

THE RESTRICTED CITIZEN

By Everett V. Stonequist

The difference between democratic constitutional theory and democratic social practice in the treatment of minorities can be a large one. This may be somewhat disillusioning to the adherent of democratic philosophy, but it should not be surprising to the realistic student of human affairs. Human beings everywhere behave largely in terms of established customs and traditions modified by the immediate desires and pressures of individual and group interests. These are not likely to be either very rational or very consistent. Democratic constitutional theory, on the other hand, formulates rather general and (ideally) universal principles of conduct, and, even though it moves in the realm of the "must," it is strongly oriented in the direction of the "ought".

In the United States the conflict between democratic theory and democratic practice has been particularly acute and sometimes disruptive. Ours is a large country and a young nation, a nation in the making. We are an emergent nationality of many peoples and races, but, contrary to the beliefs and hopes of our enemies, a very real and unified nation. This unity in large part centers around common hopes for the future rather than in common memories of the past; the promise rather than the history of America. This is in contrast to most of the older nations of the earth. As a concomitant, or consequence, it means that our social, economic, and political life contains many practices which conflict with our philosophy.

Thus we arrive at what appears to be a contradiction in terms: the restricted citizen.-1 From the standpoint of democratic constitutional principle, all citizens are legally equal. In social life, and sometimes in specific acts of law, however, there are many inequalities and restrictions. Insofar as a democracy remains consistent with its own spirit and doctrine, it strives ever to bring the stubborn facts of human inequality into harmony with its principles of equality of treatment and opportunity. But this is a task requiring for its success time, patience, and persistent effort in modifying the basic conditions of social life; it does not occur automatically from the mere enactment of acts of legislation.

Roots of Present Restrictions

The deeper roots of present-day restrictions upon citizens of minority groups can be best understood by a glance at our history. The social structure of the United States is in considerable part an arrangement patterned by the process of migration to America. The early immigrants established the ground pattern of national life. Later immigrants were assimilated to this pattern and to the modifications developed in the course of adjustments to the new environment. They also made contributions which still further modified the original heritage.

The division between the "old" immigrants, who arrived largely before 1890 and who originated mainly in northwestern Europe, and the "new" immigrants, who have come chiefly since 1890 and whose homes were in southern and eastern Europe, represents a significant basis for present-day restrictions. The other main basis for restrictions is founded upon race or color; the distinctions between the white on the one hand and the Negro, the Oriental, and the Indian on the other. These two historically determined grounds of distinction are today further modified by the particular countries with which we are in conflict--particularly Germany, Italy, and Japan.

Germans and Italians

The German immigration to America belongs mainly to the pre-1890 phase. The Germans as a group have been here longer than the Italians or the Japanese. Consequently they have had more opportunity to become identified with and assimilated into American life. Their assimilation has been aided by the greater resemblance between their racial and cultural traits and those of

America. As a result, in spite of the fact that this is our second war with Germany in less than twenty-five years, and even though most Americans regard Germany as our chief enemy, there is actually less discrimination against the naturalized German or the native-born of German ancestry than against some other minorities.-2 Those Germans who are the object of greatest suspicion are the aliens and citizens of relatively recent migration and naturalization. This discrimination seems to be based largely on fear of disloyalty and possible acts of sabotage, and is not primarily a prejudice against the Germans as a people. However, there is also some discrimination against those of German extraction, and it is always possible that, as the war intensifies, feelings of hostility against Germany will be displaced upon Americans of German origin.

