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WARREN'S WEDGE: AN HISTORICAL PERSPECTIVE ON WEDGE ISSUES IN CALIFORNIA POLITICS

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During the 1990s, various questions have been put to California voters which were often labeled "wedge issues" by the media. Three such measures in particular were passed. Proposition 187, on the ballot in 1994 and passed by a 59% margin, aimed at halting state services to illegal immigrants. Its main features remain in litigation with challenges largely on the grounds that immigration is a federal area of jurisdiction. Proposition 209, on the ballot in 1996 and passed by a 54% margin, banned what are popularly known as "affirmative action" programs in student admissions to universities and in other state activities. It was preceded by a similar resolution passed by the Regents of the University of California. Finally, 1998 saw Proposition 227 which sharply curtailed bilingual education in the state's public schools. That proposition passed by a 61% margin.

Recent Wedge Controversies

Each of these propositions was seen as potentially divisive along racial and ethnic lines when they appeared on the ballot. Proposition 187 and 227 were often depicted as anti-Hispanic by their opponents. Proposition 209 was similarly described as anti-black, anti-Hispanic, and - to a lesser extent - as anti-female. However, each proposition contained complex elements. These elements made it difficult and unfair to characterize the voters' decisions as mere prejudice.

Proponents of Prop 187 argued that illegal immigrants were costing the state more in government revenue than they contributed economically. This view is itself controversial and much depends on the assumptions and estimates used and the time horizon considered; the cost/benefit picture may be different over long periods of time than it is in a single year. Nonetheless, since the taxes paid by illegal immigrants go to different levels of government, it is quite possible that the state and localities at least have a claim on the federal government for subsidy. By passing Prop 187, the voters may have been trying to signal Washington rather than trying to deny education to immigrant children. Signals from California, with its 54 electoral votes, have a way of being detected by the President and Congress.

In addition, Prop 187 was passed at a time of economic distress in California. At the national level, the recession that began in 1990 was relatively mild and short lived (ending in 1991). But in California, the recession dragged on until the middle of the decade. The state's economy was hobbled by the post-Cold War decline of the aerospace/defense industry. Thus, notions of competition for jobs - with illegal immigrants competing with citizens and legal residents - were part of the voter appeal of Prop 187. Finally, there were concerns about widening income inequality in California, a tendency seen as aggravated by an influx of low wage immigrants.

Prop 209 on affirmative action (and the related Regental decision) also may have given rise to complicated voter reactions. The concept of non-discrimination - including non-reverse discrimination - has a strong popular appeal. California voters might have selected an in-between option - something along the lines of President Clinton's "mend it; don't end it" - had the choice been offered on the ballot. But that choice was not available in the context of the state's yes-or-no procedures for "direct democracy."

Finally, the issue of bilingual education touches on a more general public concern about the failures of public education. It is hard to argue against the position that learning English is an essential future job skill. So the bilingual controversy came down to a technical debate over what system - bilingual or total immersion in English - best accomplishes the goal. Given public distrust of the educational establishment's ability to make such choices, the voters chose an option of strong guidance.

Is Inter-Group Tension Rising?

The controversy surrounding the wedge propositions of the 1990s might suggest that inter-group relations in California are deteriorating. It might be concluded that the electorate sees the state's much-vaunted demographic "diversity" as a liability rather than an asset. Much depends on the time frame in which the question is considered. One might argue that since such wedge propositions were not put forward in the 1980s, but were on the ballot in the 1990s, tensions are rising. Even that assertion is not obvious, however. The issue of illegal immigration - hot at the time Prop 187 was passed - seems no longer to be of much voter concern, despite the fact that Prop 187 itself remains in legal limbo. As with other controversies, wedge propositions have a tendency to crest and then dissipate. In any case, judgments about racial or ethnic tension are best considered in long-term perspective. And Californians, like other Americans, have a tendency to forget their history.

