

No Sanctuary: Japanese American Internment and the Long Arc of Academic Freedom and Shared Governance

William Kidder, Judy Sakaki, and Daniel Simmons

Abstract

Among those affected by the forced evacuation and “internment” of Japanese Americans during World War II were Japanese American faculty and students at the University of California. The racial prejudice and wartime hysteria that gave rise to President Roosevelt’s Executive Order 9066 upended the lives of these faculty and students, including many students who were never able to complete their degrees. This essay recounts the stories of Japanese American faculty and students and in so doing serves as a case study in the long-term role of academic freedom in changing the intellectual, social, and political conditions surrounding how internment was regarded, both for a younger generation of Japanese Americans and for US society overall. How America eventually came to terms with the aftermath of internment demonstrates the vital function of college and university communities (as declared in the AAUP’s 1915 founding document) as “an intellectual experiment station, where new ideas may germinate.” This essay is also a case study in how University of California faculty and administrative leaders came together through shared governance to address the profound injustice of Executive Order 9066 and awarded honorary degrees to over 700 Japanese American alumni enrolled at the university in 1941–42, which required overcoming a forty-year ban on honorary degrees at the University of California.

The military police opened the bus door and we stepped into the bus as our family number was called . . . We were silent on the trip except for a group of four University of California boys who were singing college songs. The bus crossed the Bay Bridge. Everyone stared at the beautiful view as if for the last time. The singing stopped.

—Miné Okubo, in her memoir *Citizen 13660*¹



Trucks take away the last Japanese American children and adult residents of Redondo Beach, California, April 1942.

“Alien Order Hits U.C. Staff: 30 Faculty Members Face Evacuation”

—*San Francisco News* headline, March 5, 1942²

“22 Japanese Are Employed at University”

—*Seattle Times* headline, February 27, 1942³

Thousands are housed in stables which retain smells of the animals. A stable which housed a horse now houses from 5 to 6 humans, its ventilation is poor due to the absence of windows. A stable is generally partitioned into 2 parts, the back-part is dark. These are not only unsanitary, but mentally and morally depressive.

—Stanford professor Yamato Ichihashi, diary entry May 28, 1942, Santa Anita⁴

The Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes.

—Justice Robert Jackson, dissenting in *Korematsu v. United States* (1944)⁵

There are times in the history of the United States of America when, driven by fear, racism, or mass hysteria, the government of our country with the support of the represented people has taken actions that deny to some peoples the “unalienable rights of life liberty and the pursuit of happiness” upon which our nation was founded.⁶ President Roosevelt’s Executive Order 9066 in February 1942 requiring the forced

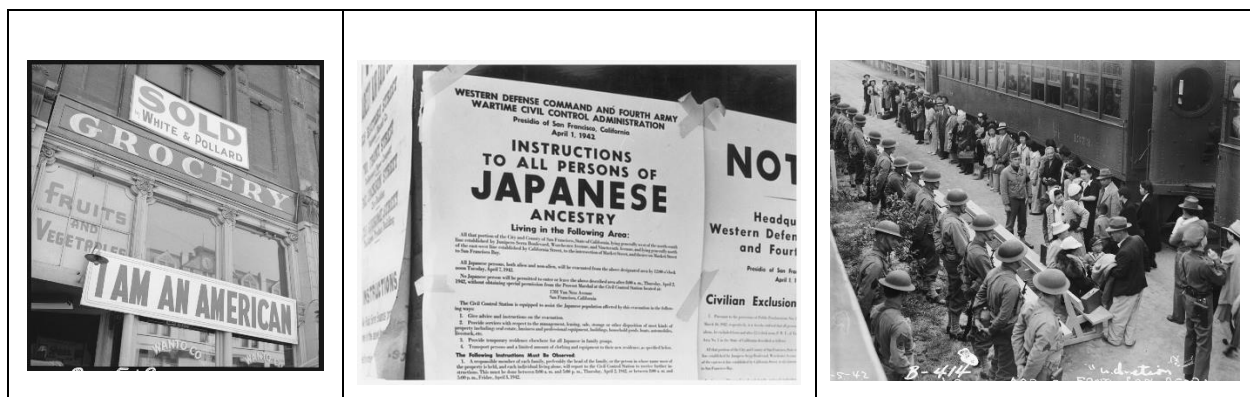
removal and incarceration in remote camps of nearly 120,000 Americans of Japanese descent was one such black mark on our history. The extreme and wrongful denial of civil rights, which was widely supported at the time, was later recognized by the Congress and the president as a grave injustice.⁷ While no amount of reparations can restore the lost years and pain of the forced removal, the University of California took a small step in this direction by awarding honorary degrees to former students who were spirited away to concentration camps during the hysteria of 1942 and thus were unable to complete their UC education. This essay recounts some of the history of interned UC students and faculty—a history that reveals the enduring importance of academic freedom and shared governance in the life of a university community—in the hope that a deeper recognition of the tragic events associated with Executive Order 9066 will help prevent other such deprivations of civil rights and civil liberties.⁸

The forced removal and incarceration (euphemistically called “internment”) of people of Japanese American ancestry residing on the West Coast, the vast majority of them US citizens, affected several thousand students, faculty, and staff at the University of California and other universities and colleges in California, Oregon, and Washington State. A substantial scholarly literature has addressed the grave deprivation of Japanese American citizens’ civil liberties by the federal government during World War II. For present purposes, it is important for us to define at the outset about how academic freedom is different in nature from civil liberties, given that this essay goes back and forth between themes of civil liberties and academic freedom over a span of several decades.

