

Americans' Misuse of "Internment"

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Article Summary

The cited law journal article is part of an ongoing scrutiny of words that minimize or deny the injustices of the United States' wartime mass incarceration, under Executive Orders 9066 and 9102, of the west coast Japanese American community of about 120,000 innocent American civilians. The article scrutinizes one such word: "internment."

"Internment," however, is a legal term of art in the international and federal laws of war that does not apply to the mass incarceration. Internment is an action against selected citizens of the enemy nation, including civilians and prisoners of war. The Alien Enemies Act, 50 U.S.C. § 21 (1798 and 1918), provides for internment of "subjects of the hostile nation" at least 14 years old "as alien enemies."

The largest and most-recognized wartime action against Japanese Americans imprisoned an entire community defined not by their citizenship but by their race; two-thirds were American citizens. Executive Order 9066 specifically distinguished its authorization for the west coast Japanese Americans' armed removal, from the Justice Department's responsibilities to intern civilian "alien enemies" under the Alien Enemies Act. And the WRA maintained, accurately, that it was not carrying out internment.

Today's misuse of "internment" for the mass incarceration euphemizes it. That misuse inaccurately implies international and federal legal protections for U.S. citizens who had no protection. The misuse inaccurately implies a modicum of process (short of due process) where there was no process at all. The misuse dresses up the unprecedented in centuries of history and tradition. The misuse lends a false air of moral acceptability to an action that members of all three branches of government have condemned.

Finally, misusing "internment" for the mass incarceration frustrates accurate discourse. It ignores the Justice Department's actual internment of several thousand selected Issei, or immigrant Japanese Americans, in those camps, and affirmatively misleads now that DOJ internment camps are being preserved and interpreted. It obscures the government's transformation of over 5,000 American citizens into aliens and then into actual Justice Department internees; and obfuscates the transformation of one WRA mass incarceration camp, Tule Lake, into a Justice Department internment camp. The misuse has led at least one newspaper to misreport current news. To educate, educators can avoid misusing the term and delineate the misuse. The article concludes that lawyers and Americans should use "internment" only with its original and correct meaning.