OFFENSIVE HISTORY and the GOOD WAR: The Internment of Japanese Canadians and Japanese Americans in World War II.

by

Jeffrey T. Grenon

A thesis submitted to the Department of History
in conformity with the requirements for
the degree of Master of Arts

Queen's University
Kingston, Ontario, Canada
January, 2001

copyright © Jeffrey T. Grenon, 2001
The author has granted a non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of this thesis in microform, paper or electronic formats.

The author retains ownership of the copyright in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

0-612-55905-X
Abstract

In early 1942, the two great democracies of Canada and the United States interned their Japanese populations under the excuse of military necessity. The dispersal eastward and confinement of these men, women and children marked the ignoble culmination of decades of racial intolerance and legal discrimination. This minority had the misfortune of discovering, as so many others who have entered the continent, that the ideals of "Life, Liberty and the pursuit of Happiness" and "Peace, Order, and Good Government" were aphorisms which pertained only to those whose skin was white - regardless of one's loyalty.

The topic of internment is complex, particularly when discussing events on both sides of the 49th parallel. For this reason, this thesis has focused on the respective contributions of intelligence agencies which influenced internment. While many other factors contributed to the final solution, it nevertheless remains clear that the policy of internment was rooted in intelligence gathering and in turn, the selective interpretation of that data by political forces in each nation. However, there exist some instructive differences between Canada and the United States in the use of state intelligence as a justification for incarceration. These variations reflect the unique history of each nation, the distribution of state power during war, the coordination of the various military and civilian intelligence agencies and ultimately, the influence of political leaders on the internment process itself.

An important sub-theme is the interpretation of this history by professional historians. The tendency to downplay or segregate the story of internment within texts, and highlight 'more important' history regarding the home front during the war, colours much historiography. This selective editing represents the broader problem of contemporary 'respectable racism.' Indeed, when democracies place their own citizens within relocation camps, deny them due process of law and protection of property, there exists a fundamental question as to why this occurred - as such, this is not a story for future generations of Japanese Canadians or Japanese Americans alone, but, rather, an integral part of North American history. In a world increasingly pressured by internal strife caused by ethnic segregation and conflict, Americans and Canadians might note the continuing significance of the wartime internments.
Acknowledgments

It has been said that time is what we want most, but use worst. When I started this project I promised myself that it would be completed within one year. I should have known better.

Over the course of the last year and a half many individuals have left their personal mark on my life, and this thesis. I wish to offer my sincere gratitude to Geoffrey S. Smith who has become my friend and mentor. His knowledge, support, and enthusiasm knows no bounds. Geoff, I might write a book about you one day, on par with Tuesdays with Morrie, or something. Of course, you will have to die first - I'll be waiting.

To my human spell checker, proof reader and companion, Joanna Theriault - I know that you were as happy as I on submission day. Thank you!

I would like to thank my family for their unknowing contribution to my academic pursuits. Having a learning disability was not so bad after all, for as John said, "All you need is Love".

George Henderson, of Queen's University Archives, proved to be extremely helpful in assisting me with my research. He is retiring in February, 2001. Needless to say, his successor is going to have some big shoes to fill.

To my old friend Jae-Sang Park. I never understood the extent of racism in this nation until I met you, and discovered the dark side of my beloved country. Our project in OAC, regarding internment, opened a few ignorant eyes and hearts. I hope this thesis might accomplish the same, for as we both know: "the sleep of reason brings forth monsters".

Finally, to those deities to whom I offered sacrifices, especially during the many nights while working on this thesis - I will keep my end of the contract if you do...
Table of Contents

Abstract: ii
Acknowledgments: iii
Table of Contents: iv
Introduction: v

Chapter One: Historiographical Orientations 1

Chapter Two: Japanese Canadian Internment: The Power of Regionalism 9

Chapter Three: Japanese American Internment: The Power of Bureaucracy 35

Conclusion: 62

Bibliography: 71

Vita: 80
INTRODUCTION:

"I did that," says my memory; "I could not have done that," notes my pride -- remaining inexorable, for as Nietzsche wrote: "eventually the memory yields".¹ Fifty-eight years ago, while Canada and the United States championed a war for democracy and liberty, over 22,000 Japanese Canadians and 120,000 Japanese Americans were interned according to the political dictates of 'military necessity'. Five decades later Canadians remain self-ascribed global peace-keepers while Americans boast of their status as history's most powerful and beneficent empire.² While the stories of the trials and tribulations of the World War II era persist, they are rarely presented as reminders of the need for vigilance within democracies, but, instead, as historical anecdote on how good people, in fundamentally good nations, inevitably triumphed over evil. The historical paradox, however, lies in the observance that this socially embedded 'good war' interpretation is an illusion, for its existence relies more upon the impact of the present on the past for authentication, than on the historical events themselves. This may help explain why the internment of Japanese Canadians and Japanese Americans in 1942 remains 'offensive history',³ for this story confronts a bedrock of social consciousness in North America which perceives the war era according to the "good war" hypothesis.⁴

On December 7, 1991, Americans in Oahu observed the fiftieth anniversary of the Japanese attack on the naval base at Pearl Harbor. One of the more notable incidents of that day was the verbal berating suffered by a reporter for questioning why no Japanese

³By "offensive history" I am referring to history which remains within the fringe of historical inclusion in history texts. For comparison, African American history is now quite prominent in history texts today, yet prior to the 1960's this history was often more a rendition of Gone With the Wind, also known as the "magnolia myth". While internment is widely studied, it nevertheless remains segregated as an anomaly within texts, rather than as representational of a broader study of race relations and the state. See page 131, of Lies My Teacher Told Me, by James W. Loewen, (New York, NY: The New Press, 1995.).
delegates had been invited to the ceremony. "We did not invite the Japanese fifty years ago," noted Gerald Glaubitz (President of the Pearl Harbor Survivors Association), "and we don't want them now".\(^5\) Comments such as these blur both past and present, obscuring the difference between the start of war more than fifty years ago, and contemporary needs for diplomacy between two allies. Indeed, in studying the war generally and in particular the internment of loyal citizens of Japanese ancestry, the historian confronts William Faulkner's observation: "The past is never dead, it's not even past".\(^6\)

Reverence accorded to those Allies who died during World War II is retold in such movies as *Saving Private Ryan* and *U-571*. The success of these films highlight the integral role of Hollywood, not only as a source for entertainment, but of learning.\(^7\) Yet exactly what is gained from these stories of valor and horror, remains unclear. David Lowenthal, in *The Past is a Foreign Country*, argues that an individual's identity and the past are linked - for "to know what we were," will confirm what we are.\(^8\) This phenomenon is equally applicable for the identity of a nation, for whether personal or common, each is distinguishable less as a type of knowledge than as a specific attitude toward that knowledge. For instance, as Americans from the "greatest generation" die off, perceptions of what occurred during W.W.II gradually move away from the personal and into the realm of the communal.\(^9\) What is lost is the individual memory of war\(^10\), replaced by a more unified story about a nation (a generalization) - as conveyed by Hollywood and to a lesser degree, professional historians.

---


\(^7\) In 1999 there was a movie on the internment of Japanese Americans, entitled "Snow Falling on Cedars," yet it was not a box office hit. Conversely, in 2001 there will be the release of a movie entitled, "Pearl Harbor," in which success at the box office is widely anticipated.


\(^10\) A new CNN website is devoted to the "memories of World War II," given that those who lived through this period are dying off. See: http://www.cnn.com/SPECIALS/2000/memories/
The effect of World War II on historical inquiry has been manifest. For instance, many historians are quick to agree that Vietnam was America's 'bad war,' simply because its complexities contrasted clearly with "America's last good war" against Nazism and Fascism.\(^{11}\) If the fact of American military might in the 1960's and 1970's was clear, Washington's right to use this power became conditional upon the ethical manner in which U.S. military power was utilized. This perspective is a direct result of World War II and historical images which chart the war as being the 'right war at the right time' or the 'just war'. Essentially, the two big M's (morality and military), worked in concert, while conversely, in Vietnam, such was not the case.\(^{12}\)

There exists a problem, however, with segregating W.W.II. and other military conflicts into a 'good war' - 'bad war' framework. Indeed, this artificial construct in time often amalgamates all pre-W.W.II. conflict as also part of the 'good-war' stereotype. Take for example, the 1898 Spanish American war, which Sec. of State John Hay touted as "a splendid little war; begun with the highest motives, carried on with magnificent intelligence and spirit" in his letter to Theodore Roosevelt.\(^{13}\) With 200,000 Filipino natives later exterminated by American forces, Hay's remark nevertheless endures as the primary historical summation of the conflict.\(^{14}\) Also consider President Woodrow Wilson's serious abridgment of civil liberties during the First World War.\(^{15}\) A cynic might wish to inquire that if World War II was America's last good war, which one was the first?


The problem with the historical distortion of this era resides within the broader and more damaging fiction of the United States as the paladin of "Life, Liberty and the pursuit of Happiness". In his benchmark work, *Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong*, James W. Loewen reveals that since the 1920's American history textbooks have created a myth surrounding the United States and the charitable nature of the American people towards foreign nations. Moreover, American textbook authors are gratuitously praiseworthy regarding American history, as the titles of the texts imply: *The Great Republic, The American Way, Land of Promise, Rise of the American Nation, The Challenge of Freedom, Triumph of the American Nation* - it is little wonder why Loewen nicknamed these writers "the last innocents in America".

In "Good-bye to All That: Why Americans are not taught History," Christopher Hitchens agrees with Loewen's critique by pointing out that "sheer ignorance generally stems from plain ignorance," and survey after survey proves that Americans know less and less about their history. The same problem exists within Canada. For example, a Canada Day history quiz sponsored by History Television and The Dominion Institute, found that only 25% of Canadians surveyed knew the name of the strike of 1919. Even less impressive is the fact that only 13% of Canadians were able to name the new territory created on April 1, 1999.

The process in which historians connect the watershed years of World War II with other conflicts will inevitably form an ideological foundation from which the rest of their historical inquiry will originate. Because of the very nature of the conflict -- democracy

17Loewen, p.211.
18Loewen, p.230.
19Christopher Hitchens, "Good-bye to All That: Why Americans are not taught History," In *Harper's Magazine*, Vol. 297, No. 1782, November 1998. p.38. Loewen, on page 2, of his book notes: "History is the only field in which the more courses students take, the stupider they become".
20The Dominion Institute," Internet: http://www.ourheroes.ca/ballot/about_di.asp. The Dominion Institute's mandate: "To ensure that all Canadians have the historical knowledge they need to participate in society as active and informed citizens". This is only one example of many initiatives to redress the history gap in Canada.
vs. dictatorship, internment vs. genocide, liberty vs. invasion -- it often remains difficult for historians to avoid bias in what was, perhaps, the most significant war in Western history. Regardless of the inherent moral quandaries, the historical presentation of this story has been remarkably generic in nature. And herein lies the danger: as the volumes of historical literature sharing the 'good war' perspective continue to proliferate, this argument's point of origin naturally becomes increasingly difficult to ascertain; thus, the story in the history becomes a fact in its own right.

John W. Jeffries, in Wartime America: The World War II Home Front, seriously criticizes the historical profession for adopting the flagrant generality of World War II as a 'good war'. Jeffries argues that wartime Americans never felt this way about the conflict, noting further, that the roots of the phenomenon are to be found within "a product of nostalgia and selective memory" ranging from Hollywood, historians, the media and lengthening perspectives of veterans.21 For instance, at the 1989 annual meeting of the Organization of American Historians, a panel of scholars concluded that the discussion had "revealed a sad contradiction between American pretensions and American realities" in the war era.22

Historical parity regarding internment in 1942, has consequently suffered due to the good war bias. This is no accident. For decades, history textbook authors have relegated the history of internment as an aside within chapters dealing with the war. An admittedly small, yet nonetheless revealing examination of history textbooks at Kingston Collegiate and Vocational Institute support this premise. For instance, the mandatory Grade 10 history course utilizes the textbook, Making History: The Story of Canada in the Twentieth Century, by Colin M. Bain, Dennis DeRivieres, et al. The internment section is two pages long, and while the authors note that neither the R.C.M.P. nor the military desired internment, nowhere do they explain why the government ignored this advice.

22 Ibid., p.9.
The text avoids producing names of Canadian leaders and roots the event firmly in the past, thereby creating the false impression that such an abridgment of fundamental rights would never happen again. This historical event emerges as a wartime error in judgment, a Canadian anomaly -- it is not linked to a legacy of Canadian racial hostility, nor does it offer a stepping stone for contemporary contemplation concerning the status of Canadian minorities. In essence, this textbook downplays ethical issues which would confront the popular discourse of the war as a fundamentally positive undertaking by the Allies.

Even more alarming is the one-page summary in the OAC history text, by Paul W. Bennett, Cornelius J. Jaenen, et al., entitled, Canada: "A North American Nation". Within this book it is difficult to understand what occurred, little alone assess the broader implications of the event. While the American internment story is granted three pages in this chapter, it erroneously gives the impression that the American Supreme Court in Endo (1944), came to the rescue of the Japanese Americans. In fact, the Court demonstrated rampant racial hostility, as demonstrated in three other Japanese cases, namely, Yasui (1943), Hirabayashi (1944) and Korematsu (1944). One would be misguided to argue that the summary within the text only errs in historical interpretation. On the contrary, the section undermines an accepted legal fact. Even the Yale Law Journal as early as June 1945, assessed the cases and offered a concise attack on the Court for its failure to protect fundamental constitutional rights: "The Japanese American Cases - A Disaster".

Moreover, both high-school history texts present Prime Minister William Lyon Mackenzie King and President Franklin D. Roosevelt as champions of the war effort, yet suspiciously, neither leader appears personally involved with internment itself. Indeed,
King and Roosevelt do not appear in these sections; rather, the catch-all phrase 'the government' is held ultimately responsible. Are OAC history students not capable of dealing with conflicting information? That Roosevelt and King could have been both leaders and racially prejudiced at the same time? Is this too complex for what in other provinces in Canada would be first year university pupils? Christopher Hitchens is correct when he notes that "today's history students don't quite know what subject they are not being taught".27

As previously mentioned, professional historians (even those who avoid the monetary lure of textbook syntheses), are not immune from the 'good war' nexus. In "Beware, the Historian! Hiroshima, the Enola Gay, and the Dangers of History," Geoffrey S. Smith, points out that the widely known dispute over the Smithsonian's historical depiction of the Enola Gay concerned the role of the historian, as it did Hiroshima. The article highlighted the contemporary political side-effect of historical analysis, that being the recollections self-anointed guardians of national culture would prefer to be remembered, as opposed to those details deemed better forgotten.28 This selective memory on the part of 'official' historians reflects an American tendency to downplay or deny the negatives of American history,29 and Canadian textbooks parallel this disposition. For many historians, it appears as though loyalty to the state is a direct derivative of loyal writing regarding the state. Of course, when this occurs, history is no longer the mandate, but instead, a creature of contemporary politics.

Today the various issues surrounding the interpretation of internment are far more muted than the political dynamics regarding the Enola Gay and the Smithsonian. Nevertheless, the national culture police are just as manipulative regarding the

26Bennett, Jaenen, et al., p.600.
27Hitchens, p.39.
28Smith, p.123.
29Ilene Flanzbaum, ed. The Americanization of the Holocaust, (Baltimore, Maryland: The John Hopkins University Press, 1999), p.4. The article in which I draw this observation from regards the history of Anne Frank and the positive spin American historians place on her fate - that being, Anne not a victim, but rather, a survivor - due to the existence of her diary. (p.4).
presentation of this historical event, as they were in ensuring that the negatives of the atomic bomb not appear. A visit to Canada's national capital offers a case in point. Just a few blocks away from the Parliament Buildings is the War Museum of Canada, where one can gain a sense of the hardships endured by Canadians during periods of armed conflict. Most persons who visit the War Museum will probably experience the single largest dose of Canadian history in their entire lives.30 The War Museum's contribution to national memory is therefore important, not merely as a tribute to those who gave the ultimate sacrifice, but for the sake of posterity. Unfortunately, however, those who visit and "learn" from the War Museum about World War II, will leave without a major piece of historical truth: that over 22,000 Canadians were interned in 1942, in large measure, due to the color of their skin.

The War Museum's selective memory regarding Japanese Canadians stands in stark contrast with other 'accepted' history regarding state power during emergencies. Take for example the fact that the display featuring the F.L.Q. crisis of 1970 is inescapable - including a T.V. monitor and other information pertaining to the only utilization of the War Measures Act during peacetime.31 Visitors may view the material and decide for themselves if Prime Minister Pierre Elliott Trudeau's "Just watch me" decree was unjust.32 The history of Japanese Canadian internment, conversely, is relegated to a wall in the corner of the museum where a two-paragraph quote (under an unassuming picture of a Canadian regiment composed of Japanese soldiers), describes the incident as an "unfortunate occurrence".33 The story of the trial and tribulations of internment, with its

33War Museum of Canada, 2000. This poster is found on the second floor, against the wall which describes the Japanese 'balloon campaign'.
humiliation, dirty camps and confiscated property is essentially white-washed behind a veil of official national memory - a memory which is frightfully discriminatory.

