

## Western Hemispheric Security and the U.S.: Japanese Peruvian Wartime Incarceration During World War II

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### Abstract

Following the participation of the United States of America (U.S.A.) in World War II in 1941, the U.S. incarcerated 120.000 Japanese Americans during the war under the pretense of “military necessity”. At the same time, with the claim of guaranteeing the security of the Western Hemisphere, the U.S.A. coerced Latin American countries to deport thousands of their Japanese descendent citizens and place them in the custody of the U.S.A. among them, Peruvian Japanese citizens were kidnapped, taken to the U.S.A., and incarcerated indefinitely. This paper focuses on the incarceration of the Japanese Peruvians in the camps and their lives during and aftermath of World War II within the context of universal human rights and international law. This period in the history of the Americas has resulted in the breaching of internal and universal human rights legislation besides enduring human suffering.

**Keywords:** Japanese Latin American, Peru, United States of America, World War II, Human Rights

### Batı Yarımkürenin Güvenliđi ve ABD: İkinci Dünya Savaşında Japon Kökenli Peruluların Hapsedilmeleri

#### Özet

Amerika Birleşik Devletleri'nin (ABD) 1941 yılında İkinci Dünya Savaşı'na katılmasının ardından 120.000 Japon kökenli Amerikalı, “askeri zorunluluk” bahanesiyle hapsedilmiştir. Aynı dönemde ABD, Batı Yarımküre'nin güvenliđini garanti altına alma iddiasıyla, Latin Amerika ülkelerine binlerce Japon asıllı vatandaşlarını sınır dışı ederek kendi gözetimleri altına göndermeye zorlamıştır. Bu kişiler arasında Japon asıllı Peru vatandaşları da kaçırılarak ABD'ye götürülmüş ve belirsiz bir süre için hapsedilmişlerdir. Bu çalışma, evrensel insan hakları ve uluslararası hukuk bağlamında, Japon asıllı Peruluların kamplarda hapsedilmeleri ve İkinci Dünya Savaşı dönemindeki ve sonrasındaki yaşantılarına odaklanmaktadır. Amerika kıtası için bu dönem, süregelen insani acıların yanında ulusal ve evrensel insan hakları düzenlemelerinin çiğnenmesiyle neticelenmiştir.

**Anahtar Kelimeler:** Latin Amerikalı Japonlar, Peru, Amerika Birleşik Devletleri, İkinci Dünya Savaşı, İnsan Hakları

#### Introduction

The rivalry between the emerging Asian power Japan and the United States (U.S.) within the context of military and economic domination in the Pacific started in the early 20th century. Even before the Pearl Harbor attack, U.S. authorities regarded Japanese diasporas and possible individual supporters of other belligerent states in the U.S. and Latin American countries as threats to the security of the Americas. To discuss the matters of hemispheric security,

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foreign affairs ministers of the countries in the Americas gathered in three conferences during the 1939-1942 period. At the last conference in 1942, ministers decided to put their citizens born in Germany, Italy, and Japan under detention.<sup>1</sup>

After the Pearl Harbor attack in December 1941, under the pretense of “military necessity,” until 1945, the U.S. removed around 120,000 Japanese Americans from their homes and incarcerated<sup>2</sup> them in camps located in barren hinterlands throughout the U.S. during the war. Under the guise of Western Hemispheric security, the U.S. coerced eighteen Latin American countries to deport thousands of Japanese Latin Americans and place them in the custody of the U.S. as the so-called alien enemies of the U.S. and its allies. Working in coordination with the Peruvian government, the U.S. kidnaped at gunpoint, transported, and indefinitely detained the Japanese Peruvians in camps.<sup>3</sup> The primary purpose of the incarceration was to hold them hostage so that they could be useful in hostage exchange between the governments of the U.S. and Japan.<sup>4</sup>

This paper tells the story of Japanese immigration to Peru and their experiences during World War II (WWII) in the U.S. This dark chapter in American history will be discussed in the context of human rights regarding U.S. national legislation and international law. The paper first explains the formation of the Japanese diaspora in Peru and the relations between Japan and Peru. In the second section, within the context of U.S. participation in WWII and the U.S.-Latin America relations at the time, the expulsion of the Japanese Peruvians, their incarceration in the U.S., and the reparation process in the aftermath of the war are analyzed. The third section is dedicated to discussing the incarceration of the Japanese Peruvian during WWII in the U.S. with reference to the guiding international legislation, human rights documents, and national legislation of the U.S.

