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FRANKLIN D. ROOSEVELT'S ROLE IN JAPANESE-AMERICAN INTERNMENT:
EXPLORING THE INTERACTION OF INTERNATIONAL SECURITY AND CIVIL
LIBERTIES

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Abstract

In this thesis, I attempt to explain Franklin D. Roosevelt's decision to intern Japanese-Americans after the Japanese attack on Pearl Harbor. On February 19, 1942, Roosevelt signed Executive Order 9066, authorizing the Secretary of War, Henry L. Stimson, and his military commanders to establish military areas from which any civilian—regardless of citizenship—could be excluded in the interest of international security.

While some scholars have described this decision as undemocratic and blatantly anti-Japanese, I take a more balanced approach and view Roosevelt's implementation of the internment in the context of the time period in which it was executed and in relation to foreign policy. In today's society, civil liberties and equal rights seem to be steadfast staples of American democracy that are rarely challenged. Yet, in the midst of a horrific and demanding global war, concerns regarding human rights competed with goals of winning the war and protecting the nation from harm abroad and on the home front. Although I do not always agree with Roosevelt's views, or the views of some members of his administration, I do consider Japanese-American internment in its time period and avoid being as critical of Roosevelt and his administration as other historians have been. If one considers the internment in a global perspective, Roosevelt faced a genuine question: pursue international security or defend civil liberties? As President, Roosevelt made his decision on this issue without full information and with conflicting opinions from his closest advisers.

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Professor Fraser, realizing how interested I was in Japanese-American internment, suggested that I consider Roosevelt's role in the internment as a possible thesis topic. With Professor Fraser's help I applied for, and received, an Undergraduate Discovery Summer Grant. Supported by an endowment from the Penn State Alumni Association and funding from the Vice President and Dean for Undergraduate Education, Undergraduate Discovery Summer Grants promote faculty and undergraduate collaboration, as students engage in original research during the summer under the supervision of a faculty member. I chose to use the funds I received to visit the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York, to conduct research in the Roosevelt Archives under the supervision of Professor Fraser. Without the help of Professor Fraser I most likely would not have even applied for an Undergraduate Discovery Summer Grant, and would not have had the opportunity to visit an archive or to use the vast number of original documents that I did in writing this thesis.

Moreover, I owe a tremendous thank you to Anne C. Rose, a Distinguished Professor of History and Religious Studies at Penn State. When Professor Fraser informed me that he would not be returning to Penn State in the fall of 2011, I immediately considered asking Annie to be my

thesis supervisor. The previous spring I had taken a writing course with Annie for history majors and had thoroughly enjoyed her teaching. When I asked for her help, Annie willingly agreed. From that time on I cannot stress enough how grateful I have been for her insight, her detailed feedback, her kind and uplifting words that always seemed to come at the right time (i.e. when I felt like chucking my laptop out of the window!), and her constant encouragement to think hard and independently about what I believed to be true and then to take that stand to the extent that I honestly could with the evidence at hand. In many ways, Annie helped me to think like a true historian. In the first thesis draft that I submitted to Annie I made an emotional argument that was one-sided and that claimed that Roosevelt and many around him were essentially bigots driven by racial prejudice who did not defend American values. My own language was often accusatory and highly charged. Annie urged me to slow down, to take a step back, and to evaluate my evidence. With her help, I realized that my evidence pointed to a very different argument: that Roosevelt received conflicting advice in a world that seemed to be collapsing and that before and after the fact of the internment, he had other equally important matters to attend to. Annie taught me to set personal assumptions aside and to let the original documents that I had guide me as I wrote my thesis. She demonstrated the importance of evaluating historical events in the context of foreign policy instead of just in the context of domestic events. No historical situation calls for simple action, and Annie challenged me to not allow sentiments and moral commitments to stand in place of textual evidence.

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Introduction

On December 7, 1941, Japanese naval and air forces launched an attack on Pearl Harbor, America's principal naval base in the Pacific, pulling the United States into World War II.¹ The surprise attack left insurmountable suffering and devastation in its wake. Nine ships were sunk and twenty-one were damaged. The overall death toll peaked at approximately 2,403 people, and around 1,178 individuals were wounded.² Several weeks later, in January 1942, a group of United States Army officers, apprehensive of a possible Japanese invasion of the West Coast, began to press for the removal of all people of Japanese descent from coastal areas. Some California politicians and nativist interest groups, eager to drive out the Japanese, supported the idea of relocation. By the end of the month, the question of removal had developed into a tug-of-war within the Roosevelt administration.

After analyzing original documents housed at the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York, I conclude that Roosevelt received conflicting advice regarding the potential danger of Japanese-Americans. The Department of War, led by Secretary of War Henry L. Stimson, favored the mass evacuation of West Coast Japanese-Americans as an emergency military measure. Attorney General Francis B. Biddle, along with Federal Bureau of Investigation Director J. Edgar Hoover, contended that mass evacuation was unnecessary.³

At the time the internment was being considered, not one case of Japanese-American espionage or sabotage had been documented.⁴ According to Greg Robinson's By Order of the

¹ Greg Robinson, By Order of the President: FDR and the Internment of Japanese Americans (Cambridge: Harvard University Press, 2001), p. 3.

² "Pearl Harbor," Minnesota Historical Society, Accessed 12 March 2012
<http://stories.mnhs.org/stories/mgg/intro.do?id=17>

³ Robinson, p. 3.

⁴ Robinson, p. 3.

President: FDR and the Internment of Japanese Americans (2001), seventy percent of the so-called “disloyal” Japanese who would be interned were American-born United States citizens.⁵ Before the war, the Japanese-American community consisted of several distinct groups. The Issei were first-generation immigrants from Japan who were foreign residents of the United States. Even though most of the Issei arrived before 1907, when immigration from Japan became restricted, and the rest before 1924, when immigration from Japan was banned completely, they were forbidden by law from ever becoming naturalized citizens. The Nisei were the Issei’s American-born children who, by birthright, were American citizens.⁶

On February 11, 1942, Roosevelt verbally granted Stimson his consent to take whatever action the Secretary of War believed necessary.⁷ Less than two weeks later, on February 19, 1942, Roosevelt signed Executive Order 9066. The order authorized Stimson and his military commanders to establish military areas from which any civilian could be excluded.⁸ Roosevelt claimed that the successful prosecution of the war required all possible protections against espionage and sabotage. The text of the order did not specifically mention Japanese-Americans, although it was intended to pertain to them and to them alone.⁹ General John L. DeWitt, head of the Western Defense Command (a command formation of the United States Army responsible for coordinating the defense of the West Coast), used the authority granted to him by the order to remove approximately 110,000 Japanese-Americans to fifteen temporary shelters, called “assembly centers.” After remaining in assembly centers for several weeks, the internees were transferred further inland and were divided among ten “relocation centers.” The relocation centers ranged in

⁵ Robinson, p. 108.

⁶ Robinson, p. 4.

⁷ Robinson, p. 3.

⁸ Robinson, p. 3.

⁹ FDR, Executive Order 9066, February 19, 1942; All subsequent references to manuscripts refer to materials located in the Franklin D. Roosevelt Presidential Library and Museum, Hyde Park, New York.

size from over seven thousand to eighteen thousand persons. They were located in Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming.¹⁰

Hidden beneath Executive Order 9066's language was a definite assertion of Roosevelt's authority as commander-in-chief. Yet, such expansion of executive power and restriction of civil rights in wartime were not unprecedented. Indeed, the United States Constitution provides for exceptions to habeas corpus, and allows for the augmentation of presidential power for the sake of protecting public safety. The Japanese were not the first group of people ever deprived of liberties in the United States, in war or in peace. During the Civil War and World War I, many cases arose that addressed the restraint of individual liberties. In 1861, a United States federal court ruled in Ex parte Merryman that Congress, not the President, had the power to suspend the writ of habeas corpus. Abraham Lincoln ignored the ruling, and the case was declared moot when the President released an order in February 1862 to free almost all individuals held as political prisoners.¹¹

In 1919, the Supreme Court upheld the Espionage Act of 1917 in Schenck v. United States, and concluded that a defendant did not have the First Amendment right to express freedom of speech against the draft during World War I.¹² The Espionage Act of 1917 prohibited attempts to interfere with military operations, to support United States enemies during wartime, to promote insubordination in the military, or to interfere with military recruitment.¹³ Schenck v. United States established the "clear and present danger" test to determine under what circumstances limits could be placed on First Amendment freedoms.¹⁴ Also in 1919, the Supreme Court ruled in Abrams v.

¹⁰ Brian Masaru Hayashi, Democratizing the Enemy (Princeton: Princeton University Press, 2004), p. 1.

¹¹ Andrew Young, "Ex parte Merryman and Abraham Lincoln's Suspension of Habeas Corpus," 2005, LewRockwell, Accessed 12 March 2012 <http://www.lewrockwell.com/orig5/young-andrew7.html>

¹² "Schenck v. United States," 2011, The Oyez Project at IIT Chicago-Kent College of Law, Accessed 12 March 2012 http://www.oyez.org/cases/1901-1939/1918/1918_437

¹³ "Espionage Act," Spartacus Educational, Accessed 12 March 2012 <http://www.spartacus.schoolnet.co.uk/FWWespionage.htm>

¹⁴ "Schenck v. United States," 2011, The Oyez Project at IIT Chicago-Kent College of Law, Accessed 12 March 2012 http://www.oyez.org/cases/1901-1939/1918/1918_437

United States that the Sedition Act of 1918, which was an amendment to the Espionage Act of 1917, did not violate the freedom of speech protected by the First Amendment.¹⁵ The Sedition Act of 1918 extended the Espionage Act of 1917 to cover a broader scope of offenses, including speech and any expression of opinion that cast the United States government or the war effort in a negative light or that impeded the sale of government bonds.¹⁶ From these cases, it is clear that Roosevelt's decision to restrict the rights of a group of United States citizens during wartime was not unprecedented.

Moreover, Japanese-American internment must be viewed in the context of the time period in which it was enacted. Close to fifty-five million people would die in World War II.¹⁷ It was already clear by early 1942 that the United States would engage in European and Pacific campaigns. In this setting, with a demanding war on two fronts, it was not unreasonable for Roosevelt to at least consider the internment of Japanese-Americans. It is impossible to know whether any of the Japanese who were relocated to the internment camps were subversives, as they were not at liberty to pursue subversive intentions, if they had them. Perhaps the internment did curtail subversive activity; we cannot assume that all of the Japanese internees were innocents.

Furthermore, almost all Americans during World War II were asked by the federal government to restrict certain aspects of their lives in some way. The notion of sacrificing for the wartime cause was applied widely. Although the Japanese paid a higher price than most Americans, what they were asked to do was not completely out of line with the way the federal government intruded on many lives during the military emergency.

¹⁵ Abrams v. United States, 2011, The Oyez Project at IIT Chicago-Kent College of Law, Accessed 12 March 2012 http://www.oyez.org/cases/1901-1939/1919/1919_316

¹⁶ "U.S. Congress passes Sedition Act," 2012, A&E Television Networks, LLC, Accessed 12 March 2012 <http://www.history.com/this-day-in-history/us-congress-passes-sedition-act>

¹⁷ John W. Dower, War Without Mercy (New York: Pantheon Books, 1986), p. 295.

The internment must also be considered in the context of foreign policy, as the forced migration of United States citizens illustrated the intricate interaction of international security and civil liberties. One cannot comprehend Roosevelt's decision to intern Japanese-Americans without understanding the history of transpacific development from the late 1800s on. In the past, some scholars have placed the internment only in the context of American events. Such a limited perspective renders Roosevelt's implementation of Executive Order 9066 far more insensitive and anti-Japanese than it perhaps was. No historical situation is simple, and the United States Constitution is a bundle of troubled compromises. Individual rights represent only one value in a tense relationship with other goals, such as international security.

This thesis relies on two principal sources: primary documents from the Franklin D. Roosevelt Presidential Library and Museum, and author and historian Greg Robinson's By Order of the President: FDR and the Internment of Japanese Americans. While visiting the Franklin D. Roosevelt Presidential Library and Museum, I gathered hundreds of documents relating to the internment and to the Roosevelt administration's role in the relocation of Japanese-Americans. I do not have many documents written by Roosevelt himself. I infer that Roosevelt was more focused on winning the war than on Japanese-American internment. Therefore, it makes sense that most of the documents stored at the Franklin D. Roosevelt Presidential Library and Museum were written by members of the Roosevelt administration instead of by the President. Also, it is important to note that the existing documents represent diverse viewpoints in Roosevelt's administration; not all of the documents are from one agency.

The primary documents that I gathered were helpful in forming the foundation of this thesis. Robinson's book provided me with the background information I needed to tie fragmented documents together and to develop a linear narrative of what happened. In some cases, Robinson actually used the same documents that I had and offered his own interpretations of those

documents: sometimes I agreed with his opinions, while other times I disregarded them as somewhat harsh and unfounded. All in all, Robinson's book was useful for establishing Roosevelt's attitude toward the Japanese.

Yet, while By Order of the President: FDR and the Internment of Japanese Americans was helpful in providing me with background information, it did have some flaws. The book itself was written before the September 11, 2001, terrorist attacks. In our post-9/11 world, Robinson seems to have taken a rather naïve position on human rights. If nothing else, societies worldwide since September 11, 2001, have reassessed the competing claims of liberty and security. When nations are at war, more citizens and government leaders may tend to favor international security over the assurance of equal rights and freedoms. However, Robinson often fails to take into account the context of the internment's enactment, and he does not acknowledge that during World War II, some restrictions were placed on most Americans, not just the Japanese.

Moreover, Robinson often attempts to demonstrate that Roosevelt's actions as President were unprecedented: this is simply not true. Other Presidents, such as Abraham Lincoln, acted similarly in a time of war. Therefore, it is inaccurate to state that Roosevelt pushed for an extraordinary exertion of executive power, when the powers of the President had been expanded in the past in the midst of war.

Chapter 1: The History of United States Government Control of Asian Minorities

Japan emerged as a serious contender on the international stage in the late 1800s, after a fleet of American gunboats opened Japanese ports and challenged Japan's former isolationism. In response to the arrival of Americans in what had been secluded ports, Japan launched a drastic program of social and technological reform. At the same time, Japanese leaders sought to preserve the nation's independence and to evade the colonization—or quasi-colonization—to which most other Asian countries had been subjected. Within fifty years, Japan established a modern government and extensive naval forces, defeated China in two short wars, began to contend with European nations for trade, and claimed special interests in China and Korea. During 1904 and 1905, Japan defeated Russia in the Russo-Japanese War and surfaced as the premier military force in East Asia. However, Japan's mounting economic and diplomatic self-assertion led to strained relations with the Western powers.¹⁸

Europe and the United States respected the Japanese for their achievement in developing Japan. Yet, Europeans and Americans were unwilling to grant the upstart nation an equal place on the world stage. This reluctance was a reaction, in part, to Japan's status as an Asian nation: a status that challenged European and American notions of white dominance. The Japanese were sensitive to discrimination; having struggled to industrialize and to “catch up” with the West, most of the Japanese considered racial prejudice and the unequal treatment of Japanese nationals to be intolerable affronts to the honor of Japan.¹⁹

At first, Japan's success altered its relationship with the United States in a positive manner. During the late 1800s, most Americans empathized with Japan for having been “opened” by the United States during America's own drive for empire in the late 1890s. But, as Japan rose to power

¹⁸ Robinson, p. 8.

¹⁹ Robinson, p. 9.

at the start of the 1900s, United States leaders began to consider Japanese expansionism a potential threat to international security. Concern over the protection of the United States was further intensified by the racial difference of Japanese individuals: a racial difference which sparked a number of negative images and reactions in the American consciousness. During the 1800s, generations of settlers from Europe brought to the United States a traditional European view of Asia as an exotic, barbaric, and backward land. The migration of a large number of Chinese laborers to the western United States during the late 1800s kindled a backlash of resentment by white laborers and nativists. In an effort to rationalize their calls for the exclusion of Chinese immigrants, Americans residing in the western portion of the nation fashioned and propagated a series of racist stereotypes of Asians as treacherous, servile, and uncivilized. In 1882, the year Franklin D. Roosevelt was born, Congress conceded to nativists and passed the first of several Chinese Exclusion Acts, which banned Chinese immigration for ten years. By 1900, “scientific racism” had become a leading force in American thought. Some scientists of the time adapted the work of Charles R. Darwin to assert that human life was ruled by the evolutionary competition for resources among opposing “races.” Therefore, the Japanese were thought to be inherently hostile to people of European descent. Social scientists warned that Japanese expansionism represented a “yellow peril,” or an Asian defiance of Anglo-Saxon and Christian civilization.²⁰

As Japan industrialized during the late 1800s, impoverished Japanese farmers and factory workers sought to improve their working conditions by emigrating to Hawaii and the United States. American entrepreneurs living in Hawaii no doubt actively encouraged this immigration of laborers. By the early 1900s, approximately 150,000 people of Japanese descent lived in Hawaii and Japanese workers made up most of Hawaii’s plantation labor force. Likewise, another 150,000

²⁰ Robinson, p. 9.

Japanese individuals settled on the mainland, primarily on the West Coast.²¹ At first, the immigrants were welcomed for their willingness to work long hours for little pay. Yet, as the number of immigrants soared and as Japanese farm workers started to use the savings they had accrued to purchase land of their own, anti-Japanese sentiment among white commercial, labor union, and nativist groups grew. Using the same antagonistic stereotypes they had mobilized a generation before against the Chinese, individuals against Japanese immigration painted the Japanese as menacing and immoral human beings. Nativists relied on the “yellow peril” anxieties aroused by Japan’s new power in the western Pacific to back claims that the immigrants had migrated to the West Coast to prepare for Japan’s future military conquest. Although Japanese farmers owned no more than 10,000 acres of California’s 500,000,000 acres of farmland, white agitators in California claimed that the Japanese were taking control of the state’s food supply.²²

Following the end of the Russo-Japanese War in 1905, the California legislature passed a resolution calling for the legal exclusion of Japanese immigrants. This motion was passed at the high point of Jim Crow laws in the United States South; in 1896, the Supreme Court had upheld the constitutionality of state laws requiring racial segregation in public facilities under the doctrine of “separate but equal” in Plessy v. Ferguson. Therefore, the concept of racial segregation was neither unheard of nor considered to be extreme among most Americans of the time. In 1906, San Francisco’s school board issued an order stating that children of Japanese descent would be required to attend separate Asian schools. The purpose of this action was to reduce Japanese immigration. Although Theodore Roosevelt wanted to avoid war with Japan, he supported the idea of limiting Japanese immigration—to an extent.²³ Roosevelt believed that the large-scale immigration of Japanese individuals was not desirable because the two populations (Americans and the

²¹ Robinson, p. 14.

²² Robinson, p. 15.

²³ Robinson, p. 15.

Japanese) could not be merged. Americans of European background were thought to naturally experience resentment and hostility when forced into contact with large numbers of people whose nature differed so much from their own. Moreover, Roosevelt wanted to avert intermarriage at all costs. According to many social scientists of the time, intermarriage between different races led to the birth of “hybrids,” or children who lacked a unified set of racial characteristics as well as social identities. At the same time, Roosevelt opposed the San Francisco school board’s segregation policy and was offended by the racial bigotry of Californians.²⁴ Roosevelt was afraid that the school board’s policy would draw Japan into declaring war on the United States. At the time there was no similar threat of war with Africa. This fact might have contributed to Roosevelt’s failure to comment on segregated black and white schools, and evidences the role of politics in social legislation.

In 1907, Roosevelt succeeded in persuading the board to rescind its decision in the national interest. In return, he promised to limit Japanese immigration. To keep this pledge, Roosevelt signed an executive order barring the migration of Japanese laborers from Hawaii to the United States mainland. Later that year, Roosevelt negotiated the first of two so-called gentlemen’s agreements with Japan. By these agreements, the Japanese government consented not to provide exit visas to the United States for laborers, and Roosevelt promised not to legally restrict Japanese immigration.²⁵

During World War I, anti-Japanese sentiment in the United States continued unabated. Popular sentiment against Japan focused on Japanese-Americans’ racial difference. The Hearst and McClatchey newspaper chains, along with politicians such as Senator James D. Phelan, a Democrat from California, made blatant appeals to white supremacy. Pressure groups, such as the

²⁴ Robinson, p. 16.

²⁵ Robinson, p. 17.

Japanese Exclusion League and the California Anti-Oriental League, along with social scientists, called for more restrictions on Japanese-Americans. Some social scientists demanded the elimination of Japanese-language schools, while others suggested that because the Nisei were dual citizens with Japan, they should also be excluded from land ownership.²⁶

After World War I, Japanese-Americans had an especially difficult time assimilating into American culture as a result of a powerful national nativist movement, whose leaders called for either the substantial or total restriction of immigration. Anti-immigrant works, such as Madison Grant's The Passing of the Great Race, published in 1916, demonstrated and encouraged popular sentiment.²⁷

In the spring of 1913, the California legislature passed a new immigrant land act which prevented the Japanese and all other “immigrants ineligible for citizenship” from owning real property. When individuals in Japan protested and called for retaliation, Woodrow Wilson declared that the federal government could not intervene. The legislature passed the act, and Governor Hiram W. Johnson signed it into law on May 19, 1913. Issei landowners in California were forced to leave their farms and to depend on white American friends or agents to hold their property for them as the “legal” owners. After the legislation was passed, the Navy began to prepare for the possibility of war with Japan.²⁸ However, by midsummer of 1913, the war scare with Japan had cooled as a result of careful mediation on both sides.²⁹

Despite the legal handicaps enforced by the 1913 Alien Land Act, Japanese farmers tripled their land ownership and lease holdings after the passage of the act. The agricultural production from Japanese-held farmland in California was valued at one-tenth of the total value of the state's

²⁶ Robinson, p. 30.

²⁷ Robinson, p. 30.

²⁸ Robinson, p. 23.

²⁹ Robinson, p. 25.

produce in the years following the act's implementation. In 1920, in response to a voter initiative sponsored by nativist groups, California enacted a new and more severe immigrant land law, which prevented Japanese individuals and other Asian immigrants from obtaining long-term leases on land. Moreover, Japanese-born parents could no longer protect their property by registering it in the names of their Nisei children.³⁰ By the 1920s, Japanese-Americans lacked social and legal power in the United States.

³⁰ Robinson, p. 32.