J.L. Granatstein, Distinguished Research Professor of History at York University, argues in *Who Killed Canadian History?*, that Canada's multiculturalism policy has aided in killing off a single national discourse regarding Canada's past. Granatstein laments that "thanks to provincial ministries of education," first year university students know very little about some of the most important aspects of Canadian history.34  *Who Killed Canadian History?* is very much about the role of the historian, and the "memory, inspiration, and commonality," the profession is to symbolize.35  Yet Granatstein's commentary reflects politically motivated inquiry -- his argument clings to the illusion of a single national identity and hence, a single national history. For this reason, Granatstein has become perhaps the most high-profile defender of actions of the Canadian state.

Granatstein describes the forced evacuation of Japanese Canadians in 1942 as 'rough justice,' noting further that "at the least, Ottawa's actions can be defended as militarily necessary".36  Moreover, he believes that P.M. Brian Mulroney's official apology on behalf of the Canadian Government in 1987 was not required, for "even democracies have the right to defend themselves".37  Yet even in 1942, the army and R.C.M.P. failed to agree with political leaders on the military necessity of internment.38  Of course, for Granatstein, what is at issue is not the past, but, rather, the future. For those who share his perspective, internment is offensive history because it is irreconcilable with the 'good war' ideal, and it therefore undermines the very foundation upon which their historical view of the era resides. As with the Smithsonian controversy in the United States, this 'see no evil, speak no evil' doctrine attempts to preach a single narrative about

---

34Granatstein, p.xvi.
36Ibid., p.97.  Granatstein is the head of the War Museum in Ottawa.
37Ibid., p.97.
38Finlay and Sprague, p.413.
a fundamentally good nation at war -- in the arguably naive hope of creating an essentially loyal citizenry in the future.

The consequences of this type of historical pedagogy are impossible to assess. Yet, if the measure of an education is to have some idea of the extent of one's ignorance, then both American and Canadian citizens are being denied a balanced perspective of their own history.  

Frances FitzGerald, in America Revised: History Schoolbooks in the Twentieth Century, contends that the ability to answer 'jeopardy' style questions is not at all relevant for understanding history. Instead, she underlines the importance of knowledge which "sticks to the memory" -- not facts, "but an atmosphere, an impression, a tone." For example, if Canadians and Americans read or hear that internment was merely an accident or a particular brand of rough justice, then how does this event connect to a broader understanding of race relations in North America? If the fight for democracy during the war is the cardinal historical "truth," then what atmosphere, what tone or impression is left regarding the era? Are the contradictions and failings of the period not also 'truth'?  

FitzGerald warns that the impression created by historical generalizations are extremely influential, "just because one cannot remember the facts and arguments that created it". This is not history at all, but Aldous Huxley's "Brave New World," in which "Our Ford's" command that history is nothing more than 'bunk,' becomes tragically accurate.

The story of internment challenges the historian's role in society. If one assumes that the goal of the profession is to indoctrinate students with a particular version of the past, then those loyal to the state have no choice but to generalize about the war era in order to avoid historical dispute and contradiction - in essence, to preach and teach

---

39 Hitchens, p.39.  
41 Ibid., p.18.  
hegemony. If however, the role of the historian is to create critical thinkers among the
citizenry, if publicized historical 'truth' is to remain a subject of inquiry, and if debate over
the role of the state is encouraged -- then the story of internment must reside front and
center in future history texts. After all, the relevance of assessing leaders in 1942, is not a
mental exercise which exists within a vacuum. In fact, the very process of thinking
critically about the past establishes a base for critical appraisals of leaders in 2001.
Obviously, if the latter was the textbook norm, then Orwell's famed dictum in 1984, "he
who controls the past controls the future," would not be so polemic to this topic.43

The following pages examine the historical dynamics leading to the internment of
Canadians and Americans in North America. Chapter I offers a critique of the main
historiography utilized in this analysis. Chapter II assesses the political clout of
regionalism within British Columbia, which during the war became explicit, resulting in the
internment of Japanese Canadians. Chapter III examines the United States and probes the
bureaucratic process of "empire building," which contributed to the internment decision.
The Conclusion provides perspective and some closure for the overall evaluation.

43Smith, p.129.
Chapter I

HISTORIOGRAPHICAL ORIENTATIONS

The available historiography on the topic of internment is quite diverse. The vast majority of the studies are fairly comprehensive - dealing with many of the broad issues of the internment period and its background. This inclusive approach is often required, given that the history forces one to delve into many other fields of inquiry, including law, psychology, military history, Chinese and Japanese history and North American racism, to note a few. Hence it is not uncommon to encounter whole chapters devoted to the legal issues pertaining to internment, or sections dedicated to racism prior to the arrival of the Japanese. For this reason, a scholar's greatest difficulty is sifting through the sources and weeding out what is important, from that which is commonplace. This task is made much easier considering the fact that two men have dominated this field -- Roger Daniels and the late Ken Adachi.¹

Arguably, the definitive work on Japanese Canadian internment is journalist Ken Adachi's book, The Enemy That Never Was: A History Of The Japanese Canadians, which contends that the removal of the Japanese from British Columbia "became an end in itself and no longer a means of achieving national security".² Adachi's primary focus is on Canadian racism, and he repeatedly accuses King's cabinet of essentially implementing racist agendas in order to eliminate a hated minority on the West Coast. Adachi's research is extensive, covering many of the broad issues listed in the opening paragraph above. For this reason, his work is the primary starting point for understanding Canadian internment.

The weakness of Adachi's analysis is his failure to account sufficiently for the differences between B.C. delegates and federal employees in Ottawa; by ignoring the substantial variances between these two groups, he ends up blaming everyone for

¹For the purpose of reducing confusion, each of the major sources utilized in this thesis will be addressed in accordance to the nation to which they pertain. Therefore, first the Canadian authors will be assessed, followed by their American counterparts. Primary sources will be approached similarly.
This generalization wrongly assumes that racism along the West Coast and racism in Ottawa existed in the same way. Indeed, it is safer to suggest that Ottawa's display of racism became more pronounced as a knee-jerk reaction to British Columbian grumbling, especially following the attack on Pearl Harbor. With war in the Pacific Ocean, the government now had a convenient excuse to impart a fatal blow to the Japanese - yet in comparison, B.C. leaders never required a political or military reason to hate this minority. This distinction is instructive.

Daniel Robinson, in "Planning for the 'Most Serious Contingency': Alien Internment, Arbitrary Detention, and the Canadian State, 1938-1939," claims that the Department of National Defence (DND), and the RCMP attempted to "make their own agendas those of the governments" during the war. Yet most writers, including Adachi, would counter this argument. Robinson's work is useful primarily to provide perspective on the Defence of Canada Regulations, which were pre-war ordinances created to advise the Canadian government during war. Most interesting, his article corresponds closely with Peter Irons' book, Justice At War, which adopts a similar analysis in describing events in the United States, discussed later.

Stephanie D. Bangarth, in William Lyon Mackenzie King, the 'Oriental Question', and the Decision to Intern the Japanese Canadians: 1900-1942, offers an insightful appraisal of King's early impressions of Orientals. She believes that in order to understand Ottawa's decision in 1942, one must first address how "King addressed the 'Oriental question' throughout his career," thereby advancing her premise that internment was not merely "a phenomenon of the wartime circumstances". Bangarth criticizes historians for ignoring the pre-war racial issues which formulated King's view of the world. However,

one may accuse her of ignoring the post-1942 period -- a phase where King's decision to opt for deportation was also not based on "wartime circumstance," but rather unadorned prejudice. Nevertheless, her work is a substantial aid in understanding King's pre-war racial views.

Primary material is particularly rich at Queen's regarding Prime Minister King, including the "King Diary," (MG26, J13) and the "King Papers," Notes and Memoranda, (MG26, J4). Most of the original research conducted for this thesis came from Canadian Order-In-Council minutes and reading the King diary. One's surmise that Cabinet proclamations would be boring pales when one peers into the peculiar mind of Canada's twelfth Prime Minister! Indeed, the diary proves useful only if the exact date and issue under scrutiny is known prior to investigation of this rich source. Otherwise, the attempt at 'discovering' information in the diary is akin to finding the proverbial needle in the haystack.

As with the available material on Japanese Canadian internment, the historiography on Japanese Americans is exceptionally varied. For a few decades following the war, most historians remained quiet about the issue of internment. Instead, they preferred historical analysis concerning World War Two, which focused primarily on what Richard Hofstadter dubbed "national self-congratulation". The turbulent racial decade of the 1960s induced severe challenges to this status quo and consequently historical revisionism encompassed the internment of Japanese Americans for what it truly constituted -- namely, "the story of a national calamity".

Without question, the chieftain of internment historiography is Roger Daniels. There scarcely exists an article or book on either side of the border which is not indebted in one way or the other to his years of historical investigation. This thesis is no exception.

---

6Ibid., p.28.
8Ibid., p.xv.
Daniels' most influential book, *Concentration Camps North America*, offers an in-depth and provocative analysis of the internment issue. He is quick to condemn those who assert that the entire episode was merely a "wartime mistake," a tragedy separated from the larger annals of American history. Rather, Daniels says that it was the logical "outgrowth of over three centuries of American experience," claiming further that "the phenomenon of a generally racist society remains," therefore warning Americans that they should be wary of forgetting the year 1942. With excellent statistical material, government and civilian correspondence and Japanese American primary source testimonials, Daniels' work remains the bench-mark for researchers in this area.

Ironically, the major problem with Daniels' work is its ubiquity. Considering that he was essentially the pioneer of the subject, his writing is rarely scrutinized by others in the same field. As a result of this honor, he has been able to publish practically as much as the rest of those studying the discipline combined. One of his major contributions has been *American Concentration Camps*, a primary source book on archival documents ranging from pre-Pearl Harbor, to November, 1945. This and his other major primary aid, *Japanese Americans: From Relocation to Redress*, proved highly instrumental. Unfortunately, no opportunity presented itself to enter the United States and undertake original archival research on the American section. Therefore, the primary sources utilized were selections from Daniel's resume.

Geoffrey S. Smith, in "Doing Justice: Relocation and Equity in Public Policy," argues (with Daniels), that the relocation of Japanese Americans had "much in common" with previous governmental policy towards natives and blacks. This racism mutated into

---

9Ibid., p.xvi.
10Ibid., p.xvi.
a new hybrid of intolerance once the Second World War commenced. The state now
maintained \textit{de facto} unlimited power, thereby offering a "conduit" for the implementation
of "long-standing" racial agendas, as demonstrated by the actions of the Western Defence
Command.\textsuperscript{14} Smith, however, is careful to note that "wartime pressure," which in effect
was wartime racial coercion, often had the effect of moving the conscious-minded into the
racist camp.\textsuperscript{15} For instance, Supreme Court Justice William O. Douglas had initially
supported reversal in \textit{Korematsu} (regarding challenges to Roosevelt's Executive Order
9066), yet nevertheless withdrew his dissent. The Justice later lamented that this legal and
obvious moral surrender "was ever on my conscience".\textsuperscript{16} Without falling into the trap of
over-sentimentality (a noted problem with this type of historiography), Smith's work
examines the past, while empowering the present -- in short, a modest attempt to "address
truth to power, thereby providing a lever to push public policy in more realistic and ethical
directions".\textsuperscript{17}

Emphasizing the importance of racism on both sides of the Pacific, John W.
Dower's \textit{War Without Mercy: Race and Power in the Pacific War}, notes that the conflict
"exposed raw prejudices and was fueled by racial pride...(and) arrogance".\textsuperscript{18} Dower
contends that long-standing American racism changed after the attack on Pearl Harbor
into "a rage bordering on the genocidal".\textsuperscript{19} Dower's use of primary source material is
riveting. For example, his book abounds with horrifying stories of American atrocities -
tales which traditionally were solely attributed to the ferocious appetite of Japanese
soldiers. Indeed, the fine-line between Machiavelli's "beast and the man" is evident within
Dower's analysis, leaving one to question American assumptions that Japanese and

\textsuperscript{14}Ibid., p.90.
\textsuperscript{15}Ibid., p.92.
\textsuperscript{16}Ibid., p.92.
\textsuperscript{17}Ibid., p.87.
\textsuperscript{18}Dower, p.4.
\textsuperscript{19}Ibid., p.36.
German atrocities of war could never have been replicated on American soil. Such an assumption, one may argue, is exactly what Dower is attempting to dismiss as base naiveté.

After an Act of Congress in 1980, the United States Government created a Commission to review Executive Order 9066, including the directives of the U.S. military at the time and recommend to Congress appropriate remedies for those who suffered under internment. The culmination of this work was a thorough study published in December 1982, *Personal Justice Denied: Report Of The Commission On Wartime Relocation And Internment of Civilians*. In addition to Daniels, this is a must-read for anyone seriously investigating this topic. The report contains a plethora of primary material to digest. However, the judgment of the Commission remains indisputable: "the record does not permit the conclusion that military necessity warranted the exclusion of ethnic Japanese from the West Coast".

Some sources are deficient in historical analysis. For example, in *East to America: A History of the Japanese in the United States*, Robert A. Wilson and Bill Hosokawa offer a simplistic argument of internment. Wilson and Hosokawa maintain that the "American people were predisposed to acquiesce to decisions taken at the national level," given that the nation was at war. This is simply erroneous. For instance, the Government of California was not at all predisposed to agree with Washington on all matters concerning affairs within the state. In fact, it was often representatives from Washington who abdicated to the wishes of those on the coast for reasons of political expediency. Wilson and Hosokawa also argue that Assistant Secretary of War John J. McCloy, "won over" the

---

22Ibid., p.8.
seasoned diplomat Henry Stimson (Secretary of War), into agreeing with internment.\textsuperscript{24} This assertion is also highly questionable. Secretary Stimson's control of his Department and the reverence ascribed to him by his contemporaries eclipses this contention.\textsuperscript{25}

More satisfactory to the critical eye is Bob Kumamoto's work, "The Search for Spies: American Counterintelligence and the Japanese American Community, 1931-1942".\textsuperscript{26} Kumamoto provides a compelling and entertaining glimpse into the rarely seen inter-sanctum of the counterintelligence world. Kumamoto's article demonstrates that the American intelligence community was essentially disregarded by policy makers - leading to government policy on internment which was a fabrication of facts, rather than policy created from reliable sources.\textsuperscript{27} Another work in a similar vein utilized for this thesis was \textit{G-Men: Hoover's FBI in American Popular Culture}, by Richard Gid Powers.\textsuperscript{28}

In \textit{Justice At War}, Peter Irons analyzes the legal issues which contributed to the process of formulating government policy. Irons explains how "differing legal strategies and tactics" were utilized by the various individuals responsible for internment.\textsuperscript{29} He contends that "it is an element of great importance" that every federal official, except one (General John L. DeWitt), who were most directly involved "in the internal debate that proceeded the President's order were lawyers".\textsuperscript{30} Indeed, Irons (who himself is a lawyer), does not offer theoretical historical strategies for understanding American society at the time of internment. Rather, he speaks about realistic processes involved in hard-nosed

\begin{itemize}
\item \textsuperscript{24}Ibid., p.194.
\item \textsuperscript{25}Peter Irons, \textit{Justice At War}, (New York, NY: Oxford University Press, 1983), p.18. Stimson attended Yale College, Harvard Law School, spent sixteen years on Wall Street and then spent another four decades of government service, starting in 1906 as United States attorney in New York. He served as Secretary of War under the Taft Administration (1911-1913), as Hoover's Secretary of State (1929-1933), and under Roosevelt as Secretary of War in 1940. It is safe to conclude that no-one 'won-over' this elder statesmen.
\item \textsuperscript{27}Ibid., p.72.
\item \textsuperscript{30}Ibid., p.8.
\end{itemize}
negotiation, of give-and-take, and at times even bullying, which are part of creating policy. The importance of Irons' work for this study is paramount, as his research presents the closest examination available to the one presented herein.

Few comparative sources on Canadian and American Japanese internment exist. Not surprisingly, only Daniels in Concentration Camps North America, and Relocation and Redress in North America: A Comparative View,31 has written a serious analysis. For this reason, the perspective provided in the introduction and conclusion of this thesis is entirely original work, while the two chapters on the mechanisms of internment in Canada and the United States make use of the variety of primary documents provided by Daniels and the Queen's University Archives.

Major contemporary issues concerning this subject have been addressed in the introduction, and therefore do not bear repeating here. Yet one should emphasize that despite a growing historiography, there nevertheless appears to be a notable lack of understanding regarding internment.32 Also, while none of the authors presented above accept the 'good war' thesis, this does not reduce the importance of the critical tone of the introduction. For the prevalence of viewing the Second World War as a "good" conflict lingers, despite the work of those historians who question this thesis. Perhaps more than any other event in recent history, the internment continues to haunt policy makers and historians, as well as serving as the fulcrum in the tension between historical memory and scholarship.

31Roger Daniels, Relocation and Redress in North America: A Comparative View. (Unpublished paper, on loan from Geoffrey S. Smith.)
32After two years of speaking to students about internment, I conclude that the vast majority know little about the event. And these are Queen's history students!
Chapter II

JAPANESE CANADIAN INTERNMENT: THE POWER OF REGIONALISM

On January 14, 1942, the Federal Government in Ottawa announced its "Statement of Policy of the Government in relation to the Japanese Problem in B.C.". With this proclamation internment became an official mandate of the Canadian Government. Just over one month later, on February 25, 1942, this policy was activated, thereby sealing the fate of Japanese Canadians. The internment tragedy which ensued after this date reflects the infirmity of Canadian parliamentary democracy during periods of crisis, particularly in relation to the division of federal and provincial powers. These constitutional safeguards, designed for the distribution and protection of civil liberties between levels of government, were dismantled in order to confer upon the Canadian Cabinet absolute authority for the duration of the war. Of interest in this chapter, is the way these legal mechanisms were exploited for the purpose of discriminating against, and eventually incarcerating, Japanese Canadians.