When California's long-term history is probed, there are, of course, earlier tensions along the racial and ethnic lines seen in the 1990s. But it is well to recall that the state emblematic prejudice from the 19th century until well into the 20th century was anti-Asian. From the time of the immigration of Chinese laborers to work on the transcontinental railroad and in the mines of the Gold Rush, California led the nation in seeking anti-Asian legislation.

The Chinese Exclusion Act of 1882 was largely adopted by Congress at the behest of California. Anti-Chinese agitation was a major force in San Francisco politics in that era and later. And legislation at the national level was also reflected at the state level. Most notably, the Alien Land Law of 1913 essentially forbade land ownership of non-citizen Asian residents. And due to federal policy, citizenship was not attainable for such residents (although their children could become citizens by being born in the U.S.).¹

¹ A referendum in 1920 tightened the Alien Land Law. It was approved by 75% of the voters.

Progressive Legislation

The Alien Land Law was passed in an otherwise reformist period in California history. During the early years of the 20th century, public concern about legislative corruption rose. A major villain was the influence of the Southern Pacific Railroad, seen as having bought the state legislature. Various citizen groups arose to restructure state government. Their concerns were mirrored at the national level by the rise of “progressive” forces interested in governmental reform. It was assumed that if “the people” could only have a direct voice in their governance, the corrupting influence of money in politics would be eliminated.

In 1910, Progressive Republican Hiram Johnson was elected governor of California. He pushed through a series of key changes in state government, notably the citizen-initiated referendums on public issues so prominent in California today. Other progressive innovations of the Hiram Johnson era were the adoption of women’s suffrage and the creation of a state-sponsored system of “workmen’s compensation” (no-fault insurance for workers injured in industrial accidents). So popular were Johnson’s reforms that he was re-elected to a second term as governor in 1914, the first California governor to win re-election.

A byproduct of the Johnson years was the establishment of a system of primary election “cross filing” which remained on the books until the late 1950s. The progressive movement caused a fissure in the Republican Party during the 1912 presidential election. Former President Theodore Roosevelt (a progressive) ran as a third party candidate against Democrat Woodrow Wilson and Republican incumbent William Howard Taft, throwing the election to Wilson.²

Within California, this episode led to the creation of the Progressive Party. Republican progressives in California wanted to be able to run on both the Republican and Progressive Party tickets. They established the cross filing system allowing a candidate to enter more than one party’s primary. A consequence was that it became possible to run in the primaries of both the Democrats and Republicans. Parties in California were generally weakened by progressive reforms; individual candidates became more important.

The Rise of Earl Warren

The name Earl Warren is best known today at the national rather than California level. Warren was Chief Justice of the U.S. Supreme Court from 1953 until 1969. He also chaired the Warren Commission that issued the official report on the assassination of President John F. Kennedy. Perhaps less well remembered today is that Warren was the Republican Vice Presidential candidate in 1948 - running with Thomas E. Dewey.³ The Dewey-Warren ticket that was supposed to be a shoo-in, lost narrowly to Democrat Harry Truman. Back then, many

² Hiram Johnson was Roosevelt’s Vice Presidential running mate in 1912.

³ Warren could have run with Dewey in 1944 against Franklin Roosevelt. However, the opportunity – although available – was ultimately not very appealing to Warren, who turned it down. In 1944, the Republicans had to run against a popular incumbent president in the midst of a major war. The odds of success were low.

observers - and possibly Truman himself - thought that a Warren-Dewey ticket (rather than the actual Dewey-Warren ticket) would have won.

During Warren's later tenure as Chief Justice, the "Warren Court" issued decisions desegregating the public schools and other public accommodations in the South, enlarging the rights of defendants in criminal cases, and requiring "one-man; one-vote" (representation in proportion to population) in determining legislative districts. To liberals, Warren became a saintly figure thanks to these key judicial decisions. To conservatives, he was seen as a subversive devil, perverting the constitution to achieve his own social agenda.⁴ Indeed, a joke at the time was that in Orange County, school children grew up thinking Warren's middle name was Earl and that his first name was "Impeach," so ubiquitous were the "Impeach Earl Warren" billboards.