Chapter 2: Franklin D. Roosevelt's Attitude toward the Japanese as a Young Man and Rising Politician

Franklin D. Roosevelt, unlike most Americans of his time period, was attracted to and interested in Asia and Asian civilization from the time he was a young child. Part of this fascination was nurtured by various family connections. Roosevelt was born on January 30, 1882, to James Roosevelt and Sara A. Delano. His maternal grandfather, Warren Delano, was involved in the China trade and lived for ten years in what is now Guanzhou.³¹ Roosevelt's mother, Sara Delano Roosevelt, often recounted to her son stories of the girlhood trip she made with her father to East Asia in the mid-1860s. The Roosevelt estate, nestled in Hyde Park, New York, was full of vases and artifacts that Warren Delano had brought back from China. Roosevelt shared a similar, though less passionate, interest in Japan. Members of both sides of Roosevelt's family had traded with or visited Japan, and the Hyde Park home contained Japanese porcelains and other intricate artifacts.³²

During his college years at Harvard University, Roosevelt cultivated friendships with a number of Japanese students. In 1902, Roosevelt met and became close to Otohiko Matsukata, the son of a well-placed Japanese mercantile and political family. Matsukata and Roosevelt were both in Harvard's Delphic Club. Through Matsukata, Roosevelt also met Ryozo Asano, another Japanese student. In 1911, Asano vacationed with Roosevelt and his family at their summer home in Campobello, New Brunswick. In 1915, during his tenure as Assistant Secretary of the Navy under President Woodrow Wilson, Roosevelt became friends with Captain Kichisaburo Nomura, the Japanese naval ambassador in Washington. Roosevelt maintained these friendships into his later life.³³ When he entered the White House in 1933, he spoke privately with Matsukata and

³¹ Robinson, p. 9.

³² Robinson, p. 10.

³³ Robinson, p. 10.

Asano in order to remain informed on the state of Japanese liberal opinion. Meanwhile, Roosevelt and Nomura kept up their relationship through scattered correspondence. As Roosevelt's affection for these various individuals illustrates, he did not fully ascribe to popular racist views of Asians as menacing or uncivilized beings.³⁴ Still, social class is an important variable, and although most individuals of Roosevelt's own social class regarded the Japanese as inferior human beings, Roosevelt might have made personal "exceptions" but still held onto general prejudices. In the film America and the Holocaust: Deceit and Indifference (1994), it was noted that Roosevelt also had close Jewish friends. However, he held some prejudices against Jewish people as a whole, and did little to help the Jews in Europe during World War II, in spite of his knowledge of Adolf Hitler's concentration camps.³⁵

Despite his friendships with Japanese peers and his sincere interest in Japanese culture, Roosevelt adopted an increasingly cautious position toward Japanese power during the 1910s. Historian Greg Robinson has interpreted this shift in viewpoint to be a result of Roosevelt's Chinese chauvinism. Roosevelt favored China over Japan whenever the two countries were compared and, in 1923, admitted that the pro-Chinese attitude of most Americans (including himself) rendered it difficult for them to grasp the Japanese point of view.³⁶

A more important cause of Roosevelt's changing perspective was his evolving perception of Japan as a possible military and economic rival of the United States. Roosevelt was greatly influenced by the works of Admiral Alfred Thayer Mahan. In Mahan's books, The Influence of Sea Power on History (1890) and In the Interest of America in Sea Power, Past and Present (1897), he propagated the thesis that a nation's greatness was dependent on its control of the seas. He pushed for the United States to live up to its potential prominence by enhancing its naval

³⁴ Robinson, p. 11.

³⁵ Hal Linden (Filmmaker), America and the Holocaust: Deceit and Indifference, (1994).

³⁶ Robinson, p. 11.

strength and by joining other nations to preserve a stable world order. Mahan's books were extremely influential and, in the United States, were largely responsible for reviving the Navy, which had shrunk in size and power after the Civil War.³⁷ Having learned from Mahan the importance of naval power in international relations, Roosevelt became concerned that the Japanese naval buildup might foreshadow Japanese expansionist ambitions in the Pacific.³⁸

Roosevelt's concern over Japanese naval power increased dramatically after Japan's victory in the Russo-Japanese War of 1904-05. When Japan first became entangled in a war with Russia, almost no one thought that the small island nation could defeat a major European power with an impressive army and fleet. At the start of the conflict, most Americans felt sympathy for the Japanese "underdogs" fighting the Russian empire. When Japan appeared to be on the verge of victory, President Theodore Roosevelt—who had been concerned that the total defeat of Russia would obliterate the balance of power in Asia—offered to act as a mediator between Russia and Japan. The President succeeded in creating the Treaty of Portsmouth, which ended the war without damaging Russia's strength in East Asia.³⁹

Theodore Roosevelt influenced Franklin D. Roosevelt's views regarding Japanese individuals. Although Theodore Roosevelt esteemed Japan and believed that the nation epitomized his vision of national greatness, he considered Japan a potential rival for world power. In an effort to defend the United States and its Pacific island territories against a Japanese threat, Roosevelt built a strong naval fleet in the years after 1905. To placate Japan and to avoid war, Roosevelt negotiated the Taft-Katsura Agreement of 1905 and the Root-Takeshira Convention of

³⁷ Robinson, p. 11.

³⁸ Robinson, p. 13.

³⁹ Robinson, p. 11.

1908, in which Japan and the United States agreed to maintain the status quo in Asia and the Pacific.⁴⁰

During and after World War I, anti-Japanese sentiment continued to flourish. According to Robinson, Roosevelt was ambivalent and condemned open prejudice. As a politician from New York, a heavily ethnic state, he had to cooperate with ethnic politicians and voting blocs to attract majority electoral support.⁴¹ At the same time, Roosevelt called for mass civic education in order to “Americanize” immigrants and to let them assimilate as fast as possible. In the spring of 1925, Roosevelt denounced anti-immigrant nativism but agreed with nativists that immigration should continue to be restricted well into the future, in a short-lived newspaper column in the Macon Daily Telegraph (Georgia) entitled “Roosevelt Says.”⁴²

Roosevelt’s goal was to avoid useless conflict between the United States and Japan by recognizing areas of agreement and potential cooperation between the two nations. He concentrated on easing tensions over the treatment of Japanese-Americans, and although he sympathized with Americans’ desire for national integrity and their belief that Japanese immigrants could not be assimilated, he claimed that there was no practical difference between America’s exclusion of Japanese immigrants and Japan’s own restrictions on immigration.⁴³ Roosevelt felt that peace depended on counting on Japan to keep its commitments to respect its neighbors, and he recognized that this meant adopting a foreign stance that would support Japanese liberals against nationalist pressures. Unlike Theodore Roosevelt, Franklin D. Roosevelt failed to propose that

⁴⁰ Robinson, p. 14.

⁴¹ Robinson, p. 33.

⁴² Robinson, p. 35.

⁴³ Robinson, p. 38.

resident Japanese immigrants be naturalized or that their civil rights be guaranteed. Rather, he justified legal discrimination and the denial of equal property rights against the Issei.⁴⁴

Roosevelt believed that an exclusionist position was the only politically realistic one. He defended discrimination by his assertions that the Japanese were of oriental blood and were inassimilable. Roosevelt felt that the Japanese were incapable of adapting to the conditions of life and culture in the United States, and concluded that they would remain Japanese regardless of where they resided. Like Theodore Roosevelt, Franklin D. Roosevelt believed that intermarriage was dangerous because it would dissolve the unified racial character on which the culture of the United States depended. Children born to a white and Asian couple would be biological and social misfits.⁴⁵

Yet, compared with many social scientists of the time, Roosevelt's position on Japanese-Americans was, in a sense, enlightened. He admired the Japanese as allies and denounced those individuals who spread anti-Japanese sentiment to limit economic competition. He understood the sensitivities to prejudice of the Japanese and was neutral about whether the restriction of Japanese immigration should be achieved by law or by informal gentlemen's agreements.⁴⁶ Still, the fact that Roosevelt's comments were somewhat more liberal than the conventional wisdom of the time period does not make those comments any less negative. Roosevelt believed that people of Japanese descent remained Japanese and that this rendered them undeserving of equal citizenship rights. His opposition to intermarriage and his belief that Americans objected to the presence of Japanese-Americans reveal that he shared the racist views that were widespread among white

⁴⁴ Robinson, p. 41.

⁴⁵ Robinson, p. 42.

⁴⁶ Robinson, p. 42.

Americans of his background, social class, and time period. Later, Roosevelt's view of Japanese-Americans as foreign and dangerous would influence his policy toward them.⁴⁷

The Immigration Act of 1924, or the Johnson-Reed Act, limited the annual number of immigrants who could be admitted from any country to two percent of the number of people from that country who were already living in the United States. After the act was passed, fear of Japanese immigrants and agitation over the growing number of Japanese individuals in the United States dissipated. Although legal discrimination continued on the West Coast, where ninety percent of mainland Japanese-Americans lived, nationwide panic about the supposed Japanese menace subsided. In 1928, when Roosevelt ran as a candidate for governor of New York, he expressed his confidence in Japan and his hopes for international reconciliation.⁴⁸

⁴⁷ Robinson, p. 43.

⁴⁸ Robinson, p. 45.

Chapter 3: Government Policies Aimed at the Japanese Government during the New Deal

In 1931, the Japanese military attacked the city of Mukden in the Chinese province of Manchuria. By early 1932, Japan occupied the entire province. As governor of New York, Roosevelt remained silent on all aspects of the Japanese question.⁴⁹ During his presidential campaign in 1932, he remained aloof from all matters dealing with immigration or foreign policy. The Japanese attack on Manchuria discouraged Roosevelt from adopting a conciliatory policy toward Japan.⁵⁰

In the midst of the Great Depression, Roosevelt won the presidential election of 1932, beating incumbent candidate Herbert C. Hoover. At first, Roosevelt's election to the White House was welcomed by the Japanese as a chance for the reexamination of Hoover's non-recognition policy. During Hoover's last year in office, Japan had attacked Mukden. Within several months, Japan occupied all of Manchuria. United States Secretary of State Henry L. Stimson opposed the Japanese occupation as a violation of treaties, and called for economic sanctions to force Japan to withdraw (Stimson served as the Secretary of State between 1929 and 1933). President Hoover, who was a pacifist and an isolationist, balked at approving unilateral measures against Japan that might lead to war. Hoover and Stimson settled on a policy of "non-recognition" of Japan's conquest of Manchuria.⁵¹

In 1933, when Stimson visited the President-elect at Hyde Park, New York, to discuss foreign affairs, Roosevelt declared that Japan had regressed back to its old position as a feudal, military aristocracy. He believed that the Japanese occupation would soon collapse, the military would be discredited, and liberal forces would resurface.⁵² Roosevelt decided to settle on the

⁴⁹ Robinson, p. 46.

⁵⁰ Robinson, p. 47.

⁵¹ Robinson, p. 47.

⁵² Robinson, p. 47.

Republicans' policy of non-recognition of Japan's conquest, despite critics' cries that this doctrine was too inflexible and that it estranged the Japanese without leading to effective international action against them. Roosevelt's acceptance of this policy indicated a decisive change in his attitude toward Japan. During the 1920s, Roosevelt had shown trust in Japan. By the 1930s, that trust had dissolved and had been replaced by wariness, as Japan solidified its hold on Manchuria and threatened the rest of eastern China.⁵³

During his first term in office, Roosevelt orchestrated a series of actions designed to discourage Japan from further militarization without sparking armed conflict. He avoided warlike conduct toward Japan and refused to make direct threats, to renounce trade agreements, or to impose economic sanctions. In May 1933, Roosevelt proposed to associate the United States with world disarmament efforts by claiming that America would conform to any multilateral pact, thus signaling to Japan his desire to avoid war.⁵⁴

However, even as Roosevelt made conciliatory gestures toward Japan, he also readied the United States for conflict. Japan did not invade independent countries in southern Asia, but instead invaded colonial outposts which the Western powers had dominated for generations, taking for granted their assumed racial and cultural superiority over their Asian subjects. Japan's belated emergence as a dominant power in Asia challenged not just the Western presence but the entire notion of white supremacy on which centuries of European and American expansion had rested.⁵⁵ During 1933, Roosevelt dismissed Japanese proposals for a bilateral non-aggression pact and started a program of naval rearmament.⁵⁶ In December 1933, Roosevelt officially acknowledged the Soviet Union, Japan's Far East rival, and privately pledged diplomatic support in

⁵³ Robinson, p. 48.

⁵⁴ Robinson, p. 48.

⁵⁵ Dower, p. 6.

⁵⁶ Robinson, p. 48.

any future war the Soviets might wage with Japan. Although Roosevelt continued to voice increasing suspicion of the Japanese, he was unwilling to divert his attention from the economic crisis in the United States, and did not want to endanger the nation's economic recovery by upsetting America's profitable trade with Japan. At the time, Japan was a crucial market for oil, steel, and raw materials.⁵⁷

When Japan rejected a pro forma limitation on naval armaments at the London Naval Conference in late 1935, Roosevelt determinedly began to oppose the Japanese government. On January 3, 1936, in his annual address to Congress, Roosevelt condemned the threat to peace-loving nations, which he believed made up most of the world, by several European and Asian nations who behaved as if they alone were chosen to fulfill a mission. In the spring of 1936, Roosevelt asked Congress to grant funds for a massive program of naval rearmament, and the appropriation was hastily approved.⁵⁸

While preparing for conflict with Japan, Roosevelt began to focus his attention on the Japanese-American community. During Roosevelt's first years in office, Japanese-Americans remained outside of the administration's notice, as Roosevelt focused on using the New Deal to restore the economy. The Nisei community, which tended to support its own members financially, had made few requests for relief or government assistance. Japanese-Americans on the West Coast were excluded from New Deal public works jobs during the 1930s as a result of discrimination by local authorities. Furthermore, the Japanese-American community was too small to form a valuable electoral bloc in the New Deal coalition; the Issei, as foreign-born Japanese individuals, did not have the right to vote, and most of the Nisei were too young to cast ballots.⁵⁹ Roosevelt did not want to upset powerful nativist and anti-Asian forces by granting citizenship to a large number

⁵⁷ Robinson, p. 49.

⁵⁸ Robinson, p. 51.

⁵⁹ Robinson, p. 51.

of the Issei. Therefore, he refused to grant citizenship rights to Asians. Although Roosevelt had minimal contact with Japanese-Americans, he nonetheless became worried about the Japanese-American community as relations deteriorated between the United States and Japan. Roosevelt was concerned that, in the event of war between the two nations, the community was a potential source of pro-Japanese saboteurs. Therefore, in the spring of 1936, Roosevelt made significant efforts to investigate and counteract any chance of treacherous activity, and began focusing on Japanese-Americans living in Hawaii.⁶⁰

The government's alarm regarding Japanese-Hawaiians was not new. In the early 1920s, the Army's War Plans Division was driven by a fear that the local Japanese in Hawaii would support Japan in the case of a Japanese invasion of the islands. General DeWitt (the future chief instigator of the internment) had produced a "Project for the Defense of Oahu" in the early 1920s. This project was to be used in the case of a conflict with Japan, and it included plans for imposing martial law in Hawaii, suspending the writ of habeas corpus, registering "enemy aliens," and interning those believed to be dangerous.⁶¹ In 1933, the Hawaiian branch of Army Intelligence created a 15-volume report entitled "Estimate of the Situation—Japanese Population in Hawaii." The report characterized Japanese-Americans as disloyal and dangerous and claimed that both first- and second-generation Japanese individuals in Hawaii had Japanese "'racial traits' such as 'moral inferiority' to whites, fanaticism, duplicity, and arrogance."⁶²

Moreover, the report declared that under the influence of these traits, the local Japanese population resisted American culture, while Japanese schools and churches remained faithful to militarists in Japan. Its authors declared that as time passed and as Hawaii's Japanese population increased, the territory would lose its American character and would become Japanese. In

⁶⁰ Robinson, p. 51.

⁶¹ Robinson, p. 54.

⁶² Robinson, p. 55.

conclusion, the report stated that in the case of war with Japan, most of the Japanese population would be disloyal, would commit sabotage, and would interfere with the defense of the main island of Oahu. Over the next several years, the Federal Bureau of Investigation and Army Intelligence released a series of reports on Japanese organizations in Hawaii. The reports repeated claims about the dissident and pro-Japanese nature of the local Japanese population. A revised defense plan was drafted in 1936 to observe the local Japanese and to prevent an armed uprising or sneak attack.⁶³

On May 25, 1936, the Joint Planning Committee submitted a report to the President describing some of the problems with defense of the islands in the case of a massive Japanese attack.⁶⁴ The report noted the problems of meeting the threat to security created by contact between Japanese commercial vessels and Japanese-Americans in Hawaii. Visiting Japanese tankers often stopped in Oahu, where a number of the visiting Japanese naval personnel met with close relatives among the local Japanese residents. The report claimed that visiting Japanese merchants would, through lectures and exhibitions, preach the greatness of Japan and promote Japanese nationalism. In response to the report, Roosevelt decided that in order to deal with the local Japanese threat, the Joint Planning Committee must supervise the activities of the local Japanese on all of the islands, not just Oahu. Roosevelt stated:

One obvious thought occurs to me—that every Japanese citizen or non-citizen on the Island of Oahu who meets these Japanese ships or has any connection with their officers or men should be secretly but definitely identified and his or her name placed on a special list of those who would be the first to be placed in a concentration camp in the event of trouble.⁶⁵

It is clear from this quote that Roosevelt contemplated the idea of internment several years before the Japanese attack on Pearl Harbor. Furthermore, he anticipated future conflict with Japan. It

⁶³ Robinson, p. 55.

⁶⁴ Robinson, p. 55.

⁶⁵ Robinson, p. 56.

seems that Roosevelt was willing to consider labeling Japanese individuals living in Hawaii as potential saboteurs.

According to Robinson, this memo has been viewed as a forerunner of the government's later establishment of the internment camps, and as evidence that the internment was the result of a longtime design in Roosevelt's mind to place Japanese-Americans in internment camps with no distinction between enemy immigrants and American citizens of Japanese descent.⁶⁶ Roosevelt's 1936 memo was limited to Hawaii, and called for action to be taken only in the event that Hawaii came under direct attack. Yet, the memo is the first sign of Roosevelt's personal interest and role in the question of the control of Japanese-Americans by the military. Furthermore, it demonstrates that Roosevelt considered the Japanese-American community in Hawaii to be an inherent threat to international security. Roosevelt was willing to tolerate restrictive action against Japanese-Americans if doing so would secure the nation. The President also seemed indifferent to the constitutional rights of those citizens and immigrants involved. In response to the memorandum, the Secretaries of War and the Navy sent the President a letter informing Roosevelt that military intelligence units had long kept a general list of Japanese-American suspects to be interned in times of danger.⁶⁷

In May 1937, Roosevelt appointed Secretary of War Stimson to head a committee to find practical means of curbing supposed espionage on the part of Japanese residents living in the United States. Roosevelt approved the committee's report, which called for legislation to control the ownership of fishing boats by Japanese immigrants and for the surveillance by the customs service of all persons entering or leaving Japanese commercial vessels in Honolulu. The President's attempts to investigate and to limit Japanese-Americans in Hawaii and on the Pacific

⁶⁶ Robinson, p. 56.

⁶⁷ Robinson, p. 57.

Coast were the direct result of his fears of Japanese invasion. Roosevelt's reports came in response to military reports, and appear to have been precautions to guard against espionage and sabotage.⁶⁸

Roosevelt's actions demonstrated his willingness to believe that Japanese-Americans, whether foreign-born or United States-born, were potentially disloyal. Despite the presence of Nazi agents in the United States and the propaganda activities of pro-Axis groups, Roosevelt, for whatever reason, did not make similar efforts to oversee Americans of German or Italian background.⁶⁹

By mid-1940, Roosevelt began to crackdown on Japanese-Americans on the mainland. By this time, Japan had launched a full-scale invasion of northern China and, to Roosevelt's outrage, had suppressed all opposition, engaging in torture and the mass execution of Chinese resisters. The same year, Roosevelt signed a law requiring all Japanese immigrants to register with the government. In October, Navy Secretary William F. "Frank" Knox sent Roosevelt a memorandum proposing fifteen steps to be taken to demonstrate to Japan the seriousness of the United States' preparations for war. One of these steps called for the establishment of plans for internment camps. Meanwhile, Roosevelt increased security efforts. The Army and the Office of Naval Intelligence began to coordinate anti-espionage and anti-sabotage activities with the Federal Bureau of Investigation.⁷⁰ The Office of Naval Intelligence was responsible for the surveillance of Japanese-Americans. In November, the Federal Bureau of Investigation reported that most of the local Japanese in Hawaii were American in their values and loyal to the United States.⁷¹ This report refuted earlier military charges of Japanese-American disloyalty. As Japan and the United States inched toward conflict, the Roosevelt administration continued its attempts to monitor Japanese-

⁶⁸ Robinson, p. 58.

⁶⁹ Robinson, p. 59.

⁷⁰ Robinson, p. 61.

⁷¹ Robinson, p. 62.

Americans in expectation of a sudden attack by Japan. By February 1941, the Army's list of suspects to be arrested in a time of war was combined with lists compiled by the Office of Naval Intelligence and the Federal Bureau of Investigation, to create a master list of some 2,000 Japanese individuals from Hawaii and the mainland.⁷²

Also, in February 1941, Roosevelt hired John F. Carter, an American journalist, columnist, biographer, and novelist, to construct a network of secret intelligence agents. Carter was an avid supporter of the New Deal and had been a speechwriter and advisor during Roosevelt's 1940 reelection campaign. In the fall, Carter prepared a secret document on the "Japanese situation" on the West Coast and in Hawaii. Roosevelt wanted to see whether espionage or subversion was being conducted by Japanese agents and whether the Japanese community would aid Japan in the case of war with the United States. Carter chose Curtis B. Munson, a Republican businessman, as his chief investigator, and assigned other agents to report back on topics such as Japanese espionage efforts in Mexico.⁷³ In mid-October, after meeting with Japanese-Americans and local Federal Bureau of Investigation leaders, Munson sent Carter a report on the Japanese situation. Munson stated:

We do not want to throw a lot of American citizens into a concentration camp of course, and especially as the almost unanimous verdict is that in case of war they will be quiet, very quiet. There will probably be some sabotage by paid Japanese agents and the odd fanatical Jap, but the bulk of these people will be quiet because in addition to being quite contented with the American Way of life, they know they are in a spot.⁷⁴

This quote suggests that Munson believed that the Navy had any potential threats well under control, and that Californians liked Japanese-Americans far better than those Americans living in the eastern United States thought that they did.⁷⁵

⁷² Robinson, p. 64.

⁷³ Robinson, p. 65.

⁷⁴ Robinson, p. 66.

⁷⁵ Robinson, p. 66.

