Why did the United States put more than 70,000 Japanese American citizens into internment camps during World War II?

By Nolan Rappaport

Background. Approximately 275,000 Japanese immigrants settled in Hawaii and on the mainland of the United States between 1861 and 1940. In Hawaii, they worked mainly in sugarcane fields as contract laborers or opened small businesses. On the West Coast of the mainland, they became farmers, fishermen, and small businesses operators. Although Japanese Americans worked less than 4% of California’s farmland in 1940, they produced more than 10% of the total value of the state’s farm resources. They lived primarily in ethnic neighborhoods in California. They established their own schools, houses of worship, and cultural institutions. This was due in large part to the refusal of real estate agents to sell properties to Japanese Americans outside of existing Japanese enclaves. Also the California Alien Land Law of 1913 prohibited "aliens ineligible for citizenship" from owning agricultural land or possessing long-term leases over it. Although it affected the Chinese, Indian, Japanese, and Korean immigrant farmers in California, it was primarily directed at the Japanese. Naturalization was restricted at that time to white persons and persons of African nativity or descent.

Pearl Harbor. At 7:55 a.m. on December 7, 1941, hundreds of Japanese fighter planes attacked the American naval base at Pearl Harbor near Honolulu, Hawaii. The attack was over in less than two hours, but that was enough time for the Japanese fighter planes to destroy almost 20 American naval vessels, including eight large battleships, and more
than 300 airplanes. They also killed more than 2,000 Americans soldiers and sailors, and wounded another 1,000. Later that day, President Franklin D. Roosevelt issued a proclamation authorizing the removal of Japanese enemy aliens from the United States. The next day, he declared war on Japan,4 and he issued two more enemy alien proclamations to extend the removal authorization to include German and Italian enemy aliens. Sadly, the world has become an even more dangerous place since then. On September 11, 2001, 19 men hijacked four commercial airplanes and used them for a terrorist attack on the United States that killed 2,977 people.5

Presidential Proclamation 2525, Alien Enemies—Japanese.6 This proclamation was directed at Japanese Americans 14 years of age and older who were not citizens of the United States. Among other things, it prohibited them from giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States, and imposed the following regulations:

(1) No alien enemy shall enter or be found within the Canal Zone and no alien enemy shall enter or leave the Hawaiian Islands or the Philippine Islands except under such regulations as the Secretary of War shall prescribe. Any alien enemy found in these places without such authorization may be apprehended immediately and detained until it is determined whether he should be released, released on bond, or permanently interned;

(2) The exercise of the power to prescribe restricted areas and the power of arrest, detention and internment of alien enemies in the Canal Zone, the Hawaiian Islands or the Philippine Islands shall be under the jurisdiction of the Military Commanders of each such territory;

(3) No alien enemy shall enter or leave Alaska, Puerto Rico or the Virgin Islands except under such regulations as the Attorney General shall prescribe. Any alien enemy found in these places in violation of any such regulations shall be apprehended immediately and detained until it is determined whether he should be released, released on bond, or permanently interned;

(4) The Military Commanders in Alaska and Puerto Rico and the Naval Commander in the Virgin Islands shall have the power to prescribe restricted areas;

(5) No alien enemy shall have in his possession, custody or control any of the following enumerated articles:
   a. Firearms;
   b. Weapons or implements of war or component parts thereof;
   c. Ammunition;
   d. Bombs;
   e. Explosives or material used in the manufacture of explosives;
   f. Short-wave radio receiving sets;
   g. Transmitting sets;
   h. Signal devices;
   i. Codes or ciphers;
   j. Cameras; or
   k. Papers, documents or books in which there may be invisible writing; photograph, sketch, picture, drawing, map or graphical representation of
any military or naval installations or equipment or of any arms, ammuniton, implements of war, device or thing used or intended to be used in the combat equipment of the land or naval forces of the United States or any military or naval post, camp or station;

(6) No alien enemy shall undertake any air flight or ascend into the air in any airplane, aircraft or balloon of any sort, except when such travel has been authorized by the Attorney General or the Secretary of War;

(7) Alien enemies deemed dangerous to the public peace or safety of the United States by the Attorney General or the Secretary of War are subject to summary arrest and confinement;

(8) No alien enemy shall enter or leave the United States except under the regulation prescribed by the President in his Proclamation dated November 14, 1941, and any regulations promulgated thereunder;