### **The Japanese in Peru**

The connections between Japan and the Americas were established in the 17th century due to the simultaneous colonization of Asia and the Americas. Early relations were based on commercial activities between the continents and Catholic missionary activities in Japan. The early immigrants from Japan were the converted Catholic settlers of Mexico who took refuge in this Spanish colony in 1614.<sup>5</sup>

The first Latin American country to establish ties with Japan was Peru, in 1873.<sup>6</sup> By 1899, the *Sakura Maru* sailed into the Port of Callao, near Lima, bearing 790 Japanese immigrants. These new immigrants were mainly contract workers destined to work in plantation areas. However, life on the plantations was one of the overworks, abuses, and disease, and many

<sup>1</sup> Chew, Selfa, A., *Uprooting Community: Japanese Mexicans, World War II, and the U.S.-Mexico Borderlands*, Arizona University Press, Tucson, 2015, pp. 59-60.

<sup>2</sup> Himel, Yoshinori H.T., “Americans' Misuse of "Internment"”, *Seattle Journal for Social Justice*, Volume 14, Issue 3, 2016, p. 797., (797-837).

<sup>3</sup> Higashide, Seiichi, *Adios to Tears: The Memoirs of a Japanese-Peruvian Internee in U.S. Concentration Camps*, University of Washington Press, Seattle and London, 2000, p. 7.

<sup>4</sup> Chew, *ibid.*, p. 153.

<sup>5</sup> *Ibid.*, p. 31.

<sup>6</sup> Melgar Tísoc, Dahil M., “Amarillos, blancos y chinos. Discursos y prácticas de racialización y xenofobia sobre población de origen japonés en Perú”, *Boletín de Antropología*, Universidad de Antioquia, Medellín, Volume 35, Numero 59, 2020, pp. 154-182.

fled from these dire circumstances. While some could buy or lease land for themselves, others relocated to the cities, seeking jobs as household servants, or establishing small stores. By 1938, the Japanese immigrants had become model citizens and successful entrepreneurs and businessmen.<sup>7</sup> In early 20th century, Peru was acknowledged for hosting a successful Japanese diaspora, members of which have achieved a high status in Peruvian society when compared to the Japanese diasporas in the remaining countries of the region and even in the U.S.<sup>8</sup>

The fate of Japanese emigrants in Latin America has always been mainly based on fluctuations in the economic situation of those countries, firstly under the colonial rule<sup>9</sup> and then in independent Latin American countries. In Peru, exacerbated by the economic crisis of the Great Depression of the 1930s, their success created nativist resentment, and the government set out to “Peruvianize” all economic activity. The Peruvian government implemented several measures to undermine Japanese presence in Peru; for instance: the Treaty of Friendship, Commerce, and Navigation between Peru and Japan was denounced; work quotas were also put in place, wherein 80% of any workforce had to be native Peruvians; naturalizations were suspended; and birth registrations were annulled.<sup>10</sup> Fueled by resentment of Japanese economic success and beliefs of racial difference and inferiority, in May of 1940, tensions finally erupted when 600 Japanese homes and businesses were violently burned to the ground and looted.<sup>11</sup>

Under the Presidency of Manuel Prado (1939-1945), which coincided with WWII, Peru strengthened its political and economic relations with the U.S. and allowed the establishment of a U.S. military base in Peru.<sup>12</sup> Following the Pearl Harbor attack in 1941, diplomatic ties between Peru and Japan were broken. Following this incidence, legal discrimination toward Japanese Peruvians increased, and several anti-Japanese measures were put into effect. For instance, community institutions and businesses were shut down, Japanese language newspapers and publications were forbidden, gatherings of three or more Japanese would constitute the charge of spying, Japanese-owned deposits were frozen, land lease agreements were prohibited (simultaneously corresponding to laws enacted in the U.S.), and travel restrictions limited Japanese movement to their home communities.<sup>13</sup> The Peruvian authorities justified these measures as being precautions against the possible “espionage or fifth columnist activities” of the Japanese Peruvians.<sup>14</sup>

As anti-Japanese sentiments deepened throughout the war, the U.S. led an international

<sup>7</sup> Saito, Natsu Taylor, “Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians-A Case Study”. *Boston College Third World Law Journal*, Volume 19, Issue 1, 1998, pp. 280-281., (275-348).

