

“White by Association: The Mixed Marriage Policy of Japanese American Internees”

Ashlynn Deu Pree

University of California, Santa Barbara

Department of History

Abstract

The purpose of “White by Association: The Mixed Marriage Policy of Japanese American Internees” is to describe in detail the Mixed Marriage Policy, implemented during World War II regarding the incarceration of Japanese Americans, and the reasons for its implementation. This policy allowed for specific multiracial Japanese Americans and those involved in mixed marriages with White males to exit the camps and return home to the West Coast if they could prove their lifestyles to be culturally Caucasian. This paper argues that the Mixed Marriage Policy was created in order to prevent White males from challenging the constitutionality of the Japanese American incarceration.

Introduction

“One obvious thought occurs to me—that every Japanese citizen or non-citizen on the Island of Oahu who meets these Japanese ships or has any connection with their officers or men should be secretly but definitely identified and his or her name placed on a special list of those who would be the first to be placed in a concentration camp in the event of trouble.” – Franklin D. Roosevelt, President of the United States, 1936.¹

The imprisonment of Japanese Americans in U.S. concentration camps during World War II violated the constitutional rights of the imprisoned American citizens and residents who were denied citizenship. The same right-violators who were responsible for this incarceration, were also the creators of the Mixed Marriage Policy, which allowed multiracial couples and individuals to return to their homes on the West Coast and avoid incarceration. I will be examining the contextual reasons why such a policy existed alongside an already established racialized imprisonment system known as the internment of Japanese Americans.

The sudden imprisonment of almost 120,000 people was no easy task for the United States, on top of the fact that some within the government’s Justice Department and the FBI initially opposed the action entirely. Regardless of their opposition, most departments, members of Congress, and the American people favored “relocation” or “evacuation” – nicer words for the forced dislocation of Japanese Americans used often in government policy. However, as quickly as evacuation and incarceration began, exemptions were made almost immediately to certain Japanese Americans, allowing them to stay or return to the West Coast. This paper examines why the selectivity existed.

The Mixed Marriage Policy, first written in 1942, allowed for the release of Japanese Americans who fit the specific criterion of being multiracial or married to a non-Japanese, U.S. citizen. This policy, while gendered and racist, allowed certain ethnically full-blooded Japanese individuals to return to the West Coast within a couple of months after the release of Executive Order of 9066 which allowed for the ban of all Japanese Americans from this area. However, if the goal of the government was to protect national security from all Japanese descent individuals, then the creation of the Mixed Marriage Policy comes off as contradictory and bizarre.

¹ Robinson, Greg. “FDR Hawaii Memo,” *Densho Encyclopedia*, last modified October 10, 2016, <https://encyclopedia.densho.org/FDR%20Hawaii%20Memo/>.

A fabricated justification for incarcerating Japanese Americans beyond just the national safety of the United States was the War Department's claim to protect Japanese Americans from potential racism by White Americans and to assimilate Japanese Americans to White American culture. This claim became a useful tool as the threat of sabotage and internal conflict became more noticeably improbable. The government agencies in charge of incarceration were attempting to balance the constant public push for Japanese expulsion and the illegal removal of the constitutional rights of Japanese Americans. Finding social justification and a way to circumvent the Constitution became the government's priority in continuing the massive and invasive operation of incarceration based on race.

This paper concludes that the reasoning behind the almost immediate creation and utilization of a policy allowing the exemption of specific types of Japanese Americans was not done out of some need to preserve the Whiteness of these individuals and families, nor out of a sudden moral obligation from the policy-makers. Instead, I argue that the Mixed Marriage Policy was conceived as an attempt by the Western Defense Command, the War Relocation Authority, and the Executive Branch to avoid potentially winnable cases against the constitutionality of the entire internment and relocation process. This is due to how the policy was implemented and how the criteria for exemption relied on a White male figure, shared children within the mixed marriage families and proof of a "Caucasian" lifestyle.

I will support this argument by breaking down the Mixed Marriage Policy and how it was applied, and by analyzing the writers of the policy, their spoken worries of repressing the constitutional rights of Japanese Americans, and how they were still able to do this while also preventing White male interference.

