FAQs of Executive Order 9066

BY **WESLEY NIHEI**

On February 19, 1942, ten weeks after Japan launched a surprise attack on Pearl Harbor on December 7, 1941, President Franklin D. Roosevelt signed Executive Order 9066, empowering the Secretary of War and his military authorities to exclude all persons from designated areas in the United States. Under the guise of military necessity, EO 9066 launched a series of exclusionary orders with swift and harsh enforcement. Building on decades of racially-motivated hatred and fear that Japanese Americans and other Asians in the U.S. had long suffered, Japanese American communities bore the brunt of this injustice. Significantly, no Japanese American citizen was ever found guilty of sabotage or espionage.

Over the following months, more than 120,000 Japanese immigrants and Japanese American citizens, primarily from Washington, Oregon, California, and western Arizona, were ordered to leave their homes, farms, and businesses. Reduced to abandoning their livelihoods with two weeks' notice (some within 48 hours) without due process, they were transported under guard to temporary "assembly centers" and eventually to permanent imprisonment camps run by the War Relocation Authority (WRA) in desolate regions of the west and south.

Fast forward 40 years. In an astounding discovery, Supreme Court challenger Fred Korematsu's San Francisco *coram nobis* case uncovered a trail of documents revealing that government officials from the Justice Department and War Department deliberately falsified, suppressed, altered, and destroyed key evidence to the Supreme Court that would have disproved the Army's rationale that military necessity dictated the West Coast exclusion and forced incarceration of Japanese Americans. Finally in 1988, the U.S. government passed the Civil Liberties Act. We reflect upon this 30th year commemoration of the government's formal apology of its grave mistake and its restitution to the impacted survivors.

Following are FAQs and responses regarding President Franklin D. Roosevelt's Executive Order 9066.



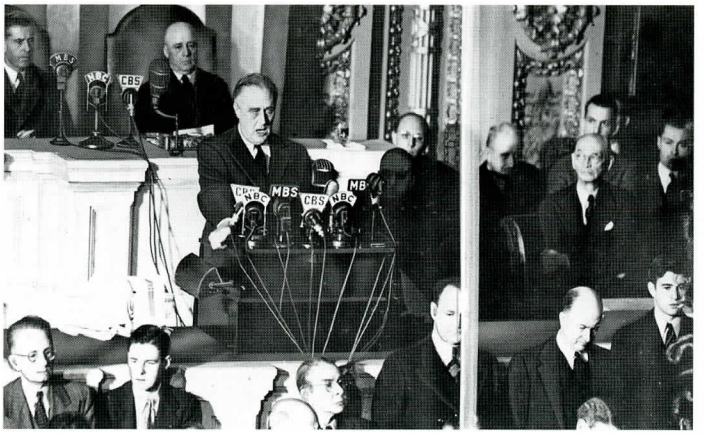
Exclusion orders posted on First and Front streets, San Francisco, CA, pursuant to EO 9066 and issued April 1, 1942 by Lt. Gen. J.L. DeWitt, directing the forced removal of all persons of Japanese ancestry from this section by noon on April 7, 1942. Dorothea Lange photo. National Archives.

WHAT WAS EXECUTIVE ORDER 9066?

President Franklin D. Roosevelt signed EO 9066 on February 19, 1942. The order empowered Secretary of War Henry L. Stimson and his military commanders to designate "military areas" from which any or all persons could be excluded. Additionally, the right of any person to enter, remain in, or leave these designated zones was subject to any restrictions that Stimson or the military commanders might impose. Of note, EO 9066 did not state "Japanese" or "Japanese American" in the text. Rather, it granted full authority to the military to plan, designate, and implement its scope and intent. As stated, EO 9066 was intended to protect the nation "against espionage and sabotage to national-defense material, national-defense premised, and national-defense utilities..."

WHAT DID EO 9066 ULTIMATELY DO?

In its implementation and interpretation, EO 9066 set into motion a series of proclamations and orders by the military that would restrict, exclude, forcibly remove, and imprison en masse up to 120,000 persons of Japanese ancestry from the West Coast during World War II.



President Roosevelt addressing Congress, December 8, 1941, one day after the Japanese bombing of Pearl Harbor. Associated Press photo.

WHAT CONDITIONS SET THE STAGE FOR EO 9066?

From 1885 to 1924, about 200,000 Japanese immigrated to Hawai'i and 180,000 Japanese immigrated to the U.S. mainland for economic opportunity, becoming a source of cheap labor in agriculture. Over the decades, the Issei (first generation) pioneers built vibrant communities. But white labor on the West Coast considered Japanese unfair competition, and racist nativist prejudice produced a view held by some white Americans that the growing population of Japanese Americans was unassimilable into white society.

WHAT LAWS WERE IN EFFECT?

