

Research Paper on The Role of the Government in Japanese American Internment

Armaan - Very nicely done -

This is a very well-written essay that effectively conveys the results of your research. Certainly, this is among the strongest pieces that you have written this year. I am glad that you chose a topic that so deeply interested you.

Clearly, you understood the spirit of this sort of inquiry and were able to delve into your topic and raise questions that emerged out of your readings of the voices you found in the primary documents.

Armaan [small]

Honors United States History

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I. Introduction

On December 8th, 2015, President Donald Trump said, “I’m calling, very simply, for a shutdown of Muslims entering the United States.” He continued: “Take a look at what F.D.R. did many years ago. He did the same thing.... This is a president who was highly respected by all.... They named highways after him.” The idea of the President of the United States, a country where I am a citizen, telling the world that he wants to do the same thing that F.D.R did to the Japanese Americans—interning over 110,000 people in camps during of World War II—is terrifying. It is especially terrifying knowing that the analogy that President Trump makes is that people thought highly of FDR because of—not despite of—what he did with the Japanese Americans. That is not true. FDR is regarded highly because of everything else that he did. When we remember FDR now, his executive order calling for the internment camps is considered the darkest stain on his presidency. Japanese American internment was an infringement of the Japanese people’s rights. I believe that Japanese American internment was the worst way to handle America’s national security concerns.

It is especially disconcerting to learn about how the three branches of government worked together during wartime. The three branches of government allowed for the unacceptable breach of rights of the American citizens, presenting a government that regarded the Constitution as an inconvenient piece of paper instead of the foundation of our democracy. Japanese internment was a misuse of government power that created a dangerous precedent that subsequent administrations have mirrored in worrisome ways.

Some questions that have guided my research were: Was Japanese-American internment a preservation of national security, a violation of Japanese-Americans' rights, or both? How did the three branches of government work together to violate such fundamental, constitutionally guaranteed rights? What might we learn by studying Japanese-American internment and the Patriot Act that might help us more clearly understand the current administration's rhetoric aimed at Muslims?

II. Overview and Historical Context of Japanese Internment

On December 7, 1941, Japan unexpectedly bombed Pearl Harbor, Hawaii. This caused the United States, along with Great Britain, to declare war on Japan the following day (Dec. 8). About ten weeks after the United States entered World War II, on February 19, 1942, President Roosevelt signed Executive Order 9066, authorizing the Secretary of War, Henry Lewis Stimson, to define military areas "from which any or all persons may be excluded as deemed necessary or desirable." The order led to the transfer of people who were of Japanese descent in the western United States to internment camps away from the Pacific Coast. This transfer was the removal of over 120,000 persons of Japanese ancestry from their own homes, neighborhoods, and lifestyles, into internment camps.¹

In the following months, the War Relocation Authority (WRA), created by the Secretary of War, was sent to follow through on Executive Order 9066. By the end of April in 1942, almost all Japanese-Americans had been interned: they were sent into ten remote relocation centers all over the western half of the United States.²

More than two years later (Dec. 1944), President Roosevelt unofficially rescinded Executive Order 9066, understanding the mistake he had made by interning the Japanese-Americans. The WRA worked to send all the internees back to their homes within the next six months.³ Most internees had been in the internment camps for two or three years, so when they returned to their homes, some found them to be occupied or destroyed.

The United States continued to participate in World War II after internment ended. The first and second atomic bombs ever deployed around the globe were dropped by the United States into Japan. The first bomb was on Hiroshima, Japan (Aug. 6, 1945); the second bomb was on Nagasaki, Japan (Aug.

¹ Jennifer Dunham, "Japanese-American Internment," *Issues & Controversies in American History*, May 23, 2006, accessed April 25, 2018, <http://icah.infobaselearning.com/icahfullarticle.aspx?ID=107295>.

² *Ibid.*

³ "Executive Order 9066, Leading to the Internment of Japanese Americans." *Issues & Controversies in American History*. Infobase Learning. <http://icah.infobaselearning.com/pdocument.aspx?ID=110157> (accessed May 22, 2018).