Part I: The Mixed Marriage Policy

"The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become 'Americanized,' the racial strains are undiluted." – General John L. Dewitt, *Head of the Western Defense Command, 1943.*²

In the National Archives at College Park, Maryland lies a detailed copy of the Mixed Marriage Policy. This small booklet, approximately twenty pages, consists of the entire policy

² DeWitt, John L. *Final Report: Japanese Evacuation from the West Coast, 1942* (Washington, DC: U.S. Government Printing Office, 1943), 34.

outline as well as the exemptee application forms and guidelines. This copy is dated September 24, 1943. The original Mixed Marriage Policy, however, began as a memorandum issued to all evacuation assembly centers, the original place holders for evacuated Japanese Americans until the opening of the official internment camps. This memorandum was issued by the Western Defense Command on July 12, 1942 and it outlined the detailed regulation of all accepted requirements to qualify under the Mixed Marriage Policy as well as the approach and procedure of assembly center personnel in charge of collecting information on all assembly center inhabitants who may have been eligible for exemption.³

These personnel were required to collect all information on all mixed marriage families and multiracial individuals, in order for the Western Defense Command (WDC), and ultimately General DeWitt, to make the decision of granting exemption or not.⁴ The original memorandum states:

...in contacting the mixed marriage families and mixed blood individuals in reference to this program, care should be taken not to promise said families or persons release from the centers. Every case will be carefully studied, and releases only authorized when the stated conditions have been met, and it appears that the release will not in any way be detrimental to the safety and welfare of this nation.⁵

Here, two points are being made clear. First, assembly center personnel were required to take the utmost caution in collecting this information and to avoid false hope and potential hysteria. Second, even those who met all necessary qualifications were not guaranteed exemption.

Within a few months, assembly centers across the West Coast began sending in lists of those with potential to qualify through the Mixed Marriage Policy. These lists included not only individual names, but the race, children and economic stability of each evacuee and their family. The Tanforan Assemble Center of San Bruno, California, responded to the memorandum's request on July 16, 1942, with their lists of evacuees seeking release. We see one of many examples in the Cruz family:

³ Memorandum from Herman P. Goebel, Jr. to A. H. Cheney on the release of mixed marriage families, July 12, 1943, MMP.

⁴ Ibid.

⁵ Ibid.

Name	Relationship	Sex	Age	Height	Weight
Mildred Cruz	Mother	F	35	5' 1/2	115 lbs.
Theodore Cruz	Son	M	12	54 inches	79 1/2 "
Carmen Cruz	Daughter	F	10	51 "	77 "
Anna Cruz	"	F	9	49 "	69 "
Theresa Cruz	"	F	7	46 "	62 "
Kenneth Cruz	Son	M	5	43 "	53 "
Donald Cruz	"	M	3	42 "	41 "
Peter Cruz	"	M	1 1/2	33 1/2 "	32 "

The head of the above mentioned family is Alfonso Cruz, who is presently employed at the Richmond Shipyard No. 2, earning \$1 per hour as a steamfitter's helper. Mr. Cruz is a caucasian, American citizen, and the environment of the family has always been caucasian.

Mrs. Cruz states that if she is granted a release for herself and family that they would reside with her husband at the home of his mother at 1332 Carolina Street, San Francisco, California. The plan for their support is Mr. Cruz's continued employment at the Richmond Shipyard.

The family states that they are able to provide transportation to San Francisco, and will require no assistance from this Administration.⁶

We see in further documents that the Cruz family was granted exemption and allowed to return to the evacuated areas.⁷ Countless other families were brought under the same scrutiny and judged by racial and gendered guidelines in order to maintain their rights as United States citizens.

In all copies of the Mixed Marriage Policy (MMP), we are presented with strict classes of exemptible persons. However, over time new revisions were added to include more variants of potential exemptees. The original 1942 memorandum is clearest on who was exempt and to where they were allowed to return:

1. Mixed marriage families composed of a Japanese husband, Caucasian wife and mixed blood children may be released from the Center and directed to leave the Western Defense Command area.

