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INTERNMENT:
THE LEGAL CHALLENGES AND EFFECTS OF DISPLACEMENT ON JAPANESE
AMERICANS

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“Congress recognizes that... a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership.”¹

When examining Japanese-American internment, appeals, and redress, it is clear that the United States government’s condonement and use of forced relocation has resulted in a negative change to Japanese-American identities, psychology, and long-term health outcomes.

Executive Order 9066, the policy that authorized the internment of Japanese Americans, was prompted by the Japanese government’s attack on the Pearl Harbor

¹ U.S. Congress, Public Law 100-383, 100th Cong., (August 10, 1988, accessed August 18, 2020); <https://library.bowdoin.edu/research/chicago-gov.pdf>.

Military Base in Oahu, Hawaii on Sunday, December 7, 1941. In total, the Japanese military killed 2,403 people.² Pearl Harbor and the attacks on Guam, Midway Island, the Philippines, Hong Kong, and others gave reason for the American government to declare war against Japan and the Axis Powers. These events are what began the process of Japanese-American displacement.

The American public followed closely in suit as the United States government became more blatant with their discrimination towards Japanese Americans, both foreign-born and first-generation. Outright claims of Japanese espionage from both the public and the American government were made throughout the nation, in both policy and media, but these accusations were more frequent along the West Coast. Slurs such as “*Jap*” and “*Nip*” became common-place terms, often heard by people of Japanese ancestry daily. Hostility towards Japanese Americans became so normalized that on April 1, 1942, “[t]he Marine Corps [had] declared an ‘open season’ and unlimited shooting in a special ‘Japanese hunting license’ being issued without charge to potential recruits.”³ Cities along the West Coast, such as Seattle, Washington, imposed restrictions soon after the attack on Pearl Harbor identifying the areas of the city in which “Japs” were allowed. Pearl Harbor put the threat of the Japanese at the forefront of many American minds, inspiring many lobbyists to come forward to demand the removal of both foreign born

² Suffering Under a Great Injustice: Ansel Adams's Photographs of Japanese-American Internment at Manzanar History,” (Library of Congress, Accessed August 1, 2020); <https://www.loc.gov/teachers/classroommaterials/connections/manzanar/history2.html>.

³ "Hunting License Issued by U.S. Marines," *New York Times*, 91:30,748 (April 1, 1942), 8.

and American born people of Japanese ancestry. Many of these lobbyists, who continued to pressure Congress and President Franklin D. Roosevelt to remove people of Japanese descent, including U.S. citizens, were representatives of competing labor organizations, economic groups, and nativists, including a Portland post of the American Legion, the West Coast Congressional Delegation, Native Sons of the Golden West, and California Joint Immigration Committee.⁴ When the topic of internment came forth in Congressional meetings, President Roosevelt immediately released Executive Order 9066, despite knowing the Department of Justice deeply questioned the Constitutional and ethical implications.

On February 19, 1942, President Roosevelt issued Executive Order 9066. Soon after, Congress, on March 21, 1942, passed Public Law 503. After the encouragement of ‘voluntary’ removal and evacuation, the Western Defense Command began the processes of involuntary removal of Japanese Americans from the Western Defense Zone, which included Washington, Oregon, California, Idaho, Montana, Nevada, Utah, Arizona, and the territory of Alaska. Foreign and native born Japanese Americans alike were forced out of their homes, told only to take what they could carry, and were put into makeshift camps. In some places, Japanese American individuals and families were only given forty-eight hours to abandon their lives such as all of the people of Japanese ancestry on Terminal Island, San Pedro, California.⁵ Within the span of six months, approximately

⁴ Daniels, Roger and others, *Japanese Americans, from Relocation to Redress*. (Salt Lake City, UT: University of Utah Press, 1986), 16-17.

⁵ “Los Angeles Conservancy,” Japanese-American History at Terminal Island Los Angeles Conservancy, accessed August 13, 2020, <https://www.laconservancy.org/node/1020>.

122,000 men, women, and children of Japanese descent were interned. There were ten relocation camps, all in remote areas spanning six Western states and Arkansas.⁶ Every person in the internment camps lost their home, property, personal liberties, and human rights as they were rounded up like cattle and interned.