Remembered for his blunt prose, Michel de Montaigne stated in his Essays, that, "laws maintain their credit, not because they are just, but because they are laws". Comparably, H.L.A. Hart, in The Concept of Law, argues that natural law theorists are wrong to assume that the authority of law arises from social morality; instead, the legal system is supported by what Hart describes as a "rule of recognition," which is accepted as the ultimate standard of authority. While morality definitely aids in defining a legal foundation, the actions of the Crown and recognition by society at large of the Crown's power essentially provides Canadian law with legitimacy. Following this legal-positivist interpretation, what is recognized as legitimate is the law, morality having little to do with

---

1King Papers, Notes and Memoranda, (Queen's University Archives), MG26, J4, C194840.
it. Further, Hart explains that despite those who assume that no real difference separates "the privileged class and the rest of the community," this presumption is in fact a social mirage. Indeed, as soon as the privileged classes recognize that relevant differences exist between certain groups, then the adage of 'blind justice' becomes questionable and the adjective replaces the noun. This social reality becomes particularly pronounced in emergencies, for while no one is to boast absolute authority within a democracy, the necessity of prerogative powers during war make it clear that such authority is both absolute and arbitrary.

John R. Hepburn, in his essay "Social Control and the Legal Order: Legitimated Repression in a Capitalist State," remarks that a significant disparity arises when the interests safeguarded "by the historical enactment of law and the interests protected by the contemporary enforcement of law," come into conflict. Such was the fate of the Japanese Canadians during World War II. While the perceived challenges to authority were not necessarily identical concerns shared between the federal and provincial governments at the start of the war, the issue of race and political expediency nevertheless conflated these two legislative realms by 1942. In this sense, the official policy of internment redeemed the hegemonic balance which had been in flux since the depression. By 1942 the federal government was in firm control and severely dealt with all threats, imagined or otherwise.

At the helm of the Canadian war enterprise was Prime Minister King, and not surprisingly, much controversy surrounding relocation centers on the man known as "the great enigma of Canadian politics". King's chief concern throughout his lengthy career was political expediency, which often meant tabling legislation which undermined fundamental human rights. He remained confident that defending the status quo

---

4Ibid., p.155.
(advocating hegemony), was of greater value politically than to be a social crusader for racial justice in twentieth-century Canada. His years as a strikebreaker for John D. Rockefeller taught King that conciliation was acceptable, so-long as stability was ensured. Contrarily, he also firmly believed that if a minority must suffer for the internal security of the whole, then so be it.  

As King viewed things:

Mankind as a whole is the complete social organism, and the planet or universe its environment. To this environment, man is more and more adapting himself; not, however, through conflict with this fellow man, but through combined effort on the part of collective groups against the forces of nature that thwart human progress.

Throughout his book, *Industry and Humanity*, King demonstrates an interest in conciliation, not compromise, as the former denotes a respect for interdependent forces, while the latter demonstrates a negation on one element over the other. Such philosophical complexity, however, proved as constraining as beneficial for this political leader. Almost every criticism made of King notes that he appeared indecisive -- "never yes, never no, always maybe or partly" -- which either made it appear that he was concealing decisions, or was simply fearful of formulating them. In most cases King was quite comfortable sitting on the fence regarding the issues of internment, until it was politically convenient to be resolute. The consequence of this lack of leadership led to a situation whereby Ottawa's hesitancy was perceived by British Columbia's delegates as political weakness. In turn, they were only too willing to fill the void and participate in deciding the fate of their despised minority in 1942, an opportunity long-awaited.

---

British Columbia's infamous anti-Japanese history is well-documented. Asian immigration to the colony around 1850 generated considerable hostility among the white majority, which viewed the Chinese and, later in the century, the Japanese, as potentially dangerous races. The Chinese were quick to accept jobs that few whites wanted, particularly during the hazardous construction of the Canadian Pacific Railroad through the mountains of B.C. On occasion, they also served as strike breakers, thereby increasing the simmering hostility of the white majority.

The first economic foothold achieved by Japanese immigrants was in the fishing industry, yet the Japanese soon expanded into other job sectors as well. For example, the Vancouver News Herald in 1942 substantiated that between 1920 and 1937 the number of confectionery stores in Vancouver had increased from 88 to 163, while the number of Japanese grocery stores rose from 37 to 171. White berry-growers found it practically impossible to compete with the Japanese as the latter acquired large portions of land, eventually 65% of the berry-growing acreage in the Fraser River Valley, comprising in turn 40% of the berry-growers in the Province. The perception (however historically flawed) that the Japanese prospered during economic chaos in the 1930s only perpetuated white resentment towards them.

Japanese arriving in British Columbia immediately became familiar with the racism within the Province. They were barred from 'white only' sections of movie theaters, swimming pools and tennis courts, restricted from voting, running for office, sitting on juries, or from serving as school trustees. These and other legal hurdles were designed to ensure that the Japanese would be only too willing to head back to Japan at the end of

their contract. As Takeo Nakano, a Japanese-born immigrant who worked at the British Columbia Pulp and Paper Company in 1935, noted:

I accepted the fact that the whites were the elite. Their men were paid more than we were when they did the same jobs. Mainly they held the better jobs involving more specialized work.  

Mr. Nakano tolerated his economic role within British Columbia as a hardship to endure; comparably, most issei who were subjugated to racial discrimination simply acknowledge that the racial barrier (despite their loathing of it), was "Shikata ga nai," something that "cannot be helped".

Politicians within the province quickly realized that they could exploit votes from white industrial workers by promoting anti-Japanese political platforms. The Victoria Colonist on February 7, 1907, declared that there was a 'yellow peril' infiltrating the territory, a sinister "evolutionary process" by a race which could "perform the maximum of Labour on the minimum of sustenance". This 'yellow peril' inverted the Darwinian ethos of the survival of the fittest by warning that it was the Japanese, not the white British Columbians, who would eventually dominate the province; white conventional wisdom during this period supported the conviction that it was the 'white man's burden' via British Imperialism to control the weaker races. Hence, the yellow peril heralded not only potential job losses for British Columbians, but also a battle for racial superiority.

To ward off this perceived danger, Ottawa, in accord with the wishes of the British Columbia government, arranged an agreement with Japan to restrict immigration to the Province. This arrangement was contrary to the terms of the Anglo-Japanese Alliance of 1902 (extended in 1905), which permitted free entry of Japanese into Canada. Known as

---

18Adachi, p.63. When the RCMP uncovered a ring in 1931 which had been smuggling in Japanese, more and more people within B.C. believed in a conspiracy of the 'yellow races' against 'white' Canada.
the "Gentleman's Agreement," between Nippon and Ottawa, (or the Lemieux Agreement, after General Rudolphe Lemieux, who aided in the creation of the policy), the pact gave Japan responsibility for limiting the number of passports it issued to immigrants wishing to travel to Canada. These early restrictions, however, failed to lessen the racial tensions within the Province, which reached a boiling point on September 7, 1907, when an anti-Asian riot swept through Vancouver.

Mackenzie King, prior to assuming office as Prime Minister in 1921, was no stranger to the "Oriental problem" within B.C. For example, he was assigned as Commissioner for the 1907 riot (leading to his participation in the 1907-1908 Gentleman's Agreement), was responsible for a 1910 Royal Commission on opium traffic resulting in the Opium Act of 1911, participated in the formulation of the Chinese Immigration Act of 1923, and engaged in a revamping of the Lemieux agreement in 1928. To say the least, King's knowledge was extensive. Unlike his contemporaries within B.C., however (as Stephanie Bangarth demonstrates), King was clearly a creature of the Canadian Government in Ottawa and his policy formulation reflected this fact. For instance, rather than blaming the riot of 1907 on purely racial tensions (as the B.C. politicians were insisting), King concluded that "an increase in numbers...rather than particular peoples or any characteristics of those peoples..." provoked the violence.

Of course, this observation failed to answer the question as to why increased numbers alone produced such an ethnicity-specific target for the riot. Nevertheless, his comments are instructive for two reasons. First, they paralleled King's conception of liberalism within Canada, where all actions of policy formation, particularly Federal policy, encompassed inherently broader issues, such as international relations with China and Japan. Second, King's subtle wording demonstrated a more moderate approach (following

---

19Haugue, p.6.
21Ibid., p.14.
previous precedents drafted in Ottawa), as opposed to the more radical discrimination pursued by B.C. politicians.

Federal intrusion into provincial spheres of influence had always caused British Columbians considerable disgruntlement. This was common, however, due to the fact that Canada’s distribution of legislative powers, outlined in Sections 91-95 of the British North America Act, 1867 (if read literally), attributed overwhelming authority to the Federal Government.22 The 'Fathers of Confederation' under the leadership of Sir John A. Macdonald deemed it imperative "to reverse (the) process" from that of the United States and confer all powers not specifically noted as belonging to the provinces as a Federal prerogative. 23 Regionalism, however, existed as a barrier (as it does today), which no constitution could vanquish.

While the Canadian Supreme Court judges "gave the widest possible interpretation" of many aspects contained in Section 91 (federal power) of the BNA Act, this was not the case with the Judicial Committee of the Privy Council in England (Canada’s highest Court of Appeal until 1949).24 The JCPC often undermined the Federal powers of Section 91 by inflating the interpretation of provincial powers in Section 92, leading to serious disputes between Ottawa and the provinces (B.C. in particular), on numerous constitutional issues.25 Consequently, provincialism was awarded legal legitimacy, thereby widening the gulf which geography already provided between the West and Ottawa.

The source of most of the political agitation between Ottawa and Victoria was Section 95 of the BNA Act, which outlined two concurrent powers between the two levels of government -- those being, "Laws in relation to Agriculture in all or any of the

25 Ibid., p.41.
Provinces, and to Immigration...". Anti-Asian laws created in Victoria often proved politically repugnant to Ottawa, which desperately desired to maintain amicable relations with the Far East, particularly in the 1930s with an increasingly militaristic Japan. Thus, the Federal Government often resorted to its extraordinary powers under Section 90 and 56 of the BNA Act, known as the powers of Reservation and Disallowance. For instance, the power of Reservation permitted the Parliament of Canada the discretion of approving a provincial bill (often as a delay tactic), while Disallowance completely invalidated any provincial bill that Parliament deemed to be inconsistent with the POGG directive; that being the creation of laws for the "Peace, Order and Good Government of Canada.".

The Supreme Court also played a role in circumventing blatantly racist policy formulated within B.C. For example, in Re Employment of Aliens (1921), the Supreme Court rendered a decision declaring that provincial "legislation excluding Japanese and Chinese from work is ultra vires" of the provincial legislature. Another reference, Re Fisheries Act (1928), witnessed the Court granting "any British subject residing in British Columbia...the right to receive a (fishing) license". In this particular instance however, the Federal Government essentially muted the ruling by enacting legislation which permitted the Minister of Fisheries "absolute discretion (over) the leases and licenses for fisheries or fishing". Thus, with fierce political pressure from politicians in B.C., Ottawa remained restrictive in the licenses it granted to Japanese immigrants; equally significant,

26 Archer, et al., p.551.
27 Ibid., p.534. These powers, while still in existence, have largely been made moot via convention, however, Trudeau warned of their use under the National Energy Program in 1980.
28 Ibid., p.543. As early as 1897 the B.C. Alien Labor act was disallowed, leading to a considerable number of instances where legislation was not permitted. See Daniels, p.174-175.
30 Ibid., p.69.
31 Adachi, p.144.
however, was the fact that the discretion to grant licenses to Asians originated in Ottawa, much to the Victoria legislature's disapproval.

When the political climate in Europe became worrisome, an Order-In-Council was passed by King on March 14, 1938, creating inter-departmental committees with the intention of reporting upon "practical problems concerning Canada which might arise in time of war...". The Committee on Defence Co-ordination (CDC), aided in the process of formalizing the Defence of Canada Regulations (DOCR), a set of 69 regulations granting the federal government, in conjunction with the War Measures Act, sweeping power to "secure the public safety and the defence of Canada". The DOCR declared that any potential European enemy aliens would be judged on an individual basis, while Asian loyalty was determinable according to a group basis. Despite drawing 'distinctions' between Europeans and Japanese, not one of the 69 Federal policies under the DOCR dealt specifically with either alien internment or arbitrary arrest.

On the eve of World War Two, there existed a delicate balancing act between governing values in Ottawa and those of B.C. Virulent West Coast racism proved to make this relationship all the more problematic. This is not to suggest that racism was solely a B.C. phenomenon, but, rather, as Federal utilization of Sec. 56 of the BNA Act and rulings of the Supreme Court demonstrate, official government policy often undercut blatantly racist bills emanating from Victoria. The federal formulation of the Chinese Immigration Act of 1923 and the DOCR of 1938 were both influenced by West Coast racism; however, these were tempered by King's conciliatory approach on an issue which obviously carried grave foreign implications.

When the Canadian Government declared on September 1, 1939, that a "state of apprehended War" had existed since August 25, the War Measures Act came into effect.

32Robinson, p.7.
33Ibid., p.5.
34Ibid., p.8.
35Robinson, p.6. Canada waited over a week before following Britain's lead in declaring war. This was not the case in World War One; when Britain declared war at that time, Canada was de facto at war.
Peter Hogg in Constitutional Law of Canada, states that the War Measures Act "empowers the Federal Government to make regulations on almost any conceivable subject". In Fort Frances Pulp and Power Co. v. Manitoba Free Press Co. (1923), the JCPC noted that:

In a sufficiently great emergency such as that arising out of war the POGG power would authorize laws which in normal times would be competent only to the provinces.

Section 92.13 of the BNA Act, 1867 grants power to the provinces over property and civil rights, while Section 92.14 states that provinces are awarded power for:

The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.

The War Measures Act, as stated in the 1923 JCPC case, commanded legal paramountcy over all Section 92 powers, regardless of their qualitative relevancy in securing individuals from arbitrary acts by the Federal authorities.

Moreover, Section 3 (1) of the War Measures Act states that the Governor in Council may:

Do and authorize such acts and things...as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada...

Section 3 (1.b) permits power for the "arrest, detention, exclusion and deportation" of anyone within Canada and Section 2 declares that "all orders and regulations made under this section have the force of law". This Act corresponded to The Defence (General)

---

36 Peter W. Hogg, Constitutional Law of Canada, (Toronto: The Carswell Company Limited, 1977), p.252. The War Measures Act is legally referred to as a 'blanket act,'; Murray's essay (noted above), offers excellent reasons as to why emergency legislation should be examined carefully.
37 Ibid., p.252.
38 Archer et al., p.546.
40 Ibid., p.1.
Regulations of 1939, which was adopted by the Government of Great Britain during the war. In Section 8 of this Regulation it noted that:

Any person detained in pursuance of this regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorized by the Secretary of State in accordance with instructions issued by him.41

The War Measures Act, while not unique in a democratic state during war (as illustrated by the comparable Defence Regulation of 1939 in Britain), nevertheless suspended normal legal functions in Canada. The Act conferred absolute power on Ottawa, including the extraordinary discretion for the Cabinet to assess the propriety or impropriety of any action, independent from any form of institutional safeguard. In many ways, it is plausible to argue that during the war years Canada was a de facto oligarchy.42

At the same time as the Federal Government secured its power under the War Measures Act, Ottawa also formulated a new DOCR. This set of 64 regulations provided for arrest and detention without charge of anyone deemed a threat to national security. Unlike the old DOCR, however, the 'distinction' drawn between European and Asian loyalty was now legally articulated with the creation of regulations 24-26, dealing with alien internment.43 This distinction based on race set an ominous precedent, for by creating ground-rules which fused loyalty and race, it equally compounded the influence of race politics on law -- a dynamic which in British Columbia knew few limitations.

The possibility for abuse of the DOCR was not lost upon many of its drafters. For example, the Deputy Minister of Justice, C.P. Plaxton, was adamant that the DOCR would be detrimental towards fundamental rights:

My objection to the regulation is one of principle: that no such drastic and arbitrary power, capable as it would be of being exercised to order the detention of a British subject who had committed no offense against the laws of the land,

42An oligarchy is 'rule by the few,' in this case the Canadian Cabinet.
43Robinson, p.6-11.
without preferring any charge against him and without affording him any trial, should be vested in any Minister of the Crown.\footnote{Ibid., p.16.}

Plaxton's misgivings regarding the DOCR were ignored. Yet even this Federal Minister's critique had fallen short of articulating the possible ramifications of this new policy. Indeed, Ottawa had unwittingly created a regulation which (in less than two years), federal employees would seriously regret, while at the same time, B.C. legislators would be quick to specify as obligatory.