Prior to Pearl Harbor, reliable sources gathered additional information that indicated that the Japanese living in Hawaii and in the United States were not a significant threat at the time or in the future. Yet, even though this information was forwarded to Roosevelt, the President continued to regard the Japanese as a menace that had to be dealt with. A substantial number of documents existed that showed that there was no imminent danger from the Japanese. In a piece sent to Roosevelt entitled “What Will the Japanese Do,” Munson claimed that after conducting multiple interviews of Japanese-Americans, it became clear that there was no “Japanese problem” on the West Coast in terms of sabotage. Although the report contained no exact date, it seems to have been written several years or months before the Japanese attack on Pearl Harbor, as it stated that in the case of war between Japan and the United States, there would be no armed uprising of Japanese individuals.⁷⁶

If there was no indication of expected violence or disloyalty on the part of Japanese-Americans in the case of hostilities between Japan and the United States, then what prompted Roosevelt to sign Executive Order 9066? Munson believed that there would, without a doubt, be some sabotage financed by Japan and implemented by agents of the Japanese government. In each naval district there were between 250 and 300 suspects under surveillance. Munson declared that it was not difficult to get on the suspect list: something as simple as giving a speech in favor of Japan at a banquet could land someone on the list. Giving a speech seems like risky behavior for any Japanese-American at the time. It is difficult to imagine why a person would take such a chance unless he or she had quite an ideological commitment. However, in private, intelligence services believed that only fifty or sixty suspects in each district could be classified as very dangerous. One could argue that it only takes one subversive to cause significant harm and suffering. Because

⁷⁶ Report from CBM, Undated.

Japanese-Americans were easily recognized by their physical appearance, Munson thought that this would hamper their attempts as saboteurs, and would prevent them from getting close enough to blow up anything that was guarded. Almost all Japanese-Americans were humble farmers, fishermen, or small businessmen.⁷⁷

Carter passed Munson's words on to Roosevelt, declaring that Munson had found no evidence to indicate that there was danger of widespread anti-American activities among Japanese-Americans. Carter reiterated Munson's belief that Japanese-Americans were in more danger from whites than whites were from Japanese-Americans.⁷⁸ As a result of Munson's warnings about the danger of anti-Japanese violence, Carter began to plan efforts to defend loyal Japanese-Americans. One would think that after Munson found the local Japanese community to be generally loyal, Roosevelt would have set aside his fears and concentrated more on Japan and on the war rather than on Japanese descendants living in the United States or in the Hawaiian Islands. Despite having information that should have reassured him and eased his uncertainty, Roosevelt seemed to distrust the Japanese locals.⁷⁹

In the same report, Munson described the risk of espionage in relation to Japanese-Americans. He believed that the disloyal Japanese living in the United States would indeed have access to the resources needed for espionage. Munson reasoned that a great part of the preparations for espionage would have been completed and forwarded to Tokyo years ago. Without noting the name, he claimed that an experienced captain in naval intelligence had intercepted information that was Tokyo-bound in the past, and had declared that he would hate to be a Japanese coordinator of information in Tokyo because of the unbelievable mass of useless information. This statement leads one to wonder, again, exactly how dangerous the Japanese were.

⁷⁷ Report from CBM, Undated.

⁷⁸ Robinson, p. 66.

⁷⁹ Robinson, p. 71.

Munson concluded by expressing some uneasiness, proclaiming that the Japanese could be effective as far as the movement of supplies, troops, and ships out of harbors was concerned, especially in the case of an American naval defeat. These words are significant in light of the Japanese attack on Pearl Harbor. Munson declared that Japanese individuals seldom occupied positions in which they could access confidential papers or plants. Even under such extraordinary circumstances, however, Munson did not think the United States had much to fear, because there were more than sufficient American soldiers in Hawaii to control any conceivable activity by the local Japanese.⁸⁰

Furthermore, Munson reported that Japanese-Americans were a subject of perpetual watch and suspicion by other workers. The Japanese living in the United States were successful at preaching the beauties of Japan and “the sweet innocence of the Japanese race.”⁸¹ True, some of the Japanese attempted to impress Japanese culture, principles, and beliefs on the Japanese living in the United States. The fact that these individuals took pride in their homeland should not necessarily have identified them as dangerous or disloyal to the United States. But, at the same time, Munson could not completely dismiss the Japanese as a potential threat because he had no definite way of determining what Japanese-Americans would do.

In conclusion, Munson wrote that if the Japanese committed sabotage, the success of the sabotage would depend on the Japanese who came directly from Japan and who were in government employment, because these individuals did not trust the Nisei. Japanese-Americans would not respond to sabotage because, for the most part, the local Japanese were loyal to the United States and would, if anything, remain quiet in order to avoid internment or reckless mobs. According to Munson, Japanese-Americans would not be any more disloyal than any other racial

⁸⁰ Report from CBM, Undated.

⁸¹ Report from CBM, Undated.

group in the United States. If this were the case, then why did Roosevelt treat Japanese-Americans so differently than Italians or Germans living in the country? Again, it seems as if Roosevelt was unwavering in his belief that Japanese-Americans, out of all immigrant groups, were the most untrustworthy, despite receiving information from respected individuals and intelligence agencies that indicated otherwise. Munson believed that Japanese-Americans were not a threat to the United States, and Roosevelt declined to act solely in accordance with this information.⁸²

Instead, it seems that Roosevelt relied more on other reports that indicated that there might be Japanese espionage or sabotage. On October 25, 1940, J. Edgar Hoover, director of the Federal Bureau of Investigation, wrote a memorandum to Major General Edwin M. Watson, Secretary to the President. His brief message contained observations regarding the loyalty of the Japanese in Hawaii and specifically the Japanese language schools. Hoover started the memorandum by claiming that the attitude, loyalty, and trustworthiness of the Japanese population presented a major intelligence problem in the Hawaiian Islands. A total of 155,042 people living in the Hawaiian Islands were of Japanese descent, of which 35,681 were immigrants and 119,361 were locally born. Those individuals born in the Hawaiian Islands to Japanese parents before 1924 were considered by both the United States and Japan to be dual citizens. Likewise, according to immigration law, the United States and Japan viewed persons born in the Hawaiian Islands to Japanese parents after 1924 as dual citizens.⁸³

Hoover claimed that the Japanese government regarded dual citizens as citizens of Japan who were required to register with the local consulate for military service in Japan. In multiple cases, dual citizens had returned to Japan to perform their training in the Japanese Army. Moreover, Hoover claimed that if a dual citizen who was called for military service in Japan did not

⁸² Report from CBM, Undated.

⁸³ Memo from JEH to EMW, Oct. 25, 1940.

respond or failed to secure a deferment of military service, the Japanese government would punish the head of that individual's family in Japan. At the time, this information would indeed have been unsettling, as it would have been difficult to determine whether, in the event of hostilities between Japan and the United States, dual citizens would remain loyal to the United States. This information conflicts with the data Munson gathered, even though Munson focused more on the Japanese living on the Pacific Coast than on those living in Hawaii.⁸⁴

At the time Hoover's memorandum was written, Hawaii was being considered for statehood. However, the proponents of statehood agreed that the present time was inopportune for a vote on the matter because of the question of the Americanization of citizens of Japanese descent. Hoover, along with a good number of Americans living in Honolulu, believed that the 234 Japanese language schools in Hawaii—having an enrollment of 42,855 students—presented a great obstacle in the Americanization of citizens of Japanese descent. The schools were sponsored by the Japanese Educational Society and were independent of the Department of Education of Hawaii. Most of the teachers were Japanese immigrants, textbooks were printed in Japanese, schools were overseen by representatives of the Japanese government, teachers taught Japanese values, and, in Hoover's opinion, teachers emphasized the importance of respecting and admiring the Emperor. The Japanese code of ethics affirmed absolute obedience to one's parents. Hoover's conclusions were affected by his stereotyped presuppositions about Japanese culture. He wrote that the Japanese language schools had been accused of implanting Japanese principles in the students and of furthering Japanese customs. Clearly, he saw this as a problem and a potential threat. Furthermore, it seems that Hoover believed that because the students were taught by Japanese immigrants, both students and teachers would be disloyal to the United States.⁸⁵

⁸⁴ Memo from JEH to EMW, Oct. 25, 1940.

⁸⁵ Memo from JEH to EMW, Oct. 25, 1940.

American newspapers and well-known white citizens in Hawaii called for the abolition of Japanese language schools, thus stirring up negative public opinion. In response, former Japanese Consul Kiichi Gunji openly agreed to changes in these schools by having American citizens of Japanese descent—not Japanese immigrants—teach. Local Japanese merchants, Buddhist priests, and some of the faculty members of the Japanese language schools opposed this proposal. Hoover declared that even the genuineness of Gunji's proposal was questionable. He spoke in response to a report in Yomiuri, a Japanese newspaper, which quoted Gunji as stating that "the United States is 'coercing' the second generation Japanese to renounce Japanese citizenship 'if they wish to find any work.'"⁸⁶ Although Hoover's memorandum indicates that the Japanese schools were avoiding the so-called Americanization of second-generation Japanese, it does not prove that the Japanese living in Hawaii were engaged in espionage or sabotage activity. At the same time, Hoover's memorandum did not prove that the Japanese would not engage in espionage or sabotage in the future. Consequently, Roosevelt was faced with a situation in which it was difficult to determine how much of a threat the Japanese presented.

Prior to the attack on Pearl Harbor, Roosevelt received additional conflicting information regarding the Japanese. In a memorandum dated November 15, 1940, the author (who could not be determined but who might be Munson, as Munson remained in Hawaii for nine days to observe the activities of the local Japanese) claimed that an investigation had shown that there was a large, obscure inner circle in the local Japanese community in the Hawaiian Islands which was comprised of roughly 400 consular agents, 731 Japanese language school teachers (of which 314 were foreign-born), and 150 Buddhist and Shinto priests. The author declared that because of the superior education and strategic location of the members of this inner circle, these individuals constituted an ideal group for espionage work on the part of the Japanese government. Members

⁸⁶ Memo from JEH, Oct. 25, 1940.

of this group were thought to be far more loyal to Japan and sympathetic to its policies and principles than were local-born Japanese or Japanese immigrants who had been living in the Hawaiian Islands for a longer period of their lives. The author observed that most of the Japanese language school teachers who were American citizens had been educated in Japan and had resided for a long period of time in Japan; the memorandum stated that these individuals were less American in ideals and principles than most of the foreign-born Japanese who had been born in Japan and who had resided in the Hawaiian Islands for most of their lives. Moreover, members of this group had attempted to propagandize the Japanese population in order to develop a strong sense of loyalty to Japan among Japanese individuals. Channels of propaganda included the 234 Japanese language schools, the local Japanese businessmen who traveled about the Hawaiian Islands exhibiting motion pictures and playing records of voices of Japanese statesmen sending messages, visits by Japanese government training ships to Hawaii, Japanese youth associations (such as the Dai Nippon Butoku-Kai and the Dai Jingu Youth Society), editorials in the Japanese language newspapers describing the discrimination the Japanese population of the Hawaiian Islands faced at the hands of white Americans, and the organization of so-called “excursion parties” to Japan. The author of the memorandum worried that even though most of the second-generation Japanese were thought to be loyal to the United States, it was hard to determine what effect the constant pressure of propaganda would have on them. Although most of the propaganda of Japanese origin in the Hawaiian Islands did not breach federal law, the writer feared that it would endanger the present internal stability of Hawaii, and would decrease the attachment of the Japanese who were not citizens to the United States, especially in the event of hostilities.⁸⁷

To address this problem, the author of the message called for the initiation of a counter-propaganda campaign in which prominent second-generation Japanese would support the

⁸⁷ Anonymous Memo, Nov. 15, 1940.

abolition of all Japanese language schools, the elimination of nationalistic Japanese ideals and principles, the termination of activities indicating support of the policies of the Japanese government, the exclusion of pro-Japan articles and editorials from Japanese newspapers, and the discontinuation of excursion parties of the second-generation Japanese to Japan. It was hoped that this campaign would force most of the second-generation Japanese to resist the influence of the first-generation Japanese and that, upon the possible internment of the Japanese leaders of the community, there would be no reaction on the part of the local Japanese population.⁸⁸

Indeed, it is important to note that, even in late 1940, there was talk of interning Japanese-Americans, despite the fact that the local Japanese living in Hawaii were not considered to be a serious threat. Also, this report did not prove that the pro-Japan propaganda was indeed influencing the second-generation Japanese to become more supportive of Japan and less connected to the United States. It seems that Roosevelt and his administration wanted to prepare for the worst regarding the actions and intentions of Japanese-Americans. Yet, one cannot completely fault Roosevelt and his staff for doing so. The world was already at war and Japan was gaining power rapidly. The context of the time somewhat justifies Roosevelt's caution. At the same time, this report seems to paint the Japanese as a much bigger threat than the report "What Will the Japanese Do." Most likely Roosevelt felt conflicted. At the end of 1940, he had received reports that provided contradictory evidence. However, the reports that stated that the Japanese were a threat seem somewhat extreme and illustrate the anti-Japanese views of the time period. Still, it was these reports that Roosevelt seemed to take into greater consideration when deciding whether or not to sign Executive Order 9066.

The same memorandum continued that almost all information of espionage value in the Hawaiian Islands could be obtained by the Japanese government through legitimate channels. In

⁸⁸ Anonymous Memo, Nov. 15, 1940.

Hawaii, the main industries were sugar and pineapple. Almost all of the non-citizen Japanese living in the Hawaiian Islands had worked on either a sugar or pineapple plantation as a laborer. The author of the memorandum found this alarming, as a good number of businesses in the Hawaiian Islands had some element of Japanese ownership. Therefore, the Japanese government could secure complete industrial and commercial information through legitimate channels, such as the Bureau of Foreign and Domestic Commerce and the Honolulu Chamber of Commerce. Local newspapers in Hawaii often reported the movements of the Pacific Fleet or portions of it, the number of soldiers stationed in the Hawaiian Islands, the locations of new fortifications, ammunition dumps, and aviation fields, and the locations of Pearl Harbor, Kaneohe Field, Hickam Field, and Wheeler Field. According to this author, the fact that Japan had such effortless access to essential information was worrisome, but not the fault of local Japanese-Americans.⁸⁹

However, while the author expressed concern over the amount of information that Japan could readily find in public sources, he also stated that even though it was believed that ninety to 100 percent of Japanese immigrants would be loyal to Japan in the event of war, most immigrants would not be that dangerous in the event of hostilities. He named some exceptions: Buddhist and Shinto priests, Japanese language school teachers, consular agents, and a small number of prominent Japanese businessmen who were not United States citizens. This prediction was backed by several arguments. First, most of the foreign-born Japanese were uneducated and older individuals who believed that outward hostile activities on their part would end up producing sanctions against their children who were American citizens. Furthermore, most Japanese immigrants were polite and subservient to white Americans, and strove to please. Therefore, the writer thought that the docile attitude of the foreign-born Japanese would prevent them from

⁸⁹ Anonymous Memo, Nov. 15, 1940.

organizing for subversive reasons.⁹⁰ The fact that the author described the Japanese as being deferential and meek demonstrates that he hardly regarded them as equals, let alone as American citizens. This viewpoint was typical of the time period, and reared its head again and again in the reports sent to Roosevelt prior to December 7, 1941.

During the prewar years, Roosevelt viewed Japanese-Americans as “allies” of Japan, and therefore as potential enemies, regardless of their American birth or the fact that they had lived in the United States for decades. Yet, Roosevelt, as commander-in-chief, should have been concerned for American safety in response to an aggressive and expansionist Japanese empire. Japan had made great advances in Asia, and seemed to be growing and developing at an alarming rate.⁹¹

Roosevelt did not confine his efforts at countering subversion to agents of Japan. Instead, he extended that antagonism and suspicion to the entire Japanese-American community.⁹² Some Japanese-Americans in Hawaii and on the mainland felt a connection both to their ancestral homeland and to the United States during the years before the Japanese attack on Pearl Harbor. Some of the Issei hosted Japanese sailors, wrote pro-Japanese articles, or raised funds for the Japanese war effort in China. However, most of the Issei and the Nisei had minimal or no connection to Japan, while thousands of Japanese-Americans demonstrated their patriotism by enlisting in the United States Army.⁹³ It is difficult to determine whether or not Roosevelt knew about these Japanese enlistments. It is possible that he did not know that thousands of Japanese-Americans volunteered to support the United States war effort. Therefore, it is not right to censor

⁹⁰ Anonymous Memo, Nov. 15, 1940.

⁹¹ Robinson, p. 71.

⁹² Robinson, p. 71.

⁹³ Robinson, p. 72.

Roosevelt for not taking this information into consideration and changing his views, when he might not have even possessed this reassuring news.

By December 1941, Roosevelt had not modified his examination of the Japanese-American community, even after both the Federal Bureau of Investigation and his own investigators, led by Munson, had reported that there was no “Japanese problem.” The Federal Bureau of Investigation had even noted that the Japanese suspected the Nisei as potential American agents. Roosevelt continued to call for suppressive action, and supervised a secret campaign to guard against sabotage. His actions show how prepared he was to believe the worst about the entire Japanese-American community, despite the lack of concrete evidence of disloyalty. At the same time, however, there was some surveillance of Germans and Italians, and propaganda about espionage and sabotage among these two groups. Roosevelt regarded other immigrant populations as potential threats as well.⁹⁴ Still, he demonstrated sustained suspicion of Japanese-Americans.

⁹⁴ Robinson, p. 72.

Chapter 4: Security Issues Involving Japanese-Americans as the War Begins

In September 1941, as the situation developing between Japan and the United States became increasingly ominous, Roosevelt received another document that might have led to his heightened suspicion regarding the Japanese in the United States. Wilbur J. Cohen, James M. Cox, and Joseph L. Rauh, Jr., composed a detailed memorandum for Roosevelt entitled “The Japanese Situation on the West Coast.” Cohen was an American social scientist and federal civil servant who was involved in the creation of the New Deal.⁹⁵ Cox was the 46th and 48th Governor of Ohio, as well as a United States Representative from Ohio. In 1920, Cox ran in the presidential election with Roosevelt as his running mate.⁹⁶ Rauh was a civil rights and civil liberties lawyer.⁹⁷

The very title of their message indicates that these men viewed the Japanese living in the western portion of the United States as a problem that needed to be addressed—and addressed expeditiously. In the opening paragraph, the three men claimed that it was critical to remember that action needed for the safety of the nation could not be assumed to be barred by the United States Constitution. Cohen, Cox, and Rauh believed that Americans needed to avoid constitutional constructions which would make the Constitution unworkable in a time of war, and thought that the Japanese situation on the West Coast should no longer be talked about in terms of the existence or non-existence of the legal power to deal with the problem.⁹⁸

⁹⁵ Larry W. DeWitt, “Wilbur J. Cohen (June 13, 1913 – May 17, 1987) – Government Official, Educator, Social Welfare Expert,” 2012, The Social Welfare History Project, Accessed 10 March 2012
<http://www.socialwelfarehistory.com/people/cohen-wilbur-j/>

⁹⁶ “James M. Cox,” 2012, Ohio Historical Society, Accessed 10 March 2012
<http://www.ohiohistorycentral.org/entry.php?rec=72>

⁹⁷ “Rauh, Joseph L., Jr.,” 2000, American National Biography Online, Accessed 10 March 2012
<http://www.anb.org/articles/15/15-01307.html>

⁹⁸ Memo from WJC, JMC, JLR, Sept. 1941.

From this statement, one can ascertain that some Americans (or some leaders in government) had indeed considered the legality of taking action against the Japanese.⁹⁹ However, these men now seemed to brush those concerns aside, declaring that the Japanese situation on the West Coast should be confronted legally by action to preserve the safety of the nation without causing unnecessary harm to citizens or to immigrants. From their perspective, detaining citizens on the basis of racial background was constitutional if necessary for international security. Again and again, they muted the legal question. First and foremost, Roosevelt approached Japanese residents of Hawaii and the United States as a security problem. Officially, some members of the government looked mainly at the military dimension and gathered intelligence as if the Japanese were a practical threat. They apparently gave the legal dimension secondary consideration, most importantly, the rights to basic liberties and due process of both citizens and non-citizens. The military dimension and the legal dimension overlap in the sense that both are addressed in the Constitution. At the same time, government opinion was not united. Some individuals did not think the Japanese were dangerous. Therefore, Roosevelt was left to sort through conflicting opinions in the midst of a world war and public wariness of foreigners, especially the Japanese.

Cohen, Cox, and Rauh stated that it was a fact that the Japanese who were American citizens could not be identified and distinguished from the Japanese who owed no loyalty to the United States.¹⁰⁰ The men wrote:

In time of national peril any reasonable doubt must be resolved in favor of action to preserve the national safety, not for the purpose of punishing those whose liberty may be temporarily affected by such action, but for the purpose of protecting the freedom of the nation which may be long impaired, if not permanently lost, by non-action.¹⁰¹

⁹⁹ Memo from WJC, JMC, JLR, Sept. 1941.

¹⁰⁰ Robinson, p. 103.

¹⁰¹ Memo from WJC, JMC, JLR, Sept. 1941.

Again, this statement illustrates that Roosevelt and his administration were much more concerned with securing the safety of the nation than with avoiding abridging basic civil liberties and rights. Prior to the attack on Pearl Harbor, Roosevelt had received multiple reports with mixed messages about the loyalty of the Japanese living in the United States. This, combined with the fact that the world was at war, renders Roosevelt's suspicious and cautious stance toward the Japanese more logical and less anti-Japanese.

In the memorandum, Cohen, Cox, and Rauh declared that Roosevelt, as commander-in-chief, and Congress, as the holder of the legislative power to declare war, could authorize reasonable restraint on the movement of persons, citizens, and non-citizens in a time of war. To determine what constituted reasonable restraint, Roosevelt and Congress had to judge the issue based on present circumstances, and on the dangers which the restraints aimed to avoid or reduce. According to Section 44 of the Criminal Code (18 U.S.C. 96), Congress authorized the President to establish any defensive sea or inland areas that he believed crucial for national defense, and to propagate orders controlling the movement of people or vessels within the boundaries of the defensive areas. This power was not limited to a time of war. Cohen, Cox, and Rauh asserted that because of the urgent need for action to meet the Japanese situation on the West Coast, Roosevelt was justified in acting under his war powers without additional legislation.¹⁰² In September 1941, the United States was not yet at war.

Cohen, Cox, and Rauh seemed to exaggerate the situation on the West Coast in order to provide an excuse to extend Roosevelt's war powers. The three men stated that the legal power to forbid the entrance of a particular class of persons or citizens into defined areas important to the national defense depended on the reasonableness of the classification of a group of people as threatening or not; if the classification was related to a legitimate war need and did not, under the

¹⁰² Memo from WJC, JMC, JLR, Sept. 1941.

pretext of national defense, discriminate against a class of citizens for a purpose not involving the national defense, the Constitution was not infringed upon, in their view. Hence, all actions taken in response to the Japanese situation on the West Coast were not to be thought as punitive measures against the Japanese—whether citizens or non-citizen residents—but as preventive measures to defend the United States.¹⁰³ The memorandum attempted to validate all actions taken against Japanese-Americans on the premise that these actions fell within the war powers of the President.

