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FRANK J. BATTISTI MEMORIAL LECTURE

DIFFICULT DECISIONS DURING WARTIME: A LETTER FROM A NON-ALIEN IN AN INTERNMENT CAMP TO A FRIEND BACK HOME

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I remember many mornings in chambers when the Judge would reminisce about his World War II experiences. He was as proud of his Italian ancestry as he was a patriotic American, and I would like to believe that this essay honors his memory by posing a challenge he would find worthy of discussion.

This Article is adapted from the 2002 Battisti Lecture delivered at Case Western Reserve University School of Law. An earlier version also has been presented twice as guest lectures to LLM classes of the United States Army Judge Advocate General School in Charlottesville, Virginia. Related talks have been presented at Deep Springs College, on field trips to the nearby Manzanar internment camp; the students there have provided valuable insights.

It was written with the help of family and friends of my wife, Carol (“Debbie”) Izumi, who is Sansei, including: Saburo Hori, Doris Hoshide, Norman Ikari, Anne Mitori, Robert Mitori, Lily Okura, Patrick Okura, and George Wakiji. Carol contributed constructive criticism as well. None of these generous souls is responsible for the fictionalization or any errors contained herein. The author also thanks Howard University reference librarian Tracy Woodard and Howard University law students Jermaine Fanfair, Jeremy Gillissen, Margaux Hall, Armand Hill, and Marques Pitre for their invaluable help. Reference Librarian Luis Acosta, Esq., with the Law Library of Congress, also provided extraordinary assistance. Jody Mitori performed a thorough copyedit. Greg Robinson offered constructive criticism.

Although this Article is written in the form of a letter from a fictitious Japanese American young man, writing in 1944 from the Manzanar internment camp, every factual assertion contained in it is supported by conventional annotation. Some of the lines regarding race are quotations or paraphrases of comments made at the time by various politicians; the sources are indicated in the notes. I have used license, however, insofar as the narrator must know more than

*We few, we happy few, we band of brothers;
For he today that sheds his blood with me
Shall be my brother; be he ne'er so vile,
This day shall gentle his condition*

-- Henry V¹

*Let the Volsces
Plough Rome and harrow Italy, I'll never
Be such a gosling to obey instinct, but stand
As if a man were author of himself,
And knew no other kin.*

-- Coriolanus²

anyone in the internment camps would have been likely to know. I also have made a composite from details given in various accounts of the ten internment camps, rather than relying solely on those documenting Manzanar, likely the best-known of the sites. The greatest liberty I have taken is the presumption of writing about a real-life decision faced by thousands of individuals. I respect all the choices they made in a situation I have only imagined.

The format, which I have varied in public presentations of the material (by asking members of the audience to imagine themselves as the young man rather than addressing them through that role), has rhetorical advantages in setting forth the history of the internment. By raising a closed-end question with constrained alternatives, it largely avoids the discussion of whether the internment was "right" or "wrong" (or rational, moral, constitutional, etc.)—a discussion well worth conducting—and instead prompts a robust discussion about the rights and the responsibilities of individuals and communities. The essay may be useful for pedagogical purposes.

A word about terminology. "Issei," Nisei," and "Sansei" are, respectively, Japanese words for the first, second, and third generations, i.e., Issei are immigrants; Nisei are their children, born in the United States; Sansei are their grandchildren, also born in the United States. I have used the words "white" and "Caucasian," which would have been in use at the time. I have used the word "Negro," acknowledging the potentially negative connotations associated with it today, because the preferred term of "African American" would be anachronistic in this context. Likewise, I have used "Oriental" rather than "Asian American," with the additional caveat that a progressive pan-ethnic Asian identity was not highly developed until much later.

¹ WILLIAM SHAKESPEARE, *THE LIFE OF HENRY V*, act 4, sc. 3. This famous "St. Crispin's Day" speech, delivered by Henry V in the English camp as they face battle at Agincourt against French forces likely to overwhelm them, has continued to instill in soldiers the camaraderie needed for combat. In the dramatic rendition, the English victory over the French is attributed largely to Henry V's leadership.

The Laurence Olivier movie version of *HENRY V*, produced during the Battle of Britain, inspired the population with its call to arms. DOUGLAS BRODE, *SHAKESPEARE IN THE MOVIES: FROM THE SILENT ERA TO SHAKESPEARE IN LOVE 79-84* (2000) (discussing *HENRY V* (Two Cities Films 1944) and how it inspired the British populace during the Battle of Britain); KENNETH S. ROTHWELL, *A HISTORY OF SHAKESPEARE ON SCREEN: A CENTURY OF FILM AND TELEVISION 52-56* (1999). "Band of Brothers" also has been used as the title for a recent HBO series about World War II. *BAND OF BROTHERS* (HBO Films, 2001), based on STEPHEN E. AMBROSE, *BAND OF BROTHERS: E COMPANY, 506TH REGIMENT, 101ST AIRBORNE FROM NORMANDY TO HITLER'S EAGLE'S NEST* (1st ed. 1992).

² WILLIAM SHAKESPEARE, *THE TRAGEDY OF CORIOLANUS*, act 5, sc. 3. The Roman war hero Coriolanus, unable to succeed in democratic politics because of his pridefulness, forsakes his people to join their enemy, the Volscians. In this scene, he rejects the pleas of his mother,

August 20, 1944

Dear Eddie:

I.

I never thought I would miss abalone.³ Growing up in Los Angeles, I always thought that when it was boiled it tasted like tough chicken, and I couldn't stand it as *mizugai* (raw) even if my father himself had dived for it. We dipped it into *shoyu* (soy sauce), just like we did the chicken, so it was all pretty much the same to me. Before the war, I ate it when my parents served it, but I didn't understand the fuss over it, even if my they told me it was illegal to send it to our cousins in Japan.⁴ But here at Manzanar in 1944, I wish I could chew on a piece of abalone, and I realize I was wrong about many things besides that. For some reason, I

his wife, and his young son to return to them. Ultimately, however, he turns back, and his erstwhile allies kill him.

³ See generally ALAN DAVIDSON, *THE OXFORD COMPANION TO FOOD* 1 (1999) (describing abalone as a symbol of unrequited love in Japanese culture); ALAN DAVIDSON, *THE PENGUIN COMPANION TO FOOD* 1 (2002) (describing abalone); *ENCYCLOPEDIA OF FOOD AND CULTURE* 539-40 (Solomon H. Katz ed., 2003) (describing abalone).

With respect to the history of Japanese Americans and fishing, see generally Don Estes, *Kondo Masaharu and the Best of All Fishermen*, 23 *J. SAN DIEGO HIST.* 1 (1977); Donald H. Estes, "Offensive Stupidity" and the Struggle of Abe Tokunoske, 28 *J. SAN DIEGO HIST.* 249 (1982); Donald H. Estes, *Silver Petals Falling: Japanese Pioneers in San Diego's Fishery*, at <http://www.jahssd.org/cgi-bin/page2.cgi?donarticle3> (last visited April 2, 2004). See also A.L. "SCRAP" LUNDY, *THE CALIFORNIA ABALONE INDUSTRY: A PICTORIAL HISTORY* 14-54 (1997) (describing the abalone industry with respect to Japanese immigrants); Laura Rogers-Bennett et al., *Estimating Baseline Abundances of Abalone in California for Restoration*, 43 *CAL. COOP. OCEANIC FISHERIES INVESTIGATIONS* 97 (2001).

⁴ California prohibited the export of abalone, fresh or dry, in 1913. Its export was a misdemeanor. Act of June 16, 1913, ch. 572, 1913 Cal. Stat. 985-86 (Bancroft-Whitney) (to be codified at CAL. PENAL CODE § 628g) (repealed 1925) (relating to shipping or transporting abalones out of the state, and prescribing a penalty for depositing for shipment or transportation, or shipping or transporting any abalone beyond the confines of the state). The state passed a series of acts, creating an extensive system for the regulation of abalone stocks. See CAL. FISH & GAME CODE § 792 et seq. (Deering 1933) (repealed 1971); CAL. FISH & GAME CODE § 2366 (Deering 1933) (repealed 1971).

The restrictions against Japanese immigrants engaging in commercial fishing, like the Alien Land Laws, prevented individuals from engaging in a profession with which their community had become identified due to their success. White Californians spread rumors that Japanese immigrant fishermen were spies. As Frank Chuman noted, the Japanese Navy could have more easily obtained information from public sources than by relying on the Japanese immigrants, and there is no basis for believing the rumors. FRANK CHUMAN, *THE BAMBOO PEOPLE: THE LAW AND JAPANESE-AMERICANS* 226-28 (1976). After a California appeals court struck down a statute prohibiting nonresidents from obtaining fishing licenses, the state legislature amended the measure to refer to alien Japanese. With the end of the internment, the state legislature again revised the measure to persons ineligible for citizenship to avoid challenges based on the explicit exclusion of alien Japanese. *Id.* at 228-30. Eventually, the United States Supreme Court held the provision to be unconstitutional. *Takahashi v. Fish and Game Comm'n*, 334 U.S. 410 (1948).

think of abalone as about as good as any other symbol of the difference between the America outside and the camp inside.⁵

I am writing to you as one of my best friends from Boyle Heights—and the only one I trust who isn't Nisei—to ask what I should do, and, more importantly, why that course of action would be right. I miss Boyle Heights, with that variety of people: Jewish, Mexican, Negro, Italian, and Japanese.⁶ It always seemed like a nice neighborhood to me, but the more well-to-do folks look down on us when we say we're from there. They've heard it's a "rough" part of town.

Almost as much as I'd like to taste abalone again, I'd like to smell the lox, eggs, and onion, just like it was in the air outside the deli, and hear the newspaper boy shouting the headlines at Brooklyn and Soto. It'll never be the same again. Nothing ever will be.

I remember when we were kids growing up, shooting marbles in the neighborhood. You gave me back my favorite, the Yellow Lutz my uncle gave me, after you won it fair and square in keepsies. Not too many guys would do that. I hear the Yellow Lutz is valuable alright.⁷ You have more of a conscience than anyone I know. So you'll probably have something to say about all this. I

⁵ With apologies to Marcel Proust, I have used food to open a remembrance of things past. 1 MARCEL PROUST, REMEMBRANCE OF THINGS PAST 48-51 (C.K. Scott Moncrieff & Terence Kilmartin trans., 1981). The type of food that was served is a recurring theme in internment memoirs. See, e.g., GEORGE TAKEI, TO THE STARS: STAR TREK'S MR. SULU 27 (1994) (describing "beef brains" as one of the first meals served in the mess hall). Artist Roger Shimomura, who is Japanese American, uses mainstream junk food as I have used abalone here, in his series of Pop Art-style paintings depicting internment experiences. See ROGER SHIMOMURA, AN AMERICAN DIARY: MAY 21, 1942 (shown at National Museum of American History Oct. 15, 2000-Jan. 7, 2001) (slide on file with the author), available at <http://www.tfaoi.com/aa/2aa/2aa261.htm> (last viewed February 27, 2004); ROGER SHIMOMURA, AN AMERICAN DIARY: DECEMBER 7, 1942 (shown at National Museum of American History Oct. 15, 2000-Jan. 7, 2001) (slide on file with the author), available at <http://www.tfaoi.com/aa/2aa/2aa261.htm> (last viewed February 27, 2004). The changes in cuisine have been an important aspect of the development of a distinctive Japanese American culture, as documented in a recent Smithsonian Institution exhibit. FROM BENTO TO MIXED PLATE: AMERICANS OF JAPANESE ANCESTRY IN MULTICULTURAL HAWAII (Karleen Chinen & Arnold Hiura eds., 1997); see also DAVID MAS MASUMOTO, EPITAPH FOR A PEACH: FOUR SEASONS ON MY FAMILY FARM (1995); DAVID MAS MASUMOTO, HARVEST SON: PLANTING ROOTS IN AMERICAN SOIL (1998).

⁶ The Boyle Heights neighborhood was racially mixed, with a concentration of, among others, Japanese Americans in the pre-war period. See Videotape: The Boyle Heights Oral History Project: A Multiethnic and Collaborative Exploration of a Los Angeles Neighborhood, in Exhibit: The Power of Place, Boyle Heights Project (shown at Japanese American National Museum, Sept. 8, 2002-Feb. 23, 2003) (showing interviews of Boyle Heights residents from various ethnic backgrounds); Wendy Elliott, *The Jews of Boyle Heights, 1910-1950: The Melting Pot of Los Angeles*, 78 S. CAL. Q. 1 (1986); Abe Hoffman, *My Boyle Heights Boyhood, Los Angeles 1940s & 50s*, 35 W. STATES JEWISH HIST. 62 (2002); Richard Reeves, *A Reporter at Large: Boyle Heights and Beyond*, NEW YORKER, Sept. 14, 1981, at 116 (describing transition of area to predominantly Mexican American).

⁷ See PAUL BAUMANN, COLLECTING ANTIQUE MARBLES: IDENTIFICATION AND PRICE GUIDE 44-46 (1999) (commenting on the value of Lutz marbles).

want to do what is right. I wish I knew what was right. Whatever I decide, however, I will have to explain myself to my parents, our relatives, and all the other Japanese Americans crowded into this camp in the desert and the others miles away from home.⁸ I have a choice between two possibilities.⁹

⁸ For background on the internment, I have relied primarily on the following: AMERICAN CONCENTRATION CAMPS (Roger Daniels ed., 1989) [hereinafter DANIELS, AMERICAN CONCENTRATION CAMPS]; U.S. COMM'N ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS, PERSONAL JUSTICE DENIED: REPORT OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS (Civil Liberties Pub. Educ. Fund 1997) [hereinafter CWRIC]; ROGER DANIELS, CONCENTRATION CAMPS, NORTH AMERICA: JAPANESE IN THE UNITED STATES AND CANADA DURING WORLD WAR II (1993) [hereinafter DANIELS, CONCENTRATION CAMPS, NORTH AMERICA]; ROGER DANIELS, PRISONERS WITHOUT TRIAL: JAPANESE AMERICANS IN WORLD WAR II (1993) [hereinafter DANIELS, PRISONERS WITHOUT TRIAL]; JOHN W. DOWER, WAR WITHOUT MERCY: RACE AND POWER IN THE PACIFIC WAR (1986); RICHARD DRINNON, KEEPER OF CONCENTRATION CAMPS: DILLON S. MYER AND AMERICAN RACISM (1987); JEANNE WAKATSUKI HOUSTON & JAMES D. HOUSTON, FAREWELL TO MANZANAR: A TRUE STORY OF JAPANESE AMERICAN EXPERIENCE DURING AND AFTER THE WORLD WAR II INTERNMENT (1973); PETER IRONS, JUSTICE AT WAR (1983) [hereinafter IRONS, JUSTICE AT WAR]; PETER IRONS, JUSTICE DELAYED: THE RECORD OF THE JAPANESE AMERICAN INTERNMENT CASES (1989); WENDY NG, JAPANESE AMERICAN INTERNMENT DURING WORLD WAR II: A HISTORY AND REFERENCE GUIDE (2002); ONLY WHAT WE COULD CARRY: THE JAPANESE AMERICAN INTERNMENT EXPERIENCE (Lawson Fusao Inada ed., 2000) [hereinafter ONLY WHAT WE COULD CARRY]; GREG ROBINSON, BY ORDER OF THE PRESIDENT: FDR AND THE INTERNMENT OF JAPANESE AMERICANS (2001); MICHU NISHIURA WEGLYN, YEARS OF INFAMY: THE UNTOLD STORY OF AMERICA'S CONCENTRATION CAMPS (1996); WHAT DID THE INTERNMENT OF JAPANESE AMERICANS MEAN? (Alice Yang Murray ed., 2000). This list is necessarily partial and does not include earlier and primary sources I have consulted in a more cursory manner. The leading history of Asian Americans is RONALD TAKAKI, STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS (1998). I also have consulted the following books on Japanese Americans: STEPHEN S. FUGITA & DAVID J. O'BRIEN, JAPANESE AMERICAN ETHNICITY: THE PERSISTENCE OF COMMUNITY (1991); BILL HOSOKAWA, NISEI: THE QUIET AMERICANS (2002); HARRY H.L. KITANO, GENERATIONS AND IDENTITY: THE JAPANESE AMERICANS (1993) [hereinafter KITANO, GENERATIONS]; HARRY H.L. KITANO, JAPANESE AMERICANS: THE EVOLUTION OF A SUBCULTURE (1969); PAUL R. SPICKARD, JAPANESE AMERICANS: THE FORMATION AND TRANSFORMATIONS OF AN ETHNIC GROUP (1996).

The legal scholarship on the internment is voluminous as well. I have relied on the sources gathered in ERIC K. YAMAMOTO ET AL., RACE, RIGHTS AND REPARATION: LAW AND THE JAPANESE AMERICAN INTERNMENT (2001); see also CHARLES J. MCCLAIN, THE MASS INTERNMENT OF JAPANESE AMERICANS AND THE QUEST FOR LEGAL REDRESS (1994). The most recent legal scholarship is presented in Symposium, *The Long Shadow of Karematsu*, 40 B.C. L. REV. 1 (1998).

I also consulted works on the homefront during World War II, primarily DORIS KEARNS GOODWIN, NO ORDINARY TIME: FRANKLIN AND ELEANOR ROOSEVELT. THE HOME FRONT IN WORLD WAR II (1994); DAVID M. KENNEDY, THE AMERICAN PEOPLE IN WORLD WAR II (2003); RICHARD R. LINGEMAN, DON'T YOU KNOW THERE'S A WAR ON? THE AMERICAN HOME FRONT, 1941-45 (updated ed. 2003); RONALD TAKAKI, DOUBLE VICTORY: A MULTICULTURAL HISTORY OF AMERICA IN WORLD WAR II (2000); THE WAY WE REALLY WERE: THE GOLDEN STATE IN THE SECOND GREAT WAR (Roger W. Lotchin ed., 2000).

⁹ This article is modeled on Jean-Paul Sartre's essay presenting an existential dilemma for a young Frenchman during World War II. JEAN-PAUL SARTRE, EXISTENTIALISM AND HUMANISM (Philip Mairet trans., 1974). A more readily accessible version is contained in JEAN-PAUL SARTRE, JEAN-PAUL SARTRE: BASIC WRITINGS 25-46 (Stephen Priest ed., 2001). The parallels, of a choice between duty to parents and duty to nation, present themselves throughout the internment literature. See, e.g., WEGLYN, *supra* note 9, at 117.