Despite the power conferred to the Cabinet, there was no corresponding political relinquishment from Victoria. Just three months following the outbreak of war, King received a memo from the Minister of National Defence, Norman Rogers, noting that serious issues were being raised by the use of "Pacific Coast Defence Contracts".\footnote{King Papers, Notes & Memoranda, (Queen's University Archives), MG26, J4, C246681.}

Complaints from Victoria's legislature accused Ottawa of ignoring the special circumstances facing the province if hostilities with Japan occurred. The old tirade (now present for over a decade) that a Japanese "spearhead" of fifth-columnists was secretly infiltrating the province was repeatedly articulated by B.C. politicians.\footnote{Charles E. Hope, "British Columbia's Racial Problem," in Maclean's, H. Napier Moore, ed., Vol. XIII, #3, February 1, 1930, p.62.; Haugue, "B.C.'s Jap Controversy," 1942.} Despite these allegations, the RCMP's Intelligence Branch deemed such concerns preposterous. Instead, the Mounties focused its resources "almost exclusively" on what they perceived as the real threat to Canada - the Communist Party.\footnote{Robinson, p.14.}

The discrepancy between official intelligence in Ottawa and popular political sentiment in B.C. spawned a divergent interpretation of what constituted a menace to the Dominion. For Victoria, it was the presence of the Japanese, for Ottawa and King specifically, it was inconsistency of focus between levels of government. This sentiment was articulated by H. L. Keenleyside (Councilor in the Department of External Affairs), in a letter to Dr. O.D. Skelton (Under Secretary of State for External Affairs), on September
28, 1940. Skelton, believing the letter to be significant, forwarded it to King on October 3, 1940, where Keenleyside lamented:

Unfortunately there are still, in the Conservative and Liberal parties in British Columbia, certain elements that apparently think that political capital can be made from playing on the anti-oriental prejudices of the people. Alderman Wilson of Vancouver is perhaps the worst of these offenders... 48

This same letter requested that the Federal Government "take a stand on this issue," in order to "collapse" the opposite interpretation emanating from B.C. 49 The note cautioned Skelton that a failure of the Federal Government to act would confirm the "local politicians in their belief that the anti-oriental business will still pay dividends...". 50

Concerns such as Keenleyside's had an effect, for in October 1940 a Special Committee formed to investigate "the situation of persons of Japanese and Chinese racial origin...in British Columbia," and prepared to report its findings in December. 51

The Special Committee on Orientals in British Columbia was staffed by Lt. Col. A.W. Sparling of the Department of National Defence, Assistant Commissioner F.J. Mead of the R.C.M.P. and Keenleyside. The committee was ordered to discover the "extent and distribution of hostile feelings" in the province, determine if these hostile feelings constituted a "special danger to the internal security of the province," and finally, to consider what practical steps should be taken to reduce the danger. 52

The report concluded that "no witness examined was able to give convincing or even plausible evidence to support...wrongful acts of the kinds ascribed to the Japanese". 53 In fact, the committee announced that according to both the RCMP and the municipal police forces, the Japanese were regarded as one of the "most law-abiding elements in the population of the Province". 54

48 King Papers, Notes & Memoranda, (Queen's University Archives), MG26, J4, C249212; C249311.
49 Ibid., p.C249212.
50 Ibid., p.C249212.
51 King Papers, Notes & Memoranda, (Queen's University Archives), MG26, J4, C249322.
52 Ibid., p.8.
53 Ibid., p.10.
54 Ibid., p.10.
Despite this favorable assessment, however, the committee acknowledged that "racial prejudice," regardless if it was "reasonable or not," might create a situation where "violence against (the) Japanese" could occur with merely the slightest provocation.\footnote{\textit{Ibid.}, p.14. This is something which clearly influenced King's mind, for he noted the possibility of this in his Diary, "There is every possibility of riots".; \textit{King Diary}, Feb. 19, 1942, \textit{King Papers}, (Queen's University Archives), MG26, J13.} From the information gathered, the committee concluded that "the problem of the oriental in British Columbia is the problem of the Japanese".\footnote{\textit{King Papers, Notes and Memoranda}, (Queen's University Archives), MG26, J4, C249322.} Now that the 'problem' was identified, the question remained what to do with the committees' findings. Not surprisingly, West Coast politicians (who were already delighted with the guilt according to race decree of the DOCR), were quite eager to offer a few suggestions of their own.

Alderman Halford D. Wilson of Vancouver's City Council (the same Alderman about whom Keenleyside had warned Skelton), wrote an article on what he believed was "An Expose of the Facts," regarding the Japanese.\footnote{\textit{King Papers, Notes and Memoranda}, (Queen's University Archives), MG26, J4, 249354.; \textit{The Parashooter}, p.1.} Wilson claimed that with an "insidious and destructive method of boring...one line of business after another has fallen victim to the rapacious (Japanese)," who were essentially "gnawing at the vitals" of industry in the province.\footnote{Justus D. Doenecke and John E. Wilz, \textit{From Isolation to War: 1931-1941}, (Harlan Davidson, Inc., 1991), p.131. While there certainly exists favorable commentary regarding the Japanese, it would not be an exaggeration to say that the vast majority of the politicians and papers were anti-Japanese.} While Wilson's views were extreme, he was not alone. In fact, after Japanese soldiers walked into the French colony of Indochina and signed the Tripartite (Axis) Pact in September 1940, complaints about the Japanese Canadians from B.C. leaders became a deluge.\footnote{\textit{Ibid.}, p.1.}

On December 24, 1940, King received a letter from A.D.P. Heeney (Secretary to the War Committee), which remarked that Keenleyside had received notice "from the Commissioner of the R.C.M. Police," pertaining to anti-Japanese propaganda, specifically in regards to "Alderman Wilson of Vancouver".\footnote{\textit{King Papers, Notes and Memoranda}, (Queen's University Archives), MG 26, J4, C249358.} The letter went on to mention that...
"Wilson and his ilk can be silenced more or less permanently if the government" acted soon upon the Special Committee's recommendations.61 These recommendations were fairly basic: create a Standing Committee on Orientals in order to provide the Government with advice on any relevant issues regarding 'the problem' on the West Coast. In other words, if King approved the Special Committee's counsel, then his coveted desire for stability out west could be achieved.

Fourteen days later a press release announced that the Government "has now examined the report prepared by the Special Committee and has decided to implement" its considerations.62 By assuming his traditional role as conciliator, King had attempted to appease B.C. concerns, while maintaining federal dignity. With this action, however, the spiral of Federal control over policy formulation had commenced, despite the core rationale of the War Measures Act which specified war-time Federal supremacy. The question that emerged as the war moved beyond Pearl Harbor, was -- who exactly designs the Japanese Canadian policies of the Canadian government? Ottawa or Victoria?

In The Vancouver Sun, on Monday December 8, 1941, the front page editorial asked the people of British Columbia to remain calm. The article acknowledged that:

We have an entirely domestic problem...we have in this province nearly 25,000 Japanese, many of these Canadian born. These latter, and the overwhelming majority of the former, are intensely loyal to Canada. They have nothing to do with the policies of imperial Japan...Above all let us KEEP OUR HEADS! This is no time for folly, panic or prejudice.63

Forty-eight hours after the dawn attack on Pearl Harbour, Japanese planes bombed Hong Kong, which held two Canadian battalions; the British outpost eventually capitulated on Christmas Day, 1941 - public outcry, panic and prejudice soon followed.64

61 Ibid., p.1.
62 King Papers, Notes and Memoranda, (Queen's University Archives), MG 26, J4, C249362.
63 "Citizens, Be Calm!" The Vancouver Sun, Monday, December 8, 1941, p.1. There is some historical irony here. The author's statement, "let us KEEP OUR HEADS!" corresponds to a statement made after the Vancouver Riot of 1907, where Governor-General Earl Grey noted, "In B.C. the people appear to have lost their Heads!"
Security along the West Coast became the major concern and stories in newspapers abounded about the threat of Japanese invasion. The Federal Government was criticized for being "too nonchalant about the 'yellow menace,'" and patriots warned that potential saboteurs in "Japanese families were adjacent to the muzzles of permanent defence guns" along the coast.65 White farmers, seizing a heaven-sent opportunity, complained about "Japanese trucks" that were too "well equipped" for mere farm work, and would in fact provide "excellent transport equipment" for large numbers of men.66

In response to the Province's worries, Order-in-Council P.C. 9660, made use of the racial stereotyping in the Defence of Canada Regulations, which required all Japanese to register with the Registrar of Enemy Aliens.67 Moreover, for "reasons of national defence and security," the Cabinet prohibited all persons of Japanese racial origin from "fishing or serving on fishing vessels off the coast...".68 A partial evacuation of Japanese male nationals (aged 18 to 45 years), occurred on January 14, 1942, followed on January 16 by Order-In-Council P.C. 365, which cited the intention of the Government to define a geographical region from which enemy aliens could be excluded.69 In The Globe and Mail on February 2, 1942, this defined "protected area," again under the Defence of Canada Regulations, was announced as a barrier 100 miles wide, "west of the Cascade Mountains and including the villages of Terrance and Hope".70

This barrage of orders-in-councils, aimed at restricting the rights of Japanese Canadians, demonstrated a major shift in Federal Policy. Obviously, the attack on Pearl Harbor forced King to enact prudent legislation for security purposes. Yet, the 'protected area' announcement of February 2, 1942, hinted at something more sinister in the works.

65"Military Area Open to Japs, Commons Told," The Globe and Mail, February 1, 1942., p.2.
66Haugue, p.6.
67King Papers, Notes and Memoranda, (Queen's University Archives), MG26, J4, C195022.
68King Papers, Notes and Memoranda, (Queen's University Archives), MG26, J4, C195022. Order-In-Council, P.C. 9761 on December 16, 1941 had made provision for the control of all Japanese-owned fishing vessels.
69Ibid., p.C195022.
Muriel Kitagawa, a Japanese Canadian who was aware of this redirection in federal policy, noted from Vancouver that:

...when a people get panicky, democracy and humanity and Christian principles go by the board...Wilson and his bunch are making political hay out of this. He does so with bland half-truths and falsehoods and hypocrisies enough to turn your stomach... 71

The influence of B.C. politicians on federal policy creation continued to grow as the war took a turn for the worse, particularly with the annihilation of Allied naval power in the Far East at the Battle of the Java Sea, followed by Japan's capture of Singapore in February 1942 - the most important Allied naval base west of Pearl Harbor.72

As the Allies desperately scrambled to prevent further losses in the Pacific, the Canadian Government requested an emergency meeting of the Standing Committee on Orientals.73 This Committee, which assembled in Ottawa on January 8-9, 1942, had various representatives from External Affairs, the Navy, DOD, RCMP, Provincial Police and political representatives from B.C.74 During the meeting, provincial delegates remained adamant that 'the Japanese problem' within the Province be dealt with immediately and decisively. This sentiment stood in stark contrast to the views articulated by the Federal civil servants, all of whom united in advocating that the Japanese not be interned.75 Moreover, the Department of National Defence, National Defence for Naval Services, and the RCMP assured the Conference that:

the requirements of national defence and security can be met by the measures already taken or recommended, and do not warrant such action (internment).76

72Addington, p.244.
73The Standing Committee on Orientals was created by the government on January 7, 1941, based on recommendations cited by the December, 1940 report by the Special Committee on Orientals. The Standing Committee was to observe the Japanese population and aid the Government on issues of policy formulation. Please see: King Papers, Notes and Memoranda, MG26, C249391.
74Ibid.
75Adachi, p.203.
76C.B. Power Papers, "Report, Committee dealing with the Japanese Problem," (Queen's University Archives - Collection 2150), Box 59, File 1030, p.6.
This remarkable solidarity among Canada's defence and intelligence departments represented a North American anomaly. In comparison, the United States could not boast of such consolidation, a point developed in Chapter Three.

General Maurice A. Pope of the DOD was quick to remark on what he considered B.C. justifications for internment, which had more to do with ridding "themselves of the Japanese economic menace" than with any genuine security issues.\textsuperscript{77}

The meeting was characterized by extremely confrontational debate, especially from B.C. Minister of Labour, George Pearson, who allegedly "breath(ed) fire" at all Federal employees who dared suggest alternatives to internment.\textsuperscript{78} Escott Reid (official with External Affairs), later recounted that the representatives from the province dominated the entire two-day assembly, noting further that:

\begin{quote}
(they) spoke of the Japanese Canadians in the way that the Nazis would have spoken about Jewish Germans. When they spoke I felt in that committee room the physical presence of evil.\textsuperscript{79}
\end{quote}

The provincial delegates were also fortunate to have a powerful ally in the Minister of Pensions and Health, Ian Mackenzie (the former Minister of Defence), who was notoriously unsympathetic to the Japanese and widely regarded as the "main engineer of Japanese Canadian policy," within the Cabinet.\textsuperscript{80} Originally a Westerner, this inept administrator's insidious hatred of the Japanese was unique - even among those from the West Coast.

Despite recommendations by the DOD and RCMP, and by Federal ministers and employees (including Skelton, Plaxton, Pope, Keenleyside and the Vice-Admiral of the Navy, H.E. Reid), discounting potential Japanese Canadian disloyalty, it remained clear

\begin{footnotes}
\item[78]Adachi, p.203.
\item[79]Daniels, p.183.
\end{footnotes}
that the B.C. delegates controlled the show.\(^1\) Furthermore, the DOCR undercut federal assertions that the provincial delegates were irrational, considering that it was federal policy, not provincial, which originally defined loyalty in racial terms. The Standing Committee on Orientals became the matrix from which B.C. articulated its desires within Federal policy - in turn, demonstrating Ottawa's willingness to be eclipsed by Victoria, if coerced.

This salient fact was not lost upon members of Canada's Parliament. For instance, Norman A. Robertson (Undersecretary of State for External Affairs) sent a letter to King on January 20, 1942, noting that M.P. Tom Reid (no known relation with Escott Reid), was "angry" that:

the Government consulted the Provincial Government and the Standing Committee on Orientals in British Columbia about the Japanese situation there, instead of calling in the Federal Members of Parliament for this purpose...\(^2\)

Reid continued, noting that the Standing Committee's Chairman, Mayor Hume, was "exploiting the public attention he received," thereby aiding Hume in winning the Mayoral election the week before.\(^3\) The M.P.'s comments are particularly persuasive considering that he disliked Japanese Canadians, as noted in a House address in 1943 where he mentioned that anyone who was of Japanese ancestry was not "a true Canadian".\(^4\)

If any misgivings still exist as to the extent of this relinquishment of Federal autonomy, one need look no further than the January 14, 1942, "Statement of Policy of the Government in relation to the Japanese Problem in B.C.".\(^5\) Within this document, the Government acknowledged that "in determining its policy the Government had the benefit

---

\(^1\)King Papers, Notes and Memoranda, (Queen's University Archives), MG26, J4, C249322 (Special Committee, including DOD, RCMP); C249312 (Keenleyside); C249311 (Skelton); and Plaxton in Robinson, p.16.

\(^2\)King Papers, Notes and Memoranda, (Queen's University Archives), MG26, J4, C249391.

\(^3\)Ibid., p.C249391.

\(^4\)King Papers, House of Commons Debates, July 12, 1943, (Queen's University Archives), MG26, J4, C19431.

\(^5\)King Papers, Notes and Memoranda, (Queen's University Archives), MG26, J4, C194840.
of the advice of (the) Standing Committee on which various viewpoints were represented." Three main "legitimate apprehensions" were noted as existing in B.C. -- potential aid given to enemy submarines off the coast, possible acts of sabotage, and, finally, the prospect of anti-Japanese riots. None of these anticipated issues of possible disloyalty (except the likelihood of riots from white Canadians), originated from the RCMP or DOD. Hence, while the facts remained largely the same, what had changed was the impact of B.C. delegates and Mackenzie within the Federal policy arena.

During this entire period, with little desire to upset the fragile balance of power, King chose to remain ambiguous in his pronouncements. On February 18, King noted that the Chiefs of Staff were "seeking to preserve separate commands for Atlantic and Pacific coasts". The next day President Roosevelt signed Executive Order 9066, while King admitted privately that Ottawa needed a greater handle on the "Japanese situation out West," as there was "no particular minister [who] had responsibility there, and the situation has been drifting". While things were 'drifting' from King's perspective, B.C. delegates had been busily policy drafting.

The private correspondence of Grant Dexter, widely regarded as "the best informed newspaperman in the nation's capital," provides an important glimpse into King's understanding of 'the Japanese problem'. At a meeting with King "in the little cubby-hole office he has back of the House of Commons," Dexter remarked that the P.M. was concerned with what he perceived as an uproar on the part of the Generals out west. King admitted to Dexter that nothing had been done "to quiet the row on the Pacific Coast for more defence," yet he just had appointed a Pacific Coast Japanese Evacuation Council

---

86 Ibid., p.C194841.
87 Ibid., p.C194842.
88 Ibid., p.C194840-194846. Not one line of this policy notes a change in Canada's intelligence sector Japanese risk assessment.
89 King Diary, Wednesday Feb., 18, 1942, King Papers, (Queen's University Archives), MG26, J13.
90 King Diary, Thursday Feb., 19, 1942, King Papers, (Queen's University Archives), MG26, J13.
92 Ibid., p.282.
of civilians "which would give these demands more direction... and thus might help overbalance the generals".93 This comment indicates that King misconstrued who was responsible for the complaints from the coast - and it was not his generals. For instance, even the Inspector General of the Canadian Forces in the four western provinces, Major General W.A. Griesbach, acknowledged via Dexter's correspondence that anything provided to aid the Province would:

be regarded by British Columbia as most inadequate. Send them one division and they will ask for two; send them two and they will demand four, etc...94

King's desire to counter the generals, therefore, was misplaced. Indeed, by granting B.C. civilians and politicians greater autonomy over the Japanese issue, he indirectly awarded the very terminal from which the defence complaints emanated.

