

THE MEN BEHIND THE PLAN: GENERAL
JOHN L. DEWITT AND MAJOR KARL R.
BENDETSSEN AND THE DECISION TO
EVACUATE JAPANESE AMERICANS
FROM THE WEST COAST

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Bachelor of Arts

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Stillwater, Oklahoma

1997

Submitted to the Faculty of the
Graduate College of
Oklahoma State University
in partial fulfillment of
the requirements for
the Degree of
MASTER OF ARTS
July, 1999

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ACKNOWLEDGMENTS

I wish to express my sincere appreciation to my advisor, Dr. Michael Logan for his encouragement, constructive guidance, and patience. I also wish to extend my appreciation to the other members of my committee, Dr. Laura A. Belmonte and Dr. Chung-shin Park, whose suggestions, advice, and encouragement were essential in the completion of this thesis. The criticism which these three individuals offered, though a bit painful at times, was essential to making me aware of new and different ideas and approaches. For that guidance and support I will be eternally grateful.

I wish to thank John Phillips of the Government Documents Department of the Edmond Low Library for his assistance in locating numerous resources for this project. I am also thankful for the help of the rest of the Government Documents Department staff, as well as the staff of Interlibrary Services.

I would like to extend my heartfelt gratitude to some of my fellow graduate students, particularly Lisa Guinn, Shelly Lemons, Kevin Sweeney, and Mark van de Logt, who

watched me struggle while developing the topic and while writing. Without the encouragement, support, ideas, and constructive criticism they offered, I would have been unable to complete this thesis.

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CHAPTER ONE

INTRODUCTION

"The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become 'Americanized', the racial strains are undiluted."¹ With these words Lieutenant General John L. DeWitt, Commanding General of the Western Defense Command and Fourth Army, presented the military's justification for evacuating Japanese Americans along with Japanese, German, and Italian aliens from the West Coast during World War II. Prior to the middle of January 1942, government officials had contemplated relocating and interning only "alien enemies," yet by the time President Franklin D. Roosevelt issued Executive Order Number 9066 on February 19, 1942, the War Department intended to relocate Americans of Japanese ancestry as well as all Axis aliens.

The decision to evacuate Japanese Americans from the West Coast during World War II is a topic which continues to fascinate historians. The problem with focusing on the

¹ Memorandum from Lieutenant General John L. DeWitt to Secretary of War Henry Stimson, 13 February 1942, in American Concentration Camps: A Documentary History of the Relocation and Incarceration of Japanese Americans, 1942-1945, ed. Roger Daniels, vol. 2 (New York: Garland Publishing, 1989); no page numbers.

actual decision to remove Japanese Americans is complex and simple at the same time. One must keep in mind that although they may not have consciously realized it at the time, government officials somehow knew that the federal government would eventually evacuate Japanese Americans along with enemy aliens, but they simply did not know how they would justify and execute that removal. Between December 7, 1941 and February 19, 1942, the government developed a plan that would allow for the removal of all Axis aliens as well as Americans of Japanese descent from restricted areas on the West Coast, citing "military necessity" as the basis for the evacuation. By asserting that the military had the right to exclude any and all persons from certain military reservations in order to protect strategic defense areas, the government could justify infringing on the rights of American citizens. Major Karl R. Bendetsen, later promoted to lieutenant colonel, developed and convinced General DeWitt to support the plan which allowed the Army to remove Japanese Americans from these restricted areas on the West Coast.

Historians have examined almost every aspect of the evacuation and internment decision and the process of relocation, yet the decision-making process continues to fascinate some scholars. Varied interpretations of the

causes of the evacuation decision exist, as one would expect. Many scholars assert that General DeWitt was racist and allowed his personal beliefs to influence his decision to evacuate the Japanese from the coast.² Racism alone, however, cannot account for the reasoning behind the general's decision. Allan R. Bosworth states in America's Concentration Camps that ultimately, DeWitt was the Western Defense Commander and as the "man with the stars on his shoulders [he] also carries the full weight of responsibility."³ Indeed, without DeWitt's recommendation, one can question whether or not the evacuation would have occurred at all.

Other scholars blame the War Department and its many officials for formulating and implementing the exclusion plan. Noted ethnic and internment historian Roger Daniels asserts that DeWitt was indeed racist but was also "merely an instrument" in other officials' plan to remove the Japanese from the coast.⁴ In Concentration Camps U.S.A.:

² Allan R. Bosworth, America's Concentration Camps (New York: W.W. Norton & Company, Inc., 1967), 63; Roger Daniels, The Decision to Relocate the Japanese Americans, ed. Harold M. Hyman (Philadelphia: J.B. Lippincott Company, 1975), 14 (hereafter cited Decision), 14; Jacobus tenBroek, Edward N. Barnhart, and Floyd Matson, Prejudice, War and the Constitution: Japanese American Evacuation and Resettlement (Berkeley: University of California Press, 1954).

³ Bosworth, America's Concentration Camps, 247.

⁴ Roger Daniels, Concentration Camps U.S.A.: Japanese Americans and World War II (New York: Holt, Rinehart and Winston, 1971), 17.

Japanese Americans and World War II, Daniels argues that Major Bendetsen and General Allen W. Gullion of the Provost Marshal General's Office were the two military officials ultimately responsible for the president issuing Executive Order No. 9066. Bendetsen urged DeWitt to attempt to gain more authority, and Gullion and Bendetsen were upset when the Western Defense Commander appeared to oppose or back away from endorsing Japanese evacuation. Further, Bendetsen and Gullion convinced Assistant Secretary of War John J. McCloy of the necessity of removing the Japanese to prevent sabotage.⁵

In United States Army in World War II: The Western Hemisphere: Guarding the United States and Its Outposts, Army historian Stetson Conn presents a detailed chronology of the actual War Department decision to remove the Japanese from the West Coast. Conn asserts that Major Bendetsen urged DeWitt to press the Department of Justice for broader alien control efforts and, apparently under the direction of McCloy, eventually influenced the lieutenant general's decision to support evacuation.⁶ In assigning

⁵ Ibid., 45, 53, 59, 64.

⁶ Stetson Conn, Rose C. Engleman, and Byron Fairchild, United States Army in World War II: The Western Hemisphere: Guarding the United States and Its Outposts (Washington, D.C.: U.S. Government Printing Office, 1964), 118, 129. Most of the material found in Guarding the United States and Its Outposts was printed as an essay in Stetson Conn, "The Decision to Evacuate the Japanese from the Pacific Coast (1942)," Command Decisions,

responsibility to one person for the mass evacuation, Conn states that because the War Department's directives for the removal differed from General DeWitt's original recommendations, "the only responsible commander who backed the War Department's plan as a measure required by military necessity was the President himself, as Commander in Chief."⁷

Other authors have placed the blame for the relocation decision on one member of the War Department. In The Great Betrayal: The Evacuation of the Japanese-Americans During World War II, Audrie Girdner and Anne Loftis assert that Gullion swayed DeWitt to support the removal of Japanese citizens.⁸ Ellen Levine argues that Secretary of War Henry L. Stimson simply appointed DeWitt to execute the exclusion plan which Bendetsen designed.⁹

Still other scholars attribute non-governmental factors in the decision leading to the removal of the Japanese. In his quantitative analysis of the evacuation, Americans Betrayed: Politics and the Japanese Evacuation, Morton Grodzins states that the "latent regional hostility [toward

by the U.S. Department of the Army (New York: Harcourt, Brace and Company, 1952).

⁷ Conn, "The Decision to Evacuate the Japanese from the Pacific Coast (1942)," 109.

⁸ Audrie Girdner and Anne Loftis, The Great Betrayal: The Evacuation of the Japanese-Americans During World War II (London: Macmillan Company, Collier-Macmillan Ltd., 1969), 30.

⁹ Ellen Levine, A Fence Away From Freedom: Japanese Americans and World War II (New York: G.P. Putnam's Sons, 1995).

the Japanese] was released by the war with Japan and especially by the nature of that war during its first months," resulting in business and agricultural, nativist, and patriotic pressure groups as well as West Coast politicians demanding the removal of the Japanese from the coast.¹⁰ This pressure influenced the military and War Department's decision to endorse evacuation. "Military officers at first denied any necessity for evacuating Japanese from interior areas of California, then insisted upon that action in response to the renewed regional pressure."¹¹

Ronald Takaki essentially agrees with Grodzins's analysis of the factors which led to the evacuation of the Japanese from the West Coast. In Strangers From A Different Shore: A History of Asian Americans, he also asserts, though, that General DeWitt's lack of judgment as a military leader compounded his distrust of the Japanese. The press, patriotic organizations, and California politicians all called for Japanese removal, and the general made the evacuation decision in this heated climate. Takaki points out, however, that five years prior to the attack on Pearl

¹⁰ Morton Grodzins, Americans Betrayed: Politics and the Japanese Evacuation (Chicago: University of Chicago Press, 1949), 16. Americans Betrayed contains the most thorough explanation of the pressure groups which impelled the government to exclude the Japanese from the West Coast.

¹¹ *Ibid.*, 362.

Harbor, President Roosevelt formulated plans to detain Japanese citizens and aliens in a "concentration camp in the event of trouble," implying that the president was predisposed to accept and condone a plan to remove the Japanese from the coast.¹²

In Prejudice, War and the Constitution: Japanese American Evacuation and Relocation, Jacobus tenBroek, Edward Barnhart, and Floyd Matson assert that the relocation decision was partially the result of anti-Asian, particularly anti-Japanese, sentiment that had existed in California for decades. They argue that Grodzins's "pressure group" and "politician" theories of responsibility are inaccurate. Politicians did not cause the evacuation because the decision was a military decision made by Army officials. In addition, the pressure groups' activities did not correspond with the actual decision-making process. The argument that these pressure groups or politicians could have affected DeWitt's decision appears invalid to tenBroek, Barnhart, and Matson because DeWitt was a career military officer without political aspirations so he would have had no reason to cater to the demands of California civilians. Furthermore, DeWitt's duty was to protect the West Coast, and he based his decision upon "military necessity." The

¹² Ronald Takaki, Strangers From A Different Shore: A History of Asian Americans (New York: Penguin Books, 1989), 390.

general was a racist, so he did not need pressure groups or politicians to convince him of the Japanese "threat."¹³ These authors conclude that many people were responsible for the evacuation. Ultimately, the anti-Asian heritage of the West Coast and the war itself led citizens to call for and support evacuation. The authors also place a great deal of the blame on General DeWitt because he proposed that the government remove the Japanese and also requested the authority to execute that plan; on President Franklin Roosevelt because he was the president and responsible for his subordinates' activities; and on the Supreme Court for not protecting citizens' rights.¹⁴

Like tenBroek, Barnhart, and Matson, the U.S. Commission on Wartime Relocation and Internment of Civilians holds a variety of individuals responsible for the relocation of Japanese Americans. The Commission places most of the blame on General DeWitt for the decision because he believed race determined loyalty, ignored Navy and FBI intelligence, relied on civilian politicians to assist him in making a military decision, and exaggerated what the military had to do to ensure the safety of the West Coast and its residents. President Roosevelt was also responsible for the decision because he did not do anything to calm the

¹³ tenBroek, et. al., Prejudice, War and the Constitution, 187, 206-208.

¹⁴ *Ibid.*, 330-332.

public or disprove rumors and did not thoroughly review the evacuation decision. Attorney General Francis Biddle and others assigned to protect the civil liberties of citizens also failed to do their jobs. McCloy and Stimson, too, were at fault because they "failed to insist on clear military justifications for the measures General DeWitt wished to undertake."¹⁵

The trouble with determining what actually affected and who initially implemented the decision-making process is that so many factors worked upon each other to bring about a sense of paranoia, distrust, and urgency in the two months following Pearl Harbor. Furthermore, these factors also obscure the actual thought processes and ideas of the individuals involved in the decision. Historians wade through the conflicting ideas, vacillating opinions, and racist assumptions to endeavor to determine who actually was responsible for the evacuation of Japanese Americans in early 1942.