Warren's road to national prominence was through political office in California. He became District Attorney in Alameda County. From that post, he advanced to California's Attorney General in the election of 1938. And from there he was elected governor of California three times, in 1942, 1946, and 1950, eclipsing Hiram Johnson's record of being twice elected.

In all his statewide campaigns, Warren ran in both the Republican and Democratic primaries as a "bipartisan" candidate, despite his heavy involvement in Republican politics. That is, he took advantage of the Hiram Johnson-era cross filing system. On two occasions, his 1938 race for attorney general and his 1946 gubernatorial re-election campaign, Warren actually won the nomination of both major political parties. In those cases, except for candidates of minor parties and write-ins, he was the only choice in the general election.

Warren rose from humble beginnings, the son of Scandinavian immigrants. His father was a railroad worker who had moved from the Midwest. Warren was born in Los Angeles in 1891. But his father's involvement in a failed strike in 1894 led to blacklisting and inability to find work locally. Warren's father moved the family to Bakersfield and again found work on the railway. Thus, Warren grew up in a small town environment but with strict parents who pushed him towards college. College in those days was an unusual choice for a Bakersfield boy.

Although not an impressive student, Warren went to the University of California (Berkeley) and graduated with a law degree (at that time an undergraduate major). After various career transitions as a lawyer, Warren found himself working as a staff member of the state legislature and later in the district attorney's office in Alameda. At some point along that path, the political bug bit him and he grew ambitious for higher political office. Warren became very active in state and local Republican politics. During the mid-1930s, for example, he was chair of

⁴ Even before his service on the Supreme Court, Warren was regarded as a renegade by the right wing of the California Republican Party. His "bipartisan," centrist campaigns for governor, his failed legislative efforts to have the state adopt a universal health insurance program, and his lack of enthusiasm for the up-and-coming Richard Nixon all made him an anathema to conservatives. (Nixon was a California congressman and senator before becoming vice president in 1953.)

the Republican state committee. Warren was an admirer of Hiram Johnson and modeled his later career after Johnson's reformist leanings.

Warren became the perfect California politician of his era. He married and eventually acquired a family of six photogenic children. He was popular with reporters. And there were stories that could be told about him that enhanced Warren's reputation. For example, Warren helped re-elect a dying candidate for the state assembly. Late on election eve, when the streetcars were no longer running, he walked miles to tell his terminally ill friend that he had won another term. As district attorney and state attorney general, Warren acquired a reputation as a tough opponent of corrupt politicians and mobsters. In one colorful episode, Warren sent a boarding party to capture an offshore gambling ship anchored in Santa Monica Bay.

Were he around today, Warren would be described as someone who had no lack of "self esteem." Self doubt and introspection were not among his prominent attributes. Thus, contradictions in his career which outsiders saw were not obvious to Warren. In a prominent case involving the murder of a ship's officer, Warren - as district attorney - obtained a confession after very lengthy interrogation of a key participant. The suspect was held incommunicado at a location unknown to his lawyer. Yet the same Earl Warren - as Chief Justice of the Supreme Court - promoted defendants' rights during police investigations.

Warren as a candidate always billed himself as "bipartisan" while as a politician he was clearly a prominent Republican. Warren as governor opposed a ballot initiative that would have apportioned the state senate by population. Yet as Chief Justice he favored one-man; one vote. And finally, Warren as Chief Justice favored an end to racial segregation and discrimination. Yet in 1942 he played a major role in the "relocation" and involuntary internment of California's Japanese-origin population. It is that story from which we can draw lessons.

Political Background of the Era of Japanese Relocation

Warren's entry into state politics came at a turbulent time for California. The Great Depression had drastically altered the political scene; Republicans were blamed for the Depression. At the national level, Democrat Franklin Roosevelt ousted incumbent Republican President Herbert Hoover in 1932 and inaugurated popular New Deal economic and social policies. In California, the 1934 gubernatorial election was pivotal. Upton Sinclair, an eclectic former Socialist and author, won the Democratic nomination for governor in the great EPIC campaign (for End Poverty in California). His program was to turn idle factories and farms into worker cooperatives with the takeover to be financed through an ill-defined state monetary authority. EPIC clubs sprang up throughout the state and for the first time registered Democrats outnumbered Republicans. Sinclair was eventually beaten by a collaboration of the state's business establishment, Republicans, and Democratic Party regulars who feared the EPIC upstarts.⁵

⁵ President Roosevelt refused to endorse Sinclair, fearing his election would tar the New Deal with radicalism.

