

Historical Overview

I J A C L | Curriculum and Resource Guide | 2002

No person shall be deprived of life, liberty, or property without due process of law. Those accused of a crime shall enjoy the right to a speedy and public trial by an impartial jury and to be informed of the nature and cause of the accusation.

These protections are guaranteed in the 5th and 6th Amendments to the Constitution of the United States of America. However, during 1942-46, some 77,000 American citizens of Japanese ancestry and 43,000 Japanese nationals, most of whom were permanent U.S. residents, were summarily deprived of liberty and property without criminal charges and without trial of any kind. Several persons were also violently deprived of life. All persons of Japanese ancestry on the West Coast were expelled from their homes and confined in inland detention camps. The sole basis for these actions was ancestry; citizenship, age, loyalty, and innocence of wrongdoing did not matter. Japanese Americans were the only group singled out for mass incarceration. German and Italian nationals, and American citizens of German and Italian ancestries were not imprisoned en masse even though the U.S. was at war with Germany and Italy.

This episode was one of the worst blows to constitutional liberties that the American people have ever sustained. Many Americans find it difficult to understand how such a massive injustice could have occurred in our democratic nation. This guide will attempt to explain how and why it happened, and what can be done to ameliorate the effects of that mistake. In a 1945 article in the Yale Law Journal, Professor Eugene V. Rostow wrote: "Until the wrong is acknowledged and made right we shall have failed to meet the responsibility of a democratic society—the obligation of equal justice."



FIRST IMMIGRANTS FROM
1848
ASIA ARRIVED DURING THE
CALIFORNIA GOLD RUSH.

Root Causes

The seeds of prejudice that resulted in the incarceration of Japanese Americans during World War II were sown nearly a century earlier when the first immigrants from Asia arrived during the California Gold Rush. California was then a lawless frontier territory. White immigrants from the Eastern United States had just succeeded in taking control of the territory from Mexico and had briefly proclaimed an independent Republic of California.

Mexico was forced to cede California to the United States in 1848, and almost simultaneously gold was discovered in the Sierra Nevada foothills. Many migrants from the eastern states, and from all over the world, rushed to California during 1848-49. There was intense, often violent competition for control of the gold mines and ultimately for control of the Territory of California. About 25 percent of the miners in California during the Gold Rush came from China. The English-speaking newcomers who had previously established dominance over the native, Spanish, and Mexican Californians were in no mood to tolerate further competition. Using acts of terrorism (e.g., mass murder and arson) the white newcomers drove the Chinese out of the mining areas.

When California became a state in 1850, lawless violence against the Chinese was transformed into legal discrimination. Official government prejudice against Asian Americans thus became established. Article 19 of the California State Constitution authorized cities to totally expel or restrict Chinese persons to segregated areas and prohibited the employment of Chinese persons by public agencies and corporations. Other federal, state, local laws or court decisions at various times prohibited the Chinese from becoming citizens or voting, testifying in court against a white person, engaging in licensed businesses and professions, attending school with whites, and marrying whites. The Chinese alone were required to pay special taxes, and a major source of revenue for many cities, counties and the State of California came from these assessments against the Chinese.

Despite such barriers, there were more opportunities in California than in poverty-stricken China, and more Chinese immigrants arrived. But with the much larger influx of white migrants from the eastern states and Europe, the proportion of Chinese persons in California dropped to 10 percent of the population.

Big business recruited Chinese workers for menial labor, but labor unions agitated for the removal of all Chinese persons from California. Elected officials soon joined the exclusion movement and pressured the federal government to stop immigration from China. In response to this anti-Chinese sentiment, Congress passed a series of Chinese Exclusion Acts beginning in 1882.

Japanese Arrive

As the Chinese population rapidly declined due to the shortage of women and because many men returned to China, an acute labor shortage developed in the Western states and the Protectorate of Hawaii in the 1880s. The agricultural industry wanted another group of laborers who would do menial work at low wages and looked to Japan as a new source. At that time, however, Japan prohibited laborers from leaving the country. The United States pressured Japan to relax the ban on labor emigration, and Japan consequently allowed laborers to leave in 1884.

The American agricultural industry recruited Japanese laborers to work in the sugar cane fields of Hawaii and the fruit and vegetable farms of California. From the handful who were in the U.S. prior to the Chinese Exclusion Act, the Japanese population increased to about 61,000 in Hawaii and 24,000 on the mainland by 1900.

As long as the Japanese remained docile, their hard labor was welcomed, but as soon as they showed signs of initiative, they were perceived as threats to white dominance. Since the major labor unions denied membership to workers of Asian ancestry, the Japanese farm laborers formed independent unions, and together with Mexican farm laborers conducted the first successful agricultural strike in California in 1903. Japanese farm laborers also worked through labor contracting organizations, and their leaders aggressively negotiated for higher pay. They soon achieved wage parity with white workers, and many saved enough money to buy or lease farmland. The Japanese farmers, like their Chinese predecessors, reclaimed much of the less desirable land and developed these into rich agricultural areas.

The anti-Japanese campaign began with acts of violence and lawlessness such as mob assaults and arson. Forcible expulsion from farming areas became commonplace. Soon these prejudices became institutionalized into law. As with the earlier Chinese pioneers, the Japanese were also denied citizenship, prohibited from certain occupations, forced to send their children to segregated schools, and prohibited from marrying whites. In addition, some laws were specifically directed against the Japanese, including the denial of the right to own or lease agricultural land.

Like the Chinese exclusion movement before, California lobbied the federal government to stop all immigration from Japan. As a result of these pressures, Japanese laborers were excluded by executive action in 1907, and all Japanese immigration for permanent residence was prohibited by the Asian Exclusion Act of 1924. The Japanese government regarded this as a national insult particularly since the United States had insisted upon Japanese immigration in the first place.

