



THE AMERICAN JEWISH COMMITTEE

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B A C K G R O U N D E R

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## REPARATIONS FOR INTERNED JAPANESE AMERICANS?

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### Introduction

Last June 16, the National Commission on Wartime Relocation and Internment of Civilians recommended that the government pay \$20,000 to each of the 60,000 surviving Japanese Americans who were forced out of their homes on the West Coast and held in detention camps during most of World War II. The Commission also proposed that Congress pass a joint resolution, to be signed by the President, recognizing that a grave injustice was done to the Japanese Americans and offering the nation's apologies for removing and incarcerating them. Further, the Commission urged the President to pardon those who were convicted of violating the evacuation and curfew laws, and that Congress establish a special fund to encourage research and education concerning the wartime treatment of the Japanese Americans.

All of the recommendations were adopted unanimously by the nine-member Commission except the one for individual reparations of \$20,000 per person. The only member to oppose reparations was Congressman Daniel E. Lungren, Republican of California, who, while agreeing that the Japanese Americans had suffered a serious injustice, felt that they were no more entitled to individual financial redress than American blacks or American Indians. Other prominent members of the Commission were former United States Supreme Court Justice Arthur J. Goldberg, Father Robert F. Drinan and former United States Senator Edward W. Brooke of Massachusetts.

In announcing the Commission's recommendations, Joan Z. Bernstein, its chairperson, stated:

No amount of money can fully compensate the excluded people for their losses and sufferings. Two and a half years behind the barbed wire of a relocation camp, branded potentially disloyal because of one's ethnicity alone -- these injustices cannot neatly be turned into dollars and cents. Some find such an attempt in itself a means of minimizing the enormity of these events in a constitutional republic. Recalling the events of exclusion and detention, insuring that later generations of Americans know this history, is critical immunization against infection by the virus of



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prejudice and the emotion of wartime struggle. "It did happen here" is a message that must be transmitted, not as an exercise in self-laceration but as an admonition for the future.

### AJC Policy

AJC's Board of Governors considered this issue in 1979, based on the recommendations of the Japanese American Redress Committee of the Domestic Affairs Commission. During the Board's discussion, there was general agreement that although the Japanese American internment was a gross violation of the rights and dignity of American citizens, AJC could not support the concept of individual reparations. The Board did, however, endorse the following recommendations:

(a) AJC should strongly support the Japanese American Citizens League's grant request to the National Endowment for the Humanities for a project to create literature and a film series (similar to "Roots" and "Holocaust") on the Japanese American World War II experience.

(b) AJC should support creation of a Presidential Commission to investigate means of avoiding repetition of the Japanese American experience.

(c) AJC should maintain close contact with the Japanese American Citizens League and join with it in coalition as future situations may warrant.

This past year AJC supported the Japanese American Citizens League in a brief amicus filed in U.S. District Court in San Francisco on behalf of the petition of Fred Korematsu to vacate his indictment and conviction for refusing to comply with the Government evacuation order in 1942. With the approval of the Department of Justice, Korematsu's petition was recently granted by Judge Marilyn Patel.

### Historical Overview

In retrospect, the virtual imprisonment of the West Coast Japanese Americans was indeed a tragic and shameful episode. The American Civil Liberties Union, which at first equivocated when faced with this dramatic moment of truth in 1942, subsequently marked it "the worst single wholesale violation of civil rights of American citizens in our history." As a matter of fact, very few Americans did question it at that time. Almost everyone either endorsed or acquiesced in the internment of the 120,000 Japanese Americans, two-thirds of whom were American citizens and supposedly entitled to all of the civil liberties protections guaranteed by the United States Constitution. How could this have happened?

It is comprehensible only in the light of the fierce and ugly temper of the time: the rage over the "sneak" attack on Pearl Harbor which crippled our Pacific Fleet, coupled with the deep-rooted racial hostility on the part of so many Americans toward the Japanese, particularly in California. Nobody even dreamed of according comparable treatment to the millions of American citizens of German and Italian descent, with whose home countries we were also at war. As groups, they were subjected to no restrictions whatsoever.