⁶ Attachment to report from Tanforan Assembly Center manager Frank E. Davis to Operations Section Chief of the WDC Emil Sandquist regarding families of mixed marriages and mixed blood desiring release, July 16, 1942, MMP.

⁷ Attachment to report from Major Ray Ashworth of the WDC to unnamed Special Agent in Charge of the FBI regarding a list of exemptions under the Mixed Marriage and/or Mixed Blood Policies, December 10, 1942, MMP.

2. Families composed of a Caucasian husband who is a citizen of the United States, a Japanese wife and mixed blood children may be released from the Center and allowed to remain within the Western Defense Command area providing the environment of the family has been Caucasian. Otherwise the family must leave the Western Defense Command area.

3. Adult individuals of mixed blood who are citizens of the United States may leave the Center and stay within the Western Defense Command area if their environment has been Caucasian. Otherwise they must leave the Western Defense Command area.⁸

All three of these requirements were gendered and geared toward protecting Caucasians. Those allowed to stay on the West Coast were married couples made up of White males and Japanese females with multiracial children and other multiracial individuals. In both situations, however, the families or individuals had to prove their environment to have been Caucasian. If a family was made up of a White female and a Japanese male with mixed children and had a Caucasian lifestyle, they could leave camp but had to move east. This option, however, was omitted by the time the 1943 revision was released, which no longer allowed exemptions for White female/Japanese male couples or for any full-blooded Japanese male at all.

As mentioned, the 1943 outline included adjusted sections of the original policy and specifically changed the wording of qualifications from the previously used memorandum:

II. Classes of persons entitled to return to evacuated areas for bona fide residence:

- a. Families which maintained bona fide residence in evacuated area immediately prior to evacuation or families whose unit was disrupted by voluntary evacuation of Japanese members of family where:
 - (1) Environment of family has been Caucasian and head of family is United States citizen or citizen of friendly nation; and
 - (a) Family consists of non-Japanese husband and full-blood Japanese wife.
 - (b) Family consists of Caucasian mother, minor children sired by Japanese father who is dead, long since departed from family, is resident within War Relocation Authority Project or is resident outside of the evacuated area; or
 - (c) Family consists of non-Japanese foster parents and adopted child or children of Japanese ancestry; or

⁸ Memorandum from Herman P. Goebel, Jr. to A. H. Cheney on the release of mixed marriage families, July 12, 1943, MMP.

(d) Dependent full-blood Japanese mothers of exemptees.⁹

The head qualifier for each potentially exemptible internee is that the, “environment of [the] family has been Caucasian.” This raises the question on how “Caucasian-ness” within each family could be measured. This was done through the initial interview process of those applying for exemption through the MMP. In some documents the results of these interviews are written in detail:

Ogawa, Fukuzo – 63 Years – Japanese Citizen
Ogawa, Nellie – 63 Years – British Subject

History:

Fukuzo Ogawa was born of Japanese parentage at Kanagawa, Japan, in 1879.

Mrs. Nellie Ogawa is of British descent born in England in 1882. She came to the United States in 1901, and applied for the first naturalization papers shortly after, but did not receive her final papers.

Environment:

Acquaintances – 70% Caucasian – 30% Japanese
Diet – 100% Caucasian
Customs – 90% Caucasian – 10% Japanese¹⁰

By examining the details of a family’s diet, acquaintances, and customs, the WDC felt they could determine how White each family was and then decide if they were White enough to be released from the camps. The idea that race could be measured in percentages had long been accepted in U.S. policy, however, up to this point it was only measured using blood. Now, according to the army, your racial allegiance could be determined by your diet.

The next item on the 1943 re-write of the Mixed Marriage Policy is the second category of requirements that allowed release:

II. Classes of persons entitled to return to evacuated areas for bona fide¹¹ residence:

⁹ Outline of the Mixed Marriage Policy by the Civil Affairs Division, General Staff, Western Defense Command, September 23, 1943, MMP.

¹⁰ Summary of mixed marriage families, page 9, date unknown, MMP.