To the dismay of the exclusionists, the Japanese population did not rapidly decrease as the Chinese population did earlier. There were sufficient numbers of Japanese women pioneers who were married, resulting in an American-born generation, and families decided to make the United States their permanent home. As the exclusionists intensified their efforts to get rid of the Japanese, their campaign was enhanced by the development of a powerful new weapon: the mass media.

Newspapers, radio, and motion pictures stereotyped Japanese Americans as untrustworthy and unassimilable. The media did not recognize the fact that a large number of persons of Japanese ancestry living in the United States were American citizens. As Japan became a military power, the media falsely depicted Japanese Americans as agents for Japan. Newspapers inflamed the "Yellow Peril" myths on the West Coast: radio, movies and comic strips spread the disease of prejudice throughout the United States.



THE AMERICAN AGRICULTURAL
INDUSTRY RECRUITED JAPANESE
LABORERS TO WORK IN THE
SUGAR CANE FIELDS OF HAWAII

Forced into segregated neighborhoods and without access to the media, Japanese Americans were unable to counteract the false stereotypes. Although those born in the United States were culturally American, spoke English fluently, and were well-educated, they faced almost insurmountable discrimination in employment, housing, public accommodations, and social interaction.



Photo above: Japanese immigrants arriving at Angel Island immigration station. In the foreground are recent wives of men who returned to Japan to marry them, and picture brides who had yet to meet their husbands. Circa 1915

Courtesy of the National Archives

Outbreak of War

Prior to World War II, Germany and Japan became military powers, and in the 1930s began their conquests by annexing neighboring nations by sheer intimidation. Actual military conflicts broke out in Asia when Japan invaded China in 1937, and in Europe when Germany invaded Poland in 1939. As Germany overran the European continent and drove into Africa and the Soviet Union, and Japan moved into Asia and Southeast Asia, the United States was placed under tremendous pressure to enter the war. In July, 1941, the United States, together with Britain and the Dutch East Indies (Indonesia), imposed a total embargo on exports to Japan, thus effectively cutting off Japanese oil supply.

The United States had broken a Japanese top secret code and was aware of the probability of armed conflict. Consequently, the U.S. government undertook precautionary measures. In October, 1941, the State Department dispatched a special investigator, Curtis B. Munson, to check on the disposition of the Japanese American communities on the West Coast and Hawaii.

A CONFIDENTIAL REPORT TO THE
PRESIDENT AND THE SECRETARY OF
STATE THAT CERTIFIED THE
1941
JAPANESE AMERICANS POSSESSED
AN EXTRAORDINARY DEGREE OF
LOYALTY TO THE UNITED STATES

In November, 1941, Munson submitted a confidential report to the President and the Secretary of State which certified that Japanese Americans possessed an extraordinary degree of loyalty to the United States, and immigrant Japanese were of no danger. Munson's findings were corroborated by years of secret surveillance conducted by the Federal Bureau of Investigation and the Office of Naval Intelligence. There were a few reports of potential extremists but almost 100 percent of the Japanese American population was said to be absolutely trustworthy. High U.S. government and military officials were aware of these intelligence reports, but they kept them secret from the public. Japan's military forces attacked the U.S. military bases in Hawaii and the Philippines on December 7, 1941, and the United States declared war on Japan the following day.



Photo above: Japanese air attack on December 7, 1941 at Pearl Harbor, Hawaii. Explosions aboard USS Shaw.

Courtesy of the Library of Congress

Many people who were unfamiliar with the historical background have assumed that the attack on Hawaii was the cause of, or justification for, the mass incarceration of Japanese Americans on the West Coast. But that assumption is contradicted by one glaring fact: the Japanese Americans in Hawaii were not similarly incarcerated en masse. Such a massive injustice could not have occurred without the prior history of prejudice and legal discrimination. The removal of Japanese Americans from the West Coast and their incarceration was the culmination of the movement to eliminate Asians from the West Coast that began nearly 100 years earlier.

The FBI was well prepared for the war arresting over two thousand persons of Japanese ancestry throughout the United States and Territories of Alaska and Hawaii within a few days after the declaration of war. Nearly all of those arrested were Japanese nationals, but some American citizens were included.

No charge of espionage, sabotage, or any other crime was ever filed against those arrested. They were apprehended because they were thought to be suspicious persons in the opinion of the FBI. Evidently, anyone who was a community leader was under suspicion by the FBI because almost all of those arrested were organization officers, Buddhist or Shinto priests, newspaper editors, and language or martial-arts school instructors. The established leadership was imprisoned. Inexperienced teen-agers and young adults were suddenly thrust into the position of making crucial decisions affecting the entire Japanese American community.

Men were taken away without notice, and their families were left without a means of livelihood. Some of those arrested were released after a few weeks, but most were secretly transported to one of twenty-six internment or isolation camps scattered in sixteen states and the Territories of Alaska and Hawaii.

Some families did not learn for years what happened to their men. Most internees were eventually reunited with their families, but only to be sent to another barbed wire compound or the concentration camps where their families had been sent in the meantime. Some, however, were confined in the original internment camps for the duration of the war, together with the Central and South American Japanese who were brought in for internment at the insistence of the United States.

Perhaps due to the swift action of the FBI, there was very little public panic, hysteria, or irrationality for the first month of the war. In fact, public opinion was remarkably enlightened: some newspapers even published editorials and letters sympathetic to Japanese Americans, and some elected officials urged the general public not to blame or harm Japanese Americans.

Economic interests in California, however, were not satisfied with the imprisonment of individuals, and the fact that domestic security was under firm control. They wanted the entire Japanese American population removed from California. The same pressure groups and newspapers that had always advocated Japanese exclusion from the state organized an intense rumor and hate campaign. Totally false stories were published about spies and saboteurs among the Japanese Americans. The war became the perfect pretext for anti-Japanese groups to accomplish the goal they had been seeking for almost fifty years.