The citizen of Italian background is in a somewhat different position. The Italian migration to America belongs to the recent or "new" immigration. Consequently there has been less time for cultural assimilation. The cultural backgrounds of the Italians immigrant differ more widely from the American than is true of the German. The Italians have higher rates of illiteracy, less urban and industrial experience, and they are largely Roman Catholic in religion. The number and percentage of Italians who are aliens are considerably larger than for the Germans. The Tolson Committee hearings disclosed that there is much reluctance to employing Italians in industry. The reasons given for this attitude vary. In Connecticut the employers, allegedly said they did not have "good work habits"; that they were less trained. Elsewhere, some employers thought they were "excitable" and "temperamental!" In contrast to the attitude toward Germans, there was little fear of sabotage on the part of the Italians. This may reflect a feeling that Italy is a captive rather than a genuine member of the Axis. Furthermore, the hierarchical and dictatorial principles of totalitarianism may be less congenial to the Italian than to the German mentality.

Whatever the causes, there is a great deal of industrial discrimination against workers of Italian origin and descent. This is particularly evident in the east, where Italians form a considerable portion of the population. The failure of employers to use them on a proportionate basis increase their percentage of workers in the Work Project Administration. The hearings of the Tolson Committee indicated, however, that as defense and war activity mounted, there was a tendency to bring more Italians into industry.

Some of the discrimination against Germans and Italians seems to be due to misconception concerning the legality of employing foreign-born citizens. Apparently there is a failure to distinguish between those born abroad who have become citizens through the process of naturalization, and those who have remained aliens. Furthermore, there seems to be confusion relative to the legality of employing aliens in industries which have defense contract. Actually, no Federal or state law exists which forbids the employment of aliens in defense and war industries except in the case of special contracts of a secret nature, and even then the employer may hire aliens if he secure the permission of the Army or the Navy. The concept of "enemy alien" is itself likely to carry with it unfavorable meanings, despite the efforts of officials to make it clear that an "enemy alien" merely means one who is legally a member of an enemy nationality, and is not necessarily, or generally, a person lacking in loyalty to this country. There is substantial agreement that relatively few so-called "enemy aliens" are actually a danger to this Government.

Other Minority Groups

Aside from citizens of German and Italian extraction, much discrimination is also practiced against Jews, Mexicans, Negroes, and Japanese, to mention only the more conspicuous minorities. Such discrimination varies somewhat according to the section of the country in which these groups are more numerous. The Jewish problem is more evident in the east and in some urban centers elsewhere;

the Mexican is located in the southwest; the Japanese on the Pacific coast; while the Negro's plight is more nearly a national one. All these groups have been for years the target of various forms of discrimination, sometimes legal, more often extralegal.

It should be pointed out in this context that American citizens may suffer indirectly from restrictions placed upon alien members of their families. There are large numbers of second-generation Americans whose parents are not American citizens. American-born children whose parents are denied employment because they are aliens thus are handicapped both in their standards of living and in their social status. Where citizenship is legal requirement for public aid or participation in social security, such as old-age assistance and employment in the Work Project Administration, the handicap obviously has repercussions upon the citizen children and other citizen relatives.

Undoubtedly the citizen group, apart perhaps from the recently evacuated Japanese, which has been and remains the most restricted group, is the Negro. Almost everywhere, and usually for all work except the most menial, the Negro is proverbially the last to be hired and the first to be fired. The war boom of the past two years has brought this fact strikingly to the surface. The Hearings of the Congressional Committee Investigating National Defense Migration are replete with evidence on this point. One industrial area after another has failed to make full use of its Negro labor supply, and has turned instead to outside white labor. As a result, these already congested areas have been swelled to the bursting point with immigrants, creating acute problems in housing, health, municipal services, education, and the like. The resistance to employing Negroes has come from both employers and employees to be more hostile to working with Negroes than is actually the case.

Efforts to Reduce Discrimination

Discrimination against minorities injures the democratic pattern, weakens national morale, and retards the effectiveness of the war effort by wasting labor and creating unnecessary migration and economic dislocation. The seriousness of the problem has been recognized by the Federal and some state governments, and has resulted in varied efforts to reduce discrimination.

