

Protesting the Internment of Japanese Americans: Dissent as a Duty of Citizenship

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After the tragic attack at Pearl Harbor on December 7, 1941, the United States' government convinced the public that the forced internment of Japanese Americans was imperative to American success in the Second World War. Between March of 1942 and December of 1944, more than 110,000 Americans of at least 1/16th Japanese descent were forcibly evacuated from their homes on the West Coast and relocated to internment camps across the nation.¹ As the war progressed, these interned residents and citizens endured horrific conditions as they struggled to protect their rights while also supporting the war effort. Minoru Yasui, a young Japanese American lawyer, was one of three individuals to challenge the constitutionality of evacuation and internment in court. Meanwhile, George Fujii and other interned young men earned the nickname the "no-no boys" after they protested internment by resisting the draft. Although these isolated efforts were only partially successful at the time, they had a lasting impact on the culture of American dissent; Yasui and the "no-no boys" normalized dissent as a duty of citizenship and forced the American government to publicly address the alarmingly relevant abrogation of constitutional rights in times of war.

The Japanese attack on Pearl Harbor personalized the violence of the Second World War and engendered an incredible patriotism that united most Americans behind the war effort. In fact, those who did not support the Second World War often functioned as individuals, rather than as a unified body of dissenters. This was no doubt due, in part, to the harsh consequences that dissenters faced if they chose to question the war effort. David Dellinger, for example, was a conscientious objector who eloquently defended his refusal of the October 1940 draft by citing political and religious objections. Despite his articulate defense of his decision, however,

¹ "Report on the Work of the War Relocation Authority: An Anniversary Statement by Dillon S. Meyer, Director of the War Relocation Authority," in *Japanese-American Internment During World War II*, Peggy Daniels Becker (Detroit: Omnigraphics, 2013) 181, accessed November 14, 2017, ProQuest Ebook Central, <https://ebookcentral.proquest.com/lib/templeuniv-ebooks/reader.action?docID=3384077>.

Dellinger faced years of imprisonment and mistreatment for threatening the war effort.² In an attempt to evade such consequences, many soldiers chose to accept the draft, instead voicing their dissent in the letters that they sent home. African American soldiers detailed the unequal treatment that they received in the army; one soldier poignantly described his attempts to reconcile his patriotism for the American cause with his concern that his efforts would only help to maintain an undemocratic society that systematically favored white Americans.³

At home, civilians echoed the soldiers' worries about the ultimate impacts of the war. Henry Miller rejected the ideology of the "just war," which the government often used to defend both the entrance into the war and the repression of dissenting voices during the war. Miller asserted that such a concept was nullified by the fact that each side in every war believes in the justness of their cause and in the evils of the opposing cause.⁴ Indeed, the idea of a "just war" could potentially allow the government to unconstitutionally expand its powers. Still, the majority of Americans were too invested in the war effort to worry about the later impacts of wartime policies. Even Charles Lindbergh, who had at first been a leading opponent of American entry into the Second World War, ultimately consulted on air attacks in the Pacific theater and flew in several missions.⁵ Such contradictory actions belied the defining feature of dissent during the Second World War: dissenters struggled to balance patriotism for the United States with concern over the impacts of the war at home. This conflict between individual beliefs and national

² David Dellinger, "Why I Refused to Register in the October 1940 Draft and a Little of What it Led To," in *Dissent in America: Voices that Shaped a Nation*, Ralph Young (New York: Pearson Education, 2008), 296-301.

³ Charles F. Wilson, "Letter to President Roosevelt, 1944," in *Dissent in America: Voices that Shaped a Nation*, Ralph Young (New York: Pearson Education, 2008), 295-296.

⁴ Ralph Young, *Dissent in America: Voices that Shaped a Nation* (New York: Pearson Education, 2008), 249.

⁵ Carl Zebrowski, "America First," *America in WWII*, April-May 2017, accessed November 16, 2017, http://go.galegroup.com.libproxy.temple.edu/ps/i.do?&id=GALE|A497797964&v=2.1&u=temple_main&it=r&p=AONE&sw=w#

patriotism only grew as the government increasingly demanded that Americans forfeit individual liberties to ensure the success of the war effort.

