

## America's Concentration Camps : Anniversary of a National Injustice

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### Abstract

*In 1942 80,000 Japanese American citizens were incarcerated in desolate concentration camps in violation of their Constitutional protections. Another 40,000 Japanese American long-time residents who by law could not become citizens were incarcerated as well. Motivated by racism and politics President Franklin D. Roosevelt issued Executive Order 9066 allowing the Department of War to remove all Japanese Americans from the West Coast under the guise of "war necessity." Challenged in the United States Supreme Court, the U. S. Department of Justice engaged in the suppression of evidence that would have invalidated "war necessity" and proven that the incarceration of Japanese Americans in concentration camps was solely because of their Japanese ancestry. The official admission by the United States government in the 1980s for the World War II incarceration of Japanese Americans was "wartime hysteria, racism, and failure of political leadership." Apologies and compensation followed years later. In 2011 the United States Department of Justice revealed documents that evidence had been intentionally withheld during the Supreme Court Japanese incarceration cases in World War II. The implications for such an injustice holds for American citizens in the present day as well as for the Japanese Americans in the past.*

### "Military Necessity"

February 18, 2012 will mark the 70<sup>th</sup> anniversary of Executive Order 9066 issued on February 18, 1942, three months after the Japanese attack on Pearl Harbor, and the beginning of World War II for the United States. President Franklin D. Roosevelt signed Executive Order 9066 that provided for all necessary actions to secure and protect American interests against sabotage, espionage, and spying. Secretary of War Henry L. Stimson directed the Western Defense Command (WDC) under General John DeWitt to identify those persons residing on the West Coast of the United States who could constitute a danger to the security of the nation. General Dewitt was authorized to isolate, restrain, and if necessary to relocate those persons forcefully from the West Coast to locations in the nation's interior.

In March 1942 over 120,000 persons of Japanese ancestry were ordered to report for removal from the West Coast. Of those 120,000 persons of Japanese ancestry were 80,000 Japanese American *Nisei* who were formal citizens born in the United States and *Sansei*, second generation sons and daughters of *Nisei*. The remaining Japanese, *Issei* had been residents of the United States forty to fifty years and ineligible for citizenship by law. During the forced relocation the Japanese Americans lost their property, homes, and even their savings. The formal government explanation for the Japanese American incarceration in concentration camps in World War II was "military necessity" (Smith, 1995, p. 127). The suspension of their Constitutional rights was based upon a fear that Japanese Americans on the West Coast of the United States constituted a threat to American security in the war against Japan. FDR further issued Executive Order 9102 that created the War Relocation Authority (WRA) authorizing permanent concentration camps to house the Japanese Americans for the duration of the war.

Roger Daniels (1993) revealed that the same day that Executive Order 9066 was signed the U.S. Army Intelligence Agency stated that "mass evaluation was unnecessary" (p. 47). Even the office of Naval Intelligence (NI) as well had stated that there was no evidence of sabotage, espionage and spying on the part of the Japanese Americans residing on the West Coast. Daniels went on to say: "Left to their own devices, the internal security forces would have allowed most Japanese Americans to continue their lives" (p.47). Yet, the press, the public, politicians, certain military officers and President Roosevelt's own private and personal intelligence system, made up primarily of journalists and businessmen, would prevail and provide General John DeWitt of the WCD with a rationale constituting authorization based on "military necessity" to proceed with the removal and internments of Japanese Americans.

## The “Roundup”

On the eve of the Second World War, the Japanese immigrant generation had attained an economic position of solid middle class dimensions. With a high rate of self-employment, considerable ownership of land and other property, and a comfortable standard of living, the Japanese of rural California could look back with justified pride. They had, it appeared triumphed over racial discrimination in both the open competitive market and the law. However, with the Japanese bombing of Pearl Harbor, prejudice and political necessity would negate all the achievements of Japanese Americans.

Military orders for all persons of Japanese ancestry, male, female, young, elderly, families, sick and disabled to report to an assembly area took the form of posters placed on telephone polls in all the major urban areas of California. The humiliating military order continued to be proclaimed in store windows, front-page newspaper headlines, and even radio broadcasts. For Japanese Americans it was only the beginning of a campaign to break the Japanese American spirit and degrade their self-esteem and at some point to “assimilate” them into mainstream America. Roger Daniels (2002) referred to this entire affair that would cross some six years as “an American attempt at ethnic cleansing” (p. 303).

Only what you can carry (Inada, 2000) was the order and all property owned by the Japanese Americans had to be stored or disposed of as quickly as possible. No pets were allowed and most were destroyed. The assembly areas were typically fairgrounds, racetracks, and even coliseums. In Los Angeles the assembly areas were racetracks where Japanese Americans were housed in horse stalls and tents. All assembly areas had minimal toiletry or shower facilities and very few were ever added. In time some 120,00 Japanese Americans were transported to train stations and transportation centers from where they were shipped to camps, most through the Manzanar Assembly Center which in time became a concentration camp as well. Upon arrival at the camps the responsibility for the Japanese Americans passed from the military to the War Relocation Authority.

