

---

---

## Outsider Citizens: Film Narratives About the Internment of Japanese Americans

Taunya Lovell Banks\*

*“Memories, like history, constantly undergo revision . . . .”*<sup>1</sup>

### I. INTRODUCTION

There is an old cliché: the winners write history. Today, one might add that the powerful leave visual records, like films. During World War II, the Office of War Information (OWI) produced several propaganda films about Japanese Americans and the internment that the motion picture industry distributed. One of the earliest films, *Japanese Relocation*, opens with the following explanation for the removal and internment of Japanese Americans:

Following the outbreak of the present war, it has become necessary to transfer several thousand Japanese residents from the Pacific Coast to points in the American Interior . . . . When the Japanese attacked Pearl Harbor, our West Coast became a potential combat zone. Living in that zone were more than 100,000 persons of Japanese ancestry . . . . [N]o one knew what would happen among this concentrated population if Japanese forces should try to invade our shores . . . .<sup>2</sup>

According to this narrative, the triggering event for the targeting of Japanese Americans was the 1941 bombing of Pearl Harbor by the nation of Japan. Implicit in the film’s opening is the questioned loyalty of all Japanese Americans, citizens and non-citizens, living on the West Coast. Those loyal members of the Japanese-American community, the narrative continues, believe that their removal from the West Coast is a “sacrifice” they “willingly” made during wartime. The film assured Americans outside the camps that

---

\* Jacob A. France Professor of Equality Jurisprudence, University of Maryland School of Law. The author thanks Margaret Chon, Frank Wu, and Greg Robinson for their helpful comments on earlier drafts of this article.

1. David Yoo, *Captivating Memories: Museology, Concentration Camps, and Japanese American History*, 48.4 AM. Q. 680, 696 (1996).

2. JAPANESE RELOCATION (Office of War Information 1943); see Sumiko Higashi, *Melodrama, Realism, and Race: World War II Newsreels and Propaganda Film*, 37 CINEMA J. 38, 50 (1998).

Japanese Americans were participating wholeheartedly in the process, accepting relocation as a necessary sacrifice for the war effort.

More than sixty years later, the internment remains a largely invisible event in popular history about that war.<sup>3</sup> Law students may discuss *Korematsu v. United States*<sup>4</sup> in constitutional law classes, but most do not realize that the Supreme Court never disavowed the constitutionality of the government's internment of American citizens during wartime.<sup>5</sup> Many Americans do not know the most basic information about the internment—that pursuant to presidential Executive Order 9066<sup>6</sup> approximately 120,000 individuals, citizens, and resident aliens alike, with one-sixteenth or more of Japanese ancestry, living in California, Washington, and Oregon were forcibly relocated by the federal government to “concentration” or “relocation” camps.<sup>7</sup> During the internment era, Japanese-American citizens were the ultimate outsiders.<sup>8</sup>

This article examines the conflicting film narratives about the internment produced between 1942 and 2007.<sup>9</sup> It argues that while later films, especially documentaries, counter early government film narratives justifying the internment, these counter-narratives have their own damaging hegemony.

---

3. See generally UNDERSTANDING AMERICA: THE ANATOMY OF AN EXCEPTIONAL NATION (Peter H. Schuck & James Q. Wilson eds., 2008). In 2008, renowned political scientist James Q. Wilson and Yale Law Professor Peter H. Schuck published a mammoth collection of essays about the United States written by some of that country's leading scholars and public intellectuals. None of the twenty-one essays, including Schuck's essay on immigration, mention the World War II internment of Japanese Americans. *Id.*

4. 323 U.S. 214 (1944).

5. See Neil Gotanda, *The Story of Korematsu: The Japanese-American Cases*, in CONSTITUTIONAL LAW STORIES 249 (Michael C. Dorf ed., 2004) (providing detailed discussion of this point).

6. 7 Fed. Reg. 1407 (Feb. 19, 1942).

7. There is an ongoing debate about whether to call the camps relocation, internment, or concentration camps. The government used both “relocation camp” and “concentration camp” during the war, but during congressional hearings in the 1980s the term “relocation camp” was adopted. See ERIK K. YAMAMOTO, MARGARET CHON, CAROL L. IZUMI, JERRY KANG, & FRANK H. WU, RACE, RIGHTS AND REPARATIONS: LAW AND THE JAPANESE AMERICAN INTERNMENT 38, 195 (2001) (called “internment camps” by Yamamoto and his co-authors, but concentration camps by historians). Justice Black, writing for the majority in *Korematsu*, acknowledged that some called the relocation centers concentration camps, but rejected that terminology. 323 U.S. at 223 (“[W]e deem it unjustifiable to call them concentration camps with all the ugly connotations that term implies—we are dealing specifically with nothing but an exclusion order.”). Justice Roberts disagreed, calling the centers “concentration camps” in his dissent. *Id.* at 226 (Roberts, J., dissenting) (“[I]t is the case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States.”).

8. Black Americans, although denied equal rights with white Americans and treated as second-class citizens, were not herded into camps simply because of their ancestry. Likewise, American Indians, also denied full citizenship rights, were not confined to and detained on reservations under armed guard.

9. Japanese Canadians from British Columbia were interned by their government during World War II. For a discussion of their experiences, see ROGER DANIELS, CONCENTRATION CAMPS NORTH AMERICA: JAPANESE IN THE UNITED STATES AND CANADA DURING WORLD WAR II (rev. ed. 1993). Several documentaries have been made by Canadian filmmakers on this subject. See, e.g., ENEMY ALIEN (National Film Board of Canada 1975); OF JAPANESE DESCENT (National Film Board of Canada 1945); SHEPHERD'S PIE AND SUSHI (National Film Board of Canada 1998). Film depictions of the Canadian internment experience are beyond the scope of this article.

Whereas earlier commercial films tell the internment story through the eyes of sympathetic whites, using a conventional civil rights template found in films like *Mississippi Burning*<sup>10</sup> and *To Kill A Mockingbird*,<sup>11</sup> Japanese and other Asian American documentary filmmakers construct their Japanese characters as model minorities—hyper-citizens, super patriots. Further, the internment experience depicted in films remains largely a male story. With the exception of Emiko Omori's documentary film memoir, *Rabbit in the Moon*,<sup>12</sup> the stories and voices of Japanese-American women, who with their children comprised the bulk of internees, are marginalized.

Film is a potentially powerful educational tool, but this tool is only as effective as the stories it tells. Non-Asian filmmakers tend to use the internment era as a vehicle or backdrop for stories about white redemption. Asian American commercial filmmakers, perhaps in an attempt to capture white audiences, follow a similar pattern. Although Asian American documentarians do a better job of educating audiences about the internment era, even these filmmakers tend to emphasize the hyper-patriotism within the World War II Japanese-American community, an image also used by the redress and reparation movement of the 1970s and 1980s.<sup>13</sup> Thus, I argue that the shadow of the internment experience affects Asian American documentarians' telling of the internment story. These filmmakers engage in a degree of self-censorship, crafting their stories to show Japanese Americans as a model minority to counter persistent perceptions of Asian American as foreigners—marginal citizens whose loyalty is forever suspect.

The second section of this article discusses *Japanese Relocation*, the primary film narrative created by the federal government to justify the internment. It also addresses the commercial films, produced shortly after the war ended and the internment camps closed, which questioned aspects of the internment master narrative. The government's narrative was not fully countered in film until the late 1970s. The third section of this article discusses films produced between the late 1970s and 1988, concluding that most used the internment as a backdrop for story lines about interracial romances between white men and Japanese-American women.

Section IV compares and critiques commercial and documentary films about the internment produced following the enactment of the Civil Liberties Act of 1988 that provided formerly interned Japanese Americans "symbolic" redress—a letter of apology from the President and \$20,000.<sup>14</sup> I argue that

---

10. (Orion Pictures 1988).

11. (Universal Pictures 1962).

12. (Wabi-Sabi 2004).

13. See Chris K. Iijima, *Reparations and the "Model Minority" Ideology of Acquiescence: The Necessity to Refuse the Return to Original Humiliation*, 19 B.C. THIRD WORLD L.J. 385 (1998).

14. Civil Liberties Act of 1988, Pub. L. No. 100-383, 102 Stat. 903 (codified at 50 U.S.C. app. §§ 1989b to 1989b-9 (2000)); see Natsu Taylor Saito, *Model Minority, Yellow Peril: Functions of "Foreignness" in the*

while these documentary films provide strong visual counter-narratives to government propaganda films, they are unreliable narratives because they tend to ignore or minimize the extent of resistance, anger, and fragmentation in the camps, as well as the long-term consequences of the internment on the Japanese-American community. Instead, the preferred counter-narrative is of a hyper-patriotic but mistreated loyal citizenry. I contend that the persistence of this narrative reflects Asian Americans' continuing fear that their Asian ancestry will be used again by the government as the basis for differential and negative treatment irrespective of citizenship status; the fear that Asian Americans remain outsider citizens in the United States.

This article ends with a discussion of Emiko Omori's documentary, *Rabbit in the Moon*, which I argue represents a more complex narrative about the causes and consequences of the internment. Omori's decidedly feminist reading of the Japanese-American World War II experience helps explain why historians might intentionally, or unintentionally, erase the internment from accounts of American twentieth century history.