<sup>8</sup> Higashide, *ibid.*, p. 38-39.

<sup>9</sup> Chew, *ibid.*, p. 32.

<sup>10</sup> Hua, Lillian, “Adios to Justice: Japanese Peruvians, National Formations, and the Politics of Legal Redress” [Blog], *The Yale Review of International Studies*, June 2021, <http://yris.yira.org/acheson-prize/5257>; Saito, *ibid.*, p. 281.

<sup>11</sup> Gonzalez de Gispert, Jaime, (22 February 2015), “The Japanese-Peruvians Interned in the US During WW2”, BBC, <https://www.bbc.com/news/world-latin-america-31295270>, (09.03.2023); Takenaka, Ayumi, “The Japanese in Peru: History of Immigration, Settlement, and Racialization”, *Latin American Perspectives*, Volume 31, Number 3, 2004, p. 93. (77-98); Hua, *ibid.*

<sup>12</sup> Cotler, Julio, *Clases, Estado y Nación en el Perú*, IEP Instituto de Estudios Peruanos, Lima, 2005, pp. 231-232.

<sup>13</sup> Takenaka, *ibid.*, p. 92.

<sup>14</sup> Barnhart, Edward N., “Japanese Internees from Peru”, *Pacific Historical Review*, Volume 31, Number 2, 1962, p. 170., (169-178).

effort to identify and detain anyone of Japanese descent residing in the countries in the Americas as an enemy of the U.S. and the Allied powers.<sup>15</sup> At the third meeting of the Emergency Advisory Committee for Political Defense which to place in then-Brazilian capital, Rio de Janeiro (January 1942), resolutions were put forth in order to control not only Axis nationals but also citizens of the committee-member countries with regard to their possibility of showing support to the Axis countries.<sup>16</sup> The developments in Peru starting from 1930s and hemispheric-level developments reveal that both internal and external factors have contributed to the Peruvian government's decision of expulsion of the Japanese Peruvians further to the demand of the U.S.

## **Incarceration, Citizenship, and Reparations**

### **Incarceration**

Based on the authorization provided by the Executive Order 9066 dated February 19, 1942, the U.S. started incarcerating Japanese descendant Americans. The U.S. also requested for cooperation from Latin American countries. The violence of the anti-Japanese riots in Lima and Callao had provided the perfect opportunity for the Peruvian government to work in cooperation with U.S. Ambassador R. Henry Norweb and the Federal Bureau of Investigation to identify, transport, and detain as many Japanese Peruvians as possible that the government might have deemed a security threat. Japanese Peruvians were blacklisted by the U.S. embassy in Peru, taken under custody by the Peruvian police, then escorted to American military transport ships destined for camps in Texas and New Mexico.<sup>17</sup> Although there was no sufficient evidence, their expulsion continued. After a gruelling 21-day boat ride, the Japanese Peruvians arrived in New Orleans, where they were escorted to an immigration facility and forced to stand naked while being sprayed with insecticide.<sup>18</sup>

Having been stripped of their legal identification and official documentation of their status before entering the U.S. --now officially becoming stateless--they, along with the previously incarcerated Japanese Americans, would remain imprisoned under the label of "enemy aliens".<sup>19</sup> In total, at least 8,500 Axis nationals (Germans, Japanese, and Italians) were interned by the Latin American states. Scholars provide changing numbers regarding the Japanese Peruvian who were deported to the U.S. According to Barnhart, a total of 2,118 Latin American Japanese were delivered to the U.S., including 1,024 Japanese Peruvian men whom the Peruvian government had labeled as "dangerous aliens." Later, an additional 1,094 wives and daughters designated as "voluntary internees" were headed to join their male family members.<sup>20</sup> Klarén writes that 1,800 Japanese residing in Peru were deported.<sup>21</sup> This number is assumed to have

<sup>15</sup> Ibid, pp. 172-173; Hua, *ibid*.