In his essay on the rise of academic freedom in American higher education, historian Thomas Haskell cautions that “academic freedom and free speech overlap and reinforce one another only at certain points. . . . Historically speaking, the heart and soul of academic freedom lie not in free speech but in professional autonomy and collegial self-governance.”⁹ Similarly, Matthew Finkin and Robert Post define the essence of academic freedom (as a professional value and norm within the academy, distinct from academic freedom’s First Amendment constitutional dimensions) as the fact that universities and colleges “serve the common good by producing knowledge and . . . the production of knowledge requires freedom of inquiry.”¹⁰ The distinction is critical, all the more so given the strong pull of America’s “culture of rights” and corresponding tendency to blur distinctions about the historical origins and structure of academic freedom versus civil rights/liberties.¹¹

Moreover, the interplay of academic freedom and internment is far less appreciated as a topic of scholarly examination. Japanese American internment, in fact, marked a profound intrusion by the government into the core academic mission of many West Coast universities and colleges. This essay is a reminder that threats to academic freedom can arise from numerous sources, both within and outside the academy.¹²

Academic freedom provides an important perspective when coming to terms with the tidal wave of race prejudice, war hysteria, and failed political leaderships that engulfed America in the months following the attack on Pearl Harbor. The AAUP's seminal 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* warned of the dangers in a democracy associated with “overwhelming and concentrated public opinion,” and it advanced the notion that the university “should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still distasteful to the community as a whole, may be allowed to ripen until finally, perchance, it may become a part of the accepted intellectual food of the nation or of the world.”¹³ As we will show, the problem of concentrated public opinion and the enduring value of the university as an intellectual experiment station are made vividly clear by the historical context surrounding Executive Order 9066 and related events.



Images of the evacuation in California, 1942: *left*, Tatsuro Masuda declares “I am an American,” but must sell his Oakland grocery store; *center*, military signs ordering evacuation, San Francisco; *right*, arrivals to the assembly center at the Santa Anita racetrack.

The Impact on Faculty

The ink was barely dry on the 1940 *Statement of Principles on Academic Freedom and Tenure* declaring that academic freedom in teaching is “fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning”¹⁴ when West Coast newspapers ran matter-of-fact articles about the Japanese and Japanese American college faculty who were about to be incarcerated. At the height of racial hysteria during World War II, scores of faculty members¹⁵ at West Coast colleges and universities were among the 120,000 Japanese Americans incarcerated (that is, “evacuated”) and sent first to assembly centers and then to permanent camps for most or all of the war years.¹⁶ Their lives were uprooted (being forced not only to leave their jobs but also to abandon their homes, farms, and businesses) as, without charge or hearing, they were

incarcerated, in concentration camp facilities with barbed wire fences and armed guards, in desolate parts of the country.¹⁷

Sober self-reflection and scholarly critique about the academy's past failings with respect to the defense of academic freedom and civil liberties is an important attribute of academic freedom.¹⁸ In the World War II era even the AAUP's Committee A on Academic Freedom and Tenure dismissed concerns about the deprivations of Japanese Americans' civil liberties brought about by evacuation and internment. Committee A continued to articulate this view at the close of the war, when the grip of racial hysteria began to abate.¹⁹ Articles in the *AAUP Bulletin*—otherwise a beacon of academic freedom—at times demonstrated indifference to how internment curtailed the academic freedom of Japanese American faculty.²⁰ Committee A's 1945 report in the *AAUP Bulletin* noted that governmental action during the war “has not been uniformly commendable” but nonetheless concluded that “the more enlightened treatment of conscientious objectors and the comparative absence of trials and imprisonment for ill-defined subversive offenses probably outweigh the removal of the Japanese from the West Coast and their confinement to concentration camps.”²¹ This chapter of AAUP history has attracted far less scholarly attention than the AAUP's similarly insufficient responses to threats to academic freedom during the height of McCarthyism.²²

Wartime racial prejudice was fueled by a climate of bullying and intimidation. For example, days after Pearl Harbor, a vigilante fired gunshots through the window of UC Berkeley professor Chiura Obata's family art studio blocks from the UC Berkeley campus.²³ A few months later Obata was sent to the Tanforan Assembly Center, where the living quarters were refashioned horse stalls. He was later sent to the Topaz internment camp in Utah.

Though Obata probably never had a chance to read the 1940 *Statement of Principles of Academic Freedom* before being incarcerated, he nonetheless embodied what the 1940 *Statement* describes as the “duties correlative with” rights of academic freedom. On the eve of being evacuated he had already started to plan for an art school that ended up involving 600 Japanese American students at Tanforan and Topaz. In 1942 Obata had a simple, fundamental explanation for why he viewed the art school as particularly important in the face of the deprivations thrust upon his community: “In any circumstance education is as important as food to a human individual whether young or old.”²⁴ After his release from Topaz, Obata found work with an art company in St. Louis and returned to teaching at Berkeley in 1945 until retiring as professor emeritus in 1954.²⁵



Left and center, University of California and California State Colleges students at Sacramento Assembly Center, 1942; *right*, one hundred orphans sent to the “Children’s Village” at Manzanar, 1942.

Academic Freedom during and after One of America’s Darkest Hours

Four decades after Obata and other Japanese Americans on the West Coast had their lives uprooted, the congressionally created Commission on Wartime Relocation and Internment of Civilians (CWRIC) conducted a lengthy investigation of circumstances surrounding Executive Order 9066. The commission’s book-length report, *Personal Justice Denied*, found that Executive Order 9066 “was not justified by military necessity” and that the “broad historical causes that shaped these decisions were race prejudice, war hysteria and a failure of political leadership.”²⁶

Reflecting the predominant views of the day, California governor Culbert Olson told a room of Japanese American news editors in early 1942, “You know, when I look out at a group of Americans of German or Italian descent, I can tell whether they are loyal or not. I can tell how they think—but it is impossible for me to do this with the inscrutable orientals, and particularly the Japanese. Therefore, I want all of you present here to pledge yourselves to make a sacrifice for your country, the U.S. of A. Promise to give up your freedom, if necessary, in order to prove your loyalty.”²⁷ Similarly, California Congressman Ward Johnson bluntly advised the Roosevelt administration in February 1942, “Let’s move these Japanese out and talk about it afterwards.”²⁸

When the congressional Tolan Committee held hearings in West Coast cities on the topic of “National Defense Migration” in February and March 1942, only faculty members, clergy, social workers, and various civil liberty and community group members stated their opposition on the record.²⁹ The governors of California, Washington, and Oregon as well as two state attorneys general and numerous city and county officials all testified in favor of “evacuation,” as did urban and rural business interests.³⁰ No California public officials testified in opposition to the mass incarceration of Japanese Americans. The mainstream press at the time was virtually unanimous in supporting the removal of Japanese Americans (including the *New York*