The truth was that no person of Japanese ancestry living in the United States or Territories of Alaska and Hawaii was ever charged with or convicted of espionage or sabotage. Ironically, numerous persons of non-Japanese ancestry were charged and convicted as agents for Japan.

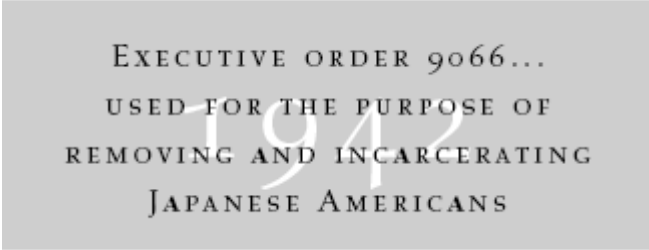
Because of the long background of prejudice and stereotypes, the public found it easy to believe the false stories. Some high federal officials knew the facts, but they kept silent. By mid-January of 1942, public opinion began to turn against Japanese Americans. Elected officials, city councils, and civic organizations in California, Oregon, and Washington demanded the ouster and incarceration of all Japanese Americans. Earl Warren, then the Attorney General of California, made the incredible statement that the very absence of fifth column activities by Japanese Americans was confirmation that such actions were planned for the future. Warren also claimed American citizens of Japanese ancestry were more dangerous than nationals of Japan.

There were a few isolated acts of violence committed against Japanese Americans, but there was no reason to believe that Japanese Americans were in danger despite assertions that the population should be confined for their own safety. If there were any threats, it was the job of local police and sheriff departments to provide protection. Also, many Japanese Americans were perfectly willing to take whatever risk necessary to protect their homes and property.

Expulsion and Detention

Similar to the previous immigration exclusion campaigns, the California lobby pressured the federal government to remove and/or lock up all Japanese Americans. Oregon and Washington supported California's demands, but the rest of the nation was generally unconcerned about their tiny Japanese American minority. There were many important and real problems caused by the war needing attention, but the West Coast pressure groups seemed preoccupied with the elimination of Japanese Americans.

President Franklin Roosevelt signed Executive Order 9066 on February 19, 1942. Roosevelt signed the order despite objections from Attorney General Francis Biddle and FBI Director J. Edgar Hoover, both of whom felt the order was unconstitutional and unnecessary.



EXECUTIVE ORDER 9066...
USED FOR THE PURPOSE OF
REMOVING AND INCARCERATING
JAPANESE AMERICANS

Executive Order 9066 broadly authorized military commanders to exclude any person from any area. The presidential order did not mention any specific group, nor did it provide for detention. However, there was an understanding among high officials that the authorization was to be used for the purpose of removing and incarcerating Japanese Americans. Congress

backed the Executive Order by passing Public Law 77-503, which authorized a civil prison term and fine for a civilian convicted of violating a military order.

General John L. DeWitt, Military Commander of the Western Defense Command, thereupon issued a series of over one hundred military orders applying exclusively to civilians of Japanese ancestry living in the West Coast states. The sole basis for DeWitt's orders was ancestry; he was often quoted as stating: "A Jap's a Jap. It makes no difference whether the Jap is a citizen or not." He further masked the issue of citizen rights by using the term "non-alien" to refer to United States citizens in all of his written orders.

It should be noted that martial law was not declared on the West Coast; the writ of habeus corpus was not suspended; the civil courts were in full operation and anyone charged with espionage or sabotage could have been brought to trial. It also should be remembered that of the 1,100,000 nationals of enemy nations living in the United States in 1942, fewer than 4 percent were Japanese nationals.

DeWitt first announced that all persons of Japanese ancestry had to leave the western half of the West Coast states and the southern half of Arizona, and urged the affected people to move inland "voluntarily." Approximately ten thousand tried to comply, mostly moving in with relatives in the eastern half of the West Coast states and interior states. Many, however, were forced to turn back by hostile crowds and armed posses.

American citizens of Japanese ancestry were placed under curfew, along with nationals of Japan, Germany, and Italy. American citizens of German and Italian ancestries were not restricted in any way.

DeWitt then announced that all persons of Japanese ancestry would be expelled from the eastern half of the West Coast states as well and were prohibited from any further "voluntary" migration. He ordered them to maintain their residences until reporting for detention. Then beginning in March, 1942, DeWitt ordered all persons of Japanese ancestry in California, parts of Arizona, Oregon, and Washington to turn themselves in at temporary detention camps near their homes.

The rationale for these actions on the West Coast was "military necessity," but such a claim was inconsistent with the fact that Japanese Americans in Hawaii were not similarly subjected to wholesale incarceration. Hawaii was three thousand miles closer to the enemy, and using DeWitt's logic, could be in far greater danger of invasion and sabotage. The military commander in Hawaii decided that "military necessity" there required the vast majority of Japanese Americans to remain free to help maintain the islands' economy.

Like the initial FBI roundups on the mainland, some Japanese nationals in Hawaii were imprisoned on an individual basis and held in prison camps on the islands or transferred to the mass detention or smaller internment camps on the mainland. Only 1 percent of the Japanese population in Hawaii was incarcerated.

DeWitt's detention orders were ostensibly for the purpose of protecting the West Coast against sabotage and espionage; but babies, orphans, adopted children, the infirm and bedridden elderly were also imprisoned. Children of multiple ancestry

were included if they had any Japanese ancestry at all. Colonel Karl Bendetson, who directly administered the program, stated: "I am determined that if they have one drop of Japanese blood in them, they must go to camp."

