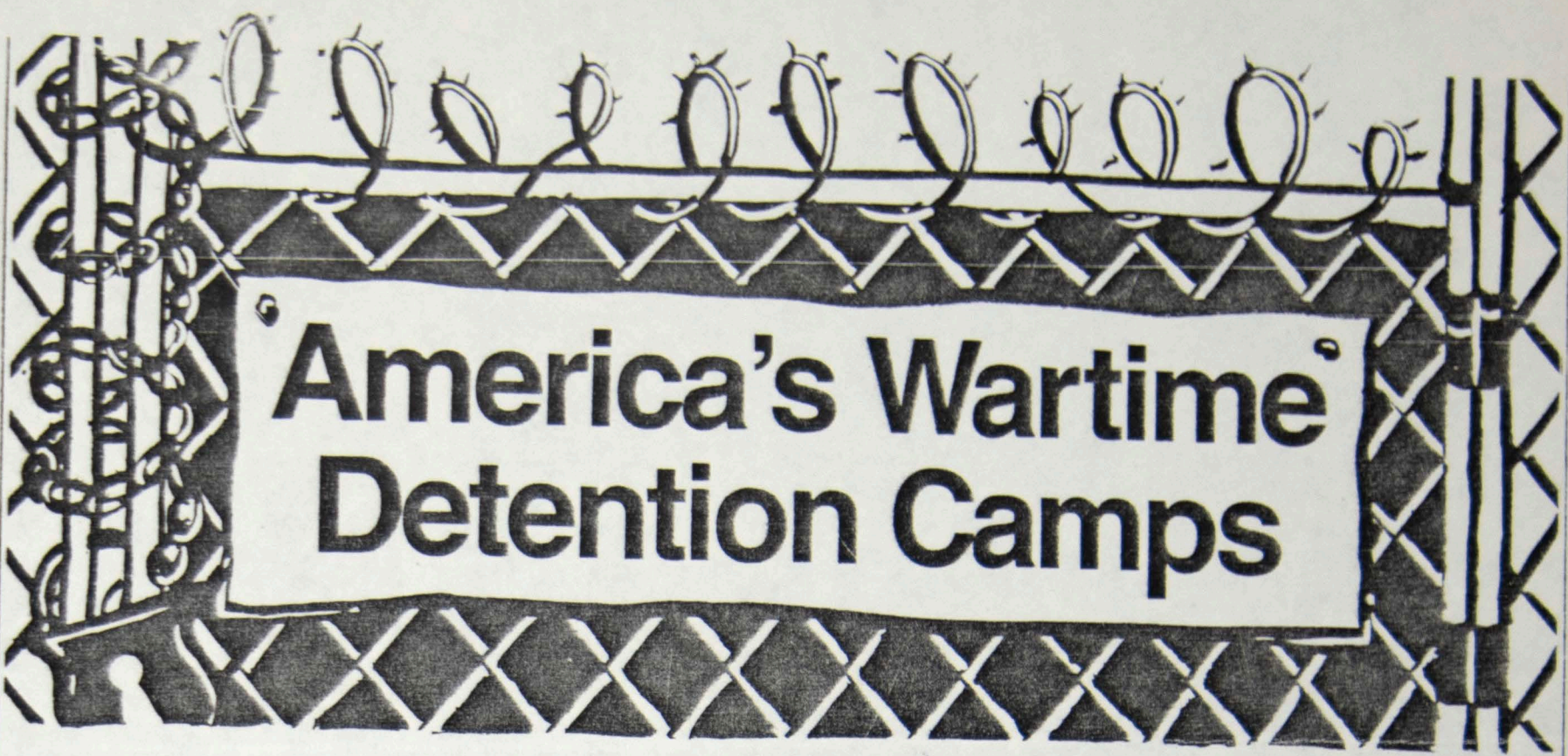


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America's Wartime Detention Camps

by Samuel Rabinove

Last June, 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 World War II. The nine-member Commission, which included former United States Supreme Court Justice Arthur J. Goldberg, Father Robert F. Drinan, and former United States Senator Edward W. Brooke of Massachusetts, 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 offer 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 Japanese Americans.

All of the recommendations were adopted unanimously by the Commission except the one for individual reparations of \$20,000 per person, which was opposed by Congressman Daniel E. Lungren, Republican of California, who, while agreeing that Japanese Americans suffered a serious injustice, felt that they were no more entitled to individual financial redress than American blacks or American Indians.

In retrospect, the virtual imprisonment of West Coast Japanese Americans was indeed a tragic and shameful episode. The American Civil Liberties Union, which at first equivocated in 1942, subsequently marked it "the worst single wholesale violation of civil rights of American citizens in our history." But few Americans questioned it at the time.

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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 of so many Americans toward the Japanese, particularly in California. Nobody even dreamed of interning 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 worst single wholesale violation of civil rights of American citizens in our history."

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 Supreme Court Chief Justice Earl Warren, as Attorney General of California in 1942, wholeheartedly supported relocation and internment of Japanese Americans, whom he viewed as dangerous.

It must be stressed, however, 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. But the fear and the hysteria were real, and there was concern about violence against Japanese Americans by local vigilantes.

Ironically, there was no such massive confinement of the 160,000 Hawaiians of Japanese descent, who constituted one-third of the Islands' population. Hawaii, of course, was far more vulnerable to Japanese invasion than the West Coast, yet only about one percent of the Hawaiian Japanese were arrested as possible security risks and sent to the mainland for internment. The Hawaiian Japanese were left alone 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 buildup centered there. Despite widespread suspicion of Japanese American disloyalty, not a single person of Japanese ancestry, either in Hawaii or on the United States mainland, was 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, often at a loss (with other Americans profiting heavily). Crops were left unhar-

vested, 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 those 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 attempting to escape from the camps.