On June 25, 1941 the President issued an Executive order to prevent discrimination in employment. This order established within the Office of Production Management a Committee on Fair Employment Practice charged with investigating complaints of discrimination and taking appropriate steps to redress grievances. The order instructs all official agencies concerned with vocational training for defense to eliminate discriminations because of race, creed, color, or national origin, and requires all defense contracts to contain a provision obliging the contractor not to discriminate against any worker on these grounds.

On January 2, 1942, shortly after the outbreak of war, the President issued a statement in which he expressed his "deep concern over the increasing number of reports of employers discharging workers who happen to be aliens or even foreign-born citizens." He pointed out that "by discharging loyal, efficient workers simply because they were born abroad or because they have 'foreign-sounding' names or by refusing to employ such men and women, employers are engendering the very distrust and disunity on which our enemies are counting to defeat us." He noted also that "we cannot afford the economic waste of services of all loyal and patriotic citizens and non-citizens in defending our land and our liberties....."

Such statements and actions, especially when effectively implemented, tend to set a national standard. They have been supported by some state legislation, notably in New York, and assisted by the actions of some governmental employment services. The efforts of individual employers, of some labor unions, and of other private bodies, also have had some effect in improving the employment of minorities in specific situations. No doubt the larger part of the solution for this problem must come from the manpower

exigencies of the war itself. A growing army and a growing war production are both creating a manpower shortage, and this cannot fail to draw in an increasing number of workers of all minorities. Once these minorities have become well integrated into the various ranks of labor, we may expect that at least some part of the gain will carry over into the postwar period of readjustment.

The Evacuation of Japanese-American Citizens

Undoubtedly the most dramatic case of the restricted citizen today in the United States is that of the evacuated Japanese-American citizens on the Pacific coast. Some 112,000 citizen and alien Japanese, almost the entire Japanese population of the Nation, have been removed from prohibited military zones under the supervision of the United States Army. Of the total number of evacuees, about 71,000 are native-born American citizens, and are not legally enemy aliens. This evacuation of citizens is an unprecedented event in American history, for it subjects a group of citizens to greater restrictions than are applied to many white enemy aliens. It raises important questions relative to constitutional rights, war issues, racial policy, and the ultimate adjustment of the evacuees. These questions have been judiciously raised by the Tolson Congressional Committee in its report of May 1942. In the language of the Committee,

-----It has become clear that a curtailment of the rights and privileges of the American-born Japanese citizens of this country will furnish one of the gravest tests of democratic institutions in our history.....The Nation must decide and Congress must gravely consider, as a matter of national policy, the extent to which citizenship, in and of itself, is a guaranty of equal rights and privileges during time of war. Unless a clarification is forthcoming, the evacuation of the Japanese population will serve as an incident sufficiently disturbing to lower seriously the morale of vast groups of foreign-born among our people....The fact that in a time of emergency this country is unable to distinguish between the loyalties of many thousands of its citizens, and others domiciled here, whatever their race or nationality calls into question the adequacy of our whole outlook upon the assimilation of foreign groups. To many citizens of alien parentage in this country it has come as a profound shock that almost overnight thousands of persons have discovered that their citizenship no longer stands between them and the treatment accorded to any enemy alien within our borders in time of war.-3

For and Against Evacuation

The decision to evacuate the Japanese was based upon the military consideration that they might form a potent fifth column in the event of an invasion of the Pacific coast, and that they inhabited vitally important military and industrial areas where espionage and sabotage could endanger the Nation's defenses and war effort. The evacuation of citizen as well as alien Japanese was justified by many witnesses, especially officials, primarily on the ground that it was impossible to distinguish between loyal and disloyal Japanese. Law enforcement officials were concerned lest "enraged public sentiment and possibly mob action, occasioned by reverses in the Pacific war theater, would work injury to innocent and guilty alike,"-4 It was also pointed out that to evacuate alien Japanese alone would disrupt family relationships and create numerous dependency problems. Some believed that the citizens or American-born Japanese (called Nisei) were more dangerous than the aliens (Issei), because they resented more keenly the discriminatory treatment of fellow Americans.