Within this broader context of limited dissent, Minoru Yasui and the “no-no boys” carefully negotiated the balance between wartime patriotism and individual rights. Unlike protests against the American entrance into the war, dissent against Japanese American internment was a much more personal attempt to force the government to acknowledge the unconstitutionality of its wartime domestic policies. The process of internment began very early in the war, on February 19, 1942, when President Roosevelt issued Executive Order 9066. In this decree, Roosevelt not only instructed the Secretary of War to designate military areas within the United States, but also authorized him to exclude certain groups of people from those areas.⁶ Although the order did not mention Japanese Americans specifically, it was an obvious response to fears that Japanese spies had infiltrated the United States and were orchestrating attacks against Americans. Such anxieties were so widespread that, outside of the affected Japanese American communities on the West Coast, there was very little dissent against Executive Order 9066. At congressional hearings held to finalize the internment policy, hundreds of white Americans testified their support for the camps.⁷

In the face of so much national hostility, Japanese Americans were essentially left to conduct their own dissent movement. Even then, however, there were extreme difficulties in organizing such a diverse community of people who had been suddenly thrust together by a sweeping governmental decree. To begin with, Japanese Americans on the West Coast came from a variety of educational, religious, political, and social backgrounds. Perhaps the most divisive

⁶ Eugene V. Rostow, “The Japanese American Cases: A Disaster,” *The Yale Law Journal*, vol. 54, no. 3 (June, 1945) 498, <http://www.jstor.org/stable/792783>

⁷ Paul R. Spickard, “The Nisei Assume Power: The Japanese American Citizens League, 1941-1942,” *Pacific Historical Review*, vol. 52 (Jan. 1, 1983): 164, <https://search-proquest-com.libproxy.temple.edu/docview/1290976599/fulltextPDF/8442FFD49AB14200PQ/1?accountid=14270>

force within the Japanese American community was the division between Issei and Nisei. Before the war, the Issei—noncitizens who had been born in Japan and then immigrated to the United States—had controlled many elements of Japanese American culture. As internment camps threatened to destroy families and livelihoods, however, the Nisei—the children of the Issei, who had citizenship by their birth on American soil—assumed control of organizing a response to internment.⁸ This division was enormously important as the Nisei had access to more rights as citizens than did the Issei, whose lack of citizenship limited their ability to protect themselves from internment. Possibly as a result of this crucial difference in citizenship status, Japanese Americans failed to mount a unified dissent effort against internment. Rather, dissenters took individual actions that held potential ramifications for the entire Japanese American community.

Minoru Yasui was a Nisei lawyer who immediately rejected the legitimacy of the government's evacuation and internment orders. He noted his alarm at the military's sudden ability to control the movements of citizens, and decided to deliberately violate the orders to force the courts to rule on their constitutionality. The principle issue, Yasui asserted, was "whether the military could single out a specific group of U.S. citizens on the basis of ancestry and require them to do something not required of other U.S. citizens."⁹ On March 28, 1942, Yasui violated the terms of Public Proclamation Number Three, which mandated an 8:00 PM curfew for all Americans of 1/16th Japanese descent or more living on the West Coast. By the time that Yasui was arrested and imprisoned for his actions he had already been drafted into military service and ordered to report for evacuation.¹⁰ This form of nonviolent protest with an aim to force courts to

⁸ Ibid., 159.

⁹ Minoru Yasui, "Resistance," in *Dissent in America: Voices that Shaped a Nation*, Ralph Young (New York: Pearson Education, 2008), 305.

¹⁰ Ibid.

rule on potentially unconstitutional laws echoed the approaches used by earlier activists like Henry David Thoreau and anticipated the tactics later used in the Civil Rights Movement.

In many ways, Yasui's civil disobedience was an ironically American approach to dissent; he not only appropriated the language of the American Revolution to defend himself, but also utilized the very systems enshrined in the Constitution in order to protect his rights as an American citizen. In his address to the court after his 1942 sentencing, Yasui reminded all of those present of his status as an American citizen who was "confident that the American judiciary would zealously defend those rights, war or no war, in order to preserve the fundamental democratic doctrines of our nation and to perpetuate the eternal truths of America."¹¹ The patriotic wording that Yasui chose underscored not only his full intent to assert his rights as a citizen, but also his belief in the Constitution as a document that would successfully protect him. Yasui's case forced the courts to consider the constitutional limits of the relationship between the military and the citizenry—an issue rarely addressed within the framework of an American legal system that involves little overlap between the military and the civilian.¹²

Unfortunately, in a 1943 ruling on *Yasui v. United States of America*, the Supreme Court rejected Yasui's case, arguing instead that his status as a citizen was irrelevant because it was constitutional for the United States government to indefinitely detain citizens in a time of war.¹³ The ruling came in conjunction with a ruling in a similar case, *Hirabayashi v. United States*, in which the Supreme Court ruled that "the curfew as applied was a protective measure necessary to meet the threat of sabotage and espionage (...) and (...) did not unconstitutionally discriminate

¹¹ Ibid., 307.