Despite the defeat of Upton Sinclair, a number of EPIC candidates were elected to the state legislature. California politics were polarized between right and left, far more so than is the case today. In the background was the state's demographic profile. In that era, the state had an elderly age tilt. As is the case of Florida today, California was a place to retire in the warm sunshine. Not surprisingly, California was a home to various pension plan movements: the Townsend Plan, the Ham and Eggs Plan, and others. The Townsendites favored a national plan of giving everyone over 60 year old \$200/month, but had also become active in state politics.⁶ The Ham and Eggers pushed a 1938 ballot initiative that would have given Californians over age 50, "Thirty Dollars Every Thursday" financed out a new state currency.

To win statewide office, it would be necessary to put together a coalition of these contending interests while not departing "too far" - as Upton Sinclair had - from the political center. Earl Warren - who actually was linked to the conservative Hoover wing of the state Republican Party at the time - could see that repositioning himself as a centrist was the key to his higher ambitions. Privately, Warren railed against various New Deal programs; publicly he kept such views quiet.

In 1938, Culbert Olson - an EPIC Democrat - cobbled together a (temporarily) workable coalition and won the governorship against the colorless Republican incumbent, Frank Merriam. Meanwhile, Warren cross filed in the primaries for the office of state attorney general. He won the Republican primary outright. Thanks to wrangling among the various Democrats in the primary, Warren was able to win the Democratic nomination as well.

Despite winning the two nominations, Warren faced a remarkable write-in campaign by one of the defeated Democrats, Carl Kegley.⁷ Kegley was supported by the Ham and Eggs pensionites. Warren had run his campaign on a platform of being anti-corruption and tough on crime and had avoided economic issues such as pensions. Yet although Warren won handily in the November elections, Kegley - the write-in Ham and Eggs candidate - received well over 400,000 votes. Given the difficulties of a write-in campaign, that total was quite an achievement. The lesson was clear; if Warren wanted to take the political next step and run for governor in 1942, he would have to find issues with more widespread appeal than just being against crime and corruption.

Governor Olson's term in office was a contentious one. The Ham and Eggs initiative received 45% of the vote in 1938, falling short of victory mainly because of the outrageous shenanigans of the con men behind the Plan. Olson had seemed to support Ham and Eggs in 1938 as a gubernatorial candidate, but was privately relieved when it lost (and he won). Unfortunately for him, the Ham and Eggers put the plan back on the state ballot in 1939. As

⁶ The movement was created by Dr. Francis Townsend, a Long Beach physician. His proposed pension represented \$200 a month was an immense amount of money for most people at the time. Recipients would have been required to spend the money within the month, thus - according to Townsend - stimulating the economy. However, one difficulty with the plan was that the pension was to be financed by a transaction tax. This tax would take as much out of the economy for redistribution as the pension would add back in.

⁷ Warren also won the nomination of a third party, the Progressive Party.

governor, Olson waffled and then opposed the plan. The 1939 version of Ham and Eggs garnered about a third of the vote. Olson's actions led to the undying enmity of the pensionites who attempted to recall him. Apart from his battles with the pensionites, Olson was continually in confrontation with the legislature during his term in office.

From Earl Warren's perspective, Governor Olson was vulnerable to a challenge in 1942. The key to such a challenge was to find the right issues. Given the tensions between Olson and the legislature, Warren could denounce "Olsonism" as a catch-all phrase connoting radicalism and administrative incompetence. But there would have to be more to a campaign for governor than that.