I also have been influenced by the "debate" between Booker T. Washington and W.E.B.

On the one hand, I could follow the advice of the Japanese American Citizens League and enlist in the United States Army. I know many fellows who have done that. They are about to be shipped off to Europe, where the fighting has been bad.

On the other hand, I could follow the advice of the Fair Play Committee and become a “no-no” boy draft resister.¹⁰ I only know one guy who has done that. He probably will lose his trial, which means being sent to federal prison.

I’ve never really written a letter. I’m not sure you know what has happened since the Japanese attacked Pearl Harbor. Everything changed so much; the best word for the differences would be, “profound.” Maybe it would help you reply if you had some idea. I will try to be organized in how I describe everything that led up to the internment camps, life in the internment camps, and then the dilemma—it’s amazing how America can make you feel so bad and so good, depressed with hope.¹¹

I can still recall everything just before it all happened even if I’ve forgotten some of the details from once it all started. My sister, who was just given permission to attend college in Ohio (she was kicked out of University of Southern California because of the war and all), said that’s how it is with memories.¹² She is taking a psychology course. She said fortuitous memories are stronger than deliberate ones, like the wail of the air raid siren.¹³

Two weeks before Pearl Harbor, your father drove us in that old Model A of his with the rumble seat, to Grauman’s Chinese

DuBois at the turn of the nineteenth century about the best strategy for African Americans. Compare 3 THE BOOKER T. WASHINGTON PAPERS 583-87 (Louis R. Harlan ed., 1974) (reprinting Washington’s 1895 Atlanta Exposition Address advocating “[c]ast down your bucket where you are,” i.e., seek advancement without challenging segregation), and CROSSING THE DANGER WATER: THREE HUNDRED YEARS OF AFRICAN-AMERICAN WRITING 364-67 (Deirdre Mullane ed., 1993), with W.E.B. DUBOIS, SOULS OF BLACK FOLKS, reprinted in W.E.B. DUBOIS, WRITINGS 392-404 (1986) (presenting alternative approach in which equality was a prerequisite to empowerment and urging “the Talented Tenth” to lead the race). Cf. HENRY LOUIS GATES & CORNEL WEST, THE FUTURE OF THE RACE (1996) (analyzing the modern efficacy of DuBois’ “Talented Tenth” approach).

¹⁰ I have simplified the characterization somewhat for narrative ease. There were various reasons individuals might have resisted the draft, and not all draft resisters were involved with the Fair Play Committee or were “no-no” boys.

¹¹ This line is inspired by HOUSTON & HOUSTON, *supra* note 9, at 154 (“One of the amazing things about America is the way it can both undermine you and keep you believing in your own possibilities, pumping you with hope.”).

¹² See generally GARY Y. OKIHIRO, STORIED LIVES: JAPANESE AMERICAN STUDENTS AND WORLD WAR II (1999) (discussing post-secondary education for Japanese American students in the internment camps, primarily leave clearance to attend college away from the West Coast). See also DANIELS: AMERICAN CONCENTRATION CAMPS, *supra* note 9, at 97-101 (describing efforts to enroll Japanese American students in schools outside of California).

¹³ This is paraphrased from 3 MARCEL PROUST, REMEMBRANCE OF THINGS PAST 554 (C.K. Scott Moncrieff & Terence Kilmartin trans., 1981). With respect to air raid sirens, see LINGEMAN, *supra* note 9, at 32.

Theatre to watch “The Maltese Falcon.”¹⁴ That was the best movie I’ve ever seen, even though I couldn’t figure out everything that happened as easily as we could in the good ol’ Westerns. I would rather have seen the next installment of “Charlie Chan,” instead of the newsreel about those negotiations with Japan over oil they wanted from America.¹⁵ That Charlie Chan doesn’t look like any Chinese person I’ve ever seen; he looks more like a Caucasian guy faking it, apologizing and shuffling, but my sister says he dresses very sharply and is a good role model.¹⁶ “Charlie Chan” always wrapped up the mystery, but the newsreel didn’t prepare any of us. I’ve never told you this before, but I think they sent us upstairs at Grauman’s because they didn’t want us Nisei sitting on the main floor. I don’t know for certain and I don’t care besides, because I prefer the view from the balcony anyhow and we can throw stuff at the saps down below. Grauman’s is fancy, not like the National and the Brooklyn down the street.¹⁷ It’s too bad the Red Cars don’t run there, or we could go more often.¹⁸

The day before Pearl Harbor was a Saturday. We went to Little Tokyo on Saturdays, for shopping. We hardly ever saw you on Saturdays, except for the trip to Grauman’s and that one weekend

¹⁴ THE MALTESE FALCON (Warner Bros. Studios 1941).

¹⁵ Japanese officials in the United States were negotiating regarding oil up to the moment of Pearl Harbor. See JOHN COSTELLO, THE PACIFIC WAR 90-118 (1981) (discussing the Pacific oil market on the eve of Pearl Harbor); DONALD L. MILLER, THE STORY OF WORLD WAR II 77-99 (2001) (noting that Japanese diplomats submitted negotiation response minutes before the attack began); GERHARD L. WEINBERG, A WORLD AT ARMS: A GLOBAL HISTORY OF WORLD WAR II 245-63 (1994) (suggesting that Japanese used offers of pull-outs in exchange for continuation of oil sales); see also IRONS, JUSTICE AT WAR, *supra* note 9, at 3-5 (discussing the negotiations generally).

¹⁶ Although in early obscure short films, two Japanese actors played the ostensibly Hawaiian Chinese Charlie Chan, he was portrayed most famously by the Swedish actor Warner Oland and Caucasian American Sidney Toler in dozens of popular films between 1931 and 1947. JAMES ROBERT PARISH, THE ENCYCLOPEDIA OF ETHNIC GROUPS IN HOLLYWOOD 166-67, 205-06 (2003) (discussing portrayal of Charlie Chan generally); KEN HANKE, CHARLIE CHAN AT THE MOVIES: HISTORY, FILMOGRAPHY, AND CRITICISM (1989); Elaine Kim, *Preface to CHARLIE CHAN IS DEAD: AN ANTHOLOGY OF CONTEMPORARY ASIAN AMERICAN FICTION* xiii, xxi-xxiii (Jessica Hagedorn ed., 1993); Eugene Franklin Wong, *The Early Years: Asians in the American Films Prior to World War II*, in SCREENING ASIAN AMERICANS 53, 55, 59-61 (Peter X. Feng ed., 2002); JUN XING, ASIAN AMERICA THROUGH THE LENS: HISTORY, REPRESENTATIONS, AND IDENTITY 61-67 (1998).

¹⁷ See Hoffman, *supra* note 7, at 71 (mentioning Boyle Heights movie theatres). Interviews with a half-dozen individuals with firsthand recollections of Southern California in the 1940s produced conflicting reports as to racial segregation vis-a-vis Asian Americans in public accommodations such as movie theatres.

¹⁸ The Red Cars were one of two streetcar lines in Southern California. JANE HOLTZ KAY, ASPHALT NATION: HOW THE AUTOMOBILE TOOK OVER AMERICA, AND HOW WE CAN TAKE IT BACK 152 (1997) (describing Pacific Electric Big Red Cars as culturally significant); KEVIN STARR, MATERIAL DREAMS: SOUTHERN CALIFORNIA THROUGH THE 1920S 79 (1990) (leading history of California, discussing decline of light rail in Los Angeles); see also WILLIAM D. MIDDLETON, THE TIME OF THE TROLLEY 279-82 (1967) (containing photographs of Los Angeles trolleys).

you came with us to Brighton Beach in San Pedro: you were the only white person for as far as we could see on the "Japanese Palm Beach."¹⁹ My mother took us to look for Christmas gifts at the department store. She bought me a brand-new baseball mitt, just like I asked for, the Rawlings Trapper model which was invented that year.²⁰ I had to help her pick out the right one. I figured I'd be the first on our team to have one. They'd be impressed at the Japanese American Baptist Church when I walked into the meeting with the glove already broken in real good with neatsfoot oil like we'd planned.²¹ Afterward, we went to dinner at Far East, the most popular Chinese restaurant, for the sweet and sour pork.²²

There was my uncle Coffee,²³ who had come in from his farm to do some shopping.²⁴ We didn't know he was in town, strolling around in his white hat and his white shoes.

¹⁹ There also was a large Japanese American population on Terminal Island off of San Pedro, until the internment. See, e.g., CHUMAN, *supra* note 5, at 226.

²⁰ The Trapper was innovative because of the more developed pocket; it started the modern era of glove design. It is unclear exactly when the Trapper, intended for the use of first basemen, was introduced on the market. Compare NOAH LIBERMAN, GLOVE AFFAIRS: THE ROMANCE, HISTORY, AND TRADITION OF THE BASEBALL GLOVE 30-31 (2003) (stating the Rawlings trapper was sold as of 1940), with Rawlings Sporting Goods Co., Inc., History, at <http://www.rawlings.com/corp/index.jsp?page=history> (last visited March 6, 2004) (dating the Rawlings Trapper in 1941).

On the importance of baseball in Japanese American culture, see generally KERRY YO NAKAGAWA, THROUGH A DIAMOND: 100 YEARS OF JAPANESE AMERICAN BASEBALL (2001). See also MORE THAN A GAME: SPORT IN THE JAPANESE AMERICAN COMMUNITY (Brian Niiya ed., 2000).

²¹ I have gathered information about religious beliefs among Japanese Americans from various sources. See BRIAN MASARU HAYASHI, FOR THE SAKE OF OUR JAPANESE BRETHREN: ASSIMILATION, NATIONALISM, AND PROTESTANTISM AMONG THE JAPANESE OF LOS ANGELES, 1895-1942 4-5 (1995) (describing Japanese Protestant population in California and Los Angeles); LON KURASHIGE, JAPANESE AMERICAN CELEBRATION AND CONFLICT: A HISTORY OF ETHNIC IDENTITY AND FESTIVAL, 1934-1990, at 31 (2002) (showing distribution of Japanese American Buddhists and Christians); DAVID K. YOO, GROWING UP NISEI: RACE, GENERATION, AND CULTURE AMONG JAPANESE AMERICANS OF CALIFORNIA, 1924-49, at 115 (2000) (showing religious affiliation by nativity).

²² See Julie Tamaki, *New Lease on Life for Little Tokyo Landmark*, L.A. TIMES, Jan. 11, 2004, at B1 (describing Far East Restaurant). See generally HOSOKAWA, *supra* note 9, at 164 (describing daily life for Nisei in Los Angeles).

²³ Many Nisei had not only "American" names, but also nicknames that became their preferred name. See, e.g., LYN CROST, HONOR BY FIRE: JAPANESE AMERICANS AT WAR IN EUROPE AND THE PACIFIC 17-19 (1994) (listing Nisei nicknames such as "Mits," "Cyclone," "Elmo," "Peep Sight," "Wah Wah," and "Sea Dog"); NAKAGAWA, *supra* note 21, at 47 (listing Nisei nicknames such as "Moon," "T-Bone," "Jiggs," "Cappy," "Pug"). My wife, Carol, had an uncle "Coffee," so named because he was responsible for operating the coffee grinder at the family store. Her own nickname, "Debbie," is derived from the Japanese for "fat baby." Regarding Uncle Coffee's attire, see HOSOKAWA, *supra* note 9, at 164-5 (describing Nisei culture and dress in Los Angeles).

²⁴ See DAVID MAS MASUMOTO, COUNTRY VOICES: THE ORAL HISTORY OF A JAPANESE AMERICAN FAMILY FARM COMMUNITY (1987).

II.

“You dirty Japs!”²⁵ That was my first feeling when I heard about the sneak attack on Pearl Harbor. I couldn’t help it. We were called “dirty Japs” all the time, but I felt I had been betrayed even if I didn’t know who had done it. When people talk about the dirty Japs, I feel what they feel, except that they look at me when they say “dirty Japs,” as if I were a dirty Jap, too. Yeah, “dirty Japs.” Except, not me. The mirror lies.

Our neighbors came running over to tell us the Japs were bombing. We turned on the Philco, and the Columbia Broadcasting System was issuing the first reports.²⁶ It was terrible. The men who were killed, good Americans; the ships that were sunk, burning as they went down; the planes that were blown up, sitting there on the airfield. We hadn’t done anything wrong to Japan. They didn’t have any reason to attack us. Navy dead and wounded: 2,008 and 710; Army and Marine dead and wounded: 527 and 433; the U.S.S. Arizona wrecked beneath the waves, the U.S.S. Oklahoma wrecked; 165 planes destroyed on the ground.²⁷ Yet the new carriers were not in port; the fuel depot was missed; and they gave us resolve.

The next morning, we listened to the President’s speech to the joint session of Congress about “a date which will live in infamy.”²⁸ The list he gave was matter-of-fact: “Yesterday the Japa-

²⁵ United States Senator Daniel Inouye, a Hawaiian Japanese, wrote in his memoirs that he “looked up into the sky and called out, ‘You dirty Japs!’” DANIEL K. INOUE ET AL., *JOURNEY TO WASHINGTON* 56 (1967); see also *AMERICAN HERITAGE BOOK OF GREAT AMERICAN SPEECHES FOR YOUNG PEOPLE* 276-78 (Suzanne McIntire ed., 2001) (reprinting Inouye speech on his WWII military service). Bernard Weinraub, *Turning the Tables on Race Relations*, N.Y. TIMES, Feb. 6, 1995, at C11 (quoting Asian American filmmaker Desmond Nakano playing “war” with his brother more than a century later, while his brother was yelling, “Kill the Japs!,” which was “in effect . . . ‘Kill us!’”).

Research on post-traumatic stress disorder among Asian American military veterans has just begun, but preliminary findings suggest that physical resemblance to the enemy has been an important factor contributing to psychological problems. See Chalsa M. Loo et al., *Measuring Exposure to Racism: Development and Validation of a Race-Related Stressor Scale (RRSS) for Asian American Vietnam Veterans*, 13 *PSYCHOL. ASSESSMENT* 503 (2001); Nang Du & Francis G. Lu, *Assessment and Treatment of Posttraumatic Stress Disorder Among Asian Americans*, in *WORKING WITH ASIAN AMERICANS* 275 (Evelyn Lee ed., 1997).

²⁶ See LINGEMAN, *supra* note 9, at 223-33 (discussing the role of radio during World War II).

²⁷ The statistics are taken from MILLER, *supra* note 16, at 99.

²⁸ I have relied on the version of the speech reprinted in *THE COLUMBIA DOCUMENTARY HISTORY OF THE ASIAN AMERICAN EXPERIENCE* 251 (Franklin Odo ed., 2002) [hereinafter *THE COLUMBIA DOCUMENTARY HISTORY*]. With respect to the cultural significance of Pearl Harbor, see generally EMILY S. ROSENBERG, *A DATE WHICH WILL LIVE: PEARL HARBOR IN AMERICAN MEMORY* 140-54 (2003) (discussing impact of Pearl Harbor and World War II on Japanese Americans).

nese government also launched an attack against Malaya.”²⁹ He reinforced the rat-tat-tat list by saying “last night, last night, last night,” each time he said “Japanese forces attacked”—and he made the threat real with the list: Hong Kong, Guam, the Philippines, Wake Island, Midway.³⁰

The President was as grim and inspiring as Prime Minister Churchill when he said, “I have nothing to offer but blood, toil, tears, and sweat.”³¹ They have it coming.

The President was right to declare war. I wanted to cheer for us. The announcer said there was a politician who voted against the declaration of war, but only that one.³² He probably was voted right out of office, and it serves him right.³³

The following day, my father dug a hole in the backyard. At night, he shoveled deep down into the tiny Japanese garden he’d created the year before, with the stones and the pebbles and the reflecting pool. He did it himself, dug the hole. He didn’t ask me to help, like when he was creating the garden. He dumped everything Japanese he could find throughout the house: a flag, a few old family photographs, some books, my mother’s kimono, and a Buddhist altar piece (he converted to Christianity but kept it around for good luck). Then he filled the pit, cluttered with bric-a-brac, back up to ground level. He raked the stones and the pebbles without disturbing the reflecting pool. You couldn’t tell he’d done anything.³⁴

I was glad he buried the evidence we were Japanese.

That week three FBI agents came to our house. They came in without knocking, not even flashing their badges like they do in the movies. I was mad, even though they were polite and didn’t do too much worse than look around. All we could do was stand by while they rummaged through the cupboard, like we were criminals.³⁵ They didn’t say much, but they cut the phone line (even

²⁹ The Columbia Documentary History, *supra* note 29, at 251.

³⁰ *Id.*

³¹ Winston Churchill, Speech in London, England (May 13, 1940), in *THE PENGUIN BOOK OF TWENTIETH-CENTURY SPEECHES* 185 (Brian MacArthur ed., 1992).

³² MILLER, *supra* note 16, at 99.

³³ This is a sexist assumption on the part of the narrator. The lone vote against the war was cast by suffragist and pacifist Jeannette Rankin, a Republican Representative from Montana who was the first woman to serve in the United States Congress. The vote was enormously unpopular. She had earlier voted against the U.S. entry into the Great War. See 18 *AMERICAN NATIONAL BIOGRAPHY* 142-44 (John A. Garraty and Mark C. Carnes eds., 1999) (brief biographical account of Senator Jeannette Rankin’s life).

³⁴ Accounts with this theme of burning, burying, or hiding Japanese items are common in the internment literature. See, e.g., HOSOKAWA, *supra* note 9, at 233; HOUSTON & HOUSTON, *supra* note 9, at 6; GARY OKIHIRO & JOAN MEYERS, *WHISPERED SILENCES: JAPANESE AMERICANS AND WORLD WAR II* 94-95 (1996).

³⁵ I have borrowed from ELLEN LEVINE, *A FENCE AWAY FROM FREEDOM: JAPANESE*

though it's a party line), took the kitchen knives, and dirtied up the linens. We're on a spot, and we know it.³⁶

Immediately after Pearl Harbor, they went around arresting people on a list they had put together in advance. It was all men, mostly aliens, and it included not only Issei but also Italians and Germans.³⁷ It was mainly leaders or anyone who looked like they might be important, who was involved with any charity, language school, Buddhist temple, or who was respected as an elder. They vanished. We haven't heard from them since. They're in a special camp somewhere else. All we know is their families were notified they could join them there.³⁸ My mother was worried my father would be taken away. He was spared. Guess he ain't that big.

