

## Internment

On February 19, 1942 (two months after the Japanese attack on Pearl Harbor) President Roosevelt passed through Congress and signed **Executive Order 9066**.

The War Department could now designate “military areas” that could exclude or restrict people from entry who were considered to be a danger to the United States.

Although neutral in tone its specifically one group of people, Japanese Americans. The largest “military area” was the entire West coast of the United States, where some 110,000 Japanese Americans called home.

Out of the 100,000 living in the West coast, about 10,000 Japanese Americans were able to relocate on their own to other parts of the country. However, for the remainder, the United States government forced them into restricted living centers. Systematically Japanese Americans were relocated into camps called “**War Relocation Centers**”. They were quickly constructed in remote portions of the nation’s interior. For the next three years these families spend their lives behind barbed wire and under armed guard. These centers became known as **Internment Camps**.

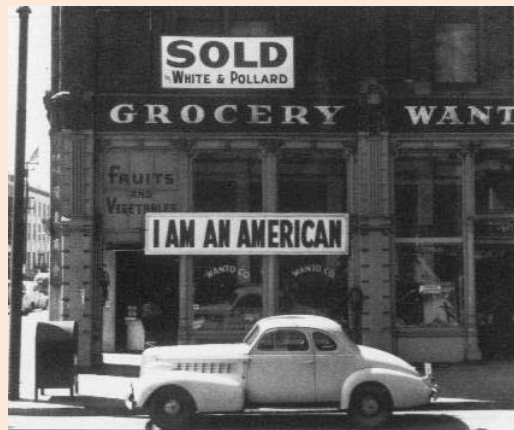


The Mochida family of Hayward, CA preparing to be sent to an Internment Camp on May 8, 1942  
(The War, a Ken Burns Film: National Archives)

Thousands of German and Italian Americans were also locked up, but millions more remained free to live their lives with little or no changes to their routines. Executive Order 9066 only singled out Japanese Americans.

Although they were only a small portion of the nation's population, Japanese Americans had long been the targets of white hostilities. For decades laws and local customs had shut out and discriminated against "Foreign Born" Japanese immigrants. They could never fully participate in economic and social lifestyles. These immigrants, known as **ISSEI**, could not own land or become naturalized citizens.

Children born to immigrant families were called **NISEI**. They were American citizens by birthright. Many of these Nisei had, by 1942, become successful business owners and farmers.



Japanese-owned grocery store, Oakland, CA, April 1942  
The War, a Ken Burns Film.

Resentment towards Japanese-Americans was renewed after the attack on Pearl Harbor. The opening of these Internment Camps also allowed white business owners and farmers to eliminate some of their competition.

On April 30, 1942, all across the West Coast communities, relocation notices were posted in public locations. ALL people of Japanese ancestry, including those with only 1/16<sup>th</sup> Japanese blood, were given one week to settle their affairs.

Families lost everything. Japanese-American farmers desperately asked their neighbors to tend to their fields. Japanese-American business owners faced financial ruin, most unable to sell their property and businesses at a reasonable or break-even price.

Restrictions placed on them as to what belongings they could take with them. They could only take a limited amount of clothes and personal possessions. This meant that they had to sell what they once owned for practically next to nothing before their relocation.

Executive Order 9066 also classified all Japanese-American men of draft age, except those already serving in the military, as enemy aliens. This meant that they were forbidden to serve their country.

This provision was later changed in early 1943. A special-policy was written allowing the formation of a special segregated infantry outfit to be formed: the 442nd Regimental Combat Team. In 1944 the regiment was given its orders to head overseas, but not to the Pacific arena. They were only allowed to fight in Europe. Despite all restrictions and segregations placed upon them the 442<sup>nd</sup> were one of the most highly decorated regiments during World War II.



Japanese families preparing to board a train to the Internment camps  
Santa Ana, CA Assembly area, April 5, 1942  
The War: a Ken Burns Film

In 1944, the Supreme Court upheld the constitutionality of the exclusion, removal and detention of Japanese-Americans. They ruled that it was permissible to curtail the civil rights of a racial group when there is a “pressing public necessity.”

