

Rachel Maddow presents: Burn Order

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Episode 2: The Jitters

How is it possible that this is the man who was in charge of the defense of the whole western United States? In wartime.

In the wake of the Pearl Harbor attack, the man in charge of defending the American west coast has a serious case of the jitters... and a bright, young aide who is busy drawing up plans to target a racial group in America en masse. With the clock running out, lawyers inside the Justice Department mount a furious effort to stop the policy from going into effect.

TRANSCRIPT

NBC anchor: First of all, where was your ship at the time of the attack?

Captain: About 20 miles off Santa Cruz.

NBC anchor: And what time of day was it?

Captain: 2:15 Saturday afternoon.

NBC anchor: What sort of weather were you having?

Captain: It was fine weather, nice and clear, and the sun was shining.

NBC anchor: And how about the sea?

Captain: The sea was a little rough, maybe, for submarines, and some wind.

Rachel Maddow: The sea was a little rough, maybe, for submarines, is what he said there.

NBC anchor: Captain, where were you personally when you first discovered the sub?

Captain: I was in my bathroom and I happened to look through the porthole and I saw a black strip on the surface, and I ran on the bridge and recognized the submarine.

NBC anchor: Would you make an estimate as to how big the sub was?

Captain: About 300 feet long.

NBC anchor: Well, it wasn't one of those tiny subs.

Captain: No, sir.

NBC anchor: Well, tell me, what nationality was it?

Captain: Well, to my estimation, there's only one kind of nation could do that and that's Japanese, the same as they did Pearl Harbor.

Rachel Maddow: This was December 21, 1941. The United States was just attacked by Japan at Pearl Harbor two weeks ago.

Reporter: About 50 planes participated in the attack on the Hawaiian Islands. Many, according to a bulletin that has just come in, were shot down.

Rachel Maddow: More than 2,000 Americans were killed. The whole country of course is now at war with Germany and Italy and Japan. But in the western United States specifically, there's acute awareness that our Pacific coast is vulnerable to this Pacific power — Japan — that has just horrifically demonstrated its capacity to cross that ocean and hit us here at home. And right after Pearl Harbor, indeed, Japanese subs did sail further east, further across the Pacific, right to the U.S. west coast.

Reporter: Japanese submarines have, for some time, been en route to their stations for the attack on the United States.

Rachel Maddow: Japanese submarines harassed a half-dozen commercial ships — oil tankers and cargo freighters—off the California coast, ships that were carrying things like oil and lumber. These Japanese subs fired at those ships with guns and torpedoes.

NBC anchor: Captain, how many times did they fire at you?

Captain: Eight times.

NBC anchor: Eight times? There were no casualties of any kind.

Captain: No casualties of any kind.

NBC anchor: I want to say right now that it was a good deal of marvelous work on your part, Captain. A lot of people might say that it was poor shooting, but I think that it was good maneuvering.

Captain: Well, I wouldn't say so. I say more good luck!

Rachel Maddow: That flurry of Japanese subs shooting at commercial ships off the California coast, it happened in mid-December 1941. There were about a half-dozen ships that were targeted. Two ships were badly damaged. Two ships were sunk. But then it stopped. The subs apparently went home, at least for a couple of months. Then in February, it started up again.

Reporter: A three-hour alert was ordered at dusk last night because of the presence of a Japanese submarine off the southern California coast.

Rachel Maddow: In February 1942, another Japanese sub surfaced, and this time it didn't fire at a passing ship. This time, it fired at the shore.

Reporter: A Japanese submarine pumped 25 shells into an oilfield north of Santa Barbara Monday evening.

Rachel Maddow: It fired at an oil facility in Goleta, California, just near Santa Barbara. And no one was hurt. There were no casualties. There was only about \$500 worth of property damage at the oilfield. But still, this was an enemy submarine shooting into California, firing on the mainland. They may not have done all that much damage yet, but they were demonstrating their presence, their ability to hit us. What was next?

Reporter: The Army and Navy went on a war basis on the Pacific seaboard today. Every man was ordered to report to his station.

Rachel Maddow: The part of the U.S. Army that was responsible for defending the western United States was called the Western Defense Command. And the Western Defense Command was led by a very experienced three-star general.

Reporter: Lieutenant General John DeWitt headed the Western Defense Command.