Times, *San Francisco Chronicle*, and *Los Angeles Times*), and several publishers like McClatchy (*Sacramento Bee* and *Fresno Bee*) and Hearst (*San Francisco Examiner*) had long been aligned with anti-Japanese civic organizations.³¹ The *Los Angeles Times* editorialized as follows: “A viper is nonetheless a viper wherever the egg is hatched—so a Japanese American, born of Japanese parents—grows up to be a Japanese, not an American.”³²

The Pacific Coast Committee on American Principles and Fair Play was one of the few outspoken organizations opposing evacuation and internment during World War II; its board members included UC president Robert Gordon Sproul and several other college presidents.³³ Reflective of the bullying atmosphere of the day, the Fair Play Committee itself became the subject of an investigation by the California legislature. A December 1943 hearing was led by Assemblyman Chester Gannon, who lined up witnesses sharing “horror tales” about Japanese Americans, each more outlandish than the next; lawmakers expressed disappointment when one of the testifying officials admitted “I’ve tried to, but can’t find any” evidence of wrongdoing by Japanese Americans.³⁴ *Time* magazine described the Gannon hearing as the “Inquisition in Los Angeles” and even the (pro-internment) *Los Angeles Times* criticized the lawmakers for becoming “witch-burning agencies.”³⁵

Illustrative of academic freedom’s value during this dark period, one of the most outspoken critics against internment was UC Berkeley political scientist Eric Bellquist, who had recently been elevated from instructor to professor.³⁶ The CWRIC’s report, *Personal Justice Denied*, recounts the following: “Eric C. Bellquist, a professor of political science at Berkeley, presented to the Tolson Committee a lengthy and remarkably well-informed analysis which forcefully dissented from the policy of exclusion and evacuation. A few days later, Monroe Deutsch, Provost of the University of California, sent a telegram to Justice Felix Frankfurter protesting evacuation of people, including the Japanese, identified only as members of a group. To Deutsch this struck ‘an unprecedented blow at all our American principles.’”³⁷

The few dissenting voices, however important, were hardly enough to stem the rising tide of racial prejudice. In late March 1942, Congress passed Public Law 503, which made it a crime to disobey the military orders made pursuant to Executive Order 9066. Three days later Lt. Gen. John DeWitt, head of the Western Defense Command, began issuing a series of 108 Civilian Exclusion Orders in rapid succession.³⁸ Mass incarceration would follow in the days and weeks to come, forever changing the lives of Japanese American faculty and students.



Left, armed watch tower at Santa Anita (Arcadia), 1942; center, art school at Tanforan, 1942; right, library at Manzanar, 1942.

The Impact on Students

In 1941–42 over 700 Japanese American students were enrolled at the University of California (Berkeley, Davis, Los Angeles, and San Francisco) and 250 were enrolled in the California State Colleges; all told there were approximately 3,200 Japanese American students spread across California, Oregon, and Washington colleges and universities.³⁹ One of those students was Professor Chiura Obata's son, Gyo Obata, then a freshman at UC Berkeley. As the family's scheduled evacuation reporting date in April was fast approaching, Gyo Obata told his father that he did not believe he could bring himself to submit to the evacuation orders, and he asked for his father to help him resettle and hopefully reenroll in college (this was after the short period in the spring of 1942 when "voluntary resettlement" was allowed), even though it would mean being separated from the family at a time of great peril and uncertainty. Through the aid of a sympathetic former student of Chiura Obata's who worked as a military official, Gyo was able to relocate to St. Louis and study at Washington University.

Most of the Japanese American students at UC were sent to assembly centers and internment camps, and, while many eventually transferred to colleges and universities in the Midwest and on the East Coast, most were never able to return to their studies at UC and some were never able to return to higher education at all because of pressing family needs and financial hardships wrought by the traumatic aftermath of internment. In addition, some Japanese American students forced to withdraw from UC because of Executive Order 9066 went directly from internment camps to military service and died in combat. Gyo Obata served in the Army, and later became a preeminent architect; his work ranges from the Abraham Lincoln Presidential Library to the Japanese American National Museum.⁴⁰ Further below, we describe how in 2009, sixty-seven years after he was forced to leave UC Berkeley, Gyo Obata was granted an honorary degree by the University of California.



Left, Chiura Obata painting of Topaz, 1943; right, Korematsu legal appeal team led by UC faculty and alumni, 1983.

Academic Freedom in Correcting an Epic Injustice

As constitutional and academic freedom scholar Peter Byrne argues, a core attribute of university research and teaching is “academic speech,” which he distinguishes from the basic First Amendment protection of speech. “Academic speech,” Byrne writes, “rests on its commitment to truth . . . its honesty and carefulness, its richness of meaning, its doctrinal freedom, and its invitation to criticism.” Byrne argues that because of these stringent standards and commitment to truth, academic speech “contributes profoundly to society at large” and creates an “experience of academic freedom [that] helps secure broader, positive liberties of expression.”⁴¹ Academic inquiry involves an unrelenting ethos of rigorous examination that yields benefits accruing over time as contemporary scholarship sheds new light on (and in some cases repudiates) prior scholarship, popular beliefs, and official history.

And so it was with the gradual reexamination of Japanese American internment. While several books and articles critical of internment were published shortly after the war,⁴² a broader reckoning with the meaning of this episode in American history did not occur then. For example, *Citizen 13660* (1946) by Miné Okubo, a UC Berkeley graduate (BA, 1935; MFA, 1936) and an artist who taught during her incarceration alongside Chiura Obata, was the first book by a Japanese American on the topic of wartime evacuation and internment, recounting her experiences at Tanforan and Topaz.⁴³ Her memoir only received wider attention, however, during the 1980s in connection with the Commission on Wartime Relocation and Internment of Civilians.