Non-Japanese spouses, adoptive parents, and orphanage directors were forced to surrender their children for incarceration or enter the camps themselves. The only exceptions were for those confined in prisons or asylums, and the few adults with 1/32nd Japanese blood or less who could prove they had no contact whatsoever with other persons of Japanese ancestry.



Photo above: Japanese American families evacuated from a farming community in Centerville, California.

Courtesy of the National Archives

There were fifteen temporary detention camps scattered throughout Arizona, California, Oregon, and Washington. They were mostly county fairgrounds, race tracks, and livestock exhibition halls hastily converted into detention camps with barbed wire fences, search lights and guard towers. Each camp held about five thousand detainees, except for the Santa Anita Race Track near Los Angeles which held over eighteen thousand, and Mayer, Arizona, which held only 247. Living quarters were horse stalls, some still dirty with manure.

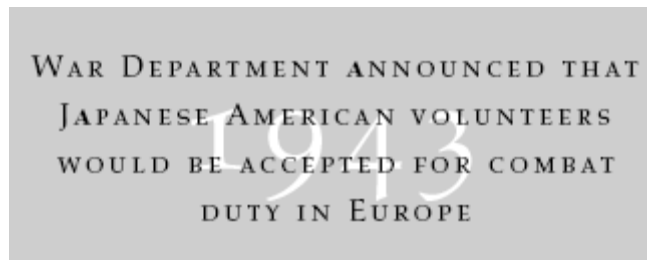
Japanese Americans had to leave their homes with only what they could carry with them. Property had to be hurriedly sold, abandoned, given away, left in insecure storage, or unpredictable trusts. Crops were left unharvested. Many lost titles to homes, businesses, and farmlands because taxes and mortgage payments became impossible to pay. Most bank accounts had already been frozen or confiscated as "enemy assets," and there was very low income within the camps.

Token amounts were earned by internees. (The highest was nineteen dollars a month earned by doctors.)

The incarceration of Japanese Americans was accomplished district by district over a five-month period. DeWitt methodically issued detention orders almost daily, each applying to a new locale. As orders progressed through the eastern half of California, Japanese Americans in the eastern halves of Oregon and Washington fully expected their turn would be next. They stripped their possessions down to the bare essentials just as the others before them had been required to do. They lived day to day unsettled under the constant threat of imminent removal; however, the actual detention orders never came.

Government actions also encouraged private harassment: for example, in one town outside the official expulsion area, the entire Japanese American community was boycotted and forced to leave town.

In June, 1942, the U.S. Navy won a decisive victory at the Battle of Midway, and the tide of war shifted in favor of the United States. Japan was no longer militarily capable of attacking the West Coast and, not even Hawaii. The U.S. government and military were aware of this fact, but they went ahead with plans to build permanent mass detention facilities in the interior deserts and in the delta region of the south.



The government built ten mass detention camps in the isolated areas of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming. The vast majority of Japanese Americans were moved from the temporary detention camps near their hometowns to the permanent camps several hundred miles away even after the threat of invasion by Japan had vanished. Each of the permanent camps held from seven thousand to eighteen thousand Japanese Americans. A total of about 120,000 Japanese Americans were ultimately detained.

These inland camps were located in desolate areas and were surrounded by a high barbed wire fence. Guard towers were placed at strategic intervals, and any Japanese American leaving without permission could be shot. Dozens of detainees and internees were shot and wounded. Eight were killed by guards (one each in central Utah, Gila River, Tule Lake and Fort Sill, two in Manzanar and Lordsburg). Living quarters were crowded and there was no privacy. Large extended families or groups of unrelated individuals were squeezed into tiny unpartitioned 20 x 25 foot units. The detainees tried to make the dreary camps halfway tolerable by foraging scrap materials to make furniture and room partitions. They used indigenous plants to make gardens, and surplus materials or adobe to build schools and recreation facilities. Detainees also operated their own farms, and many camps became self-supporting for much of its food.

They volunteered to relieve the critical farm labor shortage in the Mountain Plains area and were granted seasonal work leaves. Others were given leaves to fill labor shortages in Midwest and East Coast factories, and college students were granted educational leaves. But these leaves were a form of parole: they were not free to go or do anything they wanted, and had to periodically report to government officials. During 1943 and 1944, about 33 percent of the detainees, mostly young single men and women, were conditionally released on various forms of leaves or for military duty. The other 67 percent remained in the camps for the duration of the war.



Photo: Sentry gate at Manzanar, California. Photographed by Ansel Adams in 1943.

Courtesy of the Library of Congress

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Japanese Americans were known for their pride in rarely having been on welfare or locked up in prisons, but the camps made them wards of the government guarded by armed soldiers. Fathers were no longer the family breadwinners, parents lost control of their children, and families rarely ate meals together. Many were frightened because of the unpredictable future and the hopelessness of the situation. Many did not expect to come out alive.

Overwhelming despair caused some detainees to commit suicide. Many more died prematurely because of inadequate medical facilities and the harsh environment. Most incoming and outgoing communications were censored, including personal letters and newspapers. All internal communications were strictly controlled by the camp administration. The Japanese language was banned at public meetings and Buddhist and Shinto religious practices were suppressed.

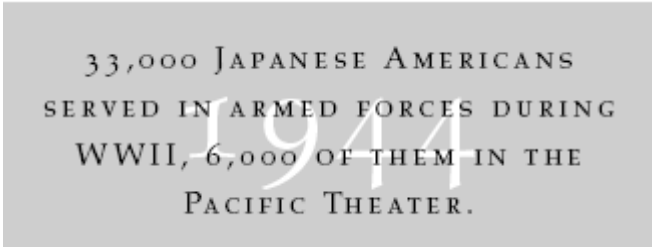
While the Japanese Americans were incarcerated, some members of Congress and the State Department proposed legislation or executive action to strip all native-born Americans of Japanese ancestry of their citizenship and deport them to Japan after the war. Other elected officials urged that the imprisoned Japanese Americans be used for exchanging with American prisoners of war. One member of Congress even proposed a mandatory sterilization program. Fortunately, none of these extreme measures was taken.