Discriminatory laws prevented Asians from becoming naturalized U.S. citizens. The restriction stretched back to the Naturalization Act of 1790, allowing only "free white persons" to become naturalized citizens. The Chinese Exclusion Act of 1882 barred the immigration of Chinese laborers. In the same vein, the Japanese were barred from owning land (*Ozawa vs. the U.S.*), working in certain professions, marrying whites, and sending their children to some public schools. The Gentlemen's Agreement of 1907 halted secondary migration, eliminating the immigration of Japanese laborers but allowing those already here to send for their families. Congress passed the Immigration Act of 1924 barring any further immigration from Asia. The Nisei (second generation), even as American-born citizens, faced discrimination in education, employment, housing, social activities, and in civic and professional organizations. In the mid-1930s, the prospect of war with Japan exacerbated these conditions. The Alien Enemies Act (AEA) was re-codified in 1918 as part of the U.S. war and national defense statutes. The AEA provided that the president, pursuant to proclamation, may deem all aliens of a "hostile nation" within the U.S. "alien enemies" and determine the manner in which they may be "apprehended, restrained, secured and removed."

WHAT WAS THE PERCEIVED SECURITY THREAT?

Up through the 1930s, Roosevelt recognized Japan's growing militarism and aggression in Asia over the U.S.'s geopolitical interests. He, along with members of the U.S. government, the military, and the press, believed that should war break out, the Japanese populations in California, Oregon, and Washington, citizens and non-citizens alike, might pose security threats. Newspaper editors, military leaders, and politicians claimed there was no way to distinguish loyal from disloyal Japanese Americans, despite citizenship. Military advisers recommended barring all persons of Japanese descent, including American citizens from the West Coast, as a safeguard against espionage and sabotage.

WHO WAS INVESTIGATED?

In 1936, Roosevelt ordered the Federal Bureau of Investigation (FBI) and the Office of Naval Intelligence (ONI) to begin investigation and surveillance of Japanese communities and individuals on the West Coast and in Hawai'i and to develop actionable plans in the event of war. In 1939, the FBI created a Custodial Detention Index of targeted German, Italian, and Japanese identified as "potentially dangerous persons" who would be arrested should the U.S. enter the war. The lists were a product of hearsay, gossip, and ethnic and racial profiling, gathered from confidential informants to be used for implementing a WWII Enemy Alien Program.



The Fourth Army's Military Intelligence Service, which began on November 1, 1941, was also subjected to the dictates of EO 9066. The year-long coursework was truncated to only six months of intense study, with graduation and deployment by May 1942. Since the school was based in San Francisco's Presidio, Gen. DeWitt ordered its commanding officers to relocate the top secret operation with its Nisei and Kibei instructors and families to Camp Savage, MN, and eventually to Fort Snelling, MN. Photo courtesy NJAHS.

WHAT DID INTELLIGENCE REPORTS SAY PRIOR TO SIGNING EO 9066?

Roosevelt heard opposition from U.S. intelligence organizations. The FBI, ONI, and Federal Communications Commission (FCC) began investigating the Japanese community in 1936 to determine the level of threat for espionage and sabotage in the event of war with Japan. Reports from all three sources, however, indicated no evidence to support any threat to national security nor to necessitate eviction or imprisonment.

WHAT WAS THE MUNSON REPORT?

In the fall of 1941, Roosevelt commissioned Curtis Munson to privately investigate the Japanese community to determine the level of threat to national security. Munson conducted extensive interviews throughout the West Coast states. He also conferred with the FBI, ONI, and British intelligence. The Munson Report in November of 1941 concluded that Japanese Americans were overwhelmingly patriotic, were loyal law-abiding permanent residents and American-born citizens to the U.S., and posed no internal threat. Munson continued his research following the December 7 attack on Pearl Harbor, including in Hawai'i, submitting reports through February 1942 and firmly standing by his original conclusions.

WHAT PROMPTED U.S. ENTRY INTO THE WAR IN ASIA?

When Japan invaded China in 1937, Roosevelt suspended shipments of petroleum products and other raw materials to Japan. Japan responded by joining Germany and Italy in a Tripartite Treaty and moved into Southeast Asia to secure resources. In 1941, Roosevelt froze the assets of American branches of Japanese banks and curtailed all business relationships. In anticipation of war against Japan, at Fourth Army headquarters at the Presidio of San Francisco, a top secret military language school of mostly Nisei linguist soldiers opened in November 1941. On December 7, 1941, Japan attacked Pearl Harbor, Hawai'i. Its diversionary offensive was to attack the U.S. Naval fleet while invading the Philippines and gaining control of Asia. Japan's miscalculation of America's resolve enabled Roosevelt to expedite U.S. entry into WWII.

WHAT HAPPENED TO ISSEI LEADERS RIGHT AFTER PEARL HARBOR?

Immediately after the Pearl Harbor attack, before any declaration of war with Japan, Roosevelt issued Presidential Proclamation 2525, which deemed all Japanese citizens who were age 14 and older "enemy aliens." Similar proclamations would follow for Germans and Italians. Yet, the government targeted those of Japanese ancestry, the Issei, on the Custodial Detention Index. Some 1,200 Japanese in Hawai'i and the West Coast were subject to arrest, taken into custody, and detained in local jails and Army facilities. Included in this round-up were Issei men and women who were leaders in business and social organizations, Japanese Buddhist and Shinto clergy, Japanese language teachers, newspaper editors, and even martial arts senseis.