Cohen, Cox, and Rauh proceeded to claim that the number of individuals of Japanese descent residing on the West Coast was less than 110,000, including citizens and immigrants. The three declared that because no one could distinguish one Japanese resident from another, it was impossible to distinguish the loyal Japanese from the disloyal Japanese. They argued that similar dangers of disloyal activity by citizens of other racial groups (such as Germans and Italians) did not need to be dealt with in the same manner. Because the normal Caucasian countenances of such people allowed the average American to distinguish certain individuals by recognizing minor facial characteristics, disloyal acts by citizens of European descent could be left to standard methods of police detection and surveillance.¹⁰⁴ Thus, Cohen, Cox, and Rauh supported broad categorizations of the Japanese on the basis that all Japanese individuals looked similar and that it was too difficult to tell them apart from one another. This statement would later be used to justify the internment.

Cohen, Cox, and Rauh then proposed measures to be taken to meet the “special Japanese problem on the West Coast.”¹⁰⁵ First, the three men called for the military to decide in what coastal areas the presence of the Japanese would be detrimental to the national defense. These areas were to be declared by Roosevelt as special defense areas. The movement of citizens and non-citizens of Japanese descent in such areas would be restricted. Limited defense areas were also to be

¹⁰³ Memo from WJC, JMC, JLR, Sept. 1941.

¹⁰⁴ Memo from WJC, JMC, JLR, Sept. 1941.

¹⁰⁵ Memo from WJC, JMC, JLR, Sept. 1941.

determined. The movement of people of Japanese descent in those areas would be restricted as well. Furthermore, efforts would be made to draft or enlist American citizens of Japanese descent into the Armed Forces. There, these citizens would have a smaller chance of falling under suspicion.¹⁰⁶

Another measure that the memorandum suggested was the utilization of home guards to patrol rural districts inhabited by the Japanese. These guards would work to protect the Japanese as well as the national defense. Curfew and blackout restrictions would be established in an effort to avoid a general migration of the Japanese from rural areas.¹⁰⁷ One can place these proposed restrictions in context. Americans during the war were generally asked by the federal government to restrict themselves. Many commodities were rationed, including gasoline. People could not drive their cars because the government withheld gasoline for military purposes. Restrictions placed on the Japanese were more extreme than those placed on members of other social groups, but what the Japanese were required to do was not completely out of line with the way the government intruded on the lives of everyone during the military emergency. Perhaps just as important, most people accepted it; there was little question that the common cause required a personal contribution.

Although Cohen, Cox, and Rauh stated that all efforts should be made to avoid forced migration, not just for humanitarian reasons but because of the effect it would have upon vegetable production, the three proposed the designation of reservations where American citizens of Japanese descent could work and live under special restrictions. Even though the report declared

¹⁰⁶ Memo from WJC, JMC, JLR, Sept. 1941.

¹⁰⁷ Memo from WJC, JMC, JLR, Sept. 1941.

that such citizens would be free to move to other places which were not restricted, the concept of reservations hinted at the internment to come.¹⁰⁸

Likewise, the report also noted that certain areas on the West Coast which were mostly inhabited by the Japanese could become reservations. The Japanese could live and work under guard and would be forbidden to leave such areas without a permit. This suggestion also exemplifies the fact that the Roosevelt administration had been discussing the idea of internment prior to Pearl Harbor. Furthermore, the fact that Cohen, Cox, and Rauh stated more than once that all of the suggested measures could be taken without further legislation illustrates the extent to which the war powers of the President had been stretched, even though the United States had not yet entered the war.¹⁰⁹

The three men discussed the cost of transporting Japanese individuals to reservations before Japan even attacked Pearl Harbor. It seems that the attitudes of white Americans at the time contributed to their modest concern regarding the infringement of the constitutional rights of the Japanese living in the United States. Because the Japanese were thought to all look alike, their inscrutability was supposed to rationalize their general branding as a disloyal and dangerous group of individuals.¹¹⁰ Although one might argue that such views were ill-mannered and ran counter to American ideals of liberty and equal rights, they were commonplace during the 1940s. For much less logical reasons, black Americans had been living second-class lives for more than 300 years by the 1940s, and Jim Crow was law until 1954. Moreover, all free nations struggle with the tension between freedom and security. True, the views of Cohen, Cox, and Rauh contain elements of racism and insensitivity. Nonetheless, these men were making difficult decisions on the brink of

¹⁰⁸ Memo from WJC, JMC, JLR, Sept. 1941.

¹⁰⁹ Memo from WJC, JMC, JLR, Sept. 1941.

¹¹⁰ Memo from WJC, JMC, JLR, Sept. 1941.

war. Issues of liberty and equality did not prevail when the threat of conflict loomed in the immediate future.

An anonymous report entitled “The Powers of the President in Time of War” also supported the idea of the internment on the rationale that the internment of a group of people fell within the authority of the President as commander-in-chief in the context of war. In this piece, the author declared that the American democratic system of government was flexible and well adapted to meet the ultimate demands of total war. He (or she) claimed that one of the most important means by which the war potential of the United States was mobilized was through the President’s exercise of his war and emergency powers. Some war powers were derived directly from the Constitution, while others were conferred to the President by Congress.¹¹¹

According to the Constitution, “The Executive Power shall be vested in a President of the United States of America.”¹¹² All Presidents have all of the powers necessary to carry out their duties and to “take care that the Laws be faithfully executed.”¹¹³ The author of the report believed that in a time of war, the powers of the President expanded, as the President became the commander-in-chief of the Army and Navy of the United States. This authority gave him the final decision in the conduct of actual military operations, as well as the ability to take other necessary emergency steps in order to ensure that those operations would be successful.¹¹⁴

In order to demonstrate the powers of the President in wartime, the author pointed to the actions of previous Presidents. For example, he (or she) noted that during the Civil War, Abraham Lincoln called for volunteers, increased the size of the regular Army and Navy, enforced the draft, authorized the seizure of private property wherever it was indispensable to the successful

¹¹¹ Anonymous, Undated (“The Powers of the President in Time of War”).

¹¹² Anonymous, Undated (“The Powers of the President in Time of War”).

¹¹³ Anonymous, Undated (“The Powers of the President in Time of War”).

¹¹⁴ Anonymous, Undated (“The Powers of the President in Time of War”).

prosecution of the war, ordered the blockade of southern ports, proclaimed the emancipation of all slaves without enabling legislation, and closed the postal service. In World War I, Woodrow Wilson demanded the control of all messages entering and leaving the United States, and ordered the censorship of all foreign cable, telephone, and telegraph messages, solely on his authority as commander-in-chief. While the author acknowledged that actions of former Presidents taken in an effort to protect the nation and its citizens had been challenged as being beyond the scope of the powers given to the President in the Constitution, he (or she) declared that the general approval of the American public and the frequent ratification of such acts by Congress had answered the arguments of anyone who wanted to make the President powerless in a time of national crisis. When circumstances permitted, past Presidents had consulted with Congress about emergency actions, even though the Constitution had granted the President certain powers. Roosevelt soon demonstrated his agreement with this view. On February 7, 1942, he declared in a message to Congress:

The President has the powers, under the Constitution and under congressional acts, to take measures necessary to avert a disaster which would interfere with the winning of the war. I have given the most thoughtful consideration to meeting this issue without further reference to the Congress. There may be those who will say that, if the situation is as grave as I have stated it to be, I should use my powers and act now. I can only say that I have approached this problem from every angle, and that I have decided that the course of conduct which I am following in this case is consistent with my sense of responsibility as President in time of war, and with my deep and unalterable devotion to the processes of democracy.¹¹⁵

It is clear from this statement that Roosevelt felt as if the internment of Japanese-Americans during World War II was well within his powers as commander-in-chief.

On November 14, 1941, less than a month before the Japanese attack on Pearl Harbor, Hoover sent Watson another memorandum detailing the actions of the Federal Bureau of Investigation concerning certain aspects of the “Japanese situation” in Los Angeles. Hoover

¹¹⁵ Anonymous, Undated (“The Powers of the President in Time of War”).

claimed that on October 22, 1941, an informant had supplied information to the Federal Bureau of Investigation declaring that the Central Japanese Association and the Japanese Chamber of Commerce had been gathering personal information regarding Japanese males of military age in the United States. This information was being transmitted through the Japanese consulate to military authorities in Japan. When the United States Attorney at Los Angeles was informed of this suspicious activity, he authorized the issuance of appropriate search warrants to secure the records of the two Japanese organizations in question.¹¹⁶

Offices of both organizations proved willing to cooperate, and they offered to deliver their complete records for examination to the special agents of the Federal Bureau of Investigation. After the records of the organizations were translated, they revealed that the two Japanese groups were in fact active in obtaining data for the Japanese consulate concerning Japanese males of military age. Furthermore, funds had been transferred from the Japanese consulate to the Central Japanese Association, and had been transferred from the Central Japanese Association to Japan.¹¹⁷ It is understandable that this information, received at a time when tensions between Japan and the United States had reached a boiling point, was reason for concern.

On December 7, 1941, Japan's naval and air forces instigated a bombing raid on Pearl Harbor, the chief base of the United States Navy's Pacific Fleet. Nine ships were sunk and twenty-one were severely damaged. The overall death toll reached around 2,403 individuals, and approximately 1,178 people were wounded.¹¹⁸ Shocked and outraged Americans wired or telephoned the White House, demanding revenge against the Japanese. On December 8, 1941, Roosevelt addressed a joint session of Congress. Describing the attack on Pearl Harbor as "a date

¹¹⁶ Memo from JEH, Nov. 14, 1941.

¹¹⁷ Memo from JEH, Nov. 14, 1941.

¹¹⁸ "Pearl Harbor," Minnesota Historical Society, Accessed 12 March 2012
<http://stories.mnhs.org/stories/mgg/intro.do?id=17>

which will live in infamy,” the President asked Congress for a declaration of war against Japan. The resolution quickly passed both houses.¹¹⁹

The afternoon of the attack, Hawaii governor John B. Poindexter signed a proclamation declaring martial law in the Hawaiian Islands. Under the declaration, the entire population, including local Japanese-Americans, would live under direct military rule. As soon as martial law became effective, the military imposed a curfew and began rounding up suspicious Japanese individuals.¹²⁰ On December 7 and 8, the President signed proclamations authorizing the Federal Bureau of Investigation to arrest foreign-born Japanese in the continental United States whom were deemed dangerous to the public welfare.¹²¹ On December 10, Hoover sent Edwin M. Watson, a United States Army Major General and a senior aide to Roosevelt, a chart depicting the number of Japanese foreigners that had been taken into custody by the Federal Bureau of Investigation as of December 9. A total of 1,212 Japanese immigrants had been arrested by then. The numbers were the greatest in Hawaii, with 391 Japanese persons, and California, with 437 Japanese persons.¹²² This seems to be a substantial number of Japanese individuals arrested within days of the attack, and leads one to ponder the extent of the lists of Japanese suspects the federal government had even before the Japanese attacked Pearl Harbor. Although the chart does not illustrate whether the Japanese taken into custody were loyal or disloyal to the United States, it is difficult to believe that out of 1,212 individuals, all of them were disloyal to the United States. At the time, however, this distinction did not affect the practical outcome, as civil rights were in tension with identifying possible subversives, even if there were only a few among those arrested.

¹¹⁹ Robinson, p. 74.

¹²⁰ Robinson, p. 74.

¹²¹ Robinson, p. 75.

¹²² Chart from JEH, Dec. 10, 1941.

One day later, on December 11, Hoover wrote to Watson again, informing him and Roosevelt of the role of the Federal Bureau of Investigation in devising plans for the apprehension of Japanese immigrant enemies in the Hawaiian Islands. Hoover claimed that one of the plans could be implemented in the case of a general war in the Pacific with the United States Pacific Fleet in Hawaiian waters. All Japanese consular agents without diplomatic status, certain Buddhist and Shinto priests deemed dangerous, and other known dangerous foreign-born Japanese would be seized and detained in order to prevent further surprise raids against the Hawaiian Islands. If this plan were executed, roughly 342 persons would be subject to detention. Furthermore, the plan considered taking preventive measures relative to the general activities and allegiance of those Japanese individuals who had not been arrested who made up about thirty-seven percent of the total population of Hawaii. Hoover boasted that the constant effort and planning on the part of the Federal Bureau of Investigation had made possible the custodial detention of 345 Japanese immigrants and twenty-two citizens of Japanese descent in the Hawaiian Islands less than three days after hostilities began.¹²³

The fact that such a large number of individuals could be rounded up within several days indicates how prepared the Roosevelt administration was for an attack like Pearl Harbor, and how quick it was to begin detaining individuals of Japanese descent. Because of the substantial figures, it is questionable how careful the government was in determining who to arrest. Furthermore, because the government claimed that the nation was in the midst of a crisis, the arrest of citizens without charge was not visibly considered as a legal question by the administration.

A memorandum written by United States Attorney General Biddle on December 17, 1941, to Harold D. Smith, Director of the Bureau of the Budget, further evidences the haste with which the Japanese were detained. To begin the note, Biddle asked Smith for the sum of

¹²³ Memo from JEH, Dec. 11, 1941.

\$75,000.00 to be allocated from Roosevelt's Emergency Fund for the establishment of the Alien Enemy Control Unit. Biddle remarked that approximately 2,250 immigrants had been apprehended by the Federal Bureau of Investigation and were awaiting hearings. The memorandum did not specify whether the immigrants were just Japanese individuals or if some were of European descent. However, this number seems high and suggests that many of the Japanese were arrested promptly and perhaps prematurely. Biddle stressed the importance of holding the hearings as soon as possible, as this would place the Alien Enemy Control Unit on an efficient basis which would ensure the cooperation of a large percentage of immigrant enemies. Moreover, Biddle claimed that the unit would begin to review the recommendations of release, parole, or the internment of detained foreign-born enemies made by the civilian hearing boards.¹²⁴ Although the main purpose of this message was to request funding for the Alien Enemy Control Unit, the memorandum reveals the extent to which the national government had arrested Japanese persons within less than a month of the Pearl Harbor attack. Moreover, the message shows that Biddle envisioned the legal review of criminal charges.

In the days after Pearl Harbor, Roosevelt continued to receive countervailing information that might have signaled to him that the Japanese as a whole were not a threat, even in light of Pearl Harbor. On December 16, John F. Carter, who in the fall of 1941 had prepared a secret document on the "Japanese situation" on the West Coast and Hawaii, sent Roosevelt a memorandum emphasizing that even after the attack on Pearl Harbor, there was still no substantial danger of subversive activities by the Japanese. He stressed the importance of an immediate presidential statement to reassure loyal Japanese-Americans in the wake of accusations that people of Japanese descent living in Hawaii were engaged in subversive activities. Clearly, Carter wanted Roosevelt to step forward and to defend those Japanese individuals who had been proven to be

¹²⁴ Memo from FBB, Dec. 17, 1941.

loyal to the United States. Roosevelt also received a report from Munson, a Republican businessman who had reported back to Carter in 1941 on topics such as Japanese espionage efforts, claiming that there was still no danger from the Japanese-American population on the West Coast and in Hawaii, and that the “‘measured judgment of 98% of the intelligence services or the knowing citizenry’ was that the Japanese community was loyal.”¹²⁵

In all of the year 1941, just a few memorandums regarding Japanese-American internment were written. One can infer from the lack of documents concerning the Japanese in American territories that this issue was not a main concern for the Roosevelt administration in 1941. During this time, Roosevelt immersed himself in preparing the nation’s defenses, shifting into a war economy, and establishing a war bureaucracy. The available documents suggest little attention was devoted to Japanese-Americans on the West Coast.¹²⁶ My research in the Roosevelt Archives indicates that there were not many reports clustered together or quickly followed by policy. Rather, although documents exist that suggest that the internment was discussed well ahead of its implementation, a limited number of messages were passed to Roosevelt in 1940 and 1941 regarding Japanese-Americans living in the nation and in American territories. However, in 1942, the Roosevelt administration began to focus more and more on the Japanese residing in the United States. By the end of January 1942, the question of relocation had developed into a tug-of-war within the Roosevelt administration. The Department of War, led by Stimson, favored the mass evacuation of West Coast Japanese-Americans as an emergency military measure. On the other hand, Biddle and Hoover argued that mass evacuation was uncalled for.¹²⁷

On January 10, 1942, a little over a month after the Japanese attack on Pearl Harbor, Biddle wrote to Roosevelt, asking for his consideration of a proposed proclamation which would

¹²⁵ Robinson, p. 78.

¹²⁶ Robinson, p. 75.

¹²⁷ Robinson, p. 3.

prescribe additional regulations pertaining to foreign-born Japanese. All Japanese living in the United States and in United States territories would be mandated to acquire certificates of identification that they would be required to have on their persons at all times. Biddle and the Department of War believed that this motion was needed to allow the government to have adequate control of Japanese individuals, who presumably remained free. At the time, Biddle's request to force American citizens to possess identification tags did not seem legally unacceptable. His causal tone in asking for Roosevelt's contemplation of the idea suggests that the Roosevelt administration had developed a tough stance toward Japanese individuals. Biddle did not seem to imagine interning the Japanese. Although the Japanese had not yet been sent to the internment camps, the government was already attempting to separate them as a different class of people, and to subject them to the control of the federal government, even when many official reports indicated that most of the Japanese immigrants were loyal to the United States.¹²⁸ Biddle agreed to institute the registration of resident immigrants by the Department of Justice, and the Department of Justice promised to approve the creation of restricted military zones as needed. However, Biddle was opposed to taking further action. He did not believe that the Department of Justice could approve arbitrary action even in wartime, especially against American citizens. Biddle thought that the Army might take such action under a military emergency; he kept attempting to minimize the need for the mass control of foreign-born enemies.¹²⁹

As the government began to enforce a more rigid stance toward the Japanese, average Americans also began to regard the Japanese as a problem that had to be dealt with in an efficient manner. Following the attack on Pearl Harbor, there was a great deal of anxiety on the West Coast. Conspiracy theories mushroomed and whites, anxious about the possibility of a Japanese

¹²⁸ Memo from FBB to FDR, Jan. 10, 1942.

¹²⁹ Robinson, p. 86.

invasion and a Japanese attack on the mainland, called for the removal of the Issei and the Nisei on the West Coast. In 1942, broadcaster John B. Hughes began giving a series of radio talks accusing Japanese-Americans of rebellious plans and insinuating that Japanese-American control of agricultural production was part of a Japanese master plan. Hughes held extreme views, and was one of the earliest and loudest proponents of the internment of Japanese-Americans. Furthermore, most Americans were understandably outraged by Japanese military aggression at Pearl Harbor. The Issei and the Nisei were insulted and were spat at in the streets, and shots were fired into Japanese-American homes in southern California. Americans on the West Coast identified Japanese-Americans with Japan, and newspapers and magazines ran stories about spies, alleging that Federal Bureau of Investigation agents had confiscated ammunition, illegal radios, and American signal flags from Japanese-American homes.¹³⁰

As the anti-Japanese movement grew on the West Coast, those involved sought to exert influence on the national government. During January 1942, advocacy groups and private citizens sent dozens of individual letters to the President and to each other, urging and supporting the evacuation of West Coast Japanese-Americans, regardless of citizenship.¹³¹

On January 9, 1942, an attorney by the name of S. Jack Taylor from Los Angeles wrote a letter addressed to a Mr. Forster, recommending that he read a Reader's Digest article entitled "Japanese Saboteurs in Our Midst." The letter did not become public at the time. The piece proposed the internment of all of the Japanese perceived to be enemies, as this would ease the problems of civilian defense and would reduce dangers from espionage and sabotage.¹³²

¹³⁰ Robinson, p. 89.

¹³¹ Robinson, p. 91.

¹³² Letter from SJT to Forster, Jan. 9, 1942.

It is clear from Taylor's letter that, by early 1942, the notion of internment was not unfamiliar; it had been discussed or brought up enough in the past by the federal government or among civilians to prevent it from seeming outlandish or ridiculous. One can also gather Taylor's feeling toward Japanese individuals from his letter. It is clear that he believed that interning enemies would rid the United States of them and would solve problems of civilian defense. Unlike 1941, when there was minimal talk of the internment or of the Japanese living in the United States, 1942 witnessed a rise in official communications regarding the Japanese population within the first several weeks of the year. Taylor's letter represented the powerful emotions aroused by anti-Japanese opinion: racial hatred, greed, revenge, mistrust, and fear of further attack. It seems that the war liberated the racism stewing just beneath the surface of many white Californians' resentment of Japanese-Americans.¹³³

To the white farmers in California who belonged to groups such as the Western Growers Protective Association, the war crisis offered a chance to rid the area of hardworking Japanese competitors and to take over fertile Japanese-operated lands. The manager of the Grower-Shipper Vegetable Association told The Saturday Evening Post: "It's a question of whether the white man lives on the Pacific Coast or the brown man."¹³⁴ This quote hints at how anti-Japanese sentiment and greed merged; merchants and businessmen who had an interest in removing competition from Japanese-American shopkeepers called for the evacuation of Japanese individuals. However, it is impossible to know enough about the motives of whites to definitely infer that they envied the Japanese and consequently targeted them.

According to Robinson, white Americans could not accept either the Issei or the Nisei as Americans, and many applied to Japanese-Americans all of the popular negative labels that had

¹³³ Robinson, p. 90.

¹³⁴ Robinson, p. 90.

emerged about the Japanese since the start of the 1900s. To make matters worse, the Japanese were more vulnerable to hate campaigns than other ethnic groups, such as the Chinese. Japanese-American communities were small but racially distinct. In economic terms, the Japanese were powerful. However, the Japanese had very little power in politics. Their segregation into concentrated “Japantowns” increased their visibility and defenselessness. It could be argued that, in a sense, the evacuation, although propelled by the attack on Pearl Harbor, represented the culmination of a well-established pattern of prejudice and legal discrimination against the Japanese living on the West Coast. Its language was derived from longstanding West Coast nativist groups that had lobbied for decades in favor of limitations on Japanese residents. After Pearl Harbor, additional local groups began to form that made public statements, organized letter-writing campaigns, and lobbied government officials for harsh measures against Japanese-Americans.¹³⁵ At the same time, fears during wartime drove forward the evacuation.

