

THE SUPPRESSION OF RESISTANCE TO JAPANESE AMERICAN
WARTIME EVACUATION AND INCARCERATION

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INTRODUCTION

Between March and November of 1942, the U.S. Army removed over 110,000 persons of Japanese ancestry from their homes on the Pacific Coast and herded them into hastily constructed camps where most were held throughout the war. The mass removal and detention of Japanese Americans, both Japanese nationals and American citizens, was regarded at the time as a matter of military necessity. However, in 1980, President Carter established a Congressional committee to investigate the wartime removal and detention of Japanese Americans—the Commission on Wartime Relocation and Internment of Civilians (CWRIC)—which found that the decision to uproot Japanese Americans was “motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership.”¹ The removal and confinement of Japanese Americans were accompanied by great economic losses, community disintegration, and unnecessary hardships affecting an entire ethnic group whose only “crime” was their shared ancestry with the enemy.² While analyzing the conditions that enabled the U.S. government to confine in relocation centers some 70,000 American citizens and 40,000 Japanese nationals without proffering any charges against them, contemporary scholars generally accept the CWRIC's findings, along

1 For the rationale behind the mass removal, see Lt. Gen. John L. DeWitt, *Final Report: Japanese Evacuation from the West Coast, 1942* (Washington, DC: GPO, 1943), vii. The Congress adopted the Commissions' findings in *Civil Liberties Act of 1988*, Public Law 100-383, *U.S. Statutes at Large* 102 (1988).

2 Alexander H. Leighton, *The Governing of Men: General Principles and Recommendations Based on Experience at a Japanese Relocation Camp* (Princeton: Princeton University Press, 1946), 45–47.

with its conclusion that there was no military justification for the evacuation and incarceration of West Coast Japanese Americans.³

Early studies of Japanese American evacuation and incarceration presented these policies as misguided but honest efforts to prevent espionage and sabotage on the West Coast during the war. However, their emphasis on the economic losses and the disintegration of the Japanese American community obscured the extent of governmental misconduct in the affair. In the 1960s and 70s, revisionist historians challenged the findings of these early studies in an effort to highlight the hardships suffered by Japanese Americans.⁴ These more recent accounts have also uncovered Japanese American opposition to the relocation program, but they tend to discuss it in terms of deficiency. Historian Roger Daniels, for example, observes that “[w]ithout in

3 The term “evacuation” refers to the removal of Japanese Americans from their West Coast homes. Without deviating from the conventional use, terms “evacuation” and “evacuees” are used here to describe the “removal” of Japanese Americans from the West Coast states and the subjects of that removal respectively. Relocation centers became institutions where people charged with no crime found themselves subject to indefinite confinement. While retaining the conventional use of the term “relocation center” throughout the thesis, the term “relocation program” is used as an umbrella term for the whole process starting with evacuation and ending in the relocation centers. The terms “residents” and “evacuees” will be used interchangeably to refer to the Japanese American inhabitants of relocation centers. To describe their condition, the terms “detention,” “confinement,” and “incarceration” will be used interchangeably, while “internment” and “internees” will refer to the procedure of imprisoning enemy aliens in Justice Department camps and subjects of this procedure respectively. Cf. Cherstin M. Lyon, “A Note on Terminology,” in *Prisons and Patriots: Japanese American Wartime Citizenship, Civil Disobedience, and Historical Memory* (Philadelphia: Temple University Press, 2012).

4 Emiko Hastings, “No Longer a Silent Victim of History: Repurposing the Documents of Japanese American Internment,” *Arch Sci* 11 (2011), 38–42.

any way minimizing the opposition among the evacuated people, it must be emphasized that the majority accepted, at least passively, almost all to which they were subjected.”⁵ This assertion is not factually incorrect; the number of Japanese Americans who defied the U.S. government was negligible compared to the number of those who cooperated. That being said, should these numbers be considered indices of Japanese American passivity? What *would* constitute legitimate resistance and opposition? What amount of protest would be substantive enough to categorize Japanese American opposition to their forced displacement and incarceration as sufficient?

Former evacuee Bill Hosokawa asserted that Japanese Americans' cooperation with the government contributed greatly to the success of the procedures which ultimately deprived them of their liberty, and when protest did materialize, it was only later, once the evacuees were faced with the inadequacy of the facilities they were forced to occupy and the broken promises of government officials.⁶ This description reduces the evacuee protest against their unjust incarceration to petty complaints by disregarding any incident short of civil disobedience as unimportant. Such an interpretation of Japanese American resistance to their incarceration serves to reinforce the paternalistic narrative advanced during and after the war by the U.S. government, which maintained that evacuation and detention were a benign aspect of an effort to protect Japanese Americans from mob violence whilst preventing sabotage and espionage on the West Coast. In reality, Japanese Americans agreed to cooperate

5 Roger Daniels, *Concentration Camps U.S.A.: Japanese Americans and World War II* (New York: Holt, Rinehart and Winston, 1972), 144.

6 Bill Hosokawa, *Nisei: The Quiet Americans* (New York; William Morrow and Co., 1969), 333–334, 361.

only insofar as their removal from their homes was necessitated by wartime exigencies. However, cooperation with evacuation and reluctance to antagonize a country gripped with patriotic fervor did not mean that Japanese Americans resigned themselves to injustice.

The number of strikes, the extent of community organization, and the scope of individual and group protest in the relocation centers testifies that Japanese Americans' reaction to the injustice they suffered was anything but passive. The gamut of opposition and resistance to particular aspects of camp experience reveals that by addressing their immediate problems, evacuees were not only trying to improve their lives, but they were also questioning the rationale that consigned them to the camps. Rather than being ignorant of the evacuee opposition to its programs, the U.S. government tasked its representatives with suppressing evacuee dissent and resistance whenever it occurred and by any means necessary. I will argue that the Japanese Americans who engaged in legitimate protest against the injustice of their evacuation and incarceration were systematically silenced, intimidated, and punished by the government. Moreover, the relocation program officials and generations of relocation scholars contributed to the marginalization of Japanese American resistance by uncritically accepting the governmental account of mass removal and incarceration which refused to recognize evacuee resistance as legitimate protest.

The words and actions of evacuee protest recorded in various documents and interviews throughout the last seventy years offer a glimpse of struggle against the injustice of evacuation and incarceration. Government efforts to contain and suppress this struggle are highlighted in the first-hand accounts of resistance and in scholarly investigations of governmental misconduct. In this thesis, I will compare evacuees'

experiences captured in oral histories, interviews, and scholarly studies with governmental accounts of the evacuation and incarceration program. The first chapter maps the removal of Japanese Americans from the Pacific Coast, chapter two analyzes the judicial challenges to removal and detention, chapter three explores early instances of mass opposition to the relocation program, and the last chapter discusses the evacuee protests that developed after the loyalty and draft registration in early 1943.

CHAPTER 1

Attempts to exclude Japanese Americans from the West Coast started long before the U.S. entered into war with Japan. Anti-Oriental interest groups began to operate on the Pacific Coast as soon as Asian immigrants first appeared there in the second half of the nineteenth century. Anti-Oriental agitation was especially virulent in California, where groups like the Native Sons and Daughters of the Golden West, the California Joint Immigration Committee, and the California Grange campaigned to prevent Chinese and Japanese immigrants from establishing an economic foothold in America.⁷ By the time Japanese Americans were removed from the West Coast states, their community had been experiencing discrimination and facing racist attack for over half a century. In this chapter, I will explore the rise of anti-Japanese sentiments on the West Coast before the war, the struggle of Japanese Americans to be

⁷ For discussion of pre-war prejudice against Japanese Americans, see Carey McWilliams, *Prejudice, Japanese-Americans: Symbol of Racial Intolerance* (Boston: Little, Brown, 1944) and Roger Daniels, ed., *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (Berkeley: University of California Press, 1962). Helpful summaries can also be found in general histories of Asian Americans; see Sucheng Chan, *Asian Americans: An Interpretive History* (Boston: Twayne, 1991) and Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (New York: Penguin, 1990). Publications focusing on the removal and incarceration of Japanese Americans usually include substantial analyses of the prewar prejudices; see Audrey Girdner and Anne Loftis, *The Great Betrayal: The Evacuation of the Japanese-Americans during World War II* (London: Macmillan, 1969); Morton Grodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949); Jacobus tenBroek, Edward N. Barnhart, and Floyd W. Matson, *Prejudice, War and the Constitution* (Berkeley: University of California Press, 1968).

accepted as Americans, and the development of repressive policies against them following the Pearl Harbor attack.

Before the War

Japanese immigrants began to arrive in the U.S. in significant numbers after Congress passed the Chinese Exclusion Law of 1882 and, like the Chinese, they encountered racial discrimination. The Issei (Japanese immigrants, lit. “first generation”) were legally prevented from becoming naturalized citizens and legislation sponsored by exclusionist politicians and interest groups eroded the few rights they did possess.⁸ In 1900 and again in 1907, “Gentlemen's Agreements” between the American and Japanese governments limited the influx of Japanese immigrants and, by 1924, the National Origins Act barred all “aliens ineligible for citizenship” from entry.⁹ In 1913, the Issei lost the right to own land in California and, in 1920, the new Alien Land Act placed further restrictions on the Issei who tried to

⁸ Even though the Naturalization Act of 1790 provided naturalization rights only for “free white persons,” a few Asian immigrants were able to become naturalized citizens before 1870 when the law was amended to conform to the Fourteenth Amendment to the U.S. Constitution. Afterwards, Japanese immigrants were denied citizenship based on the provision of the 1870 federal law that regarded Asian immigrants as “aliens ineligible to citizenship.” Nonetheless, a small number of Issei veterans of World War I were able to become U.S. citizens as a reward for their wartime service. See Roger Daniels, “Aspects of the Asian American Experience – Rights Denied and Attained,” *American Studies Journal* 51 (2008), par. 7, <http://asjournal.org/archive/51/105.html>.

⁹ Walter LaFeber, *The Clash: U.S.-Japan Relations Throughout History* (New York: Norton, 1997), 88, 144–145; Daniels, “Aspects,” par. 9.

work on their own land.¹⁰ Since a number of Issei were engaged in truck gardening, which required land ownership to yield a reasonable profit, their economic fortunes were inexorably tied to citizenship they could not attain.¹¹

Japanese Americans, or *Nikkei* in Japanese, also faced unofficial discrimination such as the inability to obtain good housing, refusal of services, and limited employment opportunities. Immigrants found it difficult to disperse among the general population because of the *de facto* segregation that persisted in the housing market.¹² Many restaurants, hotels, and barbershops refused to serve Japanese customers—a situation that necessitated the creation of ethnic Japanese enterprises that ultimately grew into ethnic enclaves called “Japantowns.”¹³ Issei farmers were frequently forced to lease the least desirable land—too small for large-scale operations, but suitable for work-intensive vegetable gardening. When Japanese Americans sought employment in the industries, they encountered opposition from organized labor.¹⁴ Despite being American citizens, Nisei (lit. “second generation”) experienced discrimination in housing and employment almost to the same extent as their parents. Their educational level was higher than the national average, but few

10 Several other states passed their own laws to prevent non-white immigrants from obtaining land.

See McWilliams, *Prejudice*, 45, 59, 64–65.

11 The Supreme Court ruled in *Takeo Ozawa v. United States* (1922) that only Caucasians are eligible for naturalization and, a year later, the Supreme Court reinterpreted the term “Caucasian” to mean European in order to deny an Indian plaintiff the right to become an American citizen See Yvonne Walter, “Asian Americans and American Immigration and Naturalization Policy,” *American Studies Journal* 49 (2007), par. 13–17, <http://asjournal.org/archive/49/15.html>.

12 Daniels, “Aspects,” par. 18.

13 Takaki, *Strangers*, 185–187.

14 *Ibid.*, 188–200.

college-educated Nisei were employed in their field of study. Job opportunities in professions and in the private sector were closed to them through discriminatory practices, and only few were able to find employment as civil servants.¹⁵

Perhaps the most damaging of all the discriminatory practices was the anti-Japanese agitation in the West Coast press that started with the “yellow scare” over the growing military might of Japan following the Russo-Japanese war of 1905. The growth of Japanese militarism and the increasingly visible presence of Japanese immigrants on the West Coast steadily fueled fears of colonization by an “invading horde” from Asia.¹⁶ Newspaper mogul William Randolph Hearst and the editor of *Sacramento Bee* newspaper, V.S. McClatchy, used their newspapers to disseminate fantastic stories that portrayed Japanese immigrants as a dangerously unassimilable minority or a strategically placed asset of the expansive Japanese empire.¹⁷ Despite the oppression, Japanese Americans were not helpless; lacking the support of the larger American public, *Nikkei* would seek help within their own community and from the Japanese government. Sucheng Chan noted that “Japanese immigrant workers . . . have a long history of [labor] militance.”¹⁸ They formed unions and engaged in strikes to fight exploitative practices against non-white laborers, for better wages, and for more equitable treatment. However, racial discrimination prevented them from joining large unions such as the American Federation of Labor (AFL).¹⁹ When the San

15 Ibid., 218–219.

16 McWilliams, *Prejudice*, 41–43; Daniels, *The Politics of Prejudice*, 68.

17 McWilliams, *Prejudice*, 53–56; Tetsuden Kashima, and Commission on Wartime Relocation and Internment of Civilians. *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* (Civil Liberties Public Education Fund, 2011), 32.

18 Chan, *Asian Americans*, 83.

19 Ibid., 83–87.

Francisco School Board attempted to segregate Japanese American pupils in public schools in 1906, the U.S. government prevailed upon the School Board to abandon the policy since it did not wish to antagonize the Japanese government.²⁰ Such occasional success notwithstanding, discrimination against Japanese Americans remained widespread on the West Coast before World War II and when the hostilities broke out in 1941, new fears joined old prejudices in informing attitudes towards the Japanese American community.

Measure Against Japanese Americans after Pearl Harbor

The attack on Pearl Harbor caught most people, especially Japanese Americans, by surprise.²¹ The devastating attack of December 7, 1941, left some 2,500 Americans dead and the Pacific fleet severely crippled.²² Immediately after the attack, intelligence agencies proceeded to arrest enemy aliens they deemed potentially dangerous to the security of the country.²³ Within twenty-four hours, over 700

²⁰ Daniels, *The Politics of Prejudice*, 34–42.

²¹ Hosokawa, *Nisei*, 223.

²² LaFeber, *The Clash*, 211.