WHAT WERE THE DEPARTMENT OF JUSTICE INTERNMENT CAMPS?

As "enemy aliens," listed as "dangerous" persons on the Custodial Detention Index, these Issei leaders would be rounded up by the FBI, arrested and separated from their



Incarcerees from San Pedro, CA, arrive on a train to Santa Anita "assembly center" and begin lining up to be searched. April 5, 1942. Clem Albers photo. National Archives.

families, detained in local jails, and transferred to separate Department of Justice (DOJ) internment camps or U.S. Army Facility camps administered by the Immigration and Naturalization Service through the duration of the war. All told, some 33,000 people, including 17,000 Japanese, 11,000 Germans, and 6,000 Italians, were excluded and imprisoned in more than 48 camps, with their fates sealed by Alien Enemy Hearing Boards established by the DOJ in each federal judicial district. By actions pursuant to the enactment of the Alien Enemies Act, the FBI and ONI believed they fulfilled their mandate to exclude and detain all "dangerous enemy aliens" under the Alien Enemy Program. At their subsequent hearings, some Issei would be "paroled" to the civilian camps run by the War Relocation Authority, while others would be deemed "deportable" or opt to be repatriated to their home country. Under cooperation with the U.S. government, officials in Latin American countries, such as Peru, also seized Japanese Latin American business leaders and subjected them and their families to war time rendition and imprisonment in the DOJ camp in Crystal City, TX.

WHAT PRESSURES LED TO EO 9066?

In the aftermath of Pearl Harbor and the U.S. declaration of war on Japan, Germany, and Italy, Roosevelt was faced with intense public and political pressure. The territory of Hawai'i was under martial law. Secretary of the Navy Frank Knox made unfounded claims of fifth column activity by Hawai'ian Japanese leading up to the Pearl Harbor attack, which were magnified by the press. California Attorney General Earl Warren called for all ethnic Japanese to be removed from the West Coast (he later stated he deeply regretted this position). By the end of January 1942, there was a concerted drive by some press, civic, business, and agricultural interests to remove all persons of Japanese ancestry, aliens and citizens. Agricultural reports showed that a number of thriving businesses owned by Japanese Americans posed as competition in the agricultural industry. Congressmen and senators from California, Oregon, and Washington pressed for removal. Lt. Gen. John L. DeWitt, head of the Western Defense Command, demanded removal to prevent sabotage, saying that the "Japanese race is an enemy race" and that "racial strains are undiluted" in Japanese Americans. He called for the removal of all Japanese Americans from the coast saying, "A Jap is a Jap!"

DID CONGRESS HAVE OVERSIGHT OR INPUT INTO EO 9066?

Yes. Following the Pearl Harbor attack, the mood in the country and Congress was viciously anti-Japanese. Prior to signing EO 9066, Roosevelt received congressional encouragement for the mass incarceration of Japanese Americans. In particular, Congressman Clarence Lea, senior West Coast representative, asked on behalf of congressmen from Alaska, Washington, Oregon, and California that mass removal commence immediately. Following the signing, Attorney General Francis Biddle, who originally opposed incarceration citing constitutional concerns, advised Roosevelt that as president in a time of war, it was within his authority to take such action without further legislation.



Larry Orida at a hospital being constructed at Poston incarceration camp in Arizona. Fred Clark photo. National Archives.

WHAT WERE THE ADDITIONAL DIRECTIVES OF EO 9066?

EO 9066 authorized all U.S. executive departments, independent establishments, and other federal agencies to assist the Secretary of War to furnish medical aid, hospitalization, food, clothing, transportation, land, shelter, equipment, facilities, and services. It also authorized the Secretary of War to take any step necessary to enforce compliance, including the use of federal troops and federal, state, and local agencies.

WAS THERE A VOLUNTARY EVACUATION?

For a short period of time, after February 19, the government allowed families to leave the Exclusion Zones and relocate themselves using their own expenses, in hopes of defraying the costs of transportation of masses to the camps. The voluntary evacuation failed for the most part, as few Japanese American families, whose bank accounts had been frozen, had the means or sponsors to move to other homes or to establish places of business outside the designated zones.

HOW DID ACTIONS GO FROM EXCLUSION TO MASS REMOVAL TO MASS INCARCERATION?

Under the Army's direction, the mass exclusion, removal, and eventual confinement of persons of Japanese ancestry became the approach to resolve the so-called Japanese "threat" of "enemy aliens" and "non-aliens" from the rest of the population. These series of actions implemented by the military ultimately resulted in the imprisonment of Japanese Americans, thus "safeguarding" the rest of the American public under the false pretext of "military necessity." The Army's jurisdiction over its citizenry brought into question the extent of war powers of the federal government over civilian rule and the suppression of constitutional rights in times of war.

WHAT WERE THE IMMEDIATE ACTIONS FOLLOWING THE SIGNING OF EO 9066?