9, 1945). Five days after the second bomb was released, Japan agreed to an “unconditional surrender”, officially surrendering on September 2, 1945.⁴

III. Judicial Branch’s effect on Japanese-American Internment

During World War II, there were four cases brought before the Supreme Court regarding Japanese-American Internment: *Korematsu v. United States*; *Minoru Yasui v. United States*; *Hirabayashi v. United States*; and *Mitsuye Endo v. United States*. If these four cases were to be tried in the court system today, all of them presumably would not charge the defendant; however, when these cases were tried, only one case, *Mitsuye Endo v. United States*, went in favor of the defendant.⁵

In the *Korematsu v. United States* case, the defendant Fred Korematsu, an American-born man of Japanese descent, wanted to be with his Italian-American girlfriend instead of being interned, so he defied the relocation order. Weeks later, Korematsu was arrested and convicted. Korematsu’s case went to the Supreme Court, where the court decided that the exclusion orders were necessary during a time of war, were not racially prejudiced, and the mandate was constitutional. In the majority opinion, Justice Hugo Black wrote, “all legal restrictions which curtail the civil rights of a single racial group are immediately suspect,”⁶ clearly admitting to the racial discrimination inherent in the internment of Japanese-Americans. He, however, also explained that the Constitution supports these types of restrictions in a time of “urgent need”: “Pressing public necessity may sometimes justify the existence of such restrictions.”⁷ The Supreme Court had decided that, though Korematsu had committed no crime, it was more important to protect the citizens of the United States as a whole, rather than individual racial groups, during a time of “military emergency.” In this instance, there is an argument by the Supreme

⁴ Jennifer Dunham, "Japanese-American Internment," Issues & Controversies in American History, May 23, 2006, accessed April 25, 2018, <http://icah.infobaselearning.com/icahfullarticle.aspx?ID=107295>.

⁵ Nadra Kareem Nittle, "Top 3 Supreme Court Cases Involving Japanese Internment," ThoughtCo, accessed May 22, 2018, <https://www.thoughtco.com/supreme-court-cases-involving-japanese-internment-2834827>.

⁶ “Executive Order 9066, Leading to the Internment of Japanese Americans.” Issues & Controversies in American History. Infobase Learning. <http://icah.infobaselearning.com/pdocument.aspx?ID=110157> (accessed May 22, 2018).

⁷ Ibid.

Court of the importance of protecting national security, even if the rights of over 120,000 people were being violated. This clearly shows that there is an understanding among the three branches of government that the national security was at risk, when the Japanese-Americans were not guarded. The real question is whether or not the violation of 120,000 people's rights was more important than the protection of national security when there was no evidence to show that any Japanese-Americans were working for the Japanese government.⁸

Another Supreme Court case during World War II regarding internment of Japanese-Americans was the case of *Minoru Yasui v. the United States*. The case of Minoru Yasui gave back Yasui's United States citizenship, followed by his being sent to an internment camp. Minoru Yasui was a 23-year old lawyer, and was part of the Oregon Bar Association. He worked with Japanese Americans to help them give proof of their citizenship and provide them with documents to protect their houses. When Yasui realized that the curfews set on the persons of Japanese descent were unacceptable and unconstitutional, he decided to disobey the curfew laws: "It was my feeling and belief, then and now, that no military authority has the right to subject any United States citizen to any requirement that does not equally apply to all other U.S. citizens,"⁹ he wrote in his book *And Justice For All*. When Yasui was taken to court, the judge stripped him of his United States citizenship and sent him to Jail. A year later, his case was brought before the Supreme Court. He was told that he was still a United States citizen; however, he had violated curfew, which resulted in him being sent to a harsher internment camp. When looking back at this case, the Supreme court would have favored the plaintiff because he is right: no military authority had the right to subject him or any other US citizens to these harsh rules, without evidence against him or without having the entire country participate in these laws.¹⁰

A third case that was sent before the Supreme Court was *Hirabayashi v. United States*. This case was based on the defendant, Gordon Hirabayashi, who was a student at the University of Washington.

⁸ Martin Kelly, "When the Supreme Court Chose National Security Over Individual Liberty," ThoughtCo, accessed May 22, 2018, <https://www.thoughtco.com/korematsu-v-united-states-104964>.

⁹ Jennifer Dunham, "Japanese-American Internment," Issues & Controversies in American History, May 23, 2006, accessed April 25, 2018, <http://icah.infobaselearning.com/icahfullarticle.aspx?ID=107295>.

¹⁰ Nadra Kareem Nittle, "Top 3 Supreme Court Cases Involving Japanese Internment," ThoughtCo, accessed May 22, 2018, <https://www.thoughtco.com/supreme-court-cases-involving-japanese-internment-2834827>.