The National Defense and Japanese Relocation

Warren as attorney general carried on various feuds with Governor Olson. He blocked a candidate of Olson's for the state supreme court on the grounds that the individual was too leftist. Olson paroled defendants in the ship murder case who Warren had prosecuted as district attorney. Warren took that move to be a personal insult. During the recall efforts against Olson, Warren's name would arise as an alternative candidate for governor. Finally, as the threat of American involvement in World War II grew in the public mind, the two men feuded about who would play the major role in framing California's defense effort. Would it be the governor or the attorney general?

As the 1942 election campaign drew closer, the Warren-Olson conflict intensified. But despite Olson's problems within the legislature, with the pensionites, and within his own party, preliminary polling undertaken by the Warren campaign indicated that Olson was ahead. Although Warren had held statewide office for four years as attorney general, he was primarily a Bay Area figure. Olson may have looked vulnerable, but he was not going to be a pushover.

Moreover, even before the Japanese attack on Pearl Harbor on December 7, 1941, the state's economy was improving. War-related production was stimulating state industry under the Roosevelt administration's Lend-Lease plan to aid the British against the Nazis. The Great Depression was over thanks to the military build up. And after Pearl Harbor, military production created unprecedented prosperity in California. Defeating an incumbent during such prosperous times would be difficult.

Basically, the Warren campaign evolved along three lines, apart from general attacks on Olsonism. First, there was the traditional one of Warren as being anti-corruption and anti-crime. That was a good enough image for a district attorney or an attorney general. But for a governor - as noted earlier - there had to be more. So a second theme developed of Warren as the pensionites' friend. No, Warren wouldn't endorse Ham and Eggs or any such radical plan. But if elected governor, Warren would instead create a commission to study state pension issues and

appoint pensionite representatives to it.⁸ Unlike Olson, Warren - if elected - would not be a post-election betrayer of the pensionites. And third there was the theme that Olson was soft on state defense. Olson was putting California in military peril.

In the public mind, state defense meant defense against invasion by sea or air from Japan. And in the public mind - given the history of anti-Asian politics in California - the difference between Japan and California's Japanese-origin residents (including native born citizens) was blurry. What the outcome of this confusion and prejudice would be was very much a product of how key political figures in the state played it. And Warren was determined to be a key figure.

As attorney general, however, Warren's role in state military defense was not obvious. He could prosecute individuals for wartime sedition; that clearly was a matter of law enforcement.⁹ But Warren went beyond that limited role. In cooperation with local law enforcement agencies, he set up regional defense committees. Using these committees, statements to reporters, and public comments, Warren whipped up hysteria over the issue of the state's Japanese residents. By early 1942, the issue of a mandatory evacuation of Japanese-origin residents of California became a major element of the lead up to the gubernatorial election later than year.

Numerous biographies have been written about Earl Warren. Some downplay the Japanese episode, others explain it as a product of the times. One version is that Warren was simply following military opinion, however misguided. The problem with this explanation is that military opinion was not initially in favor of mass evacuation. Along with the FBI and the U.S. Department of Justice, the military at first thought that it would be sufficient to isolate suspected subversives or enemy aliens. The idea of relocating citizens was not initially on the table. Military thinking, however, was quickly influenced by the political and racial climate in California. And Warren played an important role in conditioning that climate toward mass relocation.

Another explanation is that with key California newspapers calling for Japanese relocation, there was little Warren could do other than go along with the press. The problem with this story is that Warren was talking to the press. What was being said in the newspapers was not entirely independent of Warren's view.¹⁰ The various explanations for Warren's behavior neglect

⁸ State governments delivered "Old Age Assistance" to indigent elderly residents. California, because of its elderly age profile, had a more generous system than most states prior to the Depression. With the passage of the Social Security Act of 1935, federal subsidies for these payments became available, enabling states to increase their elderly assistance programs.

⁹ As state attorney general, Warren was able to prosecute Robert Noble and his associates for sedition. Noble was the originator of the Ham and Eggs Plan but had been kicked out of the movement prior to the 1938 referendum. He subsequently developed Nazi sympathies and announced he was going to impeach and try President Roosevelt in a peoples' court for treason. Noble was sent to prison. His state conviction was overturned after the war on free speech grounds.