<sup>16</sup> Barnhart, *ibid.*, p. 171.

<sup>17</sup> Adachi, Nobuko, "Racial Journeys: Justice, Internment and Japanese-Peruvians in Peru, the United States, and Japan", *The Asia-Pacific Journal: Japan Focus*, Volume 5, Issue 9, 2007, p. 3. (1-11).

<sup>18</sup> United States Congress, *Treatment of Latin Americans of Japanese descent, European Americans, and Jewish refugees during World War II*, 2009, <https://www.govinfo.gov/content/pkg/CHRG-111hhrg48322/html/CHRG-111hhrg48322.htm>, (12.05.2023).

<sup>19</sup> Soto, Nicolas, *Peruvian Japanese: From undesirables to rightless subjects*, Master's Thesis, 2019, University of Wisconsin-Milwaukee, <https://dc.uwm.edu/etd/2127> <https://dc.uwm.edu/cgi/viewcontent.cgi?article=3132&context=etd>, (12.05.2023), p. vi.

<sup>20</sup> Barnhart, *ibid.*, p. 172.

<sup>21</sup> Klarén, Peter F., *Nación y Sociedad en la Historia del Perú*, IEP Instituto de Estudios Peruanos, Lima, 2004, p. 346.

increased due to the subsequent forced journeys of wives and children to the U.S. Besides the requirements of the Peruvian government, the wives' choice to share the fate of their husbands and being afraid of facing an uncertain future in the hostile socio-political environment of Peru if they remained had impacted their decisions to leave.<sup>22</sup>

In the latter years of the war, the War Relocation Authority asked the incarcerated males older than 18 years old, whether they were loyal to the U.S. and, if so, whether they would for the U.S. forces against Japan. By 1943, many Japanese internees had proved their loyalty by joining the U.S. Army. The 442nd Regimental Combat Team was an all-Japanese team that served with great skill and bravery. Many Japanese Peruvians also answered the call to show their loyalty and served the American armed forces in hopes that they would be granted citizenship. When the war ended, the number of Japanese Americans, both men and women, who had served for the American army had exceeded 33.000 even though the American government had taken away their rights as U.S. citizens.<sup>23</sup>

In total, seventeen Latin American and Caribbean countries besides Peru participated in the American scheme to imprison people of Japanese descent.<sup>24</sup> Mexico imprisoned its Japanese population within the country. The Japanese living in Brazil were internally displaced to settle in the inland areas to work as farmers. The Brazilian government monitored the Japanese population, banned the Japanese language and texts, and regularly searched Japanese homes, and often their properties were stolen. Japanese Brazilians were often subjected to violent beatings. The fate of other Japanese Latin Americans is unknown.<sup>25</sup> Nevertheless, despite the displacement, imprisonment, and being deprived of citizenship rights through expulsion, the Japanese diaspora continued their existence in the region during the post-WWII period.

### Citizenship

As the war ended, Latin American internees of German descent tried to forestall repatriation to Germany. Nevertheless, the courts would not rule in their favor, citing that they were, in fact, "alien enemies" of the U.S. under the Alien Enemy Act of 1798. This meant that both German and Japanese Latin Americans could therefore be legally deported. This ruling put the Japanese Peruvians in a very difficult situation since their main expectation was to return to their lives in back in Peru. The choices for them were to remain in the U.S., be repatriated to Peru, or be repatriated to Japan, an option least favored, as Japan was still struggling to emerge from the ashes of war and facing mass starvation. Ultimately though, most of them were repatriated to Japan, all but three hundred of the Japanese Peruvians, who persisted in their rejection of being repatriated.<sup>26</sup>

Finally, in April of 1946, the U.S. Department of State had deemed that there was insufficient evidence that the remaining internees were a danger to the Western Hemisphere and declassified their status as "alien enemies." Their cases were then transferred to the office of the

<sup>22</sup> Melgar Tisoc, *ibid.*

<sup>23</sup> Adachi, *ibid.*, p. 4.

<sup>24</sup> Friedman, Max Paul, "Trading Civil Liberties for National Security: Warnings from a World War II Internment Program", *Journal of Policy History*, Volume 17, Issue 3, 2005, pp. 294-307.