A few Japanese Americans, such as Minoru Yasui and Gordon Kiyoshi Hirabayashi, were willing to challenge the American government through the justice system to protect their constitutional rights and personal liberties, intrinsic parts of their identities as American citizens. Both Hirabayashi and Yasui challenged the American government's policies of imprisonment and the treatment of Japanese American citizens before the Supreme Court.

Yasui v. United States, began in 1941 in Portland, Oregon with a second generation Japanese American, Minoru Yasui. Yasui quit his job in the Japanese consulate in Chicago to return to his home state of Oregon to fight for Japanese American's rights after hearing of the attack on Pearl Harbor.⁷ Angered by Executive Order 9066, keeping close contact with local colleagues, such as well-known Portland attorney Earl Bernard and U.S. Attorney Carl Donaugh, he planned to do a test case. Yasui decided to dispute the first restriction put on Japanese Americans instead of

⁶ National Archives and Records Administration, "Japanese-American Internment During World War II," (accessed August 1, 2020); <https://www.archives.gov/education/lessons/japanese-relocation>. These locations were Heart Mountain in Wyoming, Tule Lake and Manzanar in California, Topaz in Utah, Poston and Gila River in Arizona, Granada in Colorado, Minidoka in Idaho, and Jerome and Rowher in Arkansas. This does not include Crystal City Internment Camp which housed Japanese, Italian, and German detainees.

⁷ *Yasui v. United States*, 320 U.S. 115 (1943)

waiting for the exclusion to take place. He scoured for a proper test case in vain before deciding to take the risk himself. His background was less than ideal due to his previous employment at the Japanese consulate and because his own father had already been interned. On March 28, 1942 directly after General John DeWitt set in motion the 8 p.m. to 6 a.m. curfew for enemy aliens and Americans of Japanese descent, Yasui had himself arrested for staying out beyond the curfew. Yasui was bailed out two days later by Bernard, who had agreed to represent him. He argued that the U.S. government was violating Japanese American's Fifth Amendment rights and the Fourteenth Amendment Equal Protection rights with these new orders. When the Japanese Exclusion Act took place, Yasui ignored the order and drove his family to Hood River, where military personnel later found and transported them to the Portland Assembly Center.

Yasui's trial began on June 12, 1942 before District Court Judge Alger Fee. Yasui waived the right to a jury deciding he preferred a judge rule on his case. The trial lasted only one day and focused on Yasui's consulate job and Judge Fee's questions regarding Yasui's loyalties to the United States. While the verdict for his case was being decided, Yasui stayed in the Minidoka Internment Camp in Idaho along with many other Portland detainees. Finally, on November 14, 1942, Judge Fee ruled that without martial law the United States government had no ability to treat second-generation Japanese Americans any different than any other American citizen; however, because Yasui worked for the Japanese consulate in Chicago, he had forfeited his American citizenship and was therefore guilty of the charges found against him.⁸ Judge Fee asserted "The court thus

⁸ *Ibid.*

concludes from these evidences that defendant made an election and chose allegiance to the Emperor of Japan, rather than citizenship in the United States at his majority...” when speaking of his Japanese consulate job, “[s]ince Yasui is an alien who committed a violation of this act, which included by reference the regulations of the commander referring to aliens, the court finds him guilty.”⁹ Yasui was fined five thousand dollars and was given the maximum penalty for his crimes, which was one year in solitary confinement. Immediately, Yasui and Bernard appealed to the Ninth Circuit Court of Appeals in San Francisco, California.

Following on the heels of *Yasui v. United States*, Gordon K. Hirabayashi, a student at the University of Washington in Seattle, tested the constitutionality of Executive Order 9066 and the imposed curfew in *Hirabayashi v. United States*. On May 4, 1942, he purposely disobeyed the curfew imposed by the United States military, and on May 16, 1942, Hirabayashi reported himself to the Seattle division of the Federal Bureau of Investigation (FBI) stating that his intentions of violating the order were led by his religious beliefs and his beliefs in the U.S. Constitution. He was jailed for five months before his trial on charges of violating the designated curfew and the Exclusion Order. On October 20, 1942, the trial of *Hirabayashi v. United States* began with Judge Lloyd L. Black presiding. A jury found Hirabayashi guilty on both counts and he received two thirty-day sentences.¹⁰ From there, Hirabayashi and his lawyers decided to appeal the case to the Ninth Circuit Court.