The Question of Loyalty: Japanese Americans in the Military and Draft Resisters

However, another form of indignity was imposed on the detainees in February, 1943. After being imprisoned for nearly a year, all detainees 17 years of age and older were required to answer a questionnaire swearing their loyalty to the United States and their willingness to serve in the U.S. Armed Forces. It was an audacious act for the government to require such an oath from people already locked up because it presumed they were disloyal.

Throughout the war, the United States government consistently maintained that the loyalty of persons of Japanese ancestry was in question and that their internment was based upon military necessity. Once the population was confined to internment camps, and the war was in full force, the government began to address the loyalty issue. The loyalty review process was used as a mechanism to weed out so-called “loyals” from potential “disloyals.”

Due to the insensitive wording, Japanese nationals were asked, in effect, to renounce the only citizenship they had (since they were prohibited from becoming U.S. citizens) and render themselves stateless. American citizens were asked to falsely incriminate themselves by “forswearing” an allegiance to Japan—allegiance they never had. Women and elderly persons were asked to serve in “combat duty wherever ordered.”



33,000 JAPANESE AMERICANS
SERVED IN ARMED FORCES DURING
WWII, 6,000 OF THEM IN THE
PACIFIC THEATER.

Despite the problems with the questionnaire, the majority of detainees affirmatively signed the oath. The loyalty review program would be administered as a part of the “Application for Leave Clearance.” The questionnaire would be used to determine whether an individual would be “at risk” if released from the relocation center. The answers of adult respondents would be used to determine their eligibility for enlistment into the military (either voluntary or by draft), and also for work in any war-related industry. The questionnaire asked about family background, education, and employment. Following the administration of the questionnaire, a Joint Board consisting of representatives from the Navy, War Relocation Authority, military intelligence and the Provost Marshal General would decide the disposition of each adult internee. Some would be allowed to work in war production facilities, serve in the army, or be released for other work outside the internment camps. This did not mean, however that the minority who refused to cooperate had been any less loyal or patriotic. Some highly principled individuals felt that their fundamental constitutional rights should be restored before signing. Under the

circumstances loyal citizens were incarcerated without a trial. Bitter feelings would be natural, and a questionnaire under these circumstances would not measure objective and true feelings of loyalty.

When the United States entered the war in 1941, there were about 5,000 Japanese Americans in the armed forces, but many were summarily discharged as unsuitable for service. Most Japanese Americans were classified by the Selective Service System as “enemy” nationals (4C) ineligible for duty and were refused enlistment.

The United States, however, soon discovered the need for Japanese language specialists and started to recruit men and women of Japanese ancestry for Military Intelligence Service, for the Office of Strategic Service, and for the Office of War Information in June, 1942. The bypassing of the Selective Service System, and the fact that Japanese Americans were serving with the U.S. Armed Forces in the Pacific Theater was not made public knowledge. Japanese American soldiers in Asia and the Pacific Islands worked primarily as translators, but engaged in combat whenever the need arose. It has been said that the Japanese American soldiers, by obtaining crucial military intelligence, helped to shorten the Pacific war by two years.

In January, 1943, the U.S. War Department announced that Japanese American volunteers would be accepted for combat duty in Europe. Most of the volunteers came from Hawaii, but there were also thousands who volunteered from within the mass detention camps on the mainland. The volunteers were assigned to a segregated Japanese American unit— the 442nd Regimental Combat Team. The 442nd eventually became the most decorated American unit in U.S. military history, for its size and length of service.

In January, 1944, the Selective Service System started to draft Japanese American men, even though they were still incarcerated in the camps. Most of the over 33,000 Japanese Americans who served in the U.S. military during World War II were in one of three military units: the 100th Battalion that originated in Hawaii; the 442nd Regimental Combat Team, comprised of volunteers and draftees from the ten mainland internment camps; and the Military Intelligence Service (MIS), comprised of Nisei and Kibei, who worked in the Pacific Theater.

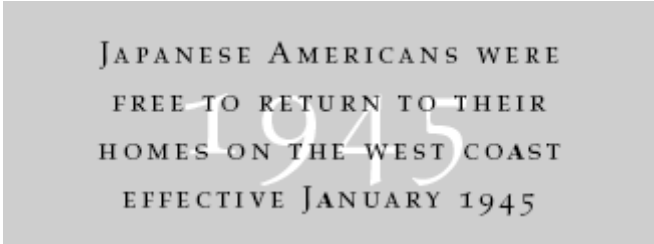
Many Japanese American soldiers were greatly concerned about the treatment of their families still incarcerated behind barbed wire fences in the United States while they faced enemy firepower in combat zones.

Among the thousands of Nisei who proclaimed their “loyalty” and who served in the military during World War II, were a group of men who protested the process of loyalty review and refused to be drafted into the army. Their story has largely been untold, overshadowed by the experiences of the 100th and 442nd. Because they refused to be drafted, they were branded as traitors, referred to in derogatory terms, as draft dodgers and trouble-makers. For many years following their resistance, the Japanese American community refused to acknowledge the validity of their protest, and many of the draft resisters spent their lives in obscurity. For many of the resisters, their form of protest was not a question of loyalty, but a question of principle. They would not compromise their rights as U.S. citizens, and their beliefs in justice and civil liberty. Many of them chose not to be drafted because of what they saw as injustices in their own and their family’s experiences with internment. (See Appendix: *Japanese Americans in the Military and the Resisters of Conscience*.)