Rachel Maddow: Lieutenant General John DeWitt was a career Army officer. His father had also been a general. His brother was a general. His other brother was also a general. John DeWitt was very experienced. He was older, he had served with distinction in World War I. But here, at the very outset of World War II, there are early rumblings of worry, early concerns about him and about the state of the Western Defense Command under John DeWitt's leadership.

One of DeWitt's top subordinates kept a diary at the time. In his diary, he described DeWitt as quote, "jittery" and said DeWitt and his headquarters staff suffered from quote, "amateur imaginings." The head of Field Operations for the Army also seemed a little bit bewildered by DeWitt. He told DeWitt's subordinate officer that he thought DeWitt had quote, "gone crazy." And maybe it was the shock of that terrible surprise Japanese attack at Pearl Harbor. Maybe it was something else. But at the very outset of America's involvement in World War II, it did kind of seem like Lieutenant General John DeWitt's screws might have come a little loose.

The day of the Pearl Harbor attack, December 7, 1941, DeWitt's headquarters in San Francisco reported that Japanese planes had launched an air raid against that city, against San Francisco. Which of course was not true. The next day, DeWitt told San Francisco elected officials that he thought it might be a good thing if San Francisco got bombed by Japan. He said it would "awaken this city." He told them: "If I can't knock these facts into your heads with words, I will have to turn you over to the police and let them knock them into you with clubs."

The next day, DeWitt's headquarters reported that there were 34 Japanese warships just off the California coast. That also was not true. The next day, DeWitt's office reported that an armed uprising was about to happen — that day — in San Francisco. Twenty thousand Japanese Americans were

about to rise up in armed revolt in San Francisco. Never mind that there weren't 20,000 Japanese Americans in the whole San Francisco Bay Area, even if you counted the elderly and the babies. But nevertheless, John DeWitt believed it. He said he had a source.

The FBI told General DeWitt they were familiar with his source for this uprising claim. They in fact had banned that guy from local FBI offices for his propensity to make up wild and totally untrue stories about the Japanese. Undaunted, the very next day, DeWitt's headquarters reported that the entire Japanese Imperial Navy — the whole Japanese fleet — was precisely 164 miles off the coast of San Francisco. And again, perhaps needless to say, that was not true either.

Two days after that, DeWitt said that Los Angeles was about to be attacked. He said the attack was imminent. That was not true either. But that was John DeWitt. Day after day after day.

The U.S. Attorney General said he thought maybe the problem with DeWitt was that DeWitt was suggestible, that he had a "tendency to reflect the views of the last man to whom he talked." And that, of course, is never a good sign in a leader. DeWitt's subordinate officer, the one with the diary, eventually confided there that DeWitt didn't just seem jittery. He eventually wrote in his diary that in his view, DeWitt was quote, "a jackass."

How is it possible that this is the man who was in charge of the defense of the whole western United States? In wartime. What do you do when you realize that's the man in charge of something that important? Well, in any good bureaucracy, when the going gets tough, the tough get staff.

The Army delivered unto General John DeWitt a new righthand man — a very able right-hand man. Someone to come into John DeWitt's Western Defense Command and get the place in order. In the in-over-his-head chaotic aftermath of Pearl Harbor, John DeWitt's new senior staff officer was a young, confident, Stanford-educated lawyer — a captain — who would quickly be promoted through multiple ranks to become a full-bird colonel working at John DeWitt's side.

Reporter: Army Colonel Karl Bendetsen.

James Rowe: A very able fellow.

Dillon Myer: Oh, he's able. He's a smart boy and he has good charm if he wanted to turn it on.

Norman Mineta: I said, what was his name? And he says, Karl Bendetsen. And I go, I thought to myself, *Oh crap*.

Rachel Maddow: Karl Bendetsen. Under DeWitt's leadership, the Western Defense Command had become known for having a notoriously bad case of the jitters. DeWitt's own senior leadership was deriding his command as amateurish, deriding DeWitt himself as maybe even being a little bit around the bend. This new senior staff officer he had been given, Karl Bendetsen, was the exact opposite of all of that.

Edward Ennis: He had a very able assistant in Colonel Bendetsen.

Kenneth Ringle: He was a guy of real ability.

Frank Abe: The cool, you know, logical mind.

Rachel Maddow: When young, smart, able Karl Bendetsen arrived at this chaotic headquarters to become the right-hand man to this older, bewildered, rash, easily led man in charge, Bendetsen took a look at that mess — this dangerous stew of incompetence and poor judgment and authority. And in that mess, he saw for himself... opportunity.

James Rowe: And this fellow Bendetsen was a bad, bad fellow.