The depth of racism was never so evident when United States Army special units raided children’s orphanages, and foster homes, throughout California. Over 100 children with any degree of Japanese ancestry ranging in age from infancy to adolescence were sent to the Manzanar concentration camp. James L. Dickerson’s book *Inside America’s Concentration Camps* quotes Colonel Karl R. Bendetsen, a member of General DeWitt’s officer circle, as telling an old orphanage priest pleading to leave the children as they are, “I am determined that if they have one drop of Japanese blood in them, they must all go an internment camp” (2000, p. 94-95).

## War Relocation Authority (WRA)

The War Relocation Authority constructed 10 concentration camps to house Japanese Americans for the duration of the war. Camps were located in isolated areas in California, Arizona, Colorado, Idaho, Utah, Wyoming and Arkansas. No radios or cameras were allowed. The outside world remained outside of camp life. The housing was minimal, 480 square foot “apartments for a family of six, with no running water. No furnishings aside from army cots were provided. Inmates in time made their own furnishings from scrap lumber. There were no individual cooking facilities, everyone ate in a mess hall. Guard towers with machine guns and searchlights surrounded the barbed wired camps. Armed guards accompanied by German police dogs patrolled the grounds of the camps around the clock. No one, with some exceptions was allowed to pass the barbed wire perimeters. By the end of the war eight persons had been shot and killed by camp sentries for allegedly attempting to “escape” or by mishap crossing camp boundaries. Many more died, primarily elderly inmates, because of poor hygienic and lack of adequate medical services.

Most camps were calm centers in which Japanese Americans accepted their fate without protest. Jeanne Wakatsuki Houston (1971, p. 1-12) said there was a saying “shikata ga nai” loosely translated, as “it cannot be helped,” that characterized the prevailing attitude of most Japanese American internees. The phrase helps explain why the Japanese Americans interned in the US during World War II did not put up more of a struggle against the restrictive conditions and policies put upon them. Some incarcerated Japanese Americans challenged their unjust imprisonment with vocal protests and demonstrations. Those Japanese Americans were sent to the Tule Lake concentration camp in Northern California, a camp that Richard Drinnon (1987, p. 10) said was best called a “penal colony.” Tule Lake was known for harsh treatment that included beatings, caged isolation, forced labor and separation from family and loved ones.

The first Director of the War Relocation Authority, Milton S. Eisenhower became weary of the appointment on moral grounds and was reassigned to a different war-related agency. Milton Eisenhower (1974) said in his memoirs *The President Is Calling* that the first “three months were a nightmare” as Director of the WRA. Eisenhower further described how his effort to work with bigoted public and political groups on the West Coast to relocate the Japanese Americans was “the most frustrating experience I ever had” (p. 114).

In his 1987 book *Keeper of the Concentration Camps: Dillon S. Myer and American Racism*, author Richard Drinnon said that Dillon S. Myer, the second and last director of WPA was the “arch-demon representing the purest of white racism” (p. xxviii). Myer only referred to his “wards” or inmates” as “these people.” In a October 1944 public speech in Des Moines, Iowa, (Harry S. Truman Library) Myer continuously referred to the inmates of the concentration camps as “evacuees” and “these people” and especially a comment, “For the effect of the program has been to disseminate thinly across the country a minority which was, without a doubt, too densely congregated before the war in a particular region.” After serving as the “Keeper” of 120,000 Japanese Americans in concentration camps, Myer was appointed Commissioner of Indian Affairs in 1950 and served as the “Keeper” of one-half million Native Americans confined to their “reservations.”

Myer arranged for scientists to study the psychological and anthropological character of the inmates at the various concentration camps. An inference was made that Japanese Americans were a dysfunctional species of the human family that required study that would provide information for their control (Starn, 1986). Over twenty different anthropologists served the WPA to study the concentration camps inmates in the context of a developing community.

The scientists treated inmate resistance as “evidence of maladjustment, as pathological behavior,” never conceding that such behavior was in response the poor conditions and unjust incarceration behind barbed wire. “Instead of confronting power with truth, anthropologists supplied the information to the power.” John Dower (1986, p. 108) said that the results of these studies were “superimposed upon the growing collective portrait of the Japanese enemy,” and several of the anthropologists hired by the WPA “went on to participate in the psychological-warfare planning pertaining to Japan.