The inability of many Americans, official and unofficial, to understand

the "oriental mind" came out strongly in the testimony. The American Japanese were criticized by some for not opposing the aggressions of Japan in the past, for not closing Japanese-language schools, for not reporting disloyal Japanese, for continuing to read Japanese-language newspapers, for educating children in Japan, for group cohesiveness, and so forth. Many of these critics nevertheless believed that the majority of Japanese were loyal to America.

Witnesses who opposed complete evacuation did so on the ground that the decision contained an invidious racial distinction. They pointed out that the evacuation of the Japanese as a group would "play into the hands of the Axis Powers who wish to spread the ideology of a racial war";-5 that concentration of attention on the Japanese would give a free hand to subversive and disloyal elements in other alien groups; and that the problem of reciprocal treatment of American citizens held by the Japanese must be considered. In general, these witnesses opposed complete or mass evacuation and urged the desirability of individual treatment. They criticized the public hysteria and race prejudice of some newspapers, radio commentators, public officials, and agricultural producer groups, who, they considered, were motivated by political and economic interests. They denied the accusations of these who favored complete evacuation, affirming that the loyalty of individuals could be ascertained, and that the Federal Bureau of Investigation was adequate to the task.

One distinction in the citizen group was emphasized and deserves mention; that between those American-born Japanese who through education or long visits in Japan, dual citizenship, Japanese business connections, and the like, have absorbed the Japanese language and culture but know little of America, and those who were reared and educated in America and who have identified themselves wholeheartedly with American life. The fact that there could be American citizens who were Japanese culture and personality was a baffling problem for American public officials.

It is important to recognize the atmosphere in which the decision to evacuate was made. For at least a month after the attack on Pearl Harbor on December 7, the public temper was relatively calm. With the appearance of the Roberts report on January 25, and the publication of accounts of espionage and sabotage in Hawaii, the public temper changed. The reports of sabotage in Hawaii by the Japanese were later denied categorically by responsible officials in Hawaii and in Washington, but these denials came too late to influence the decision to evacuate. Some evacuation had begun under

Attorney General Biddle's authority, the announcement of which was made as early as January 29. The President's Executive Order No. 9066, prescribing military areas and exclusion, was issued on February 19, almost a month before the sending of a cablegram from the Honolulu Chief of Police that there had been no sabotage in Honolulu on or after December 7. It is possible that if the Pacific coast could have received the truth about Hawaii at an earlier date, there would have been much less public alarm, and the issue of mass evacuation would not have arisen. Certainly the problem of handling the larger number of Japanese in Hawaii, constituting 37 per cent of the population seems to have produced no insuperable difficulties in that exposed area.

Issues Involved

The hardships involved in this wholesale evacuation of human beings do not require detailed statement here. The uprooting from homes, the loss of occupations, the many sacrificial sales of property, the confusion, uncertainty, and distress, make this evacuation a tragic chapter in America racial history.-6 The problems are far from over. The question of resettlement from the temporary "assembly centers" to which the evacuees have been removed is itself a difficult one because of the opposition of the other communities to receiving the Japanese. Responsibility has now been shifted from the Army to a civilian organization, the War Relocation Authority. It plans to settle the evacuees in a number of communities where land

subjugation, food production, and the production of war goods can furnish useful work.

The problem of long-time, or post-war, adjustment will present serious issues. Isolated communities of the con-centration-camp type will not promote cultural assimilation and integration into American life, nor will they be in line with constitutional principle and the announced American war aims, which stress the values of human freedom and racial equality. It is possible, however, that a farsighted and just handling of this question may turn what is now a great national problem into some kind of asset. This will not occur, of course, if public sentiment remains confused and suspicious of the American Japanese,-7.