Rachel Maddow: And America was about to find out just how dangerous that could be.

Kenneth Ringle: Bendetsen is an evil man but he's very, very clever. He was a guy that had more than a little bit of ability, he was not just a cipher, which all kind of makes it worse. What a dreadful man.

Rachel Maddow: I'm your host Rachel Maddow. And you're listening to "Rachel Maddow Presents: Burn Order."

Frank Abe: If you can imagine it, the Japanese were doing it.

Kenneth Ringle: The Army had absolutely no intelligence at all.

Frank Abe: The wildest conspiracy theories based on nothing, based on nothing

Jame Rowe: We were just telling the Army, "We're not going to do this."

Kenneth Ringle: They didn't know bullshit on anything.

Edward Ennis: All turned out to be nonsense.

Rachel Maddow: Episode Two — "The Jitters."

Reporter: There are crowds right now gathered in front of the White House and the State Department and the Japanese embassy. They are sober, quiet crowds. The president is dictating the first draft of a message to Congress. That much is announced at the White House. And this means that a joint session of Congress will be held probably as early as tomorrow at which the president will announce the Japanese attack upon the United States and ask for a declaration of war.

Rachel Maddow: Right after Pearl Harbor, the U.S. government invoked the Alien Enemies Act to immediately arrest citizens of the countries we were now officially fighting — citizens of Germany and Italy and Japan — who were here in the United States.

Francis Biddle: If you believe you have knowledge of any improper activity of any alien you should report the fact to the nearest FBI office. That is all you should do. Don't try to be the law yourself.

Rachel Maddow: When the Alien Enemies Act was invoked, it was the FBI and the Justice Department that were empowered to begin enforcing it.

Reporter: The Federal Bureau of Investigation announced today that it is completely mobilized...

Rachel Maddow: Inside the Justice Department, it was a lawyer named Edward Ennis who was tasked to oversee it.

Edward Ennis: I drafted the orders for the Attorney General, bringing the Alien Enemy thing into effect. And since I'd been working on it, I was placed in charge of it.

Rachel Maddow: The Alien Enemies Act, on paper, was about non-citizens from any of the countries with which we were now at war. But for immigrants from Germany, Italy and Japan, the citizenship issue didn't cut exactly the same way. Under U.S. law before World War II, immigrants to the U.S. from Germany and from Italy – they were legally allowed to apply to become U.S. citizens, just like anybody else. But immigrants from Japan did not have that option.

Here's writer and historian Frank Abe.

Frank Abe: The Japanese who have immigrated to America cannot become naturalized U.S. citizens.

Rachel Maddow: For years, there were laws in place that banned Japanese immigrants from obtaining American citizenship by any means. Even if they came to the country legally, even if they had been here for years or decades, U.S. citizenship — by law — was off-limits to anyone who had been born in Japan.

Frank Abe: They were barred from applying for naturalized U.S. citizenship.

Rachel Maddow: So when the Alien Enemies Act was invoked, that put every single person in the U.S. who had immigrated from Japan at immediate risk of arrest, at immediate risk of just being seized and held indefinitely by the government.

Mayor LaGuardia: I have ordered all Japanese subjects to remain in their homes until their status is determined by our federal government.

Frank Abe: The FBI swept in the night of Pearl Harbor and had lists of names and arrested thousands of community leaders and took them away from their families and took them to the Immigration Detention Station and held them there for several months, incommunicado.

Imiko Madokoro: They told my father to get dressed and come with them. And I know I was crying and I think I was hysterical because at 2 o'clock in the morning, without any explanation, I didn't know

what they were trying to do. And they said they were FBI agents, but I didn't see any proof of it. And my father got dressed and they whisked him away.

Rachel Maddow: This was a confusing and terrorizing process for many of the individuals and the families who were affected by these actions of the Justice Department right after Pearl Harbor.

Harriet Sato Masunaga: They came with guns, two men came with guns, you know, pointed. And they wouldn't allow him to even come in to change his yard clothes. They took him, yeah, and never saw him after that for the rest of the war years.

Marion Tsutakawa Kanemoto: He was searched, bodily searched. They searched all the kids' room, the back room, and then they came back to him and they told him to put something together. And the only thing — just a regular brown bag, he threw his toilet articles in. And then he was off. The way they would tell you is, oh, you know, "We just need to take him down to the office to interrogate him a little further." And that was it. I mean, we thought, well you know, he hasn't done anything wrong, he'll be back. I mean, that's what I told myself, he'll be back. Well, he didn't come back.

