

# Incarcerating Japanese Americans

The day after the Imperial Japanese government's devastating attack on Pearl Harbor, President Franklin D. Roosevelt, in his war message to Congress, declared that the day of the attack, 7 December 1941, would be "a date which will live in infamy" (1). Seventy-four days after the attack, 19 February 1942, he issued Executive Order 9066, which became the authority for the United States Army to exile nearly 120,000 persons of



These two little girls, wearing ID tags which bear the number that was assigned to their family, are waiting in the Oakland, California, train station to be taken to an "assembly center." (Photo by Dorothea Lange, from Bernard K. Johnpoll.)

Japanese birth or ancestry from their homes in California, Oregon, Washington, and other West Coast areas and coop them up in what the government called assembly centers and relocation centers, but which the president himself called "concentration camps" (2). Many scholars regard the issuance of the order as the "date of infamy" as far as the Constitution of the United States is concerned, although others would hold that the "honor" should be reserved for the two decision Mondays in 1943 and 1944, on which the Supreme Court, in effect, held that the wartime incarceration was constitutional.

Roosevelt's action was implemented by Congress without a dissenting vote, in the name of military necessity, and it was applauded by the vast majority of Americans. Today, however, it is all but universally regarded in a different light. On 10 August 1988 President Ronald Reagan signed into law the Civil Liberties

Act of 1988. It provided an unprecedented apology to the survivors of the wartime incarceration and authorized the payment of twenty thousand dollars to each of them (3). The presidential commission investigating the incarceration in the early 1980s judged 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. Widespread ignorance of Japanese Americans contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or other probative evidence against them, were excluded, removed, and detained by the United States during World War II" (4).

The rest of this essay will attempt to explain what was done to Japanese Americans during the war and, in its conclusion, to raise the troubling question, "Could such a thing happen again?"

When the great Pacific War began in December 1941, there were fewer than three hundred thousand Japanese Americans. More than half of them lived in Hawaii, not yet a state. Although

Hawaii had borne the brunt of the first attack by Japan and Japanese Americans constituted about a third of the population, only a tiny percentage of them were deprived of their liberty. Their story will not be told here (5).

Of the 130,000 Japanese living in the continental United States, more than 90,000 lived in California, and most of the rest lived in Washington and Oregon. They were the ones on whom the burden of Executive Order 9066 fell. Almost all were incarcerated, most of them for years. Most of the few thousand Japanese Americans living in the other forty-five states were left in nervous liberty throughout the war.

The West Coast Japanese constituted law-abiding communities primarily engaged in agriculture and the marketing of agricultural products. More than two-thirds of them were native-born American citizens. Their parents, most of whom had immigrated to the United States between 1890 and 1924 (when Congress barred further immigration of Japanese), were "aliens ineligible to citizenship" because of their race. Like all persons of color in the United States, both generations of Japanese Americans experienced systematic discrimination. The immigrant *Issei* generation, in addition to being barred from citizenship, were legally forbidden to enter a number of professions and trades and, even more importantly for a farming people, were forbidden to own agricultural land in the states where most of them lived. The second or *Nisei* generation, although legally citizens, were not accorded equal rights. In California, for example, they were segregated in theaters, barred from swimming pools, and limited in employment (6).

The outbreak of war put the *Issei* generation at peril—they were "alien enemies" and, as such, some eight thousand, mostly men, were interned beginning on the night of 7-8 December 1941. A similar fate befell perhaps twenty-three hundred German nationals and a few hundred Italian nationals (7). The standard phrase, "the internment of the Japanese Americans," should only be used to describe those eight thousand (8). While it is clear that some of those interned did not receive "justice," their confinement did conform to the law of the land, which had provided for wartime internment since the War of 1812. What happened to the rest of the West Coast Japanese Americans was without precedent in American law and whatever one wishes to call it, it was not internment.