⁹ *United States v. Minoru Yasui*, 48 F.Supp. 40 (D. Or., 1942)

¹⁰ *Hirabayashi v. United States*, 320 U.S. 81 (1943)

Both Yasui and Hirabayashi's appeals were heard together along with *Korematsu v. United States* in the Ninth Circuit Court of Appeals in San Francisco, California.¹¹ Then, with the influence of Edward Ennis of the Justice Department, the appeals went directly to the Supreme Court.

Yasui and Hirabayashi's appeals to the Supreme Court were joined together as companion cases and were both heard on May 10-11, 1943 under the close supervision of Chief Justice Harlan Fiske Stone. While, both the exclusion and the curfew issues were conjoined, the Supreme Court chose to only consider the curfew subject, supposedly avoiding exclusion issues so as not to uproot the basis of the whole incarceration program.

The issues before the Supreme Court were whether the curfew was within Congress's legislative power as a targeting of persons of Japanese ancestry, and whether Japanese Americans in the specified Western Defense Zone had their Fifth amendment rights violated.¹² The U.S. government's policy was that the curfew was necessary to protect American citizens and was rightfully done to control possible chances of sabotage and espionage especially after the bombing of Pearl Harbor by the Japanese military and

¹¹ *Ibid.* *Korematsu v. United States* will not be analyzed in the following text because similar issues and verdicts are discussed and upheld in the two leading legal cases, *Yasui v. United States* and *Hirabayashi v. United States*. Yasui, Hirabayashi, and Korematsu's cases were joined as companion cases up until the Supreme Court trials. The verdict of Korematsu's trial which upheld the constitutionality and justification of the military exclusion was decided with the precedents set by Yasui and Hirabayashi's cases. However, unlike Yasui and Hirabayashi's trials, which were decided a year prior, within the dissents, most clearly in Justice Jackson's dissent, the Executive Order and the topic of race is more carefully reviewed, resulting in a 6-3 Supreme Court ruling. More information is provided in the *Korematsu v. United States*, 323 U.S. 214 Supreme Court case file.

¹² *Ibid.*

the declaration of war against Japan.¹³ The appellants, Yasui and Hirabayashi, contended that the indictment should be dismissed because they were loyal American citizens and because the Act of March 21, 1942, was an unconstitutional delegation of Congressional power.¹⁴

The Supreme Court unanimously upheld both Yasui and Hirabayashi's curfew convictions and the legality of the curfew on June 21, 1943.¹⁵ The Supreme Court concluded that the creation of the curfew was non-discriminatory because it was a product of wartime pressures felt because of the attack on Pearl Harbor which was perpetrated by the Japanese Empire. Along with the verdict that Congress was well within its constitutional powers, including its past delegation of powers to the military, the Supreme Court ruled that revoking and restricting Japanese Americans' Fifth Amendment rights was constitutional because it was "an emergency war measure."¹⁶ The Supreme Court insisted that "[c]onditions call for the exercise of judgment and discretion and for the choice of means by those branches of the Government on which the Constitution has placed the responsibility of warring, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs."¹⁷ The failure

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

and open refusal of the Supreme Court to regulate the other branches of government because of wartime circumstances was the foundation of the reasoning for why they avoided judging the constitutionality of Executive Order 9066 whenever possible. The Supreme Court traded the justice for Japanese Americans for the reduced risk of political tension.

In concurrence, Justice Murphy believed that within complex circumstances the legality of the curfew imposed by the military through delegations of Congress still stood, however, he strongly disagreed with racial discrimination towards Japanese Americans and the creation of Executive Order 9066. Although he concurred with the Supreme Court ruling, he made a distinction that “[t]he result [of enacting the curfew] is the creation in this country of two classes of citizens for the purpose of a critical and perilous hour -- to sanction discrimination between groups of United States citizens on the basis of ancestry. In my opinion goes to the very brink of constitutional power.”¹⁸ While Justice Murphy agreed with the decision of the court, he disagreed with the process and methodology taken to make the same conclusion. He continued with a statement on the refusal of the Supreme Court to judge Executive Order 9066 providing a broader historical context that, “duty exists in time of war as well as in time of peace, and in its performance we must not forget that few indeed have been the invasions upon essential liberties which have not been accomplished by pleas of urgent necessity advanced in good faith by responsible men.”¹⁹ Justice Murphy firmly stated that Executive Order

¹⁸ *Ibid.*

¹⁹ *Ibid.*

9066 was not suited for the circumstances but the court was not formally judging that policy.