Not surprisingly, there were a number of legal challenges to the government's treatment of Japanese Americans. On December 18, 1944, in the case of *Korematsu v. United States*, the 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 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."

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.

The arguments of individual reparation are as follows: 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 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 of 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 stand-

point of good intergroup politics, as well as simple justice, Jews in particular should be supportive of Japanese American claims for restitution.

The arguments against individual reparation are as follows: 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 what about the American Indians for the virtual genocide perpetrated on their people during the past 300 years? Is it fair to pay reparations for a relatively small group injustice and let huge ones remain uncompensated 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.

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Even the youngest were labeled enemy.



LIII. DEATH AND MOURNING: WHAT HAPPENS AFTER WE DIE?

by Daniel B. Syme

Part of the greatness of Reform Judaism lies in the fact that each Jew is free to select and observe those rituals which are most meaningful on a personal level. But choice implies knowledge of the options available to us. Hence this series of articles, which briefly describe a number of these options.

Jewish positions on a variety of issues relating to death and mourning derive in part from Jewish responses to the question: "What happens after we die?" Therefore, before addressing these subjects, we must first review a spectrum of Jewish views relating to life after death and the normative response that came to inform halachic rulings.

1. The Biblical view

In the Torah, and in the Tanach in general, there is virtually no intimation of a belief in a heaven or hell, or in physical resurrection. The Bible does mention a shadowy place called *Sheol*, but it is not described in great detail. It was conceived of as a pit beneath the earth, a place of darkness and quiet, separated from our world. The essential thrust of the Biblical idea, however, is that the good will be rewarded and the evil punished in this life, rather than in some hereafter. Accordingly, it is clear that the Bible emphasizes our life here on earth, with no promise of future existence of any kind.

2. In Second Temple times

One of the most difficult problems that any religion must confront is the reality that the good do suffer and the evil do often prosper. Indeed, that is the dilemma posed by the Book of Job, whose only answer is that there is no way for human beings to understand "God's plan." The reality of life made the Biblical notion of reward and punishment seem naive. Accordingly, about the fifth century B.C.E., a new notion began to gain credence in the Jewish community.

Under the influence of the Pharisees, Jews embraced the idea of life after death and physical resurrection. There would come a day, said these Jews, when a messiah would come and raise the dead. Each person would come before God for judgement. The good would proceed to a perfect place called *Gan Eden* (literally "Garden of Eden"), while the evil would be consigned to a shadowy world known as *Gehinnom*.

3. In the Talmud

By Talmudic times, the Pharisaic belief had been elaborated into a full-blown system of physical resurrection and immortality of the soul. The Messiah would bring *Olam Ha-Ba*, a perfect "world to come," closed to those who were less than totally righteous. Shammai held that those consigned to *Gehinnom* would remain there forever. Hillel, on the other hand, asserted that the inhabitants of the nether world could be forgiven and proceed to *Olam Ha-Ba*.

Normative Judaism followed Hillel, while the Christian notion of eternal damnation was borrowed from Shammai. To this day, Orthodox Judaism preserves Hillel's answer as its response to the question of life after death.



4. A mystical answer

During the Middle Ages, the Jewish Mystical tradition presented a radically different answer. Jewish mystics outlined a belief in *gilgul ha-nefesh*, a transmigration of souls, or reincarnation. According to the mystics, every person has a soul and a task to accomplish here on earth. If the task is completed in the course of a lifetime, the soul ascends to God after death. If not, the soul returns to earth in a different vessel again and again—until its job is done. If the soul engages in great evil, it may be punished and wander eternally. This unending wandering was the greatest punishment that the mystics could conceive.

5. A rationalist answer

The twelfth-century philosopher Maimonides was one of Judaism's most brilliant thinkers. Because of the highly controversial nature of his intellectual views, he wrote on two levels: for the "masses" and for other philosophers. The words he used were the same for both audiences, but "equivocal" in nature. Only if you knew the "code" could you know the "truth."

On the face of his writings, Maimonides appeared to believe in physical resurrection. Indeed, his "Thirteen Articles of Faith" included physical resurrection as an essential tenet for every Jew.

A careful reading of Maimonides' work, however, reveals that he was a rationalist. For Maimonides, God is pure intelligence. Therefore, whatever immortality we humans achieve is through our intellect. The greater the thoughts we think, the closer we come to God's "thoughts," and thereby to immortality.

6. Reform Judaism's answer

Reform Judaism rejected all notions of a single Messiah, of bodily resurrection, and of a physical life after death. Instead Reform embraced a belief in the immortality of every soul, holding that all souls return to God.

A perfect world, said the Reformers, can come about only in a Messianic age, a time when all people become co-partners with God in creating heaven on earth. Further, our true immortality resides in the memories treasured in this world by those who knew and loved us.

One explicit message emerges from this brief overview of Jewish views of the after-life. Regardless of the details of any position or any thinker, Judaism never compromised its insistence on the absolute necessity of a good and decent life in this world. The Talmud states: "Better is one hour of repentance and good works in this world than all the life of the world to come." So long as we keep that value clearly in mind, we can begin to address the rituals and practices that these philosophies produced over time.

Next Issue: Jewish positions on embalming, autopsy, and cremation.

Detention Camps

(continued from page 9)

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.