President Roosevelt: Racist and Politician

While President Roosevelt privately alluded to racist-related perceptions of the Japanese Americans in comments to close associates, it was rare when he made public such views. During a press conference on November 21, 1944, a reporter asked the president about the closing of the camps and resettlement of the Japanese Americans and the President responded: “In most of the cases ... I am now talking about Japanese people from Japan who are citizens ... Japanese Americans. I am not talking about the Japanese themselves. A good deal of progress has been made in scattering them throughout the country, and that is going on every day. I have forgotten what the figures are. There are roughly a hundred---a hundred thousand Japanese-origin citizens in this country. And it is felt by a great many lawyers that under the Constitution they can't be kept locked up in concentration camps” (Daniels, 1973, p. 247-248).

This press conference provides an important insight to the President's mindset that Japanese Americans are not really “American” but an alien being who have no right to be a visible part of the American landscape. “A good deal of progress has been made in scattering them throughout the country,” amounts to a socially engineered genocide of the ancestry of Japanese Americans. Perhaps the most damning statement is: “And it is felt by a great many lawyers that under the Constitution they can't be kept locked up in concentration camps.” What is so unreasonable to the President of the United States when he confirms that “a great many lawyers” believe that what he has done is a violation of the very instrument, The United States Constitution that allows him to be President and compels him to insure that all Americans are protected against unjust treatment by society in general and the government in particular.

Throughout his three presidential terms in office as President of the United States FDR was the consummate politician. The price for reelection to the Presidency always took into consideration the voters across the nation and the political powers from local to state that could pave the way for FDR's political agenda. With regard to FDR's treatment of Japanese Americans his foremost priority was the white voting power of California and the Western states in general. The Japanese American population of these regions while very pro-FDR constituted small influence to be considered given the comparatively very large population of white Americans. And it was white Americans who kept FDR in office.

And despite the blatant mistreatment of African Americans in the Southern United States where disfranchisement and the cruelty of lynchings were commonplace, FDR recognized and respected the power of Southern legislators for his own political agenda. FDR is often defended for his decision not to aggressively endorse anti-lynching laws for political advantage and for the greater good, the New Deal (Isabelle Whelan, 2007). Although FDR publicly denounced lynchings as a “vile form of collective murder,” (George Rable, 1985, p. 201-202) his lack of action did not prevent the torture and murder by lynchings of African Americans in the South every single year of his administration right up to his death in 1945. Southern Democrats consistently opposed any legislation related to placing the act of lynching under Federal oversight. FDR did not support any anti-lynching laws throughout his terms as Chief Executive and was especially resistant to such legislation prior to his reelection in 1936.

### **The Camps Close**

By the early 1946 the camps were empty of their Japanese American inmates. Many had relocated to the Midwest and East Coast but a large number returned to the West Coast. Emotionally scarred to varying degrees the Japanese Americans restarted their lives and became as they had before the war, model citizens. Some Japanese Americans, the resistors or “No-No” boys (Okada, 1976) became outcasts, and were stigmatized by the greater Japanese American community until the Civil rights era. The camps themselves became remote archeological-like remnants of what they once were and had deteriorated over years. By the 1970s and 1980s efforts were undertaken by private groups and public agencies like the National Park Service and the California State Forest Service to reclaim and renovate the camps with small museums and monuments (Burton, Farrell, Lord, and Lord, 2002).

In the 1960s Japanese Americans joined the Civil Rights movements and demands for redress of past wrongs finally forced government apologies and compensation. In 1976 President Gerald Ford officially rescinded Executive Order 9066 with Proclamation 4417 and said, “I call upon the American people to affirm with me this American Promise that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated” (Proclamation 4177). In 1982 “The Commission on Wartime Relocation and Internment of Civilians” issued a report entitled, *Personal Justice Denied*, (1983, xi) that found the interning of Japanese Americans to have been based on “race prejudice, war hysteria, and a failure of political leadership.”

President Ronald Reagan signed the Civil Liberties Act of 1988, which provided redress of the Japanese American internment of World War II. On September 27, 1992, the Civil Liberties Act Amendments of 1992, appropriating an additional \$400 million to ensure all remaining internees received their \$20,000 redress payments, was signed into law by President George H. W. Bush, who also issued another formal apology from the United States Government.

### **Government Collusion and Injustice**

Despite the apologies and compensation for an admitted wrong there remained a suspicion that the injustice was not addressed by virtue of those agencies and persons for protecting the rights of American citizens under the Constitution of the United States. In 1983 legal scholar Peter Irons published *Justice at War* in which in addition to a “failure of political leadership” the argument was made for a “failure of judicial integrity” that was to a large degree tainted by racism. Irons went on to argue with evidence from the government’s own records that the Justice Department was fully aware that their cases defending “military necessity” were fraudulent (Irons, 1983, p. viii).