Less than two weeks before Roosevelt signed Executive Order 9066, Biddle wrote a memorandum for the President entitled “West Coast Prohibited Areas.” The Secretary of War and General DeWitt had recommended to Biddle that the cities of Los Angeles, Seattle, Portland, and Tacoma be declared prohibited areas from which all Japanese, German, and Italian enemies had to be evacuated.¹³⁶ DeWitt had called for dramatic steps against Japanese enemies in the past, and had reported as truth rumors that a squadron of Japanese airplanes had flown over California.¹³⁷ At the time, Biddle had designated about 110 specific areas in California, Washington, and Oregon to exclude Japanese immigrants.¹³⁸

¹³⁵ Robinson, p. 90.

¹³⁶ Memo from FBB to FDR, Feb. 6, 1942.

¹³⁷ Robinson, p. 87.

¹³⁸ Memo from FBB to FDR, Feb. 6, 1942.

By this point, the discussion of segregating and relocating Japanese-Americans was commonplace. Biddle acknowledged that the evacuation of Japanese individuals in the prohibited areas presented a difficult administrative problem, as removing and resettling such a large group of people was complicated. Over 8,000 Japanese persons—not including members of their families moving with them—had to be resettled. However, Biddle's tone in the document then shifted, suggesting that he was upset with Roosevelt's handling of the Japanese. Biddle claimed that he had assumed that the Army had recommended certain areas for strictly military reasons. For that reason, the Attorney General had accepted the recommendations without question. Therefore, Biddle was amazed to discover that the Army had plans to suggest the evacuation of enemies from four of the largest cities on the West Coast. In a shocked tone, he claimed that he was forced to question the Army's recommendation. Less than two weeks earlier, he said, the Army had recommended only a small number of areas in Los Angeles to be evacuated. Then, the Army seemed to switch its stance, recommending the entire city of Los Angeles. Biddle hinted that he believed that the Army recommendations were triggered by other than military reasons. He stated:

Either the military situation has radically changed from its first recommendation of several small areas 10 days ago—and I have not so been informed—or the Army is accepting the pressure of public opinion, as reflected in the West Coast press and the Congress, that all Japanese, aliens and citizens, be removed.¹³⁹

This statement is critical because it marks some doubt and hesitation expressed by a member of the Roosevelt administration regarding Roosevelt's policy toward Japanese individuals. Biddle did not think it crucial to recommend the evacuation of enemies from all of Los Angeles, claiming that as far as the Federal Bureau of Investigation knew, there was no substantial evidence of planned sabotage on the West Coast since Pearl Harbor. The Attorney General seemed to sense that the Roosevelt administration had become carried away in its efforts to protect

¹³⁹ Memo from FBB to FDR, Feb. 6, 1942.

the nation from harm, and that the Army's motion to evacuate all of Los Angeles was excessive. Biddle saw no reason for the Army's proposal, other than that the Army had been persuaded by the press, western politicians, and the people of the West Coast that all Japanese persons, irrespective of their status as immigrants or as citizens, were dangerous. Biddle refused to subscribe to this broad view, and wrote that it was impossible to generalize about Japanese individuals. This document is one of the first that clearly evidences Biddle's own reservations regarding the internment. Clearly, he disagreed with the Army's seemingly hasty proposal to evacuate all of Los Angeles. Biddle seemed to believe that the absence of any documented case of espionage or sabotage by Japanese-Americans only proved to the military and political leaders of the anti-Japanese-American movement that there had to have been a plan for future subversion by Japanese-Americans. By this point, the Roosevelt administration was familiar with the idea of removing all American citizens of Japanese descent from the West Coast.¹⁴⁰

In the memorandum, Biddle went on to state that the relocation would require the suspension of the writ of habeas corpus. In a cautious tone, Biddle reminded Roosevelt that such a suspension had occurred just once before in the history of the United States.¹⁴¹ In 1861, the United States Supreme Court had rendered Abraham Lincoln's suspension of habeas corpus unconstitutional in Ex parte Merryman.¹⁴² Biddle declared that the Department of Justice should have nothing to do with the removal of citizens from any area, and that the Army should supervise the treatment of citizens.¹⁴³ It seems that Biddle wanted to avoid Department of Justice complicity.

One can gather from Biddle's guarded memorandum that by early 1942, plans for the internment were well underway, and there was little Biddle could do to stop them. At the same

¹⁴⁰ Memo from FBB to FDR, Feb. 6, 1942.

¹⁴¹ Memo from FBB to FDR, Feb. 6, 1942.

¹⁴² Andrew Young, "Ex parte Merryman and Abraham Lincoln's Suspension of Habeas Corpus," 2005, LewRockwell, Accessed 12 March 2012 <http://www.lewrockwell.com/orig5/young-andrew7.html>

¹⁴³ Memo from FBB to FDR, Feb. 6, 1942.

time, given Biddle's earlier expressed opinion that the relocation was both unnecessary and harmful, his readiness to support and to cooperate in the mass military evacuation of the Japanese, and to consider the suspension of the writ of habeas corpus as a means for moving out the Nisei, are puzzling. Biddle seems to have agreed to the Army's demands for the evacuation of all West Coast Japanese-Americans, and to have been open to discussing how to meet potential constitutional difficulties. According to Robinson, Biddle's memorandum casts him as approving of the mass evacuation as long as the matter was removed from his hands. He seemed to want to remove the Department of Justice from involvement with illegal acts.¹⁴⁴ On the other hand, Biddle might have sensed that by the end of January, the removal of the Issei was an unavoidable plan. If so, the Attorney General might have opted to demonstrate his willingness to cooperate in the relocation of the Japanese in order to better persuade the President not to evacuate citizens as well.¹⁴⁵

On February 7, Biddle met with Roosevelt for lunch. Believing that there was no need for the evacuation, he told the President that he deemed the mass evacuation inadvisable at the time, claimed that the Federal Bureau of Investigation was not staffed to perform it, and declared that there was no reason for the mass evacuation. Despite Biddle's opposition and DeWitt's failure to provide a clear case for military necessity, Secretary of War Stimson made up his mind to approve the evacuation of Japanese-American citizens. Even though Stimson, like Biddle, had doubts as to whether national security justified such a tremendous step, he believed that a Japanese invasion of the West Coast was a real likelihood. At the time, Japanese military forces were marching largely

¹⁴⁴Robinson, p. 99.

¹⁴⁵ Robinson, p. 100.

unopposed through Malaysia and heading toward Singapore. Stimson perceived Japan and the Japanese living in the nation to be a potential threat.¹⁴⁶

Biddle sent a memorandum to the President days before the implementation of Executive Order 9066 to express his reluctance to intern the Japanese. He repeated that despite increasing demands for the evacuation of all Japanese individuals, resident immigrants and citizens alike, from the West Coast, the Department of War had not supplied evidence of imminent attack, and the Federal Bureau of Investigation had not offered evidence of planned sabotage. Biddle claimed that he saw no reason to remove and relocate Japanese individuals. Under the United States Constitution, 60,000 of the 93,000 Japanese living in California were American citizens. Biddle encouraged Roosevelt to clarify the situation in the public mind and to reassure civilians that an attack was not looming. The Attorney General seemed frustrated with columnists and civilians who were stirring up anti-Japanese sentiment and fear of an impending attack. He believed that it was Roosevelt's responsibility to assuage these concerns. However, Roosevelt seemed to disregard Biddle's advice, as he signed Executive Order 9066 two days after receiving Biddle's memorandum.¹⁴⁷ Questions regarding the legality of such an action and the expansion of presidential power were disregarded, as Roosevelt sought to protect the nation from harm abroad and at home.

It seems odd that in 1941, there were only a scant number of documents that related to the internment. However, by January 1942, the idea of the internment had become commonplace and was accepted among most members of the Roosevelt administration. Perhaps the lack of available documents from 1941 suggests quiet discussion of plans for the internment, on the assumption that the internment could be enacted when the time came.

¹⁴⁶ Robinson, p. 105.

¹⁴⁷ Memo from FBB to FDR, Feb. 17, 1942.

Roosevelt expressed his own acceptance of the internment in a memorandum he sent to James H. Rowe, Jr., the Assistant Attorney General, on February 9, 1942. Rowe had written a note for Grace Tully, Roosevelt's private Secretary, to give to Roosevelt. Rowe referred to the mounting tension in California and declared that there was tremendous public pressure to move all Japanese individuals (citizens and immigrants) out of California by whatever means possible. Such a mass exodus would require the suspension of the writ of habeas corpus.¹⁴⁸

This document is important because again, the discussion of habeas corpus surfaced. Roosevelt responded: "I think there is something in the idea but we have to be careful."¹⁴⁹ From these words, it is evident that Roosevelt realized that relocating such a large group of citizens might violate the Constitution and might meet resistance from the Supreme Court. However, he pressed on, signing Executive Order 9066 in spite of these concerns and the split views within his administration.

¹⁴⁸ Memo from JHR to FDR, Feb. 9, 1942.

¹⁴⁹ Memo from JHR to FDR, Feb. 9, 1942.

Chapter 5: The Full-Blown Policy of the Internment as a Legal, Military, and Political Strategy

Roosevelt signed Executive Order 9066 on February 19, 1942. The public announcement of the order was met with elation and relief on the West Coast, as newspapers and citizen groups that had pushed for the evacuation cheered.¹⁵⁰ Outside of the West Coast, press reaction was either neutral or slightly favorable. Just a small number of groups, including the American Civil Liberties Union and the American Friends Service Committee, protested the order as unjust and unconstitutional.¹⁵¹

In the order, Roosevelt authorized the Secretary of War to prescribe military areas from which any civilian could be excluded, and to provide the evacuees with transportation and other assistance. The President claimed that the successful prosecution of the war required all possible protections against espionage and sabotage. The Secretary of War or the appropriate military commander could determine who could enter, remain in, or leave certain areas, and the designation of military areas under the order were to supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941. Roosevelt declared that he could implement such an order as President of the United States. The text of the order did not specifically mention Japanese-Americans, although it was intended to pertain solely to them. The President authorized and directed the Secretary of War and his military commanders to take all steps they deemed advisable to enforce compliance with the restrictions, including the use of federal troops and other federal agencies. Here, Roosevelt gave the Secretary of War and his military commanders quite a bit of unrestricted power. These men had the authority to handle the internment and Japanese-Americans in whatever manner they thought best. In a sense, it seems that Roosevelt did not care how the internment was handled, as

¹⁵⁰ Robinson, p. 125.

¹⁵¹ Robinson, p. 126.

long as it was handled. All executive departments, independent establishments, and other federal agencies were authorized and directed to assist the Secretary of War and his military commanders in carrying out Executive Order 9066.¹⁵²

According to Robinson, seventy percent of the so-called “disloyal” Japanese were American-born United States citizens.¹⁵³ Hidden beneath the order’s language was an assertion of executive power. Under Executive Order 9066’s provisions, Roosevelt could impose military rule on civilians without a declaration of martial law and could sentence a segment of the population to internal exile under armed guard, even though the writ of habeas corpus had not been suspended by Congress. Roosevelt’s main stated motive for approving the relocation of Japanese-Americans was military necessity. Whenever Biddle objected that the evacuation was unnecessary, Roosevelt remarked that it had to be a military decision, and defended his decision in terms of military factors.¹⁵⁴ Whatever Roosevelt’s motivation, the military had not given him a clear-cut recommendation, however, as there was some disagreement within the military itself over how to deal with Japanese-Americans.¹⁵⁵

Some historians point to the press of events and lack of reliable information to support Roosevelt’s decision to sign Executive Order 9066. The attack on Pearl Harbor led to widespread fears, they argue, over a possible invasion of the West Coast. In the midst of an urgent situation, Army officers did not have sufficient information to make an informed decision about whether or not Japanese-Americans were a potential threat to security, and they quickly acted to protect the nation.¹⁵⁶

¹⁵² FDR, Executive Order 9066, Feb. 19, 1942.

¹⁵³ Robinson, p. 108.

¹⁵⁴ Robinson, p. 109.

¹⁵⁵ Robinson, p. 110.

¹⁵⁶ Robinson, p. 112.

At the same time, the political pressures on Roosevelt were enormous. For one, both Stimson and John J. McCloy, Assistant Secretary of War, were well-known Republicans who helped ensure bipartisan support for the war effort in Congress. In Congress and on the West Coast, there was a strong political consensus in favor of the evacuation.¹⁵⁷ From government-sponsored polls and letters he was receiving, Roosevelt knew that a vocal group of people of West Coast opinion favored military control of Japanese-Americans. Before Executive Order 9066 was signed, there was just a handful of letters opposing the evacuation, and no synchronized public protest by liberal or religious groups. Public opinion and fears of disloyalty, even if groundless, were on the side of the military. Therefore, there was no question of any significant opposition by Roosevelt.¹⁵⁸

Roosevelt's individual character also influenced his decision to sign Executive Order 9066. His past feelings toward Japanese-Americans could have shaped his decision to evacuate American citizens from their homes. Throughout his life, Roosevelt viewed Japanese-Americans as inherently Japanese in their identity and emotional allegiance.¹⁵⁹ During the 1920s, Roosevelt supported immigration restriction and legal discrimination in order to prevent Japanese-American settlement. His willingness to give in to popular prejudices against Japanese-Americans in a time of peace predicted his failure to defend the citizenship rights of Japanese-Americans in the midst of wartime demands for their detention. Even before World War II began, Roosevelt became involved in efforts to monitor Japanese-Americans and to prepare plans for dealing with them as part of the preparations for war with Japan. His approval of surveillance and toleration of racial discrimination on the basis that the Nisei could not be trusted are both evidence of Roosevelt's views regarding

¹⁵⁷ Robinson, p. 116.

¹⁵⁸ Robinson, p. 117.

¹⁵⁹ Robinson, p. 118.

the Japanese.¹⁶⁰ Roosevelt's words and actions both before and after Pearl Harbor indicated his acceptance of the idea that Japanese-Americans, whether citizens or longtime resident foreigners, were still Japanese at the core.¹⁶¹

In addition to being politically pressured and ill-advised, Roosevelt received conflicting evidence and was not kept accurately informed of the situation brewing on the West Coast. Regardless, he did not intervene on the behalf of Japanese-Americans or become involved in their concerns, even if it meant opposing public opinion and the military. The President apparently felt that as long as the military was reasonable in dealing with Japanese-Americans, he was prepared to sign orders so that the Army could handle these individuals.¹⁶²

Biddle seems to have realized that the order would raise concerns. On February 20, 1942, he wrote a personal note to Roosevelt, enclosing a memorandum in connection with the order. The Attorney General believed that Roosevelt would be asked questions at press conferences regarding Executive Order 9066, and wanted the President to explain that the order was "a precautionary measure to protect the national safety."¹⁶³ Clearly, Biddle knew that the order might be controversial in its use of presidential power and in its relocation of an entire ethnic group of people who had not been charged with a crime. He advised Roosevelt to recognize that Executive Order 9066 gave broad powers to the Secretary of War and his military commanders: powers that were so sweeping that they permitted the exclusion of any particular individual from military areas. Biddle believed that the order was designed with the Japanese in mind, and with the intent of regulating the Japanese irrespective of whether they were American citizens. He instructed

¹⁶⁰ Robinson, p. 119.

¹⁶¹ Robinson, p. 120.

¹⁶² Robinson, p. 122.

¹⁶³ Memo from FBB to FDR, Feb. 20, 1942.

Roosevelt to state that military authorities could decide what steps had to be taken to ensure the safety of the nation and to control the movement of citizens and non-citizens in a time of war.¹⁶⁴

Biddle loyally set out to find legal justification to support Executive Order 9066. He referred to President Wilson's actions in World War I, as Wilson had forbidden any person to fly over the United States without a license. Section 44 of the Criminal Code authorized Wilson to establish such defensive areas as he deemed crucial for national defense. This authority fell under the powers of the President in a time of war. Therefore, in Biddle's mind, Roosevelt, like Wilson, was authorized in acting under his general war powers without additional legislation. Biddle claimed that the measure was based on the fact that the unrestricted movement of the Japanese, whether American citizens or immigrants, in certain areas could lead to serious disturbances that would threaten the war effort.¹⁶⁵

On the same day Executive Order 9066 was signed, Harley M. Kilgore, a chairman on the United States Senate Committee on Military Affairs, wrote to Roosevelt, enclosing several samples of the sort of protests he was receiving from civilians with reference to the dangers of the Japanese on the West Coast. He explained:

It is my sincere belief that the Pacific coast should be declared a military area which will give authority to treat residents, either alien or citizens, as camp followers and put them under military law, permitting their removal, regardless of their citizenship rights, to internal and less dangerous areas.¹⁶⁶

The quote raises an interesting question about balancing democratic pressures and civil liberties.

Kilgore believed that the Japanese were indeed dangerous, and that it would be in the best interests of the nation to relocate Japanese-Americans to the internment camps. Although he failed to

¹⁶⁴ Memo from FBB to FDR, Feb. 20, 1942.

¹⁶⁵ Memo from FBB to FDR, Feb. 20, 1942.

¹⁶⁶ Memo from HMK to FDR, Feb. 19, 1942.

suggest separating foreign-born Japanese from Japanese citizens, or the disloyal Japanese from the loyal Japanese, the context of the war might have influenced his position on this matter.

On February 26, 1942, Roosevelt wrote a memorandum for Secretary of the Navy Knox, summarizing his feelings toward the Japanese living in the United States and in Hawaii. He wrote “I do not worry about the constitutional question—first, because of my recent order and, second, because Hawaii is under martial law. The whole matter is one of immediate and present war emergency.”¹⁶⁷ Here, Roosevelt seems to have been referring to a specific constitutional question—perhaps due process.¹⁶⁸

Within two weeks of Roosevelt’s order, Stimson and McCloy began to have doubts about the Hawaiian evacuation. First, the transportation of large numbers of Japanese-Americans to the mainland would stir up public opinion on the West Coast and would endanger the organized evacuation that was taking place there. Moreover, Stimson and McCloy began to question the constitutionality of evacuating individuals to the mainland. In his diary, Stimson mused that it was one matter to remove people who could be dangerous from a military zone. It was another matter to imprison American citizens for an indefinite period without charge in an area not under martial law. Perhaps Stimson contemplated writing his memoirs to justify himself after the war, and strived to record high-minded sentiments for his later use. When he heard that civil liberties groups were planning to introduce habeas corpus petitions for Japanese-Hawaiians transported to the mainland, Stimson ordered all of the Nisei who had been sent to the mainland to return to Hawaii to be detained under martial law. Because Hawaii was a territory, full legal protection might not have been required.¹⁶⁹

¹⁶⁷ Memo from FDR to WFK, Feb. 26, 1942.

¹⁶⁸ Robinson, p. 121.

¹⁶⁹ Robinson, p. 151.

In March 1942, Roosevelt began making plans for the War Relocation Authority, an organization which would formulate and execute programs for the removal, relocation, and maintenance of persons from military areas. When the evacuation began, Stimson spoke at a Cabinet meeting and explained that the Army's purpose was to evacuate, to intern, and to examine the Japanese along the West Coast.¹⁷⁰ The next week, McCloy, Biddle, and Smith met and agreed to set up an independent civilian agency to supervise the evacuees. On March 18, the President signed an executive order creating the War Relocation Authority with Milton S. Eisenhower, a Department of Agriculture staffer, as its head.¹⁷¹

Immediately following the establishment of the War Relocation Authority, Eisenhower began planning the resettlement of Japanese-Americans. At first, Eisenhower envisioned final resettlement in terms of integrating refugees into established communities, or of building planned communities. However, Eisenhower soon ran into problems. Despite the fact that Executive Order 9066 was designed to calm anti-Japanese anxieties on the Pacific Coast, the relocation instead stirred up enormous sentiment against Japanese-Americans across the nation.¹⁷² Roosevelt's treatment of the Nisei and the Issei as enemies and as foreigners encouraged the widespread identification of Japanese-Americans with Japan. Most Americans who kept up with the news of the evacuation concluded that Japanese-Americans had committed crimes that were grave enough to merit the mass exclusion, and the evacuees were stigmatized as traitors.¹⁷³

Roosevelt claimed that he had the power to create the War Relocation Authority as President of the United States and as commander-in-chief. The President could appoint the director of the War Relocation Authority. The War Relocation Authority was one of many new

¹⁷⁰ Robinson, p. 129.

¹⁷¹ Robinson, p. 130.

¹⁷² Robinson, p. 130.

¹⁷³ Robinson, p. 131.

federal agencies created for the war effort. Others were as or more ominous, like the Office of Strategic Security, an extensive new spy network. The director of the War Relocation Authority would be authorized to devise and to effectuate a program for the removal of the persons or classes of persons designated under Executive Order 9066. Although the order did not refer to a specific ethnic group, it was understood that “classes of persons” referred to Japanese individuals. The principal aim behind the creation of the new agency was to relieve the military of the difficult and burdensome job of maintaining and re-establishing a dislocated people. One basic assumption of the order was that all evacuees of Japanese descent, except those who had been (or would be) deported for illegal activities, would continue to live in the United States after the war was over. In the order, Roosevelt claimed that the United States had no intention of conducting the war on a racial basis, and that all American citizens and law-abiding foreigners were to be treated by the government without racial discrimination. Clearly, in stating the aims of the order, Roosevelt was attempting to assuage fears that the internment was being carried out on the basis of race.¹⁷⁴

After Executive Order 9102 was signed, a pamphlet was written entitled “A Statement of Guiding Principles of the War Relocation Authority.” Although the author of the piece cannot be determined, the statement summarized the supposed intent of the War Relocation Authority. The author claimed that the main task of the United States was to win the war. Faith had to be placed in the American democratic way of life, including equal rights, privileges, and responsibilities for all, regardless of race or national origin. The War Relocation Authority believed that it was possible to distinguish between the loyal and the disloyal Japanese to an extent that would ensure international security. Loyalty could not flourish in an atmosphere rife with suspicion and discrimination. Moreover, military leaders in Japan would use the repressive treatment of the Japanese in the relocation centers as a pretext for reprisals against American prisoners of war and American

¹⁷⁴ FDR, Executive Order 9102, March 18, 1942.

civilians held by the Japanese government.¹⁷⁵ The pamphlet is important because it illustrates the impact the war had on Roosevelt's actions and the views of some of his administration's members. In the context of a horrific global conflict, Roosevelt behaved as if he was forced to focus on winning the war.

During 1942, Roosevelt did not make a single statement on behalf of Japanese-American loyalty and citizenship rights, and did not even explain the government's internment policy. Instead of declaring martial law or endorsing congressional efforts to legislate mass automatic confinement of citizens without charge (a power that neither the Constitution nor Executive Order 9066 granted or contained), he continued to call the indeterminate imprisonment of Japanese-Americans "resettlement," and camps lined with barbed wire and armed guards "relocation centers."¹⁷⁶ True, Roosevelt did not attempt to alleviate popular fears that Japanese-Americans were dangerous. But, at the same time, World War II made enormous demands on the President. During the spring of 1942, he planned military action against the Nazis, ordered a secret bombing raid on Tokyo, responded to Japan's conquest of the Philippines, and supervised the conversion of American industry to war production.¹⁷⁷ In the midst of a demanding war, Roosevelt took little time to contemplate human rights. But, he did say often the war was for protecting democracy. Perhaps it was a matter of linking principles and details.