The remarkable powers conferred to the Cabinet under the War Measures Act were created to ensure that all policy directives of the Government derived from a legally legitimate source - the Cabinet. The actual process of policy making in the winter of 1941-1942, however, failed to achieve this end. In essence, the perception of Federal authority remained an illusion. Rather, B.C. legislators appropriated Federal authority in order to subdue a minority within their respective jurisdiction. Federal policy directives prior to war with Japan, such as those of the DOCR, aided the B.C. crusade, as did Federal moral feebleness in countering radical B.C. racism. Now that the planning stage was complete, the Prime Minister (now sure of his policy bearings), bravely led the Nation towards a strong policy regarding internment, despite his months of hesitation.

Within the new policy of January 14, 1942, the Federal Government declared that the "situation on the Pacific Coast" had been "clarified," and therefore, the members of the Standing Committee no longer carried "the burden and responsibility of advising the Government in regard to this problem".95 With this statement, West Coast representatives

93Ibid., p.282.
94Ibid., p.299.
95King Papers, Notes and Memoranda, (Queen's University Archives), MG26, J4, C194845.
were now devoid of any direct influence within the sacred sphere of the Cabinet - except via Mackenzie. Of course, at this point it no longer mattered. On February 25, 1942, Order-in-Council P.C. 1486 empowered the Minister of Justice, Louis St. Laurent, under the Defence of Canada Regulations and specifically under the War Measures Act, Section 3 {1.b}, to remove immediately all "Japanese from vulnerable areas in British Columbia". The British Columbia Security Commission was established on March 4, 1942, under Order-In-Council P.C. 1665, which granted the Commission the power to order all Japanese to:

Leave his place of residence and to proceed to any place within or without the protected area at such time and in such manner as the Commission may prescribe in any such order, or to order the detention of any such person... Internment was now a Canadian reality. Moreover, this same directive also granted the "appropriation, control, forfeiture and disposition of property and the use thereof". On January 19, 1943, the "protective measures" regarding the holding of Japanese Canadian property which had existed under P.C. 1665, were abandoned, leading to the public auction and tender of this property without the consent of the internees.

King, meanwhile, remained confident that he could do no wrong. The only reference to the Japanese Canadian issue on Feb. 24, 1942, (the day of P.C. 1486), was that there now existed (despite previous claims otherwise), the "necessity of giving more attention to home defence, particularly on the Pacific Coast". As the war advanced, King asserted more and more authority regarding policy directives, in accordance with the power granted him under the War Measures Act. After the dropping of the atomic bomb

---

97Ibid., C195023.
98Ibid., C195023.
99Ibid., C195024.
100King Diary, Tuesday Feb., 24, 1942, King Papers, (Queen's University Archives), MG26, J13. There is some speculation that King was influenced by Executive Order 9066 on Feb. 19, 1942, however, the policy for Canada was created in Jan. 8-9, over a month prior to the Americans.
on the Japanese, King faced the challenge of creating his own post-war policy regarding
Japanese Canadians.\textsuperscript{101} This new program, however, would prove to be a total disaster.

On October 5, 1945, St. Laurent introduced Bill 15, Clause G of the \textit{National
Emergency Transitional Powers Act}. This bill provided the Federal Government with
transitional powers in peace-time, since the \textit{War Measures Act} would lapse at the end of
1946. Clause G was designed to carry out the deportation of those enemy aliens wishing
to leave Canada, or those accused of not being loyal to Canada, regardless of whether they
were Canadian-born. When the Bill passed on December 7, Clause G was not included
due to political pressure and hundreds of petitions warning Parliament that Clause G
would undermine Canadian values.\textsuperscript{102}

Immediately following the proclamation of the Act, however, King's Cabinet tabled
three Orders-In-Council (P.C. 7355, 7356, 7357), which did precisely what Clause G had
originally been designed to accomplish. Finally, with Order-In-Council P.C. 7414 on
December 28, 1945, all orders and regulations lawfully made under the \textit{War Measures Act}
would remain in force, including Orders-In-Council P.C. 7355, 7356 and 7357.\textsuperscript{103} While
King had played a muted role in the formulation of Government policy regarding the
Japanese prior to 1942, the Prime Minister now believed that he could articulate in law
what he had gradually learned to embrace in spirit -- namely, that Japanese Canadians
were a proved pestilence within the nation, therefore necessitating a severe remedy --
deportation.\textsuperscript{104} It would be wrong to assume that King had undergone a metamorphosis
from Dr. Jekyll to Mr. Hyde. Rather, he unequivocally understood that the former
'MJapanese problem' on the West Coast was now his problem.

\textsuperscript{101}King Diary, Monday August 6, 1945, King Papers, (Queen's University Archives), MG26, J13. King
was relieved to hear that the bomb had been dropped on the Japanese, "rather than upon the white races of
Europe".
\textsuperscript{102}Adachi, p.304-305.
\textsuperscript{103}Supreme Court of Canada, Re Persons of the Japanese Race (1946), p.254.
\textsuperscript{104}King's views on race corresponded to the influence of classical-liberalism; his remark about the Atomic
bomb (#101), is particularly instructive.
One may argue that had Canada still been engaged in war, King's orders-in-council (P.C. 7355, 7356 and 7357), might have been adopted with little grievance. Yet by late 1945, Hiroshima and Nagasaki lay smoldering, and it was clear that soldiers returning home wished to re-build their lives, not undertake a new crusade against Japanese Canadians. Even politicians had grown weary of the 'yellow menace' heckling. For example, M.P. Alistair Stewart asserted in Parliament what he would never have articulated during the war, namely that:

I regard this policy as a direct negation...of decent, elemental, fundamental democracy. I will go farther and say this, that in carrying through this policy, in deporting these Canadian citizens of Japanese origin, the Liberal government has merely proven itself to be what many of us have long suspected, an organized hypocrisy.105

King was quick to attack Stewart's comment. He demanded that the "term be withdrawn," as no honorable member had the right to call "government...an organized hypocrisy".106 Stewart's retort was succinct: "I will withdraw the words if I am out of order. I should have said the Liberal Party".107

King's over-confidence in his ability to perceive the nuances of the Canadian status-quo had led him to embrace a post-war policy which was widely regarded as indefensibly racist. Few Canadians east of the Rockies believed that a democratic nation could legitimately adopt a policy which called for the deportation of its own citizens, regardless of the color of their skin. Consequently consternation concerning the Government's arbitrary use of power increased by the day. King was finally forced to recant on the orders-in-council on January 24, 1947.108

---

108Supreme Court of Canada, Re Persons of the Japanese Race (1946), p.248; Adachi, p.304-305. The Supreme Court upheld the actions of the three orders-in-council in 1946, claiming that the powers vested in the Cabinet under the War Measures Act makes the Cabinet, "the sole judge of necessity or advisability of measures to be adopted". p.248.
In a series of 20 lectures prepared in July 1949, entitled *Law and Order in Canadian Democracy*, the RCMP avowed that:

In a regulated, democratic society the law-abiding citizen need not know fear. He may eat, sleep, work and play; he may dwell in safety and know his family is safe... he need not fear the torture chamber, or the concentration camp... or confiscation of property and loss of citizenship.\(^{109}\)

Ironically, when these lectures were published, the policy of exile to Japan and dispersal eastward of Japanese Canadians was still in effect and remained so, until March 31, 1949.\(^{110}\) Specific legal discrimination against Japanese in Canada largely ended by 1950, yet a *de facto* colour bar prevailied in Canadian immigration law until 1967.\(^{111}\)

One of the great theoretical principles of law is that law guards the liberties of each by limiting the liberty of all; democracy establishes a social context in which such principles may flourish. However, as Alan Young notes, legal control "quickly becomes a more all-embracing form of social control when official discretion is left unmonitored".\(^{112}\) This is precisely what occurred during World War II. The legitimate powers of the Canadian Cabinet under the *War Measures Act* became a means of "autocratic harassment" against a minority group, thereby widening the sphere of social control at the same time as the distribution of power narrowed.\(^{113}\)

During peacetime, the distribution of Federal and provincial powers create a legal and political atmosphere where there exists quasi-watertight arenas for policy formulation. During war, however, this balancing act was dismantled out of necessity. Ironically, what transpired during World War II, ran athwart this strategy. During the war, power became vested in those who desired it most. For the fate of Japanese Canadians, B.C. political regionalism and a legacy of racial intolerance rubbed against a combination of federal

\(^{109}\text{Edmond Cloutier, ed. *Law and Order in Canadian Democracy*, (Ottawa: Edmond Cloutier, Printer to the King’s Most Excellent Majesty, 1949), p.41.}\)

\(^{110}\text{Hepburn, p.73.}\)

\(^{111}\text{Ward, p.17.}\)


\(^{113}\text{Ibid., p.322.}\)
ineptitude and indifference, leading to policy directives which resembled this state of affairs.

In total, over 22,000 Japanese Canadians were uprooted from their homes, and 12,177 men, women and children were forcibly detained and confined without trial in internment camps.114 When first moved, this minority was herded into livestock barns at Vancouver's Hastings Park to await evacuation from the protected zone. The symbolism was not lost on the internees. Many historians have pointed out that 'internment-camps' is an inappropriate phrase to describe the relocation communities, as there was no barbed wire and no armed sentries. Residents, however, could not leave. Just as the Czarist Russian government had done, Canada "guarded most of its Japanese Canadian exiles with geography rather than guns".115

The pre-war history of the Japanese in the United States closely paralleled that of Canada, however, the process leading to internment was nevertheless moderately different.116 The following chapter examines the fate of Japanese Americans during World War II - where departmental fighting between various federal agencies, rather than regionalism, contributed to the final solution for the American Japanese problem in California.

114 Roy Miki and Cassandra Kobayashi, Justice in our Time. (Vancouver: National Association of Japanese Canadians, 1991), p.38-39. Habeas Corpus was nullified via Section 2 and 7 of the War Measures Act. The writ of Habeas Corpus is used as an order from a judge to bring an imprisonment person into court and show legal cause for his/her detention. If the court finds the cause of detention to be insufficient the prisoner is released. In times of national emergency, however, the Habeas Corpus Act (1679 in Britain), may be suspended under the principle established in Attainder of Strafford (1641), that the welfare of the nation supersedes all individual privileges.

115 Daniels, p.186.

116 Ibid., p.171.
Chapter III

JAPANESE AMERICAN INTERNMENT: THE POWER OF BUREAUCRACY

The surprise attack on Pearl Harbor on Dec. 7, 1941, galvanized American resolve for war. In the wake of the American Pacific disaster, the most common word favored above all others to characterize the Japanese people was "treacherous".1 This designation of innate disloyalty accorded to an entire race, obviously placed the over 120,000 Japanese Americans who lived along the West Coast in a precarious situation. As Jeanne Wakatsuki, a Nisei college student, recalled in December 1941, there "were rumors that the FBI would ransack houses...I think every family must have gone through their homes in search of incriminating articles".2 Although most of what little the Japanese Americans possessed was not incriminating, Jeanne's mother was convinced that the family must appear as American as possible. Therefore, "with tears" her mother destroyed the pictures of relatives back in Japan, "looking at them one by one for the last time (before) burning them".3 Yet, as the Commanding General of the Western Defence Command, Lieutenant General John L. DeWitt later asserted, most Americans believed that "a Jap's a Jap...It makes no difference whether he is an American".4 Eight months later, the Wakatsuki family was interned. In the process they lost their future as Americans and destroyed their past as Japanese.

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which authorized Secretary of War Henry L. Stimson to prescribe military areas along the West Coast of the United States.5 One month later, on March 21, 1942, the President placed his signature on the enforcement bill from Congress as "Public Law

---

3Ibid., p.94.
4Ibid., p.98.
Now the internment of citizens was truly a North American phenomena. Yet unlike Canada, what occurred south of the 49th parallel was not the negation of civil liberties due to power-politics between levels of government, but rather, a process referred to here as bureaucratic "empire building" - the hoarding of power within a single department, leading to a power-monopoly situation whereby all other departments become subordinate to the principal department.

Bureaucratic empire building was not a constitutionally mandated process. Instead, through power politics and negotiation between different departments at the same level of government, one department rose to disproportionate predominance, despite maintaining minimal legal authority to substantiate such a monopoly. For example, following the attack on Pearl Harbor, there was a disproportional increase in the War Department's authority and in turn, the displacement of the proper constitutionally delegated authorities - the most notable in this case the Department of Justice. Of interest in this chapter is how the U.S. Department of War, which had aspired to achieve predominance within the U.S. bureaucratic pyramid for over a decade, was able to utilize World War II as an impetus to achieve this goal. The consequences of this alteration in power would not have been as severe had the Justice Department remained steadfast in its obligation as the bulwark of civil liberties.

What the vast majority of sources utilized for this chapter point to (with varying degrees of success), is the legacy of American racism which once again became explicit during World War II. The history of the United States, from slavery to Civil War, from Reconstruction, to Redemption, and throughout the twentieth century, all poignantly demonstrate that the issue of race and equality in America has remained a poisonous

---

6Ibid., p.30-31.
8Please see Richard J. Barnet, Roots of War, (New York, NY: Atheneum, 1972), p.24. Barnet points out that in the late 1930s, bureaucratic agencies came to control a great deal of wealth, and "the balance of power" shifted to those agencies concerned with foreign and military affairs.
combination. *Time Magazine's* December 22, 1941, appellation of the Japanese as "yellow bastards," was not un-American, or merely particular to the circumstances of the period. After all, for at least two more decades following Pearl Harbor, racial slurs regarding African Americans would remain a sordid part of America's language forte. As John Dower noted, "considerations of race and power are inseparable" when studying the United States. Indeed, one may not comprehend the internment of the Japanese without first investigating the legacy of racism which contributed to bringing it about.

Racism, as a pervasive scientific doctrine, did not develop in the United States until after the Civil War. Radical 'Reconstruction' in the South had attempted to equalize racial power (which had for so long been denied), yet Southerners responded to this Yankee intrusion with a massive backlash known as Redemption. This was the process of violence, intimidation and coercion by the Ku Klux Klan and other organizations to re-assert white control of the Southern State governments. Following the Supreme Court's decision in *Plessy v. Ferguson* (1896), more and more Northerners began to accept the "separate but equal" doctrine.

Despite the Fourteenth Amendment to the Constitution (adopted July 28, 1868), which ensured that everyone born in the United States were "citizens of the United States," discriminatory bills were often presented before Congress to circumvent the birth of racially objectionable children on American soil. For example, in 1880 President Hayes vetoed the Chinese Exclusion Bill. Two years later President Chester A. Arthur

---

9Dower, p.37.
10Ibid., p.xi.
11Thomas F. Gossett, *Race: The History of an Idea in America*, (New York, NY: Oxford University Press, 1997), p.3. Gossett notes that revolutions of thought in biology and anthropology in the eighteenth and nineteenth centuries gave weight to prejudiced views, yet he also argues that the idea of the 'other' and racism in general was not a creation of these two centuries.
vetoed a similar bill, yet, as a compromise, approved Congress' ten year suspension on Chinese immigration to the U.S.\textsuperscript{15} The Naturalization Act of 1922, articulated the white majority's opposition to the arrival of 'undesirable foreigners', citing that naturalization "of any alien" was in fact exclusionary to all, except those aliens "being a free white person".\textsuperscript{16} That same year, the Supreme Court unsparingly interpreted the Act as prohibiting all Asians from assuming citizenship.

The Chinese Exclusion Act of 1882 became permanent in 1902, leading to a considerable demand along the coast for cheap labor, given that the Chinese were barred entrance. Ironically, what eventually emerged as the 'Japanese problem' along the West Coast, was in fact precipitated by the exclusion of the Chinese, which thereby provided the labor-gap for the Sons and Daughters of the Rising Sun to settle in California.\textsuperscript{17} For example, in 1900 there were 24,326 immigrants from Japan, yet after the Chinese Exclusion Act of 1902, the years 1901-1908 witnessed over 127,000 Japanese enter the U.S.\textsuperscript{18} The two countries, just as in Canada, entered into their own 'Gentlemen's Agreement' in 1907, under the guiding principle that Japan would refrain from issuing more worker's passports for the continental United States. This agreement failed to curtail immigration, for through arranged marriages (also known as 'Picture Brides'), the Japanese continued to enter the nation.\textsuperscript{19}

Like their counterparts in B.C., Californians were extremely active in endeavoring to restrict Oriental immigration to the State. For example, the California Constitution (rewritten in 1879), called upon the legislature to "prescribe all necessary regulations," for the state in order to counter the "burdens and evils arising from the presence of aliens,"

\textsuperscript{16}\textit{Ibid.}, p.29. The Naturalization Act was created in 1790 and revised in 1922.
\textsuperscript{19}\textit{Ibid.}, p.34.
and providing a means "for their removal". In 1905 the California legislature posed a resolution which asked Congress to limit the immigration of Japanese. One year later the San Francisco School Board attempted to segregate Japanese children from white children, despite the existence of a "most favored nation" clause between the two nations in 1894. President Theodore Roosevelt apologized to Japan for this insult, and later commented to his son that the "idiots" on the coast "may at any time commit acts of lawless violence that may plunge us into war". Despite repeated requests from numerous federal administrations for tactful management of the 'Japanese problem' by California legislatures, nonetheless for the next forty years every single session of the California legislature attempted at least one piece of anti-Japanese legislation.

