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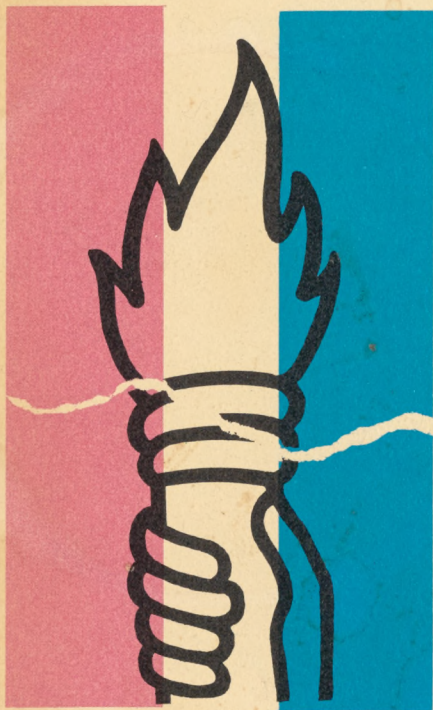
Japanese American Incarceration: A case for Redress

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THE JAPANESE AMERICAN INCARCERATION: A CASE FOR REDRESS



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The National Committee for Redress
Japanese American Citizens League

The Japanese American Incarceration: A Case for Redress

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The National Committee for Redress
Japanese American Citizens League**

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The Japanese American
Incarceration:
A Case for Redress

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INTRODUCTION

"No person shall be deprived of life, liberty, or property without due process of law. The accused 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, or innocence of wrongdoing did not matter. Japanese Americans were the only ones singled out for mass incarceration. German and Italian nationals, and American citizens of German and Italian ancestries were not imprisoned en masse.

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 a democratic nation. This booklet will attempt to explain how and why it happened, and what can be done to ameliorate the effects of that mistake. Professor Eugene V. Rostow once 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."

ROOT CAUSES

The seeds of prejudice which 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 wresting 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. Immigrants 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% 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—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 or 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. Chinese persons 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 immigrants from Eastern states and Europe, the proportion of Chinese persons in California dropped to 10% of the population.

Big business recruited Chinese workers for menial labor, but white labor unions agitated for the removal of all Chinese persons from California. The rallying cry for white labor leaders became: "The Chinese must go!" White elected officials soon joined the exclusion movement and pressured the federal government to stop immigration from China. In response to the California lobby, Congress passed a series of Chinese Exclusion Acts beginning in 1882. The California pressure groups won their first campaign to exclude an Asian minority.

JAPANESE ARRIVE

As the Chinese population rapidly declined due to the lack of women and because of many men returning 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 the 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 fruits and vegetable farms of California. From the handful who were here prior to the Chinese Exclusion Act, the Japanese population increased to about 61,000 in Hawaii and 24,000 on the mainland by 1900. The Japanese replaced the Chinese as the largest non-white ethnic group in the West Coast and Hawaii.

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 they, 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. Japanese workers 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 unwanted land and developed it into rich agricultural areas. In California, Japanese farmers produced 50–90% of some fruits and vegetables despite operating only 4% of the farmlands. Envy led to hate, and the prevailing anti-Asian animosities became focused on the Japanese.

The anti-Japanese campaign began with acts of violence and lawlessness: mob assaults, arson, and 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, lease, or give gifts of 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. Japan considered the Exclusion Act 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.

Forced into segregated neighborhoods, and without access to the media, Japanese Americans were unable to counteract the false stereotypes. Even though 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.

OUTBREAK OF WAR

It is difficult to pinpoint exactly when World War II began. Germany and Japan became military powers in the 1930s and 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 likewise in Asia and South-east 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 Japan's oil supply.

The United States had broken Japan's top secret code and was aware of the probability of armed conflict. Consequently, the U.S. government undertook certain 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.

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 (FBI) and Navy Intelligence. Both the FBI and Navy Intelligence reported there were a few potential extremists identified but almost 100% of the Japanese American population was 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 near Honolulu, Territory of Hawaii, and near Manila, Territory of the Philippines, on December 7, 1941 (U.S. Time), and the United States declared war on Japan the following day.