When Executive Order 9066 came out, he initially followed the curfews and other rules that were set. After having to cut a study session short, Hirabayashi realized that curfews were a violation of his Fifth Amendment rights as an American citizen. As he said in an *Associated Press* interview in 2000, “[he] was not one of those angry young rebels, looking for a cause, [he] was one of those trying to make some sense of this, trying to come up with an explanation.”¹¹ In 1942, Hirabayashi was arrested for not complying with curfew guidelines and not reporting to the internment camps. When his case made it to the Supreme Court, the courts dismissed the case saying that the Executive Order was not racially prejudiced or discriminatory because it was a “military necessity.” The Supreme Court, again, used the internment as a “military necessity” as a way to support the other branches of government in unifying the nation under one cause. There was no proof, ever, against the Japanese-American people. There was no reason to intern them, especially when doing so is a clear violation of the rights of Americans under the Constitution.¹²

The fourth case sent to the Supreme Court, *Mitsuye Endo v. United States*, was the only one that ended in favor of the defendant. Because of her heavy assimilation into American culture, Mitsuye Endo was part of a test case brought by Japanese American Citizens League (JACL) and James Purcell. Endo was working at the DMV in California before the Executive Order.¹³ Once the Executive Order had been released, she was fired. JACL used this as a way to file for *habeas corpus*. In this case, the Supreme Court ruled, unanimously, that the United States government could not continue to detain a citizen who was “concededly loyal” to the United States. This finally allowed for the slow release of many of the Japanese that were interned in the camps. The Supreme Court sided with this case because of the clear black and white laws that are in place for *habeas corpus*. *Habeas corpus* requires that arrested or detained persons must be read their rights if they are to be held for a longer period of time. In this case, since Endo was not read her rights, and the laws have very clear precedent, she was supported by the Supreme Court. If this case had a little more wiggle room, I believe that this would have also been against the plaintiff, due

¹¹ "Relocation and Incarceration of Japanese Americans During World War II," Calisphere, accessed May 22, 2018, <https://calisphere.org/exhibitions/essay/8/relocation/>.

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¹³ Jennifer Dunham, "Japanese-American Internment," *Issues & Controversies in American History*, May 23, 2006, accessed April 25, 2018, <http://icah.infobaselearning.com/icahfullarticle.aspx?ID=107295>.

to the trend that was being followed by the previous three cases where the Supreme Court was willing to interpret the Constitution in a way that showed a unified country and central government.¹⁴

The Supreme Court and the entire Judicial Branch worked with the other branches of government to support the attacks on the rights of the Japanese-American citizens, truly treating the Constitution as unimportant, instead of what it is: the foundation of our democracy. Through the cases of Korematsu, Hirabayashi, and Yasui, the Supreme Court clearly disregarded the rights of those specific citizens who represented the Japanese-American population as a whole. This showed the importance that the Supreme Court gave to the war efforts, even though it promoted a gross violation of constitutionally protected human rights through its decisions. The Judicial Branch truly wanted to support the Executive Branch in its goal of unifying the country, no matter the consequences.¹⁵

IV. Executive Branch's effect on Japanese-American Internment

The Executive Branch assumed a great deal of power during World War II. This was mainly due to the value in effectively prosecuting the war through one imperial President. The perceived value of showing the country, and the world, that its central government was a united front and, through that, that our nation was united, was an added bonus. The Executive Branch, led by President Franklin Delano Roosevelt, was in a state of chaos after the Pearl Harbor bombing on December 7, 1942. As Roosevelt said in his speech to Congress, declaring war, "Japan has, therefore, undertaken a surprise offensive extending throughout the Pacific area. The facts of [the Pearl Harbor bombing] and today speak for themselves."¹⁶ This shocked the country, and it also worried the White House. President Roosevelt had to plan the entrance of the United States into World War II while still protecting the nation. He believed

¹⁴ Taylor, Alan. "World War II: Internment of Japanese Americans." *The Atlantic*. August 21, 2011. Accessed May 03, 2018. <https://www.theatlantic.com/photo/2011/08/world-war-ii-internment-of-japanese-americans/100132/>.

¹⁵ "Executive Order 9066, Leading to the Internment of Japanese Americans." *Issues & Controversies in American History*. Infobase Learning. <http://icah.infobaselearning.com/pdocument.aspx?ID=110157> (accessed May 22, 2018).

¹⁶ "Proclamation Rescinding Executive Order 9066 Authorizing Japanese American Internment." *Issues & Controversies in American History*. Infobase Learning. <http://icah.infobaselearning.com/pdocument.aspx?ID=110458> (accessed April 28, 2018)

that one central component to his broader plans was to protect the citizens of the United States was by rounding up and interning Japanese-Americans, which violated their fundamental rights.

