



Written by [Bob Adelman](#) on April 1, 2013

## Remembering the Internment of Japanese Americans

On Wednesday, April 1, 1942, Lieutenant General John L. DeWitt [issued](#) "Instructions to all persons of Japanese ancestry" that they "will be evacuated from the above designated area [north San Francisco] by 12 o'clock noon Tuesday, April 7<sup>th</sup> ... The Civil Control Station at 1701 Van Ness Avenue will provide temporary residence elsewhere ...[and] transport persons ... to their new residence...." Some 120,000 persons were deported from California and sent to internment camps in Idaho, Wyoming, Colorado, Utah, and Arkansas.



This was the expected result of President Roosevelt's declaration of Executive Order 9066 on February 19, issued 10 weeks after Pearl Harbor, authorizing the Secretary of War, Henry L. Stimson, to "prescribe" certain areas of the United States as military zones. This cleared the way for the inevitable deportation of these Americans of Japanese descent to those internment camps, called relocation centers, for the duration of the war.

This followed DeWitt's Public Proclamation No. 1 that declared that "such persons or classes of person as the situation may require" be "excluded" from "Military Area No. 1" — a 100-mile swath of land from the Pacific Coast inland from Washington to Mexico. Having less than five days to prepare for evacuation still gave time for some shop owners to hang protest signs of "I Am An American!" in their front windows, and others to post letters of appreciation on their front doors to their customers. One letter, from T. Z. Shiota, an owner of an antique store on Grant Avenue for 43 years, said:

Dear San Franciscans and Friend Customers:

Time has come for us to say "au revoir" after faithfully created the world renowned Chinatown by service with quality merchandise for 43 years.

To you, San Franciscans and friend customers, the members of the firm T. Z. Shiota wish to acknowledge each and every one of you for your past patronage and cooperation.

At this hour of evacuation when the innocents suffer with the bad, we bid you, dear friends of ours, with the words of beloved Shakespeare, "PARTING IS SUCH SWEET SORROW."

Till we meet again,

T. Z. Shiota

However, Fred Korematsu decided to defy DeWitt's order and stayed past the deadline. He was arrested and sued the U.S. Government, claiming that Executive Order 9066 was unconstitutional and violated his Fifth Amendment rights, specifically that "no person shall be ... deprived of life, liberty, or property, without due process of law." He was convicted in lower court, the Circuit Court of Appeals affirmed, and the Supreme Court, upon appeal, upheld the lower courts in a 6-3 decision. Justice Hugo Black wrote the majority opinion in which he stated:



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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.

In short, the court ruled that the federal government in wartime had essentially unlimited power over its citizens, all in the interest of prosecuting the war successfully, regardless of the individual rights of those citizens. Justice Felix Frankfurter confirmed, noting that the war power granted by the Constitution to the Congress gave the executive “the power to wage war successfully” and the “validity of action [against Korematsu] must be judged wholly in the context of war.” He explained:

Being an exercise of the war power explicitly granted by the Constitution for safeguarding the national life by prosecuting war effectively, I find nothing in the Constitution which denies to Congress the power to enforce such a valid military order....

Justice Robert Jackson, one of the justices not appointed by Roosevelt, dissented strongly:

Korematsu was born on our soil, of parents born in Japan. The Constitution makes him a citizen of the United States by nativity and a citizen of California by residence. No claim is made that he is not loyal to this country. There is no suggestion that apart from the matter involved here he is not law abiding and well disposed. Korematsu, however, has been convicted of an act not commonly a crime. It consists merely of being present in the state whereof he is a citizen, near the place where he was born, and where all his life he has lived.

In 1980, President Jimmy Carter created the Commission on Wartime Relocation and Internment of Civilians (CWRIC) to look into whether Roosevelt had overstepped his bounds and that the Supreme Court had ruled improperly in Korematsu. The commission’s report, [Personal Justice Denied](#), issued in December 1982, concluded that “there is no excuse for inflicting injury on American citizens or resident aliens for acts for which they bear no responsibility.” Was the deportation justified as a precautionary measure? The commission said no, quoting Congress itself which said in 1948 that “there was recorded during the recent war not one act of sabotage or espionage attributable to those who were victims of the forced relocation.”

The commission concluded:

The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it ... were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership....

A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.

Long after the fact, those who participated in it and supported it vociferously had second thoughts. Stimson, Roosevelt’s secretary of war, said “this forced evacuation was a personal injustice,” while Francis Biddle, Roosevelt’s attorney general, said later that “the program was ill-advised, unnecessary and unnecessarily cruel.” Earl Warren, serving at the time as California’s attorney general, also



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expressed regrets: "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens."

Every February 19 a Day of Remembrance is held in California which commemorates the Japanese American internment which flowed inevitably from the Executive Order 9066 issued on that date and implemented beginning on April 1, 1942. Without that remembrance, as George Santayana wrote, "those who cannot remember the past are condemned to repeat it."

*Photo of Japanese-Americans at Heart Mountain Relocation Center in Wyoming, Jan. 1943*

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