The Supreme Court

While the majority of Japanese Americans complied with the military orders, there were many individuals who decided to challenge the discriminatory orders on constitutional grounds. As a means of testing the orders in the courts, over a hundred Japanese Americans deliberately violated one or more of the orders and invited arrest. But the government was apprehensive about a judicial review and declined to prosecute most of these violators.

Instead, the government carefully selected for prosecution three individuals who did not appear to have the backing of any Japanese American organization: Minoru Yasui, charged with violating the curfew; Gordon Hirabayashi, charged with violating the curfew and refusing to report for detention, and Fred Korematsu, charged with failing to report for detention. All three men were convicted in the federal courts for variously disobeying military orders and sentenced to prison terms under Public Law 77-503. The legal issues were slightly different in each case. The three appealed to the U.S. Court of Appeals and their cases were ultimately heard by the Supreme Court.



JAPANESE AMERICANS WERE
FREE TO RETURN TO THEIR
HOMES ON THE WEST COAST
EFFECTIVE JANUARY 1945

On the other hand, Mitsuye Endo cooperated with the military orders, but when she found herself detained against her will without charges, she sought a writ of habeas corpus in July, 1942. Habeas Corpus cases are supposed to be adjudged promptly, but the federal district court took a full year before announcing the decision denying Endo's plea for release. Endo appealed, but again, the Court of Appeals took another year before forwarding her case to the Supreme Court.

All four Japanese American appellants argued that the military orders were unconstitutional when applied to citizen civilians, and the government conceded that the appellants were loyal citizens who had not committed any crimes other than to challenge the military orders.

Regretfully, judges and justices of the Supreme Court were not immune from the prejudices of the time. The judicial system failed in its constitutional responsibility to protect citizens against abuses by the executive and legislative branches.

In *Hirabayashi and Yasui v. U.S.* (320 US 81, 115) the Supreme Court ruled that a curfew may be imposed against one group of American citizens based solely on ancestry. In *Korematsu v. U.S.* (323 US 215), the Supreme Court further decided that one group of citizens may be singled out and expelled from their homes and imprisoned for several years without trial. The Court refused to question military judgment or the validity of military orders applied to civilians without a declaration of martial law.

The Supreme Court justified these decisions by reiterating the false stereotypes about Japanese Americans that had permeated American thinking. The justices argued, without any foundation, that Japanese Americans were inherently more dangerous to national security than other people merely because of their ancestry. The Court ignored the constitutional guarantees of due process and equal protection of law, and violated the basic principle of American justice that guilt and punishment must be individual, i.e., the inalienable rights of life, liberty, and property cannot be deprived except upon conviction of an individual's own wrongdoing. Justice Robert Jackson stated in dissent: "The Court for all time has validated the principle of racial discrimination in criminal procedure."

In the case of *Ex Parte Endo* (323 US 283), the Court granted Endo an unconditional release from confinement. In a very important sense, however, she lost her point. The court specifically stated that the original expulsion from the West Coast and the detention for three years without charges or trial were legitimate exercises of presidential and military power during an emergency. The ruling did conclude that Endo and other admittedly loyal American citizens could not be imprisoned indefinitely.



Photo above: Near the White House, President Truman and Col. Alfred Pursall review the 100/442nd Regimental Combat Team prior to the presentation of their seventh Presidential Unit Citation.

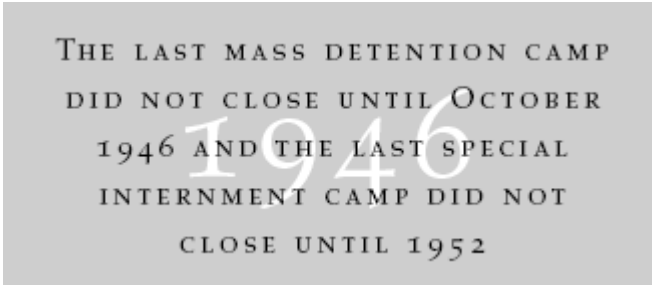
Courtesy of the National Archives

The Court decided the Endo case on narrow grounds indicating that Executive Order 9066 did not authorize the indefinite detention of citizens the government conceded were loyal, nor did it authorize the imposition of parole conditions on citizens once removed from the West Coast.

The Endo decision was announced on December 18, 1944. The Western Defense Command (then under General Henry C. Pratt) had rescinded the exclusion and detention orders a day earlier on December 17th. Japanese Americans were free to return to their homes on the West Coast effective January, 1945.

Returning Home

The return of Japanese Americans to their homes in California, Oregon, and Washington was marked by vigilante violence and the agitation of pressure groups to keep out Japanese Americans permanently. Homes, farms and businesses left behind were occupied by people unwilling to return property to their rightful owners. Some homes were razed and decimated, and Japanese Americans were targets of terrorist shootings. More acts of violence and terrorism were committed against Japanese Americans at the end of the war than at the beginning.



THE LAST MASS DETENTION CAMP
DID NOT CLOSE UNTIL OCTOBER
1946 AND THE LAST SPECIAL
INTERNMENT CAMP DID NOT
CLOSE UNTIL 1952

Despite the well-publicized accomplishments of the 442nd Regimental Combat Team, the names of Japanese American soldiers were removed from community honor rolls, and the remains of soldiers killed in action overseas were refused burial in some hometown cemeteries. Many restaurants, hotels, barbershops, grocery stores and other public accommodations refused to serve Japanese Americans. United States Army Captain Daniel K. Inouye (elected to the U.S. Senate in 1962), in full uniform with all his medals, walked into a San Francisco barbershop, but was told, "We don't serve Japs here."

When the news of hostilities reached those still remaining in the camps, they were reluctant to return home. The Pacific war ended in August, 1945, but the last mass detention camp did not close until October, 1946 and the last special internment camp did not close until 1952.