²³ The so-called “ABC” list of potentially dangerous Japanese Americans who were to be arrested in case the war broke out was compiled earlier in March 1941, by the Federal Bureau of Investigation (FBI), the Office of Naval Intelligence (ONI), and the Army's Military Intelligence Division (G-2). German and Italian aliens were arrested as well, but after Alien Enemy Hearing Boards were established early in 1942, more than half were released—a stark contrast to the Japanese aliens, over two-thirds of whom remained interned for the duration of the war. See Peter Irons, *Justice at War: The Story of the Japanese-American Internment Cases* (Berkeley: University of California Press, 1983), 19–24. The word “aliens” is a term for U.S. residents who do not possess American citizenship while “enemy aliens” refers to their citizenship status during wartime, with no indication

“Japanese nationals had been seized by the FBI” and the number of arrests ultimately rose to over 2,000.²⁴ Although these arrests were featured prominently in national newspapers, initially there was no indication that all Japanese Americans would be blamed for the perfidy of Japanese military. Morton Grodzins's quantitative analysis of Californian newspapers showed that public opinion about Japanese Americans was mostly favorable until mid-January 1942, but the trend changed completely in the last week of January.²⁵ The news of Japanese military successes in the Pacific and rumors of sabotage by Japanese Americans at Pearl Harbor spread rapidly. Wild stories about fifth columnists appeared in the media, along with the news of spot raids against Japanese Americans and seizures of contraband items—all badly misrepresented and blown out of proportion.²⁶ On December 15, 1941, Secretary of the Navy Frank Knox announced that the Japanese American fifth column was responsible for Pearl Harbor—a charge that was immediately picked up by the media and unquestioningly disseminated.²⁷ On December 31, a *New York Times* article repeated Knox's charges and alleged that Hawaiian *Nikkei* gained jobs in public services in order to spy and

of loyalty or disloyalty. See Everett V. Stonequist, “The Restricted Citizen,” *Annals of the American Academy of Political and Social Science* 223 (September 1942), 151. Although the term “enemy aliens” was applicable to nationals of all belligerent powers, it soon became almost exclusively associated with Japanese Americans. See United States, Department of the Interior, *Impounded People: Japanese Americans in the Relocation Centers* (Washington, DC: WRA, 1946), 22.

24 Hosokawa, *Nisei*, 237.

25 Grodzins, *Americans Betrayed*, 377–392.

26 tenBroek, *Prejudice*, 69–71; Ronald Bishop, “To Protect and Serve: The 'Guard Dog' Function of Journalism in Coverage of the Japanese-American Internment,” *Journalism and Communication Monographs* 2, no. 2 (2000), 83–84.

27 Bishop, “To Protect and Serve,” 82–83.

commit sabotage.²⁸ Mass arrests of Japanese Americans and spot raids of their homes lent credence to charges leveled against them and, while only a few of those apprehended were deemed genuinely dangerous, their arrests were “liberally publicized” to placate the anxious public.²⁹

Oral testimony of Japanese Americans who experienced these arrest reveals the prerequisites for being considered a dangerous enemy alien. Katsuma Mukaeda, the president of the Los Angeles Japanese Chamber of Commerce, was picked up by the FBI on December 7, 1941, and spent the war in several detention camps for enemy aliens.³⁰ Kenko Yamashita, a Buddhist minister from Japan, was arrested on March 13, 1942. He was a member of a martial arts association believed to have ties to Japanese military; though no connection was found in his case, he was still classified as an “undesirable enemy alien.”³¹ Masuo Yasui was one of the most prosperous Issei farmers in Hood River valley, Oregon, where he owned hundreds of acres of farm and orchard lands. No explanation was given for his arrest on December 12, 1941, other than the fact that he was a prominent leader in the local Japanese American community.³²

28 Wallace Carroll, “Japanese Spies Showed the Way For Raid on Vital Areas in Hawaii,” *New York Times*, December 31, 1941.

29 Hosokawa, *Nisei*, 239.

30 Arthur A. Hansen, ed., *Japanese American World War II Evacuation Oral History Project, Part I: Internees* (Westport, CT: Meckler, 1991), 3–7.

31 *Ibid.*, 15–20.

32 John Tateishi, *And Justice for All: An Oral History of the Japanese American Detention Camps* (New York: Random House, 1984), 64; Homer Yasui (Interview II, Segment 14), interview by Margaret Barton Ross, *Densho Digital Archive*, podcast video, October 10, 2003, <http://archive.densho.org/main.aspx>.

It is difficult to see how exactly these Japanese aliens were dangerous to the United States. The average age among the first generation was fifty-eight, with men somewhat older than women. Practically all Issei came to America prior to 1924, before militarism became pervasive in Japan. Many were employed in agriculture, trade, and services and their access to strategically important industries was either limited or non-existent. Their facial features betrayed their ancestry and only a few Issei spoke English fluently.³³ Another criterion for suspicion was membership in Japanese organizations; some were innocuous, such as the Japanese Chambers of Commerce, while others, such as military reservist societies, were potentially subversive.³⁴ Paradoxically, no long-term resident Japanese nor American citizen of Japanese ancestry was ever convicted of espionage or sabotage, while German Americans, both citizens and aliens, were convicted of espionage in several instances.³⁵

At the outbreak of war, all Japanese banks in America were closed, financial assets of Japanese Americans who traded with Japan were frozen, and Issei-owned businesses and real estate were taken over by the Alien Property Custodian.³⁶ Though the treatment of Japanese aliens was harsh, there was little opposition since all enemy

33 DeWitt, *Final Report*, 636; Leonard Bloom and Ruth Reimer, *Removal and Return: The Socio-Economic Effects of the War on Japanese Americans* (Berkeley: University of California Press, 1949), 9–19; U.S. Int. Dept., *Impounded People*, 24–30.

34 DeWitt, *Final Report*, 10–14.

35 Only one Japanese American was convicted for violating the Foreign Agent's Registration Act; his application was not processed on time by the Japanese government before the outbreak of the war. See Allan R. Bosworth, *America's Concentration Camps* (New York: W. W. Norton, 1967), 46–47, 104–107.

36 Kashima, *Personal Justice Denied*, 61.

aliens were subject to these measures under the existing statutes.³⁷ The Department of Justice (DOJ) was tasked with implementing policies of internal security, and these came to include “search and seizure in enemy alien homes” for contraband items.³⁸ The fact that these measures were disproportionately applied to Japanese aliens failed to elicit sympathy from New Deal progressives and liberal stalwarts, many of whom accepted the adage that “drastic times call for drastic measures.”³⁹

The Road to Removal

Unbeknownst to Japanese Americans, plans for the mass removal of both Issei and Nisei from the West Coast began to crystallize in mid-December 1941. Scholars and commentators have advanced several theories of who was responsible, but no one group can be singled out for fanning the flames of racism.⁴⁰ Many authors including Morton Grodzins, Carey McWilliams, and Roger Daniels stressed the role of the press in shaping the public attitudes about the mass removal of Japanese Americans. This theory asserts that public opinion was shaped by the press, which linked the attack on Pearl Harbor with the historical fear of Japanese exemplified by the “yellow peril”

37 On December 7, 1941, “President Roosevelt signed Proclamation 2525 pursuant to the Alien Enemy Act of 1798 . . . which gave the government the authority to detain enemy aliens and confiscate enemy property wherever found.” See *ibid.*, 54.

38 In the beginning, Justice Department was unwilling to issue search warrants without probable cause, but this constitutional “nicety” was later dropped at the Army’s insistence. See *ibid.*, 62.

39 *Ibid.*, 61; U.S. Int. Dept., *Impounded People*, 8; William Petersen, *Japanese Americans: Oppression and Success* (New York: Random House, 1971), 93.

40 tenBroek, *Prejudice*, 185–197.

rhetoric.⁴¹ However, Okihiro and Sly contend that, rather than shaping the public opinion, the press merely reflected the changing tides of popular sentiments, which were in turn influenced by the harsh governmental actions against Japanese Americans.⁴²

Hostile press and pressure groups played a role in the drive towards Japanese Americans' removal from the West Coast, but ultimately it was politicians and military officials who made the decision. Commander of the Western Defense Command (WDC) Lt. Gen. John L. DeWitt was initially opposed to the mass removal of American citizens of Japanese ancestry, though he intended to remove all enemy aliens from the Pacific Coast. However, by early January, the Provost Marshal General and his assistant, Maj. Karl Bendetsen, managed to convince DeWitt to remove both Issei and Nisei from the coastal areas. Justice Department lawyers argued that the legal grounds for the mass removal of the Nisei would be tenuous at best, but Secretary of War Henry Stimson left the decision to Gen. DeWitt.⁴³ By mid-February 1942, the Department of War (DOW), the DOJ, and the President agreed to remove all Japanese Americans from certain areas along the Pacific Coast, and, on March 2, 1942, Gen. DeWitt issued the Public Proclamation No. 1, designating Military Areas in four western states from where all Japanese Americans would be eventually required to leave.⁴⁴

41 Grodzins, "Appendix I," in *Americans Betrayed*, 377–399; McWilliams, *Prejudice*, 40–45; Daniels, *The Politics of Prejudice*, 65–78.

42 Gary Y. Okihiro and Julie Sly, "The Press, Japanese Americans, and the Concentration Camps," *Phylon* (1960-) 44, no. 1 (1983), 71–83;

43 Irons, *Justice*, 27–46.

44 On February 19, 1942, President Roosevelt signed the Executive Order No. 9066, in which he authorized "the Secretary of War, and the Military Commanders . . . to prescribe military areas in

Development of the Evacuation Policy

Japanese Americans' opposition to mass evacuation was hindered by the lack of experienced leadership. The most influential prewar organization, the Japanese Association of America (JAA), was dominated by the Issei and its leaders were the first to be arrested after the roundup of enemy aliens following the attack on Pearl Harbor.⁴⁵ The only organization unaffected by the roundups was the Japanese American Citizens League (JACL), whose membership was limited to the Nisei. In spite of its rapid expansion before the war and its popularity among “Nisei professionals and small businessmen,” the JACL was less influential than the JAA.⁴⁶ JACLer Bill Hosokawa maintained that, after Pearl Harbor, the League became Japanese Americans' “only national spokesman” and “the only organization the *Nisei* could look to for leadership.”⁴⁷ However, the JACL's emphasis on Americanization of the *Nikkei* did not endear it to many Japanese Americans, especially Issei and Kibei (Nisei educated partly in Japan), who did not feel represented by it.⁴⁸

such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded.” See Executive Order 9066 of February 19, 1942, Authorizing the Secretary of War to Prescribe Military Areas, *Code of Federal Regulations*, title 3 (1938-1943): 1092–3. However, this order did not specify Japanese Americans as the persons to be excluded. See Irons, *Justice*, 58–64.

45 Hosokawa, *Nisei*, 82, 235–240.

46 Takaki, *Strangers*, 222; Chan, *Asian Americans*, 68–69, 90.

47 Hosokawa, *Nisei*, 240.

48 *Ibid.*, 192–205. It has been argued that the Nisei who spent their formative years in Japan were “indoctrinated by Japanese ideologies” and, by this criterion, sociologist Dorothy Thomas estimated that “one out of five Nisei 15 years of age or older in 1943 was a Kibei.” See Dorothy Swaine

When the government officials approached the JACL to act as “their liaison with the Japanese communities,” the League felt obliged to express their dedication and loyalty to the U.S. by collaborating fully with the government.⁴⁹ Generally, JACLers believed that the policy of cooperation they adopted was accepted by the majority of Japanese Americans and that “many of the Issei, particularly, and Kibei looked to the JACL for some sort of direction during this evacuation.”⁵⁰ Some disputed the idea that it was only natural for the JACL to represent the community as the only functioning organization. James Omura, a Nisei newspaperman from San Francisco, argued that the JACL was an unimportant element in the lives of Japanese Americans until World War II when “the [U.S.] government nominated them to be the sole spokesman [for Japanese Americans].”⁵¹ Shosuke Sasaki, a Nisei from Seattle who later became a community leader in Minidoka Relocation Center pointed out that, by the time Japanese Americans were sent to assembly centers, the community

Thomas and Richard S. Nishimoto, *The Spoilage: Japanese American Evacuation and Resettlement* (Berkeley: University of California Press, 1946), 3n8. The WRA publication summarizing the evacuation program estimated the number of Kibei to be around 9,000; see United States, Department of the Interior, *WRA: A Story of Human Conservation* (Washington, DC: GPO, 1946), 7. For detailed development of the JACL's public relations policy between 1941-42 and their stance toward evacuation, the Issei, and the Kibei, see Paul R. Spickard, “The Nisei Assume Power: The Japanese Citizens League, 1941-1942,” *Pacific Historical Review* 52, no. 2 (May 1983).

49 Hosokawa, *Nisei*, 240; U.S. Int. Dept., *Impounded People*, 33–34.

50 Hansen, *Oral History*, 233. This opinion, expressed by George Fukasawa, was shared by a number of other JACLers.

51 James Omura (Interview I, Segment 9), interview by Frank Abe, *Densho Digital Archive*, podcast video, December 9, 1990, <http://archive.densho.org/main.aspx>.

was “particularly disgusted with the JACL self-appointed leadership.”⁵² Irrespective of the strength of their mandate, the JACL accepted the overtures of the U.S. government and established a close, cooperative relationship with the administration. Mike Masaoka, the national secretary of the JACL explained that “[c]ooperation on our part would impose a moral obligation, at least, upon the government to reciprocate that cooperation by working with us in the matter of planning and administration.”⁵³

Early in February 1942, Californian Congressman John H. Tolan announced that public hearings to address “defense migration” issues would be held on the West Coast.⁵⁴ Many Nisei believed that the hearings would provide an impartial forum to make a case against the wholesale removal of Japanese Americans. For that purpose, Nisei groups prepared statements and rallied their Caucasian supporters to speak on their behalf.⁵⁵ However, Chairman Tolan and his colleagues came to the hearings with preconceived notions about Japanese Americans and, while Tolan kept referring to the committee as a “sounding board” for the concerned citizenry, the committee showed prejudice against citizens of Japanese ancestry from the very beginning.⁵⁶ Opponents of mass removal were treated with condescension and their testimony was constantly challenged by the committee panel, while those who argued for the immediate

52 Shosuke Sasaki (Interview, Segment 15), interview by Frank Abe and Stephen Fugita, *Densho Digital Archive*, podcast video, May 18, 1997, <http://archive.densho.org/main.aspx>.

53 Mike Masaoka, and Bill Hosokawa, *They Call Me Moses Masaoka: An American Saga* (New York: William Morrow, 1987), 156.

54 Masaoka, *Moses*, 85.

55 *Ibid.*; Hosokawa, *Nisei*, 284–285.

56 United States, Congress, House, Select Committee Investigating National Defense Migration. 77th Congress, 2nd sess. *National Defense Migration* (hereafter Tolan Committee hearings), Part 29.

removal of Japanese Americans from the West Coast were given a receptive audience.⁵⁷

The JACL used the hearings to pledge Japanese Americans' cooperation with any policy that the U.S. government purported to impose on them as a matter of military necessity.⁵⁸ However, when Mike Masaoka appeared before the committee, he qualified this pledge by reserving “every right to protest and to demand equitable judgment on our merits as American citizens” should the evacuation prove to be “a measure whose surface urgency cloaks the desires of political or other pressure groups who want us to leave merely from motives of self-interest.”⁵⁹ Critics accused the League of “selling the *Nisei* down the river” by refusing to contest the claim that the exclusion of Japanese Americans was a matter of military necessity.⁶⁰ However, Masaoka explicitly stated that Japanese Americans would cooperate with the program as long as the justification was made in good faith. In 1942, the rationale behind evacuation had not been exposed as fallacious and, as Peter Irons has shown, government officials worked diligently to keep the “military necessity” justification from being discredited.⁶¹

Japanese Americans generally accepted the canard that some of them might be disloyal and, therefore, it was incumbent upon them to demonstrate their loyalty by agreeing to be evacuated.⁶² The *Nisei* who testified before the Tolan Committee

57 Hosokawa, *Nisei*, 289–291.

58 Tolan Committee hearings, 11148.

59 *Ibid.*, 11137.