The experience of incarceration and dislocation during World War II represented collective and intergenerational experiences of profound trauma for the Nisei, Sansei, and subsequent generations of Japanese Americans.⁴⁴ Even in 1967, when professors Harry Kitano of UCLA and Roger Daniels (then at UCLA and later at the University of Cincinnati) organized the first academic conference on the twenty-fifth anniversary of Executive Order 9066, community groups were reluctant to support the conference (and even pressured Kitano to stop it), and so the conference could only find sponsorship from the UCLA Extension office.⁴⁵ “Only years later did I learn that extreme pressure was placed on Harry to abandon the project,” Daniels recalled. “Among the tactics employed by community leaders was persuading some senior members of his family . . . to call him up and tell him that what he was doing would be bad for the community and would even disgrace the family name.”⁴⁶ For most of the Japanese American community the experience of internment still remained too painful and overwhelming to discuss either within the family or in broader contexts.

Beginning in the late-1960s, the fruit of new ideas slowly began to ripen until they were—in the language of the AAUP’s 1915 *Declaration*—no longer “distasteful to the community as a whole.” Led by a younger generation of Japanese American activists, many in the community came to view the aftermath of internment as a critical issue that needed to be confronted in light of their experiences connecting with the civil rights and antiwar movements. Scholars like Kitano and Daniels provided intellectual nourishment for this nascent movement with influential works that questioned the official history of internment found in War Relocation Authority documents.⁴⁷

Academic freedom also played an underappreciated role in the civil rights odyssey of Fred Korematsu, a young welder who was picked up by police in San Leandro, California, in May 1942 and convicted for not reporting for evacuation.⁴⁸ Korematsu and his legal team challenged the constitutionality of the exclusion order on grounds of military necessity, with the US Supreme Court upholding Korematsu’s conviction in 1944, in a 6–3 decision that stands out today as among the Court’s more discredited rulings, one that the CWRIC years later described as “overruled in the court of history.”⁴⁹ In a scathing dissent in *Korematsu* (quoted in one of the epigraphs to this essay), Justice Robert Jackson warned that the majority’s decision would enable future racial discrimination. After the war, Korematsu got on with his life, though his criminal conviction limited his earning potential, and for nearly forty years Korematsu rarely spoke of his legal case or his wartime incarceration.

Korematsu’s world changed in 1982 when he reluctantly agreed to be interviewed by UC San Diego political science professor and legal historian Peter Irons, who was working on a book about the Japanese American civil rights cases decided by the Supreme Court during World War II. In the course of his research,

Irons filed Freedom of Information Act requests for Justice Department and War Department records. With assistance from a sympathetic archivist Aiko Herzig-Yoshinaga, who was working for the CWRIC, Irons uncovered a number of “bombshell” documents out of the millions and millions of pages of internment-related materials (heretofore poorly archived) in the National Archives.⁵⁰

One of the most significant documents uncovered was the only remaining copy of the original 1943 final report to the War Department by Lieutenant General DeWitt on West Coast evacuation. When the Justice Department was defending evacuation before the Supreme Court, it based its “military necessity” defense on the lack of time to conduct individual loyalty hearings, whereas DeWitt’s original report stated, “Because of the ties of race, the intense feeling of filial piety and the strong bonds of common tradition, culture and customs, this population presented a tightly-knit racial group. . . . It was impossible to establish the identity of the loyal and the disloyal with any degree of safety. It was not that there was insufficient time in which to make such a determination; it was simply a matter of facing the realities that a positive determination could not be made, that an exact separation of the ‘sheep from the goats’ was unfeasible.”⁵¹

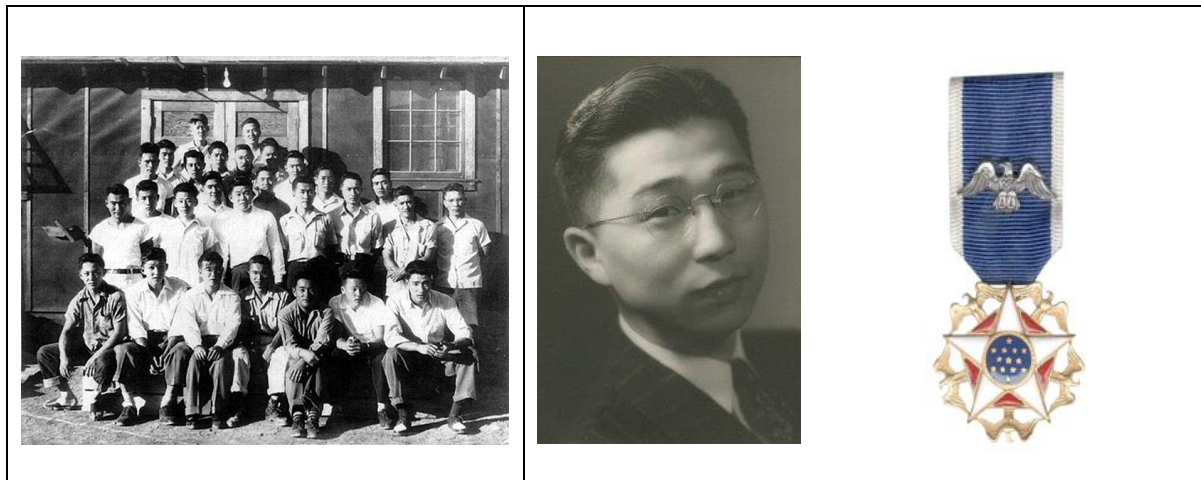
Such conclusions were colored by DeWitt’s well-documented racist views about Japanese Americans.⁵² The DeWitt report also contained intelligence claims about alleged espionage and disloyalty that the Justice Department knew to be false. When Justice Department lawyers attempted to disavow the DeWitt report in a footnote in the government’s brief to the Supreme Court, the War Department and the US solicitor general intervened to stop the printing of the brief and have it revised to the War Department’s satisfaction.⁵³ Senior War Department officials recognized the final DeWitt report as a major liability in defending the constitutionality of the military orders, so the War Department pressured DeWitt to alter and reissue a new “final” report, with orders to burn the earlier galley proofs, drafts, and associated memoranda.⁵⁴

Professor Irons presented a draft of his book *Justice Denied* as part of the CWRIC’s evidentiary record, and a judge on the CWRIC asked Irons if the unearthing of so much new evidence posed an opportunity for the wartime Japanese American cases to be reopened through a writ of *coram nobis*.⁵⁵ Irons vigorously pursued this suggestion, collaborating with team of attorneys affiliated with the Asian Law Caucus—including over a dozen alumni of the University of California (most of them Sansei).⁵⁶ Led by Irons and counsel of record Dale Minami, the group sought to reopen Korematsu’s case in US District Court in San Francisco in 1983 alongside parallel efforts by Sansei attorneys to reopen the World War II-era cases of Gordon Hirabayashi in Seattle and Minoru Yasui in Portland, Oregon.