Reconstructing their lives was not easy, and for some it was too late. Elderly pioneers had lost everything they worked for all their lives and were too old to start anew. Having been expelled from their homes and jobs at the height of their productive years, they were often unable to return to their former economic level. About 20 percent of the surviving pioneers were below poverty level by the 1970 Census. Most American-born had their education disrupted and could no longer afford to go to college because family support became their responsibility.

Congress appropriated partial restitution with the passage of the Evacuation Claims Act, but only 81/2 percent of property losses were ever compensated. Nothing could or would be done to compensate for the tremendous increase in land values during the war years, lost income, unnecessary deaths, mental suffering, and loss of freedom.

Losses were compounded by long-lasting psychological damages. Families disintegrated under the prison-like conditions, individuals became embittered, and people lost their sense of self-esteem. Most importantly, Japanese Americans suffered the indignity of being falsely imprisoned by their own government.

Seeking Justice

The days and weeks following the attack on Pearl Harbor put this nation under the greatest stress and, in the climate that existed, prompted a series of events that culminated in an extraordinary episode in the history of the United States: the incarceration of innocent victims—both American citizens and legal resident aliens.

The expulsion and incarceration of Japanese Americans were initiated by the pressure groups along the West Coast and subsequently manifested itself through the highest levels of government. It was a singular event in which a regional attitude was implemented into a national policy and put into effect by the government. It was a demonstration of how our constitutional principles can fail.

This failure was evidenced by the President's issuance of Executive Order 9066 that provided the means ultimately for the forced removal and incarceration; by the passage of Public Law 77503 and the unwillingness of Congress to question the intent of the Executive Order and the domestic policies enacted by the military; and by the United States Supreme Court, the final arbiter of justice, in its refusal to examine the argument of "military necessity."

It is important to understand not only the manner in which this decision was made, but also to know why such a gross violation of constitutional rights was sanctioned at the highest levels of government—by the President himself. It is in the best interest of this country to pursue a close and thorough examination of the event in order to help insure that this injustice of the past is not repeated.

President Gerald R. Ford rescinded Executive Order 9066 on February 19, 1976—exactly thirty-four years after its promulgation— and stated: "An honest reckoning must include a recognition of our national mistakes as well as our national achievements. Learning from our mistakes is not pleasant, but as a great philosopher once admonished, 'We must do so if we want to avoid repeating them.'"

In 1980, Congress passed a law creating a Commission on Wartime Relocation and Internment of Civilians (CWRIC), which was signed into law by President Jimmy Carter. Organized in February, 1981, the Commission conducted hearings in nine cities across the country, heard testimony from more than 750 witnesses, and examined more than 10,000 documents.

The Commission provided a comprehensive federal review into the facts and circumstances surrounding the internment of persons of Japanese and Aleutian ancestry during World War II.

Prior to CWRIC's report and recommendations, attorneys for Fred Korematsu, Minoru Yasui, and Gordon Hirabayashi filed petitions for a writ of coram nobis in federal district courts. Their efforts to overturn their wartime convictions were based upon newly discovered evidence that revealed government misconduct in handling the internment cases before the U.S. Supreme Court. Fred Korematsu's conviction was the first to be set aside in April, 1984 by U.S. District Court Judge Marilyn Hall Patel.



THE LATIN JAPANESE

In October, 1941 the U.S. initiated an agreement with the Panamanian government for wartime internment of persons of Japanese ancestry in Panama, with the U.S. assuming all expenses and responsibility. Despite the findings of the Munson report, in November of 1941 the U.S. government proceeded with plans to relocate and intern both citizens and permanent residents of Japanese ancestry en masse.

After the bombing of Pearl Harbor, the U.S.-Panamanian agreement was implemented, and all Japanese residents in Panama were arrested. On the following day, they were turned over to the U.S. authorities for internment in the Panama Canal Zone and later in the United States.

Two days later, the U.S. government began to blacklist Japanese individuals and businesses in Latin America. A week later, Japanese Peruvians began to be arrested and taken to the Panama Canal Zone for internment under the auspices of the U.S. government.

Two prisoner exchanges took place (June 18, 1942 and September 2, 1943) of more than 2,800 persons of Japanese ancestry of which 519 were Japanese Peruvians while another 1,400 Japanese Latin Americans continued to be interned in the U.S. until the end of the War.

Then in September of 1945, these internees were informed by the U.S. government that they were "illegal aliens" and subject to deportation. At the same time, Peru refused to readmit them even if they were citizens of Peru or married to citizens of Peru. While 365 Japanese Peruvians decided to stay in the United States and fight deportation, another 900 were deported to Japan where they faced privation as well as hostile rejection by the Japanese people.

It was not until 1953, when Congress agreed to suspend deportation orders for former Japanese Latin Americans, and 1954, that a law was passed permitting former Japanese Latin American internees to become eligible for naturalization.

In recent years, there have been attempts to seek remedies for America's mistreatment of Japanese Latin Americans. In 2001, the courts either rejected or failed to hear lawsuits brought by individuals who were forcibly deported from their homes in Peru and interned in Crystal City, Texas. Legislation has also been introduced in Congress seeking redress for Japanese Latin Americans in the same manner as the successful legislation that provided for an apology and monetary compensation for Japanese Americans in 1988.

"Korematsu stands as a caution that in times of international hostility—our institution—legislative, executive and judicial—must be prepared to exercise their authority to protect all citizens from petty fears and prejudices that are so easily aroused,"

stated Judge Patel. Federal District Courts in Portland and Seattle also invalidated the wartime convictions of Yasui and Hirabayashi.

In June, 1983, the CWRIC issued its report, *PERSONAL JUSTICE DENIED*. The Commission concluded that, “The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it—detention, ending detention, and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria, and a failure of political leadership.”