In 1913 the Webb-Heney Act, or Alien Land Law, forbade aliens ineligible for citizenship to purchase land, or acquire leases for periods longer than three years. The Japanese proved to be shrewd in skirting this law by simply transferring all land purchases to their U.S. born children. This clever stratagem enraged the white population in California, leading in 1920, to the creation of "Proposition One" by the Los Angeles County Anti-Asiatic Association, which forbade immigrant parents from serving as temporary guardians for their minor citizen children. The Supreme Court however, overruled this law, by asserting that:

The act of the petitioner in securing conveyances of land to his daughter, while confusedly carried out because the laws of California did not permit him to buy it for himself, was in no sense unlawful since the daughter is a citizen of the United States and entitled to acquire and own real estate.

Daniels points out that this 1920 law was more of an "ineffective irritant" than anything else, for the possibility of it affecting land tenure across the rest of the State was unlikely.

---

20Daniels, Concentration Camps North America, p.4.  
22Daniels, Concentration Camps North America, p.13.  
23Ibid., p.11.  
even prior to the ruling from the Court.26 Furthermore, this temporary setback for white Californians was vanquished two years later, when the Court rendered a decision on November 22, 1922, that a Japanese man was not a "white person" and was, as a consequence of this misfortune, ineligible for citizenship.27 The parallel with the infamous Dred Scott v. Sanford decision of 1857, where Chief Justice Roger B. Taney noted that a nonwhite "had no rights which the white man was bound to respect," was blatantly obvious.28

The largest victory against the Japanese was the National Origins Act of 1924, spearheaded by Representative Albert Johnson of Washington State. This racist quota system restricted immigration based upon ethnic representation in the population records reported in the 1890 census; therefore, the immigration act that same year reduced all but "non-Anglo Saxon" immigration into the U.S. as official law.29 Writing in 1921, K.K. Kawakami, a Japanese settler in California, argued that white fears of "Hawaiianization" of the Pacific Coast were the root-cause of the anti-Japanese movement. Kawakami believed that the concerns of the white majority were unfounded, for the anti-Japanese feeling was "not a spontaneous but a manufactured one," sired by political leaders exploiting voters with anti-Japanese rhetoric.30 With the aid of hindsight, Kawakami's claims prove accurate, yet his words in 1921 were powerless against the deluge of anti-Japanese propaganda at the time.

Too often irrational fears generated by West Coast politicians were perceived as legitimate threats by the Federal Government. One illustration of this was consternation over 'peaceful penetration,' first voiced by Senator Hiram Johnson of California in 1921.
The Senator conveyed the then all-too-common sentiment that the United States Pacific

26 Ibid., p.88.
28 Daniels, Concentration Camps North America, p.xvi.
29 Ibid., p.21.
Coast was being infiltrated by "an alien people" who in turn would ultimately lead the State to ruin. This idea of foreign invasion and the security threat it posed to the continental United States was not a creation of the American secret intelligence realm - it was manufactured for political reasons.

This type of intelligence culling was to be expected, Athan Theoharis claims in *Spying on Americans: Political Surveillance from Hoover to the Houston Plan*. Theoharis argues that the very nature of intelligence encouraged, "if not ensured," abuses. From 1936 on, internal security bureaucrats, particularly high-level FBI officials, held "alarmist views of internal security threats," out of proportion to the reality of the situation. Moreover, these individuals often utilized their influence to advance their personal political interests, and likewise, curb the influence of organizations or groups which they disagreed with. This assessment is supported in *G-Men: Hoover's FBI in American Popular Culture*, by Richard Gid Powers, who argues that while for most Americans the FBI offered a security blanket, for many others, and in particular those minority groups who were already on the 'fringe' of society, the "bureau was a symbol of fear".

Unfortunately for the Japanese in California, "a kind of ascribed identity" of their race existed which placed them visibly on the margin of society. This 'ascribed identity,' or mental map of the Japanese before the war, ranged from depictions of Japanese as children, to dirty, buck-toothed grown men, who wore ugly coke-bottle glasses. They were also often represented as sneaky, dishonest gamblers. These perceptions were mostly comical - drawings made as much for white amusement - than as a warning. Yet as Japanese belligerency in the Pacific increased, so too did the depictions of Japanese

---

32Irons, p.20.
34Ibid., p.12.
change -- first as treacherous back-stabbers and fierce fighters, then to apes, madmen and rats.37

The effect of this mental perception of the Japanese led to a self-fulfilling prophecy: if Japanese soldiers were perceived in the press as being synonymous with treachery and ferocity, then Japanese Americans must possess these characteristics as well. This ascribed identity became a convenient accusatory slip-knot for anti-Japanese propagandists; a slow process of increasing accusations which gradually associated not individuals, but instead, the entire Japanese American population along the West Coast as dormant enemies of the State. This alteration in perspective was key, for the move away from viewing the Japanese as land-grabbers and dirty-immigrants, to that of a perceived threat to national security was a profound alteration in mindset.

The tension on the international stage in the 1930s did not aid in quelling the fear emanating from the Pacific Coast. Indeed, the political strain between Japan and the U.S. had commenced immediately after the U.S. seized control of the Philippines in 1898, thereby introducing yet another colonial power off of Japan's southern coast.38 During the 1920s Japan watched American involvement in Asia with growing concern, particularly with regards to China. While the Root-Takahira Agreement of 1908 forced Japan to embrace a 'hands-off' attitude towards its western neighbor, the U.S. meanwhile forged growing economic ties with the Chinese. These often came at the expense of Japanese economic interests in the region. For instance, in 1930 the Smoot-Hawley Tariff raised import duties on Japanese goods by "an average of 23 percent," thereby affecting Japan's export of chinaware and canned goods.39 The Japanese, infuriated by economic problems during the depression, seriously questioned the obvious hypocrisy of Western economic protectionism, and the actual necessity of depending on international trade balances and

37Dower, p.11.
rates of exchange. Tokyo also regarded the "ABCD Powers" (America, Britain, China and the Dutch), as threatening economic encirclement of Japan, with the deliberate intention of strangling the island-nation into submission.\textsuperscript{40}

As a consequence, Japan's "fanatical nationalism," which prior to 1930 simmered just beneath the surface, began to boil over.\textsuperscript{41} In September 1931, the Root-Takahira Agreement notwithstanding, the Japanese army began its conquest of Manchuria. The following year, Japan abandoned the League of Nations. For American diplomats there was now no illusion that the years of fragile peace in the 1920s were now past. Indeed, as early as 1935, President Franklin D. Roosevelt had reluctantly signed the first "Neutrality Act," and seven months later, the German army occupied the Rhineland in violation of the Versailles peace treaty.\textsuperscript{42} Meanwhile, Japanese aggression in China in 1937, dramatically escalated to the point where Chinese forces were coerced to fall back into China's vast hinterland. Therefore, on October 5, Roosevelt delivered his "quarantine speech" in Chicago, stating that:

> When an epidemic of physical disease starts to spread, the community approves and joins in a quarantine of the patients in order to protect the health of the community against the spread of disease.\textsuperscript{43}

Following the bombing of Shanghai and the "rape of Nanking" in December 1937, the United States took a major step toward such a 'quarantine' in July 1938, adopting a 'moral embargo' on the export of aircraft to Japan.\textsuperscript{44}

By late 1937, concern over 'peaceful penetration' of the U.S. had dissipated. In its place stood trepidation concerning malevolent West Coast residents who might sabotage

\textsuperscript{40} Akira Iriye, Pearl Harbor and the Coming of the Pacific War, (New York, NY: St. Martin's Press, 1999), p.11.
\textsuperscript{41} Doenecke and Wilz, p.28.
\textsuperscript{44} Iriye, p.6.
American installations in the event of war with Japan. The Army Intelligence Division (known as G-2), entitled this security threat "Fifth Column" activity, noting that:

[Fifth Columns] are essentially part of military operations, as much as any military column. Its activities, based upon previous, secret and intelligent planning, are coordinated in time and space with those of the uniformed forces of the enemy. Fifth Column operations are dependent upon local conditions and personal.\(^4^5\)

The focus for the American intelligence community was to prevent 'fifth column' personnel from gaining information, which might then be utilized to coordinate such activities during war. Prior to 1939, the majority of this counterintelligence work was conducted by the military, either G-2 or ONI (the Office of Naval Intelligence), since the Federal Bureau of Investigation lacked the legal mandate at the time to engage in counterintelligence work outside of the U.S.\(^4^6\)

As with intelligence gathered by the FBI, the military intelligence sources which accused Japanese Americans of disloyalty were often problematic. For example, in 1935 Maxim Litvinov (the Soviet Commissar of Foreign Affairs) related to Secretary of State Cordell Hull that Japan and Germany had united in their spy efforts within the United States. This concern (though never proved), was disconcerting, leading the Annual Naval Intelligence Report of 1936, to warn that "Japanese espionage continues to increase...the work of investigating is now beyond the capacity of present personal".\(^4^7\) This distress was shared by the president himself, as expressed in a letter to the Chief of Naval Operations on August 10, 1936:

One obvious thought occurs to me - that every Japanese citizen or non-citizen on the island of Oahu who meets the Japanese ships or has any connection with their officers or men should be secretly but definitely identified and his or her name placed on a special list of those who would be the first to be placed in a concentration camp in the event of trouble.\(^4^8\)

\(^4^5\)Brigadier General Sherman Miles, July 29, 1940: Military Intelligence Division, file 9794-186., cited in Kumamoto, p.53.
\(^4^6\)Irons, p.19.
\(^4^7\)Kumamoto, p.50.
\(^4^8\)Irons, p.20.
This comment (made five years prior to war), signified not only the degree of anxiety regarding the Japanese, but more important, what F.D.R. believed would be the fate of Japanese Americans in the event of conflict.

A considerable problem which encumbered the American intelligence sector is that the various intelligence agencies, ONI, G-2 and the FBI all worked separately. As with any large bureaucracy, information considered 'secret' is not only withheld from the general public, but from other agencies perceived as rivals. In essence, each department had its own sphere of influence and, in turn, was jealous of any encroachment into their arena. This departmental bias proved to be a constant source of irritation for policy makers at the time, leading Roosevelt in 1940, to order that the FBI would have the chief role in "the investigation of all espionage, counter-espionage and sabotage matters," while ONI and G-2 would report all of their intelligence findings to the FBI.49 The "Delimitation Agreement," caused both ONI and G-2 representatives considerable embarrassment. Both of these agencies maintained that civilian agents were not properly prepared to investigate 'military matters'. This led to over six-weeks of debate and delay tactics as the agencies jockeyed for position; it was all in vain however, for the Executive's decision was final.50

While the U.S. was not actively engaged in a military offensive in 1940, the American bureaucratic machinery was nevertheless involved in an interior war. Indeed, the various governmental agencies that eventually were responsible for coordinating the war effort in December 1941, had been jostling one another for years prior to Pearl Harbor. When ONI and G-2 were relegated to a position below the FBI by the Executive in 1940, the War Department's personnel felt duly snubbed.

Hoover did not achieve the lead role based upon the F.B.I's investigative merit alone. Roosevelt, who like all Americans, had spent the last decade listening to the second most popular radio program on the air: "G-Men," admired him greatly.51 Hoover's sharp

49Ibid., p.20.
50Kumamoto, p.53.
51Powers, p.214.
handling of public relations during the 1930s created the image of a superior force of detectives, who "always caught their man" through scientific investigation and newfangled automatic card-sorters.\textsuperscript{52} The FBI's transformation from a domestic crime force during the Great Depression, to Axis buster in World War II, produced the impression that the FBI offered the sharpest intelligence ability available.\textsuperscript{53} This may have been the case, yet clearly, other agencies did not agree. Years later, General DeWitt's demonstration of resentment was unmistakable, when he asserted that if the War Department ever were to gain total control over the internment issue, J. Edgar Hoover himself, "as head of the F.B.I. would have to function under the War Department exactly as he is functioning under the Department of Justice".\textsuperscript{54} In the early months of 1940, however, the War Department could only dream of such authority.

Concurrent with this intelligence restructuring, a Special Defence Unit of the Justice Department under L.M.C. Smith was created so that all information gathered from the FBI, ONI and G-2 could then be properly assessed, leading to the formulation of a list of individuals (known as the "ABC" list), who might prove to be a threat to the nation. More than 2,000 Japanese aliens were placed on this roster. The A's were regarded as "known dangerous," B's as "potentially dangerous," and the C's were to be given extra intelligence scrutiny in order to assess if these Japanese aliens displayed pro-Imperialist Japanese inclinations.\textsuperscript{55} These intelligence efforts to provide internal security in an increasingly volatile world proved fairly successful.

For instance, with the coordination of the intelligence departments, Lt. Commander Kenneth D. Ringle of ONI (with operational support from the FBI), led in March 1941, a successful raid of the Japanese consulate. The "Ringle Raid," discovered a "truckload of documents" that first proved the existence of, and, second, dismantled a

\textsuperscript{52}\textit{Ibid.}, p.214.
\textsuperscript{53}\textit{Ibid.}, p.227.
\textsuperscript{54}Daniels, \textit{Concentration Camps North America}, p.53.
\textsuperscript{55}Irons, p.22.
covert Japanese espionage network. This espionage ring was headed by Itaru Tachibana, a Japanese naval officer masquerading as an English-speaking student. Tachibana had managed to gather maps, lists of Army and Navy installations, data on defence factories, harbors and locations of power stations and dams. Unfortunately, rather than pacifying Americans about the efficiency of American intelligence gathering, the 'Ringle-Raid' in effect engendered a backlash. Japanese Americans in general, were now suspected 'fifth-columnists' -- despite no official intelligence supporting this conclusion.

Instructively, the intelligence community shared many of the biases expressed by anti-Japanese newspapers. For example, undue attention was accorded the location of Japanese-owned land adjacent to U.S. military installations along the coast. In fact, the Japanese had moved near shipyards, dry-docks and airplane fields because these were the most undesirable areas in the region. These venues had been forsaken by the whites and therefore were cheap to buy for new immigrants. This explanation was not considered by the various agencies. As in B.C., the location of the Japanese would prove to be a defining factor in assuming their disloyalty.

Regardless of the anti-Japanese propaganda within California in 1941, the 'Ringle-Raid' destroyed the Japanese intelligence sector in the United States. Nat Pieper, the FBI Special Agent in Charge of all operations in San Francisco in November 1941, reported to Hoover that:

A thorough and logical investigation of individuals reported to be engaged in espionage has been conducted (and) no evidence has been obtained indicating that any (Japanese aliens) have been guilty of violating any federal statues for which prosecution would lie.

---

56 Ibid.
57 Ibid.
58 Kumamoto, p.61. It should be noted that the FBI stepped up its surveillance operations regarding relationships between blacks and Japanese. Black organizations such as the Negro Alliance and the National Negro Congress were suspect. Race was the obvious determinant in this equation.
59 Irons, p.23.
To this day, no evidence has emerged to suggest that a single American citizen of Japanese ancestry, or a resident Japanese alien on the West Coast, committed a single act of espionage, sabotage or 'fifth column' activity during the war.\textsuperscript{60} For the continental United States intelligence network prior to Pearl Harbor: mission accomplished. And for the FBI — top dog.

By September 1941, most American leaders knew that war, either in the Pacific or Atlantic, would soon be a reality. The only question was when. For this reason the bureaucratic establishment (including military and civilian authorities) prepared for war -- as already noted with the intelligence coordination efforts under the FBI.\textsuperscript{61} The rift which had emerged between ONI, G-2 and the FBI, however, carried into the parent departments of these agencies, namely the Departments of War and Justice.

Before Pearl Harbor, the Justice Department had controlled issues within the continental United States. Yet with the possibility of war, the War Department geared up for what it perceived as an extensive operation which could conceivably include the United States itself. This would place the military in direct conflict with constitutional rights. Hence, the stage was set for a confrontation. The question at issue here remains: how did this come about and how did this affect the fate of Japanese Americans along the West Coast?

In a memorandum on July 24, 1940, Brigadier General Sherman Miles (the G-2 director), asked if military powers could be increased to establish an "internal as well as an external military front".\textsuperscript{62} This document commenced a torrent of memos within the Department, all focused on how the military would handle various issues within the United States during war. For instance, a memo from Brigadier General William Shedd to Judge Advocate General Major General Allen W. Gullion, requested information pertaining to

\textsuperscript{60}"United States Government," \textit{Personal Justice Denied}, p.3.

\textsuperscript{61}In fact, an undeclared naval war in the Atlantic had already commenced.

the question: could the military detain civilians "who are not alien enemies but citizens of the United States?". The Judge Advocate General's response was revealing. First of all, Gullion noted that the term "fifth columnists" would be "construed to include only aliens". This narrow scope for suspected 'fifth columnists,' was clearly not the criteria utilized by ONI, G-2 or the FBI. For these agencies, American citizens were fair game as well.