In 1984, the District Court in San Francisco granted Korematsu’s petition for a writ of *coram nobis*, noting that such writs are reserved for correcting “errors that result in a complete miscarriage of justice.”⁵⁷ In her ruling from the bench, Judge Marilyn Hall Patel stated that the government’s military necessity justification

was “based upon . . . unsubstantiated facts, distortions and representations of at least one military commander [DeWitt], whose views were seriously infected by racism.”⁵⁸ In her written decision, Judge Patel found that “the government knowingly withheld information from the courts when they were considering the critical question of military necessity in this case.”⁵⁹ Similar evidence was considered in Professor Gordon Hirabayashi’s case, where in 1987 the Ninth Circuit affirmed the district court’s granting of a writ of *coram nobis* vacating his conviction.⁶⁰

The Reagan administration Justice Department declined to appeal either *Korematsu* or *Hirabayashi* and the cases were undoubtedly a significant factor in the president’s signing of the Civil Liberties Act of 1988. The Civil Liberties Act was the culmination of a redress movement from across the political spectrum that had been building since the 1970s, aided along the way by the contributions of academic freedom noted earlier as well as by the findings of the CWRIC.⁶¹ The act provided redress and an apology for Japanese Americans incarcerated pursuant to Executive Order 9066. John Tateishi, a graduate of UC Davis and UC Berkeley and later a trustee for the new UC Merced campus, served as chair of the National Committee for Redress during the 1970s and 1980s, and in 2009 he also served with the authors of this essay on UC’s Honorary Degree Task Force.



Left, “Block 42” draft resisters jailed at Tule Lake Camp (Utah), 1943; right, professor Gordon Hirabayashi (as a student in 1941), recipient of the Presidential Medal of Freedom in 2012.

A Final Chapter: Finding Honor with Honorary Degrees

As we noted at the beginning of this essay, academic freedom is closely intertwined with a commitment to collegial shared governance with the faculty. Haskell, for example, describes academic freedom as “at bottom

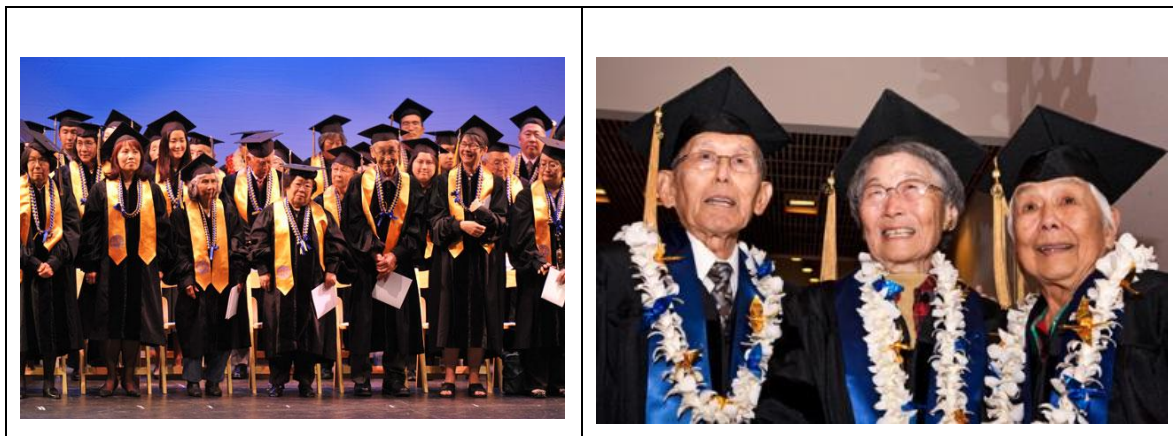
a denial that anyone outside the community is fully competent to pass judgment on matters falling within the [academic] community's domain."⁶² A deprivation of academic freedom is precisely what occurred when federal and state governmental officials, animated by racial prejudice and wartime hysteria during World War II, in essence usurped the faculty's and universities' ability to award degrees to Japanese American students based on academic standards. Against the backdrop, it was especially important that the University of California's effort to restore some measure of justice for its interned Japanese American alumni was to be accomplished in a manner faithful to shared governance with the faculty generally and the academic senate specifically.

While the University of California has awarded some 600 honorary degrees since its founding, the university's ability to award honorary degrees was very constrained. In 1972 the president of the university imposed a moratorium on the awarding of honorary degrees. The moratorium was continued as UC Regents Policy in 1986.⁶³ Regents Bylaws 29.1 formerly restricted the awarding of honorary degrees to four per campus in any year and required the approval of three-fourths of the members of the board.⁶⁴ The Regents Standing Orders require consultation with the academic senate on the awarding of honorary degrees.⁶⁵

Following the precedent of universities in Washington and Oregon and based on requests from UC faculty and alumni, the three of us led the formation of a task force to evaluate honorary degrees for interned UC students. Achieving the goal of properly recognizing UC's students affected by Executive Order 9066 was more arduous than some might assume, with some reluctance within the university—for at least three reasons. First, not everyone at UC sufficiently comprehended the full import of what internment meant for the Japanese American community many decades ago. Second, UC had effectively banned honorary degrees for nearly forty years, which set a high bar. Third, there was an understandable desire to uphold the paramount importance of academic integrity and not create a future precedent that could weaken the meaning of a UC degree, as happens occasionally at other universities that award honorary degrees they later come to regret (for example, to international political leaders later revealed to be human rights abusers).⁶⁶

Our efforts on the task force were helped considerably by the stalwart support of then-academic senate chair Mary Croughan, both as a partner with the administration in putting together an excellent task force and later in giving momentum to the task force's recommendations as they traversed a multistep senate deliberative process. The faculty representatives brought together a range of scholarly backgrounds important to the work of the task force (including Asian American studies, law, history, and health sciences), and we benefited from alumnus and community member John Tateishi's prior experience chairing the National Committee for Japanese American Redress in the 1980s.