¹² Eugene V. Rostow, "The Japanese American Cases: A Disaster," *The Yale Law Journal*, vol. 54, no. 3 (June, 1945) 491, <http://www.jstor.org/stable/792783>.

¹³ *Yasui v. United States*, 320 U.S. 115 (1943).

against citizens of Japanese ancestry.”¹⁴This decision not only severely limited the protections of the writ of habeas corpus by allowing the government to constitutionally detain citizens without trial, but also set a precedent for the internment of citizens in times of war. Although Yasui’s dissenting action actually ended up affirming the constitutionality of the evacuation and internment orders, his successful utilization of the American court system was also an affirmation of his rights as a citizen. Even as the government essentially nullified the citizenship status of many Japanese Americans by targeting them for internment, the judiciary affirmed that status by allowing Japanese Americans access to one of the defining protections of American democracy.

Remarkably, despite the failure of the case, Yasui did not advocate that Japanese Americans then fully reject the war effort. Indeed, governmental officials inside internment camps often brought Yasui to speak to “no-no boys” who had refused the draft. In a final attempt to discourage these draft resisters, Yasui warned of the lasting consequences that a federal conviction might have on their lives.¹⁵ Many “no-no boys,” however, argued that they could not call themselves Americans if they blindly followed a government that so harshly abridged their rights. After two years of internment, American success in the war effort and the repeated court cases brought by Japanese Americans against the government had begun to encourage certain governmental officials to end the internment programs. In order to ensure the loyalty of those released from the camps, however, the government forced each internee to complete a questionnaire. Questions twenty-seven and twenty-eight asked individuals if they would adhere to the draft and swear their allegiance to the United States, respectively. “No-no boys” thus earned

¹⁴ *Hirabayashi v. United States*, 320 U.S. 81 (1943).

¹⁵ Yasui, “Resistance,” in *Dissent in America*, 306.

their name by responding “No” to both questions, cementing their position as not only draft resisters, but also potential traitors.¹⁶

George Fujii, interned at the Poston Relocation Center, was an active member of the camp’s community and an avid draft resister. Fujii protested not only for himself as a U.S. citizen—he was the son of Issei parents—but also for those who did not have citizenship. After his 1944 arrest for draft resistance and attempting to incite further resistance among his fellow internees, Fujii wrote several letters to governmental officials from prison. In a letter to President Roosevelt, Fujii argued, “the Nisei should not be compelled to bear arms until such date as our status is definitely established as to what privileges and rights we are fighting for.”¹⁷ Fujii astutely recognized the crucial importance of receiving his full rights as a citizen. Indeed, Fujii believed, “in order for me to protest the government, or demand a right to the government, I would have to be a citizen. If you declare yourself a non-citizen, you have no right to protest. (...) So, I kept my position as a citizen intact so that I could protest the government.”¹⁸ Much like Yasui, Fujii viewed protest as a defining characteristic of citizenship; both men felt that it was not merely their right, but their duty as American citizens to protest unjust laws.

Although this was not necessarily a new understanding of citizenship—earlier activists like Thoreau and Emerson had espoused similar views—the circumstances in which Yasui and Fujii asserted their rights were unique. Although the United States government never unilaterally

¹⁶ Frank H. Wu, “Difficult Decisions during Wartime: A Letter from a Non-Alien in an Internment Camp to a Friend Back Home,” *Case Western Reserve*, vol. 54 (2004): 1338, accessed November 12, 2017, http://heinonline.org/HOL/Page?handle=hein.journals/cwrlrv54&div=51&g_sent=1&casa_token=&collection=journals#.

¹⁷ Arthur A. Hansen, ed., “An Interview with George Fujii Conducted by Ronald C. Larson on August 31, 1976” in *Japanese American World War II Evacuation Oral History Project: Part IV: Resisters* (Fullerton: California State University): 92, accessed November 10, 2017, <http://content.cdlib.org/view?docId=ft1f59n61r;NAAN=13030&doc.view=frames&chunk.id=George%20Fujii&toc.depth=1&toc.id=0&brand=calisphere&query=Japanese%20American%20Oral%20History%20Project>.