60 Hosokawa, *Nisei*, 290.

61 Irons, *Justice*, 278–293.

62 For JACL's reasoning, see Masaoka, *Moses*, 153–154. Grodzins argues that the vagueness with which Army officials articulated the need for Japanese American exclusion convinced many that the

echoed the cooperative stance of the JACL. The only critic of mass evacuation was James Omura. He did not prepare a written statement for the committee, but he posed an insightful question that would later be re-articulated by others who chose to resist removal and incarceration:

I would like to ask the committee: Has the Gestapo come to America? Have we not risen in righteous anger at Hitler's mistreatments of the Jews? Then, is it not incongruous that citizen Americans of Japanese descent should be similarly mistreated and persecuted?⁶³

Ultimately, arguments against the mass removal of Japanese Americans had no impact on their evacuation from the Pacific Coast since that decision had already been made.

On March 2, 1942, Gen. DeWitt announced that all Japanese Americans would be excluded from the coastal strip running through parts of Arizona, California, Oregon, and Washington.⁶⁴ DeWitt accompanied his Public Proclamation with a press release that encouraged Japanese Americans to move out from the so-called Military Area No. 1 to other parts of the country, including Military Area No. 2, where “in all probability [they] will not again be disturbed.”⁶⁵ To coordinate the evacuation, DeWitt created the Wartime Civil Control Administration (WCCA) on March 11, with the newly promoted Col. Karl Bendetsen as its director. The War Relocation Authority (WRA) was established on March 18, to handle the relocation of the West Coast

Army possessed but could not disclose information that corroborated their claims. See Grodzins, *Americans Betrayed*, 206–207.

63 Tolan Committee hearings, 11231.

64 U.S. Int. Dept., *WRA*, viii; DeWitt, *Final Report*, 16, 32.

65 Girdner, *The Great Betrayal*, 114–115; tenBroek, *Prejudice*, 117; U.S. Int. Dept., *WRA*, ix. DeWitt later extended the exclusion area to cover the entire state of California.

evacuees. Within days, Congress passed Public Law 503 to make the military orders based on the EO 9066 enforceable. On March 24, Gen. DeWitt declared a curfew that applied to all enemy aliens and persons of Japanese ancestry throughout the Military Area No. 1 and, three days later, he proscribed free movement of Japanese Americans as it became clear that they would not be accepted in communities outside the exclusion area.⁶⁶

By the end of March, the U.S. government set up all the necessary mechanisms for evacuation. Throughout March and April, WCCA started to prepare “reception centers” for evacuees who began to arrive as soon as it was technically feasible to house them. As per exclusion orders, each Japanese American family (or individual if living alone) was supposed to register on a pre-designated day at the local Civil Control Station and thereafter wait for the eventual evacuation. The first contingents of evacuees were removed from sensitive areas around large West Coast cities like Los Angeles, San Diego, and Seattle. A group of fishermen from Terminal Island was, for example, evacuated as early as February 27, after receiving only two days' notice, but most Japanese Americans were evacuated gradually throughout the spring and summer of 1942.⁶⁷ On April 7, Col. Bendetsen of the WCCA and Milton S. Eisenhower, the first director of the WRA, met in Salt Lake City with various representatives from the ten western states to discuss the relocation of Japanese Americans to their communities. Eisenhower thought that only a small number of evacuees would need government assistance and he hoped that most Japanese Americans would simply leave the reception centers to resettle outside prohibited

66 U.S. Int. Dept., *WRA*, viii; tenBroek, *Prejudice*, 91, 118–119.

67 DeWitt, *Final Report*, 44, 53, 77; Hosokawa, *Nisei*, 309–310.

areas on the West Coast. However, local governments of states where evacuees were most likely to go opposed unrestricted movement of Japanese Americans; practically every representative at the Salt Lake City conference with the exception of Colorado's governor Ralph Carr argued that evacuees would not be welcome in their states and that they would have to be placed in some sort of camps under armed guard.⁶⁸ In response, the WRA quickly developed plans to provide for the construction of relocation centers “for occupancy by evacuees for the duration of the war.”⁶⁹ Thus, in the span of five weeks, the program of mass evacuation of Japanese Americans from the West Coast transformed into a program of mass incarceration.

68 Irons, *Justice*, 71–72; Hosokawa, *Nisei*, 225–226.

69 Cited in Richard Drinnon, *Keeper of the Concentration Camps: Dillon S. Myer and American Racism* (Berkeley: University of California Press, 1987), 63.

CHAPTER 2

The relative lack of opposition to mass evacuation in the Japanese American community is a matter of historical record, but to understand it fully this reaction must be contextualized.⁷⁰ The Nisei believed to the bitter end that the aegis of citizenship would protect their right to remain on the West Coast. Few questioned the government's prerogative to exclude and detain the Issei since they were not American citizens.⁷¹ Sociologist Harry Kitano contends that the government benefited from the fact that Japanese American culture placed great value on “conformity and obedience.”⁷² This observation, though stereotyping Japanese Americans, was confirmed by a number of former evacuees who made similar remarks.⁷³ Early scholarship on relocation asserted that Japanese Americans quietly accepted evacuation, and, throughout the years, many commentators invariably perpetuated the argument that protest was anomalous among Japanese Americans.⁷⁴ However, a closer look at the early instances of opposition to the relocation program reveals the difficulty of protesting against government policies that kept evolving throughout 1942.

70 Spickard, “The Nisei Assume Power,” 167–168.

71 Grodzins, *Americans Betrayed*, 206; Masaoka, *Moses*, 155.

72 Harry H.L. Kitano, *Japanese Americans: The Evolution of a Subculture* (Englewood Cliffs, NJ: Prentice-Hall, 1969), 44–45.

73 *Ibid.*, 46; Cf. interviews with Donald Nakahata and Min Yasui that discuss the conformity of Japanese Americans; see Tateishi, *And Justice for All*, 37, 92.

74 Girdner, *The Great Betrayal*, 168–171.

The U.S. government encountered isolated instances of non-compliance and protest against mass removal and detention of Japanese Americans right from the start. Throughout the spring and summer of 1942, three criminal cases and one civil suit developed into test cases challenging the government's right to impose curfew on American citizens, remove them from their homes, and confine them indefinitely. While these four young Nisei challenged the relocation program in the court, others protested in their own way. Kuji Kurokawa, for example, hid in the basement of a house he worked in to avoid evacuation. Hideo Murata, an Issei veteran of World War I, committed suicide in a hotel room and was found still clutching his Honorary Citizenship Certificate in his hand.⁷⁵ However, most Japanese Americans did not resort to such drastic measures; instead they accepted that evacuation was inevitable.⁷⁶ Yet, the lack of mass resistance or large-scale civil disobedience should not be seen as an index of Japanese Americans' passivity. With the Issei leadership removed to internment camps and Nisei leadership advocating full cooperation with the government, resistance remained largely individual, as demonstrated by the four test cases.

Judicial Challenges

The first judicial challenge was initiated by Minoru Yasui, a Nisei lawyer from Oregon. Min defied the curfew placed on Japanese Americans on the same day it

75 Jeffrey F. Burton, et al., "A Brief History of Japanese American Relocation During World War II" in

Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites (Western Archaeological and Conservation Center National Park Service, 1999),

<http://www.cr.nps.gov>; Weglyn, *Years of Infamy*, 78.

76 Girdner, *The Great Betrayal*, 477–478.

came into effect by walking into a police station and demanding to be arrested.⁷⁷ He opposed the curfew because he believed it to be discriminatory against Americans of Japanese descent, arguing that “if a citizen believes that the sovereign state is committing [sic] illegal act, it is incumbent upon that citizen to take measures to rectify such error.”⁷⁸ Yasui was in a unique position to challenge the curfew; he was educated as a lawyer and his Issei parents could rely on his siblings to weather the family through the difficult times in his absence.⁷⁹ Yasui's family's wealth also enabled him to fund his judicial challenge as both the JACL and the American Civil Liberties Union (ACLU) refused to support test cases challenging Gen. DeWitt's orders.⁸⁰ On November 16, 1942, Yasui was found guilty of violating the curfew and sentenced to “one year in prison and a fine of \$5,000.”⁸¹ He spent nine months in solitary

77 Irons, *Justice*, 81; Minoru Yasui (Interview, Segment 5), interview by Steven Okazaki, *Densho Digital Archive*, podcast audio, October 23, 1983, <http://archive.densho.org/main.aspx>.

78 Cited in Tateishi, *And Justice for All*, 70–71.

79 Irons, *Justice*, 81. Among Japanese Americans, especially in the context of the immigrant generation, it was incumbent upon the adult children to “provide assistance to their elderly parents and to give priority to their parents' needs over their own,” and this applied particularly to the first-born child—a concept called filial piety. As the second son, Min Yasui was free of this responsibility. See Masako Ishii-Kuntz, “Intergenerational Relationships among Chinese, Japanese, and Korean Americans,” *Family Relations* 46, no. 1 (January 1997): 24–25.

80 Irons, *Justice*, 81–86, 130.

81 In 1866, the U.S. Supreme Court ruled in *Ex parte Milligan* that civilian courts cannot be supplanted by military courts in the absence of martial law. Therefore, military authorities hold no jurisdiction over American citizens where civilian courts remain open. In Yasui's case, the presiding judge argued that Min lost his American citizenship since he worked for the Japanese consulate in Chicago; therefore he was an enemy alien and the *Milligan* ruling did not apply to him. See *ibid.*, 140–160.

confinement in Multnomah County Jail, and his recollection of this harrowing experience suggests that the imprisonment broke his resolve to engage in future opposition.⁸² Paradoxically, Yasui remained a loyal member of the JACL—the same organization which denounced him and others who tried to challenge the evacuation as “self-styled martyrs” that endangered the Japanese American community.⁸³

The next challenger, Gordon Hirabayashi, was no legal expert and, unlike Yasui, he did not come from a wealthy family; it was his religious background and education that made him sensitive to social justice.⁸⁴ Gordon first decided to violate the curfew when he realized that “[t]he only reason I'm subject to go is because . . . I'm a person of Japanese ancestry.”⁸⁵ But the more he tried to justify his decision to violate the curfew, the more he realized the inconsistency of cooperating with evacuation, which was based on the same unconstitutional principle. Ultimately, Hirabayashi refused to register for the evacuation and, on May 16, 1942, he walked into the FBI office in Seattle to turn himself in.⁸⁶ In a written statement he presented to the FBI entitled “Why I Refused to Register for Evacuation,” Hirabayashi provided

82 Tateishi, *And Justice for All*, 80–83.

83 Irons, *Justice*, 85–87. Yasui disagreed with Mike Masaoka, who argued that judicial challenges of military regulations were inopportune, but he never repudiated JACL's wartime stance of full cooperation with the government. See Minoru Yasui (Interview, Segment 5).

84 Hirabayashi became a Quaker as a young man, joined the Fellowship of Reconciliation, and in 1940 he registered as a conscientious objector (CO) under the newly passed Selective Training and Service Act. See Lyon, “Gordon Hirabayashi,” in *Prisons and Patriots*.

85 Gordon Hirabayashi (Interview II, Segment 13), interview by Tom Ikeda and Alice Ito, *Densho Digital Archive*, podcast video, May 25, 1999, <http://archive.densho.org/main.aspx>.

86 Irons, *Justice*, 88.

a compassionate albeit naively idealistic criticism of the mass removal program.⁸⁷ He refused to pay the \$5,000 bond, which would have allowed him to join his family at an assembly center and, instead, spent five months in the King County Jail in Seattle waiting for his trial.⁸⁸ Judge Lloyd D. Black dismissed the demurrer filed by Hirabayashi's lawyer, and, on October 20, the jury found Gordon guilty on both counts of curfew violation and failure to report for evacuation.⁸⁹ Hirabayashi requested permission to serve his time in a road camp rather than a shorter sentence in a prison cell, and Judge Black obliged him with a sentence of ninety days on both counts to run concurrently.⁹⁰

Only one Japanese American decided to challenge the exclusion orders in court after he was apprehended for breaking them. Fred Korematsu, a Nisei from San Leandro, California, was arrested on May 30, 1942, when he was walking in the street with his white girlfriend in the proscribed area. Ernest Besig, who headed the North California branch of ACLU, visited Korematsu in the San Francisco County Jail while

⁸⁷ Hirabayashi's principled stance was based on an argument that mass evacuation was psychologically detrimental to Japanese Americans, but his strongest criticism focused on the infringement of constitutional rights: "Over sixty per cent [of the evacuees] are American citizens; yet they are denied on a wholesale without due process of law the civil liberties which are theirs." Cited in Lyon, "Gordon Hirabayashi," in *Prisons and Patriots*.

⁸⁸ Ibid.; Irons, *Justice*, 88–89, 154.

⁸⁹ A demurrer is "a plea in response to an allegation that admits its truth but also asserts that it is not sufficient as a cause of action." See *Merriam-Webster OnLine*, s.v. "demurrer," accessed October 14, 2014, <http://www.merriam-webster.com/dictionary/demurrer>. Judge Black made it clear that the jury's decision on whether Hirabayashi had violated the curfew and failed to register for evacuation should rest on the narrowest possible grounds, without considering the constitutionality of the violated orders. See Irons, *Justice*, 154–158.

⁹⁰ Irons, *Justice*, 159.

looking for a test case and was surprised to learn that Fred was willing to become one. After all, he had undergone plastic surgery to hide his “Oriental features” and his actions were apparently motivated by romance, rather than sensitivity to injustice.⁹¹ However, legal scholar Peter Irons has argued that Fred Korematsu *was* aware of the injustice inherent in the evacuation; Fred's eldest brother, Hiroshi, was the chairman of the Committee on Alien Resettlement of the San Francisco YMCA and Fred apparently “spent hours in debate over the impending evacuation” with him.⁹² Besig chose Wayne M. Collins, an ACLU affiliated lawyer, to represent Korematsu in the case, defying the National ACLU's policy, which prohibited sponsoring cases that challenged the constitutionality of DeWitt's orders.⁹³ Judge Adolphus F. St. Sure, who presided in the trial, refused to consider the constitutional issues raised in the demurrer that Collins filed on his clients' behalf, and instead, focused on the fact that Korematsu knowingly violated the exclusion order. Korematsu was found guilty, and since the trial was taking place in the exclusion area, he was denied bail and taken to the assembly center by the Military Police (MP).⁹⁴

91 Ibid., 93–97.

92 Korematsu told his captors that he believed the evacuation orders were wrong and while waiting for trial, he wrote a statement for the ACLU which clearly showed that he understood the breach of constitutional principles involved in the evacuation. See *ibid.*, 98–99.

93 The national ACLU's policy was binding to a degree; both Hirabayashi and Korematsu were receiving legal advice from lawyers associated with the ACLU, although Washington state senator Mary Farquharson who “acted as a volunteer in the Hirabayashi case” acquiesced to the national board's demands and set up an independent committee to finance the case. See *ibid.*, 117, 130–131.

