NAME _____ CLASS _____ DATE _____

COMPARING PRIMARY SOURCES

On Japanese American Internment

In early 1942, the Secretary of War ordered the evacuation of Japanese Americans from Arizona, California, Oregon, and Washington. Many Americans defended the internment of Japanese Americans on the grounds that constitutional rights during wartime may be suspended because of necessity. Others who opposed the internment policy argued that constitutional rights must always be protected, even in wartime.

As you read, consider how each argument addresses the issue of constitutional rights.

ARGUMENT 1
Walter Lippmann, American columnist, February 12, 1942

It is the fact that the Japanese navy has been reconnoitering the Pacific Coast more or less continually and for a considerable period of time, testing and feeling out the American defenses. It is the fact that communication takes place between the enemy at sea and enemy agents on land. These are facts which we shall ignore or minimize at our peril.

I understand fully and appreciate thoroughly the unwillingness of Washington to adopt a policy of mass evacuation and mass internment of all those who are technically enemy aliens. But I submit that Washington is not defining the problem on the Pacific Coast correctly and that it is failing to deal with the practical issues promptly. The Pacific Coast is officially a combat zone: some part of it may at any moment be a battlefield. Nobody's constitutional rights include the right to reside and do business on a battlefield.

ARGUMENT 2
In 1942, Gordon K. Hirabayashi, a senior at the University of Washington, refused to register for deportation and deliberately violated an 8:00 PM curfew imposed on Japanese Americans living in Seattle. He was tried and convicted of both offenses, and the Supreme Court, in its 1943 decision excerpted here, upheld his conviction.

The war power of the national government is "the power to wage war successfully." It extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of enemy forces. It embraces every phase of the national defense, including the protection of war materials and the members of the armed forces from injury and from the dangers which attend the rise, prosecution, and progress of war. . . .

Like every military control of the population of a dangerous zone in wartime, it necessarily involves some infringement of individual liberty, just as does the police establishment of fire lines during a fire, or the confinement of people to their houses during an air raid alarm—neither of which could be thought to be an infringement of constitutional right. . . .

Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality. For that reason, legislative classification or discrimination based on race alone has often been held to be a denial of equal protection. . . . We may assume that these considerations would be controlling here were it not for the fact that the danger of espionage and sabotage, in time of war and of threatened invasion, calls upon the military authorities to scrutinize every relevant fact bearing on the loyalty of populations in the danger areas. Because racial discriminations are in most circumstances irrelevant and therefore prohibited, it by no means follows that, in dealing with the perils of war, Congress and the Executive are wholly precluded from taking into account those facts and circumstances which are relevant to measures for our national defense and for the successful prosecution of the war, and which may in fact place citizens of one ancestry in a different category