Many people who are 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. Actually, it was the culmination of the movement to eliminate Asians from the West Coast which began nearly 100 years earlier.

The FBI was well prepared for the war and arrested over 2,000 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 these arrestees were Japanese nationals, but some American citizens were included.

No charge of espionage, sabotage, or any other crime was ever filed against these arrestees. They were apprehended only because they were thought to be "suspicious" persons in the opinion of the FBI. Evidently, anyone who was a community leader was "suspicious" to the FBI because almost all of the arrestees were organization officers, Buddhist or Shinto priests, newspaper editors, language or martial arts school instructors. The established leadership of the Japanese American community was wiped out. 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. Most families had no idea of why their men were arrested, where they were taken, or for how long. Some arrestees were released after a few weeks, but most were secretly transported to one of 26 internment or isolation camps scattered in 16 states plus the Territories of Alaska and Hawaii.

Some families did not learn for years what happened to their loved ones. Most internees were eventually re-united with their families, but only within another barbed wire compound—the mass detention camps where their families had been sent in the meantime. Some, however, were confined in these special prison 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.

The white economic interests in California, however, were not satisfied with the arrests 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 which had agitated so long for Japanese exclusion 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 the anti-Japanese groups to accomplish the goal they had been seeking for almost 50 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. On the other hand, 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. High federal officials knew the facts, but they kept silent. By mid-January 1942, public opinion began to turn against the 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 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 the entire Japanese American population was in danger. 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

Like the immigration exclusion campaigns before, 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 the tiny Japanese American minority. There were many important and real war problems needing attention, but the West Coast pressure groups seemed preoccupied with the elimination of Japanese Americans.

President Franklin Roosevelt eventually yielded to the pressures from the West Coast and signed Executive Order 9066 on February 19, 1942. Roosevelt signed the order despite objections from Attorney General Francis Biddle, who felt it was unconstitutional, and FBI Director J. Edgar Hoover, who felt it was unnecessary.

Executive Order 9066 broadly authorized any military commander 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 the Japanese Americans. Also due to the lobbying from California, 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 100 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 habeas 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% 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 10,000 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 he prohibited any further "voluntary" migration. He ordered them to maintain their residences until ordered to report for detention. Beginning in March 1942, DeWitt ordered all persons of Japanese ancestry in California, plus 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 and indiscriminate incarceration. Hawaii was 3,000 miles closer to the enemy, and 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% of the Hawaii Japanese population 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 Bendetsen, 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 camp themselves. The only exceptions were for those confined in prisons or asylums, and the few adults with 1/32 or less Japanese ancestry who could prove they had no contact whatsoever with other persons of Japanese ancestry.

There were 15 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 5,000 detainees, except for the Santa Anita Race Track near Los Angeles which held over 18,000, and Mayer, Arizona which held only 247. Living quarters consisted of horse stalls, some with manure still inside.

Japanese Americans had to leave their homes with only a few days notice and could take 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 little source of income within the camps.

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 the orders progressed through the Eastern half of Cali-

ifornia, 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 that they could carry, just as the others had been required to do. They lived day to day unsettled under the constant threat of imminent proscription, but 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, or even Hawaii. The U.S. government and military were aware of this fact, but they relentlessly went ahead with plans to build permanent mass detention facilities in the interior desert and swamp regions.

At great cost and despite the critical shortage of materials, the government built 10 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 detentions camps near their hometowns to the permanent camps several hundred miles away even after the threat of invasion had vanished. Each of the permanent camps held some 12,000 Japanese Americans, and a total of about 120,000 Japanese Americans were ultimately detained.

The inland camps were located in desolate areas and were surrounded by a high barbed wire fence, sometimes two such fences, sometimes electrified. Guard towers were placed at strategic intervals, and any Japanese American leaving without permission was shot. Dozens of detainees and internees were shot and wounded, and eight were killed by guards (1 at Central Utah, 1 at Gila River, 2 at Manzanar, 1 at Tule Lake, 2 at Lordsburg, 1 at Fort Sill). 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 feet units.