## II. THE INTERNMENT IN FILM: 1942-1987

### A. Japanese Relocation: *The Government's Internment Narrative*

*Japanese Relocation* contains themes about Japanese Americans that continue to be present in contemporary internment films: Japanese Americans, citizens or non-citizens, were presumptively loyal to Japan, their ancestral home, and those Japanese Americans loyal to the United States were model minorities who went uncomplainingly into the camps. These stereotypes, Japanese Americans as perpetual foreigners and model minorities, are mutually reinforcing and equally damaging.<sup>15</sup> As model minorities, Japanese Americans are portrayed as politically silent and uncomplaining, but Japanese Americans were not and still are not seen as model or real Americans.<sup>16</sup>

---

*Construction of Asian American Legal Identity*, 4 ASIAN L.J. 71, 74 (1997) (discussing congressional findings leading to presidential apology and symbolic redress).

15. See Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL. L. REV. 1243, 1258-65 (1993) (discussing effects and consequences of stereotypes associated with Japanese Americans). Chang writes that the model minority myth as applied to Asian Americans generally

seems like a compliment [but really] . . . [i]s a tool of oppression [that] . . . has created an audience unsympathetic to the problems of Asian Americans. Thus, when we try to make our problems known, our complaints of discrimination or calls for remedial action are seen as unwarranted and inappropriate. They can even spark resentment.

*Id.* at 1260.

16. See Pat K. Chew, *Asian Americans: The 'Reticent' Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 4-5, 32-33 (1994) (introducing concept of Asian American "reticence").

In addition, the suggested voluntariness on the part of Japanese Americans belies the forcible nature of the “relocation.”<sup>17</sup> At the time, few Japanese Americans sought relief in the courts, but the United States Supreme Court, in a series of cases, upheld a curfew imposed only on persons of Japanese ancestry<sup>18</sup> and the order mandating their removal from the West Coast.<sup>19</sup> In 1944, President Roosevelt suspended Executive Order 9066,<sup>20</sup> but it took another thirty years before the order was rescinded by President Ford in 1976.<sup>21</sup>

In *Japanese Relocation* and other OWI films, the “relocation” camps are described as “pioneer communities” where internees, described as “evacuees,” labor to turn “raw lands” to green for the good of the country. In return, “evacuees” receive government provided housing and “plenty of healthful food.”<sup>22</sup> Imagine the reaction of American Indians living on the Colorado River Indian Reservation or Gila River Indian Reservation in Arizona, where the Poston and Gila River camps were located, who lacked adequate housing and food,<sup>23</sup> or imagine similarly situated poor white farmers in Arkansas, where the Rohwer and Jerome camps were located, when told of the “privileges” the presumptively disloyal Japanese Americans were receiving.<sup>24</sup>

*Japanese Relocation* ends with the narrator, Milton Eisenhower, the initial director of the War Relocation Authority and brother of General Dwight D. Eisenhower, saying in a melodramatic voice-of-God tone, “We are setting a standard for the rest of the world in the treatment of *a people who may have loyalties to an enemy nation*. We are protecting ourselves without violating the principles of Christian decency.”<sup>25</sup> Thus, the government’s narrative justified the forcible removal and internment of West Coast Japanese Americans based

17. In another OWI documentary, *Build Model Towns for Interned Japanese*, the narrator says that because the loyalty of some community members was in question, army guards were placed on the camps’ outer perimeters “for a while.” BUILD MODEL TOWNS FOR INTERNED JAPANESE (Office of War Information 1942). These guards remained until the camps closed.

18. See *Hirabayashi v. United States*, 320 U.S. 81, 104-05 (1943). There is one internment case in which the Court granted a petition for a writ of habeas corpus after deciding that a citizen could not be interned once the government had determined that citizen’s loyalty. *Ex parte Endo*, 323 U.S. 283, 302-07 (1944).

19. *Yasui v. United States*, 320 U.S. 115, 223-24 (1943).

20. Proclamation No. 21, 10 Fed. Reg. 35 (Jan. 2, 1945), available at [http://www.du.edu/behindbarbedwire/pp\\_21.html](http://www.du.edu/behindbarbedwire/pp_21.html). President Roosevelt issued the proclamation after the 1944 election and one day before the Supreme Court issued *Korematsu* and *Ex parte Endo*. See U.S. COMM’N ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS, PERSONAL JUSTICE DENIED: REPORT OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS 232-39 (1982) [hereinafter PERSONAL JUSTICE DENIED] (discussing end of internment).

21. Proclamation No. 4417, 41 Fed. Reg. 7741 (Feb. 19, 1976).

22. *Id.*; see also JAPANESE RELOCATION, *supra* note 2. The DVD of RABBIT IN THE MOON contains these films as extra material, as well as other archival footage—with and without commentary—filmed by the government. (Wabi-Sabi 2004).

23. This point is made by the filmmakers of the flawed documentary PASSING POSTON (Fly on the Wall Productions 2008).

24. This point is made in a documentary about the camps in Rohwer and Jerome. LIFE INTERRUPTED: REUNION & REMEMBRANCE IN ARKANSAS (Frank H. Watase Media Arts Center 2004).

25. JAPANESE RELOCATION, *supra* note 2 (emphasis added).

on “military necessity” and questions about the loyalty of all persons of Japanese ancestry—citizen and non-citizen alike.

Simultaneously, the film reassures the non-Japanese viewing audience that internees were being treated with “Christian decency,” ignoring the wholesale and unwarranted violation of internees’ civil rights.<sup>26</sup> The government’s overriding concern was the country’s self image, not the rights of internees. Film scholar Sumiko Higashi writes that the OWI’s explanation for the forcible internment of all persons of Japanese ancestry “reverberates with ‘yellow peril’ paranoia and attests to an ideology of racialism.”<sup>27</sup> Yet the tone and tenor of *Japanese Relocation*, with its upbeat music, makes it difficult for the viewing audience to identify the smiling, cooperative “evacuees” as victims.<sup>28</sup>

Until recently the documentary film audience generally assumed it was seeing unvarnished reality free from manipulation. This was especially true in the 1940s when Fox Movietone News produced newsreels and the commercial film industry produced documentary shorts shown in movie theaters throughout the country. During this period, film news shorts provided most Americans with their only visual source of information.

Viewers of *Japanese Relocation* and related government propaganda films probably never realized that the subjects of these films also were concerned with the images they were presenting to the larger American community. Many *Nisei*<sup>29</sup> members of the community thought it better to be portrayed as smiling and cooperative than as unsmiling, resistant, and presumably villainous.<sup>30</sup> So in some respects it is unsurprising that more than sixty years after the end of World War II very few commercial films mention or feature the internment of Japanese Americans as a part of that era’s history.

---

26. Sumiko Higashi writes that *Japanese Relocation* uses “the morally uplifting terms of democratic and Christian rhetoric” to justify the internment. Higashi, *supra* note 2, at 49. But my reading of the film finds nothing to suggest any claim that the government was acting as a democracy. In fact, Japanese Americans are painted as perpetual foreigners, whether citizens or not, solely based on ancestry. Many other Americans may have thought any Asian American, as a foreigner, was not entitled to the same civil rights enjoyed by white Americans. The United States Supreme Court had yet to clearly spell out the due process rights of non-citizens, and *Plessy v. Ferguson* still was a barrier to full civil rights under the law for black Americans. See 163 U.S. 537 (1896). The invocation of Christianity serves to further distance white America from Japanese Americans, who were presumed to be non-Christian.

27. Higashi, *supra* note 2, at 49.

28. *Id.* at 50. Higashi writes:

The internees . . . are . . . shown mostly in long and extreme long shots, at times from a high angle, because this strategy maximizes their objectification in historiographic space and minimizes audience empathy. The use of medium shots is calculated so that a Japanese American child . . . is shown with a white physician. The child’s mother is standing next to her but is eliminated from the frame so that white audiences may identify instead with an institutional figure . . . who personifies noblesse oblige in a racial hierarchy.

*Id.*

29. Second generation Japanese Americans.

30. RABBIT IN THE MOON, *supra* note 12.

---

---

B. *The Internment in Pre-1988 Commercial Films*

Historian David Yoo writes that commercial films, much like

[t]he extensive . . . literature on internment . . . often treated the years 1941-1945 in a vacuum . . . . Pulling the war out of its context cannot convey the complexity of a historical moment which encompasses both victimization and agency and which raises critical questions for all American about the fragile nature of a democracy.<sup>31</sup>

Yoo's observation holds true for the earliest post-World War II commercial films about the experiences of Japanese Americans during the war.