A memorandum written by McCloy and sent to Biddle further demonstrates the defensive mood of some members of Roosevelt's administration in the context of war. McCloy had discovered a photograph taken in a railroad station that had been published in an American newspaper. What the photograph captured could not be determined. With an apprehensive tone, he claimed that with a different caption, the Japanese press could use the photograph to indicate a

¹⁷⁵ Anonymous Statement, 1942.

¹⁷⁶ Robinson, p. 134.

¹⁷⁷ Robinson, p. 133.

horrendous scene in connection with the evacuation of innocent Japanese individuals. The Assistant Secretary suggested excluding photographers during movements of interned Japanese individuals in order to prevent the misinterpretation of photographs and reprisals against nationals held in Japan.¹⁷⁸ This was a reasonable concern in light of the fact that United States soldiers were indeed being held in Japanese prisoner of war camps. But it also challenged freedom of the press. Although it might seem as if the Roosevelt administration was more concerned with avoiding Japanese retributions than with ensuring that Japanese living in the United States were being treated in an equal manner, it is clear that the war did impact decisions made by the Roosevelt administration.

In addition to relocating all Japanese persons residing in the United States, regardless of whether they were citizens or non-citizens, the Roosevelt administration sought to inflict stricter punishment on them. On April 10, 1942, Biddle wrote a memorandum to Hoover, discussing an agreement between the Federal Bureau of Investigation and the Department of War to allow the Department of War to submit to Biddle any proposed military orders that the Department of War wished to be enforced by criminal prosecutions. Hoover was authorized to investigate and to submit to the United States Attorneys violations of the curfew order and violations of General DeWitt's proclamation prohibiting the possession of prohibited articles by American citizens of Japanese descent. United States Attorneys could prosecute these individuals because the Department of War thought that if criminal prosecutions were instituted and apprehensions of Japanese immigrants were made, the military orders would be more universally complied with.¹⁷⁹ Also, criminal prosecutions would demonstrate a respect for the legal process.

¹⁷⁸ Memo from JJM to FBB, March 31, 1942.

¹⁷⁹ Memo from FBB to JEH, April 20, 1942.

After the signing of Executive Order 9066, some Japanese-Americans did make their views known to Roosevelt. On March 23, 1942, James Y. Sakamoto of the Emergency Defense Council of the Seattle Chapter of the Japanese American Citizens' League wrote a letter to Roosevelt. Sakamoto stated that when the war broke out, Japanese-Americans were reassured after hearing Roosevelt's directions as to the treatment of immigrants from Japan, believing that these commands applied to all American citizens and called for the nation to pull together for a common objective. However, faith in Roosevelt among Japanese-Americans had dissipated. All those of Japanese descent were going to face the evacuation, whether citizens or non-citizens. He declared:

Under the circumstances prevailing, we have been so completely discredited by the American people at large that it is impossible for us to appear anywhere without giving rise to the hysterically false assumption that we are engaged in some nefarious design against a country that is as much ours as it is that of our fellow-citizens.¹⁸⁰

Expressing the views of most Japanese-Americans, Sakamoto claimed that, as an American citizen, he had been accused of planning atrocious acts against the United States. If Japanese-Americans had wanted to sabotage the United States, they could have ceased to produce the food upon which Army installations and all lines of war work depended. Therefore, broad accusations leveled at all individuals of Japanese descent were unfounded, as most of the Japanese were loyal to the United States. Furthermore, the Japanese were demonstrating their loyalty by cooperating with the relocation. Sakamoto called on the President to point out to civilians that the Japanese were not traitors or dissidents. Rather, the Japanese were willing to help with the war effort.¹⁸¹ Although it is unclear whether or not Roosevelt responded to Sakamoto or made a statement to the American people afterward regarding the Japanese, it is clear that Roosevelt's plan to intern the Japanese increased suspicion of Japanese individuals in the minds of many Americans, and signified a step

¹⁸⁰ Letter from JYS to FDR, March 23, 1942.

¹⁸¹ Letter from JYS to FDR, March 23, 1942.

on the part of the government to control an ethnic group perceived as having the potential to be dangerous. But, in fairness, this was not Roosevelt's aim. In fact, he arguably sought the opposite. Jim Crow had made legalized inequality and exclusion a lifestyle choice long before this. Even if Roosevelt did reassure the public that most Japanese persons did not constitute a threat to the United States, this assurance would be somewhat shallow, for the Roosevelt administration's own actions signaled that the Japanese were indeed dangerous.

Likewise, some civilians even wrote to Roosevelt, articulating their shock at his policy to intern civilians. Joseph D. Craven, an attorney in Delaware, angrily noted that a grave injustice had been done to citizens of Japanese descent by herding them into the internment camps and refusing to allow them to exercise almost all of the civil liberties guaranteed by the Constitution. Although Craven agreed that precautions had to be taken for the purpose of protecting the United States against sabotage, he proclaimed that it was a serious mistake to intern American citizens who had committed no wrong other than that they were of Japanese origin. The categorizing of all potential enemies in the same group by the Department of War and other government agencies was oppressive, and not in accordance with the values America stood for in its battle against Axis supporters. By confining American citizens of Japanese descent, the government violated the essential principle of democracy: that all citizens are entitled to the same rights and legal protections.¹⁸²

James H. Rowe, Jr., the Assistant Attorney General, wrote a memorandum to Biddle on May 6, 1942, expressing his concerns regarding the internment. Rowe claimed that it was the duty of the Department of Justice to present to the people the question of whether a writ of habeas corpus should be suspended by an executive order and appropriate legislation. He declared:

¹⁸² Letter from JDC to FDR, Sept. 4, 1942.

This technique of excluding citizens from military areas is, at least theoretically, clever. I personally haven't faith in the judgment of the Army on whether or not a given individual is dangerous. If I had, I would not complain. The present technique is a fraud; I think the issue should be posed squarely.¹⁸³

From this quote, it is evident that Rowe harbored misgivings concerning the decisions of the Army, and felt that the relocation of American citizens without the suspension of habeas corpus would pose legal questions in the future.

Elmer Davis, Director of the Office of War Information, wrote to Roosevelt expressing his concerns with the internment. He recommended that Roosevelt take two actions to improve the morale of Japanese-Americans. First, he acknowledged that Congress' two pending bills aimed at depriving the Nisei of citizenship and interning them for the duration of the war had heightened the feeling that this was indeed a racial war and that all evacuees should be viewed as enemies. Davis felt that a public statement from Roosevelt on behalf of loyal Japanese-Americans would help ease some of the tension and unfounded fear of the internees. Also, he believed that Roosevelt should permit loyal American citizens of Japanese origin to enlist in the Army and Navy. These actions would quell cries that the United States was waging a racial war and would alter the public perception of the Nisei as disloyal individuals. Competent authorities, he argued, including Navy Intelligence personnel, had found that more than eighty-five percent of the Nisei were loyal to America. Therefore, it was possible to "distinguish the sheep from the goats."¹⁸⁴ Although Davis called for action that would ease some of the discriminatory treatment aimed at Japanese individuals and that would allow them to assist in the war effort if so desired, his words indicate that the steps taken by the Roosevelt administration were considered to be anti-Japanese. Executive Order 9066 appeared to have racial undertones, evidenced by its focus on an ethnic group of people.

¹⁸³ Memo from JHR to FBB, May 6, 1942.

¹⁸⁴ Letter from ED to FDR, Oct. 2, 1942.

In response to Davis' letter, Knox wrote a letter to Roosevelt, countering Davis' advice and instructing the President not to make a statement on the two bills presented in Congress dealing with the evacuated Japanese. Knox believed that neither of the bills had a chance of passing in Congress and claimed that the Navy was adverse to the enlistment of citizens of Japanese descent.¹⁸⁵ Although he did not give a reason for the Navy's refusal to take on Japanese individuals, it is clear that the Navy was opposed to allowing the Japanese to enlist, not because they would not prove helpful, but because they were Japanese. Instead of attempting to help the Japanese assimilate and to contribute to the war effort, most members of the Roosevelt administration seemed bent on continuing the internment as planned and rounding up all Japanese individuals who would, in the suspicious eyes of the administration, side with Japan in the case of another attack.

Roosevelt approved of the Department of War's proposal to organize a combat team consisting of loyal American citizens of Japanese descent. By February 1942, almost 5,000 loyal Japanese-Americans served in the United States Armed Forces. In what seems to be a positive and conciliatory policy, Roosevelt claimed that no citizen in the United States should be denied the democratic right to exercise the responsibilities of citizenship, in spite of ethnic background.¹⁸⁶

On February 1, 1943, three days after Stimson had announced that Nisei volunteers would be welcomed into the Army and had praised Japanese-American loyalty, Roosevelt claimed authorship of a statement actually written by Dillon S. Myer, who replaced Eisenhower as the director of the War Relocation Authority on June 17, 1942. One part of the statement read, "No loyal citizen of the United States should be denied the democratic right to exercise his citizenship, regardless of his ancestry. The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not,

¹⁸⁵ Letter from WFK to FDR, Oct. 17, 1942.

¹⁸⁶ Letter from FDR to HLS, Feb. 1, 1943.

and never was, a matter of race or ancestry. A good American is one who is loyal to this country and to our creed of liberty and democracy.”¹⁸⁷ In January 1942, Roosevelt had spoken in public on behalf of loyal foreigners without reference to their origin, and had denounced discrimination against them in the workforce. Other administration officials had also made statements in support of Japanese-Americans in the spring of 1942. Stimson had stated that the administration was not unmindful of the fact that most of those who had been evacuated were American citizens. Eleanor Roosevelt pledged that the government would protect the evacuees from violence during the evacuation.¹⁸⁸ Eisenhower and Myer issued several statements reminding Americans that the internees were not dangerous and were cooperating with the evacuation. In June, Eisenhower told a congressional committee that the government had a moral responsibility to help evacuees.¹⁸⁹ Therefore, it is not safe to say that Roosevelt and his administration did not completely disregard the rights of Japanese-American citizens. It seems as if Roosevelt sought to play both sides of the fence, coming across as a protector of national security and minority rights.

¹⁸⁷ Robinson, p. 170.

¹⁸⁸ Robinson, p. 171.

¹⁸⁹ Robinson, p. 173.

Chapter 6: Popular and Legal Challenges to the Internment

In March 1943, a citizen from Michigan wrote to the President, asking him to publicize the good deeds of Japanese-Americans. At the internment camp located in Manzanar, California, a group of Boy Scouts of Japanese descent used sticks, stones, and snowballs to quell subversive activities, including a riot, among some members of the camp. The author of the letter, Marcius E. Faber, remarked that this action in defense of the nation was remarkable, considering that the young men were of Japanese descent. Faber wanted Roosevelt to take this chance to demonstrate how successful American schools and churches had been in promoting love and loyalty to America, so that when war necessity compelled people to leave their homes, businesses, and farms to go to the relocation centers, these individuals would be loyal. Furthermore, Faber continued, Roosevelt could use the incident to illustrate that Japanese-Americans were quite faithful to the United States, and that America appreciated the allegiance of all races and groups.¹⁹⁰

Other United States citizens at this time believed that the internment would be legally challenged. Morris L. Ernst, an attorney for Greenbaum, Wolff, and Ernst in New York City, wrote to Roosevelt declaring that it was his firm belief that the Supreme Court would strike down the internment of Japanese-American citizens. Ernst underlined the word “citizens,” and then advised Roosevelt to distinguish between citizen and non-citizen Japanese persons before the Supreme Court forced him to do so.¹⁹¹ Over a week later, Roosevelt sent a brief memorandum to Ernst, telling him that he could go ahead developing a program in the case of Japanese citizens. I could not determine what kind of proposed program Roosevelt meant. The President claimed to hate the thought of martial law, but wrote that military authority would solve the problem.¹⁹² Roosevelt’s memorandum to Ernst must have addressed another matter discussed between the

¹⁹⁰ Letter from MEF to FDR, March 11, 1943.

¹⁹¹ Letter from MLE to FDR, April 15, 1943.

¹⁹² Memo from FDR to MLE, April 24, 1943.

two, because it is not a logical response to Ernst's letter. But, the correspondence did show Roosevelt's awareness of the legal problems of the internment.

Over time, some Americans began to step forward and to declare their misgivings regarding the relocation. On April 15, 1943, an anonymous article appeared in the Washington Post. The writer challenged Roosevelt's decision to intern, claiming that the United States—which he referred to as the symbol of democracy—held around 70,000 American citizens in relocation centers. Citizens were sent to camps because of their racial background; no violation of the law had been charged against them, and no court of law had sentenced them. The author was furious that DeWitt was quoted as declaring that “A Jap's a Jap. It makes no difference whether he is an American citizen or not. . .The West Coast is too vital and too vulnerable to take any chances.”¹⁹³ Like some members of the Roosevelt administration, DeWitt generalized about all Japanese-Americans without determining their loyalty to the United States on an individual basis. In contrast, the author believed that “the general should be told that American democracy and the Constitution of the United States are too vital to be ignored or flouted by any military zealot.”¹⁹⁴ Clearly, the author felt as if both DeWitt's assumptions and the internment itself were undemocratic.

DeWitt's comments also bothered James H. Rowe, Jr., the Assistant Attorney General. On April 16, 1943, Rowe sent a memorandum to Biddle, complaining that DeWitt had “shot his mouth off.”¹⁹⁵ Rowe recalled that after Pearl Harbor, DeWitt had told him that it was nonsense to relocate the Japanese, a statement Rowe agreed with. However, even though Rowe had not changed his position on this issue, DeWitt had. In response to DeWitt's declaration that “A Jap's a Jap,” the Department of Justice had remained silent. According to Rowe, the Department of

¹⁹³ Washington Post, April 15, 1943, Clipping.

¹⁹⁴ Washington Post, April 15, 1943, Clipping.

¹⁹⁵ Memo from JHR to FBB, April 16, 1943.

Justice was wrong when it implicitly went along with DeWitt and the Department of War. It would continue to be wrong if “a non-fighting, tough talking military zealot” was allowed to make important decisions.¹⁹⁶ Rowe did not think that DeWitt was competent or that his actions were appropriate. Furthermore, he could not understand why the Department of Justice was, in his opinion, so concerned over African Americans and discrimination, while at the same time it was content to ignore the Japanese citizen problem. Rowe claimed that there was a Civil Rights Section in the Department of Justice, and he questioned why the Department was willing to take on the whole southern delegation while it quailed before DeWitt. He called on Biddle to push DeWitt around for once.¹⁹⁷ Rowe was displeased with DeWitt’s leadership and the internment, and he thought that the Department of Justice was not taking enough action on the matter. He compared the struggle for African American civil rights in the South to the struggle for Japanese civil rights on the West Coast, and was not afraid to voice his concerns regarding the internment and the treatment of American citizens of Japanese descent.

Dillon S. Myer, who replaced Eisenhower as the director of the War Relocation Authority on June 17, 1942, also questioned common perceptions of the internment. On May 13, 1943, Myer wrote to Eleanor Roosevelt, emphasizing that the evacuees, individually and collectively, had not been found guilty of any wrongdoing. Two-thirds of the internees were American citizens by right of birth. Moreover, it was the United States’ own laws that prevented foreign-born Japanese individuals from becoming United States citizens. Myer wrote to Eleanor Roosevelt in an effort to correct misunderstandings of the internment, as many Americans believed that the Japanese were at fault and that the internment camps were spacious and elaborate.¹⁹⁸

¹⁹⁶ Memo from JHR to FBB, April 16, 1943.

¹⁹⁷ Memo from JHR to FBB, April 16, 1943.

¹⁹⁸ Letter from DSM to ER, May 13, 1943.

As Myer attempted to paint a more accurate picture of the internment, Biddle focused on Americans living on the West Coast as well as the press, whom he believed aggravated the issue of the internment. On December 30, 1943, Biddle wrote to Roosevelt, claiming that the Japanese race problem had been stirred by influential groups of citizens of California and the Hearst press.¹⁹⁹ The Hearst newspapers declared the war in Asia totally different from that in Europe. Japan was a “racial menace” as well as a cultural and religious one.²⁰⁰ Both forces had worked to discredit the Japanese in order to set them apart from the rest of the population and to encourage them to go to Japan after the war. These groups did not want a successful relocation program because it would promote acceptance of the Japanese and would leave them free to return to California after the war. He asserted that a disturbance in the Tule Lake camp between November 1 and November 4, 1943, had been so exaggerated by the West Coast press that new and extreme waves of fear had been touched off against all persons of Japanese origin. A poll that a Los Angeles newspaper had conducted found that Californians would vote ten to one against permitting Japanese citizens to return to their homes and businesses after the war. Yet, rejecting popular opinion, Biddle stressed that it was important to avoid keeping loyal American citizens in the internment camps for longer than was absolutely necessary, as this was dangerous and repugnant to the principles of American government.²⁰¹ Here, Biddle flat-out acknowledged that the Japanese had been placed in the internment camps on the basis of race. This contradicts Roosevelt’s assurances that the United States was not conducting a race war, and that all citizens had to be treated equally regardless of race or ethnic background.

At the same time, some Americans agreed with the internment and ridiculed those who spoke out against it, including Eleanor Roosevelt. Although it is unclear what prompted D. P.

¹⁹⁹ Memo from FBB to FDR, Dec. 30, 1943.

²⁰⁰ Dower, p. 7.

²⁰¹ Dower, p. 7.

Lucas, District Superintendent of the Hudson School District in Puente, California, to write to Eleanor Roosevelt, it is clear that Lucas disliked the Japanese. Lucas claimed that the Japanese had a different nature and that, after living with the Japanese and working with their children in California, he was convinced that the Japanese would remain Japanese, despite living in America. The District Superintendent declared:

His Americanism is a thin veneer and it takes only a small prick or scratch to exhibit the Jap still. His friendly smile and acts of kindness have all the earmarks of being genuine, but in reality hiding behind this devilish mask is bitterness, fraud, deceit and hate for all Americans, or any people who stand in their road of world conquest.²⁰²

Lucas insisted again and again throughout the letter that Japan was bent on world conquest, and he claimed that the Japanese hated all Americans. In what to a good number of people would read as offensive words, Lucas stated:

He is a throwback to the Dark Ages and the sooner we can completely annihilate this sadistic clan the sooner the first long step will be taken toward permanent peace.²⁰³

Lucas seemed intent on believing that the Japanese would never be faithful to the United States and that the world would be better off without them. His letter confirms that at least some Americans living on the West Coast despised Japanese-Americans and wanted them to return to Japan.

Likewise, Lois E. Mandy of Santa Ana, California, wrote to Eleanor Roosevelt, calling on her to keep people of Japanese descent from returning to the locations they occupied before Pearl Harbor. Mandy wrote that the Japanese race was different from any other and that the Japanese had been trained to believe that they were a superior race that must rule the world. For these reasons, Mandy did not want the Japanese released from the internment camps.²⁰⁴ Again, the

²⁰² Letter from DPL to ER, April 29, 1943.

²⁰³ Letter from DPL to ER, April 29, 1943.

²⁰⁴ Letter from LEM to ER, June 8, 1943.

notion that the Japanese wanted to rule the world seemed commonplace among Americans, and fueled the hatred many Americans felt toward the Japanese.

In an undated article entitled “What Shall We Do with the Japanese,” author J.E. Gardner characterized the Japanese as members of a radically different race that could never become assimilated into American culture and society. He claimed that Japanese-Americans were “fanatically devoted to their God Emperor” and described Japan as a nation that had afforded history’s worse example of “deliberate, selfish, inexcusable and inhuman aggression.”²⁰⁵ Gardner declared that the Japanese bred like rabbits. If allowed to remain in the United States, he argued, the Japanese would begin to hold the balance of political power. In another comment, Gardner stated:

If we permit the Japanese to remain in our country, there to continue the job of breeding little brown ‘citizens,’ the result will eventually be that we shall have another race problems beside which that presented by the negro will dwindle into insignificance.²⁰⁶

From this quote, it is apparent that Gardner deeply resented the Japanese. Later in the article, he argued that Congress needed to adopt a resolution to amend the Constitution to state that at the end of the war, all Japanese individuals had to return to Japan, no person of Japanese descent could ever become a United States citizen, and Japanese individuals could never become permanent residents in the United States.²⁰⁷ Although Gardner’s comments might seem appalling today, it is important to note that numerous Americans, especially those living on the West Coast, shared Gardner’s same beliefs regarding Japanese-Americans.

Indeed, his sentiments reappeared in a newspaper in Pennsylvania. In an article written for the Post Gazette in Pittsburgh, the author wrote that the “true Japanese spirit” was causing the internees at Tule Lake, the camp reserved only for the Japanese the government deemed to be

²⁰⁵ Article by JEG.

²⁰⁶ Article by JEG.

²⁰⁷ Article by JEG.

disloyal, to lash out at Americans.²⁰⁸ The author argued that the Japanese wasted food, refused to wear clothing provided to them, stole equipment, dismantled automobiles, and refused to harvest crops. The author also claimed that this behavior exemplified how the Japanese acted. The article characterized all Japanese persons as being ungrateful and despicable. Broad generalizations such as these were prevalent and illustrate the hatred many Americans felt toward the Japanese, particularly those people at the Tule Lake camp who the government characterized as disloyal and who repeatedly rebelled.²⁰⁹

Echoing the Post Gazette piece, another article was published in the Beacon Journal in Akron, Ohio, entitled “Send Them Back.” The author referred to the Japanese who rioted at Tule Lake and suggested placing the Japanese at that camp onto ocean liners and shipping them to Japan. The author thought that the Japanese would be deported at some point, for as long as they remained in America, they constituted “a menace to safety, an expense to house and fee, a parasite element that can never contribute any good to this nation.”²¹⁰ This article, like others, is quite biased. The author appears to hate the Japanese and preferred to ship them back to Japan. There is no sense that the author attempted to avoid drawing general conclusions about an entire group of people, or that the author realized that Tule Lake was an internment camp designated to hold disloyal Japanese. However, it is important to remember that newspaper or magazine editorials are sometimes written by individuals who tend to hold more extreme views and who take the time to express those views. Therefore, although some of the clippings of the 1940s are quite harsh toward the Japanese, these clippings did not represent the views of all Americans.

As the internment progressed, issues regarding its constitutionality began to arise. On June 21, 1943, the Supreme Court sustained the validity of the curfew measure adopted by DeWitt as

²⁰⁸ Post Gazette, Nov. 10, 1943, Clipping.