In 2009 the UC Academic Council and the Representative Assembly of the UC Academic Senate adopted regulations approving the issue of honorary degrees and the form of the diploma.⁶⁷ The presentation before the UC Board of Regents was quite memorable and inspiring; the main item was presented by two of us (Sakaki and Simmons), with UC Berkeley and UC San Francisco alumna Grace Amemiya providing a firsthand account of her experience as one of the students forced to withdraw from UC. Regent Eddie Island remarked that “fear is a powerful thing . . . put to an evil purpose” in the case of internment. “Today,” Island added, “we can rectify that in some very small way.”⁶⁸ The regents voted unanimously to suspend the application of Regents Bylaw 29.1 and approved the granting of honorary degrees. These honorary degrees are unique in the history of UC in that the degrees are not awarded by a specific campus but represent degrees from the ten-campus system. The degree itself, and the diploma representing the degree, is titled, “University of California, Honoris Causa, Inter Silvas Academi Restituere Iustitiam [to restore justice among the groves of the academy].”



Left, honorary degree commencement ceremony at UCLA, 2009; right, honorary degree recipients at UCSF ceremony, 2010.

Graduation ceremonies to award the honorary degrees were held at the university campuses in Berkeley, Davis, Los Angeles, and San Francisco, the ones that enrolled Japanese American students who were not able to complete their UC degrees because of the internment. It was an honor for the authors and others attending the ceremonies to sit with the honorary degree recipients and their families. While we deeply regret the unjustified actions our country took against Japanese Americans during World War II, we are proud of the action that the university was able to take to restore justice in the groves of the academy. We hope that academic freedom to pursue knowledge will help us avoid future mistakes.



Left, honorary degree commencement ceremony at UC Davis, 2010; right, honorary degree recipients at UC Berkeley ceremony, 2009.

William Kidder is an administrator in the chancellor's office at UC Santa Cruz and a civil rights scholar; he previously worked with Judy Sakaki at the UC Office of the President and Sonoma State University. Judy Sakaki, president of Sonoma State University, is the first Japanese American woman to serve as president of a four-year university in the United States. Daniel Simmons is a professor emeritus at the UC Davis School of Law and past chair of the UC Academic Senate. The three authors worked closely together on the UC honorary degree task force and the events that led to the awarding of over seven hundred honorary degrees to Japanese American alumni affected by Executive Order 9066.

This essay is dedicated to Grace Aiko Amemiya and to Aiko Herzig-Yoshinaga, who made important contributions chronicled herein and who passed away recently at the ages of ninety-six and ninety-three, respectively. The open-source photographs included in this essay are from UC's Japanese American Relocation Digital Archive, the Online Archive of California, CSU's Japanese American Internment Archives, the US National Park Service, the Utah Museum of Fine Arts, and UC Newsroom websites at UC Berkeley, Davis, Los Angeles, and San Francisco.

Notes

¹ Miné Okubo, *Citizen 13660: Drawings & Text by Mine Okubo* (New York: Columbia University Press, 1946).

² "Alien Order Hits U.C. Staff: 30 Faculty Members Face Evacuation," *San Francisco News*, March 5, 1942, <http://www.sfmuseum.org/hist8/uc1.html>.

³ "22 Japanese Are Employed at University," *Seattle Times*, February 27, 1942 (in reference to the University of Washington), <http://ddr.densho.org/ddr-densho-56-653/>.

⁴ Gordon H. Chang, *Morning Glory, Evening Shadow: Yamato Ichihashi and His Internment Writings, 1942–1945* (Stanford, CA: Stanford University Press, 1997).

⁵ *Korematsu v. United States*, 323 U.S. 214, 246 (1944) (Jackson, J., dissenting).

⁶ Declaration of Independence, para. 2 (July 4, 1776), <https://catalog.archives.gov/id/1419123>.

⁷ Civil Liberties Act of 1988, <https://www.govinfo.gov/content/pkg/STATUTE-102/pdf/STATUTE-102-Pg903.pdf>.

⁸ Eric K. Yamamoto, *In the Shadow of Korematsu: Democratic Liberties and National Security* (Oxford: Oxford University Press, 2018).

⁹ Thomas L. Haskell, "Justifying the Rights of Academic Freedom in the Era of 'Power/Knowledge,'" in *The Future of Academic Freedom*, edited by Louis Menand, 43–71 (Chicago: University of Chicago Press, 1996), quote on 54.

¹⁰ Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven, CT: Yale University Press, 2009), 37.

¹¹ Robert C. Post, "The Structure of Academic Freedom," in *Academic freedom after September 11*, edited by Beshara Doumani, 61–106 (New York: Zone, 2006), quote on 62.

¹² See, e.g., David M. Rabban, "Does Academic Freedom Limit Faculty Autonomy?," *Texas Law Review* 66 (1988): 1405.

¹³ American Association of University Professors, "1915 Declaration of Principles on Academic Freedom and Academic Tenure," <http://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>.

¹⁴ American Association of University Professors & Association of American Colleges, "1940 Statement of Principles on Academic Freedom and Tenure," <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>.

¹⁵ While the number of Japanese American faculty members on the West Coast at the time of Executive Order 9066 was undoubtedly small given the enormous exclusionary barriers in place in the academy at that time, it is difficult to know the exact number. Chang, *Morning Glory*, profiles the life of Stanford professor Yamato Ichihashi and mentions that in 1944 Stanford University approved the hiring of fourteen Japanese language faculty from Manzanar (526n74).