Grace Sugita Hawley: I remember coming home from school and the FBI was there ransacking the house, just going through everything. And I was so scared when I saw that, "What's happening?" And then they said they had to take my father in for questioning and just took him like that without packing anything. He never came home, never came home.

Rachel Maddow: Harriet Sato Masunaga, Marion Tsutakawa Kanemoto, and Grace Sugita Hawley. They all saw their fathers arrested and taken away in the immediate aftermath of Pearl Harbor. This was not a perfect process by any stretch of the imagination. But the Justice Department did at least concede that there should eventually be some chance to be heard. There should be some kind of process.

Edward Ennis: It was our view that really a minimum program was required which sought what wartime security was necessary without becoming 100% patriots at the expense of the alien enemy population which, on the whole, was on America's side.

Rachel Maddow: At the Justice Department, Edward Ennis and his colleagues devised a system in which everyone arrested under the Alien Enemies Act, they would at least eventually have an individual hearing.

Edward Ennis: We appointed hearing officers, civilians throughout the entire country, and every alien enemy who was arrested got a hearing to determine whether he should be released unconditionally, paroled, subject to reporting, or interned for the duration.

Rachel Maddow: Even that little bit of process would be seen as too much by the geniuses over at the Army's Western Defense Command, led by General John DeWitt and Captain — and then Major and then Lieutenant Colonel and then Colonel — Karl Bendetsen, his rapidly climbing bright young aide.

Frank Abe: Karl Bendetsen came up with a plan.

Rachel Maddow: Within a couple of weeks of his arrival at Western Defense Command headquarters in San Francisco, Karl Bendetsen had drafted a new plan, a much more ambitious, radical plan. One that would not be run by the Justice Department. It would be run by him.

Frank Abe: Karl Bendetsen was more the logistical expert who could make things happen.

Rachel Maddow: Under Bendetsen's plan, it would be the Army in charge from here on out, rounding up a vastly larger number of people. And with none of the semblance of due process that the Justice Department had tried for. There would be no hearings, no review, no chance to be heard, ever, for anyone.

Frank Abe: Karl Bendetsen provided the general with a plan and a policy for mass removal.

Rachel Maddow: To achieve so-called mass removal, removal of the entire Japanese-American population, Karl Bendetsen's plan would eliminate not only any idea of individuated justice, it would also eliminate the distinction between Japanese Americans who were U.S. citizens and those who were not. He wanted, in other words, a process purely based on race. There would be no hearing, no assessment of any kind as to whether or not a person posed a risk to the country. What Karl Bendetsen envisioned was purely racially based, indefinite imprisonment.

Frank Abe: Karl Bendetsen was absolutely the architect of the program of forced removal and imprisonment.

Rachel Maddow: If you're someone who wants the government to do truly radical things, things that a lot of people might consider unthinkable, if that's what you're trying to make happen, then being the man behind the man might be a really fortuitous place to be. Especially if the man who fronts the operation — the guy who's purportedly in charge — is a bit of a buffoon. One who, yes, may have instincts and prejudices that can be tapped for your larger project, sure, but what you're hoping for is a man who's supposedly in charge and who therefore gets all the attention...

Kenneth Ringle: A lot of the historians have just zeroed in on DeWitt.

Rachel Maddow: ...but a man who couldn't actually organize himself out of a paper bag. You want somebody who looks like he's in charge, but he's not good at his job. He's not good at running anything. And so he's likely to leave all of the actual work — the actual policy, the actual implementation — to you.

Frank Abe: Karl Bendetsen, he was the fixer.

Rachel Maddow: If Karl Bendetsen was going to radicalize the U.S. government's treatment of Japanese Americans into a system of racially based mass imprisonment — including of U.S. citizens — well, there were worse places to plan something like that than the offices of John DeWitt at the Western Defense Command in the U.S. Army.

Kenneth Ringle: Bendetsen saw himself in this power vacuum thing, but DeWitt was an idiot so he could essentially run the machinery any way he wanted.

Rachel Maddow: DeWitt was not well regarded in his leadership role. But his feelings on the subject of race were very well known. DeWitt had protested up the chain that he didn't want Black units — he didn't want African American soldiers — under his command. He told Washington that on the West Coast, people, quote, “feel that they've got enough black-skinned people around them as it is.”

DeWitt was vociferously opposed to Asian Americans being allowed to serve in the military at all, even in segregated units. DeWitt had special vitriol for Japanese Americans.