The fact is that the singular treatment of the Japanese Americans could never have occurred without the long history of pervasive racial prejudice and actual discrimination by law against them. The Asian Exclusion Act of 1924, for example, had barred all future Japanese immigration for permanent residence in

this country. And even before Pearl Harbor, the myth of the "yellow peril" was very much alive on the West Coast, reinforced by profound envy and resentment due to the highly visible success of the Japanese, both in agriculture and in business. Even former U.S. Supreme Court Chief Justice Earl Warren, as Attorney General of California in 1942, wholeheartedly supported the relocation and internment of the Japanese Americans because he saw them as dangerous.

In all fairness, however, it must be stressed that during the first several months after the attack on Pearl Harbor, the United States seemed to be losing the war in the Pacific. Hence a Japanese attack, or even invasion, of the West Coast was by no means unthinkable. Yet hindsight tells us that the fear and hysteria were unwarranted, in part because of the decisive victory won by the U.S. Navy over Japan at the battle of Midway in June 1942, but mainly because our government had overestimated Japanese military power and capabilities (just as they had underestimated ours). But the fear and the hysteria then were real nevertheless. Feelings ran high, and there was concern about violence against Japanese Americans by local vigilantes.

An interesting sidelight to the incarceration of the West Coast Japanese Americans is that there was no such massive confinement in Hawaii, where there were 160,000 people of Japanese descent, one-third of the population of the islands. Hawaii, of course, was far more vulnerable than the West Coast to invasion by Japanese forces, yet only about 1% of the Hawaiian Japanese were arrested as possible security risks and sent to the mainland for internment. The Hawaiian Japanese were left alone, not because they were not suspect, but essentially because they played such a major role in the economy of the islands and thus were vital to the maintenance of the huge American military build-up which was centered there. The truth of the matter was, that despite widespread suspicion of Japanese American disloyalty, not a single person of Japanese ancestry, either in Hawaii or on the United States mainland, was ever even accused of either espionage or sabotage on behalf of Japan.

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066 (supplemented by Congressional action the following month), which in effect authorized the military commander of the Western Defense Command to relocate and confine civilians of Japanese ancestry living in California, Oregon and Washington, for an indefinite period, without either charges or trials. This vast removal and detention took place over a period of five months. Families had to leave their homes on a few days notice, taking with them only what they could carry. Homes, farms and businesses had to be sold hurriedly for whatever they could get (other Americans profited heavily.) Crops were left unharvested, and those who were unable to dispose of their property by sale lost it because they could no longer pay taxes or mortgage payments.

The government quickly built ten mass detention camps in isolated areas of the western states, each of which held some 12,000 Japanese Americans. The camps were surrounded by barbed wire fences, with guard towers at strategic intervals. Living conditions were crowded and there was little privacy. The Japanese language was banned at public meetings and all incoming and outgoing communications were censored by the camp administrators.

By and large, the detainees tried to make the best of their wretched situation. They used scrap materials to make furniture and room partitions, planted crops and started schools for their children. Some of them who volunteered to relieve labor shortages on farms and in factories were released, and college students were granted educational leaves. But all persons who were allowed out had to report periodically to government officials. Approximately

two-thirds of the people remained in the camps for most of the duration of the war. It should be stressed that several thousand of them volunteered to serve in the U.S. armed forces, either in combat units in the European theater (where their heroism was outstanding) or as Japanese language specialists in the Pacific area. During the period in which the internment camps were in operation, eight detainees were killed by guards and dozens of others were wounded while seeking to escape from the camps.