The Commission also confirmed that the excluded ethnic Japanese suffered enormous damages and losses, both material and intangible. In addition to disastrous loss of farms, homes, and businesses, there was a disruption of many years to careers and professional lives as well as the long term loss of income, earnings, and opportunity.

In areas where no compensation had been made, the Commission estimated the total loss to ethnic Japanese in 1983 dollars was between 810 million and 2 billion dollars. Further analysis made by an independent firm had established the economic losses from 2.5 billion to 6.2 billion dollars.

The remedies that the Commission on Wartime Relocation and Internment of Civilians issued on June 16, 1983, are based upon their fact-finding report and economic impact study— recommendations of the CWRIC.



Photo above: White House, President Reagan signing the Civil Liberties Act of 1988.

Courtesy of Frank Souza, White House

The Civil Liberties Act of 1988

The Civil Liberties Act of 1988 was an unprecedented piece of legislation that granted a presidential apology and monetary redress payments to Japanese Americans and Aleutians who were wrongfully treated by the United States government during World War II. The legislation also established a common education fund for Japanese Americans and a community restoration fund for Aleuts.

From the 1950s through the 1970s, several favorable Supreme Court rulings and an increased presence of Japanese Americans in Congress set the stage for the Japanese American Redress Movement. In 1981, the President and the Congress appointed a nine-member federal commission: the Commission on Wartime Relocation and Internment of Civilians to study the experiences of Japanese Americans and Aleuts during World War II and make recommendations.

The commission held hearings in nine cities and heard testimonies from over seven hundred fifty individuals. In 1983, the commission released its unanimous findings that the exclusion and incarceration were the result of “wartime hysteria, racism, and a failure of political leadership.” The commission also recommended a presidential apology and individual monetary redress payments to each affected Japanese American, individual monetary payments to each affected Aleut, and the establishment of a community fund for each respective community.

Each measure acknowledges to some degree the wrongs inflicted during the war upon the ethnic Japanese. None can fully compensate or, indeed, make the group whole again. The Commission makes the following recommendations for remedies as an act of national apology.



A GRAVE INJUSTICE WAS DONE
TO BOTH CITIZENS AND PERMANENT
RESIDENT ALIENS OF JAPANESE
ANCESTRY BY THE EVACUATION

1 That Congress pass a joint resolution, to be signed by the President, which recognizes that a grave injustice was done and offers the apologies of the nation for the acts of exclusion, removal, and detention.

2 That the President pardon those who were convicted of violating the statutes imposing a curfew on American citizens. The Commission further recommends that the Department of Justice review other wartime convictions of the ethnic Japanese and recommend to the President that he pardon those whose offenses were grounded in a refusal to accept treatment that discriminated among citizens on the basis of race or ethnicity.

3 That the Congress direct the Executive agencies to which Japanese Americans may apply for the restitution of positions, status, or entitlements lost in whole or in part because of acts or events between December, 1941 and 1945.

4 That the Congress demonstrate official recognition of the injustice done to American citizens of Japanese ancestry and Japanese resident aliens during the Second World War, and that it recognize the nation's need to make redress for these events, by appropriating monies to establish a special foundation. The Commission believes a fund for educational and humanitarian purposes related to the wartime events is appropriate and addresses an injustice suffered by an entire ethnic group.

5 The Commissioners, with the exception of Congressman (Daniel) Lungren, recommend that Congress establish a fund which will provide personal redress to those who were excluded. Appropriations of 1.5 billion dollars should be made to the fund over a reasonable period to be determined by Congress. This fund should be used, first, to provide a one-time per capita compensatory payment of twenty thousand dollars to each of the approximately sixty thousand surviving persons excluded from their places of residence pursuant to Executive Order 9066. The burden should be on the government to locate survivors, without requiring any application for payment, and payments should be made to the oldest survivors first. After per capita payments, the remainder should be used for the public education as discussed in Recommendation number 4.

Legislation was introduced in Congress in 1983 and again in 1985. The bills died in their assigned subcommittees both times. In 1987, in the 100th Congress, changes favorable to the passage of the legislation occurred (most notably the Democrats' return to the Senate majority and changes in key House chairs). The bill was called the Civil Liberties Act and on the House side the bill was numbered H.R. 442 in reference to the highly decorated Japanese American army unit in World War II (the Senate eventually also adopted this number). The House passed H.R. 442 on September 17, 1987 by a margin of 243-141. The Senate passed its version on April 10, 1988 by a vote of 69-27. After a conference committee version was passed, President Ronald Reagan signed the bill on August 10, 1988.

The Act provided an apology and individual redress payments of twenty thousand dollars to each affected Japanese American. Additionally, a community public education fund was established. The Act also provided individual redress payments of twelve thousand dollars to each affected Aleut, along with the establishment of a community restoration fund. It is recognition and affirmation of the findings of the Commission on Wartime Relocation and Internment of Civilians that "a grave injustice was done to both citizens and aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II."

In 1942, the government allowed prejudice and intolerance to determine the fate of one segment of the nation's population. This resulted in the unwarranted exclusion and imprisonment of Japanese Americans. We know that in times of national crisis civil liberties can sometimes be undermined by calls for heightened national security. Japanese Americans were deemed a security risk in the weeks and months following Pearl Harbor when our nation acted without regard to intelligence information that Japanese Americans posed no security threat. This led to civil rights violations that harmed an entire community.

In the aftermath of the September 11, 2001 terrorist attacks in New York, Washington, D.C., and Pennsylvania, the Arab American and Muslim communities were subjected to many of the same experiences that were once visited on Japanese Americans. This is a reminder that our liberties are frail and all citizens have a responsibility to safeguard our freedoms.