Soon after Pearl Harbor, people started to say we were traitors.³⁹ Except for the kids we grew up with, everyone was asking, "Why did you bomb Pearl Harbor?"⁴⁰ I heard everything, from the pilots flying the Zeros were wearing American high school rings to

AMERICANS AND WORLD WAR II 18-19 (1995). The Levine book, one of many oral histories, emphasizes accounts of young people, and I have relied on it throughout for background. See also DANIELS, *AMERICAN CONCENTRATION CAMPS*, *supra* note 9, at 43-44 (describing FBI searches). The warrantless searches were the alternative to mass raids. CWRIC, *supra* note 9, at 62.

³⁶ "On a spot" quotes the report prepared for the White House by Curtis Munson, a freelance operative. WEGLYN, *supra* note 9, at 47; see also ROBINSON, *supra* note 9, at 65-85 (discussing importance of Munson report). Excerpts are most readily available in *ASIAN AMERICAN STUDIES: A READER* 84-92 (Jean Yu-Wen Shen Wu & Min Song eds., 2000).

³⁷ The list was the so-called "ABC" list of individuals who had been under surveillance. It included 1,291 Japanese, 857 Germans, and 147 Italians. CWRIC, *supra* note 9, at 54-55.

The treatment of individuals of Italian and German descent differed from that of individuals of Japanese descent. Although there were significant violations of due process on an individual basis, there was no mass incarceration. Moreover, among individuals of white ethnic backgrounds associated with enemy nations, a distinction was made between citizens and aliens. See *id.* at 288-89. The treatment of persons of Italian and German descent, especially the issue of commensurability in discussing the internment, is discussed in detail in recent works such as STEPHEN FOX, *THE UNKNOWN INTERNMENT: AN ORAL HISTORY OF THE RELOCATION OF ITALIAN AMERICANS DURING WORLD WAR II* (1990); TIMOTHY J. HOLIAN, *THE GERMAN-AMERICANS AND WORLD WAR II: AN ETHNIC EXPERIENCE* (1996); see also Ezio Pinza, *Autobiography of an Italian Internee*, in *ONLY WHAT WE COULD CARRY*, *supra* note 9, at 191 (recounting arrest and detention at Ellis Island). But see Jeffrey L. Sammons, *Were German Americans Interned During World War II? A Question Concerning Scholarly Standards and Integrity*, 71 *GERMAN Q.* 73 (1998) (presenting a critical academic review of Holian suggesting it lacks empirical support).

There was mass incarceration of Aleuts and other native peoples. CWRIC, *supra* note 9, at 317-59.

³⁸ Most of them were in Justice Department camps, distinct from the internment camps. *JAPANESE AMERICAN HISTORY: AN A-TO-Z REFERENCE FROM 1868 TO THE PRESENT* 125, 175-76 (Brian Niiya ed., 1993) [hereinafter *JAPANESE AMERICAN HISTORY*].

³⁹ See, e.g., DANIELS, *AMERICAN CONCENTRATION CAMPS*, *supra* note 9, at 35-36 (stating that the Secretary of Navy "spoke of 'treachery'" among Japanese Americans in Hawaii).

⁴⁰ This is a common recollection of young Japanese Americans. See, e.g., FRANK IRITANI & JOANNE IRITANI, *TEN VISITS REVISED* 46 (1999) (containing photographs and essays describing camps in the 1990s); LEVINE, *supra* note 36, at 17-18 (including recollections of junior high and high school students).

Issei farmers were growing their crops to form arrows pointing toward targets to ham radio operators were broadcasting signals to the Imperial fleet to Nisei grocers were selling poisoned fruit.⁴¹ The more outrageous it is, the more people want to spread it around. I can't prove it isn't true, but I'll bet anything on it.⁴² The guns, ammunition, dynamite, radios and cameras that were confiscated, for example—they came from a licensed gun shop and the warehouse to a store.⁴³

The panic has its roots in race. I'll say race, not racism, so not to offend anyone. The commander of the Western Defense, General De Witt, is about as straightforward as he could be about race. He certainly seems reasonable if you believe race will tell in the end. You know the phrase he has been repeating, "a Jap's a Jap."⁴⁴ He says much more than that in his Final Report.

I have little confidence that the enemy aliens are law abiding or loyal in any sense of the word. Some of them, yes; many, no. Particularly the Japanese, I have no confidence in their loyalty whatsoever. I am speaking now of the native born Japanese—117,000—and 42,000 in California alone. . . . In the war in which we are now engaged racial affinities are not severed by migration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship have become "Americanized," the racial strains are undiluted

⁴¹ See, e.g., CWRIC, *supra* note 9, at 57-58 (recounting allegations of Japanese American espionage and sabotage leading up to Pearl Harbor); DANIELS, AMERICAN CONCENTRATION CAMPS, *supra* note 9, at 32-38 (describing various rumors about Japanese Americans' conduct on the West Coast); HOSOKAWA, *supra* note 9, at 252-53 (summarizing rumors that Japanese Americans were aiding Japan); ROSENBERG, *supra* note 29, at 140-41 (recalling that the U.S. thought the greatest threat to Hawaii was sabotage by Japanese Americans); WEGLYN, *supra* note 9, at 52 (noting that U.S. officials claimed that Japanese Americans used radios to confuse American radar as to the location of the Imperial fleet).

⁴² There was not a single act of espionage or sabotage attributed to any United States citizen of Japanese ancestry at any point during World War II. CWRIC, *supra* note 9, at 3. The CWRIC concluded based on the record existing at the time (i.e., without using post hoc judgment) that there was no military necessity for the mass exclusion of Japanese Americans from the West Coast. *Id.* at 8.

⁴³ JOHN ARMOR & PETER WRIGHT, MANZANAR 22 (1988) (reprinting photographs of Ansel Adams); CWRIC, *supra* note 9, at 88. The FBI also conceded the supplies were not for subversive use. DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 43. Many Japanese American families had short-wave radios to allow communication with the members of the family who were at sea as commercial fishermen. HOUSTON & HOUSTON, *supra* note 9, at 7.

⁴⁴ CWRIC, *supra* note 9, at 222-23 (explaining the origins of the phrase).

It makes no difference whether he is an American citizen, he is still a Japanese. American citizenship does not necessarily determine loyalty

You needn't worry about the Italians at all except in certain cases. Also, the same for the Germans except in individual cases. But we must worry about the Japanese all the time until he is wiped off the map.⁴⁵

I can't blame General De Witt. He's like everyone else. You must do that in war: hate the enemy.⁴⁶ The leathernecks say, "The only good Jap is a dead Jap!"⁴⁷ Even if you don't hate people who are of Japanese heritage, it's common sense to suppose there might be some more of us who would be traitors than people in the general population. It might not be that many, but I guess it's all about the gamble. All the leaders are saying they can't trust the Japanese, even if we are citizens, and they aren't shy about saying it's because of our race.⁴⁸ "This is a race war"⁴⁹ Some wanted to hold us in a "reprisal reserve," to be taken out and shot; others wanted to use us as prisoners of war for exchange programs.⁵⁰ The ACLU, they're more likely to protest than anyone. Even they won't help us. Only the Quakers will do anything.⁵¹ Makes me mad the Chinese are trying to say they hate us the most,

⁴⁵ *Id.* at 65-66.

⁴⁶ See DAVE GROSSMAN, *ON KILLING: THE PSYCHOLOGICAL COST OF LEARNING TO KILL IN WAR AND SOCIETY* 156-70 (1995) (discussing the importance of emotional distance from the enemy, including cultural distance). See generally DOWER, *supra* note 9.

⁴⁷ The Marine magazine, *Leatherneck*, promoted this slogan. See DOWER, *supra* note 9, at 79.

⁴⁸ Secretary of War Henry Stimson, for example, said, "Their racial characteristics are such that we cannot understand or trust even the citizen Japanese." WEGLYN, *supra* note 9, at 43.

For an analysis of utilitarian arguments for racial profiling, see JODY ARMOUR, *NEGROPHOBIA AND REASONABLE RACISM: THE HIDDEN COSTS OF BEING BLACK IN AMERICA* (2000).

⁴⁹ HOSOKAWA, *supra* note 9, at 281 (quoting Congressman John Rankin).

⁵⁰ DANIELS, *AMERICAN CONCENTRATION CAMPS*, *supra* note 9, at 27-28, 33 (discussing proposal for a "reprisal reserve," and suggesting the murder of one hundred Japanese Americans for the death of each Axis hostage); WEGLYN, *supra* note 9, at 54-56 (POW exchange program); see also LINGEMAN, *supra* note 9, at 337 (describing proposal that Japanese Americans found with guns be executed).

⁵¹ See SAMUEL WALKER, *IN DEFENSE OF AMERICAN LIBERTIES: A HISTORY OF THE ACLU* 136-60 (1990) (describing ACLU's response to various infringements on minority groups' rights by FDR administration during WW II); see also IRONS, *JUSTICE AT WAR*, *supra* note 9, at 128-34 (discussing ACLU involvement in interment cases).

The Society of Friends assisted, for example, Gordon Hirabayashi, one of the litigants who challenged the internment. See, e.g., IRONS, *JUSTICE AT WAR*, *supra* note 9, at 89-92. They also led the effort to allow Japanese American students to attend college. DANIELS, *AMERICAN CONCENTRATION CAMPS*, *supra* note 9, at 100; MILTON S. EISENHOWER, *THE PRESIDENT IS CALLING* 120 (1974); see also HOSOKAWA, *supra* note 9, at 389 (discussing Quaker hospitality toward Japanese American students); WEGLYN, *supra* note 9, at 104-05.

so they won't be mistaken for us.⁵² Too bad for all of us Orientals, because we all do look alike.⁵³ We can call each other names, but we're the same when it comes down to it

Thanks to General De Witt, the President signed Executive Order 9066.⁵⁴ It authorizes the military to carry out the steps they believe are best. It doesn't say it applies to us Japanese; you'd think it meant whomever.

Ever since they received the go-ahead, they've been issuing a series of orders.⁵⁵ We've had a curfew and then exclusion from the designated area, followed by detention. They seized those weapons, cameras, and radios I mentioned; they revoked liquor licenses; they've stopped travel.⁵⁶ They've taken over all our bank accounts and our businesses.⁵⁷ They're opening our mail.⁵⁸ They had all of us fired from government jobs.⁵⁹ They also tried a voluntary plan to move us farther East, but it didn't work because we had nowhere to go and nobody wanted us to come there.⁶⁰ Even the Utah Japanese Americans told us not to come, because we would be disruptive.⁶¹

The Exclusion Orders came down with little notice. That's the idea, to guarantee we wouldn't have time for treason. They sent us to a control center within a day or two.⁶² That's when we

⁵² See WEGLYN, *supra* note 9, at 36 (describing Chinese wearing buttons identifying themselves as Chinese); cf. HOSOKAWA, *supra* note 9, at 359 (describing Chinese immigrant proprietor discriminating against Japanese American internee).

⁵³ *Life* and *Time* magazines both published articles purporting to explain how to distinguish between Chinese and Japanese. The hints included: "most Chinese avoid horn-rimmed spectacles." See THE COLUMBIA DOCUMENTARY HISTORY, *supra* note 29, at 253-55; DAVID L. ENG, RACIAL CASTRATION: MANAGING MASCULINITY IN ASIAN AMERICA 107 (2001); ONLY WHAT WE COULD CARRY, *supra* note 9, at 52; see also ONLY WHAT WE COULD CARRY, *supra* note 9, at 21 (discussing the "How to Spot a Jap" cartoon); cf. LINGEMAN, *supra* note 9, at 180-82 (describing use of actors of Chinese and Korean ancestry as Japanese characters).

⁵⁴ Executive Order 9066 is reproduced in COLUMBIA DOCUMENTARY HISTORY, *supra* note 29, at 267-68. Regarding the executive-level decision-making, see generally ROBINSON, *supra* note 9. There has been an ongoing debate over the allocation of responsibility for the internment, especially as between De Witt and Roosevelt. See, e.g., Stetson Conn, *The Decision to Evacuate the Japanese from the Pacific Coast*, in COMMAND DECISIONS 88-109 (Kent Roberts Greenfield ed., 1960) (attributing decision to Roosevelt rather than De Witt); GARY OKIHIRO, THE COLUMBIA GUIDE TO ASIAN AMERICAN HISTORY 115-20 (2001).

⁵⁵ The most detailed chronology of the internment can be found in JAPANESE AMERICAN HISTORY, *supra* note 39, at 25-92.

⁵⁶ See ONLY WHAT WE COULD CARRY, *supra* note 9, at 416.

⁵⁷ CWRIC, *supra* note 9, at 61.

⁵⁸ *Id.*

⁵⁹ HOSOKAWA, *supra* note 9, at 314-15.

⁶⁰ CWRIC, *supra* note 9, at 49, 101-04.

⁶¹ JAPANESE AMERICAN HISTORY, *supra* note 39, at 56.

⁶² See, e.g., Civilian Exclusion Order Number 27, reprinted in CWRIC, *supra* note 9, at 111 fig. A.

were divided into “alien” and “non-alien.” So us Nisei aren’t citizens anymore. I’ve been turned into a “non-alien.”⁶³

Then they posted “instructions to all persons of Japanese ancestry” for “evacuation.”⁶⁴ My parents are lucky. They have white friends in the neighborhood who will take care of our things. Other families lost everything. They had to give it away, or sell it for a few bucks more than nothing, or they ended up asking people to watch it who they’re predicting won’t want to see them come back to reclaim their possessions.⁶⁵

But I will never forgive my parents. They told me they gave away our dog, Buster.⁶⁶ I’m better off not knowing what they did exactly. The signs that exclude us exclude dogs. They always post the two rules together: No Japs, No Dogs.⁶⁷ So where we are allowed, dogs should be, too. I hope wherever Buster is, he has enough rice. He always liked Japanese rice, which, you know, is better than Chinese rice.

We’re about the most obedient bunch of people you could imagine. The Military Zone is “Jap-free.”⁶⁸ We did what we were told to do; except for three guys and one gal, none of us challenged the process.⁶⁹

We were issued numbers.⁷⁰ Each family has its own number. We’re 98167.

⁶³ See *id.*

⁶⁴ See, e.g., Lt. Gen. J.L. De Witt, INSTRUCTIONS TO ALL PERSONS OF JAPANESE ANCESTRY (Apr. 20, 1942), reprinted in CWRIC, *supra* note 9, at 111 fig. C.

⁶⁵ See, e.g., CWRIC, *supra* note 9, at 108-09 (describing the scene after the first evacuation orders); HOSOKAWA, *supra* note 9, at 310-11 (stating that many Japanese Americans sold new appliances for a few dollars); HOUSTON & HOUSTON, *supra* note 9, at 13-15 (asserting that many Japanese Americans were forced to sell belongings well below their value). The resulting economic losses were enormous. See CWRIC, *supra* note 9, at 117-33 (calculating the economic loss suffered by Japanese Americans who were subject to internment); JAPANESE AMERICANS: FROM RELOCATION TO REDRESS 163-75 (Roger Daniels et al. eds., rev. ed. 1991) [hereinafter FROM RELOCATION TO REDRESS]. Some of the caretakers proved to be less than reliable. See, e.g., YAMAMOTO, *supra* note 9, at 239 (containing interview with California Attorney General who reported case of “a village banker who had been a great friend of the Japanese when they were being evacuated” but who had not expected them to return); CWRIC, *supra* note 9, at 133 (arguing that Japanese Americans relied upon oral contracts with caretakers, which led to irrecoverable economic loss).

⁶⁶ General De Witt’s *Instructions to All Persons of Japanese Ancestry* state “no pets of any kind will be permitted.” THE COLUMBIA DOCUMENTARY HISTORY, *supra* note 29, at 271.

⁶⁷ LEVINE, *supra* note 36, at 63 (describing the personal experience of Ben Tagami in an internment camp).

⁶⁸ With respect to “Jap-free,” see DANIELS, AMERICAN CONCENTRATION CAMPS, *supra* note 9, at 88.

⁶⁹ The stories of the cases of Gordon Hirabayashi, Min Yasui, Fred Korematsu, and Mitsui Endo are recounted in IRONS, JUSTICE AT WAR, *supra* note 9. The cases they litigated, which reached the Supreme Court, are beyond the scope of this Article. See generally YAMAMOTO, *supra* note 9, at 95-180.

⁷⁰ MINE OKUBO, CITIZEN 13660, at 22 (1983) (describing Tanforan).

The assembly centers were a joke.⁷¹ The best assembly centers were college dormitories. The worst, like where we went, were racetrack stables such as Santa Anita. We lived where the horses were kept until just a few days before we moved in. We had the barn-type half-door, with a top and a bottom that separate from each other. Our walls didn't run all the way up, they said to help ventilation. We had no floor.⁷² We literally had sacks with hay for beds.⁷³ They had put on a fresh coat of paint. So the stench was turpentine paint blended with horseshit.⁷⁴ Seabiscuit was a champion in that department judging by what he left behind.⁷⁵ The best are the barracks in the parking lot.⁷⁶ They have clean floors and smell like pine pitch and fresh-cut lumber. Caucasians came by to look at us, as if we were in a zoo.⁷⁷ The Issei just sat there looking glum, but I stuck my tongue out right back at the kid who razzed us.

Nobody is on our side, when we say we're on the same side. Our high school debate team could rebut the arguments these politicians are making. Governor Olson said "it is known" we've been aiding the enemy—that's an assumption. He said we could prove we're loyal by doing whatever he wants us to do—that's a *non sequitur*. Mayor Bowron said even our loyalty proves our disloyalty: of course, we would try to fool them like the Japanese Navy did at Pearl Harbor—that's a contradiction (loyalty is disloyalty). He even said we couldn't be treated as equals now because we'd be resentful from racism before—that's circular (discrimination is justified by discrimination).⁷⁸ General De Witt says the lack of sabotage shows there is a scheme—that's an unwarranted inference.⁷⁹

There is no way out for us. Remember the high school principal whose secretary would allow us to see him only if he wasn't in the office? That's what it is. We're being run around.⁸⁰

⁷¹ See, e.g., DANIELS, *AMERICAN CONCENTRATION CAMPS*, *supra* note 9, at 88-89 (discussing the establishment of temporary assembly centers on the West Coast of the United States).

⁷² WEGLYN, *supra* note 9, at 80-81.

⁷³ LEVINE, *supra* note 36, at 48.

⁷⁴ OKUBO, *supra* note 71, at 35 (discussing the living conditions in Tanforan).