94 Judge St. Sure refused to impose the probationary sentence of five years on Korematsu. See *Ibid.*, 151–154.

The fourth challenger, Mitsuye Endo, differed from the previous three Nisei because she did not face criminal charges.⁹⁵ Endo was one of the Nisei state employees who had been dismissed from their jobs on account of their Japanese ancestry. The JACL hired James Purcell to represent the state employees and intervene with the State Personnel Board that dismissed them. When Purcell realized that challenging the incarceration of his clients might be more efficient than proceeding with the original complaint, he filed a petition of habeas corpus on Miss Endo's behalf.⁹⁶ In court, Purcell argued that Mitsuye Endo was incarcerated without due process, noting that no legislation or executive order provided for the detention of law-abiding American citizens of Japanese ancestry.⁹⁷ Instead of addressing these arguments, U.S. attorney Alfonso J. Zirpoli asked Judge Michael J. Roche to “judicially notice the factual background” of the case, contending that evacuation necessitated some form of detention.⁹⁸ Zirpoli also charged that “[Endo's] petition was defective on its face because it did not show that administrative remedies had been

95 Ibid., 100.

96 The writ of habeas corpus “is used to correct violations of personal liberty by directing judicial inquiry into the legality of a detention.” See *Merriam-Webster OnLine*, s.v. “habeas corpus,” accessed October 14, 2014, <http://www.merriam-webster.com/dictionary/habeas%20corpus>. Mitsuye Endo turned out to be the ideal plaintiff: she was a Christian, she did not speak Japanese, and her brother served in the U.S. Army. With her permission, Purcell filed a habeas corpus petition in July 1942, where he challenged the WRA's director, Milton Eisenhower, “to show cause why Mitsuye Endo should not be released from internment.” See Irons, *Justice*, 100–102.

97 Purcell also used the precedent in *Ex parte Milligan* to question the legality of evacuation and detention in the absence of martial law on the West Coast. See Irons, *Justice*, 144–146. For *Ex parte Milligan* see note 12 *supra*.

98 Cited in *ibid.*, 147.

exhausted.”⁹⁹ He referred to the fact that the WRA adopted its first indefinite leave regulations on the same day as the trial began, not taking into account that Endo could not have availed herself of that opportunity since her petition was filed a week earlier. Judge Roche refused to make a decision that could impair the government's right to detain the Nisei, leaving the case in a legal limbo for almost a year until July 3, 1943, when he dismissed Endo's petition without explanation.¹⁰⁰

In order to protect the government's ability to impose restrictive policies on Japanese Americans, the government lawyers engaged in suppression of evidence while the courts refused to exercise judicial review.¹⁰¹ Yasui's and Hirabayashi's lawyers both filed appeals and the cases were eventually brought to the Supreme Court which upheld the convictions in both cases.¹⁰² Judge St. Sure's reluctance to impose a sentence in Korematsu's case and the strategic stalling of Judge Roche in deciding on Endo's habeas corpus petition gave the government more time to defend its policy of indefinite confinement of Japanese Americans. While preparing the government's briefs for the Yasui and Hirabayashi cases, Solicitor General Charles Fahy learned that Gen. DeWitt had ignored a crucial intelligence report which asserted that only a small number of Japanese Americans was disloyal and these persons were already known to the intelligence agencies. Fahy refused to share this information with the Supreme Court, and instead submitted a brief that repeated all

99 Cited in *ibid.*, 149. A positive proof that the applicant “exhausted all administrative remedies reasonably imposed by the government” in pursuit of attaining his or her freedom is a *conditio sine qua non* for granting a writ of habeas corpus. See *ibid.*

100 *Ibid.*, 149–151.

101 *Ibid.*, 206; tenBroek, *Prejudice*, 215–221.

102 Irons, *Justice*, 227–250.

the accusations made against Japanese Americans by Gen. DeWitt. However, the War Department would not be outdone by the DOJ in suppressing evidence; since Gen. DeWitt's *Final Report* on the evacuation contradicted the official justification for the mass removal of Japanese Americans, the DOW had the report altered and destroyed the extant copies of the original to erase all evidence.¹⁰³

These four judicial challenges to curfew, evacuation, and detention exposed the hypocrisy of the supposedly liberal New Dealers in the judiciary and in the political establishment. The ACLU ultimately filed *amicus curiae* briefs for Hirabayashi, Korematsu, and Endo to the Supreme Court, but its initial unwillingness to test the constitutionality of Gen. DeWitt's orders weakened the cases of these challengers in the lower courts.¹⁰⁴ The JACL too was opposed to test cases though it submitted an *amicus curiae* brief for Hirabayashi when his case moved to the Supreme Court. Instead of protest, dutiful cooperation with the orders was encouraged and disseminated by Japanese American organizations through newspapers. James Sakamoto of the JACL's Emergency Defense Council enjoined the *Nikkei* to obey Army orders "cheerfully and co-operatively."¹⁰⁵ The Japanese-language newspaper *Doho* expressed the stance of a disparate group of leftists called *Aka*, arguing that

¹⁰³Ibid., 202–211.

¹⁰⁴*Amicus curiae* brief is "a statement of particular views on the subject matter of the lawsuit" submitted by someone "who is not a party to a particular lawsuit but nevertheless has a strong interest in it." See *Merriam-Webster OnLine*, s.v. "Amicus Curiae," accessed December 7, 2014, [http://www.merriam-webster.com/dictionary/amicus curiae](http://www.merriam-webster.com/dictionary/amicus%20curiae).

¹⁰⁵James Y. Sakamoto, "Chairman Asking for Co-Operation with Army Heads," *Japanese-American Courier*, March 6, 1942.

denied us.”¹⁰⁶ The political Left endorsed the evacuation of Japanese Americans as well; sociologist William Petersen argues that the Left, dominated by the Communist Party, was prepared to abandon Japanese Americans' civil rights in order to win the fight against Fascism.¹⁰⁷ But in the final analysis, it was the judicial branch that had the power to expose the forced removal and incarceration of Japanese Americans as unconstitutional. The refusal of the courts to exercise judicial review because that would putatively have interfered with the war effort imbued the relocation program with the legitimacy it could never have gained otherwise.

¹⁰⁶Cited in Daniels, *Concentration Camps*, 79. *Aka* (lit. “red” in Japanese) was a name for leftists of all stripes who were close to Japan but also anti-militarists before the war. One link between *Aka* and *Doho* was Karl Yoneda, a Kibei labor activist and organizer who was also a *Doho* correspondent. See Hansen, *Oral History*, 105, 110.

¹⁰⁷Petersen, *Japanese Americans*, 72–79, 93.

CHAPTER 3

Mass opposition to the relocation program did not develop everywhere right away, but when it did, the WRA used every tool at its disposal to suppress it. Government officials tasked with engineering the relocation program were masters of legalistic casuistry, but they could not have maintained the facade of legality without redefining the very words with which the program was discussed. Japanese Americans in camps were not “interned” and the government insisted that they were not prisoners.¹⁰⁸ Under the U.S. constitution, prisoners have certain rights, such as the right to a hearing, the right to a fair trial, and most importantly, specific charges must be pressed to justify imprisonment. None of these conditions were met in the case of Japanese Americans.¹⁰⁹ It was recognized early on that the legal ground for their confinement was questionable, but that realization did not stop the government from executing it. Under these circumstances, it was only natural that some evacuees would refuse to cooperate with WCCA's and WRA's policies as a form of protest against their unlawful detention. This chapter will discuss some of the early instances of Japanese Americans' resistance to their incarceration.

Protest in Assembly Centers

In order to facilitate the evacuation of the West Coast, the Army transported Japanese Americans to assembly centers where some would spend as much as six

¹⁰⁸United States, WRA, *Relocation of Japanese Americans* (Washington, D.C.: WRA, 1943), 2–6.

¹⁰⁹Masaoka, *Moses*, 157.

months while waiting for relocation.¹¹⁰ Assembly centers were usually established in preexisting facilities with water and power supply and easy access to transportation. The WCCA converted these places into guarded camps surrounded by barbed wire where Japanese Americans could be segregated from the general population and housed until more permanent facilities could be built.¹¹¹ Most evacuees were housed in standard Army barracks separated into twenty feet by twenty feet rooms, but in the Santa Anita and Tanforan racetracks horse stables were whitewashed and used as living quarters.¹¹² Since these so-called apartments lacked indoor plumbing, communal facilities such as toilets, showers, washing rooms, and mess halls stood separately—each for one block that housed between 600 to 800 people.¹¹³ The largest apartments were designed for occupancy by eight-person families, but smaller families often had to share their room with others.¹¹⁴

110U.S. Int. Dept., *WRA*, 23.

111“Nine [assembly centers] were at fairgrounds, two were at horse racetracks (Santa Anita and Tanforan, California), two were at migrant workers camps (Marysville and Sacramento, California), one was at a livestock exposition hall (Portland, Oregon), one was at a mill site (Pinedale, California), and one was at an abandoned Civilian Conservation Corps camp (Mayer, Arizona). In addition, the ‘reception centers’ under construction near Parker Dam in Arizona (Poston) and in the Owens Valley of eastern California (Manzanar), originally set up to expedite the voluntary evacuation, were also employed as assembly centers.” See Burton, “A Brief History” in *Confinement and Ethnicity*.

112Ibid.

113Kashima, *Personal Justice Denied*, 137–140.

114Wooden partitions between apartments that did not reach above the rafters provided only a modicum of privacy, notwithstanding the lack of inner partitions within the apartments. In several centers, toilets lacked partitions as well and showers had no curtains, since the facilities were originally designed for soldiers. Ibid., 140.

Crowded housing, substandard food, poor sanitation, the lack of medical staff and supplies, and the absence of meaningful things to do were a constant source of complaints, but the rapid turnover of evacuees in the assembly centers delayed organized protest. Evacuees were initially led to believe that they would soon be released to resettle outside the exclusion areas, pending some sort of loyalty determination. However, the promised release was not forthcoming and the lack of definitive information about the evacuees' future contributed to their growing dissatisfaction.¹¹⁵ Yamato Ichihashi described evacuee protests at the Santa Anita racetrack in his diary; one involved the confiscation of evacuees' food and cooking utensils and another was a protest against food quality which escalated into a mess-hall strike.¹¹⁶ In mid-June 1942, evacuee workers from the camouflage net factory at Santa Anita went on strike, mainly because they were not given enough food to make it through the day. But the strikers also demanded better and safer working conditions and they were unhappy about their low remuneration and the way they were pressured to accept the job.¹¹⁷ Soon afterwards, eleven men—some of

¹¹⁵Weglyn, *Years of Infamy*, 79; Thomas, *The Spoilage*, 53–54; Girdner, *The Great Betrayal*, 173.

¹¹⁶Yamato Ichihashi, *Morning Glory, Evening Shadow: Yamato Ichihashi and his Internment Writings, 1942-1945*, edited by Gordon H. Chang (Stanford, CA: Stanford University Press, 1997), 105–106.

Ichihashi was an Issei scholar who served as the acting chair of the History Department at Stanford before the war. As an enemy alien with close connections to the Japanese government, Ichihashi was briefly interned at Sharp Park Detention Center in San Francisco Bay. Later, he was released on parole to Santa Anita to join his family there.

¹¹⁷Girdner, *The Great Betrayal*, 179–181. These evacuees worked forty-four hours a week for eight dollars a month. Though the strike did not achieve all its objectives, the improvement in food quality was a gain for everyone.

whom were members of the Santa Anita self-government—were arrested for organizing a meeting to discuss “general camp conditions.”¹¹⁸

The most significant incident in any assembly center also occurred at Santa Anita; on August 4, 1942, “a routine search for various articles of contraband” turned into a scuffle between the “disorderly elements” from among the evacuees, the interior security service, and a man believed to be a stool pigeon.¹¹⁹ According to Gen. DeWitt’s report, the latter was “severely beaten” by evacuees and the police were “harassed but none were injured.”¹²⁰ Among the “disorderly elements” were actually defiant evacuees who opposed the search because some members of the internal security were known for confiscating more than just contraband items.¹²¹ The “over-zealous” policemen were duly dismissed, but in the following weeks the Army arrested a number of Nisei, often on unrelated charges, and sent them to other centers.¹²²

Administrators of assembly centers developed a variety of methods to control the evacuee population. In most assembly centers, evacuees started publishing camp newspapers to bring the residents the much needed information, but all these newspapers were censored to some extent.¹²³ In his diary, Charles Kikuchi, who published the *Tanforan Totalizer*, complained bitterly that heavy censorship and lack of administration support prevented him from writing freely about the issues that

118Ibid., 182.

119DeWitt, *Final Report*, 218.

120Ibid.

121Girdner, *The Great Betrayal*, 193.

122Ibid; DeWitt, *Final Report*, 219.

123Girdner, *The Great Betrayal*, 183–184.

mattered.¹²⁴ In fact, several investigations have shown that personal correspondence sent to and from the assembly centers was censored as well.¹²⁵ In a memoir of her wartime experience, Miné Okubo asserted that outside visits were made difficult at Tanforan through complicated administrative procedures and long waits.¹²⁶ The effort to restrict the contact between the evacuees and the outside world culminated on July 18, when new strictures were placed on “telephonic communication.”¹²⁷ Kikuchi's diary entries describe his frustration as the WCCA abolished evacuee self-government in early August and the Tanforan administrators blacklisted his colleagues from the Japanese American Evacuation and Resettlement Study (JERS).¹²⁸

Japanese Americans resisted their jailers' control and the administrative restrictions in creative ways. Evacuees frequently supplemented their meager portions of food by eating at more than one mess hall.¹²⁹ Assembly center apartments were initially devoid of furniture, but evacuees managed to “appropriate” scrap lumber to build furniture and improve their living conditions.¹³⁰ Despite these problems, the majority of Japanese Americans tried to re-establish some measure of normalcy in the assembly centers; residents of Tanforan tried to organize self-government, started

124John Modell, ed., *The Kikuchi Diary: Chronicle from an American Concentration Camp* (Urbana, IL: University of Illinois Press, 1973), 97–132.

125Girdner, *The Great Betrayal*, 185.

126Because of these hardships Okubo “discouraged” her friends “from trying to visit [her].” See Miné Okubo, *Citizen 13660* (New York: Columbia University Press, 1946), 79.

127Girdner, *The Great Betrayal*, 187.

128Modell, *The Kikuchi Diary*, 207–215.

129Okubo, *Citizen 13660*, 89. The mess-hall system was universally abused and to prevent food shortages the WCCA had to issue mess-hall tickets.

130Ibid., 50–51.

school and adult classes, opened a library, beautified their surroundings, organized various cultural events, and even engaged in illegal gambling.¹³¹ Incidentally, DeWitt's report notes that the existing "gambling rings" were protected by the evacuee police who also "extended special privileges to influential evacuees" and were generally unwilling to act against fellow Japanese Americans.¹³²

Sociologist Harry Kitano attributed Japanese Americans' forbearance with removal and incarceration to their "low expectation for any sort of 'break' in America" and their belief that the evacuation was unavoidable under the circumstances.¹³³ However, not everyone accepted indefinite incarceration in this way. While recognizing the relative ease of assembly center life with living expenses paid for by the government, Charles Kikuchi noted that "all this still doesn't compensate for my liberty and freedom of movement from place to place."¹³⁴ One factor that prevented major dissent from developing in assembly centers was their temporary nature. From mid-June to October, hundreds of evacuees were being shipped out from assembly centers to relocation centers almost daily.¹³⁵ By that time, the government made non-compliance with its orders punishable by law and advertised the relocation centers as sites of opportunity where self-government would be possible and better living conditions could be created.¹³⁶

131Ibid., 88–103.