The President believed that the internment of over a hundred thousand Japanese-Americans was necessary as a national security measure. This is forcefully demonstrated in Executive Order 9066, where President Roosevelt stated,

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to the national-defense material, national-defense premises, and national-defense utilities [...] I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.¹⁷

Roosevelt explained that there was a greater need for national security during this time period; therefore, the 120,000 people who were of Japanese ancestry would be “safer”, and the country would be safer, if they were to be locked away in internment camps. This violated the rights of the Japanese Americans, but what was even more bewildering was that neither the Legislative Branch nor the Judicial Branch did anything to stop the Executive from misusing his power and directly acting against the Constitution and the rights that it guarantees for each individual in the United States.¹⁸

The President had given unconditional power to the War Relocation Authority (WRA) to do what it saw fit with the Japanese-American citizens. The WRA was given too much freedom, which resulted in crowded internment camps, filled with inadequate rooms for families, undesirable food, and little freedom to the internees. The internment camps were the epitome of the violation of Constitutional rights. This abuse of those Constitutional rights was backed by the Executive branch through the power given to the Secretary of State and the WRA. However, the Judicial and Legislative branches also backed these measures as a means to preserve national security. National security was an absurd excuse: there was no proof that any Japanese-Americans were conspiring against the United States. Many of the

¹⁷ "War Powers Act of 1941." Wikipedia. April 22, 2018. Accessed May 22, 2018. https://en.wikipedia.org/wiki/War_Powers_Act_of_1941.

¹⁸ Ibid.

government officials involved in these policies had never even seen a Japanese-American, and proceeded to send them to internment camps without thinking twice. These actions were motivated by fear and by a desire to curry favor with the general public after the devastating attack of Pearl Harbor. Security was merely a smokescreen to push through a racist agenda that was politically expedient at the time.¹⁹

V. Legislative Branch's effect on Japanese-American Internment

The Legislative Branch's effect on Japanese-American Internment was minimal, but impactful. The role of the Legislative branch of the American government is to interpret the Constitution and provide laws that are relevant to the time period, that stays within the laws of the land. The Constitution is an ever-changing document. However the core values of the US Constitution are what build the foundation of our democracy, the foundation of the rights that we hold so dear to us as American citizens. When a Legislative branch relinquishes power to the Executive, like it did during World War II, it undermines with the system of checks and balances that our government is founded upon. The Legislative branch should have seen that Executive Order 9066 and, through that, the Internment camps were an abuse of power by the Executive and violated the rights of thousands of citizens of the United States.

Another major way that the Legislative branch relinquished power to the Executive branch was through the War Powers Act of 1941. This act provided "the President enormous authority to execute World War II in an efficient manner."²⁰ The First War Powers Act, put into law on December 18, 1941, gave the President the authority to: "reorganize the executive branch, independent government agencies, and government corporations for the war cause" and he was able to "to censor mail and other

¹⁹ Jennifer Dunham, "Japanese-American Internment," *Issues & Controversies in American History*, May 23, 2006, accessed April 25, 2018, <http://icah.infobaselearning.com/icahfullarticle.aspx?ID=107295>.

²⁰ War Powers Act, *Ibid.*

forms of communication between the United States and foreign countries;”²¹ The Act provided the President with immense power, and gave less power to Congress. Though this Act would only remain valid for the duration of the war, and six months after the end of it, it still disturbs the system of checks and balances, by giving the Executive too much power.

Following the First War Powers Act, the Second War Powers Act was passed on March 27, 1942. This act was another way that Congress abdicated power to the Executive, which in turn, furthered the Executive’s power. In the Second War Powers Act the President was given authority to : “acquire, under condemnation if necessary, of land for military or naval purposes and repeal the confidentiality of census data.”²² By repealing the confidentiality of census data, Congress is giving the FBI the power to use this information to round up Japanese-Americans, which is what they did. Not only is Congress abdicating power to the Executive, which is creating an imbalance in the system of checks and balances, but also, Congress is allowing the FBI to use confidential census data, which is a violation of the privacy rights of many citizens.²³

The Legislative Branch provided the Executive with too much power during a time of war, and while having one man make decisions in a time of crisis is easier than the entirety of Congress making such decisions, the Constitution that our nation is built upon frowns upon that heavily. We must keep our central government as a system of checks and balances. There was too much power in the hands of the Executive, and there was a lot of complacency from the Legislative Branch, all to show one united front, at the cost of the Constitution and its role in our government.

VI. Patriot Act and Trump Administration’s effect on PRESENT DAY America

²¹ “Executive Order 9066, Leading to the Internment of Japanese Americans.” Issues & Controversies in American History. Infobase Learning. <http://icah.infobaselearning.com/pdocument.aspx?ID=110157> (accessed May 22, 2018).