¹⁶ During 1942–46 a total of 120,313 people of Japanese ancestry, mostly citizens on the West Coast, were under control of the War Relocation Authority, including 90,491 from Assembly Centers, 14,491 directly "evacuated," and 5,918 born in internment camps. Roger Daniels, "The Forced Migrations of West Coast Japanese Americans, 1942–46: A Quantitative Note," in *Japanese Americans: From Relocation to Redress*, edited by Roger Daniels, Sandra C. Taylor, and Harry H. L. Kitano, 72–74 (Seattle: University of Washington Press, 1986).

¹⁷ See, for example, Wendy L. Ng, *Japanese American Internment during World War II: A History and Reference Guide* (Westport, CT: Greenwood Publishing Group, 2002). See also notes 24–60 below. It is important to note that our use of the term "concentration camp" is historically accurate, notwithstanding the fact that the term later came to be associated in the popular imagination with the specific experience of the Nazi death camps and the Holocaust. See endnotes 27, 39 and 47, in contrast with Dimsdale, Joel E., ed. *Survivors, Victims, and Perpetrators: Essays on the Nazi Holocaust*. Taylor & Francis, 1980.

¹⁸ Sheila Slaughter, "The Danger Zone: Academic Freedom and Civil Liberties," *ANNALS of the American Academy of Political and Social Science* 448, no. 1 (1980): 46–61.

¹⁹ Edward C. Kirkland, "Academic Freedom and Tenure: Report of Committee A for 1945," *Bulletin of the American Association of University Professors (1915–1955)* 32, no. 1 (1946): 5–17, esp. 7.

²⁰ See Robert E. Cushman, "Civil Liberties in Wartime," *Bulletin of the American Association of University Professors* (1915–1955) 29 (1943): 398–408; Edgar H. Sturtevant, "The Scholar in Wartime," *Bulletin of the American Association of University Professors* (1915–1955) 28, no. 5 (1942): 605–10.

²¹ Kirkland, "Academic Freedom and Tenure," 7.

²² Ellen W. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York: Oxford University Press, 1986).

²³ Riya Bhattacharjee, "Project Offers a Glimpse into Life of Berkeley's Lost Japantown," *Berkeley Daily Planet*, October 16, 2007 (interviewing Chiura Obata's daughter Yuri Kodani).

²⁴ Kimi Kodani Hill, "Topaz Moon: Chiura Obata's Art of the Internment," *Berkeley: Heyday Books*, 2000, 35.

²⁵ Chiura Obata, Janice Tolhurst Driesbach, and Susan Landauer, *Obata's Yosemite: The Art and Letters of Chiura Obata from His Trip to the High Sierra in 1927* (San Francisco: Yosemite Conservancy, 1993), 144–46, timeline.

²⁶ US Congress, Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* (1982), chap. 2, http://www.nps.gov/history/history/online_books/personal_justice_denied/contents.htm.

²⁷ Francis Feeley, "The Ideological Uses of Japanese-Americans in US Concentration Camps," *Sources* 4 (1998): 41–74, esp. 45.

²⁸ Morton Grodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949), 410.

²⁹ Grodzins, *Americans Betrayed*.

³⁰ Grodzins, *Americans Betrayed*, 203–4, 412–13.

³¹ See, e.g., Roger Daniels, "The Japanese American Cases, 1942–2004: A Social History," *Law & Contemporary Problems* 68 (2004): 159, 162; Kevin Allen Leonard, "'Is That What We Fought For?': Japanese Americans and Racism in California, the Impact of World War II," *Western Historical Quarterly* 21, no. 4 (1990): 463–82; and Kimberly L. Phillips, "To Keep a Record of Life," in *Miné Okubo: Following Her Own Road*, edited by Greg Robinson and Elena Tajima Creff, 99, 105 (Seattle: University of Washington Press, 2008).

³² Frank H. Wu, *Yellow: Race in America beyond Black and White* (New York: BasicBooks, 2002), 96.

³³ "Inquisition in Los Angeles," *Time*, December 20, 1943. Original newsletters etc. from the Committee are available at the Online Archive of California: <https://oac.cdlib.org/ark:/13030/k64t6qtn/?brand=oac4>; <https://oac.cdlib.org/ark:/13030/k6zp4cj7/?brand=oac4>. See also CaliSphere (University of California), "Trial by Fury," 2011, <http://content.cdlib.org/view?docId=ft6b69n9gt;NAAN=13030&doc.view=frames&chunk.id=d0e1799&toc.depth=1&toc.id=d0e1758&brand=calisphere&query=japanese-american%20relations%20committee>.

³⁴ "Inquisition in Los Angeles," *Time*.

³⁵ "Inquisition in Los Angeles," *Time*; *Gila (AZ) News-Courier*, December 30, 1943, <https://www.loc.gov/resource/sn83025353/1943-12-30/ed-1/>.

³⁶ UC Berkeley General Catalog 1940–41, p. 386, http://digitalassets.lib.berkeley.edu/generalcatalog/text/b100640394_1940_41_v.1.pdf; UC Berkeley Division of the Academic Senate, "In Memoriam: Eric Cyril Bellquist (1979)," http://content.cdlib.org/view?docId=hb1j49n6pv&brand=calisphere&doc.view=entire_text.

³⁷ US Congress, Commission on Wartime Relocation, *Personal Justice Denied*, chap. 3.

³⁸ Eric K. Yamamoto, Margaret Chon, Carol L. Izumi, Jerry Kang, and Frank H. Wu, *Race, Rights, and Reparation: Law and the Japanese American Internment* (Alphen aan den Rijn, the Netherlands: Wolters Kluwer, 2001), 101.

³⁹ Allan W. Austin, *From Concentration Camp to Campus: Japanese American Students and World War II* (Champaign: University of Illinois Press, 2004), 11–12; CSU Japanese American History Digital Collection, <http://csujad.com/collectionsmain.html>.

⁴⁰ Austin, *From Concentration Camp to Campus*, p. 14–15. See also interview with Gyo Obata, February 2006, <http://www.architectureschools.com/interviews/gyo-obata.html>.

