

## Abstract

The internment and relocation of Japanese American citizens during World War II violated the principles of civil rights recognized in the United States Constitution and grossly discriminated against citizens of America based solely on their ethnic background. While defending the internment policies with a claim of military necessity, the government revealed the holes and unconstitutionality of the legislation. Government and military officials proposed numerous solutions to the "Japanese question"; however, the signing of Executive Order 9066 violated the constitution's principles on civil rights and freedoms as it interned both Japanese aliens and citizens. There was no threat of sabotage or espionage from the Japanese citizens, as revealed in the investigations and original arrests of aliens prior to the signing of Executive Order 9066; therefore, the major argument of the necessity to intern the Japanese because of their possible threat to society was completely false and unjustified. After the initial internment and relocation of Japanese American citizens, a series of Supreme Court cases occurred which attempted to test the constitutionality of Executive Order 9066 in addition to curfew laws and the violation of citizens' civil rights. The Supreme Court cases, including the three major ones: *Hirabayashi*, *Korematsu*, and *Ex Parte Endo*, challenged the basis of the denial of Japanese personal freedoms and rights and attempted to express the violations against Japanese American citizens.

## Title Page

Introduction.....	1
Racism toward Japanese.....	2
Executive Order 9066.....	2
Economic Discrimination.....	4
Presence of Other Aliens.....	6
Arguments over Constitutionality.....	7
Supreme Court Case-Hirabayshi.....	9
Supreme Court Case-Korematsu.....	11
Supreme Court Case-Ex Parte Endo.....	12
Conclusion.....	13
Works Cited.....	14

## The Constitutionality of Japanese Internment

### Introduction:

Following the bombing of Pearl Harbor and the United States entrance into World War II, the loyalty of both Japanese aliens and citizens was questioned because of their ethnic relationship and ties to the Japanese enemies. Government and military officials proposed numerous solutions to the "Japanese question", however, the signing of Executive Order 9066 violated the constitution's principles on civil rights and freedoms as it interned both Japanese aliens and citizens. The high level of fear and hysteria raised because of the war combined with embedded racism toward the Japanese allowed the American people and government to commit to a program that completely contradicted the American foundation of freedom, denying the right of selected citizens in an effort to protect others. Was the internment of Japanese American citizens during World War II a military necessity and constitutionally sound? The internment and relocation of Japanese American citizens during World War II violated the principles of civil rights recognized in the United States Constitution and grossly discriminated against citizens of America based solely on their ethnic background. While defending the internment policies with a claim of military necessity, the government revealed the holes and unconstitutionality of the legislation and its enactment are evident today in the evaluation of investigation


reports, opinions of governmental officials, and dissenting opinions in Supreme Court cases.

**Racism toward Japanese:**

The Japanese attack on Pearl Harbor on December 7, 1941 dramatically changed the lives of Japanese in America and introduced the assumption that all Japanese were “the enemy” regardless of their status as either alien or citizen (Yancy 25). However, while Pearl Harbor may serve as the most significant event in determining Japanese internment, racism and prejudice toward the Japanese race as a whole existed in America long before the bombings at Pearl Harbor. During the early 1900’s racism toward the Japanese flowed through the “yellow peril” in which the press editorialized fear and resentment toward the growing number of Japanese immigrants, leading to the California Alien Land Law of 1913, prohibiting land purchase to aliens, and the Gentleman’s Agreement of 1907 in which the emperor of Japan limited immigration in order to end school segregation of Japanese in California (Drinnon 32). Later resentment toward the Japanese race may have intensified the suspicions toward Japanese after Pearl Harbor and contributed to the decision to intern Japanese citizens, in effect denying them their fundamental rights (Urofsky 162).

**Executive Order 9066:**

President Roosevelt signed Executive Order 9066 on February 19, 1942 for the purpose of protecting “against espionage and sabotage” and authorized the Secretary of War and military commanders to “designate military areas from which any or all persons may be excluded. (Brimmer 22) The decision to intern Japanese Americans did not come immediately after Pearl Harbor and was only decided after investigations completed by



government and military officials, including the FBI. The idea that there was a Japanese problem on the West Coast stemmed from the notion that Japanese Americans were spies for the Japanese government and would therefore attempt to sabotage or attack West Coast institutions. However, without proper evidence of Japanese disloyalty, these claims would have no foundation and would therefore not weigh enough to enact legislation. Naval Lieutenant Commander Kenneth D. Ringle, who was fluent in Japanese and familiar with its culture, had been assigned to determine the loyalty of Japanese in California and later reported that there was "no Japanese problem on the coast. There will be no armed uprising of Japanese." (Yancy 28) Additional information gathered from Ringle's report included the willingness of Japanese who acted as informants in reporting disloyal citizens and the surfacing of Japanese consulate documents which revealed that the Japanese distrusted Japanese American citizens and regarded them as traitors (Daniels 26). These reports contradicted the idea that the Japanese citizens were still loyal to the emperor and seemed to demonstrate the commitment and loyalty of Japanese citizens in their willingness to report disloyalty among people in their communities. The suspicions regarding Japanese should have subsided after the evidence from these reports was released, however, instead the idea arose that just because the Japanese appeared loyal, did not mean they were not planning an attack in secret, an idea solely based on the racist attitudes of certain individuals. The inability of the Japanese Americans to stage an attack in California was demonstrated in the findings of chief of naval operations, Admiral Harold Stark's report that it would be "impossible for the enemy to engage in a sustained attack on the Pacific Coast" after examining Pacific Coast defense structures (Clark de Nevers 105). In addition, State

[REDACTED]

Department Representative Curtis B. Munson conducted investigations among leaders of the Japanese community and concluded in his report that few Japanese worked in manufacturing or industrial plants, so therefore alone would not have the opportunity to commit acts of sabotage (Yancy 28). However, despite these reports demonstrating the unlikelihood of a Japanese attack, other officials insisted that the Japanese still posed a threat and therefore should be removed or contained.

