
DEMOCRACY *and* JAPANESE AMERICANS



By

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"Remember the Nazi technique: 'Pit race against race, religion against religion, prejudice against prejudice. Divide and conquer.' We must not let that happen here. We must remember what we are defending: liberty, decency, justice."

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Cooperative Colony

Mr. Fisher's evident desire to be fair and even optimistic cannot blind him to the fact that "life within the Centers will not be normal." He stresses the necessity for reincorporating the evacuees into American life and cites examples of successful relocation of Japanese families in northeastern Colorado and western Nebraska. He describes enthusiastically the establishment of a cooperative colony on 4,000 acres of irrigable land at Keetley, Utah. The moving spirit in this successful venture was a local white American rancher named George A. Fisher and a Japanese American named Fred I. Wada, for many years a produce dealer in Oakland, California. At first the settlers were protected by a state patrolman but he was soon found to be superfluous. Today the army order prohibiting voluntary migration and public suspicion make repetitions of the Keetley experiment impossible unless and until they may have the power of the War Relocation Authority behind them.

Evacuation Challenged

Such in outline is the history of the great evacuation as it affected the overwhelming mass who submitted to it and even cooperated with it. But were there no citizens of Japanese-American ancestry to challenge this treatment? The answer is, very few. Some who contemplated it were dissuaded. The first case to reach the United States Courts was that of Mary Asaba Ventura. She was a Japanese; her husband a Filipino. They applied for a writ of habeas corpus from the curfew and other restraints which were imposed upon Japanese residents in Seattle in March. This was before the evacuation of that zone. The application was denied by Judge Black primarily because the restraint upon her did not constitute imprisonment; that had not yet occurred. In his opinion the Judge expressed the belief

that the Constitution of the United States was not "so unfitted for survival that it unyieldingly prevents the President and the Military, pursuant to law enacted by Congress, to restrict the movements of civilians such as the petitioner, regardless of how actually loyal they perhaps may be, in critical military areas definitely essential for national defense." He also suggested that if the petitioner was as loyal as she claimed to be, she ought to be glad to cooperate with the government.

There are at present (the beginning of July) four significant cases pending.

Mr. & Mrs. Wakayama

The first is a habeas corpus proceeding in Los Angeles to free Mr. and Mrs. Wakayama from the Santa Anita Camp. The petition in this case alleges discrimination in the treatment of Japanese and kindred abuses but does not attack the constitutionality of the Presidential proclamation nor the Congressional legislation making disobedience to military proclamations a crime. Mr. Wakayama and five others were later arrested on the charge of holding an unauthorized meeting in his assembly center, in the Japanese language. The meeting was held before the order, in itself another violation of civil liberties, was promulgated against unauthorized meetings.

Fred Korematsu

The second case is that of Fred Korematsu in San Francisco. He cannot read or write Japanese and speaks it poorly. He was engaged to a Caucasian girl and to be near her and keep his job as a welder he disobeyed the evacuation order and tried unsuccessfully to escape detection by changing his name and having his nose altered.

Minoru Yasui

In Portland, Oregon. Minoru Yasui, a lawyer who is a Second Lieutenant in the Military Reserve as a result

of his training at the University of Oregon, is testing the constitutionality of curfew restrictions on American citizens.

Gordon Hirabayashi

Perhaps the best case of all may be that of Gordon Hirabayashi, American citizen 24 years old, a Senior in the University of Washington who has a fine record. He deliberately chose to test the constitutionality of evacuation by submitting to arrest.

Lincoln S. Kanai

As this pamphlet was about to go to the printers, word came of the arrest in Milwaukee, Wisconsin, of a Y.M.C.A. secretary from San Francisco, named Lincoln S. Kanai. Mr. Kanai, American born and completely Americanized, was arrested for leaving San Francisco after the so-called freezing order forbidding voluntary migration was issued. Habeas corpus proceedings in his case will test especially the statutory right of the military to forbid voluntary migration of an American citizen.

There are also beginning to develop certain other habeas corpus proceedings in various assembly centers.

The Los Angeles, San Francisco and Seattle cases have the backing of local committees.

Originally the American Civil Liberties Union invited a test of the legality of evacuation under military proclamation. Later the A. C. L. U. by a two to one majority decided that the President had the Constitutional power to issue his original order of February 19th. Nevertheless the Union seems still willing to back tests of the military proclamations on the basis of racial discrimination and other examples of what it regards as abuses of discretion. It might also support an attack on the constitutionality of the Congressional legislation criticized by Senator Taft.

Probably not much of immediate advantage can be expected from any legal proceeding. During a war courts

will scarcely decide against the Executive in a matter of such importance. We must therefore expect either that the whole process will be sustained by the courts with at most minor exceptions, or that a final decision by the Supreme Court will be postponed until after the war. Nevertheless supporters of legal action believe that much is to be gained in a democracy by using all means open to citizens, and that the process can be made educational if some high court should produce an impressive opinion, even if like some of Justice Oliver Wendell Holmes' great opinions it should be only a minority dissent.

General Drum and the Atlantic Seaboard

So far we have been concerned with developments on the west coast primarily with reference to the Japanese problem and secondarily with reference to all enemy aliens whose activities were more restricted than in other areas. But the Presidential proclamation of February 19th was applicable to the whole country. The War Department conferred upon Lieut. General Hugh Drum, commanding the Eastern Defense Command, authority similar to that given to General De Witt in the west. On April 27th the General announced the setting up of a military area covering the entire Atlantic seaboard and extending westward to the western boundaries of New York and Pennsylvania. In this territory live fifty-two million Americans. General Drum's statement of April 27th thus set forth his policy:

" . . . the fundamental policy embodied in the plan is not to interfere in any manner whatever with the lives of the great mass of loyal Americans in the States included in the military area, or with the economic life of the area, but it does express the determination of the military authorities to prevent any enemy sympathizer, whether alien enemy, alien of other nationality, or disloyal American, if any exist, from committing any act detrimental to the