Otto Preminger's *Daisy Kenyon*<sup>32</sup> with Joan Crawford, Dana Andrews, and Henry Fonda is perhaps the first commercial film to mention the internment. Daisy (Crawford) is a commercial artist involved in a love triangle with a married lawyer (Andrews) and a widower (Fonda). A minor subplot involves the lawyer "courageously" representing an interned Japanese American accused of violating the curfew law. No Japanese-American characters appear in the film, nor is the context of the internment discussed. Instead, the interned Japanese American is used to partially redeem the adulterous lawyer.<sup>33</sup>

Other early post-war films about Japanese Americans during World War II usually focus on the experience of Japanese-American soldiers. Many film devotees erroneously think that John Sturges's Oscar-nominated film *Bad Day at Black Rock* mentions the internment.<sup>34</sup> Although the film is a thinly veiled attack on American anti-Japanese racism, the internment is never mentioned. Instead, the film's focus is on an insurance salesman, played by Spencer Tracy, who comes to town looking for the father of the Japanese-American G.I. who died in battle saving the salesman's life. The town attempts, through silence and threats of violence, to hide its awful secret—the G.I.'s father was killed by local vigilantes shortly after the bombing of Pearl Harbor. The only visible reminder of the father's presence is the burnt remains of his home.

Like *Daisy Kenyon*, no Japanese Americans appear in the film. While *Bad Day at Black Rock* promotes the idea of Japanese-American patriotism by reinforcing the image of Japanese Americans as brave soldiers fighting to protect a white America, it also operates, through Spencer Tracy's character, to reestablish white innocence after the internment. This theme is first presented

---

31. Yoo, *supra* note 1, at 695.

32. *DAISY KENYON* (20th Century Fox 1947).

33. I thank historian Greg Robinson for telling me about this film.

34. *BAD DAY AT BLACK ROCK* (Metro-Goldwyn-Mayer 1954). *Beyond the Barbed Wire*, a documentary by Steve Rosen, perpetuates this narrative, although the focus is on the experiences of the soldiers in 100th Infantry and the 442nd, characterized as super patriots who are "just Americans, not Japanese Americans." (Mac & Ava Picture Productions 1997).

directly in Robert Pirosh's Oscar-nominated, progressive but formulaic, *Go for Broke*.<sup>35</sup>

This film focuses on the experiences of the much decorated all-*Nisei* 100th Infantry Battalion and 442nd Regimental Combat Team.<sup>36</sup> Like most commercial internment films, *Go for Broke* uses white male characters as centric to the narrative about World War II experiences of Japanese Americans.<sup>37</sup> Michael Grayson (Van Johnson), a white lieutenant from Texas commanding the *Nisei* soldiers, remarks that the forced removal of Japanese Americans from the West Coast was due to military necessity, a claim that goes unchallenged in the film. Nevertheless, there is the suggestion that camps, not shown in the film, were places of hardship, deprivation, and racism, worse than military boot camp. Reinforcing this point is a scene where a *Nisei* soldier is shown sending supplies to his interned family from the Italian battlefield.

Despite its flaws, in many ways *Go for Broke* is an extraordinary film for its time, released only five years after the camps closed. From the outset, the film clearly spells out the government's hypocrisy, starting with the following statement by President Franklin Delano Roosevelt that rolls down the screen over a scene of weary *Nisei* soldiers walking single file along a road as the film opens:

The proposal of the War Department to organize a combat team consisting of loyal American citizens of Japanese descent has my full approval.

The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not, and never was a matter of race or ancestry.<sup>38</sup>

Roosevelt's statement, written a year after he issued Executive Order 9066, sets the film's tone and closely resembles the post World War II Japanese-

---

35. *GO FOR BROKE* (Metro-Goldwyn-Mayer 1951). This film should not be confused with the later documentary, *GOING FOR BROKE* (Questar 2005).

36. The film is notable for acknowledging the cultural differences between Japanese Americans from Hawaii and the mainland, as well as for its portrayal of the racism *Nisei* soldiers encountered on the battlefield and at home.

37. Even the trailer promoting *Go For Broke* only mentions Van Johnson and introduces a white actress, Gianna Canale, in a cameo role, relegating the Japanese-American actors who carry the film to a credit reading "actual heroes of the 442." Second billing should go to Lane Nakano, an actor, former internee, and member of the 442 who plays Sam, the top sergeant. Jerry Fujikawa, the father of actress Cynthia Gates Fujikawa and writer and producer of *Old Man River*, also has an uncredited part in this film.

Elena Tajima Creef writes that all the twentieth-century commercial films about the internment used "white American masculinity" as their central subject. ELENA TAJIMA CREEF, *IMAGING JAPANESE AMERICA: THE VISUAL CONSTRUCTION OF CITIZENSHIP, NATION, AND THE BODY* 94 (2004).

38. Later in the film, Van Johnson's character reads a pamphlet to prepare soldiers who were going to Italy to fight that contains the statement: "Racial prejudice is abhorrent to our American concept of Democracy." *GO FOR BROKE* (Metro-Goldwyn-Mayer 1951).

American narrative used to counter government films like *Japanese Relocation*. According to this narrative, Japanese Americans were loyal citizens—model minorities—who willingly volunteered for military service and bravely sacrificed their lives for their white fellow soldiers and a country that mistreated them and their families.<sup>39</sup>

The internment and heroic *Nisei* soldiers play only cameo roles in *Hell to Eternity*,<sup>40</sup> the fictionalized biopic of real-life Mexican-American war hero Guy Gabaldon, and perhaps the earliest commercial film to depict an internment camp. Gabaldon, whose ethnicity is erased in the film, lived with a neighboring Japanese-American family following the death of his mother, until his adopted family was sent to Manzanar.<sup>41</sup> The details of his adopted family's forcible removal and the conditions of the internment camps are mentioned briefly, but his short visit to the camp omits any visual representation of the harsh conditions. Instead, with his Japanese-American brothers off fighting in the war with the segregated 442nd Regimental Combat Team, his adopted parents are pictured as confined to small, but pleasant quarters. Their sunny countenances embody the attitude of *shikataganai* ("it cannot be helped"), the acceptance of one's fate, and "the ever-present motif of silence in Japanese-American history."<sup>42</sup> Thus, *Hell to Eternity* reinforces one aspect of the *Japanese Relocation* narrative: that loyal internees willingly made personal sacrifices of freedom, property, and dignity for the war effort.

Nevertheless, *Hell to Eternity* is significant and progressive for its time. In the film, Gabaldon struggles with his affection for his adopted family and mixed feelings about the Japanese nationals he encounters on Saipan. His initial confusion reflects the real life failure of the United States propaganda machine to differentiate Japanese Americans—citizens and Japanese resident aliens unable to be naturalized yet loyal to the United States—and Japanese nationals whose sentiments lay with the Emperor of Japan.<sup>43</sup> One possible

---

39. NATSU TAYLOR SAITO, FROM CHINESE EXCLUSION TO GUANTÁNAMO BAY: PLENARY POWER AND THE PREROGATIVE STATE 90 (2007). Similarly, many black Americans subject to racial segregation laws, especially in the South, were outraged when German prisoners of war housed in the United States were treated better than black American citizens. See YAMAMOTO ET AL., *supra* note 7, at 176.

40. (Atlantic Pictures Co. 1960).

41. Gabaldon is played in the film by the very Anglo-looking Jeffrey Hunter, thus attributing his heroism and nobility to a white American. His fluency in Japanese made him invaluable to the United States in the Pacific, and he is credited with capturing 1,500 enemy personnel. He was awarded a Silver Star instead of the Medal of Honor recommended by his commanding officer. Recent news reports suggest that he was not given the Medal of Honor because he was Mexican American. See Gary Arnold, *Courage into 'Eternity': World War II Veteran's Story Was Adapted in 1960 Film*, WASH. TIMES, June 1, 2008, at D3 (reviewing *Hell to Eternity's* video release and noting that Gabaldon received a "Navy Cross [as a] belated upgrade from the Silver Star"); Adrian Sainz, *Forsaken WW II Hero or Braggart?*, WASH. POST, May 11, 2008, at A2 (noting "[t]he film asks whether Gabaldon's Hispanic heritage has prevented him from receiving the [Navy Cross] medal").

42. See Glen Masato Mimura, *Antidote for Collective Amnesia? Rea Tajiri's Germinal Image*, in COUNTERVISIONS: ASIAN AMERICAN FILM CRITICISM 150, 154 (Darrell Y. Hamamoto & Sandra Liu eds., 2000).

43. Higashi, *supra* note 2, at 49.

reading of the film's message is the presumptive loyalty of all Japanese Americans and sympathy for Japanese civilians abroad caught in the war. This is also a fairly progressive message coming just fifteen years after the end of World War II, in a country where anti-Japanese sentiment was still prevalent.

But in some respects the nobility of the whitened Gabaldon is similar to that of Atticus Finch in *To Kill a Mockingbird*, released two years later. Like many later films about racial discrimination in the United States, the story is told through the eyes of a noble white character.<sup>44</sup> It is the white character's struggle to come to grips with and oppose American racism that is noble. The non-white characters are passive beneficiaries unwilling or unable to oppose American racism without white leadership. This is a familiar plot device in progressive American films about race. Further, *Hell to Eternity* perpetuates the myth that anti-Japanese bias in America was triggered by the bombing of Pearl Harbor, not that internment was a byproduct of pre-existing anti-Asian racism dating back to the late nineteenth century.