132DeWitt notes that the WCCA's experiment to supplement the Caucasian internal security force with the so-called evacuee auxiliaries proved abortive. See DeWitt, *Final Report*, 217–218.

133Kitano, *Japanese Americans*, 45.

134Modell, *The Kikuchi Diary*, 69.

135DeWitt, *Final Report*, 282–284.

136Modell, *The Kikuchi Diary*, 218–219, 238; U.S. Int. Dept., *Impounded People*, 38–39.

Setting up Relocation Centers

Between May and November 1942, around 110,000 West Coast Japanese Americans were transported to ten relocation centers located in some of the most inhospitable parts of the United States.¹³⁷ Two relocation centers, Gila River and Poston, were built on Indian reservations in Arizona's Sonoran desert. Jerome and Rohwer in Arkansas were both in the vicinity of the Mississippi River flood plain, surrounded by thick forests and swamps. The Manzanar Relocation Center in Owens Valley, east central California, was a cold desert with significant temperature differentials between the seasons; the Tule Lake Relocation Center in Modoc County, California, had a slightly more temperate climate. The Granada Relocation Center, also known as Amache, was built in the prairies of southeastern Colorado, near the Kansas border. The three remaining centers, though located in different states, shared similar climatic conditions of high desert areas: Minidoka lay in south central Idaho, Topaz in west central Utah, and Heart Mountain in northwest Wyoming.¹³⁸

After months of living in the limbo of assembly centers, many evacuees were looking forward to leaving for relocation centers which promised better housing conditions. A number of community-minded individuals, among them a significant proportion of JA CLers, had volunteered to go ahead and make the camps habitable before the majority of evacuees arrived.¹³⁹ However, what greeted these pioneers were the standard “theater of operations” army barracks they had already encountered in

¹³⁷Dillon S. Myer, *Uprooted Americans: The Japanese Americans and the War Relocation Authority during World War II* (Tucson: The University of Arizona Press, 1971), 31–32.

¹³⁸Burton, *Confinement and Ethnicity*.

¹³⁹U.S. Int. Dept., *Impounded People*, 45–50.

assembly centers.¹⁴⁰ Far from resembling model communities, most relocation centers were surrounded with barb-wire fences and patrolled by armed guards; to add insult to injury, “[n]one of the centers was finished when the first trainloads of evacuees began to arrive.”¹⁴¹

The relocation program's objectives remained fluid throughout the tenure of WRA's first National Director, Milton S. Eisenhower, but in mid-July 1942, he was replaced by Dillon S. Myer, who had a clearer vision than his predecessor. Myer imagined relocation centers as temporary stops for Japanese Americans on their way to resettle outside the prohibited areas on the West Coast, and he spared no effort to realize his vision.¹⁴² The WRA cooperated with the National Student Relocation Council to enable Nisei students to continue their higher education in colleges outside the exclusion zones.¹⁴³ Due to wartime labor shortages, farmers from the western states were badly in need of Japanese American farm labor. Farmers in Oregon and Arizona requested evacuee labor throughout the spring and summer of 1942, and by the end of the year “some 9,000 evacuees had found temporary agricultural work at one time or another” outside the relocation centers.¹⁴⁴ In July 1942, plans were drafted to provide indefinite leave opportunities for Nisei but not for Kibei and Issei who were considered suspect because of their alleged ties to Japan. The conditions were

140Burton, “A Brief History,” in *Confinement and Ethnicity*.

141Myer, *Uprooted Americans*, 32; U.S. Int. Dept., *Impounded People*, 40.

142Myer, *Uprooted Americans*, 3, 67; U.S. Int. Dept., *WRA*, xv.

143Hosokawa, *Nisei*, 353–355. “By February 1, 1943, the Council was able to find relocation opportunities for over 1,100 students in about one hundred and twenty-five colleges located in thirty-seven different states.” See *Japanese American Student Relocation: An American Challenge* (Philadelphia: National Japanese American Student Relocation Council, 1943).

144tenBroek, *Prejudice*, 143.

relaxed slightly from October on, but evacuees still had to go through an inordinate amount of red tape in order to leave the centers. Prospective job openings, which were required for leave clearance, were disappearing as the evacuees waited for their applications to be cleared by the various governmental agencies.¹⁴⁵

Despite its professed goal of clearing evacuees for relocation as fast as possible, the WRA exerted every effort to maintain its power to detain Japanese Americans in the camps. The Solicitor of the WRA, Philip M. Glick, realized that his agency had an overriding interest in upholding the constitutionality of curfew and evacuation orders because, if they were ruled unconstitutional, the detention of American citizens in relocation centers could hardly be defended. The early judicial challenges even prompted Glick to assign WRA lawyers to help the prosecution in the criminal cases of Yasui, Hirabayashi, and Koremantsu with the intention of building a series of favorable precedents to guide the courts' decision in Endo's case.¹⁴⁶ Perhaps if the WRA officials had spent less time on this endeavor, they would have noticed the growth of opposition to the camp policies in the summer and fall of 1942.¹⁴⁷

Protest in Relocation Centers

Shortly after the transfers to relocation centers started, several centers experienced periods of evacuee unrest. Poston Relocation Center was built on an Indian reservation and, as such, it was under the administrative aegis of the Bureau of Indian Affairs (BIA). The head of the BIA, John Collier, envisioned relocation centers

¹⁴⁵Ibid., 143–147; U.S. Int. Dept., *WRA*, 34–36.

¹⁴⁶Irons, *Justice*, 137–66, 195.

¹⁴⁷U.S. Int. Dept., *Impounded People*, 75.

as more or less permanent settlements, but the WRA's director Dillon Myer was opposed to developing the camps in such a way, fearing that the institutionalized living would be detrimental to Japanese Americans.¹⁴⁸ This ambiguity engendered distrust and antagonism among the evacuees. In August 1942, over fifty evacuee workers who were making adobe bricks for the center school engaged in a strike for a raise.¹⁴⁹ When the WRA announced that only American citizens could hold elective office in the evacuee self-government, the Issei organized a meeting to protest the regulation.¹⁵⁰ Dissatisfaction at Poston kept growing throughout the fall of 1942 as ambitious community-building plans failed and problems with mess halls, delayed evacuee wages, and restricted work opportunities persisted.¹⁵¹ By November, conflict reached unprecedented proportions as beatings of pro-administration evacuees suspected of being government's informers increased.¹⁵²

One such beating brought the dissatisfaction with the WRA out to the open. On November 14, two Poston residents were arrested in connection with a beating of an unpopular Kibei who was believed to be an informer. Even though no charges were pressed, both men were detained for days and the administration was planning to transfer them to a jail outside the center. Camp residents quickly organized to defend the arrested men and drew up a petition asking for their release. A demonstration against their transfer developed into a general strike to the chagrin of Assistant Director John Evans. Evans could not decide between sending in the Army and

¹⁴⁸Drinnon, *Keeper*, 41–42.

¹⁴⁹The adobe workers eventually won their raise. See Girdner, *The Great Betrayal*, 226.

¹⁵⁰*Ibid.*, 258.

¹⁵¹Leighton, *The Governing of Men*, 130–149.

¹⁵²*Ibid.*, 147–160.

waiting for the return of Project Director Wade Head, who was away at a conference in Salt Lake City, so he did nothing.¹⁵³ In protest against the arrest and the administration's refusal to act on the petition, the entire evacuee representation resigned. On November 19, evacuees organized the Emergency Executive Council to negotiate with the administration and, on the same day, Evans decided to free one of the detained men, George Fujii, for lack of evidence against him.¹⁵⁴ On November 22, Project Director Head returned to Poston and in the following two days, he negotiated a compromise with the evacuees and released the remaining detainee "to the custody of his attorney."¹⁵⁵

Organized opposition to the WRA also developed in two relocation centers in California. Tule Lake was plagued by evacuee strikes in July, August, and October of 1942.¹⁵⁶ In August, a group of Kibei at Manzanar organized a meeting to address the administrative directive prohibiting them from working outside the camp on furloughs. Allegedly, the meeting "was conducted entirely in Japanese and was featured by highly emotional outbursts of oratory" by two American citizens whose divergent views of the WRA exposed the polarization within the Japanese American community.¹⁵⁷ The anti-administration faction at Manzanar coalesced around the person of Harry Ueno, who opposed the WRA in a thoroughly American way.¹⁵⁸ Ueno

153Ibid., 162–176.

154Ibid., 169–184; Myer, *Uprooted Americans*, 62.

155Leighton, *The Governing of Men*, 199–209.

156Thomas, *The Spoilage*, 38–43.

157Girdner, *The Great Betrayal*, 258; U.S. Int. Dept., *WRA*, 47.

158While Ueno's protest against WRA's policies was conducted with transparency, his dealings with other evacuees were more questionable. According to Elaine Black Yoneda, Ueno was connected with the Black Dragon Society that terrorized the pro-administration *Nikkei* at Manzanar. See

founded the Kitchen Workers Union to speak on behalf of the evacuees who did not feel represented by the JACL.¹⁵⁹ He ran afoul of the administration on several occasions, and his investigation of food shortages cemented his reputation with the WRA as a “troublemaker.”¹⁶⁰

On December 5, 1942, Harry Ueno was arrested on the suspicion of participating in the beating of Fred Tayama, a prominent JACLer widely believed to be an informer. The two men who were arrested with him were detained at Manzanar, but Ueno was taken to the Inyo County Jail in Independence, California. When residents learned of the beating on the next day, the outrage over Ueno's arrest, mixed with the hatred for the alleged informers, developed into a dangerous situation. Death lists with names of Tayama and other pro-administration evacuees appeared and threats were made against their and their families' lives. While the Project Director of Manzanar, Ralph Merritt, was meeting with the representatives of the disgruntled evacuees, he alerted the Army that a crisis might erupt. Demonstrators demanded that Ueno be returned to Manzanar jail and their request was soon granted.¹⁶¹ But from there on, accounts of the riot that broke out begin to differ. Demonstrators gathered around the project jail and demanded Ueno's unconditional release. Soldiers who were

Lawson Fusao Inada, ed., *Only What We Could Carry: The Japanese American Internment Experience* (Berkeley: Heyday, 2000), 163.

159Tateishi, *And Justice for All*, 194–194.

160Girdner, *The Great Betrayal*, 258. Ueno noticed that some of the food items which disappeared from the mess halls' menus were being sold at the canteens. His investigation revealed that sugar was being taken from the camp, and after months of denying, the WRA confirmed his accusations in October, 1942. See Tateishi, *And Justice for All*, 192–196.

161Thomas, *The Spoilage*, 49–50; U.S. Int. Dept., *Impounded People*, 94–95; Girdner, *The Great Betrayal*, 264.

called into the camp to guard the jail threw tear gas canisters into the crowd, a mêlée ensued, and the MPs fired their weapons. Meanwhile, a group of evacuees set out to kill Fred Tayama and other “blacklisted” persons.¹⁶² The riot ended with ten evacuees wounded and two dead. According to Frank Chuman who was the hospital manager, the WRA “tried to whitewash the military police shooting incident” by compelling the medical staff and the eyewitnesses to change their statements.¹⁶³ On the next day, the alleged informers and their families were placed in the soldiers' barracks for safety, and on December 13 they were removed from Manzanar entirely. The Army arrested a number of evacuees and detained them in Lone Pine jail for a month with Ueno joining them on December 9.¹⁶⁴

The reason why evacuee unrest developed more in some centers and less in others remains unclear. Evacuees' willingness to cooperate with the administration did not remain constant in any of the centers. Former evacuee Sue Kunitomi Embrey suggested that intergroup conflict at Manzanar was the result of the differences in the prewar socioeconomic status of the evacuees.¹⁶⁵ Girnder and Loftis note that “[t]he centers where dissension was strongest had a diverse cross-section of the prewar West

162All the “blacklisted” evacuees successfully hid from the angry crowd. See Girdner, *The Great Betrayal*, 264–265.

163MPs claimed that the crowd was advancing towards them, but the forensic analysis showed that “the victims had been either shot in the side or in the back.” The evacuee doctor who refused to retract his statement and support the MPs' version was terminated on the next day and sent to another camp. See Tateishi, *And Justice for All*, 253–257.

164Thomas, *The Spoilage*, 50–52; Tateishi, *And Justice for All*, 201–203.

165Hansen, *Oral History*, 111–114.

Coast Japanese population.”¹⁶⁶ However, a number of factors contributed to the development of problems at Manzanar, Poston, and Tule Lake. All three centers were established early in the program: Manzanar and Poston were originally “reception centers” and Tule Lake was the first relocation center proper.¹⁶⁷ WRA's director Dillon Myer blamed the “crises and turmoil in these centers” on the fact that they were established at the time when “the policies of the WRA were still tentative and incomplete.”¹⁶⁸ Other centers would experience their share of troubles in the future, but in 1942, the Poston strike and the Manzanar riot represented the apogee of evacuee unrest.

¹⁶⁶Girdner, *The Great Betrayal*, 247. Poston had a heterogeneous population of volunteers, Japanese American intelligentsia, Arizonians, and Californians; see Leighton, *The Governing of Men*, 62. Manzanar held a large number of urbanites from Los Angeles, a “tightly-knit group” of fishermen from Terminal Island, and farmers from Bainbridge Island near Seattle. See Burton, “Manzanar,” in *Confinement and Ethnicity*. Tule Lake was populated by Japanese Americans from the entire West Coast.

¹⁶⁷See “TABLE 33—Transfers From Assembly to Relocation Centers,” in DeWitt, *Final Report*, 282.

¹⁶⁸Myer, *Uprooted Americans*, 59.

CHAPTER 4

The Poston strike and the Manzanar riot highlighted the extent of Japanese American opposition to the WRA's administrative policies. The WRA saw the unrest as an additional reason to expand the program of permanent resettlement of evacuees, but to do so the leave clearance procedures had to be expedited.¹⁶⁹ In November 1942, two conferences took place in Salt Lake City to discuss the relocation program and the future of *Nikkei* in the United States. The outcome of these conferences would shape the governmental policy towards the evacuees after 1943 and lead to the loyalty registration, segregation of “loyals” and “disloyals,”¹⁷⁰ reinstatement of the Nisei draft, and, ironically, the development of unprecedented opposition to the relocation program among the evacuees at Tule Lake.

Loyalty Registration and Voluntary Enlistment

At the WRA directors' conference in Salt Lake City, Dillon Myer “instructed project directors” to promote the WRA's program of an all-out resettlement.¹⁷¹ The WRA would attempt to foster a positive public image of the evacuees in an effort to assuage the hostile sentiments of communities into which the Japanese Americans

169John Embree, *Causes of Unrest at Relocation Centers: Community Analysis Report No. 2* (Washington, DC: WRA, 1943).

170The labels “loyal” and “disloyal” will be used throughout the chapter to refer to Japanese Americans who were classified as such by the government, without any implication or speculation about their actual loyalty to the U.S.