<sup>25</sup> Mak, Stephen, "Japanese Latin Americans", *Densho Encyclopedia*, 18 April 2017, [https://encyclopedia.densho.org/Japanese\\_Latin\\_Americans/](https://encyclopedia.densho.org/Japanese_Latin_Americans/), (09.05.2023); Adachi, *ibid.*, p. 10.

<sup>26</sup> Miyake, Lika C., "Forsaken and Forgotten: The US Internment of Japanese Peruvians during World War II", *Asian Law Journal*, Volume 9, Issue 1, 2002, p. 177., (163-193).

Immigration and Naturalization Service, but because their identification documents had been seized before their arrival to the U.S., the Japanese Peruvians therefore had no right to remain in the U.S., still technically “non-resident aliens,” and subject to being deported to Japan under the Immigration Act of 1924.<sup>27</sup> While the U.S. authorities were deporting the remaining Japanese Latin Americans and issuing arrest warrants at the camps, San Francisco civil rights attorney Wayne Collins filed *habeas corpus* cases<sup>28</sup> to stall the deportations. But the proceedings were very slow.<sup>29</sup>

Efforts were also made to pressure the Peruvian government to accept the internees, but the requests were summarily rejected. In 1946, the emergence of Aikoku Doshi-Kai, a nationalistic pro-Japan underground movement in Peru and Latin America, made matters worse for those who desired to return to their families in Peru. Because anti-Japanese sentiments were high, the Peruvian government was only willing to allow the return of 100 internees. In 1947, when negotiations between the U.S. and Peru had come to a standstill over the return of more Japanese Peruvians, a military coup had come to power and refused to accept any more non-citizens; and so, any hope for those who wanted to return to their families in Peru was lost. In 1952, the legislation allowing Japanese American nationals to become citizens would pass, and by 1953, the deportation suspensions were approved by Congress. The wartime deportation and internment program would finally end, but at a very high cost. Families had been separated for years, and some families never saw their loved ones ever again. Some Latin Americans who were repatriated to Japan had never been to that country in their lives, not to mention that they were literally dropped off in the middle of a war. Further, no evidence was ever found that any of the Latin American detainees posed any threat to the security of the Western Hemisphere.<sup>30</sup> With the passage of Public Law 751 in 1954, incarcerated Latin Americans were granted for application to permanent residency. This law also opened them the path of obtaining U.S. citizenship. At last, the remaining Japanese Latin Americans had a home.<sup>31</sup>

## Reparations

As a culmination of the struggle of the Japanese Americans seeking justice for themselves and their ancestors, in 1981, The Commission on Wartime Relocation and Internment of Civilians was founded by the U.S. Congress. The goal of the Committee was to evaluate the results of the wartime legislation on the Japanese Americans. Besides assessing the implementations of wartime legislation, the Committee also listened the witnesses in hearings. The work of the Committee resulted in recommendations to the Congress which then was evolved into an

<sup>27</sup> Ibid., p. 178.

<sup>28</sup> The writ of *habeas corpus* in the U.S. Constitution refers to the protection of liberties while under suspension. The Suspension Clause allows the prisoners to make a petition for writ of habeas corpus, to claim that they are illegally imprisoned. For detailed information, see Barrett, Amy and Katyal, Neal K., “The Suspension Clause”, <https://constitutioncenter.org/the-constitution/articles/article-i/clauses/763>, (29.05.2023).

<sup>29</sup> Gee, Harvey, “Habeas Corpus, Civil Liberties, and Indefinite Detention During Wartime: From Ex Parte Endo and the Japanese American Internment to the War on Terrorism and Beyond”, *The University of the Pacific Law Review*, Vol. 47, No. 4, 2016, p. 801. (791-838); United States Senate, United States Commission on Wartime Relocation and Internment of Civilians. Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians: Report for the Committee on Interior and Insular Affairs, 1982, p. 313, <https://www.archives.gov/files/research/japanese-americans/justice-denied/appendix.pdf>, (19.05.2023).

<sup>30</sup> United States Senate, *ibid.*, pp. 313-314.