Frank Abe: He consistently believed the loyalty of Japanese Americans could never be determined.

Rachel Maddow: He told members of Congress, quote, “You needn't worry about the Italians at all, except in certain cases. Same for the German. But we must worry about the Japanese all the time until he is wiped off the map.”

DeWitt said, “The Japanese, I have no confidence in their loyalty whatsoever. I am speaking now of the native-born Japanese” — by which he means U.S.-born American citizens. The way he put it to Congress was — and forgive me here, but this is a direct quote — he said: “A Jap's a Jap.”

Frank Abe: He was quoted saying, you know, you can't allow Japanese Americans to enlist in the Army because after all, “a Jap's a Jap.” There is no such thing as a loyal Japanese.

Rachel Maddow: The combination of prejudice and ineptitude under DeWitt's command soon made his headquarters in San Francisco a sort of clearinghouse for wild, false information about Japanese Americans.

DeWitt's office, for example, became convinced that — in Oregon — Japanese saboteurs were planning to cause a huge power outage in the Pacific Northwest, all to provide cover for a Japanese military attack on the Bonneville Dam.

Frank Abe: Word quickly spread that the Japanese were planning to bomb the Bonneville Dam, destroy the Bonneville Dam east of Portland, on the Columbia River.

Rachel Maddow: DeWitt's evidence for this supposed plot by Japanese saboteurs was a report of damaged power lines in rural Oregon. The damaged power lines were investigated. It turned out that this supposed Japanese sabotage activity was actually cows — cows scratching their backs on the power lines. Something that wily Oregon cows had always done.

In Washington State, DeWitt's Western Defense Command became convinced that Japanese saboteurs were secretly setting fires out in the fields — fires burning in the shape of arrows — that would point Japanese pilots toward targets on the ground that they should bomb. After a mad search for these Japanese saboteurs lighting these “arrows of fire” out in the fields, the FBI reported that it

was actually just farmers out in their own fields burning brush to clear those fields, like they had always done.

Frank Abe: If you can imagine it, the Japanese were doing it. The wildest conspiracy theories based on nothing, based on nothing.

Rachel Maddow: DeWitt's office claimed that Japanese Americans on the West Coast were using flashlights to secretly signal Japanese planes in the sky at night. And there were reports of people with flashlights out at night in rural areas on the West Coast. Turns out it was farmhands using flashlights in the night to find their outhouses. Just like they always had.

One night in Los Angeles, a U.S. weather blimp was mistaken for an enemy aircraft. It caused hours of panic in Southern California and more than a thousand anti-aircraft rounds were fired into the sky at this thing.

Reporter: Watchers on the rooftop could plainly see the flashes of guns and searchlights sweeping the skies in a wide arc along the coastal area. Concussion of the shells could be felt in downtown Los Angeles 15 miles away.

Rachel Maddow: The next day, the Navy apologized and said that it had been a false alarm. John DeWitt, though, at the Army, he insisted that the threat had been real — that all of the panic, all of the anti-aircraft rounds — that was all justified because it really was an enemy attack.

It was definitely not an enemy attack. It was a weather balloon.

Reporter: Army officials declined to comment on the possibility that the object might have been a blimp.

Rachel Maddow: That was John DeWitt. This kind of thing just went on and on and on with him. To the point where even FBI Director J. Edgar Hoover — not known as the calmest and most rational man in any given room — Hoover himself began to warn people inside the government that at John DeWitt's Western Defense Command they seemed to be, quote, "getting a bit hysterical" and, quote, "losing their heads."

So DeWitt's headquarters was pushing this stuff. The rest of the government knew it to be nonsense. But it was not just nonsensical. It was also toxic. DeWitt not only seemed to believe every unfounded rumor he heard about Japanese Americans — even the ones that were explicitly debunked by official investigations — he also, on the side, conveyed what he believed to West Coast politicians, who in some cases then told the press what they had learned from the U.S. Army.

So U.S. military authority was being cited to accuse Japanese Americans of terrible treachery — treachery that they really hadn't had anything to do with — that in fact wasn't happening at all.

And while Lieutenant General John DeWitt trafficked these false claims to politicians and thereby to the public — telling California's attorney general, for example, that Japanese Americans were using

radio transmitters to signal to enemy ships — DeWitt's more strategic, more savvy deputy, Karl Bendetsen, he didn't just gossip about that stuff. He really committed to the bit. He put those same false claims in a formal memo to the War Department's chief of staff in Washington, despite the fact that intelligence reports in his own office proved that those claims weren't true.