¹⁰ Often cited as a key factor in the relocation decision was a syndicated column written by the influential Walter Lippman calling for mass relocation. But before writing his column, Lippman had attended a meeting on the issue at which Warren was one of the important attendees.

the fact that 1942 was a gubernatorial election year. Warren was not merely state attorney general at the time. He was running for governor.

It is true that Warren had grown up in Bakersfield, hardly a cosmopolitan center. There was no Japanese community in Bakersfield although the town did have a small Chinese community. Reportedly, despite a lack of overt racial frictions, there wasn't much interaction between whites and Chinese in Bakersfield. Perhaps there was just non-recognition of the minority by the majority; Chinese-origin telephone subscribers were not listed by name in the local phone directory.

Warren was a member of the Native Sons of the Golden West, a group with a history of agitating against the "Yellow Peril." His political hero, progressive Governor Hiram Johnson, had supported the Alien Land Law.¹¹ Indeed, during the period of the First World War - when Japan was allied with the U.S. - Johnson ignored entreaties from the Woodrow Wilson administration to halt anti-Asian activity in California. In short, a case could be made that Warren - who was not given to profound questioning of the social order in which he found himself - was a product of his upbringing. But that is not the whole story.

During his 1938 campaign for attorney general, Warren had accepted support from a local Japanese group that placed pro-Warren ads in community newspapers. The ads indicated that Warren was "too big a man to stir up racial prejudice against Japanese." Yet, in the same campaign, Warren pledged to crack down on evasions of the Alien Land Law. Still, in 1938, World War II had not begun and the defense issues which were so prominent four years later were much more muted. They certainly were not a major part of the various statewide elections in that year.

In 1942, however, Warren aggressively played to the already-existing hysteria about California's Japanese-origin residents. One of the functions of his regional law enforcement committees was to crack down on alleged violations of the Alien Land Law. The Japanese population was a potential subversive threat to the state and nation, according to Warren. When asked about the possibility that German-origin or Italian-origin immigrants might also be disloyal to the U.S., Warren declared:

"We believe that when we are dealing with the Caucasian race we have methods that will test... loyalty... But when we deal with the Japanese we are in an entirely different field and we cannot form any opinion that we believe to be sound. Their method of living, their language, make for this difficulty."

And indeed, there is no evidence that the attorney general's office made any attempt to keep track of German- or Italian-origin individuals.

¹¹ Hiram Johnson became a U.S. Senator from California after finishing his governorship. He was still senator in 1942.

When asked if there had been any evidence of subversion by the local Japanese population, Warren turned the issue upside down. No, there was no such evidence. But that lack of evidence was suspicious. The Japanese community might be laying low temporarily to avoid attracting attention, waiting to sabotage the war effort later. Because Japanese Californians weren't turning in individual subversives in their midst to the authorities, they were all potentially subversives. Presumably, there must be some subversives somewhere in the Japanese community; that they weren't being handed over meant they were being protected and hidden.

Warren produced maps – produced with the aid of his regional committees - showing some Japanese farms were located in areas near military or strategic installations. Japanese farmers sometimes rented land from power companies beneath high tension wires. All of this was evidence of subversion waiting to happen on a signal from Tokyo.

And what about those in the Japanese-origin community who were born U.S. citizens, Warren was asked? Wouldn't they be loyal Americans? To that Warren asserted:

“There is more potential danger among the group of Japanese who were born in this country than from the alien Japanese who were born in Japan.”¹²

When the anti-Japanese agitation began, Governor Olson did not seem keen on wanting to relocate the state's Japanese population. Nonetheless, he was sensitive to the charge of being soft on defense. So he waffled on the relocation issue. Maybe the Japanese farmers should not be relocated because they were needed to bring in the wartime harvest, he opined. But Warren by this time had the local military on his side in the person of Lieutenant General John L. DeWitt, commanding general of the Western Defense Command.