Another reason for the silence about the internment era was the reticence of formerly interned Japanese Americans to discuss this era, even within their own families.<sup>45</sup> In the 1970s, the silence about the internment was broken as a result of a grassroots movement for redress and reparations lead by *sansei*<sup>46</sup> activists, the children and grandchildren of internees.<sup>47</sup> The activism of the *sansei*-led 1970s and 1980s redress and reparation movement caused Congress to establish

---

44. See *infra* notes 62-67 and accompanying text (discussing internment films with white male protagonists).

45. Elena Tajima Creff writes that

For the Japanese American community, silence continues to problematize acts of memorializing and witnessing . . . . That so many who are eyewitnesses to history still do not want to talk about those years complicates our desire to render visible and give voice to wartime narratives that have been buried for over fifty years.

CREFF, *supra* note 37, at 140. David Yoo writes:

Only in the past twenty years or so have *Nikkei* been willing to resurrect memories of the most painful collective experience of their history. The influence of the Asian American movement and the successful drive to achieve redress and reparations from the federal government can obscure the fact that Japanese Americans for many years rarely spoke about the war at all, even to their own children and grandchildren. Burdened by shame and guilt, despite their innocence, many survivors chose to bury the past and wanted to protect their children from the stigma of the camps. As sandstorms slowly erased traces of the desolate camps themselves, internees tried to forget their past. Since most Americans knew very little about the plight of Japanese Americans during the war, the end of internment went largely unnoticed.

Yoo, *supra* note 1, at 681. For a discussion of how survivors of atrocities often react, see STANLEY COHEN, STATES OF DENIAL: KNOWING ABOUT ATROCITIES AND SUFFERING 51-116 (2001).

46. Third generation Japanese Americans.

47. See JERE TAKAHASHI, NISEI/SANSEI: SHIFTING JAPANESE AMERICAN IDENTITIES AND POLITICS (1997) (discussing increased political awareness and activism among *Sansei*).

the Commission on Wartime Relocation and Internment of Civilians (CWRIC) in 1980.<sup>48</sup> After hearings where more than 750 witnesses testified, the Commission issued its report, *Personal Justice Denied*.<sup>49</sup> According to the 1982 report, the internment was a result of “racial prejudice, war hysteria and a failure of political leadership.”<sup>50</sup>

Using the information from the CWRIC hearings and the research of archivist Aiko Herzig-Yoshinaga and lawyer-historian Peter Irons, the defendants in the internment cases, Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui, filed petitions for a writ of *coram nobis*.<sup>51</sup> In each case, the government opposed the petition, filing a counter-motion to dismiss. Korematsu’s writ was granted.<sup>52</sup> The court in *Yasui* vacated his conviction but granted the government’s motion to dismiss the petition.<sup>53</sup> The district court vacated Hirabayashi’s conviction for failing to report to a civil control station, but refused to vacate his conviction for violating curfew.<sup>54</sup>

The CWRIC report also recommended that “a fund for education and humanitarian purposes related to the wartime events is appropriate and addresses an injustice suffered by the entire ethnic group.”<sup>55</sup> Thus, one goal of the Civil Liberties Act of 1988 was “a public education fund to finance efforts to inform the public about the internment . . . to prevent the recurrence of any similar event.”<sup>56</sup> The Civil Liberties Public Education Fund (CLPEF) created to carry out this function saw public education about the internment as its

---

48. Commission on Wartime Relocation & Internment of Civilians Act of 1980, Pub. L. No. 96-317, 94 Stat. 964.

49. See PERSONAL JUSTICE DENIED, *supra* note 20.

50. *Id.* at 18.

51. See Gotanda, *supra* note 5, at 280-82.

The writ of error *coram vobis*, or *coram nobis*, is an ancient writ of the common law . . . . The principal function of the writ is to afford to the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered, and which could not have been presented by a motion for a new trial, appeal or other existing statutory proceeding.

Dobie v. Virginia, 96 S.E.2d 747,752 (Va. 1957).

52. Korematsu v. United States, 584 F. Supp. 1406, 1420 (N.D. Cal. 1984).

53. Yasui v. United States, 772 F.2d 1496, 1497 (9th Cir. 1985).

54. Hirabayashi v. United States, 627 F. Supp. 1445, 1455-58 (W.D. Wash. 1986), *aff’d in part, rev’d in part*, 828 F.2d 591 (9th Cir. 1987). The judge ruled that the government’s failure to disclose that the basis for the internment was a general belief that it was impossible to separate loyal from disloyal Japanese Americans and that the failure to disclose this information prejudiced petitioner’s appeal. *Id.* at 1457. The judge concluded that the government’s nondisclosure of this information was not prejudicial to petitioner. *Id.* On appeal, the Court of Appeals for the Ninth Circuit remanded the case with instructions to vacate both convictions. *Hirabayashi*, 828 F.2d at 594. For a critical discussion of the *coram nobis* cases, see Jerry Kang, *Denying Prejudice: Internment, Redress, and Denial*, 51 UCLA L. REV. 933 (2004).

55. Daniels, *supra* note 9, at 214 (citing Press Release, CWRIC, June 16, 1983).

56. Civil Liberties Act of 1988, Pub. L. No. 100-383, § 1(3), 102 Stat. 903, 903 (codified at 50 U.S.C. app. §§ 1989b to 1989b-9 (2000)).

mission and established a grant program as one component of this mission.<sup>57</sup> Over a ten year period, CLPEF awarded \$3.3 million in grants, a few of which helped support the creation of documentary films on the internment.<sup>58</sup>

The redress and reparation movement inspired Japanese-American documentary filmmakers to provide counter-narratives to the government narrative presented in *Japanese Relocation*.<sup>59</sup> A steady stream of documentaries about the internment restored the voices of Japanese Americans and more fully explored the experiences of the *Issei*<sup>60</sup> and *Nisei* in the United States during World War II. These documentaries also illustrate, perhaps unintentionally, the continuing conflict within the Japanese-American community between embracing the model minority stereotype and connecting the internment to American institutional racism.

Testimony at the CWRIC hearings “[r]ather than producing an ‘official’ version of internment history dictated by ‘spokespersons,’ . . . illustrated the diversity of experiences and interpretations of the camps and war.”<sup>61</sup> There were many counter-narratives to *Japanese Relocation*, and they are reflected in films about the internment from the late 1980s to the present.

The rest of this article compares and contrasts the post-1988 commercial and documentary film narratives about the internment. It argues that the government’s apology and commitment to educate the public about the injustices of the internment freed the Japanese-American community and allowed for more open expression of feelings about the injustices surrounding the internment. Government redress for the internment also afforded some filmmakers the opportunity to present a more complex and contested picture of the Japanese-American community’s response to the internment.

---

57. See 50 U.S.C. app. § 1989b-5(b)(1) (2003). The Civil Liberties Act of 1988 specified that CLPEF was established

to publish and distribute the hearings, findings, and recommendations of the Commission [on Wartime Relocation and Internment of Civilians (CWRIC)] so that the events surrounding the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood.

*Id.*

58. Margaret Chon argued at the Thomas Jefferson Law School conference, “Taking Reparations Seriously,” that educational and curricular efforts are underappreciated aspects of reparations and are necessary to counter systemic narratives of racism. See Margaret Chon, Paper Abstract, *A Million Little Pieces: Japanese American Internment, Reparations and Historical Memory*, Mar. 18, 2006, <http://file.tjls.edu/downloads/repro31406.pdf> (last visited Jan. 21, 2009).

The Civil Liberties Public Education Fund closed its offices in November 1998 and a Web site that preserved the work of this project shut down at the end of 2008.

59. See CREEF, *supra* note 37, at 98. Creef writes that a constant stream of documentary films by Asian American filmmakers began in the early 1970s and peaked in the 1980s and early 1990s. *Id.*

60. First generation Japanese Americans.

61. Yoo, *supra* note 1, at 683-84.

Unfortunately, however, most of these films reflect the same themes of Japanese Americans as model minorities and perpetual foreigners in America.

### III. THE INTERNMENT IN FILM: 1988-2007

#### A. Post-1988 Commercial Films

The tendency to view the internment through sympathetic non-Asian eyes continues in two commercial films, *Come See the Paradise*<sup>62</sup> and *Snow Falling on Cedars*.<sup>63</sup> Both films, released after passage of the 1988 Civil Liberties Act, view the internment through the eyes of sympathetic white men infatuated with or married to Japanese-American women. Cultural studies scholar Elena Tajima Creef writes that the Hollywood films made after the 1988 Act focus on white masculinity and “the historical trauma of the wartime experience is most powerfully signified through the figure of the Japanese-American female body.”<sup>64</sup> Like earlier commercial films, the stories and troubles of the white male narrators dominate, relegating the internment narrative to a secondary position.

Unlike *Hell to Eternity*'s Manzanar, the internment camp in *Come See the Paradise* is portrayed as harsh and dissolute, and there is some suggestion, although not clearly spelled out, of resistance and resentment among internees in the camps. There also is some suggestion of pre-existing anti-Japanese and anti-Asian bias with references to state anti-miscegenation and alien land laws. Unfortunately, the film's release coincided with the Gulf War, causing Creef to speculate that its criticism of the government's war policy caused the film to be withdrawn prematurely from theaters and “rushed to video.”<sup>65</sup>

*Snow Falling on Cedars*, the popular film version of David Guterson's best-selling novel,<sup>66</sup> is more problematic.<sup>67</sup> The only hint at the extensive legal

---

62. (20th Century Fox 1990). This film grossed \$850,563 (USA). See *Oscar Could Resuscitate Film*, HOUSTON CHRON., Feb. 13, 1991, at 4.