⁷⁵ KITANO, *GENERATIONS*, *supra* note 9, at 44. The victories of Seabiscuit were of national importance. See generally LAURA HILLENBRAND, *SEABISCUIT: AN AMERICAN LEGEND* (2002).

⁷⁶ LEVINE, *supra* note 36, at 48.

⁷⁷ HOSOKAWA, *supra* note 9, at 333.

⁷⁸ See DANIELS, *AMERICAN CONCENTRATION CAMPS*, *supra* note 9, at 60-61.

⁷⁹ *Id.* at 49; EISENHOWER, *supra* note 52, at 111 (discussing similar argument by Earl Warren); HOSOKAWA, *supra* note 9, at 278 (discussing similar argument by newspaper columnist Walter Lippmann).

⁸⁰ Joseph Heller invented the phrase Catch-22 to describe this situation, in his novel of

I'm not trying to be a smart-aleck. I know we have to have faith in the President, Mr. Churchill, Stalin, and maybe Chang Kai-Shek as the Big Four. It's hard to argue against "military necessity." But they must know better.⁸¹ If the President (and General De Witt) listened to the experts, they'd probably conclude that Japanese Americans are about as much of a threat as anyone else—maybe here or there in isolated cases. One thing is for sure, the Japanese Emperor isn't about to rely on us—he's smart enough to use Caucasians for the dirty work.⁸² They could round up the bad guys one-by-one.⁸³ Going after all of us is bound to cause hard feelings: either people will become disloyal or we'll have to be deported at the end.⁸⁴ That's why so many more Hawaiian Japanese wanted to serve in the military than mainland Americans of Japanese ancestry.⁸⁵

that name about World War II. The high school principal is modeled on Heller's Major Major Major. JOSEPH HELLER, *CATCH-22*, at 77-99 (1990).

⁸¹ Internal military, intelligence, and law enforcement documents reveal that not all authorities shared the same sentiment as General De Witt. The official Army General Headquarters memorandum on internment proposals recommended against General De Witt's idea. DANIELS, *CONCENTRATION CAMPS, NORTH AMERICA*, *supra* note 9, at 66. The Navy officer who supervised counterintelligence wrote a memorandum and an anonymous magazine article arguing against internment. CWRIC, *supra* note 9, at 53-54; IRONS, *JUSTICE AT WAR*, *supra* note 9, at 202-06. A copy of the report is reproduced in S.T. JOSHI, *DOCUMENTS OF AMERICAN PREJUDICE: AN ANTHOLOGY OF WRITINGS ON RACE FROM THOMAS JEFFERSON TO DAVID DUKE 452-55* (1999). On specific claims such as that of radio signals being sent to the Japanese Imperial Navy, internal government reports at the time refuted General De Witt's assertions. CWRIC, *supra* note 9, at 62-63.

By the time the government lawyers argued the Supreme Court cases involving the internment, they were aware that the General De Witt's assertions lacked proof. Nonetheless, after initially preparing—even printing—briefs that would have alerted the Justices to the unreliability of General De Witt's Final Report, they altered their briefs and their oral argument to avoid disclosing their own doubts. See IRONS, *JUSTICE AT WAR*, *supra* note 9, at 186-310; YAMAMOTO, *supra* note 9, 284-319. The original documents, which confirmed the racial basis for the internment, were destroyed. These actions were discovered decades later by CWRIC archivists Jack and Eiko Herzig. See *THE COLUMBIA DOCUMENTARY HISTORY*, *supra* note 29, at 290-91 (reprinting the internal government memorandum certifying burning of documents).

The misrepresentations by the government formed the basis for the successful litigation seeking *writs of coram nobis*. See *Hirabayashi v. United States*, 828 F.2d 591 (9th Cir. 1987); *Korematsu v. United States*, 584 F. Supp. 1406 (N.D. Cal. 1984).

⁸² See WEGLYN, *supra* note 9, at 46-47 (quoting Munson report to effect that Communists or imported Japanese nationals posed more of a risk than Nisei); CWRIC, *supra* note 9, at 53, 55 ("The historical experience of the FBI showed that Japan had used Occidentals for its espionage."); *id.* at 59 ("[O]n the mainland the few people convicted of being illegal agents of Japan were predominately not ethnic Japanese.").

⁸³ This was the proposal of the Naval officer in charge of counterintelligence operations. IRONS, *JUSTICE AT WAR*, *supra* note 9, at 203 (arguing that individualized hearings may be afforded in order to determine disloyal Japanese Americans).

⁸⁴ General De Witt believed that all Japanese Americans were disloyal. See ROBINSON, *supra* note 9, at 164-65.

⁸⁵ Two hundred and eight interned Nisei volunteered; 10,000 Hawaiian Nisei volunteered. CWRIC, *supra* note 9, at 195, 197.

No matter, they have all of us. There are scarcely any Japanese Americans left outside, except in Hawaii.⁸⁶ There were always Japanese Americans around us, so I wasn't aware how much we are a minority: less than two percent of the California population.⁸⁷ There are so many of us inside. Yet we're alone in a sense.

You'd think they'd want to lock up the Hawaiian Japanese. If there were a risk, it'd be there. But the Hawaiian Japanese are more than one-third of the population.⁸⁸ If they weren't in the fields, nobody would be left on the plantations or doing any of the other work.⁸⁹ And it wouldn't be easy to ship away Hawaiian Japanese to the mainland.⁹⁰

They don't have the Italians or the Germans either.

I read all about how the Italians have the DiMaggio brothers playing pro ball: Joe with the Yankees, Dominic with the Red Sox, Vincent with the Pirates. They told Congress about their parents being immigrants and all.⁹¹ If Italians were treated the same as we are, the DiMaggios would have to come to the desert. It wouldn't be so bad, if we could meet some famous ballplayers. If the DiMaggios were here, there'd be real competition. We could match up the best Nisei pitcher against a DiMaggio line-up, or be as good as the professional teams still playing with a DiMaggio outfield. Maybe someday there will be a Japanese American athlete who makes it to the big league.⁹² Then people would respect us. (As it

⁸⁶ In 1940, the total U.S. population was approximately 132 million. The total population of Japanese descent was 285,115. Of those, 157,905 lived in Hawaii, and 93,717 in California. NG, *supra* note 9, at 4. The official WRA numbers for individuals under its custody was 120,313. *Id.* at 39.

The total number of Italian nationals in California, 51,923, exceeded the total number of Japanese nationals in the United States; there were about twice as many German nationals in Los Angeles, 17,528, as there were Japanese nationals there, 8,726. HOSOKAWA, *supra* note 9, at 259.

⁸⁷ CWRIC, *supra* note 9, at 31 (citing BUREAU OF THE CENSUS, 1 CENSUS OF THE POPULATION 1970, CHARACTERISTICS OF THE POPULATION, pt. VI, at 86 (1973)).

⁸⁸ *Id.* at 16.

⁸⁹ *Id.* at 269 (describing the role of Japanese Americans in Hawaii as providing nearly all of the skilled and unskilled labor). One of the earlier arguments against internment was that the incarceration of Japanese Americans would adversely affect agricultural production. HOSOKAWA, *supra* note 9, at 277.

For an analysis of the situation of Hawaiian Japanese, which emphasizes their role in the labor market, see generally GARY OKIHIRO, CANE FIRES: THE ANTI-JAPANESE MOVEMENT IN HAWAII, 1865-1945 (1991).

⁹⁰ OKIHIRO, *supra* note 90 at 269, 271.

⁹¹ DANIELS, AMERICAN CONCENTRATION CAMPS, *supra* note 9, at 75. The narrator is mistaken insofar as the testimony about the DiMaggio family was represented by a lawyer, not the sons. *Id.*

⁹² To the contrary, the success of Japanese nationals (not Japanese Americans) as professional athletes has emphasized their foreignness. Baseball star Ichiro Suzuki, for example, is identified as distinctly Asian, not Asian American. See, e.g., ROB RAINS, BASEBALL SAMURAI: ICHIRO SUZUKI AND THE ASIAN INVASION (2001).

is, we couldn't bring our baseball bats—they're considered weapons.⁹³)

My uncle, the one who fought in the Great War, told me the Germans here were treated about as bad then as we're being treated now.⁹⁴ They had to change their names—that would be rich, huh, if we changed our name to "Smith."⁹⁵ The same uncle—on my mother's side, he's older than she is—he said, though, that there are some Germans who hold giant rallies to salute Hitler.⁹⁶ He doesn't like them anymore than he likes the fellows in here who meet secretly to support the Emperor. According to him, there are too many of the German immigrants to do anything about, and they helped elect the President.⁹⁷ Comparing us doesn't do much good.

I don't know that it matters, but none of this began with the internment.⁹⁸ It was all there before under the surface. Nobody should be surprised. It would be hard to deny. They called us "the Japanese problem"—how does it feel to be a problem?⁹⁹ They

⁹³ Norman Mineta, later to serve as Mayor of San Jose, Member of Congress, and the first Asian American in a Presidential Cabinet, remembers having his baseball bat confiscated when he reported for internment. Ken Ringle, *The Patriot: Norman Mineta Was Interned by His Country, but He Still Loved It. Then He Changed It*, WASH. POST, Aug. 21, 2000, at C1.

⁹⁴ FRANCIS MACDONNELL, *INSIDIOUS FOES: THE AXIS FIFTH COLUMN AND THE AMERICAN HOME FRONT* 21-28 (1995).

⁹⁵ Hawaiian Japanese tried just this tactic. See CWRIC, *supra* note 9, at 280 (reporting 2,400 individuals of Japanese descent applying to Anglicize their names in 1942, more than in the previous eight years taken together).

⁹⁶ See generally SANDER A. DIAMOND, *NAZI MOVEMENT IN THE UNITED STATES, 1924-1941* (1974); Leland V. Bell, *The Failure of Nazism in America: The German American Bund, 1936-1941*, 85 POL. SCI. Q. 585 (1970); Joachim Remak, 'Friends of the New Germany': *The Bund and German-American Relations*, 29 J. MODERN HIST. 38 (1957); Gene Smith, *Bundesführer Kuhn*, AM. HERITAGE, Sept. 1, 1995, at 102. See also *Ex Parte Quirin*, 317 U.S. 1 (1942) (holding constitutional use of military tribunal for German citizens and German Americans captured in America); LOUIS FISHER, *NAZI SABOTEURS ON TRIAL: A MILITARY TRIBUNAL & AMERICAN LAW* (2003); MACDONNELL, *supra* note 95.

The United States National Archives contain an audio recording of the speech by German American Bund leader Fritz Kuhn on February 20, 1939, in Madison Square Garden. See U.S. Nat'l Archives & Records Admin., Select Audiovisual Records, Sound Recordings: Voices of World War II 1937-1945, http://www.archives.gov/research_room/research_topics/print_friendly.html?page=voices_of_world_war_2_content.html&title=NARA%20%7C%20Research%20Room%20%7C%20%20Voices%20of%20World%20War%20II%2C%201937-1945 (last visited May 3, 2004).

A recent Pulitzer-Prize winning novel fictionalizes aspects of the Bund movement. MICHAEL CHABON, *THE AMAZING ADVENTURES OF KAVALIER AND CLAY* (2001).

⁹⁷ CWRIC, *supra* note 9, at 289 (noting size of German American population and political consequences of anti-German plans).

⁹⁸ This is Roger Daniel's thesis, that the internment was not a mistake or an anomaly. DANIELS, *AMERICAN CONCENTRATION CAMPS*, *supra* note 9, at xvi; see also Robinson, *supra* note 9 (discussing relationship of President Roosevelt's earlier attitudes about race and Japanese to the internment policies).

⁹⁹ The narrator is echoing W.E.B. DuBois. DUBOIS, *supra* note 10, at 363. Regarding "the Japanese problem," see, e.g., TASKUKU HARADA, *THE JAPANESE PROBLEM IN CALIFORNIA: ANSWERS (BY REPRESENTATIVE AMERICANS) TO QUESTIONNAIRE* (1922); VALENTINE STUART

hated the Chinese before us. They passed the Chinese Exclusion Act to keep them out.¹⁰⁰ Then they extended it to cover all Orientals.¹⁰¹ We were in the “Asiatic barred zone.” They said we weren’t “free white persons,” so we couldn’t become citizens (my parents want to, but they can’t)—even if we swore we were American at heart.¹⁰² They wouldn’t let us go to the same schools as white kids, either the Chinese or the Japanese, but that was only in some places.¹⁰³ And they wouldn’t let us buy land, because they were panicking at the possibility the yellow race would be too successful in California, which was meant for the white race.¹⁰⁴ You know the poem, about “[h]ow courteous is the Japanese,” and he takes over the garden, with “a friendly bow,”—“[s]o sorry, this my garden now.”¹⁰⁵ That’s how come people like my cousin end up working as chick-sexers (dividing the girls from the boys): he can make more money looking at chick butts around the country than he could doing anything else, good money.¹⁰⁶

MCCLATCHY, FOUR ANTI-JAPANESE PAMPHLETS (1978).

¹⁰⁰ See *Chae Chan Ping v. United States* (The Chinese Exclusion Case), 130 U.S. 581 (1889) (creating doctrine of plenary power in refusing to strike down race-based restrictions on immigration).

¹⁰¹ See generally BILL ONG HING, MAKING AND REMAKING ASIAN AMERICA THROUGH IMMIGRATION POLICY, 1850-1990, at 32-33 (1993).

¹⁰² *Ozawa v. United States*, 260 U.S. 178 (1922) (holding that individuals of Japanese descent could not naturalize, because they were not “free white persons”); cf. *United States v. Thind*, 261 U.S. 204 (1923) (holding that individuals of Asian Indian descent could not naturalize, because they were not “free white persons”). See generally IAN F. HANEY LOPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE (1998).

¹⁰³ See *Gong Lum v. Rice*, 275 U.S. 78 (1927) (approving racial segregation of public schools with respect to Chinese American student, because there was no basis for distinguishing between “yellow” and “black” students). The San Francisco school segregation order caused a diplomatic crisis in 1905. See CWRIC, *supra* note 9, at 33-34.

¹⁰⁴ See *Oyama v. California*, 332 U.S. 633 (1948) (striking down Alien Land laws); *Terrace v. Thompson*, 263 U.S. 197 (1923) (upholding Alien Land laws). See generally Keith Aoki, *No Right to Own?: The Early Twentieth-Century ‘Alien Land Laws’ as a Prelude to Internment*, 19 B.C. THIRD WORLD L.J. 37 (1998). The strength of anti-Japanese American sentiment was reflected in direct democracy. Proposition One, a ballot measure, was passed for the purpose of reinforcing the California statutes. CWRIC, *supra* note 9, at 35.

¹⁰⁵ Ogdan Nash, *The Japanese*, in OGDEN NASH, THE FACE IS FAMILIAR 233-34 (1941).

¹⁰⁶ Japanese Americans dominated the profession of chick sexing, by which day-old chicks are sorted into male and female (to facilitate destruction of the former and nurturing of the latter). Japanese Americans used a Japanese technique, different from that developed elsewhere, which involved examining the anatomy of the chick’s vent (rear). See, e.g., *GO FOR BROKE* (MGM 1951) (movie based on documentary about the 442nd, in which new recruits harass one among them for his work as a chick-sexer despite his education). See generally RICHARD HORSEY, THE ART OF CHICKEN SEXING 14 (University College London Working Paper in Linguistics, 2002), available at <http://www.phon.ucl.ac.uk/home/richardh/chicken.pdf> (last visited Apr. 22, 2004); R.D. MARTIN, THE SPECIALIST CHICK SEXER (1994); Brian Doyle, *The Joy of Sexing*, ATLANTIC MONTHLY, March 2000, at 28-31, available at <http://www.theatlantic.com/issues/2000/03/doyle.htm> (last visited Apr. 9, 2004).

Why, in the *Saturday Evening Post*, they had the manager of the Salinas Vegetable Grower-Shipper Association saying exactly what he was feeling:

We're charged with wanting to get rid of the Japs for selfish reasons. . . . We do. It's a question of whether the white man lives on the Pacific Coast or the brown men. They came into this valley to work, and they stayed to take over. . . . If all the Japs were removed tomorrow, we'd never miss them in two weeks, because the white farmers can take over and produce everything the Jap grows. And we don't want them back when the war ends, either.¹⁰⁷

Whatever the motivations, once the internment was started it wasn't likely to stop. With an assist from the Japanese Imperial Navy, General De Witt managed to do more than all the politicians taken together. He took care of the Japanese problem, alright.

But the Army didn't want to be running the internment camps. As soon as they could, they turned the business over to the civilian government. They set up the War Relocation Authority. The first director was Dr. Eisenhower, the general's brother, but he quit. General De Witt and Dr. Eisenhower must not have agreed. They say Dr. Eisenhower couldn't abide the whole idea.¹⁰⁸

III.

We were escorted to the internment camp in our own cars, which they pretty much stole,¹⁰⁹ and a few buses, which they had requisitioned, and by train, too. With each convoy, soldiers came along.¹¹⁰ They blacked out the windows on the trains.¹¹¹ People wouldn't see us passing by. They said the soldiers were there to protect us, but they seemed to be guarding us instead—I mean guarding us because we are dangerous, not guarding us from danger.¹¹²

¹⁰⁷ *Korematsu v. United States*, 323 U.S. 214, 239 n.12 (1944) (Murphy, J., dissenting) (quoting Frank J. Taylor, *The People Nobody Wants*, SATURDAY EVENING POST, May 9, 1942, at 66). Others also favored deportation regardless. See, e.g., LINGEMAN, *supra* note 9, at 337.

¹⁰⁸ NG, *supra* note 9, at 134; see EISENHOWER, *supra* note 52, at 95-96, 125.

¹⁰⁹ CWRIC, *supra* note 9, at 130.

¹¹⁰ JEFFREY F. BURTON ET AL., U.S. DEP'T OF INTERIOR, CONFINEMENT AND ETHNICITY: AN OVERVIEW OF WORLD WAR II JAPANESE AMERICAN RELOCATION SITES 166 (1999).

¹¹¹ CWRIC, *supra* note 9, at 149-151; TAKAI, *supra* note 6, at 17.

¹¹² The possibility of vigilante violence has often been mentioned in defenses of the internment after the fact. It was not considered at the time. See CWRIC, *supra* note 9, at 88-89. There was more vigilante violence after Executive Order 9066 was issued than prior to its issuance. *Id.*

The Manzanar internment camp is in the Owens Valley, next to the Sierra Nevada mountain range.¹¹³ Our shacks are ringed with towering peaks.¹¹⁴ They would be worth hiking up into, if we were allowed to do that. My father says it reminds him of Mount Fuji.¹¹⁵ I wouldn't know.