171Thomas, *The Spoilage*, 55.

were resettling. A few days after the WRA conference, the JACL also met in Salt Lake City to discuss the future direction of JACL's programs and efforts, but the debate was dominated by Mike Masaoka who advocated the reinstatement of normal selective service procedures for Japanese Americans. The issue was hotly contested even among the superpatriotic JACL but, in the end, Masaoka won support for his resolution to ask the President to reinstate selective service for the Nisei.¹⁷²

In mid-January 1943, Assistant Secretary of War John McCloy met with Myer to discuss the formation of an all-Nisei combat unit composed of volunteers, including ones from among the evacuees. The War Department would send Army recruiters to relocation centers with a questionnaire for all draft-age male citizens to assess “the background and national leanings of individual Nisei” and their willingness to serve in the U.S. Army on combat duty.¹⁷³ The JACL's reaction was initially apprehensive; Masaoka gained the League's support for reinstatement of normal selective service procedures, not for a segregated combat unit. But the Army officials argued that Japanese American valor and heroism would be better advertised in a segregated unit, since their dispersal among various units would render their achievements invisible to the public. Masaoka could not argue with that logic and, after talking to a few other JACLers, he pledged the League's support for the segregated combat unit.¹⁷⁴

The WRA greeted the decision to enlist Nisei with enthusiasm; Japanese American volunteers fighting the enemies of democracy would be a public relations

¹⁷²Masaoka, *Moses*, 119–121.

¹⁷³U.S. Int. Dept., *WRA*, 53.

¹⁷⁴Masaoka, *Moses*, 123–126.

bonanza.¹⁷⁵ Seizing the opportunity to achieve its goal of expediting the personal leave clearance procedures, the WRA decided to conduct an all-out loyalty registration in conjunction with the Army's registration of volunteers. All evacuees would be required to answer a questionnaire labeled "War Relocation Authority Application for Leave Clearance" modeled on the "Statement of the United States Citizens of Japanese Ancestry"—the form distributed by the Army to Nisei men of draft age.¹⁷⁶ Questions about one's relation to Japan and Japanese culture bordered on being insulting, but the most controversial proved to be questions 27 and 28. Question 27 for Nisei males of draft age read: "Are you willing to serve in the armed forces of the United States on combat duty, wherever ordered?"¹⁷⁷ With a minor variation for Nisei recruits, question 28 originally read on both forms: "Will you swear unqualified allegiance to the United States of America and forswear any form of allegiance or obedience to the Japanese emperor, or any other foreign government, power, or organization?"¹⁷⁸

The Army and the WRA thought these questions innocuous and they expected straightforward affirmative answers, especially to question 28. But a closer look at the forms shows how badly designed the questionnaires were. The heading "Application for Leave Clearance" suggested that one was applying for leave by filling out the form, but the prospect of leaving the camps for the hostile world outside was unappealing to many evacuees. In question 28, the Issei were being asked to abandon their only citizenship by "forswear[ing] any form of allegiance" to Japan. Though this

175U.S. Int. Dept., WRA, 54.

176Thomas, *The Spoilage*, 56–57.

177Cited in *ibid.*, 57.

178Cited in *ibid.*, 58.

question was later revised for the Issei to allow them to retain their Japanese citizenship, the original wording engendered distrust towards the government. The Nisei were asked to forswear “allegiance or obedience to the Japanese emperor,” which left many wondering whether affirmative answer would imply that they held such allegiance before.¹⁷⁹

The WRA thought that the registration would generate good publicity for Japanese Americans since they could go on record to proclaim their loyalty to the U.S., but, instead, the registration transformed a large group of evacuees into technically “disloyal” elements. The controversial question 28 remained either unanswered or was answered in the negative by 28 per cent of male citizens and 10 per cent of male aliens, with great disparities between different camps. The comparable statistics for Nisei and Issei women were 18 and 7 per cent respectively. The War Department was disappointed with the response as well since only some 1,200 Nisei volunteered for military service instead of the expected 3,500.¹⁸⁰ Those who answered questions 27 and 28 in the negative or refused to answer them came to be known as “No-Nos” and the approximately 5,000 draft-age Nisei males who gave non-affirmative answers were called “No-No boys.”

There are several reasons why so many draft-age Nisei gave non-affirmative replies to questions 27 and 28. Thomas maintained that the Issei's welfare was an important factor in their children's choice to refuse combat duty and proclaim themselves “disloyal.”¹⁸¹ The WRA blamed the results of the registration on “some of the highly complex and subtle factors of disillusionment, family pressure, block

¹⁷⁹Ibid., 58–61; Weglyn, *Years of Infamy*, 136–141.

¹⁸⁰Thomas, *The Spoilage*, 61.

¹⁸¹Ibid., 62–63.

pressure, and abnormal community environment,” but such an interpretation does not make much of Nisei's individual agency.¹⁸² Many Nisei were unwilling to abandon their immigrant parents and the “admission” of disloyalty was believed to guarantee continued stay in the centers and prevent separation from “disloyal” family members. Naturally, there were those who did not feel loyalty to the United States, especially after all they have been through in the past year. And finally, a number of young men were loath to proclaim their loyalty to the government that took away their freedom and then suddenly asked them to go fight for liberties they themselves could not enjoy.¹⁸³

Throughout February and March as the registration was taking place, the WRA remained largely oblivious to the circumstances behind evacuees' non-cooperation, but this ignorance elicited little compunction in punishing those who refused to register. Project directors were “instructed to threaten” with indictment those who refused or advocated refusal to register under the Espionage Act of 1917. When the WRA learned that registration was not mandatory under the Selective Service provisions and that failure to register could only be punishable as an infraction of center regulations, administrators withheld this information from the evacuees.¹⁸⁴ At Gila River, opposition to registration and enlistment was broken up when the administration compiled a list of subversives and had the FBI arrest them and remove them from the center. At Jerome, the registration was proceeding well on

182U.S. Int. Dept., WRA, 58.

183Based on interviews with evacuees who answered “No” to question 28 or requested repatriation/expatriation, recorded in April 1943 in JERS Field Notes. See Thomas, *The Spoilage*, 89–102.

184Weglyn, *Years of Infamy*, 144; Drinnon, *Keeper*, 92–94.

a non-compulsory basis until March 6, when National Director Myer announced that those who had not registered yet were required to do so or face imprisonment. This announcement provoked some Kibei and Nisei to ask for expatriation to Japan.¹⁸⁵ At Tule Lake, a group of Kibei bachelors who refused to register were segregated at a nearby Civilian Conservation Corps (CCC) camp, but, when the registration deadline passed, there were still well over one thousand Nisei and Kibei who did not register.¹⁸⁶

Immediately after the results of the loyalty registration became public, the West Coast press, anti-Japanese pressure groups, the War Department, and Congress started to demand that the “disloyals” be segregated and confined for the duration of the war. The JACL endorsed the idea since segregation would remove from relocation centers those found “disloyal” and, therefore, likely to be anti-administration. On May 31, 1943, project directors met in Washington and unanimously decided to “proceed with a mass segregation program.”¹⁸⁷ Tule Lake was chosen as the site for the Segregation Center since it already housed many “potential segregants.”¹⁸⁸ The logistics of segregation required the removal of “loyal” residents from Tule Lake and admission of “disloyals” from other camps. The biggest administrative hurdle, however, would not be the transfer itself, which proceeded without difficulties, but the decision about who should be segregated.

¹⁸⁵Thomas, *The Spoilage*, 69–72.

¹⁸⁶Centers with significant amounts of non-affirmative responses (around one fifth of Nisei men) included Topaz, Poston, Gila River, Manzanar, Jerome, and Tule Lake. For a detailed analysis of opposition to loyalty registration at Tule Lake, see *ibid.*, 72–82.

¹⁸⁷Myer, *Uprooted Americans*, 74–76.

¹⁸⁸U.S. Int. Dept., *WRA*, 63.

The WRA devised a system of classifying evacuees into four groups according to their answers to loyalty questionnaires and their prior records. The evacuees in Group I were “designated for segregation without further hearing” and those in Group IV were “eligible for leave.”¹⁸⁹ Evacuees in Group II and III were subject to a number of hearings until their loyalty status could be clarified. This cohort included evacuees who changed their originally negative answer to question 28 and those who applied for repatriation/expatriation but withdrew their application before July 1, 1943. Those in Group II who failed to demonstrate their loyalty before special boards that were set up at every center were sent to Tule Lake, and those who did pass were reclassified into Group III pending further hearings.¹⁹⁰ The WRA expected the evacuees to take clear-cut positions in regard to their loyalty, but it failed to recognize that the response to the questionnaire was not so much an indication of one’s loyalty as it was a reaction to the relocation program.¹⁹¹ In the end, some 6,250 “loyal” evacuees left Tule Lake between September 13 and 30 while more than 6,000 stayed behind. More than a thousand of these were technically not “disloyal”; they simply refused to leave Tule Lake.¹⁹²

Suppression of Anti-Administration Elements

The WRA actually *had* experience with small-scale segregation of evacuees prior to the mass segregation and even the loyalty registration of 1943. The Issei who

¹⁸⁹United States, WRA, *Segregation of Persons of Japanese Ancestry in Relocation Centers*

(Washington, DC: WRA, 1943), 6–8.

¹⁹⁰Ibid.

¹⁹¹Thomas, *The Spoilage*, 86–87.

¹⁹²Ibid., 104–105.

“proved to be a disturbing element” in the relocation centers were often placed in the DOJ internment camps.¹⁹³ But the disposition of “troublemakers” who were American citizens was not so simple. They could not be interned and unless their conduct fell under statutory criminal law, they could not be removed from relocation centers and placed in jail. By early 1943, the WRA found a way around this problem.¹⁹⁴ Following the Manzanar riot in December 1942, the WRA created the Citizen Isolation Center at an abandoned CCC camp in Moab, Utah, where American citizens could be indefinitely detained without proffered charges. First inmates arrived in Moab on January 11, 1943; these were the sixteen men arrested at Manzanar after the riot. Recalcitrant opponents of loyalty registration from Gila River and Tule Lake were also sent to the Isolation Center. Because the number of inmates at Moab kept growing, the WRA was forced to secure a larger facility, one better equipped for the detention of “troublemakers.” On April 27, this new facility was established on the site of an abandoned Indian boarding school at Leupp, Arizona, and all the inmates from Moab were transferred there.¹⁹⁵

The operation of the Isolation Centers reveals how the WRA worked to stifle evacuee opposition to its policies. A number of men sent there were not informed about the nature of their infractions and those who were accused of actual wrongdoings were rarely given a hearing. Francis S. Frederick, the Chief on Internal Security at Moab and Leupp, developed an interest in his charges and compiled several inmates' case histories in the form of dockets. These dockets were supposed to be prepared by the Project Directors prior to sending an evacuee to the Isolation

¹⁹³Cited in Drinnon, *Keeper*, 75.

¹⁹⁴Burton, “Citizen Isolation Center,” in *Confinement and Ethnicity*.

¹⁹⁵*Ibid.*; U.S. Int. Dept., *WRA*, 51. Drinnon, *Keeper*, 92–95.

Center, but in many cases they were missing. Frederick's investigation revealed that most of the inmates could not be punished for their actions under normal circumstances.¹⁹⁶ Richard Drinnon maintains that Moab and Leupp were *de facto* penal colonies, though the WRA nomenclature was used to obscure this fact. Accordingly, these facilities were not called prisons but Isolation Centers and the confinement of individuals there was not recognized as a punitive measure but as an administrative procedure necessary for the smooth operation of relocation centers.¹⁹⁷ In an interview in 1943, Director Myer acknowledged that the Civilian Isolation Center at Leupp was illegal, but he tried to justify this illegality by invoking ACLU's consent with the program.¹⁹⁸ By mid-October, the WRA Solicitor General notified Myer that "the liquidation of Leupp" was desirable, but the center was not closed until December 2, 1943, when the remaining 52 inmates were sent to Tule Lake for segregation.¹⁹⁹

Following the removal of "troublemakers" to Citizen Isolation Centers and the segregation of "disloyals" at Tule Lake, overt unrest died down at the remaining nine relocation centers. With a large number of anti-administration individuals gone and a general relaxation of restrictions, the governing of these relocation centers was suddenly made more manageable.²⁰⁰ The resettlement of Japanese Americans had been proceeding rapidly since April 1943, and, by June, over 9,000 evacuees left the centers on permanent leave. Towards the end of 1943, some 17,000 evacuees, mostly

¹⁹⁶Weglyn, *Years of Infamy*, 125–131; U.S. Int. Dept., WRA, 51; Drinnon, *Keeper*, 102–104.

¹⁹⁷Drinnon, *Keeper*, 63, 105–107.

¹⁹⁸*Ibid.*, 117.

¹⁹⁹Cited in *ibid.*, 107; U.S. Int. Dept., WRA, 51.

²⁰⁰Girdner, *The Great Betrayal*, 296–305.

Nisei between the age of eighteen and thirty, had left the centers. With the most dynamic evacuee element gone, those who remained in the camps were either too old or too young to stir up trouble.²⁰¹

However, there were exceptions to this rule; segregation had not removed the “troublemakers” from Heart Mountain since the “key leaders” were members of the “left opposition”—concededly “loyal” and, thus, not subject to segregation.²⁰² In November 1943, Kiyoshi Okamoto started an initiative called the Fair Play Committee of One to protest against the various civil rights violations at Heart Mountain. A group of followers eventually gathered around him and later played an important part in draft resistance at Heart Mountain.²⁰³ Another case in point was the unrest at Minidoka, a center initially regarded as the “best” among the ten relocation centers and also boasting the highest number of volunteers for military service.²⁰⁴ Following the loyalty segregation of 1943, “the situation deteriorated markedly” in Minidoka as the influx of the more activist evacuees from Tule Lake and changes of personnel and camp policy made Minidokans “a great deal less cooperative.”²⁰⁵ These troubles notwithstanding, most centers experienced periods of relative calm in the period after the loyalty registration in the spring of 1943 and before the reinstatement of selective service for the Nisei in early 1944.

201U.S. Int. Dept., WRA, 135; Daniels, *Concentration Camps*, 110.

202Daniels, *Concentration Camps*, 123.

203Ibid.

204Girdner, *The Great Betrayal*, 248; U.S. Int. Dept., WRA, 57.

205Girdner, *The Great Betrayal*, 248; Jim Akutsu (Segment 34), interview by Art Hansen, *Densho Digital Archive*, podcast video, June 9 and 12, 1997, <http://archive.densho.org/main.aspx>. For a summary of early unrest at Minidoka, see Edward H. Spicer, *Project Analysis Series No. 6.: Report on an Unorganized Relocation Center* (Washington, DC: War Relocation Authority, 1943), 1–4.

Tule Lake Segregation Center

At Tule Lake, however, the opposite of calm prevailed after the loyalty registration. Yamato Ichihashi, who was relocated to Tule Lake, noted three major problems plaguing his camp in a letter to his former colleague, Payson Treat. The first problem was connected with an earlier promise that the Issei would be included in the self-government of the center. However, various disqualifications practically eliminated the possibility of Issei leadership since they “affected about 4,500 persons.”²⁰⁶ The second problem, reduction of evacuee workers, spelled trouble for hundreds of families who were dependent on their meager WRA wages. The third problem pertained to the selection of Tule Lake as the Segregation Center. According to Ichihashi, the “loyals” felt betrayed by the administration since they would be subject to another removal, while the “disloyals” would be “punished” by staying in the camp without any restrictions other than the inability to “re-settle outside for the duration [of the war].”²⁰⁷ Ichihashi's journal entries and correspondence mention a list of other grievances. Evacuee doctors organized a protest against an unpopular Caucasian doctor, threatening resignation unless he was removed from his post. “Loyal” Tuleans were bitter about being forced to leave a place they transformed from desert into a genuine community, and they also disliked the less-than-honest tactics of the “agents and propagandists from the WRA” who were pressuring them to resettle on the outside.²⁰⁸

²⁰⁶Ichihashi, *Morning Glory*, 239–240.