(9) Whenever the Attorney General deems it to be necessary for the public safety and protection to exclude alien enemies from a designated area, he can issue appropriate regulations. Any alien enemy who is found within any such area or the immediate vicinity thereof shall be subject to summary apprehension;

(10) With respect to the continental United States, Alaska, Puerto Rico, and the Virgin Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any regulations the Attorney General promulgates;

(11) With respect to the Canal Zone, the Hawaiian Islands and the Philippines Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any regulations the Secretary of War promulgates;

(12) No alien enemy shall enter or be found in or upon any highway, waterway, airway, railway, railroad, subway, public utility, building, place or thing not open and accessible to the public generally, and not generally used by the public; and

(13) No alien enemy shall be a member or an officer of, or affiliated with, any organization designated by the Attorney General, nor shall any alien enemy advocate, defend or subscribe to the acts, principles or policies thereof, attend any meetings, conventions or gatherings thereof or possess or distribute any literature, propaganda or other writings or productions thereof.

The next day, President Roosevelt issued Proclamations 2526 and 2527, which applied the same provisions to German and Italian alien enemies.

Implementation of the Proclamations. The FBI and other law enforcement agencies arrested thousands of suspected alien enemies. The Department of Justice oversaw the processing of these cases and the internment program. Although many were released or paroled after hearings before a local Alien Enemy Hearing Board, many others were interned. Although there were elaborate provisions in treaties regulating the treatment of combatants who were prisoners of war, no comparable rules covered alien enemy civilians in the territory of a belligerent nation. The Alien Enemy Hearing Boards were informal tribunals that carried out a judicial function without binding legal guidance. They interned some aliens on the basis of evidence indicating pro-Axis sympathies. They
interned others, however, on weak evidence or unsubstantiated accusations that the accused were never told or had little power to refute. Often their families, including naturalized or American-born spouses and children, voluntarily joined them in internment.

In an effort to further hemispheric security, the United States offered to intern dangerous alien enemies living in Latin American countries. More than fifteen Latin American countries accepted the offer. They deported more than 6,600 individuals of Japanese, German, and Italian ancestry to the United States for internment. Few, if any, of them had a hearing, so many of them did not know why they were being deported.

Several thousand internees were repatriated to the country of their nationality. Others pursued legal means to fight for due process, avoid repatriation, and be released. By the end of the war, more than 31,000 suspected enemy aliens and their families, including a few Jewish refugees from Nazi Germany, were being held at internment camps. It took several years to dismantle the internment program after the end of the war. The Department of Justice did not close the last internment camp until 1948.10

Relocation of West Coast Japanese Americans.

Lobbyists from western states, many representing competing economic interests or nativist groups, pressured Congress and the President to remove persons of Japanese descent from the West Coast. Department of Justice representatives raised constitutional and ethical objections to this at congressional hearings, so the U.S. Army was used instead to carry out that task. The West Coast was divided into military zones, and on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which
authorized removing Japanese Americans from those locations. Congress implemented
the order on March 21, 1942, by passing Public Law 503.11

Executive Order 9066 forced all Japanese Americans, regardless of loyalty or citizenship,
to leave the West Coast. It is noteworthy that no comparable order was applied to
Hawaii, despite the fact that one-third of its population was Japanese American. In any
event, the order resulted in the relocation of approximately 120,000 people to internment
camps located across the country.12 Approximately 70,000 of the evacuees were
American citizens. The government made no charges against them, and they could not
appeal their incarcerations. All of them lost their personal liberties; most also lost homes
and property. The order was applied also to 3,200 Italian Americans; more than 300 of
whom were interned. Approximately 11,000 German residents—including some
naturalized citizens—were arrested too and more than 5,000 of them were interned.

Executive Order 9066 reads as follows:

**Authorizing the Secretary of War to Prescribe Military Areas**

Whereas the successful prosecution of the war requires every possible protection
against espionage and against sabotage to national-defense material, national-
defense premises, and national-defense utilities.…

…. I hereby authorize and direct the Secretary of War, and the Military
Commanders whom he may from time to time designate.… to prescribe military
areas.… from which any or all persons may be excluded, and with respect to
which, the right of any person to enter, remain in, or leave shall be subject to
whatever restrictions the Secretary of War or the appropriate Military Commander
may impose in his discretion. The Secretary of War is hereby authorized to
provide for residents of any such area who are excluded therefrom, such
transportation, food, shelter, and other accommodations as may be necessary.… to
accomplish the purpose of this order. The designation of military areas in any
region or locality shall supersede designations of prohibited and restricted areas
by the Attorney General under the Proclamations of December 7 and 8, 1941, ….  