Bendetsen also conveyed in writing, up the chain of command to Washington, the false claim that every time any ship of any kind left any West Coast port, it was being attacked by Japanese submarines.

Bendetsen's boss, John DeWitt, would exaggerate things and spread false or unchecked inflammatory rumors in conversations, official and otherwise, with just about anyone he spoke to. Bendetsen was the one who systematized these false claims and started shaping them into a coherent, radical policy.

In February 1942, in one memo under his own name, and then a second one in the name of General DeWitt, Karl Bendetsen laid it out plainly:

"The Japanese race is an enemy race. Racial affinities are not severed by migration. While many second and third generation Japanese born on United States soil, possessed of American citizenship have become 'Americanized,' the racial strains are undiluted. There is no ground for assuming that any Japanese, though born and raised in the United States, will not turn against this nation." He said, "The vast majority of those who have studied the Oriental mind assert that a substantial majority of Nisei bear allegiance to Japan and will engage in organized sabotage."

"Nisei" meaning Japanese Americans born in this country. U.S. citizens. Again, what he cited for that conclusion was a "vast majority of those who have studied the Oriental mind." Karl Bendetsen had made no such study of the "Oriental mind," whatever that is.

Kenneth Ringle: The Army had absolutely no intelligence at all. They didn't know bullshit on anything.

Rachel Maddow: The U.S. military, though, did have an acknowledged expert on Japanese-American communities on the West Coast. Especially on the Nisei – on Japanese Americans born here. And that U.S. military expert had been desperately trying to get in to see Karl Bendetsen.

Kenneth Ringle: My father is extremely frustrated because the Army's starting to get batshit. They don't know anything. So he goes to try to see Bendetsen.

Rachel Maddow: Naval Intelligence officer Ken Ringle is reportedly one of only a dozen men in the whole U.S. military who speaks Japanese. He had been assigned to immerse himself in Japanese American communities on the West Coast to try to find any reason for concern about espionage or sabotage. He's actually done the work on behalf of the U.S. military to establish, firmly and factually, that Japanese Americans on the West Coast posed no threat — that they were eager to help, that they were in fact intensely loyal to this country.

But the man now seizing control of the government's policy toward Japanese Americans, this Karl Bendetsen, had no interest in meeting with Ken Ringle, had no interest in listening to him. He wouldn't even see him.

Ken Ringle: Three times I think he went up there, all the way to San Francisco just to try to get to see Bendetsen, and Bendetsen wouldn't see him, would not even talk to him.

Rachel Maddow: Ken Ringle had spent years in Japan. He had spent months studying this exact issue for the U.S. military. He had himself busted open the Japanese government's real spying efforts in California, and he knew that Japanese Americans had nothing to do with that. In fact, he believed he had found in his work that Japanese Americans might be our best defense against that kind of threat.

Japanese Americans in Southern California had been eager to give Ken Ringle as much help as they could in his counter-espionage work against Japan there. They had been his best sources and assets.

Ringle knew from experience that the Army's plan, Bendetsen's plan, was not only based on lies, it would be bad for the United States. It would be bad for our national security. When Bendetsen refused to hear him out, when Bendetsen refused to even see him, Ringle decided he would somehow keep pushing. He had to find some other way to get his findings in front of the people who would make the call on a radical and consequential decision like this.

Ringle decided that he would put his findings into a formal report that he could run all the way up the chain to Washington — all the way to the White House — to try to stop this car crash from happening.

In what eventually becomes known as the Ringle Report, Ken Ringle begins it by writing, quote (OVERLAPPING VOICES): "The entire Japanese problem...

Ken Ringle: "...has been magnified out of its true proportion, largely because of the physical characteristics of the people..."

Rachel Maddow: "...It is no more serious than the problems of the German and Italian populations..."

Ken Ringle: "...and it should be handled on the basis of the individual and not on a racial basis."

Rachel Maddow: Speaking of those Japanese Americans who were not legally allowed to become citizens, Ringle writes, "These people have been in the United States... (OVERLAPPING VOICES)

Ken Ringle: "...for most of their adult life. They have their businesses and livelihoods here. They have raised their children in the United States and many of them have some in the United States Army."

Rachel Maddow: Ken Ringle writes that this mass incarceration policy that's being contemplated is, quote, "not only unwarranted, but very unwise." He says loyalty can be determined with individual hearings, with individuated justice, which happens to be what the Constitution demands.