Despite the many authors who attempt to focus on one specific individual and his role in the evacuation decision, placing the blame on one figure is a very simplistic and inaccurate way of examining the events of late 1941 and

¹⁵ U.S. Commission on Wartime Relocation and Internment of Civilians, Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians (Washington, D.C.: U.S. Government Printing Office, 1982), 8-9.

early 1942. Blaming one person for the eventual forcible removal and relocation of Japanese Americans is as inaccurate as believing that all members of the Japanese race were indeed saboteurs during the war. Members of the Justice Department and War Department, along with local government officials and ordinary citizens, exerted influence on the group of civilian and military leaders who formulated the decision together.

While many people actively participated in the decision to remove the Japanese from the West Coast, General John L. DeWitt and Major Karl R. Bendetsen were the two key figures involved in the initial decision-making process. Other historians have acknowledged this fact, and some have even discussed the importance of Bendetsen's influence on DeWitt. What other scholars appear to have overlooked or failed to explain is exactly how crucial the major's role was in affecting and specifically *how* he affected the general's opinion and decision regarding a mass evacuation of Japanese from the West Coast.

The government needed General DeWitt's recommendation for removal before it could justify and proceed with any interference with the American Japanese. In order to provide an acceptable justification for violating the rights of American citizens, the government needed a legal basis

for the removal. Major Bendetsen adopted the idea of military necessity as the legal foundation for forcibly evacuating Japanese Americans from their homes, thus providing General DeWitt with an apparently reasonable and legal basis for supporting the evacuation of Japanese Americans from the West Coast.

CHAPTER TWO

PEARL HARBOR AND PARANOIA

The history of the decision to forcibly relocate American citizens of Japanese ancestry consists of complex issues, varied opinions, and changing attitudes. Immediately after Pearl Harbor, the federal government did not intend to round up and incarcerate United States citizens. The decision to embark on such a task resulted from legal and military opinions, cultural and wartime paranoia, and the adaptation of various enemy alien control programs.

Prior to World War II, the Japanese in the United States had been victims of racial prejudice and hostility. Anti-Japanese agitation began almost as soon as Japanese arrived in the United States. In the late nineteenth century, white Californians extended the anti-Asian sentiment originally directed toward the Chinese to include the Japanese as well.¹ Just as white laborers protested

¹ Fred H. Matthews, "White Community and 'Yellow Peril,'" *Mississippi Valley Historical Review* 50 (March 1964), 612; S. Frank Miyamoto, "The Forced Evacuation of the Japanese Minority during World War II," *Journal of Social Issues* 29 (1973): 18; James A. Mackey and William E. Huntzicker, "Racism and Relocation: Telling the Japanese-American Experience," *Social Education* 55 (November/December 1991): 415. See also Thomas Sowell, *Ethnic America: A History* (n.p.: Basic Books, 1981), 155. For a discussion regarding racism as a factor leading to the Chinese Exclusion Act (1882), see Andrew Gyory, *Closing the Gate:*

Chinese workers' presence in the United States, so too did whites complain about Japanese labor and economic competition.² The hostility directed toward Asians provided the foundation for future anti-Japanese sentiment and action in California.

The anti-Japanese campaign led to several attempts to stop Japanese immigration, the 1913 California Alien Land Law, and the Immigration Act of 1924. In 1909 legislators introduced seventeen anti-Japanese bills to the California legislature, but President Theodore Roosevelt interceded so those bills did not become law.³ Nativist agitators succeeded in limiting the freedom Japanese had in California in 1913 with the Alien Land Law. This act denied "to aliens ineligible for citizenship the right to own, lease, or otherwise enjoy land, except to the extent provided by treaty."⁴ In many cases, *Issei*, or first-generation

Race, Politics, and the Chinese Exclusion Act (Chapel Hill: University of North Carolina Press, 1998).

² Patty Iiyama, "American Concentration Camps: Racism and Japanese Americans During World War II," International Socialist Review 34 (April 1973): 25; Daniel Stephan Bozik, "Rhetorical Decision-Making: The Japanese-American Relocation Decision, 1941-1945," (Ph.D. diss., Northwestern University), 36-37.

³ Bozik, "Rhetorical Decision-Making," 45; Edwin E. Ferguson, "The California Alien Land Law and the Fourteenth Amendment," California Law Review 35 (1947): 65. See also "1913 (California) Alien Land Law," in Japanese American History: An A-to-Z Reference from 1868 to the Present, ed. Brian Niiya (New York: Facts on File, 1993), 257; John Higham, Strangers in the Land: Patterns of American Nativism, 1860-1925 (New Brunswick, NJ: Rutgers University Press, 1992), 129.

⁴ Ferguson, "The California Alien Land Law," 68. See also "1913 (California) Alien Land Law," 35; Yuji Ichioka, "The Early Japanese Immigrant Quest for Citizenship: The Background of the

Japanese, those persons born in Japan who migrated to the United States, circumvented the land law by purchasing land in the names of their children, the *Nisei*.⁵ The *Nisei*, second-generation Japanese, were born in the United States and therefore American citizens. Thus they could own land.⁶ After a period of relative calm of anti-Japanese activity which lasted until about the end of World War I, anti-Japanese groups renewed their efforts against Japanese immigration.⁷ After 1919, dissatisfied that the 1908 Gentlemen's Agreement and the 1913 California land law had not ended Japanese immigration, anti-immigration activists renewed their efforts to restrict immigration.⁸ The 1920 Alien Land Law tightened the loopholes in the 1913 law by denying aliens ineligible for citizenship the ability to lease or purchase land or purchase land in the names of their children, thereby eliminating any incentive for

1922 Ozawa Case," Amerasia 4 (1977): 5-6. For more information on the anti-Asian sentiment expressed during the 1913 California legislative session, see Spencer C. Olin, Jr., "European Immigrant and Oriental Alien: Acceptance and Rejection by the California Legislature of 1913," Pacific Historical Review 35 (1966): 303-315.

⁵ The Alien Land Act affected Chinese, Filipinos, native Hawaiians, and Hindus as well as Japanese. Carey McWilliams, Prejudice: Japanese Americans, Symbol of Racial Intolerance (Boston: Little, Brown and Company, 1944), 49.

⁶ Ronald Takaki, Issei and Nisei: The Settling of Japanese America (Philadelphia: Chelsea House Publishers, 1994), 80-81; Joseph S. Roucek, "American Japanese, Pearl Harbor and World War II," Journal of Negro Education 12 (Autumn 1943): 634.

⁷ Iiyama, "American Concentration Camps," 26; Bozik, "Rhetorical Decision-Making," 48.

⁸ Bozik, "Rhetorical Decision-Making," 60; "1920 (California) Alien Land Law," in Japanese American History, 258.

Japanese to move to the United States or remain in the country.⁹ Exclusion proponents also succeeded in having Congress pass the Immigration Act of 1924. This act banned aliens ineligible for citizenship from entering the United States and ended all immigration from Asia.¹⁰

Most Americans did not understand the historical or cultural factors which determined how the Japanese lived in the United States, and therefore did not understand the Japanese as a whole. To most of these white, native-born Americans, the Japanese were nothing more than labor or agricultural competition, or simply unwanted immigrants. Because they were unwanted, most Japanese resided in isolated communities. Whites' unfamiliarity with their Japanese neighbors and Japanese insularity, combined with a general sense of insecurity from the war, eventually produced an atmosphere of increased anti-Japanese sentiment on the West Coast.

It was in this extremely charged atmosphere that the Western Defense Commander attempted to secure the safety of the West Coast. Lieutenant General John Lesesne DeWitt (1880-1962), made the military his career. In 1898 he left

⁹ "1920 (California) Alien Land Law," 258; Roucek, "American Japanese, Pearl Harbor and World War II," 635.

¹⁰ Iiyama, "American Concentration Camps," 26; Takaki, Issei and Nisei, 86, 88; Miyamoto, "The Forced Evacuation of the Japanese Minority during World War II," 17. See also "Immigration Act of 1924," in Japanese American History, 171.

Princeton University to fight in the Spanish-American War, his only combat experience.¹¹ Throughout his career DeWitt held many leadership positions, but a majority of those were as a supply officer, specifically quartermaster.¹² He became a lieutenant general in 1939, as well as commander of the Fourth Army, a position he held concurrently when he became commander of the Western Defense Command in March 1941.¹³

In the months following Japan's attack on Pearl Harbor, General DeWitt attempted to ensure the safety of his command. He rejected the idea of evacuating Japanese citizens advocated by some nativists not long after December 7. In a December 26, 1941 conversation with Army Provost Marshal General Allen W. Gullion, who informed him of a Los Angeles Chamber of Commerce recommendation to arrest all the Japanese in the city, DeWitt told Gullion that interning one-hundred seventeen thousand Japanese would be "'an awful job'" for the army and the act would likely alienate loyal Japanese.¹⁴ Regarding internment, the commander further

¹¹ Glen Kitayama, "DeWitt, John Lesesne (1880-1962)," in Japanese American History, 128.

¹² "De Witt, John L(esesne)," Current Biography: Who's News and Why, 1942, ed. Maxine Block (New York: H.W. Wilson, 1942), 197.

¹³ R. Manning Ancell with Christine M. Miller, The Biographical Dictionary of World War II Generals and Flag Officers: The U.S. Armed Forces (Westport, CT: Greenwood Press, 1996), 84.

¹⁴ Conn, "The Decision to Evacuate the Japanese from the Pacific Coast (1942)," 90.

stated, "I don't think it's a sensible thing to do. . . An American citizen, after all, is an American citizen. And while they may not be loyal, I think we can weed the disloyal out of the loyal and lock them up if necessary."¹⁵ In January 1942 the commander of the Western Defense Command stated that the idea of a mass evacuation was "damned nonsense."¹⁶

Following Japan's bombing of Pearl Harbor, few assaults on resident Japanese population occurred.¹⁷ Government officials urged people not to randomly attack the Japanese in the United States because of their race.¹⁸ California Governor Culbert Olson and other state officeholders implored California citizens to be tolerant.¹⁹ United States Attorney General Biddle stated that he did not want the nation's Japanese "to become scapegoats for the Japanese

¹⁵ Daniels, Decision, 18. See also Conn, "The Decision to Evacuate the Japanese from the Pacific Coast (1942)," 90-91.

¹⁶ tenBroek, et. al., Prejudice, War and the Constitution, 104-105; Francis Biddle, In Brief Authority (New York: Doubleday and Co., 1962), 215; Alma Elizabeth Oberst, "The Policy of the San Francisco News on the Evacuation and Relocation of the Japanese during World War II" (Master's thesis, University of California, Berkeley, 1964), 29; Girdner and Loftis, The Great Betrayal, 17.

¹⁷ U.S. Department of the Interior, War Relocation Authority, Impounded People: Japanese Americans in the Relocation Centers (Washington, D.C.: U.S. Government Printing Office, 1946), 8.

¹⁸ Miyamoto, "The Forced Evacuation of the Japanese Minority during World War II," 12.

¹⁹ Carey McWilliams, "California and the Japanese," New Republic, 2 March 1942, 295.

bombing.”²⁰ These admonitions, combined with the lesson Americans had learned from German persecution during World War I, apparently affected West Coast attitudes in favor of lenient treatment of the Japanese in the United States.²¹

Despite the relative spirit of tolerance directed toward American citizens of Japanese, German, and Italian ancestry in the first few weeks after Pearl Harbor, anti-Japanese sentiment began to increase in California during January 1942. This hostility toward Japanese began in December and increased throughout January. The public as well as General DeWitt's fear of an attack on the Pacific Coast increased after the Secretary of the Navy remarked that he believed Japanese in Hawaii had assisted Japan's attack. That fear of sabotage grew after Secretary of the Navy Frank Knox stated that he thought “the most effective fifth column²² work of the entire war was done in Hawaii,

²⁰ Albert Blythe Turner, “The Origins and Development of the War Relocation Authority” (Ph.D. diss., Duke University, 1968), microfilm, 18-19.