"Military necessity" was the rationale that prevailed to exclude all Japanese. Roosevelt signed Executive Order 9066 on February 19, 1942, granting full authority to the War Department and the military to implement the exclusion on the West Coast. On February 26, 1942, the Navy expelled people of Japanese ancestry from Terminal Island, CA, and from Bainbridge Island, WA, giving only 48-hour notices. On March 2, DeWitt, previously head of the U.S. Fourth Army and now commander of the Western Defense Command, issued Proclamation No. 1, establishing two military areas. Military Area 1 consisted of the western half of Washington, Oregon, and California and the southern half of Arizona. Military Area 2 comprised the remaining portions of these states. Public Law 503 was enacted on March 9, 1942, to enforce the order imposing criminal penalties for its violation. Military decrees beginning March 28 set curfews on Japanese Americans and a series of exclusion orders followed.

WHOM DID IT AFFECT?

Although EO 9066 did not name any specific ethnic group, the military, legislature, judiciary, and public understood its directives as targeting all persons of Japanese ancestry—"enemy aliens" and American citizens. EO 9066 also affected a number of "enemy aliens" of German and Italian ancestry and their families, along with some



Incarceration camp in Topaz, Utah. October, 1942. Tom Parker photo. National Archives.

Jewish refugees from Germany (the U.S. government did not differentiate between ethnic Jews and ethnic Germans). Any Japanese person possessing 1/16th or more Japanese blood would be subjected to the subsequent directives and eventual imprisonment.

WHO IS A NON-ALIEN?

Ironically, the Nisei, American citizens by birth, were designated as "non-aliens" and were subjected to the same restrictions. Their travel, work hours, and social gatherings were severely restricted and their contraband articles confiscated. Those deemed "dangerous to public peace or safety of the U.S." were subjected to apprehension. Japanese Americans wanting to serve in the U.S. military were re-classified as "4-C enemy aliens," ineligible to serve. Others already serving were disarmed and sometimes reassigned to non-combat duty.

WHEN DID FORCED REMOVAL BEGIN?

Within a three-month period in 1942, from March to May, mass removal of Japanese Americans took place, with many given only two weeks' notice. Japanese Americans had no charges brought against them, there were no hearings, they did not know where they were going, how long they would be detained, what conditions they would face, or what would happen to them.

Families were told to report to the Wartime Civil Control Administration located in their vicinity. They were issued numbers according to head of household to identify themselves and their belongings of household and personal items needed for daily living. Families were forced to leave their homes, abandon their businesses and farms, sell their vehicles and farm equipment, burn their heirlooms, and abandon their pets. They were told to congregate at designated departure points and to bring only what they could carry. Losses incurred during this time were estimated in the billions of dollars.

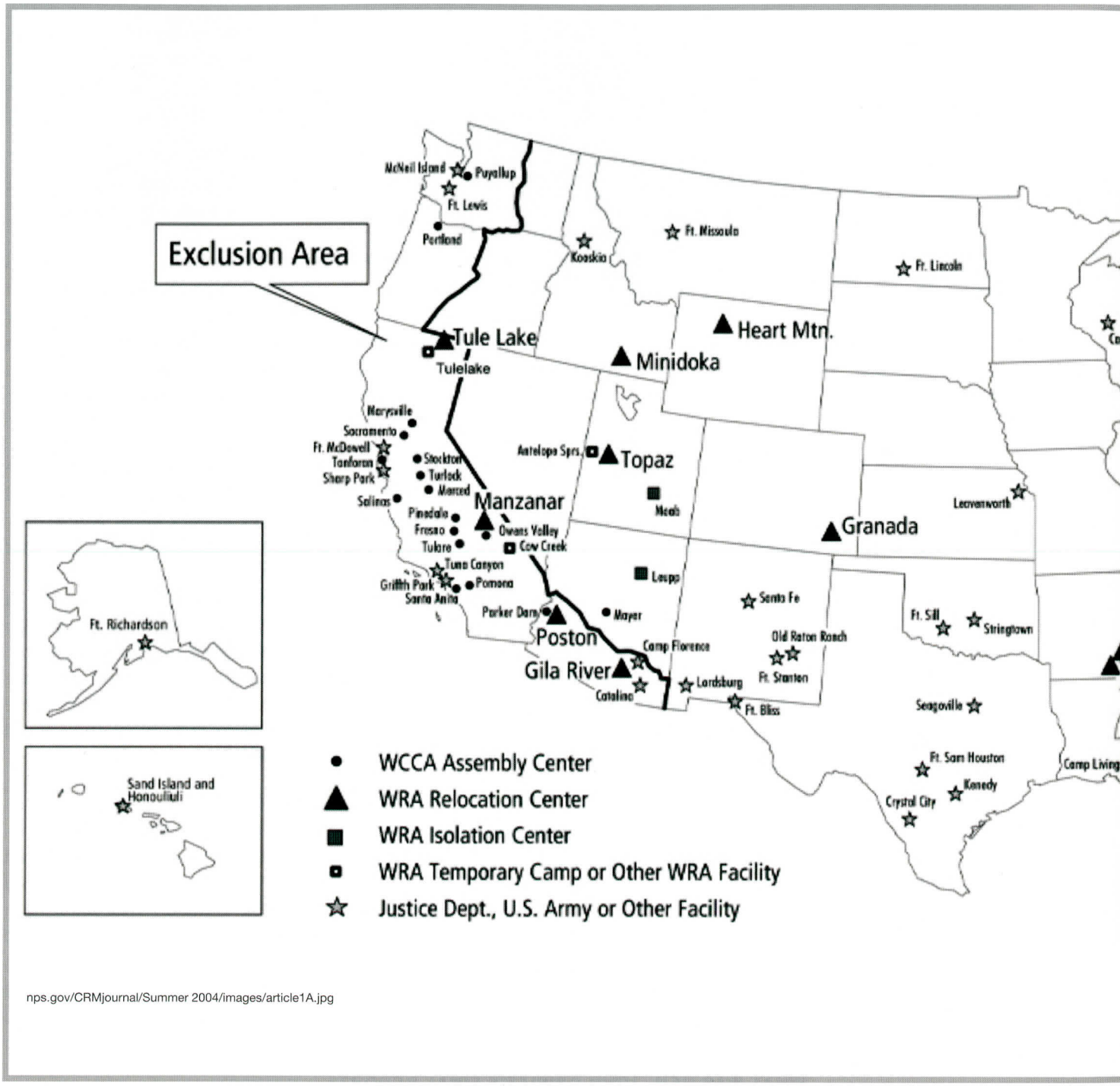
WHERE WERE JAPANESE AMERICANS INCARCERATED?

