



Japanese American Citizens League (JACL)

Headquarters: 1765 Sutter Street, San Francisco, CA 94115 Tel: (415) 921-5225
DC Office: 1629 K Street NW, Suite 400, Washington, DC 20006 Tel: (202) 223-1240
www.jacl.org

Written Statement for the Record for the

House Foreign Affairs Subcommittee on Oversight and Investigations & House Judiciary Subcommittee on Immigration and Citizenship

Oversight of the Trump Administration's Muslim Ban

In 1942 and 1943, the Japanese American Citizens League (JACL) went before the Supreme Court in hopes of declaring Executive Order 9066 and subsequent military orders unconstitutional and restoring the civil liberties of over 120,000 American of Japanese Ancestry who had been incarcerated in concentration camps under the notion of “military necessity.” The JACL felt that our statement would persuade the Supreme Court to see the irrational and rash decisions that had led to this mass incarceration and removal. However, the results found in the cases of *Hirabayashi*, *Yasui*, and *Korematsu v. United States* all upheld the military orders which resulted in a large majority of our community being held prisoner, without due process for up to 4 long years. These years of incarceration forever impacted not only our community but all of America, as it has become another stain on the history of our nation.

It took forty long years for our community to get the triumph that we had hoped for in those courtrooms when the Commission on Wartime Relocation and Internment of Civilians (CWRIC) published its findings in 1982. In a document titled, *Personal Justice Denied*, the Commission found that the mass incarceration of the Japanese American community was the subject of “race prejudice, war hysteria, and a failure of political leadership” not the “military necessity” that had been used as a front to validate this crime of civil liberties. Six years later with the passage of H.R. 442, the Civil Liberties Act of 1988, signed by President Ronald Reagan, we were given the apology and reparations that we had been due all those years ago. Since that time, we have not rested in sharing our community's story in that hope that what happened to us would never happen again in this country.

In the wake of the September 11th attacks, our country stood firm in a choice that it would not allow the Muslim and Arab American community to befall the same injustices that were allowed to pass in 1942. President George W. Bush noted that he would not allow our nation to let another community become the target of hysteria and prejudice as had

happened to his Secretary of Transportation, Norman Mineta, in World War II. While it was a period of unrest and uncertainty, our nation moved forward in remembering the stories of incarceration and supporting the Muslim and Arab American communities.

Yet, with the signing of Executive Order 13780, come to be known as the Muslim Ban we again have seen the creeping shadows fall over our nation just as they did over 75 years ago. Just as it was in 1942 and 1943, the rationale behind its creation is that of “national security”.

When the military posted orders for the mass removal of Japanese Americans from the West Coast, only a brave few stood up and spoke out against the farcical nature of these orders, understanding how misguided they were. Today though, the voices supporting the Muslim and Arab American communities are exponentially stronger. Because over the years since the war, our nation has realized how important civil rights and civil liberties are for all people, regardless of their ethnicity, religious belief, and or national origin, just as it was written into the Declaration of Independence over 250 years ago.

After the United States Congress finally decided to review our communities call for Redress in the late 1970s, the stories of our community, the losses they suffered, their lives in the tarpapered barracks in desert camps secluded from society, the sacrifices they made both on the battlefield, and in resisting incarceration, all helped to prove that our community suffered indignities worth the apology and redress we were given a decade later. Now we have stories from Muslim and Arab Americans about how they have lived in fear, suffered countless indignities, and been attacked because of the same growing racial prejudice that led to our incarceration. These stories need to be heard now, and not decades later so that another group of Americans does not have to fight for an apology and redress, just as we had.

Just like in those long years of war, other minority groups have also become the target of racial profiling and targeted racial attacks, because, despite our differences, in the eyes of some we are all the same. Chinese Americans were sometimes mistaken for Japanese Americans and the community went so far as to wearing armbands and buttons that had to read, “I am Chinese” so as not to be mistaken for the “enemy”. The same is true for minority groups now, mistaken as “Terrorists”. In the week following September 11th, Balbir Singh Sodhi, a gas station owner in Mesa, Arizona, a Sikh American, was shot and killed because the man who shot him thought he “looked like the enemy.” These forms of targeted racism are not attacks only on one group of Americans but on all Americans. Lutheran Pastor, Martin Niemoller, wrote a poem titled “First they came...” about the failure of the German people to stand against the Nazi’s rise to power, and wrote about how

no one stood up when the socialists, trade unionists, and Jews were taken away and when “they came for [him] - there was no one left to speak for [him].”

In 2017, the JACL submitted an Amicus Brief to the Supreme Court of the United States in opposition to this Muslim Ban, again in the hopes that the falsehoods which led to our community's darkest time would not come to pass again. In it is referenced the original Amicus Brief submitted in the case of *Hirabayashi v. United States*, in which the JACL affirmed that its stance was “not alone for its members, [but] for all the minority racial groups in this country who may be the next victims of similar discrimination resulting from war or other prejudices and hysterias, and for the preservation of civil rights for all.” It is a belief that we have stood for since 1942 and never forgotten.

The Supreme Court decision to uphold the Muslim Ban also repudiated the Korematsu decision which had upheld the wartime incarceration court challenges. The irony of this decision was that the decision to uphold the Muslim ban was predicated on the same logic of deference to the Administration’s claims of national security. Just as the courts had deferred to the administration’s claims for national security during World War II, the court has once again deferred to claims of national security need, despite the overwhelming evidence of racial and religious animus as the basis for the policy.

The JACL reaffirms its support of H.R. 2214, The No Ban Act to prevent blatant discrimination against a group of people simply because of their religious background. So we come before our government again in the hopes that we can persuade our nation to stand with the Muslim and Arab American communities, to fight race prejudice, war hysteria, and a failure of political leadership, and to speak up before no one else is left to speak.

Respectfully,
David Inoue
Executive Director