²¹ War Relocation Authority, Impounded People, 3, 8. For a discussion of anti-German-American sentiment during World War I, see David M. Kennedy, Over Here: The First World War and American Society (New York: Oxford University Press, 1980), 67-68.

²² The term “fifth column” refers to “secret sympathizers and supporters of the enemy engaged in espionage, sabotage and other subversive activities within defense lines.” A. Marjorie Taylor, compiler, The Language of World War II: Abbreviations, Captions, Quotations, Slogans, Titles and Other Terms and Phrases, revised and enlarged edition (New York: H.W. Wilson Company, 1948), 80. See also Bob Kumamoto, “The Search for Spies: American Counterintelligence and the Japanese American Community 1931-1942,” Amerasia 6 (Fall 1979): 53.

with the possible exception of Norway.'"²³ Prior to Secretary Knox's comment about a fifth column in Hawaii, at least two West Coast newspapers printed articles about supposed treachery by resident Japanese.²⁴

The spread of rumors of sabotage committed by Japanese in Hawaii was the primary cause of the growth of hostility toward resident Japanese on the West Coast. During the last week of December 1941 survivors of the Pearl Harbor attack began arriving in California. These men, women, and children spread rumors of sabotage committed by Japanese in Hawaii, such as cutting arrows pointing to Pearl Harbor in sugar cane fields. Other rumors, including that some of the downed Japanese pilots wore American high school or college rings, also circulated in the weeks following Pearl Harbor.²⁵

The press accurately expressed, represented, and even fueled the anti-Japanese sentiment that slowly grew in the

²³ William T. Peacock, "Secretary of Navy Blames Fifth Columnists for The Raid; U.S. Napping," San Francisco Chronicle, 16 December 1941, p. 6. The FBI and Honolulu police department later determined that the rumors of resident Japanese in Hawaii aiding Japan's attack were false. Kiyotaka Izumi, "The Japanese American evacuation of 1942," Journal of Asian and African Studies 17 (1982): 268-269.

²⁴ U.S. Department of the Interior, War Relocation Authority, Wartime Exile: The Evacuation of the Japanese Americans From the West Coast (Washington, D.C.: U.S. Government Printing Office, 1946), 99.

²⁵ *Ibid.*, 103; Yoshiko Uchida, Desert Exile: The Uprooting of a Japanese American Family (Seattle: University of Washington Press, 1982), 53; Oberst, "The Policy of the San Francisco News," 35; Kumamoto, "The Search for Spies," 70; Roucek, "American Japanese, Pearl Harbor and World War II," 645.

weeks following Pearl Harbor.²⁶ The December 22, 1941 issue of Life magazine contained an article, "How To Tell Japs From the Chinese," which provided readers with "a rule-of-thumb from the anthropometric conformations that distinguish friendly Chinese from enemy alien Japs." Apparently citizens had unknowingly "victimize[d] allies [the Chinese]" in expressing their anger toward the Japanese. According to the article, people could distinguish between the two ethnic groups partially by examining facial expressions, which were more the product of culture than anthropology. "Chinese wear rational calm of tolerant rationalists. Japs, like General Tojo, show humorless intensity of ruthless mysticism."²⁷ The presentation made the Chinese appear amicable and the Japanese seem cold and unfeeling. The article failed to encourage readers to be sure to differentiate between Japanese Americans and friendly Japanese aliens and actual Japanese enemies. This kind of propaganda could do nothing but increase anti-Japanese feeling among Americans.

²⁶ Gary Y. Okihiro and July Sly, "The Press, Japanese Americans, and the Concentration Camps," Phylon 44 (1983): 71. See also A.B. Turner, "The Origins and Development of the War Relocation Authority," 19; Izumi, "The Japanese American evacuation," 269, tenBroek, et. al., Prejudice, War and the Constitution, 73; Bosworth, America's Concentration Camps, 101-102.

²⁷ "How To Tell Japs From the Chinese," Life, 22 December 1941, 81.

Some Americans publicly revealed their distaste for the Japanese as a race, failing to distinguish between their fellow citizens and their Axis enemies. In response to editorialist Herb Caen's advocacy of issuing Japanese and Chinese Americans buttons so that people would not discriminate against the Chinese, a San Francisco Chronicle reader ridiculed the idea. "Do you think for a minute that a Chinese-American would wear the same button a Jap was wearing?" The reader's letter also reveals that rumors about Japanese Americans participating in the Pearl Harbor attack did indeed affect some people's attitudes toward American-born Japanese.

How about the "Japanese Americans" that led the squadrons of planes in the Pearl Harbor affair (graduates of our schools there) who were shot down with class insignia on their persons. And you advocate issuing pins to young Japs, what a laugh!²⁸

Clearly, by the beginning of January, certain West Coast citizens had already begun to distrust American citizens of Japanese descent.

In a January 1942 Reader's Digest article, Stanley High revealed that he believed that Japanese saboteurs lived on the West Coast in arguing that these Japanese were prepared to attack the United States. "They have assembled detailed data on our vital Pacific defenses. They possess the bases, the equipment and the disciplined personnel with which to

²⁸ San Francisco Chronicle, 4 January 1942, p. 4.

strike either through sabotage or open acts of war."²⁹ High continued to describe the supplies with which resident Japanese could commit sabotage, and further explained how a Japanese alien on the West Coast had in his possession a "several-hundred-page, ship-by-ship description of the important units of the U.S. fleet" printed by the Japanese navy and a map, "likewise printed in Japan," revealing a "diagram showing in accurate detail the battle formation of our Pacific fleet, presumably a well-guarded secret."³⁰ While he did not doubt the loyalty of American-born Japanese, countless Nisei, High argued, experienced tremendous pressure to serve the Emperor of Japan, referring to dual citizenship, Japanese-language schools, and Buddhist and Shinto temples as means of inculcating the duty and desire to serve Japan into these American citizens of Japanese ancestry. The fact that the United States government had not taken some type of action against these potential saboteurs, High asserted, only allowed them to become more prepared for an attack on the United States.³¹ For any readers who may have had the slightest doubt of the loyalty of America's Japanese, this article could have

²⁹ Stanley High, "Japanese Saboteurs in Our Midst," Reader's Digest, January 1942, 11.

³⁰ Ibid.

³¹ Ibid., 13-15.

easily reinforced any kind of paranoia and opposition to the Japanese presence on the Pacific Coast.

The release of the Report on the Attack Upon Pearl Harbor by Japanese Armed Forces on January 25, 1942 compounded the growing suspicion of sabotage performed by resident Japanese. This report, known as the Roberts Report because Associate Supreme Court Justice Owen J. Roberts chaired the committee, was the result of a presidential executive order to determine if dereliction of duty had contributed to the success of Japan's attack.³² Roberts and the four other members of the committee blamed espionage efforts centered on the Japanese consulate and the military's ineffective counterespionage efforts for the success of Japan's attack.³³ Although the Roberts Report did not directly accuse resident Japanese of facilitating the attack, the report implied that Hawaii's Japanese had participated in the effort.³⁴ The release of this information immediately affected public opinion, for the report "confirmed the 'menace' of the Japanese population."³⁵

³² Executive Order Number 8983, Federal Register, 20 December 1941, p. 6569.

³³ tenBroek, et. al., Prejudice, War and the Constitution, 73; Girdner and Loftis, The Great Betrayal, 19. The Roberts Report is published in Report on the Attack Upon Pearl Harbor By Japanese Armed Forces, 77th Congress, 2d. sess. (Washington, D.C.: U.S. Government Printing Office, 1942).

³⁴ Girdner and Loftis, The Great Betrayal, 20.

³⁵ Izumi, "The Japanese American evacuation," 269.

Even before the release of the Roberts Report, General DeWitt clearly stated that he believed that Japanese enemy aliens were cooperating with the enemy. General Gullion asked the lieutenant general if he thought that enemy aliens on the coast were working with "some higher power outside."³⁶ DeWitt responded affirmatively and later asserted his belief that those participating in the ship-to-shore and shore-to-ship communication were involved in attacking American ships in the Pacific Ocean. Although optimistic about the Justice Department's cooperation in conducting contraband raids, DeWitt would not become complacent. The general told Gullion that simply because no instances of sabotage had occurred on the West Coast thus far did not mean that sabotage could or would not occur somewhere.³⁷

By the end of January 1942, General DeWitt questioned the loyalty of the resident Japanese, both citizen and alien, thus echoing the public's concern about the Japanese presence on the West Coast. In a conversation with Major Karl R. Bendetsen, the head of the Aliens Division of the Provost Marshal General's Office, DeWitt said that public sentiment was "crystallizing very rapidly" on the coast and

³⁶ Transcript of telephone conversation, General Gullion and General DeWitt, 24 January 1942, Daniels, American Concentration Camps, vol. 2.

³⁷ Ibid.

that people were suspicious of all Japanese.³⁸ By this time DeWitt clearly doubted the sincerity of American Japanese who declared their loyalty. "There are going to be a lot of Japs who are going to say, 'Oh, yes, we want to go, we're good Americans and we want to do everything you say', but those are the fellows I suspect the most."³⁹ Bendetsen agreed. When discussing the possible resettlement of enemy aliens and dual citizens, the commanding general said he included "all Japanese who are native-born or foreign-born" in a category with German and Italian alien enemies.⁴⁰ While in a later conversation he clarified that he would include Italian dual citizens in the group which the government would evacuate, DeWitt said he considered the Japanese, both aliens and citizens, the most dangerous group, then Germans, and finally the Italians.⁴¹ Although he apparently distrusted all Japanese, including Japanese Americans, he knew he could not legally remove or imprison American citizens simply because he believed they posed a threat to his command. His ideas changed as time progressed

³⁸ Transcript of telephone conversation, General DeWitt and Major Bendetsen, 30 January 1942, Daniels, American Concentration Camps, vol. 2.

³⁹ Ibid.

⁴⁰ Transcript of telephone conversation, General DeWitt and Major Bendetsen, 31 January 1942, Daniels, American Concentration Camps, vol. 2.

⁴¹ Transcript of telephone conversation, General DeWitt and Major Bendetsen, 31 January 1942, Daniels, American Concentration Camps, vol. 2.

and as he slowly accepted the opinions of the public, California politicians, and Major Bendetsen.

Public opinion in favor of removing the Japanese from the West Coast had indeed crystallized by the beginning of February 1942, and DeWitt could not have ignored the demand for moving the Japanese away from the coast. Francis Biddle later recalled intense pressure under which DeWitt lived and worked during the last weeks before President Roosevelt signed Executive Order Number 9066: "Everyone was after him on the coast to get rid of the Japs-- . . . the California Joint Immigration Committee, the Native Sons and Daughters of the Golden West, the Western Growers Protective Association, the California Farm Bureau Federation," the Los Angeles Chamber of Commerce, the American Legion, and the newspapers.⁴² DeWitt and military officials could not have ignored such pressure and the growing anti-Japanese sentiment.

California politicians, possibly in response to the pressure of their constituencies, emphasized to General DeWitt the importance of evacuating all of the Japanese from the West Coast. Numerous politicians contacted the War Department and the Justice Department to urge government

⁴² Biddle, In Brief Authority, 217. See also War Relocation Authority, Impounded People, 18. Grodzins's Americans Betrayed is the best work explaining the influence of such pressure groups.

officials to protect the country by removing all Japanese from the West Coast.⁴³ The two men who had direct contact with the commanding general and had the greatest influence on him and his subsequent decision to relocate Americans of Japanese ancestry were California Governor Culbert Olson and California Attorney General Earl Warren.