Executive Order 9066 was finally lifted by President Harry S. Truman in 1946, only after the war was over for a year and the U.S. Military had secured and occupied the islands of Japan.

Nearly 45 years later, thanks to the efforts and actions of the Japanese-American communities, the Civil Liberties Act of 1988 acknowledged that the internment camps were a “grave injustice.” The Act further instructed Congress to pay each victim of internment \$20,000 in reparations.

## ***Korematsu v. United States (1944)***

Fred (Toyosaburo) Korematsu was arrested for staying in San Leandro, California instead of going to a relocation center.

Korematsu was born in California. In his early 20's he worked in a defense-plant. He had tried to join the army but he failed the physical. Rather than going to an internment camp he posed as Chinese. His cover did not work and he was caught and arrested by local authorities.

He was convicted in federal district court of violating the military's "Civilian Exclusion Order." His conviction carried a maximum fine of \$5,000 or up to one year in prison, or both.

Korematsu appealed the decision, unsuccessfully, in the Ninth Circuit Court of Appeals in California. He appealed on the grounds that his rights under the Fourth, Fifth, Eighth and Thirteenth Amendments had been violated. He was sent to a relocation camp in Utah. From there he began his appeal to the U.S. Supreme Court.

### **The issue before the Supreme Court:**

**Are Executive Order 9066 and the act of Congress enforcing this law constitutional uses of the war powers given to the President and Congress?**

### **Ruling of the Supreme Court:**

**The Supreme Court ruled by a vote of 6-3 to uphold the decision of the lower courts against Korematsu**

The Court ruled according to the result of a similar to a case they heard a year earlier, *Hirabayashi v. United States*.

Kiyoshi Hirabayashi had been convicted of violating the curfew law, which applied only to Japanese-Americans. The Court ruled that Hirabayashi's rights had not been violated because the curfew was within the limits of the war powers.

In the interests of national security military authorities could do whatever they thought was necessary in sensitive areas. In addition the Court ruled that Congress had the right to give this power to all national authorities.

In both cases, *Korematsu v. United States* and *Hirabayashi v. United States*, the words of Justice Hugo Black applied:-

**“It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid security....Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direct emergency and peril, is inconsistent with our basic governmental institution. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate [equal] with the threatened danger....”**

The 6-3 ruling affirmed that the quick judgments necessary during a war served as justification for the action, even though it brought hardships to many loyal people of Japanese descent. Continuing his summation, Black denied that the policy had racial intent:-

**“Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authority feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and finally, because Congress, reposing its confidence in this time of war in our military leading...determined that they should have the power to do just this.”**

During this session the Court did not rule on the constitutional issues and the questions of civil rights involved in these cases. They only ruled on the use of war powers.

The three judges opposed, Roberts, Murphy and Jackson, did believe that the policy was racist and unconstitutional. Jackson feared that this decision gave approval of the Constitution to an emergency military policy. The three judges also pointed out that no effort had been made to identify individual Japanese-Americans who might be disloyal, as had already been done with some Germans and Italians. They claimed the policy violated the civil rights of an entire group of citizens solely on the basis of their ancestry.

## Evaluation of the Supreme Court Case *Korematsu v. United States*

### Part A

Directions: Use your own judgment to evaluate the justice's decision and state your opinion of that decision. [write one full paragraph for each answer]

1. In your opinion, did the Court make the right decision in this case? Explain why you agree or disagree.
2. Do you think that German-Americans and Italian-Americans should also have been relocated? Explain. Why do you suppose they were not?
3. Do you think this type of action should be taken today in the event of a war? Explain.

### Part B

Imagine that you are a Japanese-American in an Internment Camp. Write a one-page letter to an old friend or neighbor who you know is concerned about you and your family.

In your letter describe the surroundings that you are living in and what your feelings are toward the American government and their actions towards your society.