²⁰⁹ Post Gazette, Nov. 10, 1943, Clipping.

²¹⁰ Beacon Journal, Nov. 5, 1943, Clipping.

applied to American citizens of Japanese descent in Hirabayashi v. United States. Gordon Hirabayashi, a native of Auburn, Washington, believed that both the curfew orders imposed on the Japanese and Executive Order 9066 violated his constitutional rights as a United States citizen. When the Japanese in Seattle were removed to the internment camps in 1942, Hirabayashi remained in the city and defied Executive Order 9066. He was arrested, convicted, and imprisoned. In October 1942, he challenged the federal government's wartime curfew and expulsion of Japanese-Americans before the Supreme Court. The Court found Roosevelt's orders and the implementation of the curfew to be constitutional, and rejected the claim that race (instead of disloyalty) was the reason for the internment. There was no unanimity that the internees were racially persecuted. Chief Justice Harlan F. Stone, writing for the unanimous Court, reasoned that restrictions on the Japanese served an important national interest, and claimed that the curfew order was a necessary protective measure.²¹¹

Yet, there were several concurring opinions that sounded a warning regarding the legality of the evacuation and the detention of American citizens of Japanese descent. Justice William O. Douglas had claimed that the decision rested on the narrow ground of an imminent threat of a crisis. At a time when the peril was great and time was short, people could be treated on a group basis and detained for a specific reason, as this was the sole practical option. Douglas believed that Executive Order 9066 had to be judged as of the date when the decision to issue the order was made. Individuals had the right to show their personal loyalty to the United States, whether it be through hearings or habeas corpus.²¹² Douglas endorsed challenges based on habeas corpus.

In a second concurring opinion, Justice William F. Murphy agreed that Executive Order 9066 could be enforced if there was a threat of an imminent attack. However, he said that it was

²¹¹ Hirabayashi v. United States, 2011, The Oyez Project at IIT Chicago-Kent College of Law, Accessed 22 March 2012 http://www.oyez.org/cases/1940-1949/1942/1942_870/

²¹² Letter from FBB to HLS, June 24, 1943.

another matter whether Executive Order 9066 was still valid in 1943. Whenever the threat of an attack passed, Japanese-Americans had to be removed from the internment camps and their freedom had to be restored. Murphy declared that Japanese-Americans' status as United States citizens had to be accorded the fullest consideration and respect, despite his belief that this status was also subject to the requirements of national security and military necessity.²¹³

After reading the concurring opinions of the justices, Biddle stated that it was difficult to tell whether the views expressed in the opinions would lead their authors to vote against the validity of the exclusion and detention measures as of 1943. Yet, he did feel as if the constitutionality of the measures was in danger, and that it was his job as Attorney General to advise Stimson to consider a formulation of the program.²¹⁴

Some Americans still believed that the internment, as a military necessity, fell well within the confines of the Constitution. In an anonymous and undated official document, the author claimed that there was nothing in the Constitution that prohibited the federal government from calling upon citizens to endure restraints imposed by the law. For example, in the past, some citizens had been forced by the United States draft to fight in a war. Although the internment of a large group of individuals would most likely not be implemented in a time of peace, the author thought it was reasonable to intern individuals in order to facilitate military operations in a time of war. He (or she) claimed:

The Constitution does not prevent different treatment for different citizens and the equal protection of the law is not so arbitrary and rigid an abstraction that in the concrete application of it it supersedes the reasonable necessities of the effective operation of other provisions of the Constitution, including the highest duty imposed of defending the existence of the Nation itself.²¹⁵

²¹³ Letter from FBB to HLS, June 24, 1943.

²¹⁴ Letter from FBB to HLS, June 24, 1943.

²¹⁵ Anonymous, Undated.

Clearly, the author believed that the internment had to be judged in part by history and present experience. The relocation of Japanese-Americans could not be considered as a separate incident, but as part of a long train of events that had its roots in a global war. In 1943, opinion regarding the internment was still very much divided. Some individuals, such as Lois E. Mandy, offered vocal support for the internment while others, such as Myer, countered Americans' misperceptions of both the internment and Japanese-Americans.

On July 6, 1943, Roosevelt addressed a letter to the Senate, describing the War Relocation Authority's plans to transfer those internees who had indicated that their loyalties rested with Japan to the Tule Lake Center in northeastern California. Even though the precise number of disloyal Japanese-Americans had not yet been established, it was clear that the disloyal Japanese constituted a small minority among evacuees, and that the great majority of evacuees were loyal to the United States. Roosevelt stated that Americans of Japanese origin wanted to accept American institutions and to work with Americans, making their valuable contribution to the national wealth and wellbeing. In conclusion, the President declared that it was important for Americans to maintain a high standard of considerate and equal treatment for the Japanese.²¹⁶ In retrospect, it seems ironic that although Roosevelt knew that most of the internees were loyal and that it was crucial to treat people in an equal manner, he called for the internment of innocent individuals.

²¹⁶ Letter from FDR to the United States Senate, July 6, 1943.

Chapter 7: Treatment of Other Ethnicities Related to Enemy Combatants

In the treatment of ethnic groups other than the Japanese, equal rights similarly competed with the war effort. In the film America and the Holocaust: Deceit and Indifference, it was noted that Germany and the Nazis also presented a huge threat to the United States, and that winning the war was an argument cited by Roosevelt to justify doing little to rescue European Jews. World War II and the distractions that came with it pulled Roosevelt's attention away from issues dealing with civil liberties on the home front.²¹⁷

When DeWitt sought permission to use his powers under Executive Order 9066 to exclude all German and Italian immigrants, the Department of War refused to approve indiscriminate mass removal of another group, even though a number of people deemed suspicious were subjected to individual exclusion orders.²¹⁸ In 1942, James H. Rowe, Jr., the Assistant Attorney General, wrote a report entitled "The Alien Enemy Program—So Far." Rowe did not indicate the recipient of the report. In this report, Rowe insisted that the federal government and civilians alike had determined German and Italian immigrants to be undoubtedly loyal to the United States. He wrote:

We American citizens give them, somewhat unselfconsciously, a high mark for their wise choice, because we like America too. But for one reason or another, partly because of executive restrictions or statutory rigidity, partly because of individual fault, they just did not get around to becoming American citizens. They should not now be held up to criticism. .

²¹⁹

Rowe seemed much more willing to excuse Italian and German immigrants than he did Japanese immigrants.

In 1943, the Supreme Court had cited some of the legal issues the internment raised in Hirabayashi v. United States. On March 31, 1943, Stimson wrote a long letter to Roosevelt,

²¹⁷ Linden

²¹⁸ Robinson, p. 128.

²¹⁹ Report by JHR, 1942.

informing him that the attitude of the Department of Justice was jeopardizing the enforcement of Executive Order 9066. Stimson claimed that at the start of the war, it was decided that there would be no mass evacuation on the East Coast, but that those persons who were deemed to be threats would be excluded from the eastern seaboard and eastern industrial areas. These restrictions were legally based on Executive Order 9066. However, several Supreme Court cases were challenging the enforcement of Executive Order 9066. Julia Kraus was a woman born in Germany who acquired American citizenship through the naturalization of her mother. After Kraus made a statement indicating that she wished to help the German cause, her further presence in eastern industrial areas was considered to be dangerous to the national defense, and she was ordered excluded. However, Kraus refused to leave Washington, D.C. Although Stimson appealed to Biddle, the Attorney General believed the case of Kraus was a poor one for a test of Executive Order 9066. Biddle cited a number of reasons for this conclusion, including the fact that Kraus had helped the government on numerous occasions. Stimson understood Biddle's attitude as a challenge to the military commander, and he thought that if Kraus could violate Executive Order 9066, other individuals could as well, leading to a complete breakdown in enforcement. Unlike Biddle, who took a much more lenient approach to the order, Stimson declared that the administration could not compromise with or surrender to those who ignored the exclusion order of a military commander.²²⁰ I could not determine whether Kraus actually launched a legal case. Yet, the Kraus case evidenced the Department of Justice's hesitation to enforce Executive Order 9066 in certain individual cases, and showed that in the future, the Department of Justice and the Department of War would clash over exclusion from designated areas.

Biddle, once again, figured as a defender of civil rights. On April 17, 1943, he sent Roosevelt a memorandum regarding the Kraus case. He claimed that regardless of what the

²²⁰ Letter from HLS to FDR, March 31, 1943.

Armed Forces would do, he alone had the power to decide what criminal charges to bring and what not to bring. Biddle declared that he would not institute criminal proceedings on exclusion orders which to him seemed unconstitutional. Like Rowe, Biddle seemed to oppose the internment and Executive Order 9066. But, he did not oppose the internment enough to quit or to contest its execution. Moreover, Biddle told Roosevelt that Executive Order 9066 had been written to permit the exclusion of the Japanese, not the exclusion of Italians or Germans. Kraus was of German descent and had worked for the government. Biddle thought that the order of exclusion was so broad that the courts would not sustain it. He said that a successful legal challenge to Executive Order 9066 would throw doubt on Roosevelt's powers as commander-in-chief. The Attorney General also refused to approve an Army procedure that would not permit American citizens to confront witnesses before a military tribunal. Biddle proclaimed that this went against a fundamental conception of constitutional rights.²²¹ In this memorandum, Biddle's tone was curt and somewhat frustrated. It seems obvious that he did not think Executive Order 9066 could be applied to the Kraus case, and that he thought the order was too broad. It appears as if Biddle wanted to reel in Roosevelt's power and to take a closer look at the legal issues surrounding the order, despite the fact that the Roosevelt administration seemed content with moving forward. Yet, Biddle did not seem very ethically motivated or mindful of minority rights. He was more concerned with protecting presidential power against a legal defeat in public.

²²¹ Memo from FBB to FDR, April 17, 1943.

Chapter 8: Calls to End the Internment

Slowly but surely, momentum built to challenge the internment almost from the beginning. By 1944, members of the Roosevelt administration, along with some American civilians, openly defended Japanese-Americans and called for Executive Order 9066 to be lifted.

On February 20, 1944, the Mothers Society of the Minidoka internment camp in southern Idaho wrote to Eleanor Roosevelt, claiming that they had brought their children up as splendid American citizens who would be no less loyal than any other Americans. The mothers believed that this loyalty was demonstrated by the lack of law-breakers among Japanese-Americans and that in proportion, the number of Japanese-Americans who volunteered for the United States Armed Forces at the time conscription was ordered was far above other nationalities. Yet, when the United States entered World War II, their families were forced to relocate and to lead life within barbed-wire fences. The Mothers Society noted that the Japanese could hardly bear being considered enemies by the federal government and other Americans. Even those individuals of Japanese descent who volunteered for the United States Armed Forces faced discrimination within military camps. The mothers wrote:

We understand that the purpose for which the United States is allowing tremendous sacrifices in fighting the war today is to establish “freedom and equality” throughout the world. When they, the Nisei, consider the purpose of this war and then think about the treatment they are receiving at present, they discover the existence of a great paradox.²²²

It is clear from this statement that these Japanese-Americans felt that their forced relocation and placement into the internment camps for an indefinite period of time ran counter to democratic principles such as liberty and democracy. In conclusion, the mothers asked Eleanor Roosevelt to consider suspending the military draft of citizens of Japanese descent until the Japanese regained

²²² Letter from MSM to ER, Feb. 20, 1944.

the confidence of Americans.²²³ Because Eleanor Roosevelt's response to this letter could not be located (or was perhaps nonexistent), it is difficult to know if action was indeed taken following the Mothers Society's pleas.

In official circles in 1944, Attorney General Francis B. Biddle, who had deemed mass evacuation unnecessary from the start, began to challenge the internment to an even greater extent. On February 26, 1944, Biddle wrote a letter to James L. Fly, chairman of the Federal Communications Commission, an independent agency of the United States government that regulated interstate and international communications. In this letter, Biddle questioned the accuracy of General John L. DeWitt's statements in a final report the Department of War had published on Japanese-American internment. The report was entitled "Final Report, Japanese Evacuation from the West Coast, 1942," and its contents were rife with misrepresentations and false information, according to Biddle. In the report, DeWitt had declared that in the early months of World War II, hundreds of individuals of Japanese descent had signaled Japanese vessels or submarines off the West Coast at night using signal lights or radio transmitters. Biddle wrote that the Department of Justice had investigated DeWitt's claims and had failed to find evidence proving the existence of any illicit signaling by signal lights or by radio transmitters. Therefore, the Attorney General wanted to see if the Federal Communications Commission had identified radio signals sent from unlawful radio transmitters used by individuals of Japanese descent. Moreover, Biddle wanted to know the extent to which the information gathered by the Federal Communications Commission had been transmitted to DeWitt.²²⁴ In the letter, Biddle seemed to hint that he believed that the number of reports of unlawful radio transmissions suggested by DeWitt far exceeded the number of reports received by the Federal Communications Commission. Perhaps

²²³ Letter from MSM to ER, Feb. 20, 1944.

²²⁴ Letter from FBB to JLF, Feb. 26, 1944.

Biddle, who had opposed the internment from its conception, thought that DeWitt had exaggerated (or fabricated) reports to support the relocation of Japanese-Americans.

Over a month later, on April 1, 1944, Fly responded to Biddle in a memorandum. In the memorandum, Fly stated that DeWitt's statements were inaccurate because military personnel had been entirely incapable of determining whether or not the many reports of illicit signaling were well-founded. Military personnel lacked training and experience monitoring signals and calculating the direction from which signals came. Fly noted that on January 9, 1942, the Chief of the Commission's Radio Intelligence Division had declared:

Frankly, I have never seen an organization that was so hopeless to cope with radio intelligence requirements. The personnel is unskilled and untrained. Most are privates who can read only ten words a minute. They know nothing about signal identification, wave prorogation and other technical subjects, so essential to radio intelligence procedure.²²⁵

It is clear from this quote that some of the Army operations on the West Coast were not well-equipped to determine whether the Japanese were transmitting radio signals to Japanese vessels or submarines. In conclusion, Fly declared that the statements in DeWitt's report claiming that the Japanese on the West Coast were engaged in illicit radio signaling could not be regarded as well-founded.²²⁶ This news must have reaffirmed Biddle's own thoughts, as the Attorney General had never believed there to be a factual basis for the internment from the start. According to historian Greg Robinson, a group of lawyers working for the Department of Justice who had been assigned to prepare the Korematsu case before the Supreme Court drafted a detailed disclaimer in the government's brief as part of its duty to inform the Court of false evidence. However, following intense pressure from Solicitor General Charles Fahy, who was focused on presenting the best possible case, the lack of evidence of Japanese subversion was reduced to a note.²²⁷

²²⁵ Memo from JLF to FBB, April 1, 1944.

²²⁶ Memo from JLF to FBB, April 1, 1944.

²²⁷ Robinson, p. 210.

As Biddle and the Federal Communications Commission examined some of the reports that had led to the implementation of Executive Order 9066, John L. Burling of the Department of Justice wrote a memorandum to Fahy concerning Korematsu v. United States. Korematsu was a landmark Supreme Court case decided in 1944, which ruled that Executive Order 9066 was in fact constitutional. In the memorandum, Burling noted that he had never believed the evacuation to be necessary. Yet, the Department of Justice had argued in favor of the evacuation in Hirabayashi v. United States, and Fahy believed that the earlier case would decide the question of the evacuation in Korematsu v. United States. He commented that DeWitt had written a final report on Japanese-American internment (the same report that Biddle and the Federal Communications Commission had studied), and that DeWitt's claims justifying the evacuation and the detention were incorrect. Furthermore, there was reason to believe that DeWitt was aware of the fact that the claims were incorrect at the time he reported them.²²⁸

Burling stated that it was important to inquire carefully into DeWitt's credibility before asking the Supreme Court to uphold the validity of the detention. Moreover, he remarked "Detention is not the only alternative to setting a hundred thousand people of an alien race wandering aimlessly and helplessly over the face of the country."²²⁹ It is clear that Burling did not see the need for the internment and believed that DeWitt had made false statements in his evacuation report. Burling urged Fahy to begin considering arguments supporting the detention so that the Department of Justice would not be placed in the position of defending the detention of 70,000 American citizens not charged with a crime and selected on the basis of race.²³⁰ Even though Burling might not have personally supported the internment, he seems to have been apprehensive of the Supreme Court's decision in Korematsu v. United States, especially in light of

²²⁸ Memo from JLB to CF, April 13, 1944.

²²⁹ Memo from JLB to CF, April 13, 1944.

²³⁰ Memo from JLB to CF, April 13, 1944.

the fact that evidence that had been used to rationalize the internment had been declared unfounded. Furthermore, Burling seems to have been playing a blame game. Initially, the federal government's argument was that the military crisis required a policy relocating Japanese-Americans. By 1944, Executive Order 9066's wisdom was being judged on much narrower evidentiary grounds—that is, evidence of Japanese espionage. It seems that the Department of Justice was looking to make DeWitt a scapegoat.

However, while some individuals questioned the need for relocation and voiced opposition to the continuation of the internment, Secretary of War Henry L. Stimson questioned calls to end the internment. In an anonymous report dated May 26, 1944, the author wrote that Stimson questioned whether it was appropriate for the Department of War to cancel the Japanese exclusion orders and to let the Japanese return to their former homes and businesses. The author also stated that the Department of War, the Department of the Interior, and the Department of Justice had all agreed that the internment could be ended without danger to defense considerations, but that it might not be wise to end the internment before the elections of 1944.²³¹ It is difficult to determine the Departments' incentives to postpone the closing of the internment camps until after the elections of 1944. Perhaps hesitation to close the relocation centers was motivated by political considerations, and Roosevelt and his administration did not want to risk losing votes in California. Roosevelt and members of his administration might have wanted to delay the resettlement of Japanese-Americans until after the elections in order to avoid a situation in which the resettlement program was a politicized campaign issue. In the anonymous report, the author had declared that Stimson had showed members of the Roosevelt administration photographs taken from captured Japanese individuals of the Japanese beheading American prisoners. The author believed that if similar photographs leaked out, Americans would be furious and horrified and would vehemently

²³¹ Anonymous Report, May 26, 1944.

oppose the resettlement.²³² Again, just as Roosevelt had been faced with conflicting evidence and with the demands of a global war when deciding to implement the internment, he was also faced with various complicated considerations when determining when to end the internment.

On June 7, 1943, the Orange Isaac Walton League of Orange, California, wrote a resolution that was referred to the War Relocation Authority. In the resolution, the League acknowledged that the federal government had drawn proposals to permit the return of Japanese-Americans held in the internment camps to their former homes and businesses. Members of the Orange Isaac Walton League stated that such a return would be dangerous to the war effort, and strongly opposed any movement that would result in the return of any individuals of Japanese descent, regardless of their loyalty, for the duration of the war. In conclusion, the members stated that they believed the safety of the nation was of far greater importance than the temporary discomfort of any individual. From their perspective, closing the internment camps would increase existing prejudices and would disturb the peace.²³³

On June 2, 1944, Harold L. Ickes, Secretary of the Interior, wrote a letter to Roosevelt, calling on him to end the internment. Ickes declared that it was urgent for the President to arrive at a determination with respect to the revocation of Executive Order 9066, especially in light of the fact that Stimson was thought to believe that there was no longer any military necessity for excluding individuals of Japanese descent on the West Coast. It is difficult to understand why Stimson changed his mind, as the war with Japan would go on for another year. The Secretary of the Interior provided several reasons for revoking the exclusion orders, including the Department of War's declaration that there was no substantial justification for the continuation of the ban from the standpoint of military security, the notion that the continued exclusion of American citizens of

²³² Anonymous Report, May 26, 1944.

²³³ Letter from OIWL, Referred to the WRA, June 7, 1943.

Japanese ancestry from the affected areas was unconstitutional in the present circumstances, the fact that the continuation of the exclusion orders on the West Coast was adversely affecting efforts to relocate Japanese-Americans elsewhere in the United States, and the concern that the retention of Japanese-Americans in the relocation centers was impairing efforts being made to secure the better treatment of American prisoners of war and civilians held by the Japanese. Although Ickes declined to comment on the justification or lack thereof for Executive Order 9066, he claimed “I do say that the continued retention of these innocent people in the relocation centers would be a blot upon the history of this country.”²³⁴ Ickes’ letter to the President evidences the fact that by 1944, some members of the Roosevelt administration were expressing their unease at Roosevelt’s continuation of the internment.

In 1944, civilians also began to demand the end of the internment. On April 15, 1944, Henry C. Patterson, a relocation officer, wrote a letter to Faith Fair of Life Magazine. It is apparent from this letter that Fair had talked with Patterson on the phone at an earlier date about what she believed to be the serious problem of racial and religious intolerance in the United States. Patterson acknowledged that the nation was strong because it depended on a system that encouraged all individuals to put forth their best efforts in developing their potentialities. He claimed:

. . .yet it is not a fact that when we place an arbitrary restriction upon any of our people solely because of their racial or religious identities and thus hamper them in the full utilization of their best energies, we do something that tends to weaken our country as a whole and to deprive it of some of its rightful strength?²³⁵

From this quote, one can ascertain that Patterson, a relocation officer himself, thought that racial prejudices would lead to the loss of the United States’ potential strength and would impact all Americans. In conclusion, Patterson predicted that at some point in the near future, racial

²³⁴ Letter from HLI to FDR, June 2, 1944.

²³⁵ Letter from HCP to FF, April 15, 1944.

prejudices would interfere so seriously with the full realization of the potential strength of the United States that the federal government might have to implement a campaign of education.²³⁶

This letter is interesting not only because it illustrates support for the end of the internment, but because it was written by a relocation officer. From this document it is obvious that not all relocation officers supported the internment, or at least the continuation of the internment.

On June 7, 1944, Wilder V. Immel, a minister at the First Christian Church in Hayward, California, wrote a brief letter to Stimson. In the letter, the minister stated that he agreed with the growing number of “leaders of thought” in California who believed that the Japanese could be regarded as fellow-citizens. He claimed that “in the interests of American democracy and fundamental justice I am convinced that a more generous policy toward this unfortunate minority will be a good thing for the country and the ideals for which we are fighting.”²³⁷ Like Faith Fair and Henry C. Patterson, Immel did not support the continuation of the internment.

However, despite calls to end the internment, Roosevelt and some members of his administration opposed closing the internment camps. On June 12, 1944, Roosevelt sent a memorandum to the Secretary of State, Cordell Hull who served as the Secretary of State between 1933 and 1944. In the memorandum, Roosevelt claimed that “the more I think of this problem of suddenly ending the orders excluding Japanese Americans from the West Coast the more I think it would be a mistake to do anything drastic or sudden.”²³⁸ It is clear from this statement that the President supported the gradual assimilation of Japanese-Americans back into American society. Later in the memorandum, Roosevelt declared that public outcry could be avoided if one or two Japanese-American families were distributed to each county on the West Coast as a start. Roosevelt seemed to be in no rush to end the internment and did not want to release the internees

²³⁶ Letter from HCP to FF, April 15, 1944.