General DeWitt declared that “the Japanese race is an enemy race and while many second- and third-generation Japanese born on American soil... have become ‘Americanized,’ the racial strains are undiluted.” Thus, Warren could take the position that he merely favored doing what the military recommended - i.e., relocation - and could leave Olson, if he dared, to oppose the military in wartime. With major state newspapers calling for Japanese relocation, Olson was not so daring.¹³

Warren won the 1942 gubernatorial election, replacing his nemesis Culbert Olson. Even as governor, Warren's anti-Japanese rhetoric continued. When there was discussion in 1943 about allowing some Japanese to return to their homes, Warren declared that *“If the Japs are released no one will be able to tell a saboteur from any other Jap.”* And he complained that Japanese inmates of the Tule Lake relocation camp in California were being allowed to make long-distance telephone calls.

¹² Warren argued that many born-in-America Japanese citizens actually came from Hawaii and spoke poor English. Moreover, Japanese youngsters were sometimes sent to school in Japan and so were not Americanized.

¹³ Most of California's congressional delegation came out in favor of mass relocation. An exception was U.S. Senator Sheridan Downey who had been elected with strong pensionite support. Downey called for calm and leaving matters to the Justice Department (which was reticent about mass relocation, especially of citizens).

The Aftermath

Ultimately, 120,000 Japanese-origin residents of the West Coast were rounded up in 1942 under Presidential Executive Order 9066 and put in relocation camps, not to be returned until 1945. Nowadays, the wartime Japanese relocation is widely regarded as a shameful episode in American history. A commission established by Congress reported in 1981 that the relocation resulted from “race prejudice, war hysteria and a failure of political leadership.” In 1989, Congress voted to pay reparations of \$20,000 to surviving internees of the relocation camps.

Historians can debate whether General DeWitt would have succeeded in convincing his superiors, and ultimately President Roosevelt, to order the relocation absent California’s internal political agitation. It is noteworthy, however, that in Hawaii - where the attack on Pearl Harbor occurred - there was no mass relocation of Japanese-origin residents.¹⁴ It seems clear that California’s political history and scene - and the role that Earl Warren played in particular - had a great deal to do with Roosevelt’s relocation decision.

As for Warren himself, did he have later doubts about his role? As early as 1944, he reportedly asked an aide rhetorically, “How can I say (relocation) was wrong when we were all for it when it took place?” The issue for Warren resurfaced when one of his biographers in the 1960s asked wartime statements he had made about relocation. Warren reportedly indicated that raising the issue would only open old wounds and might better be left alone. But in 1970, when asked by a Japanese-American group to support its campaign to repeal a law which might allow relocation of alleged subversives, Warren did so. He said that the law in question was “not in the American tradition.” Warren did not explicitly go on to say that the World War II relocation was also not in the American tradition. But that inference might have been drawn.

In 1972, while being interviewed for an oral history project, Warren reportedly broke down in tears when the relocation issue was raised. But all such reactions remained private or implicit. No public apology appeared during Warren’s lifetime.¹⁵

In 1974, Warren was at work on his autobiography when he died. The book was completed by an editor and published three years later in 1977. In the manuscript Warren had written:

¹⁴ The military in Hawaii did not wish to disrupt the local economy by relocating the Japanese-origin population there. Admiral Chester Nimitz, moreover, was from a German-origin family from Texas. His family reportedly had suffered from the hostility of neighbors due to its German ancestry during the First World War. It has been argued that Nimitz was therefore sensitive to the plight of the Hawaiian Japanese.

¹⁵ It is often thought that Warren did apologize before he died. But this is incorrect. Carey McWilliams, an Olson administration official, was interviewed as part of the Berkeley Earl Warren Oral History Project shortly before Warren’s death and reported that he had heard a rumor that there would be an apology by Warren in his autobiography. Ruth Kingman – one of the few California activists who opposed the relocation – said in 1973 that “As far as I know, Earl Warren has never regretted the position he took during the war, and as far as I know, none of us has found reason to regret ours.”