¹¹ Bona fide means genuine. This means that they can choose whether or not someone is “genuinely” a resident.

...

b. Individuals of mixed-blood [1/2 Japanese or less], whether single or married, with or without children, provided such individuals maintained bona fide residence in prohibited areas prior to evacuation, and provided environment has been Caucasian.¹²

When compared to the original MMP's section on mixed-race people, there are significant differences:

3. Adult individuals of mixed blood who are citizens of the United States may leave the Center and stay within the Western Defense Command area if their environment has been Caucasian. Otherwise they must leave the Western Defense Command area.¹³

The 1943 version was updated to answer the likely numerous questions about who qualified as multiracial, what percentage of Japanese ancestry was allowed, and the lifestyle necessary of these individuals to qualify for exemption. It is also reasonable to assume that public backlash to the release of multiracial Japanese Americans had a role to play in the specificity of racial percentages. Note, however, that the necessity for a "Caucasian lifestyle" never changed.

Part II: Breaking the Constitution

"If it is a question of safety of the country, or the Constitution of the United States, why the Constitution is just a scrap of paper to me." – John J. McCloy, Assistant Secretary of War, 1942.¹⁴

Franklin Delano Roosevelt signed and issued Executive Order 9066 on February 19, 1942, but the creation of this document, spanning over the course of two months, was plagued by doubt, disagreement, public outcry, and the successful bending and breaking of constitutional rights. Many powerful members of the United States government played a role in the Order's construction, such as much of the War Department, while others in the Justice Department opposed its clear lack of necessity and breach of personal freedoms.

¹² Outline of the Mixed Marriage Policy by the Civil Affairs Division, General Staff, Western Defense Command, September 23, 1943, MMP.

¹³ Memorandum from Herman P. Goebel, Jr. to A. H. Cheney on the release of mixed marriage families, July 12, 1943, MMP.

¹⁴ Bird, Kai. *The Chairman: John J. McCloy, the Making of the American Establishment*, (New York: Simon and Schuster, 1992), 149-150.

While most of the War Department was on board with incarceration, Assistant Secretary of War John J. McCloy, coming from a background in law, remained apprehensive to break it. This apprehension juxtaposed to his priority in national security led him to make the controversial but unsurprising-for-war-time statement placed at this beginning of this section, ending with, "...why the Constitution is just a scrap of paper to me."¹⁵ McCloy was ready to disregard the constitutional rights of Japanese Americans if it meant protecting the White ones.

Secretary of War Henry L. Stimson, while in support of mass incarceration, wrote in his personal diary on February 10, 1942, regarding Japanese incarceration:

The second generation Japanese can only be evacuated either as part of a total evacuation, giving access to the areas only by permits, or by frankly trying to put them out on the ground that their racial characteristics are such that we cannot understand or trust even the citizen Japanese. This latter is the fact but I am afraid it will make a tremendous hole in our constitutional system to apply it."¹⁶

Stimson, an open supporter of concentration camps and one of the key influencers of Executive Order 9066, was able at an early point to recognize the unconstitutionality of the entire ordeal. Yet, the order was still drawn and signed by February 19, 1942.

A month later in April, Assistant Secretary of War John J. McCloy then made an argument for a specific Japanese American's exemption, "I wonder whether as a matter of law and as a matter of policy it might not be well to include some exemptions of Japanese."¹⁷ McCloy's biographer Kai Bird, in an attempt to analyze McCloy's reasoning behind this change of heart, states: "He [McCloy] reasoned that a few such exemptions could well give the government the evidence it might later need in the courts to prove that the evacuation was not administered strictly on the basis of race."¹⁸ According to Bird, McCloy had predicted the judicial implications of internment and attempted, as well as Stimson, to circumvent them.

Immediately following McCloy's suggestion, the writing and enforcement of the Mixed Marriage Policy commenced. However, McCloy's wish for specific loyal Japanese Americans to be exempted did not match up with the Mixed Marriage Policy's requirements for exemption. But by examining Bird's analysis of McCloy's argument of avoiding future judiciary issues on

¹⁵ Ibid., 149-150.

¹⁶ Ibid., 151-153.