63. (Universal 1999); see Josh Chetwynd, *Hollywood Re-Scripts Book Deals*, USA TODAY, June 29, 2000, at 1D. With an estimated budget of \$36 million, the film grossed only \$14.4 million (USA). *Snow Falling on Cedars* (1999) - Box office/business, <http://www.imdb.com/title/tt0120834/business> (last visited May 5, 2009).

64. CREEF, *supra* note 37, at 100.

65. Elena Tajima Creef, *The Gendering of Historical Trauma in Internment-Camp Documentary: The Case of Steven Okazaki's Days of Waiting*, in COUNTERVISIONS: ASIAN AMERICAN FILM CRITICISM 171 n.2, *supra* note 42.

66. SNOW FALLING ON CEDARS (Bloomsbury Publishing 1994). Someone who has not read the book might not fully understand why KaBuo's father, a Japanese immigrant, is unable to purchase land in his own name. Washington and other western states prohibited persons ineligible for U.S. citizenship from owning land, and federal law denied naturalization to non-whites. See Thomas E. Stuen, *Asian Americans and Their Rights for Land Ownership*, in ASIAN AMERICANS AND THE SUPREME COURT 603-15 (Hyung-Chan Kim ed., 1992) (detailing anti-Japanese land ownership laws in California and Washington state and Supreme Court cases between 1923 and 1925 upholding these laws).

restrictions imposed on Japanese Americans during the first half of the twentieth century is Washington's alien land laws, which form the backdrop for the contemporary legal and personal controversy. Unlike the internment scenes in *Come See the Paradise*, the few fleeting scenes of the camp in *Snow Falling on Cedars* are shown to provide a sharp contrast between the barren dusty environment of Manzanar and the lush Washington island that the heroine Hatsue Miyamoto and her family left. Rather, it is the *obsession* of white journalist Ishmael Chambers with Hatsue that forms the film's core. In both *Come See the Paradise* and *Snow Falling on Cedars*, the internment of Japanese Americans is used as a plot device with little or no social commentary on the internment itself.

Internment narratives from a Japanese-American perspective do not appear in American commercial films until two little-seen twenty-first century films, *Worlds Apart*<sup>68</sup> and *American Pastime*.<sup>69</sup> *Worlds Apart*, written and directed by Jesse Kobayashi, uses the conflict between an *Issei* father and his *Nisei* son to depict the tension within the camps between resisters and those intent on proving their loyalty. The son, forcibly interned with his family, enlists in the military over his father's objections to demonstrate his loyalty to the United States, a narrative consistent with the Japanese-American narratives coming out of the CWRIC hearings.

There is a similar focus in *American Pastime*, directed by Desmond Nakano from a screenplay by Nakano and Tony Kayden. Set in Los Angeles and then the Topaz Relocation Center in Utah, Nakano intersperses clips from documentary films and home movies taken during the internment era with a fictionalized story about the Topaz camp's baseball team. The filmmaker attempts to appeal simultaneously to two different audiences—the dominant culture and Japanese Americans.

Although the primary focus of *American Pastime* is the Nomura family, a prominent subplot revolves around the long-time attempt by a frustrated baseball player, the white camp guard Billy Burrell, to make it to the big leagues. His frustration mirrors that of Lane Nomura, who loses a college baseball scholarship when he is interned. Initial scenes of the camp showing the lack of privacy and disdainful treatment of internees are painful, but these discomforts are soon forgotten, and there is a small victory in the end when the

---

67. See Keith Aoki, *Is Chan Still Missing? An Essay About the Film Snow Falling on Cedars and Representations of Asian Americans in U.S. Films*, 7 ASIAN PAC. AM. L.J. 30, 31-37 (2001) (providing detailed analysis of film).

68. *WORLDS APART* (Emissary Pictures 2004).

69. *AMERICAN PASTIME* (American Pastime, Rosy Bushes Productions, ShadowCatcher Entertainment, T & C Pictures 2007). Perhaps the most widely seen film about the internment released in the twentieth century was the made-for-TV docudrama *Farewell to Manzanar*. (Korty Films, NBC television broadcast Mar. 11, 1976). There also are a few recent film shorts about the internment, notably *THE NISEI FARMER* (Yamco Farm Productions 2003), *DAY OF INDEPENDENCE* (Cedar Grove Productions 2003), *THE CHESSMEN* (Thyrale Thai 2005), and *ONE OF MANY* (Fla. State Univ. Sch. of Motion Picture, Television, and Recording Arts 2006).

bigoted Burrell sees the light and stands up for the baseball team from Topaz. Once again, a white male overcomes his bias—tied to Pearl Harbor—and stands up for loyal Japanese Americans.

Similar to storylines in *Come See the Paradise* and *Snow Falling on Cedars*, *American Pastime* also portrays an interracial romance, but the miscegenation dynamic is slightly different because the romance occurs between a Japanese-American male, Lane Nomura, and a white female, Katie, Billy Burrell's daughter. Ultimately, however, as one reviewer notes, the film is a

nobly made but patchy drama [that] mires itself in nostalgia tropes and storytelling clichés—about race-mixing romance, winning the big game and delivering comeuppance to the stock racist character (a barber who won't cut "Jap" hair)—rather than the rich human details that come from the terrible bizarreness of having to live with dignity in undignified circumstances.

None of the commercial internment films provide movie-going audiences with sufficient context through which to understand the magnitude of the wrongs and the conditions surrounding the internment. Rather, each film clings, in varying degrees, to the master narrative of the internment. There is only the suggestion, never fully articulated, of some connection between the bombing of Pearl Harbor by the Japanese Empire and the ancestry of all Japanese Americans, perhaps playing on deeply embedded notions of all Asians as perpetual foreigners and thus outsider citizens.

In many ways, *Go for Broke* and *Come See the Paradise*, although far from perfect, represent the best commercial film examples of the internment narrative. The filmmakers drive home the point that following the bombing of Pearl Harbor, loyal Japanese Americans were unjustly treated by their government based solely on their ancestry, but despite this injustice many Japanese-American men fought and died bravely for their country. While the perspectives of Japanese-American documentary filmmakers differ from that of the largely white commercial filmmakers, in many ways their narratives are surprisingly similar, a point discussed in the next section.

### B. Documentary Films on the Internment

During World War II, the American government labeled cameras as "dangerous contraband," denying interned Japanese Americans "their most powerful tool for the documentation and potential redefinition of their lives."<sup>70</sup>

---

70. Michael Renov, *Warring Images: Stereotype and American Representations of Japanese, 1941-1991*, in *THE JAPAN/AMERICA FILM WARS* 95, 109 (Abé Mark Nornes & Fukushima Yukio eds., 1994). Nevertheless, a few cameras were smuggled into the camps. Amateur filmmaker and internee Masaharu "Dave" Tatsuno used footage he shot surreptitiously to create *TOPAZ* (Tatsuno 1945), one of the earliest documentary films about the internment by a Japanese American. See Dave M. Tatsuno, *Topaz 1942-1945*, in *JAPAN/AMERICA FILM WARS*, *supra*, at 214-15 (describing film footage and how he was able to create it).

Thus, most documentaries by Japanese or other Asian-American filmmakers about the internment are based on reconstructed memories. Film scholar Glen Masato Mimura writes that much of the early post-internment Japanese-American driven narratives “tend heavily to foreground the eminently American, redemptive figures of the selfless, loyal Japanese-American soldiers; those who resisted in the camps or who protested their constitutionality; and to a lesser degree, the conscientiously objecting No-No Boys . . . . [t]o animate their recounting of the internment drama.”<sup>71</sup> Arguably these new documentaries merely replaced old government-fostered stereotypes with new Asian-American stereotypes, leading one scholar to assert the need for “counter-stereotyping, the unfixing of images, the embrace of rather than recoiling from difference.”<sup>72</sup>

Asian American-created documentaries about the internment focus on three areas: (1) the legal wrongs committed by the government collectively and individually against Japanese Americans, (2) resistance, dissension, and community in the camps, and (3) personal memoirs about the internment’s disruptive effects on family life in the camps and its lingering presence in the post-World War II Japanese-American community. This section looks at some of these documentaries to determine common narrative themes and whether these narratives perpetuate false impressions about the reasons for and nature of the internment.

### 1. Access to the Courts and Legal Redress

Documentaries like *Unfinished Business: The Japanese-American Internment Cases*<sup>73</sup> and *Of Civil Wrongs and Rights: The Fred Korematsu Story*<sup>74</sup> are somewhat dry, matter-of-fact discussions of legal issues surrounding the internment. Both films focus on acts of civil disobedience by Japanese-American citizens who challenged the curfew law and the removal and internment orders. Each film reinforces what Saito argues is one prong of the Japanese-American master narrative coming out of the CWRIC hearings, that Japanese Americans had access to the courts and, somewhat belatedly, received due process.