By May 1942, families were transported to 15 temporary "assembly centers"—converted horse stalls and makeshift barracks on racetracks and fairgrounds—behind barbed wire under armed guard. Six months later, they were transported under armed guard by bus or train to permanent camps, euphemistically named "War Relocation Centers," in desolate regions of the country: Amache (Granada), CO; Gila River, AZ; Heart Mountain, WY; Jerome, AK; Manzanar, CA; Minidoka, ID; Poston, AZ; Rohwer, AK; Topaz, UT; Tule Lake, CA. These ten concentration camps (as they were officially referred to in government documents) would remain in operation until March 1946, when Tule Lake Segregation Center would be the last to close.

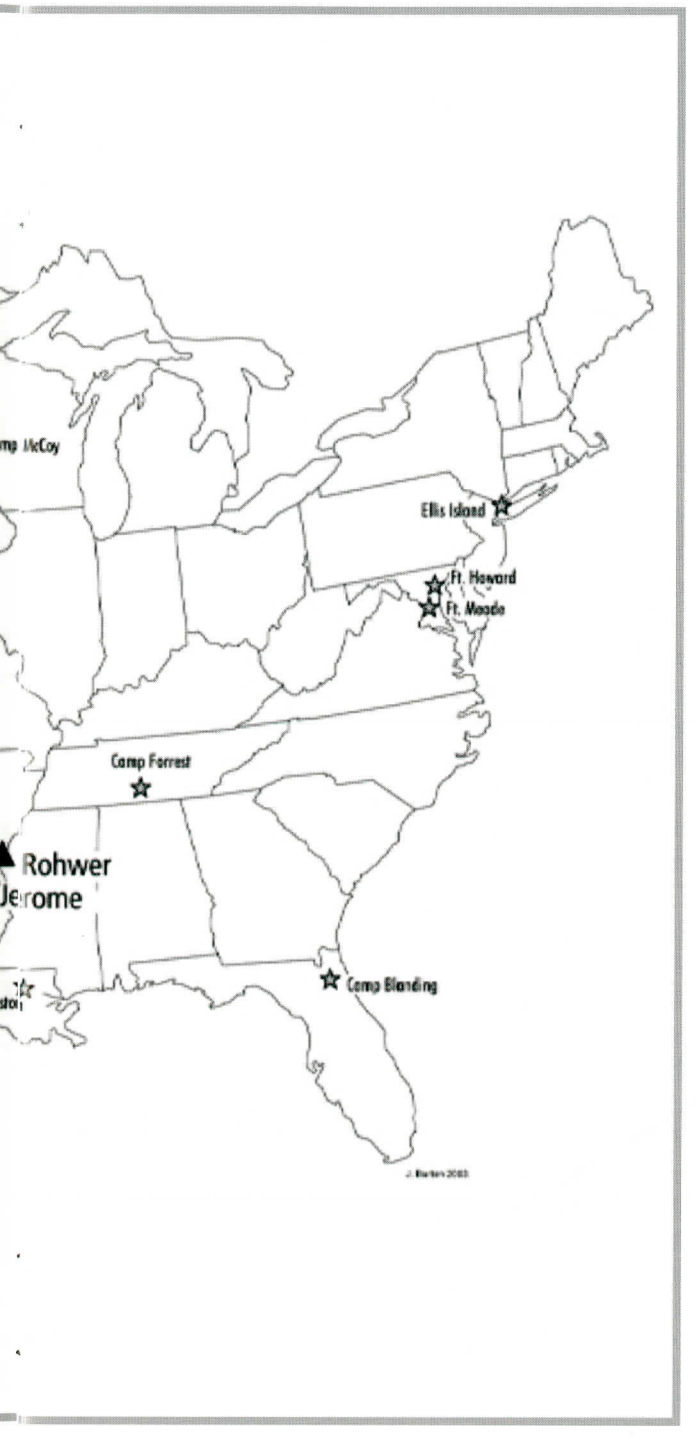
WHAT WAS GEN. JOHN DEWITT'S FINAL REPORT?

