

Lawyer Name: Ben Malone

Witness Name: Karl Bendetsen

Part 1: Witness Direct Examination Question and Answer

**Q: Can you state your name for the record please?**

A: My name is Karl Bendetsen.

**Q: And what is your job?**

A: I am a Major in the U.S. Army and I work with the Western Defense Command.

**Q: Mr. Bendetsen, can you tell the court about how you first became involved with the question of Japanese exclusion?**

A: After the U.S. declared war upon Japan, I was sent as a Major by Assistant Secretary of War John McCloy to the West Coast to assist General DeWitt in dealing with enemy aliens. After the bombing of Pearl Harbor, I became more involved with meetings between the War Department and the Justice Department of how to address problems related to Western defense.

-Evidence Submission: Exhibit G-

**Q: Your honors may I approach the witness?**

**Q: I am handing you what has been been marked as Defense Exhibit G; Without telling the court, do you recognize the exhibit?**

A: Yes

**Q: What is it?**

A: It is part of a telephone conversation between my colleague Captain Hall and myself.

**Q: And does the part of the conversation appear to be complete and accurate?**

A: Yes

**Q: Your honors I move for admission of Defense Exhibit G.**

**Q: Mr. Bendetsen, can you please read the highlighted section out loud for the court please?**

A: Yes, of course; "As a matter of fact the record shows that (1) that it was a concentration of a large number of persons of Japanese ancestry in strategic areas near war plants and all that. And that it could not be permitted. And (2) That you couldn't determine loyalty and therefore you had to take the wheat with the chaff. Not that there wasn't time, but that you just couldn't."

**Q: Can you explain what you meant by this?**

A: Sure, given the data that we had at the time, a lot of members of the War Department, including myself, felt that the threat of Japanese people residing near war plants and other strategic areas that are necessary for waging war was much greater than those residing in other areas. We also felt there was no way to test the loyalties of Japanese Americans and fully make a determination of who was a threat and who wasn't and so the only way to ensure national security was to exclude all of them. We felt that this was out of military necessity.

**Q: What do you mean by military necessity?**

A: At the time, myself, as well as other members of the war department, including General DeWitt, felt that there was a threat posed by Nisei Japanese that was not there among other groups of people. We had been subjected to many reports that raised questions about the Japanese population and I recommended that military zones that could exclude or include any or all persons be established in order protect our national security, which eventually was allowed with Executive Order 9066.

**Q: You mention Executive Order 9066, can you tell the court about your role in its creation?**

A: Of course, on February 17th, 1942, I assisted General Guillone in drafting an executive order that allowed the Department of War to establish military zones. This draft went through the Justice Department and became Executive Order 9066 which President Roosevelt signed into law on February 19th.

**Q: Just to clarify, what were your reasons for recommending the adoption of military zones and why do you believe that Executive Order 9066 was subsequently adopted?**

A: The decision to establish military zones was ultimately made out of military necessity. Based on the information that was circulating through the war department, there was reason to believe that it was truly necessary for national security. This eventually led to, I believe, President Roosevelt signing Executive Order 9066; military necessity.

--End of Questioning--

Part 2: Evidence

**Title:** Conversation between Colonel Bendetsen and Captain Hall

**Link:** <http://ddr.densho.org/ddr/densho/67/124/>

**Summary:** This evidence is a transcript of a conversation had between Bendetsen and Captain Hall on January 19th about the rationale behind Japanese exclusion and some of the details about the evacuation.

**Important Passage:** “As a matter of fact the record shows that (1) that it was a concentration of a large number of persons of Japanese ancestry in strategic areas near war plants and all that. And that it could not be permitted. And (2) That you couldn't determine loyalty and therefore you had to take the wheat with the chaff. Not that there wasn't time, but that you just couldn't.”

**How this helps the case:** It adds the testimony of how military officials felt that there was no way to test the loyalties of Japanese Americans.

**How this potentially hurts the case:** The passage specifically mentions that time was not an issue.

### **Cross Examinations:**

Karl Bendetsen:

1. Served as a Captain. Joined the war effort in 1940. In 1941 he was promoted to major and became assistant to the Judge Advocate General, Major General Allen W. Gullion.
2. Served on the war department under DeWitt.
3. He was a major architect of the DeWitt Report.

[http://encyclopedia.densho.org/Karl\\_Bendetsen/](http://encyclopedia.densho.org/Karl_Bendetsen/)

[http://encyclopedia.densho.org/Final\\_Report,\\_Japanese\\_Evacuation\\_from\\_the\\_West\\_Coast,\\_1942\\_\(book\)/](http://encyclopedia.densho.org/Final_Report,_Japanese_Evacuation_from_the_West_Coast,_1942_(book)/)

Questions:

Is it true you held a major role in the drafting of the DeWitt Report?

(yes)

Is it true that the original version of the DeWitt Report was released to Assistant Secretary of War John McCloy on April 19, 1943 for review?

(Yes)

Is it also true that the version released to the public in 1944 was edited to omit the statement “ It was impossible to establish the identity of the loyal and the disloyal (within the Japanese populus) with any degree of safety. It was not that there was insufficient time in which to make

such a determination; it was simply a matter of facing the realities that a positive determination could not be made, that an exact separation of the 'sheep from the goats' was unfeasible.”?  
(Yes)

Are you aware that this omitted statement is contradictory to official statements released from your Department stating that there was no time to differentiate between enemy and friend amongst the Japanese populus?  
(Yes)

Are you also aware that the submission of fraudulent documents to a government institution is a federal crime punishable by up to five years in prison.