¹⁷ Ibid., 160.

¹⁸ Ibid., 160.

the constitutionality of internment, it is clear why the Office of the Provost Marshall General, Allen Gullion, so quickly produced the MMP. The sole purpose of this policy was not to show mercy to those of Japanese descent who had assimilated to White culture, but to adhere to the wishes of White men who chose to create relationships and families with Japanese American women, therefore protecting the United States government from these White men who could potentially fight in court for their rights to these choices and the rights to their chosen families.

White American policy-makers were no longer afraid of the claims to the constitution by Japanese Americans. The public was on their side. America was at war with the Japanese, therefore anything was acceptable the sake of national security. But when U.S. policy began to infringe upon the rights of White American men, society and the courts were far less inclined to agree with it.

Sympathy for Japanese internees was not guaranteed nor likely, but when a White adult male or White child suffers, the White community and, therefore, White law makers, must listen. The power of the White voice in U.S. history is not only problematic, but extremely revealing. The powers behind Japanese incarceration were not naïve to this power and, by implementing the Mixed Marriage Policy, made it unlikely for it to interfere. If White male families were excused from the atrocities of internment, then there would be no reason for them to speak out and challenge the WDC in court.

McCloy saw the problematic racism of Japanese incarceration and later took steps to fix it. When he pointed these issues out to the Western Defense Command, they quickly found a way to prevent powerful players, i.e. White males, from challenging the internment's constitutionality. Thus, the Mixed Marriage Policy was born, and White male advocates against their Japanese families being incarcerated were appeased.

Conclusion: Legal Injustice

"I pointed out that what these foolish leaders of the colored race are seeking is at the bottom social equality, and I pointed out the basic impossibility of social equality because of the impossibility of race mixture by marriage." Henry L. Stimson, Secretary of War, January 24, 1942.¹⁹

¹⁹ *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians.* Washington (D.C.): Civil Liberties Public Education Fund, 1997.46.

While tens of thousands of Japanese Americans were kept behind barbed wire for up to four years, many had already returned years prior or had never entered the camps at all. The Mixed Marriage Policy allowed for multiracial couples made up of a White husband and Japanese wife and individuals no more than fifty percent ethnically Japanese, who were all able to prove their Caucasian lifestyles, to potentially be exempted from confinement in the concentration camps. This policy was a direct contradiction to the entire incarceration process that purposely dislocated and imprisoned individuals based entirely on their racial ties to Japan.

The Mixed Marriage Policy was an attempt to prevent White male agents from challenging the constitutionality of the unlawful incarceration of Japanese Americans. More than half of those incarcerated were American citizens, meaning that their imprisonment violated the 14th Amendment of the Constitution by denying them their rights to due process and equal protection of the law--exclusively because of their race. It took until December of 1944, three years into the government-mandated incarceration, for a Japanese American who challenged the process in court to win her case, *Ex parte Endo*,²⁰ and for the Supreme Court to officially declare incarceration of loyal American citizens unconstitutional after multiple other cases such as *Korematsu v. United States* had attempted the same thing and lost. It took another year and a half after the *Ex parte Endo* decision for the total closure of internment camps and release of the remaining Japanese Americans. If a White male needed to challenge the governments actions sooner, due to his Japanese American wife and half-White children being imprisoned unlawfully, then this verdict would have come sooner and redress (official recognition, apology, and compensation by the government to those incarcerated) would not have taken until 1988.

It is time for us all to recognize not only the terrible actions committed against the Japanese Americans incarcerated during World War II, but the fact this was not the first, nor the last time a demographic group was imprisoned because of the color of their skin and where they or their parents were from. The enslavement of Africans and African Americans, the imprisonment of innocent Black men, and the incarceration of immigrant children at the Mexican border are all examples from our past and our present. We must acknowledge these atrocities and

²⁰ *Ex Parte Endo* (1944), regarding Mitsuye Endo, was the Supreme Court case to finally declare Japanese American internment as unconstitutional.

understand why they have happened and continue to happen. More often than not, they arise from the racial hierarchy this country was built on nearly 250 years ago.

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