Justice Rutledge concurred separately but on the topic of race, made the distinction that, “[t]he difficulty of controlling members of an alien race, many of whom, although citizens, were disloyal with opportunities of sabotage and espionage, with invasion imminent, presented a problem requiring for solution ability and devotion of the highest order.” Justice Rutledge asserted that all persons of Japanese ancestry in the United States are ‘aliens’ and labeled them as terrorists searching for opportunities to destroy the nation.²⁰ Xenophobia and racial bias against Japanese Americans was clear in his statement. It was bluntly shown that racism had a significant role in the Supreme Court’s verdict in not only *Hirabayashi* and *Yasui*’s court cases but in the many others that affected Japanese Americans during the 1940s.

As it was decided in *Hirabayashi v. United States*, a person can only be punished to a certain extent if they do not have American citizenship status. Given that the Supreme Court unfairly identified *Yasui* as a Japanese citizen despite him being born and raised in the United States, because of his previous employment in Japanese consulate in Chicago, *Yasui*’s case was treated differently. In *Yasui v. United States* the Supreme Court voiced that,

Since we hold, as in the *Hirabayashi* case, that the curfew order was valid as applied to citizens, it follows that appellant’s citizenship was not relevant to the issue tendered by the Government and the conviction must be sustained for the reasons stated in the *Hirabayashi* case. As the sentence of one year’s imprisonment—the maximum permitted by the statute—was imposed after the finding that appellant

²⁰ *Ibid.*

was not a citizen, and as the Government states that it has not and does not now controvert his citizenship, the case is an appropriate one for resentence in the light of these circumstances.²¹

In Yasui's appeal to the Supreme Court he was permanently condemned to be a foreigner for having maintained relations with his culture and identity.

After *Hirabayashi v. United States*, Hirabayashi was jailed for a short time at Tucson Federal Prison, until he refused to show up to Court for a "loyalty" questionnaire, or Selective Service Form 304A." He then served a punishment of a one-year sentence at McNeil Island Penitentiary.²² Yasui's sentences were put into the hands of Judge Fee again by the Supreme Court. Judge Fee concluded that the nine months Yasui had previously served was sufficient and suspended the five thousand dollars fine. After being released from prison, Yasui was escorted back to the Minidoka internment camp by a U.S. Marshal. Hirabayashi and Yasui fought to see that the discrimination and displacement of Japanese people was as short term as possible, and it was because of their efforts and courage that the history of the wrongful internment Japanese Americans is so well known today.

While the history of the oppression of Japanese Americans is well known, the long term economic, political, cultural, and psychological effects caused by forced internment and relocation are often forgotten.

Nevertheless, even though Japanese American activists fought hard to preserve

²¹ *Yasui v. United States*, 320 U.S. 115 (1943)

²² University of California, Los Angeles Asian American Studies Center, "Gordon Kiyoshi Hirabayashi," (accessed August 13, 2020); <http://www.suyamaproject.org/?tag=gordon-hirabayashi>

the freedoms they were entitled to as American citizens, the battle was eventually lost to racist beliefs, fears, and rhetoric. Overnight, Japanese Americans had lost everything: their money, their work, their homes, and their communities, consequently losing much of their own identities in the process. They had become perpetual foreigners. Japanese Americans in the internment camps had very few possessions because they were only allowed to take what they could carry. However, Japanese Americans' cultural values and their experiences, as an ethnic minority, led them to embrace unique coping mechanisms for their trauma. It was Japanese cultural values of filial piety, perseverance, loyalty, and sacrifice that helped guide and aid families to endure the shame, hardship, and tragedy that came with being incarcerated and being deemed enemies by their own country.²³ But, as many Japanese Americans quickly realized, these qualities were the same attributes that were being demonized around the nation. It was *Hirabayashi v. United States* and *Yasui v. United States* that highlighted the message for Japanese Americans that, no matter the number of Supreme Court cases, protests, or resistance the American government was met with, they would always find a way to keep Japanese people as the enemy.

The trauma did not just begin there for Japanese Americans. It started with Yellow Peril, and continued only further with the blame and shame experienced because of Pearl Harbor, the refusal to acknowledge their citizenship in *Yasui v. United States*, the U.S. government's statement that it had the right to discriminate against Japanese

²³ Public Broadcasting Service, "Children of the Camps | SYMPOSIUM REMARKS," (accessed August 14, 2020); <https://www.pbs.org/childofcamp/project/remarks.html>.