²⁰⁷Ibid., 240, 242.

²⁰⁸Ibid., 226–247.

By the end of September, thousands of “loyal” evacuees, including Ichihashi, left Tule Lake and, by mid-October, around 8,600 “disloyals” arrived there from other relocation centers.²⁰⁹ Tensions immediately flared up between the old Tuleans and the newcomers, since the former group had monopolized all the desirable jobs and apartments. Residents were generally dissatisfied with food, housing, and working conditions, but the conflict between the old Tuleans and the newcomers delayed the formation of a unified opposition against the camp administration.²¹⁰ However, by the end of the year, Tule Lake would become a hotbed of evacuee unrest as a result of the large concentration of disaffected Japanese Americans and the inept administration of the center.

In the fall of 1943, a number of incidents at Tule Lake unified the various resident groups and rallied them against the camp administration. Two work accidents occurred in mid-October resulting in nine casualties and causing a “work stoppage” of around 800 farm workers.²¹¹ Block managers quickly called an election for a new representative body in which the old Tuleans lost the majority. This newly elected body, which became known as *Daihyo Sha Kai*, selected seven of its members to form the Negotiating Committee as a conduit between the evacuees and the WRA.²¹² However, the camp administration was unaware of the extent to which the residents were organizing. Raymond R. Best, the former director of Citizen Isolation Centers and the current Project Director at Tule Lake, angered the evacuees when he refused

209Later in February and May 1944, another batch of 3,600 “disloyal” evacuees joined the overcrowded segregation camp. See Thomas, *The Spoilage*, 106–107.

210Ibid., 109–114.

211Ibid., 114–115.

212*Daihyo Sha Kai* means “representative society” in Japanese. See *ibid.*, 116–120.

to permit the use of camp facilities for the public funeral of the farm accident's sole victim. To make the matter worse, the administration also issued an "ultimatum" to the farm workers engaged in the work stoppage while secretly planning to import strike breakers from Topaz and Poston.²¹³ After a series of abortive negotiations, the farm workers learned from the camp newspaper on October 28 that "[d]ue to failure of Farm Workers to report for work they have been terminated as of October 19."²¹⁴

When the National Director of the WRA visited Tule Lake on November 1, 1943, leaders of *Daihyo Sha Kai* organized a mass meeting in the administration area to confront the center officials. Upon seeing the large crowd, Dillon Myer agreed to meet with the Negotiating Committee which presented the evacuees' grievances to him.²¹⁵ However, the WRA refused to budge on all issues and, in the end, no improvements in evacuees' welfare were achieved.²¹⁶ On November 4, a scuffle between the evacuees and the Internal Security members broke out over the alleged use of camp's trucks to transport food to the strike breakers housed outside the center.²¹⁷ At 9:50 PM, Director Best called in the MPs who effectively took control of the camp. That night, eighteen evacuees were arrested and several of them required

213The "loyal" harvesters imported from other centers were paid the prevailing wages, compared to meager WRA wages for the Tuleans, and the administration transported food from the camp to the strike breakers. See *ibid.*, 120–129.

214Raymond R. Best, "Terminated Farmers to Return Badges," *Tulean Dispatch*, October 28, 1943.

215Thomas, *The Spoilage*, 130–131.

216 The demonstration frightened the WRA into bolstering camp security. See *ibid.*, 133–140.

217*Ibid.*, 142–143; United States, Department of the Interior, *Semi-Annual Report: July 1 to December 31, 1943* (Washington, DC: WRA, 1944), 20–22.

hospitalization after being questioned and brutalized by the WRA National Director of Internal Security, Willard E. Schmidt, and his men.²¹⁸

When the MPs entered the camp on November 4, it was expected that the center situation would soon stabilize, but the exact opposite happened. Tensions flared up again as many evacuees were prevented from resuming their jobs without receiving special clearance. Even more troubling was the establishment of “the stockade”—originally created as a detention area for those arrested on November 4, it soon became a kind of isolation center for Issei and Nisei “troublemakers.”²¹⁹ By November 12, the *Daihyo Sha Kai* lost credibility with the camp officials who were led to believe that it did not represent the camp's residents. On November 13, Lt. Col. Verne Austin, the MP commander now in charge of Tule Lake, declared martial law and ordered the arrest of various individuals connected with *Daihyo Sha Kai* and the striking work crews. The Army then proceeded to hunt down the remaining anti-administration elements while the evacuee representation started to disintegrate as the politically active residents were being arrested and the indicted members of the Negotiating Committee went into hiding.²²⁰

On December 4, the leadership of *Daihyo Sha Kai* met to discuss the critical situation in the camp; a partial strike had been taking place since the beginning of November and some residents were calling for a general strike to pressure the administration to close down the stockade. Ultimately, the issue was put up for a vote the result of which was “the maintenance of status quo,” meaning the continuation of

218U.S. Int. Dept., *Semi-Annual Report*, 23; Drinnon, *Keeper*, 137–143.

219Thomas, *The Spoilage*, 147–151.

220Towards the end of November, “the leaders-in-hiding” lost the support of the evacuees and eventually “surrendered to the FBI.” See *ibid.*, 153–164.

the partial strike.²²¹ The stockade gradually came to serve as the new isolation center, following the liquidation of the facility at Leupp. In November and December, hundreds of Tule Lake residents, including ten “boys” from Leupp, were placed in the so-called “Area B” where they were subjected to abuse and intimidation by the Army.²²² On December 31, the population of the stockade, which had grown to well over two hundred since November, signed a petition demanding their unconditional release and, after eating their last meal on New Year's Eve, they commenced a six-day hunger strike to protest their treatment.²²³

The year 1944 was marked by conflict between the different evacuee factions at Tule Lake. On January 11, *Daihyo Sha Kai* lost what was left of its mandate when camp residents approved a resolution to end the “status quo” and restore a working relationship with the camp administration.²²⁴ A group of pro-administration evacuees called the Divisional Responsible Men selected seven of its members to form the Coordinating Committee who would work directly with the administration to secure full evacuee employment and the closing of the stockade. On January 15, martial law was lifted, the WRA took back control of the camp, and the Coordinating Committee was officially recognized by the administration, but little would change at Tule Lake. The Coordinating Committee ultimately failed to honor its promises; Tule Lake never managed to employ its residents at the same rate as the other centers and “about 120 persons were still confined in the stockade” by mid-March.²²⁵ Meanwhile, various

221Ibid., 166–168.

222Drinnon, *Keeper*, 110–111.

223Ibid., 112; Thomas, *The Spoilage*, 174.

224Thomas, *The Spoilage*, 179–181.

225Ibid., 179–203.

pro-Japanese elements and disaffected residents coalesced around the issue of re-segregation—the physical separation of those who wished to repatriate/expatriate to Japan from those whose loyalty to Japan was deemed insincere by the ostensive “disloyals.”²²⁶ The re-segregationist group acquired the approval of Assistant Director Black to survey the attitudes to re-segregation, prompting the Coordinating Committee to resign on April 7.²²⁷ The re-segregation efforts ultimately proved futile, but the group that initiated the campaign emerged as an influential faction at Tule Lake.

One constant source of opposition to the Tule Lake administration was the existence of the stockade. When it was established in November 1943, it was little more than a tent, but soon it grew into a separate block with all the attendant facilities, surrounded with barbed-wire fence and guard towers. Some 350 Tuleans were detained in the stockade at one point or another, for periods of anywhere between weeks to several months. The WRA defined the stockade as an “isolation area,” much like the now defunct facilities at Moab and Leupp, but inmates' recollections and an investigation by the ACLU revealed that the stockade was a veritable prison.²²⁸ Release of the stockade's inmates—one of the top priorities of the Coordinating Committee—had been progressing slowly throughout the spring of 1944 and, by June,

²²⁶Ibid., 229–230.

²²⁷The Divisional Responsible Men took umbrage at the administration's approval of the re-segregationists' petition since they were not consulted. Ironically, Assistant Director Black later asserted that he did not approve the circulation of the petition. See *ibid.*, 217, 230–234.

²²⁸Ibid., 283–286. Evacuees were imprisoned in the stockade without proffered charges, they were prevented from seeing their families, and some inmates were brutalized and tortured by the center's Internal Security. See Drinnon, *Keeper*, 127–131.

there were as many as twenty evacuees still incarcerated there.²²⁹ Some members of the re-segregationist group formed a committee to initiate a lawsuit against the unlawful detainment of camp residents in the stockade and ACLU's Ernest Besig agreed to take the case. Aware of its wrongdoings, the WRA tried to obstruct Besig's efforts to visit his clients at Tule Lake, but he was ultimately able to talk to some of them on July 11, albeit in the presence of their jailers.²³⁰ Unwilling to wait for the lawsuit proceedings, the inmates initiated a hunger strike on July 19 that lasted, intermittently, until August 13. Threatened with a lawsuit backed by the ACLU and evacuee disobedience, the WRA started releasing the detained evacuees on August 14 and within ten days, all the detainees from the stockade were released.²³¹

Nisei Draft Resistance

While Tule Lake was plagued by evacuee unrest, other relocation centers remained relatively peaceful until 1944, but the reinstatement of the draft for Japanese Americans changed all that. The War Department needed Nisei for military intelligence schools and as replacements for the segregated combat units.²³² Therefore, on January 20, the Secretary of War announced that normal selective service

²²⁹Eighteen of these twenty men were American citizens. See tenBroek, *Prejudice*, 166.

²³⁰Thomas, *The Spoilage*, 291.

²³¹*Ibid.*, 293–299.

²³²The first Japanese American combat unit was not the 442nd Regimental Combat Team composed of volunteers recruited in the spring of 1943, but the 100th Infantry Battalion—an all-Nisei combat unit organized from the Hawaii Territorial Guard in 1942. By mid-January 1944, the 100th suffered terrible casualties on the battlefields of Italy. See Franklin Odo, “100th Infantry Battalion,” *Densho Encyclopedia*, <http://encyclopedia.densho.org/100th%20Infantry%20Battalion/>.

procedures would be reinstated for the Nisei. The evacuees' response to this news differed from the reaction to the loyalty registration; not volunteering for military service elicited public opprobrium, but draft resistance carried the very real possibility of imprisonment. Organizing mass resistance would be more difficult this time since the draft affected only Nisei men and the notices were arriving at different times for each draftee.²³³ Individual draft resistance materialized in eight of the ten relocation centers, but organized resistance to the draft appeared only in a few.

At Minidoka, the early response to the reinstatement of the draft was uneasy acceptance. The camp newspaper, the *Minidoka Irrigator*, called for compliance with the draft right away, as did the celebrated test case plaintiff and Minidoka resident Min Yasui.²³⁴ Early instances of individual resistance prompted the WRA and the Army to appropriate a carrot-and-stick approach to induce cooperation among Minidokans. To entice the Nisei to accept military service, the Army brought Technical Sergeant Ben Kuroki to Minidoka on May 2, but his visit was seen by many evacuees as a publicity ploy to secure their compliance.²³⁵ The WRA preferred the stick to the carrot—removal of draft resisters from the center. When evacuees refused to report for their physical, “[t]he administrators . . . prevailed upon the local United States attorney to arrest and detain [them],” rather than wait for their indictment by

233Eric L. Muller, *Free to Die for their Country: The Story of the Japanese American Draft Resisters in World War II* (Chicago: The University of Chicago Press, 2001), 64–65.

234Editorial, *Minidoka Irrigator*, January 22, 1944; Muller, *Free to Die*, 68–70.

235Muller, *Free to Die*, 73–74. Ben Kuroki was a Nisei from Nebraska who served in the Air Force. He was sent on a publicity tour to Heart Mountain, Minidoka, and Topaz as a Nisei poster child for military service. See Frank Chin, *Born in the USA: A Story of Japanese America, 1889-1947* (Lanham, MD: Rowman and Littlefield, 2002), 433–435.

the grand jury.²³⁶ Despite these measures, forty Nisei from Minidoka refused to report either for their preinduction physical or the induction itself.²³⁷

At Topaz and Amache (Granada), residents decided to petition the U.S. government to restore Nisei's civil rights prior to drafting them. The Army and the WRA failed to make any promises, but Dillon Myer responded to the Topazians' plea by suggesting that the restoration of the draft was a first step in restoring the Nisei's civil rights. He also criticized the Issei for petitioning the government, and this warning was apparently sufficient to assuage the opposition at Topaz since only seven Nisei resisted the draft there.²³⁸ At Amache, the camp administration managed to dispel the initial misgivings of the Community Council and secure their support for the draft. Nevertheless, a number of Nisei had decided to resist; on February 22, five refused to report for their preinduction. Contrary to the regular procedure, they were arrested right away and sent to a federal penitentiary before their trial even began. JACLers Joe Grant Masaoka and Min Yasui arranged for the first group of resisters to be placed in solitary confinement for a time and then pressured them to abandon their protest. But intimidation did not prevent draft resistance and “by mid-June, twenty-seven Nisei from Amache were being held in Denver.”²³⁹ A large group of Amache resisters shared the conviction that normal draft procedures could only be applied to those who enjoyed full rights as citizens, and this criterion clearly did not

236Muller, *Free to Die*, 75–76.

237United States, Department of the Interior, *The Evacuated People: A Quantitative Description* (Washington, DC: WRA, 1946), 128.

238Efforts to petition the government about the restoration of the Nisei's civil rights prior to drafting them were being pursued at other centers, with similar results as in Topaz. See Lyon, “Forms of Resistance to Draft,” in *Prisons and Patriots*.

239Lyon, “A Developing Crisis in Amache,” in *Prisons and Patriots*.

apply to them. In the summer of 1944, they organized a defense fund and contracted the services of a prominent civil rights lawyer, but ultimately all except one were convicted of draft resistance.²⁴⁰

The reinstatement of the Nisei draft was not greeted with enthusiasm at Tule Lake. At the beginning of May, the first draft notices began to arrive, but, by the end of May, twenty-seven Nisei refused to report for their preinduction physical. Seven days after their arrest, Judge Louis E. Goodman of the U.S. District Court for the Northern District of California heard their cases, but to everyone's surprise, he decided to dismiss the charges. Judge Goodman reasoned that, since they were already incarcerated at Tule Lake, the draft resisters should not be impressed into the military:

It is *shocking to the conscience* that an American citizen be confined on the ground of disloyalty, and then, while so under duress and restraint, be compelled to serve in the armed forces, or be prosecuted for not yielding to such compulsion.²⁴¹

In all likelihood, Judge Goodman's rationale would not have withstood the scrutiny of an appeal, but the government did not pursue this option, and so the twenty-seven draft resisters were released back to Tule Lake.²⁴²

The organization of draft resistance at Poston was only rudimentary, but it ultimately became the largest instance of non-compliance with the selective service. From the beginning, some evacuees opined that the Nisei's civil rights should be restored as a prerequisite to drafting them and, in February, a series of increasingly

²⁴⁰Ibid.