Governor Olson expressed various sentiments to DeWitt that must have affected the general's decision to support the evacuation of Japanese Americans and Japanese aliens from the Pacific Coast. Like many California politicians, Olson at first advocated treating the Japanese with tolerance,⁴⁴ but by late January, the governor changed his position on the relocation of California's Japanese. Anti-Japanese groups expressed their concerns about sabotage and other subversive activities to Olson. Claiming that he had received letters supporting the removal of all Japanese from California, the governor told General DeWitt that he feared citizens would "'take things into their own hands'" if the federal government did not remove all Japanese from California.⁴⁵

⁴³ See Daniels, American Concentration Camps, vol. 2.

⁴⁴ tenBroek, et. al., Prejudice, War and the Constitution, 200. See also Roger Daniels and Harry H.L. Kitano, American Racism: Exploration of the Nature of Prejudice (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1970), 58.

⁴⁵ Grodzins, Americans Betrayed, 107, 276.

In a radio address on the night of February 4, the governor, though he discouraged vigilantism, appeared to reverse his moderate stance on fair treatment of the Japanese in California. Not only did Olson accept and perpetuate the idea that race was a factor in determining people's loyalty, he also implied that the Japanese, unlike Germans and Italians, had to prove their loyalty to the United States "by cooperating in the perfection and execution of plans that will ensure" the protection of the state and nation.⁴⁶ He also announced that the government planned to revoke California Department of Agriculture licenses to Japanese distributors of agricultural foodstuffs because most of the distributors were aliens. The state would also deny Japanese aliens such licenses in the future. Furthermore, the government would "investigate and use discretion in issuing licenses to *any* of the Japanese produce distributors."⁴⁷ Olson revealed a general feeling of suspicion and distrust toward the entire Japanese population. He concluded his address by again asserting that the Japanese had to prove their loyalty: "It is obvious, therefore, that all loyal Japanese citizens must, when called upon, show their loyalty in cooperating in the execution of" the plans which military, federal, and state

⁴⁶ Culbert L. Olson, transcript of radio address, 4 February 1942, Daniels, American Concentration Camps, vol. 2.

⁴⁷ *Ibid.*; emphasis added.

officials were currently developing.⁴⁸ While expressing his hope that the government would not have to remove all Japanese adults to the interior of the country, Olson certainly did not help reduce fears about a potential Japanese menace. By implying that Japanese Americans were disloyal, the governor's speech instead reinforced stereotypical and hysterical ideas about the Japanese living in California.

Like many other politicians within the state, such as Los Angeles Mayor Fletcher Bowron and San Francisco Mayor Angelo Rossi, California Attorney General Earl Warren urged General DeWitt to evacuate the Japanese from the West Coast. Initially cautious of advocating exclusion and relocation, by February 1942, Warren favored removing the Japanese, whom he perceived as a menace to the safety of California. Although a member of the Native Sons of the Golden West,⁴⁹ a California nativist group, the state attorney general appears to have favored evacuation of Japanese Americans because he believed they constituted a potential sabotage threat and not necessarily because he hated the race.

Attorney General Warren believed that Japanese land holdings and settlements revealed a Japanese plan to commit sabotage. On January 23, 1942, the State of California

⁴⁸ Ibid.

⁴⁹ A.B. Turner, "The Origins and Development of the War Relocation Authority," 24.

began investigations of possible illegal⁵⁰ land holdings of Japanese aliens, an action which Warren "demanded as a precautionary measure against possible fifth columnist activity and sabotage attempts."⁵¹ The attorney general explained that Japanese occupied land close to strategic industries, including war industries, as well as military installations, and that in certain areas of the state dominated the agricultural industry. Warren believed that the investigation of Japanese land holdings would "disclose numerous instances in which the almost forgotten [alien land] act . . . [had] been violated--either openly or through some evasive device."⁵² He later testified before the Select Committee Investigating National Defense Migration, headed by John H. Tolan, and clearly explained his ideas regarding the location of Japanese land holdings in California. "It seems strange to us that airplane manufacturing plants should be entirely surrounded by Japanese land occupancies." He continued, "It seems to us that it is more than circumstance that after certain Government air bases were established Japanese undertook farming operations in close proximity to them." Warren added, "Many of our vital facilities, and most of our highways are just pocketed by Japanese ownerships that could

⁵⁰ Illegal according to the 1920 Alien Land Law.

⁵¹ "State Will Investigate Jap 'Owners'," San Francisco Chronicle, 24 January 1942, p. 1.

be of untold danger to us in time of stress."⁵³ The attorney general obviously believed that Japanese land holdings, especially those near military and industrial installations, proved that the Japanese posed a threat to California's safety.

Despite what Warren and other Californians may have believed, the Japanese had not intentionally settled around military and industrial areas. The Japanese lived near strategic locations such as airports, railroads, and highways because no one else had wanted to live in those areas. Japanese farmers often settled on the edges of cities to be closer to markets, and many lived near highways so they could sell their produce at vegetable stands. Many Japanese who resided around military installations had actually lived there long before they became military sites.⁵⁴ Clearly, lack of understanding of historical factors and anti-Japanese sentiment only served to increase some people's distrust of the Japanese.

⁵² Ibid.

⁵³ Richard Polenberg, ed., America at War: The Home Front, 1941-1945 (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1968), 103.

⁵⁴ Trisha Bantly, "I Am A Citizen," Pacific Historian 13 (Winter 1969): 14; Stanton B Turner, "Japanese-American Internment at Tule Lake, 1942-1946," Journal of the Shaw Historical Library 2 (1987): 6-7; Eric J. Sundquist, "The Japanese-American Internment: A Reappraisal," American Scholar 57 (1988): 539; Oberst, "The Policy of the San Francisco News," 32; McWilliams, Prejudice, 84; Kumamoto, "The Search for Spies," 61; U.S. Department of the Interior, War Relocation Authority, Myths and Facts About the Japanese American: Answering Common Misconceptions Regarding Americans of Japanese Ancestry (Washington, D.C.: U.S. Government Printing Office, 1945), 12.

In late January, Warren publicly declared that he believed Japanese residents posed a threat to the safety of the state and that no one could tell which Japanese were loyal or disloyal. "I have concluded that the Japanese situation in California may well be another Achilles' heel of our whole civilian defense efforts. Unless something is done about it," he warned, "it may possibly bring a repetition of Pearl Harbor."⁵⁵ In the same public statement, the attorney general asserted, "It's impossible to distinguish between dangerous enemy aliens, of which we are sure there are many here, and Japanese American citizens genuinely loyal to the U.S."⁵⁶ Warren thus not only revealed his belief that saboteurs were living in California, but also implied that people could not determine the loyalty of the Japanese residents of the state, an idea upon which he later expounded. When asked if there was a way to distinguish loyal Japanese from the disloyal, the attorney general replied, "We believe that when we are dealing with the Caucasian race we have methods that will test the loyalty of them," and continued, "and we believe that we can, in dealing with the Germans and the Italians,

⁵⁵ "More About the Crackdown on Axis Aliens; Right to Clear All Strategic Areas Asked," San Francisco Chronicle, 31 January 1942, p. 4. See also Bozik, "Rhetorical Decision-Making," 110; Grodzins, American Betrayed, 93-94; Takaki, Strangers From A Different Shore, 359.

arrive at some fairly sound conclusions because of our knowledge of the way they live in the community and have lived for many years."⁵⁷ In regard to the Japanese, Warren added, "we are in an entirely different field and we cannot form any opinion that we believe to be sound."⁵⁸ The attorney general asserted that the lack of understanding of Japanese culture and language prevented government officials from being able to determine Japanese loyalty, so he supported the proposal to remove all Japanese residents from the West Coast.

To address the supposed threat of sabotage from within the state, Warren convened a meeting of the state's chiefs of police, sheriffs, and district attorneys on February 2.⁵⁹ The attorney general declared that California was "wide open . . . to any kind of fifth column activity and to any kind of sabotage."⁶⁰ The law enforcement officers at the meeting

⁵⁶ "More About the Crackdown on Axis Aliens; Right to Clear All Strategic Areas Asked," San Francisco Chronicle, 31 January 1942, p. 4.

⁵⁷ Polenberg, America at War, 102. See also McWilliams, Prejudice, 118; S. Turner, "Japanese-American Internment at Tule Lake, 1942 to 1946," 6; Robert Arden Wilson and Bill Hosokawa, East to America: A History of the Japanese in the United States, 1st ed. (New York: William Morrow and Company, Inc., 1980), 197.

⁵⁸ Polenberg, America at War, 102; Wilson and Hosokawa, East to America, 197.

⁵⁹ Bosworth, America's Concentration Camps, 65; Wartime Exile, 113.

⁶⁰ Proceedings: Conference of Sheriffs and District Attorneys Called by Attorney General Warren on the Subject of Alien Land Law Enforcement, p. 3, U.S. Commission on Wartime Relocation and Internment of Civilians, Papers of the Commission on Wartime Relocation and Internment of Civilians, Part 1, Numerical File Archive (Frederick, MD: University Publications of

voted to request that the federal government remove all the Japanese aliens from a two-hundred-mile-wide strip of the California coast, and decided "to launch a fresh investigation of land titles and file civil suits for escheat to the State of land which they should consider to be held illegally by Japanese."⁶¹ Warren "officially opened a campaign against law violating aliens and citizens, and against subversive organizations."⁶² Although he warned against hysteria and vigilantism, Warren told those attending the meeting "that every alien Japanese should be considered in the light of a potential fifth columnist."⁶³

The fact that Japanese had not committed any acts of sabotage did not convince Warren that they were loyal to the United States, but instead reinforced the attorney general's suspicion that the Japanese were indeed disloyal and waiting for the most opportune moment to execute their subversive plans. In the February 2 meeting with California's district attorneys and sheriffs, Warren said that the lack of sabotage seemed "as though it is a studied effort not to

America, 1984), microfilm reel 9, frame 583 (hereafter cited CWRIC followed by the reel then frame number); see also Wartime Exile, 113.

⁶¹ Wartime Exile, 113; Grodzins, Americans Betrayed, 93.

⁶² "More on the New Bans on State Aliens," San Francisco Chronicle, 3 February 1942, p. 6.

⁶³ Ibid.; see also Proceedings: Conference of Sheriffs and District Attorneys Called by Attorney General Warren on the Subject of Alien Land Law Enforcement, p. 7, CWRIC 9: 587.

have any until the zero hour arrives."⁶⁴ He later told the Tolan Committee that he perceived the lack of fifth column activities in California as "the most ominous sign of our whole situation."⁶⁵ He believed that Americans were "just being lulled into a false sense of security and that the only reason . . . [they had not] had disaster in California . . . [was] because it . . . [had] been timed for a different date," and that when an attack occurred, it would "mean disaster both to California and to" the United States.⁶⁶

On February 7, Earl Warren "attended a meeting of the California Joint Immigration Committee and announced his opinion that the military should handle the Japanese situation."⁶⁷ The attorney general told the committee that he believed the political aspects of the Japanese threat to California were too complex for state officials to handle. "There is only one group in the last analysis that can protect this State from the Japanese situation and that is the armed forces of this government." Warren then suggested that the committee "urge the military command in

⁶⁴ Proceedings: Conference of Sheriffs and District Attorneys, CWRIC 9: 585. See also Bosworth, America's Concentration Camps, 49; Girdner and Loftis, The Great Betrayal, 26-27.

⁶⁵ Iiyama, "American Concentration Camps," 27.

⁶⁶ Ibid.