They started to build Manzanar before Pearl Harbor. It was called "Camp Owens," and, if you can picture it, they wanted to put us into tents.¹¹⁶ They changed the name "Owens Valley Reception Center" before they dubbed it "Manzanar," for the name of the abandoned town that was here.¹¹⁷ It means "apple orchard."¹¹⁸

In any case, there isn't much else here, except us. The closest towns are Bishop, Independence, and Lone Pine, and they probably don't even have as many people in them put together as a few blocks of Los Angeles—or as many as the 10,000 we have inside here.¹¹⁹ It was a problem, deciding where to build the internment camps. The only officials who opposed the building of "sand and cactus centers" were ones who didn't want us around at all. They promised they'd lynch us.¹²⁰ (Oh, they also feared we'd have too many babies and we'd poison the water flowing into Los Angeles.¹²¹) That's how come we're in the desert, and the other internment camps are in locations nobody cares for much either.¹²²

Now, we've become a real town no doubt (built in a little more than a day), other than that people were forced to move here.

¹¹³ BURTON, *supra* note 111, at 161.

¹¹⁴ I have borrowed from Ansel Adams's description of Manzanar. ANSEL ADAMS, AN AUTOBIOGRAPHY 259 (1985)

¹¹⁵ See HOUSTON & HOUSTON, *supra* note 9, at 98; OKIHIRO & MEYERS, *supra* note 35, at 91-92.

¹¹⁶ ARMOR & WRIGHT, *supra* note 44, at 71.

¹¹⁷ BURTON, *supra* note 111, at 162.

¹¹⁸ ARMOR & WRIGHT, *supra* note 44, at xi.

¹¹⁹ The largest of the three, Bishop, had a population of 500 in 1930. ANGELO HEILPRIN & LOUIS HEILPRIN, A COMPLETE PRONOUNCING GAZETTEER OR GEOGRAPHICAL DICTIONARY OF THE WORLD (1931). It has a population of only slightly more than 3,000 now. THE COLUMBIA GAZETTEER OF THE WORLD (Saul B. Cohen ed., 2001). Manzanar had a peak population of 10,046. BURTON, *supra* note 111, at 40. All of the internment camps were economically beneficial to their sparsely populated areas. The internment camps in Arizona, Gila and Poston, became the third and fourth largest cities in the state as soon as they were established. WELLYN, *supra* note 9, at 99.

¹²⁰ The term "sand and cactus" center was a colloquialism that did not come into popular usage. At a meeting of federal officials and western governors, the former cautioned against the use of the "concentration camp" term. DANIELS, CONCENTRATION CAMPS, *supra* note 9, at 92-93. Wyoming governor Nels Smith protested his state becoming "California's dumping ground." He promised that if there were an influx of Japanese Americans, "[t]here would be Japs hanging from every pine tree." *Id.* at 94.

¹²¹ DANIELS, CONCENTRATION CAMPS, *supra* note 9, at 88; LINGEMAN, *supra* note 9, at 337.

¹²² CWRIC, *supra* note 9, at 156.

There are five libraries.¹²³ There's even a Bank of America branch opened up.¹²⁴ The little cooperative store we started allows us to buy stuff. We can order from Sears, Roebuck, just like you can, from the newspaper advertisements.¹²⁵ There's a secret airport across the highway, but I think it is abandoned. They supposedly tested experimental planes using the runway.¹²⁶

We live in genuine Army barracks. They are the same temporary type which combat soldiers use in the "theater of operations." They are made of wood planks, with tar paper laid over the roof and batten boards covering the walls.¹²⁷ My father helped build ours. He signed up to come up early to do that.¹²⁸ So it's his fault. The wood has dried out and there are cracks; there are big knot-holes as well.¹²⁹

None of us talk about it (that's true about lots of the goings-on since we arrived), but my mother has been wandering around at night to look for more pieces of sheetrock to add to our room. She stopped, because everyone else has taken all of the good material, and she almost fell into one of the sewer ditches.¹³⁰

Also, the other day, a Nisei was shot by a guard (he survived), when he was collecting lumber to make shelves. The guard says he said "halt," and the Nisei started running. The story doesn't jibe, because the guard shot the Nisei in the front and not the back. The guards are restless, and they probably want a little excitement such as might come from shooting a "Jap."¹³¹ You've got to keep your wits and be careful. They might be careless. Fact is, their job is to kill Japs, not save Japanese Americans.¹³²

¹²³ *Id.* at 173.

¹²⁴ ARMOR & WRIGHT, *supra* note 44, at 117.

¹²⁵ *Id.* at 100; *see also* OKUBO, *supra* note 71, at 152-53.

¹²⁶ BURTON, *supra* note 111, at 200.

¹²⁷ In addition to the sources on the internment generally, I have relied on the following descriptions of Manzanar and the other internment camps: ARMOR & WRIGHT, *supra* note 44; BORN FREE AND EQUAL: THE STORY OF LOYAL JAPANESE AMERICANS, MANZANAR RELOCATION CENTER, INYO COUNTY, CALIFORNIA (Wynne Benti ed., 2002) (reprinting photographs of Ansel Adams); OKUBO, *supra* note 71 (describing Tanforan and Topaz throughout); HARLAN D. UNRAU, U.S. DEP'T OF INTERIOR, THE EVACUATION AND RELOCATION OF PERSONS OF JAPANESE ANCESTRY DURING WORLD WAR II: A HISTORICAL STUDY OF THE MANZANAR WAR RELOCATION CENTER (1996).

For descriptions of the barracks, I have paraphrased from ARMOR & WRIGHT, *supra* note 44, at 85-87; *see also* HOSOKAWA, *supra* note 9, at 341-42.

¹²⁸ BURTON, *supra* note 111, 162-63 (regarding volunteer and paid internee labor).

¹²⁹ HOUSTON & HOUSTON, *supra* note 9, at 20-21.

¹³⁰ *See* OKUBO, *supra* note 71, at 137.

¹³¹ The incident was reported in a WRA investigation, which quoted a Lieutenant Buckner to the effect that "the guards [are] finding guard service very monotonous and . . . nothing would suit them better than to have a little excitement, such as shooting a Jap." CWRIC, *supra* note 9, at 175.

¹³² Karl Bendetsen, one of the key army officials involved with the internment, reportedly said the Army's job "is to kill Japanese not to save Japanese." NG, *supra* note 9, at 130.

I refuse to believe we are still in California when the wind blows right through, and I've seen enough snow to last me a lifetime. (I'm tempted to throw a snowball at a guard, but I can't work up my nerve.) After we arrived, we received a booklet of questions and answers about the internment process. It predicted the temperatures would range from freezing to 115 degrees.¹³³ Even if we had known, we couldn't have packed enough clothes into the two suitcases we were allowed—only what we could carry.¹³⁴ And when it isn't cold, we still have gusts of wind, kicking up dust storms like I've never seen before. The first night we were here, there was sand blowing all over; the next morning, I woke up with my mouth full of sand and my eyes itchy from it.¹³⁵ You may as well be outside as inside.¹³⁶ But they have it even worse in terms of weather in some of the internment camps, such as Heart Mountain, where it has been below zero degrees all winter long. (We hear Heart Mountain is still the happiest camp.¹³⁷)

Our room is about twenty-five feet by twenty feet. The space fit our family just fine until they moved another family in with us.¹³⁸ There are four rooms in each barrack; there are sixteen barracks in each block; there are four blocks in each ward; and there are nine wards altogether.¹³⁹ My mother is always saying, "Thank goodness, we have a little stove."¹⁴⁰ There is no running water in the rooms, though.¹⁴¹ We have a kitchen we share, a mess hall, and public latrines.¹⁴²

¹³³ ARMOR & WRIGHT, *supra* note 44, at 85.

¹³⁴ General De Witt's *Instructions to All Persons of Japanese Ancestry* indicated "[t]he size and number of packages is limited to that which can be carried by the individual or family group." THE COLUMBIA DOCUMENTARY HISTORY, *supra* note 29, at 270-71. The Inada book, ONLY WHAT WE COULD CARRY: THE JAPANESE AMERICAN INTERNMENT EXPERIENCE, *supra* note 9, takes its title from the policy of allowing internees to bring only what they could carry; see also CWRIC, *supra* note 9, at 163 (describing lack of warm clothing for the winter months); ERIC L. MULLER, FREE TO DIE FOR THEIR COUNTRY: THE STORY OF THE JAPANESE AMERICAN DRAFT RESISTERS IN WORLD WAR II 27-28 (2001) (describing circumstances of forced eviction).

¹³⁵ Archie Miyatake made this statement in BORN FREE AND EQUAL, *supra* note 128, at 17.

¹³⁶ Congressman Leland Ford made this comment about the Manzanar barracks. CWRIC, *supra* note 9, at 159.

¹³⁷ DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 117.

¹³⁸ WEGLYN, *supra* note 9, at 80. At the end of 1942, there were 928 cases in the various internment camps of two families sharing a room. CWRIC, *supra* note 9, at 158. As many as eleven people were placed into a single "apartment." ARMOR & WRIGHT, *supra* note 43, at 87.

¹³⁹ For descriptions of the barracks, I have paraphrased from ARMOR & WRIGHT, *supra* note 44, at 85-87; see also BURTON, *supra* note 111, at 164-65, 167.

¹⁴⁰ The assembly centers lacked such amenities. See, e.g., WEGLYN, *supra* note 9, at 80 (describing assembly center rooms as having only a bare light bulb for a fixture, and listing other contents as cots, blankets, and mattresses—"often straw-filled sacks").

¹⁴¹ CWRIC, *supra* note 9, at 159.

¹⁴² ARMOR, *supra* note 44, at 87.

We eat meals in the mess hall. The food was awful, but it's been improving since they allowed us to grow our own vegetables and fruits. At the beginning, they gave us canned food for everything: canned hash, canned pork and beans, canned wieners, all types of canned mush I can't even name.¹⁴³ They also served what the Army Quartermaster called, "edible offal."¹⁴⁴ (I don't know if you know what "offal" is, but it's "awful"—everything you'd throw away from the animal.¹⁴⁵) We'd have starved, if they didn't also give us can openers—almost half the mess halls lack equipment.¹⁴⁶ We were half-starving even with the cans and the offal, until we organized a farm for ourselves.¹⁴⁷ They had a rule that our meals couldn't cost more than Army rations, but then they adopted stricter policies because of the reports we were becoming fat on beef and whiskey we'd been hoarding.¹⁴⁸ I am trying to be a gentleman about it, but I'm steamed when I see the cute girls getting bigger portions at our lousy dinners.¹⁴⁹

The latrines are disgusting. The Army wanted to save money, so they didn't go to the trouble of putting in any walls between the toilets. Everyone could see everything. Many people tried to go as long as they could without going, until we rigged up some half-walls.¹⁵⁰ It's such a long walk, my mother has a big coffee can for my kid brother, when he really has to go and can't make it in the dark.¹⁵¹ My father made us all pairs of *geta* (Japanese wooden clogs), using some scrap that my mother had scrounged up. The *geta* aren't comfortable, because they are extra tall, so we can walk through the mud to the bathroom.¹⁵² There isn't enough hot water to go around. Many of us don't shower as much as we should, and some of the bachelor men have reeked since the assembly cen-

¹⁴³ WEGLYN, *supra* note 9, at 81.

¹⁴⁴ HOSOKAWA, *supra* note 9, at 351.

¹⁴⁵ The internees called the rations "awful edibles." MEI T. NAKANO, *JAPANESE AMERICAN WOMEN: THREE GENERATIONS, 1890-1990*, at 144 (1990).

¹⁴⁶ CWRIC, *supra* note 9, at 160.

¹⁴⁷ BURTON, *supra* note 111, at 169-70; *see also* ARMOR & WRIGHT, *supra* note 44, at 91-95.

¹⁴⁸ CWRIC, *supra* note 9, at 142 (assembly centers spent only seventy-eight percent of the per capita allotment for food); *see also id.* at 163 (setting forth the internment camps' food budget). On the beef and whiskey allegation, which was false, *see* ROBINSON, *supra* note 9, at 193; *see also* HOSOKAWA, *supra* note 9, at 373 (alleging that Japanese Americans enjoyed wine with meals in the internment camps).

¹⁴⁹ *See* KITANO, *supra* note 9, at 44 (describing male servers giving "attractive females . . . fuller plates" at the assembly center).

¹⁵⁰ DANIELS, *CONCENTRATION CAMPS, NORTH AMERICA*, *supra* note 9, at 89; TAKAI, *supra* note 6, at 27; WEGLYN, *supra* note 9, at 10, 81.

¹⁵¹ *See* ONLY WHAT WE COULD CARRY, *supra* note 9, at 123.

¹⁵² *See* OKUBO, *supra* note 71, at 161.

ter.¹⁵³ Many of the Issei women had never used showers before camp, so they aren't comfortable with the group showers.¹⁵⁴ It's improved since the assembly center, because the men can't spy on the women.¹⁵⁵ (I've learned about women's hygiene. They ran out of their products for that time of the month. The JAACL had to protest to get them to send more.¹⁵⁶)

We have a meeting hall we built ourselves. There is a park named for the camp director, Mr. Merritt, and there's a Japanese tea house in there.¹⁵⁷ There also is a hospital. There is a cemetery and even a pet cemetery next to it (people adopt a chicken or whatever they can find to take the place of their real pets). Some of us have built a monument in the cemetery, too.¹⁵⁸ Children are born; people die.¹⁵⁹ Mr. Watanabe's wife was pregnant with twins, and during labor she hemorrhaged to death. The twins didn't make it, but they won't tell Mr. Watanabe where they buried the bodies. He's been looking, looking, looking.¹⁶⁰

The Caucasians who work here have their own private quarters separate from us, with refrigerators, running water, indoor toilets, and bathtubs. One lady has four-room house with a piano.¹⁶¹

We had a camouflage net factory for a while, but it made many people very angry. Only Nisei could work there, but they were paid much more than anyone else. They closed it down just after opening it up.¹⁶² The garment factory and the mattress factory are still running. They only make products for us inside, because there were complaints about unfair competition from people outside.¹⁶³

There are many people here who shouldn't be here, even if the rest of us should be. There are folks who are so old they don't manage to get out of bed even if they can do so; people who are

¹⁵³ Cf. *id.* at 63 (describing the dressing habits of the bachelor men).

¹⁵⁴ Many Issei were accustomed to soaking at night in a steaming-hot *furo* (Japanese bath). OKUBO, *supra* note 71, at 75; WEGLYN, *supra* note 9, at 80.

¹⁵⁵ Voyeurism was a complaint, to which officials responded by saying perhaps the women were looking at the men. CWRIC, *supra* note 9, at 139.

¹⁵⁶ HOSOKAWA, *supra* note 9, at 333 (describing the shortage of sanitary napkins that occurred in the assembly center).

¹⁵⁷ BURTON, *supra* note 111, at 168.

¹⁵⁸ See generally *id.* at 161-202 (describing the Manzanar Relocation Center).

¹⁵⁹ More than 135 people died at Manzanar. *Id.* at 172.

¹⁶⁰ JOHN TATEISHI, AND JUSTICE FOR ALL: AN ORAL HISTORY OF THE JAPANESE AMERICAN DETENTION CAMPS 95-97 (1984).

¹⁶¹ CWRIC, *supra* note 9, at 158 (describing the Manzanar staff facilities, and claiming that the house with the piano was at Topaz); see also ARMOR & WRIGHT, *supra* note 44, at 87; HOSOKAWA, *supra* note 9, at 342-43.

¹⁶² BURTON, *supra* note 111, at 166.

¹⁶³ *Id.*

paralyzed; people who are blind.¹⁶⁴ They're treated just like the rest of us. There are even some orphans here, half-Caucasian, half-Japanese. They were taken away from their foster parents, who were white. They live over in the section called the "Children's Village."¹⁶⁵ My father helped build that, too.¹⁶⁶

For that matter, the rules about who belongs with you outside and who belongs with us inside sure are strange. Families with a Japanese husband and a Caucasian wife are here, but not families with a Caucasian husband and a Japanese wife. White widows of Japanese husbands also can stay on the coast, along with "mixed-blood" persons who are citizens and "whose backgrounds have been Caucasian."¹⁶⁷

Naturally, we have a few baseball diamonds—it wouldn't be the Japanese American community without home plate. On Independence Day, we even had an all-star game!¹⁶⁸ (A few of the Issei have organized *sumo* wrestling on an authentic mound, but they can't find very good competitors: too old or too thin.¹⁶⁹) Three old Issei men are always betting on the baseball games. It's real money; must be all they've got to do and all the cash they've saved up.¹⁷⁰

I was surprised, but they even allow the baseball teams to travel from camp to camp, so we have an all-Nisei league that is better than before the war even if everyone's mother sewed their uniform out of sacks.¹⁷¹ I've seen some real nice fields. Whoever takes care of them must spend the whole day doing it.¹⁷² (We have a Mr. Obata who sweeps them very carefully.¹⁷³) At some of the other camps, they allowed us to make a ballpark on the outside—beyond the barbed wire. They must figure you can't run too far out there even if you tried.¹⁷⁴ You chase down a long ball and you're out there by yourself in the scrub bushes.

¹⁶⁴ NAT'L JAPANESE AM. HISTORICAL SOC'Y, AMERICANS OF JAPANESE ANCESTRY AND THE UNITED STATES CONSTITUTION 1787-1987, at 48 (1987) (containing relevant photographs); see also ONLY WHAT WE COULD CARRY, *supra* note 9, at 176.

¹⁶⁵ LEVINE, *supra* note 36, at 84-91.

¹⁶⁶ BURTON, *supra* note 111, at 167.

¹⁶⁷ HOSOKAWA, *supra* note 9, at 335-36; see also CWRIC, *supra* note 9, at 141; WEGLYN, *supra* note 9, at 113.

¹⁶⁸ BURTON, *supra* note 111, at 168; ARMOR & WRIGHT, *supra* note 44, at 117.

¹⁶⁹ OKUBO, *supra* note 71, at 171. The internees were able to organize various community activities, such as a golf tournament. See CAROLYN KOZO COLE & KATHY KOBAYASHI, SHADES OF L.A.: PICTURES FROM ETHNIC FAMILY ALBUMS 90 (1996).

