* (Westport, Conn. & London; England; Greenwood Press, 1985). Some of the “repatriates” would face the new problems of family registration, voting in the political election, and running

- for office in Japan, which could be the other possibilities leading to the “expatriation” of U.S. citizenship.
5. Most of the established studies have been based on data only from the military, the War Relocation Authority, the State Department, etc., and not from the DOJ, which took charge of this program directly.
  6. The official report of the Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied* (Seattle & London: University of Washington Press, 1982), evaluated renunciation affirmatively for the first time as “the angry disillusion of the camps” and the application for repatriation as “the disaffection caused by evacuation and prolonged detention” (p. 251), wiping out to some extent, but not entirely, prejudice against them in the *Nikkei* community.
  7. Cited in: *Native American Aliens*, p. 149.
  8. Racial and ethnic discrimination represents itself in the treatment of enemy aliens: Among 592,720 Italian nationals, only 1,270 (0.21%) were apprehended by the FBI. Considering the fact that the United States had suspected the pro-fascism activities of some German groups or individuals before the war, it is striking that 6,011 Japanese among 47,305 (12.49%), almost as many as German nationals, 6,157 (1.94%) among 317,760, were subject to apprehension. Also, we have to take it into consideration that Japanese immigrants were excluded from naturalization at that time, while Italians and Germans could get naturalized during the war, too. Later added as “enemy Aliens” were Japanese renunciants in 1944 and 1945.
  9. As to the administration in the Santa Fe internment camp, John J. Culley rightly pointed out that “experienced officers of the INS or Border Patrol” were “accustomed to meeting and dealing with aliens of different nationalities, and did not perceive the internees as Americans who might or might not be disloyal to the United States; they viewed them more dispassionately as non-citizens identified by ancestry with an enemy nation.” John J. Culley, “The Santa Fe Internment Camp and the Justice Department Program for Enemy Aliens,” Roger Daniels et. al., ed., *Japanese Americans: from Relocation to Redress* (Revised Edition), Seattle and London: University of Washington Press, 1986, p. 66.
  10. Biddle, Francis, *In Brief Authority*, New York: Doubleday and Company, 1962, p. 213.
  11. *Personal Justice Denied*, p. 49.
  12. Peter Irons pointed out that Biddle “showed sensitivity to ‘national security’ (claims, which led him to refrain from differing to his senior colleagues, especially to Secretary of War Stimson, and to the President”); *Justice at War: The Story of the Japanese American Internment Cases*, New York & Oxford: Oxford University Press, 1983, p. 17.
  13. The letter from Biddle to Stimson dated February 12, 1942 (Secretary of War, Record Group 107, National Archives) cited in: Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II* (Hinsdale, Illinois: The Dryden Press, 1971), p. 69.
  14. There was no direct reference to Japanese American *Nisei* in the said legislation, but in the letter from Biddle to Richard B. Russell, chairman of the Senate Committee on Immigration dated march 15, 1944, Biddle stated clearly that it was targeting persons of Japanese descent who were native-born United States citizens but were at the same time Japanese nationals, and “who assert their loyalty to the Emperor of Japan and their desire to renounce their United States citizenship and to be recognized as Japanese nationals.”
  15. *The Rothstein Report*, 3. Pay attention to the fact that Rothstein put the phrase “in his [Biddle’s] opinion” deliberately. Considering the fact that the total number of expatriation of U.S. citizenship in the fiscal year 1945 was only 1,936 (naturalization in a foreign state, 611; voting in a foreign political election, 474; formal

- renunciation abroad before consular office, 344), the number and the grounds for expatriation of these people are conspicuous; Gertrude D. Krichesky, "Loss of United States Nationality: Expatriation," the DOJ, Immigration and Naturalization Service, *Monthly Review*, Vol. 4, No. 1, July 1946, pp. 9–13.
16. Cited in : *Native American Aliens*, p. 149.
  17. *Ibid.*
  18. In February 1943, so-called loyalty registration was conducted in all WRA camps for two purposes: army enlistment and general leave clearance from the camps. The questionnaires asked two subtle questions. Question 27 asked *Nisei* males if they had the will to serve in the armed forces of the United States and female if they had the will to join the WACs or the Army Nurse Corps; Question 28 asked about loyalty, whether they swore unqualified allegiance to the United States or forswore any form of allegiance to the Japanese Emperor. All the people who failed to answer these two questions in the affirmative were later segregated and sent to the Tule Lake Segregation Camp in Northern California.
  19. Hearings before the Committee on Immigration and Naturalization, House of Representatives, Seventy-ninth Congress, First Session pursuant to House Resolution 52, Part 1, May 2, 1945, p. 41.
  20. *Native American Aliens*, p. 149.
  21. *Rothstein Report*, p. 3.
  22. *Native American Aliens*, p. 142.
  23. Mae M. Ngai "Legacies of Exclusion: Illegal Chinese Immigration during the Cold War Years," *Journal of American Ethnic History*, Vol. 18, No. 1, Fall 1998, pp. 3–36; "[Exclusion] codified Chinese as the racial "other" in America—unwanted, unassimilable, ineligible to citizenship. It justified the segregation and marginalization of Chinese from the mainstream of American social and economic life...because illegal entry is a concomitant of all restrictive immigration policy, exclusion also created a large population of Chinese illegal immigrants in America (p. 3).
  24. Fox, Stephen C., "General John DeWitt and the Proposed Internment of German and Italian Aliens during World War II," *Pacific Historical Review*, Vol. LVII, No.4, November 1988, pp. 407–438.
  25. Francisco E. Balderrama and Rayond Rodriguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995). During the 1920s, the short economic recession caused an anti-Mexican movement that incorporated mass deportation. This was accelerated until the mid-1930s. The removal policies became relatively less intense but never completely abandoned. According to the *INS Monthly Report*, mentioned above, during the fiscal year 1918 to 1945, 704,887 United States citizens departed for permanent residence in a foreign country. Nine-tenths were native-born citizens. In the depression years 1931 to 1935, 56,462 out of a total of 153,469, departed to Mexico, more than to any other country: "Practically all of them were native-born citizens, and the high proportion of children indicates that many were children of aliens repatriated to Mexico."

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