²² Taylor, Alan. "World War II: Internment of Japanese Americans." The Atlantic. August 21, 2011. Accessed May 03, 2018. <https://www.theatlantic.com/photo/2011/08/world-war-ii-internment-of-japanese-americans/100132/>.

²³ “Executive Order 9066, Leading to the Internment of Japanese Americans.” Issues & Controversies in American History. Infobase Learning. <http://icah.infobaselearning.com/pdocument.aspx?ID=110157> (accessed May 22, 2018).

Japanese-American Internment and the power that was given to the Executive during that time, was one of the worst decisions that President Franklin Delano Roosevelt made during his presidency. The most vexing concern is the precedent that it has set for other administrations. The Bush Administration, for instance, used the Patriot Act as a way to infringe upon the rights of all US citizens, "in a time of war."²⁴ And in the reign of the present administration, making references to what President Roosevelt had done to the Japanese-Americans, creates worry in the homes of many Muslims as something that President Trump could do in the future.

The Patriot Act was put into action during the Bush Administration, after the attacks of September 11, 2001. During the months following the attacks, we saw the government following a very similar pattern as that of the government during World War II: beginning to hand over power to the Executive, which causes an imbalance of power; infringing upon the rights of many American citizens, through the Patriot Act; and trying to show the country, and the world, that the central government of the United States was one united front.²⁵

Another violation of rights is Guantanamo Bay. The detention camps in Guantanamo have been established since 2002, once again breaching the rights of many that deserve the right of due process. Fred Korematsu, at the age of 84, supported the detainees from Guantanamo who were being held as enemy combatants by filing an *amicus curiae*, or friend of the court. Korematsu explained, in his brief, that this case was "reminiscent"²⁶ of what had happened in the past. The government was too quick to take away individual rights and civil liberties in the name of national security and it is still doing that.²⁷

²⁴ "Proclamation Rescinding Executive Order 9066 Authorizing Japanese American Internment." Issues & Controversies in American History. Infobase Learning. <http://icah.infobaselearning.com/pdocument.aspx?ID=110458> (accessed April 28, 2018)

²⁵ Liptak, Adam. "Travel Ban Case Is Shadowed by One of Supreme Court's Darkest Moments." The New York Times. April 16, 2018. Accessed May 03, 2018.

<https://www.nytimes.com/2018/04/16/us/politics/travel-ban-japanese-internment-trump-supreme-court.htm>

²⁶ Jennifer Dunham, "Japanese-American Internment," Issues & Controversies in American History, May 23, 2006, accessed April 25, 2018, <http://icah.infobaselearning.com/icahfullarticle.aspx?ID=107295>.

²⁷ *Ibid.*

During the Trump Administration, in present day America, many Muslims are worried about the repercussions of some of Trump's actions. By calling President Roosevelt a "highly respected president" right after telling the world that President Roosevelt had interned Japanese and making the claim that "[he] is calling for a shutdown of Muslims entering the United States," makes Muslims feel nervous about what is to come. The Muslim Travel Ban was already one example of the Executive abusing his power as president. In this situation, however, the Legislative and Judicial Branches are both seeing the abuse of power and unconstitutionality of the plans that President Trump proposes, which allows for the President to adjust and for the system of checks and balances to work as intended.

There have been many examples of the main branches of our central government not being used as intended. It is especially worrisome to see the trends that have occurred after World War II with different Administrations, but a new trend is starting to emerge as well. The system of checks and balances is working, the Legislative branch is pushing back on the Executive when laws need to be in place to better the country as a whole. The Judicial branch is pushing back on the Executive when Executive Orders are not constitutional.

VII. Conclusion

In the past, the three branches of government have failed the United States by treating the Constitution as nothing more than a piece of paper. The Constitution is much more than that, it is one of the founding documents of this country; something that holds the undeniable rights that each citizen should have. When in war, those rights should not change. When there is prejudice, those rights should not change.

During World War II, the government worked together in a very worrisome way. The branches of our central government allowed for an unacceptable breach of rights of the Japanese-American

citizens. Japanese Internment was an inexcusable abuse of government power that has created a dangerous precedent that some administrations have already mirrored in alarming ways.

Each branch of the government, during World War II, was more focused on creating a united front that could be seen, both within our country and around the world, and they were less focused on following the guidelines of the Constitution in order to not violate the rights of over 120,000 Japanese-American citizens.

Though it is the central government's branches' job to check themselves through the system of checks and balances, as American citizens, we must become aware of our constitutional protections and push for equality for all and the ability to have all rights no matter your race, religion, ethnicity, or gender.

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