⁶⁷ Grodzins, Americans Betrayed, 96. See also A.B. Turner, "The Origins and Development of the War Relocation Authority," 25.

this area to do the things that are obviously essential to the security of the State.'"⁶⁸ In addition to his previous public comments about his fears regarding potential sabotage, the attorney general's comments at the meeting must have resulted in further pressure on General DeWitt to remove the Japanese from the West Coast.

In a February 11 meeting in San Francisco with Los Angeles Mayor Fletcher Bowron and Tom Clark of the Justice Department, Attorney General Warren expressed his opinion to a newspaper reporter regarding the military's function in protecting California to General DeWitt.⁶⁹ After the meeting the attorney general asserted that the government had to do something about the Japanese on the coast, and declared that if the federal government believed "there . . . [was] grave danger" in California "we ought to do everything we can to make the area secure."⁷⁰ Warren stated his opinion that the military, implying of course General DeWitt, should be responsible for ensuring the safety of the coast. "But that should be a military problem. The army should say who's to be admitted and who isn't. The question of citizenship shouldn't be involved.

⁶⁸ Grodzins, Americans Betrayed, 96. See also Bosworth, America's Concentration Camps, 72; Oberst, "The Policy of the San Francisco News," 26-27.

⁶⁹ Wartime Exile, 125.

⁷⁰ "Martial Law Moves Closer To California," San Francisco Chronicle, 12 February 1942, p. 1.

Every person, citizen or alien, should be willing to cooperate.'"⁷¹ While Warren may not have expressed those exact sentiments to DeWitt, the general was aware of public opinion and it is therefore probable that he also knew the attorney general's opinions.

Warren's conclusions apparently reveal not only his paranoia but also his ignorance regarding the history and culture of certain California residents who he, as a public official, was supposed to represent. As state attorney general, he should have also been concerned with the civil rights of the Japanese Americans, yet he was not. In the light of his later role as champion of civil liberties as a Supreme Court justice, Warren's role in the Japanese exclusion decision is quite perplexing. Scholars have offered an explanation for this blatant inconsistency in Warren's ideas. He was a politician and planned on running for governor in the next election.⁷² Warren realized that to succeed politically, one often has to make compromises. A judge simply has to uphold principles.⁷³ Thus, it is possible that Warren advocated the removal of the Japanese from the West Coast because he wanted to please his

⁷¹ Ibid.

⁷² U.S. Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied*, 96.

⁷³ G. Edward White, "The Unacknowledged Lesson: Earl Warren and the Japanese Relocation Controversy," *Virginia Quarterly Review* 55 (Autumn 1974): 623-624.

constituents and gain political support. Regardless of his reasons for supporting Japanese exclusion, whether racial or political, Warren advocated removal, and his ideas clearly affected General DeWitt's opinions.

By provoking paranoia and racial animosity toward the Japanese with racially charged comments and innuendoes about the threat of sabotage, Governor Culbert Olson and Attorney General Earl Warren, possibly unknowingly, created and promoted a general attitude supporting relocation. By virtue of their esteemed political positions and presumed more informed understanding of California's residents, DeWitt and his staff very likely accepted these local politicians' opinions and recommendations as credible.

Two months after declaring that evacuating United States citizens was "damned nonsense," the lieutenant general accepted the removal of potentially dangerous groups of people as one of the most important means of ensuring that enemy aliens, saboteurs, or fifth columnists would not compromise the security of the Pacific Coast. Whether he realized it or not, public opinion regarding the Japanese and California politicians' ideas about the threat all Japanese posed to the state clearly altered DeWitt's willingness to evacuate Japanese Americans along with all other Axis nationals from the Pacific Coast.

Just as the influence of certain politicians is clearly visible in his recommendation to Secretary of War Stimson suggesting that the Army exclude Japanese Americans and all enemy aliens from the West Coast, so too is Bendetsen's influence, if for no other reason than the fact that DeWitt actually advocated a mass evacuation after he had so adamantly opposed the idea in December 1941. DeWitt distrusted the Japanese, but he also knew that he could not interfere with the rights of American citizens, whether they were Japanese or not. Only after Major Bendetsen convinced him that the Army could justifiably remove the Japanese, did DeWitt send his recommendation to the War Department.

As evident in his final report to the Secretary of War, the lieutenant general advocated the evacuation and relocation of Japanese aliens and citizens because he believed they posed a threat to the West Coast, which he had the duty to defend. DeWitt decided to advocate the evacuation and relocation of people he perceived as threats to the Western Defense Command; he suggested that the government remove Japanese aliens and citizens, German aliens, Italian aliens, and other people the government considered subversive or potential saboteurs from the West Coast.⁷⁴

⁷⁴ Ibid. See also tenBroek, et. al., Prejudice, War and the Constitution, 110.

The general believed that an enemy attack on the West Coast "would probably be accomplished by 'a violent outburst of coordinated and controlled sabotage' among the Japanese population."⁷⁵ He also believed that enemy aliens on shore signaled enemy ships in the Pacific Ocean.⁷⁶ After learning that the FBI found "guns, ammunition, explosives, radio [sic], short-wave, and other contraband," and in addition that "a Jap . . . [had] been authorized to keep 2000 pounds of dynamite to sell to farmers, and all of it was gone together with 3000 detonators,"⁷⁷ the lieutenant general certainly believed that the West Coast Japanese planned some form of sabotage. He also believed that "Sabotage of vital installations throughout the Western Defense Command" could and probably would occur.⁷⁸ These facts and events made DeWitt even more suspicious of the Japanese as a whole, so he could not allow such a potentially dangerous group of people remain in a vital defense area.

Although he did not openly acknowledge it, DeWitt apparently adopted many of Earl Warren's ideas for the

⁷⁵ Conn, "The Decision to Evacuate the Japanese from the West Coast (1942)," 94.

⁷⁶ Transcript of telephone conversation between General Gullion and General DeWitt, 24 January 1942, Daniels, American Concentration Camps, vol. 2.

⁷⁷ Transcript of telephone conversation between General DeWitt and General Gullion, 5 February 1942, Daniels, American Concentration Camps, vol. 2.

⁷⁸ Memorandum to the Secretary of War from DeWitt, 13 February 1942, Daniels, American Concentration Camps, vol. 2.

lieutenant general's memorandum recommending evacuation to the Secretary of War. At times, the general's reasons almost exactly resemble Warren's pro-evacuation arguments. Like Warren, DeWitt clearly believed that the strategic placement of Japanese farms and markets around important war industries revealed a Japanese plan to commit sabotage. Even before focusing on the Japanese in California, though, DeWitt knew that aliens living near war industries presented a dangerous situation. The general told General George Marshall that one of his main concerns as head of the Western Defense Command was "getting them [aliens] away from around these aircraft factories and other places."⁷⁹ In describing the disposition of the Japanese in California, the lieutenant general specifically mentioned that Japanese markets and "truck farms are contiguous to the vital aircraft industry concentration in and around Los Angeles," and that the Japanese "live in large numbers in and about San Francisco, now a vast staging area for the war in the Pacific, a point at which the nation's lines of communication and supply converge."⁸⁰

DeWitt also justified his recommendation for evacuating the Japanese with another argument Warren had used: no one

⁷⁹ Transcript of telephone conversation between General Marshall and General DeWitt, 2[?] February 1942, Daniels, American Concentration Camps, vol. 2.

⁸⁰ Memorandum to the Secretary of War from DeWitt, 13 February 1942, Daniels, American Concentration Camps, vol. 2.

could determine the loyalty of the Japanese. In a conversation with Assistant Secretary of War John J. McCloy, DeWitt quoted a section from a memorandum he was going to send to General Gullion which revealed his attitude regarding race and loyalty. "The problem of the alien German and alien Italian, while a difficult one, has not the same features as the Japanese problem and can be handled without consideration of their removal."⁸¹ Japanese aliens and citizens, though, were dangerous. DeWitt had clearly come to believe that race determined loyalty⁸²:

The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become "Americanized", the racial strains are undiluted. To conclude otherwise is to expect that children born of white parents on Japanese soil sever all racial affinity and become loyal Japanese subjects, ready to fight and, if necessary, to die for Japan in a war against the nation of their parents. That Japan is allied with German and Italy in this struggle is no ground for assuming that any Japanese, barred from assimilation by convention as he is, though born and raised in the United States, will not turn against this nation when the final test of loyalty comes. It, therefore, follows that along the vital Pacific Coastal Frontier over 112,000 potential enemies, of Japanese extraction, are at large today.⁸³

⁸¹ Transcript of telephone conversation between General DeWitt and John McCloy, 3 February 1942, Daniels, American Concentration Camps, vol. 2.

⁸² U.S. Committee on Wartime Relocation and Internment of Civilians, Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians (Washington, D.C.: U.S. Government Printing Office, 1982), 8.

⁸³ Memorandum to the Secretary of War from DeWitt, 13 February 1942, Daniels, American Concentration Camps, vol. 2. See also Takaki, Strangers From A Different Shore, 391; Personal Justice Denied, 8.

General DeWitt and Earl Warren's racial assumptions that there was no way to determine Japanese loyalty thus led to the removal and eventual internment of Japanese aliens and citizens.

General DeWitt, like Earl Warren, asserted that the lack of sabotage was a sure indication that sabotage would occur. The general told Gullion that he suspected shore-to-ship and ship-to-shore communication between enemy agents in the Pacific and on the coast and added that "the fact that nothing has happened so far is well let me say more or less omitable [ominous], in that I feel that in view of the fact that we have had no sporatic [sic] attempts at sabotage that they can still be exercised somewhere."⁸⁴ The Western Defense Commander used the same convoluted logic in his memorandum to Secretary of War Stimson.⁸⁵ General DeWitt thus accepted Earl Warren's perplexing reasoning that no sabotage implied that enemy agents were waiting for the most opportune moment to execute their plans. In order to guarantee that no acts of sabotage occurred, the lieutenant

⁸⁴ Transcript of telephone conversation between General Gullion and General DeWitt, 24 January 1942, Daniels, American Concentration Camps, vol. 2.

⁸⁵ Memorandum to the Secretary of War from DeWitt, 13 February 1942, Daniels, American Concentration Camps, vol. 2. See also Doris Kearns Goodwin, No Ordinary Time: Franklin and Eleanor Roosevelt: The Home Front in World War II (New York: Simon & Schuster, 1994), 321; McWilliams, Prejudice, 110; tenBroek, et. al., Prejudice, War and the Constitution, 92.

general recommended the removal of these potential saboteurs.

General DeWitt and thus the military's conclusion that California's Japanese population constituted a safety threat resulted from public opinion regarding the Japanese and from meetings with specific politicians who believed that the Japanese were disloyal and expressed such opinions to the commanding general. Because of rumors of Japanese in Hawaii aiding Japan's attack on Pearl Harbor, attacks on American ships by the Japanese off the West Coast, and the assumed inability to determine the loyalty of Japanese living in the United States, General DeWitt became very paranoid about the possibility of subversive acts occurring in his theater of operations. The general's paranoia resulted in his accepting rumors as facts and possibilities as probabilities.

Determining DeWitt's exact attitude toward the Japanese population and his willingness or lack thereof to forcibly remove them from the West Coast is complicated by the fact that he vacillated on the issue between December 1941 and February 1942. Though he originally opposed interfering with American citizens, he also believed that members of the Japanese community planned to commit sabotage and were actively involved in communicating with Japanese agents in

the Pacific. On more than one occasion, the general implied that he favored evacuating Japanese Americans as well as all enemy aliens from the Western Defense Command, but he also made repeated statements that he did not advocate mass evacuation. At times, DeWitt's opinion appeared to change depending on to whom he spoke. What does appear clear, however, is that by the end of January 1942, DeWitt distrusted all of the Japanese, aliens and citizens, yet knew that distrust did not warrant violating the rights of American citizens. He therefore may have wanted to remove Japanese Americans from the West Coast but could not devise a reason for evacuation. When Major Bendetsen developed a plan that would allow the exclusion of all Japanese from the coast, General DeWitt accepted and supported the plan.