¹⁷⁰ NAKAGAWA, *supra* note 21, at 79-80.

¹⁷¹ *Id.* at 79.

¹⁷² *Id.* at 86.

¹⁷³ This reference pays homage to Gyo Obata, who is Japanese American and a principal with a leading architectural firm specializing in baseball stadiums. *Id.* at 138-39.

¹⁷⁴ *Id.* at 90.

Last time we played Poston, hosted by Tule Luke (no home field advantage there), I was on the bench. It was better than anything they call on the radio, but I know this sort of thing happens in the big leagues: There was a brawl. It started when the umpires made a bad call on a fly to left field. Even the fans were involved.¹⁷⁵ It was *gamu setto*.¹⁷⁶

All in all, my attitude is, I'm a teenager, and I'm going to live like a teenager. I don't spend my time moping around wondering why I'm here, or saying, "This is a terrible injustice." It's true, it's an injustice. But you don't dwell on it. You make the best of it.¹⁷⁷ At least I know it's not quite right.

The little kids, geez, they think they're at camp—a fun camp, like Boy Scouts during the summer. They were excited to be out of school and go away to a new place, running around, not having to listen to our parents.¹⁷⁸

Last year, a friend of Mr. Merritt's from the Sierra Club came by to take some pictures. He was a white guy named Mr. Adams, with his wife, Miss Virginia.¹⁷⁹ His car had a platform on top, and he had an old-fashioned 8 by 10 view camera.¹⁸⁰ They wouldn't allow him to show the guard towers, the barbed wire, or the soldiers. He was too clever for them. He took pictures from the guard towers, put the barbed wire across a landscape, and made sure he had the sign warning us to stop because of military police.¹⁸¹ I followed him around. I don't see how anyone could criticize what he wanted to shoot. The gun towers are in plain view. The barbed wire runs around the whole place—they call it a "perimeter." They even mounted machine guns at the assembly centers—facing in, not out.¹⁸² You'd have to be a blockhead to suppose the soldiers are here to protect us.¹⁸³ (Once, when the

¹⁷⁵ *Id.* at 87-90.

¹⁷⁶ The end of the game. The pidgin used by Issei and Kibei, especially at Tule Lake, contained a number of terms referring to baseball. See ONLY WHAT WE COULD CARRY, *supra* note 9, at 221. With respect to pidgin, I also have benefited from the background provided by TAMOTSU SHIBUTANI, THE DERELICTS OF K COMPANY 28-30 (1978), anticipating the current trend in sociolinguistics to avoid normative judgments suggesting that a standard dialect is superior.

¹⁷⁷ This is the language Jerry Enomoto used, as contained in ONLY WHAT WE COULD CARRY, *supra* note 9, at 113.

¹⁷⁸ See, e.g., HOUSTON & HOUSTON, *supra* note 9, at 18; MULLER, *supra* note 135, at 35, 38 (drawing comparisons to camping with Boy Scouts).

¹⁷⁹ ADAMS, *supra* note 115, at 257-64; ARMOR & WRIGHT, *supra* note 44, at xvii; see also GERALD H. ROBINSON, ELUSIVE TRUTH: FOUR PHOTOGRAPHERS AT MANZANAR (2002).

¹⁸⁰ ADAMS, *supra* note 115, at 257-64.

¹⁸¹ *Id.*

¹⁸² HOSOKAWA, *supra* note 9, at 336.

¹⁸³ See ARMOR & WRIGHT, *supra* note 44, at xii (quoting internee stating, "If it was for our protection, why did the guns point inward, rather than outward?").

President visited Fort Riley in Kansas, they locked up the Nisei soldiers.¹⁸⁴ So they may as well admit it that they don't like us.)

He also met with Mr. Miyatake, the famous photographer from Los Angeles (he took the photos for all the weddings in Little Tokyo). He built his own camera out of a wooden box and smuggled in his glass lenses.¹⁸⁵ Mr. Merritt has become more lax about allowing us to have forbidden objects such as cameras. Mr. Miyatake has been taking his own pictures, provided a Caucasian presses the button to avoid violating the rules strictly speaking.¹⁸⁶ I hang out with his son, Archie, sometimes.¹⁸⁷ Archie told me that the book by Mr. Adams just came out, and people outside are riled up about it.¹⁸⁸

Last year, Mrs. Roosevelt visited the Gila River internment camp in Arizona. We've been told that many white people outside are accusing us of sitting through the war in comfort or being "coddled" as if we were asking for a hand-out.¹⁸⁹ It's as if people want us to feel they are doing us a favor, as if they are nicer to us than we deserve, or we should appreciate the advantages of being allowed to stay in this country.¹⁹⁰ I don't doubt some people might even say internment is good for us, sitting in here, because we aren't on the farms or the fishing boats.¹⁹¹ Mrs. Roosevelt went to report for *Collier's* magazine, so she must have seen what it was really like. If you have the article, I'd appreciate it if you sent me a copy so I can see for myself what she says about our day-to-day existence.¹⁹²

¹⁸⁴ MULLER, *supra* note 135, at 42.

¹⁸⁵ ARMOR & WRIGHT, *supra* note 44, at xviii-xx; *see also* BORN FREE AND EQUAL, *supra* note 128, at 19.

¹⁸⁶ ARMOR & WRIGHT, *supra* note 44, at xviii.

¹⁸⁷ *See* Archie Miyatake, *Manzanar Remembered*, in BORN FREE AND EQUAL, *supra* note 128, at 15-23.

¹⁸⁸ ARMOR & WRIGHT, *supra* note 44, at xviii (reporting that the book was publicly burned); *see also* ADAMS, *supra* note 115, at 263-64.

¹⁸⁹ *See* CWRIC, *supra* note 9, at 225-26; IRONS, JUSTICE AT WAR, *supra* note 9, at 213-17.

¹⁹⁰ This claim emerged again in the trial of draft resisters. *See* MULLER, *supra* note 135, at 110-11. *See generally* FRANK H. WU, *YELLOW: RACE IN AMERICA BEYOND BLACK AND WHITE* 79-130 (2002) (discussing "perpetual foreigner syndrome").

¹⁹¹ United States Senator S.I. Hayakawa, born in Canada of Japanese ancestry, made this argument in 1978, in opposing redress. FROM RELOCATION TO REDRESS, *supra* note 66, at 189. He also said, "My flesh crawls with shame and embarrassment." *Hayakawa Denounces Claims of Nisei for Internment Pay*, N.Y. TIMES, Aug. 5, 1981, at A18.

¹⁹² The Roosevelt article, which was commissioned but not published, rebuts the charge of "coddling." It is reprinted in BURTON ET AL., *supra* note 111, at 19-24. *See also* Eleanor Roosevelt, *A Challenge to American Sportsmanship*, reprinted in ONLY WHAT WE COULD CARRY, *supra* note 9, at 263-69; GOODWIN, *supra* note 9, at 427-28 (describing Eleanor Roosevelt's visit); ROBINSON, *supra* note 9, 189-90 (discussing Eleanor Roosevelt's influence on internment policy).

IV.

“Jap Crow,” I’ve heard it called.¹⁹³ You know, “Jim Crow” is the term for putting down the blacks in the South.¹⁹⁴ “Jap Crow” is the word for putting us in our place on the West Coast. Just like they have all-Negro troops, they have all-Nisei troops.¹⁹⁵

We’re stuck. We have to be equal to blacks rather than whites. They couldn’t very well tell the Negroes they had to stay together in a lousy outfit, but allow us to fit into the regular crowd.¹⁹⁶ They wouldn’t want Nisei to have any rights, or Negroes would get big ideas.¹⁹⁷

The Army might combine the Negro and Nisei units, which sure would be something to see. They’re prejudiced against the Negroes more than the Nisei, because they want to use the Negroes as cannon fodder.¹⁹⁸

¹⁹³ DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 151; WEGLYN, *supra* note 9, at 140. In addition to the sources already cited, I have relied on the following specialized accounts of Japanese American military service: THELMA CHANG, “I CAN NEVER FORGET”: MEN OF THE 100TH/442ND (1991); A DIFFERENT BATTLE: STORIES OF ASIAN PACIFIC AMERICAN VETERANS (Carina A. del Rosario ed., 1999) [hereinafter A DIFFERENT BATTLE]; MASAYO UMEZAWA DUUS, UNLIKELY LIBERATORS: THE MEN OF THE 100TH AND 442ND (Peter Duus trans., 1983); JAMES M. HANLEY, A MATTER OF HONOR (1995); HAWAII NIKKEI HISTORY EDITORIAL BD., JAPANESE EYES, AMERICAN HEART: PERSONAL REFLECTIONS OF HAWAII’S WORLD WAR II NISEI SOLDIERS (1998) [hereinafter JAPANESE EYES]; EDWIN M. NAKASONE, THE NISEI SOLDIER: HISTORICAL ESSAYS ON WORLD WAR II AND THE KOREAN WAR (2d ed. 1999); CHESTER TANAKA, GO FOR BROKE: A PICTORIAL HISTORY OF THE JAPANESE AMERICAN 100TH INFANTRY BATTALION AND THE 442ND REGIMENTAL COMBAT TEAM (1982). The source that differs the most from the rest of the literature is SHIBUTANI, *supra* note 177, a scholarly study of “one of the more disorderly units in United States military history” as a case of “the process of demoralization.” *Id.* at vii.

Due to the narrative perspective, this Article regrettably continues the neglect of the role of Japanese American women in the military service. See generally NAKANO, *supra* note 146 (depicting the role of Japanese American women in the military).

¹⁹⁴ See AFRICANA: THE ENCYCLOPEDIA OF THE AFRICAN AND AFRICAN AMERICAN EXPERIENCE 1050-51 (Kwame Anthony Appiah & Henry Louis Gates, Jr. eds., 1999); C. VANN WOODWARD, THE STRANGE CAREER OF JIM CROW (1966).

¹⁹⁵ Racial desegregation of the armed forces would not begin until President Harry S. Truman issued Executive Order 9981 in 1948. See DANIEL KRYDER, DIVIDED ARSENAL: RACE AND THE AMERICAN STATE DURING WORLD WAR II 248 (2000). Truman was motivated by brutal assaults on African American soldiers who returned from Europe to the Southern states, where Caucasian men were livid about images of African American men socializing with white European women. See GERALD ASTOR, THE RIGHT TO FIGHT: A HISTORY OF AFRICAN AMERICANS IN THE MILITARY 315-22 (1998); see also MICHAEL R. GARDNER, HARRY TRUMAN AND CIVIL RIGHTS: MORAL COURAGE AND POLITICAL RISKS 87-121 (2002); CHARLES C. MOSKOS & JOHN SIBLEY BUTLER, ALL THAT WE CAN BE: BLACK LEADERSHIP AND RACIAL INTEGRATION THE ARMY WAY (1997) (sociological study presenting the military as a model for achieving racial integration).

¹⁹⁶ MULLER, *supra* note 135, at 49, 62 (describing military decision-making regarding segregation of Japanese Americans with respect to segregation of African Americans).

¹⁹⁷ See DUUS, *supra* note 194, at 55 (describing white leaders in Little Rock, Arkansas, raising this concern).

¹⁹⁸ ASTOR, *supra* note 196, at 284. The Buffalo Soldiers in fact campaigned with the 442nd. MILLER, *supra* note 16, at 506-07, 512-13.

It goes without saying that the officers are almost all Caucasian, except for one Korean American.¹⁹⁹ The Caucasian officers are decent, standing up for us as their soldiers. They are telling their friends back home about Japanese Americans proving our loyalty by dying for our flag—the same flag they salute.²⁰⁰ They almost transferred the Korean American, Young Oak Kim, who is a Second Lieutenant, because they were nervous he wouldn't get on with the Nisei troops. But he told the brass he was just like them: all-American.²⁰¹

Funny, but it used to be in the Army they had Japanese with everyone else. Fact was, that was the only way an Issei could become a citizen. During the Great War, about five hundred Orientals fought for the United States. The very first resolution the JACL passed was to support veterans who wanted to naturalize. We sent Sergeant Major Tokie Slocum to Capitol Hill, and he persuaded them to pass a bill.²⁰² That's how my uncle was able to naturalize. He wore his old uniform when he went to camp.²⁰³ It's hanging up on the wall over a gap where the boards didn't join right. The veterans can't take it. My uncle had a buddy who shot himself instead of reporting to the assembly center. He was an honorary citizen.²⁰⁴ (They've got Koreans, Chinese, and Filipinos in the Army, lots of 'em.²⁰⁵)

Then, when we were turned into 4-C "enemy aliens," they stopped taking any of the Nisei.²⁰⁶ There were many of us in the

¹⁹⁹ TANAKA, *supra* note 194, at 17.

²⁰⁰ See HANLEY, *supra* note 194, at xix-xx (describing letter to hometown newspaper, reprinted in the *Catholic Digest*, providing first-hand accounts of Nisei heroism in response to suggestion that the only good "Jap-American" was a dead one).

²⁰¹ TANAKA, *supra* note 194, at 25.

²⁰² MULLER, *supra* note 135, at 14-15.

²⁰³ One of the most widely reprinted photographs shows a World War I veteran of Japanese descent (not identified), wearing his uniform as he reports to camp. See, e.g., HOSOKAWA, *supra* note 9 (reprinting photograph on cover); ONLY WHAT WE COULD CARRY, *supra* note 9, at 47.

²⁰⁴ WEGLYN, *supra* note 9, at 78.

²⁰⁵ The Asian American military participation ratio compared favorably to that of the general population. One-fifth of the Korean population of Los Angeles joined the National Guard; one fifth of the Chinese adult males served in the Army; and eighty percent of the forces defending the Bataan Peninsula were Filipinos in U.S. uniforms. A DIFFERENT BATTLE, *supra* note 194, at 10.

The total number of individuals who served in the United States military forces during World War II was 16,112,566. See *Principal Wars in Which the United States Participated, Table 2-23*, in DEP'T OF DEFENSE, SELECTED MANPOWER STATISTICS 75 (2002). Immigrants have always served and continue to serve at high rates. See STUART ANDERSON, IN DEFENSE OF A NATION: THE MILITARY CONTRIBUTIONS OF IMMIGRANTS (1996).

²⁰⁶ As of June 17, 1942, individuals of Japanese extraction, regardless of citizenship, were not to be accepted for military service. CWRIC, *supra* note 9, at 187. On September 14, 1942, they were classified IV-C, "enemy aliens." *Id.* Min Yasui, the litigant in one of the four Supreme Court cases considering the internment, was a Second Lieutenant in the Army Infantry

Army already (about 5000), and it depended on the commanding officer, with some of them not wasting the effort to kick out the Nisei.²⁰⁷ For those of us left in uniform, they made us drill with wooden rifles.²⁰⁸

Later, they changed their minds again.²⁰⁹ They started drafting us, maybe because it would look good to the rest of the world to have the yellow man fighting for the white man.²¹⁰ I guess technically many of us are volunteers.²¹¹ But we have to register and local boards can order us to enlist. But they haven't bothered to explain the details of the system. There's confusion.²¹²

In February 1943, the President approved of Nisei troops:

No loyal citizen of the United States should be denied the democratic right to exercise the responsibilities of his citizenship, regardless of his ancestry. The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of mind and heart; Americanism is not, and never was, a matter of race or ancestry.²¹³

Reserve. See IRONS, JUSTICE AT WAR, *supra* note 9, at 81-85 (containing biography of Yasui, detailing his military training).

²⁰⁷ President Roosevelt cited the 5,000 figure. MULLER, *supra* note 135, at 41. The individual discretion of commanding officers was the deciding factor in determining whether Japanese American soldiers would be discharged. CWRIC, *supra* note 9, at 187; see also HOSOKAWA, *supra* note 9, at 419 (listing examples of Japanese Americans who were not discharged or segregated); MULLER, *supra* note 135, at 207 (discussing Japanese American war hero who flew thirty bomber missions in Europe).

²⁰⁸ MULLER, *supra* note 135, at 42.

²⁰⁹ The government had earlier rejected a proposal by JAACL leader Mike Masaoka that, as an alternative to internment, Japanese Americans volunteer to form a "suicide battalion" to fight the Japanese. See HOSOKAWA, *supra* note 9, at 271-72.

²¹⁰ This sentiment was voiced by Secretary of War Henry Stimson. ROBINSON, *supra* note 9, at 165; see also DUUS, *supra* note 194, at 57; HOSOKAWA, *supra* note 9, at 368. On the racialization of the Pacific War, see generally DOWER, *supra* note 9. Recent analyses of the success of the civil rights movement have identified the influence of the desire on the part of American leaders to cultivate a positive image overseas. See, e.g., THOMAS BORSTELMANN, THE COLD WAR AND THE COLOR LINE: AMERICAN RACE RELATIONS IN THE GLOBAL ARENA (2001); MARY L. DUDZIAK, COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY (2000). Two generations later, pop singer Bruce Springsteen would describe the Vietnam conflict on the title track of his hit album, *Born in the U.S.A.*, as "[s]ent me off to a foreign land/to go and kill the yellow man." ROBERT COLES, BRUCE SPRINGSTEEN'S AMERICA: THE PEOPLE LISTENING, A POET SINGING 155-57 (2003). The lyrics are ambiguous. Springsteen may be describing the Vietnam conflict as racial, without making any judgment, or he may be describing it with approval or disapproval. See *id.*

²¹¹ An initial effort to recruit volunteers for the military, using the loyalty questionnaires, led to an eventual resumption of conscription into service. DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 112, 123. The narrator has compressed the sequence of events here.

²¹² MULLER, *supra* note 135, at 46, 52-53.

²¹³ CWRIC, *supra* note 9, at 191.