Scholarly literature prior to the incarcerations and during the incarcerations demonstrated a judicial anti-Japanese trend. The United States Supreme Court had initiated a history of racial prejudice in the early 1900s through the 1920s with the denial of rights of citizenship by Japanese Americans. In *Browning v. Carot* (1983) found that the Supreme Court rulings “clearly revealed a willingness to adopt the prejudice that immigrants from northern Europe would make the best U.S. citizens” (Carot, 122). In most of its opinions the Court reflected the same anti-Japanese racism typical of the nation’s “vitriolic yellow journalism and opportunistic politicians” (p. 137). In 1945 Eugene V. Rostow wrote, “The Japanese American Case. A Disaster,” and stated that in place of any valid “military necessity” that the courts had clearly upheld a racist intent that violated the rights of Japanese Americans protected by the Third Article of the Constitution and the Fifth and Sixth Amendments. Rostow further said the treatment of Japanese Americans “was calculated to produce both individual injustice and deep-seated social maladjustments of a cumulative and sinister kind” (p. 489).

Legal scholar Edward S. Corwin, an early defender of World War II government actions, “rated the treatment of the Japanese Americans as the most drastic invasion of the rights of citizens of the United States by their own government that has thus far occurred in the history of our nation” (Corwin, 1947, p. 9).

In an essay, “The Emergency Constitution,” by Bruce Ackerman (2004), the matter of violating the Constitutional rights of American citizens is taken up not only in the context of the Japanese Americans in the 1940s but the current matters related to modern terrorism. Ackerman states: “It took almost half a century before the Japanese-American victims of wartime concentration camps gained financial compensation, and then only by a special act of Congress that awarded incredibly tiny sums. Such callousness suggests a deeper distortion in the law of just compensation given the fundamental rights of American citizens have been violated” (p. 1063).

The internment of Japanese Americans became a basis for legal historians of Constitutional law to review and consider the nature of emergency conditions in which the Constitution would be “suspended” or certain rights legally restricted. What happened seventy years ago is reflected by Natsu Taylor Saito: “It stands as a caution that in times of international hostility and antagonisms out institutions, legislative, executive, and judicial, must be prepared to protect all citizens from the petty fears and prejudices that are so easily aroused” (p. 173).

In May 2011, almost thirty years after Peter Irons asserted a “failure of judicial integrity,” United States Solicitor General Neal Katyal reported the findings of investigations into Japanese American trials before the Supreme Court. It was determined that Attorney General Charles Fahy intentionally withheld *The Ringle Report*, drafted Naval Intelligence (NI), in order to justify the Roosevelt administration in the cases of *Hirabayashi v. United States* and *Korematsu v. United States*. The report would have undermined the administration's position of the “military necessity” for such action, finding most Japanese-Americans were not a national security threat, along with allegations of communication espionage being totally unfounded by investigations of the FBI and the Federal Communications Commission (FCC).

### **Conclusion**

In his book, *By Order of the President*, Greg Robinson said, “The special stain of the internment is that an unpopular group of American citizens was singled out on a racial basis and summarily disposed and incarcerated without charge. By arbitrarily confining Americans of Japanese ancestry, the government violated the essential principle of democracy: that all citizens are entitled to the same rights and legal protections” (p. 100). Former Supreme Court Justice Tom C. Clark, who represented the United States Department of Justice in the “relocation,” writes in the Epilogue to the book, *Executive Order 9066: The Internment of 110,000 Japanese Americans*: “The truth is—as this deplorable experience proves—that constitutions and laws are not sufficient of themselves...Despite the unequivocal language of the Constitution of the United States that the writ of habeas corpus shall not be suspended, and despite the Fifth Amendment's command that no person shall be deprived of life, liberty or property without due process of law, both of these constitutional safeguards were denied by military action under Executive Order 9066....” (1992, p.7)

In the most recent book on the subject by Greg Robinson *The Tragedy of Democracy* in 2009 a distinguished colleague of his when sought advice on whether to undertake the book or not was told: “How, he asked me, could there possibly be anything new to say on the subject on the confinement of Japanese Americas, a matter about which so much had already been published?” (p. 3). Greg Robinson politely declined the advice and wrote the book. The conclusion that Greg Robinson came to 2009 was similar to the conclusion that in 1945 when Eugene V. Rostow called “The Japanese American Case A Disaster.” It seems Americans require a continuous “wake-up” call to remind them of their civil liberties and new inquiries by historians into the story of the Japanese American incarcerations is the ringing of the “alarm” clock. The message is loud and clear, Americans must safeguard their Constitutional protections in peace, and especially in war. Today the reality of the Japanese American incarceration in World War II is not just a historical commentary in American history but more a standing warning that what all Americans take for granted, their Constitutional freedoms, can become merely words on a “scrape of paper.”

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