Once DeWitt believed that removing the Japanese from his command would help ensure the safety of the Pacific Coast, the Army had to formulate a plan to justify the removal. Before the Western Defense Commander wrote his February 13 memorandum, which would not only reveal Earl Warren's but also Major Bendetsen's influence, to the Secretary of War, however, military officials in Washington, D.C. had already realized that the government would indeed evacuate Japanese Americans. DeWitt may not have known it at the time, but War Department officials simply waited for

the general's recommendation before proceeding with the exclusion plan which Major Bendetsen had initially formulated and refined since the beginning of February.

CHAPTER THREE

DEWITT AND BENDETSSEN'S PLAN

Amidst the paranoia and fear of imminent danger on the West Coast which characterized the first two months following Pearl Harbor, Major Karl R. Bendetsen formulated and indirectly initiated a plan to exclude all Japanese from the Western Defense Command. Bendetsen gradually realized that if the Western Defense Commander recommended the removal of all persons that the military or federal government in general considered dangerous on the basis of military necessity, the government could circumvent the legal complications of violating American citizens' rights.

Karl Robin Bendetsen was born on October 11, 1907 in Aberdeen, Washington to Albert M. and Anna Bendetsen. He received his bachelor of arts degree from Stanford University in 1929 and his bachelor of laws degree in 1932, and was a member of the California, New York, Ohio, Oregon, Washington, D.C., and United States Supreme Court bars. He practiced law in Aberdeen from 1932 to 1940, at which point he began active service in the Army, where he served in the office of the Judge Advocate General.¹

¹ "Bendetsen, Karl Robin," Supplement to Who's Who in America, 45th ed. (Wilmette, IL: Marquis Who's Who, 1989), 89; Alfonso A. Narvaez, "Karl R. Bendetsen, 81, Executive and High-Ranking U.S. Official," New York Times 30 June 1989, p. A16.

In 1942, Bendetsen served as the head of the Aliens Division of the Provost Marshal General, a job in which his primary function was to act as an unofficial liaison between the War Department and the Western Defense Command.² His role as liaison was very important in the overall evacuation decision. As the only person totally aware of the discussions occurring in the War Department and the Western Defense Command, he could influence his superiors in each department and possibly even manipulate facts and people to produce the effects he desired.

Both Generals DeWitt and Gullion depended on the major for information regarding alien enemies on the coast and the War Department's assessment of the situation. General DeWitt was obviously not in regular contact with the Secretary of War, so Major Bendetsen relayed any crucial information coming from the War Department to the Western Defense Commander. Bendetsen's superiors in Washington likewise depended on him to assess events on the West Coast and pass on information that they needed to know. Like any superior officer, General Gullion relied on Bendetsen to provide him with information that he could not get himself. On more than one occasion, while talking to civilian and military officials, Gullion admitted that he did not possess

² Glen Kitayama, "Bendetsen, Karl R. (1907-1989)," Japanese American History, 112.

the knowledge or understanding of various aspects of the alien control effort and either asked Bendetsen to explain certain things to him or allowed the official to speak directly to the major.³ Thus, Bendetsen was in the position to influence greatly the opinions and decisions of his superiors. One can expect that Assistant Secretary of War McCloy and possibly even Secretary of War Stimson also accepted Bendetsen's opinions and suggestions, for his role as liaison between the Provost Marshal General's Office and Western Defense Command made him appear to be the person most informed of the happenings in both departments.

Major Bendetsen's plan to remove the Japanese from the West Coast apparently resulted from his belief that the efforts of the Justice Department were not and would not be sufficient to ensure the safety of the West Coast. As early as January 3, 1942, when General DeWitt clearly opposed any idea of interfering with Japanese-American citizens, Bendetsen recommended that the lieutenant general request presidential authorization to transfer authority of alien control from the Attorney General to the War Department. Bendetsen wanted the military to establish restricted areas from which the army could exclude enemy aliens, and believed

³ See transcript of telephone conversation between General DeWitt, General Gullion and Major Bendetsen, 1(?) February 1942, CWRIC 4: 141, and transcript of telephone conversation between Mr. Breckenridge Long and General Gullion, 2 February 1942, Daniels, American Concentration Camps, vol. 2.

that the military commanders should have the responsibility to evict and arrest those who violated the restrictions.⁴ Toward the end of January, Bendetsen again expressed doubt in the efficacy of Department of Justice measures. Upon hearing that a representative from the Federal Bureau of Investigation had contacted General DeWitt about the FBI's efforts at enemy alien control, the major said "of course, you cannot tell until after he's had a chance to actually operate under them whether they'll be satisfactory."⁵ The FBI had not yet implemented its plans and Bendetsen already questioned if they would work. Such an attitude reveals his distrust of Department of Justice measures designed to decrease the likelihood of sabotage occurring on the West Coast. Bendetsen obviously believed that the military was the only branch of government which could effectively protect the country from the internal and external threat of attack. His comment also indicates that he had possibly already begun to try to convince the Western Defense Commander to endorse a plan for evacuating all of the Japanese from the Pacific Coast.

As the liaison between the War Department and Western Defense Command, Bendetsen knew exactly what officials in

⁴ Memorandum to General DeWitt from Major Bendetsen, 3 January 1942, CWRIC 2: 122-123.

⁵ Transcript of telephone conversation between General DeWitt and Major Bendetsen, 22 January 1942, 2:30 p.m., Daniels, American Concentration Camps, vol. 2; see also CWRIC 5: 819-821.

Washington and San Francisco debated regarding the problem of Japanese aliens and citizens. He was also keenly aware of the opposition of members of the Justice Department to interfering with American citizens. United States Attorney General Francis Biddle and Assistant Attorney General James Rowe, among other members of the Department of Justice, refused to support or assist any attempts to infringe on the rights of Japanese-American citizens. Edward J. Ennis, head of the Alien Enemy Control Unit, told military officials that moving Americans of Japanese ancestry was both wrong and unnecessary, but the military said removal should occur in order to protect the West Coast.⁶ This pattern recurred every time the military suggested removing Japanese Americans from the coast.

As one might expect or hope, Attorney General Biddle was a particularly vocal opponent of the military's desire to remove Japanese Americans from certain areas along the Pacific Coast. He surely believed that Department of Justice control efforts would be effective in significantly reducing the danger which alien enemies and other subversive elements posed on the West Coast. Biddle also knew that neither the Justice nor War Departments could interfere with American citizens without violating their constitutional

⁶ Interview with Edward J. Ennis from The Japanese American Relocation Reviewed, Earl Warren Oral History Project (Berkeley: University of California, 1969), 20 December 1972, CWRIC 5: 23.

rights. On more than one occasion, Biddle forthrightly told Army officials that neither he nor his department would support the military's idea of a mass evacuation of Japanese citizens. On February 2, Bendetsen relayed what Attorney General Biddle said during a conference the previous day. "He states that his Department will have nothing to do with it [mass evacuation]." ⁷ A few days later Biddle told General Gullion that the Department of Justice would have "nothing whatsoever to do with any interference with citizens, whether they are Japanese or not." ⁸ This comment angered Gullion, who rhetorically asked Biddle if the Justice Department would not help the military "if the Army, the man on the ground, determine it is a military necessity to move citizens, Jap citizens." ⁹ Assistant Secretary of War McCloy also responded to Biddle's staunch adherence to the Constitution by saying that the attorney general was "putting a wall street lawyer in a helluva box, but if it is a question of the safety of the country [and] the constitution . . . why the constitution is just a scrap of paper to me." ¹⁰ Some members of the War Department were

⁷ Memorandum for the Secretary, General Staff from Major Bendetsen, 2 February 1942, Daniels, American Concentration Camps, vol. 2.

⁸ Retyped transcript of telephone conversation between General Gullion and General Clark, 4 February 1942, Daniels, American Concentration Camps, vol. 2; see also CWRIC 34: 180-184.

⁹ Ibid.

¹⁰ Ibid.

clearly willing to violate the rights of certain American citizens to ensure the safety of the nation. The conflict over the Department of Justice's unwillingness to assist the Army in removing Japanese Americans continued until the military found a way to circumvent the constitutional aspect of evacuating citizens.

Knowing of the Justice Department's reticence at interfering with citizens, Bendetsen, whom historian Roger Daniels often refers to as "the lawyer in uniform," realized that if the military really wanted to remove the Japanese Americans, the Army would have to develop a plan that would not overtly subvert the Constitution and therefore upset Department of Justice officials. Ironically, Bendetsen's conversations with some members of the Justice Department apparently provided the foundation for the explanation the Army would use to justify evacuating Japanese citizens.

The debate over the Japanese presence on Bainbridge Island in Puget Sound not only illustrated the tensions between military officials and Justice Department officials, but also provided some basis for Bendetsen's evacuation plan. The Department of the Navy and the general public wanted all Japanese, alien and citizen, removed from the island.¹¹ General DeWitt, who at this time clearly

¹¹ Digest of Telephone Conversation Between General DeWitt and Major Bendetsen on January 28, 1942, 12:15 p.m., Daniels, American Concentration Camps, vol. 2.

distrusted the West Coast Japanese, said he wanted all enemy aliens and all Japanese excluded from the island because of the vital military installations, namely a shipbuilding installation and the aircraft warning service, located there.¹² Two days later, DeWitt, evidently very concerned about the alien presence on the island, told Bendetsen that he hoped the major would "press the evacuation" in his meeting with Attorney General Biddle, Assistant Secretary of War McCloy, and Provost Marshal General Gullion.¹³

Knowing that the Justice Department was handling alien cases, Bendetsen asked Rowe if the Department of Justice could exclude all citizens except "those who are not of Japanese extraction" from certain areas on Bainbridge Island. Rowe responded that the Justice Department did not have the jurisdiction for such a matter, but suggested that the Navy might. Because of the aircraft warning service's location on the island, Rowe said that the Army could just restrict people's access to the area. "The Department [of Justice] just can't tell citizens to get off. Maybe if you can do it as a military problem some way."¹⁴ Rowe's

¹² Transcript of telephone conversation between Major Bendetsen and General DeWitt, 29 January 1942, 12:25 p.m., Daniels, American Concentration Camps, vol. 2.

¹³ Transcript of telephone conversation between General DeWitt and Major Bendetsen, 1 February 1942, 1:15 m., CWRIC 5: 807; see also Daniels, American Concentration Camps, vol. 2.

¹⁴ Transcript of telephone conversation between Mr. James Rowe (Attorney General's Office) and Major Bendetsen, 29 January 1942, Daniels, American Concentration Camps, vol. 2.

comments obviously had a profound effect on Bendetsen and other military officers, for all increasingly suggested using "military necessity" as a means for excluding undesirable citizens from remaining in or near military areas.

The principle of military necessity originated during the Civil War as part of the United States' laws of war. Dr. Francis Lieber, a professor of law at Columbia College, codified the laws of war in 1862, then published them as General Orders No. 100, Instructions for the Government of Armies of the United States in the Field, which has become known as the "Lieber Code," in 1863.¹⁵ In Article 14, Lieber defined military necessity.

"Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of war, and which are lawful according to the modern law and usages of war."¹⁶

Originally, this principle was intended to prevent the needless and indiscriminate "capture or destruction of any and all property belonging to any person owing allegiance to an enemy government, whether or not these measures were

¹⁵ Burrus M. Carnahan, "Lincoln, Lieber and the Laws of War: The Origins and Limits of the Principle of Military Necessity," American Journal of International Law 92 (April 1998): 213-214; Ralph H. Gabriel, "American Experience With Military Government," American Historical Review 49 (July 1944): 637-638.