²⁴¹Cited in Muller, *Free to Die.*, 143. Original emphasis.

²⁴²Ibid., 145–155.

inflammatory anti-draft statements signed “Voice of Nisei” appeared at Poston. They were linked to George Fujii, the popular Kibei leader whose arrest in November 1942 precipitated the Poston strike, but Fujii denied authorship of the last statement—the only one that openly advocated non-compliance with the draft until the Nisei's civil rights are restored.²⁴³ On February 19, Fujii was arrested by the FBI on charges of sedition, and with that organized resistance seemingly died down at Poston. Individual draft resistance, on the other hand, was just about to begin. By mid-April 1944, ten Nisei refused to appear for their preinduction and were sentenced to three years in prison. In early June, Fujii was acquitted on the charge of sedition and released back to Poston. Eric Muller argues that this development, along with the release of some resisters on bail, and the favorable ruling in the trial of Tule Lake resisters stimulated non-compliance with the draft at Poston which increased dramatically in the summer of 1944.²⁴⁴ While the individual motives for draft resistance varied greatly, at least some were arguing that their protest stemmed from a sincere desire to highlight the injustices suffered by Japanese Americans and to achieve the restoration of the Nisei's civil liberties.²⁴⁵

At Heart Mountain, the reinstatement of selective service procedures to the Nisei gave birth to the “best-organized and most articulate resistance movement that ever took shape on any issue at any of the ten WRA camps.”²⁴⁶ The effort was

243Eric L. Muller, “A Penny for their Thoughts: Draft Resistance at the Poston Relocation Center,” *Law and Contemporary Problems* 68, no. 2 (Winter 2004), 132–138.

244By the end of October, over eighty Nisei from Poston refused to report either for induction or their preinduction physical. See *ibid.*, 139–144.

245*Ibid.*, 145–147.

246Muller, *Free to Die*, 76.

spearheaded by the Heart Mountain Fair Play Committee (FPC) which evolved from the solitary activism of Kiyoshi Okamoto, a middle-aged Nisei, into an organization that sought to challenge the legality of the mass incarceration of Japanese Americans. The reinstatement of the Nisei draft in January 1944 merely provided the FPC with a platform to attack the relocation program. At the beginning of February, the FPC held its first public meeting and, by the end of the month, it had “275 dues-paying members.”²⁴⁷ Initially, the FPC defined its goals broadly and its methods of resistance vaguely, but, on March 4, the group published this statement in its bulletin:

until we are restored all our rights, all discriminatory features of the Selective Service [are] abolished, and measures are taken to remedy the past injustices thru [sic] judicial pronouncement or Congressional act, . . . WE MEMBERS OF THE FAIR PLAY COMMITTEE HEREBY REFUSE TO GO TO THE PHYSICAL EXAMINATION OR TO THE INDUCTION IF OR WHEN WE ARE CALLED IN ORDER TO CONTEST THE ISSUE.²⁴⁸

Before the month ended, 54 draftees failed to report for their preinduction and the FPC was calling for a general strike at Heart Mountain.²⁴⁹

The WRA reacted to this development in a customary manner; some of the FPC's leaders were sent to Tule Lake and the U.S. Attorney for the District of Wyoming was persuaded to have the draft resisters arrested before they were indicted

²⁴⁷ibid., 77–78; Arthur A. Hansen, “The 1944 Nisei Draft at Heart Mountain, Wyoming: Its Relationship to the Historical Representation of the World War II Japanese American Evacuation.” *OAH Magazine of History* 10, no. 4 (Summer 1994), 49.

²⁴⁸Cited in Muller, *Free to Die*, 84.

²⁴⁹Daniels, *Concentration Camps*, 125.

by the grand jury.²⁵⁰ When the FPC was attacked in the camp's newspaper, *Heart Mountain Sentinel*, and in JACL's publication, *Pacific Citizen*, James Omura, a Nisei journalist, defended the FPC's right to protest in his editorials.²⁵¹ The WRA officials deemed Omura's editorials seditious and they sent the Alien Property Custodian to his workplace, an Issei-owned newspaper called *Rocky Shimpo*, pressuring Omura to resign. On May 10, sixty-three draft resisters from Heart Mountain were indicted and, even though he never met them, James Omura was charged with conspiracy to counsel, aid, and abet draft resistance along with the leaders of the FPC.²⁵²

Draft resistance was a significant part of Japanese American wartime experience despite WRA's and JACL's efforts to suppress it. Over three hundred Americans of Japanese ancestry decided to resist the draft and 263 were ultimately convicted of failure to report for induction or preinduction physical examination. Punishment varied greatly; most resisters were sent to prison for two or three years, but about one hundred resisters from Poston were fined one cent each.²⁵³ Seven leaders of the Heart Mountain FPC were found guilty of counseling draft resistance but James Omura was acquitted.²⁵⁴ The real tragedy of draft resistance was not the criminal sentence, but the lasting social stigma attached to the refusal to serve in the military, especially when the Nisei who did serve were lauded as heroes during and

250Ibid., 125–126. FPC leader Sam Horino courted arrest by walking out of the camp through the front gate, hoping to create a test case challenging the indefinite incarceration. To avoid that, Project Director Robertson sent Horino to Tule Lake, together with Okamoto. Muller, *Free to Die*, 90–91.

251Muller, *Free to Die*, 92–93.

252Ibid., 94.

253Ibid., 5; Chin, *Born in the USA*, 480; Muller, "A Penny," 153–154.

254Muller, *Free to Die*, 120–121.

after the war. Not until the 1980s did the draft resisters begin to “break their silence” and seek apology from the JACL for censuring them.²⁵⁵

Renunciation of Citizenship

By 1944, it became clear that the exclusion of Japanese Americans from the West Coast could no longer be justified as a matter of military necessity.²⁵⁶ Earlier that year, DOJ lawyer Edward Ennis learned that the DOW knowingly presented false evidence to the Supreme Court to justify the evacuation of Japanese Americans.²⁵⁷ Based on this evidence, the Supreme Court upheld the convictions in the Yasui and Hirabayashi cases in 1943, but the government lawyers were not confident that the trials of Korematsu and Endo, scheduled to begin in October 1944, would yield similarly favorable results.²⁵⁸ On December 17, the War Department rescinded the mass exclusion orders and, one day later, the Supreme Court announced the verdict in *Ex parte Endo*, arguing that the WRA had no power to “subject citizens who are concededly loyal to its leave procedures.”²⁵⁹ On the same day, the WRA “announced that all relocation centers would be closed before the end of 1945 and that the entire WRA program would be liquidated by June 30, 1946.”²⁶⁰

255Ibid., 183–184. Finally, in 2002, the JACL apologized to *some* draft resisters.

256The new commander of the WDC, Gen. Bonesteel, and Interior Secretary Harold Ickes both argued for revoking the exclusion orders in the summer of 1944. See Irons, *Justice*, 272–277.

257Ibid., 278–293.

258Irons suggests that the U.S. Solicitor General Charles Fahy was “willing to concede defeat” in the case of Endo. See *ibid.*, 227–250, 307.

259Cited in *ibid.*, 342–345.

260U.S. Int. Dept., *WRA*, xii.

Ironically, the last instance of large-scale evacuee unrest developed as a result of the announcement that centers would close by the end of 1945. To those who lost everything in the evacuation and were too old to start again, this revelation seemed like the government's coup de grâce in the long line of indignities they had suffered since Pearl Harbor.²⁶¹ Closing of the relocation centers was particularly detested at Tule Lake, since many of its residents applied for repatriation/expatriation or declared themselves “disloyal” in order to stay in the center for the duration of the war. Now, the government was forcing Tuleans to leave the center, but they could not return to the West Coast since they were still considered “disloyal.”²⁶² The re-segregationist faction at Tule Lake seized this development to entice the residents into renouncing their citizenship, an option provided by Public Law 405 adopted on July 1, 1944. This so-called denaturalization bill was meant to deprive subversive Japanese Americans of their citizenship by giving them the option to voluntarily relinquish it. “Troublemakers” were expected to turn themselves into enemy aliens, but, instead, denaturalization became a method whereby frustrated and desperate American citizens renounced their birthright.²⁶³

Despite this unintended consequence of the bill, the DOJ did little to stymie the tide of applications for renunciation from Tule Lake that flooded the Department in early 1945. Renunciation of American citizenship and membership in pro-Japanese groups presented a foolproof way to stay in camps—DOJ internment camps for enemy aliens. The Justice Department initially ignored the openly subversive activities of pro-Japanese organizations at Tule Lake and, by the time their activities

²⁶¹U.S. Int. Dept., *Impounded People*, 196–200.

²⁶²Weglyn, *Years of Infamy*, 234; Thomas, *The Spoilage*, 337.

²⁶³Thomas, *The Spoilage*, 338–356.

were finally banned, more than 5,000 U.S. citizens had signed away their citizenship. Following the removal of rabidly pro-Japanese evacuees from Tule Lake, the Allies' victory in Europe, and the realization that Japan's defeat was inevitable, many renunciants proceeded to withdraw their applications. The Justice Department was unwilling to cancel the majority of renunciations, even though there were clear signs that many evacuees were pressured to apply and a number of individuals requested the withdrawal of their applications before they were even approved. The JACL also refused to help the renunciants in order to protect its public image, but Fred Korematsu's lawyer, Wayne Collins, decided to represent them in court.²⁶⁴

Beginning in 1943, the government subjected evacuees to various policies designed to demonstrate Japanese Americans' loyalty to the U.S., but these policies were met with both cooperation and resistance. In centers where evacuee-administration relationships were strained, residents were prone to resist the government policies or comply unenthusiastically. The WRA interpreted these responses in light of the paternalistic approach it adopted towards the Japanese Americans as its *modus operandi*. WRA officials saw themselves, and were subsequently depicted by numerous historians of relocation, as benevolent agents of acculturation and proponents of racial justice.²⁶⁵ However, that portrayal was only

²⁶⁴Weglyn, *Years of Infamy*, 236–254.

²⁶⁵This belief is evidenced by the titles of books about the relocation program published by the WRA, e.g. *WRA: The Story of Human Conservation and Impounded People*. WRA's National Director, Dillon Myer, went even further in his book *Uprooted Americans*, in which he describes his directorship of the WRA in almost messianic terms. Chapter titles such as “The Continuing Battle of the Racists” and “The Battle Against the Exclusion Order” describe the heroic exploits of WRA officials to secure the release of Japanese Americans from the camps and their return to the West

partially accurate; the WRA was fighting for the “loyal” Japanese Americans, but in WRA parlance, being “loyal” was equated with being pro-administration. Those who dared to defy the administration, or criticize the injustice they suffered, or admit their lack of loyalty to the U.S. felt the other side of the relocation program—the intimidation, the illegal detention, and the censure of legitimate protest.

CONCLUSION

Assessing the evacuee unrest at the Poston Relocation Center, the resident community analyst Alexander Leighton remarked that the WRA could not have run the centers under the assumption that “the Japanese loyal to America were glad to stay in a Relocation Camp as their contribution to the war.”²⁶⁶ However, this was precisely what various WRA officials, the JACL, and many other Americans assumed. The WRA believed that all its policies would benefit a great number of Japanese Americans and, consequently, the Authority failed to anticipate non-cooperation with these policies. Temporary work furloughs, student relocation, indefinite leave, and voluntary enlistment in the Army were touted by the WRA as a boon, but in many evacuee families these measures created great anxieties about their future in the country. The U.S. government expected compliance even though it herded Japanese Americans to the camps, subjected them to humiliating and repressive procedure, and punished those who dared to protest their unfair treatment.

As the government did not anticipate evacuee resistance to its ever changing policies, the development of protest failed to engender a reconsideration of the relocation program and, instead, Japanese American opposition precipitated repressive measures. When Minoru Yasui, Gordon Hirabayashi, and Fred Korematsu broke the law in order to challenge the curfew, evacuation, and detention imposed on American citizens of Japanese ancestry, they were sentenced to prison terms as if they were common criminals. Mitsuye Endo, who challenged the government's right to detain her, waited two years before the courts found the incarceration of loyal citizens untenable. Evacuee unrest at Poston and Manzanar in 1942 resulted in the

²⁶⁶Cited in Leighton, *The Governing of Men*, 45.

establishment of Citizen Isolation Centers where “troublemakers” could be detained without any charges or hearings. The WRA engaged in prevarication and intimidation to stifle the protest against the loyalty registration by claiming that refusal to register would be punished under the Espionage Act provisions and by removing advocates of non-cooperation to the Isolation Centers. Mass opposition to loyalty registration exposed not only the disillusionment of many evacuees with the U.S., but, more significantly, also showed their creativity in using the questionnaires to record their protest. The U.S. government, however, did not interpret the non-affirmative answers to the loyalty question as the evacuees' response to the injustice it had inflicted upon them, but as an invitation to punish those who refused to embrace America.

The WRA tried to present the segregation of “disloyals” in a single center “not [as] a punishment for past acts or expressions but rather a move toward establishing more harmony among evacuees in the centers by placing like-minded people together.”²⁶⁷ However, the actual operation of the Tule Lake Segregation Center could not have compromised WRA's putative goal of “establishing . . . harmony among evacuees” more. The segregants were deprived of official community representation and the ability to resettle outside the center.²⁶⁸ The administrators of Tule Lake punished those who criticized WRA's policies by placing them in the stockade, yet ironically allowed pro-Japanese groups to terrorize camp residents and advocate

267U.S. Int. Dept., *Impounded People*, 127.

268A significant number of segregants at Tule Lake were not technically “disloyal”; more than a thousand original residents refused to leave the camp after the segregation and a number of “loyal” evacuees came to Tule Lake voluntarily to join their “disloyal” family members. There is no explanation for why these concededly “loyal” Japanese Americans could not apply for indefinite leave.

renunciation of American citizenship with impunity. The indifference of the U.S. government to the conditions at the Segregation Center embittered thousands of Japanese Americans to the point that around 70 per cent of American citizens from Tule Lake renounced their U.S. citizenship.²⁶⁹

More than anything else, the attempt to recruit volunteers for military service in 1943 and the reinstatement of normal selective service procedures for Nisei in 1944 exposed the paternalism of the U.S. government. The WRA and the Army advertised military service to the Nisei as an opportunity to demonstrate their loyalty to the country, but a number of evacuees seized the draft as a platform for demanding the restoration of the Nisei's citizenship rights. The government was prepared to grant the Nisei a chance to discharge the most exacting duty of citizenship—military service—but without any commitment to restoring their rights. When thousands of evacuees exhibited little enthusiasm at being given the opportunity to be killed for a country that imprisoned them, the government was indignant at their behavior. And when hundreds of Nisei refused to comply with the draft until they regained their rights and dignity as American citizens, the WRA silenced them, the courts punished them, and their own community marginalized them. Much like the Nisei draft resisters, Japanese Americans who protested against their wartime evacuation and incarceration were systematically suppressed and punished by the government and vilified by many in their own communities. Early historians of the relocation program became complicit in marginalizing the extent of Japanese Americans' opposition to their evacuation and detention by relying almost exclusively on governmental accounts for their primary sources. While the later scholarship employed more evacuee sources, it still failed to

²⁶⁹Thomas, *The Spoilage*, 357.

recognize that governmental actions were largely responsible for suppressing evacuee resistance.

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