Americans in *Hirabayashi v. United States*, and the open rejection of the Supreme Court to rule on the constitutionality of Executive Order 9066.²⁴ It was these moments in history that gave confirmation to Japanese Americans that the government did not need to justify their actions. It was the constant torment that was topped off by the effects of displacement that lead to post-traumatic stress disorder (PTSD), health issues, and generational trauma.

Following the December 18, 1944 verdict of the *Ex Parte Endo* case, in which the Supreme Court unanimously ruled that the United States government was unable to detain any citizen who is “concededly loyal” to the United States, the American government began to close all ten internment camps and allowed Japanese Americans to return back to society.²⁵ Even though this decision admitted that Executive Order 9066, Congressional Public Law 503, and the resulting policies were unconstitutional, the damage that had been done by the Yasui, Hirabayashi, and Korematsu cases could not be forgotten.

On December 17, 1944, Major General Henry C. Pratt announced that starting January 2nd of the next year the Exclusion Order that prevented Japanese Americans

²⁴ Chang, Jason, and Turner Willman. “Unmasking Yellow Peril.” 18MillionRising.org, April 21, 2020. https://18millionrising.org/2020/04/unmasking_yp.html. Yellow Peril was a continuous movement of anti-Asian hate that began in the 1800s after the mass immigration of Chinese and Japanese peoples into the United States.

²⁵ *Ex Parte Endo*, 323 U.S. 283 (1944) The *Ex Parte Endo* test case will not be further examined in this text because the priority of this paper is to discuss the consequences and legal difficulties of displacement on Japanese Americans, not the sparse justice they had received. More information on the *Ex Parte Endo* case is provided in its Supreme Court case law in the print version of the United States Reports.

from entering the Western Defense Zone was terminated. This order finally allowed Japanese Americans to come back to their homes following their releases from the camps.²⁶ The Japanese internment camps began the process of closing down in June 1944, a little less than a year before WWII was over. However, it was not until March 20, 1946, that the last internment camp, Tule Lake, closed its doors. Soon after this, the War Relocation Authority began a six-month resettlement process that put former internees in temporary housing facilities. However, after those six months thousands of Japanese Americans, when they finally returned to their previous homes, found that the lives they had once lived were no longer available to them.²⁷ In the years that they had been gone their jobs had been filled and their homes and businesses were now occupied by strangers.

What remained in Japanese Americans was the trauma that came from the demonization and dehumanization they experienced because of wartime beliefs. Their own country had hated their existence, their lifestyle, their culture, and Japanese Americans endured those attitudes for years. After the internment camps many Japanese Americans, because they experienced a sense of loss of identity, began to work tirelessly to assimilate as much as possible into American, consequently White, mainstream ideals.

²⁶ Speidel, Jennifer, "After Internment: Seattle's Debate Over Japanese Americans' Right to Return Home - Seattle Civil Rights and Labor History Project," (accessed August 14, 2020); https://depts.washington.edu/civilr/after_internment.htm.

²⁷ Digital Public Library of America, "Prisoners at Home: Everyday Life in Japanese Internment Camps," (accessed August 14, 2020); <https://dp.la/exhibitions/japanese-internment/leaving-camps/?item=995>.

Second Generation Japanese Americans especially had become “confused young men who succeeded by selling their self-hatred and disappearing into the mainstream mentality.”²⁸ The conclusion that self-hatred morphed into a need for assimilation as a form of coping is a reality many Japanese Americans experienced post internment camps and WWII. The internment camps were “a real attack on our sense of well-being and our self-esteem.” Many first-generation Japanese Americans were similar to hostages identifying with their captors in that, “[i]dentification with the aggressor makes us feel safer and stronger.”²⁹ Many internment camp survivors who experience PTSD suggested that, “[w]hat is sacrificed is the individual's own self-acceptance. It places an exaggerated emphasis on surface qualities, such as a pleasant nonoffensive manner, neat grooming and appearance, nice homes, nice cars and well behaved children.”³⁰ A product of this was the misfortune that this attitude, along with the generational trauma it carries, has been passed down to third and fourth-generation Japanese Americans. These people assimilated and became the best Americans possible to cope with their self-hatred because of the memory of internment and the loss of their American identity.