Moreover, Gullion denied the military the right to control operations in the interior, adding that the military did not have "jurisdiction to participate in the arrest and temporary holding of civilians who are citizens of the United States". Under Article I, Section 8, of the Constitution, however, Gullion admitted that Congress could empower the military to control operations against suspected 'fifth columnists' during war. Yet Gullion refrained from going so far as to advocate this position. Instead, he cited Robert S. Rankin, a professor of Political Science at Duke University, who pointed out that even during the Great War, such action was avoided. Gullion referred to a passage within Rankin's book, When Civil Law Fails: Martial Law and Its Legal Basis in the United States, in which the author examined a bill introduced in the Senate during World War I (known as the Chamberlain bill), which "bristled with constitutional questions" regarding the proper role of the military. The bill was challenged on April 23, 1918, by President Woodrow Wilson who said that such military action within the United States "would be altogether inconsistent with the spirit and practice of America." Gullion concluded his summary by noting that Senator Chamberlain quickly withdrew the bill.

63"United States War Department," Memo - August 1, 1940. (G-I/15162-3), In Ibid.
64"United States War Department, " Memo - August 12, 1940. (JAG 383.01), p.2. In Ibid.
65Ibid., p.9.
67Ibid., p.139.
Conversely, another War Department memorandum to the Chief of Staff suggested that Gullion's legal advice be "confined to the zone of the interior," while the Department awaited further instructions - or more accurately, better advice.69 Clearly, the differentiation between political pragmatism and legal wisdom had become difficult to ascertain, thereby leading the Department along a path that ultimately clashed with that of the Department of Justice. In a letter from Secretary of War Stimson to Attorney General Robert H. Jackson, the former made it clear that in the "event of emergency," the two departments "will have to be carefully coordinated".70 This letter led to a conference between the two departments in order to configure such a relationship.

On March 26, 1941 (nine months before to Pearl Harbor), the War Department published a confidential document entitled: "Recommendations of Representatives of the War Department and of the Department of Justice for Cooperation Respecting Internment of Alien Enemies".71 The document noted that:

There is general agreement between the representatives of the two Departments... (Both) will be directed toward the internment of those persons who are considered dangerous, and only those persons whose removal from society is consistent with the public interest.72

According to the agreement, the War Department would accept "for permanent custodial detention all male alien enemies," while the Justice Department would "delegate the authority to intern alien enemies," in accordance with its legal mandate.73 A major issue was the safeguarding of the Philippine Islands and the Canal Zone - both of which would be conducted entirely by the Department of War.74 This precedent, including the power to

---

70"United States War Department," Letter - August 27, 1940. In Ibid. Francis Biddle was not Attorney General until Robert Jackson was appointed to the Supreme Court.
72Ibid., p.1.
73Ibid., p.7.
74Ibid., p.7.
arrest suspects, established the basis from which the War Department could initiate similar proposals on the U.S. mainland.\textsuperscript{75}

Furthermore, the document was misleading in its assertion that the two departments were in "general agreement". In reality, the relationship was less than cordial. For example, in a letter from Stimson, (in response to a letter from Jackson in which the Attorney General stated that at the next meeting between the two departments there would be an extra two representatives from the Department of Justice), the Secretary of War requested that:

\begin{quote}
It is understood, of course, that the two Departments will have equal voice in any determinations made by the committee without regard to the number of representatives from each Department.\textsuperscript{76}
\end{quote}

The Attorney General's reply was fairly blunt: "It is understood, of course," that each Department "will have an equal voice without regard to the number of representatives..".\textsuperscript{77}

Evidently the trust-factor the two men shared was not great.

At the same time as the two department chiefs negotiated the issue of alien internment, the commander-in-chief received information about the Japanese Americans on his own.\textsuperscript{78} The President utilized journalist John Franklin Carter, who in turn hired C.B. Munson, a well-to-do Chicago businessman who gathered the information for Carter. The information was then passed from Carter to the president. While Munson was an amateur in the secret intelligence game, he nevertheless maintained connections with the FBI, ONI and British Intelligence services in California. In the letter presented to Roosevelt, Munson's English informant declared that:

\begin{quote}
In must be kept in mind when considering the 'security' to be derived from the mass evacuation of all Japanese, that the Japanese in all probability employed many more
\end{quote}

\textsuperscript{75}Irons, p.14.
\textsuperscript{76}"United States War Department," Letter - August 22, 1941. p.2. In Daniels, ed., \textit{American Concentration Camps: A Documented History}.
\textsuperscript{77}"United States War Department," Letter - September 26, 1941. In \textit{Ibid}.
\textsuperscript{78}Daniels, \textit{Concentration Camps North America}, p.28.
'whites' than 'Japanese,' for carrying out their work and this 'white' danger is not eliminated by the evacuation of the Japanese.\textsuperscript{79} Despite this clear-headed analysis, including Carter's insistence that "there is no Japanese 'problem' on the coast," the report was nevertheless contradictory.\textsuperscript{80} Other salient passages warned that the dangerous aspect of "their (the Japanese) espionage is that they would be very effective as far as movement of supplies," noting further that "your reporter...is horrified" that bridges, dams, harbors and power stations are "wholly unguarded everywhere."\textsuperscript{81} 

One month almost to the day of the President receiving this letter, Roosevelt was confronted with a genuine nightmare. At 7:50 a.m. on December 7, 1941, the Imperial Navy of Japan appeared off the Hawaiian Island of Oahu. Just ahead of the armada Japanese aircraft hurtled towards the American naval base at Pearl Harbor. Minutes later (practically on the other side of the world), the American naval secretary in Washington received a message which was so shocking - so unsettling, the he cried out: "My God, this can't be true, this must mean the Philippines!"\textsuperscript{82} In less than three hours it was all over. As one Japanese American poignantly observed after the attack: "we are sunk."\textsuperscript{83}

With the attack on Pearl Harbor, the Japanese had been villainized more thoroughly than any anti-Japanese propagandist dared to have dreamed. The \textit{Los Angeles Times} on December 8, 1941, declared that California was "a zone of danger," warning all Americans that the Japanese along the coast could not be trusted, considering "yesterday's

demonstration that treachery and double-dealing are major Japanese weapons".84 The American intelligence realm, meanwhile, started pointing fingers at everyone other than itself -- in arguably what was the most embarrassing American intelligence failure of the twentieth century.85

The political fallout from the attack was severe. The army and navy commanders in Hawaii, General Walter Short and Admiral Husband Kimmel were dismissed from their posts in disgrace on December 16. Those aliens who had been on the "ABC" list were immediately apprehended and all major dams, bridges and military installations were provided with guards.86 The humiliation of the attack (considering the logistics required for such an operation), left most Americans wondering how the Japanese had succeeded in pulling it off. Considering it was not (or so they claimed), an error of the FBI, ONI or G-2, then who? A convenient answer was quickly forthcoming.

Frank Knox, the Secretary of the Navy, (upon inspection of the damage at Pearl Harbor), stated to the press that the attack had been accompanied "by the most effective fifth column work that's come out of this war, except in Norway".87 Knox was aware of the influence of his words, considering that he was a former general manager at the Hearst Press, at the same time that this powerful syndicate was engaged in an anti-Japanese campaign.88 Not surprisingly, Knox's statement proved devastating for Japanese American claims of loyalty, despite the fact that neither the new Commanding General in Hawaii (Delos Emmons), nor the Roberts Commission (which was created to investigate Pearl Harbor), provided any conclusive evidence that Japanese American espionage aided the attacking aircraft.89

84Daniels, Concentration Camps North America, p.32. The paper also called for calm, but the point was muted by cries of prejudice.
86Irons, p.19. Perhaps due to remarks made in the letter by Carter to the President?
88Hayashi, p.38.
War hysteria, as in B.C., soon unraveled government reassurances that security measures along the coast were sufficient. Earnest citizens, inquiring how they might aid the FBI in the battle against "spydom," flooded the bureau, much to Hoover's personal horror. The department's years of media manipulation had backfired: the 'specialization' of FBI agents was not truly respected. Many Americans also believed that while the bureau was capable of fighting gangsters, Nazis and Japanese were a different monster altogether. Indeed, for the rest of the war Hoover's wartime FBI publicity sought to dampen public enthusiasm for spy-catching, as well as highlight the agency's ability to crush the "Spy Menace." Regardless of the bureau's public relations maneuvers, the War Department was all too aware that its time had arrived.

During the critical months of January and February 1942, a power shift occurred within the United States federal bureaucratic pyramid. Circumstance alone did not place the Department of War on top; rather, triumph came through some extremely arduous infighting. First, the Justice Department was seriously criticized in its handling of the Japanese menace, and second, the Department of War found allies in California who had despised the Japanese since their arrival. In turn, these legislators had political allies in the American South, including John Rankin of Mississippi, Martin Dies of Texas, and Tom Stewart of Tennessee. Rankin made it clear, in case there was any uncertainty, that "this is a race war...The white man's civilization has come into conflict with Japanese barbarism...One of them must be destroyed". The internal debate over the fate of the Japanese minority had commenced.

Lieutenant General John L. DeWitt assumed command of the Fourth Army (Western Defence Command), along the West Coast on December 5, 1939. He was sixty-one years old by 1941 and had spent his life in the military. Numerous historians 

90Powers, p.219.
91Ibid., p.220.
have selected DeWitt as the scoundrel of the internment story - citing as problems racial intolerance, paranoia over Japanese invasion, and his uncompromising demeanor. DeWitt may have been all of these, but he also was a man who understood how to survive within the jungle of the American bureaucracy. In the game of bureaucratic politics in late 1941 (and DeWitt was a seasoned veteran), the effort allotted to increasing the status of one's department ('empire building'), was as natural as hating the enemy. DeWitt was a blunt individual. He regarded those outside of the military as 'soft,' and he personally distrusted the FBI - Hoover in particular. He made it clear that should the Department of Justice mess around with his schedule, the Army would:

request of the President that the powers regarding alien enemies be taken away from the Attorney General...and be transferred to the War Department.

The General had no illusions that he would suffer the same fate as General Walter Short and Admiral Husband Kimmel, should the West Coast suffer a similar attack as befell Hawaii. For this reason of self-preservation, he was notably hesitant over sharing any control of the coast with other agencies.

The cavalier attitude expressed by DeWitt failed to impress many of his contemporaries. For example, Major General Joseph W. Stilwell believed that under DeWitt's command, "common sense [was] thrown to the winds," and that the entire G-2 sector was "another amateur, like all the rest of the staff". Regardless, DeWitt was not deterred by those who opposed his command. He sensed that the FBI and other intelligence agencies who claimed that the Japanese threat had been eliminated with the Ringle Raid were mistaken. This led the General to conclude that "intelligence services records revealed the existence of hundreds of Japanese organizations in California," many of which were "actively engaged in advancing Japanese war aims." This assertion,

93Daniels, p.36.
94Irons, p.29.
95"United States Government," Personal Justice Denied, p.64.
however, never offered the names of the intelligence sources from which these fanatical allegations were drawn. Of course, it hardly mattered anyway, for as his final Report regarding internment admitted:

...no ready means existed for determining the loyal and the disloyal with any degree of safety. It was necessary to face the realities - a positive determination could not have been made... any measures other than those pursued along the Pacific Coast might have been "too little and too late".97

What the report does not add, significantly, is that the War Department did not seriously pursue any measures other than internment.

DeWitt's 'Final Report', stated that:

In an emergency where the time is insufficient in which to procure a warrant, such premises may be searched without a warrant.98

This decision (reached at a meeting between representatives of the Department of Justice and the Department of War on January 4, 1942), signified the first capitulation in a long line of submissions by the Justice Department. At this conference, DeWitt explained to James H. Rowe, Jr. (Deputy to the Attorney General), that the Department of War did not desire to "go to court" in order to conduct spot raids on suspected Japanese American traitors.99 The Justice Department staff, which included Attorney General Francis Biddle, permitted this request, despite knowing that this obiter dictum lay outside the proper legal jurisdiction of the War Department. As noted, the War Department's control over the Philippine Islands and the Canal Zone, including the power of arrest, had become the prime justification for the Department's competency in handling such matters within the United States. More important, this slight legal abdication demonstrated to the power-conscious DeWitt, that if pushed, War could trump Justice.

The Department of War now made use of its allies within the political arm of the United States. In fact, the two sides co-conspired to achieve their own ends. For the

97Ibid., p.9.
99Irons, p.33.
Department the goal was control over the coast, while for those politicians who had for years attempted to rid California of the Japanese, this offered retribution. Congressman Ford, recalling his conversation with Biddle about the Attorney General's reluctance in joining the internment program, stated:

I phoned the Attorney General's office and told them to stop fucking around....I told them they had given us the run around long enough and that if they would not take immediate action, we would clean the god damned office out in one sweep. I cussed at the Attorney General and his staff just like I'm cussing to you now...\(^{100}\)

Even *The Los Angeles Times* on February 3, 1942, asserted that:

Mr. Biddle is the Attorney General in Washington, but he could run for office in California and not even win the post of third assistant dogcatcher...Mr. Biddle's handling of the bow-legged sons and daughters of the Rising Sun is mighty ridiculous.\(^{101}\)

In response to the growing condemnation from the Department of War, Congressmen and the general public, the Attorney General (on January 21, 1942), created "prohibited zones" within California, however, it was the Army that would "determine the exact description of each restricted area".\(^{102}\) Yet another protective wall of the Constitution had crumbled.

Nine days later, a congressional meeting confirmed that the Department of Justice had lost favor in Washington. At this conference, the War Department cited the Japanese specifically "as a military problem" - the first time the department presented this perspective officially outside of its internal memo network.\(^{103}\) The implication of this was considerable -- namely that the Department of Justice was deemed ill equipped to deal with the circumstances along the coast. Moreover, the War Department's idea of stripping the Justice Department of its jurisdiction over the evacuation program and transferring control under its own auspicious command, offered a equally convenient legal loophole for

---

\(^{100}\)"United States Government," [*Personal Justice Denied*], p.84.


\(^{102}\)"United States War Department," [*Japanese Evacuation From the West Coast, 1942: Final Report*], p.5.

\(^{103}\)Irons, p.42.
California racists. After all, if the Department of Justice lost its jurisdiction, then the rationale for internment would not face legal scrutiny, but, rather, military dictate.

The effect of this 'military problem' scenario produced a high-level conference at the Justice Department on Sunday February 1, 1942, with Biddle, Rowe, Edward J. Ennis (Director - Alien Enemy Control Unit), Hoover, McCloy, Gullion and Colonel Karl R. Bendetsen in attendance. Just as with the case of Canada in early January, this meeting demonstrated that internment was not a forgone conclusion at any time prior to these conferences. Instead, it was a battle of will between two opposing sides. At the conference Biddle made it clear from the very beginning that the Justice Department would have "nothing whatsoever to do with any interference with citizens, whether they are Japanese or not". This initial refusal to yield to the War Department's claims of sovereignty had one fatal flaw: the pride of the Attorney General.

Gullion's retort to this refusal demonstrated that if necessary, the Department of War would crucify the Department of Justice in the realm of public opinion. As Gullion warned:

Mr. Biddle, do you mean to tell me that if the Army, the men on the ground, determine it is a military necessity to move citizens, Jap citizens, that you won't help us? Everyone in attendance understood the ramifications of Gullion's comment. He was daring the Attorney General to risk trial by public opinion regarding whom Americans would trust: the Department of War which believed there existed a military threat, or a Department that appeared sympathetic to the treacherous Japanese. Eight days later, in what was obviously a moral capitulation, Biddle advised Stimson that:

The Department of Justice is not physically equipped to carry out any mass evacuation...If they have to be evacuated, I believe that this would have to be done as a military necessity...such action, therefore, should in my opinion, be taken by the War Department and not by the Department of Justice.

104bid., p.44.
105bid., p.44.
With this letter, the Attorney General of the United States turned his back not only on Japanese Americans, but on one hundred and fifty years of American Constitutional precedent.

On February 14, General DeWitt submitted his report, "Evacuation of Japanese and Other Subversive Persons from the Pacific Coast," to Secretary of War Stimson. DeWitt claimed that "along the vital Pacific Coast over 112,000 potential enemies, of Japanese extraction, are at large today". This report was not supported by Hoover and his FBI, nor top Justice Department officials, including Biddle, Rowe and Ennis. Nevertheless, the reversal of fortunes within the departmental hierarchy made it clear that despite opposition, the Department of War had procured a monopoly of power.

When Roosevelt officially established military control on February 19, 1942, under Executive Order 9066, the enforcement of this Order required Congress to pass an enabling law. Yet Congress was no more interested in protecting Japanese Americans than was the War Department. For instance, the Senate Committee on March 13, 1942, only took one hour to approve the executive order, followed on March 17, by the House Committee on Military Affairs - which also approved the bill unanimously. Within the House on the morning of March 19, debate on the bill lasted ten minutes, passing with only five speakers and zero dissenters. One objection to the bill within the Senate came from Republican Senator Robert Taft of Ohio, who criticized the bill as the:

'sloppiest' criminal law I have ever read or seen anywhere...It does not say who shall prescribe restrictions. It does not say how anyone shall know that the restrictions are applicable to that particular zone...I have no doubt that in peacetime no man could ever be convicted under it, because the court would find that it was so indefinite and so uncertain that it could not be enforced under the Constitution.