¹⁶ William Gerald Downey, Jr., "The Law of War and Military Necessity," American Journal of International Law 47 (April 1953): 252. See also Carnahan, "Lincoln, Lieber and the Laws of War," 215.

linked to military needs," which was common practice in the first half of the nineteenth century.¹⁷ The original intent of military necessity surely changed by the middle of the twentieth century, particularly as means of and reasons for warfare changed. Although government and military officials had violated American citizens' civil liberties during previous wars, it is highly unlikely that Lieber would have expected that military officers in 1942 would utilize this principle to infringe on the civil liberties of American citizens.¹⁸

The idea of using military necessity to justify excluding Americans of Japanese descent from the West Coast may not have resulted only from the Bainbridge Island debate, but also from discussions between the War and Justice Departments. After these debates occurred, Major Bendetsen and other government officials began suggesting

¹⁷ Carnahan, "Lincoln, Lieber and the Laws of War," 217.

¹⁸ For a discussion of the violation of civil liberties during the Civil War, see Mark E. Neely, Jr., The Fate of Liberty: Abraham Lincoln and Civil Liberties (New York: Oxford University Press, 1991) and Charles R. Mink, "General Orders, No. 11: The Forced Evacuation of Civilians During the Civil War," Military Affairs 34 (December 1970): 132-136. The civil liberties of American citizens were also violated during World War I; see Kennedy, Over Here, 75-88; Paul L. Murphy, "Sources and Nature of Intolerance in the 1920s," Journal of American History 51 (June 1964), 63; Fred D. Ragan, "Justice Oliver Wendell Holmes, Jr., Zechariah Chafee, Jr., and the Clear and Present Danger Test for Free Speech: The First Year, 1919," Journal of American History 58 (June 1971): 37; Allan M. Brandt, No Magic Bullet: A Social History of Venereal Disease in the United States Since 1880, expanded ed. (New York: Oxford University Press, 1982), 85-87.

and developing the idea even more. In recounting a meeting with Attorney General Biddle, Assistant Secretary of War McCloy, and General Gullion to General DeWitt, Bendetsen said that the Department of Justice would take no part in removing "citizens of Japanese extraction." There was, however, legal justification for restricting people from certain areas, allowing only those permitted to enter those areas, using the concept of military necessity. The Army could thus use the same basis to designate specific areas as off limits to Japanese Americans. The Department of Justice apparently wanted to be able to disavow any participation in such a decision.¹⁹ Justice Department officials could have been preparing a means for them to ease their way out of the evacuation decision, for three days later, Colonel Bendetsen²⁰ told DeWitt that Department of Justice officials were "laying the foundation for an exit" so that they would not be a part of the Army's plan to remove citizens from certain areas.²¹

Bendetsen soon developed and expanded the idea of using military necessity. The lieutenant colonel used this broader concept to convince General DeWitt that the Army

¹⁹ Digest, General DeWitt, General Gullion and Major Bendetsen Conversation of February 1, 1942, CWRIC 4: 260.

²⁰ Bendetsen had been promoted to lieutenant colonel earlier that day.

²¹ Transcript of telephone conversation with General DeWitt, 4 February 1942, 6 o'clock P.M., Daniels, American Concentration Camps, vol. 2.

could legally exclude citizens of Japanese ancestry from military areas. In discussing the legality of military necessity, the general expressed doubt about prosecuting people who violated the military's restrictions. He knew President Roosevelt would not declare martial law, and he knew the Army could not intern civilians. Colonel Bendetsen agreed with DeWitt's assessment, saying that the president would not suspend the writ of habeas corpus, but also added that the general could "forcibly eject" citizens who attempted to return to those military areas.²² By ruling out the possibility of interning citizens of Japanese heritage and by supporting the idea of forcibly excluding certain groups of people, particularly the Japanese, Bendetsen and DeWitt, as well as the Army, took a step toward refining the plan which the military would ultimately carry out in evacuating the West Coast Japanese population.

Clearly, by this time, Colonel Bendetsen had realized that although the government could not legally infringe on the rights of United States citizens, even those of Japanese ancestry who might be extremely dangerous, the Army could base the exclusion of citizens, particularly Japanese Americans, on the idea of military necessity. At that point in the war, with Japan's successes in Singapore, the Dutch

²² Transcript of telephone conversation between General DeWitt and Colonel Bendetsen, 7(?) February 1942, Daniels, American Concentration Camps, vol. 2.

East Indies, the Philippines, and other areas in the Pacific, no one would question the military's attempts to ensure the safety of the West Coast and the important military installations located within the Western Defense Command. Knowing that by the beginning of February 1942 many Americans doubted the loyalty of Japanese residing on the West Coast, the colonel developed his plan for justifying the exclusion of Americans of Japanese descent from certain military areas within the Western Defense Command.

Even before his conversation regarding the February 7 conversation with General DeWitt, in which they discussed impossibility of the president declaring martial law, Bendetsen and his superiors had obviously been discussing and developing their plan to evacuate the Japanese from specific areas along the Pacific Coast. Knowing that DeWitt's recommendation would be crucial to the approval of the Army's plan, other members of the War Department attempted to change the general's mind about the feasibility of removing Japanese Americans.

After a February 3 meeting with Secretary of War Stimson, General Gullion, and Major Bendetsen, which clearly reveals Bendetsen's influence on his superiors, Assistant Secretary of War McCloy telephoned General DeWitt and

attempted to convince him that the military could exclude citizens of Japanese ancestry from restricted areas.²³ McCloy recognized the complexity of such an endeavor. In telling DeWitt that he should not reveal that the Army favored "a wholesale withdrawal of all Japanese citizens and aliens from the coast," even in conversations with local politicians because of "many legal questions involved in discrimination between the native born Japanese (that is the American citizens) and the aliens."²⁴ Later in the conversation, however, DeWitt said he planned on removing only enemy aliens from the restricted areas which the Attorney General had designated. Apparently dissatisfied with the general's idea, McCloy suggested an alternative plan, in which he termed the prescribed areas "military reservations in substance, and exclude everyone - whites, yellows, blacks, greens - from that area and then license back into the area those whom we felt there was no danger to be expected from." By doing so, the Army could avoid legal complications

because in spite of the constitution you can eliminate from any military reservation, or any place that is declared to be in substance a military reservation, anyone - any American citizen, and we could exclude everyone and then by a system of permits and licenses

²³ Retyped transcript of telephone conversation between General Gullion and General Clark, 4 February 1942, Daniels, American Concentration Camps, vol. 2; see also CWRIC 34: 180-184.

²⁴ Transcript of telephone conversation between General DeWitt and Mr. McCloy, 3 February 1942, 2 o'clock, CWRIC 1: 132; 5: 809.

permitting those to come back into that area who were necessary to enable that area to function as a living community. Everyone but the Japs⁻²⁵

Later that day, Bendetsen spoke with DeWitt and reasserted the benefits of this plan. By evacuating all citizens and allowing a military commander to decide who could return to the designated military area, the commander could "keep out alien enemies and American citizens of Japanese extraction, and any other subversive individuals."²⁶ With this justification for excluding Japanese from certain prescribed military areas, the Army laid the foundation for the decision as well as the actual plan to evacuate aliens and Japanese Americans from the West Coast. General DeWitt certainly could not ignore the recommendation of the Assistant Secretary of War and Bendetsen.

After apparently convincing General DeWitt of the feasibility of removing Japanese Americans from the West Coast, Bendetsen submitted a memorandum to General Gullion with his assessment of and recommendations regarding the aliens and other subversive individuals on the West Coast. The lieutenant colonel attempted to justify his opinion that certain citizens, specifically Japanese Americans, not just Axis nationals, should be removed from vital military areas.

²⁵ Ibid., CWRIC 1: 140; 5: 817.

²⁶ Transcript of telephone conversation between General DeWitt and Major Bendetsen, 3 February 1942, 6:15 p.m., Daniels, American Concentration Camps, vol. 2.

Bendetsen said that because of their younger age than their parents and grandparents, Japanese citizens posed more of a threat to the safety of the country. Furthermore, the Japanese Americans would become more hostile toward the United States if their families were removed and interned. Bendetsen then recommended removal of "all known subversive individuals and all persons with suspected subversive tendencies" so as to deny them access to vital installations. In order to support his argument, Bendetsen asserted that General DeWitt's plan of simply establishing restricted military areas and removing enemy aliens from those areas would not ensure the safety of the coast because such a plan ignores the threat of the citizen saboteur. The colonel recommended the creation of military areas, "islands surrounding all vital installations in the Western Defense Command (and subsequently elsewhere) from which all persons who do not have express permission to enter and remain, are excluded as a measure of military necessity." He explained that excluding all citizens from military installations by military authorities citing military necessity did not constitute discrimination by class, and was therefore legal.²⁷ Bendetsen had clearly contemplated the situation and the implications of such a justification. The "lawyer

²⁷ Retyped memorandum for the Provost Marshal General from Colonel Bendetsen, 4 February 1942, CWRIC 6: 220-223.

in uniform" had devised a means to defend the Army's policy regarding removal of American citizens of Japanese ancestry.

The remainder of the memorandum contained the rest of Bendetsen's recommendations regarding the implementation of the exclusion policy. First, the colonel wrote, "Power by Executive Order [had to be] accorded the Secretary of War to designate restricted, prohibited and military areas." Second, the Western Defense Commander should recommend the establishment of specific restricted military areas. Lastly, those to be removed should be immediately evacuated and interned until such point as they would be resettled based on merit. Bendetsen concluded his memorandum with the final recommendation that the military obtain the authority via an executive order from the president.²⁸ This plan, the recommendations which DeWitt submitted on February 14, and the provisions of Executive Order No. 9066 are essentially the same. The submission of his recommendations to General Gullion reveals that Bendetsen was the ultimate source of the exact plan to remove Japanese Americans from the West Coast.

Having presented his recommendation to the Provost Marshal General, Bendetsen had to further convince General DeWitt of the importance and legality of the removal. Secretary of War Stimson also wanted a definite

²⁸ Ibid., CWRIC 6: 223-224.

recommendation from the Western Defense Commander on the scope of Japanese evacuation. The War Department believed that the Nisei were dangerous.

It is generally accepted that the potential danger to the American citizen of Japanese ancestry is great if not greater to the Japanese alien, particularly in consideration of the fact that evacuation of the Japanese alien alone is likely to be provocative so far as the Japanese-American citizen is concerned.²⁹

Bendetsen essentially informed DeWitt that despite what the general might think about the loyalty or disloyalty of the American Japanese, the War Department perceived them as threats to the security of the West Coast.

Besides telling the general what the Western Defense Commander's opinion regarding the potential danger of the Japanese-American population along the coast should be, Bendetsen also told DeWitt how to justify the removal of these American citizens. Any recommendation submitted to Stimson "should be predicated on the military necessity involved." Furthermore, only if the agricultural and economic cost of removal far outweighed the benefit of removal, "should the recommendation for evacuation be confined to selected areas."³⁰ Not only did Bendetsen stipulate the reasoning DeWitt was to use to justify

²⁹ Letter to the Commanding General, Western Defense Command and Fourth Army [General DeWitt] from Colonel Bendetsen, 10 February 1942, CWRIC 10: 905.

³⁰ Ibid., CWRIC 10: 906.

removal, he also told the general that he should not use his previous ideas regarding a limited exclusion.

Possibly in order to clarify for the general the constitutional aspects of the removal, as well as provide some legal basis for their superiors, Bendetsen explained that *exclusion* based on military necessity was legal. Barring the suspension of the writ of habeas corpus, the military did not have the authority to intern civilians. Therefore, "the plan should contemplate voluntary internment, pending selective resettlement."³¹ Thus, the military did not initially intend to intern or imprison Japanese Americans. The Army hoped that the Japanese would resettle, albeit without their alien family members, outside of the restricted areas of their own volition.