Lt. Colonel Karl Bendetsen helped DeWitt write a 618-page "Final Report" for Secretary of War Stimson. The report was the implementation plan and justification for the forced removal of Japanese Americans from the West Coast on the grounds that they would engage in attacks and sabotage because "while many second and third generation Japanese born on United States soil...have become "Americanized," the racial strains are

WORLD WAR II JAPANESE AMERICAN INCARCERATION SITES, TO DATE



nps.gov/CRMjournal/Summer 2004/images/article1A.jpg



NJAHS's policy is to not use the U.S. government's euphemistic and false terminology, such as "relocation," "internment," and "evacuation," except in direct reference to World War II government records and quotes.

WAR RELOCATION AUTHORITY CENTERS

Amache/Granada, Colorado
Gila River, Arizona
Heart Mountain, Wyoming
Jerome, Arkansas
Manzanar, California
Minidoka, Idaho
Poston, Arizona
Rohwer, Arkansas
Topaz, Utah
Tule Lake, California

WARTIME CIVIL CONTROL ADMINISTRATION CIVILIAN ASSEMBLY CENTERS

Arcadia/Santa Anita, California
Fresno, California
Marysville/Arboga, California
Mayer, Arizona
Merced, California
Owens Valley, California
Parker Dam, Arizona
Pinedale, California
Pomona, California
Portland, Oregon
Puyallup, Washington
Sacramento, California
Salinas, California
Stockton, California
Tanforan, California
Tulare, California
Turlock, California
Woodland, California

WAR RELOCATION AUTHORITY ISOLATION CENTERS

Leupp, Arizona
Moab, Utah

ADDITIONAL WAR RELOCATION AUTHORITY FACILITIES

Antelope Springs, Utah
Camp Tulelake, California
Cow Creek, Death Valley, California

DEPARTMENT OF JUSTICE INTERNMENT CAMPS

Crystal City, Texas
Fort Lincoln, North Dakota
Fort Missoula, Montana
Fort Stanton, New Mexico
Kenedy, Texas
Kooskia, Idaho
Old Raton Ranch, New Mexico
Santa Fe, New Mexico
Seagoville, Texas

IMMIGRATION AND NATURALIZATION SERVICE DETENTION STATIONS

Cincinnati, Ohio
East Boston, Massachusetts
Ellis Island, New York
Honolulu, Hawai'i
Seattle, Washington
Sharp Park, California
Terminal Island, California
Tuna Canyon, California

ARMY INTERNMENT CAMPS

Fort Bliss, Texas
Camp Florence, Arizona
Camp Forrest, Tennessee
Fort Lewis, Washington
Camp Livingston, Louisiana
Camp Lordsburg, New Mexico
Camp McCoy, Wisconsin
Fort McDowell/Angel Island, California
Fort Meade, Maryland
Fort Richardson, Alaska
Fort Sam Houston, Texas
Fort Sill, Oklahoma
Griffith Park, California
Honouliuli, Hawai'i
Kilauea Military Camp, Hawai'i
Sand Island, Hawai'i
Stringtown, Oklahoma
Tillahoma, Tennessee

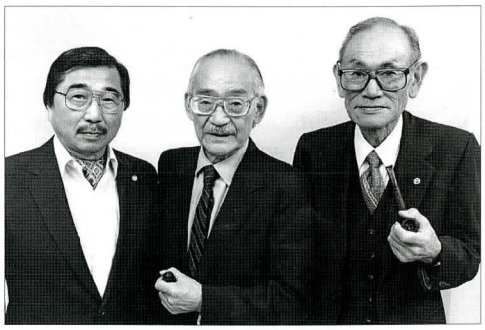
BUREAU OF PRISONS

Catalina, Arizona
Leavenworth, Kansas
McNeil Island, Washington

OTHER HAWAI'I INTERNMENT CAMPS

Haiku Military Camp
Hilo Independent Japanese Language School
Honolulu Police Department
Kalaheo Stockade
Kaunakakai County Jail
Lanai City Jail
Lihue Plantation Gymnasium
Wailua County Jail
Maui County Jail
Waiakea Prison Camp
Waimea Jail

Sources: Civil Liberties Public Education Fund; Densho Encyclopedia; Japanese Cultural Center of Hawai'i; National Japanese American Historical Society; National Park Service; Tetsuden Kashima, *Judgment Without Trial.* 2003, University of Washington Press, Seattle and London; Wikipedia: Internment of Japanese Americans



Supreme Court challengers: Gordon Hirabayashi, Minoru Yasui, and Fred Korematsu. Photo courtesy of Steven Okazaki, Farallon Films / NJAHS.

undiluted." DeWitt and Bendetsen wrote that "the very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken."