Japanese Americans were known for their pride in rarely having been on welfare or locked up in prisons, but the camps relegated them into 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 terrified 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 due to 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 the Buddhist and Shinto religions were suppressed.

While the Japanese Americans were incarcerated, and unknown to them at the time, 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 demanded that the imprisoned Japanese Americans be used as reprisal targets for the mistreatment of American prisoners of war. One member of Congress even proposed a mandatory sterilization program. Fortunately, none of these extreme measures was taken.

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 indicating 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.

Due to the insensitive wording, Japanese nationals were asked, in effect, to renounce the only citizenship they could have (since they were prohibited from becoming U.S. citizens) and render themselves stateless. American citizens were asked to falsely in-

criminate themselves by "foreswearing" an allegiance to Japan—an allegiance they never had. Women and elderly persons were asked to serve on "combat duty wherever ordered."

Despite all the confusion, fear, anger, bitterness and incongruity, the majority of detainees affirmatively signed the oath. This did not mean, however, that the minority who refused to cooperate were any less loyal or patriotic. Some highly principled individuals felt their fundamental constitutional rights should be restored before signing. Under the circumstances of a prison camp environment, the loyalty questionnaire did not measure a person's true loyalty. D

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 camp farms, and many camps became self-supporting in food.

Detainees 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% of the detainees, mostly young single men and women, were conditionally released on various forms of leaves or for military duty. The other 67% remained in the camps for the duration of the war.

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 service. Thousands of Japanese Americans volunteered for duty but were refused enlistment.

The United States, however, soon discovered the need for Japanese language specialists and started to covertly recruit men and women of Japanese ancestry for the Military Intelligence Service,

Office of Strategic Services, and Office of War Information in June 1942. The Selective Service System was bypassed, 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. By obtaining crucial military intelligence, the Japanese American soldiers are generally credited with having shortened 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 to fight in World War II 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. Some 33,000 Japanese Americans served in the U.S. armed forces during World War II, 6,000 of them 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 as they faced enemy firepower in combat zones.

THE SUPREME COURT

While the majority of Japanese Americans complied with the military orders as a means of demonstrating their loyalty to the United States, there were many equally patriotic individuals who decided to challenge the discriminatory orders on constitutional grounds. As a means of testing the orders in the courts, over 100 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 was charged with violating the curfew, Gordon Hirabayashi with violating the curfew and refusing to report for detention, and Fred Korematsu 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.

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 even justices of the Supreme Court, were not immune from the prejudices of the times, and 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, again based solely on ancestry. 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 which had permeated white American thinking. The justices argued, without any foundation in fact, 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 to life, liberty and property cannot be deprived except upon conviction of an individual's own wrongdoing—not the wrongdoing of others, nor of a group. 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 Court merely ruled that Endo and other admittedly loyal American citizens could not be imprisoned indefinitely.

Refusing to consider the salient constitutional issues begging for resolution, the Court decided the *Endo* case on narrow technical grounds—that Executive Order 9066 did not authorize the indefinite detention of citizens who 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 the Japanese Americans permanently. Homes, farms and businesses left behind were occupied by whites unwilling to return property to rightful owners. Homes were burned and dynamited, 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.

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 Japanese American soldiers killed in action overseas were refused burial in some hometown cemeteries. Many restaurants, hotels, barbershops, gasoline stations, grocery stores, and other public accommodations refused to serve Japanese Americans. United States Army Captain Daniel K. Inouye (now a U.S. Senator), in full uniform with all his medals on, walked into a San Francisco barbershop, but he was told, "We don't serve Japs here."

When news of the hostility reached those still remaining in the camps, they became reluctant about returning 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 unable to save much for retirement. About 20% of the surviving pioneers were below poverty level by the 1970 Census. Many American-born had their education disrupted and could no longer afford to go to college because family support became their responsibility.

Property losses alone were conservatively estimated by the Federal Reserve Bank in San Francisco to be in excess of 400 million dollars based on 1941 figures. Congress appropriated partial restitution for property losses, but only 8½% of property losses were ever compensated. Nothing was done to compensate for the tremendous increase in land values during the war years, lost income, unnecessary deaths, mental sufferings and loss of freedom.

