

EVACUATION CONT

The creation of the War Relocation Authority facilitated the execution of the Order and established an administrative hierarchy to preside over the Relocation Centers, the official euphemism for America's mass concentration camps.

Families from the most remote farming areas were brought together with those from city centers, wrenched from their homes and communities--in many cases the ghettos of little Tokyos--throughout the Spring months of 1942. By October 1942, all coastal Japanese Americans and alien-born were detained in the concentration camps which were spread out across the wasteland deserts, scrub country and human trash pits of Amerika.

"That experience has taught us that any place that can hold horses can hold people. The Japanese Americans were evacuated in fifteen assembly centers which included such famous racetracks as Tanforan and Santa Anita. Other assembly centers were the fairgrounds at such places such as Fresno, Turlock, Stockton, Sacramento, and Marysville, California. These were in operation--anywhere from one month to half a year--until the more permanent relocation centers could be built inland...

While the evacuees temporarily filled the 15 Assembly Centers, the U.S. Government had examined some 200 possible sites to permanently concentrate the Japanese evacuees. Ten of these were finally selected for best meeting the following criteria--safe distance from military zones, location on federal land which would not influence private land values. These camps were located in such places as Poston and Gila, Arizona; Rowher and Jerome, Arkansas; Heart Mountain, Wyoming; Minidoka, Idaho; Amache, Colorado; Manzanar and Tule Lake, California; and Topaz, Utah." 19

9

THE EVACUATION AND THE CONSTITUTION

SUPREME COURT FAILURE

A typical first reaction to hearing about the Evacuation and the internment is one of disbelief. What of the supposed checks and balances within the political system which functionally prevent one sector from dominating over the others? What of the court system and the individual's right to fromal redress of a perceived injustice--provided amply under the Constitution? Well, what happened?

"By the time the question reached the Supreme Court, the crisis which was supposed to justify the action had passed. The Court faced two issues: should it automatically accept the judgment of the military as to the need for the relocation program, or should it require a judicial investigation of the question? Was there factual support for the military judgment that the course of the war required the exclusion and confinement of the Japanese American population of the West Coast? Clearly, if such steps were not protected by the third article of the Constitution, and Fifth and Sixth Amendments.

If the Court had stepped forward in bold heart to vindicate the law and declare the entire program illegal, the episode would have passed over as a national scandal, but a temporary one altogether capable of reparation. Put the Court, after timid and evasive delays, upheld the main features of the program. That step converted a piece of wartime folly into political doctrine and permanent part of the law. The relationship of civil to military authority is not often litigated. It is nonetheless one of the two or three most essential elements in the legal structure of a democratic society."²⁰

THE COURT CASES

"The many opinions of the three Japanese cases (korematsu, hirabayashi, exparte endo) did not consider the primary constitutional issues raised by the West Coast anti-Japanese program as a whole. This program which included

THE COURT CASES CONT

(a) discriminatory curfew against Japanese persons (b) their exclusion from the West Coast (c) their confinement pending investigations of loyalty and (d) the indefinite confinement of those persons found to be disloyal."21

JUDICIAL RESPONSIBILITY? IRRESPONSIBILITY

"To support its contrary opinion, the Supreme Court undertook a review of its own intuitions, without Judicial record before it and without serious recourse to available scientific studies of the problems. Kiplingesque folklore about the East and West is close to the heart of the opinions. The Japanese, the Court said, had been imperfectly assimilated; they constituted an isolated group in the community; their Japanese language schools might be sources of Japanese propaganda. Moreover, the discriminatory way in which the Japanese on the West Coast were treated may have been regarded as contributing to Japanese solidarity, preventing their assimilation and increasing in many instances their attachment to Japan and its institutions.

There was no testimony or other evidence in the record as to the facts which governed the judgment of the military in entering the orders in question. They were not required to support the action they had taken by producing evidence as to the need for it. Nor were they exposed to cross-examination.