WHAT WAS THE INITIAL RESPONSE TO DEWITT'S FINAL REPORT?

When Stimson reviewed DeWitt's Final Report, he was alarmed to find unfounded allegations that espionage and sabotage were being conducted by Japanese Americans, that the U.S. could not distinguish loyal from disloyal Japanese, and that therefore a military necessity existed for the incarceration of all persons of Japanese ancestry. DeWitt also recommended that Japanese Americans not be allowed to return to the West Coast for the duration of the war, which ran counter to Stimson's stated opinions. He felt DeWitt's statements could be viewed as overtly racist and that a court reviewing these cases would consider the War Department's justification lacking.

WHO LEGALLY CHALLENGED EO 9066?

Min Yasui, Gordon Hirbayashi, Fred Korematsu, and Mitsuye Endo challenged the constitutionality of the military's program. Yasui, Hirabayashi, and Korematsu were arrested for violating military orders issued under EO 9066. The Supreme Court eventually upheld all three convictions: Yasui and Hirabayashi for violating curfew and exclusion, and Korematsu for violating "internment" orders. The court did not rule explicitly on the constitutionality of EO 9066 in these cases.

In Endo's case, the Supreme Court determined that a citizen could not be detained if the government was unable to prove she was disloyal. The narrow ruling did not rule on the constitutionality of EO 9066. With the news on December 17, 1944, of this pending decision, the War Department lifted the West Coast exclusion order and announced the closing of the concentration camps by 1945. EO 9066 lapsed at the end of 1945. Tule Lake closed in April 1946. It is important to note, however, that the Supreme Court decisions upholding "military necessity" remained as constitutional precedents.

WHAT WAS THE COVER-UP?

Ten original copies of DeWitt's original Final Report had been created. DeWitt refused to recant any of his opinions. In 1943, when DOJ attorneys Edward Ennis and John Burling were reviewing the report for use in the government's Supreme Court briefs on Hirabayashi and Yasui, they found that DeWitt's argument of "military necessity," specifically his claims of Japanese American espionage activity, shore-to-ship signaling, and radio transmissions from the West Coast to Japanese submarines, were not only false but had been refuted by the ONI, FBI, and FCC. Burling attempted to add a footnote alerting the DOJ's disagreement with the report. In response, War Department officials halted its publication, altered the footnote, and concealed the existence of a prior version that would have undermined DeWitt's credibility. Stimson ordered all ten drafts, memorandums, and galley proofs of the original ten drafts burned and a new report, an extremely diluted version, created. This revised Final Report that justified EO 9066 on the grounds of "military necessity" was presented to the Supreme Court in the Korematsu case after its public release in 1944.

WAS EO 9066 EVER RESCINDED?

EO 9066 remained on record until February 19, 1976 when a grassroots effort, led by the Japanese American Citizens League (JACL), its president at the time Dr. Clifford Uyeda, and the Japanese American members of Congress pressed for President Gerald Ford to rescind it.



In March 1983, the National Council for Japanese American Redress filed a $27 billion class action lawsuit against the U.S. government. The NCJAR case and *coram nobis* legal cases helped propel redress into the public realm. 1987 (l–r): Fred Korematsu, Gordon Hirabayashi, Michi Weglyn, William Hohri, Aiko Herzig-Yoshinaga, Harry Ueno. Courtesy of Aiko Herzig-Yoshinaga.

WHAT WERE THE JAPANESE AMERICAN COMMUNITY'S EFFORTS TO SEEK REDRESS?

A campaign to form a federal commission to study the wartime exclusion began in the 1970s. The JACL, led by Edison Uno, called for reparations with a resolution introduced at its 1970 Chicago convention. Years later, Dr. Clifford Uyeda of the Golden Gate Chapter of the JACL successfully spearheaded the Iva Toguri ("Tokyo Rose") pardon by Wayne Mortimer Collins and his son Wayne Merrill Collins. Building off its success, the national JACLs created the Legislative Education Committee to focus on redress. Advised by senior Senator Daniel K. Inouye to press for a commission to investigate EO 9066, the JACL took up this national grassroots campaign. In May 1979, William Hohri formed an organization called the National Council for Japanese American Redress (NCJAR) to pursue a class action lawsuit against the U.S. for $24 billion for injuries suffered as a result of wartime incarceration. In 1980, progressive community activists formed the National Coalition for Redress/Reparations to raise awareness and rally for grassroots support.

WHAT BECAME OF THE NCJAR CLASS ACTION SUIT?

NCJAR filed its class action lawsuit on March 16, 1983, suing the U.S. government for $24 billion for injuries suffered as a result of the wartime exclusion and imprisonment of Japanese Americans in U.S. concentration camps. The lawsuit not only addressed property losses but the value of constitutional and civil rights violations. The District Court cited the Japanese American Evacuation Claims Act of 1948 as the exclusive remedy for losses, and the suit was dismissed. On appeal, the case eventually reached the Supreme Court and was remanded to the Court of Appeals in the Federal Circuit. The Court of Appeals upheld the original District Court ruling on May 11, 1988.