---

71. Mimura, *supra* note 42, at 152-53. In 1943, the federal government mandated that all interned Japanese Americans over seventeen answer a “loyalty” questionnaire. The wording of two questions was especially problematic. Question 27 read, “Are you willing to serve in the armed forces of the United States on combat duty wherever ordered?” This question was worded differently for women. Question 28 read, “Will you swear unqualified allegiance to the United States of America and faithfully defend the United States from any or all attack by foreign or domestic forces, and forswear any form of allegiance or obedience to the Japanese emperor, to any other foreign government, power or organization?” Men who answered no to both questions were called No-No Boys, men who were segregated and interned in a special camp. *See generally*, John Okada, *NO-NO BOY* (1957).

72. Renov, *supra* note 70, at 117.

73. (New Video Group 1984).

74. (Pushtan Productions 2000).

The Oscar-nominated *Unfinished Business* starts with the 1942 internment of Japanese Americans on the West Coast as background to the legal challenges of its three subjects, Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui, characterized as “resisters” engaged in civil disobedience—the right of any American citizen when protesting unjust laws. The film ends as the *coram nobis* committee lead by *sansei* lawyers prevailed at the district court level in challenging Fred Korematsu’s conviction and before any action taken in the *Hirabayashi* and *Yasui* cases.

In *Unfinished Business*, historian Roger Daniels alludes to “the whole history” of anti-Asian bias without elaborating. There is only fleeting discussion of anti-Asian or anti-Japanese bias and violence, and this is linked to Pearl Harbor. Thus, to the uninformed viewer, the internment and the government’s reaction to Pearl Harbor seem abhorrent.

In contrast, *Of Civil Wrongs and Rights*, released fourteen years later, frames Fred Korematsu’s forty-year fight challenging his conviction against the larger picture of anti-Asian and more specifically anti-Japanese bias that pre-dated the bombing of Pearl Harbor, making the internment seem less of a bizarre or abhorrent event. This background provides meaningful context to explain the government’s willful suppression of evidence when arguing Korematsu’s case before the Supreme Court in the 1940s.

Thus, *Of Civil Wrongs and Rights* addresses another aspect of Saito’s criticism of the post-1988 Japanese-American internment narrative that the internment was abhorrent and unlikely to recur. But the film also uses Korematsu’s civil disobedience as evidence of non-threatening political dissent within the Japanese-American community, reinforcing the model minority stereotype by suggesting that resort to the court rather than politics was the appropriate way to rectify the wrongs done to Japanese-American internees.

The court route, however, simply reflected the lack of political power possessed by Japanese Americans. In 1942, most adults were resident aliens unable to naturalize, the majority of Japanese-American citizens were too young to vote, and the total number of Japanese Americans was too small to count politically. Thus, the courts were the *only* legal route to challenge the internment.

## 2. Resistance, Dissension, and Community in the Camps

*Unfinished Business* and *Of Civil Wrongs and Rights* frame the plaintiffs in the internment cases as resisters, individuals who used acts of civil disobedience to challenge the curfew law, removal orders, and internment. But other documentaries focus on resisters in the camps who more publicly expressed their opposition to both the internment and conditions in the camps. This narrative of resistance within the camps was not widely publicized until after the Civil Liberties Act of 1988. As some of the documentaries point out,

other Japanese Americans often treated resisters in the camps as outsiders. The resisters met with strong opposition from the Japanese American Citizens League (JACL) because their stories countered the government and wartime JACL accounts of smiling, cooperative model Japanese internees.

Prominent among this subset of internment documentaries is the award-winning *Conscience and the Constitution*,<sup>75</sup> the story of the Heart Mountain Resisters, commonly known as the Fair Play Committee. The resisters at the Heart Mountain Wyoming Relocation Center mobilized the largest organized resistance by internees to the internment. Their protest was triggered when JACL encouraged draft-age interned males to volunteer or be drafted into the military as proof of Japanese Americans' loyalty.

The Fair Play Committee members were unwilling to join the military, voluntarily or otherwise, without restoration of their full constitutional rights as citizens, rights denied them by their internment. Some renounced their citizenship in protest of their treatment. As a result, the JACL branded resisters as traitors, and the federal government prosecuted them as criminals.<sup>76</sup> Many were imprisoned for up to two years before President Harry Truman issued a blanket pardon on December 24, 1947.<sup>77</sup> It took many more years before the renunciants had their American citizenship restored.<sup>78</sup>

More than fifty years passed before the Heart Mountain resisters received an apology from their own community. The film ends with the on-screen tag, "In July 2000, the national Japanese American Citizens League voted to apologize for its suppression of wartime resistance. Several JACL old-timers walked out in protest." Ironically, resistance to injustice epitomizes the American spirit, whereas the blind obedience to the government JACL advocated was closer to the traditions of old Japan that JACL members claimed to renounce.

In the end, *Conscience and the Constitution* provides a more complete picture of some long-lasting divisions within the Japanese-American community stemming from the internment experience, as well as various levels of resistance within the Japanese-American community during the internment. But unlike *Of Civil Wrongs and Rights*, *Conscience and the Constitution* fails to counter the belief that the internment was abhorrent, linked only to Pearl Harbor and the war against the Nation of Japan.

---

75. CONSCIENCE AND THE CONSTITUTION (Resistors.com Productions 2000).

76. See *United States v. Fujii*, 55 F. Supp. 928 (D. Wyo. 1944) (finding defendants guilty of disobeying order of Boards of Selective Service), *aff'd*, 148 F.2d 298 (10th Cir. 1945).

77. Proclamation No. 2762, 12 Fed. Reg. 8731 (Dec. 24, 1947) (pardoning persons convicted of violating Selective Training and Service Act of 1940, including Fujii).

78. See Frank H. Wu, *Difficult Decisions During Wartime: A Letter from a Non-Alien in an Internment Camp to a Friend Back Home*, 54 CASE W. RES. L. REV. 1301, 1339 n.270 (2004) (noting almost all renunciants later requested to cancel their applications to renounce their citizenship and citing *Acheson v. Murakami*, 176 F.2d 953 (9th Cir. 1949), as an example of a court granting such cancellations).

### 3. "Humane" Relocation Camps

Another prong of the internment narrative from the CWRIC hearings is that unlike the Nazi concentration camps, the relocation camps were humane places. The internment camps, however, were located in barren and isolated places, and internees often lacked the "barest essentials" like shoes for children, proper food, and medical care.<sup>79</sup> Although internees died, some at the hands of armed camp guards, their experiences are seen as different from and less harmful than the experiences of Europeans sent to Nazi concentration camps. This point is illustrated in Cynthia Gates Fujikawa's film adaptation of her one woman show, *Old Man River*.<sup>80</sup>

The film, which explores her father's silent reaction to his experiences before and during World War II, contains a memorable scene where ninth-grader Cynthia has to make an oral history report on World War II. She picks the internment because the American government's action seems so outrageous to the post-World War II child. Cynthia has the misfortune of making her presentation immediately after a student who discussed the Holocaust.

With the Nazi concentration camps as a comparison, her fellow students are not outraged at the injustice of the internment. After all, the students reason, internees *only* lost their constitutional rights, not their lives. They were not tortured, starved, or made subjects of medical experiments, nor did they have their skin turned into lampshades. Although the internment camps were not like home, they were more "humane" than Nazi concentration camps. Thus, the internment is neither brutal enough to be condemned when compared to the Holocaust, nor justified enough for internees to brush away the lingering aftertaste of loss and injustice.

The extent to which internees themselves internalized the difference between American internment camps and Nazi concentration camps is illustrated in Emi Omori's documentary memoir, *Rabbit in the Moon*. Omori remarks that "concentration camp" was the term used by internees and some government officials during the war. But after conditions in the Nazi concentration camps became widely publicized, Japanese-American internees were reluctant to use that term because their internment was "not bad enough."<sup>81</sup>

This mindset of both internees and external observers explains why, as Saito states, the post-CWRIC internment narrative reinforces the government's portrayal of the camps as humane places. It is hard to counter the "bad, but not bad enough" observation when your experience is measured against the Holocaust, especially if you are seeking an apology and redress from the government that interned you. Understandably, Japanese-American activists in the redress and reparations movement did not want to anger the political

---

79. YAMAMOTO ET AL., *supra* note 7, at 202-03.

80. (Jerry Fujikawa Productions 1998).

81. *See supra* note 7 (discussing camp-related terminology).

institutions on whom relief depended. Thus, any comparison with Nazi Germany's treatment of disfavored groups during the war was an ill-advised political strategy.

Mimura argues that most internment documentaries privilege and herald "soldiers, protesters, and No No Boys" while "shamefully disavow[ing] experiences of madness, depression, alcoholism, suicide and irrevocable damage caused by the camps."<sup>82</sup> To some extent, Linda Hattendorf's documentary, *The Cats of Mirikitani*, touches on some of these themes.<sup>83</sup> The film documents the post-camp life of artist Jimmy Tsutomu Mirikitani, a *kibei*.<sup>84</sup> Mirikitani, a pacifist, was interned during World War II and ultimately renounced his citizenship. Although a homeless elderly man when discovered by the filmmaker shortly before 9/11, Mirikitani spent his time creating art about the internment. The film reconstructs the broken man's past and documents how the filmmaker helps in his rehabilitation.