⁴¹ J. Peter Byrne, "Academic Freedom: A 'Special Concern of the First Amendment,'" *Yale Law Journal* 99, no. 2 (1989): 251–340, esp. 259–61. See also, Finkin and Post, *For the Common Good*.

⁴² See, e.g., Okubo, *Citizen 13660*; Grodzins, *Americans Betrayed*; and Eugene V. Rostow, "The Japanese American Cases: A Disaster," *Yale Law Journal* 54 (1944): 489–533.

⁴³ Okubo's book was described by UC provost Monroe Deutsch in 1946 as having accomplished "something really important." Heather Fryer, "Miné Okubo's War," in Robinson and Tajima Creff, *Okubo: Following Her Own Road*, 82, 95.

⁴⁴ Donna K. Nagata, Jackie H. J. Kim, and Teresa U. Nguyen. "Processing Cultural Trauma: Intergenerational Effects of the Japanese American Incarceration." *Journal of Social Issues* 71, no. 2 (2015): 356–70; Donna K. Nagata and Wendy J. Y. Cheng, "Intergenerational Communication of Race-Related Trauma by Japanese American Former Internees," *American Journal of Orthopsychiatry* 73, no. 3 (2003): 266–78; Chalsa M. Loo, "An Integrative-Sequential Treatment Model for Posttraumatic Stress Disorder: A Case Study of the Japanese American Internment and Redress," *Clinical Psychology Review* 13, no. 2 (1993): 89–117. *Nisei* refers to the children of immigrants from Japan (second generation) while *Sansei* is used for their children (third generation).

⁴⁵ Daniels, "The Japanese American Cases," 165.

⁴⁶ Daniels, "The Japanese American Cases," 165.

⁴⁷ Alice Yang Murray, *Historical Memories of the Japanese American Internment and the Struggle for Redress* (Stanford, CA: Stanford University Press, 2008), 234–40. These early important works include Harry H. L. Kitano, *Japanese Americans: The Evolution of a Subculture* (New York: Prentice Hall, 1969); and Roger Daniels, *Concentration Camps USA* (New York: Holt, Rinehart and Winston, 1971). See also UC Academic Senate, "In Memoriam: Harry K.L. Kitano," (2002), <http://www.universityofcalifornia.edu/senate/inmemoriam/harryhlkitano.htm>.

⁴⁸ Peter Irons, *Justice at War: The Story of the Japanese-American Internment Cases* (Berkeley: University of California Press, 1983) 93–99.

⁴⁹ *Korematsu v. United States*, 323 U.S. 214 (1944). See also Yamamoto, *In the Shadow of Korematsu*; and Yamamoto et al., *Race, Rights, and Reparation*, 136–66.

⁵⁰ Thomas Y. Fujita-Rony, "'Destructive Force': Aiko Herzog-Yoshinaga's Gendered Labor in the Japanese American Redress Movement," *Frontiers: A Journal of Women Studies* 24, no. 1 (2003): 38–60.

⁵¹ Yamamoto et al., *Race, Rights and Reparation*, 297.

⁵² Wu, *Yellow*, 96.

⁵³ Wu, *Yellow*, 290–91; Irons, *Justice at War*, 285–302.

⁵⁴ Yamamoto et al., *Race, Rights, and Reparation*, 287–99; Irons, *Justice at War*, 207–12.

⁵⁵ Peter H. Irons, introduction to *Justice Delayed: The Record of the Japanese American Internment Cases*, edited by Peter H. Irons (Middletown, CT: Wesleyan University Press, 1989).

⁵⁶ This claim can be corroborated by cross-checking State Bar attorney listings with lists of those working pro bono on the *Korematsu coram nobis* case. See Irons, *Justice at War*, x–xi; Daniels, "The Japanese American Cases," 168. The attorneys who were graduates of UC (undergraduate and/or law school) include Kathryn Bannai, Lorraine Bannai, Edward Chen, Frank Chuman, Dennis Hayashi, Russell Matsumoto, Dale Minami, Leigh-Ann Miyasato, Don Tamaki, Akira Togasaki, Mike Wong, Eric Yamamoto, and Hoyt Zia. The authors apologize for any omissions.

⁵⁷ *Korematsu v. United States*, 584 F. Supp. 1406, 1420 (N.D. Cal. 1984).

⁵⁸ Dale Minami, *Coram Nobis and Redress*, in Daniels et al., *Japanese Americans*, 200, 201 (quoting Judge Patel's oral ruling).

⁵⁹ *Korematsu v. United States*, 584 F. Supp. at 1417.

⁶⁰ *Hirabayashi v. United States*, 627 F. Supp. 1445, 1449–55 (W.D. Wash, 1986) *aff'd in part and rev'd in part*, 828 F.2d 591 (9th Cir. 1987).

⁶¹ See, for example, John Tateishi, "The Japanese American Citizens League and the Struggle for Redress," in Daniels et al., *Japanese Americans*, 191; Yang Murray, *Historical Memories*, 287–381; Yamamoto et al., *Race, Rights and Reparations*, 389–442; and Timothy P. Maga, "Ronald Reagan and Redress for Japanese-American Internment, 1983–88," *Presidential Studies Quarterly* 28, no. 3 (1998): 606.

⁶² Haskell, "Justifying the Rights of Academic Freedom," 54.

⁶³ University of California Board of Regents, Regents Policy 2302 (1986), <https://regents.universityofcalifornia.edu/governance/policies/2302.html>.

⁶⁴ Regents Bylaws were amended in 2016. The amendments eliminated Bylaw 29.1.

⁶⁵ U.C. Regents Standing Order, 105.2, <https://regents.universityofcalifornia.edu/governance/standing-orders/so1052.html>.

⁶⁶ These concerns about recognizing the unique circumstances of World War II internment and yet also giving considerable weight to UC's concern for academic integrity were detailed in a March 2009 memo from one of us (Kidder) to the task force.

⁶⁷ Academic Senate Regulation 625, June 17, 2009, <https://senate.universityofcalifornia.edu/bylaws-regulations/regulations/rpart3.html>.

⁶⁸ Larry Gordon, "UC to Award Honorary Degrees to Interned Japanese American Students," *Los Angeles Times*, July 17, 2009.