Robert Reckard

Professor Wreck-hard

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Japanese Internment and Civil Liberties

One would hope that government policy, especially concerning national security, is measured and informed. However, throughout history, some of the policies the U.S. government has taken in order to reinforce our nation’s security have been more of a knee jerk reaction than an effective and targeted approach. The Japanese attack on Pearl Harbor in 1941 pulled the United States into World War II and bred feverous antagonism against all things Japanese. Fearful of Japanese espionage, especially on the West coast, President Roosevelt issued Executive Order 9066, which relocated Americans of Japanese descent, citizen or not, to internment camps in the most desolate areas of the western United States. Though many applauded the order for strengthening American borders in a time of war, many were concerned at the abridgement of Japanese civil liberties. Although the threat of Japan loomed over the Pacific, the limits imposed on Japanese-American civil liberties, specifically the violations of the 4th and 14th amendments, were ultimately unnecessary because there was no credible evidence of any act of espionage from any person of Japanese descent who resided in the United States.

In 1941, despite the fact that Europe and Asia were already embroiled in the turmoil of World War II, the United States remained neutral, largely due to a return of an isolationist foreign policy. However, this soon changed on December 7th 1941, when the Japanese bombed Pearl Harbor, resulting in the death of over 2,000 soldiers and over 20 naval vessels (History.com). Not only did this event plunge the United States in World War II, but it also intensified anti-Japanese sentiment. Anti-Japanese fervor had long been brewing in the United States, especially in California, where an anti-Japanese exclusion movement swelled. The anti-Japanese exclusion movement took its cues from the recently passed Chinese Exclusion Act which characterized Asians as non-Christian invaders who lacked the morals of “proper” Western civilization and were intent on taking jobs from white laborers (Densho.org). The attack on Pearl Harbor quickly reignited these xenophobic feelings that stemmed from the Gilded Age and carried on through to the eve of World War II. It was this long brewing Japanese sentiment that informed Roosevelt’s signing of Executive Order 9066.

Much like the Chinese Exclusion Act was legal discrimination couched as economic protection, Executive Order 9066 continued a tradition of anti-Japanese discrimination masked as securing the United States in a time or war (Delby). Just 2 months after the attack on Pearl Harbor in February, Roosevelt signed Executive Order 9066. This order rounded up all persons of Japanese descent on the West Coast (as defined by the Cascade Mountains in the North and running down the spine of California) and relocated them to internment camps scattered around the Western United States outside of designated “military zones” (National Archive). In total 117,000 people of Japanese descent were affected by the order, citizen, non-citizen and alien alike (National Archive). The relocation were largely carried out by the War Relocation Authority, an agency recently empowered by the Executive Order. These mass relocations were justified as military security. Military leaders asserted that since many Japanese on the West coast lived close to military bases whose activities constituted information of sensitive and secret manner, those of Japanese descent should be relocated on the chance that members of the Japanese community might relay secret information to the Imperial Japanese government (Sherman). However, upon closer examination, the security provided was dubious at best and there were egregious violations of Japanese American civil liberties.

Unlike other laws that were intended to bolster national security, Executive Order 9066 only affected a small subset of the American population: people of Japanese descent living on the West coast. The intention of this executive order was to protect military secrets by removing potential spies (people of Japanese descent) from areas with military secrets. According to an internal army memo, “there can be no doubt that’ most of the leaders within the Japanese espionage network of Japanese clubs, business groups, and labor organizations “continue to function as key operatives for the Japanese government along the West Coast” (Munson 66). Some argued that Japanese internment was not necessary and the U.S. government instead should go after those few individuals who were working as spies for the empire of Japan. However, former NSA operative David Lowman argues that the prosecution of such spies may have necessitated the revelation of American cryptology methods, thus exposing secret military communication methods. (78). Yet both these justifications for Japanese internment are speculative at best; the reality and extent of Japanese espionage during World War II remain ambiguous. What is clear are the severe violations of civil liberties on those Japanese American relocated to detention centers.

Japanese internment violated a host of civil liberties for those Japanese Americans affected by Executive Order 9066. In addition to the squalid conditions of the camps (inadequate housing and bathrooms), life at the camps violated a variety of first amendment rights including not allowing internees to practice Shinto and limiting freedom of speech (Ostgaard). The most egregious violation of civil liberties was the Executive Order’s infringements on the fourth amendment. The relocated Japanese-Americans were forced from their homes without a trial and deprived of both liberty and property without compensation (Ostgaard). As a result, Japanese Americans collectively lost over 1.8 billion dollars in lost revenue and property (Nielson). Despite the appalling violations of Japanese-American civil liberties, few Americans spoke out against the injustices being perpetrated by the United States government. After the war, Fred Korematsu challenged the government over the gapping violation created by Executive Order 9066 in Korematsu vs. The United States. Unfortunately, the case was thrown out, justified by “wartime necessity” (ushistory.org). Not until 1988 did the U.S. government admit its fault, awarding each survivor of internment 20,000$. (ibid).

Though the U.S. government officially condemned Executive Order 9066 in 1988 and despite the fact that present public opinion views Japanese internment as an act of blatant bigotry, some historians have reinvestigated this issue in recent years and have found some justifications for Roosevelt’s actions. Some historians point to the Ni’hau incident as a possible justification for Japanese internment. Briefly summarized, the Ni’hau incident involved a Japanese pilot crashing on one of the smaller Hawaiian Islands and falling into the hands of the Native Hawaiians there. The local Hawaiians summoned some nearby residents of Japanese descent who learned of Japan’s plan to attack Pearl Harbor from the captured pilot but neglected to tell Native Hawaiians. The Japanese residents then attempted to help the capture pilot escape; all of whom died in the attempt (Nielson). Despite the duplicitous events of this incident, it remains an isolated anecdotal case. Even the territorial governor of Honolulu rejected any attempt to intern the Japanese in Hawaii after the incident (Nielson). In addition, many of the justifications (as previously mentioned) such as the suspicions expressed in the internal army memo of the extent of Japanese espionage are purely speculative. The Niihau incident stands out as the only substantial evidence of Japanese espionage, and even in that situation, the collusion was merely by chance. When weighed against the egregious violations of civil liberties, Order 9066 cannot be justified. Though the United States was indeed in a state of war with Imperial Japan, the government had no actual evidence of espionage by those of Japanese decent living in the United States. Even in wartime, the government must prove that someone is an enemy combatant before taking away their 4th amendment rights: taking away their property and liberty with no trial whatsoever. Moreover, this violation of the 4th amendment bleeds into a violation of the 14th amendment as well. Though the United States was also at war with Germany and Italy, far fewer Germans or Italians were interned (numbering around 5,000 in total), thus revealing a blatant violation of the 14th amendment right to equal protection under the law, despite one’s national origin (Ostgaard).

Ultimately, the protections that Executive Order 9066 provided were dubious at best. As the Order was based mostly on pure speculation and one anecdotal incident, the violation of civil liberties of a whole group of people was absolutely unnecessary. Fortunately, the U.S. government has condemned these past actions and eventually provided some form of restitution to the survivors involved. By 1944, Roosevelt rescinded the order and by 1946, the last internment camp was closed. Yet despite this rejection of the past, some of the ghosts of Japanese interment still haunt foreign policy today. President Trump’s Travel Ban also targets a whole group of people based on national origin based only on anecdotal incidents and speculation. Perhaps one day in the future, the U.S. government will again be condemning their past action and again providing restitution. Will we be giving Syrian refugees reparations and apologizing for our bigotry. Learning from one’s mistakes is far more poignant than apologies.