The second part of the Court's basic premise of fact was that it was impossible to investigate the question of loyalty individually. Actually the exclusion program was undertaken not because the Japanese were too numerous to be examined individually, but because they were a small enough group to be punished by confinement. The Japanese were being attacked because for some they provided the only possible outlet and expression for sentiments of group hostility."22

EFFECTS OF THE COURT DECISION

ESSAY 11

"it upheld an act of military power without a factual record in which the justification for the act was analyzed. Thus it created doubt as to the standards of responsibility to which the military power will be held. It established a precedent which may well be used to encourage attacks on the civil rights of citizens and aliens, and may make it possible for some of those attacks to succeed. It will give aid to reactionary political programs which use social division and racial prejudice as tools for conquering power.

They threaten even more than the trial tradition of the common law and the status of individuals in relation to the state. By their acceptance of ethnic differences as a criterion for discrimination, these cases will make it more difficult to resolve one of the central problems in American life--the problems of minorities. They are a breach, potentially a major breach, in the principle of equality. Unless repudiated, they may encourage devastating and unforeseen social and political conflicts."23

WHAT NEXT?

"The Japanese American experience has relevance to numerous issues today. One is the matter of distinguishing between the victim and the social context in which the victim is found. The focus on the victim results in asking questions such as "How were you treated in camp?" which detracts from the major issue--Why does a free society have camps at all?

The experience warns us of the price we pay when we abstain from our moral duty to work against forces of repression in our daily lives. This means taking action against acts of injustice...It is not just non-white Americans or citizens of the underground that are concerned about the concentration camps. The very fact that the government--by pressure from a few--is free to make arbitrary definition of subversives, should make us realize that this is a matter of concern for all Americans."24

EPILOGUE

12

Looking back, dredging through history, one need not look back to 1942 for an example of the domination of the deceptive Amerikan notion of justice over the lives and destinies of a people. Today, as in every post-Columbian (sic) day, the native peoples of this land are being screwed to white man's oblivion. The history of social and cultural atrocities perpetrated by a political order, empowered by a set of laws and liberal interpretations thereof, and propped up by impromptu proclamations and treaties intended to repress socially defined enemies and subversives, simply has not been revealed adequately--that is honestly. Certainly, we have believed all the half-truths, the lies and the many empty sets rendered in pre-masticated form by our institutionally induced educations. And we continue to live out our lives based on that common and gross ignorance, that plain and irrefutable deprivation of truth.

The history, smeared bloody redyellowbrownblackwhite, echoing into your livingroom through television myths about the only good indian, repeats itself. And repeats itself again and again; in a CBS news report broadcast from a tropical, Asian country populated by the only good gooks in this world. For us to ignore or fail to recognize the parallel developments of the present with the past, the history of atrocities begging objectification and elucidation would be on the mildest level a failure to learn the ageless lessons of timeless race hatred.

Education can be militant. Educated action as militance in the face of moral and social decay can lead to the freedom of all peoples from the debilitating burdens of racially motivated oppression. Some people have the choice to act; it is called the privilege of political power. Others have no other choice than to act for themselves; to struggle; it is called self-determination. If the only action you choose to take is to educate yourself--the choice is yours. But that kind of action alone cannot move the world. You have a choice.

FOOTNOTES

13

1. Rostow, The Sovereign Prerogative p 194
2. Ibid p 194
3. Ibid p 194
4. Bosworth, America's Concentration Camps p 23
5. Ten Broek, Prejudice, War and the Constitution p 100
6. Ibid p 100
7. Ibid p 102
8. Ibid p 103
9. Ibid p 104
10. Ibid p 109
11. Ibid p 110
12. Ibid p 110
13. Rostow, p 204
14. Ten Broek, p 111
15. Rostow, p 204
16. Ten Broek, pp 111-2
17. Ibid p 112
18. Ibid p 112
19. Tachiki, Roots pp 212-209

20. Rostow, pp 195-6
21. Ibid p 231
22. Ibid pp220
23. Ibid p197
24. Tachiki, p 213

BIBLIOGRAPHY

Bosworth, Alan, America's Concentration Camps, New York Norton

Rostow, Eugene V., The Sovereign Prerogative, New Haven Yale University Press (1962)

Tachiki, Amy, ROOTS: An Asian American Reader, Los Angeles University of California Press

Ten Broek, Jacobus, Prejudice, War and the Constitution, Berkeley, University of California Press (1954)