Not surprisingly, there were a number of legal challenges to the government's treatment of Japanese Americans during World War II. On December 18, 1944, in the case of Korematsu v. United States, the U.S. Supreme Court upheld the constitutionality of their exclusion from certain areas of the West Coast as a valid exercise of the war power. In a 6-3 opinion, delivered by Justice Hugo L. Black (normally a staunch libertarian and joined in by Justice William O. Douglas, who previously had been equally staunch in defense of civil liberties), the Court justified the government action in 1942, even as applied to a citizen of Japanese extraction whose loyalty to the United States was unquestioned, because of the risks of invasion, espionage and sabotage, and the lack of available time to separate the loyal from the disloyal Japanese. Justice Black noted also that several thousand Japanese Americans had refused to swear allegiance to the U.S. and that many had requested repatriation to Japan. In a sharply worded dissenting opinion, Justice Frank Murphy declared that the exclusion of the Japanese "falls into the ugly abyss of racism" and accused the Court of opening the door "to discriminatory actions against other minority groups in the passions of tomorrow." On the same day that the Supreme Court decided Korematsu, it also struck down unanimously the incarceration of admittedly loyal American citizens in the case of Ex parte Endo. But by then it was almost over.

Although the actual property losses of the Japanese Americans who were relocated were estimated by the Federal Reserve Bank at about \$400,000,000, under the Evacuation Claims Act passed by Congress in 1948 only about \$38,000,000 eventually was paid to those persons who were able to prove their claims for loss. These settlements were deemed to be final. No inmate of any of the detention camps was ever paid a penny for hardship, humiliation or for income that might have been earned during the years of confinement.

#### Arguments For Individual Reparation

- (1) The treatment of Japanese Americans during World War II was a national disgrace. Recompense of sufficient magnitude to create public awareness of the blatant violations of their constitutional rights is necessary to prevent similar outrages in the future.
- (2) The damage done to those who were confined - physical, psychological, financial - was so enormous that the survivors still bear the scars of their experience.
- (3) There is historical precedent for individual reparations to the Japanese Americans, i.e., West Germany has paid and continues to pay billions of dollars in reparations to Jewish victims of Nazi oppression.
- (4) Even in this country, American Indian tribes have been making legal claims for land that was taken from them, and are winning monetary settlements.
- (5) Japanese Americans, in overwhelming numbers, feel deeply that the detention camp survivors are entitled to financial compensation.

- (6) From the standpoint of good intergroup politics, as well as justice, Jews in particular should be supportive of Japanese American claims for restitution.

Arguments Against Reparation

- (1) If Japanese Americans were to be compensated for what was done to them during World War II, what about compensation for American blacks whose ancestors were slaves and who have suffered the most grievous injustices since emancipation, or American Indians for the virtual genocide perpetrated on their peoples during the past 300 years? Is it fair to pay reparations for a relatively small group injustice - and let huge ones remain unrecompensed because the sums required would be astronomical and politically impossible to pay?
- (2) Future generations of taxpayers should not be burdened with the cost of mistakes made due to the exigencies of war in 1942, at a time of understandable panic and hysteria.
- (3) The treatment of the Japanese Americans was in no way comparable to the treatment of Jews by Nazi Germany. Despite their privations, Japanese Americans were never slaughtered, tortured, enslaved, starved or subjected to hideous medical experiments.
- (4) What America did to the Japanese in Japan, e.g., Hiroshima and Nagasaki, was infinitely worse than what was done to Japanese Americans. Should we pay them reparations too?
- (5) Why \$20,000 for each survivor - why not \$2,000 or \$200,000? Why should the same amount be paid to a survivor who was an infant at the time and to a businessman who was ruined? Why no payment to the heirs of those survivors who have since died? And since some Japanese Americans already received payment under the Evacuation Claims Act of 1948, why should they be paid twice?
- (6) Cash payments to Japanese Americans would merely serve to trivialize their suffering. An official apology, pardons for those who were convicted of violating the evacuation and curfew laws, and a special educational fund to create public awareness of what happened to them would be preferable.

Legislation has been introduced in both houses of Congress to pay individual reparations to the Japanese Americans. It remains to be seen whether it will pass and, if so, whether the President will approve it.

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