¹⁸ *Ibid.*

rescinded the citizenship of Japanese Americans, it repeatedly minimized the citizenship rights of Japanese individuals. A district court that ruled on Yasui's case, for example, declared that he had rescinded his citizenship and therefore his case should be thrown out.¹⁹ Although the Supreme Court later reversed the ruling that Yasui had forfeited his citizenship, the lower court's decision reflected the widespread hostility that surrounded Japanese American citizens. Under these conditions, the assertion of citizenship by Yasui and Fujii almost became an act of dissent in itself. In repeatedly referencing their citizenship and utilizing the protections available for them as citizens, both men quite clearly threatened the legitimacy of the evacuation and internment orders.

The idea that citizenship in itself could be used as a form of dissent epitomized the essential hypocrisies and contradictions that have marked the history of dissent in the United States. Yasui, Fujii, and other agitators wanted nothing more than to be afforded their full rights as citizens. This is evident in the fact that after the Supreme Court ruled against Yasui, he fully accepted their decision and even encouraged other Japanese Americans to adhere to the draft. Fujii, on the other hand, encouraged draft resisters to plead "Not guilty" in an attempt keep the issue of the constitutionality of drafting interned residents and citizens in the public eye.²⁰ The dissent movement against the internment and evacuation of Japanese Americans ultimately normalized the idea that citizens should protest if they were not receiving the full protections of the law. It also served as a warning to citizens about the importance of honoring citizenship rights domestically, especially in times of war.

¹⁹ Taylor Natsu Saito, "Interning the 'Non-Alien' Other: The Illusory Protections of Citizenship," *Law and Contemporary Problems* (Spring 2005) *Academic OneFile*, accessed November 12, 2017, http://go.galegroup.com.libproxy.temple.edu/ps/i.do?&id=GALE|A137876572&v=2.1&u=temple_main&it=r&p=AONE&sw=w&authCount=1#.

²⁰ Hansen, ed., "An Interview with George Fujii," 93, accessed November 10, 2017, <http://content.cdlib.org/view?docId=ft1f59n61r;NAAN=13030&doc.view=frames&chunk.id=George%20Fujii&toc.depth=1&toc.id=0&brand=calisphere&query=Japanese%20American%20Oral%20History%20Project>.

Today, concerns over the abridgment of constitutional rights in wartime have remained incredibly relevant. The “War on Terror” saw comprehensive limitations of the privacy and legal rights of American citizens. In some cases, Americans who supported terrorist groups have been denied their right to a fair trial by jury. In 2001, while the United States was at war with Afghanistan, Esam Hamdi, an American citizen born in Louisiana, was captured at an Al Qaeda base. Rather than detain Hamdi in a federal prison, the government took him to Guantanamo, and then to a naval brig in Virginia. He remained imprisoned in Virginia without charges for three years while the government stripped him of his citizenship and began referring to him as an “enemy combatant.” Hamdi was ultimately released to Saudi Arabia after his lawyer filed for a writ of habeas corpus, which the government failed to produce.²¹ The parallels between this rather recent incident and the government’s treatment of Japanese Americans during the Second World War are remarkable. In both cases, Americans were denied their basic rights, their citizenship was minimized, and they were ultimately released only after an extended period of time in which American foreign policy evolved and adapted.

It is because of the dissenting efforts of Yasui and Fujii that the government today must tread carefully in implementing policies that limit the rights of citizens. Both men successfully presented logical, constitutional objections that contradicted the actions of the government. Yasui proved his citizenship by utilizing the court system created in the Constitution as a check on executive and legislative powers. Similarly, Fujii specifically retained his citizenship in order to protest against the evacuation and internment orders. In this manner, both men quietly espoused an incredibly patriotic view of citizenship that was successful in part because it did not threaten

²¹ Saito, “Interning the ‘Non-Alien’ Other,” accessed November 12, 2017, http://go.galegroup.com.libproxy.temple.edu/ps/i.do?&id=GALE|A137876572&v=2.1&u=temple_main&it=r&p=AONE&sw=w&authCount=1#.

an American public that was in a state of nationalistic anxiety about the outcome of the war. As the current administration in the United States continues to foment jingoism and xenophobia, Yasui, Fujii and other dissenters who fought the internment of Japanese Americans will serve as models of the proper response to the denial of citizenship rights on the basis of ethnicity.

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