Ken Ringle: He tried to get public expressions of support for the Japanese Americans. Somebody high up who would say, “These are loyal people, these are good people, these are American citizens. Let’s support them and don’t look upon them with suspicion.”

Rachel Maddow: Ken Ringle at Naval Intelligence was racing to get this report finished and delivered to Washington, to try to stop what Karl Bendetsen and John DeWitt were trying to do. At the same time, at the Justice Department, lawyer Edward Ennis was trying to stop it as well.

Edward Ennis: The Department of Justice would have nothing to do with evacuating American citizens from the West Coast because we thought it was wrong.

Rachel Maddow: Ennis was personally lobbying the attorney general to do more, to put himself firmly in the way of the government trying anything like this.

Edward Ennis: I said, “As attorney general, please say it’s unconstitutional as well as unnecessary.”

Rachel Maddow: Edward Ennis did have the number three official at the Justice Department, James Rowe, on his side. And the two of them started to treat this as a five-alarm constitutional fire.

Edward Ennis: I was working from about 8 in the morning until about midnight and flying back and forth several times to California trying to stop this.

James Rowe: We were just telling the Army, “We’re not going to do this,” and they were going to say, “You have to do it — military necessity.” If I ever hear that phrase again in my sleep, I’ll scream.

Edward Ennis: I said, “The president may turn to the military on what is necessary and to you on what is unconstitutional, so please say it is unconstitutional.”

Rachel Maddow: Edward Ennis and James Rowe are waging this increasingly furious fight from the Justice Department. Ken Ringle at Naval Intelligence has been banging on the door at the Western Defense Command. When they don’t let him in, he’s then trying to get a report to the White House to show that what Bendetsen and John DeWitt are trying to do is going to be a disaster. This is the wrong plan.

All of it will come to a head — the fate of tens of thousands of American families — in an intense, high-stakes confrontation, in person, face-to-face. And for some reason, that’s going to take place in the Attorney General’s house. In his living room.

That’s next.

Rachel Maddow: The meeting is pulled together at the last minute — and for some reason, it’s going to be inside the home of the attorney general, Francis Biddle.

It's February 1942. And all of the main players are there — the Attorney General himself, Justice Department lawyer Edward Ennis who has been running the Alien Enemies Act enforcement at the Justice Department. Also James Rowe, who is the department's number three official.

On the other side, for the Army, there's two high-ranking officials from the War Department, and also, of course, Karl Bendetsen.

These two sides have been sniping at each other for weeks over Bendetsen's push for more aggressive treatment of Japanese Americans. The Justice Department sees what Bendetsen wants to do not just as unconstitutional — they see it as unnecessary. They see it as flatly wrong.

And now here they are. Attorney General Biddle is seated at the head of the room with his own Justice Department lawyers on one side of him, and the War Department guys on the other side.

Chuck Rosenberg: The War Department folks were making the argument that the internment of Japanese Americans was a military necessity.

Rachel Maddow: That's former Justice Department official Chuck Rosenberg.

Chuck Rosenberg: Ennis and Rowe were adamant that what the War Department was suggesting was a bad idea and unlawful. Biddle listened to both sides, listened carefully. He didn't really speak up very much at that meeting.

Rachel Maddow: The Attorney General is sitting there, not speaking, really, as the two sides start to battle it out in front of him. The Justice Department is supposed to be a combatant in this fight. But Attorney General Francis Biddle, in this argument, in this meeting, is not saying anything.

And with the Attorney General's silence looming, with Edward Ennis and James Rowe appearing now to be on their own, Karl Bendetsen and the War Department go in for the kill.

Chuck Rosenberg: At the meeting, one of the War Department representatives has a draft of what would later become Executive Order 9066.

(VOICES: Executive Order 9066. Executive Order 9066. Executive Order 9066.)

Rachel Maddow: The War Department official reaches into his pocket, and he pulls out a draft of an executive order for the president to sign. It gives the military the authority to target U.S. citizens, to take them out of their homes, to ship them off, to imprison them indefinitely under military guard. It's here, in this moment, that it's unveiled.

Justice Department official James Rowe recalls that he laughed in disbelief when they started to read that draft.

"Ridiculous" was his initial impression.

He and Edward Ennis voice their complete opposition. Both of them turn to Attorney General Francis Biddle for backup.

But Attorney General Francis Biddle does not back them up.