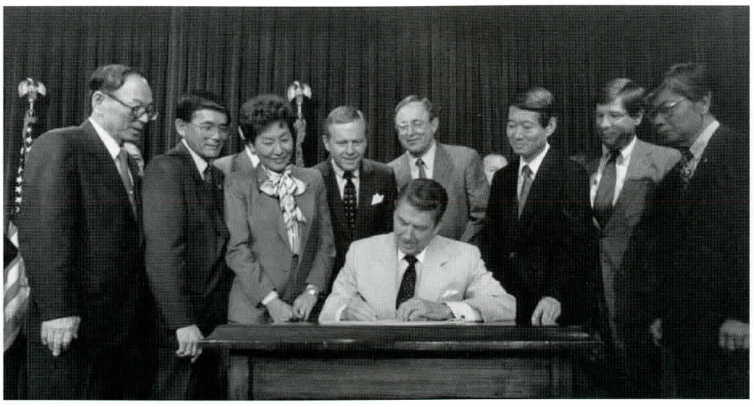
WAS EO 9066 INVESTIGATED?

Yes. The JACL led a grassroots effort sponsored by Senator Daniel Inouye and his colleagues Spark Matsunaga, Norman Mineta, and Robert Matsui. In 1980, President Jimmy Carter signed legislation to create the Commission on Wartime Relocation and Internment of Civilians (CWRIC). Its purpose was to investigate the causes and circumstances surrounding EO 9066 and its effects on American citizens and permanent resident immigrants, as well as Alaskan natives. In 1981, 750 witnesses testified in Washington, DC, Los Angeles, Seattle, San Francisco, Chicago, New York, and cities in Alaska. In December 1982, the CWRIC issued its findings, (titled Personal Justice Denied) concluding that the incarceration of Japanese Americans had not been justified by military necessity. The report determined that the decision to incarcerate was based on "race prejudice, war hysteria, and a failure of political leadership." The commission recommended legislative remedies, an official government acknowledgment of a grave injustice, a formal apology, redress payments of $20,000 to each survivor, and a public education fund.

WHAT WAS THE HISTORIC DISCOVERY REGARDING THE FINAL REPORT?

Decades after WWII, the one missing original memo containing all of DeWitt's false claims and racist statements would surface to become the historic revelation that EO 9066 was not based on "military necessity." This discovery was the foundation for redress and reparations for Japanese Americans.

In the early 1980s, legal scholar Peter Irons began looking at archival records on wartime Supreme Court cases by Japanese Americans. At the same time, Aiko Herzig-



President Ronald Reagan signs the Civil LIberties Act of 1988, also known as the Redress Bill, August 10,1988. Photo courtesy of Senator Sparky Matsunaga.

Yoshinaga, a researcher for the CWRIC, found that in the process of gathering all of the evidence of the earlier version of DeWitt's Final Report to be destroyed, a tenth printed copy of the original had never been found. In the fall of 1982, she found the missing tenth copy in the National Archives. It contained the revisions suggested by the Assistant Secretary of War John McCloy's office. This provided definitive proof that the Final Report had been changed and would become key evidence in the NCJAR lawsuit, the CWRIC final report, and the subsequent *coram nobis* legal cases.

WHAT WERE THE CORAM NOBIS LEGAL CASES?

In 1983, a team of Sansei lawyers, led by Dale Minami, Kathryn Bannai, and Peggy Nagae, filed a writ of *coram nobis* petition to correct a fundamental error in the wartime convictions of Fred Korematsu, Gordon Hirabayashi, and Min Yasui. The writ stated that officials of the DOJ and the War Department failed to inform the Supreme Court of the falsity of DeWitt's allegations about the loyalty of Japanese Americans and military necessity as justification for EO 9066, and in the process, the government altered and destroyed evidence. The failure of the government to advise the court of this evidence constituted misconduct that violated ethical standards of conduct and subverted the judicial process. Some 40 years later, the federal wartime convictions against Yasui (1984), Hirabayashi (1985), and Korematsu (1986) were vacated by the U.S. District Courts of Oregon, Washington, and California, respectively.

WHAT WAS THE CIVIL LIBERTIES ACT OF 1988?

Based on the CWRIC recommendations, on August 10, 1988, the Civil Liberties Act of 1988, (PL 100-383) was the legislative remedy to EO 9066. It was signed into law by President Ronald Reagan. This bill, HR442, SB1009, was cosponsored by Congressman Norman Mineta, Senator Pete Wilson, and Senator Alan Simpson and applied to Japanese Americans and members of the Aleut people in Alaska who were forcibly removed from their homes in active war zones. The "redress" bill acknowledged the government's grave injustice and issued a formal apology to Japanese Americans who were incarcerated in camps during WWII. On November 21, 1989, President George H.W. Bush signed an appropriations bill authorizing payments of $20,000 to surviving former incarcerees, made between 1990 and 1998.

SOURCES

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