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We Deplore: The military evacuation order on the West Coast, under which tens of thousands of American citizens of Japanese extraction have been removed wholesale, without examination of their loyalty.

. . . ACLU, 1942

"The right of the people to be secure in their persons, houses, papers and effects shall not be violated . . . No person shall be deprived of life, liberty or property without due process of law. . . The accused shall enjoy the right to a speedy and public trial by an impartial jury and to be informed of the nature and cause of the accusation . . . to have compulsory process for obtaining witnesses in his favor . . ."

. . . U.S. Constitution,
4th, 5th, 6th Amendments

The Japanese attack on Pearl Harbor on December 7, 1941, brought the United States into the Second World War and also plunged this nation into a critical test of its constitutional democracy. Under the conditions of total war, could civil liberties, the rights of individuals and minorities, be protected, or should they be sacrificed for the sake of "national interest"?

Nowhere were these questions more clearly defined than in the series of events which might be called the Japanese-American episode during World War II.

The events that comprise this episode may be summarized as follows: The day after Pearl Harbor several hundred enemy aliens -- Japanese, German and Italian -- were selectively apprehended and detained. Next came curfew, evacuation, and mass detention -- the last two applied on a strictly racial basis to Japanese Americans only, and regardless of citizenship. Within one year after the outbreak of war, the 112,000 Japanese Americans on the Pacific Coast (2/3 of whom were United States citizens) were in government camps under armed guard.

That this was a radical departure from American ideals and principles can hardly be challenged. One hundred and twelve thousand persons, two-thirds of whom were American citizens, were uprooted from their homes, their businesses, and their farms. They were banished and interned for two and on-half years. They lived behind barbed wire, under conditions that were, in Judge Denman's words, "in major respect as degrading as those of a penitentiary and in important respects worse than in any federal penitentiary." Justice Murphy, in a dissenting opinion in the Korematsu case, described the action as "one of the most sweeping and complete deprivations of constitutional rights in the history of this nation."

Viewed in this perspective, the Japanese American episode of World War II looms as a dark blotch upon American national history. The vast, harsh, and discriminatory program of uprooting and imprisonment -- initiated by the Generals, advised, ordered, and supervised by the civilian head of the War Department, authorized by the President, implemented by Congress, approved by the Supreme Court, and supported by the people -- is without parallel in America's past.

The whole Japanese American program violated and degraded the basic individualism which sustains a democracy. It destroyed, or at least impaired, the trial tradition of the common law. It disparaged the principle that guilt is individual. It sapped the vitality of the precept of equality. It tolerated preventive incarceration for assumed disloyal beliefs and attitudes -- unaccompanied by acts -- attributing them without proof, probable cause, or reasonable suspicion to an entire group on the basis of race. It made racism a constitutional principle.

The episode destroyed basic and precious rights of personal security: the right, without arbitrary or unconstitutional interference, to move about freely, to live and work where one chooses, to establish and maintain a home; the right not to be deprived of constitutional safeguards except upon an individual basis and after charges, notice, hearing, fair trial, and all of the other protections and procedural requirements of due process.

This Japanese American episode culminated in the constitutional sanctification of those deprivations by the highest court in the land, a court traditionally dedicated to justice, defense of the Constitution, determination of the powers and limitations of government, and protection of the rights of human beings.

Without a doubt the expulsion and imprisonment Japanese Americans remains as one of the darkest events in the history of the United States. While the suffering,

financial losses and psychological traumas can never be repaired, the ACLU strongly supports the principle that America and her citizens must admit to and attempt to redress the wrongs done to an entire people, victims of the unconstitutional acts by the United States government.

"Those who do not remember the past are doomed to repeat it."

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