Whether or not the Pacific coast evacuation is to constitute a precedent and model for other future evacuations is a disturbing question. It has received the attention of the Chairman of the House Select Committee Investigating National Defense Migration, notably in a letter dated May 1, 1942 to Attorney General Biddle, in which he inquires as to the meaning of General Drum's order relating to evacuation on the eastern coast. This letter calls attention to the "tremendous uncertainty" caused "in the minds of all aliens and members of their families who may be citizens" by that portion of the military order which states that evacuation will not be in mass form but by "selective processes." The House Committee believes that the specific circumstances which gave rise to the President's Executive order of February 19 have now changed and that "the time has come for the President to consider the need for drafting a new Executive Order delineating the present necessities of our situation and embodying them in a revised version of this order."-8 The Committee strongly recommends that hearing boards be established in order to allay anxiety and improve public morale.

Wise Policy Needed

It seems clear that the imposition of legal restrictions upon minority groups of citizens, even in the emergency of war, is a development which must be regarded with great concern by those who cherish democratic principles. If imposed in a specific situation, like that of the west coast Japanese, they should be removed at the first practicable opportunity. The Government has the duty of protecting equally citizens of all racial and national backgrounds. Blunders may be committed in the emotional stress of war, but every effort must be made to repair mistakes and avoid their repetition.

So far, the war emergency has shown that distinctions of color and nationality are still a major problem confronting statesmanship in this country. There is a possibility that, under the combined influences of the need for man-power, of governmental pressure against discrimination, and of educational activity in its broadest sense, the restrictions against national and racial minority may be gradually reduced.

The policy of improving the status of minority groups while fighting the war is a sound one; to postpone such questions until the postwar period might mean retrogression rather than advance, and would retard the war effort both at home and abroad. The emotions generated in social crises can be used to promote democratic attitudes. The same principle should apply to the evacuated Japanese; by a publicly sponsored campaign of education concerning the facts of the Japanese in Hawaii and on the continent, combined with a wise and skillfully executed policy of resettlement, the Japanese-Americans, instead of continuing as an isolated collection of "little Tokyos" in one section of the country, might be more thoroughly woven into the texture of American life on a national scale.

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1-The following account does not consider restrictions on citizens which exist apart from the subject of cultural and racial minorities. such as those on sex, marriage, age residence, voting, and so forth. Some of these, such as the poll tax and bans on interracial marriage, restrict both white and colored races.

2-This is substantiated in the voluminous hearings of the Select Committee Investigating National Defense Migration, the Tolson Committee. The First Interim Report is dated Oct. 21, 1941.

3-Findings and Recommendations on Evacuation of Enemy Aliens and others From Prohibited Military Zones. Fourth Interim Report of the Select Committee Investigating National Defense Migration, House Report No. 2124 The quotation is from pp. 11-12.

4-Preliminary Report and Recommendations on Problems of Evacuation of Citizens and aliens from Military Areas. Report of Select Committee Investigating National Defense Migration, House Report No. 1911, March 19, 1942, p. 14.

5-Ibid., p. 15.

6-For some brief accounts in current periodicals see, for instance, Charles Iglehart, "Citizens Behind Barbed Wire," The Nation, Vol. 154, No. 23 (June 6, 1942), pp. 649-51; also the letters of two Japanese in the same issue, p. 666; Galen M. Fisher, "Our Japanese Refugees," The Christian Century, Vol. LIX, No. 13 (April 1, 1942), pp. 424-26; George D. Nickle, "Evacuation American Style," Survey Midmonthly, Vol. LXXVIII, No. 4 (April 1942); pp. 99-103. On the question of future policy see Cary McWilliams, "Japanese Evacuation: Policy and Perspectives," Common Ground, Vol. II, No. 4 (Summer 1942), pp. 65-72

7-The New York Times of June 27, 1942, p. 5 reports a court action begun by a former Attorney General of California, representing the Native Sons of the Golden West, to take away citizenship from the Japanese born in this country.

8-Fourth Interim Report, pp. 22-23, 24.