<sup>31</sup> Miyake, *ibid.*, p. 179.

official apology and reparation scheme in the form of Civil Liberties Act approved by the U.S. Congress in 1988.<sup>32</sup>

According to the Civil Liberties Act, the American government provided a formal letter of apology and an award of \$20,000 to each surviving Japanese American internee as compensation for being wrongfully detained; however, the Japanese Peruvians were excluded from the Act. The explanation from the American government was that only the Japanese who held U.S. citizenship or permanent residency at the time could benefit from the award. In 1996, the Japanese Peruvians made an official request in their demand for equal treatment with the Japanese Americans. In 1998, the courts ruled in favor of the Japanese Peruvians and ordered the American government to make reparations in the form of a formal apology and an award of \$5,000 each.<sup>33</sup> Nevertheless, around 800 Japanese Latin Americans would accept this award, and the remaining ones outright rejected it.<sup>34</sup>

Several injustices were committed to the Japanese American and Japanese Latin Americans who were incarcerated during WWII. With respect to the Japanese Americans, the \$20,000 award made under the Civil Liberties Act of 1988 did not actually compensate neither their financial losses nor the injustice they had been through. Moreover, the \$5,000 award was not comparable to that of the \$20,000 award made to the Japanese Americans, which implied that the harm incurred by the Japanese Latin Americans was somehow less than the Japanese Americans.<sup>35</sup>

In 2009, in a hearing before the U.S. Senate Committee on Homeland Security and Governmental Affairs, the details surrounding the injustice committed toward Japanese Latin Americans were discussed, but no remedy was ever brought forward.<sup>36</sup> To this very day, the American government has failed to grant the Japanese Latin Americans compensation in the amount equal to the money received by the Japanese Americans. By now, most of the internees have passed away.

### **Human Rights Violations: Kidnapping, Deportation, and Incarceration**

A host of international laws were violated by the U.S. through the acts of kidnapping and deportation of non-U.S. citizens from a nonbelligerent country during WWII. Although the Geneva Convention was not completed until 1949, there were international humanitarian laws and customary laws of warfare already in existence which were banning such acts towards the civil population like the draft convention presented at the International Red Cross Conference in Tokyo (1934), the Hague Regulations (1899, 1907), and international judicial practice during World War I that prohibited the expulsion of civilian Belgians to Germany. Further, compulsory labor was prohibited under the Article 52 of the Hague Regulations (1899, 1907). During the tribunals of both Nuremberg and Tokyo, the U.S. and the Allies had convicted German and Japanese defendants for using “deported civilians as slave labor,” the same war crimes that the U.S. committed against the Japanese Latin Americans, who were forced to labor in the tropical

<sup>32</sup> Small, Julie, “Epilogue”, Seiichi Higashide, *Adios to Tears: The Memoirs of a Japanese-Peruvian Internee in U.S. Concentration Camps*, University of Washington Press, Seattle and London, 2000, p. 249. (249-253).

<sup>33</sup> Miyake, *ibid.*, p. 179.

<sup>34</sup> Adachi, *ibid.*, p. 5.

<sup>35</sup> Saito, *ibid.*, p. 276.

<sup>36</sup> United States Congress, *ibid.*

heat of the canal zone with no protection from the sun as they labored in the jungle area. Moreover, the U.S. violated its own laws such as The 1863 Lieber's Code and the U.S. Army General Order 100 are laws of the U.S. that ban enslavement of the citizens.<sup>37</sup>

The civilian status of the people under incarceration in the U.S. put them in a controversial position. Just like the situation in many other participant countries of the WWII, deprived off the civilians from many rights which were granted to war prisoners in the then existing international regulations.<sup>38</sup> Regarding the indefinite incarceration of Japanese Latin Americans, the U.S. violated several international laws that prohibited internment of civilians by belligerents, to include the Hague Regulations (1899, 1907), international case laws (e.g., *Nacio v. Germany* and *Palios v. Germany*), and laws of the U.S., including the Fourth and Fifth Amendments of the U.S. Constitution (regarding due process of law).<sup>39</sup> It is ironical that the President Roosevelt was a vocal critic of the Germany's policy of taking hostages during the WWII.<sup>40</sup> Nevertheless, it cannot be disregarded that taking hostages, deportation of hostages, and unfortunately their mass execution were widely implemented at the time.<sup>41</sup>

