

# CITIZENS OR SUBJECTS?

An Editorial

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When the war is over, Americans may discover that in the early months of the conflict democracy received its most staggering blows in their own country and not at Pearl Harbor or on Bataan. Actions taken under the guise of military necessity have already deprived numbers of the citizens of this democracy of their constitutionally guaranteed equality before the law. Essential democratic rights have been infringed and racial distinctions placed above law. A principle of discrimination has been invoked which will, if allowed to stand, divide our citizenship into classes and bring into question the basic presuppositions on which this nation was founded.

As this is written, more than one hundred thousand persons are being moved from their homes in the Pacific coast states to concentration camps in the interior. More than one-half of this number are American citizens. They were born in this country and have never lived in any other. They owe allegiance to no other nation. They speak our language, have been educated in our schools, accept our customs, pay taxes, vote and render military service. Until recently there was never any question that they were entitled to the exercise of the full rights of citizenship under the Constitution. In its fifth and its fourteenth amendments, that Constitution provides that "no person may be deprived of life, liberty or property without due process of law."

Now, without resort to established legal procedures and without a proclamation of martial law which would suspend those processes, these citizens are being deprived of liberty and are suffering the loss of property. A presidential order authorizing military commanders to remove from defense areas any person whose presence is deemed by them inimical to defense has been used as authority for the compulsory exaction of all persons of Japanese descent from a great zone running the length of the Pacific coast. No hearings or other procedure under the law are available to these tens of thousands of citizens to protect them from the loss of their liberty. They are being treated exactly as though they were enemy aliens. The speed of the evacuation and the cupidity of some of their white neighbors have

caused them to suffer large losses of property. They have no means of redress. On the sole ground of their racial origin they have been deprived of the protection of the constitutional guarantees which have been set up as the inalienable safeguard of every citizen.

How far may this sort of thing be expected to go? What assurance is there that other classes of citizens may not on the same or some other basis have their rights suspended or canceled tomorrow? What happens to democracy when whole blocks of our population may summarily be thrown into segregated classes of citizenship?

The answer may not be as far to seek as we suppose. The establishment of classes of citizenship has already proceeded much further than is commonly recognized. We Americans, who have pointed with such scorn at the nazis for their reduction of the Jews to a status of secondary citizenship in Germany, need to wake up to the fact that citizenship in this country has already been divided into four distinct classes, with a fifth in prospect.

The first class citizen of this nation, whose Declaration of Independence declared "that all men are created equal, that they are endowed by their Creator with certain inalienable rights," is the white whose economic status is such that he is free to vote no matter where he may happen to live. He is a citizen in the full democratic sense of the term. He participates in government in several ways and is, in theory at least, an unquestioned recipient of all the civil guarantees of the Bill of Rights. He holds these rights, not as a subject who owes fealty to an overhead power which is the modern counterpart of the feudal lord, but as a fully competent and equal member of a commonwealth which is governed by the will of the majority of its citizens.

The second class citizen of the United States is the white person who is denied the franchise by the imposition of the poll tax qualification on voting. In most of the southern states no white person is permitted to vote who has not paid in full the poll tax which is assessed against every adult. Since the tax is cumulative, a few years of non-payment confronts the prospective voter with an impossible problem. The dominant majority, who have a vested interest in keeping control of government in their own hands, oppose all efforts to remove the tax limitation on the exercise of the franchise. Consequently a large proportion of southern white tenant farmers have sunk to the status of second class citizens. They have no voice in the government. In a precise sense of the term, they are subjects, not citizens.

Color prejudice creates a third and fourth class of citizenship. Although the fifteenth amendment to the Constitution specifically states that "the right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude," manipulation of the primary election laws and threats of violence to violators of racial taboos effectively bar Negroes from using their right to vote throughout the south. Southern Negroes therefore constitute a third class of citizenship. They are also subjected to other disabilities, being generally barred from jury service even where the interests of a member of their own race are concerned and suffering gross discrimination in educational and other rights.

The fourth class of citizenship has just been created. Solely on the ground of their race, more than fifty thousand citizens of Japanese descent are being confined to concentration camps. In spite of the fact that the federal government has assumed protective custody of farms and homes, they have suffered huge losses. No matter what conditions they find at the Owens Valley or other concentration points, for an indefinite future they will not have as much liberty as Indians confined on a reservation. Like Indians they must depend on the bounty of the government. What will happen to these fourth class citizens after the war is a matter of conjecture. Already there is a strong movement on the west coast to deny them the opportunity ever to return to their former homes. With other states refusing them admittance, there is grave danger that they may become our American pariahs, like the untouchables of India, occupying the lowest level in the caste stratification of what was once a democracy.

The possible emergence of still a fifth class of citizenship is threatened by the attempt of the department of justice to revoke the citizenship of naturalized citizens whose patriotism has become suspect since they were admitted to citizenship. The only basis allowed in law for revocation of naturalization—proof of fraud at the time of naturalization—is not being invoked. Instead a number of indictments have been obtained which amount to a prosecution for the expression of an opinion. By holding the threat of cancellation of citizenship over the heads of persons who express opinions which are not in accord with the views of the government which happens to be in power, these prosecutions will go far to intimidate a vast segment of our population under the belief that they stand in a different classification from the

native-born, that their citizenship is held only tentatively and can be revoked at the pleasure of the powers that be. No group held in fear of such penalties can develop democratic vitality.

The meaning of this trend is clear. If this segmentation of our citizenship continues, it will produce for the nation as a whole a condition which already prevails in certain sections of the country. Minority rule, with all its concomitants of emotional exploitation, economic and educational discrimination, and its final dependence on terrorism, will succeed government which truly seeks to be of all the people, by all the people and for all the people. Inexorably we shall progress toward rule by a favored class, toward the extension and defense of the privileges of an elite, until the very claim that this is a democracy has been reduced to mockery.

That must not happen. We must not allow this United States of America, land of our devotion, to be split up into a miserable welter of divisions, with first class citizens looking down on seconds, second class sneering at thirds, and so on down the gradations of a caste system until the outcastes huddle at the bottom in their misery, like the Jews in Hitler's Reich. Wise citizens will therefore reject the counsels of those who have been frightened into such actions as have occurred on the west coast and cast about to see what can be done to remedy the situation while there is yet time. It is not too late to reverse this trend, and courageous action can do it.

The most intelligent suggestion which has yet been made comes from the American Civil Liberties Union. It urges the immediate establishment of hearing boards, both in the concentration camps and in the proscribed zones, to give each individual citizen an opportunity to establish his right to liberty. There, before an impartial body of his peers, with the democratic presumption of his innocence until he is proved guilty, with rules of evidence acceptable to establish legal procedure, he could state his case. If this were done, even at this late date, the word democracy would take on a new significance not only in this country but abroad. And if we thus averted the establishment of a fourth class of citizenship, we could then proceed to a reduction of the barriers which stand in the way of the third and second class as members of the American community.

If there are those who complacently assume that a stratified citizenship is desirable, whether democratic or not, let them read the second paragraph of the Declaration of Independence and tremble.