²³⁷ Letter from WVI to HLS, June 7, 1944.

²³⁸ Memo from FDR to CH, June 12, 1944.

at the expense of risking what he called the “internal quiet.”²³⁹ In both implementing the internment and preparing for its revocation, Roosevelt was well aware of public opinion and the impact both actions would have on the American public.

On June 16, 1944, Hull responded to Roosevelt, agreeing with the President’s plan to end the internment slowly. The Secretary of State believed that it would be a mistake to make any drastic or sudden moves in ending the exclusion orders on the West Coast. At the same time, Hull advised Roosevelt to consult with the Attorney General and the Secretary of War concerning the constitutional angle of the internment, as at the time, there were actions pending in the courts testing the constitutionality of Executive Order 9066 as applied to American citizens. Here, Hull was referring to Korematsu v. United States. Both Hull and Roosevelt were concerned that returning all of the internees to their former homes and businesses at the same time would rouse intense feelings against them on the part of Americans living on the West Coast.²⁴⁰ This seems a rational, as well as a politically motivated, fear. For example, some Holocaust survivors were killed when they returned to their homes after their release from concentration camps. At the same time, Hull declared that a good number of Pacific Coast residents supported the return of Japanese-Americans on the basis that loyal American citizens had to be dealt with in an equal manner. Moreover, Hull stated that Japanese-Americans were needed in the commercial and economic interests of certain West Coast states.²⁴¹

In addition to informing the President of the fact that some Americans supported the end of the internment, Hull noted the interment’s impact on international events. When Executive Order 9066 was executed, a similar movement in Japan ensued in which Americans were moved to assembly centers in areas under Japanese control. Japanese-American internment had resulted

²³⁹ Memo from FDR to CH, June 12, 1944.

²⁴⁰ Memo from CH to FDR, June 16, 1944.

²⁴¹ Memo from CH to FDR, June 16, 1944.

in protests from the Japanese government and had supplied the Japanese government with a rationale for refusing to negotiate the further repatriation or relief of American nationals in Japanese custody. Hull and Roosevelt were faced with a difficult decision. On the one hand, ending the internment might appease the Japanese government and lead to the better treatment of Americans held hostage in Japan. On the other hand, closing the internment camps might lead to outrage among American citizens who still considered the Japanese to be disloyal and who did not want them to return to their former homes and businesses. In facing this delicate dilemma, Hull advised Roosevelt to approach the matter of resettlement discreetly and to gradually disseminate and distribute loyal Japanese-American families in areas on the West Coast and in other parts of the United States.²⁴²

In a statement that was marked to be released on December 17, 1944, an anonymous author claimed that he, as Commanding General of the Western Defense Command, had issued Public Proclamation Number 21.²⁴³ The piece was not written by DeWitt, as he had been dismissed as the Western Defense Commander in mid-September 1943. General Henry C. Pratt most likely authored the proposal, as he became the Commanding General of the Western Defense Command in October 1944.²⁴⁴ The proclamation terminated the mass exclusion of people of Japanese descent from the Pacific Coast and substituted for the internment a system which would continue to exclude and control those individuals who still remained loyal to Japan. Yet, full liberty would be restored to all those who had been cleared by the Army. DeWitt's exclusion orders would be rescinded as of January 2, 1945.²⁴⁵ The author claimed that a great deal of information pertaining to the history and activities of all people of Japanese descent, both citizens

²⁴² Memo from CH to FDR, June 16, 1944.

²⁴³ Anonymous Statement, Dec. 17, 1944.

²⁴⁴ Robinson, p. 230.

²⁴⁵ Robinson, p. 231.

and immigrants, had been assembled. He believed that by December 1944, more than two years after Roosevelt signed Executive Order 9006, it was possible to consider persons of Japanese descent on an individual basis rather than as a group. The author wrote:

When the military situation was not as favorable as it is at the present time, it was necessary to exclude all persons of Japanese ancestry from the sensitive areas of the West Coast. The action taken at that time was based solely on military considerations and was made necessary largely through the fact that there was little or no information concerning persons of Japanese ancestry.²⁴⁶

It appears as if the author of this statement was attempting to defend the implementation of Executive Order 9066 on the basis that such action was needed to protect the United States from internal harm.

On December 13, 1944, Stimson sent Roosevelt a long memorandum acknowledging the fact that the Department of War had determined that the exclusion of Japanese-Americans from the West Coast was no longer a matter of military necessity. From its conception, Stimson had favored the evacuation of the Japanese as an emergency military measure. In the memorandum, he reiterated his views, claiming that Executive Order 9066 was implemented at a time when there had been a definite chance of an attack on the West Coast, and that a large-scale invasion had been considered a real possibility. The Secretary of War believed that prior to the internment, social, economic, and political conditions had isolated the Japanese, strengthened their ties with Japan, and slowed their assimilation into American society. He wrote:

Although the majority were undoubtedly loyal to this country, it was known that there was a disloyal group whose number and strength could not be quickly ascertained, and who could not be isolated and separately dealt with. Under these circumstances mass exclusion of persons of Japanese ancestry from the West Coast was felt to be a necessary military precaution.²⁴⁷

²⁴⁶ Anonymous Statement, Dec. 17, 1944.

²⁴⁷ Memo from HLS to FDR, Dec. 13, 1944.

From this quote is it evident that even though members of the Roosevelt administration were aware of the fact that most Japanese-Americans were loyal and did not present a threat to the United States, they were also cognizant of the fact that some Japanese-Americans were indeed disloyal. Placed in such a difficult situation, the administration chose to enforce Executive Order 9066.

Stimson went on to state that since the implementation of the exclusion order, the federal government had examined Japanese-American internees and had found that ninety percent of them were loyal to the United States. Pratt had conferred with Stimson and had reassured the Secretary of War that if adequate safeguards were maintained, the return of most of the internees to the West Coast could be permitted without an adverse effect on the war effort. Stimson then wrote that the civilian agencies of government were responsible for the actual mechanics of the relocation. The determination of those who would continue to be excluded would be made as a result of an examination and evaluation of the information which the various agencies had collected regarding individuals of Japanese descent. In conclusion, Stimson noted that Pratt planned to announce the termination of the internment in a statement prepared on or about December 15 (the proclamation was actually released on December 17).²⁴⁸

On December 22, 1944, an anonymous article was published in the New York Times entitled "Exiles' Return." This article made direct reference to the Supreme Court's decision in Korematsu v. United States: a decision that had been reached on December 18, 1944, just four days before the New York Times article was published.²⁴⁹ Fred T. Korematsu was a young Nisei who had refused to evacuate the West Coast. He had been arrested for violating DeWitt's exclusion orders, and had challenged his arrest as a violation of his citizenship rights. A lower court

²⁴⁸ Memo from HLS to FDR, Dec. 13, 1944.

²⁴⁹ New York Times, Dec. 12, 1944, Clipping.

had upheld Korematsu's conviction.²⁵⁰ Yet, in a six to three decision, the Supreme Court ruled that the need to protect against espionage outweighed Korematsu's individual rights and the rights of Japanese-Americans. Justice Hugo L. Black wrote that even though compulsory exclusion was constitutionally suspect, it was justified during circumstances of "emergency and peril."²⁵¹ In a heated dissent, Justice William "Frank" Murphy called the decision a "legalization of racism."²⁵² Korematsu v. United States is a historic case in American law, not only for its upholding of the internment (which it did not explicitly do), but for its declaration that classifications based on race were inherently suspect under the United States Constitution.²⁵³

In the article, the author wrote that whether the Supreme Court's ruling in Korematsu v. United States was right or not was another matter. Furthermore, the author contended that many of the younger men who were interned displayed their patriotism in Italy and elsewhere, as did Japanese-Americans enlisted in Hawaii. He (or she) acknowledged General Pratt's order to end the mass exclusion of persons of Japanese descent on January 2, 1945, and claimed that the main obstacle to the homecoming of those individuals who Pratt and the federal government considered to be loyal was the attitude of the communities in which Japanese-Americans had formerly lived. In a pleading tone, the author argued that Japanese-Americans had as much of a right as other Americans to return to their homes. He (or she) declared "For the sake of America's reputation for fair play, let us hope that this right will be cheerfully recognized."²⁵⁴ It is clear from this quote that the author foresaw some complications concerning the return of the internees to their former homes and businesses.

²⁵⁰ Robinson, p. 209.

²⁵¹ Korematsu v. United States, 28 March 2012, The Oyez Project at IIT Chicago-Kent College of Law, Accessed 29 March 2012 http://www.oyez.org/cases/1940-1949/1944/1944_22

²⁵² Robinson, p. 229.

²⁵³ Robinson, p. 229.

²⁵⁴ New York Times, Dec. 12, 1944, Clipping.

Another anonymous article was published in the Washington Post on December 22, 1944, entitled “Legalization of Racism.” Like the New York Times article, this piece also expressed dissatisfaction with the Supreme Court’s decision in Korematsu v. United States and the treatment of Japanese-Americans in general. The author briefly summarized the Court’s ruling in Korematsu and stated that “the Court sustained the constitutionality of a military act the sure consequence of which it denounced as wholly unconstitutional.”²⁵⁵ Clearly, he (or she) did not agree with the Court’s decision. Moreover, the author claimed that no attempt whatsoever was made to distinguish between loyal and disloyal Japanese-Americans, although almost eight months elapsed after Pearl Harbor before the final exclusion order was issued. Here the author’s argument left a misimpression, as the actual movement of people began in the spring of 1942. The author agreed with Justice Murphy’s dissenting opinion, and declared that influential groups on the West Coast who had been hostile toward Japanese-Americans for selfish economic reasons exploited the crisis to bring about an exclusion that had long been desired. In conclusion, he (or she) claimed to share Justice Murphy’s apprehension that:

. . .to infer that examples of individual disloyalty prove group disloyalty is to deny that under our system of law individual guilt is the sole basis for deprivation of rights. . .and to encourage and open the door to discriminatory actions against other minority groups in the passions of tomorrow.²⁵⁶

Both the author of the article and Justice Murphy feared the implications of the Supreme Court’s decision in Korematsu v. United States, and wondered at what point the Supreme Court would ever feel qualified to assert the rights of citizens against pleas of military necessity. The Washington Post clipping demonstrated that some Americans (and members of the Supreme Court) believed that the basic rights of Japanese-Americans had been infringed upon, and that the racial nature of such infringement had been particularly abhorrent. Justice Murphy himself claimed to find it

²⁵⁵ Washington Post, Dec. 22, 1944, Clipping.

²⁵⁶ Washington Post, Dec. 22, 1944, Clipping.

“utterly revolting” that racial discrimination could be upheld in a democratic nation such as the United States.²⁵⁷

Even as Japanese-Americans slowly returned to their homes and businesses in 1944 and 1945, problems existed concerning their integration back into society and the unwelcoming attitudes of some Americans. On December 21, 1945, more than a year after Pratt had announced the official end of the internment, President Harry S. Truman wrote a brief letter to Eleanor Roosevelt. The letter was sent to the Roosevelt home in Hyde Park, New York. Truman referred to a letter he had read about the poor treatment of Japanese-Americans on the West Coast, and forwarded the letter to the Attorney General with a memorandum asking him to unearth solutions. He declared, “This disgraceful conduct almost makes you believe that a lot of our Americans have a streak of Nazi in them.”²⁵⁸

It is clear from this quote that some Japanese-Americans on the West Coast were being mistreated by whites upon returning to their former homes and businesses. Furthermore, it is important to note that Truman addressed the letter to Eleanor Roosevelt, not the President himself. On April 12, 1945, Franklin D. Roosevelt had died of a cerebral hemorrhage at Warm Springs, Georgia. Across the country, people sat in shocked silence or wept openly in the streets.²⁵⁹

When Roosevelt died, the internment had not yet ended. On April 12, 1945, approximately 18,000 people remained imprisoned at Tule Lake, and some 55,000 internees were confined in the eight remaining camps.²⁶⁰ Yet, when considering the internment, Roosevelt’s health cannot be disregarded. By early 1944, Roosevelt was terminally ill with congestive heart failure and other ailments. In March, he had a chronic fever and was tortured by daily sinus treatments. After

²⁵⁷ Washington Post, Dec. 22, 1944, Clipping.

²⁵⁸ Letter from HST to ER, Dec. 21, 1945.

²⁵⁹ Robinson, p. 249.

²⁶⁰ Robinson, p. 250.

spending a month to recuperate at Hobcaw, financier Bernard Baruch's South Carolina home, Roosevelt returned to the White House.²⁶¹ He drastically limited his work day and increasingly handed over responsibility for all but essential war decisions.²⁶² It is not surprising that by 1944, the internment was still not a top priority for the ailing President.

The drift of events between 1943 and 1944 is remarkable. The internment became unpopular within the Roosevelt administration, in the Supreme Court, and to an extent across the United States well before the end of the war with Japan (more than one year before the surrender date of September 2, 1945). By 1943, conflicting opinions within the administration and across the nation had begun to shift in another direction that seemed to have little to do with the successful progress of the war in the Pacific. The fear of looking undemocratic replaced the fear of subversion. This change could have sprung from a number of factors, including Biddle, who as a particularly vocal dissenter kept pressing others to reconsider the internment, Korematsu, or the election of 1944 and worries about a questionable policy in a general election. It seems that the administration's concerns about the political marketability of the internment, especially in light of the Supreme Court's division in Korematsu and Murphy's vocal and eloquent dissent, increased. Korematsu heightened fears within the administration that the interment was not legally, let alone ethically, defensible. Even Biddle seemed not to worry about the individual rights of the Japanese as much as the potential blow to Roosevelt that the legal defeat of the policy would mean. True, one could legitimately worry along these lines in the sense that the nation in wartime needed an unquestioned leader—it was not just a personal worry about losing political power. But, it does not seem that concern for individual rights was ever a top priority, at least within the administration.

²⁶¹ Robinson, p. 215.

²⁶² Robinson, p. 216.

Conclusion

In February 1945, the War Relocation Authority had announced its plan of closing all camps other than Tule Lake within a year. However, many internees refused to be relocated amid the hostile and potentially hazardous conditions prevailing on the West Coast. As the war came to an end and as anti-Japanese-American tensions declined, the pace of the resettlement increased. Even so, the War Relocation Authority was forced to evict a number of internees in order to close the camps. By December 1945, all of the internment camps were empty with the exception of the Tule Lake camp, which closed its gates in March 1946.²⁶³

Japanese-American internment left a huge mark on the Japanese-American community. The internees had been excluded from the wartime economic boom and lacked some of the financial resources that other Americans enjoyed. Moreover, many internees were forced to accept substandard housing and low-status employment after the resettlement.²⁶⁴

Viewed only in the context of domestic events, the internment seems to have been quite horrific: individuals of Japanese descent, the majority of them American citizens, were forced to relocate to internment camps scattered along the West Coast for an indefinite period of time. Furthermore, Roosevelt's signing of Executive Order 9066 seems to have been rooted in anti-Japanese sentiment and spurred by the President's blatant indifference to the plight of Japanese-Americans. Yet, it is crucial to consider Japanese-American internment in the context of foreign policy. The United States was engaged in a global war on two fronts and had been dealt a huge blow on December 7, 1941, when the Japanese attacked Pearl Harbor.

While in retrospect it is tempting to criticize Roosevelt for his decision to implement the internment, one must focus on the context in which the internment was enacted. Close to fifty-five

²⁶³ Robinson, p. 250.

²⁶⁴ Robinson, p. 250.

million people would eventually die in World War II across the globe. In this setting, it was not unreasonable for Roosevelt to at least consider interning Japanese-Americans. Ultimately, Roosevelt and his administration had to face this question: how does one balance international security and civil liberties during a global war?

During the Civil War and World War I, the power of the President was also expanded at the expense of civil liberties. In 1861, Abraham Lincoln suspended the writ of habeas corpus, despite the fact that this power is reserved to Congress, not the President. In 1919, the Supreme Court concluded that individuals did not have the First Amendment right to express freedom of speech against the draft during World War I. Although neither of these instances involved the forced relocation of an entire group of people, they do demonstrate that a President's decision to restrict the rights of some United States citizens during wartime was not unprecedented. The hard truth of the matter is that when in a state of war, the United States federal government has consistently chosen to favor international security over protecting individual rights. Moreover, politics always seems to play a role. In a time of peace it is easier to advocate civil liberties and to denounce those who infringe upon them. Yet, whether Americans admit it or not, the context of a war often dictates the priorities of government, and winning the war becomes more important than guaranteeing Americans' basic rights.

Although Japanese-American internment signified the Roosevelt administration's overarching concern with international security, it was indeed an understandable move on the part of Roosevelt and his staff. No historical situation is simple, and the Constitution is a bundle of uneasy compromises in which individual rights represent only one value in a tense relationship with other goals, such as international security. One should not judge Roosevelt's decision to sign Executive Order 9066 before considering the context in which the question of the internment was

being debated. Only then can one truly understand why such a decision might have been made, even though it seems in direct contradiction to American democratic values.

In retrospect, Japanese-American internment did not have much of an impact on the federal government itself in terms of judicial and executive policymaking and authority. The United States government did not change because of its initial decision concerning Japanese-American internment from the beginning to the end of World War II. At the end of the war there was no more “official” concern with the rights of the Japanese-American minority than there had been at the start of the conflict.

For one thing, there was no official response to the internment until the 1980s. Throughout this decade, the federal government and individual states made attempts, however belated, to apologize to former internees. In a New York Times article dated February 25, 1983, and entitled “Wartime Internment of Japanese Was ‘Grave Injustice,’ Panel Says,” author Judith Miller wrote that the news media in Japan had been focusing on a report the Commission on Wartime Relocation and Internment of Civilians recently made public. The commission had been established by Congress in 1980, and had spent \$1.3 million conducting a study of the factors that led to the internment. On February 24, the commission released a report that claimed that the exclusion of Japanese-Americans was not based on military necessity, and stated that the move was “motivated by ‘racial prejudice, war hysteria, and failure of political leadership.’”²⁶⁵ In the report, the commission also criticized Congress, the Supreme Court, the press, and others for advocating or permitting the internment. Particular blame was placed on Roosevelt.²⁶⁶ This article, written almost forty years after the internment, was one of the first addressing the internment and condemning its proponents.

²⁶⁵ JM, New York Times, Dec. 12, 1944, Clipping.

²⁶⁶ JM, New York Times, Dec. 12, 1944, Clipping.

In June 1983, members of the Commission on Wartime Relocation and Internment of Civilians offered recommendations on what they thought Americans owed Japanese-Americans who were interned during World War II. The commission suggested a joint resolution of apology that would be passed to supplement the formal acknowledgment of the internment made by President Gerald R. Ford. Individuals convicted of violating curfew and relocation laws imposed on Japanese-Americans would be pardoned, and special help would be given to former internees who applied for restitution of federal positions or benefits lost during the internment. Moreover, the commission recommended that \$1.5 billion be appropriated to grant \$20,000.00 to each surviving person relocated because of the internment.²⁶⁷

On October 9, 1983, House Majority Leader Jim C. Wright of Texas introduced a bill in Congress (H.R. 4110) to implement the full Commission on Wartime Relocation and Internment of Civilians' recommendations of \$20,000.00 granted to surviving individuals, a \$5 million trust fund, and a formal apology. That November, a companion bill was also introduced. On August 10, 1988, President Ronald W. Reagan signed the Civil Liberties Act of 1988, which granted reparations to Japanese-Americans who had been interned. The act granted each surviving internee \$20,000.00 in compensation, with payments beginning in 1990.²⁶⁸

Although the federal government did acknowledge the impact the internment had on Japanese-Americans, it did so decades after the internment had ended. Therefore, it is hard to believe that the federal government changed after realizing that the internment had infringed upon the liberties and freedoms of tens of thousands of citizens. Perhaps the government was focused on the civil rights struggle African Americans were waging. Regardless, it is clear that Japanese-American redress was belated. The federal government's failure for almost forty years to address

²⁶⁷ Washington Post, June 19, 1983, Clipping.

²⁶⁸ "History: Road to Redress and Robert T. Matsui," California State University, Accessed 7 April 2012
<http://digital.lib.csus.edu/mats/history.php>

the hardships Japanese-Americans had endured signifies that concern with the rights of minorities was not a top wartime priority.

Abbreviations

CBM	Curtis B. Munson
CF	Charles Fahy
CH	Cordell Hull
DPL	D. P. Lucas
DSM	Dillon S. Myer
ED	Elmer Davis
EMW	Edwin M. Watson
ER	Eleanor Roosevelt
FBB	Francis B. Biddle
FDR	Franklin D. Roosevelt
FF	Faith Fair
HCP	Henry C. Patterson
HDS	Harold D. Smith
HLI	Harold L. Ickes
HLS	Henry L. Stimson
HMK	Harley M. Kilgore
HST	Harry S. Truman
JDC	Joseph D. Craven
JEG	J. E. Gardner
JEH	J. Edgar Hoover
JHR	James H. Rowe
JJM	John J. McCloy
JLB	John L. Burling

JLF	James L. Fly
JLR	Joseph L. Rauh
JM	Judith Miller
JMC	James M. Cox
JYS	James Y. Sakamoto
LEM	Lois E. Mandy
MEF	Marcus E. Faber
MLE	Morris L. Ernst
MSM	Mothers Society of Minidoka
OIWL	Orange Isaac Walton League
SJT	S. Jack Taylor
WFK	William F. Knox
WJC	Wilbur J. Cohen
WRA	War Relocation Authority
WVI	Wilder V. Immel

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Academic Vita

Megan M. Foster

Sylvia and Edward Schenkel Endowed Scholarship

University Park, PA

Undergraduate Scholastic Award in the College of the Liberal Arts

Fall 2011-Spring 2012

- Awarded for outstanding academic performance in the College of the Liberal Arts

Undergraduate Discovery Summer Grant

University Park, PA

Student Research Grant in the Amount of \$2,500.00

March 2011

- Was one of thirty-six students selected from a group of eighty-two applicants
- Used funds to spend a week at the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York, to conduct the research required to prepare my Penn State Schreyer Honors College thesis during 2011 and 2012

Dean's List

University Park, PA

Fall 2008-Fall 2011

- Students at Penn State must have at least a 3.50 semester grade-point average to be named to the Dean's List

Phi Beta Kappa

University Park, PA

February 2012

- Invited to become a member of Phi Beta Kappa, Lambda of Pennsylvania Chapter, based on outstanding academic performance in a broad course of liberal studies