There are two Nisei units, the 100th Infantry Battalion and the 442nd Regimental Combat Team, along with other Japanese Americans serving with military intelligence (but I don't have the intelligence for that—you have to know Japanese, so the Issei and the Kibei are turning out to be useful after all).²¹⁴ The 100th had about 1,400 men when they formed.²¹⁵ The 442nd has about 18,000 men all told.²¹⁶

The 100th Infantry Battalion are buddha-heads, AJAs from Hawaii.²¹⁷ The "One Puka Puka" were the originals.²¹⁸ Their insignia say, "Remember Pearl Harbor."²¹⁹ It was because they were so good the higher-ups agreed we were okay. Even so, they were all transferred out of Hawaii. The Caucasians said we all look alike, and they wouldn't know who to shoot if there were an invasion (serious).²²⁰

If anyone were suspicious of Japanese American courage, they should have looked at what the Hawaiian Nisei in the National Guard did that morning: they rushed to their defensive posts.²²¹ When they were turned away, they still did what they could, even if it meant just digging ditches for the Army Corps of Engineers.²²²

The 442nd Regimental Combat Team is mixed, with buddha-heads and ka-tonks (that's us in their lingo—the sound of an empty coconut, which is our head; the islanders have their own lingo;

²¹⁴ With respect to Japanese Americans in military intelligence, I have consulted JOSEPH D. HARRINGTON, *YANKEE SAMURAI: THE SECRET ROLE OF NISEI IN AMERICA'S PACIFIC VICTORY* (1979); TAD ICHINOKUCHI, JOHN AISO AND THE M.I.S.: *JAPANESE-AMERICAN SOLDIERS IN THE MILITARY INTELLIGENCE SERVICE, WORLD WAR II* (1988); JAPANESE AM. VETERANS ASS'N OF WASHINGTON, D.C., *MIS IN THE WAR AGAINST JAPAN: PERSONAL EXPERIENCES RELATED AT THE 1993 MIS CAPITAL REUNION, "THE NISEI VETERAN: AN AMERICAN PATRIOT"* (Stanley L. Falk & Warren M. Tsuneishi eds., 1995); RICHARD SAKAKIDA & WAYNE KIYOSAKI, *A SPY IN THEIR MIDST: THE WORLD WAR II STRUGGLE OF A JAPANESE-AMERICAN HERO* (1995).

²¹⁵ CWRIC, *supra* note 9, at 256.

²¹⁶ *Id.* at 258.

²¹⁷ The term "Buddha-head," which has a different meaning in contemporary African American vernacular English, refers both to Buddhists and "buta-head," a Japanese term meaning pig-headed. TANAKA, *supra* note 194, at 23. "Buddha-heads" is considered a derogatory term. See *JAPANESE AMERICAN HISTORY*, *supra* note 39, at 114. "AJA" stood for "Americans of Japanese ancestry," a term that was used for self-description; it has subsequently been replaced by Japanese American. Cf. CROST, *supra* note 24, at 19.

²¹⁸ "Puka" is the Hawaiian word for "hole," i.e., zero. CROST, *supra* note 24, at 16.

²¹⁹ TANAKA, *supra* note 194, at 23.

²²⁰ See, e.g., *id.* at 11-12. This argument was repeated by Justice Hugo Black twenty-five years later in defending his internment decision votes. See *Justice Black, Champion of Civil Liberties for 34 Years on the Court, Dies at 85*, N.Y. TIMES, Sept. 26, 1971, at 76. The argument was not extended to white European soldiers who might land on the East Coast. See CWRIC, *supra* note 9, at 219.

²²¹ This argument opens one of the leading accounts of the 100th and 442nd. CROST, *supra* note 24, at 9-10.

²²² See generally TOMI KAIZAWA KNAEFLER, *OUR HOUSE DIVIDED: SEVEN JAPANESE AMERICAN FAMILIES IN WORLD WAR II* 15 (1991).

they call white people "haoles" or "kamaaina").²²³ The Hawaiians aren't like us, and they don't like us. You don't turn out the same if you grow up someplace where there are many of you, rather than a few of you. But we're all learning to get along.²²⁴ The 442nd trains at Camp Shelby in Mississippi. They've met up with the 100th.²²⁵ Their motto is "Go For Broke"—from betting on dice.²²⁶ They sing "we don't give a damn."²²⁷ Weird, they charge and yell "Banzai!"²²⁸

We're all little guys, like me. Maybe five foot four, 125 pounds.²²⁹ The Army can't find uniforms small enough, especially shoes. They have to make 'em special.²³⁰

Wherever we go, people are surprised: they think real Japanese Japanese forces have invaded.²³¹ When we were still preparing to go overseas, our boys had a huge fight with Texans from the Second Division, who called us "Japs" and "yellow bellies." We know judo. There were thirty-eight Texans who had to go to the infirmary, but only one Nisei, and that was someone who was bashed in the head by an MP. (The Mexicans stayed out of it. We Nisei and the Mexicans have an understanding.²³²)

I want to be a man, not to be called a coward. I'm not ashamed to confess I'm scared, because of how many of us are coming back dead or wounded. Our parents are right, we teenagers don't know what we're in for. The Nisei are still green when they come back to be buried. Some of them are being put to rest on the ground where they were baptized by fire.²³³ Their parents receive the telegram. That's how they know without the body.

²²³ TANAKA, *supra* note 194, at 23; *see also* JAPANESE AMERICAN HISTORY, *supra* note 39, at 211. "Haole" refers to whites in general; "kamaaina" refers to long-term locals. NG, *supra* note 9, at 62.

²²⁴ NG, *supra* note 9, at 62; SHIBUTANI, *supra* note 177, at 81-85.

²²⁵ TANAKA, *supra* note 194, at 51.

²²⁶ *See* CROST, *supra* note 24, at 66; HOSOKAWA, *supra* note 9, at 404.

²²⁷ DOROTHY MATSUO, *BOYHOOD TO WAR: HISTORY AND ANECDOTES OF THE 442ND RCT 192-93* (1992).

²²⁸ CROST, *supra* note 24, at 86; *see also* DUUS, *supra* note 194, at 57.

²²⁹ TANAKA, *supra* note 194, at 2.

²³⁰ *Id.*

²³¹ DUUS, *supra* note 194, at 25; *see also* INOUE ET AL., *supra* note 26, at 91 (recounting Japanese American troops being mistaken for Japanese prisoners of war); HOSOKAWA, *supra* note 9, at 414 (describing Japanese American soldier in the Pacific Theatre killed by friendly fire due to assumption he was an enemy combatant); *cf.* ONLY WHAT WE COULD CARRY, *supra* note 9, at 377 (retelling how Nazi death camp inmates mistook Japanese American troops for Japanese troops).

I have used "real Japanese Japanese," which makes an effective rhetorical distinction through its redundancy, following JOHN OKADA, *NO-NO BOY* (1981).

²³² DUUS, *supra* note 194, at 36-37.

²³³ *See, e.g.*, JAPANESE EYES, *supra* note 194, at 392-94 (indicating that Tomosu Hirahara was buried in Bruyeres, France).

The 100th shipped out in September 1943.²³⁴ In the first week of action, there were three KIAs and 23 WIAs, not counting 13 accidents.²³⁵ The 100th is already called the “Purple Heart Battalion” and the 442nd is already called the “Christmas Tree Regiment,” because of all the decorations we’re winning.²³⁶

I have one story about the fighting. We read about the details in the *Pacific Citizen*, the Nisei newspaper, which prints lists of losses.²³⁷ It’s been written up by all the war correspondents for the regular newspapers: “the little iron men” they’re calling us.²³⁸ They make it sound like the movies, where people who are shot don’t bleed at all.²³⁹ The 100th was ordered to take a church on top of a mountain in Italy.²⁴⁰ It’s a sacred place, so there can’t be bombing.²⁴¹ Everything around was knocked down to make a perfect defense with steel dugouts and armored pillboxes. There were mines, explosive barbed wire, and interlocking machine guns covering the territory.²⁴² The Nisei had to climb hills, and they were pinned down. One of the companies had 187 men, and only fourteen of them made it. A platoon of forty men went up, but only five of them came down. We would have made it, but we simply ran out of men. In 40 days, the 100th went down from

²³⁴ A DIFFERENT BATTLE, *supra* note 194, at 14.

²³⁵ TANAKA, *supra* note 194, at 33.

²³⁶ ARMOR & WRIGHT, *supra* note 44, at 149; JAPANESE EYES, *supra* note 194, at 3.

²³⁷ See SHIBUTANI, *supra* note 177, at 59.

²³⁸ CROST, *supra* note 24, at 115.

²³⁹ For a sense of warfare, I have relied on PAUL FUSSELL, *WARTIME: UNDERSTANDING AND BEHAVIOR IN THE SECOND WORLD WAR* (1989), and JOHN KEEGAN, *A HISTORY OF WARFARE* (1993).

²⁴⁰ This is the battle for Mount Cassino Abbey. CROST, *supra* note 24, at 97-116; TANAKA, *supra* note 194, at 39-42. The Crost and Tanaka volumes recount all the campaigns of the 100th and 442nd in graphic detail. Their most famous mission was the rescue of the Texas “Lost Battalion,” a battle in which they took 800 casualties to bring back 211 of their comrades who were trapped in a French forest. *Id.* at 99. The United States has named this one of the Army’s “ten most heroic battles.” MILLER, *supra* note 16, at 308. See generally FRANZ STEIDL, *LOST BATTALIONS: GOING FOR BROKE IN THE VOSGES, AUTUMN 1944* (1997).

Overall, the 100th and 442nd engaged in eight major campaigns, earning seven Presidential Unit citations, 9,486 Purple Hearts, 1 Medal of Honor, 52 Distinguished Service Crosses, 1 Distinguished Service Medal, 560 Silver Stars, 28 Oak Leaf clusters, 22 Legions of Merit, 4,000 Bronze Stars, 1,200 Oak Leaf clusters representing second Bronze Stars, 12 French *croix de guerre*, among the forms of formal recognition of their bravery and sacrifice. CROST, *supra* note 24, at 311-12. In commending the 442nd, President Truman would declare, “You fought not only the enemy, but you fought prejudice—and you won.” HOSOKAWA, *supra* note 9, at 410. A review in 1996 determined that an additional 20 members of the 100th and 442nd should have their decorations upgraded to Medals of Honor. NAT’L JAPANESE AM. MEM’L FOUND., PATRIOTISM, PERSEVERANCE, POSTERITY: THE STORY OF THE NATIONAL JAPANESE AMERICAN MEMORIAL 64-65 (2001) [hereinafter NJAMF]. The 100th and 442nd are often described as the most decorated unit in United States military history (calculated on a per capita/time served basis). See, e.g., TANAKA, *supra* note 194, at 1.

²⁴¹ CROST, *supra* note 24, at 99.

²⁴² *Id.* at 100.

1300 men to 521 "effectives."²⁴³ The 100th was decimated. The 442nd had to reinforce them then.²⁴⁴

The white officers are being killed, just like their men. One of the favorites died early, Lieutenant Kurt Schemel. His parents were from Germany.²⁴⁵ Whatever their color, their blood was all the same: cut off a Nisei's arm, and it'll bleed like Schemel's arm.²⁴⁶

It's very strange. "Never forget that you are *Nihonjin*" [of the Japanese race] is the way of our ancestors.²⁴⁷ It's as if we've transferred the whole tradition from Japan to the United States. The families who support the draft, they say to their sons, "[b]ring honor to our name."²⁴⁸ We're so proud of being Japanese we feel inferior to Caucasians.²⁴⁹ We're pathetic, eager to be all-American.²⁵⁰ Being together must help the 100th and 442nd see it through.²⁵¹

The JACL backs the draft. They even called for it. The organization met over Thanksgiving the first year of camp.²⁵² Their members were given leave from camps for a conference in Salt Lake City. They discussed how to cooperate with the War Relocation Authority. But mainly they decided they would tell the government we wanted to be inducted into the Army.²⁵³ The JACL has done the best it could. It fought the internment as long as it could. Then it tried to coordinate with the WRA. Its leaders believed it would be easier all around if we accepted our fate.²⁵⁴ They could not have done anything else.²⁵⁵

The JACL spokesperson, Mr. Masaoka, wrote a creed for us. JACL members recite it at important events, with their hand over their hearts:

²⁴³ *Id.* at 115.

²⁴⁴ *Id.* at 97-98.

²⁴⁵ *Id.* at 86.

²⁴⁶ I have paraphrased from KNAEFLER, *supra* note 223, at 15 (using a quote similar to Shylock's lament in Shakespeare's *Merchant of Venice* to the effect that if you prick us, will we not bleed?).

²⁴⁷ SHIBUTANI, *supra* note 177, at 72.

²⁴⁸ *Cf.* INOUE ET AL., *supra* note 26, at 84.

²⁴⁹ SHIBUTANI, *supra* note 177, at 77.

²⁵⁰ This was the conclusion of intelligence operative Munson. WEGLYN, *supra* note 9, at 45.

²⁵¹ See GROSSMAN, *supra* note 47, at 149-55 (discussing the importance of unit cohesion in combat).

²⁵² HOSOKAWA, *supra* note 9, at 359.

²⁵³ See BILL HOSOKAWA, JACL IN QUEST OF JUSTICE: THE HISTORY OF THE JAPANESE AMERICAN CITIZENS LEAGUE 195-208 (1982); MULLER, *supra* note 135, at 42-43.

²⁵⁴ See DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 79-81; MIKE MASAOKA WITH BILL HOSOKAWA, THEY CALL ME MOSES MASAOKA: AN AMERICAN SAGA 85-103 (1987).

²⁵⁵ This borrows from MASAOKA, *supra* note 255, at 100.

I am proud that I am American of Japanese ancestry, for my very background makes me appreciate more fully the wonderful advantages of this nation. I believe in her institutions, ideals, and traditions; I glory in her heritage; I boast of her history; I trust in her future; she has granted me liberties and opportunities such as no individual enjoys in the world today. . . .

Although some individuals may discriminate against me, I shall never become bitter or lose faith, for I know that such persons are not representative of the majority of the American people. True, I shall do all in my power to discourage such practices; but I shall do it in the American way; above board, in the open, through courts of law, by education, by proving myself to be worthy of equal treatment and consideration. I am firm in belief that American sportsmanship and attitude of fair play will judge citizenship and patriotism on the basis of action and achievement and not on the basis of physical characteristics. . . .

[I]n the hope I can become a better American in a greater America.

At the front of our camp, we have a giant sign listing all the men and women in uniform. It's called "the Honor Roll."²⁵⁶

V.

They started the interrogations in February 1942. They require us to recite the Pledge of Allegiance, just like we all did in school back when life was normal.²⁵⁷ From there, they ask many questions about your background in the "Application for Leave Clearance."²⁵⁸ They want to know, for example: whether you belong to Japanese organizations; if you have relatives in Japan; if you will remain out of Arizona, Nevada, and Utah voluntarily until Caucasians like us better; if you will resettle away from other Japanese; if you will develop American habits; if you will be an informer willingly; if you will take jobs for less money than others are paid; if you will represent Japanese Americans with all that is

²⁵⁶ HOSOKAWA, *supra* note 9, at 402.

²⁵⁷ Dorothea Lange shot a photograph of elementary school students, of various racial backgrounds, reciting the Pledge of Allegiance in San Francisco in 1942, prior to the Supreme Court ruling that students could not be required to recite the Pledge and before commencement of the internment. MICHAEL C. DORF, *CONSTITUTIONAL LAW STORIES* (2004) (reproducing photograph on cover).

²⁵⁸ See WEGLYN, *supra* note 9, at 196-99.

“good; reliable; and honest”; what is your income; do you have a car; whether you are radical; can you prove your loyalty; what you think of the United States; whether the Japanese race has a divine origin; and if population pressure justifies Japanese aggression.²⁵⁹

They know we know that the most important questions, however, are 27 and 28.²⁶⁰ They are (Question 27) whether you are “willing to serve in the armed forces of the United States on combat duty, wherever ordered,” and (Question 28) “[w]ill you swear unqualified allegiance to the United States of America and faithfully defend the United States from any or all attack by foreign or domestic forces.” Question 28 continues by asking that you “for-swear any form of allegiance or obedience to the Japanese emperor, or any other foreign government, power or organization.”²⁶¹

So a “no-no boy” is someone who answers “no” and “no.” They’re draft resisters.²⁶² Well, in their words, it isn’t quite the same. “We are not being disloyal,” they say. “We are not evading the draft. We are all loyal Americans fighting for JUSTICE AND DEMOCRACY RIGHT HERE AT HOME.”²⁶³

Many people thought the questions were a trick. If you said you were giving up allegiance to the Japanese emperor, then you’re admitting you had allegiance to him.²⁶⁴ So you shouldn’t answer “yes.” But if you refused to answer or said, “no,” then they interpreted that to mean you were loyal to the Japanese emperor. We didn’t know what would happen based on our answers. Who knows what they were thinking. The WRA can’t pretend it knows why somebody said no: it might be a protest against discrimination, not pro-Japan—but some are pro-Japan.²⁶⁵ They must recognize they are creating disloyalty by their actions: people who were willing to accept internment are not willing to accept further mistreatment.²⁶⁶

²⁵⁹ *Id.*

²⁶⁰ See generally CWRIC, *supra* note 9, at 185-212; MULLER, *supra* note 135, at 50-51.

²⁶¹ CWRIC, *supra* note 9, at 191-92.

²⁶² The documentation on the “no-no boys” and the draft resisters is relatively sparse, compared to that on the 442nd and 100th and the JACL. The primary source on which I have relied is MULLER, *supra* note 135; OKADA, *supra* note 232. Other than those sources already cited, I also have consulted: Chizu Omori, *The Life and Times of Rabbit in the Moon*, in LAST WITNESSES: REFLECTIONS ON THE WARTIME INTERNMENT OF JAPANESE AMERICANS 215-28 (Erica Harth ed., 2001); Chris K. Iijima, *Reparations and the ‘Model Minority’ Ideology of Acquiescence: The Necessity to Refuse the Return to Original Humiliation*, 40 B.C.L. REV. 385 (1998).

²⁶³ See Iijima, *supra* note 263, at 399.

²⁶⁴ MULLER, *supra* note 135, at 52; see also CWRIC, *supra* note 9, at 193-94.

²⁶⁵ CWRIC, *supra* note 9, at 195; WHAT DID THE INTERNMENT OF JAPANESE AMERICANS MEAN?, *supra* note 9, at 15; see OKIHIRO, *supra* note 55, at 170-71 (distinguishing between “right” pro-Japan resistance to internment and “left” pro-United States civil rights resistance to internment).

