

## THE INCARCERATION OF JAPANESE AMERICANS DURING WORLD WAR II

The United States government began the wholesale uprooting and imprisonment of all Pacific Coast residents of Japanese ancestry on February 19, 1942, two months after the U.S. entered World War II. President Franklin D. Roosevelt's Executive Order 9066 authorized military commanders to exclude civilians from prescribed military zones. Congress backed up the Order by authorizing imprisonment and fines for persons violating it.

The Western Defense Command subsequently issued more than 100 orders aimed exclusively at persons of Japanese ancestry, who were forced out of their homes, classrooms, and businesses; deprived of their civil rights; stigmatized as "enemy aliens" even though the vast majority of them were American citizens; and impounded in "relocation centers," where they lived behind barbed wire, under guard, for an average term of three and one-half years.

These actions were taken despite arguments by the Attorney General and the FBI against the military necessity for mass evacuation. No person of Japanese ancestry living in the U.S. was ever charged with espionage or sabotage.

The losses and injuries suffered as a result of the expulsion and internment are enormous. The Evacuation Claims Act of 1948 paid former internees a total of \$34.2 million (after legal and processing fees) as compensation for property losses--which were conservatively estimated by the Federal Reserve Bank at \$400 million.

Other losses include:

--Loss of normal wage and salary incomes, and the loss of business income for those who owned businesses and farms. The total wages and salaries lost by Japanese Americans during their imprisonment was more than \$280 million. No amounts for the value of lost pension rights, job seniority, lost opportunities for promotion, etc., are included in that figure. The total loss of net incomes for businesses and farms is estimated at \$155 million in 1942 dollars.

--Mental and emotional injuries.

--Loss of personal liberty and civil rights. The following constitutional rights were denied: freedom of religion, freedom of speech, freedom of the press, right to assemble, freedom from unreasonable search and seizure, right to be informed of charges, right to speedy and public trial by jury, right to be confronted by unfavorable witnesses, right to legal counsel, right to reasonable bail, right to life and to liberty, right to property, right against involuntary servitude, right to vote, freedom from cruel and unusual punishment, right to equal protection under the law.

The First Amendment to the Bill of Rights guarantees individuals the right to petition the government for a redress of grievances. Many organizations have asked that such redress take the form of monetary restitution to individuals who suffered the losses described above. As part of its duties, the Commission on Wartime Relocation and Internment of Civilians is charged with considering this proposal and making a recommendation to Congress by early 1982.

## SOME QUESTIONS AND ANSWERS ON REDRESS

To reduce possible misconceptions concerning redress answers to the most frequently asked questions are given below.

1. WHAT CONSTITUTIONAL RIGHTS WERE VIOLATED DURING WORLD WAR 11 IN THE EXPULSION AND INTERNMENT OF JAPANESE AMERICANS?

The following inalienable rights, as embodied in the U.S. Constitution, were denied or abridged:

- freedom of religion
- freedom of speech
- freedom of the press
- right to assemble
- right to keep and bear arms
- freedom from unreasonable search and seizure
- right to be informed of charges
- right to speedy and public trial by jury
- right to be confronted by accusatory witnesses
- right to call favorable witnesses
- right to legal counsel
- right to reasonable bail
- right to habeas corpus
- right to life, liberty, and property
- right against involuntary servitude
- right to vote
- freedom from cruel and unusual punishment
- right to equal protection under the law

2. WHAT ARE THE BASES FOR A REDRESS CLAIM?

Defamation of character, false eviction, false imprisonment, loss of property, loss of income, loss of life and health due to government actions, emotional and psychological damages, damage to ethnic identity, disruption of family life.

3. WHAT WOULD REDRESS GAIN?

Compensation of sufficient magnitude would create a public awareness of the violations of constitutional rights during 1942-46, and a greater awareness of the need for vigilance to prevent similar unconstitutional conduct in the future.

4. WHY HAVE YOU WAITED SO LONG BEFORE ASKING FOR REDRESS?

The 38 years of relative silence indicates how severe and long-lasting the trauma of expulsion and internment has been. For many years Japanese Americans wanted simply to forget. Even now it is difficult for many to talk about the camps.

5. THE INCARCERATION WAS UNFORTUNATE, BUT WASN'T IT UNDERSTANDABLE IN LIGHT OF THE JAPANESE SNEAK ATTACK ON PEARL HARBOR AND THE ENSUING PANIC?

Japanese Americans were not foreigners, but Americans, and were not responsible for the bombing. Moreover, the FBI, Naval intelligence, and the Presidentially ordered Munson Report had all documented the extreme loyalty of the Japanese American population of the United States. The government and military also knew that Japan was incapable of invading the U. S. continent. The expulsion and internment of Japanese Americans was accomplished through a well organized hate campaign that had been waged during the previous forty years.

6. WASN'T IT JUST AN UNFORTUNATE NECESSITY BECAUSE THERE WAS A THREAT OF INVASION AND THERE WAS NO TIME TO DETERMINE WHO WAS LOYAL AND DISLOYAL?

If there was an actual threat of invasion, martial law should have been declared and the restrictions applied to everyone equally, as was the case in Hawaii. But martial law was not declared on the West Coast because our government and the military knew that Japan was incapable of landing an invasion force on the continental United States, especially after June 1942 (the battle of Midway in which the Japanese naval fleet was virtually destroyed). The question of who was dangerous was already determined through FBI and Navy Intelligence files. Anyone suspected of the crimes of espionage or sabotage should have been charged and brought to trial in the civil courts, which were in full operation.

7. EVERYONE SUFFERED DURING THE WAR. WHY SHOULD JAPANESE AMERICANS RECEIVE SPECIAL CONSIDERATION?

Americans of Japanese descent made the same sacrifices as other Americans did, at home and on the battlefield. Nearly 12 percent of all Japanese Americans were in Army uniform during the war, a figure 50 percent higher than the national average. But no other group of Americans was evicted from their homes and imprisoned.

8. HOW CAN YOU PUT A PRICETAG ON THE SUFFERING ENDURED BY FORMER INTERNEES?

However difficult it may be to do so logically or morally, placing such "pricetags" on emotional and physical suffering is a well established, accepted practice in American law. Monetary redress will also partially compensate former internees for losses of income and salary incurred during the expulsion and internment.

9. WEREN'T YOUR LOSSES ALREADY COMPENSATED?

The Evacuation Claims Act of 1948 compensated only a small fraction of the property losses alone. There was no inflation correction and no interest paid. Loss of freedom, loss of income, death, injuries, loss of increased land values, mental suffering, etc, were not covered.

10. MANY OTHER ETHNIC AND RACIAL GROUPS HAVE BEEN VICTIMIZED IN THE UNITED STATES. WHY SHOULD JAPANESE AMERICANS BE COMPENSATED BEFORE OTHERS?

We believe the case for redress stands on its merits. We are not in competition with other groups, who must pursue their own goals, and whose efforts we will support. The logic of this question, taken to its extreme, would dictate that no individual of any race, white or nonwhite, could enter a claim for damages against the U. S. government until "the most severely oppressed" group were paid.

Redress in this case is compensation for specific violations of civil rights, not compensation for a long history of discrimination, which Americans of Japanese descent share with other racial and ethnic groups.

11. WHY SHOULD WE HAVE TO PAY FOR THE WRONG COMMITTED BY OUR PARENTS' GENERATION?

As citizens of America, all of us are responsible for the acts of our government. As citizens, we inherit the responsibilities and debts, as well as the benefits, passed on to us by our ancestors.

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