Chuck Rosenberg: Biddle, at the end of the day, capitulated to the military.

Rachel Maddow: His colleagues at the Justice Department — these lawyers who worked for him — they didn't know, sitting in that meeting, that their boss, the Attorney General, had already that day called up the president and told him that he would go along. He would accede to whatever it was the Army wanted to do.

Edward Ennis: I like to think that if I had been attorney general, I would have screamed that it was unconstitutional and tried to persuade the president to follow me on that ground.

Rachel Maddow: The United States Army, for months, had been pushing debunked conspiracy theories about Japanese Americans being traitors and saboteurs.

In reality, the only Americans ever caught spying or working for Japan were not Japanese Americans. They were Americans who either just liked the paycheck that Japan was offering, or they liked the ideology of arguably fascist Imperial Japan for the same reason they liked the ideology of fascist Germany or fascist Italy. But there were no Japanese Americans among them.

Japanese Americans were not signaling to Japanese submarines or setting fires to guide Japanese bombers or sending secret radio transmissions or sabotaging crops or any of the other fantasies that Karl Bendetsen and John DeWitt were citing now as justification for their plans.

Edward Ennis: All false. There was no evidence of any sabotage — nothing which would warrant an evacuation.

Rachel Maddow: Bendetsen and DeWitt's false claims about Japanese Americans were being derided inside the government, even by the FBI, as hysterical and preposterous. Bendetsen and DeWitt were pushing a policy that the Justice Department knew was unconstitutional and reckless and wrong. They also knew it was the brainchild of two men who seemed pretty clearly motivated by their own fixed racial ideas about who was really an American and who never could be.

But still, it became clear that day, in the Attorney General's living room, that DeWitt and Bendetsen were going to get their way on this.

Accounts from that meeting described James Rowe as beside himself, as "angry and hurt." He himself said, quote, "I was so mad that I could not speak at all."

Edward Ennis was described as near tears — a characterization Ennis himself did not dispute, even decades later.

Edward Ennis: I certainly will not deny that I was profoundly disturbed at the idea that all Americans of Japanese ancestry were to be evacuated from their homes. It was an unnecessary military act and perhaps the greatest violation of civil liberties in the United States.

Rachel Maddow: As for Ken Ringle — the Ringle Report that he had been desperately trying to finish, trying to get up the chain of command to stop what Bendetsen and DeWitt were doing — Ringle’s report did finally make it to the White House.

It got there two days after the living room meeting. It got there the same day that FDR signed the executive order to put this radical new policy in place.

Kenneth Ringle: My father was haunted all his life that he should have — he was a slow writer — and he felt like he should have done that report quicker. He felt an inadvertent betrayer of the Japanese Americans, in spite of his best efforts.

Rachel Maddow: It was clear to Ken Ringle and Edward Ennis and James Rowe what was going to happen next. What was going to happen on the streets of the United States.

Karl Bendetsen and John DeWitt’s America was coming — and it would be every bit as bad as they had feared.

Satsuki Ina: While they were behind the barbed wire fence, they had no idea what their future held for them, how long they would be held, they had no idea. And my mother said in her diary, “I wonder if today’s the day they’re gonna line us up and shoot us.”

Rachel Maddow: That is next time on “Rachel Maddow Presents: Burn Order.”

“Rachel Maddow Presents: Burn Order” is a production of MS NOW. This episode was written by myself and Mike Yarvitz.

The series is executive produced by myself and Mike Yarvitz. It’s produced by Kelsey Desiderio and Jen Mulreany Donovan.

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Our theme music and additional composing is by New York-based Japanese composer Miu Sato.

Special thanks to writer and historian Frank Abe. Mr. Abe's work includes a fantastic graphic novel. Whether or not you usually read graphic novels, you should seek this one out. It's called "We Hereby Refuse: Japanese American Resistance to Wartime Incarceration." Phenomenal book. Mr. Abe is also one of the editors of an important anthology called "The Literature of Japanese American Incarceration."

Archival radio material is from our ex, NBC News, via the Library of Congress. Additional archival material is courtesy of the Bancroft Library at UC Berkeley.

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You can find out much more about this series at our website, [MS.NOW/BurnOrder](https://www.msnow.com/BurnOrder).

Reporter: San Francisco's air raid alarm signals were officially changed tonight, according to this story. As we told you a moment ago, this has just been grabbed off the newswires, very hurriedly. Our newsroom is entirely blacked out, so if we read something that is not, uh, too important, please forgive us.