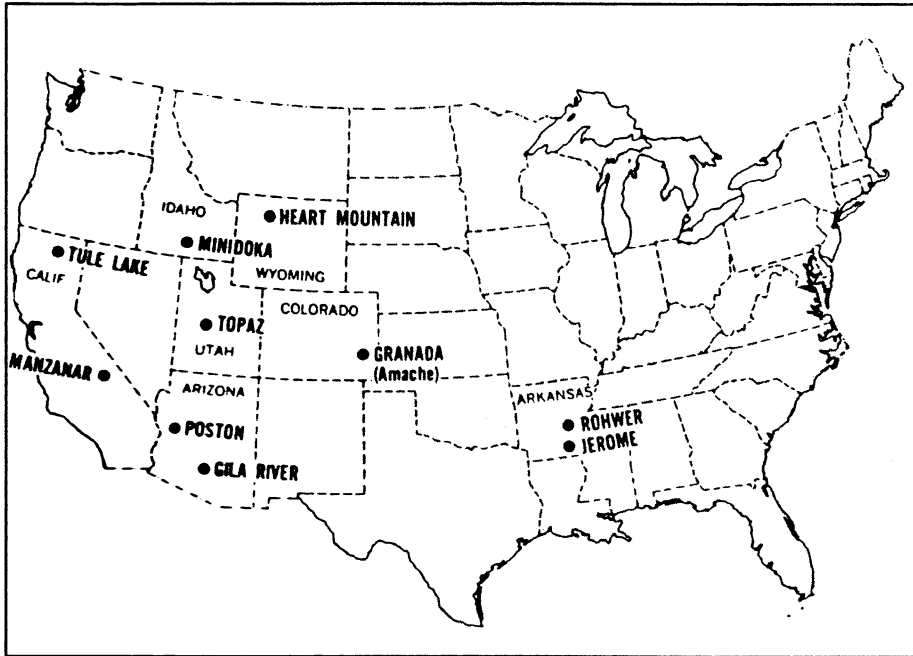
There is no evidence that the federal government planned a general round-up of Japanese Americans before the war. But the terrible war news of the winter of 1941-1942, in which seemingly invincible Imperial Japanese forces overran the Philippines, much of Southeast Asia, and seemed to threaten Australia and perhaps the United States itself, produced a state of panic, especially on the West Coast. The escalating demands of the press, politicians, some army and navy officers, and the general public for harsher treatment of Japanese Americans, whether they were aliens or citizens, helped to change public policy. The first major step was a dawn-to-dusk curfew for German and Italian nationals and all persons of Japanese descent. Then, with the press and radio filled with false stories of espionage by Japanese of both generations, the demand grew for putting all Japanese into some kind of camps.

There was not one case of espionage or sabotage by a Japanese person in the United States during the entire war. One West Coast law enforcement officer, California Attorney General Earl Warren, admitted to a congressional committee on 21 February 1942 that there had been no such acts in California, but found that fact "most ominous." It convinced him that "we are just being lulled into a false sense of security and that the only reason we haven't had a disaster in California is because it is timed for a different date." "Our day of reckoning is bound to come," he testified in arguing for incarceration (9). Of course, if there had been sabotage by Japanese Americans in California, Warren would have used that to argue for the same thing. As far as Japanese Americans were concerned, it was a no-win situation.

Although we can blame the incarceration on military bureaucrats like Lieutenant General John L. De Witt, the West Coast military commander, on the press, on politicians, and on the almost reflexive racism of the general public, in the final analysis the decision was made by President Roosevelt, who, responding directly to the urging of Secretary of War Henry L. Stimson, told him that he could do what he wished with the Japanese Americans, but that he should be "as reasonable as you can" (10). Eight days later FDR signed Executive Order 9066, which the army's lawyers had prepared. The order named no ethnic group but gave Stimson and other commanders he might designate nearly absolute power over persons in duly constituted "military areas."

The government, however, was not at all prepared to move, guard, house, and feed more than a hundred thousand persons. The exiling of Japanese American men, women, and children from their homes did not even begin until 31 March and the process was not completed until the end of October. Before that could happen, a new federal crime had to be invented, failing to leave a restricted area when directed to do so by a military order. Congress quickly enacted a statute drafted by army lawyers making the failure to obey such an order punishable by a year in prison and/or a fine of five thousand dollars. Senator Robert A. Taft (R-OH) called it the "sloppiest" criminal law he had ever "read or seen anywhere" but, because of the situation on the Pacific Coast, he did not object and the statute passed the Senate by unanimous consent (11). Once it was passed, the army could proceed with its mass evictions.

Most Japanese Americans were subjected to a two-step process. The army, with the help of technicians borrowed from the Census Bureau, divided the West Coast area to be evacuated—the entire state of California, the western halves of Washington and Oregon, and a small part of Arizona—into 108 districts and issued separate Civilian Exclusion Orders for each. The first such order, which covered Bainbridge Island opposite Seattle in Puget Sound, was posted on 26 March throughout the island. It ordered "all persons of Japanese ancestry, both alien and non-alien" to be prepared for removal on 31 March. (A "non-alien," of course, was a citizen, but the army did not like to remind the public that American citizens were being sent to camps based on their ancestry alone.) Japanese were to bring, for each member of the family: bedding and linens (no mattress); toilet articles; extra clothing; knives, forks, spoons,



A map of relocation centers, 1942-1946, which was adapted from the U.S. Department of War's *Final Report: Japanese Evacuation from the West Coast 1942* (Washington, D.C., 1943).

plates, bowls and cups; and essential personal effects. They were informed that the size and number of packages was limited to what "can be carried," that no pets were allowed, and that nothing could be shipped to the assembly center.