Bendetsen's motivations for supporting the idea of evacuation of Japanese Americans from the Pacific Coast remain unclear. The most reasonable explanation seems to be that he, like many white Californians and white Americans in general, believed that Japanese Americans were indeed more loyal to their race than their nation of birth and citizenship and therefore posed a significant threat to the security of the country. As a military officer, he, like DeWitt, most likely endorsed evacuation to ensure the safety of the Western Defense Command.

³¹ Ibid., CWRIC 10: 907.

Regardless of his motivations, over less than a three-week period, Colonel Bendetsen conceived of, developed, and initiated a plan that would allow the Army to remove not just Axis aliens, but also Americans of Japanese ancestry living on certain areas on the West Coast. In addition to devising the plan, he convinced superior officers of the legality of violating Americans' civil rights and worked diligently to ensure the plan's implementation as soon as possible. General DeWitt complied. Four days later DeWitt submitted his memorandum to Secretary of War Stimson recommending the evacuation of all enemy aliens and Japanese Americans from the coast.

CHAPTER FOUR

EVACUATION

Having decided that the safety of the Western Defense Command partially depended on removing the Japanese inland, and believing the military could legally move Japanese Americans, Lieutenant General DeWitt submitted his memorandum, "Evacuation of Japanese and Other Subversive Persons from the Pacific Coast," to Secretary of War Stimson on February 14, 1942. This recommendation reveals the influence of Earl Warren and Colonel Bendetsen, as well as the general's belief that he could not trust the Japanese. Citing the protective mission of the Western Defense Command and Fourth Army and the potential sabotage threat which he assumed existed on the West Coast, DeWitt recommended that the Secretary of War obtain authorization from the President to "designate military areas in the combat zone of the Western Theater of Operations," from which Stimson could "exclude all Japanese, all alien enemies, and all other persons suspected for any reason by the administering military authorities of being actual or potential saboteurs, espionage agents, or fifth columnists." The general also recommended that the Attorney General designate military areas in California, Oregon, and Washington, from which the

Secretary of War would provide for the exclusion of Japanese aliens and citizens, all other Axis aliens, and "any and all other persons who are suspected for any reason by the administering military authorities to be" actual or potential threats to the security of the United States. DeWitt suggested that the government intern Japanese aliens and other alien enemies, and offer Japanese Americans "voluntary internment, under guard." If Japanese Americans did not accept voluntary internment, DeWitt suggested that they "be excluded from all military areas, and left of their own resources," or alternatively, "be encouraged to accept resettlement outside of such military areas with such assistance as the State governments concerted or the Federal Security Agency may be by that time prepared to offer."¹

Possibly revealing his apprehension at interfering with the rights of American citizens, the lieutenant general recommended that "mass internment be considered as largely a temporary expedient pending selective resettlement, to be accomplished by the various Security Agencies of the Federal and State Governments."² General DeWitt obviously did not intend to imprison all Americans of Japanese ancestry simply because he feared they would commit sabotage in his theater of operations. In February 1942 he merely recommended that

¹ Memorandum to the Secretary of War from DeWitt, 13 February 1942, Daniels, American Concentration Camps, vol. 2.

² Ibid.

they accept voluntary internment or settle outside the military combat zones so he could focus on safeguarding the West Coast from enemy attack.

General DeWitt's recommendations to Secretary of War Stimson began a series of events which culminated in the internment of Japanese aliens and citizens. Five days after DeWitt sent Stimson his memorandum, President Roosevelt signed Executive Order No. 9066, which entitled the Secretary of War or any other military commander to authorize the designation of military areas from which the military could exclude certain persons. Pursuant to that executive order, on February 20, Stimson authorized DeWitt to designate specific areas from which the lieutenant general wanted to exclude all alien enemies and Japanese Americans, which DeWitt subsequently did with numerous civilian exclusion orders.³ On March 2, 1942, General DeWitt issued Public Proclamation Number 1, which divided Arizona, California, Oregon, and Washington into two military zones, and required all alien enemies and all people of Japanese ancestry to register with the federal government.⁴ The proclamation also encouraged alien enemies

³ Dillon S. Myer, Uprooted Americans: The Japanese Americans and the War Relocation Authority during World War II (Tucson: University of Arizona Press, 1971), 23; Bosworth, America's Concentration Camps, 65.

⁴ Izumi, "The Japanese American evacuation of 1942," 27; Daniels, Decision, 52-53; Robert E. Cushman, "IV. Civil Liberties" in "American Government in War-Time," American

and Japanese Americans to move out of the "prohibited" Military Area Number 1, inland to the "restricted" Military Area Number 2.⁵ With other public proclamations General DeWitt extended the restrictions already placed on Axis aliens to affect Japanese Americans as well.⁶

On March 10, 1942 DeWitt created a Civil Affairs Division (CAD) within his staff, and on March 11, 1942 he established the Wartime Civil Control Administration (WCCA) to carry out the evacuation. Bendetsen became the chief of both agencies, and thus directed the relocation process.⁷

Voluntary evacuation proceeded slowly, mainly because many people did not want Japanese, whom the government now obviously considered too dangerous to live on the West Coast, moving into their communities.⁸ Only about two thousand Japanese had move out of the prohibited area before

Political Science Review 37 (February 1943): 54; Sidney Fine, "Mr. Justice Murphy and the Hirabayashi Case," Pacific Historical Review 33 (May 1964): 196.

⁵ Daniels, Decision, 53; Dorothy Swaine Thomas and Richard S. Nishimoto, The Spoilage: Japanese American Evacuation and Resettlement (Berkeley and Los Angeles: University of California Press, 1946), 9.

⁶ Thomas and Nishimoto, The Spoilage, 9.

⁷ tenBroek, et. al., Prejudice, War and the Constitution, 118; Conn, et. al., Guarding the United States and Its Outposts, 141. See also Daniels, Decision, 54.

⁸ tenBroek, et. al., Prejudice, War and the Constitution, 10-11; Bill Hosokawa, Nisei: The Quiet Americans (New York: William Morris and Company, Inc., 1969), 318. See also Conn, et. al., Guarding the United States and Its Outposts, 141; Daniels, Concentration Camps U.S.A., 84; Cushman, "IV. Civil Liberties," 54; Paul R. Spickard, Japanese Americans: The Formation and Transformation of an Ethnic Group (New York: Twayne Publishers, 1996), 100.

March 27, when, under the advice of Colonel Bendetsen, General DeWitt issued Public Proclamation Number 4, which stopped all voluntary migration at midnight March 29.⁹ The military and civilian authorities then developed plans for the systematic mass evacuation and internment of Japanese citizens and aliens.¹⁰

The Japanese American relocation began with DeWitt's promulgation of several Civilian Exclusion Orders. The first such order, issued on March 24, 1942, resulted in the eventual evacuation of two-hundred fifty-eight Japanese from Bainbridge Island, Washington, and their subsequent internment at Manzanar in California. Ninety-eight Civilian Exclusion Orders followed the initial order. By the end of 1942 almost one-hundred twenty thousand Japanese residents of the Pacific Coast had been excluded from the West Coast and had moved either to interior locations or to the ten War Relocation Authority "relocation centers".¹¹

⁹ Conn, et. al., Guarding the United States and Its Outposts, 139-140, 141; tenBroek, et. al., Prejudice, War and the Constitution, 11; John Morton Blum, V Was for Victory: Politics and American Culture During World War II (San Diego, CA: Harcourt Brace Jovonovich, 1976), 161. See also U.S. Commission on Wartime Relocation and Internment of Civilians, Personal Justice Denied, 103.

¹⁰ Thomas and Nishimoto, The Spoilage, 11.

¹¹ Ibid.; Ruth P. Vickers, "Japanese-American Relocation," Arkansas Historical Quarterly 10 (Summer 1951): 169; Wartime Exile, 1; Conn, "The Decision to Evacuate the Japanese from the West Coast (1942)," 108. See also U.S. Commission on Wartime Relocation and Internment of Civilians, Personal Justice Denied, 107; tenBroek, et. al., Prejudice, War and the Constitution, 120.

CHAPTER FIVE

CONCLUSION

Fear and distrust of the Japanese on the West Coast grew in the two months following Pearl Harbor. As more and more people, including citizens, influential politicians, and military officers, began to question the safety of the coast because of the large and apparently menacing Japanese presence, members of the military and War Department formulated a plan to remove not only alien enemies, but also American citizens of Japanese ancestry.

General DeWitt never changed his opinion regarding the removal of aliens from vital military areas, but his attitude toward Japanese Americans varied. At the beginning of the war, he rejected the idea of a mass evacuation of citizens as "damned nonsense," but by the middle of February 1942, he supported removing Japanese Americans and all enemy aliens from the West Coast. Public opinion and the influence of California politicians such as Governor Olson and Attorney General Warren slowly affected the lieutenant general's opinion regarding the coastal Japanese population. As more people asserted that the Japanese could not be trusted and as rumors of Japanese sabotage efforts became more widespread, DeWitt began to reveal his distrust of the

American-born Japanese and slowly began to favor their removal. Secretary of the Navy Knox's statement and the Roberts Report seemed to be reliable "proof" that Japanese Americans had assisted in Japan's attack on Pearl Harbor. Bendetsen also influenced the general's opinion, for he suggested to his superior officer that Justice Department efforts would not necessarily successfully remove the threat of sabotage. DeWitt knew that his duty was to protect the Western Defense Command, and was determined to do so, yet he also knew that he could not legally exclude American citizens from areas along the West Coast.

At first, the general's distrust of citizens of Japanese ancestry did not outweigh his unwillingness to violate these citizens' constitutional rights, so despite the fact that he believed that alien and citizen Japanese posed a potential sabotage threat to his command, DeWitt believed that the military had no legal authority to exclude citizens. It was because of these doubts that Major Bendetsen became an important figure in the decision-making process.

Because of the problem of an acceptable reason for removing Japanese Americans as well as enemy aliens from strategic areas, Bendetsen first had to determine a legal basis for excluding Japanese citizens from certain areas on

the West Coast. The major's conversations with Justice and War Department officials led him to believe that the military could forcibly exclude citizens from the West Coast if the Army based the decision on military necessity. Once he had formulated a feasible and apparently legal plan, Bendetsen persuaded his superiors in the War Department and General DeWitt that by claiming that the military needed to protect vital installations from possible saboteurs, the Army could indeed forcibly eject American citizens from specified locations within the Western Defense Command. As most of Bendetsen's superiors already apparently distrusted the Japanese, he did not have to work hard to convince them to support and execute the plan. Once the colonel convinced DeWitt of the feasibility of the plan, the War Department simply needed the Western Defense Commander's formal recommendation in order to submit a definite plan to Secretary of War Stimson and then to President Roosevelt.

Regardless of the thoughts and desires of members of the War Department, they would not have convinced Stimson to submit Executive Order No. 9066 to the president without the specific recommendation of the Western Defense Commander. As the military officer charged with defending the entire West Coast, DeWitt's assessment of and recommendations regarding the supposed threat the Japanese posed determined

how the military and federal government in general reacted to the wartime fears and paranoia, as well as the rising cry for relocation and internment of all Japanese. The War Department needed General DeWitt's recommendation for removal, and DeWitt was unwilling to recommend evacuation without some legal justification. Bendetsen's position as liaison between the Western Defense Command and War Department allowed him to exert considerable influence upon his superiors. DeWitt quite possibly accepted the colonel's explanation of military necessity because Bendetsen was a lawyer, one who would surely know what the government could and could not do regarding the rights of citizens. The opinions of both General DeWitt and Major Bendetsen allowed the federal government to formulate and execute the plan to forcibly exclude and relocate Japanese Americans from the West Coast.

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