## Conclusion

The rivalry between Japan and the U.S. and intolerance towards the Japanese in Latin America had started long before the emergence of WWII. Nevertheless, they both had economic reasons behind; the increasing economic power of Japan or the prospering Japanese diaspora in Latin America. The WWII period coincided with nation-building efforts of Latin American governments, most of which were under the direct or implicit intervention of the armed forces in political life. On the other hand, due to the politically interlinked goals of achieving industrialization and cementing national unity in this land of migration, the definition of the citizen was under construction. In the shade of the war and under constant U.S. supervision for hemispheric security, their consent to deport their citizens to the U.S. was not only the price of being protected by a superpower but also served as an easy way to eliminate the suspicious members of the society.

Within this context, for the Peruvian government, the incarceration of Japanese Peruvians was motivated by cultural prejudice, intolerance, and resentment based on economic competition. For the U.S., the incarceration of Japanese Latin Americans was not only motivated by wartime hysteria over fears of espionage,<sup>42</sup> particularly in the Panama Canal,<sup>43</sup> but also by their potential value as prisoner exchanges for captured U.S. citizens in occupied Japanese territories. The U.S. violated its own laws, in particular, the Fourteenth Amendment of the U.S. Constitution,<sup>44</sup> and numerous other international laws when it worked in coordination with the Latin

<sup>37</sup> Saito, *ibid.*, pp. 304-307.

<sup>38</sup> Jones, Heather, "Revising the Laws of War on Prisoners of War in the Twentieth Century", *War in History*, Volume 23, Number 4, 2016, p. 413., (408-415).

<sup>39</sup> Saito, *ibid.*, pp. 310-311.

<sup>40</sup> Elliott, H. Wayne, "Hostages or Prisoners of War: War Crimes at Dinner", *Military Law Review*, Volume 149, 1995, p. 273., (241-274).

<sup>41</sup> Herrmann, Irène and Daniel Palmieri, "A Haunting Figure: The Hostage through the Ages", *International Review of the Red Cross*, Volume 87, Number 857, March 2005, p. 141 (135-145); Darcy, Shane, *Collective Responsibility and Accountability in International Law*, Brill, Dordrecht, 2007, p. 82.

<sup>42</sup> *Ibid.*, p. 262.

<sup>43</sup> Miyake, *ibid.*, p. 168.

<sup>44</sup> *Ibid.*, pp. 181-182.



American governments to kidnap at gunpoint, transport, and indefinitely detain people of Japanese descent in camps for the sole purpose of holding them as hostage for a possible exchange.<sup>45</sup> However, the promise of utilizing the incarcerated Japanese Latin Americans for exchange never materialized, and all stayed in the U.S. until the end of the war.<sup>46</sup>

In 1988, by extending a formal apology and monetary compensation, the U.S. recognized the injustices it committed to both the Japanese Americans and the Japanese Peruvians. However, the \$5,000 award made to the Japanese Peruvians was not comparable to that of the \$20,000 award made to the Japanese Americans, which implied that the suffering of the Japanese Latin Americans was somehow less than the Japanese Americans or that they were somehow less deserving. Moreover, such kind of discrimination concerning the reparations violates the Fifth Amendment of the U.S. Constitution. By distinguishing between Japanese Americans and Japanese Peruvians, the U.S. engaged in discriminatory practices, which violates the Fourteenth Amendment of the U.S. Constitution, in addition to the Universal Declaration of Human Rights (1948), the 1966 International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966), to which the U.S. is a party.<sup>47</sup> Only in 2022, eighty years after the Executive Order 9066, U.S. President Joe Biden declared that February 19 was proclaimed as the Day of Remembrance of Japanese American Incarceration during World War II to commemorate the injustices committed against the Japanese Americans.<sup>48</sup>

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<sup>45</sup> Saito, *ibid.*, p. 277.

<sup>46</sup> Barnhart, *ibid.*, p. 172.

<sup>47</sup> Saito, *ibid.*, p. 314, 323.

<sup>48</sup> Biden, Jr., Joseph R., "Day Of Remembrance Of Japanese American Incarceration During World War II", February 18, 2022, <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/02/18/day-of-remembrance-of-japanese-american-incarceration-during-world-war-ii/>, (28.04.2023).

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