The exiles were not told where they were going or how long they would be gone. Because no other place was ready, the 267 Bainbridge Islanders were sent by train to Manzanar, in Southern California, which was being built in part by Japanese American "volunteers." Most exiles were sent to a temporary camp relatively close to home. Although they did not know it at the time, this was merely a preliminary move. The assembly centers, which often used existing facilities such as race tracks and fair grounds, with some families quartered in horse and cattle stalls, were run by the army. By the end of October, all Japanese Americans had been transferred to ten purpose-built camps, called relocation centers, administered by a new civilian agency, the War Relocation Authority (WRA) (12).

The WRA was established by executive order on 18 March 1942. Each of its two directors, Milton S. Eisenhower, who resigned in disgust in June 1942, and his successor, Dillon S. Myer, believed that mass incarceration was unnecessary, but neither criticized its assumptions publicly. Eisenhower did write, privately, a few days after he took over the job, that after the war "we as Americans are going to regret" the "unprecedented migration" (13).

The WRA ran its camps humanely, but security was handled by military detachments that manned the gates and guard towers. On three occasions in three separate camps, armed soldiers shot and killed unarmed incarcerated American citizens. The WRA itself contributed to much of the turmoil that erupted in the camps

by attempting to determine the "loyalty" of its prisoners and to segregate the "disloyal" in a separate camp (14). Further contention arose over the issue of military service for draft-eligible men. Prior to Pearl Harbor, Japanese American male citizens of military age were treated as were other Americans in the selective service, or draft, which had begun in October 1940. Shortly after Pearl Harbor, the Selective Service System stopped inducting Japanese Americans, and many of those already serving in the army were discharged. In March 1942, the draft illegally reclassified all American-born Japanese Americans as "IV-C," a category for aliens (15).

In the summer of 1942, however, army intelligence, desperate for Japanese linguists, conducted recruiting missions in the camps with some success. Eventually some five thousand Japanese Americans served in the army as military intelligence specialists. Most had to be trained in the language. Many Japanese American leaders wanted the draft reinstated, and the army, desperate for manpower, eventually

agreed. There was already one all-Japanese Hawaiian National Guard unit in the army, which had been pulled out of Hawaii and sent to Wisconsin for training. By January 1943, the army decided to allow Japanese Americans, in and out of WRA camps, to volunteer for military service, and almost two thousand young men from within the camps did so. Starting in January 1944, the draft was reinstated for Japanese Americans. Thousands were called up, including almost twenty-eight hundred still in WRA custody. As is well known, the Japanese American units fighting in Italy and France, eventually consolidated into the famous 442nd Regimental Combat team, compiled a splendid record. Much of the literature about Japanese Americans in World War II makes it seem as if most of the twenty-five thousand Japanese Americans who served in the military came from the camps. As the quoted figures show, this was not the case, although nearly one in five who served did enter the service from behind barbed wire. Many others had resettled in locations outside the camps before serving.

Still other Japanese Americans were so outraged by their treatment that, as a matter of principle, they refused to submit to the draft while avowing loyalty and a willingness to serve if their civil rights as Americans were restored first. 293 young men were indicted for draft resistance while in camp, and 261 were convicted and served time in federal penitentiaries.

The reaction of the Japanese American people to all of this was remarkable. The vast majority accepted the various government decisions with what appeared to be patient resignation. The leading national organization of the citizen generation, the Japanese American Citizens League (JACL), advocated a policy of acquiescence and even collaboration with the government's plans,

hoping by such behavior to “earn” a better place for Japanese Americans in the postwar world. This kind of accommodation is not unknown among other American minority groups.