²⁶⁶ Interior Secretary Harold Ickes made this argument within the Roosevelt administra-

I'd say most Japanese Americans, Issei and Nisei both, answered "yes" and "yes." Probably for every ten who said "yes"—"yes," there was one who said "no"—"no."²⁶⁷ There aren't more than a few—maybe a few hundred—draft resisters overall.²⁶⁸ Maybe they can request a pardon, but meanwhile they are serving time.²⁶⁹ Then there are a few—but a few thousand—who want to surrender their citizenship. They'll regret it.²⁷⁰

I admire the draft resisters as much as I do the soldiers. They're no wimps. You can tell they're more American than the other Nisei. They stand up for themselves. They know their rights. They speak up for others. They don't just go along to get along. Ironically, they are confirming they're American by opposing the government.²⁷¹ (It'd be Japanese to listen to the Army: to turn yourself in to the authorities at the appointed time and place.²⁷²) We are being asked to earn our freedom; other citizens take it for granted. It's so sad it's funny how people are stupid. They say to the no-no boys that we must prove our innocence, we must prove our loyalty. They aren't being persuasive. Just the opposite: they're proving the point the draft resisters are trying to make.

As the *Rocky Shimpō* (it's a pun on *Rafu Shimpō*, the Japanese newspaper; this edition is the one published from the Rocky Mountains) editorial said, all we are begging for/demanding—seems like it's both—is "that the government should restore a large part of [our] rights BEFORE asking us to contribute our lives to the welfare of the nation—to sacrifice our lives on the field of

tion. See WEGLYN, *supra* note 9, at 117.

²⁶⁷ The actual figures were 68,000 yes-yes, 5,300 no-no, and 4,600 refusing to answer or qualifying their responses. WHAT DID THE INTERNMENT OF JAPANESE AMERICANS MEAN?, *supra* note 9, at 15; see also CWRIC, *supra* note 9, at 195.

²⁶⁸ One estimate places the figure at "more than 300 men." WHAT DID THE INTERNMENT OF JAPANESE AMERICANS MEAN?, *supra* note 9, at 15.

²⁶⁹ President Truman pardoned them in 1947. MULLER, *supra* note 135, at 182; WHAT DID THE INTERNMENT OF JAPANESE AMERICANS MEAN?, *supra* note 9, at 15.

²⁷⁰ More than 6,000 applied for renunciation; 5,589 were granted it. Almost all of the renunciants subsequently sought to rescind their applications. WHAT DID THE INTERNMENT OF JAPANESE AMERICANS MEAN?, *supra* note 9, at 17; see *Acheson v. Murakami*, 176 F.2d 953 (9th Cir. 1949) (affirming canceling of renunciation, i.e., restoring citizenship).

²⁷¹ Draft resisters and conscientious objectors have figured prominently in United States history. See generally LAWRENCE M. BASKIR & WILLIAM A. STRAUSS, CHANCE AND CIRCUMSTANCES: THE DRAFT, THE WAR AND THE VIETNAM GENERATION (1978); IVER BERNSTEIN, THE NEW YORK CITY DRAFT RIOTS: THEIR SIGNIFICANCE FOR AMERICAN SOCIETY AND POLITICS IN THE AGE OF THE CIVIL WAR (1990); RACHEL WALTNER GOOSSEN, WOMEN AGAINST THE GOOD WAR: CONSCIENTIOUS OBJECTION AND GENDER ON THE AMERICAN HOME FRONT, 1941-1947 (1997).

²⁷² This sentiment forms a theme among writers critical of Japanese American community behavior in complying with the internment orders. The narrator has paraphrased very roughly from WEGLYN, *supra* note 9, at 77-78.

battle."²⁷³ They're very clear on both parts: we'll fulfill our responsibilities; we have to have our rights, in that order, same as everyone else.

It is easy enough to be resentful. Anybody in the same situation would be. They aren't being nice about anything if they can help it. (They think they're the best people in the world, because they're willing to work here inside the camp.) They pay us less for a month of working than they pay Caucasians for a single day at the same job.²⁷⁴ They make us agree it'd be right to kill everyone in Japan when the war is over if we want leave to work back East.²⁷⁵ They arrested a bunch of kids (maybe thirty of 'em, about ten years old) for sledding on a hill outside camp.²⁷⁶ They won't even release people whom they have concluded are loyal.²⁷⁷ It's politics.²⁷⁸

At Heart Mountain, there were eighty-five draft resisters. They started off with an older guy. This Mr. Okamoto called himself the Fair Play Committee of One.²⁷⁹ He inspired the rest of them. They collected dues from members (\$2). They published bulletins with a mimeograph machine.²⁸⁰ Like the *Rocky Shimpo* said, they emphasized they would go to war if their rights were restored.²⁸¹ (A group of guys at Poston, in Arizona, wrote a letter to the President saying the same thing: they'll give flesh and blood, but they had to have their liberty and their property.²⁸²)

They couldn't predict how many would respond to Okamoto. It wasn't what they expected. They thought maybe one or two men would refuse to come for their physical exams. Other people

²⁷³ THE COLUMBIA DOCUMENTARY HISTORY, *supra* note 29, at 300.

²⁷⁴ See *Murakami*, 176 F.2d at 956 (finding that internees at Tule Lake were paid \$12 to \$16 per month, while "free fellow citizens, working beside them" were paid \$12 to \$20 per day).

²⁷⁵ See HOSOKAWA, *supra* note 9, at 388-89.

²⁷⁶ DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 118 (relating this incident which occurred at Heart Mountain).

²⁷⁷ See *Ex parte Endo*, 323 U.S. 283 (1944) (rejecting the government argument that concededly loyal citizens could be detained in internment camps, on statutory grounds).

²⁷⁸ The State Department portrayed the decision to end the detention as political, not military. CWRIC, *supra* note 9, at 228. The War Department had concluded that the internment camps were no longer a military necessity internally, well before the camps were actually closed. *Id.* at 224.

²⁷⁹ LEVINE, *supra* note 36, at 141. See generally MULLER, *supra* note 135, at 76-88 (describing the resistance movement at Heart Mountain); DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 123-29; ONLY WHAT WE COULD CARRY, *supra* note 9, at 313-23.

²⁸⁰ See MULLER, *supra* note 135, at 79-84 (describing the Fair Play Committee's activities).

²⁸¹ *Id.*

²⁸² *Id.* at 44-45 (noting a letter signed by dozens of men and sent to the President).

are ashamed, saying they were like a second Pearl Harbor.²⁸³ They are saying they're traitors.²⁸⁴ To be fair, I'd have to say it's probably the enlistees who are mad at the resisters, not the other way around. The resisters, most of 'em, are okay with the enlistees.²⁸⁵

There's another old guy, older than my parents—except he isn't an Issei; he was born here, which is unusual (people have it all wrong, that it's us younger ones who are making the fuss). His name is Mr. Kurihara. He's one of the veterans. He gave a speech at a meeting. He said, "I'm an American citizen. I've served under fire with the Army in the First World War. I haven't done anything wrong. Why should I be put in here?" He said the United States is a "white man's land," and our only choice was to become "Japs . . . through and through to the very marrow of our bones!"²⁸⁶ He's got some of the younger guys repeating, "A Jap's a Jap." They want to be "hard boiled."²⁸⁷

The upshot of it is, the troublemakers are being sent to Tule Lake.²⁸⁸ They can't even finish the registration there. Three thousand of us refused.²⁸⁹ They added a double fence, more guards, and—no kidding—parked a half-dozen tanks outside to prove the point.²⁹⁰

One day, they arrested thirty-five men who were draft resisters; they'd organized Block 42.²⁹¹ The draft resisters are prisoners. They are kept in a stockade they've decided to call the "bull pen." It consists of tents, with no heat, with beds right on the ground.²⁹²

Sixty-three no-no boys from Heart Mountain were convicted, in the biggest trial they'd ever had in the whole state of Wyoming.²⁹³ When the local newspaper covered it, they made fun of us by making up a story about us whining over the prison grub and asking for more rice. They said we said, "three mealees, so solly, please."²⁹⁴ None of us talk like that. My parents have accents, and there's nothing wrong with that, but we sound just like anyone else, and they're just picking a fight with their stupid lie.

²⁸³ LEVINE, *supra* note 36, at 142.

²⁸⁴ *Id.* at 151.

²⁸⁵ *Id.*

²⁸⁶ KURASHIGE, *supra* note 22, at 83, 87-88.

²⁸⁷ DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 121.

²⁸⁸ *Id.* at 114-17; *see also* CWRIC, *supra* note 9, at 208-09 (describing transfers to the location).

²⁸⁹ CWRIC, *supra* note 9, at 195.

²⁹⁰ *Id.* at 208.

²⁹¹ JAPANESE AMERICAN HISTORY, *supra* note 39, at 60.

²⁹² CWRIC, *supra* note 9, at 247.

²⁹³ ONLY WHAT WE COULD CARRY, *supra* note 9, at 320.

²⁹⁴ This newspaper story appeared in California, not Wyoming. *See* MULLER, *supra* note 135, at 136.

Seven leaders of the Fair Play Committee were all convicted, every one of them, and sentenced to two years.²⁹⁵ The only one who escaped the guilty verdict was a Nisei journalist who was outside.²⁹⁶ They are serving their time at Leavenworth.²⁹⁷ They're bunking with murderers and bank robbers.

Well, it couldn't have helped us that the Spanish consul told them we didn't have any duty to serve. The Spanish consul represents the Japanese government now.²⁹⁸ We didn't elect him to speak for us.

Age is important. There's a big difference between the Issei and the Nisei (the Sansei are all just little kids).²⁹⁹ The Issei probably like Japan more; the Nisei like the United States.³⁰⁰ The Issei aren't dangerous; they're too old to be any trouble.³⁰¹ Except for the veterans like my uncle, and there aren't many of them, the Issei aren't citizens. Plus, there aren't as many Issei as Nisei and Sansei. If you do the fractions, that must mean most of us in camp are non-alien.

Personally, I wouldn't trust the Kibei.³⁰² They aren't Issei or Nisei, technically. They're the ones who were born in the United States, but their parents sent them back to Japan. Some of them know more Japanese than English. They don't get along so well with the rest of us. I shouldn't say anything negative about them. I have a cousin who's a Kibei. He lived with some of our other cousins in Japan. Who knows if they're fighting on the other side.³⁰³

²⁹⁵ See MULLER, *supra* note 135, at 100-75 (providing a thorough account of the draft resister cases).

²⁹⁶ See SPICKARD, *supra* note 9, at 124 (noting that the man was acquitted on First Amendment grounds).

²⁹⁷ Some served their time elsewhere. ONLY WHAT WE COULD CARRY, *supra* note 9, at 320.

²⁹⁸ SHIBUTANI, *supra* note 177, at 60.

²⁹⁹ See KITANO, GENERATIONS, *supra* note 9, at 8 (discussing "generational stratification"); see also JERE TAKAHASHI, NISEI/SANSEI: SHIFTING JAPANESE AMERICAN IDENTITIES AND POLITICS (1997).

³⁰⁰ See HAYASHI, *supra* note 22, at 144 (quoting a Manzanar Issei as saying, "Deep down in the heart of every Issei is the desire that Japan be victorious in this war"). But see HOSOKAWA, *supra* note 9, at 240 (arguing that Issei reacted negatively to internment because they identified with the United States).

³⁰¹ In his Congressional testimony, then California Attorney General Earl Warren noted "the consensus of opinion among the law-enforcement officers of this State is that there is more potential danger among the group of Japanese who are born in this country than from the alien Japanese who were born in Japan." ROGER DANIELS & SPENCER C. OLIN, JR., RACISM IN CALIFORNIA: A READER IN THE HISTORY OF OPPRESSION 158 (1972). He explained that "there are twice as many of them" (referring to the Nisei), and "most of the Japanese who were born in Japan are over 55 years of age." *Id.*

³⁰² This was the view advanced by Ringle. See JOSHI, *supra* note 82, at 452-55.

³⁰³ See KNAEFLER, *supra* note 223.

There's a split between the JACLers and the rebels. Some say the JACL is too sophisticated for its own good; they're snobs.³⁰⁴ The rebels are smart; they're thinkers.³⁰⁵ The white lawyer for the resisters doesn't respect the JACL one bit; he calls them the "Jackals."³⁰⁶ The JACLers are active in camp management: they have us working as managers and security and helping out with all aspects of camp life.³⁰⁷ The rebels call them collaborators or *inu* (dogs).³⁰⁸ What really started the division between them was the JACL calling for members to stop helping the Issei and to turn them in if they were up to something.³⁰⁹

There was a riot in Manzanar on the night before Pearl Harbor Day.³¹⁰ Most of the men who were involved are upset about the conditions here. Only a few of them are pro-Japan. They wanted to kill the JACLers, especially Mr. Tayama. Six guys wearing masks beat him up. They arrested a suspect, Mr. Ueno. The next night, they tried to kill Mr. Tayama again, and then they tried a break-out of Mr. Ueno.

The soldiers came out with submachine guns, rifles, and shot-guns.³¹¹ They ended up killing two protesters; eight of them are still recovering. Some people who were shot treated themselves, rather than reveal they had been involved.³¹² Many people were united briefly by mourning for the two dead.³¹³

Still, the factions will hold grudges the rest of their lives.³¹⁴ We dislike each other more than we dislike the government.

If you don't answer the Questions 27 and 28, the U.S. Marshals come for you.³¹⁵ They try to talk you out of resisting. They

³⁰⁴ MULLER, *supra* note 135, at 13.

³⁰⁵ See LEVINE, *supra* note 36, at 151 (quoting an internee, "Those that resisted, they were probably the intellectual group.")

³⁰⁶ HOSOKAWA, *supra* note 9, at 423.

³⁰⁷ See *id.* at 183-268; see also DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 106; WEGLYN, *supra* note 9, at 119 (noting their "prestige jobs").

³⁰⁸ DANIELS, CONCENTRATION CAMPS, *supra* note 9, at 105-06; JAPANESE AMERICAN HISTORY, *supra* note 39, at 177-78.

³⁰⁹ DANIELS, CONCENTRATION CAMPS, NORTH AMERICA, *supra* note 9, at 41.

³¹⁰ KURASHIGE, *supra* note 22, 75-89; LEVINE, *supra* note 36, at 76-80; see also Arthur A. Hansen & David A. Hacker, *The Manzanar Riot: An Ethnic Perspective*, 2 AMERASIA J. 112-57 (1974).

³¹¹ OKIHIRO, *supra* note 55, at 169.

³¹² *Id.*

³¹³ *Id.*

³¹⁴ When the Japanese American National Memorial was designed more than fifty years later for construction in Washington, D.C., there was a tremendous controversy over an inscription of the words of JACL leader Mike Masaoka at the site. It was resolved with the decision to include Masaoka. See NJAMF, *supra* note 241, at 111-26; ROSENBERG, *supra* note 29, at 152-53. Likewise, the JACL faced tremendous internal conflict over reconciliation efforts. The organization passed a resolution apologizing to draft resisters at its national convention in 2000, with some veterans quitting their membership in response. MULLER, *supra* note 135, at 184-87.

³¹⁵ See MULLER, *supra* note 135, at 4 (describing how U.S. Marshals would arrest men on

have an Army officer, a white officer, come to warn you it'll be "[t]wenty years in prison or \$10,000 fine if you don't go!"³¹⁶ They even have Mr. Yasui working for them. He violated one of the orders and fought it in court, so it's surprising that he's coming out to the jail on behalf of the JACL in a last attempt to convince the diehards.³¹⁷

The "no-no" boys are on the money; it's about race. Some people don't want to own up to the race issue. They say if we mention it, we're the ones who are making it a race issue. But if it weren't for race, none of us would be put into internment camps. If it isn't race that explains what has happened, then nothing can. I know intelligent people have said we're here not because they are hostile to our race. They say we're here because we're at war with the Japanese Empire.³¹⁸ Some of us are loyal; others disloyal. I just don't get it, though. Race is the only reason you'd connect any of us to Japan. (Same with jealousy; if people resent us doing well, and we aren't doing as well as they gossip about, they should be envious of the white farmers just the same.) Without race, I'm just a Californian like you. Without race, we're no different. Without race, what are they thinking about? Some are loyal; others disloyal. That's true of every group. If you assume it's different for us Japanese Americans, you are assuming it because of race. It might be reasonable, but that doesn't make it right—or does it?³¹⁹

As you can see, it's very complicated.³²⁰ It isn't black and white. Some people want to make it seem easy. You must fight or you must resist. You must prove your loyalty to America or America doesn't care about you. Some of us believe we are all alike, but they disagree on what we all are: for America or for Japan.

Everything is temporary and uncertain. We can't be sure we'll win this war.³²¹ Yet we know we must make a choice. I

charges of draft evasion).

³¹⁶ See LEVINE, *supra* note 36, at 135.

³¹⁷ *Id.* at 136.

³¹⁸ See, e.g., *Korematsu v. United States*, 323 U.S. 214, 223-24 (1944) (noting that defendant Japanese American was placed in an internment camp because of the war).

³¹⁹ See WU, *supra* note 191, at 173-214.

³²⁰ See generally KNAEFLER, *supra* note 223. See also JOHN J. STEPHAN, *HAWAII UNDER THE RISING SUN: JAPAN'S PLANS FOR CONQUEST AFTER PEARL HARBOR* (1984) (providing a sympathetic account of possible reasons some Japanese Americans would maintain pro-Japanese sentiments).

³²¹ The narrator cannot know that in 1988 Congress would pass the Civil Liberties Act, Pub. L. No. 100-383, 102 Stat. 903 (1988), the provisions of which included reparations of \$20,000 to individuals who had been interned. See YAMAMOTO, *supra* note 9, at 407-09 (providing a copy of the Act).

want to know what you think, because I am thinking everything at once.

What should I do? More importantly, why?

Your pal,

/s/ Frank

Japanese American Vietnam veteran Don Mitsuo recalls an incident during Basic Training for Marine Corps officers at Quantico, Virginia in 1966, where he was called into the drill instructor's room and told to wear a set of very loose black pants, black floppy shirt, and a comb-shaped straw hat; he was also given a rifle to sling over his shoulder. Mitsuo was placed on a small stage in front of the platoon and the drill instructor called everybody to attention and said, "This is what your enemy looks like. I want you to kill it before it kills you." Mitsuo remembers, "I was told to growl like a gook. I did. After that, the sergeant pulled me aside and said he thought I was going to make a good officer."³²²

*Shikata ga nai*³²³

³²² TOSHIO WHELCHER, *FROM PEARL HARBOR TO SAIGON: JAPANESE AMERICAN SOLDIERS AND THE VIETNAM WAR* 19 (1999).

³²³ Translation from the Japanese: "It cannot be helped." My use of the phrase in this context is not original. Many internees repeated the phrase. Jeanne Wakatsuki Houston uses it in an early chapter of her memoirs. HOUSTON & HOUSTON, *supra* note 9, at 10, 98.