Elena Tajima Creef also suggests that scholars need to look more closely at women's experiences in the camps.<sup>85</sup> *Rabbit in the Moon*, Emiko Omori's highly personal narrative, tries to address this point, making this documentary slightly different from the three sub-genre internment documentaries previously discussed. The remainder of this essay examines the internment narrative in this documentary film.

#### IV. *RABBIT IN THE MOON*, A SLIGHTLY DIFFERENT DOCUMENTARY

*"The photograph of my first-born son's grave brings painfully vivid memories of his loss at birth in camp. I carried my baby full-term but the camp's inadequate medical care, including the doctor's late arrival, intensified a complex birth. A better-staffed hospital environment might have prevented the hemorrhaging aggravated by a hasty, fatal delivery on a flat table while I endured indescribable pain."*<sup>86</sup>

In *Rabbit in the Moon*, Emiko Omori incorporates and critiques aspects of the government's internment narrative. She makes us reconsider non-government internment narratives as well. Instead of the standard internment documentary footage of the bombing of Pearl Harbor, Omori's self-narrated documentary starts by explaining why she did not have children: "Like me, my

82. CREEF, *supra* note 37, at 100 (quoting Glen Masato Mimura) (internal quotes omitted).

83. (Lucid Dreaming 2007).

84. American-born Japanese American educated in Japan.

85. CREEF, *supra* note 37, at 100-01. An exception, according to Creef, is Janice Tanaka's experimental film *MEMORIES FROM THE DEPARTMENT OF AMNESIA* (Aeon Productions 1991). *Id.* at 101.

86. MEI T. NAKANO, *JAPANESE AMERICAN WOMEN: THREE GENERATIONS, 1890-1990* 150 (1990). The quote reflects June Tsutsui's experience in the Amache Relocation Center. *Id.*

---

child would become American trapped in the body of unwanted *alien race*” who would have to live in a fragmented, post-war Japanese-American community that had lost its hopeful pre-war outlook. Thus, she frames her narrative as that of a citizen outsider, a perpetual foreigner.

Omori’s powerful and very feminist statement also highlights the importance of women as life-givers to their children and culture preservers of their larger community. In addition, her refusal to bear Japanese-American children is a form of protest against a dominant society that resists treating Japanese Americans as full citizens. Her reproductively-based protest is somewhat analogous to the implied protest of enslaved nineteenth century black women who killed their infants or aborted their fetuses rather than subjecting them to life as slaves.<sup>87</sup> Both Omori and enslaved black women used the power of women’s reproductive capacity as a stage for their protests against the unjust societies in which they lived.

Using an excerpt from *Japanese Relocation* where seemingly smiling internees get off the bus at a relocation center, Omori reconstructs the scene this time with the voice-over of a former female internee who suggests a grimmer story, freezing the camera on the face of a sad and bewildered boy. This device causes the viewer to reconsider the internment narrative advanced by the government and to view with a jaundiced eye those smiling Japanese-American faces. Omori relates many of the commonly told stories of family and community disintegration: the loss of property and prestige, the involuntary transfer of power between male *Issei* and *Nisei*, the emotional shutdown of many adults in the camps, and the loss of parental control over children in the camps. She retells the larger internment story through the eyes of her family interned in Poston Relocation Center in Arizona.

By looking at what she characterizes as the villains and heroes in the camps, Omori, like filmmakers who documented resisters in the camps, disrupts the accepted narrative of Japanese Americans as passive, accepting internees—model minorities. She uses her father’s participation in the protests at Poston to provide a broader picture of the extent of resistance in the camps, linking the Poston protests to the more well-publicized Manzanar protest/”riot” and the segregation of Japanese-American camp dissidents at Tule Lake Relocation Center. As final proof of widespread dissension in the camps, Omori retells the Heart Mountain Fair Play Committee story.

Omori does not end her story with the accounts of protests within the camps. Instead she explores the long-term consequences of the internment—the stigmatizing labeling attached to internment at Tule Lake and dissident activities in the camps that followed resisters years after the internment ended.

---

87. See TONI MORRISON, *BELOVED* (1987) (depicting fictionalized story of Margaret Granger). In *Beloved*, the main character’s daughter, a victim of infanticide, haunts Granger despite her selfless intent to prevent a life of slavery.

She mentions the pressure from within and outside the community to cleave to the accepted model minority narrative. Given that the preferred Japanese-American narrative leading up to the CWRIC hearings was that of uncomplaining, self-sacrificing loyal Americans, dissidents were seen as disloyal, becoming outsiders in their own ethnic community.

Omori looks critically at the role played by JACL, the sole organization permitted by the government to represent the interests of interned Japanese Americans. This organization of Japanese-American citizens opposed even benign legal resistance like legal challenges to the curfew law, removal, or internment. Omori characterizes wartime JACL members as informers and traitors to the Japanese-American community. Like a few other documentarians, she suggests that some JACL members collaborated with the government, did not oppose the loyalty tests administered to every internee aged seventeen and over, and encouraged the induction of interned Japanese American draft-age males into segregated military units to prove the loyalty of Japanese Americans.

Even more significantly, Omori's sister, Chizuko, recounts the ill-treatment of Japanese Americans prior to Pearl Harbor: denial of naturalization to *Issei*,<sup>88</sup> restrictions on *Issei* ownership and leasing of property,<sup>89</sup> residential segregation,<sup>90</sup> and anti-miscegenation laws.<sup>91</sup> Thus, Omori argues pre-Pearl Harbor discrimination against Japanese Americans resulted in ethnic enclaves that reinforced public perceptions about the insularity of Japanese Americans. The resulting hostile environment formed the prerequisite conditions for the internment which, according to Omori, punished Japanese Americans for their reactions to the inhospitable environment in the country prior to December 7, 1941. The pre-existing racial hostility was exacerbated by a wartime government that constructed highly negative public images of Japanese Americans that haunted community members long after the camps closed.

By focusing on the resisters and dissenters in the camp, rather than the soldiers of the 100th Infantry and 442nd Combat Battalion, Omori avoids invoking the heroism of *Nisei* soldiers to establish the loyalty of interned

---

88. See *Ozawa v. United States*, 260 U.S. 178 (1922) (holding Japanese immigrant was not "a free white person" and thus not eligible for citizenship under Naturalization Act); see also Hiroshi Motomura, *The Curious Evolution of Immigration Law: Procedural Surrogates for Substantive Constitutional Rights*, 92 COLUM. L. REV. 1625, 1635 n.43 (1992) (describing change in 1891 immigration law to exclude Japanese immigrants). Early immigration law originally excluded Chinese but not Japanese nationals from freely immigrating to the United States. Immigration Act of 1924, ch. 190, § 13(c), 43 Stat. 153, 162 (repealed 1952). This Act was sometimes referred to informally as the Japanese Exclusion Act.

89. See *supra* note 66 (explaining process taken to restrict Japanese-American ownership of property).

90. See NAKANO, *supra* note 86, at 192-93 (describing difficulties of *Nisei* who attempted to buy homes in "restricted" areas).

91. See generally Hrishikesh Karthikeyan & Gabriel J. Chin, *Preserving Racial Identity: Population Patterns and the Application of Anti-Miscegenation Statutes to Asian Americans, 1910-1950*, 9 ASIAN L.J. 1, 1 (2002) (explaining application of anti-miscegenation statutes to Asian Americans).

Japanese Americans. One might assume that she rejects any need to prove Japanese Americans' loyalty, relying instead on the standard premise that all American citizens are loyal without regard to ancestry or ethnicity until rebutted with individualized evidence. But a closer examination of *Rabbit in the Moon* discloses the suggestion of Japanese-American loyalty deeply interwoven throughout the film.

We see photographs and home movies of the pre-World War II Japanese-American community that highlight the "Americanness" or "assimilation" of its members. Japanese Americans, dressed in the latest fashions, play baseball and golf, and picnic in parks. Even in the camps, Japanese Americans are shown dancing the jitterbug, playing football, or as boy scouts or majorettes—conventional recreational activities engaged in by white Americans. Only at the end of *Rabbit in the Moon* does Omori imply that these were reactive activities. Pre-war anti-Asian bias caused many Japanese Americans to shun their communities, culture, and ethnic traditions for fear of seeming un-American. The harsh realities of the internment era accelerated this process for some Japanese Americans trying to counter their outsider status.