**Economic Discrimination:**

The absence of a military necessity and Japanese problem on the West Coast destroyed the basis on which the internment was justified. This is evidenced by the fact that Japanese Americans living on the islands of Hawaii and German and Italian aliens living throughout the country, who may have also posed a threat to American security, were never interned or removed on a large scale. While the attack on Pearl Harbor occurred in the Hawaiian Islands and not on the mainland, the Japanese American citizens living on the islands were never rounded up in such ways as the mainland Japanese Americans. Consequently, after further investigation it has been revealed that a major reason motivating military commanders in Hawaii to avoid internment was because Japanese labor was crucial to both the civilian and military economies in Hawaii (Daniels 48). Despite the fact that Hawaii was closer to the enemy and more strategic to America's defense, the Japanese were needed as laborers and therefore were able to maintain their constitutional rights (Brimner 32). However, within the continental United States, Japanese laborers were major competitors to Agricultural Agencies and when the possibility of internment was proposed, leaders of the Grower-Shipper Vegetable Association honestly stated, "We're charged with wanting to get rid of the Japs for selfish

reasons. We might as well be honest, we do." (Irons 345) It appears, therefore that the internment of Japanese was motivated not by a military necessity, but by racial and economic discrimination and prejudice.

The importance of the economic necessity of Japanese workers on the islands of Hawaii further demonstrates how the motivation behind the racial discrimination evident during Japanese internment was prompted when individuals sought to gain for themselves at the expense of others. On the mainland of California, the Japanese American citizens made up only two percent of the entire population of the state, while in Hawaii, one out of every three people had Japanese ancestry (Daniels 48). These figures alone would suggest that the internment of Japanese citizens should have been far greater on the islands of Hawaii, as the majority of its citizens were of Japanese origin. If the military theory claimed to be the major motivation behind Japanese internment was explainable, then the Japanese Americans living on the islands of Hawaii should have posed a far greater threat to the United States as a whole than the few numbers of Japanese Americans living within California. However, with a population of over 150,000 Japanese Americans living on the islands of Hawaii, a mere 1,500 were ever confined, a percentage far less than the Japanese Americans confined on the mainland (Daniels 48). In addition, while politicians and other leaders within the country called for mass internment of Japanese Americans on the islands of Hawaii because of the military necessity and threat they posed to the mainland, it was the nation's highest military commanders that resisted the pressure for their internment (Daniels 48). These same military commanders were the ones claiming the necessity for mass internment of Japanese on the mainland of California, however, according to them, the much larger




**Conclusion:**

Executive Order 9066, which provided for the internment and relocation of Japanese American citizens, was in clear contradiction to the principles of freedom and equality as proposed in the United States Constitution. While ignoring the Constitutional problems with a false claim for the military necessity of removing the Japanese, the United States' government and military enacted a program that is now referred to by many, including Yale law professor Eugene Rostow, as a "constitutional disaster." (Irons 344) By denying the basic rights to a group of citizens based solely on their race, the American government completely ignored the democratic principles of freedom and civil rights laid out in the Constitution. The internment of Japanese completely disregarded the rights of American citizens and will be forever remembered as one of the biggest mistakes in American history.

Word Count: 3,756





Works Cited

Baker, Lillian. *American and Japanese Relocation in WWII: Fact, Fiction, and Fallacy.*

Oregon: Webb Research Group Publishers, 1981.

Baker, Lillian. *Dishonoring America: The Falsification of World War II History.*

Medford: Webb Research Group Publishers, 1994.

Brimner, Larry Dane. *Voices from the Camps: Internment of Japanese Americans during*

*World War II.* Chicago: Franklin Watts, 1994.

Clark de Nevers, Klancy. *The Colonel and the Pacificist: Karl Bendetsen, Perry Salto  
and the Incarceration of Japanese Americans during World War II.* Salt

Lake City: The University of Utah Press, 2004.

Daniels, Roger. *Prisoners without Trial: Japanese Americans in World War II.* New


York: Hill and Wang, 1993.

Drinnon, Richard. *Keeper of Concentration Camps: American Racism.* Los Angeles:

University of California Press, 1987.

Irons, Peter. *Cases and Controversies: Civil Rights and Liberties in Context.* Upper

Saddle River: Pearson Prentice Hall, 2005.



Perl, Lila. *Behind Barbed Wire: The Story of Japanese-American Internment during World War II*. Tarrytown: Benchmark Books, 2004.

Urofsky, Melvin I. *The Public Debate over Controversial Supreme Court Decisions*. Washington D.C.: CQ Press, 2006.

Yancey, Diane. *The Internment of the Japanese*. San Diego: Lucent Books, 2001.