---

107United States Government," Personal Justice Denied, p.82.
108Ibid., p.73.
110Irons, p.66-68.
111Ibid., p.68.
Despite Taft's objection, however, when the bill came to a vote not one American Senator voted against it - including Taft. This enforcement bill was signed into law on March 21, 1942, by President Roosevelt as Public Law 503.¹¹²

At first, the Japanese Americans had been persuaded to leave their homes on their own accord. But on March 29, 1942, "the first compulsory evacuation" occurred on Bainbridge Island in Puget Sound, Washington, pursuant to Exclusion Order No.1, dated March 24, 1942.¹¹³ By October 30, 1942, over 120,000 Japanese Americans were housed within internment camps.¹¹⁴ Following the Japanese defeat at the Battle of Midway in June 1942, Stimson had requested that the President revoke the exclusion order, for internment no longer had a military justification. Roosevelt, however, had both internal and external reasons for refusing to comply with Stimson's request. First, the Congressional election that year was rooted in patriotism and the President wanted to avoid appearing sympathetic to the enemy race and second, the Chinese were awaiting U.S. military prowess in mainland Asia. Hence, for Chinese nationals, internment appeared to signify American fortitude. For these reasons Roosevelt was unwilling to comply until after the first meeting of his Cabinet that November.¹¹⁵ Thus, while Americans celebrated the grandeur of their democracy in the November election, Japanese Americans remained within their prisons.

In 1939, the President of Princeton University, Harold W. Dodds noted that emergency measures were nothing more than the "old, old answer given throughout history by those who cannot have their own way".¹¹⁶ Such was the case with prohibited zones along the West Coast in 1942, which the American Government feebly characterized as the answer to a 'military problem'. In reality, the 'problem' was a

¹¹²Ibid., p.68.
¹¹⁴Ibid., p.376.
governing system which, during war, opted for military efficiency over constitutional wrangling.

In *The Tempting of America: The Political Seduction of Law*, Robert Bork argues that for Americans, "nothing matters beyond politically desirable results, however achieved".117 Attorney General Biddle must have recognized that by capitulating to the wishes of the War Department, he had contributed to a policy-initiative which had the illusion of legal approval. Congressmen were thereby spared the moral quandary of voting on an issue in which rival convictions existed. This manner of policy making turned the veil between the judicial and political realms all the more transparent, thereby creating what Stimson had dreaded, namely "a tremendous hole in our constitutional system".118

The mandate of winning the war accorded to the War Department became the key factor in the bureaucratic pecking order following Pearl Harbor. The ramifications of this outcome created an environment where policy formulation became as cold and calculating as the military machinery which propelled it. The various personalities who played out this historical tragedy (from Biddle to Stimson or from Ennis to DeWitt), were very much the product of the United States war effort, as they were the architects of it. Checks and balances (the great maxim of the Constitutional system), are simply not present at the bureaucratic level of governing.119 Here was a realm of negotiation, departmental squabbling and personality clashes unabated by any restraints other than personal will. Indeed, the process which knocked the Justice Department out of the constitution business and into the business of internment was complex, yet not an inevitable result. As in Canada, in the end it came down to a small, yet powerful group of men - and these individuals chose to turn their backs on fellow countrymen.

---

CONCLUSION:

The American victory at the Battle of Midway in June, 1942, devastated the Japanese navy, thus eliminating a maritime threat to North America.¹ This event is of singular importance regarding internment, for the rationale of enforcing the imprisonment of citizens as a militarily necessity remained unchallenged after the engagement, regardless of the fact that those in power knew otherwise. Edmund Burke's warning that all which "is necessary for evil to triumph" during a national crisis is "for good men to do nothing," offers a telling critique of the political cowardice exhibited by leaders following Midway.² Indeed, men of good conscience in Ottawa and Washington might have rectified the serious wrong being committed - instead, they chose to continue down the path of constitutional depravity.

As early as Dec. 10, 1941, Prime Minister King received an internal security briefing on possible "parallel policies" between Canada and the United States regarding the possibility of interning Japanese.³ Yet Canada began incarcerating its Japanese over two months prior to similar American proposals along the West Coast. Moreover, Canadians also detained proportionately more people, considering that a country of less than one tenth the American population nevertheless produced one fifth as many internees: 22,000 versus the American's 120,000.⁴ Canada also bears the infamous prize of depriving its minority of more property. The Office of the Custodian of Enemy Property and the Department of Labor sold off Japanese possessions and land, in many cases, to those

¹Larry H. Addington, The Patterns of War since the Eighteenth Century, (Indianapolis: Indiana University Press, 1994), p.247. The battle of Midway prevented the Japanese from commencing another major action with its remaining fleet for two years, given the enormous losses suffered on June 4 and 5, 1942.
³King Papers, Notes and Memoranda, MG26, J4, C249381.
whites who had for years bedeviled the government over the 'yellow peril'. The revenge against this minority for B.C. racists could not have been sweeter.

Without question, the American Bill of Rights neglected Japanese Americans during the war. Yet that document at least offered citizens an opportunity to challenge government action following victory in the Pacific. Canadians, meanwhile, had no similar recourse for legal action. Even more appalling, while Japanese Americans could return to the West Coast following the war, Japanese Canadians not only had no farms or homes to return to, but the Canadian government also attempted to deport these citizens back to Japan - regardless of the fact that the R.C.M.P. considered only 30 of the over 23,000 people affected to be a threat to national security (70% of the total were either naturalized Canadians or Canadian born). On the other hand, Canadians were enfranchised before their American counterparts, essentially because the Japanese population was reduced by half, thereby making their economic threat marginal. However, as Daniels remarks, nothing would be gained by claiming that one government or the other was 'better' or 'worse'. After all, there "is enough disgrace to go around" for both nations.

It would be erroneous to assume that the Japanese remained passive victims while internment unfolded. While physical protest was rare, legal challenges against the obvious injustices were mounted before the judicial branches of both countries. Within the United States, four main challenges were entertained by the Courts: Yasui (1943), regarding the infringement of the rights of a citizen according to race, Hirabayashi (1943), which offered the plaintiff as a test case to challenge the military curfew, Korematsu (1944), who disobeyed the exclusion order not for constitutional rationale, but, rather, in his own

8 Ibid., p.194.
words, because "I figured I'd lived here all my life and I was going to stay here".9 Finally, there was *Endo (1944)*, in which the plaintiff did not test the curfew and exclusion orders, but, instead, challenged civil procedure of a *habeas corpus* petition. Her case was eventually entertained by the Supreme Court and on December 18, 1944, her appeal was victorious. However, as Peter Irons notes, this case did not dispute the military edict; consequently the other three cases confirmed the holding that wartime detention of American citizens based on racial origin was legal.10

In Canada, a reference case11 came before the Supreme Court in 1946, inquiring if the Government's actions under the *War Measures Act* were justified. Moreover, the Court was asked to rule on the constitutionality of specific Orders-In-Council, regarding enforced deportation of enemy aliens, or those who were accused of not being loyal to Canada, regardless if they were Canadian born. The Court cited former Chief Justice Sir Lyman Duff, who in *Re Regulations Under the War Measures Act (1943)*, said:

> The duty rests upon the Executive Government to decide whether, in the conditions confronting it, it deems it necessary or advisable for the safety of the state to appoint such subordinate agencies and determine what their power shall be.12

Duff went on to note that "there is, of course, some risk of abuse when wide powers are committed in general terms to any body of men," -- yet concluded that final responsibility rested on Parliament, which lost "none of its control over the Executive, legal or constitutional".13

---

10Ibid., p.346.
11The Reference Procedure (Sec. 53, Supreme Court Act), is a power granted to the Federal Government to ask a hypothetical question of law of the Supreme Court. The procedure has increasingly been criticized by constitutional experts, the most famous being *Re Secession of Quebec*, (1998). See Peter H. Russell, "Bold Statecraft, Questionable Jurisprudence," in *And No One Cheered: Federalism, Democracy, and the Constitution Act*, Keith Banting and Richard Simeon, eds. (Toronto: Methuen Publishers, 1993), p.136.
13Ibid., p.265.
The Court obviously knew, however, that Order-in-Council P.C. 7414 upheld the validity of actions under the *War Measures Act* and permitted all directives of the Cabinet to remain in force despite the termination of the Act on January 1, 1946. This Order was designed to effectuate the smooth transition from war to peace, and at no time was the Cabinet required to seek the approval of Parliament for the legal actions committed under this command. Hence, the degree of Parliamentary control over the Executive was moot - yet the justices decided not to address the relevancy of this constitutional fact.14 With this restrictive interpretation of the power of Orders-In-Council, the decision rendered by the Court supported the Government's claim that the Canadian Cabinet was the "sole judge of the necessity or advisability of measures" to be adopted under the *War Measures Act*.15

The validation of the Canadian Cabinet's conduct towards Japanese Canadians paralleled the refusal of American jurists to overturn executive directives, despite legal foundations for internment in both nations, which were clearly dubious. For decades following World War II, these cases have been cited as examples of decisions which appropriated the political, at the expense of judicial deliberation.16 In essence, the final legal protection for American and Canadian citizens alike failed. Only the Japanese Americans, as previously mentioned, found a small degree of compensation following the war because of the Bill of Rights.

The majority of American and Canadian Japanese who suffered this grave injustice did not give up on North America.17 In fact, quite the contrary. Within Canada and the United States, the post-war Japanese who remained set out to both prove their loyalty and their ability to assimilate into the broader cultural fabric of the west. Their swift success in regaining economic and social prestige is arguably unparalleled by any other minority in

14Ibid., p.232.
15Ibid., p.248.
17Daniels, p.190.; The exception was in Canada, were almost half did leave, yet this has a great deal to due with the orders-in-council calling for deportation.
North American history. In turn, this dramatic increase in social status also aided the Japanese in the ongoing battle for an official apology from their respective governments. The once-hated minority had now garnered political clout, not solely at the state and provincial level, but in Ottawa and Washington as well.

The Redress movement was a long and arduous journey. It forced those who had moved beyond the terrible war years to once again relive a time when their citizenship was meaningless. Official debate on the issue by both governments over how best to handle this politically wise minority often turned nasty; many argued that the Japanese were not entitled to sympathy, let alone money, for what was an action undertaken in the extraordinary circumstance of war. Yet with persistence the Japanese Americans finally succeeded in achieving redress in August 1988, followed by a similar agreement by the Canadian government, on September 22, 1988. Both governments apologized for the actions undertaken in 1942, and those Japanese who were still alive were granted a conservative monetary award.

To suggest that the redress movement caused a dramatic shift away from viewing the war era as a fundamentally good endeavor, would miss the point. All that redress succeeded in accomplishing was a sense of closure for those who had directly suffered under the edicts of internment. The broader issue of contemporary race relations and the coming to terms with the legacy of racism along the West Coast of North America was never the main mandate, nor the outcome, of the redress process.

One striking example of this lingering legacy of racism was a remark made by former Canadian Alliance candidate Betty Granger, on November 16, 2000, at the University of Winnipeg. Granger was discussing the difficulties endured by West Coast

---

18Ibid., p.201.
21Many of the internees had died by this date.
white students in gaining entrance to local universities due to an "Asian invasion" which has consequently "pressed the university system". Granger also argued that this "well-moneyed population" was buying up "blocks and blocks of real estate," thereby increasing the cost of land along the coast.

While Granger's comments may have a sound socioeconomic foundation, her use of the term 'Asian invasion' was more reminiscent of 1930s British Columbia racism, than a genuine interest in contemporary land prices within the province. Examples like this one are often deemed blasphemous by a profession which believes that its mandate is one of devotion to the distant past. However, one could equally argue that historians have no reason other than timidity for avoiding a sincere exposition of the recent past which reflects on, or contributes to a wider debate of their topic. Without question, considerable debate surrounding the issue of Asian immigration and white acceptance has continued, despite coerced official apologies from both governments in 1988.

Perhaps one reason why internment's heritage of racism persists is due to the selective depiction by textbook authors of other atrocities of the war era. There is too often a tendency to equate citizens of Japanese ancestry with Japanese nationals who did in fact commit acts of violence and torture during the war. Frances B. Cogan, in Captured: The Japanese Internment of American Civilians in the Philippines, 1941-1945, offers a thorough study of the over 5,000 American civilians who suffered habitual beatings, sadistic humiliation by Japanese guards, and mass deprivation of nourishment during their forced incarceration. Clearly, if one is to chose a lesser of two evils, the Canadian and American civilian camps were comparatively more humane.

Furthermore, regarding the question of historical influence on a broader reading audience, no school textbook has avoided referring to the horrific treatment suffered by

---

23Ibid.
P.O.Ws, and rightfully so. Air Commodore L.J. Birchall, (a highly decorated veteran from Kingston, Ontario), recalled his own abhorrent treatment at the hands of Japanese soldiers while imprisoned in Asia. Many of Birchall's close friends died of starvation, while others, suffered and died under torture. Perhaps not surprisingly, following the war, Birchall became an advocate for the anti-redress movement, where he argued that if "anyone should apologize it should be Japan," and not those who endured physical and mental torture while in the defence of their nation. With the history presented in this manner, textbooks are wary of entering into serious debate on this topic, considering the emotional issues which are so passionately argued from either perspective.

What is really at issue here is not what one thinks of internment, but, rather, how one thinks about this topic. Obviously any comparison of Japanese as opposed to North American jailers will lead to a more favorable assessment of the latter's internment practices. Yet, the historian should avoid historical conclusions which surmise that given the malevolent treatment by Japanese soldiers, North Americans may therefore be excused for their shabby handling of the "enemy race" in 1942. Such evaluations are highly insulting to those who suffered on both sides of the Atlantic - for whether it be a loss of nourishment and suffering beatings, or loss of citizenship and property, both remain equably inexcusable. Historical appraisals which digress into a form of classical utilitarian ethics do not provide the reader with history, but instead, an unnecessary lesson on morality.

If emotion is the glue that causes history to stick to one's memory, then surely the topic of internment is worthy of reflection. Yet the impression that one receives after studying this somber topic, is that while it is sufficiently documented, it is nevertheless too

---

often presented in a "problems resolved" manner - indeed, the history has suffered the dualism of scholarly investigation, with politically conscious editing. The depiction of Canadians in Japanese P.O.W. camps, as compared to the pathetic historical representation of Japanese Canadians at the War Museum of Canada, illustrates this point -- a convenient parallel with the 'offensive history' the Smithsonian was likewise forced to censure.

Frances FitzGerald's appropriate concern regarding the tone or atmosphere conveyed by a historical summation, and the memory produced from it, is precisely what those who run the War Museum deliberately neglect. All of the historical lessons learned by visiting a museum or studying high-school texts will leave a permanent imprint on the student of history - one's very own particular version of their country. What is therefore lacking on the topic of internment is historical pluralism: a rendering of history where King and Roosevelt are great leaders and morally flawless; where Canadians fought a war for freedom while freedom was denied; where the United States and Canada fought and won a war which changed the world forever at the same time as it reasserted old prejudices. Most important, these themes must be presented on the same page, not sidelined or relegated into sub-sections within the text, or relegated to solitary walls of national museums. This type of subdued discrimination, or respecta'ble racism, is what occurred too often in the past with other 'offensive history,' especially regarding African Americans and natives.

The concern regarding the acceptance of pluralism in history is admittedly akin to looking into Nietzsche's epigram on the abyss - the fear of becoming as empty and meaningless as the abyss itself. Yet even pessimists such as George Orwell in 1984.

---

29 Loewen, p. 136.
accept the possibility of dualism as a practical alternative. Orwell called it "doublethink" and described it as the ability to hold two contradictory beliefs in one's mind simultaneously, and accepting both of them. Internment necessitates that the historian 'doublethink,' for it first appears as a North American anomaly, when in fact it is representational of an extensive history of racism - and it is only proper to add that internment was not the final gasp of this vulgar legacy. Indeed, it is also about white racism's response to minorities today - in essence, serious issues which the 'good war' failed to overcome.

North American appraisals of minorities have tremendously improved since the dark days of 1942. Legal discrimination has all but been eliminated and Japanese Canadians and Americans are now more accepted than many immigrant groups originating from the Middle East. Yet the plenary power of government in the event of emergency remains, out of necessity. Unfortunately, however, this requirement of all democracies does not come equipped with a parallel guarantee than such powers will never be abused. The FLQ crisis in Quebec clearly illustrates that even a powerful segment of society is unprepared to defend its rights when faced with self-ascribed government control. It seems appropriate then, that the warning from the famous American lawyer Clarence Darrow, merits the concluding consideration: "History repeats itself. That's one of the things that's wrong with history".

32Exceptions remain, as demonstrated by the former Canadian Alliance member Betty Granger.
33American Senator Joseph McCarthy's spurious charges inflamed anti-Communist sentiment in the 1950's, leading to serious abuses of power - even against those who were not on the margins of society.
34Breslin, p.178.
BIBLIOGRAPHY

Primary Sources


"Citizens Be Calm!" The Vancouver Sun. Monday December 8, 1941.


"King Diary." King Papers. (Kathleen Ryan Archives, Queen's University, Feb. 18, 19, 24, 1942.; August 6, 1945. MG26, J13.

"King Papers." Notes & Memoranda. (Kathleen Ryan Archives, Queen's University), MG26, J4.


"Military Area Open to Japs, Commons Told." *The Globe and Mail.* February 1, 1942.


"Protected Area Defined for B.C." *The Globe and Mail.* February 2, 1942.

"Report, Committee dealing with the Japanese Problem." January 10, 1942. C.B. Power Papers, (Queen's University Archives — Collection 2150), Box 59, File 1030.


Secondary Sources


Daniels, Roger. Relocation and Redress in North America: A Comparative View. (Unpublished paper, on loan from Geoffrey S. Smith)