"I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens. Whenever I thought of the innocent little children who were torn from home... I was conscience-stricken. It was wrong to act so impulsively, without evidence of disloyalty, even though we had a good motive in the security of our state."

He went on to cite the "cruelty of war" as a factor that led to the relocation.

As noted earlier, Warren was not a man who could easily admit error or inconsistency. His posthumous apology (or "regret") omits any reference to the 1942 gubernatorial election that was looming at the time Warren took the positions he did. But on another controversial issue, Warren did admit an inconsistency. His support of "one-man; one-vote" as Chief Justice of the Supreme Court - and his earlier opposition to it as governor - were, Warren acknowledged, obviously inconsistent. He explained his position on apportionment as governor as a matter of "political expediency." Republicans in California were more likely to win seats in under-populated rural districts than in Democratic urban areas.

It seems clear, in retrospect, that Warren's position on relocation had a strong element of "political expediency" behind it as well. Evidently, Warren could not see the political connection, or admit it, even on the eve of his death.

Lessons for Our Times

California's political history of the wartime internment of its Japanese-origin population serves as an important reminder. Racial and ethnic tensions are not something born in the 1990s. Their entrance into California politics is not new. In retrospect, the wartime relocation of the Japanese-origin population has no justification other than "that's the way it was." By contrast there are pros and cons to the wedge issues of the 1990s such as immigration control, affirmative action, and bilingual education. And there was vigorous debate on all sides when those issues appeared on the California ballot during 1994-1998.

That situation - debate on all sides - is a considerable advance from the 1940s. At the time of the Japanese relocation, there were precious few voices opposing Warren's position of military necessity.¹⁶ Whatever tensions remain in California along race and ethnic lines today, in long-term historical perspective the state has made considerable progress.

¹⁶ There was a "Fair Play" Committee established in Berkeley prior to Pearl Harbor by individuals who felt that the racial climate in California was becoming dangerous. Ruth Kingman, an American who had lived for many years in China, was its executive secretary. University of California president Robert Gordon Sprouls was its honorary chairman. The committee opposed the relocation. After the evacuation occurred, the committee sought to ensure decent treatment in the relocation camps. Finally, when the Japanese population was returned, the committee sought to prevent anti-Japanese violence and other discrimination. It might be noted that at the 1942 graduation ceremony of the University of California - Berkeley, the class valedictorian could not attend. As a student of Japanese ancestry, he had been relocated.

References

“The Earl Warren Oral History Project,” transcripts of interviews, University of California-Berkeley, 1971-1977.

“The Earl Warren Papers: 1924-53,” California State Archives.

Melvin Harry Bernstein, Political Leadership in California: A Study of Four Governors, unpublished doctoral dissertation, Department of Political Science, UCLA, 1970.

Robert Glass Cleland, California in Our Time: 1910-1940 (New York: Knopf, 1947).

Ed Cray, Chief Justice: A Biography of Earl Warren (New York: Simon and Schuster, 1997).

Harvey, Richard Blake, The Political Approach of Earl Warren, Governor of California, Ph.D. dissertation, Department of Political Science, UCLA, 1959.

Luther A. Huston, Pathway to Judgment: A Study of Earl Warren (Philadelphia: Chilton Books, 1966).

Leo Katcher, Earl Warren: A Political Biography (New York: McGraw-Hill, 1967).

Jack Harrison Pollack, Earl Warren: The Judge Who Changed America (Englewood Cliffs, N.J.: Prentice-Hall, 1979).

Bill Severn, Mr. Chief Justice: Earl Warren (New York: David McKay, 1968).

Irving Stone, Earl Warren: A Great American Story (New York: Prentice-Hall, 1948).

John D. Weaver, Warren: The Man, The Court, The Era (Boston: Little, Brown and Company, 1967).

Earl Warren, The Memoirs of Earl Warren (New York: Doubleday, 1977). He died in 1974 before completing.

G. Edward White, Earl Warren: A Public Life (New York: Oxford University Press, 1982).