Japanese Americans born after the camps, whether they themselves recognize it or not, have carried their family's trauma with them.

²⁸ Oishi, Gene, “THE ANXIETY OF BEING A JAPANESE-AMERICAN.,” *The New York Times*, 136:46,393 (April 28, 1985), 60.

²⁹ *Ibid.*, 65.

³⁰ *Ibid.*

[T]he vast majority of Sansei (third generation) feel that the incarceration has affected their lives in significant ways. Trauma may directly or indirectly affect the children of trauma victims. The multiple pathways of its effects create a variety of consequences. Despite the silence, or perhaps because of it, the Sansei who had a parent interned felt the effects of that experience in numerous ways. They are sad and angry about the injustice and attribute a number of negative consequences in their own lives to their parents' internment. These include feelings of low self-esteem, the pressure to assimilate, an accelerated loss of the Japanese culture and language, and experiencing the unexpressed pain of their parents.³¹

Japanese Americans, in reality, have given up their identities in order to fit in with American mainstream.

The concept that Japanese Americans who overcame adversity have become model citizens in order to compensate for the alienated status that they endured previously is most clearly shown in Japanese American's upward financial mobility. Before internment, Japanese Americans had been working largely in agricultural industries but after alienation and the overwhelming pressure to assimilate more Japanese Americans aimed to receive higher level education and worked to find higher paying jobs. One study concluded that, "[t]he results from this exercise imply that 5 and 15 years later, internment caused former internees to generate annual incomes that were on average between 9% and 22% higher than the counterfactual."³² While displacement

³¹ Nagata, Donna K, *In Legacy of Injustice: Exploring the Cross Generational Impact of the Japanese American Internment* (New York: Plenum Press, 1993), 158.

³² Arellano-Bover, Jaime, "Displacement, Diversity, and Mobility: Career Impacts of Japanese American Internment," (Stanford University, November 19, 2018, accessed March 8, 2020); https://economics.stanford.edu/sites/g/files/sbiybj9386/f/arellano_bover_internment.pdf.

caused trauma and other issues, Japanese American experiences in the camps affected their lifelong habits and lifestyle choices in profitable ways.

However, not only has displacement deeply affected Japanese Americans' culture, identity, mental health, and financial stability but their physical health as well. PTSD affected many former internees physically in the form of stress-induced conditions. Long term health consequences of internment include,

[A] 2.1 greater risk of cardiovascular disease, cardiovascular mortality, and premature death than did a non-interned counterpart. California Nisei-age individuals, the proxy for internment, died 1.6 years earlier than Hawaiians who represented non-interned status.³³

Japanese American experiences within the camps affected not only their lifelong habits and lifestyle choices but their ability to survive.

The loss of identity and effects of displacement led to the PTSD and generational trauma that still greatly affects Japanese Americans today. The belief that came from *Yasui v. United States* that Japanese Americans were the enemy and foreigners in their own country of birth is what pushed Japanese Americans into understanding they could never be American enough. After the internment camps, assimilation filled the void that was caused by a loss of identity. Japanese Americans finally received an apology from the American government forty years after the internment camps. "Japanese-Americans reacted with 'a collective sigh of relief' in receiving an official apology for what they felt to be 46 years of shame and pain because they had collectively been

³³ Gwendolyn M. Jensen, "The Experience of Injustice: Health Consequences of the Japanese American Internment," (1998, accessed March 7, 2020); <https://psycnet.apa.org/record/1998-95001-066>

accused of disloyalty to the United States.”³⁴ The effects of trauma can be seen in the experiences of Yasui and Hirabayashi after their trials. Yasui and Hirabayashi worked tirelessly as activists in the Japanese American community to preserve internment history and protest the charges leveled against them.

While Korematsu, Hirabayashi, and Yasui all appealed their convictions after forty years only Korematsu and Hirabayashi got to experience the freedom of being cleansed of their crimes. Korematsu’s conviction was overturned in Federal District Court in November, 1983, as was Hirabayashi’s conviction just two years later. Yasui’s petition for the legal redress of his conviction was still before the United States Court of Appeals for the Ninth Circuit, in San Francisco when he passed away in 1986 at the age of 70.³⁵ Unlike the others, Yasui died a criminal. In the last years of his life Yasui traveled around the country attending hundreds of meetings, making hundreds of speeches, and writing thousands of letters, reports, and articles.³⁶ In his final years, Yasui dedicated his life to redress, continually pressuring the government for an apology and reparations for the injustices committed against Japanese Americans, which he himself never had the ability to receive. Yasui fought until the day he died to be labeled as

³⁴ Johnson, Julie, “President Signs Law to Redress Wartime Wrong’.” *The New York Times*, 108:47,594 (August 11, 1988), sec. A, 1, 16.