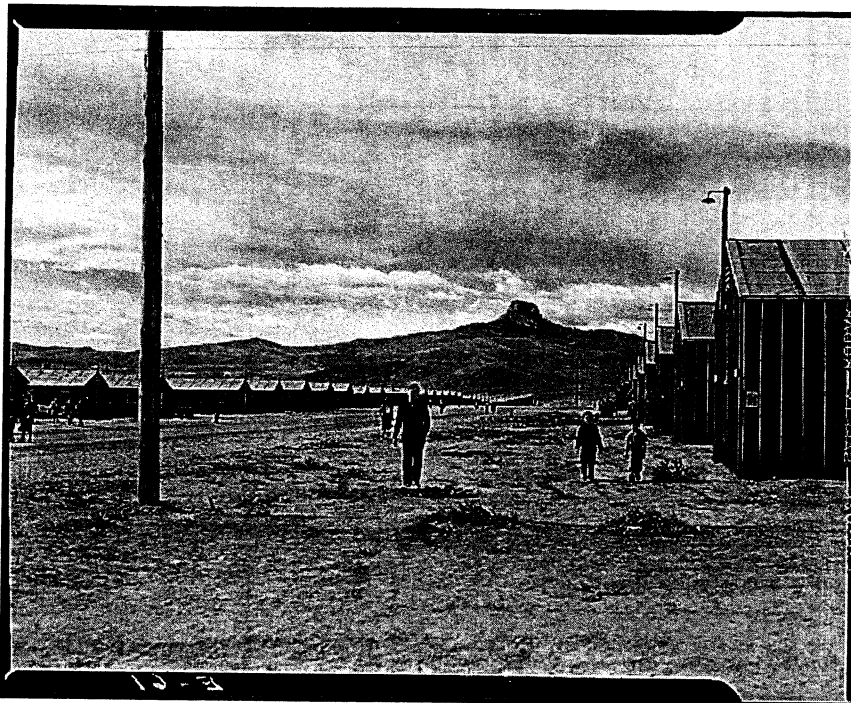
But, in addition to the draft resisters mentioned earlier, some Japanese Americans did protest in a variety of ways. A few individuals tried to stop the incarceration process by using the American legal system, and three of those challenges by young Nisei adults, two men and a woman, were eventually adjudicated by the Supreme Court. The first

to be decided, more than a year after the incarceration began, was the case of Gordon K. Hirabayashi, a college student who had refused to obey De Witt’s curfew. A unanimous court held that his appeal was without merit. The second case, decided in December 1944, was Fred T. Korematsu’s challenge to the government’s right to exile him solely because of his ancestry. The Court said that he had no right to refuse. The justices, however, were no longer unanimous as three of the nine argued that the government’s action was unconstitutional.

The third case, decided the same day, involved Mitsuye Endo’s application for a writ of *habeas corpus* to get out of the government’s concentration camp in the Utah desert. Paradoxically, the six justices who had said that it was constitutional to send Japanese Americans to a concentration camp based solely on ancestry now joined the three dissenters in a unanimous decision declaring that an American citizen could not be held in a concentration camp without specific charges and saying that she could not be prevented from returning to her home in California (16).

By this time, late 1944, the WRA had already released tens of thousands of Japanese Americans from camps to work and attend school somewhere east of the forbidden zone. Ironically, in 1945, as the war was ending, the WRA had great difficulty in getting some Japanese Americans—mostly older members of the *Issei* generation—to leave the camps. Many had lost their means of livelihood and even though they had once been willing to take the great risk of emigration to a strange land, they were now afraid to return to the places where they had lived for decades.

The third and largest group of protesters consisted of Japanese American citizens who were so outraged by the government’s callous violation of their civil rights that they resisted anything the government tried to do. They sparked most of the protests



The “main street” of the camp at Heart Mountain, Wyoming. The picture, with the mountain in the background that gave the camp its name, gives some sense of the desolation of the “relocation centers.” (Photo by Tom Parker, War Relocation Authority.)

Japanese Americans who were repatriated or expatriated to Japan during and after the war were 1,116 adult *Nisei* and 1,949 American citizen children accompanying repatriating parents.

In the more than half century since the last American concentration camp closed, nothing even remotely similar to the incarceration of the Japanese Americans has occurred. Much of the rhetoric accompanying the passage of the Civil Liberties Act of 1988 stressed that one of its purposes was to prevent any recurrence of such an event. But the historian must point out that no similar crisis has occurred and that, in the darkest days of the cold war Congress passed, over President Harry S. Truman’s veto, the Internal Security Act (1950), which ordered the maintenance of concentration camps, declaring:

The detention of persons who there is reasonable grounds to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency essential to the common defense and the security of the territory, the people and the Constitution of the United States.

The law’s sponsors pointed out that it was an improved version of the procedure used to incarcerate Japanese Americans. Happily, the necessary triggering mechanism—a presidential executive order declaring an internal security emergency—never came, but the law was on the books until 1971 (17). One can easily imagine a future crisis in which similar expedients might be utilized. □