Perhaps the most provocative charge in the film, one substantiated by archival evidence, is that the real rationale for the internment was to hold Japanese Americans as potential hostages for prisoner exchanges.<sup>92</sup> This rationale also explains the need to kidnap and intern persons of Japanese ancestry from Latin American countries, especially Peru.<sup>93</sup>

Like other Asian American filmmakers, Omori "explore[s] the effects of psychic and historical trauma and repressed memory [of the camps] on women's bodies"<sup>94</sup>—her mother's, her sister's, and her own. She includes several women internees who tell their stories: the embarrassment and humiliation of a newly married couple having to make love on a straw mattress in a room shared with other families and infant mortality stemming from a

---

92. See Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians—A Case Study*, 40 B.C. L. REV. 275, 292-93 (1998) (citing pre-Pearl Harbor draft plan to use Japanese immigrants as hostages). These documents included a 1936 draft plan by George S. Patton, Chief of Military Intelligence in Hawaii, to retain Japanese as hostages and a 1941 letter by Congressman John Dingell writing to President Roosevelt proposing a similar plan. *Id.*

93. During the same period, persons with more than half Japanese ancestry, including American citizens, were removed from Alaska and turned over to the Wartime Civil Control Administration. YAMAMOTO ET AL., *supra* note 7, at 208. The Department of Justice operated seven camps that housed approximately 2,000 persons of Japanese ancestry from Latin American countries. *Id.* at 210. Latin American and Caribbean governments like Peru, Bolivia, Columbia, Costa Rica, Dominican Republic, Ecuador, Panama, Venezuela, El Salvador, Guatemala, Haiti, Honduras, and Nicaragua cooperated with the United States in turning over Latin Americans of Japanese ancestry to the United States government. *Id.* For further discussion of this point, see C. HARVEY GARDINER, PAWNS IN A TRIANGLE OF HATE: THE PERUVIAN JAPANESE AND THE UNITED STATES (1981); Ayako Hagihara & Grace Shimizu, *The Japanese Latin American Wartime and Redress Experience*, 28:2 AMERASIA J. 203, 205 (2002); Lika C. Miyake, *Forsaken and Forgotten: The U.S. Internment of Japanese Peruvians During World War II*, 9 ASIAN L.J. 163 (2002); Saito, *supra* note 92, at 281-91.

94. CREEF, *supra* note 37, at 165.

pregnant woman's poor nutrition and medical care. The resulting documentary is a more comprehensive internment narrative with a decidedly female tone.

Omori and her sister, Chizuko, also confess that after the internment they intentionally distanced themselves from anything Japanese. In further explaining her refusal to have children, Omori remarks, "Could I conceal from my child how I wished that he or she were more white so as not to suffer the rejection I had just because of my face?" Thus, for some internees, self-loathing was another byproduct of the prejudice that triggered the internment. Rather than embrace the model minority rhetoric of the redress and reparation movement, Omori and her sister see their experience as an example of how the perceived foreignness of Japanese Americans, citizens and non-citizens, continues to be a form of race-based discrimination that plagues Asian Americans; their physical external shell forever hiding their "Americanness" and that of their children.

## V. CONCLUSION

Recent internment documentaries teach us many lessons about how thick propaganda can veil the truth and how racial or religious bias can masquerade as patriotism. Today most scholars agree that the summary internment of Japanese-American citizens without a semblance of due process was a disgraceful action that the country should prevent from recurring. Yet there are signs that governmental targeting and internment of individuals based solely on race, ethnicity, religion, or national origin, is likely to recur. In 1998, Chief Justice William Rehnquist published *All the Laws but One: Civil Liberties in Wartime*, in which he argued that the internment, although tinged by racial animus, was nonetheless a lawful government action.<sup>95</sup>

In 2004, Michelle Malkin, a conservative Filipina-American commentator, published a book defending the internment and favorably linking the government action in the 1940s to contemporary efforts post-9/11.<sup>96</sup> Malkin denies that the internment was the result of race prejudice, war hysteria, and a failure of political leadership. She contends that this "politically correct myth . . . has become enshrined as incontrovertible wisdom in the gullible press, postmodern academia, the cash-hungry grievance industry, and liberal Hollywood."<sup>97</sup> Historians like Eric Muller and others have condemned her

---

95. WILLIAM H. REHNQUIST, *ALL THE LAWS BUT ONE: CIVIL LIBERTIES IN WARTIME* 207-11 (1998). In 2001, U.S. Court of Appeals Judge Richard Posner agreed. See Pamela Karlan & Richard Posner, *The Triumph of Expedience*, *HARPER'S MAG.*, May 2001, at 31, 39.

96. MICHELLE MALKIN, *IN DEFENSE OF INTERNMENT: THE CASE FOR 'RACIAL PROFILING' IN WORLD WAR II AND THE WAR ON TERROR* (2004). An earlier book by historian Greg Robinson can be used to refute Malkin's poorly documented claims. GREG ROBINSON, *BY ORDER OF THE PRESIDENT: FDR AND THE INTERNMENT OF JAPANESE AMERICANS* (2001).

97. MALKIN, *supra* note 96, at xx.

book as inaccurate scholarship.<sup>98</sup>

The works of internment justifiers like Rehnquist and revisionists like Malkin, who supported government efforts post-9/11 targeting members of the Muslim and Arab American communities, raise serious questions about whether the United States is doomed to repeat its unsavory past.<sup>99</sup> But films

---

98. See Eric L. Muller, *Fixing a Hole: How the Criminal Law Can Bolster Reparations Theory*, 47 B.C. L. REV. 659 (2006). A group of approximately sixty academics calling themselves the Historians' Committee for Fairness signed an open letter to Malkin that stated in part:

[Malkin's] comments . . . regarding her book IN DEFENSE OF INTERNMENT represent a blatant violation of professional standards of objectivity and fairness . . . . This work presents a version of history that is contradicted by several decades of scholarly research, including works by the official historian of the United States Army and an official U.S. government commission.

Press Release, Historians' Comm. for Fairness (Aug. 31, 2004), available at <http://hnn.us/readcomment.php?id=40982> (last visited May 6, 2009). The JAACL issued a press release stating:

Michelle Malkin's book *In Defense of Internment: The Case for Racial Profiling in World War II and the War on Terror* is a desperate attempt to impugn the loyalty of Japanese Americans during World War II to justify harsher governmental policies today in the treatment of Arab and Muslim Americans.

Press Release, Japanese Am. Citizens League, JAACL Responds to "Defense of Internment, Case for Race Profiling," Response to Michelle Malkin (Aug. 24, 2004), available at [http://www.imdiversity.com/Villages/asian/politics\\_jaw/archives/jacl\\_malkin\\_response\\_0804.asp](http://www.imdiversity.com/Villages/asian/politics_jaw/archives/jacl_malkin_response_0804.asp) (last visited May 6, 2009).

99. See, e.g., Eric K. Yamamoto, *White (House) Lies: Why the Public Must Compel the Courts to Hold the President Accountable for National Security Abuses*, 68-SPG LAW & CONTEMP. PROBS. 285 (2005); Nina Bernstein, *Echoes of '40s Internment Are Seen in Muslim Detainees' Suit*, N.Y. TIMES, Apr. 3, 2007, at B1; Barney Swartz, *US Muslims Fear 'Mass Internment'*, THE AGE (Melbourne), Oct. 22, 2007, <http://www.theage.com.au/news/national/us-muslims-fear-mass-internment/2007/10/21/1192940903809.html>; Posting of Tyler to DanielPipes.org, <http://www.danielpipes.org/comments/47920> (June 20, 2006, 2:03 EST).

Natsu Saito writes:

Representative Howard Coble, R-N.C., chair of the House Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security, said, in response to a radio program caller's suggestion that Arabs be interned, that the World War II camps were established to 'protect' Japanese Americans, [but] add[ed] that some Japanese Americans were 'probably intent on doing harm to us just as some of these Arab-Americans are probably intent on doing harm to us.'

Natsu Taylor Saito, *Interning the 'Non-Alien' Other: The Illusory Protections of Citizenship*, 68-SPG LAW CONTEMP. PROBS. 173, 174 n. 8 (2005) (quoting *N.C. Rep.: WWII Internment Camps Were Meant to Help*, ASSOCIATED PRESS, Feb. 5, 2003, available at <http://www.foxnews.com/story/0,2933,77677,00.html>); see also Jonathan Turley, *Camp for Citizens: Ashcroft's Hellish Vision; Attorney General Shows Himself as a Menace to Liberty*, L.A. TIMES, Aug. 14, 2002, at B1.

One scholar argues that the government's National Security Entry-Exit Registration System (NSEERS) that creates a national registry for temporary foreign visitors (non-immigrant aliens) arriving from certain countries "creates a system of discrimination, humiliation, and a framework in which to implement a roundup and internment of Arabs and Muslims." Ty S. Wahab Twibell, *The Road to Internment: Special Registration and Other Human Rights Violations of Arabs and Muslims in the United States*, 29 VT. L. REV. 407, 416 (2005). Foreign visitors (citizens or nationals) from the following countries are required to register: Afghanistan, Algeria, Bahrain, Bangladesh, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Libya, Lebanon, Morocco, North Korea, Oman, Pakistan, Qatar, Somalia, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen. U.S. Immigration and Customs Enforcement, Changes to National Security

---

---

about the World War II internment era have the potential to elucidate for the American public those triggers in our society that permitted such a massive denial of constitutional rights in the past and might potentially do so again in the future.

Another lesson we learn from the internment era films is that the general population in a democracy must cultivate the ability to question the authenticity of what is being presented by the government whenever the United States government acts in ways that deny individuals' rights, especially summary actions against citizens. The final lesson that the post-1988 documentaries offer is that the reaction of the Japanese-American community was more "American," far more complex, long-lasting, and varied than originally thought.