I hereby further authorize and direct the Secretary of War and the said Military
Commanders to take such other steps as he or the appropriate Military
Commander may deem advisable to enforce compliance with the restrictions
applicable to each Military area hereinabove authorized to be designated,
including the use of Federal troops and other Federal Agencies, with authority to
accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent
establishments and other Federal Agencies, to assist the Secretary of War or the
said Military Commanders in carrying out this Executive Order, including the
furnishing of medical aid, hospitalization, food, clothing, transportation, use of
land, shelter, and other supplies, equipment, utilities, facilities, and services….13
The Supreme Court upheld the legality of a curfew imposed pursuant to Executive Order 9066 in *Hirabayashi v. United States*, 320 U.S. 81 (1943).\(^{14}\) Chief Justice Stone, writing for a unanimous Court, considered the great importance of military installations and weapons production on the West Coast and the solidarity that individuals of Japanese descent felt with their motherland, and he found that the curfew served an important national interest. In doing this, he ignored the relocation issue and focused solely on the curfew, which he viewed as a necessary protective measure. He also found that racial discrimination was justified because in time of war, residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry.\(^{15}\)

In *Korematsu v. United States*, 323 U.S. 214 (1944), Fred Korematsu, a United States citizen, argued that he had been imprisoned in a concentration camp solely because of his ancestry, without evidence or inquiry concerning his loyalty or disposition towards the United States. The Court considered it unjustifiable to call the internment centers “concentration camps.” The Court found that “to cast this case into outlines of racial prejudice, without reference to the real military dangers which were presented, merely confuses the issue. Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and, finally, because Congress, reposing its confidence in this time of war in our military leaders -- as inevitably it must -- determined that they should have the power to do just this. There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short. We cannot -- by availing ourselves of the calm perspective of hindsight -- now say that, at that time, these actions were unjustified.”\(^{16}\)

When Executive Order 9066 was repealed, many of the people who had been interned found that they could not return to their hometowns. Hostility towards Japanese Americans remained high across the West Coast into the postwar years. As a result, the interns resettled across the country.\(^{17}\) In 1988, President Reagan signed the Civil Liberties Act, which included a provision to compensate more than 100,000 people of Japanese descent who were incarcerated in internment camps during World War II.\(^{18}\) The legislation offered a formal apology and paid out $20,000 in compensation to each surviving victim. The sincerity of this apology, however, is questionable in view of the fact that the Japanese American community had to lobby the Congress for a decade to get the compensation provision through the legislative process.\(^{19}\)

\(^1\) U.S. National Archives & Records Administration, “Executive Order 9066: Resulting in the Relocation of Japanese (1942).”

4 HISTORY.com, “Pearl Harbor,” http://www.history.com/topics/world-war-ii/pearl-harbor
7 President Franklin D. Roosevelt, Proclamation 2526, “Alien Enemies—German,” (December 8, 1941), http://www.foitimes.com/internment/Proc2526.html
13 President Franklin D. Roosevelt, Executive Order No. 9066, “Authorizing the Secretary of War to Prescribe Military Areas,” (February 19, 1942), https://www.nolo.com/legal-encyclopedia/content/japanese-intern-doc.html
18 PART 74—CIVIL LIBERTIES ACT REDRESS PROVISION, http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr;rgn=div5;view=text;node=28%3A2.0.1.1.29;idno=28;ecfr:sid=fc10a7310fc8339ec1215e42e46b8574

About the Author
Nolan Rappaport was detailed to the House Judiciary Committee as an Executive Branch Immigration Law Expert for three years; he subsequently served as the immigration counsel for the Subcommittee on Immigration, Border Security, and Claims for four years. Prior to working on the Judiciary Committee, he wrote decisions for the Board of Immigration Appeals for twenty years. He also has been a policy advisor for the DHS Office of Information Sharing and Collaboration under a contract with TKC Communications, and he has been in private practice as an immigration lawyer at Steptoe & Johnson.