Not only were direct losses sustained, but long lasting psychological damages resulted. Families disintegrated under the prison-like conditions, and individuals became disoriented and embittered. People lost their sense of self-esteem and could not regain enough self-confidence to compete as well as they could have in American society. Adults could never forget the experience, and children faced the life-long stigma of their birth certificates or school records indicating they spent their childhood in captivity. Most importantly, Japanese Americans suffered the indignity of being falsely imprisoned by their own government.

REDRESS

By custom and tradition, any American who has been injured by false accusation, arrest or imprisonment is expected to bring the responsible parties into court and obtain a judgment clearing his or her name and collecting damages as redress. Freedom is considered so precious by Americans that even a few days in false imprisonment have been compensated with large monetary sums.

German Jews experienced the horrors of the Nazi death camps. Japanese Americans experienced the agonies of being incarcerated for an indeterminate period. Both were imprisoned in barbed wire compounds with armed guards. Both were prisoners of their own country. Both were there without criminal charges, and were completely innocent of any wrongdoing. Both were there for only one reason—ancestry. German Jews were systematically murdered en masse—that did not happen to Japanese Americans, but the point is that both Germany and the United States persecuted their own citizens solely on the basis of ancestry.

West Germany has made a 25 billion dollar restitution payment to Jews and Jewish institutions, and another 10 to 15 billion dollars will be paid. The fact that the victorious Allied Powers initially imposed on Germany the concept of reparations to the victims of the Third Reich does not diminish the righteousness or the justice of the act. The Federal Republic of Germany has stated that it is giving precedence to the payment of compensatory damages to "those who suffered in mind and body, or had been deprived unjustly of their freedom." In subsequent legislation Germany went far beyond the responsibilities assumed in the earlier agreements.

More recently, the United States government designated an American Jewish organization to negotiate with East Germany on restitutions. The United States has informed the German Democratic Republic that a refusal to acknowledge the necessity for a meaningful restitution would delay the establishment of normal diplomatic relations. The U.S. State Department is also urging the

Polish People's Republic to make restitutions for expropriated Jewish community property to the surviving Polish Jews.

The mass expulsion and incarceration of American citizens without trial did happen here in the United States. As a professed leader in civil and human rights throughout the world, the United States must take meaningful action to correct its own mistakes.

President Gerald R. Ford rescinded Executive Order 9066 on February 19, 1976—exactly 34 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."

Redress for the injustices of 1942–1946 is not just an isolated Japanese American issue; it is an issue of concern for all Americans. Restitution does not put a price tag on freedom or justice. The issue is not to recover what cannot be recovered. The issue is to acknowledge the mistake by providing proper redress for the victims of the injustice, and thereby make such injustices less likely to recur.



Mass Detention Camps for Japanese Americans, 1942-46

	NAME	LOCATION	DETAINEES
1.	Central Utah (Topaz) Utah	Millard County Northwest of Delta	8,130
2.	Colorado River (Poston) Arizona	Colorado River Indian Reservation South of Parker	17,814
3.	Gila River (Rivers) Arizona	Gila River Indian Reservation West of Sacaton	13,348
4.	Granada (Amache) Colorado	Prowers County Between Koen and Granada	7,318
5.	Heart Mountain Wyoming	Park County Between Cody and Ralston	10,767
6.	Jerome (Denson) Arkansas	Chicot and Drew Counties Between Hudspeth and Jerome	8,497
7.	Manzanar California	Inyo County Between Independence and Lone Pine	10,046
8.	Minidoka (Hunt) Idaho	Jerome County North of Eden	9,397
9.	Rohwer Arkansas	Desha County Between Kelso and Rohwer	8,475
10.	Tule Lake (Newell) California	Modoc County Between Stronghold and Newell	18,789

Additional 26 smaller internment or isolation camps were located in: Alaska, Arizona, California, Hawaii, Idaho, Louisiana, Maryland, Massachusetts, Montana, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Tennessee, Texas, Utah and Wisconsin.

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