³⁵ Bishop, Katherine, “Day of Apology and ‘Sigh of Relief’,” *The New York Times*, 108:47,594 (August 11, 1988), sec. A, 16.

³⁶ Stop Repeating History Campaign, (accessed August 18); <https://www.stoprepeatinghistory.org/min-yasui-film>

something other than a criminal. He died not knowing what he had achieved for his own community and for future generations of Japanese Americans. It took forty years for Yasui, Hirabayashi, and Korematsu to receive some of the justice they deserved.

Although their crimes were erased from their records, the precedents set by each of their cases remain in Japanese American minds. As long as these cases still stand as American laws, Japanese Americans cannot completely forget the mistreatment and discrimination caused by World War II.

The first piece of legislation passed to repair what was lost during the process of internment was on July 21, 1948, when President Harry Truman signed the Japanese American Evacuation Claims Act, which allowed those individuals who were interned to file claims for damages or loss of “real and personal property” that was a result of incarceration, however, it had a very limited impact. What was left unaddressed was the unknown cost of the stigma associated with incarceration, psychological damage, lost earnings, injury or death, and resettlement to the internment camps.³⁷ With a flood of 26,000 claims totaling \$148 million, Congress amended the Claims Act and extended the claims deadline to 1965 because the Justice Department, within the original timeframe, was only able to award \$37 million. Japanese Americans had to wait thirty years for a fraction of the money needed to compensate for the financial effects of displacement.

It was not until forty years after internment that redress began for Japanese Americans. In 1980, the Commission on Wartime Relocation and Internment of Civilians

³⁷ U.S. Congress, “Long Road to Redress,” (August 10, 1988, accessed August 18, 2020); <https://history.house.gov/Exhibitions-and-Publications/APA/Historical-Essays/Exclusion-to-Inclusion/Redress/>

(CWRIC) was appointed by Congress to review the circumstances and effects of forced relocation and internment on Japanese Americans. The CWRIC gathered more than 750 testimonies from July through December of 1981 in cities around the country, cataloging hundreds of personal stories and accounts. In 1983, the CWRIC published their recommendation as a paper titled *Personal Justice Denied*, which provided both factual and emotional support in government mandated monetary reparations.³⁸

On August 10, President Reagan signed the Civil Liberties Act of 1988, which, through the United States Attorney General, gave \$20,000 tax-free payments to approximately all 60,000 surviving interned Japanese Americans.³⁹ It was on October 9, 1990 that the first redress checks were given by President Bush to nine of the oldest surviving Japanese American detainees. Two years later, Congress amended the Civil Liberties Act to provide reparations payments to an additional 20,000 internment camp survivors.⁴⁰ However, these reparations are nowhere near the total property loss, estimated to be at \$1.3 billion, and the net income loss of \$2.7 billion (1983 U.S.D.), based on the National Archives' Internment of Japanese Americans Commission investigation.⁴¹

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ The National Archives and Records Administration, and USA Freedom Corps, "Executive Order 9066: Resulting in the Relocation of Japanese (1942)." (accessed August 14, 2020); <https://www.ourdocuments.gov/doc.php?flash=false>.

Although reparations were paid, the effects felt by displacement cannot be reversed or pushed aside. Japanese Americans did not receive a formal apology for their internment until 1988, if they were still alive. Japanese Americans only received reparations if they were eligible, meaning if they were alive in 1988 or qualified for, having previously filed a claim, or received money from The Japanese American Evacuation Claims Act of 1948. Like Minoru Yasui, thousands of Japanese Americans died without reparations or even an apology from the American government. Many died believing that they were still perpetual foreigners in their own country, despite their best efforts to assimilate. The suffering and long-term effects caused by displacement will live on in future Japanese Americans for generations to come. As summarized by President Reagan during the signing ceremony of the Civil Liberties Act of 1988: "No payment can make up for those lost years. What is most important in this bill has less to do with property than with honor. For here we admit wrong."⁴²

⁴² Johnson, 16.

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